CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-EIGHTH CONGRESS, FIRST SESSION.

VOLUME XV.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1884.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
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VOLUME XV, PART I.

CONGRESSIONAL RECORD,

FORTY-EIGHTH CONGRESS, FIRST SESSION.

CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FORTY-EIGHTH CONGRESS.

FIRST SESSION.

SENATE.

MONDAY, *December* 3, 1883.

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the first session of the Forty-eighth Congress commenced this day.

The Senators assembled in the Senate Chamber in the Capitol, at Washington City.

The PRESIDENT *pro tempore* (Mr. GEORGE F. EDMUNDS, a Senator from the State of Vermont) took the chair and called the Senate to order at 12 o'clock, noon.

PRAYER.

Rev. J. J. BULLOCK, D. D., Chaplain to the Senate, offered the following prayer:

Let us pray. Our Father in heaven, we adore Thee as the King eternal, immortal, and invisible, the only true and living God, the Father of all our mercies, and the Supreme Governor of the universe. We thank Thee for all the goodness and mercy with which Thou hast crowned our past lives, and we pray that Thou wouldst continue to bless us as Thou seest we need. May we never, by our ingratitude and disobedience, forfeit Thy favor, which is life, and Thy loving kindness, which is better than life, but may we long live a united, happy, and prosperous people, a people who fear God and who love righteousness. Defend and deliver us from all evil, from ignorance and superstition, from infidelity and licentiousness, from internal strife and from foreign aggression.

Bless our rulers, the President of the United States and the Senators and Representatives in Congress, and all others in authority. May they be plenteously endowed with wisdom and grace from on high to guide and assist them in the discharge of their responsible duties. We invoke Thine especial blessing upon this Senate. May the members of this body illustrate in their lives the virtues and graces which should adorn those who occupy their exalted position.

We would offer up a special prayer for those members of this body who are absent by reason of sickness. May it please Thee speedily to restore them to health.

Most merciful God, we implore Thy grace and the forgiveness of all our sins. Be with us in all the trials and changes of life, sustain and comfort us in the hour of death, and finally receive us all into Thy heavenly kingdom, we ask for Christ our Redeemer's sake. Amen.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JAMES B. BECK, chosen by the Legislature of Kentucky a Senator from that State for the term beginning March 4, 1883; which were read.

He also presented the credentials of THOMAS W. PALMER, chosen by the Legislature of Michigan a Senator from that State for the term beginning March 4, 1883; which were read.

He also presented the credentials of AUSTIN F. PIKE, chosen by the Legislature of New Hampshire a Senator from that State for the term beginning March 4, 1883; which were read.

SWEARING IN OF SENATORS.

The PRESIDENT *pro tempore*. The Senators-elect will now be sworn. As their names are read by the Secretary they will advance to the chair to take the oath of office prescribed by law.

The Acting Secretary (Mr. FRANCIS E. SHOBER) called the names of—

Henry B. Anthony, of Rhode Island.
James B. Beck, of Kentucky.
Thomas M. Bowen, of Colorado.
Shelby M. Cullom, of Illinois.
Joseph N. Dolph, of Oregon.
William P. Frye, of Maine.
George F. Hoar, of Massachusetts.
John R. McPherson, of New Jersey.
Charles F. Manderson, of Nebraska.
Thomas W. Palmer, of Michigan.
Austin F. Pike, of New Hampshire.
Preston B. Plumb, of Kansas.
Dwight M. Sabin, of Minnesota.
Eli Saulsbury, of Delaware.
James F. Wilson, of Iowa.

As their names were called the respective Senators-elect, with the exception of Mr. ANTHONY, of Rhode Island, who was absent, came forward and the oaths prescribed by the acts of June 1, 1789, and July 2, 1862, were administered to them.

The Acting Secretary called the names of—

M. C. Butler, of South Carolina.
Richard Coke, of Texas.
Alfred H. Colquitt, of Georgia.
Augustus H. Garland, of Arkansas.
Randall L. Gibson, of Louisiana.
Isham G. Harris, of Tennessee.
John E. Kenna, of West Virginia.
Lucius Q. C. Lamar, of Mississippi.
John T. Morgan, of Alabama.
Matt. W. Ransom, of North Carolina.
Harrison H. Riddleberger, of Virginia.

As their names were called the respective Senators-elect came forward and the oaths prescribed by the acts of June 1, 1789, and July 11, 1868, were administered to them.

SENATORS PRESENT.

The Senators-elect having been sworn and taken their seats in the Senate, the following Senators were present:

From the State of—

Alabama—John T. Morgan and James L. Pugh.
Arkansas—Augustus H. Garland and James D. Walker.
California—John F. Miller.
Colorado—Thomas M. Bowen and Nathaniel P. Hill.
Connecticut—Joseph R. Hawley and Orville H. Platt.
Delaware—Thomas F. Bayard and Eli Saulsbury.
Florida—Wilkinson Call.
Georgia—Joseph E. Brown and Alfred H. Colquitt.
Illinois—Shelby M. Cullom and John A. Logan.
Indiana—Benjamin Harrison and Daniel W. Voorhees.
Iowa—William B. Allison and James F. Wilson.
Kansas—John J. Ingalls and Preston B. Plumb.
Kentucky—James B. Beck and John S. Williams.
Louisiana—Randall L. Gibson and Benjamin F. Jonas.
Maine—William P. Frye and Eugene Hale.
Maryland—Arthur P. Gorman and James B. Groome.

Massachusetts—Henry L. Dawes and George F. Hoar.
Michigan—Omar D. Conger and Thomas W. Palmer.
Minnesota—Samuel J. R. McMillan and Dwight M. Sabin.
Mississippi—James Z. George and Lucius Q. C. Lamar.
Missouri—Francis M. Cockrell and George G. Vest.
Nebraska—Charles F. Manderson and Charles H. Van Wyck.
Nevada—James G. Fair.
New Hampshire—Henry W. Blair and Austin F. Pike.
New Jersey—John R. McPherson and William J. Sewell.
New York—Elbridge G. Lapham and Warner Miller.
North Carolina—Matt. W. Ransom and Zebulon B. Vance.
Ohio—George H. Pendleton and John Sherman.
Oregon—Joseph N. Dolph and James H. Slater.
Pennsylvania—John I. Mitchell.
Rhode Island—Nelson W. Aldrich.
South Carolina—M. C. Butler and Wade Hampton.
Tennessee—Isham G. Harris and Howell E. Jackson.
Texas—Richard Coke and Sam. Bell Maxey.
Vermont—George F. Edmunds and Justin S. Morrill.
Virginia—William Mahone and Harrison H. Riddleberger.
West Virginia—Johnson N. Camden and John E. Kenna.
Wisconsin—Angus Cameron and Philetus Sawyer.

NOTIFICATION TO THE HOUSE.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two members be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication that he may be pleased to make.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Messrs. SHERMAN and BAYARD were appointed.

HOUR OF MEETING.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of the daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

RECESS.

Mr. GARLAND (at 12 o'clock and 30 minutes p. m.). As I do not presume there can be anything done for a little while, until the other House is communicated with, I move that the Senate take a recess for one hour.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock and 30 minutes p. m.) the Senate reassembled.

Mr. INGALLS. Mr. President, with a view of awaiting the complete organization of the House of Representatives, which is expected in a very brief time, and in order that we may receive, if possible, a communication from the President this afternoon, I move that the recess be continued until 3 o'clock.

The motion was agreed to; and at the expiration of the recess (at 3 o'clock p. m.) the Senate reassembled.

Mr. INGALLS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 3 o'clock and 1 minute p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 3, 1883.

This being the day prescribed by the Constitution for the meeting of Congress, the members-elect of the House of Representatives of the Forty-eighth Congress assembled in their Hall, and at 12 o'clock m. were called to order by Hon. EDWARD MCPHERSON, Clerk of the last House.

The CLERK. Gentlemen, this is the hour for the meeting of the Forty-eighth Congress of the United States, and the Clerk of the House for the Forty-seventh Congress will proceed, as required by law, to call the roll of Representatives-elect who have complied with the law in furnishing proper credentials of their election.

The roll was then called, showing the presence of the following members:

ALABAMA.

James T. Jones.
Hilary A. Herbert.
William C. Oates.
Charles M. Shelley.
Thomas Williams.
Goldsmith W. Hewitt.
William H. Forney.
Luke Pryor.

ARKANSAS.

Clifton R. Breckinridge.
Poindexter Dunn.
James K. Jones.
John H. Rogers.
Samuel W. Peel.

CALIFORNIA.

Charles A. Sumner.
John R. Glascock.
William S. Rosecrans.
James H. Budd.
Barclay Henley.
Pleasant B. Tully.

COLORADO.

James B. Belford.

CONNECTICUT.

William W. Eaton.
Charles L. Mitchell.
John T. Wait.
Edward W. Seymour.

DELAWARE.

Charles B. Lore.

FLORIDA.

Robert H. M. Davidson.
Horatio Bisbee, jr.

GEORGIA.

Thomas Hardeman.
John C. Nicholls.
Henry G. Turner.
Charles F. Crisp.
Hugh Buchanan.
James H. Blount.
Judson C. Clements.
Seaborn Reese.
Allen D. Candler.

ILLINOIS.

Ransom W. Dunham.
John F. Finerty.
George R. Davis.
George E. Adams.
Reuben Ellwood.
Robert R. Hitt.
Thomas J. Henderson.
William Cullen.
Lewis E. Payson.
Nicholas E. Worthington.
William H. Neece.
James M. Riggs.
William M. Springer.
Jonathan H. Rowell.
Joseph G. Cannon.
Aaron Shaw.
Samuel W. Moulton.
William R. Morrison.
Richard W. Townshend.
John R. Thomas.

INDIANA.

John J. Kleiner.
Thomas R. Cobb.
Strother M. Stockslager.
William S. Holman.
Courtland C. Matson.
Thomas M. Browne.
Stanton J. Peelle.
John E. Lamb.
Thomas B. Ward.
Thomas J. Wood.
George W. Steele.
Robert Lowry.
William H. Calkins.

IOWA.

Jeremiah H. Murphy.
David B. Henderson.
Luman H. Weller.
James Wilson.
John C. Cook.
John A. Kasson.
William P. Hepburn.
William H. M. Pusey.
Adoniram J. Holmes.
Isaac S. Struble.

KANSAS.

Edmund N. Morrill.
Lewis Hanback.
Samuel R. Peters,
Bishop W. Perkins.
John A. Anderson.
Thomas Ryan.

KENTUCKY.

Oscar Turner.
James F. Clay.
John E. Halsell.
Albert S. Willis.
John G. Carlisle.
Joseph C. S. Blackburn.
Philip B. Thompson, jr.
William W. Culbertson.
John D. White.
Frank L. Wolford.

LOUISIANA.

Carleton Hunt.
E. John Ellis.
William P. Kellogg.
Newton C. Blanchard.
J. Floyd King.
Edward T. Lewis.

MAINE.

Thomas B. Reed.
Nelson Dingley, jr.
Charles A. Boutelle.
Seth L. Milliken.

MARYLAND.

George W. Covington.
J. Frederick C. Talbott.
Fetter S. Hoblitzell.
John V. L. Findlay.
Hart B. Holton.
Louis E. McComas.

MASSACHUSETTS.

Robert T. Davis.
John D. Long.
Ambrose A. Ranney.
Patrick A. Collins.
Leopold Morse.
Henry B. Lovering.
Eben F. Stone.
William A. Russell.
Theodore Lyman.
William W. Rice.
William Whiting.
George D. Robinson.

MICHIGAN.

William C. Maybury.
Nathaniel B. Eldredge.
Edward S. Lacey.
George L. Yaple.
Julius Houseman.
Edwin B. Winans.
Ezra C. Carleton.
Roswell G. Horr.
Byron M. Cutcheon.
Herschel H. Hatch.
Edward Breitung.

MINNESOTA.

James B. Wakefield.
Horace B. Strait.
William D. Washburn.
Knute Nelson.

MISSISSIPPI.

Henry L. Muldrow.
Elza Jeffords.
Hernando D. Money.
Otho R. Singleton.
Henry S. Van Eaton.
Ethelbert Barksdale.

MISSOURI.

William H. Hatch.
Armstead M. Alexander.
Alexander M. Dockery.
James N. Burnes.
Alexander Graves.
John Cosgrove.
Aylett H. Buckner.
John J. O'Neill.
James O. Broadhead.
Richard P. Bland.
Charles H. Morgan.
Robert W. Fyan.
Lowndes H. Davis.

NEBRASKA.

Archibald J. Weaver. Edward K. Valentine.
James Laird.

NEVADA.

George W. Cassidy.

NEW HAMPSHIRE.

Martin A. Haynes. Ossian Ray.

NEW JERSEY.

Thomas M. Ferrell. William Walter Phelps.
J. Hart Brewer. William H. F. Fiedler.
John Kean, jr. William McAdoo.
Benjamin F. Howey.

NEW YORK.

Henry W. Slocum. Henry G. Burleigh.
Perry Belmont. Frederick A. Johnson.
William E. Robinson. Abraham X. Parker.
Darwin R. James. Edward Wemple.
Felix Campbell. George W. Ray.
Nicholas Muller. Charles R. Skinner.
Samuel S. Cox. J. Thomas Spriggs.
William Dorsheimer. Newton W. Nutting.
John J. Adams. Frank Hiscock.
John Hardy. Sereno E. Payne.
Abram S. Hewitt. James W. Wadsworth.
Orlando B. Potter. Stephen C. Millard.
Waldo Hutchins. John Arnot.
John H. Ketcham. Halbert S. Greenleaf.
Lewis Beach. Robert S. Stevens.
John H. Bagley, jr. William F. Rogers.
Thomas J. Van Alstyne. Francis B. Brewer.

NORTH CAROLINA.

Risden T. Bennett. Alfred M. Scales.
James E. O'Hara. Clement Dowd.
Wharton J. Green. Tyre York.
William R. Cox. Robert B. Vance.

OHIO.

John F. Follett. Alphonso Hart.
Isaac M. Jordan. George L. Converse.
Robert M. Murray. George W. Geddes.
Benjamin Le Fevre. A. J. Warner.
George E. Seney. Beriah Wilkins.
William D. Hill. Joseph D. Taylor.
Henry L. Morey. William McKinley, jr.
J. Warren Keifer. Ezra B. Taylor.
James S. Robinson. David R. Paige.
Frank H. Hurd. Martin A. Foran.
John W. McCormick.

OREGON.

Melvin C. George.

PENNSYLVANIA.

Mortimer F. Elliott. Samuel F. Barr.
Henry H. Bingham. George A. Post.
Charles O'Neill. William W. Brown.
Samuel J. Randall. Jacob M. Campbell.
William D. Kelley. Louis E. Atkinson.
Alfred C. Harmer. William A. Duncan.
James B. Everhart. Andrew G. Curtin.
I. Newton Evans. Charles E. Boyle.
Daniel Ermentrout. James H. Hopkins.
A. Herr Smith. Thomas M. Bayne.
William Mutchler. George V. Lawrence.
John B. Storm. John D. Patton.
Daniel W. Connolly. Samuel H. Miller.
Charles N. Brumm. Samuel M. Brainerd.

RHODE ISLAND.

Henry J. Spooner. Jonathan Chace.

SOUTH CAROLINA.

Samuel Dibble. John J. Hemphill.
George D. Tillman. George W. Dargan.
D. Wyatt Aiken. Edmund W. M. Mackey.
John H. Evins.

TENNESSEE.

Augustus H. Pettibone. Andrew J. Caldwell.
Leonidas C. Houk. John G. Ballentine.
George G. Dibrell. John M. Taylor.
Benton McMillin. Rice A. Pierce.
Richard Warner. Casey Young.

TEXAS.

Charles Stewart. Thomas P. Ochiltree.
John H. Reagan. James F. Miller.
James H. Jones. Roger Q. Mills.
David B. Culberson. John Hancock.
James W. Throckmorton. Samuel W. T. Lanham.
Olin Wellborn.

VERMONT.

John W. Stewart. Luke P. Poland.

VIRGINIA.

John S. Wise. George C. Cabell.
Robert M. Mayo. John Randolph Tucker.
Harry Libbey. John S. Barbour.
George D. Wise. Henry Bowen.
Benjamin S. Hooper.

WEST VIRGINIA.

Nathan Goff, jr. Charles P. Snyder.
William L. Wilson. Eustace Gibson.

WISCONSIN.

John Winans. Richard Guenther.
Daniel H. Sumner. Gilbert M. Woodward.
Burr W. Jones. William T. Price.
Peter V. Deuster. Isaac Stephenson.
Joseph Rankin.

When the State of Mississippi was reached in the call,

The CLERK said: The Clerk wishes to make a statement respecting the second district of Mississippi, for which no enrollment has been made.

THE SECOND DISTRICT OF MISSISSIPPI.

The Clerk has not enrolled the name of any one as a Representative for the second district of Mississippi, for the reason that no paper which can be considered a certificate of election in the sense of the law has been presented to him.

Hon. James R. Chalmers, who claims to have been elected in that district, has filed with the Clerk four "exhibits" in support of his claim to be enrolled as a Representative-elect.

Exhibit A is a certified copy of the canvass made on the 18th of November, 1882, by the secretary of state of Mississippi of the votes cast in that district, which canvass gave—

	Votes.
Mr. Van H. Manning	8,749
Mr. J. R. Chalmers	8,257
Mr. H. C. Carter	129
Mr. J. R. Chambless	1,472
Scattering	1

In this canvass the county of Tate is counted as 1,166 for Mr. Manning, none for Mr. Chalmers, 3 for Mr. Carter, and 1,472 for Mr. Chambless.

Exhibit B is a certified copy of the return made November 11, 1882, by the commissioners of election for Tate County, which certifies that in that county—

	Votes.
Mr. Van H. Manning received	1,166
Mr. James R. Chalmers received	1,472
Mr. Hannibal C. Carter received	3

This return is signed by the three commissioners of election of Tate County.

On the back of it is a copy of the tally-list, which is referred to in the return as a "true and correct" tally-sheet of the votes cast for Congress by precincts, and which gives this total for that county:

	Votes.
Mr. Van H. Manning	1,166
Mr. J. R. Chambless	1,472
Mr. H. Carter	3

Exhibit C is a certified copy of another certificate signed by the same commissioners, and made on the 18th day of November, 1882, stating that the "true and correct" list of the returns of the vote in Tate County is as follows:

	Votes.
Mr. Van H. Manning	1,166
Mr. James R. Chalmers	1,472
Mr. H. C. Carter	3

The secretary of state, while certifying to the correctness of the transcript of the paper last referred to, states that it reached his office November 21, 1882, and that he does not regard or recognize it as constituting any part of the official papers or documents in his office.

Exhibit D is an affidavit of J. M. Williams to the effect that, as one of the clerks of the commissioners of election, he made out the tally-sheet first referred to, and he swears that there was no vote returned for J. R. Chambless, and that he intended to make out the tally of said vote for J. R. Chalmers; that he still believes that he wrote J. R. Chalmers and not J. R. Chambless on said tally-sheet; but if mistaken in this, he swears that it was a clerical error on his part, and that the vote returned on said tally-sheet was in fact and truth cast and returned for J. R. Chalmers.

These papers, separately considered, show that there was a clerical error in the tally-list accompanying the return of the commissioners of Tate County, made November 11, 1882, in that the recitals of the return and of the tally-list differ as to the name of the person who received the 1,472 votes in question; and that on the 18th of November, 1882, the same commissioners of election sent another paper, which corrected the tally-list as to this fact, and made its recital of name harmonize with that of the return, which correction of error, however, reached the office of the secretary of state November 21, 1882, or three days after said officer had made his canvass, as appears from Exhibit A, duly certified by himself.

Whatever may be the judgment upon the facts hereby revealed, these papers, taken singly or together, afford the Clerk of the House no sufficient ground for the enrollment of Mr. Chalmers as a Representative-elect, because they do not form a compliance with the plain requirements of the law.

If the governor of Mississippi issued a certificate of election to any one, based upon the canvass made by the secretary of state on the 18th of November, 1882, for the second district, it has not been presented to the Clerk, who submits to the House the papers in his possession, with his reasons for having failed to enroll any one.

FIRST DISTRICT OF NORTH CAROLINA.

When the first district of North Carolina was reached—

The CLERK said: With regard to the first district of North Carolina, the Clerk has information that Mr. Walter R. Pool, who was elected

at the November election of 1882 to represent it, died on the 25th of August, 1883. No certificate of the election of a successor has been filed with the Clerk.

SEVENTH DISTRICT OF VIRGINIA.

When the seventh district of Virginia was reached in the call—

The CLERK said: The Clerk advises the House, respecting the seventh district of Virginia, that Hon. John Paul, elected to represent it, resigned his office, to take effect September 5, 1883.

The following members failed to answer to their names:

Mr. HAMMOND of Georgia, Mr. MCCOID of Iowa, Mr. HASKELL of Kansas, Mr. ROBERTSON of Kentucky, Mr. WHITE of Minnesota, and Mr. CLARDY of Missouri.

The CLERK. Three hundred and seventeen members have answered to their names—more than a quorum.

LIST OF CHANGES SINCE THE ELECTION.

The CLERK. Of interest to members and as a matter of permanent record the Clerk presents in tabulated form the changes in the list of members since the election of the Forty-eighth Congress, and requests it be incorporated in the RECORD. It is as follows:

List of changes since the election of Forty-eighth House of Representatives.

District.	Name.	Date of vacancy.	Successor.
First Alabama	Thomas H. Herndon*	March 28, 1883	James T. Jones.
Sixth Iowa	Marsena E. Cutts*	Aug. 31, 1883	John C. Cook.
Sixth Louisiana	Andrew S. Herron*	Nov. 27, 1882	Edward T. Lewis.
First North Carolina	Walter R. Pool*	Aug. 25, 1883	
Seventeenth Ohio	Jonathan T. Updegraff.*	Nov. 30, 1882	Joseph D. Taylor.
Seventh Virginia	John Paul†	Sept. 5, 1883	
Third West Virginia	John E. Kenna†	March 4, 1883	Charles P. Snyder.

*Died. †Resigned.

ADMISSION TO THE HALL.

Mr COX, of New York. Mr. Clerk, I desire to present a motion as a matter of courtesy and at the request of many members of the House around me. I ask consent to move that admission to the lobbies and to the floor of the House in rear of the seats be accorded to the families of members and other ladies accompanying them during to-day. The corridors around the Hall are thronged and crowded to their utmost capacity, and the ladies connected with the families of members are unable to gain an entrance. I submit the motion hoping that it will be adopted as an act of simple courtesy to these ladies, and I believe it is not unusual to present such a motion pending the organization of the House.

The CLERK. The gentleman from New York submits a motion that the doors of the Hall be opened for the admission of the families of members in order that they may occupy the space in the rear of the seats.

The motion was not agreed to.

Mr. COX, of New York. I call for a division.

The CLERK. The Clerk will state to the gentleman from New York that this motion is entertained only by unanimous consent.

Several members objected.

Mr. COX, of New York. I did not believe that any member present would object to the motion, but since objection has been made I withdraw it.

Mr. SINGLETON. Mr. Clerk, I desire to submit a motion that the executive gallery be opened for the admission of the families of members.

The motion was agreed to.

ELECTION OF SPEAKER.

The CLERK. The Clerk is now ready to receive nominations for the office of Speaker of the House of Representatives.

Mr. GEDDES. Mr. Clerk, I nominate for the Speaker of this House for the Forty-eighth Congress Hon. JOHN G. CARLISLE, a Representative-elect from the State of Kentucky, a man of acknowledged pre-eminent qualifications for the office.

Mr. CANNON. Mr. Clerk, I nominate for Speaker of this House Hon. J. WARREN KEIFER, a Representative-elect from the State of Ohio.

The CLERK. If there are no further nominations, the House will proceed to the election of a Speaker. The names of the members will be called.

Mr. LYMAN. I nominate for Speaker Mr. GEORGE D. ROBINSON, a member-elect from the State of Massachusetts.

The CLERK. No further nominations being made, the Clerk will request Mr. MORRISON of Illinois, Mr. TUCKER of Virginia, Mr. REED of Maine, and Mr. CALKINS of Indiana to act as tellers for the election of Speaker.

The tellers took their places at the Clerk's desk.

The CLERK. The rules of the House provide that the vote for Speaker shall be *viva voce*. The roll will be called and members will respond to their names by announcing their choice for Speaker.

The roll was called, with the following result:

For Mr. John G. Carlisle, of Kentucky—190.

Adams, J. J.	Dockery,	King,	Seney,
Aiken,	Dorsheimer,	Kleiner,	Seymour,
Alexander,	Dowd,	Lamb,	Shaw,
Arnot,	Duncan,	Lanham,	Shelley,
Bagley,	Dunn,	Le Fevre,	Singleton,
Ballentine,	Eaton,	Lewis,	Slocum,
Barbour,	Eldredge,	Lore,	Snyder,
Barksdale,	Elliott,	Lovering,	Spriggs,
Beach,	Ellis,	Lowry,	Springer,
Belmont,	Ermentrout,	McAdoo,	Stevens,
Bennett,	Evins, J. H.	McMillin,	Stewart, C.
Blackburn,	Ferrell,	Matson,	Stockslager,
Blanchard,	Fiedler,	Maybury,	Storm,
Bland,	Findlay,	Miller, J. F.	Sumner, C. A.
Blount,	Finerty,	Mills,	Sumner, D. H.
Boyle,	Follett,	Mitchell,	Talbott,
Breckinridge,	Foran,	Money,	Taylor, J. M.
Broadhead,	Forney,	Morgan,	Thompson,
Buchanan,	Fyan,	Morrison,	Throckmorton,
Buckner,	Geddes,	Morse,	Tillman,
Budd,	Gibson,	Moulton,	Townshend,
Burnes,	Glascock,	Muldrow,	Tucker,
Cabell,	Graves,	Muller,	Tully,
Caldwell,	Green,	Murphy,	Turner, H. G.
Campbell, F.	Greenleaf,	Murray,	Turner, Oscar
Candler,	Halsell,	Mutchler,	Van Alstyne,
Carleton,	Hancock,	Neece,	Vance,
Cassidy,	Hardeman,	Nicholls,	Van Eaton,
Clay,	Hardy,	Oates,	Ward,
Clements,	Hatch, W. H.	O'Neill, J. J.	Warner, A. J.
Cobb,	Hemphill,	Paige,	Warner, Richard
Collins,	Henley,	Patton,	Wellborn,
Connolly,	Herbert,	Pierce,	Weller,
Converse,	Hewitt, A. S.	Peel, S. W.	Wemple,
Cook,	Hewitt, G. W.	Post,	Wilkins,
Cosgrove,	Hill,	Potter,	Williams,
Covington,	Hoblitzell,	Pryor,	Willis,
Cox, S. S.	Holman,	Pusey,	Wilson, W. L.
Cox, W. R.	Hopkins,	Randall,	Winans, E. B.
Crisp,	Houseman,	Rankin,	Wise, G. D.
Culberson, D. B.	Hunt,	Reagan,	Wolford,
Curtin,	Hurd,	Reese,	Wood,
Dargan,	Hutchins,	Riggs,	Woodward,
Davidson,	Jones, B. W.	Robinson, W. E.	Worthington,
Davis, L. H.	Jones, J. H.	Rogers, J. H.	Yaple,
Deuster,	Jones, J. K.	Rogers, W. F.	Young.
Dibble,	Jones, J. T.	Rosecrans,	
Dibrell,	Jordan,	Scales,	

For Mr. J. Warren Keifer, of Ohio—113.

Adams, G. E.	Evans, I. N.	Libbey,	Reed,
Anderson,	Everhart,	Long,	Rice,
Atkinson,	George,	Mackey,	Robinson, J. S.
Barr,	Goff,	McComas,	Rowell,
Bayne,	Guenther,	McCormick,	Russell,
Belford,	Hanback,	McKinley,	Ryan,
Bingham,	Harmer,	Mayo,	Skinner, C. R.
Bisbee,	Hart,	Millard,	Smith,
Boutelle,	Hatch, H. H.	Miller, S. H.	Spooner,
Bowen,	Haynes,	Milliken,	Steele,
Brainerd,	Henderson, D. B.	Morey,	Stephenson,
Breitung,	Henderson, T. J.	Morrill,	Stewart, J. W.
Brewer, F. B.	Hepburn,	Nelson,	Stone,
Brewer, J. H.	Hiscock,	Nutting,	Strait,
Browne, T. M.	Hitt,	O'Hara,	Struble,
Brown, W. W.	Holmes,	O'Neill, Charles	Taylor, E. B.
Burleigh,	Hooper,	Parker,	Taylor, J. D.
Calkins,	Horr,	Payne,	Thomas,
Campbell, J. M.	Houk,	Payson,	Valentine,
Cannon,	Howey,	Peelle, S. J.	Wait,
Chace,	Jeffords,	Perkins,	Wakefield,
Culbertson, W. W.	Johnson,	Peters,	Washburn,
Cullen,	Kean,	Pettibone,	Weaver,
Cutcheon,	Kelley,	Phelps,	Whiting,
Davis, G. R.	Kellogg,	Poland,	Wilson, James
Davis, R. T.	Ketcham,	Price,	Wise, J. S.
Dingley,	Lacey,	Ranney,	
Dunham,	Laird,	Ray, G. W.	
Ellwood,	Lawrence,	Ray, Ossian,	

For Mr. George D. Robinson—2.

James. Lyman.

For Mr. Lacey—1.

White, J. D.

For Mr. Wadsworth—1.

Ochiltree.

For Mr. John S. Wise—1.

York.

Not voting—13.

Brumm,	Holton,	Robertson,	Winans.
Clardy,	Kasson,	Robinson, G. D.	
Hammond,	Keifer,	Wadsworth,	
Haskell,	McCoid,	White, Milo,	

Mr. MORRISON. Mr. Clerk, on behalf of the tellers appointed to canvass the vote for Speaker, I am directed to report that the tellers have agreed in their tally and the result is as follows:

Whole number of votes cast, 308. Of this number Mr. CARLISLE has received 190 votes; Mr. KEIFER 113 votes; Mr. ROBINSON of Massachusetts, 2 votes; and Mr. WADSWORTH, Mr. JOHN S. WISE, and Mr. LACEY, 1 vote each.

The CLERK. The gentleman from Illinois [Mr. MORRISON], on be-

half of the tellers appointed to canvass the vote for Speaker, reports that they have agreed in their tally, and that the whole number of votes cast is 308. The number necessary to a choice is 155. Of the total number of votes cast, Hon. JOHN G. CARLISLE, a member-elect from the State of Kentucky, has received 190 votes; Hon. J. WARREN KEIFER received 113 votes; Hon. GEORGE D. ROBINSON, 2 votes; Hon. J. W. WADSWORTH, 1 vote; Hon. E. S. LACEY, 1 vote, and Hon. JOHN S. WISE, 1 vote. Mr. CARLISLE having received 190 votes is hereby declared the duly elected Speaker of the House of Representatives for the Forty-eighth Congress. [Applause on the Democratic side.] Hon. SAMUEL J. RANDALL and Hon. J. WARREN KEIFER will please escort the Speaker-elect to the chair.

Mr. RANDALL and Mr. KEIFER conducted Mr. CARLISLE to the chair, when the Speaker-elect addressed the House as follows:

Gentlemen of the House of Representatives: I thank you sincerely for the high honor conferred upon me by the vote just taken. To be chosen from the membership of a great body like this to preside over its deliberations is a distinction upon which any citizen might properly congratulate himself; and I assure you that your kindness and partiality are fully appreciated. At the same time, I realize the fact that the position to which you have assigned me is one of very great labor and responsibility; and, while profoundly grateful to you for this manifestation of your confidence, I shall enter upon the discharge of its duties with a serious distrust of my capacity to meet in an acceptable manner the requirements of the office. I promise, however, to devote to your service all the zeal and all the ability of which I am possessed.

Gentlemen, the maintenance of order upon the floor is essential—absolutely essential—to the intelligent and systematic transaction of the public business, and I earnestly invoke your assistance in the enforcement of the rules adopted for the government of our proceedings. The large addition to the membership of this House resulting from the reapportionment of representation makes this duty even more difficult than it has been heretofore; and without your cordial co-operation and support I can not reasonably hope even to discharge the ordinary daily duties of this office. That you will cheerfully co-operate with me in every proper effort to preserve order, and to facilitate the business of legislation, I have no doubt. But, gentlemen, I shall ask something more of you than mere co-operation in the correct discharge of my official duties. Assuring you of my earnest desire at all times to be just and impartial, still I can not expect to avoid mistakes, and shall be compelled therefore frequently, no doubt, to rely upon the friendly forbearance of gentlemen upon both sides of the House.

I am sure, gentlemen, that all matters of legislation presented during this Congress will receive from you such careful consideration as the magnitude and character of the interests involved require, and that your action upon them will be wise, conservative, and patriotic. Sudden and radical changes in the laws and regulations affecting the commercial and industrial interests of the people ought never to be made unless imperatively demanded by some great public emergency, and in my opinion, under existing circumstances, such changes would not be favorably received by any considerable number of those who have given serious attention to the subject. [Applause on the Democratic side.] Many reforms are undoubtedly necessary, and it will be your duty, after a careful examination of the whole subject in all its bearings, to decide how far they shall extend, and when and in what manner they shall be made. If there are any who fear that your action upon this or any other subject will be actually injurious to any interest, or even afford reasonable cause for alarm, I am quite sure that they will be agreeably disappointed. [Renewed applause upon the Democratic side.]

What the country has the right to expect is strict economy in the administration of every department of the Government, just and equal taxation for public purposes, a faithful observance of the limitations of the Constitution, and a scrupulous regard for the rights and interests of the great body of the people, in order that they may be protected, so far as Congress has the power to protect them, against encroachment from every direction. Whatever can be done under the circumstances surrounding us to meet this expectation ought to be done, in my judgment.

But, gentlemen, without detaining you further, I am ready to take the oath of office prescribed by the Constitution and the laws, and proceed to complete the organization of the House.

Mr. KELLEY, having served longest continuously as a member of the House, administered to the Speaker-elect the oath prescribed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that a quorum of the Senate had assembled, and that the Senate was ready to proceed to business.

The message further announced that the Senate had appointed a committee to join such committee as might be appointed by the House of Representatives to wait on the President of the United States and inform him that a quorum of each House had assembled and that Congress was ready to receive any communication he might be pleased to make, and that Mr. SHERMAN and Mr. BAYARD had been appointed such committee on the part of the Senate.

SWEARING IN OF MEMBERS.

The SPEAKER proceeded to administer to the members in attendance the oath of office. The members presented themselves, as their names were called by States, and took respectively the test-oath prescribed by the act of July 2, 1862, or the special oath provided in the act of July 11, 1868, for those whose disabilities under the fourteenth article of the amendments to the Constitution of the United States have been removed by a vote of two-thirds of each House of Congress.

When the State of Kansas was called,

Mr. SPRINGER said: I ask that Mr. PETERS, who claims to be sworn as a Representative at large from the State of Kansas, shall stand aside for the present.

The SPEAKER. The gentleman will stand aside for the present.

The Clerk having completed the call of the roll of members-elect for the administration of the oath of office,

The SPEAKER said: When Mr. PETERS appeared, claiming to be sworn as a Representative-elect from the State of Kansas, he was asked to stand aside for the present. Unless there be further objection the gentleman, if present, will take the oath of office.

Mr. SPRINGER. The governor of the State of Kansas has placed in my hands or forwarded to me a memorial, signed by himself and other State officers of the State of Kansas and a large number of the citizens of that State, protesting against the admission of Mr. PETERS to a seat as a member of this House, on the ground that under the constitution and laws of the State of Kansas he is ineligible to hold that office.

I will ask that this memorial be printed in the RECORD, except the names. I will also offer a resolution in reference to this subject, and after that I will withdraw my objection to the oath being administered to the gentleman from Kansas.

The SPEAKER. If there be no objection the memorial referred to by the gentleman from Illinois will be printed in the RECORD without the names.

There was no objection. The memorial, without the names, is as follows:

STATE OF KANSAS, EXECUTIVE DEPARTMENT,
Topeka, November 31, 1883.

To the House of Representatives United States, Washington, D. C.:

We, State officers and members of the Democratic party of the State of Kansas, most respectfully protest against the admission of Judge S. R. Peters, of this State, to a seat in your honorable body, and protest against him being allowed to take the oath as a member of the House.

Judge S. R. Peters was elected judge of the ninth judicial district of the State of Kansas in November, 1879. His term of office commenced in January, 1880, for four years, ending January, 1884.

Section 13, article 3, of the constitution of the State of Kansas reads as follows:

"The justices of the supreme court and judges of the district court shall at stated times receive for their services such compensation as may be provided by law, which shall not be increased during their respective term of office: *Provided*, Such compensation shall not be less than fifteen hundred dollars to each justice or judge each year, and such justices or judges shall receive no fees or perquisites, nor hold any other office of profit or trust under the authority of the State or the United States during the term of office for which said justices and judges shall be elected, nor practice law in any of the courts in the State during their continuance in office."

This was the constitution under which Kansas was admitted into the Union, assented to by Congress in the act of admission, and is a part of the compact between the United States, and the State of Kansas.

Under this provision of our constitution, assented to by Congress, Judge S. R. Peters cannot hold a seat in your honorable body, nor can he take the oath as a member without a clear violation of our constitution. This was well known to the electors of Kansas when Judge Peters was voted for in November, 1882.

The Legislature of the State of Kansas, in the face of this election, in order to give a legislative construction to the constitution, passed without opposition the following law, approved March 8, 1883:

An act to preserve the purity of the judiciary.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all ballots or votes cast at any election for any person holding the office of judge of the district court, or of justice of the supreme court, except for a judicial office, shall be deemed and held void, and shall not be counted by the judges and clerks of any election, nor by any canvassing board, nor shall any record of the same be made by any canvassing board, nor any certificate of election be issued thereon.

SEC. 2. Any person violating the provisions of this act shall be deemed and held to be guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail not less than three nor more than six months.

SEC. 3. This act shall take effect on its publication in the statute-book.

Approved March 8, 1883.

I hereby certify that the foregoing is a true and correct copy of the original bill now on file in my office.

JAMES SMITH,
Secretary of State.

Had this law been passed previous to the election in 1882 the vote for S. R. Peters would not have been counted, and the next highest on the list of candidates for Representatives for Congress (Hon. S. N. Wood) would have been declared elected and have held the certificate.

This law does not in any particular change the constitution, but does, in fact, put a legislative construction on it, under which Judge Peters is not entitled to his seat.

Mr. SPRINGER. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the memorial of the governor of the State of Kansas and of other officers and citizens in said State, and all papers presented to the Clerk in reference to the election and qualification of Hon. S. R. Peters, of said State, be referred to the Committee on Elections, when appointed, with instructions to

report to the House, at the earliest time practicable, whether Mr. Peters is eligible to a seat in this House; and if not, whether Hon. S. N. Wood, the contestant, is entitled to the seat.

Mr. CALKINS. Before moving to lay upon the table the resolution just offered, which it is my purpose to do, I desire to make a statement to the House. But before I make the statement I will ask the gentleman from Illinois [Mr. SPRINGER] whether, in objecting to the swearing in of this member from Kansas now, he admits that the credentials which he presents from his State are perfect in form. I will ask the Clerk to read them.

Mr. SPRINGER. I have stated I will not make further objection to the gentleman being sworn in.

Mr. KASSON. Then I move as a matter of privilege that the gentleman be sworn in.

Mr. CALKINS. The objection to the gentleman being sworn in being withdrawn, I will move, not that the resolution do lie upon the table, but that it go to the Committee on Elections when appointed.

Mr. SPRINGER. I will state it is perfectly immaterial to me whether the oath be now administered or the resolution be first considered.

The SPEAKER. The Chair was about to suggest that the qualification of a member being a matter of the very highest privilege, perhaps the oath should be first administered, and then the gentleman from Illinois [Mr. SPRINGER] can offer his resolution.

Mr. SPRINGER. I will withdraw the resolution until the oath has been administered.

Mr. PETERS then presented himself, and qualified by taking the oath prescribed by section 1756 of the Revised Statutes.

Mr. SPRINGER. I now move the resolution which was read by the Clerk a few moments ago.

The SPEAKER. Unless the gentleman from Illinois [Mr. SPRINGER] insists upon the immediate consideration of his resolution the Chair will direct the Clerk to call the names of the Delegates from the Territories, that they may be qualified.

Mr. SPRINGER. I will withdraw the resolution for that purpose.

Mr. CONVERSE. I desire to present a question of high privilege. When the Clerk of this House was calling the roll this morning, referring to the vacancy in the second district of the State of Mississippi he stated that if the certificate from the governor issued to Van H. Manning had been presented to him he should have filed it and placed the name of Mr. Manning upon the roll.

For reasons which were satisfactory to Mr. Manning, he chose not to present that certificate until some action had been taken on the part of the House. This morning I called upon the attorney of Mr. Manning and asked permission to present his credentials to the House for such action as the House might see proper to take in relation to that vacancy.

It has been the custom, Mr. Speaker, to have no vacancy except where absolutely necessary. The second Congressional district of Mississippi is entitled to a Representative on this floor. I believe it has been the policy of this House, by an unbroken chain of precedents, to seat the member who may have the certificate of the governor.

I have here the certificate issued by the governor of Mississippi to Mr. Manning, and I ask that it be read by the Clerk. I desire then to offer a resolution which I hold in my hand in relation to the matter.

Mr. SPRINGER. I withdrew my resolution for the purpose suggested by the Speaker, the swearing in of the Delegates from the Territories.

Mr. CONVERSE. I will state that the certificate is in the usual form of certificates from that State; the same exactly, I believe, as presented by the other gentlemen from that State.

Mr. KEIFER. Of course there can be no objection to the reading of this certificate, if it be proposed to submit any motion with reference to the swearing in of the gentleman referred to. But I desire to state to the House that Mr. Manning himself never accepted that certificate. And I will state further, if it is to be treated as accepted, that he has put upon the files of the House a statement which shows that he was beaten in that election by 980 votes. That is in his answer as formally filed; and he has also stated in that answer, in effect, that he would not ask to be seated on that certificate.

Now, do gentlemen propose to force him to do that which he would not himself do? That is the question which I desire to ask. Does the gentleman from Ohio [Mr. CONVERSE] propose to require Mr. Manning to be sworn in against his will?

Mr. CONVERSE. After the reading of the certificate I will submit a resolution, and then we can discuss the question of fact when we come to that. Our claim is that Mr. Manning not only holds the certificate and is therefore *prima facie* entitled to the seat, but that upon the contest he will be shown to be in fact entitled to the seat. I ask for the reading of the certificate.

Mr. KEIFER. I do not object to the certificate being read.

Mr. CALKINS. Before the certificate is read I desire to correct one statement which the gentleman from Ohio [Mr. CONVERSE] made with reference to the statement of the Clerk, inasmuch as the Clerk himself can not make the correction. I did not understand the Clerk to say that had General Manning presented his credentials to him he would have put his name on the roll. I make that statement in justice to the Clerk.

Mr. CONVERSE. I think the record will show that he did state exactly what I said. That is immaterial, however. I ask that the credentials be read.

The SPEAKER. The credentials will be read.

Mr. SPRINGER. In acceding to the request of the Speaker, who said that he desired to administer the oath to the Delegates from the Territories, after which my resolution would be in order, I did not yield for any other business to take precedence. I therefore ask that the matter referred to by the gentleman from Ohio [Mr. CONVERSE] be withheld until the Delegates have been qualified.

The SPEAKER. The Chair does not know what motion the gentleman from Ohio [Mr. CONVERSE] proposes to submit. If it is a motion to administer the oath to Mr. Manning as a member-elect of this House, it would of course take precedence over the swearing in of the Delegates and over the matter proposed to be submitted by the gentleman from Illinois [Mr. SPRINGER]. Until the motion of the gentleman from Ohio is submitted it will be impossible for the Chair to decide.

Mr. CONVERSE. I submit the resolution which I send to the desk, on which I demand the previous question.

Mr. COX, of New York. I rise to a question of order. The reading of the *prima facie* certificate is a question of privilege; when that has been read we shall see what is next in order.

The SPEAKER. The Chair understood there was no objection to the reading of the certificate; but the gentleman from Illinois [Mr. SPRINGER] claims that he had yielded his right to the floor simply for the purpose of having the oath administered to the Delegates from the Territories.

Mr. COX, of New York. But, as I understand, my friend from Ohio [Mr. CONVERSE] proposes to offer his resolution before the credentials are read.

The SPEAKER. If there be no objection the certificate will be read, and then the Chair will hear what is the nature of the motion of the gentleman from Ohio before determining whether or not it has precedence over that submitted by the gentleman from Illinois.

The Clerk read as follows:

State of Mississippi to all to whom these presents shall come, greeting:

Whereas it appears by the returns received at the office of the secretary of state, as certified to me by that officer, that Van H. Manning is duly and constitutionally elected to the office of Representative in and to the Forty-eighth Congress from the second Congressional district of the State of Mississippi: Now know ye, that in consequence thereof, and by virtue of the constitution and laws of this State, we do authorize and empower him, the said Van H. Manning, to execute and fulfill the duties of that office according to law, and to have and to hold said office, with all the powers, privileges, and emoluments to the same of right belonging, for the term prescribed by law.

In testimony whereof, I, Robert Lowry, governor of the State aforesaid, have caused these letters to be made patent, and the great seal of the State to be hereunto affixed.

Given under my hand at the city of Jackson the 18th day of November, in the year of our Lord 1882.

ROBERT LOWRY.

By the governor:
HENRY C. MYERS,
Secretary of State.

Mr. KEIFER. Mr. Speaker, I desire to have read in this connection, and with the same purpose, the other papers which have been filed with the Clerk—papers in the nature of certificates showing the result of the election—all the papers pertaining to this matter.

The SPEAKER. Is there objection to reading all the other papers?

Mr. COX, of New York, and Mr. CONVERSE objected.

The SPEAKER. The gentleman would have the right to have them read in his own time.

Mr. KEIFER. I do not refer to the testimony, but to the certificates of the canvassing board showing the result of the election. This is not a paper which has been filed with the Clerk; the others are.

Mr. CONVERSE. I object.

Mr. CALKINS. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. CALKINS. The question of order I make is this: The Clerk has stated to the House that there are other papers, certificates filed by General Chalmers claiming this seat; and that statement having been made, the House, before it swears in either of these gentlemen on the *prima facie* case, has the right to have those certificates read.

Mr. CONVERSE. I ask that my motion be put.

The SPEAKER. The Chair has no question that the House or any member has the right to have all the papers read when there is a motion before the House in reference to this matter——

Mr. CONVERSE. I make my motion.

The SPEAKER. The gentleman from Ohio has sent up his motion in writing, and when it has been read all the papers, of course, will come before the House in the consideration of the matter.

Mr. CALKINS. But, Mr. Speaker, if the motion of the gentleman from Ohio is to be followed, as I understood him to indicate, by a demand of the previous question, then I ask whether the question of order could properly be raised at that point? If it could—if our rights are saved—that is all we desire.

Mr. KEIFER. Does the gentleman from Ohio propose to move the previous question?

Mr. CONVERSE. "Sufficient unto the day is the evil thereof."

Mr. CALKINS. The gentleman from Ohio, as I understand, showed a disposition to move the previous question on his resolution, which

would of course cut off debate upon it. Now the question is whether the Chair would hold that the reading of these other certificates would be in the nature of debate. To save this question of order, and in view of the statement made by the Clerk of this House that other certificates have been filed in his office asking that the name of General Chalmers be put upon the roll as the member from the second district of Mississippi, I demand that those certificates be read as well as that submitted by the gentleman from Ohio before action be taken upon the resolution and before either claimant to the seat be sworn in. It is this point of order which I desire to save.

The SPEAKER. The Chair dislikes, of course, to decide absolutely any question of order before it arises; but from present information the Chair would be inclined to hold that the reading of those papers, they being mere matters of evidence, would be in the nature of debate.

Mr. CALKINS. That was the point I was fearful of; and for this reason I desire to raise now the point of order that where there are two claimants to a seat and the House is called upon to decide the *prima facie* case (and here are two gentlemen struggling to be sworn in upon certificates) it certainly is the right of the House to hear both certificates read before acting upon either.

Mr. CONVERSE. There is but one certificate from the governor—from the executive; the other papers relate to the merits of the case.

Mr. CALKINS. We have the statement of the Clerk that certificates have been filed in his office and a request made that General Chalmers be sworn in upon those certificates; but the Clerk refused to put his name on the roll and submitted the question—very properly—to the House. This is the first stage at which the question which I now present could be raised; and I wish to save that question, because if the reading of those certificates be in the nature of debate the motion for the previous question would cut off the right to have them read.

Mr. CONVERSE. I insist on my motion.

Mr. CALKINS. A question of order is pending.

The SPEAKER. What is the gentleman's question of order?

Mr. CALKINS. The question of order is this: I now ask that the Clerk read also the certificates, which he has referred to as being in his hands, from the executive officer of Mississippi, relative to the right of General Chalmers to be sworn in on the *prima facie* case.

Mr. TUCKER. I would ask the gentleman from Indiana whether there is any certificate, according to the law of Mississippi, signed by the executive of the State, in favor of General Chalmers?

Mr. CALKINS. I will answer the gentleman by saying, if he refers to what I know about it personally, that it is my wish to present to the House a question of law arising upon the statutes of Mississippi on that point. Whether the governor has signed any certificate or not I do not know, but that the secretary of state under the law has made a certificate I do know as a matter of fact, which I think under a fair construction of the statutes of Mississippi entitles General Chalmers to a *prima facie* seat upon the floor.

Mr. BELFORD. If the gentleman from Indiana will yield to me for one moment I will call the attention of my Democratic friends to a precedent which while exceedingly unpleasant to me was very effective to them. [Laughter.] You on that side of the House now have so large a majority you can afford to be decent in this Congress. The precedent I wish to refer to, made by my Democratic friends on the other side, is this: I was elected to the Forty-fifth Congress [interruption and laughter]—you can answer me when I get through. I was elected to the Forty-fifth Congress. I had the certificate from the governor of Colorado. I had a majority of 2,700 honest votes in my State. I came here and presented that certificate to this House. My competitor, knowing that you gentlemen of the Democratic side had a vast majority and expecting to obtain a seat through your partisan partiality, came here with a canvass from various counties as against my certificate, and you referred my case to the Committee on Elections. If you acted honestly then why should you act otherwise now? [Laughter on the Republican side.]

Mr. MILLS. Permit me for one moment.

Mr. CONVERSE. I rise to a point of order. I insist the pending question shall be disposed of.

The SPEAKER. The Chair has already decided that at this stage of the proceeding these papers could not be read except by consent.

Mr. CONVERSE. I object, and ask for the reading of my resolution.

The SPEAKER. As the Chair understands, they are simply papers which have been filed with the Clerk of the last House, and are not before this House except as evidence.

Mr. CALKINS. I make the further point that the certificate which has been read from the Clerk's desk refers to the fact as certified by the secretary of state to the governor. Upon that certificate he therefore issued this commission. I desire to state that if the certificate of the secretary of state is here it certainly ought to be read in connection with the credentials.

It is as much a part of it as in an instrument referring to another paper, where both must be read before the instrument can be construed.

Mr. MILLS. I desire to make a supplement to the historical statement just presented by the gentleman from Colorado.

Mr. CONVERSE. I object to all debate at this time.

Mr. MILLS. The certificate of the gentleman from Colorado stated that the election was held on a day not authorized by law.

Mr. MONEY. That is so.

Mr. MILLS. The statement on the face of the certificate showed that the election was illegal. That was the reason why the gentleman was not admitted to his seat. [Laughter and applause.]

The SPEAKER. The gentleman from Ohio insists on his objection to the paper being read.

Mr. BELFORD. I think the House at that time received the certificates made out by the county canvassers, and upon a resolution offered by the gentleman from Illinois [Mr. SPRINGER] who sits at my side the House referred that case to the Committee on Elections. That is what they did. A Republican was elected then, and yet they relegated me to the Committee on Elections. [Laughter.]

Mr. MILLS. The Republican was elected in October and the Democrat in November. That is what was the matter.

Mr. CALKINS. I do not desire to wrestle with the opinion of the Chair, and therefore I ask permission of the gentleman from Ohio to have read a section of the law of Mississippi with reference to this certificate of the governor as read.

Mr. CONVERSE. I object until my resolution has been read.

The SPEAKER. The resolution of the gentleman from Ohio will now be read.

The Clerk read as follows:

Whereas Van H. Manning holds the certificate of the governor of the State of Mississippi in due form, giving him the *prima facie* right to a seat on this floor as a Representative of the second district of Mississippi in the Forty-eighth Congress: Therefore,

Resolved, That the said Van H. Manning immediately qualify as a member of this House as a Representative of said district without prejudice to the final right to the seat.

Mr. CONVERSE. On that resolution I ask the previous question.

Mr. CALKINS. Before the gentleman insists——

Mr. KEIFER. I desire to move an amendment.

Mr. CONVERSE. I object, and insist upon my motion.

Mr. CALKINS. I ask the gentleman from Ohio to yield before insisting upon the demand for the previous question, to allow the law bearing upon this subject to be read in the presence of the House.

Mr. CONVERSE. There will be time enough when the previous question is ordered. I object at this time.

Mr. CALKINS. But if the law is read in the presence of the House it may not be necessary to order the previous question.

Mr. CONVERSE. I do not yield.

Mr. COX, of New York. The gentleman from Indiana ought to remember that this side of the House has been frequently compelled to submit to the enforcement of a similar demand from that side.

Mr. CALKINS. If we did wrong, then you ought to do right.

Mr. COX, of New York. We propose to do right. The gentleman from Indiana ought himself to bow to the previous question.

Mr. CONVERSE. I insist upon my motion. I demand the previous question.

The SPEAKER. The question is, Shall the previous question be now ordered?

Mr. CALKINS. If in order, I demand a second.

The SPEAKER. There is no second allowed or required by the rule on this motion.

Mr. MAYO. I would like to ask the gentleman from Ohio a question for information.

Mr. CONVERSE. I must decline to yield for a question.

The SPEAKER. The gentleman from Ohio declines to yield. The question is, Shall the previous question be now ordered?

The question was taken.

Mr. CALKINS. I demand a division.

The House divided; and there were—ayes 159, noes 97.

Mr. CALKINS. I demand tellers.

Tellers were ordered.

Mr. CALKINS and Mr. CONVERSE were appointed tellers.

The House again divided; and the tellers reported—ayes 151, noes 108.

Mr. CALKINS. I demand the yeas and nays.

The yeas and nays were ordered, 68 members voting therefor.

The SPEAKER. The question is will the House now order the previous question, and the Clerk will call the roll.

Mr. KASSON. Before the roll is called I desire to rise to a parliamentary inquiry.

The SPEAKER. The Chair will hear the gentleman from Iowa.

Mr. KASSON. The resolution submitted by the gentleman from Ohio was not distinctly heard in this part of the Hall, and there is some doubt as to its terms—whether the resolution demands, though it does not assert, the right of Mr. Manning to be sworn in at this time.

I ask, therefore, that it be again read for information, so that we may know before being called upon to vote on the resolution whether the House orders him to be sworn in.

The SPEAKER. Without objection the resolution will be again read.

The resolution was again read.

Mr. KASSON. Now I desire to ask the further question, has the House the right to order a man who does not claim his right to a seat on this floor to be sworn in?

Mr. CONVERSE. He does claim his right to a seat upon the floor, and has never admitted to anybody, either publicly or privately, but that he was honestly elected.

Mr. KASSON. The papers which the gentleman from Ohio declines to allow to be read in this connection, if I am correctly informed, show exactly the contrary. I wish he would allow them to be read so that all the facts may appear.

Mr. CONVERSE. I must decline to yield for that purpose. If the gentleman from Iowa will go to the case of the gentleman from Ohio [Mr. McKINLEY] he will find an exactly parallel case. He presented the certificate of the governor, and we did not object; but we have on file a statement from the secretary of state showing the same state of facts that appear in this case, as we claim.

Mr. KASSON. But the gentleman from Ohio appears here and is claiming his seat. It is publicly alleged that the gentleman from Mississippi referred to in the resolution does not claim his right to a seat.

Mr. CONVERSE. That is entirely a mistake. The gentleman has never admitted, as I have stated, that there was any doubt of his right.

The SPEAKER. This debate is entirely out of order.

Mr. McKINLEY. Inasmuch as my name has been mentioned in this connection, I simply wish to state that there is no certificate filed with the secretary of state contradicting the certificate of the governor of Ohio in my case.

Mr. CONVERSE. The gentleman is mistaken; there is such a certificate.

Mr. McKINLEY. I was informed by the secretary of state that there was no such certificate.

Mr. CONVERSE. I filed the certificate myself.

The SPEAKER. The question is on ordering the previous question; and the Clerk will call the roll.

The question was taken; and there were—yeas 162, nays 129, not voting 30; as follows:

YEAS—162.

Adams, J. J.	Dockery,	King,	Shaw,
Aiken,	Dorsheimer,	Kleiner,	Shelley,
Alexander,	Dowd,	Lamb,	Singleton,
Arnot,	Duncan,	Lanham,	Slocum,
Bagley,	Dunn,	Le Fevre,	Snyder,
Ballentine,	Eaton,	Lewis,	Spriggs,
Barbour,	Eldredge,	Lore,	Stewart, Charles
Barksdale,	Elliott,	Lovering,	Stockslager,
Beach,	Ellis,	Lowry,	Storm,
Bennett,	Ermentrout,	McMillin,	Sumner, C. A.
Blackburn,	Evins, J. H.	Matson,	Sumner, D. H.
Blanchard,	Ferrell,	Maybury,	Talbott,
Bland,	Findlay,	Mayo,	Taylor, J. M.
Blount,	Follett,	Miller, J. F.	Thompson,
Boyle,	Foran,	Mills,	Throckmorton,
Breckinridge,	Forney,	Mitchell,	Tillman,
Broadhead,	Fyan,	Money,	Tucker,
Buchanan,	Geddes,	Morgan,	Tully,
Buckner,	Gibson,	Moulton,	Turner, H. G.
Burnes,	Glascock,	Muldrow,	Turner, Oscar
Cabell,	Graves,	Muller,	Van Alstyne,
Caldwell,	Green,	Murphy,	Vance,
Candler,	Greenleaf,	Murray,	Van Eaton,
Carleton,	Halsell,	Mutchler,	Ward,
Cassidy,	Hancock,	Neece,	Warner, A. J.
Clay,	Hardeman,	Nicholls,	Warner, Richard
Clements,	Hardy,	Oates,	Wellborn,
Cobb,	Hatch, W. H.	Paige,	Wemple,
Collins,	Hemphill,	Pierce,	Wilkins,
Connolly,	Herbert,	Peel, S. W.	Williams,
Converse,	Hewitt, A. S.	Pryor,	Willis,
Cosgrove,	Hewitt, G. W.	Randall,	Wilson, W. L.
Covington,	Hoblitzell,	Reagan,	Winans, John
Cox, S. S.,	Holman,	Reese,	Wise, G. D.
Crisp,	Houseman,	Riggs,	Wolford,
Culberson, D. B.	Hunt,	Rogers, J. H.	Wood,
Curtin,	Hurd,	Rogers, W. F.	Woodward,
Davidson,	Jones, J. H.	Rosecrans,	Yaple,
Deuster,	Jones, J. K.	Scales,	Young.
Dibble,	Jones, J. T.	Seney,	
Dibrell,	Jordan,	Seymour,	

NAYS—129.

Adams, G. E.	Davis, G. R.	Horr,	Morse,
Anderson,	Davis, R. T.	Houk,	Nelson,
Atkinson,	Dingley,	Howey,	Nutting,
Barr,	Dunham,	James,	O'Hara,
Bayne,	Ellwood,	Jeffords,	O'Neill, Charles
Belford,	Evans, I. N.	Johnson,	Parker,
Bingham,	Everhart,	Jones, B. W.	Payne,
Bisbee,	Fiedler,	Kasson,	Payson,
Boutelle,	George,	Keifer,	Peelle, S. J.
Brainerd,	Goff,	Kelley,	Perkins,
Brewer, F. B.	Guenther,	Ketcham,	Pettibone,
Brewer, J. H.	Hanback,	Lacey,	Poland,
Browne, T. M.	Harmer,	Laird,	Post,
Brown, W. W.	Hart,	Lawrence,	Potter,
Brumm,	Hatch, H. H.	Libbey,	Price,
Budd,	Haynes,	Long,	Pusey,
Burleigh,	Henderson, D. B.	Lyman,	Ranney,
Calkins,	Henderson, T. J.	Mackey,	Ray, G. W.
Campbell, J. M.	Henley,	McComas,	Ray, Ossian
Cannon,	Hepburn,	McCormick,	Reed,
Chace,	Hill,	McKinley,	Rice,
Cook,	Hiscock,	Millard,	Robinson, G. D.
Cox, W. R.	Hitt,	Miller, S. H.	Robinson, J. S.
Culbertson, W. W.	Holmes,	Milliken,	Rowell,
Cullen,	Holton,	Morey,	Russell,
Cutcheon,	Hooper,	Morrill,	Ryan,
Dargan,	Hopkins,	Morrison,	Skinner, C. R.
Smith,	Taylor, E. B.	Wakefield,	Wise, J. S.
Spooner,	Taylor, J. D.	Washburn,	Worthington,
Steele,	Thomas,	Weaver,	York.
Stephenson,	Valentine,	Weller,	
Strait,	Wadsworth,	White, J. D.	
Struble,	Wait,	Whiting,	

NOT VOTING—30.

Belmont,	Haskell,	Patton,	Stewart, J. W.
Bowen,	Hutchins,	Peters,	Stone,
Breitung,	Kean,	Phelps,	Townshend,
Campbell, F.	Kellogg,	Rankin,	White, Milo
Clardy,	McAdoo,	Robertson.	Wilson, James
Davis, L. H.	McCoid,	Robinson, W. E.	Winans, E. B.
Finerty,	Ochiltree,	Springer,	
Hammond,	O'Neill, J. J.	Stevens,	

So the previous question was ordered.

After the second call of the roll, Mr. CALKINS said: I ask that the reading of the names of members voting be dispensed with.

There was no objection.

Mr. O'NEILL, of Missouri. I desire to know if my name has been recorded.

The SPEAKER. The Chair is informed that the gentleman's name is not recorded.

Mr. O'NEILL, of Missouri. I desire to vote.

The SPEAKER. Under the rules of the House the Speaker has no right to entertain the request of a member to be permitted to vote who has not voted on the first or second roll-call. The gentleman's vote can not be received unless he states that he actually did vote upon this question and that the Clerk failed to record his name.

The result of the vote was then announced as above stated.

Mr. CALKINS. I now move to commit the resolution to the Committee on Elections, when appointed, with the instructions which I send to the desk and ask the Clerk to read.

Mr. COX, of New York. Pending that I move that the House do now adjourn.

Mr. CALKINS. Let the instructions first be read.

The Clerk read as follows:

That the certificate of the governor of Mississippi certifying the election of Hon. Van H. Manning to this Congress from the second Congressional district of Mississippi, together with the certificate of the secretary of state and all other papers in the hands of the Clerk of this House touching the right of Hon. J. R. Chalmers to a seat from said district, in this House, be, and they are hereby, referred to the Committee on Elections, when appointed, who are hereby directed to report to this House without delay which of said parties, if either, is entitled *prima facie* to be sworn in as a member pending the contest on the merits, and not to affect the final right to said seat.

MEMBER SWORN IN.

Mr. THOMPSON. I rise to a question of the highest privilege. My colleague from Kentucky [Mr. ROBERTSON] is present, and desires to have the oath of office administered.

The SPEAKER. If the gentleman will come forward the oath of office will be administered.

Mr. CALKINS. I will yield for that purpose.

Mr. THOMAS A. ROBERTSON appeared and qualified by taking the prescribed oath.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. COX], that the House do now adjourn.

Mr. COX, of North Carolina. I ask the gentleman from New York to withdraw his motion for a moment, that I may move that the House shall meet each day at 12 meridian, until otherwise ordered.

Mr. SPRINGER. I have a resolution, which I send to the desk, and which will accomplish that object.

Mr. RANDALL. I object to any yielding for the resolution.

Mr. SPRINGER. Let the resolution be read. I am sure there will be no objection to it.

The SPEAKER. The Chair has no power to have the resolution read if it be objected to.

Mr. SPRINGER. I think the gentleman from Pennsylvania [Mr. RANDALL] will withdraw his objection.

Mr. RANDALL. I decline to withdraw the objection. If I had been going to withdraw it I would not have made it. We can take that up after the pending matter is disposed of.

Mr. SPRINGER. I will state that besides fixing the time for the meeting of the House at 12 o'clock, my resolution makes our time that of the 75th meridian, so as to conform to railway time.

The SPEAKER. To the consideration of that resolution the Chair understands the gentleman from Pennsylvania [Mr. RANDALL] to object.

Mr. RANDALL. I object to anything except the regular order.

The SPEAKER. Does the gentleman object to the motion of the gentleman from North Carolina [Mr. COX], that the daily hour of the meeting of the House until otherwise ordered shall be 12 o'clock meridian?

Mr. KEIFER. The part of the resolution which relates to the daily hour of meeting being 12 o'clock should be considered in order, but the balance of the resolution is not.

The SPEAKER. The Chair understands the resolution offered by the gentleman from North Carolina [Mr. COX] relates to no subject except fixing the daily hour of meeting of the House. The effect of the

resolution of the gentleman from Illinois [Mr. SPRINGER] is to adopt a new method of calculating time.

Mr. SPRINGER. We have now no time of meeting; we can fix the hour of twelve or ten minutes before twelve.

The SPEAKER. The Chair understands that we have the actual time.

Mr. SPRINGER. But we have not adopted the actual time; that is all.

The SPEAKER. The question is on the motion of the gentleman from North Carolina [Mr. COX].

Mr. SPRINGER. Would not my motion be in order as an amendment?

The SPEAKER. The Chair thinks not.

Mr. SPRINGER. Why not?

The SPEAKER. Because the Chair thinks the resolution of the gentleman from Illinois [Mr. SPRINGER] relates to an entirely separate and distinct subject.

Mr. SPRINGER. The Chair has not heard it read yet.

The SPEAKER. The gentleman himself has stated what it was.

Mr. SPRINGER. It simply states that the hour of meeting of the House shall be 12 o'clock of the seventy-fifth meridian.

SEVERAL MEMBERS. Regular order.

The SPEAKER. The question is on the motion of the gentleman from North Carolina.

The motion was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from New York [Mr. COX], that the House do now adjourn.

Mr. CALKINS. Pending the motion of the gentleman from New York [Mr. COX], it has been suggested that it is desirable on the part of the other side of the House to perfect the organization of the House to-night. I therefore suggest to the gentleman from Ohio [Mr. CONVERSE] to allow this matter to go over without prejudice, in order that the organization of the House may be perfected to-night if desired.

Many members objected.

The SPEAKER. Objection being made to the suggestion of the gentleman from Indiana [Mr. CALKINS], the question is on the motion to adjourn.

The motion was agreed to upon a division—ayes 159, noes 70; and accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLAND: Papers relating to the claim of C. P. Culver, J. R. Randall, and others, and of Mrs. C. P. Culver—severally to the Committee on Claims.

By Mr. DIBRELL: Papers relating to the claim of St. Peter and St. Paul's Church, of Chattanooga, Tennessee; of the heirs of Matthew Allison, of Samuel Edmondson, and of F. E. Stewart, administrator of the estate of Michael S. Stewart, deceased—severally to the Committee on War Claims.

By Mr. DUNN: Paper relating to the claim of the National Bank of Western Arkansas—to the Committee on Claims.

Also, papers relating to the claim of Leander M. Black—to the same committee.

Also, papers relating to the claim of Sewell Coulson and Porter, Harrison & Fishback—to the same committee.

Also, the petition of the heirs of Calvin B. Cunningham for relief—to the Committee on the Judiciary.

By Mr. JOHN H. EVINS: Papers relating to the claim of Dr. Theodore Dehon—to the Committee on Claims.

Also, papers relating to the claim of Charles B. Roberts—to the same committee.

By Mr. HARDY: Papers relating to the claim of Charles Marklein, late sutler of the One hundred and seventy-eighth New York Volunteers—to the Committee on War Claims.

By Mr. SINGLETON: The petitions of personal representatives of Irvine & Field, and of personal representatives of Ayres P. Merrill, deceased, for relief—severally to the same committee.

By Mr. TUCKER: Papers relating to the claim of Moses Lacy—to the same committee.

Also, the petitions of J. Henry Rives and of J. D. Morrison, for relief—severally to the Committee on Ways and Means.

SENATE.

TUESDAY, *December* 4, 1883.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

CHARLES W. JONES, a Senator from the State of Florida, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

COURT OF CLAIMS REPORT.

The PRESIDENT *pro tempore* laid before the Senate the report of the chief clerk of the Court of Claims, communicating, in obedience to law, a statement of the judgments rendered by that court during the year ending December 3, 1883, &c.; which was ordered to lie on the table and be printed.

REPORTS OF SEARGEAT-AT-ARMS.

The PRESIDENT *pro tempore* also laid before the Senate the annual report of the Sergeant-at-Arms of the Senate, communicating, in obedience to law, a full and complete statement of all the property in his possession belonging to the United States December 3, 1883; which was ordered to lie on the table and be printed.

He also laid before the Senate a report of the Sergeant-at-Arms of the Senate on the subject of the sale of waste paper, old carpets, and condemned furniture; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Sergeant-at-Arms of the Senate, submitting a report of Chief Engineer T. A. Jones on heating and ventilating the Senate Chamber; which was ordered to be printed, and to be referred to the Committee on Public Buildings and Grounds when appointed.

REPORT OF SECRETARY OF THE SENATE.

The PRESIDENT *pro tempore* laid before the Senate the report of the Secretary of the Senate, communicating, in obedience to law, a statement of the receipts and expenditures of the Senate from July 1, 1882, to June 30, 1883, and a full and complete account of all property in his possession belonging to the United States December 3, 1883; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint memorial of the council and house of representatives of the Territory of Montana, pertaining to the boundaries of the Yellowstone National Park; which was ordered to lie on the table, to be referred to the Committee on Territories when appointed.

He also presented a joint memorial of the council and house of representatives of the Territory of Montana in favor of an increase of compensation to surveyors for surveying public lands; which was ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also presented a joint memorial of the council and house of representatives of the Territory of Montana concerning the treatment of Indians and depredations committed by them upon white settlers and their property; which was ordered to lie on the table, to be referred to the Committee on Indian Affairs when appointed.

He also presented a petition of members of Troop L, Tenth United States Cavalry, stationed at Fort Stockton, Tex., praying that pensions be granted after certain length of service in the Army; which was ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also presented the petition of Gilbert Morton, ensign United States Navy, retired, praying restoration to his former rank; which was ordered to lie on the table, to be referred to the Committee on Naval Affairs when appointed.

He also presented a memorial of the New York Chamber of Commerce in memory of the late ex-Governor Edwin D. Morgan, of that State, and formerly a United States Senator, which was ordered to lie on the table.

Mr. LOGAN presented a petition of the Board of Trade of Chicago, Ill., praying for the passage of a bankrupt law; which was ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. DAWES. I desire to present as a memorial a resolution of the Legislature of Massachusetts relative to the French spoliation claims. I ask that it may be read and laid upon the table, to be referred at the proper time.

The resolution was read, as follows:

COMMONWEALTH OF MASSACHUSETTS,
In the year one thousand eight hundred and eighty-three.
Resolution relative to the French spoliation claims.

Resolved, That the Senators and Representatives of Massachusetts in the United States Congress are requested to use their best endeavors to secure the passage of the Senate French spoliation claims bill during the present session of Congress.

HOUSE OF REPRESENTATIVES,
February 21, 1883.
Adopted and sent up for concurrence.
EDWARD A. McLAUGHLIN, *Clerk*.

SENATE, *February* 28, 1883.
Adopted in concurrence.
S. N. GIFFORD, *Clerk*.

A true copy.
Attest:
EDWARD A. McLAUGHLIN,
Clerk of the House of Representatives.

The PRESIDENT *pro tempore*. The memorial will lie on the table and be printed.

Mr. COKE. I ask leave to present a memorial, which is brief, and I desire that, without being read, it may be printed in the CONGRESSIONAL RECORD of to-morrow.

The PRESIDENT *pro tempore*. Will the Senator please state the nature of the memorial?

Mr. COKE. It is a memorial from the United States district attorney for the western district of Texas, touching legislation which he deems necessary affecting the Federal judiciary. It is a brief document, not lengthy, and it is such a one as I should be glad to see published in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Texas presents a memorial of the United States district attorney for the western district of that State on the subject of improving the laws relating to the administration of justice in that district, and asks that it be printed in the RECORD. Is there objection?

Mr. INGALLS. Mr. President, I think this is a very good time in which to present a suggestion that must have occurred to every Senator at previous sessions with reference to the enormous increase of the amount of matter that is printed in the CONGRESSIONAL RECORD. That publication was meant to be a succinct and concise statement of the debates of both Houses of Congress; but the practice has grown from time to time—a vicious practice, as I think—of requiring a vast amount of unimportant and immaterial and inconsequential matter to be printed in that publication.

The memorial presented by the Senator from Texas is that of a private citizen, so far as the Congress of the United States is concerned. To be sure, he has an official capacity; but what he has to say does not in any sense whatever belong to the publication of the debates of Congress.

I hope that this suggestion will be enough to call the attention of Senators to the impropriety of this practice and to enable us by common consent to avoid it hereafter. I make the suggestion now, because it would be invidious to make it after any memorials had been so printed. I agree that in regard to the resolutions of legislatures and other great public bodies an exception may, perhaps, properly be made; but I am very sure that the Senator from Texas himself, if he will think a moment, will see that there is no propriety and no necessity for the publication that he asks; and he is aware that if all similar material is incorporated the bulk of the RECORD will soon become so enormous that it will be practically valueless for the purposes for which it was designed.

I do not wish to be understood as making any objection to this particular request of the Senator from Texas; I am aware that he can accomplish what he desires by having the memorial read, if there is no objection; but this suggestion is made in the interest of what I believe to be economy and the proper administration of the public service, and I will, therefore, at this time formally object to the admission of this memorial under the rules, for the purpose of obtaining the sense of the Senate upon the general question as to how far this species of memorials or petitions shall be printed in that publication, which was designed merely for the presentation of the action of Congress itself.

Mr. COKE. Mr. President, I concur in the general proposition of the Senator from Kansas that many things are printed in the CONGRESSIONAL RECORD which properly have no place there, but this memorial is not, in my judgment, one of that character. It refers to a matter affecting the judiciary of the whole country—to a matter of general public interest. I desire it in the RECORD in order that proper attention may be attracted to it. Our judges may substantially be said to be irresponsible while holding office for life. This memorial asks for legislation compelling a performance of duty by judicial officers who have assumed the responsibilities and are receiving the emoluments of the judicial office. It also asks for legislation prohibiting the practice of nepotism, alleged to be quite general in the appointments made by our Federal judges. Upon these general propositions I fully agree with the memorialist. Since the objection of the Senator from Kansas defeats my motion to publish in the RECORD, I will ask that it be read by the Secretary so that it will go into the RECORD as a part of my remarks, with the understanding, however, that I do not indorse any personal flings or innuendoes contained in it, believing, as I do, that our Texas judges are as little obnoxious to criticism as those of other States.

The PRESIDENT *pro tempore*. The Senator from Texas asks that this memorial be read at the desk. Is there objection? The Chair hears none, and it will be read.

The Acting Secretary read as follows:

To the honorable President of the Senate and
Speaker of the House of Representatives of the Congress of the United States:

Your memorialist, a resident of the western district of Texas, most respectfully invites your attention to two evils existing in the administration of justice in the United States district courts, and most respectfully prays that the same may be remedied at the present session of Congress.

First. The United States district judges, whilst most industriously drawing their salaries, are persistently and without valid excuses and upon the smallest pretexts, failing to hold the terms of their courts as fixed by law, and so far as your memorialist is informed and believes, there is no deduction of salaries or other remedy for such failure.

Second. It is almost the invariable rule of all the district judges, as soon as inducted into office, to appoint their sons, sons-in-law, brothers and brothers-in-law, and other relatives to the places of district and deputy district clerks in their courts, and that, too, without the remotest thought of their moral character, honesty, or capacity for the places, and having so appointed them to hold them in office, to the great wrong of the public.

In urging upon your consideration the necessity of a remedy for these evils I have but to say that judges are but men, and that there exists no law that compels them to hold their courts at the peril of loss of salary or other inconvenience; and the facts are, as we are informed, that the district judges all over the Union are holding just such terms of their courts as they find convenient and no more, and permitting United States prisoners to linger in jails months, and even years, for trial.

In the western district of Texas the district judge, without the excuse of sickness or other good cause, has in the last three years held but *two* terms of his courts at Brownsville, Tex., out of the *six* terms he should have held by law.

In the eastern district of Texas the judge failed to hold his courts the last term at Tyler and both of the last terms of courts at Jefferson, though United States prisoners were confined in the jails awaiting trial at these terms.

The invariable course of these defaulting judges is to make a sham of holding the courts by having all the jurors and witnesses summoned, and at the last hour get up the pretext of a sick child, a wife gets a fall, or other similar casualty, and back out, the true cause being laziness and fear of a few dollars' expense from home, and no loss or inconvenience to themselves if they do not hold the courts.

In the interest of public right and justice this thing should be stopped. This much on the first point.

On the second, of preventing the district judges from appointing their relatives to office under them, I candidly say that this is the great evil in all United States courts, and has had in all times past and must have in all future time until remedied the most baleful influence upon all concerned.

When a litigant is so unfortunate as to get into a United States court where the judge is the father of the clerk what chance has he to enforce his rights against the neglect, misfeasance, and malfeasance of the clerk? What chance has the Government or the people against the clerk who is a depositary of public moneys if he should embezzle the public funds with his father on the bench? But the mention of the case is the greatest argument. The court and its clerk should not be related by blood or marriage, and if they are, wrong, oppression, and corruption are the results.

One more word: The chief reason for old judges holding over after seventy years is the fact that they have their sons, sons-in-law, brothers and brothers-in-law, uncles, aunts, nephews, nieces, and cousins all pensioned on the United States, and to keep them there they stay themselves.

Your memorialist forwards herewith the draught of two acts of Congress which he believes will meet the evils complained of, but if not, then he prays that your most honorable bodies will, in your wisdom, devise some proper remedy.

Most respectfully,

A. J. EVANS,
United States Attorney Western District of Texas.

The PRESIDENT *pro tempore*. The memorial will lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. HOAR presented the petition of Sullivan Forehand and Henry C. Wadsworth, of New York, praying compensation for the use by the United States Government of their patented cartridge; which was ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. MILLER, of New York. I present a petition of the Chamber of Commerce of the city of New York, which is also signed by the Maritime Association and several other associations of that city, which asks for the location and construction of a marine hospital at the port of New York. The petition sets forth the fact that, while nearly one-fifth of the sum collected from the commerce of the whole country for the support of the marine hospitals is collected at the port of New York, there has not up to the present time ever been a permanent marine hospital established at that port, and the petition asks that such a hospital may be established. It is numerously signed by various associations of the city of New York. I ask that it may lie on the table, to be referred to the Committee on Commerce when appointed.

The PRESIDENT *pro tempore*. That order will be made.

Mr. MILLER, of New York, presented the petition of George Frick, of Amsterdam, N. Y., late a private in the Fourth Regiment United States Infantry, praying to be allowed a pension; which was ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

Mr. JONAS presented the petitions of William W. Hunter, Charles Le Sassier, and others, citizens of New Orleans, La., praying for the passage of a bill sending the claims of citizens who suffered by French spoliations before the Court of Claims; which was ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also presented the petition of the American Institute of Homeopathy, praying legislation granting equal privileges to the graduates of all schools of medicine in appointments to the public service; which was ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also presented the petition of Peter Keverney, of New Orleans, La., praying to be reimbursed for certain losses alleged to have been incurred by him while carpenter on board the steam-transport Lewis Whiteman; which was ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. VEST presented the petition of the Mexican Veterans' Association of Polk County, Missouri, praying for the passage of a bill to pension soldiers of the Mexican war; which was ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

Mr. MILLER, of California, presented a memorial of the Chamber of Commerce and Board of Trade of San Francisco, Cal., on the subject of bankruptcy legislation; which was ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., in favor of an extension of signal-service facilities on the Pacific coast; which was ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. LAMAR presented the petition of the personal representatives of David Irvine and C. J. Field, of Bolivar County, Mississippi, praying compensation for cotton belonging to them and sold under a decree of a United States court; which was ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also presented the petition of the personal representatives of Ayres

P. Merrill, deceased, of Natchez, Miss., praying compensation for stores and supplies alleged to have been taken by the Army of the United States; which was ordered to lie on the table, to be referred to the Committee on Claims when appointed.

BILLS INTRODUCED.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 1) to amend section 2 of "an act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," approved March 3, 1879; which was read twice by its title.

Mr. INGALLS. The bill proposes to amend what is commonly known as the arrears-of-pensions-act by removing the limitation named therein. I ask that it lie on the table, and when the Committee on Pensions is formed that it may be referred to that committee.

The PRESIDENT *pro tempore*. That order will be made.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. 2) to amend chapter 1 of the Revised Statutes in reference to the election of Senators in Congress; which was read the first time by its title.

Mr. GARLAND. I ask the Secretary to read the bill at length.

The bill was read the second time at length, as follows:

Be it enacted, &c., That section 19 of chapter 1 of the Revised Statutes, in reference to the election of Senators in Congress, be amended, as follows: "After the word 'State,' in the second and last line thereof, insert 'And such certificate shall show the whole number of members elected to the Legislature choosing the Senator; the day and date of the meeting, and the day and date of the organization of such Legislature; the number of votes cast in each House, and the number cast for each person named for the place of Senator; that such votes were cast *viva voce*, and that these several matters were entered on the journal of each House, respectively, as they occurred therein; and that the members of both Houses convened in joint assembly on the next day after the meeting in separate Houses; that the journal of each House was read in such joint assembly, and in case of any person receiving a majority of all the votes cast, that fact was openly declared in such joint assembly by the presiding officer thereof; and in case of failure to elect on the first day of voting, that fact shall appear in such certificate, and also that the joint assembly proceeded on the day following to choose, by a *viva voce* vote of each member present a person for Senator; also the whole number of votes cast in such joint assembly, and the number of votes cast for each person for Senator, and the person receiving a majority of all the votes cast, and that he was openly declared by the presiding officer of such joint assembly duly elected. But in case of failure to elect in joint assembly on the first day of its meeting, such certificate shall so state substantially, as herein provided, the proceedings had in such joint assembly each succeeding day thereafter until a Senator is elected and duly declared elected.'"

Mr. GARLAND. I desire to have the bill referred to the Committee on Privileges and Elections when appointed; but before that is done it is due the Senate that I should make a statement of the reasons which have moved me to introduce the bill.

If Senators have given this particular matter any attention, it must be very evident to them that there has been little or no form pursued in making out the certificates of the election of Senators under the act of the 25th of July, 1866. In fact nearly every certificate is a form unto itself. In times of party excitement, when there was a contest for supremacy here in the Senate, objections, sometimes upon their face rather frivolous, might be taken to these certificates, and the representation of a State, if not destroyed entirely for the time being, greatly interfered with. At this time there is no such excitement prevailing in the country; we are all in good humor, politically speaking; and this is an admirable opportunity to fix this subject.

My attention was called to the certificates of the twenty-six Senators returned at this term. Out of that number there were thirteen, just one-half, of which I have made an abstract here, that would not stand the test under the act of the 25th of July, 1866, if objection had been raised, and I think it is high time that something should be done to remove this difficulty, and in order that what has been done at this session may not be taken as a precedent hereafter to estop anybody, whether belonging to one party or the other, I offer a bill which I think will probably correct this trouble. If not, certainly the Committee on Privileges and Elections, attention being called to it, can prepare and report a bill that will remove it.

I ask that the bill may be referred to the Committee on Privileges and Elections when appointed.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The bill will lie on the table and be referred to the Committee on Privileges and Elections when formed.

Mr. BECK asked and, by unanimous consent, obtained leave to introduce a bill (S. 3) for the removal of all disabilities imposed by the fourteenth amendment to the Constitution of the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 4) to repeal the act of July 2, 1862, and such sections of the Revised Statutes of the United States as perpetuate the oath prescribed in said act; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 5) to repeal section 1218 of the Revised Statutes of the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. BECK. These are the same class of bills which I have introduced at the beginning of every Congress for ten years. As the Senator from Arkansas [Mr. GARLAND] very well observed, there is good feeling now, and I hope they will be acted on, so as to remove this blot from our statute-book.

The PRESIDING OFFICER. The bill will be referred to the Committee on the Judiciary when appointed.

Mr. BECK asked and, by unanimous consent, obtained leave to introduce a bill (S. 6) amendatory of title 48 of the Revised Statutes of the United States, so as to authorize the purchase of foreign-built ships by citizens of the United States for use in the foreign carrying trade; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 7) to authorize the payment of customs duties in legal-tender notes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Finance when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 8) for the relief of F. W. Peyton, administrator *de bonis non* of James D. Morton, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 9) for the relief of Warren Mitchell; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 10) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Finance when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 11) for the relief of Rosa Vertner Jeffreys; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 12) for the relief of Elizabeth Carson; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 13) for the relief of those suffering from the destruction of the salt-works near Manchester, Ky., pursuant to the orders of Maj. Gen. Don Carlos Buell; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. MCMILLAN. I rise to an inquiry with reference to some of these bills. I desire to ask the Senator from Kentucky whether there has been any adverse report on the Mitchell bill?

Mr. BECK. In the Warren Mitchell case there was an adverse report, but in none of the others. I do not ask to have the papers withdrawn in the Warren Mitchell case; there has been an adverse report in that; but in the other cases I desire to have the papers on file withdrawn and referred with the bills.

Mr. MCMILLAN. In the Jeffreys case, also, has there not been an adverse report?

Mr. BECK. No, sir, there has never been an adverse report in that case, but always a report in favor of it.

The PRESIDING OFFICER. The rules of the Senate require that copies of the papers shall be left in all cases where adverse reports have been made. The order for the withdrawal of the papers will be made subject to the rules.

Mr. EDMUNDS. But this is in reference to withdrawing papers for reference again, which the rule prohibits if there has been an adverse report, unless there is new evidence.

The PRESIDING OFFICER. The order will be made, subject to all the requirements of the rules.

Mr. EDMUNDS asked and, by unanimous consent, obtained leave to introduce a bill (S. 14) to amend sections 1756 and 1757 of the Revised Statutes of the United States; which was read twice by its title.

Mr. EDMUNDS. I wish to say that this bill covers two sections of the Revised Statutes embraced by one of the bills introduced by the Senator from Kentucky [Mr. BECK], but it contains what his bills hitherto have not done—I do not know what the one that is now introduced contains—a limitation, a saving clause which does not affect the character of the oath, but which does affect the security of the Treasury, &c., regarding claims that might be made in some cases and regarding penalties that might have been incurred already for false swearing, &c. I will say that for one—and I speak, of course, only for myself—I am, as at present advised, quite willing to substitute for what is called the iron-clad oath the oath that is provided by section 1757 for those who cannot properly take the iron-clad oath. I ask that the bill lie on the table, to be referred to the Committee on the Judiciary when appointed.

The PRESIDING OFFICER. That order will be made.

Mr. EDMUNDS asked and, by unanimous consent, obtained leave to introduce a bill (S. 15) to provide for the further protection of citizens of the United States and others against the violation of certain rights

secured to them by the Constitution of the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. EDMUNDS. I wish to say, in reference to that bill, that it undertakes, and I believe successfully, to accomplish the security for the protection of the colored citizens of the United States against the inhuman, and, as I believe, wicked and cruel and prejudicial, distinctions that in some of the States are still made against them in respect of their civil rights, and to protect them consistently with the late decision of the Supreme Court of the United States upon that subject. I commend it to the early and careful attention of the Committee on the Judiciary.

The PRESIDING OFFICER. The bill will be referred to the Committee on the Judiciary when appointed.

Mr. EDMUNDS asked and, by unanimous consent, obtained leave to introduce a bill (S. 16) further to protect the constitutional rights of citizens, and to punish violations of the same; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. EDMUNDS. That is a redraught of a bill reported by the Committee on the Judiciary some years ago, pursuant to a resolution of the Senate, which was carefully considered then, and deals in general with the same rights of our colored citizens, and white as well, in respect of being secured in the enjoyment of the dearest of all freemen's rights, the right to a free vote and a fair count; and I hope all sides of the Senate Chamber (differing from our previous experience on those subjects) when it is again reported, as I trust it will be, will vote for it.

The PRESIDING OFFICER. The bill will be referred to the Committee on the Judiciary when appointed.

Mr. EDMUNDS asked and, by unanimous consent, obtained leave to introduce a bill (S. 17) to provide for the establishment of a postal telegraphic system; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Post-Offices and Post-Roads when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 18) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Private Land Claims when appointed.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 20) to provide for the issue of circulation to national banking associations; which was read twice by its title.

Mr. SHERMAN. I desire simply to say that this bill modifies the existing law only in a single phrase, allowing notes to be issued on 90 per cent. of the market value of bonds deposited, instead of 90 per cent. of the face value.

I desire to call the attention of the Senate to the bill, because I hope the Senate without division will at an early day pass the bill, as it will relieve not only those engaged in the banking business, but the people at large from a fear that the operation of existing law will too rapidly contract the currency, especially the banking currency.

The only amendment proposed by this bill (which I may say also receives the sanction of the executive officers connected with the subject) is that it allows notes to be issued to the amount of 90 per cent. of the market value of the bonds, and never to exceed 95 per cent. If 95 per cent. of the market value of the bonds is reached at any time by the fluctuation in the price of bonds, then it becomes the duty of the Comptroller of the Currency to call for an additional quantity of bonds. In my judgment this will meet the difficulty that is now exciting so much attention among business men. At any rate I call the attention of the Senate to it, and will at an early day ask the consideration of the Committee on Finance to it and the action of the Senate.

Mr. MORGAN. I ask that the bill be read at length.

The PRESIDING OFFICER. The bill will be read.

The Acting Secretary read as follows:

A bill to provide for the issue of circulation to national banking associations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon a deposit of bonds as required by law any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations in blank, registered and countersigned as provided by law, equal in amount to 90 per cent. of the average current market value of the United States bonds so transferred and delivered for the previous fiscal year, and at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock, nor shall they exceed 95 per cent. of the market value of such bonds; and that all laws and parts of laws of the United States inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. COCKRELL. Does the Senator ask that the bill be referred?

Mr. SHERMAN. I ask that it be referred to the Committee on Finance when formed.

The PRESIDING OFFICER. That order will be made.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 21) for the relief of C. H. Eddy; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. 22) to provide for the performance of the duties of the office of President in case of removal, death, resignation, or inability both of the President and Vice-President; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 23) amending an act granting a pension to Charles Slawson; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 24) for the relief of Robert Hunt, sergeant of ordnance; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Privileges and Elections when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 26) to establish a uniform system of bankruptcy; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 27) for the relief of Chief Engineer James W. King; which was read twice by its title, and ordered to lie on the table, to be referred, with the accompanying papers, to the Committee on Naval Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 28) to confirm the status of John N. Quackenbush as a commander in the United States Navy; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Naval Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 29) for the relief of the State National Bank of Boston, Mass.; which was read twice by its title.

Mr. HOAR. I desire to say in reference to the last bill that it is a bill which was reported upon adversely by the Judiciary Committee in the last Congress, and recommitted to that committee and not reported, I believe, a second time. The gentleman who sent me the bill requested that it be referred to the Committee on Claims. I should, however, in spite of that request, have moved to send it to the Committee on the Judiciary, that committee having once considered it; but I suppose all that will happen to the bill will be that the matter will be sent to the Court of Claims, under the new law, to investigate the facts. If there should be an original investigation in the Senate, it seems to me proper that the same committee should have the bill. I move now that it be referred to the Committee on Claims when appointed.

The motion was agreed to.

Mr. WILLIAMS asked and, by unanimous consent, obtained leave to introduce a bill (S. 30) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 31) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle and the spread of infectious or contagious diseases among domestic animals; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Agriculture when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 32) for the relief of Isabella Burbank; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 33) for the relief of A. L. Shotwell; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 34) for the relief of A. S. Bloom; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 35) for the relief of Mrs. Mary T. Duncan; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 36) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to intro-

duce a bill (S. 37) for the relief of Harriet Ann Walker; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 38) granting a pension to Mrs. Mary Griffith; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

Mr. WILLIAMS. I ask that the usual order be made for the reference of papers on file in the case of these private bills, subject to the rules of the Senate.

The PRESIDENT *pro tempore*. The papers on file will be withdrawn and referred, subject to the rule, if there be no objection.

Mr. WILLIAMS asked and, by unanimous consent, obtained leave to introduce a bill (S. 39) for the relief of the Louisville and Jefferson County Agricultural and Mechanical Association of the State of Kentucky; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 40) to disapprove and declare void act No. 1 of the acts of the Territorial Legislature of Arizona of the session of 1883, approved ——, 1883; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 41) to provide for an additional judge in the Territory of Arizona; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 42) for the relief of Joseph F. Wilson; which was read twice by its title, and ordered to lie on the table, to be referred, with the accompanying papers, to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduced a bill (S. 43) for the relief of John Grierson; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 44) for pensioning prisoners of war who were confined in confederate military prisons during the late war; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unaminous consent, obtained leave to introduce a bill (S. 45) granting a pension to Charlotte T. Alderman; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 46) to equalize the bounties of soldiers, sailors, and marines of the late war for the Union; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. 47) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. COKE asked and, by unanimous consent, obtained leave to introduce a bill (S. 48) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Indian Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 49) amendatory of the act of March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;" which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Railroads when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 50) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Railroads when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 51) to authorize the construction of a bridge for the transportation of street-cars, wagons, and other vehicles, horses and other animals, and pedestrians over the Rio Grande River, between the city of Eagle Pass, Tex., and Piedras Negras, Mexico; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 52) providing for the erection of a public building in Waco, Tex.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 53) providing for the erection of a public building in San Antonio, Tex.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

Mr. McPHERSON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 54) for the relief of Wilbur F. Cogswell; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Naval Affairs when appointed.

Mr. FAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. 55) to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 56) for the relief of Lieut. C. C. Norton; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. 57) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 58) to restore to the public domain and to pre-emption and homestead entry lands donated to corporations and not earned within the time specified in the act granting such lands; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 59) to release and quitclaim to any State, county, or municipality all equity and interest that the United States may have, by reason of the neglect or refusal of any railroad company to pay costs of locating and selecting lands donated by act of Congress, in and to lands sold and to be sold by States, counties, or municipalities for non-payment of taxes by any railroad company, also when costs of surveying and locating lands shall be due and payable by corporations entitled to the same; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. 60) to declare certain lands subject to taxation; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 61) to make an additional article of war; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 62) to declare certain lands heretofore granted to railroad companies forfeited to the United States and to open the same to settlement; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 63) for the relief of William H. Morgan; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. 64) to authorize suits in the Court of Claims in certain cases therein mentioned; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 65) for the relief of Morgan Rawls; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. SLATER asked and, by unanimous consent, obtained leave to introduce a bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Indian Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 67) repealing an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound on the Pacific coast by the northern route, and for other purposes;" which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. 68) to amend the act establishing a Territorial government for Utah and to change the name to Altamont; which was read twice by its title.

Mr. LAPHAM. I desire to say that this bill has been prepared under the direction of a gentleman who served many years as United States district judge in that Territory and is entirely familiar with its affairs, and who is of opinion that the only way to reach the great evil existing there is to change the Territorial government. I ask that the bill be referred to the Committee on the Judiciary when appointed.

The PRESIDENT *pro tempore*. That order will be made.

Mr. LAPHAM (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 69) to amend an act approved June 5, 1882, re-establishing the Court of Commissioners of Alabama Claims and for the distribution of the unappropriated moneys of the Geneva award; which was read twice by its title.

Mr. LAPHAM. This bill I desire to say is made necessary by a decision of the Court of Commissioners of Alabama Claims. I ask that it be referred to the Committee on the Judiciary when appointed.

The PRESIDENT *pro tempore*. That order will be made.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 71) for the relief of the creditors and assigns of Norman Wiard; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. 72) to establish schools in Alaska; which was read twice by its title.

Mr. PLATT. I ask that the bill be referred to the Committee on Education and Labor when appointed; and I also present resolutions of the Connecticut State Teachers' Association urging the passage of such a bill.

Mr. HARRISON. With respect to the reference proposed by the Senator from Connecticut, I desire to suggest that as there were at the last session before the Committee on Territories, and are now prepared and ready to be introduced again, certain bills in relation to the organization of civil government in Alaska, he should allow this bill also to go to that committee, as it would be very appropriate in connection with such legislation as is proposed there, and in order to make the proposed action harmonious the question of education should be considered in the same connection.

Mr. PLATT. I introduced the bill by request, and was requested to suggest its reference to the Committee on Education and Labor; but upon the assurance of a member of the Committee on Territories I have no objection to the reference that he proposes.

The PRESIDENT *pro tempore*. The bill, with the accompanying papers, will be referred to the Committee on Territories when appointed.

Mr. HILL asked and, by unanimous consent, obtained leave to introduce a bill (S. 73) for the retirement of small legal-tender notes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Finance when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands, and to secure to the State of Colorado the benefits of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;" which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. DAWES asked and, by unanimous consent, obtained leave to introduce a bill (S. 75) for the relief of Lucy D. Hooper; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 76) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired list of the Navy; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Naval Affairs when appointed.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. 77) for the disposal of the public lands; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 78) for the erection of a public building at La Crosse, Wis.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

Mr. MILLER, of New York (by request), asked and, by unanimous consent, obtained leave to introduce a bill (S. 79) to amend an act entitled "An act to confirm certain private land claims in the Territory of New Mexico;" which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Private Land Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 80) for the relief of William W. Webb; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 81) to confirm the title of Benjamin F. Pope to his office of assistant surgeon of the United States Army; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 82) for the relief of George Frick; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 83) for the relief of John H. Walker, late a captain in United States Army; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Indian Affairs when appointed.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a bill (S. 85) for the relief of the Citizens' Bank of Louisiana; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 86) for the relief of L. Madison Day; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 87) providing for the relief of the heirs of Maurice Grivot; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 88) to provide for the payment of the claim of Joseph R. Shannon, of Louisiana; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 89) for the relief of Mrs. Eliza E. Hebert; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 90) to extend the provisions of the act of March 2, 1855, to lands selected as swamp lands by the State of Louisiana under the act of March 2, 1849; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 91) for the relief of the trustees of Isaac R. Trimble of the city of Baltimore, Md.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 92) for the relief of Michael J. Brown; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 93) for the relief of Terence and Joseph Byrne, of Washington County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 94) for the relief of Jacob D. Eavey; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 95) for the relief of Mrs. Catharine Litle, of Washington County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 96) for the relief of the estate of Jacob Grim, late of Washington County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 97) for the relief of Michael Bartholow; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 98) for the relief of George E. Stonebraker, of Washington County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 99) for the relief of George E. Stonebraker, administrator of Christian Stonebraker, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 100) for the relief of Robert K. Thrasher; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 101) for the relief of William W. Wenner, executor of the estate of Joseph Waltman; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent obtained, leave to introduce a bill (S. 102) for the relief of Israel Kessler, of Frederick County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent obtained, leave to introduce a bill (S. 103) for the relief of Isaac Renn; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent obtained, leave to introduce a bill (S. 104) for the relief of Abraham Shaff, of Frederick County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 105) for the relief of George Thomas of H., of Frederick County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 106) for the relief of Michael Culler, of Frederick County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 107) for the relief of Charles W. Hoffman, executor of the estate of William C. Hoffman; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 108) for the relief of Ezra M. Thomas, of Frederick County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 109) for the relief of William H. Vinson; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 110) for the relief of Benjamin Duvall, of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 111) for the relief of Thomas H. Rabbitt, of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S.112) for the relief of Benjamin F. Ball, of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 113) for the relief of Stephen M. Lyddane, of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 114) for the relief of William A. Wroe; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 115) for the relief of William Rouzer; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 116) for the relief of Henrietta Talbert and Susan Benson, heirs of Jonathan B. Benson, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 117) for the relief of Margaret A. Hickman; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 118) for the relief of Robert W. Smoot; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 119) for the relief of Samuel T. Magruder; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 120) for the relief of Reuben Rowzee, of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 121) for the relief of William T. Lewis, executor of John H. Lewis, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 122) for the relief of Henry A. Pumphrey; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 123) for the relief of William S. Wilson, of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 124) for the relief of W. S. Offutt, jr., of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 125) for the relief of Lewis W. and Sarah E. Williams, of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 126) for the relief of Elizabeth A. Jarboe, of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 127) for the relief of the estate of Louisa G. Beall, late of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 128) for the relief of Charles A. Duvall, of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 129) for the relief of Osborn S. Wilson, of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 130) for the relief of Howard Griffith; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 131) for the relief of Richard T. West, of Montgomery County, Maryland; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 132) for the relief of Sarah Ellen Cady; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 133) for the relief of Jaspar M. Jackson; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 134) for the relief of James F. Peerce; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 135) for the donation of the public land known as the Fort Brooke military reservation, in Florida, to the town of Tampa, in Florida; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 136) for the continuance of work on the bar at the mouth of the Saint John's River, Florida; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 137) for the relief of Ellen C. Long and Mary K. Brevard, heirs of Richard K. Call, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 138) making an appropriation for lighting the Saint

John's River, Florida; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

Mr. MAXEY asked and, by unanimous consent, obtained leave to introduce a bill (S. 139) for the relief of C. M. Wilcox; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. 140) to establish a bureau of statistics of labor; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Education and Labor when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 141) to fix and regulate the hours of labor of laborers, workmen, and mechanics employed by the Government of the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Education and Labor when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 142) for the relief of Isaac Polhamus, jr., and others; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 143) for the relief of Willis N. Arnold; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 144) granting a pension to George W. Bean; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

Mr. BUTLER asked and, by unanimous consent, obtained leave to introduce a bill (S. 145) making appropriation for continuing work on the jetties at Charleston Harbor; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 146) making appropriation for the erection of a public building at Greenville, S. C.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. 147) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 148) to provide civil government for Alaska, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Territories when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 149) to correct the western and southern boundaries of the White Mountain Indian reservation, in the Territory of Arizona; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Indian Affairs when appointed.

Mr. HAWLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. 150) granting a pension to Sarah Denny Ripley; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 151) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the District of Columbia when appointed.

Mr. HARRISON asked and, by unanimous consent, obtained leave to introduce a bill (S. 152) to fix the salary of the judge of the district court of the United States for the district of Indiana; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 153) providing a civil government for the Territory of Alaska; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Territories when appointed.

Mr. JONES, of Florida (by request), asked and, by unanimous consent, obtained leave to introduce a bill (S. 154) to extend the provisions of section 4631, Title LVI, Prize, of the Revised Statutes, and of the act of June 8, 1874, in relation to prize-money to fleet-officers; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Naval Affairs when appointed.

Mr. SEWELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 155) for the protection of fisheries on the Atlantic coast; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Foreign Relations when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 156) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide for arms for the militia; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 157) to reorganize the Inspector-General's Department of the Army; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 158) for the relief of Fitz-John Porter; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 159) for the relief of Rodman M. Price, late United States Navy; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Naval Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 160) for the erection of a public building at Camden, N. J.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

Mr. BECK asked and, by unanimous consent, obtained leave to introduce a bill (S. 161) to establish the eastern judicial district of Kentucky; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 162) to provide for the erection of a public building in the city of Lexington, Ky.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 163) for the relief of J. D. Butler; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 164) for the relief of John C. Herndon; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 165) for the relief of William H. Gray; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 166) for the relief of Oliver H. Perry, administrator of Mary Scott, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 167) for the relief of John Thorns; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 168) for the relief of George Denny, sr.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 169) for the relief of Amelia B. Caldwell, administratrix of John B. Caldwell, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 170) for the relief of Thomas M. Redd; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 171) for the relief of J. W. Bowling and J. S. Gollady; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 172) for the relief of Robert Langston; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. BECK. In the case of all these private bills to be referred to the Committee on Claims there are papers on file which I ask to have withdrawn for reference with the bills.

The PRESIDENT *pro tempore*. Have there been adverse reports made upon them?

Mr. BECK. No adverse report has been made in any of these cases, I think.

The PRESIDENT *pro tempore*. The order will be made, subject to the rule.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a bill (S. 173) to provide a building for the use of the United States courts, post-office, custom-office, and internal-revenue office at

Vicksburg, Miss.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 174) to preserve and improve the harbor at Vicksburg, in the State of Mississippi; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 175) to enlarge the powers and duties of the Department of Agriculture; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Agriculture when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 176) to protect employés and servants engaged in foreign and interstate commerce, and employés in the District of Columbia and the Territories of the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Education and Labor when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 177) to enforce forfeiture to the United States of lands heretofore granted to railroad corporations, and to apply the same to education; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 178) to repeal section 714 of the Revised Statutes, allowing pensions to judges in certain cases; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. HAMPTON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 179) to provide for the settlement of the claims of the officers and soldiers of the Revolutionary army, and of the widows and children of those who died in the service; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Revolutionary Claims when appointed.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. 180) for the relief of Stephen N. Smith; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Patents when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 181) to provide for ascertaining and settling a certain private land claim in the Territory of Arizona; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Private Land Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 182) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, R. I.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 183) to remove the charge of desertion from the military record of William Hull; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 184) for the relief of William G. Budlong; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Patents when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 185) granting a pension to Mrs. Mary S. W. Harris; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 186) granting a pension to Penelope T. Heald; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 187) to amend section 4414 of the Revised Statutes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 188) granting an increase of pension to Mary E. Ryan; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 189) granting a pension to Amos C. Weeden; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 190) to amend section 2763 of the Revised Statutes, relating to use of steam-launches in going on board of vessels; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 191) for the relief of George C. and William J. Munro; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 192) granting a pension to Mary A. Mykins; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 193) to amend section 2983 of the Revised Statutes of the United States, so that the duties paid upon sugars shall be assessed upon the quantity delivered from, instead of the quantity entered into, bonded warehouses; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Finance when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 195) granting a pension to Emily Munroe; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 196) for the relief of the devisees of the late Daniel Carroll; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the District of Columbia when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 197) to amend section 1571 of the Revised Statutes, in regard to service in the Navy; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Naval Affairs when appointed.

Mr. GARLAND. This morning the Senator from Kentucky [Mr. BECK] introduced a bill in reference to certain oaths prescribed in the statutes, and the President of the Senate also introduced a bill in reference to sections 1756 and 1757 on that subject. In June, 1882, the Committee on the Judiciary, by a unanimous report, instructed me to bring in a bill covering those subjects, which I reported, but it was never reached upon the Calendar. I ask leave now, without previous notice, to introduce the bill, and to have it referred to the Committee on the Judiciary when appointed.

By unanimous consent leave was granted to introduce a bill (S. 198) amending section 1218 of the Revised Statutes, in reference to the disqualification of persons from appointment to any position in the Army of the United States, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 199) for the relief of the heirs of Richard W. Meade; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. MITCHELL. I also ask, if it be necessary under the rules, that the papers on file in the Secretary's office relating to the case covered by the bill just introduced be referred to the Committee on Claims when appointed.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. MITCHELL. There has not; on the contrary, a favorable report.

The PRESIDENT *pro tempore*. The order for the withdrawal of the papers in this case and their reference to the committee to which the bill is to be referred will be granted, subject to the rule, if there be no objection.

Mr. VEST asked and, by unanimous consent, obtained leave to introduce a bill (S. 200) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 201) to establish rules for preventing collisions at sea and on the waters of the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 202) for the relief of John L. Cunningham; which was read twice by its title, and ordered to lie on the table, to be referred, with the accompanying papers, to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 203) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 204) to repeal sections 1, 2, 3, 4, 5, 6, 7, and 9 of the act

of Congress approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;" which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 205) to authorize the Secretary of the Treasury to examine certain vouchers filed by the State of Missouri for pay due to the officers and men of the militia of said State for military services, as evidenced by the proper pay-rolls heretofore filed with, accepted by, and paid upon, by the Government of the United States, and to report to Congress; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 206) making appropriation for the purchase of ground and the erection thereon, in the city of Washington, of a building to be used as a hall of records; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 207) to amend section 1190 of the Revised Statutes of the United States, relating to paymasters' clerks of the United States Army; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 208) providing for the appointment of commissioners to ascertain what just claims for military services performed by officers and privates of the military forces of the State of Missouri in the suppression of the rebellion, in concert with the authorities of the United States and subject to their orders, still remain unpaid and not assumed by said State, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 209) to establish a United States court in the Indian Territory, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Territories when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 210) donating to the city of Saint Louis, Mo., a certain strip of land for street purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 211) for the relief of the legal representatives of the owners of the steamer Sultana; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 212) for the relief of Richard F. Barrett; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 213) for the relief of Joseph Knight; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 214) for the relief of Maria E. Warfield; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 215) to prohibit clerks of the Federal courts from collecting fees in any common-law action for copying the papers filed in such cause in a book styled "The Final Record," and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 216) fixing compensation of United States marshals and deputies, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 217) to amend section 3734 of the Revised Statutes, and to provide for the erection of public buildings by contract with the lowest bidders; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 218) fixing the compensation of United States district attorneys, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 219) to authorize the construction of bridges across the Missouri River between its mouth and the mouth of the Dakota or James River, and across the Mississippi River between the port of Saint Paul, in the State of Minnesota, and the port of Natchez, in the State of Mississippi, and across the Illinois River between its mouth and Peoria, in the State of Illinois, and to prescribe the character, location, and dimensions of the same; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 220) to donate Lake Creve Cœur, in Saint Louis County, Missouri, to the State of Missouri; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Territories when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 222) for the relief of certain officers of the Missouri State militia; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 223) for the relief of Helen M. Fiedler; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Foreign Relations when appointed.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 224) for the erection of a public building at Jacksonville, Fla.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 225) providing for a public building at Key West, Fla.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

Mr. MORRILL asked and, by unanimous consent, obtained leave to introduce a bill (S. 226) relating to coinage, silver certificates, and United States notes; which was read twice by its title.

Mr. MORRILL. I ask to have the bill printed and lie on the table. Whether all will agree with every part of the bill or not, I am quite sure that some action will be recognized as necessary at the present time by all. I give notice that I propose to-morrow, or at an early day, to submit some remarks explanatory of the bill.

The PRESIDENT *pro tempore*. The bill will lie upon the table.

Mr. HILL asked and, by unanimous consent, obtained leave to introduce a bill (S. 227) to establish a system of postal telegraphs in the United States; which was read twice by its title.

Mr. HILL. I move that the bill be printed and lie on the table until otherwise ordered.

The motion was agreed to.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 228) to appropriate and expend $50,000,000, derived from the internal-revenue taxes and sale of public lands, for the education of all the children living in the United States; which was read twice by its title, and ordered to lie on the table.

Mr. VEST asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 1) for the payment of certain moneys to the Crow Indians and the confederated tribes of Flathead, Kootenay, and Pend d'Oreille Indians, in Montana Territory; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Indian Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 2) for the relief of Helen M. Fiedler; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Foreign Relations when appointed.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 3) for the relief of the widow and children of John W. Judson, late agent of the United States at Oswego, N. Y., for public works on Lake Ontario; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. LAMAR asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 4) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Railroads when appointed.

Mr. WILSON asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States; which was read twice by its title.

Mr. WILSON. I desire that the joint resolution may be laid upon the table for the present; and I wish to say that to-morrow, or at such early time as may accord with the pleasure of the Senate, it is my purpose to submit some observations concerning it, after which I shall move its reference to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The joint resolution will lie on the table.

ORGANIZATION OF THE HOUSE.

Mr. CLARK, the Clerk of the House of Representatives, appeared below the bar of the Senate, and said:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House has assembled, and that JOHN G. CARLISLE, a Representative from the State of Kentucky, has been chosen Speaker, and JOHN B. CLARK, jr., a citizen of the State of Missouri, Clerk; and that the House of Representatives is ready to proceed to business.

I am further directed to inform the Senate that the House has passed a resolution that a committee of three be appointed on the part of the House of Representatives to join the committee appointed on the part of the Senate to wait upon the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LAMAR, it was

Ordered, That the papers relating to the claim of the Mobile and Ohio Railroad Company be taken from the files of the Senate and referred to the Committee on Railroads when appointed.

On motion of Mr. HARRIS, it was

Ordered, That the petition and accompanying papers in the case of Frances E. Stewart, administratrix of Michael S. Stewart, deceased, of the State of Tennessee, be taken from the files of the Senate and referred to the Committee on Claims when appointed.

On motion of Mr. MILLER, of New York, it was

Ordered, That permission is hereby given to Capt. John H. Walker, late of the Fourteenth United States Infantry, or his representative, to withdraw from the files of the United States Senate the papers accompanying his petition for relief, filed in the second session of the Forty-sixth Congress, subject to the rules of the Senate.

On motion of Mr. MAXEY, it was

Ordered, That the papers in the case of C. M. Wilcox be withdrawn from the files of the Senate and referred to the Committee on Military Affairs when appointed, subject to the rule.

SIOUX INDIAN INVESTIGATION.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the testimony taken by the select committee appointed March 2, 1883, to examine into the condition of the Sioux Indians upon their reservation, and into the grievances of the Indian tribes in the Territory of Montana, be printed for the use of the committee only.

THE YELLOWSTONE NATIONAL PARK.

Mr. VEST. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate copies of all leases, contracts, orders, instructions, or regulations made or issued by the Interior Department since the last session of Congress in relation to the Yellowstone National Park; also copies of any applications made for the privilege of erecting hotels or other buildings or for transporting tourists or visitors in said park, and what action was taken as to such applications; also the names of the persons appointed policemen or assistants to the superintendent of the park, and from what States they were appointed, and whether they are now residing in the park, as required by law; also copies of all correspondence and other papers in regard to said park placed on file in the Department since the last session.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. DAWES. I ask the Senator from Missouri to also add copies of all orders issued by the Interior Department in reference to exclusive privileges in the park.

Mr. VEST. I believe that is included in the resolution.

Mr. DAWES. I did not quite understand it.

Mr. VEST. I intended it.

The PRESIDENT *pro tempore*. The resolution will be again read.

The resolution was read.

Mr. DAWES. I think if the Senator would add "also by order of the Department" he would reach what I have in my mind.

Mr. VEST. I have no objection to that modification.

Mr. DAWES. Let it read, "issued by the Department or by its order."

Mr. VEST. That would be a good amendment. Let the resolution be so modified.

The PRESIDENT *pro tempore*. The Senator from Missouri modifies his resolution by adding after the words "made or issued by the Interior Department" the words "or by its order," and, so modified, he asks for the adoption of the resolution.

The resolution as modified was agreed to.

LEASES IN INDIAN TERRITORY.

Mr. WALKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish, for the information of the Senate, copies of all documents and correspondence in his office relating to leases of lands in the Indian Territory to citizens of the United States for cattle-grazing and other purposes.

RECESS.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions, there being no Calendar, and no business upon the table, the Chair awaits the further pleasure of the Senate.

Mr. SHERMAN (at 1 o'clock and 55 minutes p. m.). On account of some delay in the organization of the other House, the committee have not been able to perform the duty enjoined upon them by the Senate and the House, to wait upon the President. I suggest, therefore, as further delay ought not to be created, that the Senate take a recess until half past 2 o'clock. I am told that by that time probably we shall be able to perform our duty.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Ohio, that the Senate take a recess until half past 2 o'clock.

The motion was agreed to; and at the expiration of the recess (at 2 o'clock and 30 minutes p. m.) the Senate reassembled.

Mr. PLATT (at 2 o'clock and 35 minutes p. m.). I move that the Senate take a further recess until 3 o'clock.

The motion was agreed to; and at the expiration of the recess (at 3 o'clock p. m.) the Senate reassembled.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN and Mr. BAYARD, the committee appointed in conjunction with a similar committee of the House of Representatives to wait upon the President of the United States, appeared below the bar, and

Mr. SHERMAN said: The committee on the part of the two Houses, directed by the respective Houses to wait upon the President and inform him of their organization and that they were ready to receive any communication he might see proper to make to them, have performed their duty; and he requests the committee to inform the two Houses that he sends them the compliments of the season, his congratulations upon their organization, and that he will immediately communicate to them a message in writing.

PRESIDENT'S ANNUAL MESSAGE.

The PRESIDENT *pro tempore*. The Chair will receive a message from the President of the United States.

Mr. O. L. PRUDEN, one of the secretaries of the President of the United States, appeared at the bar of the Senate, and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the Secretary and handed to the President *pro tempore*.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the annual message of the President of the United States, which the Secretary will read.

The Acting Secretary of the Senate (Mr. FRANCIS E. SHOBER) read the message, as follows:

To the Congress of the United States:

At the threshold of your deliberations I congratulate you upon the favorable aspect of the domestic and foreign affairs of this Government.

Our relations with other countries continue to be upon a friendly footing.

With the Argentine Republic, Austria, Belgium, Brazil, Denmark, Hayti, Italy, Santo Domingo, and Sweden and Norway no incident has occurred which calls for special comment. The recent opening of new lines of telegraphic communication with Central America and Brazil permitted the interchange of messages of friendship with the governments of those countries.

During the year there have been perfected and proclaimed consular and commercial treaties with Serbia and a consular treaty with Roumania, thus extending our intercourse with the Danubian countries, while our eastern relations have been put upon a wider basis by treaties with Corea and Madagascar. The new boundary-survey treaty with Mexico, a trades-mark convention and a supplementary treaty of extradition with Spain, and conventions extending the duration of the Franco-American Claims Commission have also been proclaimed.

Notice of the termination of the fisheries articles of the treaty of Washington was duly given to the British Government, and the reciprocal privileges and exemptions of the treaty will accordingly cease on July 1, 1885. The fisheries industries, pursued by a numerous class of our citizens on the northern coasts both of the Atlantic and Pacific Oceans, are worthy of the fostering care of Congress. Whenever brought into competition with the like industries of other countries, our fishermen, as well as our manufacturers of fishing appliances and preparers of fish products, have maintained a foremost place. I suggest that Congress create a commission to consider the general question of our rights in the fisheries and the means of opening to our citizens, under just and enduring conditions, the richly stocked fishing waters and sealing grounds of British North America.

Question has arisen touching the deportation to the United States from the British Islands, by governmental or municipal aid, of persons unable there to gain a living and equally a burden on the community here. Such of these persons as fall under the pauper class as defined by law have been sent back in accordance with the provisions of our statutes. Her Majesty's Government has insisted that precautions have been taken before shipment to prevent these objectionable visitors from

coming hither without guarantee of support by their relatives in this country. The action of the British authorities in applying measures for relief has, however, in so many cases proved ineffectual, and especially so in certain recent instances of needy emigrants reaching our territory through Canada, that a revision of our legislation upon this subject may be deemed advisable. Correspondence relative to the Clayton-Bulwer treaty has been continued and will be laid before Congress.

The legislation of France against the importation of prepared swine products from the United States has been repealed. That result is due no less to the friendly representations of this Government than to a growing conviction in France that the restriction was not demanded by any real danger to health.

Germany still prohibits the introduction of all swine products from America. I extended to the Imperial Government a friendly invitation to send experts to the United States to inquire whether the use of those products was dangerous to health. This invitation was declined. I have believed it of such importance, however, that the exact facts should be ascertained and promulgated, that I have appointed a competent commission to make a thorough investigation of the subject. Its members have shown their public spirit by accepting their trust without pledge of compensation, but I trust that Congress will see in the national and international bearings of the matter a sufficient motive for providing at least for reimbursement of such expenses as they may necessarily incur.

The coronation of the czar at Moscow afforded to this Government an occasion for testifying its continued friendship by sending a special envoy and a representative of the Navy to attend the ceremony.

While there have arisen during the year no grave questions affecting the status in the Russian Empire of American citizens of other faith than that held by the national church, this Government remains firm in its conviction that the rights of its citizens abroad should be in nowise affected by their religious belief.

It is understood that measures for the removal of the restrictions which now burden our trade with Cuba and Puerto Rico are under consideration by the Spanish Government.

The proximity of Cuba to the United States, and the peculiar methods of administration which there prevail, necessitate constant discussion and appeal on our part from the proceedings of the insular authorities. I regret to say that the just protests of this Government have not as yet produced satisfactory results.

The commission appointed to decide certain claims of our citizens against the Spanish Government, after the recognition of a satisfactory rule as to the validity and force of naturalization in the United States, has finally adjourned. Some of its awards, though made more than two years ago, have not yet been paid. Their speedy payment is expected.

Claims to a large amount which were held by the late commission to be without its jurisdiction have been diplomatically presented to the Spanish Government. As the action of the colonial authorities, which has given rise to these claims, was admittedly illegal, full reparation for the injury sustained by our citizens should be no longer delayed.

The case of the Masonic has not yet reached a settlement. The Manila court has found that the proceedings of which this Government has complained were unauthorized, and it is hoped that the Government of Spain will not withhold the speedy reparation which its sense of justice should impel it to offer for the unusual severity and unjust action of its subordinate colonial officers in the case of this vessel.

The Helvetian Confederation has proposed the inauguration of a class of international treaties for the referment to arbitration of grave questions between nations. This Government has assented to the proposed negotiation of such a treaty with Switzerland.

Under the treaty of Berlin, liberty of conscience and civil rights are assured to all strangers in Bulgaria. As the United States have no distinct conventional relations with that country and are not a party to the treaty, they should in my opinion maintain diplomatic representation at Sofia for the improvement of intercourse and the proper protection of the many American citizens who resort to that country as missionaries and teachers. I suggest that I be given authority to establish an agency and consulate-general at the Bulgarian capital.

The United States are now participating in a revision of the tariffs of the Ottoman Empire. They have assented to the application of a license tax to foreigners doing business in Turkey, but have opposed the oppressive storage tax upon petroleum entering the ports of that country.

The government of the Khedive has proposed that the authority of the mixed judicial tribunals in Egypt be extended so as to cover citizens of the United States accused of crime who are now triable before consular courts. This Government is not indisposed to accept the change, but believes that its terms should be submitted for criticism to the commission appointed to revise the whole subject.

At no time in our national history has there been more manifest need of close and lasting relations with a neighboring state than now exists with respect to Mexico. The rapid influx of our capital and enterprise into that country shows, by what has already been accomplished, the vast reciprocal advantages which must attend the progress of its internal development. The treaty of commerce and navigation of 1848 has been terminated by the Mexican Government, and in the absence of conventional engagements the rights of our citizens in Mexico now depend upon the domestic statutes of that republic. There have been instances of harsh enforcement of the laws against our vessels and citizens in Mexico and of denial of the diplomatic resort for their protection. The initial step toward a better understanding has been taken in the negotiation by the commission authorized by Congress of a treaty, which is still before the Senate awaiting its approval.

The provisions for the reciprocal crossing of the frontier by the troops in pursuit of hostile Indians have been prolonged for another year. The operations of the forces of both governments against these savages have been successful, and several of their most dangerous bands have been captured or dispersed by the skill and valor of United States and Mexican soldiers fighting in a common cause.

The convention for the resurvey of the boundary from the Rio Grande to the Pacific having been ratified and exchanged, the preliminary reconnaissance therein stipulated has been effected. It now rests with Congress to make provision for completing the survey and relocating the boundary monuments.

A convention was signed with Mexico on July 13, 1882, providing for the rehearing of the cases of Benjamin Weil and the Abra Silver Mining Company, in whose favor awards were made by the late American and Mexican Claims Commission. That convention still awaits the consent of the Senate. Meanwhile, because of those charges of fraudulent awards which have made a new commission necessary, the Executive has directed the suspension of payments of the distributive quota received from Mexico.

Our geographical proximity to Central America and our political and commercial relations with the states of that country justify, in my judgment, such a material increase of our consular corps as will place at each capital a consul-general.

The contest between Bolivia, Chile, and Peru has passed from the stage of strategic hostilities to that of negotiation, in which the counsels of this Government have been exercised. The demands of Chile for absolute cession of territory have been maintained, and accepted by the party of General Iglesias to the extent of concluding a treaty of peace with the Government of Chile in general conformity with the terms of the protocol signed in May last between the Chilean commander and General Iglesias. As a result of the conclusion of this treaty, General Iglesias has been formally recognized by Chile as President of Peru, and his government installed at Lima, which has been evacuated by the Chileans. A call has been issued by General Iglesias for a representative assembly, to be elected on the 13th of January, and to meet at Lima on the 1st of March next. Meanwhile the provisional government of General Iglesias has applied for recognition to the principal powers of America and Europe. When the will of the Peruvian people shall be manifested I shall not hesitate to recognize the government approved by them.

Diplomatic and naval representatives of this Government attended at Caracas the centennial celebration of the birth of the illustrious Bolivar. At the same time the inauguration of the statue of Washington in the Venezuelan capital testified to the veneration in which his memory is there held.

Congress at its last session authorized the Executive to propose to Venezuela a reopening of the awards of the mixed commission of Caracas. The departure from this country of the Venezuelan minister has delayed the opening of negotiations for reviving the commission. This Government holds that until the establishment of a treaty upon this subject the Venezuelan Government must continue to make the payments provided for in the convention of 1866.

There is ground for believing that the dispute growing out of the unpaid obligations due from Venezuela to France will be satisfactorily adjusted. The French cabinet has proposed a basis of settlement which meets my approval, but as it involves a recasting of the annual quotas of the foreign debt it has been deemed advisable to submit the proposal to the judgment of the cabinets of Berlin, Copenhagen, The Hague, London, and Madrid.

At the recent coronation of His Majesty King Kalakaua this Government was represented both diplomatically and by the formal visit of a vessel of war.

The question of terminating or modifying the existing reciprocity treaty with Hawaii is now before Congress. I am convinced that the charges of abuses and frauds under that treaty have been exaggerated, and I renew the suggestion of last year's message, that the treaty be modified wherever its provisions have proved onerous to legitimate trade between the two countries. I am not disposed to favor the entire cessation of the treaty relations which have fostered good-will between the countries and contributed toward the equality of Hawaii in the family of nations.

In pursuance of the policy declared by this Government of extending our intercourse with the Eastern nations, legations have during the past year been established in Persia, Siam, and Corea. It is probable that permanent missions of those countries will ere long be maintained in the United States. A special embassy from Siam is now on its way hither.

Treaty relations with Corea were perfected by the exchange at Seôul, on the 19th of May last, of the ratifications of the lately concluded convention, and envoys from the King of Tah Chosun have visited this country and received a cordial welcome. Corea, as yet unacquainted

with the methods of Western civilization, now invites the attention of those interested in the advancement of our foreign trade, as it needs the implements and products which the United States are ready to supply. We seek no monopoly of its commerce and no advantages over other nations, but as the Chosunese, in reaching for a higher civilization, have confided in this Republic, we can not regard with indifference any encroachment on their rights.

China, by the payment of a money indemnity, has settled certain of the long-pending claims of our citizens, and I have strong hopes that the remainder will soon be adjusted.

Questions have arisen touching the rights of American and other foreign manufacturers in China under the provisions of treaties which permit aliens to exercise their industries in that country. On this specific point our own treaty is silent, but under the operation of the most-favored-nation clause we have like privileges with those of other powers. While it is the duty of the Government to see that our citizens have the full enjoyment of every benefit secured by treaty, I doubt the expediency of leading in a movement to constrain China to admit an interpretation which we have only an indirect treaty right to exact. The transference to China of American capital for the employment there of Chinese labor would in effect inaugurate a competition for the control of markets now supplied by our home industries.

There is good reason to believe that the law restricting the immigration of Chinese has been violated, intentionally or otherwise, by the officials of China upon whom is devolved the duty of certifying that the immigrants belong to the excepted classes.

Measures have been taken to ascertain the facts incident to this supposed infraction, and it is believed that the Government of China will co-operate with the United States in securing the faithful observance of the law.

The same considerations which prompted Congress at its last session to return to Japan the Simonoseki indemnity seems to me to require at its hands like action in respect to the Canton indemnity fund, now amounting to $300,000.

The question of the general revision of the foreign treaties of Japan has been considered in an international conference held at Tokio, but without definite result as yet. This Government is disposed to concede the requests of Japan to determine its own tariff duties, to provide such proper judicial tribunals as may commend themselves to the western powers for the trial of causes to which foreigners are parties, and to assimilate the terms and duration of its treaties to those of other civilized states.

Through our ministers at London and at Monrovia this Government has endeavored to aid Liberia in its differences with Great Britain touching the northwestern boundary of that republic. There is a prospect of adjustment of the dispute by the adoption of the Mannah River as the line. This arrangement is a compromise of the conflicting territorial claims, and takes from Liberia no country over which it has maintained effective jurisdiction.

The rich and populous valley of the Congo is being opened to commerce by a society called the International African Association, of which the King of the Belgians is the president and a citizen of the United States the chief executive officer. Large tracts of territory have been ceded to the association by native chiefs, roads have been opened, steamboats placed on the river, and the *nuclei* of states established at twenty-two stations under one flag, which offers freedom to commerce and prohibits the slave trade. The objects of the society are philanthropic. It does not aim at permanent political control, but seeks the neutrality of the valley. The United States can not be indifferent to this work nor to the interests of their citizens involved in it. It may become advisable for us to co-operate with other commercial powers in promoting the rights of trade and residence in the Congo Valley free from the interference or political control of any one nation.

In view of the frequency of invitations from foreign governments to participate in social and scientific congresses for the discussion of important matters of general concern I repeat the suggestion of my last message, that provision be made for the exercise of discretionary power by the Executive in appointing delegates to such convocations. Able specialists are ready to serve the national interests in such capacity without personal profit or other compensation than the defrayment of expenses actually incurred, and this a comparatively small annual appropriation would suffice to meet.

I have alluded in my previous messages to the injurious and vexatious restrictions suffered by our trade in the Spanish West Indies. Brazil, whose natural outlet for its great national staple, coffee, is in and through the United States, imposes a heavy export duty upon that product. Our petroleum exports are hampered in Turkey and in other eastern ports by restrictions as to storage and by onerous taxation. For these mischiefs adequate relief is not always afforded by reciprocity treaties like that with Hawaii or that lately negotiated with Mexico and now awaiting the action of the Senate. Is it not advisable to provide some measure of equitable retaliation in our relations with governments which discriminate against our own? If, for example, the Executive were empowered to apply to Spanish vessels and cargoes from Cuba and Puerto Rico the same rules of treatment and scale of penalties for technical faults which are applied to our vessels and cargoes in the Antilles, a resort to that course might not be barren of good results.

The report of the Secretary of the Treasury gives a full and interesting exhibit of the financial condition of the country.

It shows that the ordinary revenues from all sources for the fiscal year ended June 30, 1883, amounted to $398,287,581 95

Whereof there was received—

From customs	$214,706,496 93	
From internal revenue	144,720,368 98	
From sales of public lands	7,955,864 42	
From tax on circulation and deposits of national banks	9,111,008 85	
From profits on coinage, bullion deposits, and assays	4,460,205 17	
From other sources	17,333,637 60	
Total		398,287,581 95

For the same period the ordinary expenditures were:

For civil expenses	22,343,285 76
For foreign intercourse	2,419,275 24
For Indians	7,362,590 34
For pensions	66,012,573 64
For the military establishment, including river and harbor improvements and arsenals	48,911,382 93
For the naval establishment, including vessels, machinery, and improvements at navy-yards	15,283,437 17
For miscellaneous expenditures, including public buildings, light-houses, and collecting the revenue	40,098,432 73
For expenditures on account of the District of Columbia	3,817,028 48
For interest on the public debt	59,160,131 25
Total	265,408,137 54
Leaving a surplus revenue of	132,879,444 41
Which, with an amount drawn from the cash balance in the Treasury of	1,299,312 55
Making	134,178,756 96

Was applied to the redemption—

Of bonds for the sinking fund	44,850,700 00
Of fractional currency for the sinking fund	46,556 96
Of funded loan of 1881, continued at 3½ per cent	65,380,250 00
Of loan of July and August, 1861, continued at 3½ per cent	20,594,600 00
Of funded loan of 1907	1,418,850 00
Of funded loan of 1881	719,150 00
Of loan of February, 1861	18,000 00
Of loan of July and August, 1861	266,600 00
Of loan of March, 1863	116,850 00
Of loan of July, 1882	47,650 00
Of five-twenties of 1862	10,300 00
Of five-twenties of 1864	7,050 00
Of five-twenties of 1865	9,600 00
Of ten-forties of 1864	133,550 00
Of consols of 1865	40,800 00
Of consols of 1867	235,700 00
Of consols of 1868	154,650 00
Of Oregon-war debt	5,450 00
Of refunding certificates	109,150 00
Of old demand, compound-interest, and other notes	13,300 00
Total	134,178,756 96

The revenue for the present fiscal year, actual and estimated, is as follows:

Source.	For the quarter ended September 30, 1883. Actual.	For the remaining three quarters of the year. Estimated.
From customs	$57,402,975 67	$137,597,024 33
From internal revenue	29,662,078 60	90,337,921 40
From sale of public lands	2,932,635 17	5,067,364 83
From tax on circulation and deposits of national banks	1,557,800 88	1,542,199 12
From repayment of interest and sinking fund, Pacific railway companies	521,059 51	1,478,940 49
From customs fees, fines, penalties, &c	298,696,78	901,303 22
From fees—consular, letters patent, and lands	863,209 80	2,436,790 20
From proceeds of sales of Government property	112,562 23	167,437 77
From profits on coinage, &c	950,229 46	3,149,770 54
From deposits for surveying public lands	172,461 31	327,538 69
From revenues of the District of Columbia	256,017 99	1,643,982 01
From miscellaneous sources	1,237,189 63	2,382,810 37
Total receipts	95,966,917 03	247,033,082 97

The actual and estimated expenses for the same period are:

Object.	For the quarter ended September 30, 1883.	For the remaining three quarters of the year.
	Actual.	Estimated.
For civil and miscellaneous expenses, including public buildings, light-houses, and collecting the revenue	$15,385,799 42	$51,114,200 58
For Indians	2,623,390 54	4,126,609 46
For pensions	16,285,261 98	53,714,738 02
For military establishment, including fortifications, river and harbor improvements, and arsenals	13,512,204 33	26,487,795 67
For naval establishment, including vessels and machinery, and improvements at navy-yards	4,199,299 69	12,300,700 31
For expenditures on account of the District of Columbia	1,138,836 41	2,611,163 59
For interest on the public debt	14,797,297 96	39,702,702 04
Total ordinary expenditures	67,942,090 33	190,057,909 67

Total receipts, actual and estimated	$343,000,000 00
Total expenditures, actual and estimated	258,000,000 00
	85,000,000 00
Estimated amount due the sinking fund	45,816,741 07
Leaving a balance of	39,183,258 93

If the revenue for the fiscal year which will end on June 30, 1885, be estimated upon the basis of existing laws, the Secretary is of the opinion that for that year the receipts will exceed by $60,000,000 the ordinary expenditures, including the amount devoted to the sinking fund.

Hitherto the surplus as rapidly as it has accumulated has been devoted to the reduction of the national debt.

As a result the only bonds now outstanding which are redeemable at the pleasure of the Government are the 3 percents, amounting to about $305,000,000.

The 4½ percents, amounting to $250,000,000, and the $737,000,000 4 percents are not payable until 1891 and 1907, respectively.

If the surplus shall hereafter be as large as the Treasury estimates now indicate, the 3 per cent. bonds may all be redeemed at least four years before any of the 4½ percents can be called in. The latter at the same rate of accumulation of surplus can be paid at maturity, and the moneys requisite for the redemption of the 4 percents will be in the Treasury many years before those obligations become payable.

There are cogent reasons, however, why the national indebtedness should not be thus rapidly extinguished. Chief among them is the fact that only by excessive taxation is such rapidity attainable.

In a communication to the Congress at its last session I recommended that all excise taxes be abolished except those relating to distilled spirits and that substantial reductions be also made in the revenues from customs. A statute has since been enacted by which the annual tax and tariff receipts of the Government have been cut down to the extent of at least fifty or sixty millions of dollars.

While I have no doubt that still further reductions may be wisely made I do not advise the adoption at this session of any measures for large diminution of the national revenues. The results of the legislation of the last session of the Congress have not as yet become sufficiently apparent to justify any radical revision or sweeping modifications of existing law.

In the interval which must elapse before the effects of the act of March 3, 1883, can be definitely ascertained a portion at least of the surplus revenues may be wisely applied to the long-neglected duty of rehabilitating our Navy and providing coast defenses for the protection of our harbors. This is a matter to which I shall again advert.

Immediately associated with the financial subject just discussed is the important question what legislation is needed regarding the national currency.

The aggregate amount of bonds now on deposit in the Treasury to support the national-bank circulation is about $350,000,000. Nearly $200,000,000 of this amount consists of 3 percents, which, as already stated, are payable at the pleasure of the Government, and are likely to be called in within less than four years unless meantime the surplus revenues shall be diminished.

The probable effect of such an extensive retirement of the securities which are the basis of the national-bank circulation would be such a contraction of the volume of the currency as to produce grave commercial embarrassments.

How can this danger be obviated? The most effectual plan, and one whose adoption at the earliest practicable opportunity I shall heartily approve, has already been indicated.

If the revenues of the next four years shall be kept substantially commensurate with the expenses, the volume of circulation will not be likely to suffer any material disturbance.

But if, on the other hand, there shall be great delay in reducing taxation, it will become necessary either to substitute some other form of currency in place of the national-bank notes or to make important changes in the laws by which their circulation is now controlled.

In my judgment the latter course is far preferable. I commend to your attention the very interesting and thoughtful suggestions upon this subject which appear in the Secretary's report.

The objections which he urges against the acceptance of any other securities than the obligations of the Government itself as a foundation for national-bank circulation seem to me insuperable.

For averting the threatened contraction two courses have been suggested, either of which is probably feasible. One is the issuance of new bonds, having many years to run, bearing a low rate of interest, and exchangeable upon specified terms for those now outstanding. The other course, which commends itself to my own judgment as the better, is the enactment of a law repealing the tax on circulation and permitting the banks to issue notes for an amount equal to 90 per cent. of the market value instead of as now the face value of their deposited bonds. I agree with the Secretary in the belief that the adoption of this plan would afford the necessary relief.

The trade-dollar was coined for the purpose of traffic in countries where silver passed at its value as ascertained by its weight and fineness. It never had a legal-tender quality. Large numbers of these coins entered, however, into the volume of our currency. By common consent their circulation in domestic trade has now ceased, and they have thus become a disturbing element. They should not be longer permitted to embarrass our currency system. I recommend that provision be made for their reception by the Treasury and the mints, as bullion at a small percentage above the current market price of silver of like fineness.

The Secretary of the Treasury advises a consolidation of certain of the customs districts of the country, and suggests that the President be vested with such power in relation thereto as is now given him in respect to collectors of internal revenue by section 3141 of the Revised Statutes. The statistics upon this subject which are contained in his report furnish of themselves a strong argument in defense of his views.

At the adjournment of Congress the number of internal-revenue collection districts was one hundred and twenty-six. By Executive order, dated June 25, 1883, I directed that certain of these districts be consolidated. The result has been a reduction of one-third their number, which at present is but eighty-three.

From the report of the Secretary of War it will be seen that in only a single instance has there been any disturbance of the quiet condition of our Indian tribes. A raid from Mexico into Arizona was made in March last by a small party of Indians, which was pursued by General Crook into the mountain regions from which it had come. It is confidently hoped that serious outbreaks will not again occur and that the Indian tribes which have for so many years disturbed the West will hereafter remain in peaceable submission.

I again call your attention to the present condition of our extended seacoast, upon which are so many large cities whose wealth and importance to the country would in time of war invite attack from modern armored ships, against which our existing defensive works could give no adequate protection. Those works were built before the introduction of modern heavy rifled guns into maritime warfare, and if they are not put in an efficient condition we may easily be subjected to humiliation by a hostile power greatly inferior to ourselves. As germane to this subject, I call your attention to the importance of perfecting our submarine-torpedo defenses. The board authorized by the last Congress to report upon the method which should be adopted for the manufacture of heavy ordnance adapted to modern warfare has visited the principal iron and steel works in this country and in Europe. It is hoped that its report will soon be made, and that Congress will thereupon be disposed to provide suitable facilities and plant for the manufacture of such guns as are now imperatively needed.

On several occasions during the past year officers of the Army have, at the request of the State authorities, visited their militia encampments for inspection of the troops. From the reports of these officers I am induced to believe that the encouragement of the State militia organizations by the National Government would be followed by very gratifying results, and would afford it in sudden emergencies the aid of a large body of volunteers educated in the performance of military duties.

The Secretary of the Navy reports that under the authority of the acts of August 5, 1882 and March 3, 1883, the work of strengthening our Navy by the construction of modern vessels has been auspiciously begun. Three cruisers are in process of construction—the Chicago, of 4,500 tons displacement, and the Boston and Atlanta, each of 2,500 tons. They are to be built of steel, with the tensile strength and ductility prescribed by law, and in the combination of speed, endurance, and armament are expected to compare favorably with the best unarmored war vessels of other nations. A fourth vessel, the Dolphin, is to be constructed of similar material, and is intended to serve as a fleet dispatch boat.

The double-turreted monitors Puritan, Amphitrite, and Terror have been launched on the Delaware River, and a contract has been made for

the supply of their machinery. A similar monitor, the Monadnock, has been launched in California.

The naval advisory board and the Secretary recommend the completion of the monitors, the construction of four gunboats, and also of three additional steel vessels like the Chicago, Boston, and Dolphin.

As an important measure of national defense the Secretary urges also the immediate creation of an interior coast-line of water ways across the peninsula of Florida, along the coast from Florida to Hampton Roads, between the Chesapeake Bay and the Delaware River, and through Cape Cod.

I feel bound to impress upon the attention of Congress the necessity of continued progress in the reconstruction of the Navy. The condition of the public Treasury, as I have already intimated, makes the present an auspicious time for putting this branch of the service in a state of efficiency.

It is no part of our policy to create and maintain a Navy able to cope with that of the other great powers of the world.

We have no wish for foreign conquest, and the peace which we have long enjoyed is in no seeming danger of interruption.

But that our naval strength should be made adequate for the defense of our harbors, the protection of our commercial interests, and the maintenance of our national honor is a proposition from which no patriotic citizen can withold his assent.

The report of the Postmaster-General contains a gratifying exhibit of the condition and prospects of the interesting branch of the public service committed to his care.

It appears that on June 30, 1883, the whole number of post-offices was 47,863, of which 1,632 were established during the previous fiscal year. The number of offices operating under the system of free delivery was 154.

At these latter offices the postage on local matter amounted to $4,195,230.52, a sum exceeding by $1,021,894.01 the entire cost of the carrier service of the country.

The rate of postage on drop-letters passing through these offices is now fixed by law at two cents per half ounce or fraction thereof. In offices where the carrier system has not been established the rate is only half as large.

It will be remembered that in 1863, when free delivery was first established by law, the uniform single-rate postage upon local letters was one cent; and so it remained until 1872, when in those cities where carrier service was established it was increased in order to defray the expense of such service.

It seems to me that the old rate may now with propriety be restored, and that, too, even at the risk of diminishing, for a time at least, the receipts from postage upon local letters.

I can see no reason why that particular class of mail matter should be held accountable for the entire cost of not only its own collection and delivery but the collection and delivery of all other classes; and I am confident, after full consideration of the subject, that the reduction of rate would be followed by such a growing accession of business as to occasion but slight and temporary loss to the revenues of the Post-Office. The Postmaster-General devotes much of his report to the consideration, in its various aspects, of the relations of the Government to the telegraph. Such reflection as I have been able to give to this subject since my last annual message has not led me to change the views which I there expressed in dissenting from the recommendation of the then Postmaster-General that the Government assume the same control over the telegraph which it has always exercised over the mail.

Admitting that its authority in the premises is as ample as has ever been claimed for it, it would not, in my judgment, be a wise use of that authority to purchase or assume the control of existing telegraph lines, or to construct others with a view of entering into general competition with private enterprise.

The objections which may be justly urged against either of those projects, and indeed against any system which would require an enormous increase in the civil-service list, do not, however, apply to some of the plans which have lately provoked public comment and discussion. It has been claimed, for example, that Congress might wisely authorize the Postmaster-General to contract with some private persons or corporation for the transmission of messages, or of a certain class of messages, at specified rates and under Government supervision. Various such schemes, of the same general nature but widely differing in their special characteristics, have been suggested in the public prints, and the arguments by which they have been supported and opposed have doubtless attracted your attention.

It is likely that the whole subject will be considered by you at the present session.

In the nature of things it involves so many questions of detail that your deliberations would probably be aided slightly, if at all, by any particular suggestions which I might now submit.

I avow my belief, however, that the Government should be authorized by law to exercise some sort of supervision over interstate telegraphic communication, and I express the hope that for attaining that end some measure may be devised which will receive your approbation.

The Attorney-General criticises in his report the provisions of existing law fixing the fees of jurors and witnesses in the Federal courts. These provisions are chiefly contained in the act of February 26, 1853, though some of them were introduced into that act from statutes which had been passed many years previous. It is manifest that such compensation as might when these laws were enacted have been just and reasonable would in many instances be justly regarded at the present day as inadequate. I concur with the Attorney-General in the belief that the statutes should be revised by which these fees are regulated.

So, too, should the laws which regulate the compensation of district attorneys and marshals. They should be paid wholly by salaries instead of in part by fees, as is now the case.

The change would prove to be a measure of economy, and would discourage the institution of needless and oppressive legal proceedings, which, it is to be feared, have in some instances been conducted for the mere sake of personal gain.

Much interesting and varied information is contained in the report of the Secretary or the Interior.

I particularly call your attention to his presentation of certain phases of the Indian question, to his recommendations for the repeal of the pre-emption and timber-culture acts, and for more stringent legislation to prevent frauds under the pension laws. The statutes which prescribe the definitions and punishments of crimes relating to pensions could doubtless be made more effective by certain amendments and additions which are pointed out in the Secretary's report.

I have previously referred to the alarming state of illiteracy in certain portions of the country, and again submit for the consideration of Congress whether some Federal aid should not be extended to public primary education wherever adequate provision therefor has not already been made.

The Utah Commission has submitted to the Secretary of the Interior its second annual report. As a result of its labors in supervising the recent election in that Territory, pursuant to the act of March 22, 1882, it appears that persons by that act disqualified to the number of about 12,000 were excluded from the polls. This fact, however, affords little cause for congratulation, and I fear that it is far from indicating any real and substantial progress toward the extirpation of polygamy. All the members-elect of the Legislature are Mormons. There is grave reason to believe that they are in sympathy with the practices that this Government is seeking to suppress, and that its efforts in that regard will be more likely to encounter their opposition than to receive their encouragement and support. Even if this view should happily be erroneous, the law under which the commissioners have been acting should be made more effective by the incorporation of some such stringent amendments as they recommend, and as were included in bill No. 2238 on the Calendar of the Senate at its last session.

I am convinced, however, that polygamy has become so strongly intrenched in the Territory of Utah that it is profitless to attack it with any but the stoutest weapons which constitutional legislation can fashion. I favor, therefore, the repeal of the act upon which the existing government depends, the assumption by the National Legislature of the entire political control of the Territory, and the establishment of a commission with such powers and duties as shall be delegated to it by law.

The Department of Agriculture is accomplishing much in the direction of the agricultural development of the country, and the report of the Commissioner, giving the results of his investigations and experiments, will be found interesting and valuable.

At his instance a convention of those interested in the cattle industry of the country was lately held at Chicago. The prevalence of pleuropneumonia and other contagious diseases of animals was one of the chief topics of discussion. A committee of the convention will invite your co-operation in investigating the causes of these diseases and providing methods for their prevention and cure.

I trust that Congress will not fail at its present session to put Alaska under the protection of law. Its people have repeatedly remonstrated against our neglect to afford them the maintenance and protection expressly guaranteed by the terms of the treaty whereby that Territory was ceded to the United States. For sixteen years they have pleaded in vain for that which they should have received without the asking.

They have no law for the collection of debts, the support of education, the conveyance of property, the administration of estates, or the enforcement of contracts; none indeed for the punishment of criminals, except such as offend against certain customs, commerce and navigation acts.

The resources of Alaska, especially in fur, mines, and lumber, are considerable in extent and capable of large development, while its geographical situation is one of political and commercial importance.

The promptings of interest therefore, as well as considerations of honor and good faith, demand the immediate establishment of civil government in that Territory.

Complaints have lately been numerous and urgent that certain corporations, controlling in whole or in part the facilities for the interstate carriage of persons and merchandise over the great railroads of the country, have resorted in their dealings with the public to divers measures unjust and oppressive in their character.

In some instances the State governments have attacked and suppressed

these evils, but in others they have been unable to afford adequate relief because of the jurisdictional limitations which are imposed upon them by the Federal Constitution.

The question how far the National Government may lawfully interfere in the premises, and what, if any, supervision or control it ought to exercise, is one which merits your careful consideration.

While we can not fail to recognize the importance of the vast railway systems of the country and their great and beneficent influences upon the development of our material wealth, we should, on the other hand, remember that no individual and no corporation ought to be invested with absolute power over the interests of any other citizen or class of citizens. The right of these railway corporations to a fair and profitable return upon their investments and to reasonable freedom in their regulations must be recognized; but it seems only just that, so far as its constitutional authority will permit, Congress should protect the people at large in their interstate traffic against acts of injustice which the State governments are powerless to prevent.

In my last annual message I called attention to the necessity of protecting by suitable legislation the forests situated upon the public domain. In many portions of the West the pursuit of general agriculture is only made practicable by resort to irrigation, while successful irrigation would itself be impossible without the aid afforded by forests in contributing to the regularity and constancy of the supply of water.

During the past year severe suffering and great loss of property have been occasioned by profuse floods followed by periods of unusually low water in many of the great rivers of the country.

These irregularities were in great measure caused by the removal from about the sources of the streams in question of the timber by which the water supply had been nourished and protected.

The preservation of such portions of the forests on the national domain as essentially contribute to the equable flow of important water courses is of the highest consequence.

Important tributaries of the Missouri, the Columbia, and the Saskatchewan rise in the mountain region of Montana, near the northern boundary of the United States, between the Blackfeet and Flathead Indian reservations. This region is unsuitable for settlement, but upon the rivers which flow from it depends the future agricultural development of a vast tract of country. The attention of Congress is called to the necessity of withdrawing from public sale this part of the public domain and establishing there a forest preserve.

The industrial exhibitions which have been held in the United States during the present year attracted attention in many foreign countries, where the announcement of those enterprises had been made public through the foreign agencies of this Government. The industrial exhibition at Boston and the Southern exposition at Louisville were largely attended by the exhibitors of foreign countries, notwithstanding the absence of any professed national character in those undertakings.

The centennial exposition to be held next year at New Orleans, in commemoration of the centenary of the first shipment of cotton from a port of the United States, bids fair to meet with like gratifying success. Under the act of Congress of the 10th of February, 1883, declaring that exposition to be national and international in its character, all foreign governments with which the United States maintain relations have been invited to participate.

The promoters of this important undertaking have already received assurances of the lively interest which it has excited abroad.

The report of the commissioners of the District of Columbia is herewith transmitted. I ask for it your careful attention, especially for those portions which relate to assessments, arrears of taxes, and increase of water supply.

The commissioners who were appointed under the act of January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," entered promptly upon the discharge of their duties.

A series of rules, framed in accordance with the spirit of the statute, was approved and promulgated by the President.

In some particulars wherein they seemed defective those rules were subsequently amended. It will be perceived that they discountenance any political or religious tests for admission to those offices of the public service to which the statute relates.

The act is limited in its original application to the classified clerkships in the several Executive Departments at Washington (numbering about 5,600) and to similar positions in customs districts and post-offices where as many as fifty persons are employed.

A classification of these positions analogous to that existing in the Washington offices was duly made before the law went into effect.

Eleven customs districts and twenty-three post-offices were thus brought under the immediate operation of the statute.

The annual report of the civil service commission, which will soon be submitted to Congress, will doubtless afford the means of a more definite judgment than I am now prepared to express as to the merits of the new system. I am persuaded that its effects have thus far proved beneficial. Its practical methods appear to be adequate for the ends proposed, and there has been no serious difficulty in carrying them into effect. Since the 16th of July last no person, so far as I am aware, has been appointed to the public service in the classified portions thereof at any of the Departments, or at any of the post-offices and customs districts above named, except those certified by the commission to be the most competent on the basis of the examinations held in conformity to the rules.

At the time when the present Executive entered upon his office his death, removal, resignation, or inability to discharge his duties would have left the Government without a constitutional head.

It is possible, of course, that a similar contingency may again arise unless the wisdom of Congress shall provide against its recurrence.

The Senate at its last session, after full consideration, passed an act relating to this subject, which will now, I trust, commend itself to the approval of both Houses of Congress.

The clause of the Constitution upon which must depend any law regulating the Presidential succession presents also for solution other questions of paramount importance.

These questions relate to the proper interpretation of the phrase "inability to discharge the powers and duties of said office," our organic law providing that, when the President shall suffer from such inability, the Presidential office shall devolve upon the Vice-President, who must himself under like circumstances give place to such officer as Congress may by law appoint to act as President.

I need not here set forth the numerous and interesting inquiries which are suggested by these words of the Constitution. They were fully stated in my first communication to Congress and have since been the subject of frequent deliberations in that body.

It is greatly to be hoped that these momentous questions will find speedy solution, lest emergencies may arise when longer delay will be impossible, and any determination, albeit the wisest, may furnish cause for anxiety and alarm.

For the reasons fully stated in my last annual message I repeat my recommendation that Congress propose an amendment to that provision of the Constitution which prescribes the formalities for the enactment of laws, whereby, in respect to bills for the appropriation of public moneys, the Executive may be enabled, while giving his approval to particular items, to interpose his veto as to such others as do not commend themselves to his judgment.

The fourteenth amendment of the Constitution confers the rights of citizenship upon all persons born or naturalized in the United States and subject to the jurisdiction thereof. It was the special purpose of this amendment to insure to members of the colored race the full enjoyment of civil and political rights.

Certain statutory provisions intended to secure the enforcement of those rights have been recently declared unconstitutional by the Supreme Court.

Any legislation whereby Congress may lawfully supplement the guarantees which the Constitution affords for the equal enjoyment by all the citizens of the United States of every right, privilege, and immunity of citizenship will receive my unhesitating approval.

CHESTER A. ARTHUR.

WASHINGTON, *December* 4, 1883.

The PRESIDENT *pro tempore*. The message will be laid on the table and printed if there be no objection.

DEPARTMENTAL REPORTS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the annual reports of the heads of Departments accompanying the message of the President, which will be laid on the table.

FINANCE REPORT.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the year 1883; which was ordered to lie on the table, and be printed.

DEPARTMENT OF JUSTICE.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Attorney-General, transmitting the annual report of the Department of Justice for the year 1883; which was ordered to lie on the table, and be printed.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. SHERMAN. I move that the Senate do now adjourn.

Mr. LOGAN. Will the Senator withdraw that motion for a moment?

Mr. SHERMAN. Certainly.

Mr. LOGAN. I ask leave to submit the following resolution, and ask for immediate action upon it:

Resolved, That there be printed 500 copies of the testimony taken by the Select Committee on the Mississippi River Improvements.

The resolution was considered by unanimous consent, and agreed to.

FEES OF PENSION SURGEONS.

Mr. MITCHELL. I desire, if the Senate will hear me at this time, to introduce a joint resolution which ought to be acted upon very promptly.

There is now no provision for the payment of the pension examining surgeons, and there is a deficiency of over $400,000 in that branch of the service. The Commissioner of Pensions is very anxious that prompt action be taken on the subject. I have here a joint resolution which

proposes not to appropriate money, but simply to pay what is due from appropriations already made for this branch of the Government.

The Commissioner says that there is great embarrassment in the conduct of the business of the Pension Office, resulting in some degree from the multiplication especially of applications for increase which have been started almost since the publication of the list of pensioners throughout the country, amounting to over five thousand a month for the past month or so, which makes it necessary to have a large increase of examinations. Each case requires an expenditure of $6, and these examinations ought to be promptly made, because if the pension is allowed it dates from the date of the examination.

The joint resolution provides for the payment of fees of examining surgeons or physicians for the years ending June 30, 1883 and 1884. I ask that it lie on the table for the present, and that it be considered as promptly as may be by the Committee on Appropriations.

By unanimous consent leave was granted to introduce a joint resolution (S. R. 6) providing for the payment of fees to examining surgeons of pensioners for the years ending June 30, 1883 and 1884; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Appropriations when appointed.

Mr. SHERMAN. Now I renew my motion.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 4, 1883.

The House met at 12 o'clock m.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. HATCH, of Missouri. Mr. Speaker——

The SPEAKER. There is pending before the House a matter of privilege, of the highest privilege, submitted by the gentleman from Ohio [Mr. CONVERSE]. After that matter has been disposed of the Chair will recognize the gentleman from Missouri [Mr. HATCH].

Mr. HATCH, of Missouri. I did not know but what I might be recognized now, the gentleman from Ohio not having claimed the floor.

MISSISSIPPI CONTESTED-ELECTION CASE.

Mr. CONVERSE. I am requested by Mr. Manning to ask unanimous consent of the House that the question of his *prima facie* right to a seat on this floor be referred to the standing Committee on Elections when appointed, with instructions to report thereon at the earliest day possible.

Mr. KEIFER. Will not the gentleman also ask the same privilege for Mr. Chalmers?

Mr. CONVERSE. I am willing that his papers shall go to the committee also.

The SPEAKER. The Chair understands that the proposition is that all the papers shall be referred to that committee.

Mr. KEIFER. And let the question of the *prima facie* right of Mr. Chalmers to the seat go with that of Mr. Manning.

Mr. CONVERSE. We will not object on this side.

Mr. REED. Why not adopt the suggestion of the gentleman from Indiana [Mr. CALKINS] to refer the case of both contestants to the Committee on Elections? I am sure the gentleman will recognize the fairness of that proposition.

Mr. KEIFER. He can trust that committee.

Mr. CONVERSE. I have no right to speak for Mr. Chalmers; his case is not before the House. I simply desire——

Mr. KEIFER. The gentleman is mistaken. The papers are in the hands of the Clerk. We desire that all the papers be referred.

Mr. CONVERSE. I am willing, of course, to embrace in my proposition the request that the papers shall go to that committee when appointed. But I desire that only the question of the *prima facie* right to a seat shall now be submitted with instructions to the standing Committee on Elections when appointed.

Mr. KEIFER. Let the *prima facie* right of both gentlemen go there.

Mr. COX, of New York. I do not see how we can send half of this case to the committee.

Mr. KEIFER. Let us send it all.

Mr. COX, of New York. One question carries with it the other. Let all the papers go there.

Several MEMBERS. That is right.

Mr. COX, of New York. That is good sense and good practice.

The SPEAKER. The gentleman from Ohio will state his motion again, or perhaps it had better be put in writing, so that there may be no mistake about it.

Mr. CONVERSE. I believe the Clerk has it down, but I will restate it. I ask unanimous consent, at the request of Mr. Manning, that the question of his right *prima facie* to a seat upon this floor be referred to the Committee on Elections when appointed, with instructions to report at the earliest day possible, and I will embrace in my proposition——

Mr. KEIFER. Does not the gentleman include in it the *prima facie* right of Mr. Chalmers?

Mr. CONVERSE. I will embrace in my proposition the suggestion that the papers which have been filed with the Clerk be directed to be placed in the hands of the committee when appointed.

Mr. KEIFER. But let the other case go there, too, as suggested by the gentleman from New York.

Mr. MORRISON. There is not any other case.

Mr. KEIFER. There is another case. The papers on file with the Clerk show the fact——

Mr. CONVERSE. Then I desire the committee of course to report upon it. If they report in favor of Mr. Chalmers, of course that will cover the other question. There is no doubt about it.

Mr. KEIFER. The objection we make is that it is proposed to refer the *prima facie* right of one gentleman only, not both. By the papers here—by the certificates from the secretary of state of Mississippi—the result of the vote is shown absolutely. Let both cases go to the committee. They can be trusted to report upon the question whether Mr. Chalmers or Mr. Manning is entitled to the seat——

Mr. BLACKBURN. *Prima facie.*

Mr. KEIFER. *Prima facie.*

Mr. BLACKBURN. That is all fair.

Mr. KEIFER. That is all we ask. If the gentleman will include the two we make no further objection.

Mr. TOWNSHEND. That is agreed.

The SPEAKER. Of course if there is objection this debate is out of order. The Chair is indulging it upon the supposition that some agreement may be arrived at.

Mr. TOWNSHEND. We are all agreed.

Mr. KEIFER. It is stated on the other side that the two cases are not here. I am informed that the certificate from the secretary of state of Mississippi—probably the only officer in the State authorized to make a certificate; we do not concede that the governor is authorized to make a certificate, and he does not himself claim that he is—the certificate of the secretary of state regularly and properly filed here——

Mr. TOWNSHEND. I object to debate.

The SPEAKER. The gentleman from Illinois objects to further debate.

Mr. KEIFER. I supposed it was in order to debate the proposition.

The SPEAKER. The gentleman from Ohio [Mr. CONVERSE] proposes to ask unanimous consent for the consideration of a resolution which will be read, after which any objection, if made, will be entertained.

The Clerk read as follows:

Resolved, That the certificate and all other papers in the contested-election case of J. R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be referred to the Committee on Elections when appointed, with instructions to report immediately whether, upon the *prima facie* case as presented by said papers, said Manning is entitled to be sworn in as a member pending the contest on the merits, and not to affect the final right to said seat.

Mr. CALKINS. I object to that resolution unless it be modified so as to read, "said Manning or said Chalmers."

Mr. BLACKBURN (to Mr. CONVERSE). Put that in.

Mr. CONVERSE. I have no objection to that.

The SPEAKER. The gentleman from Ohio states that he has no objection to the modification.

Mr. KEIFER. Let the resolution be modified and then read again.

The SPEAKER. The Clerk will report the resolution as modified.

The Clerk read as follows:

Resolved, That the certificate and all other papers in the contested-election case of J. R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be referred to the Committee on Elections when appointed, with instructions to report immediately whether, upon the *prima facie* case as presented by said papers, said Manning or Chalmers is entitled to be sworn in as a member pending the contest on the merits, and not to affect the final right to said seat.

Several MEMBERS. That is right.

The SPEAKER. Is there objection to the consideration of the resolution?

There being no objection, the resolution was considered and adopted.

SWEARING IN OF DELEGATES.

Mr. HATCH, of Missouri. I desire to submit a resolution for adoption.

The SPEAKER. The Chair will suggest to the gentleman from Missouri that the organization of the House is not yet complete, as the Delegates have not been sworn in. But the gentleman's resolution can be considered if there be unanimous consent.

Mr. HATCH, of Missouri. I will withhold it for the present.

The SPEAKER. The Chair will recognize the gentleman from Missouri at the proper time. The gentleman from Illinois [Mr. SPRINGER] offered a resolution yesterday, which was withdrawn for the purpose of hearing the question just disposed of.

Mr. SPRINGER. It was withheld for the purpose of having the Delegates of the Territories sworn in. It was done at the suggestion of the Speaker.

The SPEAKER. The Clerk will call the roll of Delegates.

The roll-call showed the presence of the following Delegates:

Arizona—Granville H. Oury.
Idaho—Theodore F. Singiser.
Montana—Martin Maginnis.
New Mexico—Tranquilino Luna.
Utah—John T. Caine.
Washington—Thomas H. Brents.
Wyoming—Morton E. Post.

Mr. JOHN B. RAYMOND, of Dakota, did not respond when his name was called.

The Delegates present appeared, and Mr. OURY took the oath prescribed by section 1757 of the Revised Statutes, and the others, respectively, the oath prescribed by section 1756 of the Revised Statutes.

KANSAS CONTESTED CASE.

The SPEAKER. The gentleman from Illinois has a motion pending in reference to an election case, which was suspended for the purpose of administering the oath of office to the Delegates from the Territories.

Mr. SPRINGER. I now submit the resolution which was read yesterday.

The Clerk read as follows:

Resolved, That the memorial of the governor of the State of Kansas, and of other officers and citizens in said State, and all papers presented to the Clerk in reference to the election and qualification of Hon. S. R. Peters, of said State, be referred to the Committee on Elections when appointed, with instructions to report to the House, at the earliest time practicable, whether Mr. Peters is eligible to a seat in this House; and if not, whether Hon. S. N. Wood, the contestant, is entitled to the seat.

Mr. SPRINGER. On the adoption of that resolution I demand the previous question.

Mr. CANNON. Mr. Speaker, is this proceeding by unanimous consent?

The SPEAKER. It is a matter of privilege, relating as it does to the right of a member to his seat.

Mr. CANNON. I wish to make a parliamentary inquiry.

The SPEAKER. Certainly.

Mr. CANNON. Is the same privilege extended to the reference of the papers on the other side of the case?

The SPEAKER. Not as a matter of course, as there must be action of the House in each and every case.

Mr. SPRINGER. I have demanded the previous question.

The previous question was ordered, and under the operation thereof the resolution was adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RULES OF THE HOUSE.

Mr. HATCH, of Missouri, offered the following resolution:

Resolved, That the rules of the House of Representatives of the Forty-seventh Congress be the rules of the House of Representatives of the Forty-eighth Congress until the expiration of two weeks from the date of the appointment of the Committee on Rules.

Mr. HATCH, of Missouri. I demand the previous question on the adoption of that resolution.

Mr. KASSON. I should like to ask the gentleman from Missouri why he has changed the usual form of the resolution. It is always in the power of the House to adopt the rules for the time being, and that has been our custom. It is always in the power of the House to change them subsequently. I would inquire whether it is not better to follow the precedent that the rules of the last Congress be the rules of this until otherwise ordered. That conforms to the usage, and this fixing a precise time, which may be forgotten or overlooked, it seems to me is unnecessary and I think unusual.

Mr. HATCH, of Missouri. I will say to the gentleman from Iowa that I do not know the practice has been uniform in the House or that any particular language has been used in the adoption of the rules. But it has been suggested to me that the Committee on Rules within two weeks after their appointment will submit to the House a resolution either to continue the rules of the Forty-seventh Congress during this session or this Congress or with such modification as they may be pleased to suggest.

Mr. KASSON. The gentleman is aware that, being a privileged committee, it can report at any time.

Mr. MORRISON. We all know that.

Mr. KASSON. The difficulty is that we may find ourselves from forgetfulness, just two weeks after the committee has been appointed, without any rules at all.

Mr. HATCH, of Missouri. I undertake to say that the Committee on Rules when appointed will not forget so important a matter as this. I insist on my demand for the previous question.

Mr. BELFORD. I rise to make an inquiry of the Chair.

The SPEAKER. The Chair will hear the gentleman from Colorado.

Mr. BELFORD. I desire to know whether or not this resolution is debatable.

The SPEAKER. It is not at this time.

Mr. BELFORD. I wanted a decision of the Speaker upon the subject——

The SPEAKER. The gentleman who offers the resolution has demanded the previous question, and the only question now before the House is, Shall the previous question be ordered? If that demand is not sustained the Chair will then decide whether or not the resolution is open for debate.

The question is, Shall the previous question be now ordered?

The previous question was ordered, and under the operation thereof the resolution was agreed to.

Mr. HATCH, of Missouri, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DUNN. In this same connection I ask that the resolution which I now send to the desk may be read, and, by unanimous consent, printed in the RECORD, and referred to the Committee on Rules when organized.

The SPEAKER. This can only be done by unanimous consent. Is there objection?

Mr. DUNN. I will state to the House that the only object of the resolution——

Mr. BROWNE, of Indiana. Let it be read.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the rules of the House of Representatives be amended as follows, namely:

In Rule 10, after the words "on commerce, to consist of fifteen members," add "on rivers and harbors, to consist of fifteen members."

Amend paragraph 7 of rule 11 so as to read as follows:

"To commerce, life-saving service, and light- houses, other than appropriations for life-saving service and light-houses, to the Committee on Commerce."

And insert next thereafter the following paragraph:

"To the improvement of rivers and harbors to the Committee on Rivers and Harbors; and the Committee on Rivers and Harbors shall have the same privilege in reporting bills, making appropriations for the improvement of rivers and harbors, as is accorded to the Committee on Appropriations in reporting general appropriation bills."

Mr. BROWNE, of Indiana. I rise to a question of order.

The SPEAKER. The first question is, Is there objection to the request of the gentleman from Arkansas?

Mr. BROWNE, of Indiana. I object to the resolution until there be a completed organization of the House.

The SPEAKER. The Chair stated distinctly that this resolution would require unanimous consent. There being objection, of course it is not before the House.

Mr. DUNN. Let me state to the gentleman from Indiana that this resolution affects the organization of the House——

Mr. BROWNE, of Indiana. I must object to it at present.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded. The resolution is, therefore, not before the House.

ELECTION OF CLERK, SERGEANT-AT-ARMS, ETC.

Mr. GEDDES. I now desire to submit and move the adoption of the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That John B. Clark, jr., of the State of Missouri, be, and is hereby, elected Clerk of the House of Representatives of the Forty-eighth Congress.

That John P. Leedom, of the State of Ohio, be, and is hereby, elected Sergeant-at-Arms of the House of Representatives of the Forty-eighth Congress.

That James G. Wintersmith, of the State of Texas, be, and is hereby, elected Doorkeeper of the House of Representatives of the Forty-eighth Congress.

That Lycurgus Dalton, of the State of Indiana, be, and is hereby, elected Postmaster of the House of Representatives of the Forty-eighth Congress; and

That Rev. John S. Lindsay, of the District of Columbia, be, and is hereby, elected Chaplain of the House of Representatives of the Forty-eighth Congress.

Mr. CANNON. I ask for a division of the resolution and a separate vote. Section 30 of the Revised Statutes contemplates the election of a Clerk before proceeding with other business. And I offer as an amendment to the first portion of the resolution what I send to the Clerk's desk.

The SPEAKER. The gentleman is of course entitled to a division of the resolution if he desires it. Does the gentleman demand a division?

Mr. CANNON. Yes, sir.

Mr. GEDDES. That proposition is cheerfully accepted.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Illinois.

The Clerk read as follows:

Strike out of the resolution the name of John B. Clark, jr., of the State of Missouri, and insert the name of Edward McPherson, of the State of Pennsylvania.

The amendment was not agreed to.

The SPEAKER. The resolution is now before the House——

Mr. CANNON. I believe the statute contemplates that the Clerk shall be first sworn in.

The SPEAKER. The Clerk will be sworn in as soon as the resolution of the gentleman from Ohio is adopted. The question is now upon

agreeing to the first part of the resolution proposed by the gentleman from Ohio.

The first branch of the resolution, relating to the election of Clerk, was agreed to.

Mr. CANNON. I offer now as an amendment to the second part of the resolution the following:

The Clerk read as follows:

For Sergant-at-Arms, strike out the name of John P. Leedom, of the State of Ohio, and insert the name of George W. Hooker, of the State of Vermont.

For Doorkeeper, strike out the name of James G. Wintersmith, of the State of Texas, and insert the name of Walter P. Brownlow, of the State of Tennessee.

For Postmaster, strike out the name of Lycurgus Dalton, of the State of Indiana, and insert the name of George McNeir, of the State of Minnesota.

For Chaplain, strike out the name of John S. Lindsay, of the District of Columbia, and insert the name of Frederick D. Power, of the State of Virginia.

The SPEAKER. The question is upon agreeing to the amendment proposed by the gentleman from Illinois.

The amendment was not agreed to.

The question recurring upon the second branch of the resolution as proposed by Mr. GEDDES, it was agreed to.

Messrs. CLARK, LEEDOM, WINTERSMITH, DALTON, and LINDSAY, having presented themselves at the Clerk's desk, were duly qualified, Messrs. CLARK, WINTERSMITH, and LINDSAY taking the modified oath, and Messrs. LEEDOM and DALTON the oath prescribed by section 1756 of the Revised Statutes.

NOTIFICATION TO THE PRESIDENT.

Mr. CURTIN. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That a committee of three be appointed on the part of the House, to join the committee appointed on the part of the Senate, to wait on the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make.

The resolution was adopted.

The SPEAKER. The Chair appoints, as the committee to join the committee on the part of the Senate to wait on the President, Mr. CURTIN of Pennsylvania, Mr. BLACKBURN of Kentucky, and Mr. HISCOCK of New York.

NOTIFICATION TO THE SENATE.

Mr. HOLMAN. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That a message be sent to the Senate informing that body that a quorum of the House of Representatives has assembled, and that JOHN G. CARLISLE, a Representative from the State of Kentucky, has been elected Speaker, and that JOHN B. CLARK, jr., a citizen of the State of Missouri, has been chosen Clerk, and that the House of Representatives is ready to proceed to business.

The resolution was adopted.

AMENDMENT OF RULES.

Mr. DUNN. I now renew my request for the reference to the Committee on Rules, when appointed, of the resolution which I sent up a short time ago. The gentleman from Indiana [Mr. BROWNE] has withdrawn his objection.

The SPEAKER. The gentleman from Arkansas renews his request for unanimous consent to introduce and have referred to the Committee on Rules, when appointed, the resolution which he has sent to the desk.

Mr. BROWNE, of Indiana. I understand that the resolution will provoke no discussion, but will be simply referred to the Committee on Rules.

Mr. DUNN. That is the understanding, and I desire to have the resolution printed in the RECORD.

The SPEAKER. If there be no objection the resolution will be printed in the RECORD, and will be referred to the Committee on Rules when appointed.

There was no objection.

[The resolution appears in a former part of the proceedings.]

ORDER OF BUSINESS.

Mr. TURNER, of Kentucky. I offer the resolution which I send to the desk, and ask that it take the same course, and be referred to the Committee on Rules when appointed.

Mr. VALENTINE. I object to this or any other resolution until we have disposed of the next business in order, which is the drawing of seats.

DRAWING FOR SEATS.

The SPEAKER. Objection is made to the consideration of the resolution sent up by the gentleman from Kentucky. The next business in order is the drawing of seats.

Mr. BUCKNER. I ask that Hon. WILLIAM D. KELLEY be allowed to select his seat before the regular drawing begins.

Mr. TOWNSHEND. I ask unanimous consent that Hon. SAMUEL S. COX be permitted to select his seat before the drawing begins.

The SPEAKER. After the Clerk has reported the rule under which the drawing takes place these requests may be entertained.

Mr. KELLEY. I have been on my feet for the purpose of asking whether some provision should not be made for the three members of the committee appointed to wait on the President, or whether the execution of the duty intrusted to them should not be postponed until after the drawing. It does not seem right to send three gentlemen out of the House to execute its order and then proceed to draw for seats in their absence.

The SPEAKER. The House has heard the suggestion of the gentleman from Pennsylvania. What is the pleasure of the House?

Mr. TOWNSHEND. The gentlemen appointed on the committee have not left the Hall. They might draw their seats before going.

Mr. CALKINS. I suggest that each of those gentlemen shall choose a page and let the pages select the seats in their absence when the names of the gentlemen are called.

Mr. RANDALL. I desire to call the attention of the House to the terms of the rule——

The SPEAKER. The Speaker has directed the rule to be read.

The Clerk read as follows:

RULE XXXII.

DRAWING OF SEATS.

At the commencement of each Congress, immediately after the Members and Delegates are sworn in, the Clerk shall place in a box, prepared for that purpose, a number of small balls of marble or other material equal to the number of Members and Delegates, which balls shall be consecutively numbered and thoroughly intermingled, and at such hour as shall be fixed by the House for that purpose, by the hands of a page, draw said balls one by one from the box, and announce the number as it is drawn, upon which announcement the Member or Delegate whose name on a numbered alphabetical list shall correspond with the number on the ball shall advance and choose his seat for the term for which he is elected.

2. Before said drawing shall commence each seat shall be vacated and so remain until selected under this rule, and any seat having been selected shall be deemed forfeited if left unoccupied before the call of the roll is finished, and whenever the seats of Members and Delegates shall have been drawn, no proposition for a second drawing shall be in order during that Congress.

Mr. MILLS. I desire to call the attention of the Chair and the Clerk to the fact that I have noticed in preceding Congresses the Clerk has called the roll so fast that when a ball is taken from the box and the name is called, if the gentleman is back against the wall and has to work through the crowd, somebody else has his name called and gets a prior choice, so that the gentleman whose name is earlier called does not get the benefit to which he is entitled.

The SPEAKER. The Chair will endeavor to have the names called slowly.

Mr. SCALES. I ask that the name of Mr. Thomas G. Skinner, my colleague from the first district of North Carolina, be put in the box. His certificate of election is on the way here; but he has not been fortunate enough to receive it as yet. I make this request in order that his seat may be selected when the drawing takes place.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. SCALES]?

Mr. REED. I have been informed that the gentleman referred to is not entitled to a seat under the decisions which the House has hitherto made. If that is the case, there would seem to be a decided impropriety in permitting him to make a choice of his seat.

Mr. SPRINGER. The decisions to which the gentleman refers do not apply to this case.

Mr. REED. I understand that they do.

Mr. SPRINGER. The gentleman has been elected to fill a vacancy.

Mr. REED. I understand he has been elected from one district to fill a vacancy in another.

Mr. SPRINGER. Oh, no.

Mr. REED. And the House has passed upon that a number of times and always in one way. And if that is the case, there would be a manifest impropriety in the gentleman being permitted to draw for a seat.

Mr. SPRINGER. If the gentleman presents a *prima facie* certificate he will be entitled to be sworn in upon it; and this would simply recognize the fact that he is prepared to present such a certificate.

Mr. REED. I must object.

Mr. SCALES. Is unanimous consent required?

The SPEAKER. The Chair thinks that unanimous consent is required. The House can not decide upon the right of this gentleman to his seat until he presents his credentials.

Mr. HATCH, of Missouri. I desire to state to the House that my colleague, Mr. CLARDY, is detained at home on account of serious illness. He has been sick for about three weeks, confined to his bed. I ask unanimous consent of the House that when his name is called one of his colleagues may be permitted to select a seat for him.

Many MEMBERS. That is right.

The SPEAKER. The Chair hears no objection.

Mr. BLOUNT. My colleague, Mr. HAMMOND, is very sick at the Metropolitan Hotel, in this city, and unable to be present here to-day. I ask that I be allowed to select a seat for him when his name is called. I do so at his request.

Mr. TUCKER. I suggest that in the case of any gentleman who is absent on account of sickness some friend be allowed to select a seat for him when his name is called.

Many MEMBERS. That is right.

The SPEAKER. The gentleman from Virginia [Mr. TUCKER] suggests that in all cases of absence on account of sickness the seats for such members be selected by friends when their names are called. Is there objection?

There was no objection, and it was so ordered.

Mr. KELLEY. I suggest that there be a list made of those who are known to be absent on account of sickness.

The SPEAKER. The Chair will request members to hand in the names of such to the Clerk.

Mr. MCMILLIN. I desire to renew the motion intimated before the rule was read, to grant to the gentleman from Pennsylvania, Mr. KELLEY, and to the gentleman from New York, Mr. COX, the two oldest members of the House, the privilege of selecting their seats before the drawing commences; that is one on each side of the House.

Mr. HATCH, of Missouri. I suggest that that motion be amended, so as to include the gentleman from Pennsylvania, Mr. RANDALL, ex-Speaker of this House.

Mr. MCMILLIN. I have no objection to that.

The SPEAKER. Unanimous consent is asked that the gentleman from Pennsylvania, Mr. KELLEY, the gentleman from New York, Mr. COX, and the gentleman from Pennsylvania, Mr. RANDALL, be allowed to select their seats in advance of the drawing. Is there objection to that?

Mr. WILSON, of Iowa. I move to add the name of Mr. KEIFER, of Ohio, the Speaker of the last House.

The SPEAKER. Is that suggestion adopted?

Mr. BLACKBURN. If there be any members of the House permitted to select their seats in advance of the regular drawing, to which I have no objection, I desire to request that, in consequence of his infirmity, of which the House is well aware, the name of the gentleman from New York, Mr. ROBINSON, be added, so that he may be able to select a seat where he can hear something of the business of the House as it is being transacted.

Mr. BROWNE, of Indiana. I believe that none of these suggestions are in order except by unanimous consent.

The SPEAKER. None of them.

Mr. BROWNE, of Indiana. It has been suggested by gentlemen that this courtesy be accorded to the distinguished gentleman from Pennsylvania, Mr. KELLEY, and the distinguished gentleman from New York, Mr. COX, which suggestion was assented to very cheerfully on this side of the House. Now, if the House will pardon me, members will recollect that at the first session of the last Congress similar propositions were made, and a number of names were suggested. The result was that the House refused to accord the privilege to any gentleman.

Then, on our side of the House, by unanimous consent, the hat of Mr. KELLEY was placed on his desk, and all of us respected the selection, and he was accorded the seat which he desired. Now we are entirely willing that the gentleman from Pennsylvania, Mr. KELLEY, with any gentleman who may be selected from the other side of the House, the gentleman from New York, Mr. COX, or the other distinguished gentleman from Pennsylvania, Mr. RANDALL, or, if it is desired, that the two gentlemen on that side be allowed this privilege. Then I am willing that the same privilege shall be accorded to the gentleman from Pennsylvania, Mr. KELLEY, and the gentleman from Ohio, Mr. KEIFER, ex-Speaker of this House. But if the privilege is to be extended beyond that number, then I shall object, and we will take care of our own men on this side of the House.

Mr. MILLS. Then I object now.

The SPEAKER. Objection is made and the proposition is not agreed to.

Mr. SCALES. I ask the attention of the gentleman from Maine [Mr. REED]. I understand that that gentleman, who objected to my request a few moments since, withdraws his objection. I ask if the objection is withdrawn?

Many MEMBERS. "Regular order!" "Regular order!"

Mr. SCALES. I ask that the name of Mr. SKINNER, of North Carolina, be placed on the list.

The SPEAKER. Is there any objection to the request of the gentleman from North Carolina [Mr. SCALES]?

There was no objection, and it was ordered accordingly.

The SPEAKER. Under the rule members of the House will now please retire to the lobby.

Mr. ANDERSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Or what is in the nature of a parliamentary inquiry. There are so many more gentlemen on that side than there are on this, we wish to know what seats they propose or desire to occupy on this side of the Hall.

The SPEAKER. The Chair has no information on that subject.

The drawing of the seats was then proceeded with, beginning at 1 o'clock, the name of Mr. DUNCAN, of Illinois, being first called, and concluding at 6 minutes after 2 o'clock, the name of Mr. LOVERING, of Massachusetts, being the last called.

ORDER OF BUSINESS.

Mr. RANDALL. I now move that the House take a recess for twenty minutes, my object being to await the arrival of the President's message, which, as I am informed, is to be sent in to-day. It is proper that it should be read immediately upon its reception.

Mr. TUCKER. I ask consent to introduce a bill for reference.

Several members objected.

Mr. RANDALL. I think we had better take a recess.

COMMITTEE ON MILEAGE.

The SPEAKER, by unanimous consent, announced the appointment of the following as members of the Committee on Mileage:

Mr. MOULTON of Illinois, Mr. WELLBORN of Texas, Mr. GLASCOCK of California, Mr. RANNEY of Massachusetts, and Mr. MILLER of Pennsylvania.

The motion of Mr. RANDALL was then agreed to; and accordingly (at 2 o'clock and 10 minutes p. m.) the House took a recess for twenty minutes.

The recess having expired, the House reassembled at 2 o'clock and 30 minutes p. m.

Mr. HOLMAN. I move a further recess for half an hour.

The motion was agreed to.

The recess having expired, the House, at 3 o'clock p. m., resumed its session.

MESSENGER TO REPORTERS OF DEBATES.

Mr. CANNON. I desire to offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and is hereby, authorized and directed to pay Philip V. McElhone at the rate of $1,000 per annum during the present session of Congress for services as messenger to the official reporters of debates; and that the same be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. COBB. I hope the gentleman who introduces the resolution will explain it. I do not know anything about it.

Mr. CANNON. I will say to the gentleman——

The SPEAKER. If there be no objection the gentleman from Illinois [Mr. CANNON] will make his explanation, after which objection can be made.

Mr. COBB. Is this messenger for the stenographers at the desk here?

Mr. CANNON. It is the usual resolution.

Mr. COBB. Very well; I have no objection. I simply wanted to understand the matter.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and adopted.

Mr. CANNON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VIRGINIA ELECTION CONTEST.

Mr. TUCKER. Mr. Speaker, in the contested-election case of Mayo and Garrison, Mr. Mayo took his seat the other day. I desire to present certain papers in connection with the return in that case and to offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the certificates and all other papers relating to the election of a Representative of the first Congressional district of Virginia in the Forty-eighth Congress be referred to the Committee on Elections when appointed, with instructions to report at as early a day as practicable which of the rival claimants to the seat from that district has the *prima facie* right thereto, reserving to the other party the privilege of contesting the case upon the merits.

Mr. TUCKER. Upon the adoption of that resolution I demand the previous question.

Mr. KEIFER. This resolution is very unusual.

Mr. TUCKER. Not at all.

Mr. KEIFER. The memorial would be referred as a matter of course; but the gentleman desires that this case be selected out from all the other cases and reported upon, whether it is ready or not to be considered in advance of them.

Mr. TUCKER. There is nothing in the resolution but that the committee report as soon as practicable.

The SPEAKER. The language of the resolution is that the committee shall "report at as early a day as practicable."

Mr. KEIFER. That is not the whole resolution. It proposes to require that the *prima facie* case be examined into; and that is very unusual.

Mr. TUCKER. I call for the previous question.

The SPEAKER. Upon this resolution the gentleman from Virginia demands the previous question.

Mr. KEIFER. I should like to have the resolution read again.

The Clerk again read the resolution.

Mr. KEIFER. Mr. Speaker, the question of the *prima facie* right to the seat has been already settled by the House and Mr. Mayo sworn in.

The SPEAKER. Debate is not in order. Will the gentleman from Virginia [Mr. TUCKER] allow this matter to be suspended for one moment, that a report may be received from a committee?

Mr. TUCKER. Certainly.

PRESIDENT'S ANNUAL MESSAGE.

Mr. CURTIN. Mr. Speaker, the committee charged, in connection

with a similar committee on the part of the Senate, with the duty of informing the President of the United States that the two Houses of Congress are organized and ready to receive any communication he may desire to make, report that they have performed the duty, and are directed by the President to say that he will make a communication in writing to Congress immediately.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

VIRGINIA ELECTION CONTEST.

The SPEAKER. Upon the resolution which has been read the gentleman from Virginia [Mr. TUCKER] demands the previous question.

Mr. CALKINS. I desire to ask a parliamentary question. I wish to inquire of the Chair whether as a matter of law the *prima facie* right in this case is not already settled by the action of the House in swearing in one of the claimants to the seat upon the title he presented.

The SPEAKER. The Chair thinks that is not a parliamentary inquiry; it is a question for the House to decide in voting upon the resolution. All that the Chair can determine is that this is a matter of privilege and in order at any time. The House of course must dispose of the proposition upon such reasons as may govern the votes of members.

Mr. CALKINS. But if the Chair will hear me a moment——

Mr. TUCKER. Mr. Mayo was directed to be sworn in because his name was on the roll, he having come here with a regular certificate. The facts which I have presented to-day show that the regular certificate ought not to have been awarded to him. I desire that the Committee on Elections shall examine into the question.

The SPEAKER. This matter is not debatable, the gentleman from Virginia himself having demanded the previous question. But the Chair will, of course, answer any parliamentary question.

Mr. CALKINS. The precedent is what I am looking after. I wish to state that within the range of my knowledge——

Mr. TUCKER. I rise to a point of order.

The SPEAKER. The gentleman from Indiana [Mr. CALKINS] states that he desires to submit a parliamentary question.

Mr. CALKINS. Within the range of my knowledge of all the election contests that have taken place in this House I do not now recollect any resolution introduced here and adopted by the House directing an inquiry into the *prima facie* right of a member to hold a seat after he had been sworn in on the credentials presented and thus become a member of the House.

The SPEAKER. But that is not a question for the decision of the Chair.

Mr. CALKINS. But this is the point for the decision of the Chair to which I am coming, whether, this being a resolution asking this House to determine a question which has already been determined by the House, that can be done in this manner. Can we open up by a simple resolution what has already been determined by the House?

The SPEAKER. The point suggested by the gentleman from Indiana may be of such a character as to induce the House not to pass the resolution, but it does not pertain to any question of order for the decision of the Chair.

Mr. CALKINS. I appeal to the gentleman from Virginia not to press this resolution for adoption until the matter can be fully inquired into.

Mr. TUCKER. That is exactly what I desire to have done—to authorize and instruct the Committee on Elections to examine into and report upon the matter without delay.

Mr. CALKINS. I do not believe it is the purpose of the gentleman from Virginia or that it is his desire that this House should take a step that has neither precedent nor law to sustain it. I ask him to let the matter lie over until to-morrow, so that we can examine it.

Mr. MAYO. Mr. Speaker——

The SPEAKER. This matter is not debatable if the gentleman from Virginia insists upon the demand for the previous question.

Mr. MAYO. I rise for the purpose of asking a question.

The SPEAKER. Debate is not in order.

Mr. MAYO. I do not propose to debate it, but to ask a question of my colleague here from Virginia. I am the party interested in the matter, and I simply want to ask a question, which I hope he will answer.

Mr. REAGAN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. REAGAN. I insist that this debate is entirely out of order, the previous question having been demanded, and the asking of questions is in the nature of debate.

The SPEAKER. Of course propounding a question to a gentleman on the floor is in the nature of debate. Objection having been made, the Chair must sustain it.

The question is on ordering the previous question.

The question was taken.

Mr. CALKINS. I demand a division.

The House divided; and there were—ayes 134, noes 103.

So, no further count being demanded, the previous question was ordered.

Mr. KEIFER. Now, Mr. Speaker, we desire on our part to debate this question. Do gentlemen on the other side desire to be heard first, under the rule?

Mr. TUCKER. No, sir.

Mr. KEIFER. Then we simply want to emphasize the effect of the proposition submitted here, perhaps for the first time in the history of Congressional legislation. This is a proposition to unseat a man after he has been sworn in; after being put upon the rolls regularly by the Clerk in the manner prescribed by the law, and after the House has permitted the man to come before its bar and take the oath of office required by the law. It is proposed now to go back of all this and adopt the peculiarly absurd idea which this resolution contemplates, to wit, to authorize a committee of the House to examine into the question of the *prima facie* case, which has been already determined through all the forms of law and with the consent of the whole House.

No case, I believe, unless the gentleman from Virginia has been able to find some precedent which has been overlooked—but certainly no case has arisen within my knowledge where it has been proposed to ask or authorize the Committee on Elections to investigate the *prima facie* case after the House has determined it.

Now, what we want to look at in this connection is as to what can be done by the committee if this resolution be adopted. Suppose under these instructions proposed to be given to them they examine first the certificate presented here by Mr. Mayo from the governor of Virginia and find it to be regular in form and so report? That makes the *prima facie* case. The Clerk of the House was justified under that certificate in putting the name of this man upon the rolls; and suppose the committee further find that the House was justified in permitting him to be sworn in. Then they propose to look at something else and see if there is not another *prima facie* case for somebody else. Suppose they should find it on some form of certificate? Then there would be a question of *prima facie* cases—one that had been settled by the House and the other not. That is the effect. It is proposed to give the Committee on Elections power to report back as soon as possible a question that has been already determined by the House and to ask the House to order a man out of his seat before the contest upon the regular notice that has been served and the answer. To do that, Mr. Speaker, would deprive the sitting member of the power of making any contest at all. He could not file the notice, because the statute has run until the time has been exhausted. There is no longer a chance or opportunity for him to file a notice of contest, and there would be no contest for the seat upon the merits. But the House having put the man in here on the authority of the certificate given by the governor of the State of Virginia the contestant is given his notice, answers have been filed, testimony has been taken, and everything done in proper form for the committee to examine the case upon its merits.

I would not object to a resolution that would refer all of the papers in the case—papers of every kind and character, memorials that may be presented hereafter, and all proper documents bearing upon the subject—to the Committee on Elections. If that committee wants to be vigilant, prompt, and active in its reviewal of the case I should not object. But this man, already sworn in, whose title to his seat is apparently as good as that of any other member here, is to be unseated on a *prima facie* case and forever debarred under our statute of the right of contest. This is a case so entirely at variance with precedents that I ask the House to hesitate and consider carefully before it undertakes to adopt the resolution and put another gentleman into that position. I do not mean to be understood as saying that that is the purpose of the gentleman from Virginia; I do not mean to say that it is his wish to avoid dealing with the case upon its merits. But that is the effect of the resolution if adopted and carried out by the Committee on Elections.

If there is any further time I desire to reserve it until I hear from the other side.

The SPEAKER. The gentleman from Ohio has seven minutes' time remaining.

Mr. KEIFER. I will reserve that time.

Mr. JOHN S. WISE. Mr. Speaker, I desire to ask the gentleman from Virginia whether he said the facts assumed in that resolution exist. The resolution in its character and import is to the effect that there is a question as to who has the *prima facie* title to this seat. I ask the gentleman whether there is a question as to who has the *prima facie* title to the seat occupied by the gentleman from the first district?

Mr. TUCKER. I answer my colleague, yes.

Mr. MAYO rose.

Mr. TUCKER. How much time has been taken up in the debate already?

The SPEAKER. The rule allows only thirty minutes for debate; fifteen minutes on each side. The gentleman from Ohio [Mr. KEIFER], who controls the time on that side, has seven minutes of his time remaining.

Mr. SPRINGER. The gentleman from Virginia I hope will yield five minutes of his time to me.

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. TUCKER. Yes, sir.

The SPEAKER. The Chair, then, recognizes the gentleman from Illinois for five minutes.

Mr. SPRINGER. Mr. Speaker, I understand in this case Mr. Garrison has made contest as to his *prima facie* right to this seat as well as to his right on the merits of the case. Now, under the Constitution of

the United States, this House is the judge of the elections, returns, and qualifications of its own members. It is necessary in the first instance to give to some other power the granting of certificates of membership, but now that this House is organized, and this is the House of Representatives, it is the judge of everything which pertains to the right of a member to a seat on this floor.

It has got to be too common, Mr. Speaker, for returning boards in the States to throw out indiscriminately precincts and counties, as was done in this case, in order to accomplish a partisan purpose. I hold this House can not be estopped from inquiring into the legality of those proceedings as well as into the question as to the merits of the case finally. In the case before this House I understand one whole county was disfranchised by the arbitrary act of a returning board, and so arbitrary was it, that the governor himself, a partisan of the contestee in this case, refused to be a party to it. Will this House therefore allow a returning board in one of the States to usurp the authority which it has under the Constitution of the United States, and disfranchise whole communities in the granting of a *prima facie* certificate; and when the question is brought here are we to refuse to meet that question to determine who ought to have had that certificate in the first instance? If there ever was a case where a claimant for a seat on this floor was entitled to a certificate in the first instance, that case is now before this House and covered by this resolution. If there ever was an unauthorized and arbitrary exercise of quasi-judicial power it was in the case of these returning boards in Virginia, and this House will do injustice to the rightful claimant to a seat on this floor if he shall be kept out until the merits of the case can be inquired into.

Mr. J. S. WISE rose.

Mr. KEIFER. How much time does the gentleman want?

Mr. J. S. WISE. I should like to have five minutes.

The SPEAKER. The gentleman from Ohio controls the time on that side.

Mr. KEIFER. I understand the gentleman from Virginia desires to be heard.

Mr. J. S. WISE. I do, and I ask the gentleman to yield to me for two minutes.

Mr. KEIFER. Certainly, I will yield to the gentleman from Virginia.

Mr. J. S. WISE. Now, Mr. Speaker, the assumptions of the last speaker are based on facts which are not in the record, and the conclusions of the speaker reach to the point of deciding a case before it has been heard. The only case in Virginia in which the question of returning boards has ever been before this House was the case of Platt against Goode, where Platt, who was elected by an undisputed majority, was thrown out, the Democratic House letting Goode retain the seat during the whole session, and then, against the report of the majority of the committee, seating Goode and depriving Platt of it. It comes with an ill-grace, therefore, from the other side to make any statement of that kind here that frauds of returning boards are becoming too common in Virginia.

Mr. MAYO. Mr. Speaker, may I be allowed to be heard in my own behalf before this House?

The SPEAKER. The gentleman from Ohio who demanded the debate is entitled under the usage of the House to control the time on that side.

Mr. TUCKER. Does the gentleman desire to discuss the legal proposition?

Mr. MAYO. I only wish two minutes of the gentleman's time.

Mr. KEIFER. I will yield two minutes of my time to the gentleman from Virginia.

Mr. MAYO. I wish to ask the gentleman from Virginia [Mr. TUCKER] if the certificate which he has, that allowed him to be sworn in, is not identical with the certificate upon which I have been sworn in? Upon that certificate I stand here before this House as the accredited Representative of the first Congressional district of Virginia. Under the sign manual of my State I am here. And I ask in common justice to myself that in acting upon this matter you shall deal with me, not as belonging to a different political party from the majority of this House, but that you shall deal with me fairly, squarely, and justly. That is all I ask of this House.

I have taken my testimony. It is going to be before your committee. Do not in advance prejudge the case. If you do, I shall be sorry to say that I belong to a body of men who so far forgot what was right and just that they decided in advance a case simply because they had a majority in that body. [Applause on the Republican side.]

Mr. KEIFER. If I have any further time I yield it to the gentleman from Indiana [Mr. CALKINS].

Mr. CALKINS. How much time have I?

The SPEAKER. Two minutes.

Mr. CALKINS. I desire to appeal again to the gentleman from Virginia [Mr. TUCKER] not to establish a precedent of this kind, which will be a dangerous precedent for the seat of every man in this House. Majorities often change. We ought to live and act by precedents.

It is true, as the gentleman from Illinois [Mr. SPRINGER] has said, the Constitution provides that each House shall be judge of the elections, returns, and qualifications of its own members. But there is another clause of the Constitution which declares that we shall decide our mode of procedure; that is, by rules. We have adopted rules under the Constitution; and one of our rules provides that these election contests, made up in accordance with the statute, shall go to the Committee on Elections, who shall report who is entitled to the seat.

Then Congress has passed a law that the Clerk of the House shall make up a roll of members. I desire to read it. It is as follows:

In making out the roll of members-elect at the first meeting of a Congress the Clerk of the next preceding House shall place thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States respectively or the laws of the United States.

I am reading from the law as it is quoted in the Digest. The Clerk, then, is the person to whom this Congress has committed the right to decide upon the *prima facie* title of a member-elect, unless something intervenes requiring him to submit the question to the House. And I say, after the Clerk has made up that roll under this law passed by Congress and a man is sworn at the bar of the House, the *prima facie* case is *res adjudicata*, and no committee can go back to determine it. To declare that it can, for the first time in a hundred years, would be establishing a precedent that would endanger the seat of every man in the House. The resolution is one which the House should not adopt.

Mr. RANDALL. Will the gentleman from Virginia [Mr. TUCKER] yield to me for a moment?

Mr. TUCKER. Yes, sir.

Mr. RANDALL. Will the gentleman consent to let this matter go over till to-morrow or else submit to a motion to refer the resolution to the Committee on Elections when appointed, so that we may have time to consider the subject in all its bearings?

Mr. SPRINGER. Let it go over till to-morrow.

Mr. TUCKER. I have no objection to letting it go over till to-morrow, so that the President's message may now be laid before the House. I believe I have ten minutes remaining.

The SPEAKER. This is a question of privilege, and of course can be called up at any time. The gentleman from Virginia [Mr. TUCKER] allows the resolution to go over till to-morrow.

CONTESTED ELECTION—ENGLISH VS. PEELLE.

Mr. COBB presented papers in the contested-election case of English *vs.* Peelle, seventh Congressional district of Indiana; which were ordered to be referred to the Committee on Elections when appointed.

THE PRESIDENT'S ANNUAL MESSAGE.

The SPEAKER laid before the House the annual message of the President of the United States; which was read.

(For message see proceedings of Senate.)

Mr. MORRISON. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the message of the President be committed to the Committee of the Whole House on the state of the Union, and, with the accompanying documents, be printed.

The resolution was adopted.

Mr. MORRISON. I offer also the resolution which I send to the desk, for reference to the Committee on Printing when appointed.

The Clerk read as follows:

Resolved, That there be printed —— thousand copies of the President's annual message for the use of the House.

The resolution was referred to the Committee on Printing when appointed.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House do now adjourn.

The SPEAKER. Pending the vote on the motion to adjourn, the Chair desires to lay before the House certain communications.

There was no objection.

REPORT OF COMPTROLLER OF CURRENCY.

The SPEAKER laid before the House a letter from the Comptroller of the Currency, transmitting his annual report, as required by section 333 of the Revised Statutes of the United States; which was referred to the Committee on Banking and Currency when appointed, and ordered to be printed.

EXPENDITURES IN THE CLERK'S OFFICE.

The SPEAKER also laid before the House a letter from Edward McPherson, Clerk of the late House of Representatives, transmitting a report of expenditures from June 30, 1882, to June 30, 1883; which was referred to the Committee on Accounts when appointed, and ordered to be printed.

LIST OF PRIVATE CLAIMS.

The SPEAKER also laid before the House a letter from Edward McPherson, Clerk of the last House of Representatives, transmitting a digested summary and alphabetical list of private claims presented to the House of Representatives during the first session of the Forty-seventh Congress; which was referred to the Committee on Printing when appointed.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN] that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 47 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The petition of Mrs. Pattie N. Bedinger, administratrix of William Holloway, deceased, asking compensation for quartermaster stores taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. BALLENTINE: The petition of Sallie Gray, of Tennessee, for compensation for —— taken by the United States Army during the late war—to the same committee.

By Mr. BARBOUR: Papers relating to the claim of the Episcopal Seminary of Virginia, and of Peter and Anson B. Nodine—severally to the same committee.

Also, the petition of Ralph King, for relief—to the Committee on Foreign Affairs.

By Mr. BROADHEAD: Papers relating to the claim of Lizzie Hamilton, administratrix of Charles D. Hamilton—to the Committee on War Claims.

By Mr. GEORGE R. DAVIS: The petition of the Board of Trade of Chicago, by J. B. Hobbs, president, praying for a just, equitable, inexpensive, and uniform national bankrupt law—to the Committee on the Judiciary.

By Mr. HARDY: Papers relating to the claim of Frances D. Donoho—to the Committee on War Claims.

By Mr. HOUK: The petition of Marcos Radich, for relief—to the same committee.

By Mr. McCOMAS: Papers relating to the claim of Mrs. Sallie Carroll—to the same committee.

By Mr. REAGAN: The petition of Mrs. Ann Barnes, of Texas, for relief—to the same committee.

By Mr. SLOCUM: The letter of ex-President Grant and the memorial of the Fifth Corps Army Association, urging the passage of the bill for the relief of Fitz-John Porter—severally to the Committee on Military Affairs.

By Mr. SPRINGER: The petition of John Spicer, for relief—to the Committee on the Judiciary.

By Mr. TUCKER: The petition of the Metropolitan police force of the District of Columbia, asking to be paid for their services under act of Congress of February 28, 1867—to the Committee on Claims.

Also, the petition of Aymar & Co., David Wood & Sturges, Bennett & Co., and of T. M. English, administrator of the estate of Richard Fitzpatrick, asking payment of a judgment of the Court of Claims—severally to the Committee on Appropriations.

SENATE.

WEDNESDAY, *December* 5, 1883.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT OF PUBLIC PRINTER.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Public Printer, transmitting the annual report of his office for the year ending June 30, 1883; which was ordered to lie on the table and be printed, to be referred to the Committee on Printing when appointed.

PETITIONS AND MEMORIALS.

Mr. HARRIS. I present a number of petitions of citizens of Tennessee of the same character, each of which I desire to have referred to the Committee on Claims. The petitions, which are quite numerous, pray for indemnity for loss of property during the late war, but the indorsement on one is substantially, if not literally, the indorsement upon all of them. Without consuming time in reading the indorsement on the various petitions I ask that they lie on the table, to be referred to the Committee on Claims when appointed.

The PRESIDENT *pro tempore*. The petitions will lie upon the table, and be referred to the Committee on Claims when appointed.

Mr. PENDLETON presented the petition of David S. Carrick, Andrew M. Robinson, Harry R. Smith, and others, machinists and inventors, of Cincinnati and its vicinity, praying for various amendments to the patent laws; which was ordered to lie on the table, to be referred to the Committee on Patents when appointed.

Mr. HOAR. I present a joint resolution of the Legislature of the Commonwealth of Massachusetts in relation to the employment of convict labor, which I desire to have read.

The resolution was read, and ordered to lie on the table, to be referred to the Committee on Education and Labor when appointed, as follows:

COMMONWEALTH OF MASSACHUSETTS,
In the year one thousand eight hundred and eighty-three.

Resolution concerning the employment of convict labor upon the works or property of the United States.

Resolved, That the Senators and Representatives of Massachusetts in the Congress of the United States are requested to use their best efforts to secure the passage of a law to prohibit the employment of convicts, or persons restrained of their liberty, upon works or property of the United States.

HOUSE OF REPRESENTATIVES, *February* 26, 1883.

Adopted. Sent up for concurrence.

EDWARD A. McLAUGHLIN, *Clerk*.

SENATE, *March* 1, 1883.

Adopted in concurrence.

S. N. GIFFORD, *Clerk*.

A true copy.
Attest:

EDWARD A. McLAUGHLIN,
Clerk of the House of Representatives.

Mr. FRYE presented a petition of the National Division of the Sons of Temperance, numbering 70,000 members, officially signed, praying for the creation of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table, to be referred to the Committee on Finance when appointed.

Mr. BLAIR. I present two joint resolutions of the Legislature of the State of New Hampshire, and ask that they be read and referred, respectively, to the proper committees when organized.

The joint resolution against land subsidies to railroads was read, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed, as follows:

STATE OF NEW HAMPSHIRE,
Office of Secretary of State, Concord.

Joint resolution against land subsidies to railroads.

Resolved by the senate and house of representatives in General Court convened, That whereas the Government of the United States has given to the railroads 178,952,688 acres of land, an area equal to thirty times the State of New Hampshire, and comprising the best lands of our national domain, the land grants in many cases being over 25,000 acres to every mile of railroad constructed; and

Whereas if such grants were ever proper that necessity has passed away, and many of the roads recently built are uncalled for, far in advance of any public need, and projected and constructed mainly to gain possession of immense tracts of land to enrich a few men, who monopolize the best sections, holding them for a rise, or to exact unreasonable prices from settlers, against the public welfare; and

Whereas the public lands are the property of the whole people, held in trust for the benefit of the whole people, and when sold they should be sold in such quantities and on such terms as to encourage settlement and improvement, and not be given to large corporations nor in any other way squandered: Therefore,

Resolved, That our Senators in Congress be instructed and our Representatives be requested to oppose any further land subsidies to railroads except the right of way, and any land grants for any purpose except for objects of national importance; and, especially, to oppose any renewal of forfeited land grants.

Resolved further, That his excellency the governor be requested to send copies of this joint resolution to each of our Senators and Representatives, and to the President of the Senate and Speaker of the House of Representatives, at the opening of the next session of our national Congress.

Approved September 7, 1883.

The joint resolution in favor of a Government postal telegraph system was read, and ordered to lie on the table, to be referred to the Committee on Post-Offices and Post-Roads when appointed, as follows:

Joint resolution in favor of a Government postal telegraph system.

Resolved by the senate and house of representatives in General Court convened, That our Senators in Congress be instructed and our Representatives be requested to use all their influence towards the early establishment of a Government postal telegraph system.

Resolved further, That his excellency the governor be requested to forward copies of this resolution to each of our Senators and Representatives in Congress, and to the President of the Senate and Speaker of the House of Representatives, at the opening of the next session of our national Congress.

Approved September 7, 1882.

Mr. PLUMB. I present a petition of certain ex-soldiers of the Union Army resident in Kansas, praying for certain modifications of the pension laws; which I move lie on the table, to be referred to the Committee on Pensions when appointed.

The motion was agreed to.

Mr. LOGAN presented a petition of letter-carriers of Peoria, Ill., and a petition of letter-carriers of Springfield, Ill., praying for the passage of a law establishing eight hours of service and granting them an annual vacation; which were ordered to lie on the table, to be referred to the Committee on Post-Offices and Post-Roads when appointed.

He also presented a petition of the Colored Soldiers and Sailors' Union, of New Orleans, La., praying for an extension of the time for presenting pension and bounty claims; which was ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

Mr. MILLER, of California, presented a petition of the Islais Creek Property Owners' Association of San Francisco, Cal., praying for the removal of obstructions to the navigation of that stream; which was ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

Mr. SHERMAN. I am requested to present the petition of J. W. Niles, a citizen of Arkansas, in which he complains that by an unlawful combination he and his associates have been prevented from exercising their rights under the land laws to make a pre-emption of land. There are many allegations which I think ought to be examined. I

move that the petition lie on the table, to be referred to the Committee on Public Lands when appointed.

The motion was agreed to.

Mr. GORMAN presented the petition of Joseph H. Maddox, a citizen of Maryland, praying to be reimbursed for certain losses alleged to have been incurred by him during the late war; which was ordered to lie on the table, to be referred to the Committee on Claims when appointed.

BILLS INTRODUCED.

Mr. JONES, of Florida, asked and, by unanimous consent, obtained leave to introduce a bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 230) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. CULLOM asked and, by unanimous consent, obtained leave to introduce a bill (S. 231) to correct the record of Col. B. H. Grierson, of the United States Army; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. SEWELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 232) to place the name of General Alexander S. Webb on the retired list of the United States Army; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. 233) providing for the enlargement and improvement of the post-office, custom-house, and court-house at New Haven, Conn.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

Mr. HALE asked and, by unanimous consent, obtained leave to introduce a bill (S. 234) to relieve ships and vessels from compulsory pilot fees; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 235) to provide for the erection of a public building in the city of Augusta, Me.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 236) for the relief of the owners and officers of the brig Olive Frances and others on board said brig; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 237) for the relief of Frances W. Dyer; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Finance when appointed.

Mr. LAPHAM (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 238) for the relief of Hester Sprong, widow of David Sprong; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 239) in relation to oaths in pension and bounty cases; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 240) to increase the pensions of widows in certain cases; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

Mr. HILL asked and, by unanimous consent, obtained leave to introduce a bill (S. 241) to repeal section 8 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of the Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880; which was read twice by its title.

Mr. HILL. I ask that the bill lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. DAWES. I would inquire of the Senator from Colorado if the bill should not go to the Committee on Indian Affairs?

Mr. HILL. No; it has no relation whatever to the work of the Committee on Indian Affairs.

Mr. DAWES. Very well.

The PRESIDENT *pro tempore*. The bill will lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. HILL asked and, by unanimous consent, obtained leave to introduce a bill (S. 242) to provide agricultural lands for the Southern band of Ute Indians, in lieu of lands heretofore provided for allotment to them; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Indian Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 243) to authorize the Postmaster-General to execute leases for post-offices in certain cases; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Post-Offices and Post-Roads when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 244) for the relief of Daniel Connor; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. DOLPH (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 245) for the relief of George H. Washington; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 246) to fix the salary of the judge of the district court of the United States for the district of Oregon; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. FRYE asked and, by unanimous consent, obtained leave to introduce a bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 248) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 249) for the relief of shipping; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 250) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 251) for the relief of Ben Holliday; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. 252) for the relief of George W. Morse; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Patents when appointed.

Mr. FAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. 253) for the relief of John Leathers; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 254) for the relief of Arthur L. Fish; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. BECK asked and, by unanimous consent, obtained leave to introduce a bill (S. 255) for the relief of Mrs. Sultana S. Farrell; which was read twice by its title, and ordered to lie on the table, to be referred, with the accompanying papers, to the Committee on Post-Offices and Post-Roads when appointed.

Mr. WALKER asked and, by unanimous consent, obtained leave to introduce a bill (S. 256) to provide for a building for the use of the Federal court, post-office, internal revenue and other civil offices, and a United States jail, in the city of Fort Smith, Ark.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 257) to indemnify the State of Arkansas for swamp and overflowed lands within said State sold by the United States since March 3, 1857, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 258) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith for the use and benefit of the free public schools thereof, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 259) for the adjustment of the claim of the State of Arkansas against the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to intro-

duce a bill (S. 260) for the relief of James Cloud; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 261) for the relief of Thomas F. Riley; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. SLATER asked and, by unanimous consent, obtained leave to introduce a bill (S. 262) relating to the muster-rolls of the Oregon volunteers; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 263) to pay for the survey of certain public lands in Washington Territory; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 264) for the relief of F. G. Schwatka and wife; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 265) for the relief of Alonzo Gesner; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 266) granting a pension to Joseph McGuckian; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 267) for the relief of Hadley Hobson; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 268) for the relief of William L. Adams; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 269) for the relief of M. P. Jones; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 270) for the relief of Thomas J. Miller, of Washington Territory; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 271) for the relief of Louisa Boddy; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Indian Affairs when appointed.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. 272) for the relief of J. W. Newman, administrator of Jacob Newman, deceased, of Tennessee; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 273) for the relief of the estate of Thomas Jones, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 274) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 275) for the relief of Reuben S. Jones; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 276) for the relief of Perez Dickinson, the surviving partner of James Cowan, deceased, heretofore trading and doing business under the firm name and style of Cowan & Dickinson, of Knoxville, East Tennessee; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 277) for the relief of J. A. Hodges; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. 278) granting a pension to Mary E. McConnell; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 279) granting a pension to Alfred M. Jarboe; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 280) granting a pension to Wesley Morford; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 281) granting a pension to James S. Wright; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 282) granting a pension to A. M. Wilson; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 283) to increase the pension of George W. Bausman; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 284) granting a pension to Henry J. Seward; which was read twice by its title, and, with the accompanying papers, ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 285) to grant the right of way through the Fort Bliss military reservation to the Rio Grande and El Paso Railroad Company; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 286) granting the right of way through a military reservation to a railroad company; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 287) to provide for the payment of bounty to certain discharged soldiers of the United States Army; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 288) to secure to certain meritorious soldiers of the late war an honorable discharge from the service, and to provide for the payment of the salary and bounty due to such soldiers; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 289) to confirm the homestead entry of Hugh Foster; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 290) to confirm the homestead entry of John Waishkey, jr.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 291) for the erection of a public building at Wichita, Kans.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 292) for the erection of a public building at Fort Scott, Kans.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. 293) for the relief of William C. Spencer; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 294) for the relief of Frank Della Terre and Susan F. Della Terre, heirs of Peter Della Terre, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 295) for the relief of Alfred G. Hatfield; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 296) for the relief of Harriet W. Shacklett; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 297) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Patents when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 298) for the relief of Mrs. Maggie Cassidy; which

was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Patents when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 299) to determine the rights of William Wheeler Hubbell and the United States, respectively, therein stated; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 300) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. 301) to provide for a second circuit judge for the seventh judicial circuit of the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 302) to provide for compiling and arranging the statute laws in force in the District of Columbia; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the District of Columbia when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 303) to establish a railway bridge across the Mississippi River, extending from a point between Wabasha and Read's Landing, in Minnesota, to a point below the mouth of the Chippewa River, in Wisconsin; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

Mr. JACKSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 304) to give the assent of Congress to the construction of a free bridge by the mayor and city council of Nashville, Tenn., over the Cumberland River; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldran; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 306) for the relief of Edmon Cooper; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. LAMAR asked and, by unanimous consent, obtained leave to introduce a bill (S. 307) for the relief of Lewis D. Allen; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. 308) to exclude the public lands in Arkansas from the operation of the laws relating to mineral lands; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 309) to amend section 673 of the Revised Statutes of the United States, relating to the quorum of the Supreme Court of the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 310) to amend the law relating to the bonds of executors in the District of Columbia; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. MILLER, of New York (by request), asked and, by unanimous consent, obtained leave to introduce a bill (S. 311) to refer the claim of Alice E. De Groot and Theodore R. B. De Groot, administrators of William H. De Groot, deceased, to the United States Court of Claims; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 312) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth, Kans.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 313) granting a pension to Charlotte McCay; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 314) granting a pension to John C. Hughes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 315) granting a pension to William Reinhardt; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 316) granting a pension to Mrs. Katharina T. Wunsh; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 317) to establish depositories and provide for the distribution of public documents; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Printing when appointed.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 318) for the relief of cadets and cadet-engineers who were in the naval service at Annapolis on the 5th day of August, 1882; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Naval Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 319) to amend the law as to the issue of postage penalty envelopes to certain public officers; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Post-Offices and Post-Roads when appointed.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. 320) authorizing the payment of interest due to the States of California, Oregon, and Nevada, and Nevada when a Territory; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 321) amendatory of an act entitled "An act for the relief of certain settlers on public lands, and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 16, 1880; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 322) in relation to certain fees allowed registers and receivers; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 323) to authorize the Secretary of the Interior to make allowance for rent of United States land offices; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 324) for the relief of purchasers and locators of swamp and overflowed lands in California, and to indemnify said State for swamp and overflowed lands disposed of therein by the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 325) for the relief of William R. Wheaton and Charles H. Chamberlain, of California; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 326) for the relief of Jerome Madden, of California; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 327) for the relief of A. S. Rosenbaum & Co., of New York city; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 328) to authorize Allexey W. Von Schmidt to bring suit in the Court of Claims; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 329) for the relief of the sureties of the late J. O. Rawlins; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Finance when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 330) for the relief of E. J. Baldwin; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 331) for the relief of J. L. Burchard; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Indian Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 332) for the relief of Thomas B. Shannon; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Finance when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 333) to pay James and Emma S. Cameron for property taken and used by the Army during the late war; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 334) for the relief of Edward Byrne; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 335) referring the claim of John Williams to the Court of Claims; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 336) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Finance when appointed.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 337) granting pensions to Wilson W. Brown and others; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

Mr. HAMPTON asked and, by unanimous consent, obtained leave to introduce a bill (S. 338) to authorize the Secretary of the Treasury to appoint Dr. A. Sidney Tebbs an assistant surgeon in the United States Marine-Hospital Service; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a bill (S. 339) for the relief of the State National Bank of Louisiana; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 340) granting public lands to the soldiers of the late war of the rebellion; which was read twice by its title, and, with the accompanying papers, ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. 341) to regulate the rank of engineer officers of the United States Navy; which was read twice by its title, and ordered to lie on the table, to be referred, with the accompanying papers, to the Committee on Naval Affairs when appointed.

Mr. BAYARD asked and, by unanimous consent, obtained leave to introduce a bill (S. 342) to increase the pension of Mrs. Margaret R. Jones, widow of Col. James H. Jones, late of the United States Marine Corps; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

Mr. BAYARD. I ask that an order be made that the papers relating to this case be withdrawn from the files and referred with the bill.

The PRESIDENT *pro tempore*. Has there been an adverse report in the case?

Mr. BAYARD. There has been no report whatever.

The PRESIDENT *pro tempore*. The order will be granted if there be no objection.

Mr. PENDLETON asked and, by unanimous consent, obtained leave to introduce a bill (S. 343) concerning the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to amend the Revised Statutes from sections 4083 to 4130, inclusive; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Foreign Relations when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 344) to regulate the payment of bills of exchange drawn in foreign countries on persons, firms, companies, or corporations when the amount to be paid is named in foreign coins; which was read twice by its title, and ordered to lie on the table, with the accompanying papers, to be referred to the Committee on Finance when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 345) for the relief of certain officers in the Medical Department of the United States Army; which was read twice by its title, and, with the accompanying papers, ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 346) to amend section 1860 of the Revised Statutes, so as not to exclude retired Army officers from holding civil office in the Territories; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Territories when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 347) to authorize the appointment of a special commissioner, to visit the principal countries of Central and South America, for the purpose of collecting information looking to the extension of American trade and commerce and the strengthening of friendly and mutually advantageous relations between the United States and all other American nationalities; which was read twice by its title, and, with the accompanying papers, ordered to lie on the table, to be referred to the Committee on Foreign Relations when appointed.

Mr. COCKRELL. I ask unanimous consent to dispense with the one day's notice and have leave to bring in a bill by request, not knowing the merits of it and not being committed for or against it.

By unanimous consent, leave was granted to introduce a bill (S. 348) to confirm an official order of the commissioners of the District of Columbia; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the District of Columbia when appointed.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 349) for payment to Daniel Donovan for additional labor and services rendered the District of Columbia; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the District of Columbia when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 350) for the relief of the estate of Thomas L. Price, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Finance when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 351) for the relief of Alexander Smiley; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Finance when appointed.

Mr. COCKRELL. I ask that an order be made withdrawing from the files of the Senate the papers in relation to each of these cases.

The PRESIDENT *pro tempore*. Is there an adverse report in any of the cases?

Mr. COCKRELL. No, sir; a favorable report, and one bill passed the Senate at the last session.

The PRESIDENT *pro tempore*. The order will be made.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 352) for the relief of Thomas H. Reeves; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 353) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 354) relinquishing the right of the United States to an island therein named; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 355) to confirm the title to certain lands in Platte County, Missouri, and authorize patents to be issued therefor to Kinsey B. Cecil; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 356) for the relief of Millie E. Hays, widow of John Hays, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. COCKRELL. I ask that the papers in each of these cases be taken from the files of the Senate and referred to the committee when appointed, no adverse report having been made.

The PRESIDENT *pro tempore*. That order will be made.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 357) granting a pension to William Lockhart; which was read twice by its title, and, with accompanying papers, ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 358) granting a pension to Thomas E. Brawner; which was read twice by its title, and, with the papers on file relative to the case, ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 359) granting a pension to Samuel P. Bronson; which was read twice by its title, and, with the papers on file relative to the case, ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 360) granting a pension to Maria Louise Moss; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 361) granting a pension to John C. Hargrave; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 362) granting a pension to Abraham H. Burkholder; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 363) for the relief of Edward P. Vollum; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to intro-

duce a bill (S. 364) for the relief of Alvin A. Ayers; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 365) for the relief of certain officers of the Army; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 366) for the relief of Henry W. Martin; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 367) for the relief of Joseph W. Carmack; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 368) for the relief of Oscar Eastmond and James W. Atwill; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 369) for the relief of John F. Bair; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 370) to pay certain officers of the Army for services actually rendered during the late war; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. COCKRELL. I ask that an order be made that the papers in each of these cases be withdrawn from the files of the Senate and referred to the Committee on Military Affairs when appointed, there having been no adverse report.

The PRESIDENT *pro tempore*. That order will be entered if there be no objection.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 371) for the relief of Charles P. Chouteau; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 372) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 373) for the relief of Samuel S. Vinton; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 374) for the relief of Francis L. Valle; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 375) for the relief of George H. Carlyle; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 376) for the relief of Henry McGowan; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 377) for the relief of William Morrison; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 378) for the relief of Thomas B. Wallace; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 379) for the relief of Mrs. J. P. Williams; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 380) for the relief of James Bridger; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 381) for the relief of William R. Testerman; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 382) for the relief of the city of Glasgow, in the State of Missouri, and of certain citizens thereof; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 383) for the relief of William M. Pleas; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 384) for the relief of William M. Pleas and F. S. Jones; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 385) for the relief of D. C. Allen; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 386) for the relief of Napoleon B. Giddings; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 387) for the relief of David Waldo & Co.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 388) for the relief of David Waldo; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 389) for the relief of A. L. H. Crenshaw; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 390) for the relief of Samuel A. Lowe; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 391) for the relief of Wetmore & Brother, of Saint Louis, Mo.; which was read twice by its title, and ordered to lie on the table, to be, with an accompanying paper, referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 392) for the relief of Joseph Kinney, administrator of David Ballentine, of Missouri; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 393) for the relief of Asenath A. Phelps, administratrix of estate of Harlow J. Phelps, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. COCKRELL. In relation to each of these cases where there are any papers on file—in some of the cases there are no papers—I ask that an order be entered withdrawing them from the files of the Senate, to be referred to the Committee on Claims when appointed.

The PRESIDENT *pro tempore*. That order will be granted subject to the rule, if there be no objection.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. 394) restoring to the pension-roll the name of Maj. D. Williams; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 395) to provide for the holding of a term of the district and circuit courts of the United States at Nebraska City, Nebr.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 396) for the erection of a public building at Nebraska City, Nebr.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

Mr. BLAIR (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 397) relating to the survey and disposal of an unsurveyed island belonging to the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 398) to aid in the establishment and temporary support of common schools; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Education and Labor when appointed.

Mr. HAWLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. 399) for the relief of Albert H. Emery; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. GEORGE (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 400) for the relief of Lewis D. Allen; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 401) for the relief of the Protestant Orphan Asylum of

Natchez, in the State of Mississippi; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. MORRILL asked and, by unanimous consent, obtained leave to introduce a bill (S. 402) for the completion of the Capitol terraces and the stairways connected therewith; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

Mr. HAWLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. 403) authorizing the erection of a fire-proof building in the city of Washington, to contain the records, library, and museum of the Army Medical Department; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Buildings and Grounds when appointed.

Mr. CULLOM asked and, by unanimous consent, obtained leave to introduce a bill (S. 404) to reorganize the legislative power of the Territory of Utah; which was read the first time by its title.

Mr. CULLOM. I desire to state that this bill is substantially the same as one formerly introduced by a gentleman from Michigan in the House of Representatives. It meets my views as to what should be done in that Territory, and hence I have introduced it in the Senate. I ask that for the present it lie upon the table.

The bill was read the second time by its title, and ordered to lie on the table.

Mr. BUTLER asked and, by unanimous consent, obtained leave to introduce a bill (S. 405) to repeal the internal-revenue laws now of force, and abolish the Internal Revenue Bureau; which was read twice by its title, and ordered to lie on the table.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. 406) to reduce revenue, promote domestic industry, and increase foreign commerce; which was read twice by its title, and ordered to lie on the table.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. 407) to authorize the United States district court for the northern district of California to proceed in the case of the executors and heirs of Augustine Yturbide, deceased, appellants, against the United States, appellees, and hear and determine the same on its merits; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. 408) concerning Federal elections; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Privileges and Elections when appointed.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 7) to permit the erection of a statue of Garibaldi on the grounds of the national cemetery at Vicksburg; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 8) proposing an amendment to the Constitution of the United States in relation to appropriations; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. LOGAN. I ask leave without previous notice to introduce a joint resolution making an appropriation of $11,000, to be available immediately on the passage of the resolution, for the completion of the work connected with the Rock Island arsenal, and for the purpose of saving work already done on the dam across the slough, which will be very materially damaged unless the appropriation shall be made within a very few days. If it is proper to do so I ask that the joint resolution be referred to the Secretary of War, for him to communicate to the Senate the information in the War Department in reference to this particular case.

By unanimous consent leave was granted to introduce a joint resolution (S. R. 9) making an appropriation for the improvement of the pool above the dam at the Rock Island arsenal; which was read twice by its title.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Illinois that he does not think a bill from this body can be referred as a bill to the Secretary of War.

Mr. LOGAN. I thought probably that was so. The joint resolution will have to go to the Committee on Appropriations, when appointed, as a matter of course; but if it is a proper thing to do, I would ask that the Secretary of War be requested to communicate to the committee, or to the Senate, information in reference to the matter.

The PRESIDENT *pro tempore*. The Senator can offer a resolution, when resolutions are called, for that purpose. The joint resolution will lie on the table, to be referred to the Committee on Appropriations when appointed.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 10) providing for the preparation and distribution of pamphlet laws and Statutes at Large; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Printing when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 11) providing for the sale of public documents; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Printing when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 12) providing for the distribution of the Congressional Globe and RECORD; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Printing when appointed.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 13) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Post-Offices and Post-Roads when appointed.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 14) for the relief of Mrs. Jane Venable; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Foreign Relations when appointed.

Mr. CALL (by request) asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 15) for the relief of Caroline M. Seton and Mary Jeannette Sibbald, heirs at law of Charles F. Sibbald, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 16) proposing an amendment to the Constitution in relation to alcoholic liquors and other poisonous beverages; which was read twice by its title, and ordered to lie on the table.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the papers in the matter of the following claims be withdrawn from the files of the Senate and referred to the Committee on Claims when appointed, there having been no adverse report, to wit:

1. The papers in respect to the claim of J. A. Hodges.
2. The claim of Perez Dickinson, surviving partner, &c.
3. Reuben S. Jones, of Tennessee.
4. Hiram Johnson and others.
5. The estate of Thomas Jones, deceased.

Ordered, That the papers in the matter of the claim of Mrs. Jane Venable be taken from the files of the Senate and referred to the Committee on Foreign Relations when appointed, there having been no adverse report on said claim.

Ordered, That the petition and papers of Hugh L. W. Brinkley and Annie O. Snowden, formerly Annie O. Brinkley, be withdrawn from the files of the Senate, and referred to the Committee on Claims when appointed, there having been no adverse report.

On motion of Mr. CALL, it was

Ordered, That the papers relating to the following claims be withdrawn from the files of the Senate and referred to the Committee on Claims when appointed, subject to the rules of the Senate: Ellen Call Levy and Mary K. Brevard, heirs of Richard K. Call, deceased, and Theodore Hartridge, surety on the bond of Felix Livingston, collector of customs at Fernandina, Fla.

ROCK ISLAND IMPROVEMENT.

Mr. LOGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate any information he may have in reference to the necessity of an immediate appropriation for the completion of work at Rock Island, Ill.

FLORIDA CLAIMS UNDER SPANISH TREATY.

Mr. JONES, of Florida, submitted the following; which was considered by unanimous consent, and agreed to:

Whereas President Hayes, by special message, dated March 1, 1880, called the attention of Congress to "the unsettled claims of Spanish inhabitants of East Florida during the years 1812 and 1813," arising out of the treaty of 1819 between the United States and Spain; and again, in his annual message to Congress, December, 1880, referred to the subject in the following words, to wit:

"The claims against the United States under the Florida treaty with Spain were submitted to Congress for its action at the late session, and I again invite your attention to this long-standing question with a view to a final disposition of the matter."

And whereas from a transcript of the diplomatic correspondence between Spain and the United States on the subject, transmitted to the Senate subsequent to the messages referred to, it appears that the Government of Spain has for many years strenuously and persistently urged the settlement of said claims by the payment by the United States of the unpaid portions of the decrees made by the judges who, under the act of Congress of March 3, 1823, adjudicated said claims.

And whereas the honor and dignity of the United States require that said matter shall be speedily and finally disposed of: Therefore, to the end that Congress may be advised as to what further legislation, if any, is necessary or proper in the premises,

Be it resolved, That the President be, and he hereby is, requested to inform the Senate, if not incompatible with the public service—

First. Whether or not, in his opinion, the ninth article of the treaty of 1819 between the United States and Spain has been fully executed by the United States.

Second. If it has not been fully executed, then whether the impediment to its execution arises out of unsettled questions of fact or undetermined questions of law, and what, if any, are such unsettled questions of fact and undetermined questions of law.

THE COINAGE.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions the morning hour is closed.

Mr. MORRILL. Pursuant to a notice that I gave yesterday I now desire to address the Senate on Senate bill No. 226, introduced by me yesterday. The bill has not yet been received from the Printing Office, but I understand that it will be on the desks of Senators presently.

The PRESIDENT *pro tempore*. The Senator from Vermont asks

unanimous consent for leave to proceed with his remarks on the subject of the bill named by him. The bill not being now at the Secretary's desk, the title of the bill will be read from the journal.

The PRINCIPAL LEGISLATIVE CLERK. "A bill (S. 226) relating to coinage, silver certificates, and United States notes."

The PRESIDENT *pro tempore*. Is there objection to the Senator from Vermont proceeding with his remarks at this time? The Chair hears none.

Mr. MORRILL. The topic I shall mainly discuss to-day, and which, perhaps, I have most at heart, is the improvement of our fractional silver and other minor coinage; not, however, without bestowing some attention to collateral subjects of perhaps equal importance embraced in the bill already presented by me to the Senate.

The problem of a universal legal-tender coinage has long perplexed the world, and the vast extension of modern commerce, with the fluctuating supplies of the precious metals, tends to perpetuate its difficulties; but American interests are too great to be surrendered to the blunders of others or of ourselves, whether of action or non-action. Having the primacy in the production of the precious metals, shall we not refuse to confess that we know not how to handle them, neither for our own nor for the general good?

PRESENT COINAGE.

The present unsatisfactory condition of our gold and silver coinage, as well as of the token coinage, appears to me so pronounced as to demand the serious and early attention of the Senate. Though nominally representing the double standard, their relative proportional value is a fiction too gross to endure; and when the fiction explodes, as sometime it must explode, the heaviest loss will fall upon those least able to bear it. The law from Mount Sinai is against "divers weights, great and small." Our silver coins, and all the minor coins, are practically nothing more than tokens, representing values received for them much above their actual value. If the Government were poor, or its credit strained, such indirect gains might be winked at and tolerated; but the United States, now in full vigor and united manhood, with an overflowing treasury, have no excuse for maintaining such conflicting standards, and such paltry sources of unnecessary revenue, and by expedients which have grown to be inexcusable.

We have a system of internal taxation, and a tariff upon imports; and also, as a supplement beyond all this, a forced contribution levied upon our people of nearly 15 cents upon every silver dollar that comes forth from the Mint, and much more, or to over one-fifth part of the nominal value, upon all other silver coinage. This may not improperly be styled tyranny tempered by alloy.

Congress, however, having the exclusive power to coin money, is under the highest promptings of duty to provide the soundest and safest known to the world; and its duty is equally grave to protect the people against raising revenue, much or little, directly or indirectly, by debased coinage, or by a policy not based upon intrinsic value, which has never failed to blot the good name of any government that has ventured to try the disastrous experiment.

But we do not seem to blush at these profits, whether arising from silver or even copper coinage. When the copper cent was originally authorized by the United States the first importation of copper—and then all had to be imported—cost over 43 cents per pound, or three times as much as it does to-day, when the cent contains less than one-fifth of the weight originally proposed. Copper is now hardly worth more than some of the baser metals—less than the best cast-steel—and perhaps not so much as the iron anciently used as money in Sparta, or even as the iron and tin once used in England. Hamilton, whom Jefferson styled a "Colossus," with his usual extraordinary foresight, doubted whether copper would long remain fit for money.

When our silver dollars were first authorized their intrinsic value was equal to their nominal value, and no more were coined than were wanted for circulation. This was the doctrine and practice of our fathers. Now the actual value of the silver dollar is 85½ cents, instead of 93 cents in 1878, at the start of compulsory coinage; and we are daily doing all we can to depress its value at home by laborious additions to the enormous pile in the Treasury, until it threatens to topple over, carrying with it its false and flimsy scaffolding of equivocating silver certificates, which, when redeemed, must be redeemed in a metal of quite another color. Silver will not be accepted for certificates while anything much better can be had. The accumulated tons of silver dollars now held by the Treasury are a conspicuous overproduction, recognized, distrusted, and avoided by everybody. A glut appears for the moment to make silver, as it does any other commodity, scarcely worth having. Thus we appear to have, so to say, an "elephant" on hand, which, although white, not even Barnum will take off our hands; and which is not only difficult to keep, but, wherever sent, there are neither cages nor pockets ready to receive or to hold.

We are compelled to seek and to use at least $24,000,000 of revenue annually, with an option which allows the use of forty-eight million, above all that would otherwise be required, in order to perpetuate the colossal folly of hoarding 3,455 tons of silver dollars, 742 tons of fractional silver, and 140 tons of silver bullion, as useless, either to the Government or to the people, as the buried treasure of Captain Kidd.

SILVER CERTIFICATES.

Let me say at once that it is not proposed to deprive outstanding silver certificates of any existing functions. Let the nearly one hundred millions now afloat circulate with all of their privileges, but their bulk, already excessive, cannot be increased without danger to our whole monetary system.

It may be falsely supposed that the large, constant, and unending accumulation of silver dollars in the Treasury is squarely there for the redemption of outstanding silver certificates, but not one of these certificates ever has been or ever will be presented by the holder for redemption in silver. They will all turn up and be tendered at the custom-house, instead of gold, the first moment our exchanges feel the shock of an adverse balance of trade, or whenever there is an excess of imports over exports; and then the real difference between the standard of our gold and silver coins will become painfully manifest. We are bound by law to accept and receive silver certificates, in violation of our pledged public faith, as the equivalent of gold, at the custom-house. When the contingency occurs, exposing the hollow truce existing between our gold and silver standards, gold will become a fugitive and sink below the horizon, and a flickering single standard of silver, whether up or down, will become dominant. The disastrous effects thus to arise can not fail to disjoint our whole commerce, and will invade the home of every wage-receiving laborer of the country. Failing to keep our proper share of the products of our own gold mines, as well as silver, all the evils of a suddenly depreciated currency will be sure to revisit us, and with a proclamation that they come to stay. The Pactolian stream of gold will then cease to flow into the Treasury, and instead will come the juiceless flood of silver certificates.

Does any one propose that we shall step down and out from among leading industrial and commercial nations, by having hereafter to base all of our financial and business interests exclusively on silver? Can any one propose at a blow to cut down the wages of labor and the terms of all contracts to the extent of 15 or 20 per cent.? Must all of our trade and business enterprises be kept forever on the lookout for a financial convulsion, suspended only by a hair's breadth, in the rate of exchange? If not, then may I not hope that all will unite upon some proper and conservative measure that will save to our people the use of both gold and silver? At this moment the amount of silver dollars and fractions in the Treasury, never used except in very small sums, and never hoarded, is preposterously large in proportion to the amount of gold coins, which always have been and must continue to be used for all of the hundred-fold larger transactions.

TEMPORARY SUSPENSION OF COINAGE.

A temporary suspension of the coinage of silver can not reduce the amount in circulation in the least, as it will manifestly be impossible for several years to wholly exhaust the extensive stock now in the overloaded vaults of the Treasury; and all those whose opinions are most entitled to our respect advise that such a suspension will be the only effective policy to checkmate the anti-silver fanaticism supposed to prevail among some foreign nations. It would be stupid to suppose that these nations will ever abandon their gold policy while we are exerting our utmost power to sustain it, not here but there, by rolling out of their path the chief obstacle which blocks their way, but which, like the rock of Sisyphus, always rolls back to crush ourselves.

A temporary suspension is also indispensable to enable us to reform and to vastly improve our annual display of coinage, which in 1882 was equal in amount to one-half of the combined annual coinage of all other leading commercial nations.

The purpose of the proposition to cease issuing one and two dollar United States notes is to bring into circulation a larger amount of silver dollars. The money-order system and postal notes of the Post-Office Department—likely, as I am informed, soon to be greatly improved—fully demonstrate that small bills are no longer indispensable for remittances, and may properly be pushed aside to make room for silver dollars.

COINAGE ACTS.

In discussing the bill I have introduced I trust I may be excused for briefly referring to past and existing legislation, although the facts may be in all the horn-books of Congressional students.

By our first coinage act of 1792, based on the plan presented by Jefferson in 1787, one ounce of gold was made the equivalent of fifteen in silver; and the gold eagle, eleven-twelfths fine, weighed 270 grains. This proved to be an undervaluation of silver until 1834, when the gold eagle was reduced in weight to 258 grains, and slightly further reduced by alloy to a fraction below nine-tenths fine, or to eight hundred and ninety-nine and two-tenths thousandths. This made the value of the new eagle 66.68 cents less than the old. The half-eagle of 129 grains and the quarter-eagle of 64½ grains were of the same fineness. In 1837 the gold coinage was raised to nine-tenths fine, and the ratio to silver has since been one to sixteen. The double-eagle first appeared in 1849, and the gold dollar in 1853.

In 1792 it was provided by Congress that a silver dollar "of the value of a Spanish milled dollar, as the same is now current," should be coined, and it first appeared in 1794, weighing 416 grains, and it contained 371¼ grains of pure silver. By the act of 1837 the rate was reduced to 412½ grains, but the amount of pure silver was unchanged.

In 1851 the three-cent silver coin was authorized .750 fine, weighing 12⅜ grains.

By the act of 1853 all the fractions of the silver dollar were reduced to the ratio of 384 grains to the dollar, nine-tenths fine, and regulated by the metric system of weights, or for halves 12½ grams, quarters 6¼ grams, and dimes 2½ grams; but the weight of the three-cent piece was changed to three-fiftieths of the half-dollar, or to 11.52 grains. This was an unfortunate degradation of these coins, compensated by nothing gained abroad, and doomed them to much loss of prestige at home. Jefferson denied the right of Congress to lessen the value of coins. In consequence of this 7 per cent. shortage of silver in the half-dollars we no longer largely export them, as we did formerly, to South America and the West Indies, but peddle them out in dribblets at home, where they are reluctantly received as "Hobson's choice."

If gold had no foothold in our country from 1792 to 1834, silver had as little from 1837 to 1853, when it was suddenly cheapened and reinstated. It will be observed that when the merest fraction of difference occurs in the standard value of gold and silver coinage the undervalued coin becomes the sole coin in circulation, increasing its prerogatives as its merits diminish, and inexorably banishes that which is of superior value.

By the act of March 3, 1865, when we were, perhaps, more humble than we have been since, the legend of "In God we trust" was authorized upon all our coins. In 1873 we appear to have lapsed into incredulity, and this inscription was omitted; but at the same time the coinage acts were all revised and the trade-dollar had its ill-omened birth. No other important change was made, except that the old silver dollar, then the Delilah of nobody, was left out, and for the reason that none had been coined for many years, none were called for, and none could then have been coined without a positive loss to the Government.

TRADE-DOLLAR.

The trade-dollar, of unusual weight, was authorized in consequence of an urgent commercial demand presented exclusively by those engaged in the trade with China, who paid the Mint the cost of its manufacture. It bore its exceptional character on its face, as a piece of silver weighing 420 grains, nine-tenths fine. It was very awkwardly included as a legal tender, to the amount of $5, among fractional silver coins, but was known to be worth as bullion 3 or 4 per cent. more than its legal-tender value, which wholly precluded it from any such use. When, however, silver began to droop in price, it was plain that many of the 30,834,360 trade-dollars which had been exported might, much to our disadvantage, be returned to our hands; and, therefore, by the joint resolution of the House of Representatives, July 22, 1876 (introduced by Mr. RANDALL), to which all parties promptly assented, the non-used legal-tender power of the trade-dollar was withdrawn, but it remained at 1½ per cent. above par for a year and a half afterward. Since then, silver bullion having diminished in value, this commercial rover thrusts itself in our faces and demands to be counted, with all the privileges of our eldest born, or as it might have been if it had always belonged to our domestic family of coins, and had not worn on its face the indelible brand of inferiority. The legend, "In God we trust," still lingering on this nondescript dollar, is an apt reminder of a coin of Pope Innocent the Eleventh, when under great apprehensions from the King of France, which bore the inscription of "Help, Lord, or else I perish," with the figure of Saint Peter vainly trying, like our dollar, to walk on the waters, and piously calling for help. One other eccentricity may also be noticed, not unlike that on the coins of Cromwell, upon one side of which appeared "God with us," and upon the other side, "The Commonwealth of England." This caused a cavalier with some wit to say, "God and the Commonwealth are on different sides." The legend on the trade-dollar, "In God we trust," is on the obverse side, while it is true that the "United States of America" and the eagle are ominously arrayed on the reverse or opposite side.

Unfortunately all the trade-dollars have not left our country for our country's good; they were made here by our machinery, and all that are in the hands of innocent holders should be offered a little chance to get out of the way, if they will only depart quickly.

EXCESS OF SILVER.

There are in circulation at the present time $93,953,780 of our silver coinage. There are also $141,337,533 more in the Treasury, which the Government would be only too glad to unload. Half as much of fractional silver and about three times as many silver dollars are now in the Treasury as are held by the people. Where is it to go? *Cui bono?* The Treasury is thoroughly gorged, and the stomachs of the people are suffering from hopeless indigestion.

It can hardly be doubted that the two or more millions of silver bullion which has been bought every month, and by the overtasked mints converted into more millions of dollars, amounting in five years and seven months to the prodigious sum of $154,370,899, would have been more largely accepted and held as ready money by the people if the Government had left silver to stand on its own merits, and had not enlisted in what seemed almost a crusade to force an excessive and unnatural amount into circulation. Sober legislators appeared to rely upon coercion to popularize the diffusion of silver, and also upon the ponderous creation of an absolute supply to create an equally absolute demand; but the public, wandering in unbelief, declined to be coerced, and subsequent experience, to a considerable extent, may have confirmed the general and more pronounced lack of faith. It is true that the Government has been and is regularly in the market for its moon-struck supply of bullion, yet any advantage of an increased or fictitious creation of value upon the general product of silver mines has been and is impossible, because all the rest of mankind, or the major part of consumers, are entirely free to buy or not to buy, and especially free to take notice of the fact that our Government is a purchaser on sheer compulsion, bound by positive law, to buy and to hoard a swelling surplus, that must ere long break through all barriers and inundate all markets. Beclouded by such surroundings, it is not wonderful that the price of silver has been rather adversely affected. The London quotation for silver, February 28, 1878, was 55 pence per ounce, and has rarely if ever been so much since, being to-day 50⅛ pence per ounce, British standard.* Binding itself as a perpetual purchaser has placed the Government too nearly in the attitude of the reckless speculators of the stock exchange, or of buying silver to make a "corner" in order to squeeze some outsider. But the action of the Government is as bootless as was the stamp of the tyrant's foot to raise armies. We have nothing to show for it except our own perspiration. The patronage of Government, bestowed upon silver mines, or nickel mines, or copper mines, to secure their permanent prosperity, is unreliable, and no more should be sought after by them than can be justified by the actual requirements of the Government. It should also be forever borne in mind that the annual production of our gold mines, heretofore much the largest, is now a little less than our silver mines, and no more favoritism should be shown to one than to the other.

When our standard money is of universal value, circulating without loss elsewhere as well as at home, the increase or decrease of its volume does not materially affect the price of commodities. The intercommunication of the markets of the world preserves values at nearly a universal level, and redresses fluctuations at the bare cost of the transportation of coin.

It would obviously be to our great hurt if our specie should lack harmony with the standard of other commercial nations with whom our chief intercourse must be maintained. Different standards of money are worse and more inconvenient than different languages. Whatever disadvantages may now or hereafter arise from adverse exchanges must be borne exclusively by those who adhere to the inferior standard. If we make one dollar in gold, or one dollar in silver, of the same intrinsic value each bears in London, Frankfort, and Paris, we may coin few or many without appreciable effect upon prices or values. Great Britain is supposed to have large control of the gold standard of Europe; but, if so, it is not derived from her abundant coinage, no gold having been coined there in 1882, and only £209,880 of silver. Others may soon find that their interests can only be permanently promoted, not by a scramble with all the world for gold, but by uniting with us in giving to both silver and gold at least a fair trial to hold universal and harmonious relations. Meantime, whatever others may do, the vital interests of our own people can not be effectually guarded by a left-handed imposition of the silver standard.

CANADIAN SILVER.

When our fractional silver strays into Canada it is hailed as an intruder, and cannot pass at less than 20 per cent. discount, or our half-dollar shrinks to 40 cents and the quarter to 20 cents; but Canadian silver coins are plentiful on our northern borders, and, though really of less value than our fractional silver coins, they are generally accepted at their full nominal value. Canadian silver should be sternly refused in all American markets, or subjected to a discount of 23.2 per cent., its bullion value. This would be reciprocity, and exclude a nuisance.

CHARACTER OF OUR COINAGE.

Although the abrasion of large coins, when in connection with the free use of paper currency, is not supposed to exceed 1 per cent. in fifty years, it is considerably more upon small coins. It is therefore of some importance that the surface of coins should not be too greatly exposed. Upon the larger coins, having possibly the central portions slightly concave, the figures in bas-relief, further protected by a gradually raised outer border, may be well rounded with little danger. This would give depth for greater boldness in the figures, so much admired on ancient Greek coins, and would also make it impracticable to split coins and substitute baser metals for the inner part extracted, as has too often been practiced.

COPPER CENTS.

Our copper coins as well as those of other countries, in numbers exceeding all other coins, have been subjected to many fantastic changes. Rude everywhere, as they originally appeared, the most extensive fabrication has added little grace to relieve them from being everywhere "common and unclean." The copper coins issued in England by Charles II possessed intrinsic value equal to their nominal value. Charles XII of Sweden, however, made copper coins of less weight than that of our earliest copper cent, and then paid them to his army as the value of a

* According to United States standard, this shows a declension in value from 108.509 cents per ounce to 99.631 cents, or about 8½ per cent.

silver dollar. It is some gratification to find our treatment of copper a little less heroic than that of the Swede.

The earliest American copper coins made by any State were made at Rupert, in Vermont, and before Vermont had been admitted into the Union. A mint was there established for eight or ten years, having a capacity to stamp 60 coppers per minute, upon which the so-called "baby-head" Goddess of Liberty appeared; but truth compels me to say that this goddess was no more comely than that on the coins of the present day, although she was a hundred years younger. The owner of the mint, Reuben Harmon, was bound to pay the State 2½ per cent. for his privilege. At first these coins passed two for a penny, then four, and then eight, when they no longer paid for the cost, mainly on account of the sudden competition of other States, and of the large importations of Birmingham hardware, commonly called "Bungtown coppers." We had no protective tariff then, and we have none now, against "Bungtowns," whether of copper or silver.

In 1787, by authority of Congress, a contract was made with James Jarvis for three hundred tons of copper coin of the Federal standard, and cents were coined at the New Haven mint of the following description: On one side thirteen circles linked together, a small circle in the middle, with the words "We are one;" on the other side a sun-dial, and below the dial the words "Mind your business."

In 1792 Congress authorized the coinage of a copper cent weighing 264 grains, which was reduced in 1793 to 208 grains, again reduced in 1796 to 168 grains, later to 140 grains, on which the so-called "booby-head" appears—and in 1857 to 72 grains, of which 88 per cent. was to be copper and 12 per cent. nickel. In 1864 it was once more reduced to 48 grains, 95 per cent. of copper and 5 per cent. of tin or zinc. Finally, in 1872 the last change was made to three-fourths of copper and one-fourth nickel, but the weight remains at 48 grains.

The frequent and wide alterations which have been made in our copper coins show that intrinsic value has almost vanished, and they bear no proportional value to other coins; but, at the start, when copper bore a much higher price, the weight of the cent was fixed at five and a half times what it is now. In the southern portion of our country, and especially on the Pacific coast, copper coins have been as uncurrent as the yellow-colored Chinaman, or for a long time they were practically tabooed, and even now they are unwelcome travelers, much in need of a passport. Wherever not altogether snubbed the copper cent must pass, as Wood's notable copper coins must have passed in America or Ireland, far above any real value, and with little other merit beyond that of the dusky color now supplied on its face to our recent Indian image of "Liberty." After common use these coins assume a deeper Ethiopic complexion and become petty nuisances, scents as well as cents, redolent of many coppery smells which are easily transmitted to other coins or to anything with which they hold pocket intercourse. Copper as a metal is wondrously useful, daily becoming more so, but neither Lycurgus nor Hamilton would at this day think of stamping it as money. Certainly we can do better. If the cent and two-cent coins were now made wholly of nickel the Government would obtain an ample seigniorage; and nickel, when compared with swarthy copper, is immaculate, or clean and bright. The importance of the cent coinage will be realized when we find that over forty million pieces were coined the past year.

The Chinese and Japanese bronze coins are of very light weight, of annular form, with a square hole in the center, and some of them are quite equal to other exhibitions of Oriental art which are now received with public favor. The specimen of an unauthorized cent made by our Mint in 1850 with a round hole in the center suggests what might be done, if not with a nickel cent, perhaps with a half-dime of silver. The present nickel half-dimes are so nearly of the same diameter and thickness of a quarter-dollar that they are often not readily distinguished; but with a perforation, square or round, in the center all confusion would be remedied, as well by touch as by sight. The three-cent nickel coin, no longer being the amount of letter postage-stamps, is no longer wanted, and might well give place to a two-cent nickel.

GOLD COINS.

The expediency of the original issue of the one-dollar and three-dollar gold coins has not been confirmed by experience. It will be observed, however, that our gold coins are all of equal fineness, and, in proportion to nominal value, of equal weight. At home or abroad, as to actual and relative value, they are not exposed to much criticism; but their beauty as works of art is not excessive, the figures being thin and barren of relief, especially the eagle on the twenty-dollar gold coin, which best represents an unstuffed and unmounted flattened skin of some wild bird of prey long packed away by Professor Baird in the vaults of the National Museum.

SILVER COINS.

But our silver coins and all the minor coinage, including tokens, are bewilderingly destitute of symmetry or any other visible merit, bearing no proportion of intrinsic value to each other, in harmony partly with the troy and partly with the metric system of weights, some of them defying the laws of their birth, others easily colored with a gilded lie by the cheapest counterfeiter, none of them having a "coigne of vantage" as to proportion, design, or beauty of workmanship; and the wider they circulate the wider discredit do they stamp upon the Government. Coins equal in purity and weight to those of the Government now yield a tempting profit to enterprising counterfeiters. Surely Congress is not blameless when authorizing such an incoherent and fluttering output of coins; and the invisible genius presiding over the Mint from year to year would seem to have been just equal to the law and its profits, or just equal to the inflexible and awkward jobs he had in hand. If our coins were asked who made them, each one might answer in the dialect of Topsy, "I 'spect I growed." I would not unjustly nor ill-naturedly criticise our coinage, but, while itself representing the standard of truth, it should be tried by that standard, however severe the ordeal may be. Able to command the best and highest resources of art, the United States should not be content with the poorest. We have been furnishing silver coinage, durable as it ought to be for half a century, as though it were a garment annually to be worn out and to be replaced on every first day of April; but we have given little attention to the material, less to the fit or its fashion, and Brother Jonathan's style never fails to be recognized and laughed at. The annual reproduction here of these prolific examples of the general state of the arts seems unworthy of our country. The Mint does its mechanical work with wonderful accuracy, but neither power nor means to do anything more has ever been granted or supplied. Some of the engravers on wood for our magazines command better pay than the engravers, the "men of all work," employed at the Mint in Philadelphia, and yet some of the medals executed there are fairly creditable.

ANCIENT COINAGE.

Without making any pretentious display of erudition on the subject of coinage, as my study of the subject has not been so extended as to encourage any vanity of that sort, I will yet venture to call the attention of Senators very briefly to the character of the coinage of earlier times, more especially to some examples of our English ancestors, with the history of which, whether good or bad, all will be more or less familiar; and finally to the absence of artistic perfection exhibited in the unattractive character of our own coinage, of which any one can summon from his pocket a cloud of witnesses.

What are now often called Roman or Greek medals were really coins put into circulation by the Greek and Roman governments in past ages, and appear, as the invention of a polished people—to have been not merely for service as coins, but were often works of art, or miniature copies of such works, illustrating not only ancient manners and much of ancient poetry, but they have also served to fix the date of many otherwise debatable facts of history. Many of them were designed to mark victories, like the medals of Napoleon, or notable events, and to perpetuate the fame of rulers, whose faces and actions were thus portrayed in a manner that insured circulation throughout empires and throughout future ages. The consent of the Roman Senate was first obtained by Cæsar to place his portrait on Roman coins, and his example appears to have been diligently followed by his successors. Previously, only the heads of their deities, or of those who had received divine honors, were placed on their coins; but subsequently the laureated heads with great prodigality celebrated their own virtues.

These ancient coins are highly prized, not for the metal they contain—as one of brass or copper* frequently commands a much higher price than its weight in gold—but they are eagerly sought after by collectors to be placed in cabinets, being valuable for the illustration of the epoch, or sometimes as specimens of rare beauty of workmanship; and what was worth the merest pittance when issued by Augustus or by Antony and Cleopatra now often commands a fabulous sum. So highly esteemed are some of these specimens, that bogus imitations have been cunningly made, and, after being buried in the earth long enough to apparently acquire the rust and smell of antiquity, they come forth to deceive the very elect, or at least to deceive the collectors of those very rare coins once restored to the sacks of Joseph's brethren, or of those ducats of old Duke Dandolo said to have been loaned by Shylock to Antonio.

ENGLISH COINS.

Coming down to later times, we find that in the reign of Queen Elizabeth, when silver money had been much debased and had also been shamefully clipped, she caused it all to be called in and stamped according to its purity and actual weight. This greatly improved commercial exchanges, promoted trade with other nations, and made, in the latter half of the sixteenth century, the long-headed and red-haired queen very popular. Strange to say, however, while rescuing England from base coin, she still issued it without stint for Ireland. Under the iron rule of Cromwell distinguished French artists were employed upon the coinage of the Commonwealth, and it was ordered with much spirit that "in beauty of mechanical execution the coins of this nation should not be behind any nation." This order was strictly enforced, and England to this day has been unable to show any coins more beautifully designed and engraved than those of the Lord Protector in 1658. Notwithstanding his head was removed from Westminster Abbey, then stuck upon a pole and carried through the streets of London, yet his splendid head by Simon on silver crowns has perhaps among British coins had a yet more unrivaled elevation. The guinea issued under Charles II was so named because made of gold from Guinea, and bore the effigy of an

*Our Washington cent of 1791 now brings over $50.

elephant, from the vain idea that its circulation in England might encourage the importation of more gold from Africa.

So eminent a man as Sir Isaac Newton was made Master of the Mint in the reign of George I, as he had been in that of William III, when clipped coins were once more called in and exchanged for new coins of full value. In the reign of George I, with Walpole as minister, the famous royal patent was granted to William Wood for "coining small money for Ireland and the English Plantations;" and he coined a multitude of spurious shillings from copper or brass, as well as baser "small money for Ireland." "Wood's money" was, however, fiercely assailed by the irrepressible Dean Swift, and the fiat of the government was scornfully trampled upon by the Irish people.

The coinage under George III, fitly represented by his stolid face, was hardly less wretched than many other monumental facts of his long and wretched reign. The St. George and the dragon that appeared in 1817 on the coins of England, and notably on the gold sovereign, which superseded the guinea, was the spirited and very creditable work of Pistrucci, a foreign artist employed by the Prince Regent. The head of George IV, on the coins of his reign, was designed by Chantrey, the sculptor, and is very fine as a portrait, though said to be amazingly flattered.

Fifty-five million dollars of gold coins so late as 1842 were withdrawn by England and new coins of full weight given at the expense of the government.

FRENCH COINAGE.

The Parisian school of coinage, founded by David, the celebrated painter, aimed at first at something better than what may be called the grandiose style, and copied nature, or more of the simplicity and elegance of the Greek medals.

Among the large number of French medals given July 4, 1822, to our Congressional Library by George W. Erving, and accepted by Congress (but unfortunately destroyed subsequently by the fire in the Library), there were many executed with remarkable skill, and nearly all commemorated some event in the history of Napoleon. Fresh copies of these, at small expense, it is supposed, might easily be obtained. In the beauty of workmanship and aptness of device French coins, for many years, were held to be superior to those of any other country, especially in the rounded and bolder relief of the figures. But some decadence began under Louis XVIII, and less credit would be due to the flood of coins bearing the dull image of Napoleon III, who had his portrait pompously decorated with the ancient laurel crown, that he might pass, if not as a Roman Cæsar, at least as a legitimate Napoleon.

UNITED STATES COINAGE.

From time to time many governments have made earnest efforts to improve the style and mechanical execution of their coinage, not always with marked success, but generally with some advance upon the past. The difficulty of hammering flat circular coins having been overcome by the machinery of the mill and screw in 1561, the square, oblong, octagon, and other ruder, irregular pieces were at once superseded. Men of science, or of eminence, were employed to advise or direct the work of mints, such as Locke, and Newton, and Herschel in England, and in our own country Rittenhouse, Boudinot, the Pattersons, and Snowden. The service was held to be both honorable and nationally important, and here early attracted the attention of such men as Jefferson, Hamilton, Franklin, and John Quincy Adams. In one of Franklin's letters he laments that the eagle should have been selected as the emblem of the United States, and writes: "For my part, I wish the bald eagle had not been chosen as the representative of our country. He is a bird of bad moral character; he does not get his living honestly." Franklin might have added that the eagle was already more appropriately claimed on the imperial standards of Russia, Austria, Prussia, and France.

For the reverse sides of our coins there were differences of opinion in Congress and long and grave debate, as the Senate wanted the portrait of Washington, and the House insisted, with success, upon a "figure emblematic of Liberty," although Representative Livermore, of New Hampshire, is reported to have said that "the President was a very good emblem of Liberty; but what an emblematic figure might be he could not tell. A ghost had been said to be in the shape of the sound of a drum, and so might Liberty for aught he knew."

Congress has by law prescribed within narrow bounds the devices and legends to be stamped upon our coins. Upon the obverse side there is to be an impression of Liberty, bearing the inscription of the word "Liberty" and the year of the coinage, and upon the reverse side there is to be the figure or representation of an eagle, with the inscription, "United States of America" and "E pluribus unum" and a designation of the value of the coin; but on the one and three dollar gold pieces, and on the dime, five, three, and one cent pieces the figure of the eagle is to be omitted. Upon the reverse of the trade-dollar the weight and fineness were to be inscribed.

EMBLEM OF LIBERTY.

The emblem of Liberty, like that of many other virtues, has been said to be always represented in petticoats. The Britannia of Great Britain appears in form like a near relation to the Liberty, or the Minerva often found on old Greek and Roman coins, and in the days of Charles II the Duchess of Richmond served as a model to the engraver; but, more recently, Victoria, by the distinguished medalist Wyon, has been stamped with great excellence upon British coins, and she, like Queen Anne, seems to have occasionally insisted upon decent drapery about the bust.

Our sitting emblem of Liberty on fractional silver looks very like a descendant of our grandmother Britannia by Clark Mills. Whether she wears long hair or a jaunty widow's cap may not be quite clear, and there is no end of crinoline, while the obtruding whalebones, in bas-relief, compressing the waist, painfully disclose overworn corsets. But, as our highest effort and best, on the copper cent and on the one-dollar and three-dollar gold coins the head of our emblem appears in the baubles of an Indian princess, doubtless an ideal Pocahontas—"that female bully of the town"—with the head accordingly stuck around with feathers, and labeled on the tiara "Liberty." Its circulation in the Indian Territory, I regret to say, has not been commensurate to the witchery of the bait. England strangely omits to stamp on her figure of the lion "this is a lion;" but our emblem, safe from all misconception, is always plainly and veraciously branded across the forehead, "Liberty."

I am a stalwart supporter of the consecrated emblem, but would invoke the genius even of flattery to present the American "Liberty" without the feathers of a drum-major, and certainly something better than a Grecian face in the regalia of a squaw, or than a feeble copy of our ancient grandmother.

AMERICAN EAGLES.

We have on our various coins a grim crowd of so-called eagles, chiefly representing a belated evolution from the buzzard family. The different artists—technically perhaps of the same family origin—would seem to have spent their whole wit upon their several masterpieces. It is to be hoped, however, that their models, like the griffin and the dodo, are all extinct. Whether their outstretched wings point upward or downward, it is a great comfort to see that the birds are all truly American, as each one loyally shows himself, always and everywhere, a *spread eagle*. Whoever looks at them may well croak, and utter Poe's doleful raven slang of "N-e-v-e-r m-o-r-e," though they are not ravens, as none ever fed little children; but each one, in full-blown dignity, is, as John Neal has said, "a fierce gray bird with bending beak," and not without terrors in a claw. The artists, it must be allowed, are great in profile views of "bending beaks," with feathery appendages; but it can not be a serious error to suppose their inspiration to have been largely derived from an obedient study of that familiar and rather pungent text which reads, "For wheresoever the carcass is, there will the eagles be gathered together." It will be observed, too, that all of their beaks are wide open, equally ready to dine or to scream.

If the truth must be confessed, our figures of the eagle are not much above caricatures, and exhibit so little of truth and grace of form that our bakers would refuse to reproduce them in their cakes sold at a dime for a dozen. What should be feathers are hardly to be distinguished from the imbricated backs of that rare bird known as the turtle. The imputed vanity of our bird surely never got its start from any flattery on our coins, though he seems to be stiff there, with the purpose of inviting all the double-headed spread eagles of Europe either to a fight or a carousal, not caring a "continental" which.

Strangely enough the trade-dollar has a left-handed figure of Liberty sitting on a bale of cotton, but the eagle is certainly not the worst we have, though a monstrosity wonderfully and fearfully made. That on the twenty-dollar gold piece, nearly destitute of relief, and in all senses flat, is very uncouthly drawn, with the wings turned wrong side up, like an inverted umbrella in a gust of wind, and tricked out with the trumpery of endless and meaningless scroll decorations. But unhappily on our latest dollar will be found the *blandest* and possibly, where all are ugly, our most abominable eagle, unless we except the one on the wing which once appeared as a scarecrow on the silver dollar, afterward belittled as the eagle *volant* on the copper cent, and was then esteemed the nearest of kin to the vulture, as some plain matter-of-fact people will call the stray figure which seems determined to roost upon the head of Liberty at the top of the Capitol. I would not take a feather from our—

Majestic monarch of the clouds,

but would have him appear, if I could, more in the truthful dignity and beauty of nature, and then dismiss the whole brood of invented eagles.

THE MINT FETTERED BY LAW.

The Director of the Mint, the coiner and engraver, do not appear to have any discretion in regard to existing coins, which must be made from "the original dies already authorized," and "conformable in all respects to the law," and mainly the law of eighty years' standing. It is, even under the law of 1873, only when new coins or devices are authorized that the Director of the Mint has power to seek any improvements through the services of competent artists. This law was in the right direction, but wholly inoperative, as it has no application except "when new coins or devices are authorized." No new coins being authorized, no changes can be made in the old matrices and dies; and the engraver, however expert and skillful, has no possible opportunity to

show any rare skill or advancement in the perfection of his work. Nor can his ambition be greatly stimulated by his rather limited compensation. Quantity, not quality, would seem to have been best appreciated; and while we have eclipsed the world in quantity, we have suffered an eclipse in quality.

REFORM DESIRABLE.

Is it not time that we should put forth some effort to improve the general character and appearance of our coinage? What may have been acceptable and even creditable to our people in 1792 or in 1837, is no more applicable to our condition now than would be the garments of a boy to the man after a lapse of half a century. We do not now depend upon foreign skill or upon foreign metals for our coinage; and a great nation can not afford to have any work which is exclusively under its control pass as second rate. We are prone to suggest doubts as to whether the people of this or that nation are competent to sustain a republican form of government. With the several examples of state-craft shown in attempts to regulate our coinage which have too often decorated United States statutes can we blame those *we* have criticised if they occasionally remind us that our Government has not yet passed beyond the region of experiment? But can we not have United States coins with more of positive value, allied and related to each other, and stamped with such simplicity of design and beauty of finish as to give them rank as models worthy to endure for many generations?

First, our coins should, from their size and character, be easily distinguishable, whether by sight or touch, one from another; and there should be no silver or nickel coins which, by being gilded, would simulate and pass for gold. At present our silver dime is apparently of the same size of the three-cent piece and of the gold quarter-eagle, and the first and last have the same ancient Britannia doing her best as the latest edition of American Liberty. The latest copper cent is very like the three-dollar gold piece, with a similar picture of the head of an Indian Venus de Modoc as the emblem of Liberty. Some of the nickel five-cent pieces, costing less than half a cent, are so nearly of the same size and weight of the gold half-eagle that they have already been gilded and circulated for one thousand times their real value. We have now in circulation five-cent pieces, as well as three-cent pieces, diverse in metal, form, inscription, and in value; and those made of the dearest metal are executed in the cheapest and most commonplace manner. On one of the five-cent pieces the design has been said to suggest its origin in old pictures of a tombstone overhung by weeping willows. The clumsy execution and ill-assorted relations of these coins will be recognized at sight by everybody except their godfathers.

TOO MUCH ALLOY.

There is so much alloy in our silver coins that they do not remain bright and attractive. When handled as change they become, after the briefest contact with their fellow-associates, as dingy as the dullest lead and tempt no one to break any commandment, for they are never coveted. Solid silverware when no finer than United States coin retains so little of permanent brilliancy that it has been almost dethroned by plated ware (not altogether because burglars refuse the cheaper substitute, but) because the substitute displays the beauty of silver more nearly in its absolute purity; and its luster, though only skin deep, does not vanish like that of the night-blooming cereus in a single night. Our silver coins should not be inferior in purity to the sterling standard of Great Britain. But it must be admitted that our current small coins are suggestive of no nobler use than that found in paying a reckoning at a corner grocery. They ought to contain enough of the precious metals to preserve them from the owner's contempt and to insure some hospitality wherever they lodge. They ought, also, to be so good as to banish the circulation here of Canadian silver, which, though uninvited, comes in large force, demanding American privileges.

The actual weight of pure silver in our fractional coins is as much too small as that of the alloy is too great; and as works of art they have little merit, or far less than the works daily exhibited by our artificers in metals less precious. Believing that some reform would be a great and lasting public benefit, I am induced to urge a higher real value in fractional silver coins, or a restoration to the proportions of the silver dollar, which they always held until degraded, in order to find a French market which they failed to reach, by the act of 1853; and also to urge that the purity of the metal, now nine-tenths fine, shall be not less than that of the sterling silver of Great Britain, or nine hundred and twenty-five one-thousandths fine. The copper cent, it is to be hoped, may be abandoned, and gradually superseded by another, less poisonous, composed chiefly of nickel, and far above two mills in value. Our token coinage not being redeemable, we cannot afford to send it forth glaringly deficient in intrinsic value.

CONCLUSION.

Beyond all these points, let me urge that our coins, in aptness of design and perfection of artistic execution, shall not be inferior, as they confessedly are, to any foreign examples, and certainly not inferior to the ordinary work of the best silversmiths or goldsmiths. As St. Paul said to the Philippians: "Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things."

The questions, as I have intended to present them, are practical and political but not partisan, except among twinkling demagogues who may shine for the moment like Jack-a-lanterns in a dark swamp and are snuffed out by the first rays of morning light. Let us have American coins so good that the people will be willing to work for them, and gladly carry them at their own expense, without asking free transportation from the Government.

The Greeks and Romans left no monuments illustrating their career more permanent than their coins. We have ceremoniously deposited in the corner-stones of many large edifices specimens of the United States coins. Should these ever become visible to a distant posterity, will they be likely to reflect much honor upon those who have thus challenged future consideration? The rapid extinction going on of our public debt and the wonderful growth of the country in population and wealth indicate that our great seaport on the Atlantic, and possibly another on the Pacific, may ere long prove to be an aggressive competitor for the controlling monetary power of the world. Producing all the silver and gold that we require for domestic use, with a large surplus to supply the demands of others less fortunate, may we not declare in Cromwellian phraseology, "that in the beauty of mechanical execution the coins of this nation should not be behind any nation?" And, therefore, let me urge that here and now is a proper time and opportunity for some action creditable to the Government, worthy of Congress, and such as will have the lasting approval of the people.

Mr. President, I ask that the bill lie on the table until the Committee on Finance shall have been appointed.

The PRESIDENT *pro tempore*. The bill will be laid on the table, if there be no objection, to be referred to the Committee on Finance when appointed.

INDIAN MILITARY ACADEMY.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the policy and expediency of creating a military academy west of the Mississippi River for the training and education of Indian youths and men up to a proper age as soldiers, and of admitting them, when qualified, into the regular Army as enlisted men; and that said committee have leave to report by bill or otherwise.

EXECUTIVE SESSION.

Several messages in writing, of an executive character, were received during the day from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries.

Mr. SHERMAN. I understand there is some executive business, and I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 48 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 5, 1883.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT OVER.

Mr. RANDALL. I move that when the House adjourn to-morrow it be to meet on Monday next.

The motion was agreed to.

Mr. SPRINGER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING THE DIGEST OF RULES.

Mr. SPRINGER, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That 2,500 copies of the rules and practice of the House of Representatives for the present session be printed and bound for the use of the House.

Mr. SPRINGER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. With the consent of the House, the Chair will now present certain executive and other communications.

There was no objection.

PRINTING RECORDS OF THE SUPREME COURT.

The SPEAKER laid before the House a letter from the Chief-Justice of the Supreme Court of the United States, asking for an immediate appropriation for the printing of records in said court.

The SPEAKER. As the Committee on Appropriations has not yet

been appointed, the Chair would suggest that it would perhaps be better to refer this communication to the Committee of the Whole House on the state of the Union, as there seems to be some necessity for prompt action.

Mr. CALKINS. Is there a resolution also submitted?

The SPEAKER. There is a draught of a resolution accompanying the communication.

Mr. CALKINS. Would it be in order to ask that the resolution be read?

The SPEAKER. It would go to the Committee of the Whole along with the communication.

Mr. CALKINS. Then——

The SPEAKER. The Chair will state that the resolution proposes to appropriate the sum of $20,000.

Mr. CALKINS. May I be permitted to ask another question? I desire to know whether the Chair is informed that in the opinion of the court an appropriation will be necessary for this purpose before the Committee on Appropriations will probably be organized.

The SPEAKER. According to a memorandum submitted with the letter of the Chief-Justice it appears that this appropriation is necessary at once, or the court will be compelled to suspend business about the 1st of January.

Mr. SPRINGER. I ask that the communication of the Chief-Justice be read.

The SPEAKER. The communication is very brief, and will be read.

The Clerk read as follows:

SUPREME COURT OF THE UNITED STATES,
Washington, December 4, 1883.

SIR: The appropriation of last year for printing the records of the Supreme Court has been exhausted, and the business of the court is likely to be impeded unless an additional sum is immediately made available for that purpose. The clerk informs me that at least $20,000 will be required to put the printing sufficiently in advance of the current business to prevent embarrassment before the regular appropriation bills can be passed. May I ask you to call the attention of the House to the subject, so that prompt action may be had?

Very respectfully,

M. R. WAITE, *Chief-Justice.*

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

Mr. KEIFER. I desire to inquire whether there is a joint resolution upon which the Committee of the Whole can act?

Mr. RANDALL. It is understood that there is objection to the consideration of this matter at this time.

The SPEAKER. Certainly. The Chair suggested that the communication itself should be referred to the Committee of the Whole on the state of the Union, inasmuch as no committee on appropriations has yet been appointed. Does the gentleman object to that?

Mr. RANDALL. I do not. I object to any hasty action until we know why the appropriation has been exhausted.

Mr. CALKINS. I think I can make the matter plain if the gentleman from Pennsylvania [Mr. RANDALL] will yield a moment. It is within the recollection of the gentleman from Pennsylvania——

Mr. HOLMAN. I object to any discussion at this time.

The SPEAKER. No debate is in order.

Mr. CALKINS. I ask my colleague to withdraw his objection to my making a statement to the House.

Mr. HOLMAN. I do not object to the statement of my colleague, but I object to any consideration of this matter at this time.

Mr. CALKINS. I was about to remark that the last Congress passed a provision in an appropriation bill by which the clerk of the Supreme Court was compelled to cover into the Treasury all the fees received in his office in excess of a specified salary.

Heretofore the fund derived from this source has been subject to the order of the court, and a portion of it could be used for this purpose. But, inadvertently no doubt, the bill of the last Congress contained no provision whereby the records could be printed if the specific appropriation for that purpose should become exhausted. Gentlemen will remember the provision of that bill as I do.

Mr. RANDALL. I only want to say that I have a horror of deficiencies. I think that all deficiencies should have a thorough investigation not only by the House but by an appointed committee of the House.

Mr. CALKINS. I entirely agree with the gentleman from Pennsylvania, but here is an emergency requiring prompt action.

Mr. TALBOTT. I call for the regular order.

The SPEAKER. The regular order being called for, no debate is in order. If there be no objection the communication just read will be referred to the Committee of the Whole on the state of the Union.

Mr. SPRINGER. Before this is referred I desire to make a statement.

The SPEAKER. No debate is in order. The regular order is called for.

Mr. SPRINGER. But I ask unanimous consent.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent to make a statement. Is there objection?

Mr. KEIFER. Before the reference I desire to have my question answered.

The SPEAKER. No debate is in order; the regular order has been called for.

Mr. KEIFER. I do not propose to debate. I wish to inquire whether there is accompanying this communication a resolution or bill which can be considered.

The SPEAKER. No resolution or bill can be introduced in the House except by a member. The communication is accompanied with the form of a resolution; but, of course, that is not before the House for action as a resolution. If there be no objection this communication will be referred to the Committee of the Whole House on the state of the Union.

Mr. SPRINGER. Is the joint resolution referred with it?

The SPEAKER. The joint resolution is not referred; it is not before the House.

Mr. SPRINGER. I ask unanimous consent that it be introduced and referred to the committee.

The SPEAKER. If introduced, it must be by a member.

Mr. SPRINGER. Then I ask unanimous consent to introduce it.

The SPEAKER. The gentleman from Illinois asks unanimous consent to introduce a joint resolution making an appropriation of $20,000 to supply this deficiency; and he desires this resolution to go to the Committee of the Whole House on the state of the Union with the communication of the Chief-Justice. Is there objection?

Mr. COBB. I object.

The communication was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

EXPENDITURES BY CLERK OF LAST HOUSE.

The SPEAKER also laid before the House a letter from Edward McPherson, Clerk of the last House of Representatives, transmitting a report of expenditures from July 1, 1883, to December 3, 1883; which was ordered to be printed, and referred to the Committee on Accounts when appointed.

REPORTS OF DOORKEEPER OF LAST HOUSE.

The SPEAKER also laid before the House a list of the property of the House of Representatives under the control of W. P. Brownlow, Doorkeeper of the last House, December 3, 1883; which was ordered to be printed, and referred to the Committee on Accounts when appointed.

The SPEAKER also laid before the House a letter from W. P. Brownlow, Doorkeeper of the last House of Representatives, transmitting an inventory of books and public documents in the folding-room of the House, December 4, 1883; which was ordered to be printed, and referred to the Committee on Accounts when appointed.

The SPEAKER also laid before the House a letter from W. P. Brownlow, Doorkeeper of the last House, transmitting a statement of sales of waste paper accumulated in his office since March 4, 1882; which was ordered to be referred to the Committee on Accounts when appointed.

ACCOUNTS OF ARMY DISBURSING OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports of inspection of money accounts of disbursing officers of the Army; which was ordered to be printed, and referred to the Committee on Expenditures in the War Department when appointed.

VIRGINIA ELECTION CONTEST.

The House resumed, as unfinished business, the consideration of the following resolution, submitted yesterday by Mr. TUCKER:

Resolved, That the certificates and all other papers relating to the election of a Representative of the first Congressional district of Virginia in the Forty-eighth Congress be referred to the Committee on Elections when appointed, with instructions to report at as early a day as practicable which of the rival claimants to the seat from that district has the *prima facie* right thereto, reserving to the other party the privilege of contesting the case upon the merits.

The SPEAKER. The gentleman from Virginia [Mr. TUCKER] is entitled to the floor, and has ten minutes of his time remaining.

Mr. TUCKER. The objections which have been made to this resolution by the gentlemen on the other side I desire to answer this morning, without any reference to anything that was said by my colleagues from Virginia. The whole difficulty, as stated on the other side, is that the House has acted upon this question by allowing the sitting member to be sworn in. I desire to show to the House the confusion involved in this statement and the distinction to be made in reference to this point.

All the preliminary procedure of swearing in of members is under a law of Congress passed for the purpose of preventing the disorganization of a public body, or, as more accurately stated, passed that its organization may not be prevented; and the swearing in of members under the law depends upon the regularity of the certificates presented. This is a procedure preliminary to organization; but as soon as the members are sworn in upon the presentation of certificates which on their face are regular, then the House is organized, and organized for the first time. When organized it is no longer under the law as a disorganized body of members-elect, but it is under the Constitution of the United States. Under the Constitution the House thus organized has a right to judge of the elections, returns, and qualifications of its members.

Now, I put to gentlemen this question: If it appears that a member who has been sworn in is an alien, has he the right, because there is

no contestant of his seat, to sit here during a whole Congress when the Constitution disqualifies him? Though his return may be in regular form, and though he may have been sworn in, the House has the right to judge whether such a return can constitute him a member of this corporate body—one of the branches of the Legislature of the country.

The other question is, What is a return? Here is a return made by the secretary of the Commonwealth, based upon the action of the canvassing board; and the question is whether that return is tainted with fraud, irregularity, illegality, or based upon a mistake of facts. It is not a question of the election, because that goes back to the voting at the polls. The question is as to the counting of the votes; and the counting of the votes by this canvassing board was a miscount, because it left out a part of the constituency that was to be represented.

Mr. MAYO. I call the gentleman to order.

The SPEAKER. The gentleman will state his point of order.

Mr. MAYO. The gentleman is undertaking to state before the House facts which he has no right to present here.

The SPEAKER. That is not a question of order. The gentleman occupying the floor has the right to make his statement in his own way.

Mr. TUCKER. I call the gentleman to order.

Mr. Speaker, I say the papers which I have presented show that this canvassing board excluded the vote of a whole county that would have elected Judge Garrison; and by the exclusion of the vote of that county the gentleman on the other side [Mr. MAYO] holds his seat in this House.

And I say the exclusion of that county was made on a technicality so trivial, that this House, when its Committee on Elections has made a report on the subject, will not hesitate to say it was without foundation, and was null and void and of no effect.

Therefore, Mr. Speaker, the whole question is whether that county ought properly to have been counted or not. If on the face of the certificate it appeared that county was not counted, then the gentleman should not have been sworn in; but the gentleman now occupying the seat having been sworn in because that fact did not appear on the face of the certificate, the question now is whether we have not the right to present the facts to show that the gentleman who now occupies the seat for the intermediate period between the swearing in of members and the report of the committee is not entitled to it, and that the gentleman who is entitled upon a fair and true count should be allowed to come in and take his seat.

And that is the whole purpose of the resolution which I have offered. It is not a question of the final determination of the contested-election case, which will come up hereafter, but whether Mr. Garrison is not entitled to take his seat, from which he has been obstructed by the action of this returning board. If this be so, this House has the right to judge of the validity of that return, and upon the facts to say that it was invalid, null and void, and of no effect. And that is the whole question I call upon this House to decide.

Gentlemen say there is no precedent for it. I hope, Mr. Speaker, there never will be a precedent for any such case as this.

Mr. CALKINS. I hope my friend will allow me to ask him a question.

Mr. TUCKER. I will if it does not come out of my time.

Mr. CALKINS. Of course it will.

The SPEAKER. If the gentleman yields the floor it will come out of his time.

Mr. CALKINS. I ask the gentleman to yield to me, as we have no time for reply.

Mr. TUCKER. Very well, then.

Mr. CALKINS. I wish the gentleman to draw a distinction between a *prima facie* right of a member claiming a seat and the right of a member already sworn in and occupying the seat.

Mr. TUCKER. I do. The *prima facie* right the gentleman speaks of is the right to be sworn in under the certificate of the returning board; but I say that the *prima facie* right of which I speak is the right under that returning-board certificate to hold the seat during the intermediate time from the swearing in until the House decides on the final right to the seat on the merits. That certificate, proper on its face, I hold is invalidated by the fact that the canvassing board on the votes returned ought to have given the certificate to Judge Garrison. It is not a question of who is entitled to the seat finally upon a determination of the votes cast at the election, but it is as to who is entitled to the seat upon the returns now.

Now, Mr. Speaker, I have nothing to say about what was said by the gentleman on the other side yesterday [Mr. MAYO], that he sought nothing but justice. I tell you that the Democratic party in this House will do justice to him and to all others in these election cases. I am not prompted by any motive to do him injustice, and he knows it. He knows I have no personal animosity to him. My only feeling is that it is the right of the House to vindicate itself by saying a man shall not hold a seat here who holds it under a return which is invalid.

Mr. Speaker, how much time have I left?

The SPEAKER. Three minutes.

Mr. KASSON. Are there two *prima facie* rights here?

Mr. TUCKER. No, sir; there are not two *prima facie* rights. If my friend will permit me to say again, as he does not seem to have taken in the idea, the *prima facie* right he speaks of is the *prima facie* right in a preliminary procedure which goes to the organization of the House, while the *prima facie* right I am speaking of is the *prima facie* right of a member to his seat after the House has been organized.

Mr. REED. Then there are two, after all?

Mr. CALKINS. The time to have submitted that question of *prima facie* right was when the roll was called, and the member should have been asked to stand aside and the resolution then submitted.

Mr. TUCKER. McCrary, in his book on elections, sections 204–222, says that before and in the course of the procedure for the organization of the House no member has the right to question any other member's title, except on the face of the certificate; because the law has provided that the only test on the swearing in of members shall be whether the member holds a certificate clean on its face. This is in order to prevent anarchy, in order to secure an organization, and therefore no objection of this kind shall be made at that time. But when we get into the House, when the House is organized by swearing in the members, and it becomes incorporated as one of the branches of the legislative department of the Government, then the House has the right which the members in their unorganized condition did not have before it was organized, to determine as to the returns of a member. It is not a question depending on how many votes have been received, but it is whether on the vote returned the canvassing board ought to have given the certificate to Mr. Garrison rather than to the gentleman on the other side. And that is all I have to say.

The SPEAKER. The time allowed for the discussion of this subject is exhausted.

Mr. BUCKNER. Mr. Speaker, I desire to submit in this connection the resolution I send to the desk.

Mr. BUDD. I move to lay the whole subject on the table.

The SPEAKER. The resolution submitted by the gentleman from Missouri will be read.

The Clerk read as follows:

Resolved, That the resolution be committed to the Committee on Elections, when formed, with instructions to report on the legal question involved therein.

Mr. CALKINS. I would like to ask a parliamentary question. Would that involve the consideration by the committee of the *prima facie* right to the seat before the committee reports to the House the legal question involved?

The SPEAKER. That is not a question for the Chair to determine.

Mr. CALKINS. Then I desire to ask the gentleman from Missouri if it is his desire to have a report upon the legal question before determining the *prima facie* right to the seat?

Mr. SPRINGER. Let the resolution be again reported.

The resolution was again read.

The SPEAKER. The question is upon agreeing to the resolution proposed by the gentleman from Missouri which has just been read.

The resolution was agreed to.

Mr. KEIFER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MCMILLIN. I desire, with the consent of the House, to introduce a bill for reference.

Mr. HEWITT, of Alabama. Let us have the regular order.

Mr. SPRINGER. I think if we begin introducing bills we had better have a morning hour proper.

The SPEAKER. Objection is made.

Mr. RANDALL. I move that the House do now adjourn; and before the motion is submitted I want to say to the members present that in all probability no business will be done to-morrow from what I hear around me. It is, I believe, the general understanding that there will be no business transacted to-morrow.

The SPEAKER. The Chair understands that the gentleman from Alabama [Mr. JONES] desires to make an announcement.

DEATH OF HON. THOMAS H. HERNDON.

Mr. JONES, of Alabama. Mr. Speaker, it is my painful duty to announce the death of my predecessor, Hon. THOMAS H. HERNDON, which occurred on the 29th day of March last, at his home in Mobile, Ala. At some future time I shall ask that a day be set aside for the consideration of appropriate obituary resolutions. I now offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That this House has heard with profound regret of the death of Hon. THOMAS H. HERNDON, late a representative-elect from the State of Alabama.

Resolved, That, as a mark of respect to the memory of the deceased, this House do now adjourn.

The resolutions were unanimously agreed to; and accordingly (at 12 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. AIKEN: The petition of the National Grange, asking Con-

gress to adopt measures to prevent the spread of pleuro-pneumonia and other infectious diseases of cattle—to the Committee on Agriculture.

By Mr. BELMONT: The petition of the New York Chamber of Commerce, and by the presidents and secretaries of the following associations: New York Produce Exchange, Maritime Association of Port of New York, New York Board of Trade and Transportation, New York Cotton Exchange, New York Mining Stock and Petroleum Exchange, Sailors' Snug Harbor, New York and New Jersey Sandy Hook Pilots, American Seamen's Friends' Society, and others, praying for the establishment of a permanent marine hospital at the port of New York—to the Committee on Appropriations.

By Mr. W. R. COX: The petition of Sophia B. Duffy, for relief—to the Committee on War Claims.

By Mr. DEUSTER: The petition of John W. Carr, of Milwaukee, Wis., for a pension—to the Committee on Invalid Pensions.

By Mr. MURRAY: The petition of John Davis, of James McMullin, of Mrs. Christiana Eldermeier, and of John Schmidt, for a pension—severally to the same committee.

Also, the petition of John Doenhardt, for correction of his Army record—to the Committee on Military Affairs.

By Mr. PARKER: The petition of Charles F. Allen and others, citizens of Saint Lawrence County, New York, for the passage of a law imposing a tax on incomes—to the Committee on Ways and Means.

By Mr. J. M. TAYLOR: The petition of C. A. Ashby, of Tennessee, for compensation for property taken during the late war—to the Committee on War Claims.

By Mr. TUCKER: The petition of citizens of Virginia, praying for passage of bill granting pensions to soldiers of the Mexican war—to the Committee on Invalid Pensions.

Also, the petition of George W. Hardwicke, for an appropriation of $795.12 for compensation for publishing military orders in the Lynchburg Republican, a newspaper published at Lynchburg, Va.—to the Committee on Claims.

SENATE.

THURSDAY, *December* 6, 1883.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

On motion of Mr. ALLISON, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State, requesting certain charges in the estimates of that Department relating to foreign intercourse contained in the annual Book of Estimates of appropriations required for the service of the fiscal year ending June 30, 1885; which was ordered to be printed, and lie on the table, to be referred to the Committee on Appropriations when appointed.

He also laid before the Senate a communication from the Comptroller of the Currency, pursuant to section 333 of the Revised Statutes, transmitting his annual report; which was ordered to be printed, and lie on the table, to be referred to the Committee on Finance when appointed.

He also laid before the Senate a communication from the Secretary of War, transmitting a report from Capt. R. P. Hughes, Third Infantry, in regard to an investigation made to determine the true boundary lines of the military reservation of Fort Missoula, Montana Territory; which was ordered to lie on the table, with the accompanying papers, and to be printed, and referred to the Committee on Military Affairs when appointed.

HEATING AND VENTILATING SENATE CHAMBER.

The PRESIDENT *pro tempore* laid before the Senate a report of the Sergeant-at-Arms on the heating and ventilation of the Senate Chamber; which was ordered to be printed, and lie on the table, to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate when appointed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Secretary of War, transmitting the petition of Second Lieutenant W. P. Hogarty, United States Army (retired), praying that he be given the full rank of captain upon the retired list; which was ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also presented a communication from the Secretary of War, transmitting a petition of enlisted men of the United States Army, praying for the passage of a law making provision for the retirement under certain conditions of enlisted men of the Army with fixed rates of pay, allowances, &c.; which was ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. GARLAND. Yesterday the Senator from Ohio [Mr. SHERMAN] presented a petition of J. W. Niles, a citizen of Arkansas, in which, according to the statement made by the Senator, "he complains that by an unlawful combination he and his associates have been prevented from exercising their rights under the land laws to make a pre-emption of land." That petition was ordered to be referred to the Committee on Public Lands when appointed. My attention was withdrawn at the time from the business of the Senate, and I failed to notice the presentation of the petition when it was presented by the Senator from Ohio. Some three or four weeks since Mr. Niles called upon me in reference to the grounds of his complaint, which, I see, were substantially stated by the Senator from Ohio in presenting the petition. I had never heard before of the complaints that were made by Mr. Niles, and I took it upon myself to address letters to the two courts, the national court and the State court, of which he complained. I have received information direct from those courts, from the judge and the district attorney of one and from the judge of the other, but I have not had the pleasure of seeing Mr. Niles since to lay them before him and to make known to him their responses. Inasmuch as the petition has been filed here, of which I make no complaint at all, I ask that the responses from those two courts be filed also and referred to the Committee on Public Lands when appointed. I present the responses of the two courts of which complaint is made, with certified copies of transcripts, &c., from the records of those courts and other documents, which will be interesting and instructive to the committee.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks leave to submit, to be referred in connection with the petition presented yesterday by the Senator from Ohio, certain papers, that they may be referred with the petition to the Committee on Public Lands.

Mr. SHERMAN. The request of the Senator from Arkansas is a very proper one. As a matter of course the whole subject ought to be examined. I desire to say that I presented the petition at the request of a citizen of the United States who claimed that officers of the United States had violated his rights as a citizen. I therefore deemed it proper to have the matter examined into. I have no objection at all to having any paper presented that will throw light on the subject.

Mr. GARLAND. I make no complaint whatever of the Senator presenting the petition. I should have presented it myself for Mr. Niles if he had asked me. I have never declined to do that for any person. At the same time, as the complaint goes forward, I simply ask that these two responses, which substantially deny the charge that he has made, and in which they have answered him, may go with it.

The PRESIDENT *pro tempore*. If there be no objection the papers submitted by the Senator from Arkansas will be received, and referred to the Committee on Public Lands when appointed.

Mr. MANDERSON. I present a memorial and joint resolution of the Legislature of Nebraska, having reference to the taxing of railroad lands. I ask that it be read, and lie on the table, to be referred to the Committee on Railroads when appointed.

The joint resolution was ordered to lie on the table, to be referred to the Committee on Railroads when appointed, and was read, as follows:

Memorial and joint resolution to Congress relative to lands in the State of Nebraska granted to railroad companies and not taxed.

To the honorable Senate and House of Representatives of the United States:

Whereas the General Government has made large and generous grants of the public domain to aid in the construction of railroads in the State of Nebraska, as well as other States; and

Whereas certain railroad companies in the State of Nebraska having neglected to obtain patents upon large portions of such lands and have refused to pay taxes on the same; and

Whereas it is manifest injustice to all citizens of this State, and particularly to settlers in the immediate vicinity of said lands who are by their industry and improvements adding value to said lands and at the same time being unjustly taxed for the support of local and State government: Therefore,

Be it resolved by the senate and house of representatives of the State of Nebraska, That our Senators and Representatives in Congress are requested to secure such action by the heads of Departments at Washington or such legislation by Congress as will compel said railroad companies to take out patents for said lands, so that they may be taxed, or that they may revert to the General Government and be subject to the homestead and pre-emption laws.

Resolved, That the secretary of state be requested to forward to each of our Senators and Representatives in Congress a copy of this memorial and joint resolution.

ALFRED W. AGEE,
President of the Senate.

Attest:

GEORGE L. BROWN,
Secretary of the Senate.

GEORGE M. HUMPHREY,
Speaker of the House of Representatives.

Attest:

BRAD. D. SLAUGHTER,
Chief Clerk of House of Representatives.

Approved February 24, A. D. 1883.

JAMES W. DAWES, *Governor.*

Mr. MANDERSON. I present also a memorial and joint resolution of the Legislature of Nebraska, having reference to the improvement of the Missouri River, which I ask to have read.

The joint resolution was ordered to lie on the table, to be referred to

the Committee on the Improvement of the Mississippi River and Tributaries when appointed, and was read, as follows:

Memorial and joint resolution of the Legislature of the State of Nebraska concerning the improvement of the Missouri River.

Whereas the importance to the whole country of continuing the work of the improvement of the great water way of the West, the Missouri, the Mississippi, and the Ohio, a system of rivers unequaled on the face of the globe as a God-blessed competition with the railways in the interest of cheap transportation, is a matter of even more than national interest:

Resolved, That the house of representatives of the State of Nebraska requests its Senators and Representatives in Congress to sustain the plans for the improvement of said rivers, and to use their best endeavors to secure the appropriations necessary to carry out the much-needed work as speedily as practicable.

Resolved, That we believe that an independent Missouri River commission, in purposes similar to the Mississippi River Commission, is demanded by the best interests of the great valley of the Missouri—the most fertile agricultural region in the world.

Resolved, That the clerk of this house is instructed to forward forthwith attested copies of this resolution to our Senators and Representatives in Congress.

I hereby certify that the foregoing preamble and resolution was adopted by the house on February 15, 1883.

BRAD. D. SLAUGHTER, *Chief Clerk.*

Attest:

JAMES F. ZEDIKER,
First Assistant and Journal Clerk.

A true and correct copy.

JAMES F. ZEDIKER,
First Assistant and Journal Clerk House of Representatives.

Mr. MANDERSON. I also present a memorial and joint resolution of the Legislature of Nebraska, requesting that the duty on barbed wire and the material of which it is made be removed. I ask that it be read, and lie upon the table, to be referred at the proper time to the Committee on Finance.

The joint resolution was ordered to lie on the table, to be referred to the Committee on Finance when appointed, and was read, as follows:

Memorial and joint resolution requesting that the duty be removed off of barbed wire and the material it is manufactured from.

To the honorable Senate and House of Representatives in Congress assembled:

Whereas the article of barbed wire and the material from which it is made has become so necessary for use that it is indispensable to the people of the State of Nebraska, and especially to the agricultural interest, we do most respectfully urge upon the Congress of the United States to repeal the duty on the same: Therefore,

Be it resolved, &c., That our Senators and Representatives in Congress are hereby requested to use all honorable means to secure the removal of such duty so it may be placed on the free list.

Resolved, That the secretary of state be, and is hereby, instructed to transmit a certified copy of this memorial and joint resolution to our Senators and Representatives in Congress.

GEORGE M. HUMPHREY,
Speaker of the House of Representatives.

Attest:

BRAD. D. SLAUGHTER,
Chief Clerk of the House of Representatives.

ALFRED W. AGEE.
President of the Senate.

Attest:

GEORGE L. BROWN,
Secretary of the Senate.

Approved, February 21, A. D. 1883.

JAMES W. DAWES, *Governor.*

I hereby certify that the within act originated in the house of representatives, and passed the Legislature February 20, A. D. 1883.

BRAD. D. SLAUGHTER,
Chief Clerk of the House of Representatives.

Mr. JONES, of Florida, presented the petition of Henrietta M. Sands, widow of the late Benjamin F. Sands, rear-admiral United States Navy, praying for an increase of pension; which was ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

Mr. HAWLEY presented the petition of Joseph Dawson, of Hartford, Conn., praying for a pension on account of a permanent disability incurred in the discharge of his duty in the internal-revenue service; which was ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

Mr. PALMER presented the petition of Mrs. Eunice Tripler, of Detroit, Mich., praying compensation for Dr. Tripler's Manual of the Medical Officers of the Army of the United States for the Recruiting Service; which was ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. SLATER presented a petition of the Chamber of Commerce of Astoria, Oreg., praying that the lands granted the Oregon Central Railroad Company by act of Congress approved May 4, 1870, to aid in the construction of a railroad from Portland to Astoria, Oreg., be forfeited and thrown open to settlement; which was ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. McMILLAN presented the petition of Laura C. P. Haskins, widow of Second Lieut. Hiram D. Haskins, late of the One hundred and tenth Regiment New York Volunteers, praying for an increase of pension; which was ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

BILLS INTRODUCED.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. 409) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes;" and of public act No. 207; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Naval Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 410) for the relief of the Sone and Fleming Manufacturing Company, limited, of the city of New York; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 411) for the relief of James M. Wilbur; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 412) for the relief of Thomas H. Lawrence; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Commerce when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 413) for the relief of Edgar Huson; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Patents when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 414) for the relief of Alonzo Snyder; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 415) regulating maritime liens and remedies, and to secure uniformity in the enforcement of the rights of material-men in courts of admiralty; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 416) to establish a mint of the United States at New York city; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Finance when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 417) for the relief of William H. Whiting; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 418) for the relief of Timothy E. Ellsworth; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. LAPHAM. I desire to say that nearly all of these bills were introduced and reported upon and passed in the Senate during the last Congress, but they were not acted on in the House of Representatives.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. 419) for the extension of letters patent to the heirs of Rudolph Leschot, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Patents when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 420) for the relief of the Union Metallic Cartridge Company; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Patents when appointed.

Mr. DOLPH asked and, by unanimous consent, obtained leave to introduce a bill (S. 421) for the relief of Thomas J. Miller, of Washington Territory; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. MILLER, of California (by request), asked and, by unanimous consent, obtained leave to introduce a bill (S. 422) for the relief of Isaac Minor, administrator of the estate of John Saf, deceased, of Humboldt County, California; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 423) for the relief of settlers under the desert land act; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 424) to repeal the pre-emption laws; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 425) to repeal the timber-culture laws; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 426) to amend the homestead laws; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. BUTLER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 427) for the relief of Thomas G. Corbin; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Naval Affairs when appointed.

Mr. SLATER. In accordance with the prayer of the petition of the Chamber of Commerce of Astoria, Oreg., which I presented this morning, I ask leave to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. 428)

to forfeit certain public lands granted to the Oregon Central Railroad Company in the State of Oregon and the Territory of Washington; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 429) granting a pension to Laura C. P. Haskins; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Pensions when appointed.

Mr. JACKSON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 430) for the relief of Myra Clark Gaines; which was read twice by its title, and, with the accompanying paper, ordered to lie on the table, to be referred to the Committee on Private Land Claims when appointed.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. 431) for the relief of Sallie A. Spence; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. MILLER, of New York. I ask for an order that the papers in the claim of Sallie A. Spence be withdrawn from the files of the Senate, and referred to the Committee on Claims when appointed.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. MILLER, of New York. The bill, as I understand it, was reported favorably and passed by the Senate at the last session.

The PRESIDENT *pro tempore*. The order will be entered, subject to the rule.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 432) to disqualify justices of the Supreme Court from sitting in the trial of causes which have been previously heard before them in their circuits or otherwise; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. 433) to release the Memphis and Little Rock Railroad Company from such of the conditions of the several acts of Congress approved February 9, 1853, and July 28, 1866, as unjustly affect said corporation; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Railroads when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 434) to authorize and direct the Secretary of the Treasury to settle and adjust the account between the United States and the Memphis and Little Rock Railroad Company on account of customs duties arising out of the importation of iron for said company during the years 1860 and 1861; which was read twice by its title.

Mr. GARLAND. This bill is in the nature of a claim, and I ask that it be referred to the Committee on Claims, although it might very well go to the Committee on Finance.

The PRESIDENT *pro tempore*. The bill will lie on the table, to be referred to the Committee on Claims when appointed.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. 435) for the relief of Silas F. Feild, one of the sureties on the bond of John G. Halliburton, deceased, late marshal of the United States in and for the eastern district of Arkansas; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Finance when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 436) for the relief of William J. Gamble; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. GARLAND. In connection with the two last bills I ask for an order, under the rules, withdrawing certain papers to be referred with them.

Ordered, That the papers in the claim of William J. Gamble be withdrawn from the files of the Senate and referred to the Committee on Claims when appointed.

Ordered, That the papers in the claim of Silas F. Feild be withdrawn from the files of the Senate and referred to the Committee on Finance when appointed.

The PRESIDENT *pro tempore*. Has there been an adverse report in these cases?

Mr. GARLAND. No, sir; they come under the rule.

The PRESIDENT *pro tempore*. The orders will be entered, subject to the rule, if there be no objection.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 437) to provide for the appointment of official stenographers for the circuit and district courts of the United States, for the several Territorial courts, and for the supreme court of the District of Columbia; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 438) for the relief of the heirs and legal representatives of Capt. Lambert Wickes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Revolutionary Claims when appointed.

Mr. MITCHELL. In that case I suppose there should be an order for the withdrawal and reference of the papers.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. MITCHELL. There has been no report. I ask that an order be made withdrawing the papers from the files of the Senate, and referring them to the Committee on Revolutionary Claims when appointed.

The PRESIDENT *pro tempore*. If there be no objection that order will be entered.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 439) for the relief of George A. Jaeger; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. MITCHELL. In that case there was a favorable report; and I ask that an order be made withdrawing the papers from the files of the Senate, and that they be referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. That order will be entered, if there be no objection.

Mr. JONES, of Florida (by request), asked and, by unanimous consent, obtained leave to introduce a bill (S. 440) for the relief of W. P. Moran; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Appropriations when appointed.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. 441) to provide for the settlement of accounts with certain railway companies; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Railroads when appointed.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. 442) to restore to market and sale certain lands of the United States in the States of Minnesota and Wisconsin, and to authorize their sale subject to the right of flowage; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a bill (S. 443) to refer the claim of George E. Payne to the Court of Claims; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. 444) for the relief of Edward Fenlon; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 445) for the relief of the heirs or legal representative of Robert J. Baugness, deceased; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 446) for the relief of H. A. Myers; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Military Affairs when appointed.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. 447) to provide for the construction of the Maryland and Delaware Free Ship-Canal, as a means of military and naval defense and for commercial purposes; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Transportation Routes to the Seaboard when appointed.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 448) for the relief of George H. Plant; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. GROOME. In connection with the bill I ask that the papers in the case of George H. Plant be referred from the files of the Senate to the Committee on Claims, there having been no adverse report.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 449) to grant the right of way over the public lands in Alabama to the Rome and Decatur Railroad Company, from Rome, Ga., to Decatur, in Alabama, on the Tennessee River; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 450) for the relief of Weil & Moore, of Montgomery, Ala.; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 451) to define the jurisdiction of the circuit and district courts of the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 452) to remit the forfeiture of the British bark Viscount Canning, and to refund the proceeds of the sale thereof to her owners, Edward D. Morris and C. R. Morris; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. MORGAN. In connection with that bill I ask that the papers relating to the claim of the owners of the British bark Viscount Canning be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary when appointed.

The PRESIDENT *pro tempore*. The order will be made, subject to the rules of the Senate, if there be no objection.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 453) for the relief of Coronna, Taussig & Co. and others; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 454) to explain and carry into effect sections 2498 and 2499 of the Revised Statutes, and to provide for executing in their true intent and purpose the commercial treaties between the United States and other governments; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Foreign Relations when appointed.

Mr. BUTLER asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 17) proposing an amendment to the Constitution of the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 18) proposing an amendment to Article I, section 7, clause 2, of the Constitution of the United States, in relation to the veto power; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 19) proposing an amendment to the Constitution of the United States; which was read twice by its title, and ordered to lie on the table, to be referred to the Select Committee on Woman Suffrage when appointed.

He also asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 20) referring the claim of Clinton G. Colgate to the Court of Claims; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Claims when appointed.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 21) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on Railroads when appointed.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 22) proposing an amendment to the Constitution in relation to appropriations; which was read twice by its title, and ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COKE, it was

Ordered, That the petition and accompanying papers in the case of Marcus Radich be withdrawn from the files of the Senate and referred to the Committee on Claims when appointed.

On motion of Mr. MITCHELL, it was

Ordered, That the petition and papers in relation to the claim of Matilda Watmough be withdrawn from the files of the Senate and referred to the Committee on Pensions when appointed.

On motion of Mr. JACKSON, it was

Ordered, That the papers in the case of Thomas B. Stratton, assignee of W. B. Waldron, be taken from the files of the Senate and referred to the Committee on Claims when appointed.

On motion of Mr. McMILLAN, it was

Ordered, That the papers relating to the pension claim of Laura C. P. Haskins be taken from the files of the Senate and referred to the Committee on Pensions when appointed.

On motion of Mr. JONAS, it was

Ordered, That the papers in the claim of the Citizens' Bank of Louisiana be taken from the files of the Senate and referred to the Committee on Claims, subject to the rules of the Senate.

Ordered, That the papers in the claim of the heirs of Maurice Grivot be taken from the files of the Senate and referred to the Committee on Claims, subject to the rules of the Senate.

Ordered, That the papers in the case of Martin Kenofsky be taken from the files of the Senate and referred to the Committee on Foreign Relations, subject to the rules of the Senate.

Ordered, That the petition and papers in relation to the claim of John F. Krantz, of the State of Louisiana, be taken from the files of the Senate and referred to the Committee on Claims, subject to the rules of the Senate.

Ordered, That the petition and papers in the claim of L. Madison Day be taken from the files of the Senate and referred to the Committee on Claims, subject to the rules of the Senate.

Ordered, That the petition and papers in the claim of Joseph R. Shannon be taken from the files of the Senate and referred to the Committee on Claims, subject to the rules of the Senate.

Ordered, That the petition and papers in relation to the claim of the State National Bank of New Orleans be taken from the files of the Senate and referred to the Committee on Claims, subject to the rules of the Senate.

On motion of Mr. FAIR, it was

Ordered, That the papers in the case of John Leathers be referred from the files of the Senate to the Committee on Claims when appointed, there being no adverse report.

On motion of Mr. MILLER, of California, it was

Ordered, That the papers in the case of Edward Byrne be withdrawn from the files of the Senate and referred to the Committee on Military Affairs when appointed, there being no adverse report.

On motion of Mr. GROOME, it was

Ordered, That the papers in the case of Margaret Cassidy be referred from the files of the Senate to the Committee on Patents when appointed, there being no adverse report.

Ordered, That the papers in the case of Alfred G. Hatfield be referred from the files of the Senate to the Committee on Claims when appointed, there being no adverse report.

Ordered, That the papers in the case of Frank Della Terre and Susan F. Della Terre be referred from the files of the Senate to the Committee on Claims when appointed, there being no adverse report.

Ordered, That the papers in the case of Mrs. S. A. Wright and Mrs. C. Fahnestock be referred from the files of the Senate to the Committee on Patents when appointed, there being no adverse report.

TRANSFER OF A LAND GRANT.

Mr. HILL. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate copies of all papers now on file in the Interior Department relating to the transfer of the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad Company to the New Orleans Pacific Railway Company.

Mr. INGALLS. Let that lie on the table and be printed.

The PRESIDENT *pro tempore*. The present consideration of the resolution is objected to, and it will go over under the rules. It will be printed, if there be no objection.

SIOUX INDIAN RESERVATION.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate copies of any and all agreements made with the Sioux Nation of Indians, and with any tribe or band of them, for the cession of any portion of their existing reservation to the United States, together with all signatures now attached to the said agreements; and to inform the Senate whether any tribe or band of such Sioux Nation has declined to enter into such agreements; and to furnish copies of any correspondence between the Department and any official or other individuals concerning any such agreements, or the ratification thereof by Indians; and to communicate to the Senate what has been done by the Department in carrying out the provisions of chapter 143 of the statutes of the second session of the last Congress in reference thereto.

CATTLE SHIPMENTS TO CUBA.

Mr. CALL submitted the following resolution; which was ordered to be printed, and referred to the Committee on Foreign Relations when appointed:

Resolved, That the President of the United States be requested to demand of the Government of Spain the payment to citizens of the United States of the money paid by them under demand of the Spanish authorities for the shipment of cattle from the United States to Cuba.

ADJOURNMENT.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions the morning hour will be considered as having terminated. The Chair awaits the further pleasure of the Senate, there being no calendar and no special or general orders.

Mr. GARLAND. If no Senator has any business to bring before the Senate, I move that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 55 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 6, 1883.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ADDITIONAL MEMBER SWORN IN.

Mr. McCOID, of Iowa, appeared and took the oath of office prescribed by section 1756 of the Revised Statutes.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House do now adjourn.

The SPEAKER. Pending the motion of the gentleman from Indiana that the House do now adjourn, the Chair desires by consent to submit certain executive communications.

There was no objection.

ANNUAL REPORT OF THE ATTORNEY-GENERAL.

The SPEAKER laid before the House a letter from the Attorney-General, transmitting his annual report for the year 1883; which was laid on the table, and ordered to be printed.

REPORT ON THE FINANCES FOR 1883.

The SPEAKER also laid before the House the annual report of the Secretary of the Treasury on the state of the finances for the year 1883; which was laid on the table, and ordered to be printed.

TERRACE AND APPROACHES TO THE CAPITOL.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates for the proposed terrace and approaches to the United States Capitol, Washington, D. C.; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDED ESTIMATES FOR FOREIGN INTERCOURSE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Secretary of State of the 1st instant relating to certain changes desired in the estimates of his Department, relating to foreign intercourse; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVIS, of Missouri, for three weeks.

To Mr. GIBSON, for one week from Monday next.

To Mr. WOOD, for one week.

ORDER OF BUSINESS.

The motion of Mr. HOLMAN was then agreed to; and accordingly (at 12 o'clock and 10 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. DIBRELL: The petition of J. A. Henry and of Mrs. J. P. Williams, for relief—severally to the Committee on Claims.

By Mr. HERBERT: The petition of William H. Beck, for relief—to the same committee.

By Mr. LIBBEY: The petition of Mrs. Margaret T. Higgins, of the Norfolk County Ferry, and of Mary Parker, for relief—severally to the Committee on War Claims.

Also, the petition of William H. C. Ellis, for relief—to the Committee on Claims.

Also, the petition of Mrs. Elizabeth Baker, widow of Capt. Francis H. Baker, late of United States Navy, for an increase of pension—to the Committee on Invalid Pensions.

Also, the petition of Benjamin T. Loyall, for relief—to the Committee on Naval Affairs.

By Mr. McCOMAS: Paper relating to the claim of Joseph H. Maddox—to the Committee on War Claims.

By Mr. PIERCE: The petition of J. C. & J. H. Atkins, administrators of the estate of N. G. Atkins; of Isaac W. Coppedge; of Stephen S. Hale; of William P. Posey, and of Elizabeth Seward, for relief—severally to the same committee.

By Mr. RICHARD WARNER: The petition of D. M. Coldwell and of William J. Thompson, for relief—severally to the same committee.

By Mr. YOUNG: The petition of Richard L. Andrews, administrator of the estate of M. H. Battle; of John Bateman; of William E. Barnett; of Charles C. Burke, administrator of the estate of Elizabeth Burke; of Clara E. Bryan; of Augustus F. Bonner, administrator of Anna M. Cogswell; of Washington G. Campbell; of Robert H. Clure; of Amelia B. Caldwell; administratrix of Mrs. Martha C. Cole; of Malon Courts, administrator of Jane M. Courts, deceased; of Fendall Carpenter; of Wiley T. Cargill, executor of estate of Wiley Cargill, deceased; of Sanders R. Carney, of Fendall Carpenter; of Hugh Davis; of M. L. M. Edenton; of W. W. R. Elliott; of John A. Farley; of Meshack Franklin; of M. A. Gober; administrator of estate of Joseph T. Abernathy, deceased; of John O. Graves; of Elizabeth Griggs, executrix of H. C. Griggs, deceased; of Robert C. Hardwicke; of Delos A. Harrell; of David H. Hildebrand; of Fannie T. Hunt; of Mrs. Lucie A. Jameson; of James H. Johnson; of Henry T. Jones, administrator of estate of J. C. Anderson, deceased; of Harriet Jones, administratrix of John L. Jones; of William R. Kearney; of Ezekiel T. Keel; of Elijah Kennon; of Abner W. Lanier; of Abner D. Lewis; of Mary E. McKinney; of John H. McClellan; of the City of Memphis, Tenn.; of John H. Mitchell; of Thomas E. Moore; of George W. Morris; of John Morrison; of Thomas G. Neal; of John B. Reed; of Mrs. J. D. Scott; of Josiah Q. Shaw; of Henry E. Sills; of Mrs. Lucy J. Stockley; of John T. Stratton, Edgar McDavitt, and Samuel H. Dunscomb; of Mrs. Elizabeth Toof and R. H. Wood, executors of the estate of J. H. Bills, deceased, for relief—severally to the Committee on War Claims.

SENATE.

MONDAY, *December* 10, 1883.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

APPOINTMENT OF PAGES.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Sergeant-at-Arms, on the subject of the state of the law and rules of the Senate regarding the appointment of pages; which was ordered to lie on the table and be printed, to be referred to the Committee on Rules when appointed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting, in compliance with a resolution of March 3, 1883, the names of special deputy marshals employed at the Congressional election held in New Castle County, Delaware, in November, 1882; which was ordered to lie on the table, and be printed, to be referred to the Committee on Privileges and Elections when appointed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Treasurer of the United States, transmitting, in accordance with law, copies of his accounts for the fiscal year ending June 30, 1883. The letter will be printed. The accounts are very voluminous, and such accounts the Chair thinks for many years past have not been printed, at first at least, by order of the Senate. The Chair thinks they have been referred hitherto to the Committee on Printing; and if there be no objection the letter and the accounts will be referred to the committee with a view to consider whether the accounts shall be printed.

COMMITTEES OF THE SENATE.

Mr. SHERMAN. I ask unanimous consent of the Senate to offer a resolution affecting the organization of the body which I suppose to be privileged. I ask the consent of the Senate to submit the resolution at this moment.

The PRESIDENT *pro tempore*. The Senator from Ohio presents a privileged resolution, which will be read.

The resolutions were read, as follows:

Resolved, That the Senate now proceed to the appointment of the standing and other committees of the Senate for the present session.

Resolved, That so much of the forty-sixth rule of the Senate as requires the appointment of the standing and other committees of the Senate to be made by ballot be suspended.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the first resolution? The Chair hears none. Is there objection to the suspension of the standing rule regarding a ballot for committees embraced in the second resolution? The Chair hears none. The question is on agreeing to the resolutions.

The resolutions were agreed to.

Mr. SHERMAN. I move that the committees of the body be constituted as stated in the paper I send to the Chair.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the standing committees of the body be constituted according to the list now to be read by the Secretary. The Secretary will read the list.

The Acting Secretary read as follows:

Resolved, That the following be the standing committees of the Senate during the present session:

On Privileges and Elections—Messrs. Hoar (chairman), Cameron of Wisconsin, Sherman, Frye, Lapham, Saulsbury, Vance, Pugh, and Jonas.

On Foreign Relations—Messrs. Miller of California (chairman), Sherman, Lapham, Edmunds, Wilson, Morgan, Pendleton, Vance, and Brown.

On Finance—Messrs. Morrill (chairman), Sherman, Jones of Nevada, Allison, Aldrich, Miller of New York, Bayard, Voorhees, Beck, McPherson, and Harris.

On Appropriations—Messrs. Allison (chairman), Logan, Dawes, Plumb, Hale, Beck, Ransom, Cockrell, and Call.

On Commerce—Messrs. McMillan (chairman), Jones of Nevada, Conger, Frye, Miller of New York, Ransom, Coke, Farley, and Vest.

On Manufactures—Messrs. Riddleberger (chairman), Sabin, Dolph, Williams, and Colquitt.

On Agriculture—Messrs. Miller of New York (chairman), Blair, Plumb, Van Wyck, George, Williams, and Fair.

On Military Affairs—Messrs. Logan (chairman), Cameron of Pennsylvania, Harrison, Sewell, Hawley, Cockrell, Maxey, Hampton, and Camden.

On Naval Affairs—Messrs. Cameron of Pennsylvania (chairman), Anthony, Hale, Mahone, Miller of California, McPherson, Jones of Florida, Farley, and Butler.

On the Judiciary—Messrs. Edmunds (chairman), Logan, Ingalls, McMillan, Hoar, Garland, Bayard, Lamar, and Pugh.

On Post-Offices and Post-Roads—Messrs. Hill (chairman), Sawyer, Mahone, Palmer, Wilson, Maxey, Saulsbury, Groome, and Jackson.

On Public Lands—Messrs. Plumb (chairman), Hill, Blair, Van Wyck, Dolph, Walker, Morgan, Slater, and Gibson.

On Private Land Claims—Messrs. Bayard (chairman), Jonas, Colquitt, Edmunds, and Manderson.

On Indian Affairs—Messrs. Dawes (chairman), Ingalls, Harrison, Cameron of Wisconsin, Bowen, Coke, Walker, Slater, and Gorman.

On Pensions—Messrs. Mitchell (chairman), Blair, Van Wyck, Cullom, Sabin, Slater, Jackson, Camden, and Colquitt.

On Revolutionary Claims—Messrs. Jones of Florida (chairman), Garland, Williams, Anthony, and McMillan.

On Claims—Messrs. Cameron of Wisconsin (chairman), Hoar, Pike, Dolph, Manderson, Jackson, George, Gibson, and Kenna.

On the District of Columbia—Messrs. Ingalls (chairman), Aldrich, Riddleberger, Pike, Palmer, Harris, Vance, Gorman, and Brown.

On Patents—Messrs. Platt (chairman), Hoar, Mitchell, Lapham, Coke, Call, and Camden.

On Territories—Messrs. Harrison (chairman), Platt, Conger, Manderson, Butler, Garland, and Vest.

On Railroads—Messrs Sawyer (chairman), Hawley, Sewell, Sabin, Riddleberber, Cullom, Lamar, Williams, Jonas, Brown, and Kenna.

On Mines and Mining—Messrs. Wilson (chairman), Bowen, Van Wyck, Jones of Nevada, Hampton, Fair, and Camden.

On the Revision of the Laws of the United States—Messrs. Conger (chairman), Platt, Hale, Pendleton, and Kenna.

On Education and Labor—Messrs. Blair (chairman), Mahone, Miller of New York, Aldrich, Bowen, George, Call, Pugh, and Groome.

On Civil Service and Retrenchment—Messrs. Hawley (chairman), Dawes, Mitchell, Miller of California, Pike, Walker, Williams, Lamar, and McPherson.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Jones of Nevada (chairman), Platt, and Vance.

On Rules—Messrs. Frye (chairman), Sherman, Ingalls, Harris, and Pendleton.

On Engrossed Bills—Messrs. Saulsbury (chairman), Call, and Allison.

On the Improvement of the Mississippi River and Tributaries—Messrs. VanWyck (chairman), Mitchell, Cullom, Pike, Jonas, Cockrell, and Jackson.

On Transportation Routes to the Seaboard—Messrs. Aldrich (chairman), Cameron of Pennsylvania, Manderson, Palmer, Farley, Slater, and Gibson.

On Printing—Messrs. Anthony (chairman), Hawley, and Gorman.

On Enrolled Bills—Messrs. Sewell (chairman), Riddleberger, and Colquitt.

On the Library—Messrs. Sherman (chairman), Hoar, and Voorhees.

On Public Buildings and Grounds—Messrs. Mahone (chairman), Morrill, Cameron of Wisconsin, Jones of Florida, and Vest.

The PRESIDENT *pro tempore*. The question is on agreeing to the constitution of the standing committees of the Senate as proposed. Senators in the affirmative will say "ay;" Senators in the negative will say "no." [Putting the question.] The "ayes" have it, and it is so ordered.

Mr. SHERMAN. I now offer the resolution which I send to the desk.

The Acting Secretary read as follows:

Resolved, That the following select committees be appointed for the present session, and that each of these committees shall be and is vested with all the powers and authorities heretofore given by the Senate to each of the select committees on the respective subjects to which they relate:

To Examine the Several Branches of the Civil Service—Messrs. Cullom (chairman), Dawes, McMillan, Hampton, and Groome.

To Investigate Condition of Potomac River Front of Washington—Messrs. Ransom (chairman), Vest, Gorman, Conger, Cameron of Pennsylvania, Sabin, and Hill.

To make provision for taking the Tenth Census and ascertaining the results thereof—Messrs. Hale (chairman), Morrill, Sawyer, Wilson, Pendleton, Morgan, and Fair.

To Investigate and Report the Best Means of Preventing the Introduction and Spread of Epidemic Diseases—Messrs. Harris (chairman), Garland, Jonas, Hampton, Sewell, Bowen, and Frye.

To Inquire into all Claims of Citizens of the United States against the Government of Nicaragua—Messrs. Maxey (chairman), Groome, Beck, Hill, and Dolph.

On Woman Suffrage—Messrs. Lapham (chairman), Anthony, Blair, Palmer, Fair, Jones of Florida, and Brown.

On Additional Accommodations for the Library of Congress—Messrs. Voorhees (chairman), Butler, and Dolph.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution? The Chair hears none. Is there objection to dispensing with the rule which requires a ballot? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 1) extending the time fixed for the joint commission appointed to consider the number and salaries of officers and employés of the two Houses to submit their report; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of the committee of the National Association of the Veterans of the Mexican War, in favor of pensions being allowed to the surviving soldiers and the widows of deceased soldiers of the war with Mexico.

Mr. VEST. I ask that the resolutions be read.

The PRESIDENT *pro tempore*. The resolutions will be read, if there be no objection. The Chair hears none.

The resolutions were read, and ordered to be referred to the Committee on Pensions, as follows:

At a meeting of the National Association of the Veterans of the Mexican War, held in the city of Washington, D. C., on the 6th day of December, 1883, the following resolutions were unanimously adopted:

First. *Resolved*, That we congratulate the American people that peace prevails and plenty abounds throughout the borders of this great nation, and that amity and good fellowship exist between the various sections thereof.

Second. That we regard as especially gratifying the friendly relations existing between the United States and our neighbor, the Republic of Mexico, and we earnestly hope that nothing will ever occur to make the relations less peaceful, but that the means and habits of intercommunication between us may be still further extended and increased until we shall have such a community of interests and feeling that war between the two countries may never again be possible.

Third. That our security at home and our standing abroad as a nation depend upon the patriotism and valor of our citizen soldiery rather than the strength of our standing armies, and that it is one of the first and most important duties of our Government to foster this essential element of our national greatness; and in order to do which effectively important services should, in every instance, meet with certain recognition and just reward.

Fourth. That the reward meted out to the survivors of our Army and Navy in Mexico has not been at all commensurate with the great value of the services rendered, neither has it been such as to meet the reasonable expectations and oft-repeated demands of the great majority of the people of this country, as expressed in the public prints, through the resolutions of mass-meetings and conventions, and by the solemn enactments of the Legislatures of twenty-eight of the States of this Union; all of which are unrescinded, and stand to-day as the will of the people of these States.

Fifth. That the conquest achieved by the valor and prowess of that Army and Navy added more than a million square miles to our public domain, extending it to the western ocean, an area almost equal to that of twenty of the States, and which has already produced enough of the precious metals to pay off the national debt; higher and better than which, it added fresh laurels to our national fame and vindicated the honor of our flag.

Sixth. That those who achieved these momentous results, a large majority of the survivors of whom are now living in extreme poverty, deserve better of their countrymen than to be allowed to stand as alms-men for a national bounty, and we respectfully ask of the Congress of the United States that their names be placed upon the pension-rolls of your country on equal terms with those of the soldiers and sailors of the war of 1812 as a just recognition of their meritorious services.

Seventh. That we are profoundly grateful to those members of Congress who have labored zealously at former sessions of Congress to secure the passage of a bill giving pensions to the veterans of the Mexican war.

Eighth. That a copy of these resolutions be spread upon the records of this association, and that a copy each be presented to the President of the Senate and the Speaker of the House of Representatives in Congress now assembled, with the request that they be laid before the bodies over which they respectively preside for their favorable consideration.

Respectfully submitted.

A. B. PEARSON, of Missouri,
JAMES C. McGINNIS, of Missouri,
J. A. CRAVENS, of Indiana,
G. A. PORTERFIELD, of West Virginia,
FRANCIS D. CLARK, of New Jersey,
A. J. ROBERTSON,
C. J. CREEKMANN, of Virginia,
Committee on Resolutions.

Mr. SHERMAN presented the petition of George C. Davies, of Dayton, Ohio, praying for the renewal of a patent for an improvement in wood-screws; which was referred to the Committee on Patents.

Mr. HALE presented the petition of George E. Brackett, secretary of the Good Templars of Maine, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. SAWYER presented the petition of Elias J. Pritchard and 4 others, letter-carriers, of Racine, Wis., praying that all letter-carriers in the United States be granted thirty days' leave of absence in each year; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LAPHAM presented a petition of citizens of the city of New York, praying for the passage of a bill authorizing the Secretary of War to contract with Charles Stoughton and his associates for the work of improving Harlem River, New York; which was referred to the Committee on Commerce.

He also presented a memorial of the board of supervisors of Richmond County, New York, and the board of trustees of Edgewater, N. Y., remonstrating against the establishment of a marine hospital in Edgewater; which was referred to the Committee on Commerce.

Mr. HARRISON presented the petition of Levi M. Cross and 31 others, of Freetown, Ind., praying for the passage of a law equalizing soldiers' bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of Isaac Smith and 29 others, of Freetown, Ind., praying for the passage of an act of Congress making the pay of soldiers equal to gold; which was referred to the Committee on Military Affairs.

He also presented the petition of John Garbet and 30 others, of Freetown, Ind., and the petition of J. H. Knight and 108 others, of Paragon, Ind., praying Congress to pass a law removing the limitation in the arrears-of-pension act; which were referred to the Committee on Pensions.

Mr. VANCE presented the petition of Cornelia A. Stanly, widow of Fabius Stanly, late a rear-admiral, United States Navy, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. GORMAN presented the petition of Juliet H. Palmer, widow of James C. Palmer, deceased, late Surgeon-General United States Navy, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. HARRIS presented the petition of Peggy Hill and others, heirs of Addison Hill, deceased, of Tipton County, Tennessee, and the petition of Mrs. Martha T. Wade, of Chester County, Tennessee, praying compensation for property taken and used by the United States Army during the late war; which were referred to the Committee on Claims.

Mr. MORGAN. I present the petition of a number of cadets of the Naval Academy at Annapolis, asking that "that part of the act approved August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service in each year shall not apply to those classes who were in the service at the time of the passage of said act." I had the honor the other day to introduce a bill (S. 318) on this subject, which was referred to the Committee on Naval Affairs. This petition contains a full and succinct statement of the facts on which these gentlemen rely to convince the Congress that they ought to have this exemption. I ask that the petition be printed for the use of the Senate, because I think it is a valuable paper, and will be so to the committee in the investigation of the question.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Alabama? The Chair hears none, and the petition will be printed, and referred to the Committee on Naval Affairs.

Mr. VOORHEES presented the petition of Richard T. Bryan, examining and revising clerk of the division of finance in the office of the Third Assistant Postmaster-General, praying compensation for the use of certain tables prepared by him, by which Government officials are now paid and accounts audited and paid in the Departments; which was referred to the Committee on Finance.

He also presented the petition of John T. Pickett, late United States consul at Vera Cruz, Mexico, praying to be reimbursed sums advanced by him to destitute American citizens returning from California and other places; which was referred to the Committee on Claims.

Mr. GARLAND presented the petition of Frank E. McLaughlin and other letter-carriers of Little Rock, Ark., praying to be allowed thirty days' leave of absence, with pay, each year; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John N. Griswold and others, citizens of Pine Bluffs, Ark., praying that all French spoliation claims be referred for adjudication to the Court of Claims; which was referred to the Committee on Claims.

He also presented a petition of citizens of Appleton, Pope County, Arkansas, praying for the establishment of a post-route between Atkins and Appleton, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Arkansas, praying for the establishment of a post-route from Rocky Comfort to Silver Hill, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Perry and Yell Counties, in the State of Arkansas, praying for the establishment of a post-route between Aplin, in Perry County, and Onyx, in Yell County; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Fulton County, Arkansas, praying the establishment of a mail-route between Salem and Mammoth Spring, in Fulton County; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS presented the petition of John F. Lewis, late first lieutenant Twenty-first United States Infantry, praying to be restored to his former rank; which was referred to the Committee on Military Affairs.

He also presented the petition of Michael Lane, of Lawrence, Kans., late private Company I, Seventeenth Kansas Volunteer Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of George E. Brackett, grand secretary, in behalf of 20,000 Good Templars of Maine, praying for an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors; which was referred to the Committee on Education and Labor.

Mr. PIKE presented a petition of the New Hampshire Medical Society, praying an appropriation for the erection of a fire-proof building in the city of Washington for the preservation of the Medical Library and Museum of the Surgeon-General's Office; which was referred to the Committee on Public Buildings and Grounds.

Mr. MANDERSON presented a memorial and joint resolution of the Legislature of Nebraska; which was read, and referred to the Committee on Public Lands, as follows:

Memorial and joint resolution concerning the people of Nebraska and the lands known as the Saint Joseph and Denver City Railroad Company lands.

Resolved, That whereas there are many settlers and purchasers of the public domain in the State of Nebraska who have patents from the United States for said land, and which are now disputed by a claim from other parties derived originally from grants of land by Congress to a certain railroad company known as the Saint Joseph and Denver City Railroad Company, *i. e.*, the Kneevals land claim;

Whereas such dispute of title is not only a great injury and wrong to many persons who have spent years of toil, labor, and expense upon said land—many of these persons filed on or homesteaded these lands between the 14th day of April and the 28th day of March, A. D. 1869, after which in due process of time the United States issued patents to the party or parties so filing on or homesteading the said land—and these party or parties, with the United States patent in their possession, have sold, transferred these said lands to a third party, and the third party to the fourth party, all transfers being based upon the original United States patent, the abstract of title from the county clerk's office so showing;

Whereas, such being substantially the facts of the case, a large portion of our citizens are dissatisfied, uneasy, in trouble, and anxious about the titles to their hard-earned homes: Therefore,

Be it resolved by the Legislature of the State of Nebraska (in this the eighteenth session), That Congress be respectfully asked to make such speedy settlement as will settle the title and titles now in dispute, doing ample justice to all parties concerned, reinstating those who have been rejected and paying the claims of those who have defended their homes in courts of law, giving us all such satisfaction and proof that the United States patent will be made good to her citizens and defended at all hazards.

Resolved, That copies of the foregoing resolutions be forwarded by the secretary of state to the Senators and Representatives of Nebraska elected or now in Congress.

GEORGE M. HUMPHREY,
Speaker of the House of Representatives.

Attest:

BRAD. D. SLAUGHTER,
Chief Clerk of the House of Representatives.

ALFRED W. AGEE,
President of the Senate.

Attest:

GEORGE L. BROWN,
Secretary of the Senate.

Approved February 22, A. D. 1883.

JAMES W. DAWES, *Governor.*

Mr. COCKRELL presented the petition of Dr. P. W. Bradbury, of Saint Louis, Mo., late scout in the Union Army in Western Virginia, praying to be allowed a pension; which was referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. CONGER asked and, by unanimous consent, obtained leave to introduce a bill (S. 455) granting a pension to Alexander St. Bernard; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 456) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 457) to establish the rights and to define the privileges of the James River Navigation and Improvement Company of the Territory of Dakota; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 458) for the relief of William H. Crook; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. 459) to refund excessive duties caused by extraordinary overvaluation of the Austrian florin in the year 1878; which was read twice by its title, and referred to the Committee on Finance.

Mr. SAWYER asked and, by unanimous consent, obtained leave to introduce a bill (S. 460) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 461) granting a pension to Warren Croan; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 462) to provide for the removal of obstructions to the free navigation of the navigable waters of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HILL asked and, by unanimous consent, obtained leave to introduce a bill (S. 463) to provide for coinage at the branch mint at Denver, Colo.; which was read twice by its title, and referred to the Committee on Finance.

Mr. HALE asked and, by unanimous consent, obtained leave to introduce a bill (S. 464) granting a pension to James P. F. Toby; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. 465) for the relief of Mary L. Walker and Ella Walker, which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM. In connection with the bill I ask that an order be made that the petition and accompanying papers in the case of Mary L. Walker and Ella Walker, sole surviving daughters of Lieut. Col Calvin Walker, late of the Thirty-third Regiment of New York State Volunteers, be taken from the files of the Senate and referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. Has there been any adverse report in the case?

Mr. LAPHAM. There was a favorable report.

The PRESIDENT *pro tempore*. The order will be granted if there be no objection.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. 466) for the relief of Guy V. Henry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 467) to provide for a settlement with the Indians who were parties to the treaty concluded at Buffalo Creek, in the State of New York, on the 15th day of January, 1838, for the unexecuted stipulation of that treaty; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 469) to increase the salaries and pay of the chaplains in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 470) for the relief of the State of New York, and to pay off certain certificates issued by that State to the soldiers of the war of 1812; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 471) to provide for courts of review in the various circuits of the United States, and to regulate the practice in civil and criminal cases in the courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 472) for the relief of George P. Webster; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 473) for the relief of Frances Hall; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 474) for the relief of George W. White; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES asked and, by unanimous consent, obtained leave to introduce a bill (S. 475) granting arrears of pension to Emily Agnel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER asked and, by unanimous consent, obtained leave to introduce a bill (S. 476) for the relief of Seth Colvin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BOWEN asked and, by unanimous consent, obtained leave to introduce a bill (S. 477) for the relief of Horace A. W. Tabor; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Military Affairs.

Mr. FRYE asked and, by unanimous consent, obtained leave to introduce a bill (S. 479) for the relief of Samuel D. Bailey; Samuel D. Bailey, administrator of the estate of B. C. Bailey; and Nancy S. Ballard, administratrix of the estate of Calvin Ballard; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. 480) for the relief of Reuben B. Clark and Sayles J. Bowen; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 481) to provide certain regulations concerning the manner of conducting elections for Representatives in Congress, and to punish violations thereof; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 482) to extend the provisions of the act of Congress entitled "An act for the relief of certain pensioners," approved March 3, 1879, to certain other pensioners; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. 483) for the relief of the State of Nebraska; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. 484) granting a pension to Charles H. Noble; which was read twice by its title and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 485) granting a pension to L. V. Hallyfield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 486) for the relief of Richard H. White; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 487) to regulate promotion in and to increase the efficiency of the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 488) for the relief of Alexander J. Mueller; which was read twice by its title, and referred to the Committee on Claims.

Mr. VANCE asked and, by unanimous consent, obtained leave to introduce a bill (S. 489) to make an appropriation for a United States court-house and post-office in Charlotte, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. 490) to amend and define the meaning of section 4886 of the Revised Statutes of the United States, to authorize the issue of patents for inventions, discoveries, and improvements; which was read twice by its title, and referred to the Committee on Patents.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 491) for the relief of John W. Franklin, executor of the last will of John Armfield, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 492) for the relief of Sallie Jarratt, executrix of Gregory Jarratt, deceased, late of Hardeman County, Tennessee; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 493) for the relief of C. S. Moss; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 494) for the relief of Nancy Miller; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Pensions.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 495) for the relief of Thomas J. Prosise; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 496) for the relief of B. S. James; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMDEN (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 497) for the relief of the legal representatives of Daniel Bedinger, deceased; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 498) granting a pension to Letitia Tyler Semple; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 499) for the relief of William A. Cowles; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 500) to define the rights of American citizens when residing in foreign countries; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 501) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 502) to increase the salary of the Commissioner of the General Land Office, and to create the offices of assistant commissioner of the General Land Office and inspectors of surveyors-general and district land offices; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 503) to increase the endowment of the University of Alabama from the public lands in said State; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 504) for the relief of John Silsby and others, purchasers of the "Weaver tract" lot of land in the city of Selma, State of Alabama; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 505) for the erection of a public building at Huntsville, Ala.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 506) for the relief of Claude H. Mastin, surviving partner of the firm of Le Vert & Mastin, of Mobile, Ala., and the children of Octavia Le Vert, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a bill (S. 507) for the relief of Gervin & Bietry, of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 508) for the relief of the legal heirs of G. P. Work, deceased, late a citizen of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 509) for the relief of the estate of Robert H. Montgomery; which was read twice by its title, and referred to the Committee on Claims.

Mr. SLATER asked and, by unanimous consent, obtained leave to introduce a bill (S. 510) for the relief of B. Jennings; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 511) for the relief of the State of Oregon; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 512) for the relief of citizens of Oregon, Washington, Idaho, and Montana who served in connection with the United States troops in the war with the Nez Percé Indians, and for the relief of the heirs of such as were killed in such service, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 513) granting a pension to James Coffey, of Oregon; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 514) for the relief of S. B. Cranston, of Oregon; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 515) to establish the price of lands in the Bitter Root Valley, Montana Territory; which was read twice by its title, and referred to the Committee on Public Lands.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 516) to adjust the accounts of John B. Monteith, deceased; which was read twice by its title, and referred to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senate to the fact that the morning hour has expired. If it be the pleasure of the Senate the Chair will continue to receive bills and joint resolutions and other morning business. Is there objection? The Chair hears none.

Mr. SLATER asked and, by unanimous consent, obtained leave to introduce a bill (S. 517) for the relief of John Fitzhugh, of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 518) further defining the class of persons

included in the provisions of section 5 of the act of July 17, 1854, amendatory of the Oregon donation law of September 27, 1850; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 519) for the relief of the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MAXEY asked and, by unanimous consent, obtained leave to introduce a bill (S. 520) for the relief of Francis Gilbeau; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 521) for the relief of Ernest H. Wardwell; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 522) for the relief of Henry Herman; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 523) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 524) for the relief of Jabez Burchard; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 525) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee, for certain registered United States bonds redeemed or assigned by the Government upon forged assignments; which was read twice by its title, and referred to the Committee on Finance.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. 526) granting a pension of $50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late rear-admiral in the United States Navy, and for forty-six years in the active service; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 527) for the relief of citizens of Indiana and Ohio for losses incurred during the Morgan raid in 1863; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 528) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 529) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 530) for the relief of Henry Ayres, of Evansville, Ind.; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 531) granting a pension to Caroline M. McDougal; which was read twice by its title, and, with accompanying papers, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 532) for the relief of Mark Walker; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 533) for the payment of Sewell Coulson and Porter, Harrison & Fishback, for legal services; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 534) for the relief of J. S. Pickett; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 535) for the relief of the sureties of George F. Elliott; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 536) for the relief of Capt. Nicholas J. Bigley; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 537) for the relief of J. A. Henry and others; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 538) for the relief of William H. Beck, assignee of A. Burwell; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 539) for the relief of Francis B. Van Hoesen; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Public Lands.

Mr. HARRISON asked and, by unanimous consent, obtained leave to introduce a bill (S. 540) to amend section 4919 of the Revised Statutes, relating to the recovery of damages for the infringement of patents; which was read twice by its title, and referred to the Committee on Patents.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 541) to set apart a certain tract of land lying on the Colorado River of the West, in the Territory of Arizona, as a public park; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 542) for the relief of John Fletcher; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 543) for the relief of Martin L. Bundy; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 544) granting an increase of pension to Elijah W. Penny; which was read twice by its title, and, with accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 545) for the relief of the widow of Col. Lyman M. Kellogg; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 546) granting a rerating of pension to Jacob Meier; which was read twice by its title, and, with the accompanying papers referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 547) granting a pension to John C. F. Beyland, of New York; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 548) for the relief of James L. Selfridge; which was read twice by its title, and, together with the papers on file relating to their case, referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 549) for the relief of J. H. Hammond; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. EDMUNDS (Mr. COCKRELL in the chair) asked and, by unanimous consent, obtained leave to introduce a bill (S. 550) granting a pension to Fannie S. Beaumont; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 551) to extend the laws of the United States over certain unorganized territory south of the State of Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 552) to prevent the unlawful inclosure of public lands; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 553) relative to surveys of the public lands; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 554) to promote the efficiency of the General Land Office; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 555) granting a pension to Hannah M. Wright; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 556) for the relief of A. H. Von Luettwitz; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 557) for the relief of John A. Hart; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 558) for the relief of Isaac A. Meyer; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. ALLISON asked and, by unanimous consent, obtained leave to introduce a bill (S. 559) to quiet the title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COKE asked and, by unanimous consent, obtained leave to introduce a bill (S. 560) for the relief of Mrs. Susan M. Roach; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 561) for the relief of A. C. Larkin; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. 562) for the relief of Orville Horwitz, trustee for C. D. De Ford & Co.; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Finance.

Mr. MANDERSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 563) for the relief of John Little and Hobart Williams; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Indian Affairs.

Mr. PLATT (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 564) to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. 565) for the relief of Worcester Willey; which was read twice by its title, and referred to the Committee on Claims.

Mr. WALKER asked and, by unanimous consent, obtained leave to introduce a bill (S. 566) for the relief of Z. M. Pettigrew; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PENDLETON asked and, by unanimous consent, obtained leave to introduce a bill (S. 567) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

Mr. BECK asked and, by unanimous consent, obtained leave to introduce a bill (S. 568) for the relief of John B. Davis; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 569) for the relief of Mrs. Fanny S. Conway, of Louisville, Ky.; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 570) for the relief of Brannin, Summers & Co.; which was read twice by its title, and referred to the Committee on Finance.

Mr. BUTLER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 571) for the relief of Casimiro Ginesi; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. 572) authorizing the construction of a building for the accommodation of the Congressional Library; which was read twice by its title, and ordered to lie on the table.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. 573) amending an act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award, approved June 5, 1882; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 23) authorizing and requiring the Secretary of War to contract for the improvement of Harlem River navigation; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 24) proposing an amendment to the Constitution of the United States, providing for the election of certain United States officers by the people of the several States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 25) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; which was read twice by its title, and referred to the Committee on Printing.

REVISION OF THE RULES.

Mr. FRYE. I ask leave, out of order, to present at this time a report from the Committee on Rules.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). If there be no objection the report will be received.

Mr. FRYE. The committee report, first, a code of rules for the government of the Senate; second, a joint code of rules for the government of the two Houses; third, a resolution touching the Manual. I ask that the two codes and the resolution be placed on the Calendar; and as the form in which the report is made necessarily differs from the ordinary form of reports as bound up in the books for preservation, I ask that 100 copies of the report be printed for the use of the Senate in the form in which it is presented. I wish to state that I shall call up the report on the rules for consideration at the earliest day possible, and I give notice that I shall call it up on Thursday next.

The PRESIDING OFFICER. Does the Senator ask for the printing of 100 copies in addition to the ordinary number?

Mr. FRYE. One hundred copies especially for the use of the Senate in the form in which the report is made, it being different from the usual form. I do not ask for the printing of the usual number in the ordinary form, but instead thereof 100 copies in the form in which the report is presented.

Mr. INGALLS. One hundred copies, if none others are printed, will not be sufficient. The number had better be increased.

Mr. EDMUNDS and Mr. SHERMAN. Say 200.

Mr. INGALLS. Very well.

Mr. FRYE. I have no objection to saying 200 copies.

The PRESIDING OFFICER. The Senator from Kansas suggests an amendment, which the Senator from Maine accepts, that 200 copies of the report, in the form in which it is presented, be printed for the use of the Senate, and that those be the only copies printed. Is there objection to this request? The Chair hears none, and it is so ordered.

JUAN REED'S LAND CLAIM.

Mr. PLUMB. I am directed by the Committee on Public Lands, who were instructed to examine into the claim of Juan Reed for a grant of the land known as "Corte de Madera del Presidio," and other lands in California to submit a report thereon and ask that it be printed and recommitted to the committee. I do not desire the ordinary number printed, if there is any ordinary number printed. I wish a hundred copies printed for the use of the committee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the order to print is made accordingly. The report will be recommitted to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LOGAN, it was

Ordered, That the papers in the case of Joseph F. Wilson, relating to his claim against the United States on account of having been dispossessed of certain public lands, be taken from the files of the Senate and referred to the Committee on Public Lands.

On motion of Mr. HARRIS, it was

Ordered, That the petition and papers in respect to the claim of Collin Adams be taken from the files of the Senate and referred to the Committee on Claims, here having been no adverse report on the same.

On motion of Mr. PLUMB, it was

Ordered, That the papers relating to the claim of Edward Fenlon be taken from the files of the Senate and referred to the Committee on Claims, there having been no adverse report; also in the case of Alexander J. Mueller.

Ordered, That the papers in the following cases be taken from the files of the Senate and referred to the Committee on Military Affairs, there having been no adverse report:

1. William H. Morgan.
2. Robert J. Baugness.
3. H. A. Myers.
4. Richard H. White.

Ordered, That the papers in the matter of the Kansas City, Fort Scott and Gulf Railway be taken from the files of the Senate and referred to the Committee on Railroads, there having been no adverse report.

On motion of Mr. SLATER, it was

Ordered, That the petition and papers of F. G. Schwatka be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. HOAR, it was

Ordered, That the papers in relation to the claim of Maria C. Underwood, administratrix of John C. Underwood, deceased, be taken from the files of the Senate and referred to the Committee on Privileges and Elections.

On motion of Mr. GORMAN, it was

Ordered, That the papers in the claim of Isaac R. Trimble be taken from the files of the Senate and referred to the Committee on Military Affairs, there being no adverse report.

On motion of Mr. GARLAND, it was

Ordered, That the papers relating to the claim of the National Bank of Western Arkansas be taken from the files of the Senate and referred to the Committee on Claims.

Ordered, That the papers relating to the claim of M. F. Haine be taken from the files of the Senate and referred to the Committee on Naval Affairs.

Ordered, That the papers relating to the claims of C. Frank and Jacob Adler be taken from the files of the Senate and referred to the Committee on Claims.

DETACHED ARMY SERVICE.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War inform the Senate of the names and rank of officers of the Army on detached service (including officers on sick leave), where serving, and what service performing, and the length of time detached; also whether officers thus absent are needed with their commands, and, if so, what superior military reason called for their being detached.

CLERKS FOR SENATORS.

Mr. BUTLER submitted the following resolution; which was ordered to lie on the table, and be printed:

Resolved, That each Senator, except the chairmen of standing or select committees of the Senate, shall be entitled to a clerk or secretary at a salary of $1,000 annually, the same to be paid out of the contingent fund of the Senate.

"JOHNSON'S ORIGINAL PORTRAITS OF WASHINGTON."

Mr. VOORHEES submitted the following resolution; which was read:

Resolved, That the Committee on the Library be instructed to inquire into the expediency and propriety of purchasing 5,000 copies of the work entitled "Original Portraits of Washington, by Elizabeth Bryant Johnson," for distribution to the public libraries throughout the United States.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. INGALLS. Does the resolution provide for the purchase, or does it merely instruct the committee to inquire into the expediency of purchasing?

Mr. VOORHEES. It simply directs the Library Committee to inquire into the propriety of doing so; that is all.

Mr. INGALLS. Let it pass.

The resolution was agreed to.

VALLEY FORGE ENCAMPMENT GROUNDS.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be, and it is hereby, instructed to inquire into the expediency and feasibility of purchasing the encampment grounds, embracing the lines of fortifications, forts, redoubts, and earthworks, occupied by the army of the American Revolution at Valley Forge from December 17, 1777, to June 18, 1778, together with the headquarters of the army occupied by Washington during that period; said grounds, situated in Montgomery County, in the State of Pennsylvania, and supposed to contain about 1,600 acres, to be purchased for the purpose of being inclosed and maintained as a national park, in just recognition by the Government of the United States of the sufferings, the patriotism, and the unfailing courage there displayed in the cause of constitutional liberty.

THE NATIONAL DEBT.

Mr. VOORHEES submitted the following resolution; which was ordered to lie on the table, and be printed:

Resolved, That, in the judgment of the Senate, a public debt is not a public blessing, and that any measure of financial policy looking to the perpetuation of the present interest-bearing national debt of this Government for the purposes of national banking, or on any other account, meets with the disapprobation of this body, and should be viewed with alarm by the tax-payers of the United States.

TRANSFER OF A LAND GRANT.

Mr. HILL. I ask the Senate to proceed to the consideration of the resolution which I offered on Thursday last.

The resolution submitted by Mr. HILL December 6 was read, as follows:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate copies of all papers now on file in the Interior Department relating to the transfer of the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad Company to the New Orleans Pacific Railway Company.

The PRESIDING OFFICER. Will the Senate agree to the resolution?

Mr. INGALLS. I do not know that I have any objection to the adoption of the resolution, and should never oppose any request for information which any Senator might allege that he believed to be important to the public interests; but there are some assumptions of fact in the resolution that I do not wish to be committed to nor have the Senate pass upon without some further advice from the Senator from Colorado. I would be glad if he would state, in the first place, if there ever has been a grant of land to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and, if so, whether any transfer ever has been made and the amount of it, so that we may act advisedly in the premises.

Mr. HILL. I would say in reply to the Senator from Kansas that there was a grant of land made to the New Orleans, Baton Rouge and Vicksburg Railroad Company in 1871. That grant lapsed in five years. It expired in 1876.

Mr. INGALLS. The Senator states that it lapsed in 1876.

Mr. HILL. In 1876. Since that time there has been an attempt made to transfer the land to the New Orleans Pacific Railroad Company. The information the resolution calls for, I think, is very important to enable the Senate to act intelligently upon measures which may come before it. The subject to which it relates involves the disposition of some 2,000,000 acres of valuable land in the State of Louisiana.

Mr. INGALLS. How many acres does the Senator state?

Mr. HILL. About 2,000,000 acres.

Mr. INGALLS. I understood the Senator to say that the land grant had lapsed. Does he mean to have it understood by the Senate that there has been any declaration by any competent authority that the land grant has lapsed?

Mr. HILL. The land grant lapsed by the terms of the act.

Mr. INGALLS. Is the Senator confident on that subject?

Mr. HILL. I am confident on that subject. The grant was made with the condition that the road should be built in five years, and it was made in 1871.

Mr. INGALLS. And the Senator is equally confident that the amount involved is 2,000,000 acres?

Mr. HILL. Very nearly 2,000,000 acres.

Mr. INGALLS. Is the Senator aware that this subject has been before the Attorney-General of the United States, and that he has declared that the land grant had not lapsed?

Mr. HILL. I am not aware that the Attorney-General declared that the grant had not lapsed. As I remember the decision of the Attorney-General, it was to the effect that the New Orleans and Pacific Railway Company was the legal successor of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

Mr. INGALLS. I will ask the Secretary to read the syllabus of the opinion of the Attorney-General on this subject, which consists of four or five paragraphs, in order that the Senate may be advised fully as to the actual condition of the land grant and the alleged lapse.

The PRESIDING OFFICER. The Secretary will read as requested by the Senator from Kansas.

The Acting Secretary read as follows:

The grant of lands made by act of Congress of March 3, 1871, to aid in the construction of the New Orleans, Baton Rouge and Vicksburg Railroad, was a grant *in presenti*, and invested the company with a present interest in the lands, but the grant did not acquire precision and attach to any specific tracts until the route of the road was definitely located.

The proviso in the grant requiring the whole road to be completed within five years from the date of the act was a condition subsequent, which did not *ipso facto* work a forfeiture of the grant for breach of the condition, but simply authorized the United States to declare a forfeiture by proper legislative or judicial proceedings. Until there was such a forfeiture and re-entry the grant remained unimpaired in the grantee, who could lawfully proceed with the construction of the road notwithstanding the default.

The New Orleans, Baton Rouge and Vicksburg Company, being lawfully seized of a present interest in the lands, had a right to sell and assign them to the New Orleans Pacific Company without the assent of Congress, as the grant was made to the former company, *its successors and assigns*, and the right to assign thereby expressly anticipated and provided for in the granting act.

Where a portion of the road was built before the grant was made, neither the original company nor its assignee is entitled to lands opposite such constructed road.

Mr. INGALLS. The Senate will observe from this syllabus that the Attorney-General of the United States, the proper law officer of the Executive Departments, has declared, in opposition to the statement of the Senator from Colorado, that this land grant did not lapse; and it would have been obviously unjust if the statement should have gone to the country on the assertion of the Senator from Colorado, undenied, that the Secretary of the Interior had attempted to revivify a lapsed land grant and authorize its assignment and transfer to a railroad company not entitled to it.

In order also that the Senate may understand the minuteness and value of the information presented by the Senator from Colorado on this subject when he states that the amount involved in the land grant is about 2,000,000 acres, I will say further that the amount within the granted limits in the Natchitoches district is 348,183.03 acres; in the New Orleans district, 231,786.17 acres; making a total of 579,969.20 acres; of which not a single acre has been either transferred or patented. The land now remains precisely as it has hitherto, and the assignment from the New Orleans, Baton Rouge and Vicksburg Railroad Company to the other company has in no sense whatever been made operative or effective.

I assume that the Senator from Colorado desires, if possible, to prevent the accomplishment of what might be an illegal or an unadvisable transfer of public lands in violation either of the rights of the Government or of settlers thereon, in which event his resolution, if agreed to, will accomplish nothing; but if he wishes to secure the public domain or the settlers on this land against a wrongful acquisition of any portion of the territory by the railroad company, his resolution should be accompanied by a request to the proper officers to see that no more of the land is transferred.

Mr. President, it has been rumored in various localities during the summer that this session was to be characterized by a memorable onslaught on the administration of the Interior Department of this Government. I have no idea that the Senator from Colorado, whose relations I know to be entirely cordial with his former colleague in this body, the present Secretary of the Interior, shares at all in that design or purpose, but I merely wished at the outset to emphasize the fact that this is, in my opinion, the first in the series of assaults that are intended to be made upon the administration of that Department. I have been informed, and I believe, that it is to be followed by an assault upon the administration of the Pension Bureau; that that will be succeeded by an assault upon the Land Office in connection with the public domain so far as railroads and other claimants are concerned; and that the Indian service is then to be assailed in all its administration from Manitoba to the Gulf of Mexico; that no portion of that great branch of the public service, with powers that are inherently more than those exercised by many heads of European principalities, is to escape an assault affecting the purity of its administration.

Without any observation as to the somewhat vulgar and homely but not entirely unpicturesque adage about the obscenity of the bird that defiles its own nest, I wish upon the threshold and in the vestibule of these proceedings to declare and to announce that in my judgment, which I believe to be shared by the country, the Department of the Interior has never been administered with more fidelity, with more integrity, with more honesty in all its branches than under its present efficient and honorable head. I wish also to say further that I believe the head of that Department stands before the country inviting the strictest scrutiny and the minutest investigation into all the affairs of that great office.

So far as the matter before the Senate now is concerned there is nothing that can be accomplished by the adoption of this resolution in the way of saving the public domain from depredation if this alleged transfer from one railroad company to the other was illegal. I assume that the Senator from Colorado desires to protect the public domain, if possible, and I have no objection myself to the adoption of the resolution, but

would suggest that if anything is desired to be accomplished, inasmuch as the allegations of the Senator that this land grant had lapsed and that the Secretary had attempted to authorize the transfer of a lapsed land grant are shown by the opinion of the Attorney-General to be incorrect, and inasmuch as the amount that the Senator states is shown also to be incorrect by about three-quarters of the entire amount, the resolution should be amended in order to be effective and operative.

Mr. HILL. Mr. President, there is nothing which the Senator from Kansas can say about obscenity, or fouling nests, or anything else which will deter me from doing what I believe to be my duty; and that is to ask the Senate to obtain the information which it ought to have in order to act intelligently on subjects which will come before it.

As to my statement that the grant had lapsed, I intended to say that one of the conditions of the grant was that the railroad should be built within five years, and during those five years not one foot of road was built. In that sense I stated that the grant had lapsed. As to the two millions of acres, I believe my information is correct. It may be slightly in error, but not largely. I believe my source of information is as correct as that which is furnished by the Senator from Kansas.

As to the onslaught which the Senator says is to be made upon the Interior Department, I know nothing about it. I have heard from a good many different sources that an onslaught was to be made by the railroad companies upon Congress this winter, and that there was to be a gathering of railroad men here such as has never been seen in Washington before to prevent legislation detrimental to their interests and also to procure legislation in their favor and against the interests of the people of the United States.

I understand that an attempt has been made (and that it will very soon be accomplished) to place the title to the lands granted the New Orleans, Baton Rouge and Vicksburg Railroad Company in the New Orleans Pacific Railroad Company. If my information is correct the whole proceeding is illegal. Even if the New Orleans Pacific Railroad Company is the legal successor to the other company, I am informed that there is no evidence whatever that there has ever been any legal transfer made.

I desire to prevent the consummation of this act, and the best means of preventing it is to place before the Senate the information called for. Let us know on what ground this action of the Interior Department is proposed to be based. That is all my resolution asks for. There is nothing whatever personal in it. It is merely a proposition that the Secretary of the Interior shall furnish the Senate copies of papers on file in the Interior Department. I hope, Mr. President, the Senate will grant that request.

Mr. INGALLS. Mr. President, the land has been transferred so far as it can possibly be done from the original grantee to the assignee, and the land has been withdrawn from market and is now being posted up for the purpose of being delivered to the second corporation. The amount is precisely what I have stated. If the Senator desires to accomplish the prevention of the transfer of this land from the public domain into the hands of the railroad corporation his resolution is inoperative, because while the information is being transmitted to the Senate the patents may issue, and that will be the end of the matter.

Mr. HOAR. Let the resolution be read again.

The PRESIDENT *pro tempore*. The resolution will be again reported.

The Acting Secretary read the resolution.

Mr. HILL. I understand that the title to this land has not yet passed to the New Orleans Pacific Railroad Company, and my object is to prevent the transfer of the land to that company unless it is right and just that it should be done.

Mr. INGALLS. The Senator seems not to be familiar with the Congressional literature on these subjects and with the reports already made. I will ask the Secretary to read the letter of the Secretary of the Interior, dated March 13, 1883, to the President of the United States, and the indorsements of the President, which I send to the desk.

The Acting Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1883.

SIR: The New Orleans Pacific Railroad Company applied to this Department more than a year ago for a transfer to itself of the lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the twenty-second section of the act of Congress approved March 3, 1871, presenting at the same time satisfactory proof of said transfer as between the said companies. I have delayed action thereon for many months, against the persistent pressure of persons in interest, in the expectation that Congress might legislate upon the subject-matter thereof; but that body having adjourned, without action thereon, and knowing of no reason for further delay, I have now the honor to submit the same for your consideration.

In reply to my predecessor's request of January 5, 1882, the Attorney-General, under date of June 12, ultimo, submitted to him an opinion (copy herewith) that the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company was a grant *in præsenti*; that that company had an assignable interest in the lands granted to it; that the New Orleans Pacific Railroad Company is such a successor to or assignee of the New Orleans, Baton Rouge and Vicksburg Company as is contemplated by the act of March 3, 1871; that even if the New Orleans, Mobile and Texas road was constructed subsequently to the date of said act, so much of its road as is now owned by the New Orleans and Pacific Company is such a road as is contemplated for acceptance by the President within the meaning of said act, and that patents may issue to the latter company for lands opposite to and conterminous with such constructed portion of road.

I also submit herewith a copy of the report of the Senate Committee on Railroads (under date of June 7, 1882) declaring that, in its judgment, no considerations of public policy require a forfeiture of the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company; and also two letters (herewith) under date of December 15, last, from Hon. L. E. PAYSON, of the House Judiciary Committee, in one of which he notifies this Department that upon that day, at a meeting of the committee, he had formally withdrawn the pending resolution offered by him at the previous session of Congress for a forfeiture of said grant. In the other, after stating his request in October last for a suspension of Department action until he could be heard before the House Judiciary Committee upon the matter, he elaborately discussed the questions involved, and announcing that after conference with them the Senators and House delegation from Louisiana interpose no opposition to immediate action by this Department, and that his own objections are disposed of and withdrawn, states his conclusions that the New Orleans Pacific Company is entitled to the grant, both under the law and the equities of the case, and that the rights of settlers are fully protected.

I have also the honor to submit herewith two reports on the New Orleans Pacific Railway by Mr. Thomas Hassard, whom you appointed commissioner to examine completed portions of said railway.

The first report bears date October 26, 1881, and has not been submitted to you at an earlier date on account of the controversies in question. The portions of said railway examined, and at that time reported on, extend from the west bank of the Mississippi River opposite Thalia street, New Orleans, La., in a northwesterly direction, near said river, sixty miles, to near the town of Donaldson, in Tp. 11 S., R. 15 E.; also from Bayou Lamourie, in Tp. 2 N., R. 1 E., to a point in Tp. 4 N., R. 2 W., a distance of 20 miles; also from the junction of said railway with the Texas and Pacific Railway in Shreveport, La., southwesterly to Tp. 10 N., R. 12 W., a distance of 50 miles.

The second report bears date 15th of November, 1882, and relates to such portions of said railroad as were not examined and reported on in October, 1881, amounting to 198 miles, lying between New Orleans and Shreveport.

The Commissioner reports said portions of road, 328 miles in all, as constructed in substantial compliance with law and the instructions of this Department.

In view of the facts and the law of the case, I regard the New Orleans and Pacific Railway Company as the lawful assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company, and entitled to the lands granted by the twenty-second section of the act of March 3, 1871, to said latter-named company and to patents therefor in so far as it has earned or hereafter may earn the same under that act, with the exception below named, and recommend that you accept said 328 miles of said road, less and exclusive of 68 miles of the line of said New Orleans, Baton Rouge and Vicksburg road extending from New Orleans to White Castle, between New Orleans and Shreveport (to which 68 miles the New Orleans Pacific road has withdrawn its claim and right to receive lands under the twenty-second section of said act), and that patents for such lands as may have been earned by the construction be issued to the New Orleans Pacific Railway Company (exclusive nevertheless of lands along said 68 miles) on their compliance with the law and regulations in such case made and provided. These patents will, of course, be subject to rights acquired by any person or corporation prior to the act of March 3, 1871.

Requesting that the inclosures herewith be returned to this Department when no longer needed for the purposes hereof, I am, very respectfully,

H. M. TELLER, *Secretary*.

EXECUTIVE MANSION, *March* 16, 1883.

The within recommendations are approved.

CHESTER A. ARTHUR.

Mr. INGALLS. It would appear from this communication that this whole question had been passed upon by the law officer of the Government; that in pursuance of the opinion of the Attorney-General the Secretary of the Interior took the action that is set forth in his letter of March 13. This communication was transmitted to the President of the United States, and by him the recommendations therein contained were approved. If the Senator from Colorado had advised himself more definitely than he has done, before presenting his resolution, as to the exact condition of this business, he would have found the subsequent action that has been taken by the Commissioner of the General Land Office, to which I will now call the attention of the Senate.

On the 19th day of March, 1883, after the letter of the Secretary of the Interior had been approved by the President of the United States, the Secretary referred to the Commissioner of the General Land Office for appropriate action a copy of that communication, with the President's acceptance indorsed thereon, together with all the papers and maps relating to the case. Upon the 19th day of April, 1883, the Commissioner of the General Land Office submitted to the Department of the Interior certain questions regarding the definite location of and withdrawal of lands for the New Orleans Pacific Railroad. To this, on the 23d of April, the Secretary responded, declining to pass upon the questions presented because the office had expressed no opinion thereon. On the 22d of May, 1883, the Commissioner of the General Land Office advised Mr. Wheelock, the president of the company, that the dates of the filing of the maps of constructed road in the Department would be treated as the dates of definite location. Upon the following day Mr. Wheelock, the president, advised the Commissioner of the General Land Office that the company would accept the dates of definite location fixed by the letter of the 22d of the same month, which was the 22d of last May.

By letters dated October 15, 1883, some six months after this action had been taken, the matter still remaining in abeyance, the local officers at New Orleans and Natchitoches, La., were directed to adjust the withdrawal made in 1871 and 1873 upon the line of general route of the New Orleans, Baton Rouge, and Vicksburg road to the line of definite location of the New Orleans Pacific road; whereupon, on the 8th day of November, 1883, within the granted limits, the New Orleans Pacific Railroad Company in the Natchitoches district selected 348,183.03 acres, and on the 13th day of November, 1883, within the granted limits in the New Orleans district, the New Orleans Pacific Company selected land to the amount of 231,786.17 acres, making in all—that is up to this time—subject to the claims of that assignee of the original grant the amount of 579,969.20 acres. No lands have yet been definitely patented or withdrawn, and the whole matter remains before the Commissioner of the General Land Office, ready to be acted upon whenever the clerical force of the office will permit these lands to be patented.

There has been nothing obscure, there has been nothing occult or mysterious or hidden, about this transaction. It has been a matter of public record from the beginning until the present time, and step after step has been taken in accordance with law, as might have been seen by any person who saw fit to inquire into the records of the office, until this amount of land now has been definitely selected and will be transferred unless Congress takes some action. But now the Senator from Colorado, professing to desire to protect the Government and to prevent what he declares to be an illegal assignment of a lapsed grant, simply introduces a resolution calling for information about a matter which is already of public record and accessible to everybody, leaving the main fact in the controversy, that is, the transfer of these lands by patent to the railroad company, a matter to be adjusted without further interference by Congress.

Now, so far as I am concerned, I have not examined this matter sufficiently to say definitely whether the assignment was valid or not. I know nothing about that and care nothing about it. But until some authority overturns the decision of the Attorney-General and shows that the action of the Secretary and the recommendations of the President shall be set aside, there is a *prima facie* showing in favor of the legality of the assignment and of the withdrawal. But if the Senator desires to test that question and protect the public domain against the presumed loss of half a million acres of ground he will not reach it by this resolution, because when it is answered the papers that I have read and referred to will be transmitted to the Senate, and meanwhile the mischief, if mischief it is, may have been accomplished.

Mr. HILL. Mr. President, there are a great many other papers in this case besides those the Senator from Kansas has read, and I have a desire that all the papers in the case should be presented to the Senate, that we may act intelligently on the subject. If, as the Senator from Kansas says, this is all matter of public record, there can be no objection to the Senate adopting the resolution.

Mr. INGALLS. I have no objection.

Mr. HILL. Why then this discussion over the resolution? I had not supposed it was necessary to discuss the merits of the questions involved when nothing was before the Senate but a resolution calling for certain papers. I do not feel disposed at this time to enter upon a discussion as to the quantity of land or as to the decision of the Attorney-General. I merely ask that we may have the information before us by obtaining copies of all the papers on record.

Mr. INGALLS. Does not the Senator meanwhile desire that the patenting of this land should be prevented?

Mr. HILL. Certainly I desire that no further action shall be taken toward perfecting the title to these lands until we have the papers, and if the Senator has an amendment of that kind to offer I shall be very glad to have it presented.

Mr. INGALLS. I shall offer no amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

JOINT COMMISSION ON CONGRESSIONAL EMPLOYÉS.

Mr. PLATT. Mr. President, I rise to ask that a joint resolution of which the Senate was notified this morning during the morning hour, passed by the House of Representatives, may be laid before the Senate.

The PRESIDENT *pro tempore*. The Chair will ask consent at this time to lay before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. Res. 1) extending the time fixed for the joint commission appointed to consider the number and salaries of officers and employés of the two Houses to submit their report was read twice by its title.

Mr. PLATT. If there is any rule which prevents the consideration of the resolution at the present time I ask that it may be suspended and that the resolution be now considered.

At the last session a joint committee or commission, consisting of three members of the Senate and three members of the House of Representatives, was appointed to adjust and equalize the salaries of the officials of the two Houses and to report on the second Monday of this session; which would be to-day. The committee has not been able to finish its duties so as to be ready to report, and the House of Representatives has passed a resolution extending the time for the committee to report until the 10th day of January. I hope the resolution may be passed in concurrence with the House of Representatives.

Mr. INGALLS. Let it be read in full.

The PRESIDENT *pro tempore*. The joint resolution will be read in full.

The joint resolution was read at length. It provides that the joint commission appointed under the act of Congress, approved March 3, 1883, to consider the question of the salaries and compensation of the officers and employés of the Senate and House of Representatives, and also the number of such employés necessary for the official transaction of the business of the two Houses, shall have until Thursday, January 10, in which to prepare and submit their report to the two Houses.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that this joint resolution be now considered with a view to final action. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADJOURNMENT.

The PRESIDENT *pro tempore*. There is no Calendar. What is the pleasure of the Senate?

Mr. ALLISON. I move that the Senate do now adjourn.

The motion was agreed to; and (at 2 o'clock and 12 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 10, 1883.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Thursday's proceedings was read and approved.

CONGRESSIONAL OFFICERS AND EMPLOYÉS.

Mr. HISCOCK. I desire to offer the resolution which I send to the desk. I ask that it may be read, and then, if there be no objection, that it may be put upon its passage.

The SPEAKER. The joint resolution will be read, after which objection, if any, will be in order.

The joint resolution was read, as follows:

A joint resolution extending the time fixed for the joint commission appointed to consider the number and salaries of officers and employés of the two Houses to submit their report.

Resolved, &c., That the joint commission appointed under the act of Congress approved March 3, 1883, to consider the question of the salaries and compensation of the officers and employés of the Senate and House of Representatives, respectively, and also the number of such employés necessary for the efficient transaction of the business of the two Houses, have until January 10 in which to prepare and submit their report to the two Houses.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection.

The joint resolution (H. Res. 1) was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MEMBERS SWORN IN.

Mr. CALKINS. I rise to a question of the highest privilege. The Delegate-elect from Dakota is present, and I ask that he be sworn in.

Mr. STRAIT. I have the same request to make on behalf of my colleague, Mr. Milo White, Representative-elect from the first Congressional district of Minnesota.

The SPEAKER. The gentlemen will present themselves to be sworn in.

Mr. JOHN B. RAYMOND, Delegate-elect from Dakota, and Mr. MILO WHITE, Representative-elect from the first Congressional district of Minnesota, appeared and took the oath prescribed by section 1756 of the Revised Statutes.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order.

Mr. SPRINGER. I desire to offer a resolution which pertains to the regular order. It is in regard to the printing of bills to be introduced.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has demanded the regular order.

Mr. SPRINGER. He withdraws the demand until the resolution is read.

The SPEAKER. The resolution may be read, after which it will be open to objection.

The resolution was read, as follows:

Resolved, That private bills which have been heretofore printed shall not be again printed at the expense of the Government until favorably reported by a committee of the House.

Mr. MILLS. I want the regular order.

Mr. SPRINGER. Does the gentleman from Texas object to this resolution?

Mr. MILLS. I object to taking this time to consider the question. I demand the regular order.

The SPEAKER. The regular order being demanded, the Clerk will read the first clause of Rule XXIV.

The Clerk read as follows:

1. Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and joint resolutions for printing and reference, on which call joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented and appropriately referred, and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter.

The SPEAKER. The Clerk will now proceed to call the States and Territories alphabetically for the introduction of bills and joint resolutions for reference, beginning with the State of Alabama.

COMPENSATION OF MARSHALS.

Mr. HERBERT introduced a bill (H. R. 1) fixing the compensation of marshals in cases to which the United States is a party; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMPENSATION OF UNITED STATES ATTORNEYS.

Mr. HERBERT also introduced a bill (H. R. 2) fixing the compensation of United States attorneys, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CIRCUIT COURT COMMISSIONERS.

Mr. HERBERT also introduced a bill (H. R. 3) to regulate the jurisdiction of circuit court commissioners; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TIME OF SERVICE OF JURORS.

Mr. HERBERT also introduced a bill (H. R. 4) to prescribe the time of service of jurors; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 688, REVISED STATUTES.

Mr. HERBERT also introduced a bill (H. R. 5) to amend section 688 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NUMBER OF REPRESENTATIVES.

Mr. HERBERT also introduced a joint resolution (H. Res. 2) proposing an amendment to the Constitution of the United States, limiting the number of members in the House of Representatives; which was read a first and second time.

Mr. HERBERT. I ask that the joint resolution be referred to the committee on the count of the electoral vote.

The SPEAKER. The Chair thinks the joint resolution should go to the Committee on the Judiciary. There is no such committee as the gentleman has indicated.

The joint resolution was referred to the Committee on the Judiciary, and ordered to be printed.

C. F. PERRY AND E. GILMER.

Mr. OATES introduced a bill (H. R. 6) for the relief of Columbus F. Perry and Elizabeth Gilmer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NAVIGABLE WATERS OF THE UNITED STATES.

Mr. OATES also introduced a bill to prevent the obstruction or impairment of the navigable waters of the United States.

The SPEAKER. This bill goes, under the rules, to the Committee on Commerce.

GRADUATES OF NAVAL ACADEMY.

Mr. OATES also introduced a bill (H. R. 7) to prevent the retroactive operation of that portion of the naval appropriation act of August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service, printed on page 285 of volume 22, United States Statutes at Large; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PRE-EMPTION OF PUBLIC LANDS.

Mr. OATES also introduced a bill (H. R. 8) to repeal all laws providing for the pre-emption of public lands, allowing entries for timber culture; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HOMESTEAD LAWS.

Mr. OATES also introduced a bill (H. R. 9) to amend the homestead laws so that patents may issue after three years' actual occupancy, and to require one year's occupancy before commutation is allowed; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HOMESTEADS IN ALABAMA.

Mr. OATES also introduced a bill (H. R. 10) to amend the homestead laws so that within the State of Alabama after two years' actual occupancy and cultivation patents may issue to homesteaders; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COMMON SCHOOLS.

Mr. OATES also introduced a bill (H. R. 11) to donate, in trust, the net proceeds of the sales of the public lands to the States and Territories for the support of common schools; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

ROBERT C. MURPHY.

Mr. FORNEY introduced a bill (H. R. 12) for the relief of Robert C. Murphy, late United States consul at the port of Shanghai, China; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MAHALA H. PORTLOCK.

Mr. PRYOR introduced a bill (H. R. 13) for the relief of Mahala H. Portlock; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HIRAM N. ROBERTS.

Mr. PRYOR also introduced a bill (H. R. 14) for the relief of Hiram N. Roberts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. P. SHELTON.

Mr. PRYOR also introduced a bill (H. R. 15) for the relief of W. P. Shelton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. KENNARD.

Mr. PRYOR also introduced a bill (H. R. 16) for the relief of George W. Kennard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID WOOD.

Mr. PRYOR also introduced a bill (H. R. 17) for the relief of the estate of David Wood, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

T. M. ENGLISH.

Mr. PRYOR also introduced a bill (H. R. 18) for the relief of T. M. English, administrator of the estate of Richard Fitzpatrick, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. CATER.

Mr. PRYOR also introduced a bill (H. R. 19) for the relief of John W. Cater, surviving partner of the firm of Aymar & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS G. CORBIN.

Mr. PRYOR also introduced a bill (H. R. 20) for the relief of Thomas G. Corbin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PERRY A. LEATHERBERRY.

Mr. PRYOR also introduced a bill (H. R. 21) for the relief of Perry A. Leatherberry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

W. P. MORAN.

Mr. PRYOR also introduced a bill (H. R. 22) for the relief of W. P. Moran, late disbursing clerk and superintendent of the Navy Department building; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. HENRY RIVES.

Mr. PRYOR also introduced a bill (H. R. 23) for the relief of J. Henry Rives; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES COURTS IN ALABAMA.

Mr. HEWITT, of Alabama, introduced a bill (H. R. 24) in relation to the district and circuit courts for the northern district of Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMON SCHOOLS.

Mr. HEWITT, of Alabama, also introduced a bill (H. R. 25) to aid in the support of common schools; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

PENSIONS FOR MEXICAN WAR, ETC.

Mr. HEWITT, of Alabama, also introduced a bill (H. R. 26) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MINERAL LANDS IN ALABAMA.

Mr. HEWITT, of Alabama, also introduced a bill (H. R. 27) to amend an act entitled "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

A. R. SHEPARD.

Mr. HEWITT, of Alabama, also introduced a bill (H. R. 28) for the relief of A. R. Shepard, a citizen of Tuscaloosa, Ala.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AID TO PUBLIC SCHOOLS.

Mr. HEWITT, of Alabama, also presented a memorial of the General Assembly of the State of Alabama, requesting the Senators and Representatives in Congress from said State to support a bill to aid the public schools in the several States on the basis of illiteracy; which was referred to the Committee on Education and Labor, and ordered to be printed.

WILLIAM F. MARTIN.

Mr. JONES, of Alabama, introduced a bill (H. R. 29) to pay William F. Martin, of Mobile, Ala., the value of one hundred half boxes of tobacco illegally seized and sold by the collector of internal revenue at New Orleans; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MOBILE MARINE DOCK COMPANY.

Mr. JONES, of Alabama, also introduced a bill (H. R. 30) for the relief of the Mobile Marine Dock Company; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

I. C. HAMNER.

Mr. JONES, of Alabama, also introduced a bill (H. R. 31) to pay I. C. Hamner, as administrator of George M. Hamner, deceased, the proceeds of certain cotton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT OTIS.

Mr. JONES, of Alabama, also introduced a joint resolution (H. Res. 3) for the relief of Robert Otis, administrator *de bonis non* of Roger A. Hiern; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRIZE-MONEY OF FLEET-OFFICERS.

Mr. SHELLEY introduced a bill (H. R. 32) to extend the provisions of section 4631, Title 56, Prize, of the Revised Statutes, and of act of June 8, 1874, in relation to prize-money to fleet-officers; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WALNUT GROVE MINING COMPANY.

Mr. SHELLEY also introduced a bill (H. R. 33) for the relief of J. G. Fell, Edward Hoopes, and George Burnham, trustees of the Walnut Grove Gold Mining Company; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PENSIONS.

Mr. DUNN introduced a bill (H. R. 34) granting pensions to certain soldiers and sailors of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

KANSAS PACIFIC RAILWAY COMPANY, ETC.

Mr. DUNN also introduced a bill (H. R. 35) to compel the payment by the Kansas Pacific Railway Company of the cost of surveying, selecting, and conveying certain lands granted to it, and to create a sinking fund for the Kansas Pacific, Sioux City and Pacific, and Central Branch Union Pacific Railroad Companies, and for other purposes; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

MEMPHIS AND LITTLE ROCK RAILROAD COMPANY.

Mr. DUNN (by request) also introduced a bill (H. R. 36) to release the Memphis and Little Rock Railroad Company from such of the conditions of the several acts of Congress approved February 9, 1853, and July 28, 1866, as unjustly affect said corporation; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

ESTATE OF C. H. IRELAND, DECEASED.

Mr. DUNN also introduced a bill (H. R. 37) for the relief of the estate of C. H. Ireland, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TEXAS PACIFIC RAILROAD COMPANY.

Mr. DUNN also introduced a joint resolution (H. Res. 4) to declare the forfeiture of lands granted the Texas Pacific Railroad Company under act of March 3, 1871, and acts amendatory thereof and supplemental thereto; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. DUNN also introduced a joint resolution (H. Res. 5) to declare the forfeiture of lands granted to certain railroad companies or to States in aid of such railroad companies; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TEXAS PACIFIC RAILROAD GRANT.

Mr. DUNN also submitted a resolution requesting the Secretary of the Interior to furnish to the House all papers and information in his possession in relation to the attempted assignment of the Texas Pacific Railroad land grant to the Southern Pacific Railroad Company; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDINGS, FORT SMITH, ARK.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 38) to provide for a building for the use of the Federal court, post-office, internal revenue and other civil officers, and as United States jail, in the city of Fort Smith, Ark.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FORT SMITH MILITARY RESERVATION.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 39) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith, for the use and benefit of the free public schools thereof and for other purposes; which was read a first and second time.

The SPEAKER. This bill will be referred to the Committee on Military Affairs.

Mr. ROGERS, of Arkansas. Mr. Speaker, the military reservation at Fort Smith, Ark., has been abandoned for many years, and would not the proper reference for the bill be the Committee on the Public Lands?

The SPEAKER. Under the rules the proper reference for the bill would be the Committee on Military Affairs, but the gentleman from Arkansas has the right to make a motion to refer it to any committee which he may designate.

Mr. ROGERS, of Arkansas. It has been abandoned as a military reservation for many years, and I therefore move that the bill be referred to the Committee on the Public Lands.

Mr. RYAN. That bill should go to the Committee on Military Affairs.

The SPEAKER. The question is not debatable. The Chair has already stated that in its opinion the bill should be referred to the Committee on Military Affairs, and if there be no objection it will be so referred.

There was no objection, and it was ordered accordingly.

JAMES CLIFFORD.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 40) for the relief of James Clifford; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LUCY ANN LEE AND OTHERS.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 41) for the relief of Lucy Ann Lee and Allen G. Lee, of South Canadian Choctaw Nation, Indian Territory; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM A. HARRIS.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 42) for the relief of William A. Harris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD HARBERT.

Mr. PEEL, of Arkansas, introduced a bill (H. R. 43) for the relief of Edward Harbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC LANDS WITHDRAWN FROM ENTRY.

Mr. ROSECRANS introduced a bill (H. R. 44) to provide for the disposition of public lands withdrawn from entry and sale under authority of law and to determine claims respecting them in certain cases; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TERRITORY OF ALASKA.

Mr. ROSECRANS also introduced a bill (H. R. 45) for the organization of the Territory of Alaska and providing for the establishment of a civil government therefor; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

PUBLIC BUILDING AT SAN FRANCISCO.

Mr. ROSECRANS also introduced a bill (H. R. 46) to authorize the purchase of a site for a public building for the post-office, court-house, and other offices in San Francisco, Cal.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RETURN OF FINAL DISCHARGES, ETC.

Mr. ROSECRANS also introduced a bill (H. R. 47) providing for the return of final discharges of soldiers and sailors who served in the war with Mexico; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BUILDING FOR MEDICAL MUSEUM.

Mr. ROSECRANS also introduced a bill (H. R. 48) providing for the erection of a building to contain the records of the library and museum of the Medical Department, United States Army; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RELINQUISHMENT OF TITLE.

Mr. ROSECRANS also introduced a bill (H. R. 49) to relinquish the

title of the United States to certain land in the city of San Francisco; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CALIFORNIA INDIAN WAR CLAIMS.

Mr. ROSECRANS also introduced a bill (H. R. 50) to indemnify the State of California for balances paid and remaining due on account of indebtedness incurred in the Indian wars in said State, for the payment of which the State of California issued bonds in the year 1862; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. ROSECRANS also introduced a bill (H. R. 51) to indemnify the State of California for balances paid and remaining due on account of indebtedness incurred in the Indian wars, for the payment of which said State issued bonds in 1851 and 1852, and part of which remain unpaid, owing to delays occasioned by War Department rulings under the act of Congress of August 5, 1854; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SETTLERS UNDER THE DESERT-LAND ACT.

Mr. ROSECRANS also introduced a bill (H. R. 52) for the relief of settlers under the desert-land act; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PAYMENT OF PUBLIC BILLS.

Mr. ROSECRANS also introduced a bill (H. R. 53) amendatory of an act entitled "An act for the relief of certain settlers on the public lands and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 16, 1880; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ERNEST BEECHMER.

Mr. ROSECRANS also introduced a bill (H. R. 54) authorizing the Secretary of War to remove the charge of desertion from the record of Private Ernest Beechmer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OFFICERS UNDER RANK OF MAJOR.

Mr. ROSECRANS also introduced a bill (H. R. 55) for the relief of certain officers who have served for a certain specified number of years in one grade under the rank of major; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMERICAN SHIPPING.

Mr. ROSECRANS also introduced a bill (H. R. 56) relating to American shipping; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SHIP-BUILDING.

Mr. ROSECRANS also introduced a bill (H. R. 57) to encourage ship-building; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

APPRENTICES IN MERCHANT MARINE.

Mr. ROSECRANS also introduced a bill (H. R. 58) to encourage employment of apprentices in merchant marine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IRON AND STEEL STEAMERS.

Mr. ROSECRANS also introduced a bill (H. R. 59) to encourage building of American iron and steel steamers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DEPARTMENT OF COMMERCE AND NAVIGATION.

Mr. ROSECRANS also introduced a bill (H. R. 60) to establish a department of commerce and navigation; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA, ETC.

Mr. ROSECRANS also introduced a bill (H. R. 61) to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia," &c.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

AMENDMENT OF COPYRIGHT LAWS.

Mr. ROSECRANS also introduced a bill (H. R. 62) giving copyright under certain conditions to journalistic articles; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CONSULAR FEES.

Mr. ROSECRANS also introduced a bill (H. R. 63) relating to consular fees; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

RAILWAY TRANSPORTATION.

Mr. ROSECRANS also introduced a bill (H. R. 64) to prevent undue discrimination in railway transportation; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LOS ANGELES AND OTHER INDIAN TRIBES.

Mr. ROSECRANS also introduced a bill (H. R. 65) to provide for the settling of Los Angeles and other Indians; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FEES OF SHIPPING COMMISSIONERS, ETC.

Mr. ROSECRANS also introduced a bill (H. R. 66) to amend section 4594 of the Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UNLAWFUL OCCUPATION OF PUBLIC LANDS.

Mr. ROSECRANS also introduced a bill (H. R. 67) to prevent the unlawful occupation of public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PROOF IN DESERT-LAND CASES.

Mr. ROSECRANS also introduced a bill (H. R. 68) to extend the time for making proof in desert-land cases; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIM OF THE STATE OF CALIFORNIA.

Mr. ROSECRANS also introduced a bill (H. R. 69) to indemnify the State of California; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BOUNDARIES OF CERTAIN LANDS IN CALIFORNIA.

Mr. ROSECRANS also introduced a bill (H. R. 70) to authorize the correction of certain boundaries of certain lands in San Mateo County, California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RELIEF OF CERTAIN SETTLERS IN CALIFORNIA.

Mr. ROSECRANS also introduced a bill (H. R. 71) for the relief of settlers on certain lands in California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SUSPENDED EMPLOYÉS IN NAVY-YARDS.

Mr. ROSECRANS also introduced a bill (H. R. 72) to indemnify suspended employés, &c.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REORGANIZATION OF UNITED STATES COURTS.

Mr. ROSECRANS also introduced a bill (H. R. 73) to reorganize the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NICARAGUA SHIP-CANAL.

Mr. ROSECRANS also introduced a bill (H. R. 74) to incorporate the Maritime Canal Company of Nicaragua; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

EDWARD BYRNE.

Mr. ROSECRANS also introduced a bill (H. R. 75) for the relief of Edward Byrne; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JEROME MADDEN.

Mr. ROSECRANS also introduced a bill (H. R. 76) for the relief of Jerome Madden, of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHARLES M. BLAKE.

Mr. ROSECRANS also introduced a bill (H. R. 77) for the relief of Charles M. Blake, a chaplain in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COL. HENRY J. HUNT.

Mr. ROSECRANS also introduced a bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAROLINE M. M'DOUGAL.

Mr. ROSECRANS also introduced a bill (H. R. 79) granting a pension to Caroline M. McDougal, widow of Rear-Admiral David S. McDougal; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. KATE C. M'DOUGAL.

Mr. ROSECRANS also introduced a bill (H. R. 80) to grant a pension to Mrs. Kate C. McDougal; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHILDREN OF GENERAL CARLETON.

Mr. ROSECRANS also introduced a bill (H. R. 81) for the relief of

the children of General James H. Carleton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WM. R. WHEATON AND C. H. CHAMBERLAIN.

Mr. ROSECRANS also introduced a bill (H. R. 82) for the relief of William R. Wheaton and Charles H. Chamberlain; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. S. ROSENBAUM & CO.

Mr. ROSECRANS also introduced a bill (H. R. 83) for the relief of A. S. Rosenbaum & Co., of New York city; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CORNELIUS HUNTINGTON.

Mr. ROSECRANS also introduced a bill (H. R. 84) for the relief of Cornelius Huntington; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

G. A. R. BAUM.

Mr. ROSECRANS also introduced a bill (H. R. 85) granting an increase of pension to G. A. R. Baum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL CONNOR.

Mr. ROSECRANS also introduced a bill (H. R. 86) to grant a pension to Daniel Connor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CRAFTS J. WRIGHT.

Mr. ROSECRANS also introduced a bill (H. R. 87) for the relief of Crafts J. Wright, which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DELIA G. WEBBER AND OTHERS.

Mr. ROSECRANS also introduced a bill (H. R. 88) for the relief of Delia G. Webber and others; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PENINA HUNT.

Mr. ROSECRANS also introduced a bill (H. R. 89) for the relief of Penina Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES AND EMMA S. CAMERON.

Mr. ROSECRANS also introduced a bill (H. R. 90) to pay James and Emma S. Cameron for property taken and used by the Army during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN ALVORD.

Mr. ROSECRANS also introduced a bill (H. R. 91) for the relief of Benjamin Alvord; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NAVAL APPROPRIATION ACT OF 1883.

Mr. ROSECRANS also introduced a bill (H. R. 92) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes;" which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

THOMAS F. RILEY.

Mr. ROSECRANS also introduced a bill (H. R. 93) for the relief of Thomas F. Riley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BENJAMIN F. CRARY.

Mr. ROSECRANS also introduced a bill (H. R. 94) granting a pension to Benjamin F. Crary, of San Francisco, Cal.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID T. TRYON.

Mr. ROSECRANS also introduced a bill (H. R. 95) for the relief of David T. Tryon; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MARTIN KELLEY.

Mr. ROSECRANS also introduced a bill (H. R. 96) to increase the pension of Martin Kelley, late of Company A, Sixteenth United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RENI E. DE RUSSY.

Mr. ROSECRANS also introduced a bill (H. R. 97) for the relief of Reni E. De Russy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAILORS' HOME, SAN FRANCISCO.

Mr. ROSECRANS also introduced a joint resolution (H. Res. 6) authorizing the city of San Francisco to relinquish to the State of California title to certain property for a sailors' home; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

POSTAL FACILITIES.

Mr. SUMNER, of California, introduced a bill (H. R. 98) to enlarge the postal facilities of the people of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FARES OF PACIFIC RAILROADS.

Mr. SUMNER, of California, also introduced a bill (H. R. 99) to fix and establish the maximum rates of fares of the Union Pacific and Central Pacific Railroads; which was read a first and second time.

Mr. SUMNER, of California. I ask that the bill be referred to the Committee on Pacific Railroads.

Mr. REAGAN. It ought to go to the Committee on Commerce.

Mr. ANDERSON. This is a matter relating to Pacific railroads.

The SPEAKER. The bill seems to relate alone to the Pacific railroads, and under the rules goes to the Committee on Pacific Railroads.

Mr. REAGAN. It relates to the regulation of commerce, and I think should go to the Committee on Commerce.

The SPEAKER. The Chair understands from an examination of the title that the bill relates to no other roads than the Pacific railroads. The Chair has not read the body of the bill.

Mr. REAGAN. At any rate it relates to the regulation of commerce, and does not belong to the Pacific Railroad Committee or any other railroad committee. It belongs to the committee that deals with the regulation of commerce.

The SPEAKER. Does the gentleman move to refer it to the Committee on Commerce?

Mr. REAGAN. I do.

The SPEAKER. The Chair decides that under the rule the bill should go to the Committee on Pacific Railroads. The gentleman from Texas [Mr. REAGAN] moves that it be referred to the Committee on Commerce.

The motion of Mr. REAGAN was agreed to.

The bill was accordingly referred to the Committee on Commerce, and ordered to be printed.

PRE-EMPTION AND HOMESTEAD SETTLERS IN CALIFORNIA.

Mr. BUDD introduced a bill (H. R. 100) for the relief of certain pre-emption and homestead settlers in California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COMMERCIAL INTERESTS OF CALIFORNIA.

Mr. BUDD also introduced a bill (H. R. 101) to protect the commercial interests of California and to improve the navigation of its rivers and harbors, and a bill (H. R. 102) to protect the commercial interests of California and to improve the navigation of its rivers and harbors; which were severally read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THERESA CROSBY WATSON.

Mr. BUDD also introduced a bill (H. R. 103) granting a pension to Theresa Crosby Watson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SCHOOL LANDS IN CALIFORNIA.

Mr. GLASCOCK introduced a bill (H. R. 104) to authorize the State of California to select other lands in place of sixteenth and thirty-sixth sections, returned as mineral lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING IN SACRAMENTO, CAL.

Mr. GLASCOCK also introduced a bill (H. R. 105) to provide for the erection of a post-office building at Sacramento, Cal., and appropriating $100,000 therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FIVE PER CENT. LAND FUND FOR CALIFORNIA.

Mr. GLASCOCK also introduced a bill (H. R. 106) granting to California 5 per centum of the net proceeds of the sale of public lands in that State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM H. DAVIS.

Mr. GLASCOCK also introduced a bill (H. R. 107) for the relief of William H. Davis, of Oakland, Cal.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CALIFORNIA WAR CLAIMS.

Mr. HENLEY introduced a bill (H. R. 108) for the relief of the State of California; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WAR CLAIMS.

Mr. HENLEY also introduced a bill (H. R. 109) authorizing the

payment of interest due to the States of California, Oregon, and Nevada, and Nevada when a Territory; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS.

Mr. HENLEY also introduced a bill (H. R. 110) to adjust certain accounts between the United States and the several States and Territories and the District of Columbia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FIVE PER CENT. LAND FUND IN CALIFORNIA.

Mr. HENLEY also introduced a bill (H. R. 111) granting to the State of California 5 per centum of the net proceeds of the sale of public lands in that State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

KLAMATH RIVER INDIAN RESERVATION.

Mr. HENLEY also introduced a bill (H. R. 112) for the restoration of the Klamath River Indian reservation in the State of California to the public domain; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS IN CALIFORNIA.

Mr. HENLEY also introduced a bill (H. R. 113) for the relief of purchasers and locators of swamp and overflowed lands in California, and to indemnify the said State for swamp and overflowed lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

THOMAS GUINEAU.

Mr. HENLEY also introduced a bill (H. R. 114) for the relief of Thomas Guineau, of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM FOWLER, SR.

Mr. HENLEY also introduced a bill (H. R. 115) for the relief of William Fowler, sr., of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SURETIES OF J. O. RAWLINS, DECEASED.

Mr. HENLEY also introduced a bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

E. J. BALDWIN.

Mr. HENLEY also introduced a bill (H. R. 117) for the relief of E. J. Baldwin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALLEXEY W. VON SCHMIDT.

Mr. HENLEY also introduced a bill (H. R. 118) to authorize Allexey W. Von Schmidt to bring suit in the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FORFEITURE OF LAND GRANTS IN CALIFORNIA.

Mr. TULLEY introduced a bill (H. R. 119) to declare forfeited all unearned railroad land grants in the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

OCCUPANTS OF LAND, CAMP INDEPENDENCE, CALIFORNIA.

Mr. TULLEY also introduced a bill (H. R. 120) for the relief of certain citizens of the United States and occupants of land within one mile of the military post of Camp Independence, Inyo County, California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC LANDS IN CALIFORNIA.

Mr. TULLEY also introduced a bill (H. R. 121) to establish the price of certain lands in the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. TULLEY also introduced a bill (H. R. 122) to authorize the State of California to select other lands in place of the sixteenth and thirty-sixth sections returned as mineral; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RAILWAY TRAFFIC.

Mr. BELFORD introduced a bill (H. R. 123) to regulate railway traffic between States and Territories; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COMMERCE WITH CENTRAL AND SOUTH AMERICA.

Mr. BELFORD also introduced a bill (H. R. 124) to authorize the appointment of a special commissioner for promoting commercial intercourse with such countries of Central and South America as may be found to possess the most natural and available facilities for railway intercommunication with each other and with the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

IRRIGATION IN COLORADO.

Mr. BELFORD also introduced a bill (H. R. 125) to authorize Secretary of War to appoint a commission to make surveys for the construction of reservoirs in the State of Colorado for the irrigation and reclamation of public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HORACE A. W. TABOR.

Mr. BELFORD also introduced a bill (H. R. 126) for the relief of Horace A. W. Tabor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DEPOSITS OF SILVER BULLION.

Mr. BELFORD also introduced a bill (H. R. 127) providing for the deposit of silver bullion at the Treasury of the United States, and the issue of certificates therefor; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PRIVATE LAND CLAIMS IN NEW MEXICO.

Mr. BELFORD also introduced a bill (H. R. 128) to confirm a certain private land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. BELFORD also introduced a bill (H. R. 129) to confirm a certain private land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. BELFORD also introduced a bill (H. R. 130) to confirm a certain private land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

THOMAS BUTLER.

Mr. MITCHELL introduced a bill (H. R. 131) for the relief of Thomas Butler; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ALBERT H. EMERY.

Mr. SEYMOUR introduced a bill (H. R. 132) for the relief of Albert H. Emery; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DANIEL CONNOLLY.

Mr. SEYMOUR also introduced a bill (H. R. 133) granting a pension to Daniel Connolly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES CALER.

Mr. EATON introduced a bill (H. R. 134) for the relief of James Caler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM R. BENNETT AND OTHERS.

Mr. WAIT introduced a bill (H. R. 135) for the relief of William R. Bennett, John Eldrege, and William G. Dewey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMOS CLIFT.

Mr. WAIT also introduced a bill (H. R. 136) for the relief of Amos Clift; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BETSY A. MOWER.

Mr. WAIT also introduced a bill (H. R. 137) for the relief of Betsy A. Mower; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WEAVER & STERRY.

Mr. WAIT also introduced a bill (H. R. 138) for the relief of Weaver & Sterry; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

GRISWOLD ROGERS.

Mr. WAIT also introduced a bill (H. R. 139) for the relief of Griswold Rogers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RECKNAGEL & CO.

Mr. WAIT also introduced a bill (H. R. 140) for the relief of Recknagel & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PERRY P. WILSON.

Mr. WAIT also introduced a bill (H. R. 141) for the relief of Perry P. Wilson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

M'GREGOR POST, CONNECTICUT.

Mr. WAIT also introduced a bill (H. R. 142) granting condemned cannon to McGregor Post, No. 27, Grand Army of the Republic, of Connecticut; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STANDARD SILVER DOLLARS.

Mr. WAIT also introduced a bill (H. R. 143) to limit the purchase of silver by the Secretary of the Treasury and the coinage of standard silver dollars; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

JAMES CALER.

Mr. WAIT also introduced a bill (H. R. 144) for the relief of James Caler, of Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RANK OF TELEGRAPHIC OPERATORS.

Mr. WAIT also introduced a bill (H. R. 145) conferring military rank on telegraphic operators in the military service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF CAPT. SAMUEL JEFFREY.

Mr. WAIT also introduced a bill (H. R. 146) for the relief of the widow and heirs of the late Capt. Samuel Jeffrey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WATERMAN CLIFT.

Mr. WAIT also introduced a bill (H. R. 147) for reimbursement of Waterman Clift, of Mystic River, Conn., for property destroyed in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL DE LEE.

Mr. WAIT also introduced a bill (H. R. 148) for the relief of Daniel De Lee and the payment to him of bounty-money; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAJ. JAMES BELGER.

Mr. WAIT also introduced a bill (H. R. 149) for the relief of Maj. James Belger; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNLADING OF FOREIGN VESSELS.

Mr. WAIT also introduced a joint resolution (H. Res. 7) relating to the unlading of foreign vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FLORIDA INDIAN WAR CLAIM.

Mr. DAVIDSON introduced a bill (H. R. 150) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, KEY WEST, FLA.

Mr. DAVIDSON also introduced a bill (H. R. 151) providing for the erection of a public building in the city of Key West, State of Florida; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHARLES F. SIBBALD, DECEASED.

Mr. DAVIDSON also (by request) introduced a joint resolution (H. Res. 8) for the relief of Caroline W. Seton and Mary Jeannette Sibbald, heirs at law of Charles F. Sibbald, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIGHT-HOUSE, SAINT JOHN'S RIVER, FLORIDA.

Mr. BISBEE introduced a bill (H. R. 152) to authorize the Secretary of the Treasury to construct beacons and light-houses on the Saint John's River, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EAST FLORIDA SEMINARY.

Mr. BISBEE also introduced a bill (H. R. 153) for the relief of the East Florida Seminary; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, JACKSONVILLE, FLA.

Mr. BISBEE also introduced a bill (H. R. 154) to authorize the Secretary of the Treasury to erect a public building in the city of Jacksonville, Fla.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SAMUEL A. DONALD.

Mr. BISBEE also introduced a bill (H. R. 155) for the relief of Samuel A. Donald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOCAL INSPECTORS.

Mr. BISBEE also introduced a bill (H. R. 156) to amend section 4414 of the Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLAIMS, STATE OF GEORGIA.

Mr. NICHOLS introduced a bill (H. R. 157) to provide for the adjudication of cotton and other claims of the State of Georgia for property seized during the late civil war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT ERWIN.

Mr. NICHOLS also introduced a bill (H. R. 158) to amend an act entitled "An act for the relief of Robert Erwin;" which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TAX ON ALCOHOL.

Mr. NICHOLS also introduced a bill (H. R. 159) to abolish the tax on alcohol used for medicinal purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

Mr. NICHOLS also introduced a bill (H. R. 160) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

REDEMPTION OF INTERNAL-REVENUE STAMPS, ETC.

Mr. BLOUNT introduced a bill (H. R. 161) making an appropriation for the redemption of internal-revenue stamps, and to pay allowance of drawbacks or rebate of tax on manufactured tobacco, snuff, &c.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, MACON, GA.

Mr. BLOUNT also introduced a bill (H. R. 162) for the erection of a public building at Macon, Ga.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CLERKS OF COURTS, SOUTHERN DISTRICT OF GEORGIA.

Mr. BLOUNT also introduced a bill (H. R. 163) providing for the appointment of clerks of circuit and district courts in the southern district of Georgia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE M'DONALD.

Mr. TURNER, of Georgia, introduced a bill (H. R. 164) for the relief of George McDonald, administrator of the estate of E. McDonald; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY GEE.

Mr. TURNER, of Georgia, also introduced a bill (H. R. 165) for the relief of Henry Gee; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GEORGIA INDIAN-WAR CLAIMS.

Mr. BUCHANAN introduced a bill (H. R. 166) to pay the State of Georgia $27,175.50, money advanced by said State for the defense of her frontiers against the Indians, and not heretofore repaid.

The SPEAKER. This bill would properly go to the Committee on War Claims.

Mr. BUCHANAN. I desire it should go to the Committee on Claims, and I move its reference to that committee.

The motion was agreed to.

The bill was accordingly read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM MAHAFFEY.

Mr. BUCHANAN also introduced a bill (H. R. 167) for the relief of William Mahaffey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA S. HENDRICK.

Mr. BUCHANAN also introduced a bill (H. R. 168) for the relief of Martha S. Hendrick; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS M. JONES.

Mr. BUCHANAN also introduced a bill (H. R. 169) for the relief of Thomas M. Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ACCOUNTS WITH CERTAIN RAILWAY COMPANIES.

Mr. CLEMENTS introduced a bill (H. R. 170) to provide for the settlement of accounts with certain railway companies; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNAL REVENUE, ETC.

Mr. CLEMENTS also introduced a bill (H. R. 171) to repeal an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," passed June 30, 1864, and all laws amendatory thereof; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NATIONAL CEMETERY AT MARIETTA, GA.

Mr. CLEMENTS also introduced a bill (H. R. 172) making an appropriation to build a road from the city of Marietta, Ga., to the national cemetery near that city; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COURT OF APPEALS.

Mr. PAYSON introduced a bill (H. R. 173) to establish a court of appeals; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EXTENSION OF VETO POWER.

Mr. PAYSON also introduced a joint resolution (H. Res. 9) to amend the Constitution of the United States to permit the President to veto items in a general appropriation bill; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FORFEITURE OF CERTAIN RAILROAD LANDS.

Mr. PAYSON also introduced a bill (H. R. 174) to declare the forfeiture of lands granted to the Texas Pacific Railway Company, &c., and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 175) to declare forfeited certain lands granted to the State of Mississippi to aid in the construction of railroads, &c., and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 176) to declare forfeiture of certain lands granted to the State of Alabama to aid in the construction of the Savannah and Albany Railroad, and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 177) to declare forfeited certain lands granted to the State of Arkansas to aid in the construction of railroads, &c., and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 178) to declare forfeited certain lands granted to the State of Mississippi to aid in the construction of railroads, &c., and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 179) to declare forfeited certain lands granted to the State of Alabama to aid in the construction of railroads, &c., and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 180) to declare forfeited certain lands in the State of Michigan granted to aid in the construction of railroads, and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 181) to declare forfeited certain lands granted to aid in the construction of a railroad in Oregon, and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 182) to declare forfeited certain lands granted to the State of Alabama, &c., and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 183) to declare a forfeiture of certain lands granted in aid of certain railroads named, and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 184) to declare a forfeiture of certain lands granted to aid in the construction of the Northern Pacific Railroad, and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 185) to declare a forfeiture of certain lands granted to the State of Louisiana to aid in the construction of railroads, &c., and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 186) to declare forfeited certain lands granted to the State of Missouri to aid in the construction of railroads, &c., and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 187) to declare a forfeiture of certain of the lands granted to the Atlantic and Pacific Railroad Company, and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 188) to declare a forfeiture of certain lands granted to the State of Alabama in aid of the Memphis and Charleston Railroad, and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TESTING OF STEEL, IRON, ETC.

Mr. PAYSON also introduced a bill (H. R. 189) for the appointment of a commission of experts for the testing of steel, iron, and other building material, &c.; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

PUBLIC BUILDING AT SPRINGFIELD, ILL.

Mr. SPRINGER introduced a bill (H. R. 190) to authorize the purchase of additional grounds for the United States court-house and post-office buildings at Springfield, Ill.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SPECIAL LEGISLATION.

Mr. SPRINGER also introduced a joint resolution (H. Res. 10) proposing an amendment to the Constitution prohibiting special legislation; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

L. S. ENSEL.

Mr. SPRINGER also introduced a bill (H. R. 191) for the relief of L. S. Ensel; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS FOR INDIAN WARS.

Mr. SPRINGER also introduced a bill (H. R. 192) granting pensions to soldiers and sailors of certain Indian wars and their widows, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

RECORD OF OFFICERS.

Mr. SPRINGER also introduced a bill (H. R. 193) to fix the date of entering into the military service and to correct the record of officers now in the regular Army who served as officers of volunteers and regular Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARMY PROMOTIONS, ETC.

Mr. SPRINGER also introduced a bill (H. R. 194) to facilitate promotions and retire from active service upon their own applications officers of the Army who served during the war of the rebellion as general officers of volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GENERAL B. H. GRIERSON.

Mr. SPRINGER also introduced a bill (H. R. 195) to correct and complete the record of Col. and Bvt. Maj. Gen. B. H. Grierson, United States Army, aide-de-camp on the staff of General B. M. Prentiss, United States Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POSTAGE PENALTY ENVELOPES.

Mr. SPRINGER also introduced a bill (H. R. 196) to amend the laws as to the issue of postage penalty envelopes to certain public officers; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ANDREW J. MIFFORD.

Mr. SPRINGER also introduced a bill (H. R. 197) to reinstate the name of Andrew J. Mifford on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVICIA A. CARTER.

Mr. SPRINGER also introduced a bill (H. R. 198) for the relief of Levicia A. Carter; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ALEXANDER M. WRIGHT.

Mr. SPRINGER also introduced a bill (H. R. 199) granting a pension and arrears of pension to Alexander M. Wright, captain of Company H, Thirty-second Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS JEFFRIES.

Mr. SPRINGER also introduced a bill (H. R. 200) granting a pension to Thomas Jeffries; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE C. M'FARLAND.

Mr. SPRINGER also introduced a bill (H. R. 201) granting an honorable discharge to George C. McFarland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE BANCROFT.

Mr. SPRINGER also introduced a bill (H. R. 202) for the relief of George Bancroft; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JORDAN RICHARDSON.

Mr. SPRINGER also introduced a bill (H. R. 203) granting a pension to Jordan Richardson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN Y. ATTWATER.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 204) granting a pension to Susan Y. Attwater; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN K. MANNON.

Mr. HENDERSON, of Illinois, also introduced a bill (H. R. 205) granting a pension to John K. Mannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROMOTIONS OF JUDGE-ADVOCATES.

Mr. HENDERSON, of Illinois, also introduced a bill (H. R. 206) to provide promotion in the corps of judge-advocates; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WAR CLAIMS OF CERTAIN OFFICERS.

Mr. HENDERSON, of Illinois, also introduced a bill (H. R. 207) to pay certain officers of the Army for services actually rendered during the late war; which was read a first and second time.

Mr. HOLMAN. That bill should go to the Committee on War Claims.

Mr. HENDERSON, of Illinois. There is a general law on the subject; and the bill should go to the Committee on Military Affairs.

The SPEAKER. The recollection of the Chair is that the House at the last session by a vote directed bills of this character to go to the Committee on War Claims.

Mr. HENDERSON, of Illinois. I know that the Committee on Military Affairs considered several bills of this character. It is a matter of general law, and does not relate to the claim of any particular officer.

The SPEAKER. The Chair thinks that under the rule, and the action of the House construing the rule, this bill should go to the Committee on War Claims.

Mr. HENDERSON, of Illinois. That would be correct if this was the case of the claim of any particular officer. But it is a general matter, and I move that it be referred to the Committee on Military Affairs.

The SPEAKER. The Chair has decided that under the rule this bill should go to the Committee on War Claims. The gentleman from Illinois [Mr. HENDERSON] moves that it be referred to the Committee on Military Affairs.

The motion of Mr. HENDERSON, of Illinois, was not agreed to.

The bill was accordingly referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. HENDERSON, of Illinois, also introduced a bill (H. R. 208) to authorize the construction of a railroad bridge across the Missouri River at a point opposite or nearly opposite Parkville, in the State of Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. HENDERSON, of Illinois, also introduced a bill (H. R. 209) to provide a board of commissioners of interstate commerce, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POSTAGE ON SECOND AND THIRD CLASS MATTER.

Mr. TOWNSHEND introduced a bill (H. R. 210) to abolish the postage on second-class mailable matter and to reduce the postage on transient newspapers and certain other third-class mailable matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

TIME OF MEETING OF CONGRESS.

Mr. TOWNSHEND also introduced a bill (H. R. 211) fixing the time for the assembling of Congress; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPORTS INJURIOUS TO PUBLIC HEALTH.

Mr. TOWNSHEND also introduced a joint resolution (H. Res. 11) authorizing the President during the recess of Congress to prohibit the importation of any imports injurious to public health from those countries which, upon the same grounds, prohibit the importation of any American goods or products; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. TOWNSHEND also introduced a bill (H. R. 212) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts, and to suits concerning corporations, and to writs of error, to review judgments of courts relating only to the revenue laws of the State where the judgment is rendered; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS.

Mr. TOWNSHEND also introduced a bill (H. R. 213) granting pensions to the soldiers and sailors of the Mexican, Creek, Florida, and Black Hawk wars, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN H. AND ROBERT F. SHUGART.

Mr. TOWNSHEND also introduced a bill (H. R. 214) for the relief of John H. Shugart and Robert F. Shugart; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TAX ON SALT.

Mr. TOWNSHEND also introduced a bill (H. R. 215) to amend section 3022 of the Revised Statutes so as to place the tax on salt used in curing pork, beef, and other provisions on the same basis with salt used in curing fish; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ADMISSION OF TERRITORIES.

Mr. TOWNSHEND also introduced a bill (H. R. 216) in relation to the admission of Territories as States into the Union; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

PENSIONS.

Mr. TOWNSHEND also introduced a bill (H. R. 217) to increase the rate of pension of those who have lost one limb, and are permanently and totally disabled from manual labor in the other, to $50 per month; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FEES OF INSPECTORS OF STEAM-VESSELS.

Mr. TOWNSHEND also introduced a bill (H. R. 218) amending section 4458 of the Revised Statutes, regulating the fees of inspectors' certificates issued to masters, engineers, pilots, and mates of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COMPENSATION IN ELECTION CONTESTS.

Mr. TOWNSHEND also introduced a bill (H. R. 219) to amend sections 38 and 39 of chapter 4 of the Revised Statutes, relating to the compensation of Members and Delegates in cases of contested elections; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS.

Mr. TOWNSHEND also introduced a bill (H. R. 220) to provide that the same rate of pension shall be allowed to those who are pensioned on account of amputation of either leg above the knee-joint, and in consequence thereof are so disabled that they can not use artificial limbs, and those who are pensioned on account of amputation of either arm at the shoulder-joint as is allowed to those who are pensioned on account of amputation of either leg at the hip-joint; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB B. KING.

Mr. TOWNSHEND also introduced a bill (H. R. 221) for the relief of Jacob B. King; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

N. C. PACE.

Mr. TOWNSHEND also introduced a bill (H. R. 222) for the relief of N. C. Pace; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISHAM C. TAYLOR.

Mr. TOWNSHEND also introduced a bill (H. R. 223) for the relief of Isham C. Taylor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE M. SANDERS.

Mr. TOWNSHEND also introduced a bill (H. R. 224) for the relief of George M. Sanders; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE ELLEDGE.

Mr. TOWNSHEND also introduced a bill (H. R. 225) granting a pen-

sion to George Elledge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT A. TROWBRIDGE.

Mr. TOWNSHEND also introduced a bill (H. R. 226) granting a pension to Albert A. Trowbridge, Company C, One hundred and eleventh Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JASPER GUILL.

Mr. TOWNSHEND also introduced a bill (H. R. 227) granting a pension to Jasper Guill, Company E, Eighty-seventh Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE WATERS.

Mr. TOWNSHEND also introduced a bill (H. R. 228) granting a pension to Catharine Waters, mother of Thomas Waters, deceased, steward of steamer Benefit; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH H. LAWLER.

Mr. TOWNSHEND also introduced a bill (H. R. 229) granting a pension to Elizabeth H. Lawler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. JONES.

Mr. TOWNSHEND also introduced a bill (H. R. 230) granting a pension to A. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TEMPERANCE J. O'NEAL.

Mr. TOWNSHEND also introduced a bill (H. R. 231) granting a pension to Temperance J. O'Neal; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. BLADES.

Mr. TOWNSHEND also introduced a bill (H. R. 232) granting an increase of pension to James M. Blades; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM E. TAYLOR.

Mr. TOWNSHEND also introduced a bill (H. R. 233) granting a pension to William E. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. TUCKER.

Mr. TOWNSHEND also introduced a bill (H. R. 234) granting a pension to John B. Tucker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. DAVIS.

Mr. TOWNSHEND also introduced a bill (H. R. 235) granting arrears of pension to William S. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINERVA A. ROSS.

Mr. TOWNSHEND also introduced a bill (H. R. 236) granting a pension to Minerva A. Ross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. CORN.

Mr. TOWNSHEND also introduced a bill (H. R. 237) granting a pension to John H. Corn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. THOMAS introduced a bill (H. R. 238) to equalize bounties of soldiers of the war of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INCREASE OF PENSION.

Mr. THOMAS also introduced a bill (H. R. 239) granting an increase of pension to certain classes of pensioners therein named; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THREE JUDICIAL DISTRICTS, ILLINOIS.

Mr. THOMAS also introduced a bill (H. R. 240) to divide the State of Illinois into three judicial districts and to provide for holding courts therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LIENS ON REAL ESTATE.

Mr. THOMAS also introduced a bill (H. R. 241) regulating liens on real estate created by judgments rendered by United States circuit and district courts in the several States and Territories; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SEMINARY OF QUEBEC.

Mr. THOMAS also introduced a bill (H. R. 242) concerning certain lands in the State of Illinois ceded by France to the Seminary of Quebec, and to indemnify the grantee thereof; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

HEIRS OF HUGH WORTHINGTON.

Mr. THOMAS also introduced a bill (H. R. 243) for the relief of the legal heirs of Hugh Worthington; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES STEAMER MONITOR.

Mr. THOMAS also introduced a bill (H. R. 244) for the relief of the officers and crew of the United States steamer Monitor who participated in the action with the rebel iron-clad Merrimac on the 9th day of March, 1862; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOSEPH F. PARKER.

Mr. THOMAS also introduced a bill (H. R. 245) increasing the pension of Lieut. Joseph F. Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPTORS OF STEAMBOAT NEW ERA NO. 5.

Mr. THOMAS also introduced a bill (H. R. 246) to authorize the payment of prize-money to the captors of the steamboat New Era No. 5 and cargo; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LUCINDA BARRETT.

Mr. THOMAS also introduced a bill (H. R. 247) granting a pension to Lucinda Barrett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES G. HELM.

Mr. THOMAS also introduced a bill (H. R. 248) for the relief of James G. Helm; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN HEBERER.

Mr. THOMAS also introduced a bill (H. R. 249) for the relief of John Heberer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BERRY JOHNSON.

Mr. THOMAS also introduced a bill (H. R. 250) granting a pension to Berry Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH W. KING.

Mr. THOMAS also introduced a bill (H. R. 251) for the relief of Joseph W. King; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER M. HAGLER.

Mr. THOMAS also introduced a bill (H. R. 252) granting a pension to Peter M. Hagler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HAZEL.

Mr. THOMAS also introduced a bill (H. R. 253) granting a pension to Samuel Hazel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ROBBINS.

Mr. THOMAS also introduced a bill (H. R. 254) granting a pension to John Robbins; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN H. FERRELL.

Mr. THOMAS also introduced a bill (H. R. 255) granting a pension to John H. Ferrell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. LAMB.

Mr. THOMAS also introduced a bill (H. R. 256) granting a pension to Mary A. Lamb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN P. GREGSON.

Mr. THOMAS also introduced a bill (H. R. 257) for the relief of John P. Gregson; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. THOMAS also introduced a joint resolution (H. Res. 12) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EMANUEL KLAUSER.

Mr. MOULTON introduced a bill (H. R. 258) for the relief of Eman-

uel Klauser; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC ADVERTISING.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 259) to amend section 3767 of the Revised Statutes; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

GENERAL AND LIEUTENANT-GENERAL UNITED STATES ARMY.

Mr. DAVIS, of Illinois, also introduced a joint resolution (H. Res. 13) amending the proviso of section 1094 of the Revised Statutes, relating to the General and Lieutenant-General of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC LANDS AT CHICAGO.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 260) relating to certain public grounds at Chicago, Ill.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. DAVIS, of Illinois, also introduced a joint resolution (H. Res. 14) proposing an amendment to the Constitution; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TAX ON MANUFACTURE OF STILLS.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 261) to amend section 3244, Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LANGDON, RICHARDSON & CO.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 262) for the relief of Langdon, Richardson & Co.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE F. BICKNELL.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 263) for the relief of George F. Bicknell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN E. SMITH.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 264) authorizing the President to place Col. John E. Smith upon the retired list with the rank and pay of a brigadier-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS LYNCH.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 265) for the relief of Thomas Lynch; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

A. H. GERMER.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 266) granting a pension to A. H. Germer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES KING.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 267) granting a pension to James King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE P. WEBSTER.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 268) for the relief of George P. Webster; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF BLACK BEAVER.

Mr. DAVIS, of Illinois, also (by request) introduced a bill (H. R. 269) for the relief of the heirs of Black Beaver; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HANNAH M. WRIGHT.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 270) granting a pension to Hannah M. Wright; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DR. DANIEL M. APPEL.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 271) for the relief of Dr. Daniel M. Appel; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AUGUSTINE ZEISLER.

Mr. WORTHINGTON introduced a bill (H. R. 272) granting a pension to Augustine Zeisler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA DOWNS.

Mr. WORTHINGTON also introduced a bill (H. R. 273) granting a pension to Martha Downs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT A. NORTH.

Mr. WORTHINGTON also introduced a bill (H. R. 274) for the relief of Albert A. North; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH F. WILSON.

Mr. WORTHINGTON also introduced a bill (H. R. 275) for the relief of Joseph F. Wilson; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

TELEGRAPH OPERATORS DURING THE WAR.

Mr. DUNHAM introduced a bill (H. R. 276) for the relief of telegraph operators during the war; which was read a first and second time.

Mr. DUNHAM. I ask that the bill be referred to the Committee on Military Affairs.

The SPEAKER. From the title of the bill it would appear it should go to the Committee on War Claims. It appears to relate to a claim for service in the late war, and under the rule should go to the Committee on War Claims.

Mr. DUNHAM. The object of the bill is to provide the military status of telegraph operators who served during the war. It seems to me it belongs to the Committee on Military Affairs.

The SPEAKER. Upon re-examination of the bill the Chair believes it ought to go to the Committee on Military Affairs. It does not propose to make any appropriation for the payment of any claim.

The bill was referred to the Committee on Military Affairs, and ordered to be printed.

CONSTRUCTION OF GUNBOATS, ETC.

Mr. FINERTY introduced a bill (H. R. 277) for the construction of four gunboats and three additional steel cruisers for the Navy of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY C. BARLOW.

Mr. FINERTY also introduced a bill (H. R. 278) granting a pension to Henry C. Barlow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS J. SACRISTE.

Mr. FINERTY also introduced a bill (H. R. 279) to restore Louis J. Sacriste to the rank of second lieutenant in the Army and place him on the retired-list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARNO VOSS.

Mr. FINERTY also introduced a bill (H. R. 280) for the relief of Arno Voss, late colonel Twelfth Illinois Volunteer Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DATE OF FILING PENSION CLAIMS.

Mr. ROWELL introduced a bill (H. R. 281) to change the date of filing certain pension claims; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORNELIUS FITZGERALD.

Mr. ROWELL also introduced a bill (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK HORAN.

Mr. CULLEN introduced a bill (H. R. 283) granting a pension to Patrick Horan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY G. HAWK.

Mr. HITT introduced a bill (H. R. 284) for the relief of Mary G. Hawk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH M'KIMM.

Mr. HITT also introduced a bill (H. R. 285) for the relief of Elizabeth McKimm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARCHIBALD HUNLEY.

Mr. SHAW introduced a bill (H. R. 286) granting relief to Archibald Hunley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM B. BISHOP.

Mr. SHAW also introduced a bill (H. R. 287) granting a pension to William B. Bishop; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA J. CAMPBELL.

Mr. CANNON introduced a bill (H. R. 288) for the relief of Eliza J. Campbell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY G. CONRAD.

Mr. CANNON also introduced a bill (H. R. 289) granting a pension to Henry G. Conrad; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. AMMERMAN.

Mr. CANNON also introduced a bill (H. R. 290) granting a pension to William A. Ammerman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. COBB introduced a bill (H. R. 291) to equalize the bounties of soldiers who served in the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAND GRANTS TO RAILROADS, ETC.

Mr. COBB also introduced a joint resolution (H. Res. 15) to prevent the Secretary of the Interior from issuing patents for lands granted by the United States to aid in the construction of railroads or other improvements where the said railroads or other improvements have not been completed within the time fixed in the act making said grant; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REPEAL OF LAND GRANTS TO RAILROADS.

Mr. COBB also introduced a bill (H. R. 292) repealing all laws granting public lands to certain railroad companies and to certain States for the benefit of said railroad companies, and declaring the right and interest of said railroad companies and States in said lands forfeited, and also declaring said lands to be a part of the public domain, subject to homestead, pre-emption, and sale as other public lands belonging to the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REDEMPTION OF WORN SILVER COIN.

Mr. COBB also introduced a bill (H. R. 293) providing that the silver coin of the United States which is worn or defaced by ordinary usage only shall hereafter be received by the Government and paid for in perfect coin at its face or original value at all places where it is now received and paid for at its bullion value; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CLARA WIBLE.

Mr. COBB also introduced a bill (H. R. 294) granting a pension to Clara Wible; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICHOLAS M'QUINN.

Mr. COBB also introduced a bill (H. R. 295) granting a pension to Nicholas McQuinn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. SCOTT.

Mr. COBB also introduced a bill (H. R. 296) for the relief of John H. Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VIOLET CALLOWAY.

Mr. COBB also introduced a bill (H. R. 297) granting a pension to Violet Calloway; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLOTTA A. WELTON.

Mr. COBB also introduced a bill (H. R. 298) granting a pension to Charlotta A. Welton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHIAS YAKELEY.

Mr. COBB also introduced a bill (H. R. 299) granting a pension to Mathias Yakeley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM A. BERNFIELD.

Mr. COBB also introduced a bill (H. R. 300) for the relief of Hiram A. Bernfield; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THEODORE LEVERON.

Mr. COBB also introduced a bill (H. R. 301) granting a pension to Theodore Leveron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HOGUE.

Mr. COBB also introduced a bill (H. R. 302) granting a pension to William Hogue; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM A. BERNFIELD.

Mr. COBB also introduced a bill (H. R. 303) for the relief of Hiram A. Bernfield; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN BURKE.

Mr. COBB also introduced a bill (H. R. 304) for the relief of John Burke; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONS.

Mr. COBB also introduced a bill (H. R. 305) providing that all persons who are entitled to pensions under existing laws, who have filed their claims therefor in the time when they were required to do so to entitle them to arrearages of pensions, as well as all those who have filed their claims since the expiration of said time or who shall hereafter file their claims for pensions before the expiration of two years after the passage of this act, shall be entitled to arrearages of pensions the same as those who filed their claims before the expiration of the time heretofore fixed by law, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNTIES.

Mr. CALKINS introduced a bill (H. R. 306) to equalize the bounties of soldiers and sailors who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAY OF NURSES.

Mr. CALKINS also introduced a bill (H. R. 307) to provide for the payment of female nurses during the war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER SCOUDEN.

Mr. CALKINS also introduced a bill (H. R. 308) for the relief of Peter Scouden; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONTESTED ELECTIONS.

Mr. CALKINS also introduced a bill (H. R. 309) relating to contested elections; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

HOMESTEADS.

Mr. CALKINS also introduced a bill (H. R. 310) to amend section 5 of an act entitled "An act to amend an act relating to soldiers' and sailors' homesteads;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRACTICE IN PATENT SUITS.

Mr. CALKINS also introduced a bill (H. R. 311) to regulate the practice in patent suits; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SIGNALS ON RAILROADS.

Mr. CALKINS also introduced a bill (H. R. 312) to establish a uniform code of signals for use on railroads; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

COUPLING OF RAILROAD CARS.

Mr. CALKINS also introduced a bill (H. R. 313) to regulate the coupling of cars on the various railroads of the United States, and providing penalties for the violation of the provisions of this act; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JOHN W. CUMMINS.

Mr. CALKINS also introduced a bill (H. R. 314) for the relief of John W. Cummins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH C. ARNOLD.

Mr. CALKINS also introduced a bill (H. R. 315) granting a pension to Joseph C. Arnold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF CONSTITUTION OF UNITED STATES.

Mr. CALKINS also introduced a joint resolution (H. Res. 16) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. HOLMAN introduced a bill (H. R. 316) to declare the forfeiture of certain public lands heretofore granted to aid in the construction of certain railroads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HOMESTEAD LAWS.

Mr. HOLMAN also introduced a bill (H. R. 317) to limit the disposal of public lands adapted to agriculture to actual settlers under the provisions of the homestead laws, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIMS AGAINST THE UNITED STATES.

Mr. HOLMAN also introduced a bill (H. R. 318) in relation to claims against the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RELIEF FROM CHARGE OF DESERTION.

Mr. HOLMAN also introduced a bill (H. R. 319) to more effectually accomplish the object of an act entitled "An act to relieve certain soldiers of the late war from the charge of desertion," approved August 7, 1882; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

KATE AMANN.

Mr. HOLMAN also introduced a bill (H. R. 320) granting a pension to Kate Amann; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. MURRAY.

Mr. HOLMAN also introduced a bill (H. R. 321) granting a pension to John G. Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEAL MEGINLEY.

Mr. HOLMAN also introduced a bill (H. R. 322) granting a pension to Neal Meginley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LOVE.

Mr. HOLMAN also introduced a bill (H. R. 323) for the relief of John Love; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES F. HAYES.

Mr. HOLMAN also introduced a bill (H. R. 324) for the relief of Charles F. Hayes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH PERRY.

Mr. HOLMAN also introduced a bill (H. R. 325) granting a pension to Joseph Perry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWTON J. BURRIS.

Mr. HOLMAN also introduced a bill (H. R. 326) granting a pension to Newton J. Burris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM N. SEYMOUR.

Mr. HOLMAN also introduced a bill (H. R. 327) granting a pension to William N. Seymour; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN P. T. DAVIS.

Mr. HOLMAN also introduced a bill (H. R. 328) for the relief of John P. T. Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CYRUS Q. HOWE.

Mr. HOLMAN also introduced a bill (H. R. 329) for the relief of Cyrus Q. Howe, surviving partner of William T. Pate & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HARRIET M'LEASTER.

Mr. HOLMAN also introduced a bill (H. R. 330) granting a pension to Harriet McLeaster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWTON DAY.

Mr. HOLMAN also introduced a bill (H. R. 331) granting a pension to Newton Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES S. JELLEY.

Mr. HOLMAN also introduced a bill (H. R. 332) for the relief of James S. Jelley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ELLIS.

Mr. HOLMAN also introduced a bill (H. R. 333) for the relief of John Ellis; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

SAMUEL KRAMER.

Mr. HOLMAN also introduced a joint resolution (H. Res. 17) authorizing the appointment and retirement of Samuel Kramer, a chaplain in the Navy of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ATTEMPTED TRANSFER OF LAND GRANTS.

Mr. HOLMAN also submitted a resolution calling on the Secretary of the Interior for copies of papers relating to the attempted transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company of its land grant to the New Orleans and Pacific Railroad Company; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. HOLMAN also submitted a resolution calling on the Secretary of the Interior for copies of certain papers relating to the attempted transfer by the Texas Pacific Railroad Company of its land grant to the Southern Pacific Railroads of Arizona, New Mexico, and the Los Angeles and San Diego Railroad Company, of California; which was referred to the Committee on the Public Lands, and ordered to be printed.

LEAVE TO PRINT SPEECHES.

Mr. BROWNE, of Indiana. I wish to submit a resolution to amend the rules, and ask that it be reported by the Clerk. I would inquire of the Chair whether it is not in order to submit a resolution to amend the rules for reference to the Committee on Rules under this call?

The SPEAKER. It is not embraced in the letter of the twenty-first rule, but the Chair is looking to see whether there has not been an amendment sustaining the right of a member to introduce such a resolution under this call.

Mr. BROWNE, of Indiana. I ask, then, that it be read.

The SPEAKER. The Chair will see in one moment. [After a pause.] The Chair finds that it was decided in the Forty-third Congress that such a resolution might be introduced on the call of the States, although not embraced by the letter of the rule.

Mr. TURNER, of Kentucky. Does not the rule limit this call to the introduction of bills and resolutions only?

The SPEAKER. It does by its terms, but it has been decided by the House that a resolution proposing to amend the rules may be introduced under this call for reference only.

Mr. TURNER, of Kentucky. Is not that in violation of the rule?

The SPEAKER. That has been the practice, the Chair is advised, ever since that decision. The present occupant of the Chair might have decided otherwise, but he conforms to the practice of the House.

Mr. BROWNE, of Indiana. Let my resolution be read.

The Clerk read as follows:

Resolved, That the rules be amended as follows:

"RULE —. That leave to print in the RECORD shall only be given at the time a subject is pending before the House for action and is under discussion, but such leave shall authorize remarks only on such subject, and shall not be first published in the RECORD after the adjournment of the session."

The resolution was referred to the Committee on the Rules, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. BROWNE, of Indiana, also introduced a joint resolution (H. Res. 18) proposing an amendment to the Constitution of the United States.

Mr. BROWNE, of Indiana. I ask the reference of that resolution to the Select Committee on Law respecting Election of President and Vice-President, when formed.

The SPEAKER. The Chair will state that the select committee to which the gentleman refers has not been continued, so far, by the present House. The gentleman's resolution will therefore be referred to the Committee on the Judiciary.

Mr. BROWNE, of Indiana. Very well. Let me make a parliamentary inquiry in that connection. If this select committee is hereafter appointed may I ask to have the House recall the present reference and refer the joint resolution to the select committee?

The SPEAKER. There will be no difficulty about the change of reference. The Committee on the Judiciary can report it back with a recommendation that it be referred to the other committee.

The joint resolution was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CATHERINE JOHNSON.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 334) for the relief of Catherine Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF ARMY REGULATIONS, ETC.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 335) to fix the date of entry into the military service and to correct the record of officers now in the regular Army who served as officers of volunteers and the regular Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAYMENT OF MORGAN-RAID CLAIMS.

Mr. STOCKSLAGER introduced a bill (H. R. 336) to provide for the payment of claimants for property taken, used, or destroyed in the Morgan raid in the State of Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, NEW ALBANY, IND.

Mr. STOCKSLAGER also introduced a bill (H. R. 337) to provide for the construction of a public building at New Albany, Ind.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MORGAN-RAID CLAIMS, INDIANA.

Mr. STOCKSLAGER also introduced a bill (H. R. 338) to provide for the payment of claims for property taken during the Morgan raid in the State of Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EBENEZER KNIGHT.

Mr. STOCKSLAGER also introduced a bill (H. R. 339) for the relief of Ebenezer Knight; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REV. WILLIAM MARTIN.

Mr. STOCKSLAGER also introduced a bill (H. R. 340) for the relief of Rev. William Martin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE L. KEY.

Mr. STOCKSLAGER also introduced a bill (H. R. 341) for the relief of George L. Key; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CYRUS L. DUNHAM.

Mr. STOCKSLAGER also introduced a bill (H. R. 342) for the relief of the estate of Cyrus L. Dunham, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REV. WILLIAM MARTIN.

Mr. STOCKSLAGER also introduced a bill (H. R. 343) for the relief of Rev. William Martin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MATILDA STOCKDALE.

Mr. STOCKSLAGER also introduced a bill (H. R. 344) for the relief of Matilda Stockdale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. HONORA V. LYON.

Mr. STOCKSLAGER also introduced a bill (H. R. 345) for the relief of Mrs. Honora V. Lyon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANNA E. HOLLOWELL.

Mr. STOCKSLAGER also introduced a bill (H. R. 346) for the relief of Anna E. Hollowell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH HOLE.

Mr. STOCKSLAGER also introduced a bill (H. R. 347) for the relief of Joseph Hole, Jennings County, Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JESSE K. VAWTER.

Mr. STOCKSLAGER also introduced a bill (H. R. 348) for the relief of Jesse K. Vawter, of Jennings County, Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN HARTWELL.

Mr. STOCKSLAGER also introduced a bill (H. R. 349) for the relief of John Hartwell, Jennings County, Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RELIEF OF CERTAIN ARMY OFFICERS.

Mr. STEELE introduced a bill (H. R. 350) for the relief of certain officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY Z. BLINN.

Mr. STEELE also introduced a bill (H. R. 351) authorizing the muster-in and discharge of Henry Z. Blinn; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JETHRO M. BOYD.

Mr. STEELE also introduced a bill (H. R. 352) for the relief of Jethro M. Boyd; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SERVICES OF OFFICERS IN INDIAN WARS.

Mr. STEELE also introduced a bill (H. R. 353) authorizing brevet commissions to commissioned officers for distinguished conduct in engagements with or in campaigns against hostile Indians; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INSPECTOR-GENERAL'S DEPARTMENT.

Mr. STEELE also introduced a bill (H. R. 354) to increase the efficiency of the Inspector-General's Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MUSTER AND PAY OF VOLUNTEERS.

Mr. STEELE also introduced a bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. STEELE also introduced a bill (H. R. 356) to equalize the bounties of soldiers, sailors, and marines; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM F. BRYSON.

Mr. STEELE also introduced a bill (H. R. 357) for the relief of William F. Bryson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWIN R. W. TRUAX.

Mr. STEELE also introduced a bill (H. R. 358) for the relief of Edwin R. W. Truax; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IRA A. BLOSSOM.

Mr. STEELE also introduced a bill (H. R. 359) for the relief of Ira A. Blossom; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM T. SEWARD.

Mr. STEELE also introduced a bill (H. R. 360) for the relief of William T. Seward; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MELVIN SEWARD.

Mr. STEELE also introduced a bill (H. R. 361) for the relief of Melvin Seward; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. M. SAILORS.

Mr. STEELE also introduced a bill (H. R. 362) for the relief of H. M. Sailors; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSIAH STANLEY.

Mr. STEELE also introduced a bill (H. R. 363) for the relief of Josiah Stanley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES P. JOHNSON.

Mr. STEELE also introduced a bill (H. R. 364) for the relief of James P. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MAHONEY.

Mr. STEELE also introduced a bill (H. R. 365) granting a pension to James Mahoney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BOONE.

Mr. STEELE also introduced a bill (H. R. 366) granting a pension to William Boone, late private Company F, Eighty-eighth Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE B. ROWAN.

Mr. STEELE also introduced a bill (H. R. 367) for the relief of George B. Rowan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT FORT WAYNE, IND.

Mr. LOWRY introduced a bill (H. R. 368) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for the construction of a public building at Fort Wayne, in the State of Indiana;" which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TIME FOR FILING APPLICATIONS FOR PENSIONS.

Mr. LOWRY also introduced a bill (H. R. 369) to repeal all limitations as to the time within which meritorious applications for pensions may be filed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. WHITE.

Mr. LOWRY also introduced a bill (H. R. 370) for the relief of James B. White; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN R. SMITH.

Mr. LOWRY also introduced a bill (H. R. 371) for the relief of John R. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS J. BLAIR.

Mr. LOWRY also introduced a bill (H. R. 372) granting a pension to Lewis J. Blair; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. WARD.

Mr. LOWRY also introduced a bill (H. R. 373) increasing the pension of William A. Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BOONE.

Mr. LOWRY also introduced a bill (H. R. 374) granting a pension to William Boone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE OTIS.

Mr. LOWRY also introduced a bill (H. R. 375) to restore the name of George Otis to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. PATRICK.

Mr. LOWRY also introduced a bill (H. R. 376) for the relief of William P. Patrick; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADAMS STERNBERG.

Mr. LOWRY also introduced a bill (H. R. 377) granting a pension to Adams Sternberg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELMER WYATT.

Mr. LOWRY also introduced a bill (H. R. 378) granting a pension to Elmer Wyatt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS DEEMS.

Mr. LOWRY also introduced a bill (H. R. 379) for the relief of Lewis Deems; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSIAH DUKES.

Mr. LOWRY also introduced a bill (H. R. 380) granting a pension to Josiah Dukes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY C. MURRAY.

Mr. LOWRY also introduced a bill (H. R. 381) granting a pension to Mary C. Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH T. ERWIN.

Mr. LOWRY also introduced a bill (H. R. 382) granting a pension to Joseph T. Erwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CREET H. DOUGHERTY.

Mr. LOWRY also introduced a bill (H. R. 383) granting a pension to Creet H. Dougherty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM MAXHEIMER.

Mr. LOWRY also introduced a bill (H. R. 384) granting a pension to William Maxheimer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. BETHEL.

Mr. LOWRY also introduced a bill (H. R. 385) granting a pension to Benjamin F. Bethel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN CRAIG.

Mr. LOWRY also introduced a bill (H. R. 386) granting a pension to Ann Craig; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SILAS B. JOHNSTON.

Mr. LOWRY also introduced a bill (H. R. 387) for the relief of Silas B. Johnston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK O'DONNELL.

Mr. LOWRY also submitted a resolution requesting the President of the United States to communicate to this House any correspondence which has taken place between this Government and that of Great Britain in relation to the trial of Patrick O'Donnell, a citizen of the United States, for the alleged murder of the informer Carey; which was referred to the Committee on Foreign Affairs.

EQUALIZATION OF BOUNTIES.

Mr. WARD introduced a bill (H. R. 388) to equalize the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN BOYLE.

Mr. WARD also introduced a bill (H. R. 389) granting a pension to John Boyle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL DAVIDSON.

Mr. WARD also introduced a bill (H. R. 390) granting a pension to Samuel Davidson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL H. ROSS.

Mr. WARD also introduced a bill (H. R. 391) granting a pension to Daniel H. Ross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES B. CADDY.

Mr. WARD also introduced a bill (H. R. 392) granting a pension to Charles B. Caddy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL MOORE.

Mr. WARD also introduced a bill (H. R. 393) for the relief of Samuel Moore, late captain Company E, Ninety-ninth Indiana Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. M. C. JONES.

Mr. WARD also introduced a bill (H. R. 394) granting a pension to Mrs. M. C. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM RUSSELL.

Mr. WARD also introduced a bill (H. R. 395) to remove the charge of desertion from the military record of Hiram Russell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH VAN ARSDEL.

Mr. WARD also introduced a bill (H. R. 396) granting a pension to Joseph Van Arsdel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. FLORA SKINNER.

Mr. PEELLE, of Indiana, introduced a bill (H. R. 397) for relief of Mrs. Flora Skinner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL ALADICE.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 398) granting an increase of pension to Samuel Aladice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. SAMUEL DAVIS.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 399) granting an increase of pension to Dr. Samuel Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLOMON YEWELL.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 400) granting an increase of pension to Solomon Yewell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH J. MONCRIEF.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 401) for the relief of Elizabeth J. Moncrief; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA C. REICH.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 402) granting a pension to Rebecca C. Reich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. SMITH.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 403) granting an increase of pension to William G. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. POTTS.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 404) increasing the pension of Mary A. Potts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SARAH H. WIGGINS.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 405) for the relief of Mrs. Sarah H. Wiggins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHARINE BULLARD.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 406) granting a pension to Catharine Bullard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FLETCHER.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 407) for the

relief of John Fletcher; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

W. R. HOLLOWAY.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 408) for the relief of W. R. Holloway; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL PITMAN.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 409) for the correction of the military record, and honorable discharge, of Samuel Pitman; which was a read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

E. P. THOMPSON.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 410) for the relief of E. P. Thompson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH CONNOR.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 411) granting a pension to Elizabeth Connor; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARY E. DANE.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 412) granting a pension to Mary E. Dane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE F. WALKER.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 413) granting a pension to George F. Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOVERNMENT PRINTING OFFICE.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 414) to fix the pay of printers and book-binders in the Government Printing Office, and repealing all laws in conflict therewith; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

CAPT. ROBERT G. SMITHER.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 415) for the relief of Capt. Robert G. Smither, late first lieutenant and adjutant, Tenth United States Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

A. A. FITZGERALD, DECEASED.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 416) to grant a pension to Lena S. Fitzgerald, widow, and Eva M. Fitzgerald, minor child, of A. A. Fitzgerald, deceased, scout United States volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of joint resolution (H. Res. 1) extending the time fixed for the joint commission appointed to consider the number and salaries of officers and employés of the two Houses to submit their report.

WILLIAM H. HAMLET.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 417) for the relief of William H. Hamlet; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOLDIERS AND SAILORS OF THE MEXICAN WAR.

Mr. LAMB introduced a bill (H. R. 418) amending the laws granting pensions to the soldiers and sailors of the war of 1812, and their widows, and extending its provisions to the soldiers, sailors, and marines employed in the war with Mexico, commencing April 24, 1846; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

INFRINGEMENT OF PATENTS.

Mr. LAMB also introduced a bill (H. R. 419) to regulate practice in suits brought to recover damages for infringement of patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PRISONERS CONFINED IN CONFEDERATE PRISONS.

Mr. LAMB also introduced a bill (H. R. 420) for pensioning prisoners of war who were confined in confederate military prisons during the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EQUALIZATION OF BOUNTY.

Mr. LAMB also introduced a bill (H. R. 421) to equalize the bounty of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANKLIN P. BURGETT AND OTHERS.

Mr. LAMB also introduced a bill (H. R. 422) granting a pension to Franklin P. Burgett, William Burgett, and Lydia A. Burgett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. ROBERT E. BRYANT.

Mr. LAMB also introduced a bill (H. R. 423) for the payment of Capt. Robert E. Bryant for his services as commissary of subsistence on the staff of Brig. Gen. Lewis Wallace; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD M. RUCKER.

Mr. LAMB also introduced a bill (H. R. 424) for the relief of Richard M. Rucker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EXPENDITURES IN THE STAR-ROUTE CASES.

Mr. LAMB also submitted a resolution asking the Attorney-General for an itemized account of expenditures in prosecution of the star-route cases; which was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

HENRY AYRES.

Mr. KLEINER introduced a bill (H. R. 425) for the relief of Henry Ayres, of Evansville, Ind.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CRAWFORD BROWN.

Mr. KLEINER also introduced a bill (H. R. 426) for the relief of Crawford Brown, of Perry County, Indiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REVISION OF PENSION LAWS.

Mr. MATSON introduced a bill (H. R. 427) to provide for the appointment of a commission to investigate the question of revising the pension laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. MATSON also introduced a bill (H. R. 428) to equalize the bounties of the soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN FLETCHER.

Mr. MATSON also introduced a bill (H. R. 429) for the relief of John Fletcher; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOSEPH FORD.

Mr. MATSON also introduced a bill (H. R. 430) for the relief of Joseph Ford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN LOOKABAUGH.

Mr. MATSON also introduced a bill (H. R. 431) for the relief of John Lookabaugh; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH B. SELLERS.

Mr. MATSON also introduced a bill (H. R. 432) to increase the pension of Joseph B. Sellers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIMPSON HARRIS.

Mr. MATSON also introduced a bill (H. R. 433) to increase the pension of Simpson Harris; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SPECIAL EXAMINATION IN PENSION CASES.

Mr. MATSON also introduced a bill (H. R. 434) relating to special examinations in pension cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL W. TRACY.

Mr. MATSON also introduced a bill (H. R. 435) granting a pension to Samuel W. Tracy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES E. MACKLIN.

Mr. MATSON also introduced a bill (H. R. 436) for the relief of Second Lieut. James E. Macklin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TARVIN C. GROOME.

Mr. MATSON also introduced a bill (H. R. 437) for the relief of Tarvin C. Groome; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPRESENTATIVES OF GIDEON WALKER, DECEASED.

Mr. MATSON also introduced a bill (H. R. 438) for the relief of the representatives of Gideon Walker, deceased; which was read a first

and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGET SHERLOCK.

Mr. MATSON also introduced a bill (H. R. 439) granting a pension to Bridget Sherlock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPORT DUTIES ON FRENCH AND GERMAN BOOKS.

Mr. LOWRY introduced a bill (H. R. 440) to repeal the import duties on German and French books used in educational institutions; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COMMITTEE ON ENROLLED BILLS.

The SPEAKER. Before proceeding further with the call of States the Chair will ask unanimous consent of the House to make a temporary appointment of one member of the Committee on Enrolled Bills. A joint resolution which has been passed by the House was passed also by the Senate and communicated to this body, and it is now necessary that there shall be a member of the Committee on Enrolled Bills to see that the joint resolution is properly enrolled.

The Chair will therefore appoint for that purpose the gentleman from Tennessee, Mr. WARNER.

PUBLIC BUILDING, COUNCIL BLUFFS, IOWA.

Mr. PUSEY introduced a bill (H. R. 441) providing for the completion of a public building at Council Bluffs, Iowa; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GEORGE K. OTIS.

Mr. PUSEY also introduced a bill (H. R. 442) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in possession of the officers of the Government; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ROBERT H. MILLER.

Mr. PUSEY also introduced a bill (H. R. 443) granting a pension to Robert H. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH AUSTIN.

Mr. PUSEY also introduced a bill (H. R. 444) granting a pension to Joseph Austin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HORSE RAILWAY, ROCK ISLAND.

Mr. MURPHY introduced a bill (H. R. 445) to empower the Secretary of War to establish under certain conditions a horse-railway upon and over the island of Rock Island and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, SIOUX CITY, IOWA.

Mr. STRUBLE introduced a bill (H. R. 446) for the erection of a public building at Sioux City, Iowa; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NATIONAL EXPERIMENTAL STATIONS.

Mr. HOLMES introduced a bill (H. R. 447) to establish national experimental stations in connection with the agricultural colleges of the various States; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

UNITED STATES COURTS, IOWA.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 448) to fix the times for holding the terms of the circuit and district courts of the United States in the northern district of Iowa; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALE OF LOTS IN PERU, IOWA.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI AT DUBUQUE.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SWINE PRODUCTS OF THE UNITED STATES.

Mr. HENDERSON, of Iowa, also submitted a resolution calling upon the President for copies of correspondence with foreign governments touching the interdiction on the importation of swine products of the United States; which was referred to the Committee on Agriculture.

DUTIES ON WIRE, ETC.

Mr. WELLER introduced a bill (H. R. 451) removing the duty from certain kinds of lumber and fence wire and fixing the rate of duty on other kinds of lumber; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FREDERICK CORFE.

Mr. WELLER also introduced a bill (H. R. 452) granting a pension to Frederick Corfe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. BACON.

Mr. WELLER also (by request) introduced a bill (H. R. 453) for the relief of James M. Bacon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF SAMUEL H. MOER.

Mr. WELLER also (by request) introduced a bill (H. R. 454) for the relief of the heirs or legal representatives of Samuel H. Moer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILBUR F. COGSWELL.

Mr. WELLER also introduced a bill (H. R. 455) for the relief of Wilbur F. Cogswell, late assistant engineer United States Navy, of Beverly, N. J.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DUTIES ON LUMBER.

Mr. COOK introduced a bill (H. R. 456) permitting the importation of certain classes of lumber and timber free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ELIZABETH DAVIS.

Mr. WILSON, of Iowa, introduced a bill (H. R. 457) granting a pension to Elizabeth Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MERIT M. OAKLEY.

Mr. WILSON, of Iowa, also introduced a bill (H. R. 458) for restoring pension to Merit M. Oakley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. D. YULE.

Mr. WILSON, of Iowa, also introduced a bill (H. R. 459) to reimburse E. D. Yule for loss of horses in active service; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT J. GILLESPIE.

Mr. WILSON, of Iowa, also introduced a bill (H. R. 460) granting a pension to Robert J. Gillespie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOSES J. TEETERS.

Mr. WILSON, of Iowa, also introduced a bill (H. R. 461) to correct the record of Moses J. Teeters; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELECTION OF PRESIDENT AND VICE-PRESIDENT, ETC.

Mr. McCOID introduced a bill (H. R. 462) providing for the election of President and Vice-President for the unexpired term in case of the removal, death, resignation, or inability both of the President and Vice-President, and declaring the officer who shall act as Acting President *ad interim;* which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PETER ENGELDINGER.

Mr. McCOID also introduced a bill (H. R. 463) for the relief of Peter Engeldinger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CITY OF BURLINGTON, IOWA.

Mr. McCOID also introduced a bill (H. R. 464) relinquishing the title which still remains in the United States to all lots or portions of ground which lie within the limits of the present city of Burlington, State of Iowa, to the said city of Burlington; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DES MOINES RAPIDS IMPROVEMENT.

Mr. McCOID also introduced a bill (H. R. 465) for the relief of certain employés on the work for the improvement of the Des Moines Rapids of the Mississippi River; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH J. SIMPSON.

Mr. McCOID also introduced a bill (H. R. 466) for the relief of Eliza-

beth J. Simpson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD MIDDLETON.

Mr. McCOID also introduced a bill (H. R. 467) for the relief of Richard Middleton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. T. MARSHALL.

Mr. McCOID also introduced a bill (H. R. 468) for the relief of S. T. Marshall; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STENOGRAPHERS FOR UNITED STATES COURTS.

Mr. McCOID also introduced a bill (H. R. 469) to provide for the appointment of official stenographers for the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN O. VALLANDIGHAM.

Mr. McCOID also introduced a bill (H. R. 470) for the relief of John O. Vallandigham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM HINE.

Mr. McCOID also introduced a bill (H. R. 471) for the relief of Adam Hine; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY SIMONS.

Mr. McCOID also introduced a bill (H. R. 472) for the relief of Henry Simons, which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ZEMIA SHEPHERD.

Mr. McCOID also introduced a bill (H. R. 473) for the relief of Zemia Shepherd; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BIRNEY W. SNOW.

Mr. McCOID also introduced a bill (H. R. 474) for the relief of Birney W. Snow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. G. GILLHAM.

Mr. McCOID also introduced a bill (H. R. 475) for the relief of J. G. Gillham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH TRIBBLE.

Mr. McCOID also introduced a bill (H. R. 476) granting a pension to Elizabeth Tribble; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. WELLS.

Mr. McCOID also introduced a bill (H. R. 477) for the relief of George H. Wells; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BALDWIN B. SHAFFER.

Mr. McCOID also introduced a bill (H. R. 478) for the relief of Baldwin B. Shaffer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSION-MONEY.

Mr. McCOID also introduced a bill (H. R. 479) giving legislative construction to section 4747 of the Revised Statutes exempting pension-money from execution; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RAILWAY COMMERCE.

Mr. McCOID also introduced a bill (H. R. 480) to provide for the regulation of commerce by railways among the States, and for the protection of the people from extortion and oppression, and of capital invested in railways from maladministration and railway wars; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN D. BRIDGES.

Mr. McCOID also introduced a bill (H. R. 481) for the relief of John D. Bridges; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUSSELL SMITH.

Mr. McCOID also introduced a bill (H. R. 482) for the relief of Russell Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT KEOKUK, IOWA.

Mr. McCOID also introduced a bill (H. R. 483) for the erection of a public building at Keokuk, Iowa; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEONARD KING.

Mr. McCOID also introduced a bill (H. R. 484) for the relief of Leonard King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BANKRUPT LAW.

Mr. McCOID also introduced a bill (H. R. 485) to establish a uniform system of bankruptcy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MAP OF RAIL AND WATER TRANSPORTATION ROUTES.

Mr. McCOID also introduced a joint resolution (H. Res. 19) to authorize and require the preparation of a map showing all rail and water transportation routes in the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INTERNATIONAL ARBITRATION.

Mr. McCOID also introduced a joint resolution (H. Res. 20) relating to international arbitration; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

PARSON'S COLLEGE, IOWA.

Mr. McCOID also introduced a joint resolution (H. Res. 21) to donate one telescope not in use to Parson's College, Fairfield, Iowa, for scientific and educational purposes; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

CANNON, ETC., FOR SOLDIERS' REUNIONS.

Mr. McCOID also introduced a joint resolution (H. Res. 22) granting the use of cannon, tents, and muskets at soldiers' reunions to be held in the State of Iowa in the year 1884; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. RYAN. Mr. Speaker, in addition to several bills which I purpose to present I have a number which I would like to introduce on behalf of my colleague, Mr. Haskell, who is confined to his room by severe illness.

The SPEAKER. The Chair presumes there will be no objection to the gentleman sending up the bills and introducing them in his own name; but the gentleman to whom he refers is not yet qualified as a member of the House.

Mr. RYAN. Then I withdraw my proposition.

SOLDIERS' HOME IN KANSAS.

Mr. RYAN introduced a bill (H. R. 486) to authorize the Secretary of War to establish a home for indigent soldiers and sailors in the State of Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SURVEYS OF PUBLIC LANDS.

Mr. RYAN also introduced a bill (H. R. 487) relating to surveys of the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HOMESTEAD LAWS.

Mr. RYAN also introduced a bill (H. R. 488) to amend the homestead laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

UNORGANIZED TERRITORY SOUTH OF KANSAS.

Mr. RYAN also introduced a bill (H. R. 489) to extend the laws of the United States over certain unorganized territory south of the State of Kansas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BUILDING FOR GENERAL LAND OFFICE.

Mr. RYAN also introduced a bill (H. R. 490) to provide for the erection of a fire-proof building for the General Land Office; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. RYAN also introduced a bill (H. R. 491) to amend section 2 of an act making appropriations for the payment of arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes, approved March 3, 1879; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. RYAN also introduced a bill (H. R. 492) to equalize the bounties of soldiers and others who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOSSES BY INDIAN DEPREDATIONS.

Mr. RYAN also introduced a bill (H. R. 493) to provide for the appointment of commissioners to ascertain and report losses sustained by citizens of the United States by reason of Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM H. MORGAN.

Mr. RYAN also introduced a bill (H. R. 494) for the relief of William H. Morgan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN B. CHILDS.

Mr. RYAN also introduced a bill (H. R. 495) granting a pension to John B. Childs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA J. LOWERY.

Mr. RYAN also introduced a bill (H. R. 496) granting a pension to Rebecca J. Lowery, guardian; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES A. MORRIS.

Mr. RYAN also introduced a bill (H. R. 497) for the relief of Charles A. Morris; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH COMSTOCK.

Mr. RYAN also introduced a bill (H. R. 498) to reimburse Elizabeth Comstock customs dues paid by her on articles donated for the relief of colored refugees; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY A. KNAWBER.

Mr. RYAN also introduced a bill (H. R. 499) granting a pension to Mary A. Knawber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS H. SOWARD.

Mr. RYAN also introduced a bill (H. R. 500) for the relief of Thomas H. Soward; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HIRAM M. HOWARD.

Mr. RYAN also introduced a bill (H. R. 501) for the relief of Hiram M. Howard, of Richland, Kans.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIJAH CRUDGINGTON.

Mr. RYAN also introduced a bill (H. R. 502) for the relief of Elijah Crudgington; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HIRAM C. HENDERSON.

Mr. RYAN also introduced a bill (H. R. 503) granting a pension to Hiram C. Henderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AGRICULTURAL COLLEGES.

Mr. RYAN also introduced joint resolution (H. Res. 23) to authorize the Secretary of the Interior to certify lands for agricultural college purposes to the State of Kansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ENROLLED JOINT RESOLUTION.

Mr. WARNER, from the Committee on Enrolled Bills, reported he had examined and found truly enrolled joint resolution (H. Res. 1) extending the time fixed for the joint commission appointed to consider the number and salaries of officers and employés of the two Houses to submit their report; when the Speaker signed the same.

KANSAS PACIFIC RAILROAD.

Mr. ANDERSON introduced a bill (H. R. 504) to provide for the adjustment of the grant of lands made to aid in the construction of the Kansas Pacific Railroad, formerly the Leavenworth, Pawnee and Western Railroad; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

ATCHISON, TOPEKA AND SANTA FÉ RAILROAD.

Mr. ANDERSON also introduced a bill (H. R. 505) to provide for the adjustment of the grant of lands made to the State of Kansas to aid in the construction of the Atchison, Topeka and Santa Fé Railroad; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

PREVENTION OF UNJUST DISCRIMINATION.

Mr. ANDERSON also introduced a bill (H. R. 506) to prevent unjust discrimination by railroad companies, and subjecting them to the control of States under certain circumstances; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PAYMENT OF COSTS OF SURVEYING, ETC.

Mr. ANDERSON also introduced a bill (H. R. 507) to provide for the payment of costs of surveying and selecting certain lands granted by Congress to aid in the construction of certain railway and telegraph lines; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

ENLARGEMENT OF DEPARTMENT OF AGRICULTURE.

Mr. ANDERSON also introduced a bill (H. R. 508) to enlarge the powers and duties of the Department of Agriculture; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

AGRICULTURAL COMMISSION.

Mr. ANDERSON also introduced a bill (H. R. 509) to create an agricultural commission; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

NATIONAL AGRICULTURAL EXPERIMENT STATION.

Mr. ANDERSON also introduced a bill (H. R. 510) establishing a national agricultural experiment station in the District of Columbia; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

POSTAL TELEGRAPH.

Mr. ANDERSON also introduced a bill (H. R. 511) to create a postal telegraph in the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REDUCTION OF POSTAGE ON LOCAL LETTERS.

Mr. ANDERSON also introduced a bill (H. R. 512) to reduce the rate of postage on letters commonly known as drop or local letters to one cent; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COMPENSATION TO ROUTE AGENTS.

Mr. ANDERSON also introduced a bill (H. R. 513) to provide for the compensation of route agents and clerks in railway post-offices when disabled by accidents to railway trains; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SETTLERS ON PUBLIC LANDS.

Mr. ANDERSON also introduced a bill (H. R. 514) to provide for the relief of settlers on public lands under pre-emption laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SHORTENING PERIOD ON HOMESTEAD LANDS.

Mr. ANDERSON also introduced a bill (H. R. 515) to shorten the period required in homesteading public lands to two years; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AMENDMENT OF THURMAN SINKING FUND.

Mr. ANDERSON also introduced a bill (H. R. 516) to amend the Thurman sinking-fund act; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

IRA HAYWORTH.

Mr. ANDERSON also introduced a bill (H. R. 517) to re-examine the homestead claim of Ira Hayworth; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AGRICULTURAL COLLEGES.

Mr. ANDERSON also introduced a bill (H. R. 518) to amend the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FORT RILEY MILITARY RESERVATION.

Mr. ANDERSON also introduced a bill (H. R. 519) to provide for the sale to actual settlers of a portion of the Fort Riley military reservation, in the State of Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAYMENT TO OFFICERS FOR PROPERTY DESTROYED.

Mr. ANDERSON also introduced a bill (H. R. 520) for the payment of damages to officers stationed at Fort Riley, Kans., for property destroyed by cyclone, April 7, 1882; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN B. LUTE.

Mr. ANDERSON also introduced a bill (H. R. 521) for the relief of John B. Lute; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES GANNON.

Mr. ANDERSON also introduced a bill (H. R. 522) for the relief of James Gannon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. D. HOUSTON.

Mr. ANDERSON also introduced a bill (H. R. 523) for the relief of S. D. Houston; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSIAH H. PILLSBURY.

Mr. ANDERSON also introduced a bill (H. R. 524) for the relief of Josiah H. Pillsbury; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES M. CUNNINGHAM.

Mr. ANDERSON also introduced a bill (H. R. 525) for the relief of Charles M. Cunningham; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM S. THATCHER.

Mr. ANDERSON also introduced a bill (H. R. 526) for the relief of William S. Thatcher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONS TO SOLDIERS AND SAILORS IN CONFEDERATE PRISONS.

Mr. ANDERSON also introduced a bill (H. R. 527) granting pensions to certain Union soldiers and sailors of the late war of the rebellion who were confined in so-called confederate prisons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FANNY A. HENDRICK.

Mr. ANDERSON also introduced a bill (H. R. 528) to increase the pension of Fanny A. Hendrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. ANDREW.

Mr. ANDERSON also introduced a bill (H. R. 529) to increase the pension of William W. Andrew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH BELL.

Mr. ANDERSON also introduced a bill (H. R. 530) for the relief of Joseph Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALONSON FINK.

Mr. ANDERSON also introduced a bill (H. R. 531) granting a pension to Alonson Fink; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC PENDLEBURG.

Mr. ANDERSON also introduced a bill (H. R. 532) for the relief of Isaac Pendleburg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT H. SMITH.

Mr. ANDERSON also introduced a bill (H. R. 533) for the relief of Albert H. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. FAULK.

Mr. ANDERSON also introduced a bill (H. R. 534) for the relief of John H. Faulk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GODFRIED HAUG.

Mr. ANDERSON also introduced a bill (H. R. 535) granting a pension to Godfried Haug; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANKLIN PHILBRICK.

Mr. ANDERSON also introduced a bill (H. R. 536) for the relief of Franklin Philbrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIAH ELKINS.

Mr. ANDERSON also introduced a bill (H. R. 537) for the relief of Josiah Elkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHESTER F. HART.

Mr. ANDERSON also introduced a bill (H. R. 538) granting a pension to Chester F. Hart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB R. M'FARREN.

Mr. ANDERSON also introduced a bill (H. R. 539) granting a pension to Jacob R. McFarren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY C. WILLIAMS.

Mr. ANDERSON also introduced a bill (H. R. 540) granting a pension to Henry C. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DURANT F. HUNT.

Mr. ANDERSON also introduced a bill (H. R. 541) granting arrears of pension to Durant F. Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HANSON.

Mr. ANDERSON also introduced a bill (H. R. 542) granting a pension to Samuel Hanson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELISHA DRESSER.

Mr. ANDERSON also introduced a bill (H. R. 543) granting a pension to Elisha Dresser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PORTER B. HEWITT.

Mr. ANDERSON also introduced a bill (H. R. 544) granting a pension to Porter B. Hewitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. CARR.

Mr. ANDERSON also introduced a bill (H. R. 545) granting a pension to Charles H. Carr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. BANKS.

Mr. ANDERSON also introduced a bill (H. R. 546) granting a pension to John G. Banks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIAN H. STEINMEIER.

Mr. ANDERSON also introduced a bill (H. R. 547) granting a pension to Christian H. Steinmeier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED A. QUINN.

Mr. ANDERSON also introduced a bill (H. R. 548) for the relief of Alfred A. Quinn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS WAR OF 1812.

Mr. ANDERSON also introduced a bill (H. R. 549) to amend section 1 of an act approved March 9, 1878, granting pensions to surviving officers, soldiers, and their widows, of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

UNION PACIFIC RAILROAD COMPANY.

Mr. ANDERSON also submitted a resolution of inquiry as to the compliance of the Union Pacific Railroad Company with the Thurman act; which was referred to the Committee on Pacific Railroads.

GENERAL LAND OFFICE.

Mr. PERKINS introduced a bill (H. R. 550) to promote the efficiency of the General Land-Office; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. PERKINS also introduced a bill (H. R. 551) to amend section 2 of the act "making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," approved March 3, 1879; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEMUEL J. BENNETT.

Mr. PERKINS also introduced a bill (H. R. 552) granting a pension to Lemuel J. Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M. CAVES.

Mr. PERKINS also introduced a bill (H. R. 553) granting a pension to William M. Caves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH L. CALDWELL.

Mr. PERKINS also introduced a bill (H. R. 554) granting a pension to Joseph L. Caldwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GALLOUP.

Mr. PERKINS also introduced a bill (H. R. 555) granting a pension to John Galloup; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VALIDATION OF TITLES TO PUBLIC LANDS.

Mr. PETERS introduced a bill (H. R. 556) making certain titles to public lands in the hands of innocent holders valid; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN F. LEWIS.

Mr. PETERS also introduced a bill (H. R. 557) to restore John F. Lewis to the rank of first lieutenant Twenty-first United States Infantry and place him upon the retired-list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RAILWAY MAIL SERVICE.

Mr. PETERS also introduced a bill (H. R. 558) to pay dependent relatives of persons killed by accident, engaged in the railway mail service, and to compensate for injuries received; which was read a first

and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WILLIAM L. ROSE.

Mr. PETERS also introduced a bill (H. R. 559) for the relief of William L. Rose; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES DEXTER.

Mr. PETERS also introduced a bill (H. R. 560) for the relief of James Dexter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONS.

Mr. PETERS also introduced a bill (H. R. 561) granting pensions to all honorably discharged soldiers and sailors of the war of the rebellion who are now or may hereafter become 55 years of age; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. E. VAN TREES.

Mr. PETERS also introduced a bill (H. R. 562) granting a pension to H. E. Van Trees; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELKANAH HUDDLESTON.

Mr. PETERS also introduced a bill (H. R. 563) for the relief of Elkanah Huddleston, late first lieutenant Company A, First Regiment Kansas Colored Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS B. ATCHISON.

Mr. PETERS also introduced a bill (H. R. 564) for the relief of Thomas B. Atchison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN ROWDYBUSH.

Mr. PETERS also introduced a bill (H. R. 565) for the relief of Benjamin Rowdybush; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA BURCH.

Mr. PETERS also introduced a bill (H. R. 566) for the relief of Rebecca Burch, widow of a soldier of the Revolution; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SOLDIERS' HOME IN KANSAS.

Mr. PETERS also introduced a bill (H. R. 567) making appropriation for a home for indigent and disabled soldiers and sailors in Harvey County, State of Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INCREASED PENSIONS.

Mr. PETERS also introduced a bill (H. R. 568) granting to honorably discharged soldiers and sailors of the war of the rebellion, under disability from gunshot wounds equal to the loss of an arm or leg, increased pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REUBEN MARSHALL.

Mr. PETERS also introduced a bill (H. R. 569) granting a pension to Reuben Marshall; which was read a first and second time, referrred to the Committee on Invalid Pensions, and ordered to be printed.

M. H. CLEMENTS.

Mr. PETERS also introduced a bill (H. R. 570) granting a pension to M. H. Clements; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARTESIAN WELL IN KANSAS.

Mr. PETERS also introduced a bill (H. R. 571) for sinking an artesian well in Rush County, Kansas, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. HANBACK introduced a bill (H. R. 572) to amend section 2 of an act making appropriation for the payment of the arrears of pensions granted by act of Congress January 25, 1879, and for other purposes, approved March 3, 1879; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF TIMBER-CULTURE LAWS.

Mr. HANBACK also introduced a bill (H. R. 573) to repeal the timber-culture laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REPEAL OF THE PRE-EMPTION LAWS.

Mr. HANBACK also introduced a bill (H. R. 574) to repeal the pre-emption laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

UNLAWFUL INCLOSURE OF PUBLIC LANDS.

Mr. HANBACK also introduced a bill (H. R. 575) to prevent the unlawful inclosure of public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SAMUEL S. HITE.

Mr. HANBACK also introduced a bill (H. R. 576) for the relief of Samuel S. Hite; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CEMETERY SITE IN KIRWIN, KANS.

Mr. HANBACK also introduced a bill (H. R. 577) to donate a cemetery site on the public land to the city of Kerwin, in the State of Kansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FORT HAYS MILITARY RESERVATION.

Mr. HANBACK also introduced a bill (H. R. 578) to authorize the sale of a certain portion of the Fort Hays military reservation, Kansas, to the Ellis County Agricultural Society of Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEWIS CHRISTIE.

Mr. HANBACK also introduced a bill (H. R. 579) for the relief of Lewis Christie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMBER CULTURE.

Mr. HANBACK also introduced a bill (H. R. 580) amending an act to amend an act entitled "An act to encourage the growth of timber on western prairies," approved March 13, 1874; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. MORRILL introduced a bill (H. R. 581) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth, Kans.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAMUEL W. ROBINSON.

Mr. MORRILL also introduced a bill (H. R. 582) granting a pension to Samuel W. Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. KATHARINA T. WUNSH.

Mr. MORRILL also introduced a bill (H. R. 583) granting a pension to Mrs. Katharina T. Wunsh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM SEAMANS.

Mr. MORRILL also introduced a bill (H. R. 584) to increase the pension of William Seamans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM REINHARDT.

Mr. MORRILL also introduced a bill (H. R. 585) granting a pension to William Reinhardt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC A. MEYER.

Mr. MORRILL also introduced a bill (H. R. 586) for the relief of Isaac A. Meyer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES M'DONALD.

Mr. MORRILL also introduced a bill (H. R. 587) granting a pension to James McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY H. SPAULDING.

Mr. MORRILL also introduced a bill (H. R. 588) for the relief of Henry H. Spaulding; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN C. HUGHES.

Mr. MORRILL also introduced a bill (H. R. 589) granting a pension to John C. Hughes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK KITZMILLER.

Mr. MORRILL also introduced a bill (H. R. 590) granting a pension to Frank Kitzmiller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. BLAKE.

Mr. MORRILL also introduced a bill (H. R. 591) granting a pension to W. H. Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI ANDERSON.

Mr. MORRILL also introduced a bill (H. R. 592) granting increase of

pension to Levi Anderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, LEXINGTON, KY.

Mr. BLACKBURN introduced a bill (H. R. 593) to provide for the erection of a public building in the city of Lexington, Ky.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ELIZABETH CARSON.

Mr. BLACKBURN also introduced a bill (H. R. 594) for the relief of Elizabeth Carson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPORT OF HEALTH OFFICER, DISTRICT OF COLUMBIA.

Mr. BLACKBURN also introduced a joint resolution (H. Res. 24) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WILLIAM H. GRAY.

Mr. BLACKBURN also introduced a bill (H. R. 595) for the relief of William H. Gray, of Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WOMAN SUFFRAGE.

Mr. WHITE, of Kentucky, introduced a joint resolution (H. Res. 25) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RESTRICTIONS ON USE OF DISTILLED LIQUORS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 596) to lessen crime and human suffering from alcoholism by restricting the use of distilled spirits to scientific, mechanical, and medicinal purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMON SCHOOLS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 597) to aid in the support of common schools; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TRANSMISSION OF MERIDIAN TIME.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 598) to provide for transmitting the meridian time of the Naval Observatory at Washington to ports of entry and other cities, and for placing time-balls on custom-houses, for the protection of commerce and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WATER COMMUNICATION BETWEEN OHIO VALLEY AND SAVANNAH.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 599) appropriating $25,000 to survey a cheap transportation water route from Beattyville, Ky., via Cumberland Gap, to Savannah, Ga., with a view to establishing free water communication between the valley of the Ohio and the tide water at Savannah, Ga.; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

MONEY VALUE OF HOMESTEADS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 600) to enable soldiers and sailors to obtain in money the value of the homesteads to which they are entitled; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BOUNTIES AND PENSIONS TO HEIRS OF COLORED TROOPS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 601) providing for the payment of bounties and pensions to the heirs of colored troops serving in the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EMILY HUGHES, ALIAS BURCH.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 602) granting a pension to Emily Hughes, alias Burch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RACHEL NICKEL.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 603) granting a pension to Rachel Nickel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TABITHA BALL.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 604) granting a pension to Tabitha Ball; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOW OF MAJ. JOHN C. EVERSOLE.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 605) granting a pension to the widow of Maj. John C. Eversole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT BRYANT.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 606) granting a pension to Robert Bryant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH MAYNARD.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 607) granting a pension to Sarah Maynard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN SNIVELY.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 608) increasing the pension of Jonathan Snively; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

COL. JOHN DILS, JR.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 609) for the relief of Col. John Dils, jr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES F. BLUNT.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 610) for the relief of James F. Blunt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. J. PITZER.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 611) for the relief of T. J. Pitzer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ABIJAH B. GILBERT.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 612) for the benefit of Abijah B. Gilbert; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. ESTHER GEARHEART.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 613) permitting Mrs. Esther Gearheart to present for adjudication her claim against the United States Government in the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMILY B. CALDWELL.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 614) for the relief of Emily B. Caldwell, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH MARRS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 615) for the relief of Sarah Marrs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MILTON L. DAVIS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 616) for the relief of Milton L. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BAUGHMAN & WYATT.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 617) for the relief of Baughman & Wyatt; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILEY KIMBRELL.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 618) granting a pension to Wiley Kimbrell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. B. MOSELY.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 619) for the relief of M. B. Mosely; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOEL RYAN.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 620) for the relief of Joel Ryan, father of C. P. Ryan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. WILSON.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 621) for the relief of John H. Wilson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PATIENCE BEATTY.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 622) for the benefit of Patience Beatty; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN FRANKLIN AMOS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 623) for the relief of Benjamin Franklin Amos; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GRANVILLE EVANS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 624) for the relief of Granville Evans; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL MAY.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 625) for the relief of Samuel May; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM J. MAY.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 626) for the relief of William J. May; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. J. BOWMAN.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 627) for the relief of A. J. Bowman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACKSON COOMER.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 628) for the relief of Jackson Coomer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JESSE BAYLES.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 629) for the relief of Jesse Bayles; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT TO CONSTITUTION.

Mr. TURNER, of Kentucky, introduced a joint resolution (H. Res. 26) proposing an amendment to the Constitution requiring the yeas and nays on all appropriations exceeding $10,000; which was read a first and second time, referred to the Committee on Rules, and ordered to be printed.

PENSIONS TO SURVIVORS OF MEXICAN WAR.

Mr. TURNER, of Kentucky, also introduced a bill (H. R. 630) granting a pension to the survivors of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REPEAL OF TOBACCO TAX.

Mr. TURNER, of Kentucky, also introduced a bill (H. R. 631) to enable tobacco planters to sell the tobacco raised on their lands free from any internal-revenue tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABOLITION OF DUTY ON SALT.

Mr. TURNER, of Kentucky, also introduced a bill (H. R. 632) to abolish the duty on salt and put the same on the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABOLITION OF DUTY ON TRACE-CHAINS.

Mr. TURNER, of Kentucky, also introduced a bill (H. R. 633) to abolish the duty on trace-chains and put the same on the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABOLITION OF DUTY ON AGRICULTURAL IMPLEMENTS.

Mr. TURNER, of Kentucky, also introduced a bill (H. R. 634) to abolish the duty on all agricultural implements and place the same on the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MANUFACTURE OF WINE AND BRANDY.

Mr. TURNER, of Kentucky, also introduced a bill (H. R. 635) to authorize any one to manufacture grapes, peaches, or apples raised by him into wine or brandy free from any internal-revenue tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BRIDGE ACROSS OHIO RIVER.

Mr. TURNER, of Kentucky, also introduced a bill (H. R. 636) to authorize the construction of a bridge across the Ohio River at Paducah, Ky.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. M. BEST.

Mr. TURNER, of Kentucky, also (by request) introduced a bill (H. R. 637) for the relief of the estate of J. M. Best, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM PRITCHARD.

Mr. TURNER, of Kentucky, also (by request) introduced a bill (H. R. 638) for the relief of William Pritchard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M. HIGGINS.

Mr. TURNER, of Kentucky, also (by request) introduced a bill (H. R. 639) for the relief of John M. Higgins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. GATES LEE.

Mr. TURNER, of Kentucky, also (by request) introduced a bill (H. R. 640) for the relief of A. Gates Lee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HESTER V. BLACKBURN.

Mr. TURNER, of Kentucky, also (by request) introduced a bill (H. R. 641) granting a pension to Hester V. Blackburn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF H. CORTHS.

Mr. TURNER, of Kentucky, also (by request) introduced a bill (H. R. 642) for the benefit of the heirs of H. Corths; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PIUS A. COOMES.

Mr. ROBERTSON introduced a bill (H. R. 643) granting a pension to Pius A. Coomes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOT C. READ.

Mr. ROBERTSON also introduced a bill (H. R. 644) for the benefit of Lot C. Read, of Kentucky; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

AID TO COMMON SCHOOLS.

Mr. WILLIS introduced a bill (H. R. 645) to aid in the support of common schools; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

CIVIL-SERVICE REFORM.

Mr. WILLIS also introduced a bill (H. R. 646) to reform the civil service; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ALCOHOL, ETC., USED IN INDUSTRIAL PURSUITS.

Mr. WILLIS also introduced a bill (H. R. 647) to authorize the withdrawal from distillery warehouses without tax of alcohol and other spirits to be used in industrial pursuits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PENSIONS FOR MEXICAN AND INDIAN WARS.

Mr. WILLIS also introduced a bill (H. R. 648) granting pensions to the survivors of the Mexican and Indian wars; which was a read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BUREAU OF STATISTICS, ETC.

Mr. WILLIS also introduced a bill (H. R. 649) to establish a bureau of statistics and of labor and industries; which was read a first and second time, referred to the Committeee on Education and Labor, and ordered to be printed.

REBATE OF TAX ON TOBACCO.

Mr. WILLIS also introduced a bill (H. R. 650) to carry out the provisions of section 4 of the act of March 3, 1883, in regard to rebate of tax on tobacco; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

BRANCH MINT AT LOUISVILLE, KY.

Mr. WILLIS also introduced a bill (H. R. 651) to provide for the establishment of a branch mint of the United States at the city of Louisville, Ky.; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

BRANNIN, SUMMERS & CO.

Mr. WILLIS also introduced a bill (H. R. 652) for the relief of Brannin, Summers & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN B. DAVIS.

Mr. WILLIS also introduced a bill (H. R. 653) for the relief of John B. Davis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY S. COHN.

Mr. WILLIS also introduced a bill (H. R. 654) for the relief of Henry S. Cohn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

D. Q. ROUSSEAU.

Mr. WILLIS also introduced a bill (H. R. 655) for the relief of D. Q. Rousseau; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. FANNY S. CONWAY.

Mr. WILLIS also introduced a bill (H. R. 656) for the relief of Mrs.

Fanny S. Conway; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN FINZER & BROTHERS.

Mr. WILLIS also introduced a bill (H. R. 657) for the relief of John Finzer & Brothers; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WARREN MITCHELL.

Mr. WILLIS also introduced a bill (H. R. 658) for the relief of Warren Mitchell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH HAXTHAUSEN.

Mr. WILLIS also introduced a bill (H. R. 659) for the relief of Joseph Haxthausen; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HENRY S. COHN.

Mr. WILLIS also introduced a bill (H. R. 660) granting a pension to Henry S. Cohn; which was read a first and second time, referred to the on Committee Invalid Pensions, and ordered to be printed.

HEIRS OF KUNIGUNDA A. MILLER.

Mr. WILLIS also introduced a bill (H. R. 661) granting relief to the heirs of Kunigunda A. Miller, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANN SHEFFIELD.

Mr. WILLIS also introduced a bill (H. R. 662) granting a pension to Mrs. Ann Sheffield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KATE WILHARLITZ.

Mr. WILLIS also introduced a bill (H. R. 663) granting a pension to Kate Wilharlitz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GILBERT A. PHILIPS.

Mr. WILLIS also introduced a bill (H. R. 664) granting a pension to Gilbert A. Philips; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARA L. PREUSS.

Mr. WILLIS also introduced a bill (H. R. 665) granting a pension to Clara L. Preuss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY HOWARD.

Mr. WILLIS also introduced a bill (H. R. 666) granting a pension to Mary Howard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE D. BLAKEY.

Mr. HALSELL introduced a bill (H. R. 667) for the relief of George D. Blakey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PENSIONS FOR MEXICAN WAR.

Mr. WOLFORD introduced a bill (H. R. 668) granting pensions to certain soldiers and sailors of the Mexican wars therein named, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

INTERNAL-REVENUE TAXATION.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 669) to amend an act entitled "An act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. LEWIS introduced a bill (H. R. 670) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the grant therein named; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT OPELOUSAS, LA.

Mr. LEWIS also introduced a bill (H. R. 671) to provide for the construction of a public building at Opelousas, State of Louisiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN C. COFIELD.

Mr. HUNT introduced a bill (H. R. 672) to confirm the land claim of John C. Cofield, of Louisiana; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

INDEMNITY LAND SCRIP, ETC.

Mr. HUNT also introduced a bill (H. R. 673) to abrogate the powers of executive officers of the United States in allowing indemnity locations or scrip for confirmed unsatisfied private land claims under section 3 of the act of Congress approved June 2, 1858 (United States Statutes at Large, volume 11, pages 294 and 295, chapter 81), and to vest that power in the courts of the United States; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MISSISSIPPI RIVER COMMISSION.

Mr. KING introduced a bill (H. R. 674) making appropriation for the payment of the services and examinations and the necessary salary and other expenses of the Mississippi River Commission for the fiscal year ending June 30, 1884; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

EQUALIZATION OF PAY OF GOVERNMENT EMPLOYÉS.

Mr. KING also introduced a bill (H. R. 675) to equalize the rate of pay of male and female employés of the Government; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ELLEN M. YZNAGA DEL VALLE.

Mr. KING also introduced a bill (H. R. 676) for the relief of Ellen M. Yznaga del Valle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT MONROE, LA.

Mr. KING also introduced a bill (H. R. 677) for a public building at Monroe, La.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PENSIONS FOR MEXICAN WAR, ETC.

Mr. KING also introduced a bill (H. R. 678) to provide pensions to the soldiers and sailors of the Mexican war and of the Indian wars of 1836, &c.; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SHELLEY. I move that the House now adjourn; the call of States for introduction of bills can be completed to-morrow.

Mr. TALBOTT. I move that when the House adjourn to-day it be to meet on Thursday next.

The motion of Mr. TALBOTT was not agreed to.

Mr. TALBOTT. I now ask unanimous consent that the call of States be continued to-morrow until completed.

Mr. SHELLEY. I will withdraw the motion to adjourn.

The SPEAKER. The motion to adjourn is withdrawn. The gentleman from Maryland [Mr. TALBOTT] asks unanimous consent that the call of States and Territories for the introduction of bills be resumed to-morrow as of to-day.

There was no objection, and it was ordered accordingly.

TERMS OF CONGRESS.

Mr. BLANCHARD introduced a bill (H. R. 679) establishing the time when the terms of Congress shall begin and end and when Congress shall meet; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE W. MORSE.

Mr. BLANCHARD also introduced a bill (H. R. 680) for the relief of George W. Morse; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

FRED. PHILLIPS.

Mr. BLANCHARD also introduced a bill (H. R. 681) for the relief of Fred. Phillips; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

L. MADISON DAY.

Mr. ELLIS introduced a bill (H. R. 682) for the relief of L. Madison Day; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALABAMA CLAIMS.

Mr. ELLIS also introduced a bill (H. R. 683) amendatory of and supplementary to an act entitled "An act to re-establish the Court of Commissioners of Alabama Claims and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELIZA E. HERBERT.

Mr. ELLIS also introduced a bill (R. H. 684) for the relief of Mrs. Eliza E. Herbert; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRIAL OF PATRICK O'DONNELL.

Mr. SHELLEY. I move that the House adjourn.

Mr. HEWITT, of New York. I ask the gentleman to give way for a moment that I may obtain unanimous consent to present a resolution.

Mr. SHELLEY. I withdraw the motion.

Mr. HEWITT, of New York. I ask unanimous consent that the resolution which I send to the desk may be read and put upon its passage.

The SPEAKER. This call can only be interrupted by unanimous

consent. Is there objection to interrupting it for the purpose indicated by the gentleman from New York? The Chair hears none.

Mr. ANDERSON. Let the resolution be read, the right to object being reserved.

The Clerk read as follows:

Resolved, That this House brings to the notice of the President the case of Patrick O'Donnell, claiming to be a citizen of the United States and now under sentence of death in Great Britain, in the hope that the President may secure such reasonable delay in the execution of the sentence as will enable the President to ascertain whether the said O'Donnell is a citizen of the United States, and if so, whether he was tried and convicted in accordance with the provisions of the municipal law of Great Britain and with the requirements of international law.

There being no objection, the resolution was considered and adopted.

Mr. HEWITT, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS. It is now about 4 o'clock. I move that the House adjourn; and I hope the adjournment will be had upon the understanding that the call of States for the introduction of bills and resolutions be resumed to-morrow.

The SPEAKER. That has been agreed to.

Mr. SPRINGER. I ask unanimous consent to offer a resolution in regard to the printing of private bills. [Cries of "Regular order!"]

The question being taken on the motion of Mr. MILLS, it was not agreed to; there being—ayes 88, noes 100.

IMMIGRATION.

Mr. REED introduced a bill (H. R. 685) to amend the three hundred and seventy-sixth chapter, laws of 1882, entitled "An act to regulate immigration;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES DISTRICT COURT IN MAINE.

Mr. REED also introduced a bill (H. R. 686) to fix the time for holding the district court in the district of Maine; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

VICTOR BEAUBOUCHER.

Mr. REED also introduced a bill (H. R. 687) for the relief of Victor Beauboucher; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

GEORGE S. HUNT.

Mr. REED also introduced a bill (H. R. 688) for the relief of George S. Hunt; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PHINNEY & JACKSON.

Mr. REED also introduced a bill (H. R. 689) for the relief of Phinney & Jackson; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUDLEY HALL & CO.

Mr. REED also introduced a bill (H. R. 690) for the relief of Dudley Hall & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM W. THOMAS.

Mr. REED also introduced a bill (H. R. 691) for the relief of William W. Thomas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMERICAN MERCHANT MARINE.

Mr. DINGLEY introduced a bill (H. R. 692) to remove certain burdens on the American merchant marine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BUREAU OF COMMERCE AND NAVIGATION.

Mr. DINGLEY also introduced a bill (H. R. 693) to constitute a bureau of commerce and navigation in the Treasury Department; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PILOTAGE.

Mr. DINGLEY also introduced a bill (H. R. 694) relating to pilots and pilotage; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMERICAN SHIP-BUILDING.

Mr. DINGLEY also introduced a bill (H. R. 695) to encourage American ship-building for the foreign carrying trade; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATHANIEL WOODS.

Mr. DINGLEY also introduced a bill (H. R. 696) granting a pension to Nathaniel Woods, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM H. DOUGHTY.

Mr. DINGLEY also introduced a bill (H. R. 697) to remove the charge of desertion against William H. Doughty; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL D. BAILEY AND OTHERS.

Mr. DINGLEY also introduced a bill (H. R. 698) for the relief of Samuel D. Bailey and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEVA C. LANE.

Mr. DINGLEY also introduced a bill (H. R. 699) granting a pension to Neva C. Lane; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GRAND TRUNK RAILWAY, OF CANADA.

Mr. DINGLEY also introduced a bill (H. R. 700) for the relief of the Grand Trunk Railway, of Canada; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RELIEF FROM COMPULSORY PILOT FEES.

Mr. MILLIKEN introduced a bill (H. R. 701) to relieve ships and vessels from compulsory pilot fees; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, AUGUSTA, ME.

Mr. MILLIKEN also introduced a bill (H. R. 702) for the erection of a public building in the city of Augusta, Me.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FRENCH SPOLIATIONS AND CLAIMS.

Mr. MILLIKEN also introduced a bill (H. R. 703) to provide for the ascertainment of claims of American citizens for the spoliations committed by the French prior to the 31st day of July, 1801; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CHARLES O. M'KINNEY.

Mr. MILLIKEN also introduced a bill (H. R. 704) granting a pension to Charles O. McKinney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMORY S. WARDWELL.

Mr. MILLIKEN also introduced a bill (H. R. 705) for the relief of Emory S. Wardwell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIG OLIVE FRANCES AND OTHERS.

Mr. BOUTELLE introduced a bill (H. R. 706) for the relief of the owners and officers of the brig Olive Frances, and others on the said brig; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT HOULTON, ME.

Mr. BOUTELLE also introduced a bill (H. R. 707) to provide for the erection of a public building at the town of Houlton, Me.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ELLA I. SMALL.

Mr. BOUTELLE also introduced a bill (H. R. 708) granting a pension to Ella I. Small; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT L. WILLEY.

Mr. BOUTELLE also introduced a bill (H. R. 709) granting a pension to Robert L. Willey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AURELIA F. ROBBINS.

Mr. BOUTELLE also introduced a bill (H. R. 710) granting a pension to Aurelia F. Robbins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGES ACROSS SAINT JOHN AND SAINT FRANCIS RIVERS.

Mr. BOUTELLE also introduced a bill (H. R. 711) for the construction of bridges across the Saint John and Saint Francis Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

APPOINTMENT OF CADETS TO THE NAVAL ACADEMY.

Mr. TALBOTT introduced a bill (H. R. 712) to regulate and provide for the appointment of cadets to the Naval Academy at Annapolis; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HEIRS OF WILLIAM B. MUSE.

Mr. TALBOTT also introduced a bill (H. R. 713) for the relief of

the heirs of William B. Muse, acting lieutenant United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ABRAM T. SHERTZER.

Mr. TALBOTT also introduced a bill (H. R. 714) for the relief of Abram T. Shertzer, late surgeon's steward United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HEIRS OF WILLIAM B. MUSE.

Mr. TALBOTT also introduced a bill (H. R. 715) for the relief of the heirs of William B. Muse; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SAMUEL CHASE BARNEY.

Mr. TALBOTT also introduced a bill (H. R. 716) for the relief of Samuel Chase Barney; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BARBARA CHENOWITH.

Mr. TALBOTT also introduced a bill (H. R. 717) for the relief of Barbara Chenowith; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TRUSTEES OF ISAAC R. TRIMBLE.

Mr. TALBOTT also introduced a bill (H. R. 718) for the relief of the trustees of Isaac R. Trimble, of the city of Baltimore, Md.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF AUGUSTUS W. BRADFORD.

Mr. TALBOTT also introduced a bill (H. R. 719) for the relief of the heirs of the late Augustus W. Bradford; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARYLAND AND DELAWARE FREE SHIP-CANAL.

Mr. HOBLITZELL introduced a bill (H. R. 720) to provide for the construction of the Maryland and Delaware Free Ship-Canal as a means of military and naval defense, and for commercial purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

NORTH GERMAN LLOYD STEAMSHIP COMPANY.

Mr. HOBLITZELL also introduced a bill (H. R. 721) for the relief of the North German Lloyd Steamship Company; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABRAHAM BRAFMAN.

Mr. HOBLITZELL also introduced a bill (H. R. 722) to relieve Abraham Brafman from a forfeiture under the internal-revenue laws; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES H. AYERS.

Mr. HOBLITZELL also introduced a bill (H. R. 723) for the relief of James H. Ayers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH H. G. RUTTER.

Mr. HOBLITZELL also introduced a bill (H. R. 724) for the relief of Joseph H. G. Rutter; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM EBERT.

Mr. HOBLITZELL also introduced a bill (H. R. 725) to remove the charge of desertion from the roll of the Adjutant-General's Office against William Ebert; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT BROWN.

Mr. HOBLITZELL also introduced a bill (H. R. 726) granting a pension to Robert Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JANE G. SULLIVAN.

Mr. HOBLITZELL also introduced a bill (H. R. 727) granting a pension to Jane G. Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL JAMISON.

Mr. HOBLITZELL also introduced a bill (H. R. 728) granting a pension to Daniel Jamison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNIE LIEUTAND.

Mr. HOBLITZELL also introduced a bill (H. R. 729) granting a pension to Annie Lieutand; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARIA SHULZ.

Mr. HOBLITZELL also introduced a bill (H. R. 730) granting a pension to Maria Shulz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY DUNKEL.

Mr. HOBLITZELL also introduced a bill (H. R. 731) granting a pension to Mary Dunkel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WEDDINGFIELD.

Mr. HOBLITZELL also introduced a bill (H. R. 732) granting a pension to William Weddingfield, of Maryland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBATE ON TOBACCO, ETC.

Mr. FINDLAY introduced a bill (H. R. 733) for the relief of dealers in tobacco by appropriating a sum of money for the payment of the rebate or drawback allowed by act of Congress, chapter 121, approved March 3, 1883, and entitled "An act to reduce internal-revenue taxation, and for other purposes;" which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ORVILLE HORWITZ.

Mr. FINDLAY also introduced a bill (H. R. 734) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EDMUND WOLF.

Mr. FINDLAY also introduced a bill (H. R. 735) for the relief of Edmund Wolf; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES HOOPER.

Mr. FINDLAY also introduced a bill (H. R. 736) for the relief of James Hooper; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JULIET LEEF AND OTHERS.

Mr. COVINGTON introduced a bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES H. CONARD.

Mr. COVINGTON also introduced a bill (H. R. 738) granting a pension to Charles H. Conard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES L. COLE.

Mr. McCOMAS introduced a bill (H. R. 739) for the relief of Charles L. Cole; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL S. LOY.

Mr. McCOMAS also introduced a bill (H. R. 740) for the relief of Daniel S. Loy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTIONS 1059, 1069, AND 1079 OF REVISED STATUTES.

Mr. McCOMAS also introduced a bill (H. R. 741) to amend sections 1059, 1069, and 1079 of the Revised Statutes of the United States as they now stand; which was read a first and second time, referred to the Committee on Revision of the Laws, and ordered to be printed.

COLOR BLINDNESS.

Mr. LYMAN introduced a joint resolution (H. Res. 27) relating to color blindness and visual acuteness in persons employed in the Navy and merchant marine; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BANKRUPTCY.

Mr. MORSE introduced a bill (H. R. 742) to establish a uniform system of bankruptcy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RETIREMENT OF NAVAL OFFICERS.

Mr. MORSE also introduced a bill (H. R. 743) for the retirement of certain naval officers; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

FEDERAL ELECTIONS.

Mr. MORSE also (by request) introduced a bill (H. R. 744) concerning Federal elections; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FRENCH SPOLIATIONS.

Mr. MORSE also introduced a bill (H. R. 745) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

STANDARD SILVER DOLLARS.

Mr. MORSE also introduced a bill (H. H. 746) repealing the provisions authorizing the coinage of the standard silver dollar of the act of February 28, 1878; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

FANNIE S. BEAUMONT.

Mr. MORSE also introduced a bill (H. R. 747) granting a pension to Fannie S. Beaumont; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COURT-HOUSE AT BOSTON, MASS.

Mr. MORSE also introduced a bill (H. R. 748) for the sale of the United States court-house at Boston, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

URIEL CROCKER.

Mr. MORSE also introduced a bill (H. R. 749) for the relief of Uriel Crocker; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

OFFICERS AND CREW OF UNITED STATES SLOOP CUMBERLAND.

Mr. MORSE also introduced a bill (H. R. 750) for the relief of the officers and crew of the United States sloop of war Cumberland who engaged the Merrimac on the 8th of March, 1862, and went down with her colors flying; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NATIONAL BANK OF NEWTON, MASS.

Mr. MORSE also introduced a bill (H. R. 751) making an appropriation for the relief of the National Bank of Newton, Mass.; which was read a first and second time, and referred to the Committee on the Judiciary.

CHARLES SLAWSON.

Mr. MORSE also introduced a bill (H. R. 752) amending an act granting a pension to Charles Slawson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EMPLOYMENT OF CONVICT LABOR.

Mr. MORSE also presented a resolution of the Commonwealth of Massachusetts concerning the employment of convict labor on the works of the property of the United States; which was referred to the Committee on Education and Labor.

CENSURE OF HON. OAKES AMES.

Mr. MORSE also presented a resolution of the Commonwealth of Massachusetts relating to the resolutions of the Forty-second Congress censuring Hon. Oakes Ames; which was referred to the Committee on Rules.

FRENCH SPOLIATION CLAIMS.

Mr. MORSE also presented a resolution of the Commonwealth of Massachusetts relating to the French spoliation claims; which was referred to the Committee on Foreign Affairs.

CHELSEA NAVAL HOSPITAL.

Mr. MORSE also introduced a joint resolution (H. Res. 28) for the sale of the naval hospital at Chelsea, Mass.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BOOKS FOR THE BLIND.

Mr. MORSE also introduced a joint resolution (H. Res. 29) providing for the importation into the United States, duty free, of books printed for the use of the blind; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AGNES W. AND SARAH J. HILLS.

Mr. LONG introduced a bill (H. R. 753) for the relief of Agnes W. and Sarah J. Hills; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATHAN Y. DUNPHE.

Mr. LONG also introduced a bill (H. R. 754) for the relief of Nathan Y. Dunphe, of Bridgewater, in the State of Massachusetts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN HAWKES.

Mr. LONG also introduced a bill (H. R. 755) for the relief of Benjamin Hawkes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY ANN MURPHY.

Mr. LONG also introduced a bill (H. R. 756) granting a pension to Mary Ann Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

URIEL CROCKER.

Mr. LONG also introduced a bill (H. R. 757) for the relief of Uriel Crocker; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM MAGEE.

Mr. ROBINSON, of Massachusetts, introduced a bill (H. R. 758) to authorize the restoration of William Magee to the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATRICK DRONEY.

Mr. ROBINSON, of Massachusetts, also introduced a bill (H. R. 759) granting a pension to Patrick Droney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WATSON S. BENTLEY.

Mr. ROBINSON, of Massachusetts, also introduced a bill (H. R. 760) granting additional pension to Watson S. Bentley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALLACE ORTON.

Mr. ROBINSON, of Massachusetts, also introduced a bill (H. R. 761) for the relief of Wallace Orton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON.

Mr. ROBINSON, of Massachusetts, also introduced a bill (H. R. 762) granting condemned ordnance to the Otis Chapman Post, Grand Army of the Republic, No. 103, of Chicopee, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOIS M. BUELL.

Mr. ROBINSON, of Massachusetts, also introduced a bill (H. R. 763) granting a pension to Lois M. Buell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HONORA M'CARTHY.

Mr. ROBINSON, of Massachusetts, also introduced a bill (H. R. 764) granting a pension to Honora McCarthy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMILY AGNEL.

Mr. ROBINSON, of Massachusetts, also introduced a bill (H. R. 765) for the relief of Emily Agnel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REUBEN H. FITTS.

Mr. RUSSELL introduced a bill (H. R. 766) granting a pension to Reuben H. Fitts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTOPHER FLYNN.

Mr. RUSSELL also introduced a bill (H. R. 767) for the relief of Christopher Flynn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOPHIA LOWE HOOLE.

Mr. RUSSELL also introduced a bill (H. R. 768) for the relief of Sophia Lowe Hoole; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM R. BOAG.

Mr. COLLINS introduced a bill (H. R. 769) for the relief of William R. Boag; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COPYRIGHT.

Mr. COLLINS also introduced a bill (H. R. 770) to extend the privileges of the copyright acts to persons not citizens of, nor domiciled in, the United States; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

NATIONAL BANK CIRCULATION.

Mr. WHITING introduced a bill (H. R. 771) to repeal all taxes on the circulation of national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. WHITING also introduced a bill (H. R. 772) to fix the amount of circulating notes which may be issued to national banking associations on deposit of bonds; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIAM P. RANDALL.

Mr. DAVIS, of Massachusetts, introduced a bill (H. R. 773) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HELEN C. MULFULL.

Mr. DAVIS, of Massachusetts, also introduced a bill (H. R. 774)

granting a pension to Helen C. Mulfull; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRENCH SPOLIATIONS.

Mr. STONE introduced a bill (H. R. 775) providing for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

HEIRS OF N. AND M. A. FOUQUET.

Mr. STONE also introduced a bill (H. R. 776) for the relief of the heirs of Nicolas and Marc Antoine Fouquet; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZA ATKINS MERCHANT.

Mr. STONE also introduced a bill (H. R. 777) granting a pension to Eliza Atkins Merchant; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CLAIMS.

Mr. STONE also introduced a bill (H. R. 778) to authorize the accounting officers of the Treasury to pass upon certain claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. RICE (by Mr. STONE) introduced a bill (H. R. 779) to establish a board of commissioners of interstate commerce, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CONGRESSIONAL LIBRARY.

Mr. RICE also (by Mr. STONE) introduced a bill (H. R. 780) authorizing the construction of a building for the additional accommodation of the Congressional Library; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

INTEROCEANIC CANAL.

Mr. RICE also (by Mr. STONE) introduced a joint resolution (H. Res. 30) declaring the policy of the United States in reference to an interoceanic canal; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CHINESE INDEMNITY FUND.

Mr. RICE also (by Mr. STONE) introduced a joint resolution (H. Res. 31) for the disposition of the Chinese indemnity fund; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ROBERT HUNT.

Mr. LOVERING introduced a bill (H. R. 781) for the relief of Sergeant of Ordnance Robert Hunt, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MORRISON moved that the House adjourn.

Pending the motion the following business was transacted by unanimous consent:

LEAVE OF ABSENCE.

Mr. GRAVES obtained leave of absence for ten days, on account of illness in his family;

Mr. HENDERSON, of Illinois, for ten days, on account of the dangerous illness of his brother.

WITHDRAWAL OF PAPERS.

Mr. HALSELL obtained leave to withdraw from the files papers in the case of William Watkins for reference to the Committee on Claims, there having been no adverse report.

Mr. MAYBURY obtained leave to withdraw papers filed with House bill 746 of the Forth-seventh Congress, entitled "An act to authorize the Commissioner of the General Land Office to sell certain overflowed and unsurveyed lands in Saint Clair County, Michigan."

Mr. CALDWELL obtained leave to withdraw from the files papers in the case of Andrew J. Duncan, of Nashville, Tenn., for reference to the Committee on War Claims, there having been no adverse report.

Mr. FOLLETT obtained leave to withdraw from the files papers in the case of Peter Marche and others for reference to the Secretary of the Treasury, there having been no adverse report.

The motion of Mr. MORRISON was then agreed to; and accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Paper relating to the claim of William H. Brown, of James Henderson, of William F. Moore, and of Thomas J. Whitaker—severally to the Committee on War Claims.

By Mr. BARBOUR: The petition of Benjamin W. Hunter, for relief—to the Committee on Military Affairs.

By Mr. BISBEE, JR.: Paper asking an appropriation for the improvement of rivers and harbors in the State of Florida—to the Committee on Commerce.

By Mr. BLACKBURN: The petition of Elizabeth Carson, for relief—to the Committee on Claims.

Also, the petition of Susan Buford Edson, widow of Maj. Theodore Edson, deceased, for increase of pension; also, the petition of Sanford Goin, for a pension—severally to the Committee on Invalid Pensions.

By Mr. CALDWELL: The petition of Edward Ganaway, administrator of the estate of Andrew J. Duncan, deceased, for relief—to the Committee on War Claims.

By Mr. CALKINS: Paper relating to an appropriation of $125,000 to aid in the construction of a harbor at Michigan City, Ind.—to the Committee on Commerce.

Also, papers relating to the pension claim of John W. Cummins—to the Committee on Invalid Pensions.

By Mr. COLLINS: The petition of the city of Boston for an act ceding Castle Island, in Boston harbor, to the city of Boston for park purposes—to the Committee on Public Buildings and Grounds.

Also, the petition of members of John A. Andrews Post, Grand Army of the Republic, for amendment of section 4832 Revised Statutes, so as to provide that volunteers in the Navy in the last war may be admitted to the soldiers' homes upon the same terms as volunteer soldiers—to the Committee on Military Affairs.

By Mr. S. S. COX: Papers relating to the pension claim of J. C. F. Beyland—to the Committee on Invalid Pensions.

Also, the petition of Patrick Haney, for relief—to the Committee on Pensions.

By Mr. R. T. DAVIS: The petition of Eliza A. Perry, for increase of pension to widows and dependent relatives of persons for military services now receiving less than $12 per month—to the Committee on Invalid Pensions.

By Mr. DIBRELL: Papers relating to the claim of Hardie R. Brown, of Lucinda Bullington, and of James M. Thomas—severally to the Committee on Military Affairs.

Also, the petition of Thomas S. Fagg and of Jane M. Goodall, for relief—severally to the Committee on War Claims.

Also, papers relating to the claim of Simeon S. Barrett; of A. M. Cate, W. T. Cate, and others; of the First Baptist Church of Chattanooga, Tenn.; of Col. William Clift, of William Clift, of James W. Eastwood, and of Asa Faulkner—severally to the same committee.

By Mr. DOWD: Paper relating to an appropriation for the improvement of the navigation of Pee Dee River, in North Carolina—to the Committee on Commerce.

By Mr. DUNHAM: Paper relating to the claim of Denton & Sage—to the Committee on Claims.

By Mr. DUNN: Papers relating to the claim of James M. Barker, of Elias R. Carr, of Hugh Core, of W. S. Jennings, of Philip R. Jones, of Harmon Mickle, of Elizabeth B. Higgins, Joel Higgins, and Brand Higgins, of Thomas A. Moore and of Ransom Thompson—severally to the Committee on War Claims.

Also, paper relating to the repair and preservation of certain works on the Mississippi River—to the Committee on Commerce.

By Mr. EATON: The petition of Joseph Dawson, for a pension—to the Committee on Pensions.

By Mr. ELLIS: The petition of Peter Keveney, for relief—to the Committee on War Claims.

Also, papers relating to the claim of L. Madison Day—to the Committee on Claims.

By Mr. ERMENTROUT: The petition of the Berks County (Pennsylvania) Medical Society, for the erection of a suitable building for the use of the medical museum and library—to the Committee on Public Buildings and Grounds.

By Mr. FOLLETT: The petition of Mrs. Hannah C. Grandin, administratrix of the estate of John H. Pratt, deceased—to the Committee on Claims.

Also, papers relating to the claim of Hiram D. Rogers and of Josiah Shinkle for saving Government property—severally to the Committee on War Claims.

By Mr. FORNEY: Paper relating to an appropriation to continue the work on the Coosa River, in the States of Alabama and Georgia; also, relating to the work on the Tennessee River—severally to the Committee on Commerce.

By Mr. FINERTY: Papers relating to the claim of George F. Roberts, administrator of the estate of W. B. Thayer—to the Committee on Ways and Means.

By Mr. HALSELL: The petition of Jacob Duvall and of James F. Ewing, for compensation for property taken and used by the United States Army during the late war—severally to the Committee on War Claims.

By Mr. HARMER: Papers relating to the pension claims of James McKean and of Mary A. Elliott—severally to the Committee on Invalid Pensions.

By Mr. A. S. HEWITT: The petition of George S. Cox, president of the United States Banking Association, and other leading bankers and business men of New York, representing over $750,000,000 active com-

mercial capital, requesting Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving Harlem River, New York—to the Committee on Commerce.

By Mr. HURD: The petition of Harry S. Kellogg, for relief—to the Committee on Military Affairs.

By Mr. HUTCHINS: The petition of Alexander Hamilton, for a pension—to the Committee on Invalid Pensions.

By Mr. NELSON: The resolutions adopted by the Board of Trade of Duluth relative to the bill to establish a bureau of mercantile marine in the Navy Department, &c.; also, the petition of the Saint Paul Chamber of Commerce relative to the Mississippi River improvements—severally to the Committee on Commerce.

Also, the resolutions adopted by the board of directors of the Chamber of Commerce of Saint Paul relative to the withdrawal from circulation of the trade-dollar—to the Committee on Banking and Currency.

Also, the resolutions adopted by the Chamber of Commerce of Saint Paul relative to the improvement of the Mississippi River—to the Committee on Levees and Improvement of the Mississippi River.

Also, the petition of Mrs. Sarah B. Stearns, President of the Woman's Suffrage Association of Minnesota, and others, relative to female suffrage—to the Committee on the Judiciary.

Also, papers relating to the pension claim of Anna Lindblom—to the Committee on Pensions.

By Mr. NICHOLLS: The petition of citizens of McIntosh, Ga., relative to the abolition of the tax on alcohol—to the Committee on Ways and Means.

Also, papers relating to the improvement of the harbor of Brunswick, of the harbor of Savannah, and of the improvement of the navigation of Romley Marsh, in the State of Georgia—severally to the Committee on Commerce.

By Mr. KASSON: The resolutions adopted by the Iowa State Medical Society, praying for an appropriation for the erection of a building for the medical library and museum—to the Committee on Appropriations.

By Mr. KING: Paper relating to the improvement of the Mississippi River from the head of the passes to Cairo, including the harbors of New Orleans, Vidalia, Natchez, Vicksburg, Delta Point, and Memphis—to the Committee on Commerce.

By Mr. LOVERING: The petition of George H. Payne and others, for an amendment to section 4214, chapter 133, Revised Statutes, so as to include all unlicensed vessels under five tons—to the same committee.

By Mr. MAYBURY: The petition of John Casbey, for relief—to the Committee on Claims.

By Mr. McCOMAS: The petition of Judges John T. Lowe, John H. Keller, and others, citizens of Frederick County, Maryland, asking cognizance of war claims barred by limitations and rejected on *ex parte* proof—to the Committee on War Claims.

By Mr. MILLIKEN: The petition of Ansel Potter, for a pension—to the Committee on Invalid Pensions.

By Mr. MILLARD: The petition of Sophronia E. Bucklin, for a pension—to the same committee.

Also, the petition of manufacturers, merchants, and business men of Binghamton, N. Y., for the enactment of a bankrupt law—to the Committee on the Judiciary.

By Mr. MILLS: The petition of Henrietta M. Sands, widow of the late Benjamin F. Sands, rear-admiral United States Navy, for increase of pension—to the Committee on Invalid Pensions.

By Mr. MOREY: The petition of Thomas Worthington, of Ohio, for relief—to the Committee on War Claims.

Also, the petition of Robert N. Evans and others, for the establishment of a post-route from Hamilton to Okeana, Butler County, Ohio—to the Committee on the Post-Office and Post-Roads.

By Mr. MORSE: The petition of the Massachusetts State Pharmaceutical Association, asking for an appropriation for the introduction and cultivation of foreign medicinal plants and for the better protection of indigenous medicinal plants—to the Committee on Agriculture.

By Mr. MURRAY: The petition of James Roden, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Hugh Ward, for a pension—to the same committee.

By Mr. OATES: Paper relative to the obstruction of the navigable waters of the United States—to the Committee on the Judiciary.

By Mr. J. J. O'NEILL: The petition of James E. Gibson, M. D., and others, relative to the construction of a bridge at Chain of Rocks, North Saint Louis—to the Committee on Commerce.

Also, the petition of the Union Veteran Army, praying for a grant of 160 acres of land for discharged soldiers and a pension for soldiers confined in confederate prisons—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

Also, the petition of Capt. John Reilly, John F. Smith, Joseph W. Mullin, Edward Cole, and Edward Donahoe, for relief—to the Committee on Claims.

By Mr. PIERCE: Papers relating to the claim of W. A. Allison; of Joshua Baker; of L. R. Barnwell; of James A. Bowling; of J. B. Bradbury; of William H. Bryan; of John M. Campbell; of J. J. Farron; of Richard Hill; of the trustees of Humboldt Female College, of Gibson County, Tennessee; of L. C. Nolen; of G. H. Ramsey; of John A. Roe; of George W. Sims; of Robert Talley—severally to the Committee on War Claims.

Also, the petition of J. T. Peck, for compensation for property taken and used by the United States Army during the late war—to the same committee.

By Mr. POST: The petition of Charles N. Warner, for restoration to the Army—to the Committee on Military Affairs.

By Mr. PRYOR: Papers relating to the claim of Perry A. Leatherberry—to the Committee on Claims.

By Mr. RANNEY: The petition of the mail-carriers of the city of Boston, for an increase of salary—to the Committee on the Post-Office and Post-Roads.

Also, the petition of Sarah Winnemucca Hopkins, Wendell Phillips, and others, relating to the Piute Indians—to the Committee on Indian Affairs.

By Mr. OSSIAN RAY: The resolutions of the New Hampshire Medical Society, praying for an appropriation to provide a fire-proof building for the medical library and museum of the Surgeon-General's Office at Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. REED: The petition of Lyman D. Spalding, for relief on account of the death of his son, Lyman G. Spalding, a lieutenant in the Navy—to the Committee on Naval Affairs.

Also, papers relating to the pension claim of Matilda A. Lake—to the Committee on Invalid Pensions.

By Mr. RIGGS: Two petitions, for the improvement of the navigation of the Mississippi River—severally to the Committee on Commerce.

By Mr. G. D. ROBINSON: The petition of Benjamin F. Adams, for relief—to the Committee on Claims.

By Mr. ROGERS: Papers relating to the claim of Franklin Lee and Charles F. Dunbar—to the same committee.

By Mr. ROSECRANS: Memorial of General Ward B. Burnett, praying that payment may be ordered of his increased pension of $50 per month, granted by special act of Congress, approved March 3, 1879, but withheld since June 4, 1882—to the same committee.

Also, the petition of Cornelia A. Stanly, widow of Fabius Stanly, rear-admiral United States Navy, for increase of pension—to the Committee on Naval Affairs.

Also, the petition of the naval cadets, asking that the law regulating appointments in the Navy be changed, so that the act of March 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service in each year shall not apply to those classes which were in the service at the time of the passage of said act—to the same committee.

By Mr. SPRINGER: Papers relating to the pension claim of Captain Alexander Wright—to the Committee on Invalid Pensions.

By Mr. STOCKSLAGER: Paper relative to the improvement of the channel of the Ohio River—to the Committee on Commerce.

By Mr. J. M. TAYLOR: Papers relating to the claim of Greenbery Adamson, of Alfred Gardner, of W. C. McHaney, of Louisa Merrieweather, of James M. Priddy, of Isaiah Sweat, and of A. Thompson, administrator of the estate of John N. Barnett—severally to the Committee on War Claims.

Also, the petition of John Deaton, of Chester County, Tennessee, and of John Vantruse, for compensation for property taken and used by the United States Army during the late war—severally to the same committee.

By Mr. THROCKMORTON: The petition of J. M. Lindsey, W. O. Davis, and others, members of the bar of Gainesville, Tex., transmitting joint resolution of the Legislature of the Chickasaw Nation, asking that a term of the Federal court be held at Gainesville, Tex., and that the territory of said nation be attached to such court for judicial purposes—to the Committee on the Judiciary.

Also, the petition of J. A. Aston and others, for the establishment of a mail-route from Kingston, Tex., via Merrit, to Farmersville, Tex.—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSHEND: Papers relating to pension claim of Catharine Waters, mother of Thomas Waters, deceased, late steward of steamer Benefit—to the Committee on Invalid Pensions.

By Mr. TUCKER: The petition of the legal representatives of John Henry, deceased, to refer their claim to the Court of Claims—to the Committee on War Claims.

Also, the petition of William Henry Fitzhugh, of William Levesy, and of Mrs. E. Muloehull, for relief—severally to the same committee.

By Mr. H. G. TURNER: Papers relating to the claim of J. M. Best—to the same committee.

By Mr. OSCAR TURNER: The petition of A. Bradshaw, of McCracken County, Kentucky, for relief—to the same committee.

By Mr. VALENTINE: The petition of Lee Fried & Co. and others, merchants and business men of Omaha, Nebr., praying that Congress extend the bonded period for distilled spirits—to the Committee on Ways and Means.

By Mr. VANCE: Papers relating to the claim of George C. Haynie—to the Committee on Military Affairs.

Also, the petition of R. F. Cole and others, for a mail-route from Duck Town, via Penn Jones and Taylor's Ferry, to the Unaka Turnpike Gate, in the State of North Carolina—to the Committee on the Post-Office and Post-Roads.

Also, paper relating to the improvement of the French Broad River, in North Carolina—to the same committee.

By Mr. WAIT: The petition of Waterman Clift, of Mystic River, Conn., for compensation for property destroyed in the late war—to the Committee on Claims.

Also, the resolutions adopted by the Connecticut Medical Society, urging that an appropriation be made for the erection of a building for the use of the Army medical museum and library—to the Committee on Public Buildings and Grounds.

By Mr. WEAVER: The petition of Leighton & Clark and 75 others, for an extension of bonded period for distilled spirits—to the Committee on Ways and Means.

By Mr. WELLER: The petition of Frank L. Freeman and others, for equalization of pay and bounty of soldiers of the late war—to the Select Committee on Pensions, Bounty, and Back Pay.

By Mr. YOUNG: Papers relating to the claim of Mark M. Harwell and Mrs. Sarah E. Norton; of James M. Provine, deceased; of W. C. Reeves; of Leger Restle; of Hennie E. Revell; of Mary K. Rogers, widow of Jeremiah Rogers; of Alexander P. Rose; of Sarah A. Waters, administratrix of the estate of Robert Waters; of Thomas H. Webb; of Thomas H. Webb, administrator of the estate of Emily Ewell; of F. E. Wirt; of William H. Wood, administrator of the estate of George Wood, deceased; and of P. L. Vernon, administrator of the estate of Robert H. Vernon—severally to the Committee on War Claims.

Also, the petition of Hannah B. Edwards and Mary E. Lucas, heirs of Mary G. Wray, deceased, and heirs of Mary G. Wilkes, deceased, and of J. J. Tharp, executor of R. R. Moon, deceased, for compensation for property taken and used by the United States Army during the late war—to the same committee.

Also, the petition of John R. McKinnie, administrator of the estate of David McKinnie, deceased, for relief—to the same committee.

SENATE.

TUESDAY, *December* 11, 1883.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

The PRESIDENT *pro tempore*. The Chair will state to the Senate that the Journal as now prepared does not show that the suspension of the rule regarding the election of committees by ballot was by unanimous consent. The Chair suggests that the Journal be corrected so as to show that it was by unanimous consent, in order that it may not be drawn into a precedent. If there be no objection the Journal will be corrected accordingly. It is so ordered. If there be no objection, the Journal of yesterday's proceedings, thus corrected, will stand approved.

SENATOR FROM RHODE ISLAND.

Mr. ALDRICH. Mr. President, I beg to announce the presence of my colleague, Mr. ANTHONY, Senator-elect from Rhode Island, whose credentials are on file with the Secretary; and I ask that the oaths of office may now be administered to him.

The PRESIDENT *pro tempore*. If there be no objection the Senator-elect from Rhode Island will attend at the desk and receive the oaths of office.

Mr. HENRY B. ANTHONY advanced to the desk, escorted by Mr. ALDRICH; and the oaths prescribed by the acts of June 1, 1789, and July 1, 1862, having been administered to him, he took his seat in the Senate. All the members of the Senate rose when Mr. ANTHONY reached the President's desk and remained standing during the administration of the oaths of office.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter of the Chief of Ordnance, accompanied by a report of the commanding officer of the Watertown arsenal in regard to tests of iron and steel made during the fiscal year ending June 30, 1883; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a statement exhibiting the expenditures of the Springfield armory, and the arms, &c., fabricated, altered, and repaired at that place during the fiscal year ending June 30, 1883; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of December 5, 1883, the report of Lieut. Col. D. W. Flagler, commanding the Rock Island arsenal, in regard to the work of completing the improvement of the water-power pool at Rock Island, Ill.; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the act of August 2, 1882, reports from Lieut. Col. W. P. Craighill and Capt. Thomas Turtle, Corps of Engineers, upon surveys for a ship-canal to connect the Chesapeake and Delaware Bays; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a report of Capt. George M. Wheeler, Corps of Engineers, United States Army, on the third international geographical Congress and exhibition at Venice, Italy, to which he was appointed a commissioner.

The PRESIDENT *pro tempore*. The letter of the Secretary of War will be printed, and as the recommendation of the Secretary is for printing in a particular form, the Chair will, with the leave of the Senate, refer the letter, with the accompanying documents, to the Committee on Printing for recommendation as to the method of printing, if there be no objection. The Chair hears no objection, and that reference will be made.

PETITIONS AND MEMORIALS.

Mr. PLUMB presented a petition of ex-soldiers of the Union Army resident in Kansas, praying for the establishment of a soldiers' home in that State; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Kansas of African descent, in favor of such legislation as will protect citizens against the abuse of power, and praying for such an amendment to the Constitution as will give Congress unlimited power to protect the lives and rights of citizens in the States and Territories; which was referred to the Committee on the Judiciary.

Mr. MITCHELL. I present a memorial of the Board of Trade of Philadelphia in relation to the banking question, which I should like to have read.

The PRESIDENT *pro tempore*. Is there objection to the reading? The Chair hears none. The memorial will be read.

The memorial was read, and referred to the Committee on Finance, as follows:

OFFICE OF THE PHILADELPHIA BOARD OF TRADE,
MERCANTILE LIBRARY BUILDING, TENTH STREET, ABOVE CHESTNUT,
Philadelphia, December 10, 1883.

To the honorable Senate and House of Representatives in Congress assembled:

The following memorial respectfully showeth that:

At a meeting of the Philadelphia Board of Trade, on November 19, 1883, the methods to be adopted for the retention of our currency and its increase as the wants of the nation may require being under consideration, the following statements were submitted by a committee previously appointed to consider this subject. The views of the committee, having been approved, are now respectfully forwarded to your honorable bodies as the sense of this board.

The committee on currency and banking, to whom was referred the resolution directing them to report such amendments to the national-bank act as in their judgment should be made to prevent further withdrawals of currency, and to provide for additional issues as the demands of the nation may require, respectfully report—

That after carefully considering the subject, and obtaining the views of the financial and business men of our city, we find a general desire to retain the present national banking system, and to oppose any change which does not provide for the security of the circulation on a basis of Government bonds. What we believe would be most acceptable to the public would be the issue of United States bonds having twenty years to run, and bearing interest of not less than 2 per cent. per annum as a basis of circulation, and the repeal of the law taxing national-bank notes 1 per cent.

The committee are further of the opinion that the national-bank notes issued by the Government should be equal in amount to the par value of the bonds deposited.

They also find that the banks of our city are indifferent concerning the retention of their circulation, believing it to be of much more importance to the public than to themselves.

All of which is respectfully submitted.

JOHN WELSH, *President.*

GEO. L. BUZBY, *Secretary.*

Mr. SEWELL presented a resolution adopted at a meeting of the Veteran Zouaves, of Elizabeth, N. J., in favor of conferring the rank of General upon Philip H. Sheridan and the rank of Lieutenant-General upon Winfield Scott Hancock; which was referred to the Committee on Military Affairs.

Mr. JONAS presented the petition of Edward M. Walker, administrator of the estate of Marcus Walker, deceased, late of Franklin, La., praying for the reference to the Court of Claims of a claim for cotton taken and sold by the Government during the late war; which was referred to the Committee on Claims.

Mr. SAWYER presented the petition of H. A. Tenney and Morgan L. Martin, of Wisconsin, late paymasters in the United States volunteer army of the rebellion, praying for additional compensation for services rendered while in the Army; which was referred to the Committee on Military Affairs.

Mr. INGALLS. I present a petition from Kit Carson Post, No. 20, Grand Army of the Republic, in Kansas, praying for the passage of an act equalizing bounties; also for the removal of certain limitations in the arrears-of-pension act; for the passage of a law pensioning ex-prisoners of war; also to allow payment to officers of the Army for certain services rendered; to enforce section 1754 of the Revised Statutes; to prevent the reduction of internal-revenue receipts; and for the enactment of a law granting to all soldiers and sailors of the late rebellion who served ninety days a warrant for 160 acres of public land. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. INGALLS presented a petition of citizens of Kansas, praying for additional legislation to protect them in the enjoyment of their civil and political rights; which was referred to the Committee on the Judiciary.

Mr. HARRIS presented a petition of letter-carriers of Memphis, Tenn., praying to be allowed a leave of absence of thirty days, with pay, in each year; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SLATER presented the petition of William Allen, an ex-soldier of the Mexican war, praying for a pension; and the petition of A. B. Hunter and 40 others, citizens of Johnson County, Indiana, praying that a pension be granted to William Allen; which was referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 574) appropriating money for the purchase of a site and the erection of a suitable building for the United States courts, post-office, and other Government offices in the city of Winona, State of Minnesota; which was read twice by its title.

Mr. McMILLAN. A similar bill passed the other House, but failed to pass the Senate at the last session. I move that it be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 575) for the erection of a public building at Duluth, Minn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE asked and, by unanimous consent, obtained leave to introduce a bill (S. 576) granting a pension to Neva C. Lane, adopted daughter of Warren L. Lothrop, late colonel in the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Commitee on Pensions.

Mr. GROOME (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 577) for the relief of the heirs of the late Langley B. Culley; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 578) for the relief of Dennis W. Mullan; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 579) to provide for determining the existence and removal of inability of the President to discharge the powers and duties of his office; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 580) to establish a uniform system of bankruptcy throughout the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 581) to define the routes of steam-railroads in the city of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 582) for the relief of W. H. Powell; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 583) for the relief of William H. Morgan; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 584) for the relief of S. D. Houston; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 585) granting a pension to John B. Tibbetts; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 586) granting an increase of pension to Samuel S. Hite; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 587) granting a pension to Phineas Gano; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONAS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 588) for the relief of the estate of Lucien Goyaux; which was read twice by its title, and referred to the Committee on Claims.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. 589) to carry out provisions of joint resolution for payment of Fourth Arkansas Mounted Infantry Volunteers, approved March 18, 1870; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 590) amending clause 2 of section 2426 of the Revised Statutes of the United States, in reference to persons in the naval service of the United States entitled to bounty land-warrants; which was read twice by its title.

Mr. GARLAND. I ask that the bill be referred to the Committee on the Judiciary. A similar bill at the last session was referred to the Committee on Naval Affairs, and that committee reported it back and asked to be excused from its further consideration and that it be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary if there be no objection. The Chair hears none.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. 591) for the relief of the estate of Chester Ashley; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 592) for the relief of William Porter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. 593) for the relief of Richard Johnson; which was read twice by its title, and, together with the papers on file in the case, referred to the Committee on Claims.

Mr. SHERMAN (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 594) for the encouragement of closer commercial relationship and in the interest of and the perpetuation of peace between the United States and the Republics of Mexico, Central and South America, and the Empire of Brazil; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. COLQUITT asked and, by unanimous consent, obtained leave to introduce a bill (S. 595) to repay the State of Georgia $27,175.50, money advanced by said State for the defense of her frontiers against the Indians from 1795 to 1818, and not heretofore repaid; which was read twice by its title, and referred to the Committee on Claims.

Mr. JACKSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 596) for the relief of the book agents of the Methodist Episcopal Church South; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 597) for the relief of the estate of A. H. Buchanan, deceased, late of Nashville, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 598) for the payment of certain awards in favor of parties therein named; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 599) for the relief of Duncan Marr; which was read twice by its title, and referred to the Committee on Claims.

Mr. MAXEY asked and, by unanimous consent, obtained leave to introduce a bill (S. 600) to refund internal-revenue tax illegally collected; which was read twice by its title, and referred to the Committee on Finance.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. 601) to provide for hearing and determining the claims of the State of Georgia for captured and abandoned property of said State seized by the United States; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. 602) granting a pension to Sarah Lupkin Merchant; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. 603) for the relief of William McGarrahan; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 604) for the relief of the heirs of George McDougall, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL. I am requested by a reputable attorney of this city to introduce a bill, and I ask unanimous consent to introduce it, by request.

By unanimous consent, leave was granted to introduce a bill (S. 605) granting a pension to Capt. Sanderson H. Rodgers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 606) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, in the State of Nebraska, and also to construct accessory works to secure the best practicable channel-way for navigation and confine the flow of the water to a permanent channel at such point; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MILLER, of New York (by request), asked and, by unanimous consent, obtained leave to introduce a bill (S. 607) for the relief of William H. Young; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked and, by unanimous consent, obtained

leave to introduce a bill (S. 608) for the relief of J. S. Underhill; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. 609) to provide for the appointment of commissioners to ascertain and report losses sustained by citizens of the United States by reason of Indian depredations; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 610) to provide for the allotment of lands in severalty to the United Peorias and Miamies of the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 611) for the relief of Dr. Lewallen and Anthony G. Davis; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 612) for the relief of Dr. Lewallen; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 613) for the relief of John S. Friend; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 614) authorizing the issue of artificial eyes to soldiers, seamen, and others; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 615) granting arrears of pension to Wellington V. Heusted; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. 616) to establish a standard of time in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 617) for the relief of Maj. James Belger; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 618) to regulate appointments and promotions in the staff of the Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. 619) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage duties; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 620) for the relief of John Spicer; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SLATER asked and, by unanimous consent, obtained leave to introduce a bill (S. 621) for the relief of William L. White; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 622) for the relief of sufferers by the wreck of the Government transport-bark Torrent; which was read twice by its title.

Mr. SLATER. I ask that the bill be referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Oregon, if he will pardon him, that this appears to be a bill for relief on account of some maritime disaster.

Mr. SLATER. But it proposes to relieve soldiers who were having their private property transported.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs.

Mr. DOLPH asked and, by unanimous consent, obtained leave to introduce a bill (S. 623) for the relief of purchasers and locators of swamp and overflowed lands in Oregon, and to indemnify said State for swamp and overflowed lands disposed of therein by the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. 624) to establish depositories and provide for the distribution of public documents; which was read twice by its title, and referred to the Committee on Printing.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 26) granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria; which was read twice by its title, and, together with the papers on file in the case, referred to the Committee on Foreign Relations.

ISRAEL DODGE'S LAND CLAIM.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas in the confirmation of the claim of Israel Dodge, or his legal representatives, for 6,002.50 acres by the act of June 21, 1860, it was provided in the second section that the location of the certificate to be issued in satisfaction of said confirmed claim "may be located upon any of the public lands of the United States subject to sale at private entry at a price not exceeding $1.25 per acre;" and

Whereas on the 22d day of December, 1865, a certificate of location was issued by the Commissioner of the General Land Office in full satisfaction of said claim, erroneously reciting the act of Congress approved June 2, 1858, as the authority for its issue; and

Whereas the act of Congress approved June 15, 1880, authorizing the Commissioner of the General Land Office to correct this error of recital, by the issue of new certificates, provided that the new certificates should be "subject to all the provisions of the said act of June 21, 1860;" and

Whereas the Acting Commissioner of the General Land Office on April 14, 1881, did issue new certificates locatable on unoffered lands and of more than ten times the value per acre of the original certificate: Therefore,

Be it resolved, That the Committee on Public Lands is hereby directed to investigate the issue of the said unauthorized certificates, with full authority to send for persons and papers; and the Secretary of the Interior, pending this investigation, is requested to suspend the issue of patents on the said certificates where located on unoffered lands, and to report to the Senate the facts in the matter as shown by his records and files, and whether any steps have been taken by him to secure the limitation of said certificates to lands subject to private entry only.

THE SINKING FUND.

Mr. BECK. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate as soon as practicable the amount of the public debt of the United States after the sums provided for in the act of February 25, 1862, were obtained under its provisions, and how much said public debt has now been reduced beyond the amount required to be applied as a sinking fund by the provisions of sections 3694 and 3696 of the Revised Statutes, and to further inform the Senate what sums will hereafter be required annually until the maturity of the 4 per cent. bonds in 1907, in order to comply with the provisions of said section as now construed by his Department; stating how the amounts so required can be applied to the sinking fund prior to 1907.

The PRESIDING OFFICER (Mr. INGALLS in the chair). Is there objection to the present consideration of the resolution?

Mr. MORGAN. I think I discover in the resolution the opening of a very important subject, one on which I confess I am not as well informed as I should like to be, and, unless it will disoblige the Senator from Kentucky, I should prefer that the resolution go over until to-morrow. I want to hear the Senator explain it if I can get him to do so.

Mr. BECK. I am prepared to explain it now. I can, however, do so better to-morrow morning, when it has been printed and Senators have examined it.

Mr. MORGAN. Then let it go over until to-morrow.

Mr. BECK. I agree that it is a very important resolution. I expect to show that we are now being required to collect from the people very large sums of money that can not be paid out on the public debt under the existing distribution of the bonds of the United States. The Secretary of the Treasury tells us that we must place in his hands $50,000,000 a year to be applied to the sinking fund, when he and former Secretaries—Secretary Richardson, Secretary Morrill, and Secretary Sherman—have all assured us that we have already supplied means largely in excess of the requirements of the sinking fund in the payments already made.

The PRESIDING OFFICER. The Chair will remind the Senator that if the present consideration of the resolution is objected to debate is not in order.

Mr. BECK. I beg pardon; I only want to say one other word. We have since 1865 reduced the public debt over $1,200,000,000, when the sinking fund has not required over $600,000,000, or, at the utmost, $700,000,000, by any possible construction of it. I ask that the resolution be printed and lie on the table, and to-morrow morning I will explain it to the satisfaction of Senators.

The PRESIDING OFFICER. The resolution will lie on the table and be printed, under the rule.

Mr. SHERMAN. Before that is done I wish the indulgence of the Senate for a moment to make a reply to a remark which has been made.

The PRESIDING OFFICER. Is there objection to the Senator from Ohio proceeding upon this resolution? The Chair hears none.

Mr. SHERMAN. There is not the slightest objection in any quarter to having the Senator from Kentucky fully informed upon the subjects-matter of this resolution; but I beg leave to inform him that in every report made by the Treasury Department for several years there is a full and detailed statement of the sinking fund. He is perfectly correct in stating that for some years prior to 1873 the amount paid on the sinking fund was much larger than the amount required by law; but all that is shown by tables, giving the fullest details, attached every year to the report of the Secretary of the Treasury. I wish simply to say, therefore, that this information is not necessary to be called for, because it is communicated in the regular annual report of the Secretary of the Treasury.

Mr. BECK. If the Senator will allow me I will state that I have the figures in full up to the report made by himself when he was Secretary of the Treasury, in 1878. Since then I might perhaps pick them out in a number of reports. But the valuable information I desire is to ascertain how the sinking fund, which the Secretary of the Treasury now tells us must be kept up to $50,000,000 annually, is to be applied, when all the bonds that we can pay up to 1891 will be exhausted at the present rate of taxation in three and a half years.

Mr. SHERMAN. I have no objection to having the information communicated to the Senate.

Mr. BECK. I am satisfied that the sinking fund is now being used to keep up taxation without cause.

The PRESIDING OFFICER. The resolution will lie over under the rule, and it will be printed.

GEORGE A. CLARKE AND W. H. H. ST. JOHN.

Mr. CAMERON, of Wisconsin, submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mrs. Mary V. Quin, mother of George A. Clarke, deceased, late messenger in charge of the room of the Official Reporter of the Senate, the sum of $720, being an amount equal to six months' salary as messenger aforesaid; and to the widow of W. H. H. St. John, late messenger in charge of store-room, the sum of $600, being an amount equal to six months' salary as messenger aforesaid; the above sums to be considered as including the funeral expenses and all other allowances.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 1) extending the time fixed for the joint commission appointed to consider the number and salaries of officers and employés of the two Houses to submit their report; and it was thereupon signed by the President *pro tempore*.

THE NATIONAL DEBT.

The PRESIDING OFFICER (Mr. INGALLS in the chair). If there be no further "concurrent or other resolutions" the morning business is completed, and the Secretary will report the resolutions lying on the table from a previous day. The resolution offered by the Senator from Indiana [Mr. VOORHEES] will be read.

The resolution submitted by Mr. VOORHEES, December 10, was read, as follows:

Resolved, That, in the judgment of the Senate, a public debt is not a public blessing, and that any measure or financial policy looking to the perpetuation of the present interest-bearing national debt of this Government for the purposes of national banking, or on any other account, meets with the disapprobation of this body, and should be viewed with alarm by the tax-payers of the United States.

The PRESIDING OFFICER. Will the Senate agree to the resolution?

Mr. GARLAND. The Senator from Indiana has been called temporarily out of the Chamber, and I ask that the resolution be passed over informally.

The PRESIDING OFFICER. That order will be made, if there be no objection, and the next resolution on the Calendar will be reported.

CLERKS FOR SENATORS.

The resolution submitted by Mr. BUTLER, December 10, was read, as follows:

Resolved, That each Senator, except the chairmen of standing or select committees of the Senate, shall be entitled to a clerk or secretary at a salary of $1,000 annually, the same to be paid out of the contingent fund of the Senate.

The PRESIDING OFFICER. Will the Senate agree to the resolution?

Mr. BUTLER. If the Senate is not ready to consider the resolution, would it be in order to allow it to lie over?

The PRESIDING OFFICER. The resolution may lie on the table at the pleasure of the Senate or it may be referred to a committee.

Mr. BUTLER. I ask that it lie on the table, to be called up by me hereafter.

The resolution was ordered to lie on the table.

REVISION OF THE RULES.

The PRESIDING OFFICER. The Calendar of General Orders is now completed. What is the further pleasure of the Senate?

Mr. SHERMAN. I do not see the Senator from Maine [Mr. FRYE] here, but I suggest as he is within call that the Senate proceed to consider the report of the Committee on Rules. I have no doubt that it would be agreeable to him. [Mr. FRYE entered the Chamber.] Ah, here he is present. I suggest that the report of the Committee on Rules be now taken up. We have more time to consider the proposed new rules now than probably we shall have again during the session.

The PRESIDING OFFICER. Does the Senator make a motion?

Mr. SHERMAN. Yes; I will make the motion that the report be taken up, the Senator from Maine now being present to take charge of it.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to consider the report submitted by the Committee on Rules.

Mr. GARLAND. I hope the Senator from Ohio will not press that motion. There are in the report sixty-seven pages of printed matter, double columns at that, and it was just laid on our tables about ten minutes ago.

Mr. EDMUNDS. Would there be any objection, as the proposed rules are quite long, to their being formally read through so as to save us the time that would be occupied in the reading when they are taken up for consideration?

Mr. GARLAND. I think that we had better let the matter lie over until to-morrow, so that we may compare the proposed rules with the existing rules of the Senate.

Mr. EDMUNDS. Very well.

Mr. GARLAND. The proposition I see here is at once to change pretty much the entire features of the book which has been our guide for some time. I should like to have a chance to read them over before they are read by the Secretary.

The PRESIDING OFFICER. The Chair is of opinion that, the report having been made on a previous day, it is not subject to a single objection, but that it rests with the Senate to determine whether it shall consider the matter.

Mr. SHERMAN. I will not press it against the desire of any Senator. I merely made the suggestion in the absence of the Senator from Maine in order to expedite business. It seems to me that the proposed rules ought to be acted upon, and I think that they ought to be adopted before we get into any real important business. Therefore I made the suggestion. I withdraw the motion.

Mr. GARLAND. The Senator from Maine notified the Senate that he would call up this report on Thursday, and it has just been laid on our tables. I have no objection to taking it up to-morrow.

Mr. EDMUNDS. Suppose we take it up to-morrow, to save time.

Mr. FRYE. Then, if allowed, I will give notice that I shall call up the report to-morrow. I proposed Thursday because I did not know certainly that it would be placed on Senators' desks to-day. It is here now, and, with the permission of the Chair, I should like to call the attention of Senators to it for one moment.

The PRESIDING OFFICER. The Senator from Maine.

Mr. FRYE. The Senate will notice that on the left hand of each page there is printed the original rule; in the next column there are printed the amended forms proposed from time to time by Senators in the Senate; in the next column is found the present rule; and in the last the proposed rule. A very brief report accompanies the rules, and on page 39 Senators will find in the nature of a report memoranda to the Senate rules, and following the joint rules proposed Senators will find memoranda touching the joint rules on page 45, and on page 53 they will find a brief history of the joint rules of Congress, these memoranda and this history taking the place to a large extent of any extended report.

Mr. EDMUNDS. May I ask the Senator from Maine to repeat, if he kindly will, the explanation that he just gave of the four columns crossing two pages; what is the first, what is the second, what is the third, and what is the fourth, in order that we may all perfectly understand it?

Mr. FRYE. The first is the original rule obtaining in the United States Senate in the earlier days.

Mr. EDMUNDS. That is, the rules of the very earliest sessions of the Senate?

Mr. FRYE. Of the very earliest sessions of the Senate. The second are propositions that have been made in the Senate from time to time for amendments to the rules.

Mr. EDMUNDS. But not carried into force?

Mr. FRYE. Not carried into force; not made rules. The third are the present rules.

Mr. HALE. Upon the next page?

Mr. FRYE. On the next page. The fourth are the proposed rules.

Mr. EDMUNDS. Recommended by the committee?

Mr. FRYE. Recommended by the committee.

Mr. EDMUNDS. So that in reading we cross both pages?

Mr. FRYE. We cross both pages.

Mr. EDMUNDS. Now I understand it.

Mr. HALE. Let me understand one matter: Does my colleague propose to take this subject up and consider it in the order of the propositions found in the report?

Mr. FRYE. In the order found in the report, and I gave notice that I should call it up to-morrow. I do not regard my presence as any matter of importance in the discussion upon the rules, because there are Senators on the committee with me who are more familiar with the rules than I am; but I shall be necessarily absent to-morrow as a member of a national committee, where important matters are coming up in which I feel a deep interest.

Mr. EDMUNDS (in his seat). Stick to Thursday.

Mr. FRYE. I will withdraw my notice for to-morrow with the permission of the Senate, and give the notice for Thursday.

Mr. GARLAND. That is satisfactory.

EXECUTIVE SESSION.

The PRESIDING OFFICER. What is the further pleasure of the Senate?

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 15 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 11, 1883.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

READING OF THE JOURNAL DISPENSED WITH.

At this point Mr. Speaker CARLISLE called to the chair Mr. COX, of New York, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The first business in order is the reading of the Journal of yesterday's proceedings.

Mr. STORM. I move that the reading of the Journal of yesterday be dispensed with.

The SPEAKER *pro tempore* submitted the question to the House.

Mr. KEIFER. I desire to say that the question of dispensing with the reading of the Journal can only be done by unanimous consent.

The SPEAKER *pro tempore*. It can only be done by unanimous consent. The Chair has heard no objection. It will again submit the question whether there is objection to dispensing with the reading of the Journal.

Mr. MILLS. There can be no objection to dispensing with the reading of the Journal of yesterday, as it refers to mere formal matters.

Mr. KEIFER. I only wish to suggest that it ought not to be done except by unanimous consent.

The SPEAKER *pro tempore*. The Chair is advised that it will take two hours to read the Journal, and if there be no objection it will be dispensed with.

There was no objection, and it was ordered accordingly.

CALL OF STATES.

The SPEAKER *pro tempore*. The regular order of business is to resume the call of States and Territories for the introduction of bills and joint resolutions for reference, and the call will be resumed where it left off yesterday, at the State of Massachusetts.

Mr. SHELLEY. I ask unanimous consent to offer a resolution.

The SPEAKER *pro tempore*. The regular order of business has been called for.

Mr. SHELLEY. I hope the gentleman calling for the regular order will withdraw it, as I wish to offer a resolution.

Mr. TURNER, of Kentucky. I demand the regular order of business, and if there be no other objection I will withdraw it.

Mr. SHELLEY. I will send my resolution up to the Clerk's desk to be read.

The SPEAKER *pro tempore*. The Chair hears demand for the regular order of business from both sides of the House.

Mr. SPRINGER. I desire to introduce a resolution in regard to the printing of private bills which have been already introduced. It is well known that the Printing Office will be overwhelmed—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order having been demanded, the call of the States and Territories will be resumed.

RECIPROCITY TREATY WITH CANADA.

Mr. MAYBURY introduced a joint resolution (H. Res. 32) requesting the President to negotiate with Great Britain for the renewal of the Canadian reciprocity treaty of 1854; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ALIENS AS ENGINEERS AND PILOTS.

Mr. MAYBURY also introduced a bill (H. R. 782) to amend an act entitled "An act to authorize the employment of certain aliens as engineers and pilots," approved April 17, 1854; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JESSE H. FARWELL.

Mr. MAYBURY also introduced a bill (H. R. 783) for the relief of Jesse H. Farwell, of Detroit, Mich.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICHARD HAWLEY & SONS.

Mr. MAYBURY also introduced a bill (H. R. 784) for the relief of Richard Hawley & Sons; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS WALSH & CO.

Mr. MAYBURY also introduced a bill (H. R. 785) for the relief of Thomas Walsh & Co., of Detroit, Mich., for the repayment of overcharges; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HEIRS OF WILLIAM A. BURT.

Mr. MAYBURY also introduced a bill (H. R. 786) for the relief of the heirs of William A. Burt, inventor of solar compass adopted and used in the service of the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY F. BROWNSON.

Mr. MAYBURY also introduced a bill (H. R. 787) for the relief of Henry F. Brownson, of Detroit, Mich., for restoration to rank in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARTIN H. M'CHESNEY.

Mr. MAYBURY also introduced a bill (H. R. 788) confirming action of the President of the United States in annulling and revoking the order dismissing Martin H. McChesney from service in the armies of the United States, and honorably discharging said McChesney from said service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDWARD C. GARDINER.

Mr. HOUSEMAN introduced a bill (H. R. 789) to increase the pension of Edward C. Gardiner, of Grand Rapids, Mich., the father of Charles F. Gardiner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF GRAND RIVER.

Mr. HOUSEMAN. I desire to introduce a bill making an appropriation to continue the improvement of Grand River, in the State of Michigan.

The SPEAKER *pro tempore*. Under the rule that bill will go into the box at the Clerk's table.

DANIEL W. PERKINS.

Mr. HORR introduced a bill (H. R. 790) for the relief of Daniel W. Perkins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAGINAW AND MOUNT PLEASANT RAILROAD COMPANY.

Mr. HORR also introduced a bill (H. R. 791) granting the right of way to the Saginaw and Mount Pleasant Railroad Company in the State of Michigan; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. HORR also introduced a bill (H. R. 792) to establish a board of commissioners of interstate commerce as a bureau of the Interior Department; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CONFIRMATION OF LAND CLAIM, NEW MEXICO.

Mr. HORR also introduced a bill (H. R. 793) to confirm a certain land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JERRY H. CRAWFORD.

Mr. LACEY introduced a bill (H. R. 794) granting a pension to Jerry H. Crawford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. DILLON.

Mr. LACEY also introduced a bill (H. R. 795) granting a pension to John C. Dillon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER LENNON.

Mr. LACEY also introduced a bill (H. R. 796) to increase the pension of Peter Lennon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES G. EDWARDS.

Mr. LACEY also introduced a bill (H. R. 797) granting a pension to James G. Edwards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELI A. HALE.

Mr. LACEY also introduced a bill (H. R. 798) granting a pension to Eli A. Hale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. STRATTON.

Mr. LACEY also introduced a bill (H. R. 799) granting a pension to George W. Stratton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA E. REVERE.

Mr. LACEY also introduced a bill (H. R. 800) granting a pension to Julia E. Revere; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS NILES.

Mr. LACEY also introduced a bill (H. R. 801) granting a pension to Thomas Niles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD C. GARDNER.

Mr. LACEY also introduced a bill (H. R. 802) granting a pension to Edward C. Gardner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN M. THIERS.

Mr. LACEY also introduced a bill (H. R. 803) granting a pension to

Ellen M. Thiers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH D. RUSSELL.

Mr. LACEY also introduced a bill (H. R. 804) granting a pension to Sarah D. Russell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, JACKSON, MICH.

Mr. LACEY also introduced a bill (H. R. 805) to provide for the construction of a public building at Jackson, in the State of Michigan, which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ADELBERT L. NICHOLS.

Mr. LACEY also introduced a bill (H. R. 806) for the relief of Adelbert L. Nichols; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARY A. LEE.

Mr. LACEY also introduced a bill (H. R. 807) for the relief of Mary A. Lee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATRICK CASEY.

Mr. LACEY also introduced a bill (H. R. 808) for the relief of Patrick Casey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OLIVER H. GREENFIELD.

Mr. LACEY also introduced a bill (H. R. 809) for the relief of Oliver H. Greenfield; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HOWELL H. TRASK.

Mr. LACEY also introduced a bill (H. R. 810) for the relief of Howell H. Trask; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTION 3829, REVISED STATUTES.

Mr. LACEY also introduced a bill (H. R. 811) to amend section 3829 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

POSTAL SAVINGS DEPOSITORY.

Mr. LACEY also introduced a bill (H. R. 812) to establish a postal savings depository as a branch of the Post-Office Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

GEORGE GOULD.

Mr. BREITUNG (by Mr. LACEY) introduced a bill (H. R. 813) granting a pension to George Gould; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. BREITUNG also (by Mr. LACEY) introduced a bill (H. R. 814) amending section 4414 of the Revised Statutes, fixing the compensation of the inspectors of hulls and boilers in the several districts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS CHAMBERS.

Mr. BREITUNG also (by Mr. LACEY) introduced a bill (H. R. 815) for the relief of Thomas Chambers of Mackinac, Mich.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RELIEF OF CERTAIN OFFICERS.

Mr. ELDREDGE introduced a bill (H. R. 816) for the relief of certain officers of the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. L. DIVINE.

Mr. ELDREDGE also introduced a bill (H. R. 817) granting a pension to J. L. Divine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. LANE.

Mr. ELDREDGE also introduced a bill (H. R. 818) granting a pension to George W. Lane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MERRITT LEWIS.

Mr. WINANS, of Michigan, introduced a bill (H. R. 819) granting an increase of pension to Merritt Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BARLOW.

Mr. WINANS, of Michigan, also introduced a bill (H. R. 820) granting a pension to John Barlow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA SEWELL.

Mr. WINANS, of Michigan, also introduced a bill (H. R. 821) granting a pension to Martha Sewell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS S. JONES.

Mr. CUTCHEON introduced a bill (H. R. 822) for the relief of Lewis S. Jones, of Manistee County, Michigan; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

HARBOR OF REFUGE, LAKE MICHIGAN.

Mr. CUTCHEON also introduced a bill (H. R. 823) for the better protection of life and property on Lake Michigan by the construction of a harbor of refuge; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LANDS RESTORED TO MARKET.

Mr. CUTCHEON also introduced a bill (H. R. 824) to restore to market and sale certain lands within the State of Michigan; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM J. BARKER.

Mr. CUTCHEON also introduced a bill (H. R. 825) granting a pension to William J. Barker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOMESTEAD AND PRE-EMPTION ENTRIES.

Mr. CUTCHEON also introduced a bill (H. R. 826) to amend an act entitled "An act to provide additional regulations for homestead and pre-emption entries of public lands," approved March 3, 1879; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CALVIN H. FRENCH.

Mr. CUTCHEON also introduced a bill (H. R. 827) granting a pension to Calvin H. French; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON SALT.

Mr. YAPLE introduced a bill (H. R. 828) to abolish the duty on salt; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE H. MURDOCH.

Mr. YAPLE also introduced a bill (H. R. 829) for the relief of George H. Murdoch; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SETTLERS ON RAILROAD LANDS.

Mr. STRAIT introduced a bill (H. R. 830) for the relief of settlers on railroad lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRICE OF RAILROAD LANDS.

Mr. STRAIT also introduced a bill (H. R. 831) to reduce the price of public lands within railroad limits; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PINE TIMBER LANDS.

Mr. STRAIT also introduced a bill (H. R. 832) relating to the public lands and to provide for the classification and disposition of the pine-timber lands belonging to the public domain; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HOMESTEAD SETTLERS.

Mr. STRAIT also introduced a bill (H. R. 833) to amend an act entitled "An act to grant additional rights to homestead settlers on public lands in railroad limits," approved March 3, 1879; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SWAMP LANDS IN MINNESOTA.

Mr. STRAIT also introduced a bill (H. R. 834) for the relief of certain settlers on swamp lands in Minnesota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COLLINS D. WHITE.

Mr. STRAIT also introduced a bill (H. R. 835) to place Collins D. White on the retired-list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN C. FENSCKE.

Mr. STRAIT also introduced a bill (H. R. 836) granting a pension to John C. Fenscke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REUBEN J. CHEWNING.

Mr. STRAIT also introduced a bill (H. R. 837) granting a pension to

Reuben J. Chewning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LYDIA P. HUGGINS.

Mr. STRAIT also introduced a bill (H. R. 838) granting a pension to Mrs. Lydia P. Huggins; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PRE-EMPTION AND HOMESTEAD LAWS, ETC.

Mr. WASHBURN introduced a bill (H. R. 839) to repeal laws allowing pre-emption of public lands, and to amend homestead and timber-culture land laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ALSTORPHEUS WERINGER.

Mr. WASHBURN also introduced a bill (H. R. 840) for the relief of Alstorpheus Weringer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES D. WOOD.

Mr. WASHBURN also introduced a bill (H. R. 841) for the relief of James D. Wood; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLAIMS FOR INDIAN SUPPLIES.

Mr. WASHBURN also introduced a bill (H. R. 842) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGE STORRS.

Mr. WASHBURN also introduced a bill (H. R. 843) for the relief of George Storrs; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM THOMAS.

Mr. WAKEFIELD introduced a bill (H. R. 844) granting a pension to William Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEROME DANE.

Mr. WAKEFIELD also introduced a bill (H. R. 845) granting additional pension to Jerome Dane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RED LAKE INDIAN RESERVATION.

Mr. NELSON introduced a bill (H. R. 846) relating to the Red Lake Indian reservation, in the State of Minnesota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FRANCIS B. VON HAESEN.

Mr. NELSON also introduced a bill (H. R. 847) for the relief of Francis B. Von Haesen; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

PUBLIC BUILDING IN DULUTH, MINN.

Mr. NELSON also introduced a bill (H. R. 848) to provide for the erection of a public building in the city of Duluth, State of Minnesota; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC PRINTING AND BINDING.

Mr. SINGLETON introduced a bill (H. R. 849) to reduce the expense of the public printing and binding, and for other purposes; which was read a first and second time, referred to the Committee on Public Printing, and ordered to be printed.

PENSIONS.

Mr. SINGLETON also introduced a bill (H. R. 850) granting pensions to certain soldiers and sailors of the Mexican, Florida, and Black Hawk wars, and certain widows of deceased soldiers and sailors of the same; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HEIRS OF MARY JANE VEAZIE.

Mr. SINGLETON also introduced a bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES ROBINSON.

Mr. SINGLETON also introduced a bill (H. R. 852) for the relief of James Robinson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JULIA A. THOMAS.

Mr. SINGLETON also introduced a bill (H. R. 853) for the relief of Julia A. Thomas, administratrix of the estate of J. S. O. G. Greer, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARBOR OF GREENVILLE, MISS.

Mr. JEFFORDS introduced a bill (H. R. 854) to improve and preserve the harbor of Greenville, Miss.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOR OF VICKSBURG, MISS.

Mr. JEFFORDS also introduced a bill (H. R. 855) to preserve and improve the harbor at Vicksburg, in the State of Mississippi; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, VICKSBURG, MISS.

Mr. JEFFORDS also introduced a bill (H. R. 856) to provide a building for the use of the United States courts, post-office, custom office, and internal-revenue office at Vicksburg, Miss.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ALFRED SMITH.

Mr. JEFFORDS also introduced a bill (H. R. 857) for the relief of Alfred Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACKSON BRISCOE.

Mr. JEFFORDS also introduced a bill (H. R. 858) for the relief of Jackson Briscoe; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NORAH WALSH.

Mr. JEFFORDS also introduced a bill (H. R. 859) for the relief of Norah Walsh; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALFRED HOUSTON.

Mr. JEFFORDS also introduced a bill (H. R. 860) for the relief of Alfred Houston; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JANE E. SIMES.

Mr. JEFFORDS also introduced a bill (H. R. 861) for the relief of Jane E. Simes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIDNEY BALLARD.

Mr. JEFFORDS also introduced a bill (H. R. 862) for the relief of Sidney Ballard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH A. THOMAS.

Mr. JEFFORDS also introduced a bill (H. R. 863) for the relief of Sarah A. Thomas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH A. BRILEY.

Mr. JEFFORDS also introduced a bill (H. R. 864) for the relief of Joseph A. Briley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CORNELIUS PHETZING.

Mr. JEFFORDS also introduced a bill (H. R. 865) for the relief of Cornelius Phetzing; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF HORATIO N. SPENCER.

Mr. BARKSDALE introduced a bill (H. R. 866) for the relief of the heirs of Horatio N. Spencer, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Mr. BARKSDALE also introduced a bill (H. R. 867) for the relief of the heirs of Horatio N. Spencer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DEPARTMENT OF AGRICULTURE

Mr. MULDROW introduced a bill (H. R. 868) to enlarge the powers and duties of the Department of Agriculture; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

GOVERNMENT OF ALASKA.

Mr. MULDROW also introduced a bill (H. R. 869) to provide civil government for Alaska, and for other purposes; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

PUBLIC BUILDING AT ABERDEEN, MISS.

Mr. MULDROW also introduced a bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ENLARGEMENT OF POWERS OF THE DEPARTMENT OF AGRICULTURE.

Mr. MONEY introduced a bill (H. R. 871) to enlarge the powers and

duties of the Department of Agriculture; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

RATES OF POSTAGE ON SECOND-CLASS MAIL MATTER.

Mr. MONEY also introduced a bill (H. R. 872) regulating the rates of postage on second-class mail matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MINT AT SAINT LOUIS, MO.

Mr. BROADHEAD introduced a bill (H. R. 873) to establish a mint of the United States at Saint Louis, Mo.; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

AUGUSTINE E. GANS.

Mr. BROADHEAD also introduced a bill (H. R. 874) for the relief of Augustine E. Gans; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

P. T. BRADBURY.

Mr. BROADHEAD also introduced a bill (H. R. 875) granting a pension to P. T. Bradbury, of Saint Louis, Mo.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BUREAU OF ANIMAL INDUSTRY.

Mr. HATCH, of Missouri, introduced a bill (H. R. 876) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle and the spread of infectious and contagious diseases among domestic animals; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

MISSOURI JUDICIAL DISTRICTS.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 877) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, and to prescribe the time and place for holding courts therein, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPORTATION OF SALT FREE OF DUTY.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 878) to provide for the importation of salt free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REPEAL OF DUTY ON LEAF-TOBACCO.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 879) to repeal so much of the sixth clause of section 3244 of the Revised Statutes of the United States as prohibits farmers and planters from selling leaf-tobacco at retail directly to the consumers without the payment of the special tax, and to allow farmers and planters to sell leaf-tobacco of their own production to other persons than manufacturers of tobacco without special tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. HATCH, of Missouri. I consent that that bill shall be referred for the present to the Committee on Ways and Means, but I give notice that at the proper time I will move to take it up and refer it to the Committee on Agriculture.

Mr. RANDALL. Let the title be again read, so we may understand what the controversy is about.

The title of the bill was again read.

Mr. HATCH, of Missouri, rose.

The SPEAKER *pro tempore*. Debate is not in order. The bill has been referred.

BRIDGE AT HANNIBAL, MO.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 880) authorizing the construction of a bridge over the Mississippi River, at Hannibal, Mo., at or near Glasscock Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POSTAGE ON PLEADINGS, ETC.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 881) to amend section 3877 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOSEPH SNYDER.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 882) for the relief of Joseph Snyder; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CATHOLIC CHURCH AT MACON, MO.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 883) making an appropriation to reimburse the Catholic church at Macon, Mo., for the use and occupation of their church building by United States troops during the late civil war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN T. PENNINGTON.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 884) granting a pension to John T. Pennington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMELINE HOWREN.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 885) granting a pension to Emeline Howren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS MURPHY.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 886) for the relief of Thomas Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN CRAMMER.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 887) for the relief of Jonathan Crammer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SLAGER.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 888) to restore to the pension-roll the name of John Slager; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIANA W. MURRAY.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 889) granting a pension to Christiana W. Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. KISLING.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 890) granting a pension to James W. Kisling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT J. EBBERMAN.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 891) granting a pension to Robert J. Ebberman, of Macon, Mo.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE HARMAN.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 892) granting a pension to George Harman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRANCH MINT OF THE UNITED STATES, SAINT LOUIS, MO.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 893) to establish a branch mint of the United States at Saint Louis, Mo.; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

BUREAU OF LABOR STATISTICS.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 894) to establish a bureau of labor statistics; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

DROP-LETTER POSTAGE.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 895) reducing the postage on city or drop-letters to one cent; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CHARLES P. CHOUTEAU.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 896) for the relief of Charles P. Chouteau; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

POSTAL SAVINGS DEPOSITORY.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 897) to establish a postal savings depository as a branch of the Post-Office Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BOUNTY TO CERTAIN NON-COMMISSIONED OFFICERS, ETC.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 898) granting bounty to non-commissioned officers, musicians, and privates of the Second Regiment Artillery, Missouri Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADULTERATION OF FOOD AND DRUGS.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 899) to prevent the adulteration of food and drugs; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

JOSEPH KINNEY.

Mr. COSGROVE introduced a bill (H. R. 900) for the relief of Joseph Kinney, administrator of David Ballentine, of Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COOPER COUNTY, MISSOURI.

Mr. COSGROVE also introduced a bill (H. R. 901) to reimburse the county of Cooper, in the State of Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EIGHTH MISSOURI STATE CAVALRY.

Mr. FYAN introduced a bill (H. R. 902) for the relief of the soldiers of various companies of the Eighth Cavalry, Missouri State Militia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALVIN A. AYERS.

Mr. FYAN also introduced a bill (H. R. 903) for the relief of Alvin A. Ayers, Company A, First Arkansas Volunteer Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. J. GIDEON.

Mr. FYAN also introduced a bill (H. R. 904) for the relief of J. J. Gideon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DUTY ON BARBED IRON WIRE.

Mr. BURNES introduced a bill (H. R. 905) to admit the importation of barbed iron wire free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REPEAL OF DUTY ON SALT.

Mr. BURNES also introduced a bill (H. R. 906) to admit the importation of salt free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REPEAL OF DUTY ON SUGAR.

Mr. BURNES also introduced a bill (H. R. 907) to admit the importation of all grades of sugar free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SWAMP LANDS FOR SCHOOL PURPOSES.

Mr. BURNES also introduced a bill (H. R. 908) granting certain swamp lands in Platt County, Missouri, for school purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LANDS DESTROYED BY NAVIGABLE RIVERS.

Mr. BURNES also introduced a bill (H. R. 909) for the relief of owners whose lands have been destroyed by any navigable rivers; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DABNEY PERKINS.

Mr. BURNES also introduced a bill (H. R. 910) for the relief of Dabney Perkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAINT JOSEPH COMMERCIAL COLLEGE.

Mr. BURNES also introduced a bill (H. R. 911) for the relief of the Saint Joseph Commercial College; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES A. PERRY & CO.

Mr. BURNES also introduced a bill (H. R. 912) to authorize the Court of Claims to hear and determine the claim of Charles A. Perry & Co.; which was read a first and second time.

The SPEAKER *pro tempore* (Mr. COX, of New York). Is this a war claim?

Mr. BURNES. No, sir. The bill goes properly to the Judiciary Committee.

The SPEAKER *pro tempore*. Will the gentleman please to state the nature of the claim?

Mr. BURNES. It is a claim against the Government growing out of affairs in Salt Lake some twenty-five years ago. It has been pending in this House, and was reported upon by the Judiciary Committee in a former Congress.

The SPEAKER *pro tempore*. It is evidently a claim, and the bill should properly go to the Committee on Claims.

Mr. BURNES. Very well.

The bill was referred to the Committee on Claims, and ordered to be printed.

FRANCIS A. ROBERTSON.

Mr. GRAVES (by Mr. BURNES) introduced a bill (H. R. 913) for the relief of Francis A. Robertson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Q. N. PHELPS.

Mr. BURNES also introduced a bill (H. R. 914) granting a pension to Q. N. Phelps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM REYNOLDS.

Mr. BURNES also introduced a bill (H. R. 915) to grant a pension to William Reynolds, late a private Company O, Fifth Cavalry, Missouri Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. BLAKE.

Mr. ALEXANDER introduced a bill (H. R. 916) granting a pension to William H. Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM H. BURKHOLDER.

Mr. ALEXANDER also introduced a bill (H. R. 917) granting a pension to Abraham H. Burkholder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CADETS, ETC., AT ANNAPOLIS.

Mr. BUCKNER introduced a bill (H. R. 918) for the relief of cadets and cadet-engineers who were in the naval service at Annapolis on the 5th day of August, 1882; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENT OF RULES.

Mr. BUCKNER also submitted a resolution to amend Rule XXIV, so as to fix certain days for the consideration of the House Calendar; which was referred to the Committee on the Rules.

EDWARD S. ARMSTRONG.

Mr. BUCKNER also introduced a bill (H. R. 919) for the relief of Edward S. Armstrong; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EUGENE V. LAYCRAFT.

Mr. BUCKNER also introduced a bill (H. R. 920) for the relief of Eugene V. Laycraft; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENDERSON C. LEACH.

Mr. BUCKNER also introduced a bill (H. R. 921) for the relief of Henderson C. Leach; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LAND OFFICES IN MISSOURI.

Mr. BUCKNER also introduced a bill (H. R. 922) authorizing the archives of the several land offices in the State of Missouri to be delivered to said State whenever said offices shall be closed and discontinued; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

J. H. MERRILL.

Mr. BUCKNER also introduced a bill (H. R. 923) for the relief of J. H. Merrill; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANK BACKOF.

Mr. BUCKNER also (by request) introduced a bill (H. R. 924) for the relief of Frank Backof; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REVOLUTIONARY WAR CLAIMS.

Mr. BUCKNER also (by request) introduced a bill (H. R. 925) to provide for the settlement of the claims of the officers and soldiers of the Revolutionary army and of the widows and children of those who died in the service; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH W. CARMACK.

Mr. MORGAN introduced a bill (H. R. 926) for the relief of Joseph W. Carmack; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL C. PUTRAM.

Mr. MORGAN also introduced a bill (H. R. 927) for the relief of Daniel C. Putram; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DADE COUNTY, MISSOURI.

Mr. MORGAN also introduced a bill (H. R. 928) for the relief of the county of Dade, in the State of Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM OSBORN.

Mr. DOCKERY introduced a bill (H. R. 929) granting a pension to William Osborn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GERIAH COLLINS.

Mr. DOCKERY also introduced a bill (H. R. 930) granting a pension

to Geriah Collins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. F. JOHNSON.

Mr. DOCKERY also introduced a bill (H. R. 931) granting relief to J. F. Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREE TIMBER AND LUMBER.

Mr. DOCKERY also introduced a bill (H. R. 932) to exempt from customs duties timber and lumber used in the construction of houses, fences, ships, steam vessels, barges, and other boats; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FIRE-ESCAPES IN HOTELS, ETC., DISTRICT OF COLUMBIA.

Mr. BLAND introduced a bill (H. R. 933) to provide for the better protection of life against fire in hotels and lodging-houses in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

UNION PACIFIC RAILWAY COMPANY.

Mr. VALENTINE introduced a bill (H. R. 934) to compel the payment by the Union Pacific Railway Company of the cost of surveying, selecting, and conveying certain lands granted to it, and for other purposes; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

PENSIONS FOR SOLDIERS IN CONFEDERATE PRISONS.

Mr. VALENTINE also introduced a bill (H. R. 935) granting pensions to certain Union soldiers and sailors of the late war of the rebellion who were confined in so-called confederate prisons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS.

Mr. VALENTINE also introduced a bill (H. R. 936) to extend the provisions of an act entitled "An act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," and also of an act entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," to Kansas, Nebraska, Colorado, Nevada, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PURCHASERS OF SWAMP LANDS.

Mr. VALENTINE also introduced a bill (H. R. 937) to extend the provisions of an act approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

NEBRASKA WAR CLAIM.

Mr. VALENTINE also introduced a bill (H. R. 938) to reimburse the State of Nebraska for money appropriated by said State to pay for arming and equipping a company of Territorial militia for service on the western borders in protecting the settlers from hostile Indians in the years 1861 and 1862; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOCATIONS OF LAND UNDER TIMBER LAWS.

Mr. VALENTINE also introduced a bill (H. R. 939) for the confirmation of certain entries of public lands irregularly allowed under the laws to encourage the growth of timber on the western prairies; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LOSSES BY INDIAN DEPREDATIONS.

Mr. VALENTINE also introduced a bill (H. R. 940) to authorize the appointment of commissioners to ascertain and report losses sustained by citizens of the United States on account of Indian depredations, and to adjust claims arising therefrom; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

STENOGRAPHERS FOR UNITED STATES COURTS.

Mr. VALENTINE also introduced a bill (H. R. 941) to provide for the appointment of official stenographers for the circuit and district courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

APPOINTMENT OF INDIAN AGENTS.

Mr. VALENTINE also introduced a bill (H. H. 942) in reference to the appointment of Indian agents; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SAMUEL BARNARD.

Mr. VALENTINE also introduced a bill (H. R. 943) granting a pension to Samuel Barnard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOEL E. CADY.

Mr. VALENTINE also introduced a bill (H. R. 944) granting a pension to Joel E. Cady; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL CORNWELL.

Mr. VALENTINE also introduced a bill (H. R. 945) granting a pension to Daniel Cornwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABOLITION OF TOLLS ON RAILROAD BRIDGES.

Mr. WEAVER presented a memorial and joint resolution of the Legislature of Nebraska, asking legislation at the hands of Congress to abolish all bridge tolls of railroad bridges across the Missouri River; which was referred to the Committee on Commerce.

BARBED WIRE.

Mr. WEAVER also presented a memorial and joint resolution of the Legislature of the State of Nebraska, requesting that the duty be removed from barbed wire and the material it is manufactured from; which was referred to the Committee on Ways and Means, and ordered to be printed.

PROTECTION OF SETTLERS IN NEBRASKA.

Mr. WEAVER also presented a memorial and joint resolution from the Legislature of the State of Nebraska, asking such legislation at the hands of Congress as will protect the people of Nebraska and secure to the settlers and homesteaders lands patented to them by the Government and now claimed by the Saint Joseph and Denver City Railroad Company and their assignees; which was referred to the Committee on the Public Lands, and ordered to be printed.

TAXATION OF RAILROAD LANDS IN NEBRASKA.

Mr. WEAVER also presented a memorial and joint resolution of the Legislature of the State of Nebraska, asking from Congress legislation that will compel the railroads to take out their patents, that their lands may be subject to taxation; which was referred to the Committee on the Judiciary, and ordered to be printed.

GOVERNMENT OF UTAH.

Mr. CASSIDY introduced a bill (H. R. 946) to reorganize the legislative power of Utah Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, CARSON CITY, NEV.

Mr. CASSIDY also introduced a bill (H. R. 947) to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN M. DORSEY AND WILLIAM F. SHEPARD.

Mr. CASSIDY also introduced a bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CALIFORNIA, OREGON, AND NEVADA.

Mr. CASSIDY also introduced a bill (H. R. 949) for the benefit of the States of California, Oregon, and Nevada, and Nevada when a Territory; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARTESIAN WELLS IN NEVADA.

Mr. CASSIDY also introduced a bill (H. R. 950) to provide for the sinking of artesian wells on Government land in the State of Nevada; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EUGENE B. RAIL AND OTHERS.

Mr. CASSIDY also introduced a bill (H. R. 951) for the relief of Eugene B. Rail and others; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INDIAN WARS IN NEVADA.

Mr. CASSIDY also introduced a bill (H. R. 952) to authorize the Secretary of the Treasury to adjust and settle the expenses of Indian wars in Nevada; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REIMBURSEMENT TO NEVADA.

Mr. CASSIDY also introduced a bill (H. R. 953) to authorize the payment of certain money to the State of Nevada; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. CASSIDY also introduced a bill (H. R. 954) to settle certain accounts between the United States and the State of Nevada; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JACKSON FERGUSON.

Mr. CASSIDY also introduced a bill (H. R. 955) for the relief of Jackson Ferguson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. CROOK.

Mr. CASSIDY also (by request) introduced a bill (H. R. 956) for the relief of William H. Crook; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DUTY ON SUGAR AND MOLASSES.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 957) to repeal the duty on sugar and molasses; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TAX ON NATIONAL-BANK CIRCULATION.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 958) to repeal the tax on national-bank circulation; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

POSTAL MONEY-ORDERS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 959) to reduce the fees for post-office money-orders; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PATENTS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 960) to amend section 490, chapter 6, title 11, of the Revised Statutes, relating to the distribution of specifications and drawings of patents; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DUPLICATES FOR LOST OR STOLEN CHECKS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 961) to amend section 3646, title 40, of the Revised Statutes, relating to issuing duplicates for lost or stolen checks; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RECEIVERS AND MASTERS IN CHANCERY.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 962) in relation to the appointment of clerks of the United States circuit and district courts or their deputies as receivers and masters in chancery; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COURT OF CLAIMS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 963) relating to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RACHAEL J. FLOYD.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 964) for the relief of Rachael J. Floyd; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH H. THOMAS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 965) granting a pension to Joseph H. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH P. MATTHEWS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 966) granting a pension to Joseph P. Matthews; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. RAY, of New Hampshire. I send up now bills which I have been requested to introduce, and in reference to which I reserve the right to oppose them either in committee or in the House if I find it necessary to do so.

The SPEAKER *pro tempore*. Debate is not in order.

ROSWELL W. SILSBEE.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 967) granting a pension to Roswell W. Silsbee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. S. A. STEEVER.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 968) for the relief of Mrs. S. A. Steever, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RELIEF OF ESTATE OF ANTHONY ADDISON.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 969) for the relief of the estate of Anthony Addison, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ZADOCK WILLIAMS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 970) for the relief of Zadock Williams, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF WILLIAM H. ARNOLD.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 971) for the relief of the estate of William H. Arnold; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF REZIN ARNOLD.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 972) for the relief of the estate of Rezin Arnold, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EVAN LYONS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 973) for the relief of Evan Lyons, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF THOMAS TALBERT.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 974) for the relief of the estate of Thomas Talbert, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN R. CONDON.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 975) for the relief of John R. Condon, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT S. PERKINS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 976) for the relief of Robert S. Perkins, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. F. F. ROSENTHAL.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 977) for the relief of C. F. F. Rosenthal, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY A. BUTLER.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 978) for the relief of Henry A. Butler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY STELLO.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 979) for the relief of Henry Stello; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OTHO HENSEN.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 980) for the relief of Otho Hensen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID WEBSTER.

Mr. HAYNES introduced a bill (H. R. 981) for the relief of David Webster; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DANIEL MARCY.

Mr. HAYNES also introduced a bill (H. R. 982) directing the Secretary of the Treasury to refund money wrongfully paid for duties on imports by Daniel Marcy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REUBEN CLARK AND SAYLES J. BOWEN.

Mr. HAYNES also introduced a bill (H. R. 983) for the relief of Reuben Clark and Sayles J. Bowen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SWEENY, RITTENHOUSE, FANT & CO.

Mr. HAYNES also (by request) introduced a bill (H. R. 984) for the relief of Sweeny, Rittenhouse, Fant & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMMONIATED FERTILIZER COMPANY OF WASHINGTON, D. C.

Mr. HAYNES also (by request) introduced a bill (H. R. 985) for the relief of the Ammoniated Fertilizer Company of Washington, D. C.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMMERCIAL TRAVELERS.

Mr. BREWER, of New Jersey, introduced a bill (H. R. 986) to regulate the commerce between the States pertaining to commercial travelers; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

FRAUDS ON CUSTOMS REVENUE.

Mr. BREWER, of New Jersey, also introduced a bill (H. R. 987) to

prevent frauds on the customs revenue; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ANNE S. MELLACH.

Mr. BREWER, of New Jersey, also introduced a bill (H. R. 988) to increase the pension of Anne S. Mellach; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA M. THOMAS.

Mr. BREWER, of New Jersey, also introduced a bill (H. R. 989) granting a pension to Anna M. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOWS OF LIFE-SAVING KEEPERS AND SURFMEN.

Mr. BREWER, of New Jersey, also introduced a bill (H. R. 990) to provide for the widows of keepers and surfmen who lose their lives while on duty in the Life-Saving Service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

OWNERS OF SCHOONER TWILIGHT.

Mr. BREWER, of New Jersey, also introduced a joint resolution (H. Res. 33) to correct clerical errors in the resolution referring the claims of the owners of the schooner Twilight to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT OF LAND LAWS.

Mr. McADOO introduced a bill (H. R. 991) to prevent aliens other than *bona fide* settlers from owning lands in the Territories of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOSEPH E. MOORE.

Mr. McADOO also introduced a bill (H. R. 992) for the relief of Joseph E. Moore; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE E. WARD.

Mr. McADOO also introduced a bill (H. R. 993) to rerate the pension of George E. Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERRITORY OF ALASKA.

Mr. PHELPS introduced a bill (H. R. 994) providing a civil government for the Territory of Alaska; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

CONTRACT PRISON-LABOR, ETC.

Mr. FIEDLER introduced a bill (H. R. 995) to prohibit any officer, agent, or servant of the Government of the United States of America, to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

Mr. FIEDLER also introduced a joint resolution (H. Res. 34) proposing an amendment to the Constitution of the United States of America providing that no State shall contract with any person or corporation to hire or contract out the labor of the prisoners, or any part of them, who are now or may be hereafter confined for offenses against the laws of the United States; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

PUBLIC BUILDING, CAMDEN, N. J.

Mr. FERRELL introduced a bill (H. R. 996) for the erection of a public building at Camden, N. J.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SAMUEL V. ADAMS.

Mr. FERRELL also introduced a bill (H. R. 997) to pay Samuel V. Adams arrears of pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BUTLER.

Mr. FERRELL also introduced a bill (H. R. 998) for the relief of James Butler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTENSION OF VETO POWER.

Mr. WEMPLE introduced a joint resolution (H. Res. 35) to amend the Constitution of the United States so as to give the President power to veto separate items in appropriation bills; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GRANDCHILD OF JEFFERSON.

Mr. ROBINSON, of New York, introduced a bill (H. R. 999) granting a pension to the sole surviving grandchild of the author of the Declaration of Independence; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MYRA CLARK GAINES.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 1000) for the relief of Myra Clark Gaines; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

PENNY POSTAGE.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 1001) establishing a uniform rate of penny postage; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RICHARD OULAHAN.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 1002) for the relief of Richard Oulahan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES H. CONANT.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 1003) for the relief of James H. Conant; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PURCHASE OF LANDS BY FOREIGN NOBLEMEN.

Mr. ROBINSON, of New York, also submitted a resolution of inquiry concerning the purchase of public lands by foreign noblemen, so called; which was referred to the Committee on the Public Lands.

JOHN E. WHEELOCK.

Mr. ROBINSON, of New York, also submitted a resolution of inquiry concerning arrest, &c., of John E. Wheelock in Venezuela; which was referred to the Committee on Foreign Affairs.

BOMBARDMENT OF ALEXANDRIA, ETC.

Mr. ROBINSON, of New York, also submitted a resolution of inquiry concerning the bombardment of Alexandria, and the reception of gifts from kings, princes, or foreign states; which was referred to the Committee on Foreign Affairs.

AMERICAN MINISTER TO PERSIA, ETC.

Mr. ROBINSON, of New York, also submitted a resolution of inquiry concerning the reception of the American minister by the Shah of Persia; also, concerning the reception of a title of nobility from a foreign state; which was referred to the Committee on Foreign Affairs.

BRITISH SPY IN POST-OFFICE DEPARTMENT.

Mr. ROBINSON, of New York. I submit also a resolution of inquiry regarding the admission of a British spy to the secret service of the United States Post-Office Department, and I ask for the reading of that resolution.

The resolution was read, as follows:

Whereas it has been publicly and repeatedly stated in the public press that a British spy named M. E. O'Brien had been allowed to tamper with the American mails in the city of New York, and known as such to the United States inspector, Newcome, was by him permitted to visit his office in the New York post-office, where he had apparently unlimited opportunity to tamper with and open the correspondence of American merchants and citizens, and where he laid his plans for entrapping those unfortunate men, some of them American citizens, who were recently tried in Liverpool and sentenced to imprisonment for life: Therefore,

Resolved, That the Postmaster-General is hereby directed to examine into this matter, and communicate to this House the facts and circumstances connected therewith, together with the correspondence relating thereto.

The resolution was referred to the Committee on the Post-Office and Post-Roads.

JEREMIAH PHELAN.

Mr. ROBINSON, of New York, also introduced a joint resolution (H. Res. 36) placing Jeremiah Phelan, late hospital steward United States Army, on the retired-list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MEXICO.

Mr. COX, of New York. I submit a resolution of inquiry as to Mexico and ask that it be read.

The resolution was read, as follows:

Resolved, That the President be requested, if in his opinion not incompatible with the public interest, to communicate to this House any correspondence with the Mexican Government relative to the claims specified in the fifth section of the act of Congress approved June 18, 1878, and to inform the House if any payment or payments have been made on said claims; and, if so, at what date and of what amount.

2. Also, any letters from the Mexican minister at Washington or other correspondence or information in possession of the Department of State relating to the new condition of things created in Mexico since the railroads projected for communication with the United States, and all statistics and other data as to the present condition of our sister republic.

3. Also, any correspondence with the Governments of Mexico and Guatemala in reference to the boundary question between said republics, and any offer on the part of this Government to mediate on the same.

The resolution was referred to the Committee on Foreign Affairs.

RAILROAD GRANTS.

Mr. COX, of New York. I also submit a resolution of inquiry as to railroad grants, and I ask that it be read.

The resolution was read, as follows:

Whereas the Government of the United States has given to the railroads 178,952,688 acres of land, comprising the best lands of our domain, the land grants in many cases being over 25,000 acres to every mile of railroad constructed; and

Whereas many of these railroads have been projected and constructed mainly to gain possession of immense tracts of land to enrich a few men, who monopolize the best sections, holding them for a rise or to exact unreasonable prices from settlers, against the public welfare; and

Whereas the public lands are the property of the people, held in trust for the benefit of the whole people, and when sold they should be sold in such quantities and on such terms as to encourage settlement and improvement, and not to be given to large corporations nor in any other way squandered: Therefore,

Resolved, That the Secretary of the Interior communicate to this House copies of all papers on file in his Department relating to the attempted transfers by the Texas and Pacific Railroad Company of its land grant to the Southern Pacific Railroads of Arizona and New Mexico, and the Los Angeles and San Diego Railroad Company of California, by deed under date of January 18, 1883; also copies of all papers on file relating to the attempted transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company to the New Orleans Pacific Railway of Louisiana, by deed dated January 5, 1881, and all information not heretofore communicated as to the forfeiture of railroad grants.

The resolution was referred to the Committee on the Public Lands.

CHINESE INDEMNITY FUND.

Mr. COX, of New York, also introduced a bill (H. R. 1004) in relation to the Chinese indemnity fund; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

FOREIGN-BUILT SHIPS, ETC.

Mr. COX, of New York, also introduced a bill (H. R. 1005) amendatory of title 48 of the Revised Statutes of the United States, so as to authorize the purchase of foreign-built ships by citizens of the United States for use in the foreign carrying trade and for free ship materials; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ACCOUNTS OF LABORERS.

Mr. COX, of New York, also introduced a bill (H. R. 1006) to settle accounts of laborers, &c.; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

ALICE E. AND THEODORE R. B. DE GROOT.

Mr. COX, of New York, also introduced a bill (H. R. 1007) to refer the claim of Alice E. De Groot and Theodore R. B. De Groot, administrators of William H. De Groot, deceased, to the United States Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GENERAL ALEXANDER S. WEBB.

Mr. COX, of New York, also introduced a bill (H. R. 1008) to place the name of General Alexander S. Webb on the retired-list of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. COX, of New York, also introduced a bill (H. R. 1009) to remove all disabilities imposed by the third section of the fourteenth article of amendments to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REPEAL OF TEST-OATH.

Mr. COX, of New York, also introduced a bill (H. R. 1010) to repeal the act of July 2, 1862, and such sections of the Revised Statutes of the United States as perpetuate the oath prescribed in said act; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

POSTAGE.

Mr. COX, of New York, also introduced a bill (H. R. 1011) to provide for forwarding in the mails letters inadvertently unpaid, and to establish a uniform rate of postage of 1 cent on local or drop letters; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CLAYTON-BULWER TREATY.

Mr. COX, of New York, also introduced a joint resolution (H. Res. 37) requesting the President to abrogate the Clayton-Bulwer treaty; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

EIGHT-HOUR LAW.

Mr. COX, of New York, also introduced a joint resolution (H. Res. 38) to provide for the enforcement of the eight-hour law; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

ABROGATION OF GERMAN TREATY OF 1868.

Mr. COX, of New York, also introduced a joint resolution (H. Res. 39) as to giving notice to the North German Confederation to terminate the treaty of February 22, 1868; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

TONNAGE DUTIES ON TUGS, ETC.

Mr. BURLEIGH introduced a bill (H. R. 1012) to abolish tonnage duties on tugs, tow-boats, and vessels not propelled by steam built within the United States and trading between contiguous foreign territory and the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT TROY, N. Y.

Mr. BURLEIGH also introduced a bill (H. R. 1013) for the erection of a public building at Troy, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MAX BEEBER.

Mr. POTTER introduced a bill (H. R. 1014) for the relief of Max Beeber, New York City; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRIAL OF ARMY OFFICERS.

Mr. SLOCUM submitted the following resolution; which was read, and referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be directed to communicate to this House a statement of the average number of commissioned officers in the United States Army during the period from the 4th of March, 1857, to March 4, 1861, and during the period from March 4, 1877, to March 4, 1881, together with a statement of the number tried by courts-martial during each period, the number of convictions, the list of cases in which the findings of the courts were disapproved or the sentences remitted or partially remitted; also a statement of the charges and specifications of which the officers were found guilty in cases in which the Executive clemency was exercised.

FITZ-JOHN PORTER.

Mr. SLOCUM also introduced a bill (H. R. 1015) for the relief of Fitz-John Porter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM W. BUSH.

Mr. SLOCUM also introduced a bill (H. R. 1016) for the relief of William W. Bush; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSPECTOR-GENERAL OF THE ARMY.

Mr. SLOCUM also introduced a bill (H. R. 1017) relative to the Inspector-General's Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNIFORM STANDARD OF VALUE.

Mr. HEWITT, of New York, introduced a bill (H. R. 1018) to secure a uniform standard of value; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

BILLS OF LADING, ETC.

Mr. HEWITT, of New York, also introduced a bill (H. R. 1019) to facilitate the negotiation of bills of lading and other commercial instruments, and to punish fraud therein; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FOREIGN-BUILT SHIPS.

Mr. HEWITT, of New York, also introduced a bill (H. R. 1020) amendatory of title 48 of the Revised Statutes of the United States, so as to authorize the purchase of foreign-built ships by citizens of the United States for use in the foreign carrying trade; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

A. A. LOW & BROTHERS.

Mr. HEWITT, of New York, also introduced a bill (H. R. 1021) for the relief of A. A. Low & Brothers; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EXTRADITION.

Mr. BELMONT submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the President be requested to transmit to this House complete copies of all correspondence between this Government and that of Great Britain, respecting the extradition of alleged fugitives from justice that has taken place since the date of the President's special message to Congress of December 23, 1876, announcing that the suspended extradition under the treaty of 1842 had been resumed; and that the aforesaid correspondence be accompanied by projects of any new extradition stipulations that may have been submitted by either government to the other since the suspension in 1876 of the operations under the tenth article of the treaty of 1842.

INTERNAL-REVENUE DECISIONS.

Mr. BELMONT also submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be directed to transmit to this House a plain and concise statement of each question arising under the act, "Act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883, that has been presented to the Treasury Department for a decision, and wherever such decision has been made in writing a copy thereof, and of each and every report in writing made on the question, either by the appraisers' department to the collector or by the last-named officer to the Treasury Department; and when the decision of the Treasury Department has been adverse to the importer of any merchandise as to its liability to duty, or as to the rate or amount of duty to be levied thereon by law, that the Secretary of

the Treasury send to this House such an estimate as can be made of the total sum claimed up to date by the importers to have been thus illegally exacted from them at the port of New York; and that the Secretary of the Treasury transmit to this House on the first Monday of each month during the session of the present Congress similar information, so far as may be feasible, respecting duties alleged to have been illegally exacted from importers at each and every port during the preceding month, together with copies of the protests and appeals and of the reports theron made by the appraisers and collectors and the decisions of the Department.

MESSAGES FROM PRESIDENT OF THE UNITED STATES.

Several messages, in writing, from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries.

IMPORTATION OF CLASSICAL ANTIQUITIES.

Mr. BELMONT also introduced a bill (H. R. 1022) in relation to the importation of classical antiquities; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IMPORTATION OF WORKS OF ART.

Mr. BELMONT also introduced a bill (H. R. 1023) in relation to the importation of works of art; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARLES D. DUNCAN.

Mr. BAGLEY introduced a bill (H. R. 1024) granting a pension to Charles D. Duncan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH DAYTON.

Mr. BAGLEY also introduced a bill (H. R. 1025) granting a pension to Sarah Dayton, widow of Erastus G. Dayton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PORT OF ENTRY, ETC., NEWBURG, N. Y.

Mr. BEACH introduced a bill (H. R. 1026) to constitute Newburg, in the State of New York, a port of entry and delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. BEACH also introduced a bill (H. R. 1027) authorizing the Secretary of War to deliver to the town of Cornwall, Orange County, New York, four condemned cannon and four cannon-balls for the decoration of the soldiers' monument; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATHARINE HENRY.

Mr. BEACH also introduced a bill (H. R. 1028) granting a pension to Catharine Henry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, NEWBURG, N. Y.

Mr. BEACH also introduced a bill (H. R. 1029) for the erection of a public building at Newburg, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ANNIE M'CARTHY.

Mr. POTTER introduced a bill (H. R. 1030) for the relief of Annie McCarthy, widow of George P. McCarthy, a soldier of the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRADE-DOLLARS.

Mr. VAN ALSTYNE introduced a bill (H. R. 1031) for the retirement of the trade-dollars and their recoinage into any authorized coins of the United States; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

IMMIGRATION.

Mr. MULLER introduced a bill (H. R. 1032) to amend an act entitled "An act to regulate immigration;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE W. SOULE.

Mr. MULLER also introduced a bill (H. R. 1033) for the relief of George W. Soule; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES GAS, ELECTRIC LIGHT AND FUEL COMPANY.

Mr. MULLER also introduced a bill (H. R. 1034) to incorporate the United States Gas, Electric Light and Fuel Company, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

GEORGE MILSOM, HENRY SPENDELOW, AND GEORGE V. WATSON.

Mr. ROGERS, of New York, introduced a bill (H. R. 1035) for the relief of George Milsom, Henry Spendelow, and George V. Watson; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

FRANKLIN LEE AND CHARLES F. DUNBAR.

Mr. ROGERS, of New York, also introduced a bill (H. R. 1036) for the relief of Franklin Lee and Charles F. Dunbar; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BENJAMIN ALVORD.

Mr. ROGERS, of New York, also introduced a bill (H. R. 1037) for the relief of Benjamin Alvord; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SARAH E. WEBSTER.

Mr. ROGERS, of New York, also introduced a bill (H. R. 1038) for the relief of Sarah E. Webster, administratrix; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THREE MONTHS' PAY TO VOLUNTEERS.

Mr. ROGERS, of New York, also introduced a bill (H. R. 1039) to extend the benefits of section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866, approved March 3, 1865;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RETIREMENT OF ENLISTED MEN.

Mr. ROGERS, of New York, also introduced a bill (H. R. 1040) to provide for the retirement of enlisted men in the Army of the United States who have served thirty years faithfully; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS M'MAHON.

Mr. ROGERS, of New York, also introduced a bill (H. R. 1041) for payment to Thomas McMahon for services rendered Peter McNamara, a contractor for the board of public works of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MRS. SARAH LINFIELD.

Mr. BREWER, of New York, introduced a bill (H. R. 1042) for the relief of Mrs. Sarah Linfield, of the Third Excelsior Brigade of the State of New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS' UNION, GRAND ARMY OF REPUBLIC.

Mr. BREWER, of New York, also introduced a bill (H. R. 1043) donating cannon to the Soldiers' Union, Grand Army of the Republic, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NOAH D. CLARK.

Mr. BREWER, of New York, also introduced a bill (H. R. 1044) for the relief of Noah D. Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

QUARANTINE STATIONS FOR NEAT CATTLE.

Mr. STEVENS submitted the following resolution; which was referred to the Committee on Agriculture, and ordered to be printed:

Resolved, That the Secretary of the Treasury be directed to furnish for the information of this House a statement showing where and at what places quarantine stations for neat cattle imported have been established, the amount of money expended at each station, what accommodations for the shelter and proper care of said cattle have been provided, the name of the commissioner at each station, and what rules and regulations have been adopted and are now in force in reference to the control and management of imported neat cattle on their arrival at any port of entry of the United States.

BRIDGE ACROSS THE NIAGARA RIVER.

Mr. STEVENS also introduced a bill (H. R. 1045) to authorize the construction and maintenance of a bridge across the Niagara River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARY A. GRIFFITH.

Mr. STEVENS also introduced a bill (H. R. 1046) granting a pension to Mary A. Griffith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURT IN INDIAN TERRITORY.

Mr. STEVENS also introduced a bill (H. R. 1047) to establish a United States court in the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

O. B. AND O. S. LATHAM.

Mr. PAYNE introduced a bill (H. R. 1048) for the relief of O. B. and O. S. Latham; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN M'DONALD.

Mr. PAYNE also introduced a bill (H. R. 1049) directing the payment of a bounty to John McDonald; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS CASEY.

Mr. PAYNE also introduced a bill (H. R. 1050) directing payment of a bounty to Thomas Casey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT J. DOBSON.

Mr. PAYNE also introduced a bill (H. R. 1051) correcting the military record of Robert J. Dobson, and directing the payment of a bounty to him; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HESTER SPRONG.

Mr. PAYNE also introduced a bill (H. R. 1052) for the relief of Hester Sprong; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

INCREASE OF CERTAIN PENSIONS.

Mr. PAYNE also introduced a bill (H. R. 1053) to increase the pensions of widows in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OATHS IN PENSION AND OTHER CASES.

Mr. PAYNE also introduced a bill (H. R. 1054) in relation to oaths in pension and other cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BANKRUPT LAW.

Mr. ADAMS, of New York, introduced a bill (H. R. 1055) to establish a uniform system of bankruptcy throughout the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HONORA KELLEY.

Mr. ADAMS, of New York, also introduced a bill (H. R. 1056) granting a pension to Honora Kelley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS TRAYNOR.

Mr. ADAMS, of New York, also introduced a bill (H. R. 1057) granting an increase of pension to Francis Traynor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF BANKRUPT LAW.

Mr. CAMPBELL, of New York (by request), introduced a bill (H. R. 1058) to repeal chapter 160 of the laws of 1878, entitled "An act to repeal the bankrupt law," approved June 7, 1878; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AUGUSTINE DE YTURBIDE.

Mr. CAMPBELL, of New York, also (by request) introduced a bill (H. R. 1059) to authorize the United States district court for the northern district of California to proceed in the case of the executors and heirs of Augustine de Yturbide; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ALABAMA CLAIMS.

Mr. DORSHEIMER introduced a bill (H. R. 1060) to amend an act approved June 5, 1882, re-establishing the Court of Commissioners of Alabama Claims and for the distribution of the unappropriated moneys of the Geneva award; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REFUND OF CERTAIN DUTIES.

Mr. DORSHEIMER also introduced a bill (H. R. 1061) to refund excessive duties caused by extraordinary overvaluation of the Austrian florin in the year 1878; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CLAIMS FOR ILLEGAL TONNAGE DUTIES.

Mr. DORSHEIMER also introduced a bill (H. R. 1062) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage duties; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

HARBOR OF REFUGE, BIG SANDY CREEK, NEW YORK.

Mr. SKINNER, of New York, introduced a bill (H. R. 1063) authorizing the construction of a harbor of refuge at the mouth of Big Sandy Creek, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE, CARLTON ISLAND, NEW YORK.

Mr. SKINNER, of New York, also introduced a bill (H. R. 1064) providing for the erection of a light-house on the head of Carlton Island, in Jefferson County, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE F. DRESSER.

Mr. SKINNER, of New York, also introduced a bill (H. R. 1065) granting a pension to George F. Dresser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COINAGE OF STANDARD SILVER DOLLAR.

Mr. SKINNER, of New York, also introduced a bill (H. R. 1066) to amend section 1 of the act of February 28, 1878, authorizing the coinage of the standard silver dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

THE TRADE-DOLLAR.

Mr. SKINNER, of New York, also introduced a bill (H. R. 1067) for the redemption of the trade-dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

FOUR AND FOUR AND ONE-HALF PER CENT. BONDS.

Mr. SKINNER, of New York, also introduced a bill (H. R. 1068) to provide for the purchase of 4 and 4½ per cent. bonds; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

POSTAGE ON FIRST-CLASS MATTER.

Mr. SKINNER, of New York, also introduced a bill (H. R. 1069) fixing the rate of postage on first-class matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PAY OF LETTER-CARRIERS.

Mr. SKINNER, of New York, also introduced a bill (H. R. 1070) to amend section 5 of an act approved February 21, 1879, entitled "An act to fix the pay of letter-carriers;" which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FREE DELIVERY OF MAIL MATTER.

Mr. SKINNER, of New York, also introduced a bill (H. R. 1071) to provide for the more speedy delivery of letters at free-delivery offices and a special stamp to insure said delivery; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ROBERT TILLSON AND MAITLAND BOON.

Mr. SKINNER, of New York, also (by request) introduced a bill (H. R. 1072) for the relief of Robert Tillson and Maitland Boon, of the State of Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM J. LEE.

Mr. KETCHAM introduced a bill (H. R. 1073) granting a pension to William J. Lee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. GIFFORD.

Mr. KETCHAM also introduced a bill (H. R. 1074) granting a pension to W. H. Gifford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE LAUFFER.

Mr. KETCHAM also introduced a bill (H. R. 1075) granting a pension to Caroline Lauffer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILES B. FARLIN.

Mr. KETCHAM also introduced a bill (H. R. 1076) granting a pension to Miles B. Farlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH MINER.

Mr. KETCHAM also introduced a bill (H. R. 1077) granting a pension to Sarah Miner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOUVERNEUR K. WARREN.

Mr. KETCHAM also introduced a bill (H. R. 1078) to authorize the Secretary of War to erect a monument to commemorate the services of the late Gouverneur K. Warren; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY B. SEELY.

Mr. RAY, of New York, introduced a bill (H. R. 1079) for the relief of Henry B. Seely and relating to his rank in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

POSTMASTER AT ONEONTA, N. Y.

Mr. RAY, of New York, also introduced a bill (H. R. 1080) to adjust the salary of the postmaster at Oneonta, in the county of Otsego, State of New York; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PATENTS.

Mr. RAY, of New York, also introduced a bill (H. R. 1081) to provide for the protection of *bona fide* manufacturers, purchasers, venders, and users of articles, machines, machinery, and other things for the exclusive use, manufacture, and sale of which a patent has been or may hereafter be granted; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

BANKRUPTCY.

Mr. HARDY introduced a bill (H. R. 1082) to establish a uniform

system of bankruptcy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

W. M. SHIMMINS AND G. H. M'PHERSON.

Mr. HARDY also introduced a bill (H. R. 1083) for the relief of William M. Shimmins and George H. McPherson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DOROTHEA BOTHNER.

Mr. HARDY also introduced a bill (H. R. 1084) granting a pension to Dorothea Bothner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH M. CUMMING AND OTHERS.

Mr. HARDY also introduced a bill (H. R. 1085) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES MERKLEIN.

Mr. HARDY also introduced a bill (H. R. 1086) for the relief of Charles Merklein, late sutler of the One hundred and seventy-eighth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TREATY WITH HAWAII.

Mr. HARDY also introduced a joint resolution (H. Res. 40) directing that notice be given on the part of the Government of the United States to terminate the treaty concluded between the United States of America and His Majesty the King of the Hawaiian Islands on the 30th of January, 1875; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

SCHOOLS IN ALASKA.

Mr. JAMES introduced a bill (H. R. 1087) to establish schools in Alaska; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

ISABELLA J. RAMSDELL.

Mr. JAMES also introduced a bill (H. R. 1088) granting a pension to Isabella J. Ramsdell; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HEIRS OF SOLOMON SPITZER.

Mr. JAMES also introduced a bill (H. R. 1089) for the relief of the heirs of the late Solomon Spitzer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NORTHERN DISTRICT OF NEW YORK.

Mr. MILLARD introduced a bill (H. R. 1090) to amend the Revised Statutes of the United States, establishing the times, places, and provisions for holding terms of the district courts in the northern district of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SOPHIA A. MORGAN.

Mr. HISCOCK introduced a bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, brevet brigadier-general of the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. WHEELER.

Mr. HISCOCK also introduced a bill (H. R. 1092) for the relief of John F. Wheeler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM W. WEBB.

Mr. HISCOCK also introduced a bill (H. R. 1093) for the relief of William W. Webb; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB HULL.

Mr. NUTTING introduced a bill (H. R. 1094) granting a pension to Jacob Hull; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REDEMPTION OF TRADE-DOLLARS.

Mr. NUTTING also introduced a bill (H. R. 1095) to authorize the redemption of trade-dollars of United States coinage; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

MARY ABBOTT.

Mr. NUTTING also introduced a bill (H. R. 1096) granting a pension to Mary Abbott, widow of William Abbott, Battery K, Fourth United States Artillery; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DENOMINATION OF UNITED STATES NOTES.

Mr. HUTCHINS introduced a bill (H. R. 1097) to amend section 3571 of the Revised Statutes, relating to the denomination of United States notes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNAL-REVENUE SUITS.

Mr. HUTCHINS also introduced a bill (H. R. 1098) to limit the time within which suits or prosecutions for violation of internal-revenue laws shall be brought; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COURT OF CLAIMS.

Mr. HUTCHINS also introduced a bill (H. R. 1099) to confer jurisdiction upon the Court of Claims in certain cases arising under the customs and internal-revenue laws; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT YONKERS, N. Y.

Mr. HUTCHINS also introduced a bill (H. R. 1100) for the erection of a public building at Yonkers, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GENERAL ALFRED PLEASANTON.

Mr. HUTCHINS also introduced a bill (H. R. 1101) authorizing the President to appoint and retire Alfred Pleasonton a major-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BERNARD SMYTH.

Mr. HUTCHINS also introduced a bill (H. R. 1102) for the relief of Bernard Smyth; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF THE CONSTITUTION.

Mr. HUTCHINS also introduced a joint resolution (H. Res. 41) proposing an article of amendment to the Constitution; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RICHARD H. BIRMINGHAM.

Mr. POTTER introduced a bill (H. R. 1103) for the relief of Richard H. Birmingham; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE LAWS.

Mr. SCALES introduced a bill (H. R. 1104) to repeal the internal-revenue laws of the United States and to abolish all taxes and offices created by them; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DIRECT LAND TAXES.

Mr. SCALES also introduced a bill (H. R. 1105) to refund certain direct taxes on land collected from citizens in the late insurrectionary States under the act of August 5, 1861; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NORTH CAROLINA RAILROAD COMPANY.

Mr. SCALES also introduced a bill (H. R. 1106) to refund to the North Carolina Railroad Company certain moneys illegally assessed against and unlawfully collected from it by the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HOMESTEAD EXEMPTION.

Mr. SCALES also introduced a bill (H. R. 1107) providing for homestead and personal-property exemption as now provided for under the constitution and laws of each State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES L. CARDWELL.

Mr. SCALES also introduced a bill (H. R. 1108) for the relief of James L. Cardwell; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REFUNDING TAX ON FRUIT BRANDY.

Mr. SCALES also introduced a bill (H. R. 1109) to refund to distillers of brandy from apples, peaches, or grapes all of the special taxes paid by such distillers under the act of July 20, 1868, which is in excess of $50; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CIVIL-SERVICE REFORM.

Mr. VANCE introduced a bill (H. R. 1110) to promote the faithful administration of public trusts and to secure more efficient civil-service reform, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLAIMS OF SOUTHERN MAIL-CARRIERS.

Mr. VANCE also introduced a bill (H. R. 1111) to provide for the payment for carrying the United States mail in the States of Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Missouri, Arkansas, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas

prior to May 31, 1861; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EASTERN BAND OF CHEROKEES.

Mr. VANCE also introduced a bill (H. R. 1112) to pay certain expenses of the Eastern Band of Cherokee Indians, of North Carolina; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PINKNEY ROLLINS.

Mr. VANCE also introduced a bill (H. R. 1113) for the relief of Pinkney Rollins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INTERNAL REVENUE.

Mr. VANCE also introduced a bill (H. R. 1114) to repeal all laws of the United States providing for the internal revenue; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JEARUM ATKINS.

Mr. VANCE also introduced a bill (H. R. 1115) for the relief of Jearum Atkins; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

FRENCH SPOLIATIONS.

Mr. VANCE also introduced a bill (H. R. 1116) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CADETS AT ANNAPOLIS.

Mr. VANCE also introduced a bill (H. R. 1117) for the relief of cadets and cadet-engineers who were in the naval service at Annapolis on the 5th of August, 1882; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EASTERN CHEROKEE INDIANS.

Mr. VANCE also introduced a bill (H. R. 1118) for the removal of Eastern Cherokee Indians to the Indian Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

E. Z. BURCHFIELD.

Mr. VANCE also introduced a bill (H. R. 1119) for the relief of E. Z. Burchfield; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF THOMAS TATHAM.

Mr. VANCE also introduced a bill (H. R. 1120) for the relief of the heirs of Thomas Tatham, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

P. B. TATHAM.

Mr. VANCE also introduced a bill (H. R. 1121) for the relief of P. B. Tatham; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NEWMAN & TATHAM.

Mr. VANCE also introduced a bill (H. R. 1122) for the relief of Newman & Tatham; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PENSIONS.

Mr. VANCE also introduced a bill (H. R. 1123) to provide for placing all the surviving soldiers and sailors of the United States who served in Indian wars, including those who served in removing the Cherokee Indians from North Carolina, Georgia, and Tennessee to the Cherokee Nation, on the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

TRADE-DOLLARS.

Mr. VANCE also introduced a bill (H. R. 1124) to provide for the exchange of the trade-dollars for legal-tender dollars, and to stop the coinage of the trade-dollar, and for other purposes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PUBLIC BUILDING AT ASHEVILLE, N. C.

Mr. VANCE also introduced a bill (H. R. 1125) to provide for the erection of a public building at Asheville, N. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SIGNAL STATIONS IN NORTH CAROLINA.

Mr. VANCE also introduced a bill (H. R. 1126) to provide for establishing signal stations on Mount Mitchell and at Highlands, N. C.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ANSON B. SARNS.

Mr. VANCE also introduced a bill (H. R. 1127) granting a pension to Anson B. Sarns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON SALT.

Mr. VANCE also introduced a bill (H. R. 1128) to repeal the duty on salt; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

INFRINGEMENTS OF PATENTS.

Mr. VANCE also introduced a bill (H. R. 1129) relating to recoveries for infringements of patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SAMUEL H. FLEMMING.

Mr. VANCE also introduced a bill (H. R. 1130) for the relief of Samuel H. Flemming; which was read a first and second time, referred to Committee on Claims, and ordered to be printed.

RACHAEL FRISBEE.

Mr. VANCE also introduced a bill (H. R. 1131) for the relief of Rachael Frisbee, widow of Elzy Frisbee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. WASHINGTON BRANK.

Mr. VANCE also introduced a bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company —, Second North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

S. D. PLIMMONS.

Mr. VANCE also introduced a bill (H. R. 1133) for the relief of S. D. Plimmons; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PATENTS.

Mr. VANCE also introduced a bill (H. R. 1134) to amend section 4847 of the Revised Statutes in relation to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SARAH A. BIRCHFIELD.

Mr. VANCE also introduced a bill (H. R. 1135) granting a pension to Sarah A. Birchfield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRAUD IN GRANTING PATENTS.

Mr. VANCE also introduced a bill (H. R. 1136) to enable the courts of the United States in the case of the improper grant of letters patent by reason of fraud, misrepresentation, or for other reason to declare the patent void on application of the Attorney-General; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WILLIAM M. MOORE.

Mr. VANCE also introduced a bill (H. R. 1137) for the relief of William M. Moore, of Company G, Third North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE C. HAYNIE.

Mr. VANCE also introduced a bill (H. R. 1138) to amend an act for the relief of George C. Haynie; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOLDIERS OF THE WAR OF 1812.

Mr. VANCE also introduced a joint resolution (H. Res. 42) to construe the act of March 9, 1878, to include soldiers who served for fourteen days in the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUBLIC BUILDING AT CHARLOTTE, N. C.

Mr. DOWD introduced a bill (H. R. 1139) making an appropriation for the erection of a United States court-house and post-office in the city of Charlotte, N. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ELIZABETH FLEMING AND OTHERS.

Mr. DOWD also introduced a bill (H. R. 1140) for the relief of Elizabeth Fleming, Frances E. Robinson, and Mary and Margaret Johnston; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DEPOSITORS OF FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. O'HARA introduced a bill (H. R. 1141) to reimburse the depositors of the Freedman's Savings and Trust Company for loss incurred by the failure of said company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NELLY ROBERTS.

Mr. O'HARA also introduced a bill (H. R. 1142) granting a pension to Nelly Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

F. N. KENDRICK.

Mr. O'HARA also introduced a bill (H. R. 1143) for the relief of F. N. Kendrick, lieutenant Seventh United States Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN A. PAYNE.

Mr. O'HARA also introduced a bill (H. R. 1144) for the relief of John A. Payne, first lieutenant United States Infantry, United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CURING TITLE TO REAL ESTATE.

Mr. O'HARA also introduced a bill (H. R. 1145) to cure title to certain real estate in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

UNITED STATES COURTS, FAYETTEVILLE, N. C.

Mr. GREEN introduced a bill (H. R. 1146) to provide for holding district and circuit courts in the city of Fayetteville, N. C.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, WILMINGTON, N. C.

Mr. GREEN also introduced a bill (H. R. 1147) to provide for the erection of a building for the accommodation of post-office, custom-house, court-rooms, and other Government offices in the city of Wilmington, N. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, FAYETTEVILLE, N. C.

Mr. GREEN also introduced a bill (H. R. 1148) to provide for the erection of a public building in the town of Fayetteville, in the State of North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPEAL OF TAX ON DISTILLED SPIRITS AND TOBACCO.

Mr. YORK introduced a bill (H. R. 1149) to repeal the internal-revenue laws on distilled spirits and tobacco, with all amendments adding to or enlarging the same; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

APPROPRIATING SURPLUS, ETC., FOR EDUCATIONAL PURPOSES.

Mr. YORK also introduced a bill (H. R. 1150) appropriating the surplus now in the Treasury, and to apply all money hereafter derived from internal-revenue laws on distilled spirits and tobacco, to educational purposes among the States and Territories; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

W. F. PORTER.

Mr. YORK also introduced a bill (H. R. 1151) for the relief of W. F. Porter, of Wilkes County, North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM K. BRYAN.

Mr. YORK also introduced a bill (H. R. 1152) for the relief of William K. Bryan, of Surry County, North Carolina, to pay him $397.50 for property taken for the use of the United States Army in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PHEBE W. ROSS.

Mr. YORK also introduced a bill (H. R. 1153) granting a pension to Phebe W. Ross, widow of Samuel Ross, late colonel, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXCHANGE OF NORTH CAROLINA BONDS.

Mr. COX, of North Carolina, introduced a bill (H. R. 1154) to authorize an exchange of North Carolina bonds now held by the United States Government; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INTERNAL-REVENUE TAX ON SPIRITS.

Mr. COX, of North Carolina, also introduced a bill (H. R. 1155) to change the method of collecting the internal-revenue tax on spirits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EXECUTIVE VETO POWER.

Mr. COX, of North Carolina, also introduced a joint resolution (H. Res. 43) to amend the Constitution of the United States in relation to the veto power; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INCREASE OF DUTY ON WOOL.

Mr. GEDDES introduced a bill (H. R. 1156) to provide increased revenue from imported wool by imposing duties as provided by the act approved March 2, 1867; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

E. J. PHILLIPS.

Mr. GEDDES also introduced a bill (H. R. 1157) granting relief to E. J. Phillips, postmaster at Oberlin, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EVIDENCE IN CASES OF DISPUTED HANDWRITING.

Mr. GEDDES also introduced a bill (H. R. 1158) providing for evidence in cases involving disputed handwriting; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MONUMENT AT WYANDOTTE MISSION, OHIO.

Mr. GEDDES also introduced a joint resolution (H. Res. 44) relative to the erection of a monument at the Wyandotte Mission, Upper Sandusky, Ohio; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

RICHARD D. BREWER.

Mr. GEDDES also introduced a bill (H. R. 1159) to remove the charge of desertion from the military record of Richard D. Brewer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADAM WINTER.

Mr. GEDDES also introduced a bill (H. R. 1160) to remove the charge of desertion from the military record of Adam Winter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN M'FARLAND.

Mr. GEDDES also introduced a bill (H. R. 1161) to relieve John McFarland from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEWIS C. RANCK.

Mr. GEDDES also introduced a bill (H. R. 1162) to relieve Lewis C. Ranck from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. SELTS.

Mr. GEDDES also introduced a bill (H. R. 1163) to remove the charge of desertion from the military record of George W. Selts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELENER STOUGH.

Mr. GEDDES also introduced a bill (H. R. 1164) to restore to the pension-roll the name of Elener Stough; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS OF DEPENDENT RELATIVES.

Mr. GEDDES also introduced a bill (H. R. 1165) to regulate the granting of pensions to dependent relatives; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY F. RUTH.

Mr. GEDDES also introduced a bill (H. R. 1166) granting a pension to Henry F. Ruth, late of Company A, Twelfth Ohio Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. M'CLARRAN.

Mr. GEDDES also introduced a bill (H. R. 1167) granting a pension to James A. McClarran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIAN FRANSKI.

Mr. GEDDES also introduced a bill (H. R. 1168) rerating the pension of Christian Franski; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID DOUGLASS.

Mr. GEDDES also introduced a bill (H. R. 1169) for the relief of David Douglass; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY LINDSAY.

Mr. GEDDES also introduced a bill (H. R. 1170) granting a pension to Mary Lindsay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISABEL CAMPBELL.

Mr. GEDDES also introduced a bill (H. R. 1171) granting a pension to Isabel Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. GEDDES also introduced a bill (H. R. 1172) granting two condemned cannon to Hughes Post, Grand Army of the Republic, Nash-

ville, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF JOHN BYRNES.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 1173) for the relief of the heirs of John Byrnes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM W. BURNS.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1174) for the relief of William W. Burns; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD WHITEHOUSE.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1175) granting a pension to Edward Whitehouse, a private soldier in the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STANLY B. LOCKWOOD.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1176) granting an increase of pension to Stanly B. Lockwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEYMOUR D. BURR.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1177) granting a pension to Seymour D. Burr, a private in the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS, ETC., IN CONFEDERATE PRISONS.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1178) granting a pension to soldiers and sailors confined in confederate prisons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORRIS O. KING.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1179) granting a pension to Orris O. King, a captain in the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC WINANS.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1180) granting a pension to Isaac Winans, of the Ohio militia in the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE L. RIKER.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1181) granting a pension to George L. Riker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY LAND-WARRANTS.

Mr. ROBINSON, of Ohio, introduced a bill (H. R. 1182) supplementary to an act entitled "An act in relation to land-patents in the Virginia military district of Ohio," approved August 7, 1882; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REGULATION OF STEAM VESSELS.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. 1183) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

A. H. VON LUETTWITZ.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. 1184) for the relief of A. H. Von Leuttwitz; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT M. DICK.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. 1185) granting a pension to Robert M. Dick of Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AARON KITCHELL.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. 1186) granting a pension to Aaron Kitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOSES B. WALLER.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. 1187) for the relief of Moses B. Waller, late colonel Thirty-first Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES AND ELIZABETH SMITH.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. 1188) for the relief of Charles Smith and Elizabeth Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISONERS OF WAR IN CONFEDERATE PRISONS.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. 1189) for pensioning prisoners of war who were confined in confederate military prisons during the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. HART introduced a bill (H. R. 1190) granting pensions to aged and disabled persons who have served in the Army or Navy of the United States since March 4, 1861, and also granting arrears of pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS J. LINDSEY.

Mr. HART also introduced a bill (H. R. 1191) to increase the pension of Thomas J. Lindsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. M. SHIELD.

Mr. FOLLETT introduced a bill (H. R. 1192) for the relief of the heirs of E. M. Shield; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MASON CITY SALT COMPANY.

Mr. FOLLETT also introduced a bill (H. R. 1193) for the relief of the Mason City Salt Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH COOPER.

Mr. FOLLETT also introduced a bill (H. R. 1194) for the relief of the estate of Joseph Cooper, deceased, of Hamilton County, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK P. GROSS.

Mr. FOLLETT also introduced a bill (H. R. 1195) for the relief of Frank P. Gross; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORVILLE BURKE.

Mr. FOLLETT also introduced a bill (H. R. 1196) for the relief of Orville Burke; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANNA M. WEHE.

Mr. FOLLETT also introduced a bill (H. R. 1197) granting a pension to Anna M. Wehe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN TAYLOR & SON.

Mr. FOLLETT also introduced a bill (H. R. 1198) for the relief of John Taylor & Son; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOPHIAH G. MITCHELL AND ELIZA J. MAHON.

Mr. FOLLETT also introduced a bill (H. R. 1199) for the relief of Sophiah G. Mitchell and Eliza J. Mahon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN REID.

Mr. FOLLETT also introduced a bill (H. R. 1200) for the relief of John Reid; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY MARCOTTE.

Mr. FOLLETT also introduced a bill (H. R. 1201) for the relief of First Lieut. Henry Marcotte; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN A. COAN.

Mr. FOLLETT also introduced a bill (H. R. 1202) for the relief of John A. Coan; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELIZABETH BAUER.

Mr. FOLLETT also introduced a bill (H. R. 1203) granting a pension to Elizabeth Bauer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM D. ROGERS.

Mr. FOLLETT also introduced a bill (H. R. 1204) for the relief of Hiram D. Rogers, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM ELDER.

Mr. FOLLETT also introduced a bill (H. R. 1205) for the relief of William Elder; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANKLIN W. M'CAULEY.

Mr. WILKINS introduced a bill (H. R. 1206) to close the account of Franklin W. McCauley, late first lieutenant Ninety-eighth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE F. CONN.

Mr. WILKINS also introduced a bill (H. R. 1207) granting arrears of pension to George F. Conn, late captain Company B, First Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN EVANS.

Mr. WILKINS also introduced a bill (H. R. 1208) granting a pension to Ellen Evans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES KORTZENBORN.

Mr. WILKINS also introduced a bill (H. R. 1209) for the relief of Charles Kortzenborn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES J. JOHNSTON.

Mr. McKINLEY introduced a bill (H. R. 1210) for the relief of James J. Johnston; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ANNA A. PROBERT.

Mr. CONVERSE introduced a bill (H. R. 1211) granting a pension to Anna A. Probert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMISSIONERS OF ALABAMA CLAIMS.

Mr. CONVERSE also introduced a bill (H. R. 1212) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDITH BAKER.

Mr. CONVERSE also introduced a bill (H. R. 1213) for the relief of Edith Baker, guardian of Danial T. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY CANODE.

Mr. CONVERSE also introduced a bill (H. R. 1214) for the relief of Henry Canode; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE W. TALLMADGE.

Mr CONVERSE also introduced a bill (H. R. 1215) for the relief of Theodore W. Tallmadge; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COLUMBUS BARRACKS GROUNDS.

Mr. CONVERSE also introduced a bill (H. R. 1216) granting the right of way through the Columbus barracks grounds for railroad purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GOVERNMENT BUILDING AT COLUMBUS, OHIO.

Mr. CONVERSE also introduced a bill (H. R. 1217) to extend the limit of cost in the construction of the Government building at Columbus, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DUTY ON WOOL.

Mr. CONVERSE also introduced a bill (H. R. 1218) to restore the rates of duty on imported wool; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARLES HENDRIX.

Mr. MURRAY introduced a bill (H. R. 1219) granting a pension to Charles Hendrix; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HUGH WARD.

Mr. MURRAY also introduced a bill (H. R. 1220) granting a pension to Hugh Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'MULLEN.

Mr. MURRAY also introduced a bill (H. R. 1221) granting a pension to James McMullen, which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DAVIS.

Mr. MURRAY also introduced a bill (H. R. 1222) granting a pension to John Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISEASES OF DOMESTIC ANIMALS.

Mr. LE FEVRE introduced a bill (H. R. 1223) to provide for the suppression of contagious diseases among domestic animals; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE.

Mr. LE FEVRE also introduced a bill (H. R. 1224) to provide for the reorganization of the Department of Agriculture; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

PUBLIC BUILDING, LIMA, OHIO.

Mr. LE FEVRE also introduced a bill (H. R. 1225) to provide for the erection of a public building at Lima, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REMOVAL OF BARTHOLDI FOUNTAIN.

Mr. LE FEVRE also introduced a joint resolution (H. Res. 45) providing for the removal and relocation of the Bartholdi fountain; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

PUBLIC GARDENS, WASHINGTON, D. C.

Mr. LE FEVRE also introduced a bill (H. R. 1226) for the consolidation of the public gardens of Washington, D. C.; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

RETIREMENT OF ARMY OFFICERS.

Mr. LE FEVRE also introduced a bill (H. R. 1227) to fix the rank of officers of the Army hereafter retired by reason of wounds received in action; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLAIMS FOR HORSES, ETC.

Mr. LE FEVRE also introduced a bill (H. R. 1228) to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PROTECTION OF SETTLERS ON THE PUBLIC LANDS.

Mr. LE FEVRE also introduced a bill (H. R. 1229) for the protection of settlers on the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRINTING OF VETERINARY REPORTS.

Mr. LE FEVRE also introduced a joint resolution (H. Res. 46) to provide for the printing of the veterinary report, Department of Agriculture, for the year 1883; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

BONDED WAREHOUSES.

Mr. LE FEVRE also introduced a bill (H. R. 1230) concerning distillery and special bonded warehouses, and prescribing regulations for depositing distilled spirits therein and withdrawing the same therefrom; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. LE FEVRE also introduced a bill (H. R. 1231) equalizing the bounties to soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WOOLS OF FIRST AND SECOND CLASS.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 1232) to increase the duty on wools of the first and second class; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 1233) to equalize the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN LAPPERT.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 1234) granting a pension to John Lappert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNIE E. BAILEY.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 1235) granting a pension to Annie E. Bailey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATILDA HARRIMAN.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 1236) granting a pension to Matilda Harriman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLOMON K. RUGGLES.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 1237) granting a pension to Solomon K. Ruggles; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FRANCIS HAMMOND.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 1238) for the relief of Francis Hammond; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES M. LEEDS.

Mr. JORDAN introduced a bill (H. R. 1239) for the relief of James M. Leeds, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLOSER COMMERCIAL RELATIONS.

Mr. JORDAN also introduced a bill (H. R. 1240) for the encouragement of closer commercial relations and common interests and the perpetuation of peace between the United States and the Republics of Mexico, Central and South America, and the Empire of Brazil; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

EQUESTRIAN STATUE TO LA FAYETTE.

Mr. JORDAN also introduced a bill (H. R. 1241) for the erection of an equestrian statue to the memory of General La Fayette; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

UNION OF MISSOURI AND COLUMBIA RIVERS.

Mr. JORDAN also introduced a bill (H. R. 1242) to authorize a preliminary examination and survey between the affluents of the Upper Missouri and Columbia Rivers for the purpose of ascertaining the distance between the navigable waters of said rivers and the practicability of uniting said rivers by canal or otherwise; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM H. DILTZ.

Mr. JORDAN also introduced a bill (H. R. 1243) granting a pension to William H. Diltz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER SWIFT & CO. AND THE NILES WORKS.

Mr. JORDAN also introduced a bill (H. R. 1244) for the relief of Alexander Swift & Co. and the Niles Works; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVIS A. HANNUM.

Mr. HURD introduced a bill (H. R. 1245) granting a pension to Davis A. Hannum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOW OF MAJOR-GENERAL STEEDMAN.

Mr. HURD also introduced a bill (H. R. 1246) granting a pension to the widow of Maj. Gen. J. B. Steedman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SARAH J. LAKE.

Mr. HURD also introduced a bill (H. R. 1247) granting a pension to Mrs. Sarah J. Lake, widow of James Lake, late colonel Seventeenth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE PATTEN.

Mr. McCORMICK introduced a bill (H. R. 1248) for the relief of Caroline Patten, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WIDOW OF RICHARD BLAZER.

Mr. McCORMICK also introduced a bill (H. R. 1249) granting a pension to the widow of Richard Blazer, a captain in the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INNOCENT PURCHASERS OF PATENTED ARTICLES.

Mr. MOREY introduced a bill (H. R. 1250) to protect innocent purchasers of patented articles; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

RELIEF OF CERTAIN OFFICERS OF THE VOLUNTEER ARMY.

Mr. MOREY also introduced a bill (H. R. 1251) for the relief of certain officers of the volunteer army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RE-ENLISTED VETERAN VOLUNTEERS.

Mr. MOREY also introduced a bill (H. R. 1252) for the relief of certain re-enlisted veteran volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATTISON & CALDWELL.

Mr. MOREY also introduced a bill (H. R. 1253) for the relief of Pattison & Caldwell; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RELIEF OF CERTAIN OFFICERS.

Mr. MOREY also introduced a bill (H. R. 1254) for the relief of officers of the volunteer army who were commissioned but not mustered; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COL. THOMAS WORTHINGTON.

Mr. MOREY also introduced a bill (H. R. 1255) to increase the pension of Col. Thomas Worthington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BEN MORGAN.

Mr. MOREY also introduced a bill (H. R. 1256) increasing the pension of Ben Morgan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY COLE.

Mr. MOREY also introduced a bill (H. R. 1257) granting a pension to Mary Cole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS TO FEMALE NURSES.

Mr. MOREY also introduced a bill (H. R. 1258) extending the provisions of the pension laws to female nurses; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB WITTENBACH.

Mr. MOREY also introduced a bill (H. R. 1259) granting a pension to Jacob Wittenbach; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSANNAH HALL.

Mr. MOREY also introduced a bill (H. R. 1260) granting a pension to Susannah Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON, WILLIAMSBURG, OHIO.

Mr. MOREY also introduced a bill (H. R. 1261) donating two condemned cast-iron cannon and two cannon-balls to J. H. Jenkins Post, Grand Army of the Republic, Williamsburg, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS WORTHINGTON.

Mr. MOREY also introduced a bill (H. R. 1262) for the relief of Thomas Worthington; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE F. ELLIOTT.

Mr. MOREY also introduced a bill (H. R. 1263) for the relief of sureties of George F. Elliott; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BENJAMIN D. LAKIN.

Mr. MOREY also introduced a bill (H. R. 1264) for the relief of Benjamin D. Lakin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BARRINGTON BEHYMER.

Mr. MOREY also introduced a bill (H. R. 1265) for the relief of Barrington Behymer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER D. SCHENCK.

Mr. MOREY also introduced a bill (H. R. 1266) for the relief of Alexander D. Schenck; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCIS OREBAUGH.

Mr. MOREY also introduced a bill (H. R. 1267) granting a pension to Francis Orebaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB LEIBEE.

Mr. MOREY also introduced a bill (H. R. 1268) granting a pension to Jacob Leibee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. L. KYLER.

Mr. MOREY also introduced a bill (H. R. 1269) restoring to the pension-roll the name of H. L. Kyler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CANNON.

Mr. MOREY also introduced a bill (H. R. 1270) donating two condemned cast-iron cannon and two cannon-balls to Strong Post, Grand Army of the Republic, of Jamestown, Ohio; which was read a first and

second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY BLOUT.

Mr. MOREY also introduced a bill (H. R. 1271) to increase the pension of Henry Blout; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE TREKELL.

Mr. MOREY also introduced a bill (H. R. 1272) granting a pension to Caroline Trekell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH OWENS.

Mr. MOREY also introduced a bill (H. R. 1273) granting a pension and arrearages to Elizabeth Owens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARBARA FOULE.

Mr. MOREY also introduced a bill (H. R. 1274) granting a pension to Barbara Foule; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. M. E. SWEENEY.

Mr. MOREY also introduced a bill (H. R. 1275) granting a pension to Mrs. M. E. Sweeney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM KRESS.

Mr. MOREY also introduced a bill (H. R. 1276) granting a pension to Adam Kress; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH H. WILLIAMS.

Mr. MOREY also introduced a bill (H. R. 1277) for the relief of Joseph H. Williams; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABRAM G. HOYT.

Mr. HILL introduced a bill (H. R. 1278) for the relief of Abram G. Hoyt; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DR. CHARLES E. TUPPER.

Mr. HILL also introduced a bill (H. R. 1279) for the relief of Dr. Charles E. Tupper, of Putnam County, Ohio, late assistant surgeon Forty-first Regiment of Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HOUSTON L. TAYLOR.

Mr. HILL also introduced a bill (H. R. 1280) for the relief of Houston L. Taylor; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BOUNTY LANDS.

Mr. HILL also introduced a bill (H. R. 1281) granting bounty lands to soldiers of the United States who served in the war of 1861; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FRANCIS M. OLIVER.

Mr. HILL also introduced a bill (H. R. 1282) granting a pension to Francis M. Oliver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPRESENTATIVES OF A. H. BROWN.

Mr. HILL also introduced a bill (H. R. 1283) for the relief of the legal representatives of Alexander H. Brown, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN L. CHISUM.

Mr. HILL also introduced a bill (H. R. 1284) for the relief of John L. Chisum; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JEREMIAH CAIN.

Mr. KEIFER introduced a bill (H. R. 1285) for the relief of Jeremiah Cain; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THORNTON JONES.

Mr. KEIFER also introduced a bill (H. R. 1286) granting a pension to Thornton Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTHONY PETERSON.

Mr. KEIFER also introduced a bill (H. R. 1287) granting a pension to Anthony Peterson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS FOR SOLDIERS IN CONFEDERATE PRISONS.

Mr. KEIFER also introduced a bill (H. R. 1288) granting pensions to certain soldiers and sailors of the late war of the rebellion who were confined in so-called confederate prisons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EQUALITY OF CITIZENSHIP.

Mr. KEIFER also introduced a joint resolution (H. Res. 47) proposing an amendment to the Constitution to secure equality of citizenship; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CIVIL GOVERNMENT FOR ALASKA.

Mr. GEORGE introduced a bill (H. R. 1289) providing a civil government for the Territory of Alaska; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

UMATILLA INDIANS, OREGON.

Mr. GEORGE also introduced a bill (H. R. 1290) providing for an allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

J. H. SMITH.

Mr. GEORGE also introduced a bill (H. R. 1291) for the relief of J. H. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDGE-ADVOCATE-GENERAL OF THE ARMY.

Mr. GEORGE also introduced a bill (H. R. 1292) to reorganize the Judge-Advocate-General's Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SIMS J. ELY.

Mr. GEORGE also introduced a bill (H. R. 1293) for the relief of Sims J. Ely; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOUISA BODDY.

Mr. GEORGE also introduced a bill (H. R. 1294) for the relief of Louisa Boddy; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HADLEY HOBSON.

Mr. GEORGE also introduced a bill (H. R. 1295) for the relief of Hadley Hobson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM GALLICK.

Mr. GEORGE also introduced a bill (H. R. 1296) for the relief of William Gallick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM L. WHITE.

Mr. GEORGE also introduced a bill (H. R. 1297) for the relief of William L. White; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN FITZHUGH.

Mr. GEORGE also introduced a bill (H. R. 1298) for the relief of John Fitzhugh, of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALONZO GESNER.

Mr. GEORGE also introduced a bill (H. R. 1299) for the relief of Alonzo Gesner; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

S. B. CRANSTON.

Mr. GEORGE also introduced a bill (H. R. 1300) for the relief of S. B. Cranston, of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

M. P. JONES.

Mr. GEORGE also introduced a bill (H. R. 1301) for the relief of M. P. Jones; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

F. G. SCHWATKA.

Mr. GEORGE also introduced a bill (H. R. 1302) for the relief of F. G. Schwatka; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

KATE HATTON.

Mr. GEORGE also introduced a bill (H. R. 1303) for the relief of Mrs. Kate Hatton; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

OREGON WAR CLAIMS, ETC.

Mr. GEORGE also introduced a bill (H. R. 1304) for the relief of citizens of Oregon, Washington, and Idaho who served in connection with the United States troops in the war with the Nez Percé and Bannock Indians, and for the relief of the heirs of such as were killed in such

service, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LOSSES BY INDIAN DEPREDATIONS.

Mr. GEORGE also introduced a bill (H. R. 1305) to provide for the appointment of commissioners to ascertain and report losses sustained by reason of Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

OREGON VOLUNTEERS.

Mr. GEORGE also introduced a bill (H. R. 1306) relating to the muster-rolls of the Oregon volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS IN OREGON.

Mr. GEORGE also introduced a bill (H. R. 1307) for the relief of purchasers and locators of swamp and overflowed lands in Oregon, and to indemnify said State for swamp and overflowed lands disposed of therein by the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

OREGON DONATION LAW.

Mr. GEORGE also introduced a bill (H. R. 1308) further defining the class of persons included in the provisions of section 5 of the act of July 17, 1854, amendatory of the Oregon donation law of September 27, 1850; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

LAND GRANT TO OREGON CENTRAL RAILROAD.

Mr. GEORGE also introduced a bill (H. R. 1309) to forfeit the land grant to the Oregon Central Railroad Company and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RELIEF OF OREGON.

Mr. GEORGE also introduced a bill (H. R. 1310) for relief of the State of Oregon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. GEORGE also introduced a bill (H. R. 1311) for the relief of the State of Oregon; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SETTLERS ON PUBLIC LANDS.

Mr. GEORGE also introduced a bill (H. R. 1312) to protect settlers on the public lands of the United States and relating to land entries; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN J. NANRY.

Mr. GEORGE also introduced a bill (H. R. 1313) granting a pension to John J. Nanry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM GRAHAM.

Mr. GEORGE also introduced a bill (H. R. 1314) granting a pension to William Graham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM SHAW.

Mr. GEORGE also introduced a bill (H. R. 1315) to grant a pension to William Shaw for services in the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES COFFEY.

Mr. GEORGE also introduced a bill (H. R. 1316) granting a pension to James Coffey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARTHA F. WOODRUM.

Mr. GEORGE also introduced a bill (H. R. 1317) to grant a pension to Mrs. Martha F. Woodrum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH M'GUCKIAN.

Mr. GEORGE also introduced a bill (H. R. 1318) granting a pension to Joseph McGuckian; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ACCOUNTS OF JOHN B. MONTEITH.

Mr. GEORGE also introduced a bill (H. R. 1319) to adjust the accounts of John B. Monteith, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PHILOMON MORRIS.

Mr. GEORGE also introduced a bill (H. R. 1320) for the relief of Philomon Morris; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PAY AND PENSION OF OREGON VOLUNTEERS.

Mr. GEORGE also presented a memorial from the Legislature of Oregon, asking for pay and pension for the Oregon volunteers in the Rogue River war; which was referred to the Committee on Indian Affairs, and ordered to be printed.

RAILROAD IN OREGON.

Mr. GEORGE also presented a memorial from the Legislature of Oregon, for aid in the building of a railroad from Crescent City to The Dalles; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

EXPENSES OF ROGUE RIVER WAR.

Mr. GEORGE also presented a memorial from the Legislature of Oregon, asking for payment of balance due the Territory of Oregon expended in the Rogue River war and for grant of land to the soldiers of that and succeeding Indian wars; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MILITARY ROAD IN OREGON.

Mr. GEORGE also presented a memorial from the Legislature of Oregon, asking aid for the repair of military road from Jacksonville to Fort Klamath; which was referred to the Committee on Military Affairs, and ordered to be printed.

LAND GRANT TO OREGON CENTRAL RAILROAD.

Mr. GEORGE also presented a memorial from the Legislature of Oregon, asking for forfeiture of land grant to the Oregon Central Railroad Company; which was referred to the Committee on the Public Lands, and ordered to be printed.

HARBOR OF REFUGE, PORT ORFORD, OREGON.

Mr. GEORGE also presented a memorial from the Legislature of Oregon, for harbor of refuge at Port Orford, Oreg.; which was referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE, UMPQUA RIVER.

Mr. GEORGE also presented a memorial of the Legislature of Oregon, for an appropriation for a light-house at the mouth of the Umpqua River; which was referred to the Committee on Commerce, and ordered to be printed.

RAILROAD FROM ROSEBURG TO COOS RIVER.

Mr. GEORGE also presented a memorial of the Legislature of Oregon, asking aid for the construction of a railroad from Roseburg to the Coos River; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

INCREASE OF RATES FOR SURVEYING.

Mr. GEORGE also presented a memorial of the Legislature of Oregon for an increase of rates of surveys; which was referred to the Committee on the Public Lands, and ordered to be printed.

IMPROVEMENT OF COQUILLA RIVER.

Mr. GEORGE also presented a memorial of the Legislature of Oregon for an appropriation for the improvement of the Coquilla River; which was referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT READING, PA.

Mr. ERMENTROUT introduced a bill (H. R. 1321) for the erection of a public building at Reading, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BERKS COUNTY AGRICULTURAL SOCIETY.

Mr. ERMENTROUT also introduced a bill (H. R. 1322) for the relief of the Berks County Agricultural Society, of Berks County, Pennsylvania; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECOND-CLASS MAIL MATTER.

Mr. BINGHAM introduced a bill (H. R. 1323) fixing the rate of postage to be paid on mail matter of the second class for each three ounces or fraction thereof when sent by persons other than the publisher or news agent; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

POSTAL CLERKS KILLED WHILE ON DUTY.

Mr. BINGHAM also introduced a bill (H. R. 1324) authorizing the Postmaster-General to pay one year's salary to the widows or minor children of railway postal clerks killed while in the discharge of official duty; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

POSTAL CLERKS DETAILED AS CHIEF CLERKS.

Mr. BINGHAM also introduced a bill (H. R. 1325) authorizing the Postmaster-General to pay railway postal clerks detailed as chief clerks of railway mail service actual expenses while traveling on the business of the Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BIDDERS ON MAIL ROUTES.

Mr. BINGHAM also introduced a bill (H. R. 1326) to amend section 3953 of the Revised Statutes; which was read a first and second time,

referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

J. H. HAMMOND.

Mr. BINGHAM also introduced a bill (H. R. 1327) for the relief of J. H. Hammond; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEFICIENCY IN STAR-ROUTES.

Mr. BINGHAM also introduced a bill (H. R. 1328) to repeal section 3961 of the Revised Statutes, and the proviso of section 2 of the act providing for a deficiency in the appropriation for the transportation of the mail on star-routes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REDUCTION OF THE POSTAGE ON DROP-LETTERS.

Mr. BINGHAM also introduced a bill (H. R. 1329) to amend section 3904 of the Revised Statutes so as to reduce postage on drop-letters, and for other purposes; which was read a first and second time, referred to the Commitete on the Post-Office and Post-Roads, and ordered to be printed.

FIRST-CLASS MAIL MATTER.

Mr. BINGHAM also introduced a bill (H. R. 1330) fixing the rate of postage to be paid on mailable matter of the first-class on each ounce or fraction thereof; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MYRON E. DUNLAP.

Mr. BINGHAM also introduced a bill (H. R. 1331) for the relief of Myron E. Dunlap; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AID TO TELEGRAPH LINES.

Mr. BINGHAM submitted the following resolution; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Whereas Congress has at various times since the 1st day of July, 1862, passed laws aiding in the construction of railroad and telegraph lines, by the loan of United States bonds and grants of land; and

Whereas the operation of said telegraph lines for the Government and the public are inseparable from the operation of the railroad line as a condition of said aid in bonds and lands: Therefore,

Resolved, That the Secretary of the Interior be requested to report to the House whether any railroad company so aided has granted, or attempted to grant, to any other corporation or telegraph company any rights to operate the lines of telegraph belonging to said railroad company, so as to prevent the said railroad company from fully performing its duties to the Government and the public, or from granting equal facilities in all respects to all persons and corporations without discrimination.

MARY J. FRANCIS.

Mr. MUTCHLER introduced a bill (H. R. 1332) granting a pension to Mrs. Mary J. Francis; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

P. F. SEAMAN.

Mr. MUTCHLER also introduced a bill (H. R. 1333) granting a pension to P. F. Seaman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. DOUGLASS OTTINGER.

Mr. MUTCHLER also introduced a bill (H. R. 1334) for the relief of Capt. Douglass Ottinger, of the revenue marine service; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TELEGRAPH OPERATOR, HOUSE OF REPRESENTATIVES.

Mr. MUTCHLER also introduced a joint resolution (H. Res. 48) regarding the salary of the telegraph operator of the House of Representatives; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

COINAGE OF SILVER DOLLARS.

Mr. KELLEY introduced a bill (H. R. 1335) for the further limitation of the coinage of silver dollars; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

JEROME LYON.

Mr. KELLEY also introduced a bill (H. R. 1336) for the relief of Jerome Lyon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARK WALKER.

Mr. KELLEY also introduced a bill (H. R. 1337) for the relief of Mark Walker; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF RICHARD W. MEADE.

Mr. KELLEY also introduced a bill (H. R. 1338) for the relief of the heirs of Richard W. Meade; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDINGS, PITTSBURGH, PA.

Mr. HOPKINS introduced a bill (H. R. 1339) to increase the appropriations for the erection of the public buildings at Pittsburgh, Pa.

The SPEAKER *pro tempore*. This bill should properly be referred to the Committee on Appropriations.

Mr. RANDALL. That is regulated by the rule.

Mr. HOPKINS. The bill should properly be referred to the Committee on Public Buildings and Grounds.

The SPEAKER *pro tempore*. The Chair will cause the rule to be read; but the Committee on Appropriations is the proper reference, in the judgment of the Chair.

Mr. BAYNE. The bill does not go there, Mr. Speaker. That bill is to change or modify the law respecting the amount of money to be wholly appropriated to the public buildings at Pittsburgh, and it properly goes therefore to the Committee on Public Buildings and Grounds. It is not an appropriation, but it is to change the existing law in order that the Appropriations Committee may act upon the subject.

The SPEAKER *pro tempore*. The Clerk will read the rule as to the proper reference.

The Clerk read as follows:

RULE XI.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating, * * *

19. to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor; to the Committee on Public Buildings and Grounds.

The SPEAKER *pro tempore*. The Chair thinks, therefore, that Appropriations is the proper committee. The Chair would, of course, recognize a motion to refer it as the gentleman from Pennsylvania indicates.

Mr. HOPKINS. Then I move its reference to the Committee on Public Buildings and Grounds.

The motion was agreed to.

The bill was accordingly read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DEPARTMENT OF LABOR STATISTICS.

Mr. HOPKINS also introduced a bill (H. R. 1340) to establish and maintain a department of labor statistics; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

RULES, HOUSE OF REPRESENTATIVES.

Mr. HOPKINS also introduced a bill (H. R. 1341) to provide rules for the governing of the House of Representatives at the opening of each Congress; which was read a first and second time, referred to the Committee on the Rules, and ordered to be printed.

OATH OF OFFICE.

Mr. HOPKINS also introduced a bill (H. R. 1342) prescribing the form of the oath of office; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. HOPKINS also introduced a bill (H. R. 1343) to regulate interstate commerce and to prohibit unjust discrimination by common carriers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BOARD OF COMMISSIONERS OF INTERSTATE COMMERCE.

Mr. HOPKINS also introduced a bill (H. R. 1344) to establish a board of commissioners of interstate commerce; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INTERNAL-REVENUE LAWS.

Mr. HOPKINS also introduced a bill (H. R. 1345) to repeal the laws known as the internal-revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES M. PAGE.

Mr. HOPKINS also introduced a bill (H. R. 1346) granting a pension to James M. Page; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. NICHOLAS J. BIGLEY.

Mr. HOPKINS also introduced a bill (H. R. 1347) for the relief of Capt. Nicholas J. Bigley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. HOPKINS also introduced a joint resolution (H. Res. 49) defining the meaning of the second section of the act of January 25, 1879, relating to arrears of pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIUS A. KAISER.

Mr. HARMER introduced a bill (H. R. 1348) for the relief of Julius A. Kaiser; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GEORGE A. JAEGER.

Mr. HARMER also introduced a bill (H. R. 1349) for the relief of George A. Jaeger; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY HERMAN.

Mr. HARMER also introduced a bill (H. R. 1350) for the relief of Henry Herman; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RIGHT OF WAY AT BRIDESBURG, PA.

Mr. HARMER also introduced a bill (H. R. 1351) granting the right of way for railroad purposes through the United States arsenal grounds at Bridesburg, Pa., or to connect the manufacturing establishments of Bridesburg with the Pennsylvania Railroad; which was read a first and second time.

The SPEAKER *pro tempore* (Mr. COX, of New York). The bill will be referred to the Committee on Public Buildings and Grounds.

Mr. BAYNE. It should go to the Committee on Military Affairs.

The SPEAKER *pro tempore*. Under the rule it goes to the Committee on Public Buildings and Grounds; but the Chair is willing to entertain a motion for a reference to another committee.

Mr. BAYNE. It is a matter pertaining to United States arsenal grounds, of which the Committee on Military Affairs have always had jurisdiction.

The SPEAKER *pro tempore*. The bill grants the right of way through the public grounds. It is not properly a military matter.

Mr. BAYNE. I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to; and the bill was accordingly referred to the Committee on Military Affairs, and ordered to be printed.

POSTAL SERVICE.

Mr. HARMER also introduced a bill (H. R. 1352) granting a gratuity to persons having served faithfully twenty-five continuous years in the postal service of the United States, or who after ten years' faithful service shall become physically or mentally disabled; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MRS. MARY M. SPRANDELL.

Mr. HARMER also introduced a bill (H. R. 1353) for the relief of Mrs. Mary M. Sprandell, widow of Julius Sprandell, late first lieutenant engineers, Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HARMER also introduced a bill (H. R. 1354) granting a pension to Mary M. Sprandell, widow of Julius Sprandell, late first lieutenant Pennsylvania Engineers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FRASER.

Mr. HARMER also introduced a bill (H. R. 1355) for the relief of John Fraser; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AGNES CRAWFORD.

Mr. HARMER also introduced a bill (H. R. 1356) granting a pension to Agnes Crawford, widow of Thomas Crawford, late first lieutenant Company F, Fortieth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM GEBLER.

Mr. HARMER also introduced a bill (H. R. 1357) granting a pension to William Gebler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD SHIELDS AND OTHERS.

Mr. HARMER also introduced a bill (H. R. 1358) for the relief of Edward Shields and others; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEAGUE ISLAND NAVY-YARD.

Mr. HARMER also introduced a bill (H. R. 1359) for the erection of a dry-dock at League Island navy-yard, Philadelphia; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JABEZ BURCHARD.

Mr. HARMER also introduced a bill (H. R. 1360) for the relief of Jabez Burchard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FARRAGUT FLEET.

Mr. HARMER also introduced a bill (H. R. 1361) authorizing the payment of prize-money to officers, seamen, and marines of the Farragut fleet; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY C. PARRY.

Mr. HARMER also introduced a bill (H. R. 1362) for the relief of Henry C. Parry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN SLEVIN.

Mr. HARMER also introduced a bill (H. R. 1363) granting a pension to John Slevin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGET LEAFFY.

Mr. HARMER also introduced a bill (H. R. 1364) granting a pension to Bridget Leaffy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS M'BRIDE.

Mr. HARMER also introduced a bill (H. R. 1365) for the relief of Thomas McBride; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN DELAVAN.

Mr. HARMER also introduced a bill (H. R. 1366) for the relief of John Delavan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARK WALKER.

Mr. HARMER also introduced a bill (H. R. 1367) for the relief of Mark Walker; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALFRED G. HATFIELD.

Mr. HARMER also introduced a bill (H. R. 1368) for the relief of Alfred G. Hatfield; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARTHUR L. FISH.

Mr. HARMER also introduced a bill (H. R. 1369) for the relief of Arthur L. Fish; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARGARET CASSIDY.

Mr. HARMER also introduced a bill (H. R. 1370) for the relief of Mrs. Margaret Cassidy; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PAYMASTERS' CLERKS.

Mr. HARMER also introduced a bill (H. R. 1371) to amend section 1190 of the Revised Statutes, relative to paymasters' clerks of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS H. LAWRENCE.

Mr. HARMER also introduced a bill (H. R. 1372) for the relief of Thomas H. Lawrence; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE H. PLANT.

Mr. HARMER also introduced a bill (H. R. 1373) for the relief of George H. Plant; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATE OF JOHN W. DEAR.

Mr. HARMER also introduced a bill (H. R. 1374) for the relief of the administrator of the estate of John W. Dear, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM WHEELER HUBBELL.

Mr. HARMER also introduced a bill (H. R. 1375) to determine the right of William Wheeler Hubbell and the United States, respectively, therein stated; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

F. AND S. F. DELLA TORRE.

Mr. HARMER also introduced a bill (H. R. 1376) for the relief of Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN LEATHERS.

Mr. HARMER also introduced a bill (H. R. 1377) for the relief of John Leathers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MAJ. WILLIAM M. MAYNADIER.

Mr. HARMER also introduced a bill (H. R. 1378) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROHIBITION OF POLYGAMY.

The SPEAKER *pro tempore*. A joint resolution was introduced yesterday by the gentleman from California [Mr. ROSECRANS], proposing an amendment to the Constitution of the United States prohibiting polygamy. By some misadventure at the Clerk's desk or at the Speaker's table the joint resolution was not recorded, and did not come into the possession of the Clerk. The Chair proposes, if there be no objection, that it now be received and referred to the Committee on the Judiciary.

There was no objection.

Mr. ROSECRANS accordingly introduced a joint resolution (H. Res.

50) proposing an amendment to the Constitution of the United States prohibiting polygamy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATIONAL BANK CIRCULATION.

Mr. STORM introduced a bill (H. R. 1379) to provide for the issue of circulation to national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE LAWS.

Mr. STORM also introduced a bill (H. R. 1380) to repeal the internal-revenue laws of the United States, and to abolish all taxes and offices created by them; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LEGACIES AND SUCCESSIONS.

Mr. STORM also introduced a bill (H. R. 1381) to repeal chapter 10, title 35, of the Revised Statutes of 1878, relating to legacies and successions; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TRADE-DOLLARS.

Mr. STORM also introduced a bill (H. R. 1382) for the retirement of trade-dollars from circulation; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

MONUMENT OF BENJAMIN A. BIDLACK.

Mr. STORM also introduced a bill (H. R. 1383) to repair the monument over the grave of Benjamin A. Bidlack, late chargé d'affaires of the United States to the Republic of New Granada, now the United States of Colombia, and making appropriations therefor; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

HENRY H. WOOD.

Mr. STORM also introduced a bill (H. R. 1384) for the relief of Henry H. Wood; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES EDWARDS.

Mr. STORM also introduced a bill (H. R. 1385) for the relief of Charles Edwards; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. CORNELIA SCHOONOVER.

Mr. STORM also introduced a bill (H. R. 1386) granting a pension to Mrs. Cornelia Schoonover; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEAM VESSELS.

Mr. BAYNE introduced a bill (H. R. 1387) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SUFFERERS BY EXPLOSION AT PITTSBURGH ARSENAL.

Mr. BAYNE also introduced a bill (H. R. 1388) for the relief of the sufferers by the explosion of the United States arsenal at Pittsburgh, Pa., September 17, 1862; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MYRON E. DUNLAP.

Mr. BAYNE also introduced a bill (H. R. 1389) for the relief of Myron E. Dunlap; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN D. HIEBER.

Mr. BAYNE also introduced a bill (H. R. 1390) for the relief of John D. Hieber; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY ELIZA DICKSON.

Mr. BAYNE also introduced a bill (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dickson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. W. J. KOUNTZ.

Mr. BAYNE also introduced a bill (H. R. 1392) for the relief of Capt. W. J. Kountz; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANNA M. GERST.

Mr. BAYNE also introduced a bill (H. R. 1393) granting a pension to Anna M. Gerst; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY P. THOMPSON.

Mr. BAYNE also introduced a bill (H. R. 1394) granting a pension to Mary P. Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH CHALFANT.

Mr. BAYNE also introduced a bill (H. R. 1395) granting a pension to Joseph Chalfant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK WILHELM.

Mr. BAYNE also introduced a bill (H. R. 1396) granting a pension to Frederick Wilhelm, late sergeant Company L, Fifth Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT O. LAUFMAN.

Mr. BAYNE also introduced a bill (H. R. 1397) granting a pension to Albert O. Laufman, late second lieutenant Company A, Sixty-third Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL P. FULTON.

Mr. BAYNE also introduced a bill (H. R. 1398) for the relief of Samuel P. Fulton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY C. WATTERSON.

Mr. BAYNE also introduced a bill (H. R. 1399) authorizing the Commissioner of Internal Revenue to adjust the claim of Henry C. Watterson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COL. JAMES R. PORTER.

Mr. BAYNE also introduced a bill (H. R. 1400) granting an increased pension to Col. James R. Porter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTION OF POSTMASTERS, ETC.

Mr. BAYNE also introduced a joint resolution (H. Res. 51) proposing an amendment to the Constitution providing for the election of certain United States officers by the people; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LONGEVITY PAY.

Mr. BAYNE also (by request) introduced a bill (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity pay to certain officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN NORMAN FILLMORE AND OTHERS.

Mr. CURTIN introduced a bill (H. R. 1402) for the relief of John Norman Fillmore and John Septa Fillmore, heirs of John S. Fillmore, deceased; and Max Howard Kershow and Carlton Montgomery Kershow, heirs of Jere Kershow, deceased; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RETIREMENT OF GENERAL MEIGS.

Mr. CURTIN also introduced a bill (H. R. 1403) to provide for the retirement of Bvt. Maj. Gen. Montgomery C. Meigs, with the rank according to which he is now assigned to duty; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOLDIERS WHO LOST AN ARM.

Mr. CURTIN also introduced a bill (H. R. 1404) for the relief of soldiers who lost an arm at or above the shoulder-joint; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ONE-ARMED AND ONE-LEGGED SOLDIERS AND SAILORS.

Mr. CURTIN also introduced a bill (H. R. 1405) to increase the pension of one-armed and one-legged soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY F. BARNES.

Mr. CURTIN also introduced a bill (H R. 1406) granting a pension to Mary F. Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARMY RETIRED-LIST.

Mr. CURTIN also introduced a bill (H. R. 1407) modifying the provisions of sections 1782 and 5498 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NAVAL SERVICE.

Mr. CURTIN also introduced a bill (H. R. 1408) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883;" which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TRADE-DOLLARS.

Mr. EVANS, of Pennsylvania, introduced a bill (H. R. 1409) to authorize the redemption, exchange, and recoinage of trade-dollars; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

HENRY SCHUETBERG.

Mr. PATTON introduced a bill (H. R. 1410) granting a pension to Henry Schuetberg; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARTHA M. B. M'CULLACH.

Mr. PATTON also introduced a bill (H. R. 1411) granting a pension to Martha M. B. McCullach; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HAZLETT.

Mr. PATTON also introduced a bill (H. R. 1412) granting a pension to William Hazlett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN MERVINE.

Mr. PATTON also introduced a bill (H. R. 1413) granting a pension to John Mervine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE THOMAS.

Mr. PATTON also introduced a bill (H. R. 1414) granting a pension to Jesse Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, ERIE, PA.

Mr. BRAINERD introduced a bill (H. R. 1415) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts, for the United States post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SOLDIERS' HOME, ERIE, PA.

Mr. BRAINERD also introduced a bill (H. R. 1416) to authorize the Government of the United States to receive certain lands and property in the city of Erie, Pa., and to establish a home for indigent soldiers and sailors; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAND LIGHT-HOUSE AT ERIE, PA.

Mr. BRAINERD also introduced a bill (H. R. 1417) to provide for the re-establishment and maintenance of land light-house at Erie, Pa.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PATTERSON G. CAMPBELL.

Mr. BRAINERD also introduced a bill (H. R. 1418) authorizing payment of a bounty to Patterson G. Campbell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MYRON FELLOWS.

Mr. POST, of Pennsylvania, introduced a bill (H. R. 1419) granting a pension to Myron Fellows; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES N. WARNER.

Mr. POST, of Pennsylvania, also introduced a bill (H. R. 1420) for the relief of Charles N. Warner, late first lieutenant Fourth United States Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALEXANDER WISHART.

Mr. LAWRENCE introduced a bill (H. R. 1421) for the relief of Alexander Wishart, late first lieutenant Twentieth United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RESTORATION OF TARIFF ON WOOL.

Mr. LAWRENCE also introduced a bill (H. R. 1422) for the restoration of the tariff of 1867 on foreign wool; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PRINTING REPORTS OF TENTH CENSUS.

Mr. LAWRENCE also introduced a joint resolution (H. Res. 52) providing for the printing of the reports of the Tenth Census for Representatives and Delegates in the Forty-eighth Congress not members of the Forty-seventh Congress; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

JAMES WILLIAM BUTLER.

Mr. ATKINSON introduced a bill (H. R. 1423) for the relief of James William Butler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE L. ARNOLD.

Mr. ATKINSON also introduced a bill (H. R. 1424) granting a pension to George L. Arnold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARGARET J. CORNELIUS AND CHILDREN.

Mr. ATKINSON also introduced a bill (H. R. 1425) granting a pension to Mrs. Margaret J. Cornelius and children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORNELIUS WETZLER.

Mr. ATKINSON also introduced a bill (H. R. 1426) granting a pension to Cornelius Wetzler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL J. BENNER.

Mr. DUNCAN introduced a bill (H. R. 1427) for the relief of Daniel J. Benner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CORNELIUS A. SCHULTZ.

Mr. DUNCAN also introduced a bill (H. R. 1428) granting a pension to Cornelius A. Schultz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. REA.

Mr. DUNCAN also introduced a bill (H. R. 1429) for the relief of John A. Rea; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARGARET KLINEDINST.

Mr. DUNCAN also introduced a bill (H. R. 1430) granting a pension to Margaret Klinedinst, widow of John H. Klinedinst, late a private Company A, Sixteenth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERRENCE DELOZIER.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 1431) for the relief of Terrence Delozier.

Mr. CAMPBELL, of Pennsylvania. I ask the reference of the bill to the Committee on the Post-Office and Post-Roads.

The SPEAKER *pro tempore*. The proper reference of the bill, in the judgment of the Chair, would be to the Committee on Claims.

Mr. CAMPBELL, of Pennsylvania. During the last Congress two bills of a similar character were taken from the Committee on Claims and referred to the Committee on the Post-Office and Post-Roads.

The SPEAKER *pro tempore*. The general subject has been referred to the Committee on Claims because they are claims against the Government; but the gentleman can make a motion, if he so desires, for the other reference.

Mr. CAMPBELL, of Pennsylvania. I move the reference of this bill and the one immediately to follow to the Committee on the Post-Office and Post-Roads.

Mr. RANDALL. Let the bill be read for information.

The bill was read at length.

Mr. McMILLIN. That properly belongs to Claims.

The SPEAKER *pro tempore*. The Chair has so decided, that it belongs to that committee under the rule.

The gentleman from Pennsylvania now moves its reference to the Committee on the Post-Office and Post-Roads.

The motion to refer was not agreed to.

The bill was accordingly read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS M. BELL.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 1432) for the relief of Francis M. Bell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY E. MURPHY.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 1433) granting a pension to Mary E. Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. GUMMO.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 1434) to remove the charge of desertion from the military record of John W. Gummo; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMMISSION ON STRUCTURAL MATERIALS.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 1435) authorizing the President to appoint a commission of experts, skilled in the investigation, production, and use of metallic substances and other structural materials, to execute tests and experiments on iron, steel, and other materials used in the construction of bridges, buildings, and mechanical structures, and deduct useful rules therefrom; which was read

a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

WILLIAM T. M'COY.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 1436) granting a pension to William T. McCoy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL SAFE DEPOSIT COMPANY.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 1437) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, D. C.," approved January 22, 1867; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

RELIEF FROM CHARGES OF DESERTION.

Mr. RANDALL introduced a bill (H. R. 1438) to relieve certain soldiers of the late war from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THEO. ARTZ.

Mr. RANDALL also introduced a bill (H. R. 1439) granting a pension to Theo. Artz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILVER DOLLARS.

Mr. SMITH, of Pennsylvania, introduced a bill (H. R. 1440) to redeem trade-dollars and to suspend the coinage of silver dollars; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

TAX ON BANK CIRCULATION.

Mr. SMITH, of Pennsylvania, also introduced a bill (H. R. 1441) to remove the tax on bank circulation; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PUBLIC BUILDING AT LANCASTER, PA.

Mr. SMITH, of Pennsylvania, also introduced a bill (H. R. 1442) for a public building at Lancaster, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HENRY MULLEN.

Mr. SMITH, of Pennsylvania, also introduced a bill (H. R. 1443) for the relief of Henry Mullen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. HARRIET CARR.

Mr. SMITH, of Pennsylvania, also introduced a bill (H. R. 1444) for the relief of Mrs. Harriet Carr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. E. BRYANT.

Mr. CONNOLLY introduced a bill (H. R. 1445) for the relief of S. E. Bryant; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M'CORMICK.

Mr. CONNOLLY also introduced a bill (H. R. 1446) to remove the charge of desertion from the military record of John McCormick; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF LIEUT. H. C. NIELDS.

Mr. EVERHART introduced a bill (H. R. 1447) to increase the pension of the widow and heirs of the late Lieut. Com. Henry Clay Nields; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY M. BOSSERT.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 1448) granting a pension to Henry M. Bossert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DENNIS M'GINNIS.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 1449) granting a pension to Dennis McGinnis, private Company D, One hundred and seventieth Regiment New York Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CUSTOM-HOUSE AT PROVIDENCE, R. I.

Mr. SPOONER introduced a bill (H. R. 1450) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, R. I.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM G. BUDLONG.

Mr. SPOONER also introduced a bill (H. R. 1451) for the relief of William G. Budlong; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WILLIAM HULL.

Mr. SPOONER also introduced a bill (H. R. 1452) to remove the charge of desertion from the military record of William Hull; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES H. KELLEN.

Mr. SPOONER also introduced a bill (H. R. 1453) for the relief of Charles H. Kellen; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMMON SCHOOLS.

Mr. MACKEY introduced a bill (H. R. 1454) to aid in the support of common schools; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. MACKEY also introduced a bill (H. R. 1455) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company; which was read a first and second time.

The SPEAKER *pro tempore*. The bill will be referred to the Committee on Claims.

Mr. MACKEY. I ask that it be referred to the Committee on Ways and Means. A similar bill was referred in the last Congress to the Committee on Ways and Means.

The SPEAKER *pro tempore*. A similar bill went to the Committee on Claims this morning. If the gentleman makes a motion the Chair will entertain it.

Mr. MACKEY. It is immaterial.

The bill was referred to the Committee on Claims, and ordered to be printed.

TRANSPORT-BOAT PLANTER.

Mr. MACKEY also introduced a bill (H. R. 1456) authorizing the reappraisement of the steam transport-boat Planter, and for the distribution of proceeds thereof; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. MACKEY also introduced a joint resolution (H. Res. 53) proposing an amendment to the Constitution of the United States declaring the rights, privileges, and immunities of all citizens of the United States to be the same, and forbidding any denial or abridgment of the same; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DEPARTMENT OF AGRICULTURE.

Mr. AIKEN introduced a bill (H. R. 1457) to establish a department of agriculture; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

PUBLIC BUILDING AT GREENVILLE, S. C.

Mr. AIKEN (for Mr. EVINS) also introduced a bill (H. R. 1458) for a public building at Greenville, S. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TAXATION OF STATE BANK NOTES.

Mr. DIBBLE introduced a bill (H. R. 1459) to repeal all acts and parts of acts discriminating in taxation against the circulating notes of State banks and State bank associations; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JETTIES IN CHARLESTON HARBOR.

Mr. DIBBLE also introduced a bill (H. R. 1460) making an appropriation for resuming work on the jetties in Charleston Harbor, S. C., to be available immediately; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CITADEL ACADEMY, CHARLESTON, S. C.

Mr. DIBBLE also introduced a bill (H. R. 1461) providing for the payment to the State of South Carolina of rent for the Citadel Academy, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

Mr. DIBBLE also introduced a bill (H. R. 1462) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

PENSION FOR MEXICAN WAR.

Mr. DIBBLE also introduced a bill (H. R. 1463) granting pensions to soldiers and sailors of the Mexican war, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HEIRS OF ROBERT CHISHOLM.

Mr. DIBBLE also introduced a bill (H. R. 1464) for the relief of the heirs of Robert Chisholm; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY O'CONNOR.

Mr. DIBBLE also introduced a bill (H. R. 1465) for the relief of Mary O'Connor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS BLACK.

Mr. DIBBLE also introduced a bill (H. R. 1466) for the relief of the heirs of Thomas Black; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. W. CLAUSSEN.

Mr. DIBBLE also introduced a bill (H. R. 1467) authorizing the Court of Claims to grant a rehearing in the case of F. W. Claussen *vs.* The United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PETER F. SPARKMAN.

Mr. DIBBLE also introduced a bill (H. R. 1468) granting a pension to Peter F. Sparkman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN SLAWSON, JR.

Mr. DIBBLE also introduced a bill (H. R. 1469) for the relief of the heirs of Martin Slawson, jr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JULIUS ROUMILLAT.

Mr. DIBBLE also introduced a bill (H. R. 1470) for the relief of Julius Roumillat; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ORMSBY BLANDING.

Mr. HEMPHILL introduced a bill (H. R. 1471) granting a pension to Ormsby Blanding, of South Carolina; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SOUTHERN MAIL CONTRACTORS.

Mr. HEMPHILL also introduced a joint resolution (H. Res. 54) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TRADE-DOLLAR.

Mr. McMILLIN introduced a bill (H. R. 1472) to make the trade-dollar a legal tender; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PENSIONS FOR MEXICAN AND INDIAN WARS.

Mr. McMILLIN also introduced a bill (H. R. 1473) granting pensions to the survivors of the Mexican and Indian wars; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

TENNESSEE JUDICIAL DISTRICTS.

Mr. McMILLIN also introduced a bill (H. R. 1474) to detach Fentress County from the middle district and attach it to the southern division of the western district of Tennessee; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALES OF LEAF-TOBACCO.

Mr. McMILLIN also introduced a bill (H. R. 1475) to authorize the producer of tobacco to sell the same to any purchaser without license; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES MORELAND.

Mr. McMILLIN also introduced a bill (H. R. 1476) for the relief of James Moreland, of Jackson County, Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM JOHNSON AND OTHERS.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 1477) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SALES OF TOBACCO.

Mr. TAYLOR, of Tennessee, also introduced a bill (H. R. 1478) to authorize the producer of tobacco to sell the same to any purchaser without a license and in such quantities as he may desire; also to repeal the laws imposing a tax on manufactured tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ISAAC M. JOHNSON.

Mr. TAYLOR, of Tennessee, also introduced a bill (H. R. 1479) granting a pension to Isaac M. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. TAYLOR, of Tennessee, also introduced a bill (H. R. 1480) granting a pension to soldiers of the United States engaged in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE LAWS.

Mr. DIBRELL introduced a bill (H. R. 1481) repealing the internal-revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

POST-ROUTES.

Mr. DIBRELL also introduced a bill (H. R. 1482) making all public roads and highways post-routes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SALE OF SCHOOL LANDS.

Mr. DIBRELL also introduced a bill (H. R. 1483) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell tracts appropriated to school purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING, CHATTANOOGA, TENN.

Mr. DIBRELL also introduced a bill (H. R. 1484) for the erection of a public building in Chattanooga, Tenn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PENSIONS.

Mr. DIBRELL also introduced a bill (H. R. 1485) granting a pension to soldiers in the war with Mexico and Indian wars; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

NEWTON J. MELTON.

Mr. DIBRELL also introduced a bill (H. R. 1486) to restore the name of Newton J. Melton, a soldier in the war with Mexico, to the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARGARET ROSE.

Mr. DIBRELL also introduced a bill (H. R. 1487) granting a pension to Margaret Rose, widow of W. W. Rose, a soldier in the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PHŒBE BAIN.

Mr. DIBRELL also introduced a bill (H. R. 1488) to pay Phœbe Bain the pension due her husband, William Bain, from February 9, 1871, to the date of his death; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HEIRS OF WILSON PURDONE.

Mr. DIBRELL also introduced a bill (H. R. 1489) granting a pension to the heirs of Wilson Purdone, deceased, late a private Company F, Fifth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED COLLINGWOOD.

Mr. DIBRELL also introduced a bill (H. R. 1490) to increase the pension of Alfred Collingwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH L. HARVEY.

Mr. DIBRELL also introduced a bill (H. R. 1491) granting a pension to Sarah L. Harvey, widow of G. B. Harvey, late lieutenant Company E, Tenth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAYMENT OF AWARDS.

Mr. DIBRELL also introduced a bill (H. R. 1492) for the payment of certain awards in favor of parties therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF JOHN ARMFIELD.

Mr. DIBRELL also introduced a bill (H. R. 1493) for the relief of the heirs of John Armfield, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BOUNTIES.

Mr. HOUK introduced a bill (H. R. 1494) to equalize the bounties of

soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS.

Mr. HOUK also introduced a bill (H. R. 1495) to grant pensions to the soldiers and sailors of the war with Mexico, and to the widows of such as are deceased; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUNISHMENT OF OFFENSES AGAINST ELECTION LAWS.

Mr. HOUK also introduced a bill (H. R. 1496) to preserve the purity of the elective franchise and to punish bribery and other offenses against a free ballot; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RELIEF OF CERTAIN OFFICERS.

Mr. HOUK also introduced a bill (H. R. 1497) for the relief of certain officers of the Army for services actually performed during the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMPENSATION OF UNITED STATES MARSHALS, ETC.

Mr. HOUK also introduced a bill (H. R. 1498) fixing the compensation of United States marshals and district attorneys; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CAPTURED AND ABANDONED PROPERTY.

Mr. HOUK also introduced a bill (H. R. 1499) to amend an act approved March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds within the insurrectionary districts within the United States," and acts amendatory thereof, and to extend the provisions of the act of May 18, 1872; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LIEUT. JAMES W. VENTIS.

Mr. HOUK also introduced a bill (H. R. 1500) granting a pension to Lieut. James W. Ventis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREEMORTON YOUNG.

Mr. HOUK also introduced a bill (H. R. 1501) granting arrears of pension to Freemorton Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM ROBINSON.

Mr. HOUK also introduced a bill (H. R. 1502) granting a pension to William Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. GRAHAM.

Mr. HOUK also introduced a bill (H. R. 1503) for the relief of George W. Graham; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MILLIA STAPLES.

Mr. HOUK also introduced a bill (H. R. 1504) for the relief of Millia Staples; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAYMENT OF LOYAL CLAIMANTS.

Mr. HOUK also introduced a bill (H. R. 1505) to provide for the payment of loyal claimants; and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARDIE R. BROWN.

Mr. HOUK also introduced a bill (H. R. 1506) for the relief of Hardie R. Brown; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUTHER M. BLACKMAN.

Mr. HOUK also introduced a bill (H. R. 1507) for the relief of Luther M. Blackman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONTESTED ELECTIONS, HOUSE OF REPRESENTATIVES.

Mr. PETTIBONE introduced a bill (H. R. 1508) authorizing commissioners of the circuit court of the United States to take testimony in the case of contested elections of members of the House of Representatives; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

W. W. BOVELL.

Mr. PETTIBONE also introduced a bill (H. R. 1509) for the relief of W. W. Bovell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PAYMENT FOR HORSES, ETC.

Mr. PETTIBONE also introduced a bill (H. R. 1510) for the payment of horses and other property lost or destroyed in the military service of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. TURLEY.

Mr. PETTIBONE also introduced a bill (H. R. 1511) for the relief of William H. Turley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADDITIONAL BOUNTY TO VOLUNTEER SOLDIERS.

Mr. PETTIBONE also introduced a bill (H. R. 1512) to revive section 12 of the act of July 28, 1866, providing an additional bounty of $100 to certain volunteer soldiers of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZABETH BRAY.

Mr. PETTIBONE also introduced a bill (H. R. 1513) for the relief of Elizabeth Bray; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NELSON M'LAUGHLIN.

Mr. PETTIBONE also introduced a bill (H. R. 1514) for the relief of Nelson McLaughlin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JESSE P. HARTMAN.

Mr. PETTIBONE also introduced a bill (H. R. 1515) for the relief of Jesse P. Hartman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM M. HENRY.

Mr. PETTIBONE also introduced a bill (H. R. 1516) for the relief of William M. Henry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS FAIN.

Mr. PETTIBONE also introduced a bill (H. R. 1517) for the relief of Thomas Fain; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH BRAY.

Mr. PETTIBONE also introduced a bill (H. R. 1518) for the relief of Elizabeth Bray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. MILLER.

Mr. PETTIBONE also introduced a bill (H. R. 1519) granting a pension to William R. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M'HENRY BRAY.

Mr. PETTIBONE also introduced a bill (H. R. 1520) for the relief of McHenry Bray; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID F. MANLY.

Mr. PETTIBONE also introduced a bill (H. R. 1521) for the relief of David F. Manly; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COL. S. K. N. PATTON.

Mr. PETTIBONE also introduced a bill (H. R. 1522) for the relief of Col. S. K. N. Patton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. H. PAINTER.

Mr. PETTIBONE also introduced a bill (H. R. 1523) for the relief of J. H. Painter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MADISON TRENT.

Mr. PETTIBONE also introduced a bill (H. R. 1524) for the relief of Madison Trent; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES O'BRIEN.

Mr. PETTIBONE also introduced a bill (H. R. 1525) for the relief of James O'Brien; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH TIPTON.

Mr. PETTIBONE also introduced a bill (H. R. 1526) granting a pension to Elizabeth Tipton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEREMIAH B. HALE.

Mr. PETTIBONE also introduced a bill (H. R. 1527) granting a pension to Jeremiah B. Hale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WINNIFRED LAWS.

Mr. PETTIBONE also introduced a bill (H. R. 1528) granting a pension to Winnifred Laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYDIA S. ROARK.

Mr. PETTIBONE also introduced a bill (H. R. 1529) granting a pension and bounty to Lydia S. Roark, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JORIAL ONKST.

Mr. PETTIBONE also introduced a bill (H. R. 1530) granting a pension to Jorial Onkst; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. T. PRITCHETT.

Mr. PETTIBONE also introduced a bill (H. R. 1531) granting a pension to W. T. Pritchett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIAH MAHONEY.

Mr. PETTIBONE also introduced a bill (H. R. 1532) granting a pension to Josiah Mahoney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA STARNS.

Mr. PETTIBONE also introduced a bill (H. R. 1533) granting a pension to Rebecca Starns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT MEMPHIS.

Mr. YOUNG introduced a bill (H. R. 1534) appropriating $50,000 to construct a supporting wall for the protection of the custom-house, post-office, &c., in the city of Memphis; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NATIONAL CEMETERY AT MEMPHIS.

Mr. YOUNG also introduced a bill (H. R. 1535) to provide for the construction of a macadamized road from the city of Memphis, in the State of Tennessee, to the National Cemetery, near said city; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT CARRICK.

Mr. YOUNG also introduced a bill (H. R. 1536) for the relief of Robert Carrick, late first lieutenant United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMITTEE ON PUBLIC LAND GRANTS.

Mr. YOUNG also introduced a resolution proposing an amendment to the rules, so as to authorize the Speaker to appoint a special committee of nine members to examine into public land grants; which was referred to the Committee on Rules.

CORONNA, TAUSSIG & CO.

Mr. YOUNG also introduced a bill (H. R. 1537) for the relief of Coronna, Taussig & Co. and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. W. M'DOWELL.

Mr. YOUNG also introduced a bill (H. R. 1538) for the relief of W. W. McDowell, administrator of the estate of Thomas Jones, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS JONES.

Mr. YOUNG also introduced a bill (H. R. 1539) for the relief of the estate of Thomas Jones, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN HOGAN.

Mr. YOUNG also introduced a bill (H. R. 1540) granting a pension to John Hogan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENT LAWS.

Mr. YOUNG also introduced a bill (H. R. 1541) to amend the patent laws of the United States; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SOLDIERS OF MEXICAN WAR.

Mr. CALDWELL introduced a bill (H. R. 1542) to admit invalid and indigent soldiers and sailors of the Mexican war to the benefits of the Soldiers' Home of the District of Columbia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. GORDON.

Mr. CALDWELL also introduced a bill (H. R. 1543) for the relief of William H. Gordon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MICHAEL L. KIGGINS.

Mr. CALDWELL also introduced a bill (H. R. 1544) for the relief of Michael L. Kiggins, administrator of James Walsh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL J. WARNER.

Mr. WARNER, of Tennessee, introduced a bill (H. R. 1545) to restore to the pension-roll the name of Samuel J. Warner; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

T. W. STONE.

Mr. WARNER, of Tennessee, also introduced a bill (H. R. 1546) for the relief of T. W. Stone; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDMON COOPER.

Mr. WARNER, of Tennessee, also introduced a bill (H. R. 1547) for the relief of Edmon Cooper; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. JANE VENABLE.

Mr. WARNER, of Tennessee, also introduced a bill (H. R. 1548) for the relief of Mrs. Jane Venable; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

WILLIAM T. LEAGUE.

Mr. WARNER, of Tennessee, also introduced a bill (H. R. 1549) for the relief of William T. League; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONS FOR MEXICAN AND INDIAN WARS.

Mr. WARNER, of Tennessee, also introduced a bill (H. R. 1550) granting pensions to the survivors of the Mexican and Indian wars; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DUTY ON SALT AND MATCHES.

Mr. WARNER, of Tennessee, also introduced a bill (H. R. 1551) to abolish the duty on salt and matches; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUTY ON NEEDLES AND BROOMS.

Mr. WARNER, of Tennessee, also introduced a bill (H. R. 1552) to abolish the duty on sewing, darning, and knitting needles and brooms; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CURTIS DAVIS.

Mr. WARNER, of Tennessee, also (by request) introduced a bill (H. R. 1553) granting a pension to Curtis Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DARIUS SEA.

Mr. WARNER, of Tennessee, also (by request) introduced a bill (H. R. 1554) granting an increase of pension to Darius Sea; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. RACHEL WRIGHT.

Mr. WARNER, of Tennessee, also (by request) introduced a bill (H. R. 1555) granting a pension to Mrs. Rachel Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM E. PRINCE.

Mr. WARNER, of Tennessee, also (by request) introduced a bill (H. R. 1556) granting a pension to William E. Prince; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALCOHOLIC METER.

Mr. BALLENTINE (by request) introduced a joint resolution (H. Res. 55) to adopt a suitable meter to accurately measure the gravity and temperature of distilled and malt liquors and to make an automatic register of the same, and appropriating ——— for placing them in use in distilleries; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DAVIDSON DICKSON AND OTHERS.

Mr. BALLENTINE also introduced a bill (H. R. 1557) for the relief of Davidson Dickson and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JURISDICTION OF COURT OF CLAIMS.

Mr. THROCKMORTON introduced a bill (H. R. 1558) to extend the jurisdiction of the Court of Claims to all claims growing out of treaties between the United States and Indian tribes, and the laws pertaining thereto; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT OF CONSTITUTION.

Mr. THROCKMORTON also introduced a joint resolution (H. Res. 56) to amend the Constitution of the United States; which was read a

first and second time, and referred to the Committee on the Judiciary, and ordered to be printed.

ALLOTMENT OF INDIAN LANDS, ETC.

Mr. THROCKMORTON also introduced a bill (H. R. 1559) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PENSIONS.

Mr. THROCKMORTON also introduced a bill (H. R. 1560) granting pensions to certain soldiers and sailors of the Mexican, Florida, and Black Hawk wars, and certain widows of deceased soldiers and sailors of the same; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that the House now adjourn, with the understanding that the call of States be resumed and concluded to-morrow. It will take until 6 o'clock to complete the call to-day.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] moves that the House now adjourn, with the understanding that the call of States be resumed to-morrow. Pending the motion, the Chair, with the consent of the House, will submit some executive communications for reference.

Mr. SPRINGER. There are thirty-five more members to be called, and the call can not be concluded this evening before 6 o'clock.

DEFICIENCY APPROPRIATION FOR INDIAN DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, inclosing a communication from the Commissioner of Indian Affairs setting forth the necessity of a deficiency appropriation of $60,000 for the immediate wants of his bureau.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 11, 1883.

Mr. MILLS. I object to the presentation of any more executive communications until the call of the States is completed.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois [Mr. SPRINGER] that the House adjourn.

The motion was not agreed to; there being—yeas 45, nays 92.

The SPEAKER *pro tempore*. The call of States for the introduction of bills and joint resolutions will be resumed.

Mr. MAYO. I rise to a privileged question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MAYO. I move that the time of this House be changed to railroad time as now adopted throughout the United States. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. That is not a privileged question; and if it were it would not be in order at this time.

INTERSTATE COMMERCE.

Mr. REAGAN introduced a bill (H. R. 1561) to regulate interstate commerce and to prohibit unjust discriminations by common carriers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FOREIGN-BUILT SHIPS.

Mr. REAGAN also introduced a bill (H. R. 1562) to amend the Revised Statutes of the United States so as to allow the purchase and register of foreign-built ships by citizens of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STEAM-VESSELS.

Mr. REAGAN also introduced a bill (H. R. 1563) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SOLDIERS OF MEXICAN WAR, ETC.

Mr. REAGAN also introduced a bill (H. R. 1564) granting pensions to certain soldiers and sailors of the Mexican, Florida, and Black Hawk wars, and certain widows of deceased soldiers and sailors of the same; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

AMENDMENTS TO CONSTITUTION OF UNITED STATES.

Mr. REAGAN also introduced a joint resolution (H. Res. 57) proposing amendments to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SOUTHERN MAIL CONTRACTORS.

Mr. REAGAN also introduced a joint resolution (H. Res. 58) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors; which was read a first and second time.

Mr. REAGAN. I move its reference to the Committee on the Post-Office and Post-Roads.

The SPEAKER *pro tempore*. Under the rule it should go the Committee on Claims.

Mr. REAGAN. I move it be referred to the Committee on the Post-Office and Post-Roads. It was before that committee originally.

The SPEAKER *pro tempore*. The Chair will submit the motion to the House. A similar bill, the Chair is advised, has been before the Committee on Claims.

Mr. KEIFER. Before voting on the reference of the resolution I ask that it be read.

The Clerk read as follows:

Resolved, &c., That the Secretary of the Treasury shall begin at once to pay in full to certain mail contractors of the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Texas, Tennessee, Virginia, and West Virginia, their heirs or legal representatives, the amount due under their respective contracts for the years 1859, 1860, and 1861, and the appropriation of $375,000 made by the act approved March 3, 1877, shall be and is reappropriated and made immediately available for said payments, provided that no demand shall be made for services rendered after May 31, 1861, when discontinuance was ordered by the Postmaster-General, or where payments were made by the confederate government; and the provisions of section 3480 of the Revised Statutes of the United States shall not be applicable to the payments herein authorized. All acts and parts of acts inconsistent herewith are hereby repealed.

Mr. KEIFER. As there is a question of reference different from that provided for by the rule, I ask that the Clerk read that portion of the rule relating to the Committee on the Post-Office and Post-Roads and to the Committee on Claims.

The SPEAKER *pro tempore*. The Clerk will read the portions of the rule indicated.

The Clerk read as follows:

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating, * * *

12. to the Post-Office and post-roads, other than appropriations for their support: to the Committee on the Post-Office and Post-Roads.

* * * * * * *

27. To private and domestic claims and demands, other than war claims, against the United States: to the Committee on Claims.

Mr. KEIFER. It is apparent that, under the rule, this joint resolution should be referred to the Committee on Claims, and not to the Committee on the Post-Office and Post-Roads.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. REAGAN. As the Chair has allowed the gentleman from Ohio, it will only be fair I should be allowed to make a statement in reply. This is a general law, and not a special one.

The question recurred on Mr. REAGAN'S motion; and there were—ayes 44, noes 79.

So the motion was disagreed to.

The joint resolution was then referred to the Committee on Claims, and ordered to be printed.

CREDITORS OF THE LATE REPUBLIC OF TEXAS.

Mr. REAGAN also introduced a joint resolution (H. Res. 59) authorizing the Secretary of the Treasury to pay over to the State of Texas the balance remaining of the fund appropriated by the act of September 9, 1850, and of February 28, 1855, for the payment of the creditors of the late Republic of Texas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BOUNDARY LINE BETWEEN INDIAN TERRITORY AND TEXAS.

Mr. LANHAM introduced a bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

O. L. COCHRAN.

Mr. STEWART, of Texas, introduced a bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CAPT. JOHN G. TOD.

Mr. STEWART, of Texas, also introduced a bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PUBLIC BUILDING, TYLER, TEX.

Mr. JONES, of Texas, introduced a bill (H. R. 1568) to provide a suitable building for the United States courts, post-office, and internal-revenue offices in the city of Tyler, State of Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MRS. MARY M. ORD.

Mr. MILLER, of Texas, introduced a bill (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of the late Maj. Gen. E. O. C. Ord; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, WACO, TEX.

Mr. MILLS introduced a bill (H. R. 1570) for the erection of a public building at Waco, Tex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIEUT. COL. T. G. BAYLOR.

Mr. MILLS also introduced a bill (H. R. 1571) for the relief of Lieut. Col. T. G. Baylor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN SHIRLEY.

Mr. WELLBORN introduced a bill (H. R. 1572) for the relief of the widow and children of John Shirley, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM BEDDO AND OTHERS.

Mr. WELLBORN also introduced a bill (H. R. 1573) for the relief of William Beddo and others; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SECOND NATIONAL BANK, FORT WORTH, TEX.

Mr. WELLBORN also introduced a bill (H. R. 1574) to authorize the increase of the capital stock of the Second National Bank of Fort Worth, Tex.; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

GEORGE R. SMITH.

Mr. WELLBORN also introduced a bill (H. R. 1575) for the relief of George R. Smith; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GULF, COLORADO AND SANTA FÉ RAILWAY.

Mr. WELLBORN also (by request) introduced a bill (H. R. 1576) granting to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CAPITAL AND OTHER CRIMES.

Mr. CULBERSON, of Texas, introduced a bill (H. R. 1577) concerning capital and otherwise infamous crimes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JURISDICTION OF UNITED STATES CIRCUIT COURTS, ETC.

Mr. CULBERSON, of Texas, also introduced a bill (H. R. 1578) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit court of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DENNIS M. JACKSON.

Mr. POLAND introduced a bill (H. R. 1579) for the relief of Dennis M. Jackson, Company E, Fourth Regiment, New Hampshire Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. MARY L. MARTIN.

Mr. POLAND also introduced a bill (H. R. 1580) granting arrears of pensions to Mrs. Mary L. Martin, as dependent mother of James L. Martin, Company I, Fifth Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON, BRATTLEBOROUGH, VT.

Mr. POLAND also introduced a bill (H. R. 1581) granting four condemned cannon to the town of Brattleborough, Vt.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HABEAS CORPUS.

Mr. POLAND also introduced a bill (H. R. 1582) limiting the use of the writ of habeas corpus; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JULIA SPENARD.

Mr. POLAND also introduced a bill (H. R. 1583) granting a pension to Julia Spenard; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LYDIA JOHNSON.

Mr. POLAND also introduced a bill (H. R. 1584) for the relief of Lydia Johnson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. POLAND also introduced a bill (H. R. 1585) granting four condemned cannon to the town of Saint Johnsbury, Vt.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MOSES FULLINGTON.

Mr. POLAND also introduced a bill (H. R. 1586) granting a pension to Moses Fullington, of Cambridge, Vt., war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. ELIZABETH A. RANDALL.

Mr. POLAND also introduced a bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRADE-DOLLARS.

Mr. POLAND also introduced a bill (H. R. 1588) making trade-dollars a legal tender and forbidding the further coinage thereof; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

J. D. MORRISON.

Mr. TUCKER introduced a bill (H. R. 1589) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DR. A. SIDNEY TEBBS.

Mr. BARBOUR (by Mr. TUCKER) introduced a bill (H. R. 1590) to authorize the Secretary of the Treasury to appoint Dr. A. Sidney Tebbs an assistant surgeon in the United States Navy hospital service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HEIRS OF WILLIAM FALLS.

Mr. BARBOUR (by Mr. TUCKER) also introduced a bill (H. R. 1591) for the relief of the heirs of William Falls, of Alexandria County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMMISSIONERS OF THE DISTRICT.

Mr. BARBOUR also (by Mr. TUCKER) introduced a bill (H. R. 1592) confirming an order of the commissioners of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

J. V. DAVIS.

Mr. BARBOUR also (by Mr. TUCKER) introduced a bill (H. R. 1593) for the relief of J. V. Davis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DEVISEES OF DANIEL CARROLL.

Mr. BARBOUR also (by Mr. TUCKER) introduced a bill (H. R. 1594) for the relief of the devisees of the late Daniel Carroll; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MARY ANN KING.

Mr. BARBOUR also (by Mr. TUCKER) introduced a bill (H. R. 1595) for the relief of Mary Ann King, mother of Andrew King, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INTERNAL-REVENUE LAWS.

Mr. CABELL introduced a bill (H. R. 1596) to repeal the internal-revenue laws of the United States and to abolish all taxes and all offices created by them; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NATIONAL CEMETERY, DANVILLE, VA.

Mr. CABELL also introduced a bill (H. R. 1597) to provide for grading and paving the approaches to the national cemetery at Danville, Va.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN R. PACE & CO.

Mr. CABELL also introduced a bill (H. R. 1598) to refund to John R. Pace & Co., of Danville, Va., the sum of $236.20 improperly collected by William Fernald, collector of internal revenue for the fourth district of Virginia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ADVANCES BY MARYLAND AND VIRGINIA.

Mr. CABELL also introduced a bill (H. R. 1599) to provide for paying certain advances made to the United States by the States of Maryland and Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JACOB WEAVER.

Mr. CABELL also introduced a bill (H. R. 1600) for the relief of

Jacob Weaver; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAROLINE F. WRIGHT AND OTHERS.

Mr. CABELL also introduced a bill (H. R. 1601) directing the Secretary of the Treasury to issue duplicates of bounty land-warrant No. 57833 to Caroline F. Wright and others; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ACCOUNTS BETWEEN STATES AND THE UNITED STATES.

Mr. CABELL also introduced a bill (H. R. 1602) for the recomputation of the accounts between the United States and the several States growing out of moneys expended by said States in the war of 1812; which was read a first and second time.

The SPEAKER *pro tempore*. That bill under the rule will be referred to the Committee on War Claims.

Mr. CABELL. I move that it be referred to the Committee on Claims.

The motion was agreed to; and the bill was referred to the Committee on Claims, and ordered to be printed.

MRS. MARY WEAVER.

Mr. CABELL also introduced a bill (H. R. 1603) for the relief of Mrs. Mary Weaver; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAX ON FRUIT BRANDY.

Mr. CABELL also introduced a bill (H. R. 1604) to repeal so much of section 3251 of the Revised Statutes and subsequent or existing laws as imposes a revenue tax upon spirits distilled from apples, peaches, and other fruits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ROBERT HUFF.

Mr. CABELL also introduced a bill (H. R. 1605) for the relief of Robert Huff; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LICORICE AND LICORICE PASTE.

Mr. CABELL also introduced a bill (H. R. 1606) to permit manufacturers of tobacco to import licorice and licorice paste in bond, and to exempt the same from duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GREEN PENN.

Mr. CABELL also introduced a bill (H. R. 1607) for the relief of Green Penn; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE LAWS.

Mr. GEORGE D. WISE (by Mr. CABELL) introduced a bill (H. R. 1608) to repeal the internal-revenue laws now in force and to abolish the Internal-Revenue Bureau; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT RICHMOND, VA.

Mr. GEORGE D. WISE also (by Mr. CABELL) introduced a bill (H. R. 1609) making an appropriation for the extension, enlargement, and improvement of the United States custom-house at Richmond, Va., to secure accommodations for post-office, courts, and United States officers; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NATIONAL CEMETERY, HENRICO COUNTY, VIRGINIA.

Mr. GEORGE D. WISE also (by Mr. CABELL) introduced a bill (H. R. 1610) to construct a road from the city of Richmond to the national cemetery in the county of Henrico, in the State of Virginia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES S. MILLS.

Mr. GEORGE D. WISE also (by Mr. CABELL) introduced a bill (H. R. 1611) for the relief of Charles S. Mills; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM B. ISAACS & CO.

Mr. GEORGE D. WISE also (by Mr. CABELL) introduced a joint resolution (H. Res. 60) for the relief of William B. Isaacs & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SALLY HARDMOND.

Mr. GEORGE D. WISE also (by Mr. CABELL) introduced a bill (H. R. 1612) for the relief of Mrs. Sally Hardmond; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOLDIERS OF MEXICAN WAR.

Mr. LIBBEY introduced a bill (H. R. 1613) for the relief of certain officers and soldiers of the Mexican war and to explain the act of February 19, 1879; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. G. TEBOULT.

Mr. LIBBEY also introduced a bill (H. R. 1614) for the relief of A. G. Teboult; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LANGLEY B. CULLEY.

Mr. LIBBEY also introduced a bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN S. BRAXTON.

Mr. MAYO introduced a bill (H. R. 1616) for the relief of John S. Braxton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REBATE ON TOBACCO.

Mr. GOFF introduced a bill (H. R. 1617) to provide for the payment to dealers in and manufacturers of tobacco of such sums of money as have been and may hereafter be found due them on claims presented for rebate of taxes under the provisions of section 4 of the act of March 3, 1883; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT CLARKSBURG, W. VA.

Mr. GOFF also introduced a bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN HOUCHIN.

Mr. GOFF also introduced a bill (H. R. 1619) granting a pension to John Houchin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE F. RANDALL.

Mr. GOFF also introduced a bill (H. R. 1620) granting a pension to George F. Randall, late of Company H, Fourteenth Regiment West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY C. WORTHINGTON.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 1621) for the relief of Henry C. Worthington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS K. HAINES.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 1622) granting a pension to Silas K. Haines; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES ALLENDER.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 1623) for the relief of James Allender; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM G. WINDOM.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 1624) for correcting the military record of William G. Windom; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SCHOOL LANDS, HARPER'S FERRY.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 1625) to authorize and direct the Secretary of War to convey by deed to the board of education of the district of Harper's Ferry, W. Va., a lot of ground (No. 2 in Block B) with the building thereon for the use of the common schools thereof; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

REPRESENTATIVES OF DANIEL BEDINGER.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 1626) for the relief of the legal representatives of Daniel Bedinger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELK BRANCH CHURCH, JEFFERSON COUNTY, WEST VIRGINIA.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 1627) for the relief of the trustees of the Elk Branch church, Jefferson County, West Virginiaa; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SALE OF GOVERNMENT PROPERTY, HARPER'S FERRY.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 1628) authorizing and directing the sale of real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NATURALIZATION.

Mr. DEUSTER introduced a bill (H. R. 1629) to amend section 2172 of the Revised Statutes in relation to naturalization; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TREATY WITH GERMAN EMPIRE.

Mr. DEUSTER also introduced a joint resolution (H. Res. 61) providing for a treaty with the German Empire; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

FOREST HOME CEMETERY, MILWAUKEE, WIS.

Mr. DEUSTER also introduced a bill (H. R. 1630) providing for the erection of a memorial stone over the common grave of nineteen unknown soldiers at Forest Home Cemetery, Milwaukee, Wis.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MATTHEW O. REGAN.

Mr. DEUSTER also introduced a bill (H. R. 1631) to increase the pension of Matthew O. Regan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. R. WHITING.

Mr. DEUSTER also introduced a bill (H. R. 1632) granting a pension to W. R. Whiting; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. BRISBOIS.

Mr. DEUSTER also introduced a bill (H. R. 1633) for the relief of John W. Brisbois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WHITTAKER.

Mr. DEUSTER also (by request) introduced a bill (H. R. 1634) for the relief of John Whittaker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DABNEY WALKER.

Mr. DEUSTER also (by request) introduced a bill (H. R. 1635) for the relief of Dabney Walker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM T. DUVALL.

Mr. DEUSTER also (by request) introduced a bill (H. R. 1636) referring the claim of William T. Duvall against the United States to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM J. SANGSTON.

Mr. DEUSTER also (by request) introduced a bill (H. R. 1637) for the relief of William S. Sangston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC R. MOULTON.

Mr. DEUSTER also (by request) introduced a bill (H. R. 1638) for the relief of Isaac R. Moulton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PIERRE PERNOT.

Mr. DEUSTER also (by request) introduced a bill (H. R. 1639) for the relief of Pierre Pernot; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HECTOR F. PHELPS.

Mr. DEUSTER also (by request) introduced a bill (H. R. 1640) for the relief of Hector F. Phelps; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REBATE OF TOBACCO TAXES, ETC.

Mr. DEUSTER also submitted the following resolution; which was referred to the Committee on Ways and Means:

Whereas the Forty-seventh Congress passed a law revising the tariff-list, whereby it was provided that a rebate, amounting in the aggregate to several million dollars, should be paid by the United States Government to the manufacturers and dealers in certain articles, notably tobacco, cigars, &c.; and

Whereas no provision was made by the Forty-seventh Congress in the form of an appropriation to repay the taxes thus required to be repaid to the manufacturers and dealers in the articles aforesaid; and

Whereas it is charged that a syndicate exists that is taking advantage of this neglect on the part of the Forty-seventh Congress to appropriate money to pay the rebate aforesaid, charging an exorbitant commission therefor, knowing that the Government will repay the rebate in full: Therefore,

Be it resolved, That the Secretary of the Treasury be, and is hereby, requested to furnish the House of Representatives with information as to the amount of money necessary to be appropriated in order to meet the demands against the Government on account of the rebate aforesaid.

IMMIGRATION.

Mr. GUENTHER introduced a joint resolution (H. Res. 62) providing for a commission and joint commissioners on immigration; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT OSHKOSH, WIS.

Mr. GUENTHER also introduced a bill (H. R. 1641) for the erection of a public building at Oshkosh, Wis.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SIDNEY PALENS.

Mr. GUENTHER also introduced a bill (H. R. 1642) for the relief of Sidney Palens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GILBERT W. HUBBELL.

Mr. GUENTHER also introduced a bill (H. R. 1643) for the relief of Gilbert W. Hubbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD GOYIN.

Mr. GUENTHER also introduced a bill (H. R. 1644) for the relief of Richard Goyin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PLINY JEWETT.

Mr. GUENTHER also introduced a bill (H. R. 1645) granting a pension to Pliny Jewett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES A. STEVENS.

Mr. GUENTHER also introduced a bill (H. R. 1646) for the relief of Charles A. Stevens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER MITCHELL, JR.

Mr. GUENTHER also introduced a bill (H. R. 1647) for the relief of Peter Mitchell, jr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IRA J. J. TURNEY.

Mr. GUENTHER also introduced a bill (H. R. 1648) granting a pension to Ira J. J. Turney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISCILLA WOOD.

Mr. GUENTHER also introduced a bill (H. R. 1649) granting a pension to Priscilla Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. BRISBOIS.

Mr. GUENTHER also introduced a bill (H. R. 1650) for the relief of John W. Brisbois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXCISE.

Mr. PRICE introduced a bill (H. R. 1651) to amend subdivisions 4 and 5 of section 3244, Revised Statutes of 1878, relating to excise; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS.

Mr. PRICE also introduced a bill (H. R. 1652) to grant pensions for services in the Army, Navy, and Marine Corps of the United States during the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. HURLBURT.

Mr. PRICE also introduced a bill (H. R. 1653) granting a pension to John R. Hurlburt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WEST DIVISION OF WISCONSIN.

Mr. JONES, of Wisconsin, introduced a bill (H. R. 1654) to regulate the terms of court in the western district of Wisconsin; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELIJAH M. DOBBS AND OTHERS.

Mr. OURY introduced a bill (H. R. 1655) for the relief of Elijah M. Dobbs, Mariano G. Samaniego, and H. C. Hooker; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HENRY C. FRAZIER.

Mr. OURY also introduced a bill (H. R. 1656) for the relief of Henry C. Frazier; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ISAAC POLHAMUS, JR., AND OTHERS.

Mr. OURY also introduced a bill (H. R. 1657) for the relief of Isaac Polhamus, jr., and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM YORK.

Mr. OURY also introduced a bill (H. R. 1658) for the relief of William York; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. OURY also introduced a bill (H. R. 1659) to amend section 1862, title 23, of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF INDIANS TO INDIAN TERRITORY.

Mr. OURY also introduced a bill (H. R. 1660) to provide the means of obtaining the consent of the five civilized tribes of Indians now occupying the Indian Territory to the settlement of the Indian tribes of Arizona Territory upon the land heretofore ceded by said civilized tribes to the Government of the United States; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INDIAN SCHOOL AT YUMA, ARIZ.

Mr. OURY also introduced a bill (H. R. 1661) to provide for the establishment and maintenance of an Indian school at Yuma, in Yuma County, Arizona, and to make an appropriation therefor; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TRANSFER OF GOVERNMENT PROPERTY IN ARIZONA.

Mr. OURY also introduced a bill (H. R. 1662) to provide for the transfer of certain Government property in the Territory of Arizona from the War Department to the Interior Department, for Indian school purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TRANSFER OF BUREAU OF INDIAN AFFAIRS.

Mr. OURY also introduced a bill (H. R. 1663) to transfer the Bureau of Indian Affairs from the Interior to the War Department; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ISAAC POLHAMUS, JR., AND OTHERS.

Mr. OURY also introduced a bill (H. R. 1664) for the relief of Isaac Polhamus, jr., and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARTESIAN WELLS, ARIZONA.

Mr. OURY also introduced a bill (H. R. 1665) to provide for the boring of artesian wells in the Territory of Arizona; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ELECTION OF GOVERNOR, ETC., IN THE TERRITORIES.

Mr. OURY also introduced a bill (H. R. 1666) to provide for the election of a governor and a secretary of the Territory by the people of the several Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ADMISSION OF ARIZONA AS A STATE.

Mr. OURY also introduced a bill (H. R. 1667) to enable the people of Arizona Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

COMPLETION OF TERRITORIAL PRISON, ARIZONA.

Mr. OURY also introduced a bill (H. R. 1668) making an appropriation for the completion of the Territorial prison at Yuma, in the Territory of Arizona; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

BRANCH MINT, ARIZONA.

Mr. OURY also introduced a bill (H. R. 1669) to establish a branch mint in the Territory of Arizona; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ASSAY OFFICE, ARIZONA.

Mr. OURY also introduced a bill (H. R. 1670) to establish an assay office in the Territory of Arizona; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

INDIAN DEPREDATIONS, ARIZONA.

Mr. OURY also introduced a bill (H. R. 1671) to provide for the appointment of commissioners for ascertaining a report of the losses sustained by the people of the Territory of Arizona by reason of Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM FRANKLIN GROUNDS.

Mr. OURY also introduced a bill (H. R. 1672) for the relief of William Franklin Grounds; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WHITE MOUNTAIN INDIAN RESERVATION.

Mr. OURY also introduced a bill (H. R. 1673) to correct the western and southern boundaries of the White Mountain Indian reservation in the Territory of Arizona, and to segregate the Deer Creek coal fields; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TERRITORIAL LEGISLATURES.

Mr. OURY also introduced a bill (H. R. 1674) to provide for additional members of the Legislatures of the several Territories, and to increase the pay of the members and officers thereof; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

FRED. E. BROOKS.

Mr. OURY also introduced a bill (H. R. 1675) for the relief of Fred. E. Brooks, postmaster at Tomsbtone, Ariz.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, ARIZONA.

Mr. OURY also introduced a bill (H. R. 1676) making an appropriation for the erection of a building in the Territory of Arizona for the capitol of said Territory, and for a custom-house, post-office, and other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

H. C. HOOKER.

Mr. OURY also introduced a bill (H. R. 1677) for the relief of H. C. Hooker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREDERICK FREDLEY.

Mr. OURY also introduced a bill (H. R. 1678) for the relief of Frederick Fredley, Yuma, Ariz.; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TRES ALAMOS LAND CLAIM, ARIZONA.

Mr. OURY also introduced a bill (H. R. 1679) to confirm title to that certain private land-claim Tres Alamos, in Arizona Territory; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

PRIVATE LAND GRANTS IN ARIZONA.

Mr. OURY also introduced a bill (H. R. 1680) to confirm title to certain private land grants in Arizona Territory; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

TERRITORY OF NORTH DAKOTA.

Mr. RAYMOND introduced a bill (H. R. 1681) establishing the Territory of North Dakota and providing a temporary government therefor; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

SUPREME COURT OF DAKOTA.

Mr. RAYMOND also introduced a bill (H. R. 1682) providing for two additional associate justices of the supreme court of the Territory of Dakota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FORT RICE MILITARY RESERVATION.

Mr. RAYMOND also introduced a bill (H. R. 1683) to abolish the military reservation of Fort Rice, in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale the same as other public lands; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORT RANDALL MILITARY RESERVATION.

Mr. RAYMOND also introduced a bill (H. R. 1684) vacating all that portion of Fort Randall military reservation in the Territory of Dakota lying east of the Missouri River; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY YOUNG.

Mr. RAYMOND also introduced a bill (H. R. 1685) for the relief of Henry Young; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWIN PARLIMAN.

Mr. RAYMOND also introduced a bill (H. R. 1686) for the relief of Edwin Parliman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. G. SHAW.

Mr. RAYMOND also introduced a bill (H. R. 1687) for the relief of A. G. Shaw; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN B. STONE.

Mr. RAYMOND also introduced a bill (H. R. 1688) granting a pension to John B. Stone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASSAY OFFICE AT DEADWOOD.

Mr. RAYMOND also introduced a bill (H. R. 1689) to establish an assay office at Deadwood, in the Territory of Dakota; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

EDWAY A. GRANT.

Mr. RAYMOND also introduced a bill (H. R. 1690) for the relief of Edway A. Grant, late postmaster, at Fargo, Dak.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUPREME COURT OF IDAHO.

Mr. SINGISER introduced a bill (H. R. 1691) providing for an additional associate justice of the supreme court of the Territory of Idaho; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INDIAN RESERVATIONS IN IDAHO.

Mr. SINGISER also introduced a bill (H. R. 1692) to accept and ratify the agreements submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, for the sale of a portion of their lands in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REAPPORTIONMENT OF IDAHO.

Mr. SINGISER also introduced a bill (H. R. 1693) to authorize the reapportionment of the Territory of Idaho into council and representative districts; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

FEES OF CLERKS, MARSHALS, ETC.

Mr. SINGISER also introduced a bill (H. R. 1694) to extend the provisions of the acts of Congress relating to the fees of clerks, marshals and attorneys of the district and circuit courts to the Territory of Idaho; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

ALBERT ELSBERG.

Mr. LUNA introduced a bill (H. R. 1695) for the relief of Albert Elsberg, administrator of Gustave Elsberg, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MANUEL CHAVES AND LORENZO LABADIE.

Mr. LUNA also introduced a bill (H. R. 1696) for the relief of Manuel Chaves and Lorenzo Labadie; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

F. W. POSTHOFF.

Mr. LUNA also introduced a bill (H. R. 1697) for the relief of F. W. Posthoff; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARTESIAN WELLS IN NEW MEXICO.

Mr. LUNA also introduced a bill (H. R. 1698) to provide for the boring of artesian wells in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

JOHN S. CHISUM.

Mr. LUNA also introduced a bill (H. R. 1699) for the relief of John S. Chisum; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CHRISTOPHER CARSON.

Mr. LUNA also introduced a bill (H. R. 1700) for the relief of the children and heirs of the late Christopher Carson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTHONY JOSEPH AND PEDRO J. JARAMILLO.

Mr. LUNA also introduced a bill (H. R. 1701) for the relief of Anthony Joseph and Pedro J. Jaramillo; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

R. B. HIGBEE.

Mr. LUNA also introduced a bill (H. R. 1702) for the relief of R. B. Higbee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HUGO WEDELES.

Mr. LUNA also introduced a bill (H. R. 1703) for the relief of Hugo Wedeles; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES ATTORNEYS IN NEW MEXICO AND ARIZONA.

Mr. LUNA also introduced a bill (H. R. 1704) to limit the compensation of United States attorneys for Mexico and Arizona; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ORGANIC ACT OF NEW MEXICO.

Mr. LUNA also introduced a bill (H. R. 1705) to amend section 10 of the organic act of the Territory of New Mexico entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a Territorial government for New Mexico," approved September 9, 1850; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

LAND GRANTS IN NEW MEXICO.

Mr. LUNA also introduced a bill (H. R. 1706) to confirm certain land-grants in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

PRIVATE LAND CLAIMS IN NEW MEXICO.

Mr. LUNA also introduced a bill (H. R. 1707) to confirm certain private land claims in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SOCORRO, N. MEX.

Mr. LUNA also introduced a bill (H. R. 1708) to confirm a grant of land to citizens of Socorro, N. Mex.; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ADMISSION OF UTAH AS A STATE.

Mr. CAINE introduced a bill (H. R. 1709) for the admission of Utah into the Union on an equal footing with the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

GEORGE W. BEAN.

Mr. CAINE also introduced a bill (H. R. 1710) granting a pension to George W. Bean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK NELSON, T. CAINE, AND R. SAUNDERS.

Mr. POST, of Wyoming, introduced a bill (H. R. 1711) granting a pension to Frank Nelson, T. Caine, and R. Saunders; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIND RIVER VALLEY, WYOMING.

Mr. POST, of Wyoming, also introduced a bill (H. R. 1712) for the relief of certain settlers in the Wind River Valley, Wyoming; which was read a first and second time, referred to the Committee on Indian Afiairs, and ordered to be printed.

SERVICE OF JUDICIAL PROCESSES WITHIN RESERVATIONS.

Mr. POST, of Wyoming, also introduced a bill (H. R. 1713) to authorize the service of civil and criminal processes issued by Territorial courts within the military and Indian reservations on the Yellowstone National Park; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LARAMIE CITY, WYOMING TER.

Mr. POST, of Wyoming, also introduced a bill (H. R. 1714) setting apart one section of public land and the springs or sources of water thereon, now on the Fort Saunders military reservation, Wyoming Territory, to the corporate and domestic uses of the people of the town of Laramie City, in said Territory; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SALE OF TIMBER LANDS.

Mr. POST, of Wyoming, also introduced a bill (H. R. 1715) to amend an act entitled "An act for the sale of timber lands in the States of California, Oregon, and Nevada, and in Washington Territory," approved June 18, 1878; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TERRITORIAL COURTS.

Mr. POST, of Wyoming, introduced a bill (H. R. 1716) to amend chapter 80, volume 1, of the supplement to the Revised Statutes of the United States, entitled "An act concerning the practice of Territorial courts, and appeals therefrom;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, CHEYENNE, WYO.

Mr. POST, of Wyoming, also introduced a bill (H. R. 1717) to provide for the erection of a public building at Cheyenne, Wyo.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIEUT. F. M. H. KENDRICK.

Mr. POST, of Wyoming, also introduced a bill (H. R. 1718) for the relief of Lieut. F. M. H. Kendrick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROBERT H. YOUNG.

Mr. POST, of Wyoming, also introduced a bill (H. R. 1719) for the relief of Robert H. Young; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. POST, of Wyoming, also introduced a bill (H. R. 1720) to amend section 1864, chapter 1, title 23, Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

PUBLIC LANDS IN WYOMING.

Mr. POST, of Wyoming, also introduced a bill (H. R. 1721) providing for the withdrawal from settlement and sale of certain lands in Wyoming Territory; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

PENSIONS.

Mr. CABELL introduced a bill (H. R. 1722) granting pensions to certain soldiers and sailors of the Mexican War; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HEIRS OF DAVID G. BURNETT.

Mr. OCHILTREE (by Mr. THROCKMORTON) introduced a bill (H. R. 1723) for the relief of the heirs of David G. Burnett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SANTIAGO DE LEON.

Mr. OCHILTREE also (by Mr. THROCKMORTON) introduced a bill (H. R. 1724) for the relief of Santiago de Leon; which was read a first and second time, referred to the Committee on War Claims and ordered to be printed.

VIDAL HERNANDEZ.

Mr. OCHILTREE also (by Mr. THROCKMORTON) introduced a bill (H. R. 1725) for the relief of Vidal Hernandez; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. B. TALFOR AND H. C. RIPLEY.

Mr. OCHILTREE also (by Mr. THROCKMORTON) introduced a bill (H. R. 1726) for the relief of R. B. Talfor and H. C. Ripley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF WILLIAM HENDLEY.

Mr. OCHILTREE also (by Mr. THROCKMORTON) introduced a bill (H. R. 1727) for the relief of the heirs of William Hendley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES EICHLITZ.

Mr. OCHILTREE also (by Mr. THROCKMORTON) introduced a bill (H. R. 1728) for the relief of Charles Eichlitz; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM SCHUCHARDT.

Mr. OCHILTREE also (by Mr. THROCKMORTON) introduced a bill (H. R. 1729) for the relief of William Schuchardt; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RAPHAEL M. MILLER.

Mr. OCHILTREE also (by Mr. THROCKMORTON) introduced a bill (H. R. 1730) for the relief of Raphael M. Miller; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, BROWNSVILLE, TEX.

Mr. OCHILTREE also (by Mr. THROCKMORTON) introduced a bill (H. R. 1731) providing for the erection of a public building at Brownsville, Tex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARINE HOSPITAL, GALVESTON, TEX.

Mr. OCHILTREE also (by Mr. THROCKMORTON) introduced a bill (H. R. 1732) for the construction of a marine hospital at Galveston, Tex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DISEASES OF SHEEP.

Mr. OCHILTREE also (by Mr. THROCKMORTON) introduced a bill (H. R. 1733) to investigate the diseases of sheep and the remedies therefor; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

QUARANTINE STATION, TEXAS.

Mr. OCHILTREE also (by Mr. THROCKMORTON) introduced a bill (H. R. 1734) to provide for a quarantine station on the coast of Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT AT ROCK ISLAND ARSENAL.

Mr. MURPHY introduced a joint resolution (H. Res. 63) making an appropriation for the improvement of the pool above the dam at the Rock Island arsenal; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT OF RULES.

Mr. O'NEILL, of Missouri, submitted the following resolution; which was referred to the Committee on Rules:

Resolution proposing an amendment to Rule X, "Of committees."

Change "Committee on Education and Labor" by striking out the words "and Labor;" and add to section 1 of said rule the following:

"A Committee on Labor, to consist of seven members, to which shall be referred all proposed legislation and matters affecting the working classes."

DENTON & SAGE.

Mr. DUNHAM, by unanimous consent, introduced a bill (H. R. 1735) to refund to Denton & Sage the sum of $1,549.67, custom duties on sixty hogsheads of sugar destroyed in the great Chicago fire; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NEBRASKA WAR CLAIM.

Mr. LAIRD, by unanimous consent, introduced a bill (H. R. 1736) for the relief of the State of Nebraska; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RELIEF OF SETTLERS.

Mr. LAIRD also, by unanimous consent, introduced a bill (H. R. 1737) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MAJ. D. WILLIAMS.

Mr. LAIRD also, by unanimous consent, introduced a bill (H. R. 1738) restoring to the pension-roll the name of Maj. D. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTENSION OF WHISKY IN BOND.

Mr. WILLIS. Mr. Speaker, I have here two petitions, both very numerously signed by the most prominent business, banking, and distilling houses—there being over a thousand persons and firms—of Louisville, Chicago, Cincinnati, Philadelphia, Pittsburgh, New York, Boston, Indianapolis, Detroit, Omaha, Denver, and other principal cities of the Union. The Western Export Association and other leading associations are also signers of this petition for urgently requesting Congress at its earliest opportunity to enact a law extending the bonded period for two years upon all distilled spirits remaining in distillers' warehouses on the 1st of December, 1883.

As these gentlemen represent a great interest, and as their claim is set forth here clearly and tersely but very briefly, I ask that these two petitions, without the names, be printed in the RECORD.

Mr. WHITE, of Kentucky. I object.

Mr. MORRISON. I move the House do now adjourn.

Mr. MCMILLIN. Pending that motion I move that when the House adjourn to-day it be to meet on Friday next. There is nothing for us to do between now and then.

LEAVE OF ABSENCE.

Pending the motion to adjourn over, by unanimous consent leave of absence was granted in the following cases:

To Mr. BRAINERD, for two weeks, on account of important business.

To Mr. VALENTINE, indefinitely, on account of the illness of his wife.

WITHDRAWAL OF PAPERS.

On motion of Mr. WARNER, of Tennessee, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the claim of the executors of Thomas Hood, deceased.

CHICKASAW NATION.

Mr. THROCKMORTON, by unanimous consent, presented a joint resolution of the Chickasaw Nation, asking that the Chickasaw Nation be attached to Gainesville, Tex., for judicial purposes; which was referred to the Committee on the Judiciary, and ordered to be printed.

ADJOURNMENT OVER.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Tennessee [Mr. MCMILLIN], that when the House adjourns to-day it be to meet on Friday next.

The motion was agreed to.

SIOUX INDIANS.

Pending the motion to adjourn, by unanimous consent the following business was transacted:

The SPEAKER *pro tempore* laid before the House the following mes-

sage from the President; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 3d instant, submitting, with accompanying papers, a draught of a bill to accept and ratify certain agreements made with the Sioux Indians, and to grant the right of way to the Dakota Central Railway Company through the Sioux reservation in Dakota.

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

TIMBER DEPREDATIONS ON INDIAN RESERVATIONS.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 3d instant, with accompanying papers, submitting draught of a bill to prevent timber depredations on Indian reservations.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

TRESPASSES UPON INDIAN LAND.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 3d instant from the Secretary of the Interior, in relation to the urgent necessity of action on the part of the Congress for the more adequate prevention of trespasses upon Indian lands, with copy of report from the Commissioner of Indian Affairs upon the subject, draught of bill for the object indicated, and copy of correspondence from the Secretary of War recommending action in the premises.

The matter is commended to the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

RIGHT OF WAY THROUGH WALKER RIVER RESERVATION, NEVADA.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 3d instant from the Secretary of the Interior, with the draught of a bill "to accept and ratify an agreement made by the Pah Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River reservation in Nevada," and accompanying papers in relation to the subject.

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

ALLOTMENT OF LAND IN SEVERALTY.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, of the 3d instant, with accompanying papers, submitting a draught of a bill "providing for the allotment of lands in severalty to certain Chippewa Indians of Lake Superior, residing in the State of Wisconsin, and granting patents therefor."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

DUCK VALLEY LANDS, NEVADA.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, of the 3d instant, with draught of bill, for the payment of certain settlers in the State of Nevada, for improvements on lands in Duck Valley, in that State, taken for the use and occupancy of the Shoshone Indians, with accompanying papers.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1882.

KICKAPOO INDIANS, KANSAS.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, of the 3d instant, submitting, with accompanying papers, draught of a bill "to provide for the settlement of the estates of deceased Kickapoo Indians, in the State of Kansas, and for other purposes."

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

CHANGE OF REFERENCE OF A BILL.

Mr. BOUTELLE. On yesterday I introduced a bill (H. R. 711) for the construction of bridges across the Saint John and Saint Francis Rivers, which was referred to the Committee on Commerce.

This reference should have been to the Committee on Foreign Affairs. It relates to an international subject, referring as it does to commerce between the United States and the Dominion of Canada. I ask, therefore, that the reference be made to the Committee on Foreign Affairs.

The SPEAKER *pro tempore*. The change of reference suggested by the gentleman from Maine will be made.

ADJOURNMENT OVER.

The motion of Mr. MORRISON was then agreed to; and accordingly (at 5.30 o'clock p. m.) the House adjourned until Friday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: The petition of Wesley Turner, of Norton County, Kansas, asking that the pension to soldiers' widows be increased from $8 to $12 per month—to the Committee on Invalid Pensions.

Also, the petition of colored citizens of Kansas, for a constitutional amendment protecting them in their rights—to the Committee on the Judiciary.

By Mr. BEACH: The petition of Lydia J. Cline, of Newburg, N. Y., for increasing the pension now allowed widows of deceased soldiers—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Paper relating to the pension claim of Esther Hudson; of Anna Monohan, guardian of James Monohan, minor child of Richard Monohan; of John Leide; of Philip Lotz, and of Eliza Narr, widow of Isaac Narr—severally to the same committee.

By Mr. BRAINERD: Paper relating to an appropriation of $130,000 for the protection and improvement of the harbor at Erie, Pa.—to the Committee on Commerce.

By Mr. CALDWELL: Paper relating to the improvement of Cumberland River—to the same committee.

By Mr. CULLEN: The petition of soldiers of the late war, for an equalization of pay and the payment of such sums as will make the amounts received equal to the value of coin at the time of payment—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. COSGROVE: The petition of J. H. Waugh and others, for the improvement of the Mississippi River and its navigable tributaries—to the Committee on Commerce.

By Mr. DAVIDSON: The petition of 152 citizens of Franklin County, Florida, for an appropriation of $25,000 for the improvement of the mouth of Carrabelle River—to the same committee.

By Mr. DEUSTER: The petition of Timothy Dermody, for a pension—to the Committee on Invalid Pensions.

Also, the petition of John Stader, for increase of pension—to the same committee.

Also, the petition of certain soldiers and sailors of the late war, praying for a change in the pension laws—to the same committee.

By Mr. DIBBLE: Paper relating to the improvement of the harbor of Charleston, of the Edisto River, of the North Edisto River, and of Wappoo Cut, in the State of South Carolina—severally to the Committee on Commerce.

By Mr. DIBRELL: Paper relating to an appropriation to complete the improvement in Caney Fork River from its mouth to Frank's Ferry; also, for an appropriation for the improvement of Hiwassee River, and for the improvement of the Tennessee River at Muscle Shoals—severally to the same committee.

By Mr. DUNCAN: The petition of Jacob J. Morningstar, of Pennsylvania, for a pension—to the Committee on Invalid Pensions.

By Mr. DUNN: The petition of letter-carriers of Little Rock, Ark., for increase of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. GEORGE: The petition of citizens of Oregon, asking an appropriation for the improvement of the Coquille River—to the Committee on Commerce.

Also, the petition of citizens of Oregon, for the improvement of the Umpqua River—to the same committee.

Also, memorial of the Chamber of Commerce of Astoria, Oreg., praying for the forfeiture of the Oregon Central Railroad land grant—to the Committee on the Public Lands.

By Mr. GREEN: Paper relating to the improvement of Black River in North Carolina—to the Committee on Commerce.

By Mr. HATCH: Papers relating to the claim of Yost Harbaugh—to the Committee on War Claims.

By Mr. HAYNES: The petition of Hon. S. W. Hale, governor of New Hampshire, and 42 others, for an increase of pension for Alfred J. Hill, late adjutant Third New Hampshire Volunteers—to the Committee on Invalid Pensions.

Also, the petition of Michael G. Donohoe and 25 others, for the relief of Andrew D. Walden—to the Committee on Pensions.

By Mr. HOUSEMAN: The petition of John T. Holmes and others.

praying that the pension of Edward C. Gardner be increased—to the Committee on Invalid Pensions.

Also, paper relating to an appropriation to continue the improvement of Grand River, in the State of Michigan—to the Committee on Commerce.

By Mr. KELLEY: The petition of citizens of Washington, D. C., relative to improvements made in steam carbon gas—to the Committee for the District of Columbia.

By Mr. LAWRENCE: The petition and accompanying papers of Alexander Wishart, late first lieutenant in Twentieth United States Infantry, for relief—to the Committee on Military Affairs.

By Mr. MAYBURY: The petition of Mrs. Eunice Tripler, for allowance for publication of text-book for use of officers in the recruiting service of the Army—to the same committee.

Also, the petition of Nelson M. Farrar, for a pension—to the Committee on Invalid Pensions.

Also, paper relating to the pension claim of Margaret McCrickett—to the Committee on Pensions.

By Mr. McCOMAS: Papers relating to the claim of Michael J. Brown, of James F. Peerce, of George E. Stonebraker, and of George E. Stonebraker, administrator of Christian Stonebraker, deceased—severally to the Committee on War Claims.

By Mr. McCORMICK: Paper relating to the establishment of a post-route in Gallia County, Ohio—to the Committee on the Post-Office and Post-Roads.

By Mr. McMILLIN: Papers relating to an appropriation to lock and dam the Cumberland River above Nashville, Tenn., and for the improvement of the Caney Fork River—severally to the Committee on Commerce.

By Mr. NUTTING: Paper relating to an appropriation of $20,000 for the improvement of Salmon River, on Lake Ontario, State of New York—to the same committee.

By Mr. J. J. O'NEILL: The petition of members of the Second Regiment Missouri Volunteer Artillery, for a bounty—to the Select Committee on the Payment of Pensions, Bounties, and Back Pay.

Also, the petition of John Mueller, of Saint Louis, to abolish postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. O'HARA: The petition of citizens of New Berne, N. C., relating to French spoliation claims—to the Committee on Foreign Affairs.

By Mr. S. J. PEELLE: The petition of Mariah S. Newton, Elizabeth Gray, and 40 others, of Indianapolis, Ind., widows of soldiers of the late war, asking an increase of their pensions—to the Committee on Invalid Pensions.

Also, papers relating to the claim of E. P. Thompson—to the Committee on Claims.

By Mr. POLAND: The petition of Julia A. Ross, for a pension—to the Committee on Pensions.

Also, the petition of Mary Martin and others, for arrears of pension for Mary Martin—to the Committee on Invalid Pensions.

By Mr. RANDALL: The petition of Thomas A. Walters, for compensation for planning and superintending the construction of certain public buildings in the city of Washington and elsewhere—to the Committee on Claims.

Also, the petition of Bvt. Brig. Gen. John F. Ballier, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: The petition of 46 shipmasters of San Francisco, Cal., for legislation for protection of American mercantile marine—to the Committee on Commerce.

By Mr. SCALES: Paper relating to the establishment of a post-route from Penn's Store to Dalton and from Germantown to Brown Mountain, in the State of North Carolina—severally to the Committee on the Post-Office and Post-Roads.

By Mr. SLOCUM: Papers relating to the retirement from the Army of Alfred Pleasonton as major-general—to the Committee on Military Affairs.

By Mr. CHARLES STEWART: Papers relating to an appropriation for continuing the work in removing the obstructions to navigation at Sabine Pass and Blue Back Bar, in Texas—to the Committee on Commerce.

By Mr. STRAIT: The petition of J. M. Howard, president of the Board of Trade at Litchfield, Minn., and others, for the improvement of the Mississippi River and its tributaries—to the same committee.

By Mr. TALBOTT: The petition of Juliet H. Palmer, widow of James C. Palmer, late surgeon-general of United States Navy, for an increase of pension—to the Committee on Pensions.

By Mr. TOWNSHEND: The petition of E. Ralch, jr., to increase pensions of soldiers' widows, and for other purposes—to the Committee on Invalid Pensions.

By Mr. VANCE: Memorial for the relief of Jearum Atkins—to the Committee on Patents.

By Mr. WAIT: The petition of citizens of New London, Conn., praying that an increase of pension be allowed Mrs. Betsey A. Mower, widow of the late General J. A. Mower—to the Committee on Invalid Pensions.

Also, the petition of Charles Young, for remuneration for injuries sustained at Mystic, Conn., at the unveiling of soldiers' statue, June 13, 1883—to the Committee on Military Affairs.

By Mr. A. J. WARNER: The petition of L. W. Linkin and others, surviving soldiers of the Mexican war, for a pension—to the Committee on Pensions.

By Mr. YOUNG: The petitions of Mrs. Jacksey Armour, of Elizabeth I. Finney, of Joseph L. Glover, of Solomon Isaac, of William R. Kearney, of James P. Lowrey, of Joseph S. McAnulty, of Thomas L. Taylor, administrator of the estate of Andrew Taylor, deceased, and of David H. Townsend, administrator of the estate of Oswell P. Newly, deceased, for relief—severally to the Committee on War Claims.

SENATE.

WEDNESDAY, *December* 12, 1883.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

JOHN P. JONES, a Senator from the State of Nevada, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

INDIAN BUREAU DEFICIENCY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, inclosing a communication from the Commissioner of Indian Affairs setting forth the necessity of a deficiency appropriation of $60,000 for the immediate wants of his bureau.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 11, 1883.

The PRESIDENT *pro tempore*. The message, together with the accompanying papers, will be printed and referred to the Committee on Appropriations.

Mr. DAWES. I should think, as that calls for a special appropriation for particular reasons, perhaps it ought to go to the Committee on Indian Affairs, in order that they may make known to the Committee on Appropriations the facts in reference to it. I am not certain about it, but it so strikes me.

The PRESIDENT *pro tempore*. At the suggestion of the Senator from Massachusetts, if there be no objection, the message of the President, with the accompanying papers, will be referred to the Committee on Indian Affairs.

Mr. DAWES. It will go ultimately to the Committee on Appropriations; but it strikes me that under the circumstances it should go to the Committee on Indian Affairs first.

SHOSHONE INDIAN LANDS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and, together with the accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, of the 3d instant, with draught of a bill for the payment of certain settlers in the State of Nevada, for improvements on lands in Duck Valley, in said State, taken for the use and occupancy of the Shoshone Indians, with accompanying papers.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

KICKAPOO INDIANS IN KANSAS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, of the 3d instant, submitting, with accompanying papers, draught of a bill "to provide for the settlement of the estates of deceased Kickapoo Indians, in the State of Kansas, and for other purposes."

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

CHIPPEWA INDIAN LANDS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, of the 3d instant, with accompanying papers, submitting a draught of a bill "providing for the allotment of lands in severalty to certain Chippewa Indians of Lake Superior residing in the State of Wisconsin, and granting patents therefor."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

WALKER RIVER RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred

to the Committee on Indian Affairs, with the accompanying papers, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 3d instant from the Secretary of the Interior, with the draught of a bill "to accept and ratify an agreement made by the Pah Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River reservation in Nevada," and accompanying papers in relation to the subject.

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

TRESPASSES ON INDIAN LANDS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred, with the accompanying papers, to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 3d instant from the Secretary of the Interior, in relation to the urgent necessity of action on the part of the Congress for the more adequate prevention of trespasses on Indian lands, with copy of report from the Commissioner of Indian Affairs upon the subject, draught of bill for the object indicated, and copy of correspondence from the Secretary of War recommending action in the premises.

The matter is commended to the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

TIMBER DEPREDATIONS ON INDIAN RESERVATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 3d instant, with accompanying papers, submitting draught of a bill to prevent timber depredations on Indian reservations.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

SIOUX INDIAN RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 3d instant, submitting, with accompanying papers, draught of a bill to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Dakota Central Railway Company through the Sioux reservation in Dakota.

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 10, 1883.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 1136 of the Revised Statutes, plans of the proposed new barracks for the light battery at Fort Adams, Rhode Island; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

The PRESIDENT *pro tempore* appointed Mr. BAYARD director on the part of the Senate of the Columbia Institution for the Instruction of the Deaf and Dumb, pursuant to section 4863 of the Revised Statutes.

PETITIONS AND MEMORIALS.

Mr. LAPHAM presented the petition of George Milsom, Henry Spendelow, and George V. Watson, of Buffalo, N.Y., and the petition of C. J. Wells and others, citizens of Buffalo, N. Y., praying for the extension of letters patent to the patentees of the grain-shoveling machine now in use at the grain elevators at that place; which were referred to the Committee on Patents.

Mr. GARLAND presented the petition of Benjamin Williams, a citizen of Georgia and a resident of Washington, D. C., praying for an increase of salary as messenger and laborer in the office of the National Board of Health; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. BAYARD. I am instructed by the Committee on Private Land Claims, to whom was referred the bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories, to report it with amendments. The bill will go upon the Calendar, but I shall ask the Senate at the earliest possible day to allow it to pass, for a similar bill met the favorable consideration of the Senate on two previous occasions, and it is I think essentially demanded by the public interests that it should become a law. I shall call it up on the first occasion when I can get an opportunity to do so.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

BILLS INTRODUCED.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. 625) to provide for the just and legal determination of controversies about title to lands derived from the United States; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 626) to increase the pension of Francis Scott, and to rate him in the second grade of pensioners; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. 627) for the relief of John Jackson; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a bill (S. 628) to repeal an act entitled "An act to amend an act entitled 'An act for the removal of cases in certain causes from State courts,' approved July 27, 1866," approved March 2, 1867, and also to repeal the third paragraph of section 639 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 629) to attach the parishes of Saint Mary and Iberia, in the State of Louisiana, to the western judicial district of Louisiana; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 630) for the relief of Cora A. Slocum, Ida A. Richardson, and Caroline A. Urquhart; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 631) for the relief of Duncan S. Cage and the minor heirs of Albert G. Cage, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 632) for the relief of the heirs of Manning R. Ariail and Sarah Fish, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 633) to authorize the sale of the Baton Rouge arsenal and grounds; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 634) for a public building at Opelousas, La.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SAWYER asked and, by unanimous consent, obtained leave to introduce a bill (S. 635) for the relief of Theodore C. Hawkins; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 636) for the erection of a public building at Oshkosh, Wis.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WILSON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 637) for the relief of J. D. Haworth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. 638) for the relief of George Milsom, Henry Spendelow, and George V. Watson; which was read twice by its title, and referred to the Committee on Patents.

Mr. ALLISON asked and, by unanimous consent, obtained leave to introduce a bill (S. 639) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in the possession of the officers of the Government; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 640) for the relief of Rebecca Johnston; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. 641) concerning details from the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 642) for the relief of William P. Hogarty; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 643) for the relief of A. A. Thomas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HILL (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 644) for the relief of the administrator of the estate of John W. Dear, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 645) granting a pension to Solomon K. Ruggles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRIS asked and, by unanimous consent, obtained leave to in-

troduce a bill (S. 646) for the relief of R. G. P. White, Peter Hanger, and L. T. Green; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

Mr. HAMPTON asked and, by unanimous consent, obtained leave to introduce a bill (S. 647) to empower Mitchell King, executor, to bring suit in the Court of Claims for rent alleged to be due him; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 648) to empower Robert Adger to bring suit in the Court of Claims for rent alleged to be due him; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WALKER asked and, by unanimous consent, obtained leave to introduce a bill (S. 649) for the relief of the estate of John Shirley, deceased; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. 650) for the relief of Elizabeth Gordon, of Maryland; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 651) to authorize the President to restore Charles Brewster to his former rank in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. 652) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuesta Señora de Regla; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. 653) to appropriate $75,000 to erect a building for a post-office and custom-house in Brunswick, Ga.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 27) as to giving notice to terminate the convention of June 3, 1875, with His Majesty the King of the Hawaiian Islands; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. VEST asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 28) making an appropriation for the immediate relief of the Blackfeet, Piegan, and Assinaboine and Gros Ventres Indians in Northern Montana; which was read twice by its title, and referred to the Committee on Indian Affairs.

EXPENDITURES OF DEPARTMENT OF JUSTICE.

Mr. VAN WYCK. I ask for the present consideration of the following resolution.

Resolved, That the Secretary of the Treasury be directed to furnish to the Senate copies of vouchers and items audited by the First Auditor of the Treasury on account of expenses incurred by the Department of Justice since March 4, 1881, with the names of special or assistant attorneys, and the names of detectives, excepting the vouchers and items relating to and the names of special attorneys from January 1, 1882, to March 1, 1883, that information having been furnished and printed by order of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. INGALLS. Let the resolution lie on the table and be printed.

The PRESIDENT *pro tempore*. The resolution will go over and be printed.

TEXAS AND PACIFIC RAILROAD LAND GRANT.

Mr. VAN WYCK. I ask for the present consideration of the following resolution:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate copies of all papers on file in his Department relating to the attempted transfer by the Texas and Pacific Railroad Company of its land grant to the Southern Pacific Railroad Companies of Arizona, New Mexico, and California. Also copies of any memorials, briefs, or letters relating to the matter of land grants or subsidies to said Texas and Pacific Railroad.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. INGALLS. Let it lie on the table, and be printed.

The PRESIDENT *pro tempore*. The resolution will go over and be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. WILLIAMS, it was

Ordered, That the papers in the case of David Merriwether be withdrawn from the files of the Senate.

THE SINKING FUND.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" there will be laid before the Senate the resolution offered by the Senator from Kentucky [Mr. BECK] yesterday which went over under the rule.

The Acting Secretary read the resolution submitted yesterday by Mr. BECK, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate as soon as practicable the amount of the public debt of the United States after the sums provided for in the act of February 25, 1862, were obtained under its provisions, and how much said public debt has now been reduced beyond the amount required to be applied as a sinking fund by the provisions of sections 3694 and 3696 of the Revised Statutes, and to further inform the Senate what sums will hereafter be required annually until the maturity of the 4 per cent. bonds in 1907, in order to comply with the provisions of said section as now construed by his Department; stating how the amounts so required can be applied to the sinking fund prior to 1907.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. BECK. Mr. President, I said yesterday that if any explanation was desired as to the object and scope of this resolution I would give it this morning. The Senator from Alabama [Mr. MORGAN], who is not now in his seat, made the inquiry. I do not now care to do so unless there is objection made to the passage of the resolution; but I will state that I desire the information for the use of the Committee on Finance, so that we may determine the basis upon which we shall seek to adjust the taxation of the country.

I desire at some time to say, and perhaps I may as well say it now, that it will be perfectly apparent that the request of the Secretary of the Treasury made in his report the other day, asking us to keep up taxation beyond the ordinary wants of the Government at least $50,000,000, to be applied to the sinking fund, ought not to be thought of. His report seems to me to furnish the basis for the statement I make, because he shows in a few words very clearly that—

> The only United States bonds which are now payable at the pleasure of the Government are the 3 percents, being $305,529,000; those which next become redeemable are the $250,000,000 of 4½ percents, on September 1, 1891. The $737,620,700 of 4 percents and the $325,850 of refunding certificates are redeemable July 1, 1907.
>
> The estimates for the fiscal year ending June 30, 1884 show a surplus revenue of $85,000,000 per annum. This is enough to pay all the 3 percents in about three and one-half years, and before the close of the fiscal year ending June 30, 1887. This surplus, kept up for the four succeeding years, to September 1, 1891, would be more than $350,000,000, or $100,000,000 more than enough to pay all the bonds then falling due. The same annual surplus until July 1, 1907, would amount, with the $100,000,000 left after paying the 4½ percents, to about $1,460,000,000, while the whole amount of the debt then redeemable is less than $740,000,000. The estimated surplus of $85,000,000 a year would pay the whole amount of the interest-bearing debt in about fifteen years.

Therefore he very properly recommends that there shall be a reduction of taxation. He adds, speaking of the sinking fund:

> The estimate of the sinking fund for the current fiscal year is fixed at $45,816,741.47, and the amount required will increase from year to year at the rate of about $1,000,000 until 1891. It is estimated that an average of about $50,000,000 each year until then will be required for the sinking fund. This will vary according to the amount actually applied in payment beyond the need of the sinking fund.
>
> I consider, therefore, that in legislating for the future the revenues should not be so far reduced as to prevent the application each year of about $50,000,000 to the sinking fund. Upon the estimate of $85,000,000 as the surplus for the current year we find a surplus for that period of nearly $40,000,000, not wanted for the regular expenditures of the Government or for the payment of the national debt through the sinking fund.

The Secretary shows this condition of things: that $85,000,000 of the public debt will be paid during the current year, and $106,000,000 is estimated to be paid during the next fiscal year before we can reasonably hope to change existing laws, leaving only $109,000,000 possible to be paid, in accordance with the present adjustment of our bonds, until 1891; and if we are to keep up $50,000,000 a year for a supposed sinking fund, that $50,000,000, after applying the surplus of this year and the amount estimated for the next now provided for, will in two years, or in a small fraction over two years, pay off all we can possibly pay until 1891. There will be only $109,000,000 left after the now ascertained surplus up to June 30, 1885, is applied. In any event all the 3 per cent. bonds will be paid three or four years before we can pay any more, even if the provisions for the ever-pressing sinking fund are dispensed with.

In adjusting our taxation hereafter I insist that we shall not make provision for the hoarding of money that we can not properly apply; and I insist that the present construction given to the sinking-fund law is not legitimate, and was never intended to be construed as it now is by any legislation prior to 1875. For these reasons I have asked the Secretary to tell us, first, what the debt was in 1862, when the pledge, so called, as to a sinking fund was given. The law passed on the 25th of February, 1862, reads thus:

> SEC. 5. *And be it further enacted*, That all duties on imported goods shall be paid in coin, or in notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues, and the coin so paid shall be set apart as a special fund, and shall be applied as follows:
>
> First. To the payment in coin of the interest on the bonds and notes of the United States.
>
> Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt as the Secretary of the Treasury shall from time to time direct.

Under that act about five hundred million dollars was borrowed, perhaps five hundred and fifty million dollars.

Mr. BAYARD. May I draw the attention of the Senator from Kentucky to the change made in the revision of the Statutes?

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from Delaware?

Mr. BECK. Certainly; I am seeking information.

Mr. BAYARD. I do it to facilitate the Senator's statement. In the revision of the statutes the date recited in the second clause of this sec-

tion "to the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862," does not find its place when carried into the revision of 1873, but it provides for "the purchase or payment of 1 per cent. of the entire debt of the United States to be made within each fiscal year," without limiting it to the date of July 1, 1862. I knew it was the purpose of the Senator from Kentucky to be accurate, and I thought possibly he had not adverted to the change by the transposition of the law from the Statutes at Large into the revision of the statutes.

Mr. BECK. I had not seen that, nor had I examined it with a critical eye, but I remember very well that the Revised Statutes professed (and therefore I did not examine and compare them as carefully as I perhaps otherwise should have done) simply to be a revision, without any alteration or any addition to or subtraction from existing law.

Mr. BAYARD. The Senator knows that nevertheless very important and exceedingly important changes were wrought by the revision, whether intended or not. I merely refer to it for the purpose of assisting the statement of the Senator from Kentucky.

Mr. BECK. I read the law of February 25, 1862, for the purpose of showing what I meant by the first statement in the resolution, which reads:

That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate, as soon as practicable, the amount of the public debt of the United States after the sums provided for in the act of February 25, 1862, were obtained under its provisions.

The debt at that time was in my opinion—I do not know accurately, and therefore I desire the information—somewhere about $500,000,000 or $600,000,000. Now, we have these facts, upon which we do not require any information: that the debt kept increasing from February, 1862, until the 31st of August, 1865, when it reached the enormous sum of $2,756,431,571.43, and that by the last debt statement of December 1, 1883, the total debt of the United States on the 1st day of the current month, less cash in the Treasury, is $1,509,785,060.85, or a reduction since August, 1865, of $1,246,646,510.58. In other words, we have reduced the public debt as it existed on the 31st of August, 1865, more than double the total amount of the indebtedness of the United States on the day when this so-called pledge to create a sinking fund was originally given. The whole debt then did not amount to much over $600,000,000, and since we began reducing the debt after August 31, 1865, up to the present time we have paid $1,246,646,510.58, or more than double the whole original indebtedness.

It may as well be stated that there never was a sinking fund created or maintained, nor was the law of 1862 in any sense attempted to be complied with in that regard until 1870; yet nobody thought we were neglecting the public credit. Governor Boutwell, then Secretary of the Treasury, perhaps paid off a small sum in 1869; but in 1870, for the first time, the sinking fund was put in shape; and then many things were done, that I do not care to advert to, which caused great criticism, and I think did great wrong to the tax-payers of the country by the purchase of bonds unnecessarily and at enormous premiums.

Mr. Lot M. Morrill while Secretary of the Treasury made a report upon this whole subject which I hold in my hand—it is not very long, yet it is interesting in this connection—in which he shows that the public debt up to the date that he made his report had been reduced $656,000,000 in round numbers, and that under no possible state of the case could the grand total then due the sinking fund exceed $433,000,000, which left a surplus of $225,000,000 which had been paid off beyond what anybody would assume the sinking fund required.

Secretary Sherman said in his report in December, 1877:

In the last annual report (page 10) my predecessor stated that had the resources of the Treasury during each fiscal year, commencing with 1862, been sufficient to make a literal compliance with the conditions of the sinking-fund law practicable, a total of $433,848,215.37 would have been applied to that fund July 1, 1876, whereas the actual reduction of the debt, including accrued interest, less cash in the Treasury at that date, amounted to $658,992,226.44. On the same basis the amount in the sinking fund would have reached $475,318,888.78 on the 1st of July, 1877, on which date the reduction of the debt, including accrued interest, less cash in the Treasury, since its highest point in 1865, amounted to $696,273,348.17, or $220,954,459.39 in excess of the amount required by law to be provided for that fund.

The report to which Secretary Sherman refers is that of Hon. Lot M. Morrill, late Secretary of the Treasury, made to Congress in December, 1876, in which he says:

THE SINKING FUND.

By the terms of the act of February 25, 1862, it was provided that after the 1st day of July, 1862, 1 per cent. of the entire debt of the United States should be purchased or paid within each fiscal year, to be set apart as a sinking fund; also, that the interest on said fund should in like manner be applied to the purchase or payment of the debt. The sixth section of the act of July 14, 1870, also required that, in addition to other amounts to be applied to the redemption or payment of the public debt, an amount equal to the interest on all bonds belonging to the aforesaid sinking fund should be applied to the payment of the public debt.

From the time when the act first named was to go into effect until August 31, 1865, the demands upon the Treasury for expenses incident to the war were greatly in excess of the revenues of the Government, and therefore there was no surplus income which could be applied to the extinguishment of the debt or the creation of a sinking fund, and consequently the law providing for that fund was during that period necessarily rendered inoperative.

It will be noticed that the statute contemplated that a certain sum should be applied within each fiscal year to the account of the sinking fund. If the resources of the Treasury during each fiscal year, commencing with July, 1862, had been sufficient to have made a literal compliance with the conditions of the law practicable, the account would at the close of the last fiscal year have appeared upon the books of the Department as follows:

Amount for fiscal year 1863	$5,556,269 97
Amount for fiscal year 1864	12,184,090 52
Amount for fiscal year 1865	20,233,683 45
Amount for fiscal year 1866	30,490,707 15
Amount for fiscal year 1867	33,080,531 88
Amount for fiscal year 1868	33,736,306 85
Amount for fiscal year 1869	34,638,937 03
Amount for fiscal year 1870	35,959,651 99
Amount for fiscal year 1871	36,370,257 59
Amount for fiscal year 1872	36,507,573 43
Amount for fiscal year 1873	36,859,924 20
Amount for fiscal year 1874	38,012,930 63
Amount for fiscal year 1875	39,536,019 66
Amount for fiscal year 1876	40,681,331 02
Grand total	433,848,215 37

On the 31st of August, 1865, the public debt, as represented upon the books of the Department and shown by the public-debt statement, reached its highest point, namely:

Debt, less bonds issued to the various Pacific Railroad Companies and less cash in the Treasury	$2,756,431,571 43
On June 30, 1876, the debt, including accrued interest, less bonds issued to the Pacific Railroad Companies, and less cash in the Treasury, was	2,099,439,344 99
Reduction of the debt	656,992,226 44

The terms of the law of February 25, 1862, required by the operations of a sinking fund account that the public debt should be reduced in the sum of $433,848,215.37 between July 1, 1862, and the close of the last fiscal year. A reduction has been effected during that period of $656,992,226.44, or $223,144,011.07 more than was absolutely required.

It can therefore be said, as a matter of fact, that all of the pledges and obligations of the Government to make provision for the sinking fund and the cancellation of the public debt have been fully met and carried out.

Hon. William A. Richardson while Secretary of the Treasury published a book entitled Practical Information Concerning the Public Debt of the United States, with the National Banking Laws. Among other things he says:

The great revenues of the country in excess of the expenditures have enabled the Secretary to purchase bonds much more extensively than the sinking-fund law absolutely requires, and the debt has been more rapidly reduced than by the operation of that fund alone.

But the sinking fund itself will extinguish the entire national debt in about thirty years, or soon after the close of the nineteenth century, the exact time depending upon the price at which the purchases may be made in future.

Thus it will be seen that Secretary Sherman followed the next year with a similar report, and Secretary Richardson had made statements as well, that the great revenues of the country in excess of the expenditures had enabled the Secretary to purchase bonds much more extensively than the sinking-fund law required, and the debt had been more rapidly reduced than it could have been by the operation of that fund alone. Each of these Secretaries announced that we were far in advance of any of its requirements.

Now, instead of having reduced the debt six hundred and twenty-odd million dollars as it existed when Secretary Morrill and Secretary Sherman made their reports in 1876 and 1877, we have reduced it $1,246,000,000, and have only about $1,300,000,000 of interest-bearing debt existing, distributed as I have shown by the Secretary's report.

I am asking the Secretary of the Treasury now to tell us what is the exact amount, according to the system of book-keeping established in 1870, that the sinking fund has required shall be paid up to this date. We know what the aggregate reduction of the public debt is, and when we get that information (which of course I could figure out by working for a week or so through the various reports, still I might not get it accurately then, and my statement might be disputed) I think it will show that we have paid $700,000,000 of the public debt now beyond what any creditor could say good faith required us to do for the maintenance of the sinking fund under any law or any obligation, express or implied, that we had created. The official reports show that we have so arranged our bonds, and had so arranged them in 1870, prior to the adoption of the Revised Statutes, to which the Senator from Delaware called my attention, in such a way that no matter what revenues we collect, without buying bonds at a premium, if we can even buy them at any premium—for we can not compel men to sell—we can not pay any more than $300,000,000 of our debt before 1891, and then only $250,000,000 until 1907; and that all these arrangements were made in such a shape as to make it impossible to keep up the sinking fund and apply the surplus revenue to the payment of the debt in such a way as the Secretary of the Treasury now says we ought to do.

Therefore it is that I ask the Secretary of the Treasury further to tell us what sums will be hereafter required annually. He gives us a general guess of about $50,000,000 a year. I desire him to state as accurately as he can from the books of his Department what under their system will be required annually until the maturity of the 4 per cent. bonds in 1907. He tells us that the present surplus will give us $700,000,000 more than we require, and the sinking fund alone at $50,000,000 a year up to the time when the last bonds mature in 1907 will find in the Treasury of the United States, taken from the people by taxation, hundreds of millions of dollars that can not be applied to the payment of the debt if the absurd system suggested in this report of $50,000,000 to be kept up all the time is maintained. Therefore it is to show the

absurdity of his recommendation that I ask him to inform us "what sums will hereafter be required annually until the maturity of the 4 per cent. bonds in 1907 in order to comply with the provisions of said sections as now construed by his Department, stating how the amounts so required can be applied to the sinking fund prior to 1907."

That is the whole resolution, and when we have these facts officially stated before us we can then determine what we ought to do in order to reduce taxation; whether we are going to follow the recommendation of the Secretary and collect from the people $50,000,000 a year for a sinking fund, when we have already collected from them over $700,000,000 more than anybody pretends could be applied to the sinking fund. It may as well be restated that our bonds were made redeemable at the periods now fixed long prior to the adoption of the Revised Statutes; and when there was no other law but the law of 1862 under which there was any pledge we had adjusted our bonds so that we could not pay the 4 percents until 1907 and the four-and-a-halfs until 1891; and, as I said, we have already provided now for the payment of all the balance under the present system of taxation within the next three years. It seems absurd to say that if we agree to pay $50,000,000 annually as a sinking fund, and have $100,000,000 surplus revenue, and purchase $50,000,000 of bonds on the 30th day of June and $50,000,000 on the 1st day of July we have complied with the law relative to the sinking fund for two years; but if we buy the whole $100,000,000 worth on the 30th day of June we owe $50,000,000 to the sinking fund for the fiscal year beginning that day. A Secretary of the Treasury might by his act change the obligations of the Government and its taxation to the extent of $50,000,000.

What I desire to get at is to show to the country and to show to the Senate that in the readjustment of taxation we ought now to say what every creditor of the United States wants us to say, that there is not only no necessity for keeping up taxation to the extent of paying fifty millions a year more than the legitimate expenses of the Government require, but that we ought to allow the outstanding bonds to remain, what few of them exist, as surety for the circulation of the national banks and for the many other business purposes for which they are needed, and to reduce taxation in some way, I do not care to say how now, and give the people the relief from taxation to which they are entitled.

The sinking fund has been fully, fairly provided for for fifteen or twenty years yet to come. We have canceled $700,000,000 at least beyond any requirement of law. As I said, the sinking fund was merely intended to give security or assurance to creditors that the debt would be paid. Who now doubts either our inclination or ability to do so? From 1862 to 1870 no fund was applied, and there never was since that time anything except the surplus revenue applied. The sinking-fund account was only a book-keeping invention of a Secretary. When the surplus was small but little was applied, and when it was greater of course more was applied. But the average, year by year, shows the total result in a reduction of $1,246,000,000, or nearly half of the whole national debt at its maximum; and it shows, in the existing condition of things, that there are hardly any bonds left to which we can apply it. I do not know what the present Secretary, or any future Secretary, might say under the authority given him to apply the surplus revenue "to the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct;" that at the end of two or three years, when we can no longer purchase bonds, I do not know but he will consider it his duty to apply the surplus to the payment of the non-interest-bearing portion of the national debt, and pay off the greenback circulation, which is costing nothing, under the authority given him to pay when he has funds on hand.

I desire Congress to take the matter in its own hands and tell any Secretary, as we told him in the legislation of 1878, that he can not pay off the legal-tender greenback circulation, and to say to him that he shall not buy bonds not payable at any premium he pleases, and say to him that there is no use in taxing the people $50,000,000 annually, as he requests us to do, in order to create a sinking fund, which, as he shows himself, can not by possibility be used unless he does apply it to the payment of the non-interest-bearing legal-tender notes that are now outstanding—and that would not last him very long, only six years at the rate he proposes; it would not begin to bridge over the time until 1907—and that he shall not pay premiums to syndicates or others to get hold of bonds not due.

But I will say further that this sinking fund has always been made a pretense to increase taxation, and the effort now to keep it up to $50,000,000 a year is an effort to continue the present enormous rate of taxation under the pretext that the good faith of the Government requires it, when all the bondholders are begging not to have their bonds taken, and when we have been applying coercion in all sorts of indirect forms to force them to bring them in, and banks and others who hold them are begging to be allowed to retain them, and officers of banks and our officers are seeking every excuse they can to provide bonds on which banks of issue can be established. We are to take $50,000,000 annually in an effort to keep up taxation under the false pretense that the faith of the country requires us to pay debts not due, when no creditor wants it, when nobody denies that, having paid off over $1,200,000,000, we have doubly met all the requirements of the sinking fund.

Why, sir, we reduced tariff taxation in 1872 by requiring only 90 per cent. of what had been collected under the war tariff on most of the important schedules to be collected. We had previously repealed the tax on incomes and all the taxes on manufactures, indeed all the internal taxes that had been made an excuse for imposing additional tariff taxation, and the Republican Congress, under the lead of the Senator from Massachusetts [Mr. DAWES] as chairman of the Ways and Means Committee, say they could not stand before the country on the basis of a war tariff, and they reduced taxation. They cut down the tax on tobacco; they reduced the tax on distilled spirits to 50 cents; but in a few years they wanted it restored, and in 1875 they raised the cry that the sinking fund was in danger—a false clamor. Statements were made, which I have here in the RECORD, pretending to show that only $140,000,000 had been applied to the sinking fund, and it was said the faith of the nation was pledged to its maintenance, and yet the very next year after Congress passed the law restoring the war tariff and increasing internal taxation Mr. MORRILL'S report showed we were $275,000,000 ahead of the requirements of the sinking fund, and Secretary Sherman indorsed it—the statement—next year, but the clamor had answered the purpose. They had secured the repeal of the tariff reduction of 1872, and the protected monopolists were happy by the restoration of the war tariff, which we have upon us yet, as I said.

The increases made in 1875 were under a law to protect the sinking fund, which raised the tax on distilled spirits from 50 to 90 cents a gallon and increased the tax on tobacco, and by which everything was brought up to the old war condition under pretense of protecting the sinking fund; and now the present Secretary is demanding that we shall collect fifty millions more than the ordinary expenses of the Government require, when he tells us that he can not use it for any purpose at all; all, of course, in order to keep up taxation fifty millions more than is necessary.

It is for the purpose of showing these facts, and many other things, that I desire accurate information from the Secretary as to the necessity for carrying out this recommendation. I know that when we meet in the Finance Committee of the Senate the Secretary's report will be read, and if any suggestion is made to reduce tariff taxation, in answer we shall be told, "You must stand by the requirements of the Government; you are going to starve the Government and endanger the credit of the nation if you do not," unless we have authoritative exhibits showing that these recommendations are not entitled to consideration.

When Senators examine the Secretary's report carefully, as I think I have, they will find many curious and inconsistent things, some of them striking in the right direction; he sees the difficulty, if we keep on buying bonds, of keeping up the security of the national-bank circulation based on them; he proposes to give them 95 per cent. of the market value of the bonds in currency, giving them a greater issue for fewer bonds—not the face value, but the market value, fluctuating according to the market price of the bonds, basing his security on the shifting condition of the market, as it might be in a case of war or trouble, from which no country is altogether free. He insists also on reducing the tax on circulation; and what is the explanation?

He bases his claim for a reduction of this tax on the ground that the Government makes at least $4,000,000 by the loss of the bank notes that it issued to the banks, and that as it makes that much money out of the banks it can afford to charge them less on circulation, which he admits ought to be charged for, because of what we make by the loss of the notes, when he knows, and every Senator knows, that there is no proof to show that those banks ever lost a dollar of the bank notes, any more than if they had been in the form of greenbacks and lost in the hands of the people, as the bank notes are, the Government would have had the same benefit from them as if they were in the form of bank notes; and what right have the national banks to credit for the loss?

Why, sir, only last year, or the year before, when we renewed the charters, and gave them all sorts of privileges, what did we do? Their former charters required them to pay off the notes within six months after going into liquidation; but the last act gave them three years, made them a present of the interest for the two and a half years when the money belonged to us by the original contract and charter. The loss of notes, all agreed, was not sustained by them, but was sustained by the people from whose pockets the notes were lost, or on whose bodies they were when they were drowned, or in whose house they were when they were destroyed. And yet the Secretary wants to reduce the tax on circulation upon the idea that the loss of these notes, amounting to $4,000,000, in twenty years, at a low calculation, is a loss by the banks, which the Government makes out of them.

In other words, you will find all through that the effort is not to reduce taxation, but to keep it up; or when it is reduced to reduce it in the interest of those who do not need any reduction made for their benefit. We have done everything for the banks that they asked. The system is

working well, and they would rather now that the country should not draw in the two hundred out of three hundred millions of dollars of 3 percents of outstanding bonds which they hold and let the sinking fund go by for at least five or ten years, as we ought to do when we can not apply the money that we are collecting in that form, having no matured interest-bearing debt to which we can apply it.

But I have said more than I cared to say about this matter. I think Senators will see the propriety of ascertaining how much more we have already applied in the $1,246,000,000 we have already paid of the national debt beyond what the sinking fund requires. Let the Secretary tell us accurately how he is going to apply, year by year, $50,000,000 or any other number of millions to the sinking fund in the present condition of our bonds, having a surplus this year of $86,000,000 provided for; $106,000,000, he says, next year provided for, having only $109,000,000 left till 1891, and from 1891 to 1907 nothing.

Why not now reduce taxation upon the actual existing basis of things instead of raising a large fund which cannot be applied? Let the information when received be referred to the Committee on Finance, and then we shall have the basis on which we can adjust taxation, if we ever have the matter fairly brought before us. For that reason I seek the information now, and I hope the Senate will allow me to obtain it.

Mr. SHERMAN. Mr. President, I am sure that nobody in the Senate desires to deprive the Senator from Kentucky of all the information he can get on this subject, and I have no objection myself to the passage of this resolution; indeed, I hope now that it will pass, and that the Senator will get this information in just such form as he wants it. But I assure him, nevertheless, that the same information for which he calls now has been published year in and year out for many years; that it is in the book I now hold in my hand, which is last year's finance report, and it is in the book that was sent to us on the first day of this session attached to the report of the Secretary of the Treasury. Every item of the purchase of bonds for the sinking fund, every element which enters into the computation, is contained here in detail. I said so yesterday, and I now beg leave to call the attention of the Senator from Kentucky to the fact that he will find in last year's finance report, Table I, a table attached to the Secretary's report, this statement:

A statement showing the condition of the sinking fund from its institution in May, 1860, to and including June 30, 1882.

That "1860" should be 1868; it is a misprint, because then it commences with "July 1, 1868," and from that time up to last year, the date of sending in the report, there is a detailed statement of every item that enters into the sinking fund, the purchase of every bond or series of bonds from day to day. I notice the last on that table are the bonds purchased for the year 1881, and here is the amount of interest, the reduction of bonds of 1869; and so on, year by year, all the items are given showing the amount of bonds purchased each year for the sinking fund.

In addition to that, there is another table, called Table K, showing the amount of premium paid, the amount of principal redeemed, the net cost in currency, whether bought in gold or in currency, so as to show the cost of the bonds in detail; and that same information is contained in the report which was sent to us on the first of this month. Certainly there is no point of our public history, there is no transaction connected with our Government, that is more open, notorious, and public, and that is more freely communicated to this body and to the world at large than all the circumstances connected with the sinking fund. There are no transactions that are so simple in their operation.

The Senator has quoted the old act of 1862, which set aside 1 per cent. of the amount of the public debt as a sinking fund. That has always been construed to mean 1 per cent. of the amount of bonds due each and every year thereafter; not the amount of bonds due exactly on the day of the passage of that act, which was the 25th of February, 1862, but the amount of the entire public debt of the United States due from year to year, and the 1 per cent. is taken of the debt due at the time the statement is made up. So on the 1st of July, 1883, the amount of debt due then is so much; then to that is added the annual interest on bonds that have been redeemed from year to year, and these aggregate sums make up the amount annually appropriated by law for a sinking fund.

Therefore I say there is now in the report of the Secretary of the Treasury all the information that can possibly be given under the resolution except this:

Stating how the amounts so required can be applied to the sinking fund prior to 1907—

And also when the sinking fund will pay off the debt. That is a matter of uncertainty; it necessarily must be so from year to year. The officers may approximate an estimate of what the sinking fund will be next year and the year after, but they can not give you a statement of what it will be exactly, because that will depend upon the interest of the bonds that are redeemed subsequent to the making of this statement. If they redeem bonds bearing 4 per cent. interest, then the interest goes on to the credit of the sinking fund at 4 per cent.; if they redeem bonds bearing 3 per cent. interest, then the interest goes on upon the basis of 3 per cent.; and consequently it is not possible to state for the future exactly what the sinking fund will be from year to year, but they can approximate it, and the Secretary does substantially state that it may be so many millions for next year, but he can not tell exactly, because he can not tell precisely how many bonds he will buy during the coming fiscal year; nor at what rate of interest they shall be computed, and so it varies from time to time; but a substantial statement, an estimated statement of the sinking fund is carried on year by year, and can be carried on. I have no doubt according to the statements which are sent to us that the present sinking fund will pay off the public debt in about fourteen years or a little more. I am not quite sure about the period, for the operation goes on much less rapidly now than it formerly did, because the computation is based now upon an accumulation of 3 per cent. or 3½, or 4 per cent., while formerly it was based upon an accumulation of 5 or 6 per cent. It is impossible to state exactly the effect of the operation of a sinking fund unless you know all the elements that enter into the cost of the bonds, what is paid for them, what interest they bear, and what interest they will carry to the credit of the sinking fund.

The Secretary of the Treasury will simply no doubt give you his estimate of what the sinking fund will be next year and the year after, and so on, and when it will pay off the national debt gradually; but he can not tell certainly, because the elements vary according to the price of the bonds and the rate of interest the bonds bear at the time he purchases them.

But, sir, as the Senator seems to desire the information to be given in the form called for in his resolution, I have no objection. It will be communicated to him in that way probably more speedily than we shall have the formal documents printed.

Now, in regard to the continued payment of the sinking fund, it is true, as the Senator says, that the Government in time past has paid off more bonds than sufficient to satisfy the sinking fund.

Mr. BECK. How much?

Mr. SHERMAN. You call upon me suddenly for a statement. I should say two or three hundred million dollars.

Mr. BECK. It is just because I am very well convinced that it is over $700,000,000 that I desire the Secretary to tell us.

Mr. SHERMAN. The exact amount is shown by these very tables. I can not refer to them now in detail. I will say to him that up to 1873 we had gone largely in excess of the payment of the public debt, because the accumulated money in the Treasury had to be applied, after paying the current expenses, to the extinction of the debt, and was so applied. There was some question as to the power of the Secretary of the Treasury to buy bonds, but, from the necessity of the case, he had to exercise that power. In 1873 and thereafter, on account of the financial panic that occurred in that year, the revenues of the Government fell off so rapidly that the Government did not maintain the sinking fund. One year it only paid $6,000,000; another year, $15,000,000; it did not pay one-fourth or one-fifth of the sinking fund of those years; but in 1877 the revenues had so increased and the expenditures had been so diminished that we commenced again the process of paying off rapidly the public debt, and now for some years we have paid off much more of the public debt than is demanded by the sinking fund. As to precisely how much has been overpaid I can not state, but the question arises, has the Government of the United States, which has agreed to pay annually a certain sum, the right, in justice to its public faith so pledged, to apply a sum of money paid off in one year in excess of the sinking fund to make up a deficiency in a subsequent year?

I am inclined to think that in equity and fairness we may say that we are dealing with this question as a public question, and that when we do substantially equal to what we have agreed to do, that is a compliance with the law, and no man can question the faith of the United States because it for three or four years was unable, unprepared, from its current revenue to pay the sinking fund, provided it has on the whole more than substantially made good the promise. I agree with the Senator from Kentucky on that point, that as a question of public faith we have at least done what we agreed to do, and more too. But at the same time the policy of a continued payment of the public debt, the policy of standing by the public engagement to every year pay off so much—not less than 1 per cent. of the public debt—to the accumulated sinking fund, is a wise public policy, and I, for one, do not wish to see that interrupted. If there is a time when the revenue falls off and we are unable to do it, it ought to be only a temporary exigency. The law ought to stand, and the moment we can resume this public policy of paying off the national debt it should be resumed, until that debt is paid off to the uttermost farthing, according to the plain language of the law under which the debt was created.

Now, in regard to the other questions the Senator has discussed, I do not think it is necessary to go into them at this time. We shall undoubtedly be compelled to consider the practical question what provision should be made in regard to the national banks, whether the bonds held by them should be suddenly withdrawn without any opportunity or facility for getting other bonds, whether we have demanded unreasonable terms of security from the national banks, whether it is good policy or not to give them some modification of these existing provisions of law—when these questions come up I have no doubt we shall all be prepared to discuss them. But upon the main question of the policy of maintaining the honor of the country to the fullest extent in preserving our sinking fund intact—never to be departed from

except where by a temporary stringency in the money market there may be a deficiency of the revenue, to be made good as soon as practicable, of continuing the steady and sure payment of the public debt until every dollar of it is extinguished—I am willing to stand. Upon that ground I agree with the Secretary of the Treasury. I believe that he and all those who agree with him are right, that this policy should be maintained according to the full letter of the law.

There is now no question about his power to purchase bonds. A law passed at a time when this Senate was Democratic, a law that was properly passed, upon the motion of the Senator from Delaware [Mr. BAYARD], authorized the Secretary of the Treasury to apply the surplus revenue to the purchase and payment of bonds whenever he has any surplus so to apply. So there is no question of power; and it is no doubt his duty, whenever there is a surplus of revenue in the Treasury more than sufficient to meet the funds required by the resumption act and to pay off the silver certificates and the gold certificates and the other demand liabilities of the Government, to apply that surplus revenue to the purchase of the public debt, and he must make the best terms he can; he must buy in open market. If the debt bears but 3 per cent. interest he must pay it off. He has no option. He must go on and carry out that policy.

It is right also that the policy proclaimed by the act of Congress to set aside a special fund, which may not be diminished except under extraordinary circumstances, and to apply that sum to the payment and gradual reduction and extinction of the public debt, should be carried out. Upon the other controverted question there is time enough to talk. I only wished to make good what I said before, that while I have no objection to the resolution of the Senator from Kentucky, yet I do not think there is any special occasion to call for the information, because it has already been communicated to us at the beginning of the session.

Mr. BECK. Mr. President, one word only. The Senator said yesterday, and repeats to-day, that the official documents of this Government would furnish the information for which I ask up to the present time. I said yesterday, and repeated to-day, that up to the time that Secretary Morrill made his report and the Senator himself followed it I had tabulated statements showing what the facts were; that I had no doubt I could by going over volume after volume give what in my opinion was the amount overpaid beyond what the sinking fund required. But when I asked the Senator from Ohio to tell me what it was, he said two or three hundred millions. I said I thought that it was at least $700,000,000.

Now as between myself and the ex-Secretary of the Treasury, who is careful about these things, there is at least $400,000,000 difference as to what is the truth. He said himself, as Secretary, when we had paid off $656,000,000 of debt that we had overpaid the sinking fund $225,000,000. Now we have paid off $1,246,000,000 of the debt, and he says we have only paid the sinking fund two hundred or three hundred millions, when it is perfectly obvious that we have overpaid what is required for the sinking fund not less than $700,000,000. As he and I disagree about $400,000,000, is it not well before we meet in committee to discuss the position, to know exactly from the Secretary of the Treasury what the fact is, so that there may be no $400,000,000 difference between the Senator from Ohio and myself?

I want to establish that fact by authority; that once done, then the main part of the inquiry is why the Secretary says he needs $50,000,000 a year, and yet tells us he can not pay a dollar without buying the bonds in market beyond $100,000,000 after July, 1885, until 1891, and from 1891 to 1907 nothing after he exhausts the $250,000,000 due in 1891. I desire to know the facts as near as he can give them. He may not give it in exact dollars; he says about $50,000,000 a year. He can tell how he made that calculation. He can tell how soon he will exhaust the bonds now payable. Then when we meet in the Finance Committee we can see whether it is good policy to keep that condition of things up or not; and it is just because of the statement made by the Senator from Ohio that the Secretary has power to buy bonds not due at any premium he pleases that I desire legislation to prevent him from buying the bonds not due. The 4 percents of 1907 are now at 22 or 23 per cent. premium. Let it be understood that the Government has money to spare and that the Government is going to buy the bonds, and they will be at 30 or 40 per cent. premium. I would deny the power of any Secretary to pay 20, 30, or 40 per cent. premium to buy bonds which are only bringing 4 per cent., and levy taxes that are worth 10 to the people, independent of many other evils of that great increase of taxation beyond what is necessary. If you allow him to buy, I suppose some Secretary who feels like some Senators on this floor would buy up the legal-tender notes that bring no interest and absorb them all as soon as he had no bonds to buy.

These are the questions I desire this information for, and I desire to have legislation not to injure the public faith or to weaken the public credit, but to maintain both and at the same time to maintain proper and legitimate taxation for legitimate purposes, and not to be collecting fifty or sixty millions a year to buy bonds at a premium of 20, 30, or 40 per cent., or to buy the legal-tender notes of the Government which cost the people nothing and that everybody is content with, or to have it lie in the Treasury to tempt Congress to pass all sorts of measures to get clear of it, either to divide it among the States or to give it to the people for education in the States, or for any other claptrap to make any man an available candidate for the Presidency or anything else. I want the taxes now imposed to enrich favored classes reduced to the legitimate wants of this Government. I want the facts laid before us by authority upon which we can act in an honest effort to do that.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. HOAR. Let us dispose of the resolution now.

Mr. BECK. It may as well be disposed of.

The PRESIDENT *pro tempore*. If there be no objection the consideration of the resolution will be continued. The Chair hears no objection.

Mr. BAYARD. Mr. President, I should be very glad to have this resolution adopted, but I should like to see it enlarged a little so that for the sake of entire comprehension of the subject by the public we may know the legal status of the sinking fund and what are the powers of the executive branch of this Government in dealing with the public finances. I deem it very important that, rapid as may be the extinguishment of the public debt, it should be under the forms and with the sanction of law. As far as the sanction of law may be required for the extinguishment of the public debt I suppose I am as ready to go as far as any one.

After the people of the United States had themselves resolved to take this fund in question into their own hands and by a condition of public affairs unprecedented in the history of any civilized government had resolved that they would themselves retain the obligations of the Government payable at the will of the Government and at a lower rate of interest than the face of those obligations called for,—when the people of the United States, as I say, in this unprecedented, voluntary manner signified their absolute confidence in their Government and in the public credit, and it became competent for the Treasury to extinguish the interest-bearing debt of the United States at the convenience of the Government, it was, as the Senator from Ohio said, upon my motion that an amendment was added to one of the appropriation bills, as I remember, authorizing any surplus in the Treasury to be applied to the extinguishment of the public debt. We were in that happy position, and are still in it, in which the debt was payable at the pleasure of the debtor and not at the will of the creditor. In such a state of affairs as that it was in my judgment a wise use of legislative power and of discretion to empower the Secretary of the Treasury to apply the surplus revenue to the extinguishment of the interest-bearing debt of the American people. We should have been delinquent in my judgment if such a provision had not been adopted.

I shall be very glad to see the whole history of this diminution of the public debt verified by a recapitulation from the Treasury and by a reference to the laws under which it has been accomplished. There were many years, from 1869 to 1874, in which I think a most disastrous policy was pursued. But it was pursued, and we have had indirectly the benefit of it, of paying off a debt long before it became due and paying an advance premium upon it to accomplish that object. It was one of those incredible policies in finance difficult to imagine the wisdom of at the time and impossible to see the wisdom of to-day; but the benefit of it nevertheless came. A part of the debt has been paid; the burdens of the public have been reduced although in a costly manner and injurious, I think, to the interests of the people. But that is all in the past, and I can only see by the true history brought now and anew before the people of this country benefit in every way to them by way of instruction and strengthening to the public credit of this country.

I therefore shall vote for this resolution of the Senator from Kentucky, and I only hope that the Secretary in complying with it will state the condition of the law under which he applies the surplus in the Treasury to the extinction of the public debt. There is nothing in that in my judgment that has not been warranted by the letter if not by the spirit of the statute of 1862. I do not think there is any force in the statement that that statute of 1862 contemplated only the debt existing at that period. This country was then engaged in a great struggle for the maintenance of its jurisdiction over the entire territory of the United States, and it was in the midst of that struggle, contemplating still further expenditure, that that promise was made. All statutes speak generally *in futuro;* they are not bound by the affairs of the moment; they will not be retrospective unless they expressly declare that intent upon their face; and no one I think can reasonably suppose that when the words "entire debt of the United States" were used they did not mean the entire public debt of the United States at any time it may exist, and so I suppose the construction has followed—the application of the money, the 1 per cent., to the diminution of that interest-bearing debt. But I also know that since that time, either by the direct instruction of Congress or the inferential construction of Congress, there has been authority for the diminution of the public debt by the application of the surplus revenue in the Treasury. I shall be very glad to have a recapitulation made of all that. I shall be very glad to have a recapitulation made of the statutory history under which this has been done, because it is impossible for us at all times to understand definitely these vast financial transactions, to comprehend what are our resources, and our resources may themselves be measured in proportion to our liabilities. We can best say what diminution in the burdens of taxation may then be made, and I probably shall be found

agreeing with my friend from Kentucky in favor of lessening the public taxation as much as possible. There may possibly be some results from his refusal to extinguish the bonded debt of the United States that he has not fully contemplated, and I think he will find allies of an unexpected kind in favor of his proposition of maintaining the bonded debt, not paying it off at a premium, that he does not now anticipate. That, however, the future will disclose.

Mr. PLUMB. Mr. President, we seem to be engaged in a discussion about the sinking fund, but as I understand practically it has not been for many years anything but simply a matter of book-keeping. There has been a certain amount of money applied—at all events for many years—on the books of the Treasury in excess of the amount required by what is technically called the sinking fund; but I understand that practically no dollar of money ever went into it—neither a dollar in money nor a single bond of the United States; and consequently the sinking fund has simply been something represented by certain entries on the books of the Treasury but nothing in the vaults of the Treasury; and it is a fiction that is proposed to be kept up.

The fact that the people of the United States have dealt with this matter has been the extinction of the public debt. They have seen that go on rapidly and have only been sorry it did not go on more rapidly. I believe that, outside of the persons who are interested in maintaining the national banking system and who have some sort of idea that a national debt is a national blessing, the great mass of the people of the Unitad States—90 per cent. of them I have no doubt—would hail with joy the extinguishment of the last dollar of that debt and at the earliest possible moment of time. For that purpose they have paid and are paying now without murmuring, as they always have paid, the taxes that are used and applied to that purpose. If I were to criticise the Secretary of the Treasury it would be because he has not extinguished the debt fast enough.

In the first place, I could never understand why he has to keep money on hand, an accumulation of $15,000,000 or $10,000,000, before he feels called upon to call in bonds, say for a million dollars. I never could understand, when he knows what the revenues will be just as well to-day for next month as when next month comes, why he did not issue a call saying, "I will pay so many millions a week," thereby relieving the Treasury from the payment of unnecessary interest. I believe a calculation, and not a very close one, would determine that the Secretary of the Treasury has paid more than $15,000,000 of unnecessary interest during the past ten years because a policy of that kind was not pursued, and large sums of money were taken out of the currency of the country and hoarded until multiples of ten, fifteen, and twenty millions were accumulated in that way before even a notice was issued, and then the notice would be for sixty or ninety days, and another accumulation of like amount would occur before payment would be made. It seems to me that there is a manifest indisposition to pay this debt on the part of those charged with that very solemn duty in an executive capacity. I believe that the people of the United States want this payment to go on with an accelerating ratio, if possible, until it is all paid.

Now, the Senator from Kentucky says we have only three hundred million to pay, and he does not want $50,000,000 annually levied to pay that off, because it will be paid off in six years; and he makes, as I understand, a complaint that we have paid bonds that we did not need to pay. This matter is dwarfed, according to his comprehension and statement, into a controversy between the bondholders and the Government, as if the bondholders were struggling to hold on to their bonds and had some sort of right to hold on. I never have understood it that way. I do not believe it is a question in which the bondholders have any interest, legal or moral, to be considered. The debt that we are now paying is a debt that was due at the option of the Government. It is not any concern to me whether a bondholder wants his bonds paid or not. I do not think the Government of the United States ought to furnish some man a safe and profitable way of using his money. Therefore I think that the bondholder himself may be entirely left out of the account. The matter of the payment of the debt is a question of public policy, not a question as to whether a man who has the bonds of the Government wants his money or not.

If we pay $50,000,000 a year for six years, that carries us down to 1890 before the $300,000,000 which are now due at the option of the Government are paid. It will be only one more year before we shall reach the four-and-a-halfs due in 1891 at that rate. There may be a great many contingencies, I know, between now and then that will diminish the revenues of the Government below even $50,000,000 in excess of the requirements of current expenditures; but even if there were not, in two years from now the premium on the 4½ per cent. bonds will begin to diminish. It is not now 121 but about 112; the premium is about 12 per cent. When we get to a point where the rate of interest represented by the principal and premium on the bonds is less than 2 per cent. the premium will go down; money will bring at least 2 per cent. per annum; and in 1889 or 1890, when we shall have paid off the remainder of the 3 per cent. bonds, if this reduction goes on at the rate of $50,000,000 per annum, the premium on 4½ per cent. bonds will not exceed 2 per cent., and I would not be willing, as far as I am concerned, that a matter of 2 per cent., or 5 per cent. either, should stop the payment of the public debt. Money is worth what it costs in the market to get it. The people are now paying money into the Treasury that is worth more to them than the 3 per cent. which it is saving to the Government in the discharge of the public debt, but they are paying it willingly, and they will pay it when that rate of interest shall be reduced and is not more than 2 per cent., and just as willingly as they pay it now.

Then at that particular time there will come this option to the Government of paying this $250,000,000 of 4½ per cent. bonds then to be due or of continuing them. We shall be confronted with the same plan we were confronted with here when the 6 percents and 5 percents became due, and that is to issue another bond to run for a term of years in order to avoid the necessity or the obligation of paying off the debt too soon. I do not believe that any Congress of the United States representing the people will vote to issue another bond, and when those 4½ per cent. bonds become due I want the Government to be ready to take up a considerable portion of them and continue the reduction from day to day and from time to time until they are speedily taken up, and nothing will meet, as I think, the popular demand of this country which in any way puts the Government in a condition where it can not go on with the extinction of the national debt.

The national banking system has been alluded to here as one of the beneficiaries of the continuance of the debt. It is simply a question as to whether a boy shall continue to wear his jacket after he has outgrown it or whether he shall keep on wearing it until it gets tighter and tighter for two or three years longer. The United States do not need to keep up a debt for the purpose of keeping up a national banking system. It has manifested that by paying off the debt. The national banking system is just as certainly doomed as the payment of the national debt goes on; I mean the national banking system as a provider of currency for the people of the United States. That is inevitable even if the debt were not diminishing, because the demands of this country for currency are constantly increasing, and a system which simply halts and stands still and does not furnish currency according to the increasing needs of the people would itself be condemned in a very short time as being inadequate for the purpose for which it was created.

If the element of flexibility, if the element of extension, is left out of the national-bank system, it possesses no merit whatever, because it goes without saying, I think, that the Government of the United States can issue a piece of paper directly, which shall be of as great value, as perfectly safe, as absolutely current as a national bank can issue, because it comes back to the same source. So, therefore, the national-bank system, both because it can not enlarge now, even if the reduction of the public debt was to stop, would prove inadequate for the future, and because of the fact that the bonds are to be paid and entirely wiped out, and that very soon, preventing it even from maintaining its present status for any length of time. For these two reasons that system might as well be left out of account in any prognostication about the public debt. Something else must take its place. And it is the wisdom of statesmanship, of good judgment, of patriotism to provide now, or to begin to provide now, for something which shall take its place.

Mr. BECK. Before the Senator sits down, will he allow me to correct a misapprehension on his part or mine in regard to this matter? I agree with him in much that he has said about the sinking fund never having been kept in any other form except applying the surplus. That is all that has been or that ever will be done, no matter what you call it. It is only the surplus that ever will be applied or ever was applied.

What I want him to tell me is how, having placed the bonds as we have, we are going to pay the four-and-a-halfs before 1891 without paying any premium the holders may see fit to ask for the $250,000,000, and how we are going to pay the $736,000,000 of fours which do not fall due until 1907, which I believe are now at 22 per cent. premium, until they mature. It will be observed by the Secretary's report that we paid during the last fiscal year $134,000,000 of the public debt. It is so adjusted now that by the 1st day of next July we shall certainly pay off $85,000,000 and the next year $106,000,000, so that we shall only have about $100,000,000 at the close of the fiscal year beginning next July to be paid. If we had $100,000,000 of surplus, and paid it all on the 30th day of June to the sinking fund of $50,000,000, then we should owe $50,000,000 for next year; but if we paid $50,000,000 on the 30th of June and $50,000,000 on the 1st day of July, then we have complied with the requirement of the sinking fund for two years! That is the construction given by the Treasury Department. It is absolutely absurd, in my judgment. We have nothing but $100,000,000 to deal with in eighteen months from this time under the present system of taxation till 1891. Why, then, go on and lay by $50,000,000 a year?

Mr. PLUMB. I am afraid the disposition of the Senator from Kentucky is to jump the stile before he comes to it. No one can tell what the next fiscal year will bring forth in the shape of revenue. We may not have $50,000,000; we may not have $25,000,000; but, as I said, the premium on the 4½ percents will begin presently to decline. After a while the current rate of interest may be 2 per cent. on securities of that kind. It will not do violence, I think, to the wishes of the people of the United States to pay them off if the rate of interest to be paid by the Treasury in exchanging the money for these bonds shall be as

much as 2 per cent. even. But that is in the future. It will be four years at least before, under any possible circumstances, we shall come to a point where the 3 per cent. bonds will have entirely disappeared. It is more likely to be five years, or perhaps six years, before we arrive at that time under the present rate of taxation.

For that reason it seems to me this matter should be left to go until it becomes a practical question, which it certainly will not be until after another Congress shall have assembled, and perhaps not until it shall have finally adjourned. The proper way to provide for it is to authorize the Secretary of the Treasury to buy the 4½ per cent. bonds at the current price in the market, which can not under any event exceed 4 or 5 per cent. then I think.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. BAYARD. I offer an amendment, which I understand is approved by the Senator from Kentucky, to add:

And report under what provisions of law the reduction of the public debt has been effected.

The amendment was agreed to.

The resolution, as amended, was agreed to.

COMMITTEE ON PRINTING.

The PRESIDENT *pro tempore*. The Chair asks the indulgence of the Senate to call its attention to the provisions of law regarding the appointment of the Committee on Printing. Section 3756 of the Revised Statutes provides that there shall be a Joint Committee on Public Printing, consisting of three members of the Senate "appointed by the President of the Senate," and three members of the House of Representatives appointed by the Speaker, &c. The rules of the Senate provide for the appointment, as with the other committees, of a committee of precisely the same character and the same number of Senators, to be appointed by ballot, unless by unanimous consent, as is usually the case. To avoid all questions about accounts at the Treasury, and without making it a precedent as to the power of the Senate, the Chair thinks it safe, if there be no objection, to appoint the same gentlemen who have already been elected by the Senate to be members of this committee, namely, Mr. ANTHONY, Mr. HAWLEY, and Mr. GORMAN. The Chair repeats his statement that he does this not to be drawn into precedent on the question of how far the law can control the action of the two Houses in the appointment of their committees.

CONSTITUTIONAL AMENDMENT—CIVIL RIGHTS.

Mr. WILSON. Mr. President, on the second day of the session I introduced a joint resolution proposing an amendment to the Constitution of the United States, which is Senate joint resolution No. 5, and at the time gave notice that I desired to call it up at an early day for the purpose of presenting some observations on it to the Senate, after which it was my purpose to move its reference to the Judiciary Committee. If it be the pleasure of the Senate I should like to have the resolution taken up now in order that I may submit some remarks upon it.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate now proceed to the consideration of joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States.

The motion was agreed to.

The PRESIDENT *pro tempore*. The joint resolution is before the Senate as in Committee of the Whole, and will be read.

The Acting Secretary read the joint resolution, as follows:

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely:

ARTICLE XVI.

Congress shall have power, by appropriate legislation, to protect citizens of the United States in the exercise and enjoyment of their rights, privileges, and immunities, and to assure to them the equal protection of the laws.

Mr. WILSON. Mr. President, two obligations result from the establishment of government. These are allegiance and protection. Without the former, government can not fully effect the purpose of its creation. Without the latter, the citizen can not rightly observe his duty. The two obligations are reciprocal. They are coextensive. The former embraces both service and obedience; the latter, defense and justice. Whosoever owes allegiance in the sense in which the term is here used is a citizen, and whosoever is a citizen is entitled to protection.

This is the doctrine of our Constitution. It is the doctrine of that old document through which the originators of this Government presented their case to the judgment of the world in obedience to a "decent respect to the opinions of mankind." And it was not an idle play upon words nor an unmeaning resort to attractive phraseology which led them to declare that—

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundations on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

This general declaration of doctrine harmonizes with the reciprocal character of allegiance and protection. And it was because of this that the framers of our Constitution projected that definite and comprehensive declaration of purpose formulated in the preamble to that instrument in the words:

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

These ends could not be wholly attained except through the co-operative observance of the reciprocal obligations of allegiance and protection. We did not need the hard lessons and awful experience which came to this nation to affirm the correctness of the principle here stated. The broken columns of other nations were evidences sufficient had we but heeded them; for no people has continuously enjoyed the ends of government as enumerated in the preamble to our Constitution without the co-operation of allegiance and protection. Nor will it ever be otherwise. Nor can this co-operation ever be had by mere declaration of right theories concerning it. It needs the solid food of fact accomplished to assure its healthful action and fix its best results. Hearty allegiance brings peace, security, and power to a government. Effective protection gives contentment, industry, and prosperity to the people. When these conditions coexist the supreme end of government is reached; but when they do not, then we have that other result described by Dr. Lieber in his masterly work on political ethics when he says:

Where men, of whatsoever condition—rulers or ruled, those that toil or those that enjoy, individually, by entire classes, or as nations—claim, maintain, or establish rights without acknowledging corresponding and parallel obligations, there is oppression, lawlessness, and disorder; and the very ground on which the idea of all right forever rests—the ground of mutuality or reciprocity, whether considered in the light of ethics or of natural law—must sink from under it.

The obligation of allegiance in its extremest action holds both the life and property of the citizen subordinate to the necessities of the Government. If the public enemy threatens the Government, the obligation of allegiance may command the presence of the citizen in the army. The price of obedience may be his life. If he by private act should disturb the order of society his life may be the forfeit, and the taxing power of the Government may consume his property. The obligation covers the service, duty, and possessions, of whatsoever character they may be, of the citizen. There is no limit but that of necessity. And who can say that this is not limitless? At least will all admit that within the organized powers, including both those which are expressed and those that are implied, nothing is exempt from the obligation of allegiance.

On the other hand, standing as a perpetual, alert, sleepless presence is the obligation of protection. It has the right to command the requisite, even to the utmost, powers of the Government in behalf of the citizen as a reciprocal return for his observance of the obligation of allegiance. And when this is denied then are the foundations of revolution laid. Then it is that the Declaration of Independence comes with the prodigious force of the words which declare:

That, when any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

And what is the right of the whole, or of a considerable number of the people, is the right of each citizen. Not that a single citizen can inaugurate a revolution or alter or abolish a form of government and found a new one, but that his right to protection is the same as that of the multitude, and its denial is as hateful as if aimed at the many. Each citizen is ready to admit the truth and force of this doctrine and to apply it in his own defense; and what each would do for himself it is unbecoming in him to refuse to others. The firm lodgment which this doctrine has had in the American mind has ever found expression in the promptness with which the people of this country have extended demonstrative sympathy to the populations of other lands in their movements against systems of oppression and unjust laws. This was characteristic of us even during the period when we were practicing the most flagrant injustice of modern times by holding millions of men in the condition of slavery. And the presence of this latter fact in our case would have caused active manifestations of rejoicing and approval in every civilized country on the globe had a servile insurrection occurred in the United States. Nor could we in such case consistently have remonstrated with the rejoicing millions of other lands; for such a calamity would have been but a logical result springing from our own doctrines and practices. And the true wonder is that it never befell us.

Our practices, so far as they concerned those millions of slaves, formed a consecutive burlesque of the doctrines on which we had founded our Government. The doctrines were correct; but our practices in the matter indicated were so supremely wrong that the sword ultimately remonstrated, and the trial by battle put an end to them forever. The doctrines were right, because, in my judgment, as formulated in our Constitution, they embodied and organized the two

obligations of which I have spoken. And no one who carefully studies the unfolding of our national case when this Republic took its place in the line of nations and commenced its march of independent action can well doubt that it was believed that the exceptional element of slavery would pass away under the pressure of the peaceful, orderly, and just instrumentalities of our vigorous and aggressive civilization. And so, in my judgment, the Constitution was made to meet the conditions that should be present when slavery had passed away and every man had become a freeman and a citizen equal with all others. It was not anticipated that a thing so foreign to the principles of the Declaration and of the Constitution as slavery was would ever become a masterful spirit in our national affairs. No more was this anticipated than was that awful process through which slavery passed away, and in its passing opened the gates for all men to approach the Constitution and claim its protection in return for their allegiance. This complication of political phenomena was unlooked for; and it is not a matter of surprise to me that it evolved some of the bewilderments concerning the true character of our Constitution to be found in occasional judicial and political interpretations of the meaning and purpose of that instrument. But it is not my purpose to enter upon the field of discussion here suggested. It would serve no present practical purpose. I am content to take and use the facts as I find them, letting our inconsistencies relative to slavery in a republic keep their hiding places in the past, while we turn our attention to things which concern us now.

During the progress of the war of the rebellion steps were taken to abolish slavery. Before all of the States had resumed their proper positions as members of the Union slavery had disappeared, and a new complication presented itself to many minds. The slaves were free. There were several millions of them. Were they citizens? I do not doubt that they were. At the time referred to I did not doubt that they were native-born citizens. But there was some confusion of belief on this point. It was determined to settle the question. It was settled by the adoption of an amendment to the Constitution, which, among other things, provides that—

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside.

This should have been of itself sufficient to have settled the entire controversy. In direct terms it did determine who is a citizen. To each person thus declared a citizen the obligation of allegiance attached, and by every right intendment this established in behalf of each citizen the reciprocal obligation of protection. This is both the philosophy and ethics of government. There is no escape from the logic of the case. It may be disregarded, but the rule stands as a perpetual rebuke to those who do it violence. The obligation of allegiance is one which the government may enforce against the citizen to the extremity of life and property, as I have already stated. It does not need a special delegation of power to authorize the enforcement. It is one of the necessities of government. It is an inherent power. Without it government can not exist. It is to the government what the natural right of self-defense is to the individual. Hence the necessities of the purposes for which government is organized are the limitations of its power to enforce the obligation of allegiance. And the purposes for which this Government was ordained are:

> To form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

It is to the necessities of these great purposes that the Government may apply its power, through the instrumentalities provided by the Constitution, to enforce the obligation of allegiance. These instrumentalities are the three departments of government. In them inhere, from the very necessity of the case, the power to organize, administer, and enforce those things which are requisite to such an observance of the obligation of allegiance in such manner and to such degree as may enable the Government to effect the purposes of its creation.

But the Congress and the States when they made the amendment to the Constitution to which I am now addressing my attention, recognizing the complicated political phenomena occasioned by the judicial and political interpretations to which I have alluded, resolved to put the case beyond the lines of dispute, and to that end placed the fifth section in the fourteenth article in these words:

> The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

Why was this done? What is the office of this section? But one answer can be given to these questions. That section was made a part of the Constitution in order definitely to determine the power of Congress to provide means for the full discharge of the obligation of protection to the citizen in return for the obligation of allegiance resting on him. Not because the power so to do did not inhere in the Government, but because a conflict of opinion had arisen, as I have suggested. This conflict was a fact, whether well founded or not, and it was deemed wisest and best to meet it and put it out of the case with such a constitutional fact as the fifth section of the fourteenth article.

When this was done the Government had just completed one of those prodigious tests of power which rarely arouse the energies of nations. In the course of this test it had supplemented the spirit of patriotism that readily filled the ranks of the Union armies in the earlier years of the war by the voluntary action of our citizens with a resort to that compulsion which recognized no excuse except one of a public character. The conscription act was inexorable. Not home, nor ease, nor pleasure, nor business, nor private interest, nor race, nor color, nor riches, nor poverty, nor learning, nor ignorance could successfully stand in opposition to the command with which the conscription ordered the citizen into the ranks of the Army. A common line of citizenship surrounded all, and a common obligation of allegiance rested on all. An equality which knew no degrees or groups fixed the status of each. It was on this basis the Government planted itself during the dreadful years of the war, and we may not wonder now that Congress and the nation were anxious at the close of the struggle that there should be no ground on which even hypercriticism could plant itself to question the protective power of the Republic. The conflict of opinion which affected the status of the millions of our population who had emerged from slavery rendered it especially desirable that no doubt in this regard should remain. It was plain so far as those millions were concerned, as well as all the members of their race in this country who had not been subject to the supreme oppression of slavery, that some protective laws would be needed which had not theretofore been resorted to. Those people were freighted down with the crushing burdens of ignorance, prejudice, race distinctions, lines of caste, and disabilities evolved by two centuries of slavery. But they were citizens, and entitled to the equal protection of the laws. Hence article 14 of the Constitution and its reassertion of the protective powers of Congress.

But the Constitution will not execute itself. Hence the enactment of the law of March 1, 1875, commonly known as the civil-rights act. It was not expected that that act would at once dispel the race antagonism which centuries of slavery had intensified. But it was expected that by supplementing the kindly and humanizing offices of passing years with a protective law of the character of the one enacted the right end would come in time. This because most men are readily affected by the conservative influences of time, while the many not thus affected yield, more or less implicitly, to the commands of definite laws, especially if they be supported by penal sanctions. That these expectations were not unreasonable is evidenced by the gradual growth of a better understanding between the two races since the close of the war, but more especially since the adoption of article 14 of the Constitution and the enactment of the so-called civil-rights law. Could these conditions have been preserved without judicial or other governmental disturbance, our advance toward a realization of that equal citizenship which alone can establish a desirable harmony between the two races in this country would have been much more rapid in the future than it has been in the past. For while the civil-rights act gave a sense of security to the colored citizen by reason of the very fact that it was on the statute-book, thus evidencing to him that the Government really meant to afford him protection, the white citizen was becoming more and more reconciled to the terms which said act imposed on all alike. And I am not of those who wonder that we are not further advanced in this direction than we are. It is not an easy thing to eradicate the prejudices of two centuries. When I consider the condition of the colored race in this country before the war, and then regard the changes in all respects which have come to its members since that event, I can but rejoice that so much has been done; and I take courage in participating in all right attempts to effect still more for them. Nor do I doubt that an end accepted by all, and satisfactory to all, will be reached at a day not greatly distant.

The civil rights act of March 1, 1875, was not a very radical measure. It entered on no experimental field of governmental action. The first section of the act declared:

> That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, facilities, advantages, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

The second section provided certain penal sanctions and for civil action by the aggrieved persons for the recovery of a definite sum of money.

The Supreme Court of the United States recently decided this legislation of Congress unconstitutional, and therefore void. Undoubtedly this decision is the law of the five cases decided; for it is the judgment of the court of last resort concerning them. But while it must be accepted as the law in those cases, is it good law? Is it such law as ought to become the settled rule of this Government? Is it in harmony with the principles of this Government? Is it a right interpretation of the Constitution? If it is, then we can not too speedily take such orderly steps as may lead to a realization of the purposes this nation had in mind when it adopted the fourteenth article of the Constitution as an amendment thereto. It was the belief of the nation when it adopted that amendment that it had removed the obstacles which interpretation and practice had interposed between the equality of the obligation of allegiance and the obligation of protection; and that for the future there could be such harmonious co-operation of those two obliga-

tions as would effect the true office of government. The Supreme Court in the civil-rights cases says this is all a mistake. The language employed by the court in announcing this result is as follows, namely:

The first section of the fourteenth amendment (which is the one relied on), after declaring who shall be citizens of the United States and of the several States, is prohibitory in its character, and prohibitory upon the States. It declares that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject-matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies them the equal protection of the laws. It not only does this, but in order that the national will thus declared may not be a mere *brutum fulmen*, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred on Congress, and it is the whole of it. It does not invest Congress with the power to legislate upon subjects which are within the domain of State legislation, but to provide modes of relief against State legislation or State action of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights, but to provide modes of redress against the operation of State laws and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the fourteenth amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges and by power given to Congress to legislate for the purpose of carrying such prohibition into effect; and such legislation must necessarily be predicated upon supposed State laws or proceedings, and be directed to the correction of their operation and effect.

I have given this extended quotation from the opinion of the court in order to get the full force of its position clearly before us. It gives a complete presentation of the position of the court, and from which it pronounces the act of March 1, 1875, unconstitutional and void. The argument of the opinion is wholly in support of this position. But if the premises stated are not correct the reasoning employed in their support can not bring us to a sound conclusion. What are the premises? Why, first, that the amendment is a limitation on the powers of the States; second, that unless the States affirmatively exercise the prohibited powers Congress can not enact remedial or protective legislation. The reasoning in support of these premises is, in substance, an effort to show that the States have not acted affirmatively. The conclusion, therefore, is that Congress exceeded its constitutional power in the passage of the act in question.

It does not seem to me that this is true. It does seem to me that the premises are unsound, and, consequently, the conclusion erroneous. It is a strange doctrine which asserts that a State, by refusing or neglecting to extend the equal protection of the laws to all citizens of the United States within its borders, can thereby suspend the power of Congress to enforce the fourteenth article of the Constitution. A State can not be punished for withholding the equal protection of the laws. It is not a being to which penal sanctions can be applied. There is no process that can be issued compelling a State Legislature to enact a law. The State judges can not be proceeded against for not enforcing a law not in existence. The executive and ministerial officers of a State can not be punished for neglecting to enforce a law which has no being. The State simply refuses or neglects to act. It merely converts itself, its legislative, executive, and judicial departments, and all that they embrace and control, into a mass of political and governmental inertia. What can Congress do? The court says nothing can be done; that this state of inactivity can not be disturbed; and that the fact of its presence constitutes a barrier which the power of Congress can not surmount. The fact exists that the equal protection of the laws is not accorded to all citizens. It is not denied by State laws nor withheld by State acts or proceedings. The State makes no law; it does not act, it does not proceed. The State is asleep. Its Legislature is asleep. Its executive department is asleep. Its judicial department is asleep. We must not wake them up because they are asleep. All of the powers of the State are dormant so far as concerns the right of colored citizens to an equal protection of the laws. We must stand aside, inactive, powerless; and so the fourteenth article of the Constitution becomes and remains a *brutum fulmen*.

It is true the court says of the amendment:

It nullifies and makes void all State legislation and State action of every kind which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to them the equal protection of the laws.

But suppose the State has made no such law, has performed no such act, and in these regards simply remains motionless. What then? Why, the court says that the amendment not only declares the things stated in the language quoted, but it does more:

It not only does this—

The court remarks—

but in order that the national will thus declared may not be a mere *brutum fulmen*, the last section of the amendment invests Congress with power to enforce it by appropriate legislation.

If this declaration stood alone, or had support in any other part of the opinion, the citizen would seem to have some ground on which to base a hope that an effective remedy may come to him at last, and that the voice of the nation might be uttered in tones sufficiently pronounced to wake the sleeping State; that Congress might supply the cause which should put motion into the inertia representing the State, or at least give remedy in the courts of the nation, or quicken the sense of duty of the offending inhabitants who had taken refuge under the bed of the sleeping State, by an application of the penal sanctions of national law. But the court says, "No, this may not be," and startles us with the question, "To enforce what?" and still further startles us with this answer to its own question:

To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power of Congress, and this is the whole of it.

And this is the enforcement of the amendment and the equal protection of the law! The citizen suffers, the State sleeps. This is not a denial, and Congress can not act. The inert State securely holds in its slumbering embrace one of the definite powers of Congress. And this is constitutional law!

But the amendment says: "No State shall * * * deny to any person within its jurisdiction the equal protection of the laws." What constitutes a denial? There is an old maxim which says: "Whatever the sovereign permits he commands." And our standard lexicographers tell us that to "refuse to grant" is to deny; that "to withhold" is to deny; that "not to afford" is to deny; that "not to comply" is to deny. Therefore, if a State permits, it commands; if it refuses to grant the equal protection of the laws it denies the same; or if it withholds that equal protection, or neglects to afford it, or omits to comply with the purpose of the amendment to the Constitution, it denies the equal protection of the laws. Hence non-action is a denial. Permitting things to be done in violation of a duty or obligation is a denial of both. A failure to enact laws for the equal protection of citizens is a denial of such protection. A neglect to enforce laws enacted to assure such equal protection is a denial of it. Toleration of a custom or practice which asserts inequality in the enjoyment of the common rights of citizenship is a denial of equal protection. The extremest oppression may result from inaction. The power of Congress to enforce the provisions of the fourteenth article of the Constitution may be forever held in abeyance by the non-action of the States if the doctrine of the civil-rights cases is to remain the law of the land, notwithstanding the most flagrant violation of the rights of citizens may be a constant practice and a perpetual progress.

In the case of Prigg *vs.* The Commonwealth of Pennsylvania (16 Peters, 539), the Supreme Court construed the last clause of section 2, article 4, of the Constitution, which reads:

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

It was contended in that case that inasmuch as there was no delegation of power to Congress to legislate for the enforcement of this provision of the Constitution it was simply an obligation imposed on the States, and that, consequently, the act of February 12, 1793, providing for the extradition of fugitive slaves, was unconstitutional.

How did the court meet this question? By resorting to principles of interpretation which, if applied to the civil-rights cases, would have maintained the constitutionality of the act under which they originated. The court then said:

How, then, are we to interpret the language of the clause? The true answer is, in such a manner, as, consistently with the words, shall fully and completely effectuate the whole objects of it. If by one mode of interpretation the right must become shadowy and unsubstantial and without any remedial power adequate to the end, and by another mode it will attain its just end and secure its manifest purpose, it would seem upon principles of reasoning absolutely irresistible that the latter ought to prevail. No court of justice can be authorized so to construe any clause of the Constitution as to defeat its obvious ends, when another construction, equally accordant with the words and sense thereof, will enforce and protect them.

And so the court held the law of Pennsylvania unconstitutional, and the fugitive slave law valid, not because of any special grant of power to Congress, but on the ground of an implication springing from the eighteenth clause of section 1, article 1, of the Constitution. That clause, familiar to all, gives to Congress the power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or any Department or officer thereof.

It may be somewhat difficult to see just how an implied power arises from this clause of the Constitution authorizing Congress to enact definite legislation for the enforcement of the provision relative to fugitives from service and labor. But when we grasp the reasonableness of the rule of interpretation adopted by the court and consider the strength of the pro-slavery sentiment which prevailed in the country at that time the result is not one to excite wonder. The surprise is that the same rule of interpretation, supplemented with the very general expressions of acceptance of the doctrine of the equality of all citizens now professed by political parties and the country generally, did not lead the court to a like conclusion in the civil-rights cases. But still greater is the surprise

when we consider that the civil-rights act was supported by an express grant of power to Congress. And the crowning surprise is, that the court held the power of Congress in the former case to be exclusive, although based on an implied power, while in the latter it was held not to exist at all, notwithstanding the express grant which evidences it. It does not seem right that a rule which supported the monstrous oppression of human slavery shall be set aside the moment in which it could render effective service in protecting the equal rights of citizens, and especially is this to be regretted in view of the fact that protection is the supreme duty of government.

This is not progress but retrogression. It is a denial of the old and familiar saying that "revolutions never go backward." And this, in my judgment, is most unfortunate, inasmuch as it obstructs the gradual movement of our people towards such a universal recognition of the equal rights of all citizens as would soon have resulted in perfect contentment of all classes in this regard. If we must have departures from long-recognized and reasonable rules of interpretation of the Constitution, it would seem better for them to be in the direction of true progress and a more enlightened jurisprudence than the reverse. And it is difficult for me to realize, in view of the momentous events that have transpired in the country, the earnest endeavors that have been made to define citizenship and to establish powers for its protection, that no practical progress has been made. Indeed, I can not surrender the views I have long held relative to the true character of our Government and expressed by me in the debate on the civil-rights bill in the Thirty-ninth Congress, and which bear repetition here, in these words:

> Before our Constitution was formed the great fundamental rights which I have mentioned belonged to every person who became a member of our national family. No one surrendered a jot or tittle of these rights by consenting to the formation of a government. The entire machinery of government, as organized by the Constitution, was designed, among other things, to secure a more perfect enjoyment of these rights. A legislative department was created that laws necessary and proper to this end might be enacted. A judicial department was established to expound and administer the laws. An executive department was formed for the purpose of seeing to the execution of these laws. And these several departments of Government possessed the power to enact, administer, and enforce the laws "necessary and proper" to secure these rights, which existed anterior to the ordination of the Constitution. Any other view of the powers of this Government dwarfs it and renders it a failure in its most important office.
>
> Upon this broad principle I rest my justification of this bill. I assert that we have the power to do those things which governments are organized to do; that we may protect a citizen of the United States against a violation of his rights by the law of a single State; that by our laws and our courts we may intervene to maintain the proud character of American citizenship; that this power permeates our whole system and is a part of it, without which the States may run riot over every fundamental right belonging to citizens of the United States; that the right to exercise this power depends upon no express delegation, but runs with the right it is designed to protect; that we possess the same latitude in relation to the selection of means through which to exercise this power that belongs to us when a power rests upon express delegation; and that the decisions which support the latter maintain the former.

My views thus expressed have not changed. They are not in harmony with the doctrine of the court in the civil-rights cases. This is a practical difficulty. No matter how long and well I may argue against it, it will remain. We may not hope to change the views of the court relative to the Constitution and laws as they now stand. What can we do? Meet the difficulty by an opposing fact. This is practicable. We may further amend the Constitution, and so define the power of Congress that no doubt can arise respecting it. To this end I have proposed an amendment in form as follows, namely:

ARTICLE XVI.

> Congress shall have power, by appropriate legislation, to protect citizens of the United States in the exercise and enjoyment of their rights, privileges, and immunities, and to assure to them the equal protection of the laws.

I do not claim perfection for this formula. It proposes a definite grant of affirmative power. It seems to me the only way to practically meet and completely overcome the position assumed by the Supreme Court in the civil-rights cases. For while it seems to me that the court is wrong, I do not expect it to correct itself in this regard.

If it should be claimed that the form proposed would confer on Congress exclusive legislative power over the subject-matter of the article, I have to say that any proper amendment of the phraseology will meet my ready acquiescence. My purpose is not to eliminate concurrent action, but to put the power of Congress in this regard beyond dispute, and to do this without any reference to class or race. It is better, in my judgment, in whatsoever we may do in the matter of the organization and exercise of the power to protect citizens of the United States in the equal enjoyment of their rights, that we proceed without reference to the distinctions of race, color, or previous condition of servitude. There is but one citizenship of the United States, and when we protect it we protect all. Nativity and naturalization determine who are citizens, and there are no lights and shades of race, color, or previous condition of servitude to be considered in the case. And in this respect I quite agree with an expression in the opinion of the Supreme Court in the civil-rights cases, couched in this language:

> When a man has emerged from slavery, and by aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen and ceases to be the special favorite of the laws; and when his rights as a citizen or a man are to be protected in the ordinary modes by which other men's rights are protected.

Nothing can be truer and wiser than this expression of the court as to what ought to be the conditions attendant on citizenship in this country. To this end should tend such changes as we may make in the Constitution and laws. This is the security for the future which we should constantly have in mind. For it is well to remember that about one-seventh of our population belongs to the colored race; and a conservative regard for the future peace of this nation should prompt us to make sure that so great a proportion of our population shall have no just ground on which to plant organized discontent. Owing to causes well understood by all, this vast mass of citizens have frequent cause of complaint and great obstacles to overcome in their movements toward an assured status in regard to the equal enjoyment of civil and political rights. Prudent statesmanship forbids a disregard of these conditions. The perplexities and dangers which attend other governments because of just grounds of discontent affecting considerable sections of their populations should warn us that it is never safe to allow, and much less to practice, injustice. Hence we should take care that our action be such as will bring all of our citizens to that condition of equality and protection which will cause them to feel that they are surely coming into the position described by the Supreme Court in the language I have quoted from its opinion in the civil-rights cases.

The ballot is a prodigious force in this country. The discontented portions of the populations of other countries are not armed with this weapon as they are in ours. The census of 1880 discloses that the colored race in the United States possesses 1,487,344 ballots, or more than one-sixth of the whole number. In some of the States they constitute a majority. The most masterful office of the ballot appears when it is used for the common good and the general welfare. The color line should not appear in the use of the ballot. But it will if it shows itself in the treatment which the colored race experience in this country. The ballot is the citizen's weapon of defense, as well as an instrumentality through which he may care for the concerns of the State and nation. It is natural that he should consider the former its primary use; for in this aspect of the case, however much he may resist it, the element of self-defense presses upon and directs his action. It is not difficult to appreciate the danger to the security, peace, and best interests of the country which lies in the possible concentration of more than one-sixth of the voters in an organization based on just grounds of discontent; and it should not be difficult to see that a very high duty demands that so calamitous a result be avoided by such governmental action, as will, by equal protection, establish contentment and "insure domestic tranquillity."

It would be a blessing to this nation if the common interests of men in government should determine the political associations of the colored voters of this country rather than the distinctive interests of race, induced by inequalities in the enjoyment of civil and political rights and privileges which too generally prevail. To effect this blessing was one of the chief offices of the fourteenth article of the Constitution and of the civil-rights legislation based thereon. The latter has disappeared through judicial action. But if courts do not rightly grasp the purposes of a great people, or become forgetful of the standard definitions of words in common use in our own language, or become oblivious to a state of facts existing in many sections of the country, which by mere toleration acquire the full force of absolute denial of the equal protection of the laws, or conclude that because a citizen may bring a suit at his own expense in a State court for the recovery of damages the full measure of the Government's duty is discharged and protection, ample and complete, assured, it will not be well for us to accept these errors as proper rules of action and surrender our concern for the future tranquillity of the nation.

We will, doubtless, all agree that after all has been done that can be done by constitutions and laws there will remain much for the individual citizen to do. We can not enact thrift. This must be worked out by the individual. We can not by law establish social position. This must be won by a development of those admirable personal qualities which inspire the respect of our fellow-citizens. We can not ordain success. This must come through application, persistence, and judgment. The most that constitutions and laws can do is to assure to each citizen an equal chance with all others to reach those ends which governments are organized to promote. But no citizen has an equal chance who has not equal protection. It is his right to possess both. It is the duty of government to assure both. When this is done the obligations of allegiance and protection concur, and we realize a solution of the problem over which philosophers and statesmen have expended so much discussion, and formulated in the question, "Which is the best government?" When the two obligations named move in the lines of harmony which convert true theories into current action and consequent just results, then we realize the best government. Then allegiance is hearty and protection is sure. This is more than glory to a state. It is justice. And this will preserve a "perfect union," * * * "insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." It was in order to assure these things that our Constitution was ordained and our Government established. Justice is the foundation of the entire structure. If it be not present in all of our laws, and be not observed in our executive and judicial administrations, we can not move in those ways of national order and peace which evidence the contentment of a

people. And it must be an omnipresent justice. Wherever the citizen is, there it must be. It must go hand in hand with the rights of all. It must know no class nor race, nor distinctions of position or rank, nor favors to riches, nor oppressions to poverty. It must be the defense of each citizen and the protector of all. Then shall we have the conditions requisite to stability. Then shall we possess and enjoy the best government.

I now move, sir, that the joint resolution be referred to the Committee on the Judiciary.

Mr. GARLAND. Mr. President, I am not disposed to enter into any discussion of the resolution proper offered by the Senator from Iowa, either as to the power of Congress to adopt such a resolution or as to the policy of adopting it. It opens up a very large field of inquiry on both propositions, and for one I am willing to enter upon it at the proper time. There is one thing, though, that I wish to call to the attention of the Senate in connection with this matter, and at the same time to the attention of the country.

On account of the decision recently rendered by the Supreme Court of the United States in reference to this general matter some propositions have been introduced into the Senate and possibly elsewhere looking to a remedying of the defects or troubles pointed out by the Supreme Court in its decision. It seems that in certain quarters some surprise is manifested at the decision rendered by the Supreme Court; that some person has been taken by surprise and has been disappointed. Now, my purpose is in a very few words to lay before the Senate succinctly a statement of this matter, so that it shall appear to the country that any one who had kept up with the current decisions of the Supreme Court on this and kindred questions could not possibly have been in the least disappointed in the result of the cases recently decided.

I will not refer to what took place here in debate upon the civil-rights bill when it was passed. I will skip that, and skip various prophecies made by various distinguished gentlemen at that time in reference to the fate of the measure. But when the case of The United States *vs.* Reese, coming from the State of Kentucky, reported in the ninety-second volume of United States Reports, was decided, certainly no one in the country, no lawyer at any rate, could have doubted for one moment, unless he was overtaken by a nightmare, what would be the result on the general proposition whenever the Supreme Court should get at it. Hardly had the court time to breathe before the case of Cruikshank, reported in the same volume, came before it from Louisiana, and everybody said then there was a farewell, so far as this bill was concerned, whenever it could be fairly and squarely presented to the Supreme Court of the United States.

There the matter seemed to have slept. No cases came into the court involving the question until we reach the one-hundredth volume of United States Reports, and then they came in a perfect sluice. The State of Virginia *ex parte;* The State of Virginia against Rives; the case of Strauder *vs.* West Virginia—three cases reported in the one-hundredth volume of United States Reports. The Supreme Court, with very few dissenting opinions, almost unanimously decided that it was State action, State laws, State something, that the fourteenth amendment was leveled at, and there they stood. Next came the most interesting case of them all, Neal *vs.* The State of Delaware, reported in the one hundred and third volume United States Reports, and that opinion was delivered by Mr. Justice Harlan, to which I shall refer somewhat at length after a while, in which, quoting the opinion of Judge Strong in the Strauder *vs.* West Virginia case, it was held that the action of this amendment was upon State legislation, State action, State agents, and not upon individuals. Every person supposed there was an end of it. Then came the case of Bush *vs.* The State of Kentucky, in the one hundred and seventh volume, and the Supreme Court repeated what it had said in the several cases to which I have referred.

Now come the cases with the decision of which the Senator from Iowa finds fault, not yet reported, but to be in the one hundred and eighth volume, only a little more elongated, a little more extended, so to speak, but a repetition of what was decided in Reese *vs.* The United States; and so on from the ninety-second volume.

This is a statement of the whole matter before the Supreme Court. Then where is the ground of surprise? Would not the country have been disappointed if the decision had been otherwise? I will tell the Senate where the ground of disappointment is. Judge Harlan, in delivering his dissenting opinion, comments extensively, and states as the groundwork of his decision the celebrated case of Prigg *vs.* The Commonwealth of Pennsylvania, in 16 Peters, referred to by the Senator from Iowa; but, unfortunately, we have the language of Judge Harlan in the very interesting case of Neal *vs.* Delaware, reported in 103 United States Reports. On page 397 of that volume he uses this language:

> The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are executed, shall deny to any person within its jurisdiction the equal protection of the laws.

The Supreme Court has said no more in its last decision than is said here by Mr. Justice Harlan.

> Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's authority, his act is that of the State. This must be, or the constitutional prohibition has no meaning.

So said his eight brethren when they delivered the opinion in the cases upon which the Senator from Iowa now makes his attack.

Now I ask the Senate and the country where is the disappointment, where is the surprise, where is the consistency, or where is the inconsistency? The inconsistency is in the opinion of the minority, delivered by that eminent jurist from Kentucky Justice Harlan, and it is not in the opinion of the majority.

Mr. President, I deemed it my duty to say this much, having watched this somewhat and knowing somewhat of the workings of these laws and having seen them practically. I have watched the laws with some considerable interest and kept up, as I think, with the current of the decisions upon them. I have heard some of these cases argued even as far back as the Blyew case, and no human being ever made a greater argument than Judge Black in the case of Blyew *vs.* United States, which came from Kentucky, and is reported in 13 Wallace's Reports, 581. From that down I have watched this question closely, and I say the country ought not to be surprised, it ought not to be shocked, and I do not think it was; the shock would have been if the decision had been the other way.

Frankly and candidly, if white, black, or any other complexion of people in this country have not the equal protection of the laws I want to give it to them; I have never attempted to withhold it, and never shall from any of them; but how far we can go in and throttle the States under the amendment offered by the Senator from Iowa I am not now prepared to say. Whether as a matter of policy or principle it should pass I am not now prepared to say, but I hope to be heard when the question comes up properly. I should not have said this much except to put these suggestions on record in the order in which they are and as they have been made.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The joint resolution will be referred to the Committee on the Judiciary.

EXECUTIVE SESSION.

Mr. INGALLS. I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned.

SENATE.

THURSDAY, *December* 13, 1883.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

The PRESIDENT *pro tempore*. The Chair thinks in respect of the appointment of the Committee on Printing yesterday made by the Chair the Journal ought to show the explanation that the Chair made, so as not to raise any precedent respecting the privileges of the two Houses being controlled by an act of Congress. If there be no objection the Secretary will amend the Journal by inserting in connection with that appointment the explanation made by the Chair. The Chair hears no objection, and the Journal will be amended accordingly. So amended, if there be no objection, the Journal of yesterday's proceedings will stand approved.

THE WASHINGTON MONUMENT.

The PRESIDENT *pro tempore* laid before the Senate a letter from W. W. Corcoran, chairman of the Joint Commission for the Completion of the Washington Monument created by the act of August 2, 1876, transmitting a report in regard to the progress of the work on the Washington Monument during the past year.

The PRESIDENT *pro tempore*. This letter, together with the accompanying report and drawing, which, in a letter to the Chair, Mr. Corcoran asks may be included in the printing, if there be no objection, will be printed for the use of the Senate, and the communication, with the accompanying papers, will be referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Belinda Woodward, of Winchester, Ill., praying that an increase of pension be granted to the widows of deceased soldiers and sailors; which was referred to the Committee on Pensions.

Mr. LOGAN presented the petition of F. M. Ryon, postmaster at Streator, Ill., praying to be reimbursed for certain expenditures made by him on account of the postal service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WILLIAMS presented the petition of Josiah Shinkle, of Covington, Ky., praying compensation for salvage services; also the petition of Josiah Shinkle, praying compensation for rescuing the steamboat Echo; which were referred to the Committee on Claims.

Mr. MORGAN. I present the petition of Alexander K. Shepard, of Alabama, who represents that in 1865 the Government of the United

States captured from the confederate states a large amount of iron, heavy ordnance, and other *débris* of the naval foundery at Selma, Ala., and that the President of the United States ordered General Swayne to sell the property. General Swayne sold it to Mr. Shepard for the sum of seventeen thousand and odd dollars and delivered it, and afterward Mr. Shepard sold it to some gentlemen in New York and received a part of the money. Afterward the district attorney for the middle district of Alabama instituted, in the name of the Government of the United States, libel proceedings for the confiscation of this as captured and abandoned property, and contrary to the protests of Mr. Shepard proceeded in that court to obtain a judgment. The marshal was required to seize the property, which he did, and also to take the money which Mr. Shepard had received in part payment from citizens of New York on account of the sale which he had made. The money paid by Mr. Shepard was reported to the Treasurer of the United States, was covered into the Treasury, and has remained there from that day to this. Mr. Shepard presents his petition, asking that the money may be refunded to him by the Government of the United States. Inasmuch as the question is one of jurisdiction between the power of the President in ordering the sale and the power of the district court in ordering the subsequent confiscation, I believe that the petition ought to go to the Committee on the Judiciary. I will ask that reference unless objection is made. I expect to accompany the petition with a bill, which I shall introduce when the proper order is called.

The PRESIDENT *pro tempore*. The petition will be referred, if there be no objection, to the Committee on the Judiciary. It is so referred.

Mr. BROWN. I present the petition of a large number of the leading merchants and business men of the city of Savannah, Ga., praying for an early appropriation to continue the improvements on the harbor of Savannah. The engineers reported something over a year ago that $730,000 would be necessary to deepen the channel to 19 feet in the river and over the bar. Two hundred thousand dollars was appropriated for that purpose, and on account of the failure of the river and harbor bill at the last session of Congress the work is virtually stopped, and because of the filling with sand and other obstructions a great deal of what has already been done is being lost. It is very important, therefore, that there should be an appropriation made as early as possible for the purpose of continuing the work. I move that the petition be referred to the Committee on Commerce, and at the proper time I shall accompany it with a bill providing an appropriation.

The motion was agreed to.

Mr. HARRIS presented the petition of A. F. Baugh, administrator of the estate of Ashton Butterworth, late a citizen of Franklin County, Tennessee, praying compensation for loss of a cotton manufactory and machinery and damage to the same and consumption of cotton and other material by the Army of the United States; which was referred to the Committee on Claims.

Mr. MILLER, of California, presented a petition of American shipmasters, now in the port of San Francisco, Cal., praying for an amendment and improvement of the navigation laws; which was referred to the Committee on Commerce.

He also presented the petition of Mary E. Keeney, widow of Col. Charles C. Keeney, late surgeon United States Army, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. COCKRELL presented resolutions adopted by the board of directors of the Board of Trade of Kansas City, Mo., urging a grant of the right of way through the Indian Territory to the Texas, Oklahoma and Kansas Railway; which were referred to the Committee on Railroads.

Mr. MITCHELL presented the petition of John F. Ballier, late colonel of the Ninety-eighth Regiment of Pennsylvania Volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented letters of certain judges of United States circuit and district courts in relation to the employment of stenographers for such courts; which were referred to the Committee on the Judiciary.

Mr. VOORHEES presented the petition of V. D. Adkins and 50 others, soldiers of the late war for the Union, citizens of Indiana, praying that 160 acres of land be granted to each officer, soldier, and sailor of that war; which was referred to the Committee on Military Affairs.

BILLS INTRODUCED.

Mr. MORRILL asked and, by unanimous consent, obtained leave to introduce a bill (S. 654) to provide for a commission on the subject of the alcoholic liquor traffic; which was read twice by its title.

Mr. MORRILL. I will merely state that this is the same bill which has once passed the Senate. I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. JONES, of Nevada, asked and, by unanimous consent, obtained leave to introduce a bill (S. 655) for the relief of the State of Nevada; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 656) for the benefit of the States of California, Oregon, and Nevada, and Nevada when a Territory; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 657) to authorize the Secretary of the Treasury to adjust and settle the expenses of Indian wars in Nevada; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 658) for the relief of the State of Nevada; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VANCE asked and, by unanimous consent, obtained leave to introduce a bill (S. 659) for the better security of persons and greater facility of transportation on street railroads within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. RANSOM (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 660) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander James H. Sands, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 661) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Lieut. Commander Charles D. Sigsbee, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 662) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander Henry Glass, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. LAMAR asked and, by unanimous consent, obtained leave to introduce a bill (S. 663) to pay to Julia A. Nutt, widow and executrix of Haller Nutt, deceased, the amount of money reported by the Quartermaster-General to be due her; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. COKE asked and, by unanimous consent, obtained leave to introduce a bill (S. 664) to authorize the construction of a bridge for the transportation of street-cars, wagons, and other vehicles, horses and other animals, and pedestrians, over the Rio Grande River between the city of Laredo, Tex., and Neuva Laredo, Mexico; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 665) for the relief of Patrick Cook; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 666) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 667) for the relief of First Serg. J. C. Jorgensen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 668) placing the name of Mary Van Horn upon the pension-roll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 669) for the relief of Alexander D. Schenck; which was read twice by its title, and, together with the papers on file in the case, referred to the Committee on Military Affairs.

Mr. CONGER asked and, by unanimous consent, obtained leave to introduce a bill (S. 670) granting an increase of pension to N. J. Ingersoll; which was read twice by its title, and, together with the papers on file in the case, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 671) for the relief of Elon A. Marsh and Minard Lafever; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. 672) to amend section 4887 of the Revised Statutes, in relation to patents; which was read twice by its title, and referred to the Committee on Patents.

Mr. DOLPH asked and, by unanimous consent, obtained leave to introduce a bill (S. 673) to provide for the formation and admission into the Union of the State of Washington; which was read twice by its title, and referred to the Committee on Territories.

Mr. CULLOM asked and, by unanimous consent, obtained leave to introduce a bill (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAWLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. 675) to extend the benefits of section 4 of an act entitled "An act making appropriations for the support of the Army

for the year ending June 30, 1866," approved March 3, 1865; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SEWELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 676) to repeal sections 1625, 1626, 1627, 1628, 1631, 1632, 1633, 1640, and 1661 of the Revised Statutes relative to the militia, and to increase the annual appropriation for furnishing arms to the militia; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MAXEY asked and, by unanimous consent, obtained leave to introduce a bill (S. 677) for the relief of the estates of James Vance and William Vance; which was read twice by its title, and, together with the papers on file in the case, referred to the Committee on Claims.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. 678) in relation to the Chinese indemnity fund; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 679) for the relief of David T. Tryon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. 680) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Rulo, in the county of Richardson, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. 681) to appropriate $530,000 to continue the improvement of the harbor of Savannah, Ga.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 682) to rerate the pension of Zelora Crumpacker; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 683) granting a pension to Francis Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. 684) for the relief of William D. Matthews; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 685) for the relief of Mrs. Mary Blackburn; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 686) to facilitate the transaction of business in the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 687) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read twice by its title, and referred to the Committee on Finance.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 688) for the relief of Alexander K. Shepard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. 689) granting a pension to Eliza Barbour; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 690) for the relief of Mary A. Lewis, widow of Joseph N. Lewis; which was read twice by its title.

Mr. COCKRELL. I introduce this bill by request. It is a bill presented at several Congresses before, and it has been reported favorably; but there is an item in the bill which proposes to pay interest on the claim, and to that item I desire to say to the committee I am opposed. I ask that the papers relating to the case be taken from the files of the Senate and referred with the bill to the Committee on Claims.

The PRESIDENT *pro tempore*. That order will be entered, subject to the rules, if there be no objection.

Mr. SAWYER asked and, by unanimous consent, obtained leave to introduce a bill (S. 691) to confirm and declare legal the acts of certain officers of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. 692) for the relief of Michael Reynolds; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 693) to authorize the construction of bridges across the Wisconsin, Black, Chippewa, and Saint Croix Rivers, in the State of Wisconsin, and the Fever River, in the State of Illinois; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VANCE asked and, by unanimous consent, obtained leave to introduce a bill (S. 694) to regulate judicial proceedings in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. 695) for the relief of Rear-Admiral Carter; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. EDMUNDS (Mr. INGALLS in the chair) submitted the following resolution for consideration:

Resolved, That the Senate now proceed to elect a President *pro tempore* of the Senate.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LAPHAM, it was

Ordered, That the Secretary of the Senate be directed to return to the Committee on Patents the papers in the case of George Milsom, Henry Spendelow, and George V. Watson.

On motion of Mr. JONAS, it was

Ordered, That the papers in the case of T. Alonzo Walker and Augusta C. Todd, which was before the Committee on the Judiciary of the Senate in the Forty-seventh Congress, and no report made thereon, be taken from the files and referred to the said committee, subject to the rules of the Senate.

On motion of Mr. SLATER, it was

Ordered, That the petition and papers of Louisa Boddy be taken from the files and referred to the Committee on Indian Affairs.

Ordered, That the papers relating to allotment of lands in severalty to Indians residing on the Umatilla reservation, Oregon, be taken from the files and referred to the Committee on Indian Affairs.

Ordered, That the papers relating to the forfeiture of the land grant of the Oregon Central Railroad from Forest Grove to Astoria, Oreg., be taken from the files and referred to the Committee on Public Lands.

Ordered, That the petition and papers respectively of M. P. Jones, B. Jennings, Alonzo Gesner, and William L. White be taken from the files and referred to the Committee on Public Lands.

Ordered, That the petition and papers respectively of William L. Adams and Hadley Hobson be taken from the files and referred to the Committee on Claims.

Ordered, That the papers relating to the relief of citizens of Oregon, Washington, Idaho, and Montana, who served with the United States troops in the war with the Nez Percé Indians, be taken from the files of the Senate and referred to the Committee on Military Affairs.

Ordered, That the papers in the case of the Government transport-bark Torrent be taken from the files of the Senate and referred to the Committee on Military Affairs.

Ordered, That the papers relating to the muster-rolls of Capt. Nathan Olney's Company Oregon Volunteers, 1853, be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. HAWLEY, it was

Ordered, That the petition and papers of James Belger be taken from the files of the Senate and referred to the Committee on Military Affairs.

TEXAS AND PACIFIC RAILROAD LAND GRANT.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Chair will lay before the Senate the resolution submitted yesterday by he Senator from Nebraska [Mr. VAN WYCK], calling on the Secretary of the Interior for copies of papers relating to the attempted transfer by the Texas and Pacific Railroad Company to the Southern Pacific Railroad of a certain land grant. The resolution will be read.

The resolution submitted yesterday by Mr. VAN WYCK was read, as follows:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate copies of all papers on file in his Department relating to the attempted transfer by the Texas and Pacific Railroad Company of its land grant to the Southern Pacific Railroad Companies of Arizona, New Mexico, and California; also, copies of any memorials, briefs, or letters relating to the matter of land grants or subsidies to said Texas and Pacific Railroad.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

EXPENDITURES OF DEPARTMENT OF JUSTICE.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the resolution offered yesterday by the Senator from Nebraska [Mr. VAN WYCK], calling upon the Secretary of the Treasury for certain information relating to the expenses incurred by the Department of Justice. The resolution will be reported.

The resolution submitted yesterday by Mr. VAN WYCK was read, as follows:

Resolved, That the Secretary of the Treasury be directed to furnish to the Senate copies of vouchers and items audited by the First Auditor of the Treasury on account of expenses incurred by the Department of Justice since March 4, 1881, with the names of special or assistant attorneys and the names of detectives; excepting the vouchers and items relating to and the names of special attorneys from January 1, 1882, to March 1, 1883, that information having been furnished and printed by order of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

CLERKS FOR SENATORS.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate, offered on a previous day by the Senator from South Carolina [Mr. BUTLER], a resolution entitling each Senator, not chairman of a committee, to a clerk. This resolution, the Chair sees by its indorsement, was ordered to lie on the table, so that it is not to be presented to the

Senate under the rule as a resolution offered on a former day. It will only come up on the motion of some Senator.

Mr. BUTLER. I made the request the other day that the resolution lie on the table for the present.

The PRESIDENT *pro tempore*. That takes it from the Calendar of daily resolutions, and it will come up on motion.

Mr. BUTLER. So I understand.

THE NATIONAL DEBT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted by the Senator from Indiana [Mr. VOORHEES], on the 10th instant, relative to the perpetuation of the public debt.

Mr. VOORHEES. It was not my purpose to ask for immediate action upon that resolution. My object was to let it lie on the table subject to my own call. On a future occasion I may desire to call it up and submit some remarks upon it. If, however, the Senate desires to vote upon it I certainly have no objection to that course being taken. My object was not, however, to precipitate immediate action upon the questions involved in the resolution, and I ask that it may go over until after the holidays, if I am permitted to do so.

The PRESIDENT *pro tempore*. If the Senator will move to lay it on the table, and that motion shall be agreed to, it will then be subject to his motion at any time.

Mr. VOORHEES. I thought I had done so when the resolution was submitted.

The PRESIDENT *pro tempore*. It does not so appear on the indorsement.

Mr. VOORHEES. I then move to lay it on the table, subject to call hereafter.

The PRESIDENT *pro tempore*. Anything laid on the table is always subject to call.

Mr. VOORHEES. It was my purpose to make the motion at the time the resolution was offered. I perhaps only made the suggestion at the time without making a formal motion. I make that motion now.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the resolution lie on the table for the time being.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Calendar of Resolutions is exhausted. The Calendar of General Orders is now in order. The first bill on the Calendar will be reported.

The bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories was announced as first in order on the Calendar.

Mr. GARLAND. The Senator who reported that bill does not seem to be in his seat.

Mr. FRYE. I gave notice that to-day I should ask to call up the report of the Committee on Rules touching the revision of the rules.

The PRESIDENT *pro tempore*. The Chair was in error in laying before the Senate bill No. 19. The first thing that should be on the Calendar of General Orders is the report of the Committee on Rules, which will now be laid before the Senate. It will be read.

REVISION OF THE RULES.

Mr. SHERMAN. In order to facilitate the consideration of the long series of rules proposed, I suggest that the same plan be adopted as is usual on appropriation bills; which is, that the first formal reading of the rules be waived, and that they be taken up by clauses, subject to debate.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the reading *in extenso* of the report of the Committee on Rules be dispensed with, and that the respective paragraphs be acted upon in order as they are read. Is there any objection? The Chair hears none, and it is so ordered. The first proposed rule will be read.

The Principal Legislative Clerk read as follows:

RULE I.

APPOINTMENT OF A SENATOR TO THE CHAIR.

1. In the absence of the Vice-President, the Senate shall choose a President *pro tempore*.

2. In the absence of the Vice-President, and pending the election of a President *pro tempore*, the Secretary of the Senate or in his absence the Chief Clerk shall perform the duties of the Chair.

3. The President *pro tempore* shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair; and the Senator so designated may discharge such duties for a period not exceeding three days, unless the Senate shall otherwise order.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The question is on the adoption of this proposed rule.

Mr. BAYARD. Mr. President, there are certain results to follow from that rule which I hope the Senate will consider before they concur in the recommendation of the committee. As the rule now stands, the President *pro tempore* of the Senate can be removed at any time by a vote of the Senate; he can not designate his successor except as a mere *locum tenens*, and then not beyond the adjournment of the Senate; so that if the President *pro tempore* of the Senate should not present himself at the next meeting of the Senate after an adjournment there would be a vacancy, and the Secretary or the Acting Secretary would have to preside until, as the first business, a President of the Senate was chosen by vote.

This has its inconveniences, undoubtedly, and those inconveniences have been emphasized by the close balance in numbers of the political parties in this Chamber. There has been almost a tie, a dead-lock, in this Chamber between parties for many years past; the absence or the balance of one vote or two, or three at the utmost, would change the choice of the Presiding Officer and the political party to which he was attached.

Under the present law something much more important than who shall put the questions and decide them in this Chamber attaches itself to the tenure of the powers and duties of the presidency of this body. The law relating to the devolution of the powers of the Presidential office, as it now stands, casts them upon the President *pro tempore* of the Senate in case of the removal, death, resignation, or inability to serve of both the President and the Vice-President. I think the Senate should contemplate the existing law while they are making a rule which must be affected by it.

I regret the condition of the law. I believe the action of the Senate at the last session was a wise one, and was imperatively demanded by the needs of the country in providing for a succession to the performance of the functions of the Chief Magistracy of this country so that under scarcely any possible or supposable contingency could there be an interregnum and an absence of a functionary lawfully entitled to exercise the duties of this great and essential office. But as we stand now, Senators, I will ask you to contemplate the effect of the rule as proposed by the committee. It provides that—

The President *pro tempore* shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair; and the Senator so designated may discharge such duties for a period not exceeding three days, unless the Senate shall otherwise order.

We will suppose that our honored friend who is to-day the President *pro tempore* of the Senate shall absent himself for three days, and during that period of time, by the act of God or a public enemy, the President of the United States shall be removed from life, who under this construction and under this rule would then become the acting President of the United States? I will not stop to chop logic—for it would be no more than that—as to whether the exercise of the functions or the possession of the office itself shall follow under our law. Suffice it to say, that the man who under law will exercise the functions of the Chief Magistracy of this country will be in substance the President of the United States.

With the difficulties already clustering around the unfortunate state of law under which we live, does the Senate propose to add to those difficulties the power in the President *pro tempore* of the Senate, unchecked, uncontrolled by the vote or the approval of the Senate, to nominate at his own will the man who shall possess the enormous, the important, the incalculable powers for good or evil which may attend the temporary possession of the functions of the Chief Magistracy of this country? It seems to me entirely in opposition to the theory of our Government. It seems to me a very dangerous assumption. It seems to me that this proposed rule is fraught in its possibilities with very grave dangers; for this is not only a government of law, but it is a government of public opinion as well as law; and we must not simply so govern that law shall have its own power to be obeyed *per se*, but that it shall not be, so far as we can prevent it, in violation of, in opposition to, or defeat of the settled, well-considered feeling and sentiment of our fellow-countrymen.

I need not here repeat the many difficulties that the present law entails, the grave and difficult questions, fraught with trouble, of the present act of Congress, to which I have referred, the act of 1792, devolving the powers of the Presidency temporarily upon the Presiding Officer of this body—whether he is to remain a Senator with his legislative power, and annexed to that the great executive power, coming here to vote upon measures and retiring to the other end of the Avenue to veto those which he was unable once to overcome by his vote or by his argument in debate; or whether a man who passes into the possession of the Presidential powers as a Senator shall use those powers, after he has assumed them under the law, after the expiration of the term for which he was elected. All these are questions of which I do not care to discuss the results, but simply to suggest, as showing how it is filled with confusion and difficulty, how illogical, how contrary it is to the whole framework and genius of our system of checks and balances upon power, the check upon the executive by the legislative, the check upon the legislative by the executive, and upon both by the judicial, and how they are confused by this proposition to cast executive power upon a member of the legislative branch.

That is the law as it stands now. We have sought in this body to amend it. It was the failure of the House of Representatives in the last Congress to concur in the proposition we made or to make any proposition of their own that would remedy the existing danger. But will not, I submit, the proposed rule carry you far beyond that? Does it not superadd difficulties and questions which may well cause us to hesitate before we accede to it?

As we now stand, if the present President of the United States or

the acting President of the United States, whichever you may call him, but the individual and the official who exercises unquestionably the functions and powers of that great office, were to be removed by death, certainly the Senator from Vermont [Mr. EDMUNDS] would under the present law assume the functions of the Presidency. That is our present condition of affairs, and what would be the effect of this rule? This body by a lawful majority has elected the Senator from Vermont to that office, those who voted for him knowing that there was a contingency of human affairs that might throw upon his shoulders and upon his conscience the great duties of the Chief-Magistracy of this country. Certainly his personal character had its weight, and its just weight, with those who selected him not simply to decide questions of order and to put questions in this body, but as the possible incumbent, the possible possessor of the great mass of powers to which I have referred which attach to the Chief-Magistracy. That is the result as the law now stands. I need not repeat suggestions of the defects of that law, of the results of that law, of the confusion that would follow in case our friend from Vermont was called upon, being a Senator and a member of the legislative branch, to assume executive functions without losing his right and his legislative power, for the State of Vermont can not be deprived of the services of either of her Senators on this floor without her own consent.

Now, what does this rule propose? That you shall go further, and you shall give to the Senator from Vermont the right for three days to designate the President *pro tempore* of this body. He can not designate him conditionally; the person designated must either be the President of this body or this body has no presiding officer. He can not be a *locum tenens*. If he be not lawfully chosen and designated in the fullest meaning of the term "the President of the Senate," then in the case of the death of the present President the devolution of the powers of his office would be upon the Speaker of the House of Representatives.

But if you shall by this rule give to the President of the Senate *pro tempore* the right again for a limited period of three days or of three weeks—for it is a mere question of degree and discretion as to time—the right to designate the person who shall fill that place, it seems to me you necessarily have given to one man the judging of the individual who in the providence of God may be made the possessor of the powers and functions of the Presidential office. Is the Senate prepared for that? I am not, and I will say further, that while I am perfectly aware that argument can be made upon this frame of words, and I know scarcely of any frame of words on which arguments can not be made, I do not think we have a right to adopt a rule that contains by possibility the question which I have suggested as to the right of any one man, for any time at all, to nominate the functionary who in a contingency under the law, without any control of the Senate, may become the President of the United States or possess the powers of that office even for the interval that may occur between the time when this anticipated difficulty may arise and the new election provided for in a very obscure and tangled fashion under the present statutes.

Now it may be said that at this time in the absence from the Chair of our friend from Vermont and the presence in it of the present Senator from Kansas [Mr. INGALLS], if there came *eo instanti* the news of the death of the President of the United States, his designation would control, and the mere corporal presence of the Senator from Kansas by the nomination or by the action of the Senator from Vermont would make him the person to execute the duties of the Presidential office. I should answer that by reference to the old maxim *de minimis non curat;* the law does not mark the fractions of a day, and the legislative day having begun, it will continue until an adjournment takes place, and the person who was at the commencement of that day the presiding officer of this body would be at the close and during all of that day held by every rule of judicial determination to be the person who on that day and all of that day continued to be President *pro tempore*, unless the records of the body should show that there had been affirmatively a change in the presidency of the body during that legislative day. But suppose there should be a capability of question being made of the fact, ought you to add to the possibility and the number of such questions? I submit respectfully it is not wise. When we shall have changed the order of succession, in the event of death, resignation, inability, and the like, to the powers of the Presidential office, I shall have no objection to so reasonable a rule as this.

I do not propose to tie our President *pro tempore* against his convenience to the moment and the spot of 12 o'clock of the day and that desk; that no consideration of private care or of private convenience, sickness or health, or the like shall be considered, and that he must, dead or alive almost, be here. I know it is an inconvenient thing. It would be simply, as we know, to-day a matter of form, that if the election took place and occupied three minutes by the watch, the will of the Senate and of the majority of the Senate would be accepted. There is no disposition—I am satisfied every Senator of the body is aware of that fact—to question in the slightest degree the effect and power of the numerical majority, small though it may be, in this Chamber on the other side, no disposition to take small, temporary, petty, or what would seem to be a disreputable advantage on account of the absence of members.

Sir, I hope the Senate will pause before they will agree that a President *pro tempore* of this body for three days' time, who may in the accidents of life and death become the possessor of the powers of the Presidential office, shall become so upon the unchecked, uncontrolled nomination of a single man.

I will not say that arguments may not be made, respectable and weighty, against what I have suggested. I will not say that the weight of reasoning may not be shown in such a way as would render these unpremeditated suggestions of mine of less force than I think they are, but I mean to say this: that on matters of this kind we ought to act, if we can, so as to have no question. The thing is too serious to allow us to take steps which are open to doubt and to question. Let us amend our law, and destroy this dangerous condition of things that devolve executive power upon a member of a branch of the Legislature whose own term and whose powers are prescribed and limited, as are all others; but let us not add increased difficulty and increased question to our present status. Let us amend the law. Pass again—I hope to see it done unless some wiser measure can be provided—the act that met the assent of the Senate at the last session, creating a line of succession that could not reasonably fail, and that was supposed to be in harmony with the wisest of the public expression at the last Presidential election.

Mr. LAPHAM. Will the Senator from Delaware allow me a question before he sits down?

Mr. BAYARD. Certainly.

Mr. LAPHAM. I should like to suggest whether appointing a person to perform the duties of the Chair in any way clothes him with any other power than simply that; whether the President *pro tempore* of the Senate does not retain his office and the succession to the Presidential office if that contingency should arise?

Mr. BAYARD. These questions have been raised here before and they have not been satisfactorily disposed of. I remember very well that many years ago a distinguished member of this body, the late Senator Morton of Indiana, brought up a question as to the powers of the President *pro tempore*—the Vice-President of the United States was then deceased and we had a President *pro tempore* of the body—and I asked him, as to the power of the Senate after they had once chosen a President *pro tempore* and then by death the functions of the Presidential office devolved *pro tempore* upon that President, whether then the Senate could claim the power to remove and change their President *pro tempore* in order to remove and change *ipso facto* the President of the United States; and from that Senator I could get no reply. He told me that question he was not prepared to decide and would not.

I merely suggest this to show how dangerous it is to deal with a subject so open to question and so difficult of decision, in regard to which men's minds naturally and honestly disagree, even in a time of quiescence and when there is no heat of party passion or of party bias to pervert their judgments.

Mr. GARLAND. What is the pending question, Mr. President?

The PRESIDING OFFICER (Mr. INGALLS in the chair). The first proposed rule in the report of the Committee on Rules has been read by the Secretary and is now before the Senate for its consideration.

Mr. GARLAND. Then I wish to offer an amendment to the proposed rule of the committee. In clause 3 of the first rule as proposed by the committee after the word "chair" in the second line I move to strike out all that follows, and insert:

But such substitution shall not extend beyond an adjournment.

The PRESIDING OFFICER. The Senator had better prepare his amendment and submit it to the Secretary so that it may be read at the table.

Mr. GARLAND. I can announce it. I move to strike out all after the word "chair" in the second line of the third clause, and to insert: "But such substitution shall not extend beyond an adjournment."

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Arkansas.

The ACTING SECRETARY. After the word "chair" in line 2 of clause 3 it is moved to strike out "and the Senator so designated may discharge such duties for a period not exceeding three days, unless the Senate shall otherwise order," and insert:

But such substitution shall not extend beyond an adjournment.

Mr. GARLAND. Mr. President, this is not a new proposition before the Senate by any means. It has been discussed three or four times during the short period I have been a member of the Senate and a good many times before. There is a very serious difficulty in the matter, and one that I do not know can be obviated at all. The third section of article 1 of the Constitution provides that in the absence of the Vice-President a President *pro tempore* may be elected by the Senate, and there it stops. It does not say how long the President *pro tempore* shall occupy the chair, or whether the Senate shall proceed every five minutes, or every ten minutes, or every twenty minutes, or at any longer or shorter period to the election of a President *pro tempore*. But subsequently, some time in 1876 I think, the Senate passed a resolution that the President *pro tempore* of the Senate held his position at the will of the Senate, and I believe that has been acquiesced in as being a correct and proper solution of that proposition. But, strange to say, there is no such power to be found in the Vice-President by the rules as this rule,

and not only this rule but the kindred rules on this subject pretend to give or offer to give to the President *pro tempore*. The Committee on Rules have very carefully arranged this matter in a kind of historical schedule, so that we find that as far back as January 3, 1820, the rule read thus:

The Vice-President, or President of the Senate *pro tempore*, shall have the right to name a member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

That was the old rule, and it continued down, as is shown in the next column of the form reported by the Committee on Rules, until the present rule was substituted in its place.

A long time since, when Jesse D. Bright was President *pro tempore*, and sought to designate a Senator from Michigan to take the chair under a proceeding of this kind, objection was interposed by Mr. Crittenden, who took the broad ground, and so argued, that there was no constitutional power for any such thing, and the reasons assigned in that debate are in the Congressional Globe before me, but I shall not trouble the Senate to read them. They show very clearly that no such power existed.

Coming down to a later day, when our honored and respected President *pro tempore*, the late Senator from Illinois, Judge David Davis, desired to visit his native State, Maryland, in June, 1882, he called the present incumbent [Mr. INGALLS] to the chair, who was met by this objection being interposed by some Senator; I do not now remember whom, but I think it was either the Senator from Alabama [Mr. MORGAN] or the Senator from Missouri [Mr. VEST], and after a considerable debate and a large amount of skirmishing on the proposition we came to no solution of it, and the Senator from Ohio [Mr. SHERMAN] moved an adjournment, and that carried us over from Friday to the following Monday, when our President *pro tempore* was restored to us. That proceeding elicited a number of amendments to this rule, one offered by the Senator from Maine [Mr. FRYE], one by the Senator from Michigan [Mr. Ferry], and an amendment to that by the Senator from Ohio [Mr. SHERMAN], one by the Senator from Maryland [Mr. GORMAN], and another by myself, all of which are reported in the second column on the left, at page 2 of the report of the Committee on Rules.

Now, Mr. President, I do not believe—and it must be admitted that it is an inconvenience—that the President *pro tempore* has the power to name a person to hold his position beyond that sitting of the Senate at which he is so named, and I think the old rule is better in that respect than the rule now proposed.

Mr. BUTLER. I should like to ask the Senator how long that rule of 1820 was in force?

Mr. GARLAND. Until March 25, 1868, when another rule was substituted in its place. The Senate worked under that rule for forty-eight years. I believe the debate at the time to which I have alluded, when Mr. Bright was President *pro tempore* of the Senate, demonstrated that no such power as this existed.

In addition to that, let us turn to what is understood to be the common law of this proceeding in analogous cases; I read from section 313 of Cushing on the Law and Practice of Legislative Assemblies:

On the death, resignation, disqualification, or removal of the presiding officer a new election takes place in the manner already described. But whenever, by reason of sickness or other cause, the presiding officer is prevented from attending to the duties of his office, and is not likely to be able to resume them for some time, it is usual in all our legislative assemblies to elect a presiding officer *pro tempore*, to preside until the former is again able to attend in his place, or ceases to hold the office of presiding officer. The duties and functions of this temporary officer, if elected in place of a presiding officer who is a member of the body over which he presides, are ordinarily the same with those of the permanent president, during his absence, and terminate with the return of the latter to the chair; but where the presiding officer is not a member of the body over which he presides the functions and duties of the temporary presiding officer may be otherwise regulated by law or by a rule of the assembly. In most of the legislative assemblies of this country it is also provided by a rule that the presiding officer, if a member, may substitute some other member to perform the duties of the chair in his place, if he have occasion to be absent for a part or the whole of the present sitting. But he is not obliged to announce the name of the substitute to the House; and, if the latter is in committee of the whole, the speaker may appoint some member to take the chair and preside when the committee rises. But such substitution ought to be made as an official act, and when the presiding officer is himself in the chair of the assembly, or present in it, *and can not be made in his absence, by letter or otherwise.*

This authority goes beyond even the position assumed by many gentlemen who oppose the rule proposed by the Senate Committee.

If the presiding officer is unable to attend, in person, at the commencement of the daily sitting of the assembly, his power of substitution no longer exists, and there is then occasion for the election of a temporary presiding officer.

It is very clear from the common law attaching to this proceeding, as we call it, that an election should take place every day; the choice should not pass longer than the sitting at which the temporary officer is chosen. I think it is safer to adhere to the spirit of the old rule and not to fix it so that he may hold for three days or longer simply at the discretion of one Senator. As a matter of course, as stated by the Senator from Delaware, if you can make it three days, you can make it three weeks or three months. The great difficulty in the case has grown out of that unfortunate act of 1792, which I always considered unconstitutional and which was virtually so declared in Blount's case, devolving the duties of the President in any contingency on the mere President *pro tempore* of this body. I think we had better adhere to the old rule, and that is the amendment which I offer.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas [Mr. GARLAND].

Mr. EDMUNDS. Mr. President, I think it is quite obvious that in the present condition of the Senate, without a Vice-President, the proposed rule would be a matter of great convenience, almost of necessity, unless we are to change the presiding officer by a vote of the Senate from time to time, which has many inconveniences, because there is a kind of special practice needed which it requires time to get accustomed to in order to do the duties well for the benefit of the Senate. Therefore it would be a great convenience to adopt this rule if it can be done lawfully. I believe everybody will agree to that. Whether it can be done lawfully depends upon the question of whether the President *pro tempore* is the person who by designation occupies the chair under the rule or whether he is the person elected by the Senate under the Constitution. Now, I think it is clear under the Constitution and under the law that the person who is President *pro tempore* is an officer. He is described as an officer in the Constitution, and by the Constitution and by the law made in pursuance of it he is required to take an oath and subscribe it as such officer to perform the duties of that office, so long as he holds it, faithfully and well.

Now I think we must all agree that the person who, under the permission of the rule and by common parliamentary practice without any rule, is called to the chair by the President *pro tempore*, or by the Vice-President if he were sitting here, is not the President *pro tempore* of the Senate. The whole history of the country will show that, although we have had Presidents *pro tempore* of the Senate probably at every session of the Senate from the foundation of the Constitution to this day, no temporary occupant of the chair has ever signed an enrolled bill or joint resolution, which must be signed by the rules and really under the Constitution—although it does not name it in terms, but it is a necessary incident of it—by the official presiding officer of the body.

The temporary occupant of the chair, the designated Senator, I think I am safe in saying from some examination and from an observation of now almost eighteen years in this body, has never exercised any such function, and nobody ever thought that he could, and for the reason that the fact that he was called upon to occupy the chair did not clothe him with the office of President *pro tempore*. If it did not, then the person who has been elected President *pro tempore* and has taken the oath as required by the Constitution and the laws as precedent to his exercising any function of the office continues to be President *pro tempore* although out of the chair and wherever he may be within the United States I will say—I will not say how it would be otherwise—until the Senate chooses to elect his successor and have him properly qualified by taking the oath. I think that is the law; I think it is the common sense of the case.

If that be so, then the fact that the existing rule authorizes the President *pro tempore* to designate a Senator to perform the duties of the Chair—not the duties affixed by law to the office, but the parliamentary duty of keeping order and recognizing gentlemen who rise and all that sort of thing—does not become in any sense a disturber of the official character of the person who has been elected President *pro tempore;* and that being so, the President *pro tempore* would continue to hold that office just as much the next day as he did before; he would hold it the third day; and he holds it all the time, as the Senate has decided, and I believe without any serious difference of opinion, subject to the pleasure of the Senate to change him from day to day and from minute to minute except for the rule that a resolution must lie over, if anybody objects to it, one day. We could abolish that rule and we could have every Senator in this body lawfully and officially President *pro tempore* of it to-day, one after the other, if we sat long enough to go through the form of election and swearing in.

So then, it appears to me, with great deference to my friend from Delaware, that in point of constitutional law, a President *pro tempore* once elected and qualified will continue to be the President *pro tempore* until his successor is elected under the Constitution by the Senate to that office with all the responsibilities that belong to it by the Constitution and the laws and is qualified by taking the proper oath to perform the duties. If I am right about that, it would follow that this designation for three days—which I repeat would certainly be a great convenience to the Senate and to the person who must now (the Vice-President being absent) preside all the time, would not produce the difficulty or danger that my friend supposes; and I think that is especially true from the circumstance that every moment of time, subject to the rule as to resolution lying over, the whole matter is in the control of the Senate to elect a new President *pro tempore* at any moment they please. If, therefore, you were to grant the Senator who now has the honor to hold the office of President *pro tempore*——

Mr. BAYARD. Before my friend takes his seat I should like to ask whether the result of his statement of the case and of his argument would not be that there would be an officer presiding over the deliberations of this body unknown to the Constitution, not a President *pro tempore*, whom he describes as an official named in the Constitution whom the Senate can elect in case of the death or absence of the Vice-President—not that individual, but another who is to be I know not

what. I would say, if I am to accept the suggestion of my friend from Vermont, a nondescript, not a President *pro tempore*, but something else, with a power to preside, to control the Senate, to decide its questions of order, and what other powers I know not, but it would depend on what he is to be called in law—some one not chosen by the Senate, for the Constitution prescribes that the presiding officer of this body shall be chosen by the Senate, and this rule provides that he may be nominated by a person who at first hand has been chosen. In other words, here is a delegation of delegated power, a thing generally forbidden by law. Therefore, it seems to me that when the Senator from Vermont, for instance, being President *pro tempore*, should designate for three days our friend from Kansas to occupy the place, he must be there in color of some office, and if he is not the presiding officer of the Senate, how will you describe him? What are his powers? What are his duties? What control has he? In case he suddenly dies, who succeeds? It seems to me that these are confusing questions and very confusing results arising from this delegation of a delegated power.

Mr. EDMUNDS. If that were true (leaving the sentence that was unfinished when my friend from Delaware addressed me for a moment), then we are in exactly that condition at this moment of time; the Senator from Kansas occupying the chair is a nondescript; there is no term known to parliamentary law or the Constitution of the United States by which we can address the Senator from Kansas while he is sitting there, because he certainly has not been elected President *pro tempore* of the Senate. The Senate certainly has not ordered him except by a delegation to take the chair at all. They did, by a formal rule, which was precisely in conformity with the common law of all deliberative bodies and practically founded in necessary common sense in this world, delegate the power to the President *pro tempore* to designate a Senator to perform the duties of the chair for a limited time which the rule prescribes. That is a delegation of power, and it may be, as the Senator from Delaware says, the delegation of a power that is incapable of delegation by the delegate with whom the Senate has intrusted the power of presiding in general; and, therefore, we are nothing but a mob at this moment, and I could call my friend from Delaware all sorts of hard names, and the only way he could get redress would be that known among gentlemen and not known to the rules of the Senate. That will not do, Mr. President.

It is contrary, I say with great respect, to the pervading sense of the fitness of things that belongs to all jurisprudence and to all legislative history, as it seems to me; and if it be not correct at this moment, then it will be equally incorrect ten minutes hence; it would be equally incorrect to-morrow if you were to continue to sit in the chair until to-morrow, except that the rule limits the authority of a designated Senator to sit in the chair to the period of an adjournment. If it was constitutional to limit it to that period, why is it not constitutional to limit it to a period of another day or three months if the Senate says so, because I argree that the argument goes to that extent, or three years, the Senate all the time retaining the power, as it does under the rules and under the Constitution, to change its will and to put a new person in if the regular officer has abused the confidence of the Senate in not attending to its duties for too long a time. That is the redress for any abuse of that kind, if there should be one if the discretion were granted. The fact that the law takes in certain cases no note of divisions of a day clearly will not apply to such a case, because otherwise the election of a new President *pro tempore* could not go into effect until the day afterward because the law presumed that there were no fractions of a day, and the existing President *pro tempore* must therefore be presumed in law to be President *pro tempore* for the whole day. My friend saw the force of that, and suggested that that would appear in the Journal, in the record, as showing a division. Is there any constitutional objection to the Journal of the Senate showing (as it properly might, only it might make it voluminous) that you had taken the chair at a certain hour this morning at the invitation of the President *pro tempore?* Not the least. It is a part of the proceeding of this body under the rule that it has made; and the mere fact that the Journal does not show it (being a matter of no importance usually, and therefore a waste of space and time and printing to put it into the Journal) is the only difference between the two cases.

So I submit, with great respect to my friend from Delaware, that that argument will not hold water, and we come back again to these two simple propositions, that under the Constitution the President *pro tempore* of the Senate is an officer provided for by the Constitution, and when he has taken and subscribed the oath required by the Constitution and the laws he is invested with an office, and that office continues until the power that by the Constitution is authorized to change it does change it in the way that the Constitution and the laws require. That being the case, the question of whether the President *pro tempore* is present in or absent from the chair to-day or to-morrow or the next day is one depending entirely upon the pleasure and will of the Senate as a body, for the convenience of the transaction of their business. When we have a Vice-President, the ordinary presiding officer, of course there is no occasion for any extension of the rule that has so long stood in force, of one day's sitting by a designated Senator; but when you have not that state of affairs and have the state of affairs that now exists, unless the Senate desires to go through the inconvenience of changing its presiding officer very often, we can of course see that it would happen that any President *pro tempore* might at 12 o'clock on the morning when he was to call the Senate to order be suddenly ill, unable at that particular hour to get properly to the Senate Chamber, when to-morrow he would be quite able to come in and go on with his duties, and he might happen to be the man, and he would have been under former states of affairs, whom we should all delight to have occupy the chair.

Now, can it be that under the Constitution we are forced in such a case to proceed to the formality of electing a new President *pro tempore*, of having him take and subscribe the oath of office, of informing the President of the United States and the House of Representatives that we had elected a new presiding officer, and then the next day, when he returned, go through with the formality of making another election, re-electing him and giving the same notice over again? I am hardly able to understand that such can be the law. I feel confident myself with great respect that is not, and that there is no constitutional difficulty or legal difficulty in extending this period of one adjournment to two or three or any number of days that the Senate thinks that its own convenience will warrant.

As to the power under the present rule of the President *pro tempore* to designate by letter a person to take the chair, it certainly is open to question. Not because the Senate has not power to grant such authority, but because it is doubtful whether it has done it under the existing rule, although one of the finest lawyers that I ever knew and a leading member of the party that occupies the seats filled by gentlemen on the other side, Judge Thurman, held when he was President *pro tempore*, as did other such officers, that that authority did exist under the rule, and exercised it.

I believe there was some discussion about it; but of course that is an immaterial question that I need not take up your time about.

That is a conventional question which the rule may provide about one way or the other; but the main question it appears to me that my friend from Delaware on further consideration will agree that the Senate has power to deal with according to its own notions of its own convenience.

Mr. HAWLEY. Mr. President, I see no serious practical difficulty in the case. When we have a Vice-President we are in the habit of choosing a President *pro tempore*. I see no objection to our choosing one now, choosing a presiding officer, one who will take the chair in the absence of the regular presiding officer of the Senate; or we might adopt a course like that followed by the House of Commons. There it is the rule that when the speaker shall be absent necessarily the chairman of the committee on ways and means, I believe, shall take the chair from day to day, the necessary absence of the proper speaker being announced by the clerk, and shall hold that office from day to day, except that in case of a longer adjournment the chairman of the committee of ways and means shall hold that right of deputy speaker only for twenty-four hours. If we should elect a person to take the chair in the absence of our President *pro tempore* I do not see any objection to it. I think it would meet the criticisms made by the Senator from Delaware.

Mr. MORGAN. Mr. President, the change proposed in this rule seems to have no greater purpose than merely to subserve the convenience of the Senate, and make it necessary that they should enter into an election when the President of the Senate finds that he is compelled to be absent from the sittings of this body; and inasmuch as this debate on to-day and on various previous occasions has developed the existence of a distinct objection that there is a constitutional difficulty in the way, I think that the Senate ought to pause and stand on the ground on which it stands in the existing rule, and not venture upon new and untried ground.

For my own part I have had occasion to look into this question and to discuss it in the Senate heretofore somewhat, and I have a fixed opinion, I may say, that the proposed new rule is not in accordance with the spirit and intent of the Constitution. The ground that I take is this: Following as I cheerfully do the Senator from Vermont in all the positions which he has taken down to the last he has stated, and conceding their logical value and soundness, I think I differ with the honorable Senator in this proposition. We agree, as all agree, that there is a legislative day recognized in all parliamentary organizations. It commences with the opening of the House at the time designated by the rule, and it continues during the pleasure of the Senate until an adjournment takes place. That legislative day may spread over two or three calendar days. It has often been the case that the legislative day has spread over two or three days in point of actual time.

Mr. HOAR. It spread over nearly six weeks at the time of the Electoral Commission.

Mr. MORGAN. That I believe to be the fact. I thank the Senator for the suggestion. It spread over quite a long time. In that particular we might have a very serious difficulty upon our records, for here we have one legislative day, and we have another day consisting of three weeks, another day which consists of twenty-one points of time divided into twenty-four hours each. I hold that the legislative day in the Senate of the United States commences when the Senate of the United States meets in proper constitutional organization, and it really does not commence as a legislative day until it does so meet. If the Presi-

dent of the Senate should be absent and should not have designated a Senator to take his place, the Secretary of this body, under this rule, would call the Senate to order, and the first question would be the election of a President *pro tempore*. If that should consume the time until the adjournment we could hardly say that that was a legislative day in the sense of the Constitution or in the sense of parliamentary law and order; but whenever we should have elected a President *pro tempore*, then the legislative day would commence, and we have seen that it may continue over very many calendar days and yet remain only one legislative day.

Now I hold, sir, that it is necessay to the constitutional organization of the Senate as a legislative body that either the Vice-President of the United States shall be present or that we shall have elected a President *pro tempore* who is actually in the chair at that moment of time and discharges the duties of the chair in virtue of the constitutional power given to us to devolve that duty upon him.

It has been said by the Senator from Vermont with great force and clearness that the President of the Senate *pro tempore* is named in the Constitution as a constitutional officer. He might have gone further and said that some of his duties were prescribed there also, and he might have added further, I think, that there is by implication a tenure of office fixed for him; but at all events he is a constitutional officer with constitutional duties; the Senate, says the Constitution, may choose its President *pro tempore* in the absence of the Vice-President. Now, therefore, the person who is to organize the Senate at the beginning of each legislative day must be a person chosen by the Senate and not appointed by a Senator or by one who holds the office of President *pro tempore*.

There is an argument *ab inconvenienti* on this also which runs very much further than the inconvenience and might run to the great detriment of the country and its disturbance in respect to very profound political questions and political agitations that might arise. If we have the power to authorize the President *pro tempore* of this body to designate a Senator who may hold without objection from the Senate his place in the chair of the body for three days, we have equal authority to authorize him to do this thing for two months or during the entire session of Congress, in which event it might happen that the President of the Senate being absent necessarily or for his own convenience would appoint a Senator to his place who would hold until there was a majority in this body able to displace him. Now I hold that the Senate of the United States ought never to be placed in that category; it never ought to be confined in its power and action by a limitation self-imposed which enables a party to hold the occupancy of the chair until the Senate shall rise and order him to leave it. That ought not to be the case. The chair ought always to be held by the express recorded permission of the Senate, indicated by a vote.

It may be also that about the time of the adjournment of the Senate at the conclusion of a Congress the President of the Senate, knowing that political parties had changed in the country and that the next organization would be of a new political complexion from the present one, might designate a Senator who would be in the minority at the next time of meeting, and he could hold, in spite of the Senate, during all the vacation and at the beginning of the next session, if we chose so to empower him, because if we have authority to empower him to do it for three days, we have authority to empower him to do it for the entire vacation. And that I do not hold to be good constitutional law; neither do I hold it to be wise policy or safe proceeding.

Therefore, Mr. President, feeling that there is embarrassment in taking this step forward, and feeling that I can not justify myself in my view of the Constitution or of public policy in doing so, I prefer that we should remain upon the ground that we now occupy. I will therefore vote for the amendment offered by the Senator from Arkansas.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas [Mr. GARLAND].

Mr. EDMUNDS. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. EDMUNDS (when his name was called). I paired yesterday with the Senator from South Carolina [Mr. HAMPTON]. I do not see him in the Chamber. I paired with him generally, and as I see most of the gentlemen on the other side are voting in favor of this amendment, I shall withhold my vote on the strength of that pair.

Mr. GARLAND (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY]. I do not know how he would vote; but if he were here my vote would be "yea."

Mr. JACKSON (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. But for that I should vote "yea."

Mr. SEWELL (when his name was called). On this question I am paired with my colleague [Mr. MCPHERSON].

Mr. WALKER (when his name was called). The Senator from Colorado [Mr. HILL] is necessarily absent. I am paired with him until he returns. But for that I should vote "yea."

The roll-call was concluded.

Mr. RANSOM. I have been requested to announce the pair between the Senator from Pennsylvania [Mr. CAMERON] and the Senator from South Carolina [Mr. BUTLER]. The Senator from South Carolina does not know how the Senator from Pennsylvania would vote, and therefore will not vote on this question; but the Senator from South Carolina would vote "yea." The Senator from Vermont [Mr. EDMUNDS] has already announced the pair between himself and the other Senator from South Carolina [Mr. HAMPTON].

Mr. COCKRELL. A few days ago I paired with the Senator from Iowa [Mr. ALLISON] at any time when he might be absent. He was here a few moments ago, but I do not see him in his seat. I should vote "nay" if he was here; I do not know how he would vote.

Mr. CONGER. My colleague [Mr. PALMER] is absent on account of ill health, and I understand he is paired with the Senator from California [Mr. FARLEY], who was paired heretofore with the Senator from Nevada [Mr. JONES], who is now present.

The result was announced—yeas 23, nays 29; as follows:

YEAS—23.

Bayard,	Colquitt,	McMillan,	Saulsbury,
Beck,	Groome,	Maxey,	Slater,
Brown,	Ingalls,	Morgan,	Vance,
Call,	Jonas,	Pendleton,	Vest,
Camden,	Kenna,	Pugh,	Williams.
Coke,	Lamar,	Ransom,	

NAYS—29.

Blair,	Hale,	Manderson,	Sabin,
Cameron of Wis.,	Harris,	Miller of Cal.,	Sawyer,
Conger,	Harrison,	Miller of N. Y.,	Sherman,
Cullom,	Hawley,	Mitchell,	Van Wyck,
Dawes,	Hoar,	Morrill,	Wilson.
Dolph,	Jones of Nevada,	Pike,	
Frye,	Lapham,	Platt,	
George,	Logan,	Plumb,	

ABSENT—24.

Aldrich,	Cockrell,	Gorman,	Mahone,
Allison,	Edmunds,	Hampton,	Palmer,
Anthony,	Fair,	Hill,	Riddleberger,
Bowen,	Farley,	Jackson,	Sewell,
Butler,	Garland,	Jones of Florida,	Voorhees,
Cameron of Pa.,	Gibson,	McPherson,	Walker.

So the amendment was rejected.

The PRESIDING OFFICER. No action has been taken as to how the series of rules proposed shall be considered as in Committee of the Whole. The proceeding is somewhat anomalous, and the Chair will hold, in the absence of objection, that this consideration is as in Committee of the Whole.

Mr. SHERMAN. That, I think, is the rule.

Mr. President, I assented to this modification of the rules for one, being not entirely clear that it was right. At the same time I believed it would promote the convenience of the Senate and the good order of business to allow the presiding officer to designate for a day or two, in his temporary absence, some one to take his place; but I do not wish to see these rules at the very beginning involved in an apparently party controversy. I do not want to vote for any change of our existing rules that meets the decided and united objection of the minority of this body. These rules are made for our convenience, and if I believed there was any substantial constitutional or legal objection to conferring on our presiding officer this temporary power I would not vote for it.

I merely make these remarks now to call the attention of Senators to the fact that if in considering these rules it should appear that any of the proposed rules—I do not care what they are—are subject to an honest, fair party objection, that is to say, that the whole of one side of the Senate is opposed to it, I am against the rule. I hope these rules will be considered as we considered them in committee, without any regard to party lines, and that we shall act upon all these questions, every man upon his own judgment of what is best to promote the order and decorum of the Senate. If I believed that our Democratic friends thought that this was an infringement of the law, or of good policy, or would delay the business of the Senate, or would place in the hands of a presiding officer a dangerous power, as stated by the Senator from Delaware, I would not vote for it; and therefore I shall hold myself perfectly ready, in case I can see any validity in these objections, to vote against this rule when it is considered in the Senate.

Mr. President, as I presume several Senators are going away, and desire to go away to-day, and I understand there is a general desire not to have a session to-morrow, I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

The PRESIDING OFFICER. The Senator from Ohio moves that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

Mr. SHERMAN. I move that the Senate do now adjourn.

Mr. FRYE. One moment, if the Senate pleases. Some one interrupted me by conversation while the Presiding Officer was making a statement about the position of this report. I understand it will be the unfinished business for Monday.

The PRESIDING OFFICER. That is its position under the rules of the Senate.

Mr. SHERMAN. As in Committee of the Whole.

Mr. FRYE. So I understood.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate do now adjourn.

Mr. COCKRELL. Why not have an executive session? A number of nominations have come in. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I have no objection, and I withdraw my motion for that purpose.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 4 minutes spent in executive session the doors were reopened, and (at 2 o'clock and 19 minutes p. m.) the Senate adjourned till Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 14, 1883.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

APPROVAL OF JOURNAL.

The Clerk proceeded to read the Journal of Tuesday's proceedings.

Mr. COX, of New York. I move that the further reading of the Journal be dispensed with.

The SPEAKER. That can only be done by unanimous consent. Is there objection?

Mr. HOLMAN. I think my friend had better let the Journal be read.

Mr. COX, of New York. It will take three hours to read it.

Mr. HOLMAN. I do not insist on the objection.

The SPEAKER. If there be no objection, the reading of that part of the Journal which relates to the introduction and reference of bills and joint resolutions will be dispensed with. The Chair hears no objection.

The reading of the Journal with the exception indicated was concluded, and it was then approved.

MESSAGE FROM THE PRESIDENT.

Sundry messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed the joint resolution (H. Res. 1) extending the time fixed for the joint commission appointed to consider the number and salaries of officers and employés of the two Houses to submit their report.

DESKS AND SEATS IN THE HALL.

Mr. TOWNSHEND. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. I desire to offer the resolution which I send to the desk.

The SPEAKER. The Clerk will report the resolution.

Mr. HORR. Subject to objection.

The SPEAKER. The gentleman from Illinois states the resolution relates to a matter of privilege. The Chair does not know whether it is a matter of privilege until the resolution is read.

Mr. HORR. We may differ about that.

The Clerk read the resolution, as follows:

Resolved, That the Architect of the Capitol be directed during the adjournment of Congress for the Christmas and New Year's holidays to remove the desks now in the Hall of the House, and to make such rearrangement of the seats of members as will bring them together in the smallest convenient space without affecting the rights of members to occupy the seats already selected by them under the rules of the House; and that he be also directed to provide suitable writing tables for the use of members, to be placed in the space in the rear and at the sides of the Hall, and also in the lobby at the rear of the Speaker's chair.

Mr. CALKINS. I do not understand that that resolution presents a privileged question. I make the point of order on it.

Mr. TOWNSHEND. I will say to the gentleman from Indiana that this question has already been ruled upon by the House, and that such a resolution has been held to be privileged as relating to a matter affecting the convenience and comfort of members.

The SPEAKER. It was decided by Mr. Speaker Blaine in the Forty-second Congress that all matters relating to the arrangement of the Hall and the convenience of members were to be considered and treated as matters of privilege, and a similar ruling was made by Mr. Speaker Keifer in the last Congress.

Mr. CALKINS. That has reference probably only to the desks in the Hall, and not to the removal of seats. This resolution contemplates the removal of the seats.

Mr. TOWNSHEND. The very same identical question arose in the Thirty-fifth Congress, and it was held by Speaker Orr then to be a privileged question. That related alone to the desks, as this does.

Mr. CALKINS. That is the point I have made. If this resolution were confined to desks simply, it would probably be within the rulings of both the Speakers who have been named. But this resolution relates also to the seats of members.

Mr. TOWNSHEND. I desire to call the attention of the Chair to the decision made in the Thirty-fifth Congress.

The SPEAKER. The Chair has already stated that such decisions have been made. Gentlemen will find the ruling stated in the Digest of the last session, page 343.

Mr. CALKINS. That related exclusively to the desks.

Mr. TOWNSHEND. So does this.

Mr. CALKINS. This resolution gives the power to the Architect to rearrange the seats; he is not to interfere with them only so far as may be necessary.

Mr. TOWNSHEND. Oh, no; the gentleman misapprehends the resolution.

Mr. BLOUNT. I ask that it may be reported again

The resolution was again read.

Mr. CALKINS. I will take the ruling of the Chair on the point of order and reserve my right to move the reference of the resolution to the Committee on Rules.

Mr. TOWNSHEND. I have not relinquished the floor so as to permit the gentleman to make any motion; but I will wait for the point of order.

The SPEAKER. The Chair holds that under the decisions and practice of the House all matters relating to the convenience of members in this Hall are matters of privilege.

Mr. CALKINS. Then I move to refer the resolution to the Committee on Rules.

Mr. TOWNSHEND. I desire to say that I do not wish action to be taken on the resolution to-day. I only wish to invite the attention of members to the resolution, and to the many reasons which will readily occur to them for taking out these desks. I move that the resolution shall lie over till the next meeting of the House, when it may be considered, or, if desired, I will consent to its being referred to a committee, and am willing to yield the floor for that purpose.

The SPEAKER. The gentleman from Indiana [Mr. CALKINS] moves that the resolution be referred to the Committee on Rules.

The motion was agreed to.

WASHINGTON'S RESIGNATION OF HIS COMMISSION.

Mr. HOBLITZELL. I ask unanimous consent to submit for consideration at this time the joint resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas on the 23d day of December, 1783, at the city of Annapolis, in the State of Maryland, George Washington surrendered his commission as the commander-in-chief of the patriot forces of America; and

Whereas that act of patriotic devotion to the principles of the Revolution, the success of which established the independence of the Colonies and secured the liberties of the people of the United States, is deserving of special recognition upon the centennial return of that memorable event:

Resolved by the Senate and House of Representatives, &c., That the President be, and he is hereby, requested to issue a proclamation, urging the various religious denominations throughout the country to commemorate the 23d day of December, 1883, the one hundredth anniversary of the surrender by George Washington of his commission as the commander-in-chief of the armies of America, and to request that business be suspended on Monday, December 24, and the same be treated as a public holiday.

Resolved, That the President be, and he is hereby, requested to order the national salute to be fired from the various forts throughout the country on Monday, December 24, 1883.

Mr. KEIFER. Does the gentleman desire that considered now?

The SPEAKER. That is what the gentleman asks.

Mr. KEIFER. It had better go to a committee.

Mr. KASSON. The gentleman had better give a little opportunity to consider the form of this resolution by having it go to some committee, select or otherwise. Whether the observance should be as indicated, by the religious denominations, I venture to question. The other part of the resolution is more satisfactory; some commemoration I do not object to. I hope the gentleman will allow the question of the manner of that commemoration to be considered by some committee.

Mr. HOBLITZELL. In reply to the gentleman I will submit that but a few days will elapse between now and the 23d day of December and action must be taken promptly, if at all.

Mr. KASSON. If the gentleman will suggest a select committee for that purpose, I have no objections. I think a question will be made, on the part of many gentlemen, upon the mode of observance indicated by this resolution. I shall be very glad to have some change in the phraseology of the resolution.

The SPEAKER. The first question is whether there is objection to the present consideration of the joint resolution which has been read. [After a pause.] The Chair hears none.

The joint resolution (H. Res. 65) was accordingly received, and read a first and second time.

The SPEAKER. A motion at this time to refer would be in order.

Mr. KASSON. I should prefer that the gentleman from Maryland [Mr. HOBLITZELL] should himself decide the best course to be taken.

Mr. HOBLITZELL. There seems to be a misapprehension about the object of the resolution. There is no intention on my part to have a public holiday established for any future period, but simply to request the religious denominations throughout the country to commemorate, by any mode they may see fit, the 23d day of December, and to request the citizens of the country to treat Monday, the 24th, as a public holiday. They may treat it as a public holiday or not at their pleasure, just as they may choose. There is no obligation on their part to do so. The resolution simply calls public attention to this mode of commemorating a great and patriotic act like that referred to, on the one-hundredth anniversary of the surrender of George Washington of his commission as commander-in-chief of the army.

Mr. KASSON. The gentleman will remember that it is a proposition for the President to issue a proclamation.

Mr. HOBLITZELL. Certainly.

Mr. KASSON. That could hardly be done, I think, except with the consent of both Houses of Congress. Then there is the further proposition that the observance should be by religious denominations everywhere. I do not think the occasion one to be given such special direction; and it is also a question whether a specific holiday should be made, instead of some specific observance of the event. I hope the gentleman will allow the resolution to be referred to a select committee of any number he pleases.

Mr. TUCKER. Say of five members.

Mr. KASSON. The gentleman from Virginia [Mr. TUCKER] suggests a committee of five. I move, therefore, as the better way to consider the matter, that the joint resolution be referred to a select committee of five members, to be appointed by the Speaker, the gentleman from Maryland [Mr. HOBLITZELL] of course to be the chairman.

Mr. TALBOTT. I move to amend by making the number thirteen, so as to have one member from each of the original thirteen States.

Mr. TUCKER. That would be too large a committee.

Mr. TALBOTT. Very well; I will withdraw the suggestion.

The motion of Mr. KASSON was then agreed to.

Mr. KASSON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATRICK COOK.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. 1739) for the relief of Patrick Cook; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WAR CLAIMS OF 1812.

Mr. TUCKER, by unanimous consent, also introduced a bill (H. R. 1740) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MEXICAN POTTAWATOMIE INDIANS.

Mr. TUCKER, by unanimous consent, also introduced a bill (H. R. 1741) to provide for the final settlement with the Mexican Pottawatomie Indians of Kansas in accordance with certain treaty stipulations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

POTTAWATOMIE INDIANS OF MICHIGAN AND INDIANA.

Mr. TUCKER, by unanimous consent, also introduced a bill (H. R. 1742) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana under treaty stipulations existing with them; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DISTURBANCES AT DANVILLE, VA.

Mr. HORR. I ask unanimous consent for the adoption of the resolution I send to the desk. Let it be read, subject to objection.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That the House bring to the notice of the President the case of the recent murder of several persons claimed to have been citizens of the United States, and the serious injury of several other persons, also claimed to be such citizens, at Danville, in the State of Virginia, in the hope that the President may ascertain whether the said persons so murdered and injured were citizens of the United States, and, if so, whether the killing and injuring of said citizens, if they were such, were in contravention of the provisions of the municipal law of Virginia or of any law of the United States.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. CABELL. Does the gentleman from Michigan [Mr. HORR] wish to be heard?

The SPEAKER. The House has not yet determined whether the resolution shall be considered. Is there objection?

Mr. MORRISON and others objected.

Mr. CABELL. I do not wish to make any objection——

The SPEAKER. Objection is made by several gentlemen.

Mr. CABELL. As the representative of the people so unjustly assailed by the resolution just offered by the member from Michigan, I have to say that not recognizing the right of Congress to interfere or intervene in reference to a matter occurring just prior to a State election, at which neither Federal officers were to be elected nor Federal interests involved, and while the people of Danville on the occasion referred to did no more than any other respectable people would have done under like circumstances, yet neither they nor I will make any objection to an investigation. [Cries of "Order!"]

The SPEAKER. The gentleman from Virginia is out of order. The resolution is not before the House.

Mr. HORR. I hope the objection may be withdrawn.

Mr. CABELL. I did not nor do I mean to object. The people of Danville are willing for the fullest and freest investigation of this matter. Having nothing to fear, I shall interpose no objection; but——

Mr. HORR. As I understand, the gentleman from Illinois [Mr. MORRISON] objected.

Mr. MORRISON. I object for the present, as the President of the United States knows as much about this matter as we do.

The SPEAKER. The resolution is not before the House.

MATHIAS FOSHER.

Mr. BROWNE, of Indiana, by unanimous consent, introduced a bill (H. R. 1743) granting a pension to Mathias Fosher; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PETER MAITHER.

Mr. BROWNE, of Indiana, also, by unanimous consent, introduced a bill (H. R. 1744) granting a pension to Peter Maither; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILTON P. JULIAN.

Mr. BROWNE, of Indiana, also, by unanimous consent, introduced a bill (H. R. 1745) for the relief of Milton P. Julian; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB M'CONLY.

Mr. BROWNE, of Indiana, also, by unanimous consent, introduced a bill (H. R. 1746) granting a pension to Jacob McConley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN L. BUNDY.

Mr. BROWNE, of Indiana, also, by unanimous consent, introduced a bill (H. R. 1747) for the relief of Martin L. Bundy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREDERICK VOGEL.

Mr. BROWNE, of Indiana, also, by unanimous consent, introduced a bill (H. R. 1748) granting a pension to Frederick Vogel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID M. WINKLE.

Mr. BROWNE, of Indiana, also, by unanimous consent, introduced a bill (H. R. 1749) for the relief of David M. Winkle; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES WINDER.

Mr. BROWNE, of Indiana, also, by unanimous consent, introduced a bill (H. R. 1750) for the relief of Charles Winder; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM R. BROWNE.

Mr. BROWNE, of Indiana, also, by unanimous consent, introduced a bill (H. R. 1751) for the relief of William R. Browne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA L. LEE.

Mr. BROWNE, of Indiana, also, by unanimous consent, introduced a bill (H. R. 1752) for the relief of Maria L. Lee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEWELL COULSON AND OTHERS.

Mr. BROWNE, of Indiana, also, by unanimous consent, introduced a bill (H. R. 1753) for the payment of Sewell Coulson and Porter, Harrison & Fishback for legal services; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREE NAVIGATION.

Mr. WASHBURN, by unanimous consent, introduced a bill (H. R. 1754) to provide for the removal of obstructions to the free navigation of the navigable waters of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHIPPEWA INDIANS.

Mr. WASHBURN also, by unanimous consent, introduced a bill (H. R. 1755) for the relief of the Chippewa Indians, in the State of Minnesota and Territory of Dakota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGE OVERMIRE.

Mr. WASHBURN also, by unanimous consent, introduced a bill (H. R. 1756) granting a pension to George Overmire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS SAINT CROIX RIVER.

Mr. WASHBURN also, by unanimous consent, presented a joint resolution of the Legislature of Minnesota, requesting its Senators and Representatives in Congress to secure an appropriation for the construction of a bridge across the Saint Croix River near the village of Saint Croix Falls; which was referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. WASHBURN also, by unanimous consent, presented a joint resolution of the Legislature of Minnesota, instructing its Senators and requesting its Representatives to secure further appropriation to improve the Mississippi River; which was referred to the Committee on Levees and Improvements of the Mississippi River, and ordered to be printed.

SHEER-BOOMS ON MISSISSIPPI RIVER.

Mr. WASHBURN also, by unanimous consent, presented a memorial of the Legislature of Minnesota, in relation to sheer-booms at bridges on the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

ROBERT ADGER.

Mr. DIBBLE, by unanimous consent, introduced a bill (H. R. 1757) to empower Robert Adger to bring suit in the Court of Claims for rent alleged to be due him; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MITCHELL KING.

Mr. DIBBLE also, by unanimous consent, introduced a bill (H. R. 1758) to empower Mitchell King, executor, to bring suit in the Court of Claims for rent alleged to be due him; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT PATTERSON.

Mr. WOODWARD, by unanimous consent, introduced a bill (H. R. 1759) granting a pension to Robert Patterson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CUSTOM-HOUSE, RICHMOND, VA.

Mr. JOHN S. WISE, by unanimous consent, introduced a bill (H. R. 1760) to enlarge the United States custom-house at Richmond, Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EXAMINATION OF DRUGS, ETC.

Mr. RANNEY, by unanimous consent, introduced a bill (H. R. 1761) to amend section 2743 of the Revised Statutes, relating to the examination of drugs, &c., at Boston, Mass.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARINE SIGNAL BOARD.

Mr. RANNEY also, by unanimous consent, introduced a bill (H. R. 1762) to establish a board by the name of the marine signal board of the United States, with a view of having adopted a code and system of marine light and fog signals, and regulating the same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REPEAL OF TEST-OATH.

Mr. COX, of New York. Mr. Speaker, I ask the unanimous consent of the House to consider at this time a bill for the repeal of the iron-clad oath. It is a standing reproach to Congress, and I believe everybody will consent to abolish it.

The SPEAKER. The title of the bill will be read, after which the Chair will ask whether there is objection.

The Clerk read as follows:

A bill to repeal the act of July 2, 1862, and such sections of the Revised Statutes of the United States as perpetuate the oath prescribed by said act.

The SPEAKER. Is there objection?

Mr. HORR and Mr. BOUTELLE. I object.

Mr. COBB. Regular order!

The SPEAKER. The bill is not before the House.

ADJOURNMENT OVER.

Mr. HOLMAN. I move that when the House adjourn to-day it be to meet on Monday next.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. NICHOLLS. I ask unanimous consent—— [Cries of "Regular order!"]

Mr. MORGAN. As there is objection to requests for unanimous consent, I move the House do now adjourn.

Mr. BRENTS. I hope the gentleman will withdraw his motion to adjourn so we may go on introducing bills by consent.

Mr. COX, of New York. Allow me to send to the Committee on Rules a resolution relating to the Committee on the Census.

Mr. MORGAN. If the demand for the regular order be withdrawn I will.

COMMITTEE ON RULES.

Pending the motion to adjourn, by unanimous consent the following business was transacted:

The SPEAKER announced the appointment of the Committee on the Rules, as follows:

The Speaker, JOSEPH C. S. BLACKBURN, SAMUEL J. RANDALL, J. WARREN KEIFER, and THOMAS B. REED.

EXECUTIVE AND OTHER COMMUNICATIONS.

The SPEAKER. Pending the motion to adjourn, the Chair desires by consent of the House to submit for reference certain executive communications.

There was no objection.

FORT PREBLE MILITARY RESERVATION.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a letter from the Secretary of War, inclosing copies of official reports, &c., by the military authorities touching the necessity for the acquisition of additional land for the military reservation of Fort Preble, Maine, and expressing his concurrence in the recommendation of the Lieutenant-General of the Army that the sum of $8,000 be appropriated by Congress for the purchase of such additional land.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 13, 1883.

BRIDGE OVER REPUBLICAN RIVER, KANSAS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication from the Secretary of War, touching the question of the reconstruction of a bridge over the Republican River at or near Fort Reily, in the State of Kansas; and recommending such legislation as will authorize the reconstruction of said bridge by the United States in accordance with the terms and provisions of a joint resolution of the Legislature of the State of Kansas approved March 6, 1883, a copy of which is herewith inclosed.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 13, 1883.

Mr. ANDERSON. That relates to a matter of an appropriation merely, and I wish to ask if it should not properly go to the Committee on Appropriations.

The SPEAKER. It relates to the construction of a bridge over a navigable stream, as the Chair understands it.

Mr. ANDERSON. No, sir; it is not a navigable stream. The state of the case is simply this: The Legislature of Kansas passed an act authorizing the Secretary of War to construct this bridge, it being simply a State matter. It is therefore a question that involves an appropriation, and should go to that committee.

The SPEAKER. The Chair thinks under the practice of the House it should go to the Committee on Commerce. If, however, that committee upon examining the communication and papers accompanying it come to the conclusion that it should go to the Committee on Appropriations, the change of reference can then be made.

REPORT OF CHIEF SIGNAL OFFICER.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Printing, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a copy of a communication from the Secretary of War, dated the 8th instant, inclosing one from Capt. S. M. Mills, Fifth Artillery, indorsed by the Chief Signal Officer of the Army, recommending that Congress authorize the printing and binding, for the use of the Signal Office, of 5,000 copies of the annual report of the Chief Signal Officer for the fiscal year 1882, and inclosing a draught of a joint resolution for that purpose.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 13, 1883.

THOMAS MULVEHILL, PITTSBURGH, PA.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a letter from the Secretary of War, dated the 8th instant, and its accompanying papers, relative to the reconveyance to Mr. Thomas Mulvehill, of Pittsburgh, Pa., of certain land erroneously conveyed by him to the United States, the particular facts regarding which are fully set forth in the inclosed copy of Senate Executive Document No. 46, Forty-seventh Congress, second session.

It appearing that the land in question was through error alone transferred to the United States, and that to retransfer the same to Mr. Mulvehill would be a measure of simple justice, it is recommended that such legislation be had as may be necessary to restore to Mr. Mulvehill his rights in the premises.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 15, 1883.

ADDITIONAL CLERKS, SOLDIERS' HOME, WASHINGTON, D. C.

The SPEAKER also laid before the House the following message from

the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication from the Secretary of War, dated the 4th instant, inclosing and commending to favorable consideration a letter from the board of commissioners of the Soldiers' Home, dated Washington, D. C., November 27, 1883, recommending such legislation as will confer upon said board of commissioners authority to advance a sum not exceeding $40,000 annually from funds found to be due the Soldiers' Home on settlements to be made in the offices of the Second Comptroller and Second Auditor, to pay for the services of extra clerks, to be employed under the direction of the Secretary of the Treasury in making such settlements.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 13, 1883.

FINES AND FORFEITURES, POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting report of the fines imposed on and deductions from the pay of mail contractors during the fiscal year ending June 30, 1883; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ACCOUNTS OF FIRST COMPTROLLER.

The SPEAKER also laid before the House a letter from the Treasurer of the United States, transmitting copies of accounts rendered to and settled with the First Comptroller for the fiscal year ending June 30, 1883; which was ordered to be printed, and laid on the table.

REFUND OF CUSTOMS DUTIES.

The SPEAKER also laid before the House a letter from Hon. John C. New, Acting Secretary of the Treasury, transmitting a detailed statement of various sums of money refunded as customs duties during the year ending June 30, 1883, together with copies of some of the rulings under which said repayments were made; which was referred to the Committee on Ways and Means, and ordered to be printed.

THE WASHINGTON MONUMENT.

The SPEAKER also laid before the House a letter from Mr. W. W. Corcoran, transmitting a report of the commission for completing the Washington Monument; which was referred to the Committee on Appropriations, and ordered to be printed.

CONTINGENT FUND, POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting account of expenditures of contingent fund of his Department for the fiscal year ending June 30, 1883; which was referred to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

CONTINGENT FUND, ETC., DEPARTMENT OF STATE.

The SPEAKER also laid before the House a statement of the Secretary of State, showing in detail, (*a*) the manner in which the contingent fund for the Department of State for the year ending June 30, 1883, has been expended; (*b*) a statement of the expenditures from the contingent fund for the expenses of foreign intercourse, including the contingent fund for the expenses of all the missions abroad for said year, with balances of all former appropriations, &c.; and (*c*) an analytical statement of all moneys disbursed by the disbursing clerk during the fiscal year ending June 30, 1883; which was referred to the Committee on Expenditures in the Department of State, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The SPEAKER also laid before the House a letter of John J. Knox, transmitting the report of the commissioners of the Freedman's Savings and Trust Company for the fiscal year ended June 30, 1883; which was referred to the Committee on Banking and Currency, and ordered to be printed.

ESTIMATES OF THE DISTRICT.

The SPEAKER also laid before the House a letter of the commissioners of the District of Columbia, transmitting estimates for the expenses of the District of Columbia for the fiscal year ending June 30, 1885; also a letter of the Secretary of the Treasury of the 21st ultimo, returning estimates to said commissioners, and stating the amount approved by him and the fund or purpose to which it belongs; which was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting abstract showing the character and amount of all claims presented to him since date of last report, December 6, 1882, for depredations committed by Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CONTINGENT EXPENSES OF WAR DEPARTMENT.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting a statement of the expenditures from the appropriations for the contingent expenses of the War Department and its bureaus for the fiscal year ended June 30, 1883; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

BARRACKS AT FORT ADAMS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the plans of the proposed new barracks for the light battery at Fort Adams at an estimated cost of $21,935.35, which item is included in the estimates of this Department for the fiscal year ending June 30, 1885; which was referred to the Committee on Military Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROADHEAD, for ten days, on account of important business.

To Mr. PEELLE, of Indiana, for ten days, on account of important business.

To Mr. ROBINSON, of Massachusetts, indefinitely.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. MORGAN] that the House do now adjourn.

Mr. SPRINGER. I ask the gentleman to yield to me for a privileged motion.

Mr. MORGAN. I hope the gentleman from Indiana will withdraw his call for the regular order. If he will do so I will withdraw the motion to adjourn.

The SPEAKER. The call for the regular order was made by several gentlemen.

Mr. SPRINGER. This is a resolution for the printing of evidence in contested-election cases.

The question being taken on the motion to adjourn, it was agreed to—ayes 156, noes 6; and accordingly (at 12 o'clock and 45 minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: The petition of Romantus Lake, for relief—to the Committee on Military Affairs.

By Mr. CALDWELL: Papers relating to the claim of Andrew J. Duncan—to the Committee on War Claims.

By Mr. S. S. COX: The petition of Theodore H. Vetterline and Bernard T. Vetterline, for relief—to the Committee on the Judiciary.

By Mr. W. R. COX: The petition of John Devereaux, H. C. Olive, and others, in relation to the French spoliation claims—to the Committee on Claims.

By Mr. DIBBLE: The petition of Robert Adger, for legislation to empower him to bring suit in the Court of Claims for rent alleged to be due him—to the Committee on the Judiciary.

By Mr. DIBRELL: The petition of members of the Cumberland Presbyterian church, of Calhoun, Tenn., for compensation for use of property by the United States Army during the late war—to the Committee on War Claims.

Also, papers relating to the claim of Sidney Henderson, executor of John Henderson, deceased, of Bradley County, Tennessee, for relief—to the same committee.

By Mr. J. H. EVINS: The petition of John R. Truetlen, for compensation as messenger—to the Committee on Accounts.

By Mr. JOHNSON: Papers relating to the claim of Joseph A. Richardson, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. KASSON: The petition of 112 American students of art in France, for the repeal of that clause of the act of March 3, 1883, which imposes a duty on works of art imported into the United States—to the Committee on Ways and Means.

By Mr. LIBBEY: Papers relating to the claim of E. D. Cornick and of Jean Edenhal—severally to the Committee on War Claims.

By Mr. LONG: The petition of the Friends' Literary and Library Association of New York, relative to the Piute Indians—to the Committee on Indian Affairs.

By Mr. LUNA: Two petitions of citizens of New Mexico, asking Congress to provide for a meeting of the Legislature of that Territory in January, 1884—severally to the Committee on the Judiciary.

By Mr. MONEY: Papers relating to the claim of Allen E. Anderson, of Maggie Barron and others, of Jordan Broadway, of Amzi W. Byers, of J. W. Cansey, of Andrew Cathey, of Mrs. R. C. A. Falconer, of A. H. Gardner, of John A. Gwin, of Allen J. Holliday, of William P. Ivie, of James H. Knox, of Robert S. McDonald, of George W. Miffleton, of Edmond Morrow, of Willis J. Moran, of Joseph N. Moran, of J. H. Morgan, of Emmet J. Parham, of Melchiseder Robinson, of David T. Sanders, of Mary C. Shields, of Thomas B. Smith, administrator of the estate of Thomas G. Hardaway, deceased; of W. E. Tomlinson, of M. W. Young, of Elijah Vaneliver, of William D. Wilson, and of R. W. Winboam, for relief—severally to the Committee on War Claims.

By Mr. MORGAN: Papers relating to the claim of Dade County Missouri—to the same committee.

By Mr. NICHOLLS: The petition of merchants and others of Savannah, for an appropriation to continue on harbor improvements; and

of a paper relating to the improvement of the harbor of Darien—severally to the Committee on Commerce.

By Mr. J. J. O'NEILL: The petition of James Henry Harris, secretary Marine Engineers' Association No. 6, of Saint Louis, Mo., for a change or amendment of the alien law, approved April 17, 1874—to the Committee on the Judiciary.

By Mr. PATTON: The petition of William S. Hosack, for relief—to the Committee on Claims.

By Mr. S. J. PEELLE: Paper relating to the pension claims of Andrew W. Billings—to the Committee on Invalid Pensions.

By Mr. PIERCE: Papers relating to the claim of John J. Hill, of Gibson County, Tennessee—to the Committee on War Claims.

Also, the petition of William A. Anthony; of J. W. Crafton, administrator of Mary Crafton, deceased; of George E. Rust, and of John Willett, for relief—severally to the same committee.

Also, papers relating to the claim of John E. Lewis, of Haywood County, Tennessee—to the same committee.

By Mr. POTTER: Paper relating to the claim of Samuel Schiffer—to the same committee.

By Mr. STORM: The petition of Anna Dergler and others, of Columbia County, Pennsylvania, for the establishment of industrial training schools in Alaska—to the Committee on the Territories.

Also, the petition of Rev. Dr. D. M. Henkel and others, of Catawissa; of Gertrude Edgar and others of Espy, of H. J. Connor and others, citizens of Orangeville, Columbia County; of 217 citizens of Danville, Montour County, and nine petitions signed by 700 citizens of Bloomsburg and vicinity, in the State of Pennsylvania, praying for the passage of a law providing for a civil government in Alaska, with suitable provisions for the promotion of the educational and industrial interests of that Territory—severally to the same committee.

By Mr. J. M. TAYLOR: Papers relating to the claim of J. D. Askew, of Samuel Howard, of George M. Robinson, of Mrs. J. E. Robinson, of Peyton S. and John T. Warren, and of John W. Willett—severally to the Committee on War Claims.

Also, papers relating to the claim of James N. Hunter, and of M. A. C. Spivoy, executor of Calvin Spivoy, deceased—severally to the same committee.

By Mr. OSCAR TURNER: The petition of Andrew Bodkin, for reimbursement for fines alleged to have been erroneously assessed and collected by the Post-Office Department—to the same committee.

Also, the petition of Timothy Carny, of Graves County, Kentucky, for compensation for property taken and used by the United States Army during the late war—to the same committee.

Also, papers relating to the claim of W. H. Hugh, administrator of the estate of David Unsell, deceased—to the same committee.

Also, the petition of B. H. Stovall, of Ballard County, Kentucky, for relief—to the same committee.

By Mr. VANCE: The petition of sundry citizens, for mail-route from Clay to Globe, via Grandmother Mountain, Mitchell County, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WARD: The petition of William Ross and 168 others, and of Henry Taylor and others, for the improvement of the Wabash River from the city of La Fayette to the mouth of said river—severally to the Committee on Commerce.

By Mr. RICHARD WARNER: The petition of A. F. Baugh, administrator of the estate of Ashton Butterworth and of Lemuel D. Sugg, for relief—severally to the Committee on War Claims.

By Mr. G. D. WISE: Papers relating to the claim of J. P. Wright—to the Committee on Claims.

By Mr. YOUNG: Papers relating to the claim of Julia C. Bailey, administratrix of the estate of Sylvester Bailey, deceased; of George W. Beasley; of Ann E. Connell, executrix of the estate of Hiram D. Connell, deceased; of D. E. Durritt, administrator of the estate of A. D. Neilson, deceased, of Indiana; E. Hughes, administratrix of John P. Hughes, deceased; of W. H. Hughey, administrator of Jacob Hughey, deceased; and of the La Grange Synodical College, of La Grange, Tenn; of Overton Hotel Company, of Memphis, Tenn.; and of J. J. Pulliam, of Fayette County, Tennessee—severally to the Committee on War Claims.

Also, papers relating to the claim of Reuben B. Bass; of Julian Bedford; of W. A. Galloway; of William H. Hill; of F. M. Mendenhall; of Mrs. Mary Speed; of W. F. Tepler; of Edward J. Tucker; of William A. Williamson; and of A. T. Warr, administrator of the estate of N. H. Isbell, deceased—severally to the same committee.

SENATE.

MONDAY, *December* 17, 1883.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

OFFICERS OF THE SENATE.

Mr. SHERMAN. I desire to submit an order in connection with the organization of the Senate which I ask may be read and lie over until to-morrow.

The resolution was read, and ordered to lie on the table, as follows:

Ordered, That the Senate do now proceed to the election of the following officers in the order named:

First, Secretary of the Senate; second, Chief Clerk; third, Principal Executive Clerk; fourth, Chaplain; fifth, Sergeant-at-Arms.

THE SOLDIERS' HOME.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, together with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication from the Secretary of War, dated the 4th instant, inclosing and commending to favorable consideration a copy of a letter from the board of commissioners of the Soldiers' Home, dated Washington, D. C., November 27, 1883, recommending such legislation as will confer upon said board of commissioners authority to advance a sum not exceeding $40,000 annually from funds found to be due the Soldiers' Home on settlements to be made in the offices of the Second Comptroller and Second Auditor of the Treasury, to pay for the services of extra clerks, to be employed under the direction of the Secretary of the Treasury in making such settlements.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 13, 1883.

FORT PREBLE MILITARY RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, together with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a letter from the Secretary of War, inclosing copies of official reports, &c., by the military authorities touching the necessity for the acquisition of additional land for the military reservation of Fort Preble, Maine, and expressing his concurrence in the recommendation of the Lieutenant-General of the Army that the sum of $8,000 be appropriated by Congress for the purchase of such additional land.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 13, 1883.

REPUBLICAN RIVER BRIDGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication from the Secretary of War, touching the question of the reconstruction of a bridge over the Republican River at or near Fort Riley, in the State of Kansas, and recommending such legislation as will authorize the reconstruction of said bridge by the United States in accordance with the terms and provisions of a joint resolution of the Legislature of the State of Kansas approved March 6, 1883, a copy of which is herewith inclosed.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 13, 1883.

The PRESIDENT *pro tempore*. The Chair will ask the Senator from Kansas [Mr. INGALLS] whether the bridge near Fort Riley, referred to in the message, is a military bridge?

Mr. INGALLS. I understand not.

The PRESIDENT *pro tempore*. The message and accompanying papers will be referred to the Committee on Commerce and printed.

THOMAS MULVEHILL.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, together with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a letter from the Secretary of War, dated the 8th instant, and its accompanying papers, relative to the reconveyance to Mr. Thomas Mulvehill, of Pittsburgh, Pa., of certain land erroneously conveyed by him to the United States, the particular facts regarding which are fully set forth in the inclosed copy of Senate Executive Document No. 46, Forty-seventh Congress, second session.

It appearing that the land in question was through error alone transferred to the United States, and that the retransfer of the same to Mr. Mulvehill would be a measure of simple justice, it is recommended that such legislation be had as may be necessary to restore to Mr. Mulvehill his rights in the premises.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 13, 1883.

SIGNAL OFFICE REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, together with the accompanying papers, was referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication from the Secretary of War, dated the 8th instant, inclosing one from Capt. S. M. Mills, Fifth Artillery, indorsed by the Chief Signal Officer of the Army, recommending that Congress authorize the printing and binding, for the use of the Signal Office, of 5,000 copies of the annual report of the Chief Signal Officer for the fiscal year 1882, and inclosing a draught of a joint resolution for the purpose.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 13, 1883.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Middlesex, Vt., praying for an increase of the pension granted to William H. H. Buck, late First Regiment Vermont Cavalry, by act approved March 3, 1879; which was referred to the Committee on Pensions.

He also presented the petition of George Crilley, a citizen of Iowa,

praying the confirmation of titles of settlers to lands in the Des Moines Valley, Iowa; which was referred to the Committee on Public Lands.

He also presented the petition of T. M. English, of Washington, D. C., administrator of the estate of Richard Fitzpatrick, deceased, praying compensation for wood and rent of property used by the military authorities of the United States and ascertained by judgment of the Court of Claims; which was referred to the Committee on Claims.

He also presented a communication from the Secretary of War, transmitting a letter of Capt. and Asst. Surg. Benjamin F. Pope, inclosing a petition praying for such legislation as will confirm his title to his office of assistant surgeon in the Army; which was referred to the Committee on Military Affairs.

Mr. CONGER. I present a memorial and suggestions, relating to the laws regarding timber-culture and pre-emption claims, of J. A. Donaldson, of Saint Joseph, Mich., which I think of sufficient importance to ask to have printed and referred to the Committee on Public Lands. I do not ask to have the document printed in the RECORD, but printed in the usual form for the Senate.

The PRESIDENT *pro tempore*. Is there objection to the printing? The Chair hears none; and the memorial will be printed and referred to the Committee on Public Lands.

Mr. VEST presented the memorial of E. O. Stanard and 500 others, citizens of Saint Louis, Mo., remonstrating against the repeal of what is known as the vaporizing law of 1878; which was referred to the Committee on Finance.

He also presented a petition of letter-carriers of Kansas City, Mo., praying for the passage of a law giving them thirty days' annual vacation, the same as other Government employés; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS. I present a paper addressed to myself, but evidently intended as a petition to Congress, signed by the letter-carriers of the city of Nashville, Tenn., with a prayer similar to the one just presented by the Senator from Missouri [Mr. VEST]. I move its reference to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. HARRIS. I also present resolutions of the Merchants' Exchange of the city of Memphis, Tenn., in favor of certain appropriations for the payment to tobacco dealers of the rebate provided for by the revenue act of the last session of Congress. I move that they be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. CALL presented a petition of citizens of Florida, in reference to the homestead rights on lands granted to railroads in that State and praying for the passage of an act confirming the title of actual settlers under the homestead laws; which was referred to the Committee on Public Lands.

Mr. MITCHELL presented the petition of James P. Wickes and others, heirs and legal representatives of Capt. Lambert Wickes, deceased, late of the United States ship Reprisal, praying for the reference of the bill (S. 438) for the relief of the heirs and legal representatives of Capt. Lambert Wickes to the Court of Claims; which was referred to the Committee on Revolutionary Claims.

He also presented a petition of 660 citizens of Montgomery County, Pennsylvania; a petition of 176 citizens of Delaware and Chester Counties, Pennsylvania; a petition of 21 citizens of Erie, Pennsylvania; and a petition of 53 citizens of Columbia County, Pennsylvania, praying for the adoption of a policy granting to all Indians outside the Indian Territory lands in severalty, and the same rights of protection, legal personalty, and citizenship enjoyed by other races; which were referred to the Committee on Indian Affairs.

Mr. PALMER presented the petition of Charlotte G. Stuart, of Coldwater, Mich., praying for an increase of pension to the widows and dependent relatives of soldiers; which was referred to the Committee on Pensions.

Mr. PENDLETON presented resolutions of the city council of Cleveland, Ohio, in favor of legislation permitting the extension of Summit street and Lake View Park through the marine hospital grounds in that city; which were referred to the Committee on Public Buildings and Grounds.

He also presented resolutions of the city council of Cleveland, Ohio, in favor of an opening between the harbor of refuge and the old riverbed at Cleveland; which were referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the message of the President of the United States inclosing a communication from the Secretary of the Interior in reference to a deficiency in the appropriations for the Indians in Northern Montana, reported a bill (S. 696) making an appropriation for the immediate relief of the Blackfeet, Piegan, Assinaboine, Gros Ventre, and other Indians in Northern Montana; which was read twice by its title, and, on motion of Mr. DAWES, referred to the Committee on Appropriations.

Mr. GARLAND, from the Committee on Territories, to whom was referred the bill (S. 346) to amend section 1860 of the Revised Statutes so as not to exclude retired Army officers from holding civil office in the Territories, reported it without amendment.

BILLS INTRODUCED.

Mr. HALE. I ask leave, without previous notice, to introduce several bills touching the building up of our Navy. It does not seem to me that there are many subjects that will be likely to come before Congress at this session of more immediate importance than this. The bills which I shall introduce, with the leave of the Senate, relate to the organization of the Navy, its *personnel*, the subject of promotions, and also as to what may be called the larger side of the subject, the building of new ships. The last Congress took an important step in that direction, but the rapid disappearance of our old wooden ships tells us too plainly that the more important work of further increasing our Navy in its force of ships ought to be attended to at once.

These bills have been prepared, I may say, with a good deal of care and attention, and I hope that the Naval Committee will take them into consideration at an early day and give the matter a most thorough and complete consideration, and report such measures to this body as may meet with its approval.

I do not say that I am wedded, for one, to every provision in these bills. They ought to be scrutinized carefully, and whenever anything is done and reported to this body, I hope and believe that we may be able to consider it with reference not to the past but to the future, with reference not to any political standpoint but to what is a great and increasing need for the whole Republic.

By unanimous consent, leave was granted to introduce the following bills; which were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (S. 697) to promote the efficiency of the Navy;

A bill (S. 698) to authorize the construction of additional steel vessels for the Navy; and

A bill (S. 699) for the establishment of naval or coaling stations.

Mr. DOLPH asked and, by unanimous consent, obtained leave to introduce a bill (S. 700) to extend the limits of the port of Portland as a port of entry; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 701) making appropriation for the improvement of the mouth of the Columbia River, in the State of Oregon and Territory of Washington; which was read twice by its title, and ordered to lie on the table.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 702) making an appropriation for continuing the improvement of the mouth of Yaquina Bay, in the State of Oregon; which was read twice by its title, and ordered to lie on the table.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 703) making appropriation for continuing the construction of the canal and locks at the Cascades of the Columbia, in the State of Oregon; which was read twice by its title, and ordered to lie on the table.

Mr. CULLOM asked and, by unanimous consent, obtained leave to introduce a bill (S. 704) to so amend sections 4693 and 4695 of the Revised Statutes of the United States as to extend the right of pension to steamboatmen and others acting under orders from United States officers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. 705) to provide for the retirement of Bvt. Maj. Gen. Montgomery C. Meigs with the rank according to which he is now assigned to duty; which was read twice by its title, and referred to the Committee on Military Affairs.

DEATH OF REPRESENTATIVE HASKELL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, communicated to the Senate the intelligence of the death of Hon. DUDLEY C. HASKELL, late a member of the House from the State of Kansas, and transmitted the resolutions of the House thereon.

The PRESIDENT *pro tempore*. The Chair feels it to be a duty, according to previous custom, to lay before the Senate the resolutions just received from the House of Representatives. The resolutions will be read.

The resolutions were read, as follows:

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. DUDLEY C. HASKELL, late a Representative from the State of Kansas.

Resolved, That the Clerk communicate these proceedings to the Senate.

Resolved, That as a token of respect to the memory of the deceased the House do now adjourn.

Mr. INGALLS. Advised yesterday while in Massachusetts, by telegraph, of the untimely, though not wholly unexpected, death of my colleague in the House of Representatives, I hastened to Washington and have just arrived to learn that the sad procession bearing his remains to his home has already departed.

This is not the time to recount his many virtues nor to rehearse the services which he has rendered the Republic. Suffice it now to say that in his death the House has lost a most efficient member; the nation has been deprived of the services of an eminent statesman; his State mourns a distinguished and honored public servant, while I, Mr. President, suffer in his departure a personal bereavement that is irreparable.

In accordance with the usual observance upon such melancholy occasions I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Chair will ask the Senator from Kansas whether he desires that a committee of Senators shall be named to attend the funeral, as the custom has been, and which was arranged for by his colleague [Mr. PLUMB]?

Mr. INGALLS. I was not aware, in consequence of my very recent arrival, that that action had not already been taken. If it has not, I would suggest that a committee of three Senators be designated by the Chair for that purpose.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that the Chair designate a committee of three Senators to attend the obsequies of the late member of the House of Representatives from Kansas. Is there objection? The Chair hears none. The Chair will name the Senator from Kansas [Mr. PLUMB], the Senator from Missouri [Mr. COCKRELL], and the Senator from Massachusetts [Mr. DAWES]. The Senator from Kansas [Mr. INGALLS] moves that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 35 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 17, 1883.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D.D.

The Journal of the proceedings of Friday last was read and approved.

FIRST CONGRESSIONAL DISTRICT, NORTH CAROLINA.

Mr. SCALES. I rise to a question of privilege. I present the credentials of my colleague, Mr. Thomas G. Skinner, Representative-elect from the first district of North Carolina, and ask that he be sworn in.

Mr. KEIFER. We desire first to have the certificate read. After that it is my purpose to offer a resolution relative to this matter.

Mr. REED. I would suggest to the gentleman from North Carolina [Mr. SCALES] whether he had not better present that matter on some other day than the present.

Mr. SCALES. If there is to be objection, I agree that the question shall go over.

The SPEAKER. The gentleman from North Carolina makes the motion that Mr. Skinner be sworn in, and consents that the motion shall stand over.

ADJOURNMENT OVER.

Mr. HOLMAN moved that when the House adjourns to-day it be to meet on Wednesday next.

The motion was agreed to.

DEATH OF HON. DUDLEY C. HASKELL.

Mr. ANDERSON. Mr. Speaker, it is with great sorrow I perform the sad duty of announcing to the House the death of my lamented colleague, Hon. DUDLEY C. HASKELL, late a Representative from the State of Kansas, who died at his residence in this city on yesterday morning, the 16th instant, at 28 minutes past 4 o'clock.

With the earliest tints of that sacred day which typifies to the Christian the resurrection of the dead his spirit was severed from the jurisdiction of this Congress of the United States of America, and joined that sublime general assembly of representatives from all nations, continents, and centuries. As the babe sleeps, so he slept out of life and awoke in that immortality given and vouchsafed by our Lord Jesus Christ.

Mr. HASKELL served through the last three Congresses with ever-increasing ability, fidelity, and efficiency. Had he been spared to occupy this seat, now draped with the emblems of mourning but brightened with the flowers of the Christian's hope, he would have taken high and deserved rank in the Forty-eighth Congress.

Of his never-questioned purity of life and force of character, of his ripe legislative experience and broad statesmanship, this is not the time to speak. On some future day the House will be asked to suspend its ordinary proceedings and pay fitting tribute of respect to the memory of one whose words and deeds have become an inseparable part of its history.

And now, in behalf of all my colleagues, and expressing the unanimous wish of that constituency which so long, so ably, and so earnestly Mr. HASKELL has represented and which loved him so well, I ask for the action of the House upon the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. DUDLEY C. HASKELL, late a Representative from the State of Kansas.

Resolved, That the Clerk communicate these proceedings to the Senate.

Resolved, That as a token of respect to the memory of the deceased the House do now adjourn.

The resolutions were adopted unanimously.

Before announcing the result,

The SPEAKER appointed the following as members of the committee to escort the remains of Mr. HASKELL to his place of residence: Mr. RUSSELL of Massachusetts, Mr. KASSON of Iowa, Mr. BROWNE of Indiana, Mr. RYAN of Kansas, Mr. LE FEVRE of Ohio, Mr. BURNES of Missouri, Mr. HANBACK of Kansas, and Mr. GRAVES of Missouri.

Then, in accordance with the vote on the above resolutions (at 12 o'clock and 15 minutes p. m.), the House adjourned until Wednesday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: The petition of A. W. Heicks and others, on behalf of soldiers of the Mississippi ram fleet—to the Committee on Naval Affairs.

By Mr. BAGLEY: The petition of citizens of Catskill, N. Y., for education in Alaska—to the Committee on the Territories.

Also, the petition of William E. Woodbridge, for the extension of his patent for improvement in ordnance—to the Committee on Patents.

By Mr. BARBOUR: Papers relating to the claim of John Q. Larmon, Joseph L. Harley, and Thomas P. Sparks—to the Committee on Claims.

By Mr. BEACH: The petition of Mary A. Van Ordan, of Stevensville, N. Y., to increase the pension now allowed soldiers' widows—to the Committee on Invalid Pensions.

Also, the petition of Hammond Post, Grand Army of the Republic, of Fallsburg, Sullivan County, New York, against the repeal of internal-revenue law—to the Committee on Ways and Means.

By Mr. BLACKBURN: The petition of Allen P. Jacobs, survivor of the war of 1812, for a pension—to the Committee on Pensions.

By Mr. CALDWELL: The petition of letter-carriers of Nashville, Tenn., for thirty days' vacation in every year and an increase of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIN: The petition of many prominent citizens of Clinton County, Pennsylvania, for legislation creating a suitable civil government for the Territory of Alaska—to the Committee on the Territories.

Also, papers relating to the pension claim of John P. Dunn, of Alaska—to the Committee on Invalid Pensions.

By Mr. J. H. EVINS: The petition of M. C. Mordecai, for compensation for mail service from Charleston to Havana, in 1859–'60—to the Committee on the Post-Office and Post-Roads.

By Mr. J. K. JONES: Papers relating to the claim of Bishop E. Fitzgerald, of James N. Hill, of John Osborne, and of William H. Whiteside—severally to the Committee on War Claims.

Also, papers relating to the claim of William Moss—to the Committee on Claims.

By Mr. KELLEY: Memorial in relation to the conduct of a judge of one of the Federal courts—to the Committee on the Judiciary.

By Mr. KLEINER: The petition of Charles Mason, late deputy collector of internal revenue, for relief—to the Committee on Claims.

By Mr. MURRAY: The petition of James W. Denver, president, and Alexander M. Kenaday, secretary, of the National Association of Veterans of the Mexican war, for recognition of the services of those who served in that war—to the Committee on Pensions.

Also, the petition of George W. Kiser and of Patrick McNicholas, for a pension—severally to the Committee on Invalid Pensions.

By Mr. O'HARA: The petition of citizens of Goldsborough, N. C., in reference to the French spoliation claims—to the Committee on Foreign Affairs.

By Mr. CHARLES O'NEILL: Memorial of the Philadelphia Board of Trade, protesting against further withdrawal of national-bank note circulation—to the Committee on Banking and Currency.

By Mr. PETERS: The resolutions adopted by the Board of Trade of Kansas City, Mo., in relation to the Texas, Oklahoma and Kansas Railroad—to the Committee on Railways and Canals.

Also, the petition of W. B. Shockley and others, for the erection of a soldiers' home in Kansas—to the Committee on Military Affairs.

Also, the petition of colored citizens of Kansas, for a constitutional amendment protecting them in their rights—to the Committee on the Judiciary.

Also, the resolutions adopted by a mass convention of citizens of Rush County, Kansas, for an appropriation for sinking experimental artesian wells—to the Committee on Agriculture.

By Mr. PIERCE: Papers relating to the claim of James E. Wood—to the Committee on War Claims.

By Mr. POLAND: The petition of Silas P. Carpenter and 37 others, citizens of Richford, Vt., asking that a pension be granted to Mary P. Thomas—to the Committee on Invalid Pensions.

By Mr. PRYOR: Papers relating to the claim of George W. Kennard, of Madison County, Alabama—to the Committee on War Claims.

By Mr. RANDALL: The petition of B. W. Hopper and of Mrs. Virginia Zeilen, widow of Brig. Gen. Jacob Zeilen, for an increase of pension—severally to the Committee on Invalid Pensions.

By Mr. REED: The petition of Sophonia Witham for a pension—to the same committee.

By Mr. SEYMOUR: Papers relating to the pension claim of Harriet E. Edwards—to the same committee.

By Mr. SMITH: The petition of citizens of Lancaster County, Pennsylvania, for the establishment of a post-route from Quarryville to White Rock, Lancaster County, via Collins and King's Bridge—to the Committee on the Post-Office and Post-Roads.

By Mr. E. B. TAYLOR: The petition of Levi Beaver and 29 other citizens, and of James H. Miller and 20 others, citizens of Ohio, for the restoration of the duty on wool—severally to the Committee on Ways and Means.

Also, the petition of Anna M. Wheeler, in relation to pensions—to the Committee on Invalid Pensions.

By Mr. WAIT: The petition of Mrs. Catherine Shea, for change in the pension laws—to the Committee on Invalid Pensions.

By Mr. WELLBORN: The petition of Ulysses Merchant, for relief—to the Committee on War Claims.

By Mr. MILO WHITE: Memorial of the Legislature of the State of Minnesota, urging Congress to make the laws of the United States conform to the laws of Minnesota in regard to judgment-liens—to the Committee on the Judiciary.

By Mr. YOUNG: The petition of William Johnson and of Alexander Moffit, for relief—severally to the Committee on War Claims.

SENATE.

TUESDAY, *December* 18, 1883.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

COLUMBIA HOSPITAL FOR WOMEN.

The PRESIDENT *pro tempore* appointed, pursuant to the act of June 10, 1872, Mr. DOLPH a director on the part of the Senate of the Columbia Hospital for Women and Lying-in Asylum, to fill the vacancy occasioned by the expiration of the term of service as Senator of Mr. Edward H. Rollins.

PETITIONS AND MEMORIALS.

Mr. MCPHERSON presented the petition of the widow of John V. B. Bleecker, late paymaster in the United States Navy, praying to be allowed a balance now standing on the books of the Treasury due her late husband; which was referred to the Committee on Naval Affairs.

Mr. GARLAND presented two petitions of the Mexican Veterans' Association of Arkansas, praying that soldiers of the Mexican war be placed on the pension-roll; which were referred to the Committee on Pensions.

Mr. LAPHAM presented the petition of Obadiah Wheelock, of Philadelphia, Pa., praying that the right of suffrage be granted to women; which was referred to the Select Committee on Woman Suffrage.

He also presented the petition of Louis Hinn, late a private in Company I, Fourteenth Regiment of New York Heavy Artillery, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Joseph H. Shireman, of East Berlin, Pa., praying for the passage of a law granting him letters patent for his improvement in seed-planters; which was referred to the Committee on Patents.

Mr. WILLIAMS presented the petition of James W. Denver, president, and Alexander M. Kenaday, secretary, in behalf of the National Association of Veterans of the Mexican War, praying for the passage of a bill pensioning the surviving soldiers and sailors of the Mexican war; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. JACKSON. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 37) for the relief of Harriet Ann Walker, to report it back and to ask to be discharged from its further consideration, as it relates to a matter that does not pertain to the province of that committee. It should properly go to the Committee on Claims.

The PRESIDENT *pro tempore*. If there be no objection the Committee on Pensions will be discharged from the further consideration of the bill, and it will be referred to the Committee on Claims.

Mr. HARRISON, from the Committee on Territories, to whom was referred the bill (S. 153) providing a civil government for the Territory of Alaska, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

Mr. HARRISON. I am also instructed by the same committee, to whom was referred the bill (S. 148) to provide civil government for Alaska, and for other purposes, to report it back with the recommendation that it be indefinitely postponed, such matter contained in this bill as met with the favor of the committee having been incorporated in the bill just reported on that subject. I therefore move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. HARRISON. I am also instructed by the same committee, to whom was referred the bill (S. 72) to establish schools in Alaska, to report it back and ask that it be indefinitely postponed, a provision upon that subject having been incorporated in the bill reported favorably by the committee.

The bill was postponed indefinitely.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom was referred the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon, to report the same favorably without amendment.

This bill relates to a very important subject, and is in substance, I think literally, but at any rate substantially, a bill which has more than once passed the Senate. In order that it may go at a very early day to the other House, I give notice that I shall ask its consideration by the Senate on the first day when the Senate is prepared to proceed to legislative business.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (S. 332) for the relief of Thomas B. Shannon, reported it without amendment and submitted a report thereon, which was ordered to be printed.

BILLS INTRODUCED.

Mr. CAMDEN asked and, by unanimous consent, obtained leave to introduce a bill (S. 706) for the relief of the trustees of the Protestant Episcopal Seminary and High School in Virginia; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 707) granting an increase of pension to Nicholas W. Barnett; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 708) granting a pension to Samuel W. Robinson; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 709) for the relief of Edward Fenlon; which was read twice by its title, and, with the accompanying papers and the papers on file relating to the case, referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 710) for the relief of Charles A. Morris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. BUTLER asked and, by unanimous consent, obtained leave to introduce a bill (S. 711) granting a pension to Phœbe H. Meech; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 712) for the relief of M. C. Mordecai; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 713) to remove the political disabilities of Samuel H. Lockett, of Alabama; which was read twice by its title, and, with the accompanying petition and papers, referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 714) for the relief of the Mobile Marine Dock Company; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 715) to compensate physicians for service rendered under an order of the United States court of the northern district of Alabama; which was read twice by its title.

Mr. MORGAN. I suppose that bill ought to go to the Committee on the Judiciary, as it involves the construction of an order of court.

The bill was referred to the Committee on the Judiciary.

Mr. MCPHERSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 716) for the relief of Eliza Howard Powers; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 717) for the relief of John G. Rose; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 718) to change the grade of line officers in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 719) to provide for the refund of excess of duties assessed and collected on imports of raw sugars; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 720) for the relief of Daniel S. Mershon, jr.; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 721) for the relief of Joseph W. Yates; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 722) granting an increase of pension to Mrs.

George W. Patten; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. 723) for the relief of Eugene B. Rail and others; which was read twice by its title, and, together with papers on file in the case, referred to the Committee on Claims.

Mr. DAWES (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 724) for the relief of Nathaniel McKay, George M. Clapp, and the executors of Donald McKay; which was read twice by its title, and referred to the Committee on Claims.

Mr. CONGER asked and, by unanimous consent, obtained leave to introduce a bill (S. 725) for the relief of Charles Seymour, of Flint, Mich., for services in the war of 1812 and for pension; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 726) for the relief of Calvin S. Montague; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 727) to provide for the final settlement with the Mexican Pottawatomie Indians of Kansas in accordance with certain treaty stipulations; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 728) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana under treaty stipulations existing with them; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. 729) for the protection of children in the District of Columbia, and for other purposes; which was read twice by its title.

Mr. HOAR. I desire, in moving the reference of the bill to the Committee on the District of Columbia, to say that it is a bill prepared under the direction of a humane society in this city, who say that there is no law in force in this District which adequately punishes various crimes against children—the crime of exposing children or decoying them away for improper purposes and various similar crimes. I desire to call the attention of the chairman of the Committee on the District of Columbia to the bill, which I dare say he will approve. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. SAWYER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 730) to amend sections 4233 and 4234 of the Revised Statutes, relating to steam and sail vessels navigating the ocean; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MILLER, of New York (by request), asked and, by unanimous consent, obtained leave to introduce a bill (S. 731) to repeal chapter 160 of the laws of 1878, entitled "An act to repeal the bankrupt law," approved June 7, 1878; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 732) for the relief of Mary J. Vaughan; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 733) dedicating the military reservation of Plattsburg, N. Y., to the village of Plattsburg for a public park; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MAHONE asked and, by unanimous consent, obtained leave to introduce a bill (S. 734) for the relief of William Ward; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 735) for the relief of Charles S. Mills; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 736) for the relief of Washington Wright and Simon Basye, surviving trustees of Shiloh Baptist church at Fredericksburg, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 737) to remove the political disabilities of J. R. Waddy, of Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FRYE asked and, by unanimous consent, obtained leave to introduce a bill (S. 738) to constitute a bureau of commerce and navigation in the Treasury Department; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 739) to remove certain burdens on the American merchant marine; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 740) to encourage American ship-building for the foreign carrying trade; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 741) relating to pilots and pilotage; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 742) granting a pension to Nathan L. Meands; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 743) for the relief of Frederick W. Ruggles, of Westport, Nova Scotia; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. MORRILL. I ask leave in behalf of my colleague [Mr. EDMUNDS] now in the chair to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. 744) for the relief of George W. Saulpaw; which was read twice by its title, and referred to the Committee on Claims.

Mr. LAPHAM (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 745) granting a pension to Louis Hinn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. 746) for the relief of Samuel Chase Barney; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 747) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 748) referring the claim of the owners of the schooner Addie B. Bacon to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 749) to authorize the Washington and Atlantic Railroad Company to extend its railroad into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 750) granting a pension to Catharine Schools; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 751) granting a pension to Emma Martin and Harry E. Martin; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 752) granting an increase of pension to Joshua M. Ash; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 753) granting a pension to Anne R. Voorhees; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VANCE asked and, by unanimous consent, obtained leave to introduce a bill (S. 754) regulating the sale and devise of real estate in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 755) to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BECK asked and, by unanimous consent, obtained leave to introduce a bill (S. 756) for the relief of Rosa Vertner Jeffrey and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAULSBURY (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 757) declaratory of the meaning of the act approved February 19, 1879, entitled "An act for the payment to the officers and soldiers of the Mexican war of the three months' extra pay provided for by the act of July 19, 1848;" which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. 758) for the relief of William L. Nance; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

On motion of Mr. HARRIS, it was

Ordered, That the papers in the case of William L. Nance be taken from the files of the Senate and referred to the Committee on Claims, there having heretofore been an adverse report upon the claim, but new and material evidence having been presented and filed.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 759) for the purchase of the Mallory lot in Key West, Fla., for naval purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 760) for the extension of pension of Mrs. Ann

Leddy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MAXEY asked and, by unanimous consent, obtained leave to introduce a bill (S. 761) giving the consent of the United States to the State of Texas to extend so much of the northern boundary as is bounded by Red River, so as to include within her limits said river to the middle channel thereof from a point where a line drawn due north from the crossing of the Sabine River by the thirty-second degree of north latitude strikes said Red River, up said river to where the one hundredth degree of longitude west from London and twenty-third degree of longitude west from Washington cross said Red River; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. WILLIAMS asked and, by unanimous consent, obtained leave to introduce a bill (S. 762) for the relief of Josiah Shinkle; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 763) amending the law granting pensions to the soldiers and sailors of the war of 1812, and their widows, and extending its provisions to the soldiers, sailors, and marines employed in the war with Mexico; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ANTHONY asked and, by unanimous consent, obtained leave to introduce a bill (S. 764) granting an increase of pension to Abby P. Arnold; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 765) for the relief of G. E. W. Sharretts; which was read twice by its title, and, together with the papers on file in the case, referred to the Committee on Claims.

Mr. JONES, of Florida (by request), asked and, by unanimous consent, obtained leave to introduce a bill (S. 766) to provide for the payment of the outstanding claim of the heirs of Richard B. Mason, late of Virginia, deceased, against the United States; which was read twice by its title, and referred to the Committee on Claims.

Mr. PUGH asked and, by unanimous consent, obtained leave to introduce a bill (S. 767) for the relief of Columbus F. Perry and Elizabeth Gilmer; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. 768) for the relief of the National Bank of Western Arkansas; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 769) amendatory of and supplementary to an act entitled "An act re-establishing the Court of Commissioners of Alabama Claims and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 770) conferring military rank on telegraph operators in the military service; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. 771) making an appropriation for the rebate of taxes on tobacco, snuff, &c., under provisions of the act of March 3, 1883; which was read twice by its title, and referred to the Committee on Appropriations.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 772) granting a pension to Erastus W. Babson; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 773) granting a pension to Mrs. Kady Brownell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 774) for the relief of Melissa G. Polar; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 775) authorizing a reappraisement of the steam transport-boat Planter, captured by Robert Smalls, and for a distribution of proceeds thereof; which was read twice by its title, and, with accompanying papers, referred to the Committee on Finance.

Mr. ALLISON asked and, by unanimous consent, obtained leave to introduce a bill (S. 776) to promote economy and efficiency in the management of the navy-yards; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HARRISON asked and, by unanimous consent, obtained leave to introduce a bill (S. 777) granting a pension to Albert Jehle; which was read twice by its title, and, with accompanying papers, referred to the Committee on Pensions.

Mr. BAYARD asked and, by unanimous consent, obtained leave to introduce a bill (S. 778) granting a pension to Mrs. Ellida I. Middleton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 779) for a survey and estimates for a railroad from the mainland to Key West, Fla., and for a canal connecting the same with the Saint John's River, for military and naval purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PALMER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 780) amending section 4414 of the Revised Statutes fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read twice by its title, and referred to the Committee on Commerce.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 781) for the relief of the heirs of the late William A. Burt, inventor of the solar compass, adopted and used in the public surveys of the United States; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 782) for the relief of Eunice Tripler, widow of Charles S. Tripler, surgeon United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 783) to increase the pension of John Algoe; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 784) granting a pension to James S. Donahue; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE asked and, by unanimous consent, obtained leave to introduce a bill (S. 785) for the construction of bridges across the Saint John and Saint Francis Rivers; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 786) for the relief of William W. Thomas; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 787) to provide for the erection of a public building at the town of Houlton, Me.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. 788) for the relief of Warren Hall; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 789) providing for certain time allowances in computing the longevity pay of officers of the Medical Department of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SEWELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 790) to authorize Col. George W. Getty, United States Army (retired), to be placed upon the retired list of the Army with the rank and pay of a major-general; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. 791) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882; which was read twice by its title.

Mr. MILLER, of California. This bill is the result of a conference of the representatives in both branches of Congress from the Pacific States and Territories, prepared by a committee of the Pacific coast delegation. I am instructed to introduce it as the measure of the Pacific coast delegation, it being necessary, as they believe, to explain the intent and meaning of the restriction act and to amend it in those particulars which will render frauds impossible. I move that the bill be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 792) authorizing the restoration of the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers; which was read twice by its title, and, together with the papers relating to the case, referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 793) for the relief of the heirs of Jacob Cramer; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. WILLIAMS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 794) for the reclamation of arid and waste lands in certain Western States and Territories; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. 795) to adjust certain accounts between the United States and the several States and Territories and the District of Columbia; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 796) granting to the State of California 5 per cent. of

the net proceeds of the sale of public lands in that State; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 797) for the relief of William Fowler, sr., of California; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 798) for the relief of William D. Haley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 799) to establish an assay office at Deadwood, in the Territory of Dakota; which was read twice by its title, and referred to the Committee on Finance.

Mr. BECK asked and, by unanimous consent, obtained leave to introduce a bill (S. 800) to refund certain internal-revenue taxes to the Deposit Bank of Glasgow, Glasgow, Ky.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 29) for the relief of Miss Eliza A. White; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MORRILL asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 30) authorizing Rear-Admiral J. W. A. Nicholson to accept a medal conferred upon him by the King of Sweden and Norway; which was read twice by its title, and referred to the Committee on Foreign Relations.

PAY OF CONGRESSIONAL EMPLOYÉS.

Mr. BUTLER asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 31) to pay the employés of the two Houses of Congress their salaries for the current month on the 20th instant; which was read the first time by its title.

Mr. BUTLER. I ask for the immediate consideration of the joint resolution.

Mr. INGALLS. I should like to hear it read in full.

The PRESIDENT *pro tempore*. It will be read at length.

The joint resolution was read the second time at length.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. INGALLS. What is the object of it?

Mr. BUTLER. The object is simply to give the employés their pay before the holidays.

Mr. INGALLS. That is easy enough to understand; but why is it necessary to pass a bill at this time?

Mr. BUTLER. It is not a bill, but a joint resolution. It is necessary because they have not been paid on the 15th, as is the custom, I understand. It is the customary resolution, I am told. I was requested to introduce it.

Mr. ALLISON. This has been done frequently before. It occurs to me, however, that there might be some confusion under the resolution in view of the changes that are going on in the House of Representatives with reference to employés. What employés are to be paid?

Mr. BUTLER. All the employés are provided for.

Mr. SHERMAN. If this is the order I will object at present until we can at least look into it. If it merely antedates the date of payment to officers in the actual service of the United States I should not object to it, but I should like to look at it. Let the resolution go over until to-morrow.

The PRESIDENT *pro tempore*. The Chair will state for the information of the Senate that in the opinion of the Chair the form of the enacting clause of the resolution is such that it is a regular constitutional joint resolution which will require the assent of the President of the United States. It is not a concurrent resolution, as they are usually called.

Mr. SHERMAN. The form had better be changed. I object to its consideration until to-morrow.

Mr. INGALLS. Why not let the resolution go to the appropriate committee to be acted on and reported? I suggest that order; or let it lie over.

Mr. BUTLER. I have not the slightest choice as to what direction it takes. I introduced it simply to give the employés their money before they went home for the Christmas holidays. That was my object, and I am perfectly indifferent as to the course that is pursued in regard to it.

Mr. SHERMAN. I think it had better be referred to a committee. I do not think any one will care to interpose an objection to it after it has been referred and reported back to the Senate.

Mr. BUTLER. I have not the slightest objection if the committee will report it in time.

Mr. SHERMAN. I move that it be referred to the Committee on Contingent Expenses.

Mr. BUTLER. I have no objection to that reference.

The PRESIDENT *pro tempore*. If there be no objection, the joint resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BUTLER. I hope the committee will report it back in a day or two, because the Senate will probably take a recess in the course of a few days.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BUTLER, it was

Ordered, That J. F. Beale have leave to withdraw from the files of the Senate his extracts of a brief in relation to the claims of certain citizens of Washington, D. C., for compensation for damages done to their property by reason of public improvements and changes made in the grades of streets and avenues.

Mr. HARRIS. I ask for an order to withdraw from the files of the Senate and refer to the Committee on Claims the petition and papers in respect of the claim of John W. Franklin, executor of the last will of John Armfield, a bill having already been introduced and referred to that committee, and there having been no adverse report.

The PRESIDING OFFICER (Mr. HOAR in the chair). The order will be entered, subject to the rule, if there be no objection.

On motion of Mr. JONAS, it was

Ordered, That the papers in the claim of George E. Payne be withdrawn from the files of the Senate and referred to the Committee on Claims, there being no unfavorable report.

On motion of Mr. WALKER, it was

Ordered, That the papers in the claim of Sewell Coulson *et al.* be taken from the files of the Senate and referred to the Committee on Claims.

The PRESIDING OFFICER. The morning hour has expired. If no objection be made, the Chair will proceed to the completion of business under this order.

On motion of Mr. MAHONE, it was

Ordered, That the papers in the claim of Charles S. Mills be taken from the files of the Senate and referred to the Committee on Claims.

Ordered, That the papers in the claim of T. W. Tansill be taken from the files of the Senate and referred to the Court of Claims, under the act of March 3, 1883.

On motion of Mr. LAPHAM, it was

Ordered, That the papers for the relief of the Sone & Fleming Manufacturing Company (limited), of New York city, be withdrawn from the files of the Senate and referred to the Committee on Claims, there having been no adverse report.

Ordered, That the papers in the claim of James M. Wilbur be taken from the files and referred to the Committee on Claims, there having been no adverse report.

Ordered, That the papers for the relief of John Spicer be taken from the files and referred to the Committee on the Judiciary, there having been no adverse report.

Ordered, That the papers for the relief of Edgar Huson be taken from the files and referred to the Committee on Patents, there having been no adverse report.

Ordered, That the papers for the relief of Alonzo Snyder be taken from the files and referred to the Committee on Claims, there having been no adverse report.

Ordered, That the papers for the relief of William H. Whiting be taken from the files and referred to the Committee on the Judiciary, there having been no adverse report.

Ordered, That the petition and papers in the claim for relief of Guy V. Henry be taken from the files and referred to the Committee on Military Affairs, there having been no adverse report.

Ordered, That the petition and papers for the relief of Mrs. K. S. Eaton be taken from the files and referred to the Committee on Pensions, there having been no adverse report.

Ordered, That the petition and papers for the relief of the State of New York and to pay off certain certificates issued by that State to the soldiers of the war of 1812 be taken from the files and referred to the Committee on Claims, there having been no adverse report.

Ordered, That the petition and papers in the matter of providing for a settlement with the Indians who were parties to the treaty concluded at Buffalo Creek, in the State of New York, on the 15th day of January, 1838, for the unexecuted stipulation of that treaty, be taken from the files and referred to the Committee on Indian Affairs, there having been no adverse report.

Ordered, That the petition and papers relative to the increase of the salaries and pay of the chaplains in the Army be taken from the files and referred to the Committee on Military Affairs, there having been no adverse report.

Ordered, That the petition and papers for the relief of George Milsom, Henry Spendelow, and George V. Watson be taken from the files and referred to the Committee on Patents, there having been no adverse report.

On motion of Mr. DOLPH, it was

Ordered, That the petition and papers relating to the claim of Thomas J. Miller be taken from the files and referred to the Committee on Military Affairs, subject to the rules of the Senate.

On motion of Mr. HILL, it was

Ordered, That the petition and papers in the claim of Daniel Connor be taken from the files and referred to the Committee on Claims.

On motion of Mr. HAWLEY, it was

Ordered, That the papers in the case of A. H. Emery be taken from the files and referred to the Committee on Claims, there having been no adverse report.

CLAYTON-BULWER TREATY CORRESPONDENCE.

Mr. MILLER, of California, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he is hereby, requested, if in his opinion it is not incompatible with the public interest, to furnish the Senate with copies of the correspondence in relation to the treaty between the United States and Great Britain, signed the 19th day of April, 1850, which has passed between the two governments, not heretofore communicated.

RAILROAD LAND GRANTS.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to furnish the Senate copies of mortgages given by Texas Pacific Railroad on lands granted by act of March 3, 1871; also to inform the Senate the names of railroad corporations now claiming lands that were not earned during the lifetime of the grant, together with the number of acres claimed by each of said roads.

OFFICERS OF THE SENATE.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the resolution offered by me yesterday in respect to the officers of the Senate.

The resolution submitted yesterday by Mr. SHERMAN was read, as follows:

Ordered, That the Senate do now proceed to the election of the following officers in the order named:

First, Secretary of the Senate; second, Chief Clerk; third, Principal Executive Clerk; fourth, Chaplain; fifth, Sergeant-at-Arms.

Mr. PENDLETON. I should like to ask my honorable colleague why it is necessary to proceed to the election of officers of the Senate.

Mr. SHERMAN. As soon as the resolution is taken up I can explain.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Ohio [Mr. PENDLETON] that debate on the merits of the resolution is not yet in order. The only question now is whether the Senate will consider it at this time. The question is on the motion of the Senator from Ohio [Mr. SHERMAN] to proceed to the consideration of the resolution which has been reported.

The question being put, it was declared that the "noes" appeared to prevail.

Mr. SHERMAN. I call for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired on this question with the Senator from Missouri [Mr. COCKRELL], who is necessarily absent from the Senate.

Mr. EDMUNDS (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY] upon all questions, but I now feel authorized to transfer this pair to the Senator from Pennsylvania [Mr. CAMERON] who is absent. I vote "yea."

Mr. MORRILL (when his name was called). On this question I am paired with the Senator from Indiana [Mr. VOORHEES].

Mr. SAWYER (when his name was called). I am paired on this question with the Senator from West Virginia [Mr. KENNA].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. My colleague [Mr. COCKRELL] is paired with the Senator from Iowa [Mr. ALLISON].

The roll-call was concluded.

Mr. BUTLER. My colleague [Mr. HAMPTON] has been summoned home by the death of a very near relative, and I beg leave to announce that during his absence he is paired with the Senator from Vermont, the Presiding Officer of the Senate [Mr. EDMUNDS].

Mr. CAMDEN. I desire to announce that my colleague [Mr. KENNA] has been called home by the death of a near relative, and he is paired with the Senator from Wisconsin [Mr. SAWYER].

The result was announced—yeas 34, nays 30; as follows:

YEAS—34.

Aldrich,	Frye,	Logan,	Platt,
Anthony,	Hale,	McMillan,	Riddleberger,
Blair,	Harrison,	Mahone,	Sabin,
Bowen,	Hawley,	Manderson,	Sewell,
Cameron of Wis.,	Hill,	Miller of Cal.,	Sherman,
Conger,	Hoar,	Miller of N. Y.,	Van Wyck,
Cullom,	Ingalls,	Mitchell,	Wilson.
Dawes,	Jones of Nevada,	Palmer,	
Dolph,	Lapham,	Pike,	

NAYS—30.

Bayard,	Fair,	Jonas,	Ransom,
Beck,	Garland,	Jones of Florida,	Saulsbury,
Brown,	George,	Lamar,	Slater,
Butler,	Gibson,	McPherson,	Vance,
Call,	Gorman,	Maxey,	Walker,
Camden,	Groome,	Morgan,	Williams.
Coke,	Harris,	Pendleton,	
Colquitt,	Jackson,	Pugh,	

ABSENT—12.

Allison,	Edmunds,	Kenna,	Sawyer,
Cameron of Pa.,	Farley,	Morrill,	Vest,
Cockrell,	Hampton,	Plumb,	Voorhees.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate. The question is on agreeing to the resolution. Is the Senate ready for the question? Senators in the affirmative will say "ay;" Senators in the negative will say "no." The "ayes" appear to have it. The "ayes" have it; the resolution is agreed to, and it is ordered that the Senate now proceed, first, to the election of a Secretary of the Senate.

Mr. SHERMAN. I move that General Anson G. McCook, of the city of New York, be elected Secretary of the Senate. I believe the rule requires it to be done by ballot.

The PRESIDENT *pro tempore*. The Chair is of opinion that the rule as to a ballot, as its terms are expressed, only applies to the formation of committees, and a resolution or order therefore will suffice, which the Senator had better reduce to writing probably for the convenience of the clerks.

Mr. SHERMAN. I will then simply make a motion. I move that Anson G. McCook, of New York, be declared Secretary of the Senate.

Mr. MILLER, of California. It ought to be in the form of a resolution.

Mr. SHERMAN. It is in the form of an order or resolution. The Secretary will be kind enough to reduce it to writing.

The PRESIDENT *pro tempore*. The Chair thinks it would be more convenient for journalizing if the Senator from Ohio would offer it in the form of a resolution, "Resolved that So-and-so be, and he hereby is, chosen Secretary of the Senate," as the Chair is informed that is the old phraseology.

Mr. SHERMAN. I then offer the following resolution:

Resolved, That Anson G. McCook, of New York, is hereby chosen Secretary of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. GARLAND. According to the form by which Mr. Shober was unanimously made Acting Secretary it should read, "Be and he is hereby appointed." I move to so amend it.

Mr. SHERMAN. I used the word "chosen" at the suggestion of the Chair, supposing that to be the regular form.

The PRESIDENT *pro tempore*. The Chair is informed at the desk that the word "chosen" has been the ancient form.

Mr. SHERMAN. The word "chosen" seems to me a better phrase than the word "appointed."

Mr. GARLAND. The usual form has been "be and is hereby appointed."

Mr. SHERMAN. Let it read "be and he is hereby chosen." Probably the word "appointed" is not quite the thing. The word "chosen" I think is the better phrase.

Mr. INGALLS. The Constitution says that we shall "choose" our "other officers."

The PRESIDENT *pro tempore*. Does the Senator from Ohio modify his resolution by inserting "be and he hereby is?"

Mr. SHERMAN. Let it read "be and he hereby is chosen."

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as modified.

Mr. PENDLETON. I move to amend the resolution of my colleague by striking out the name of Anson G. McCook and substituting that of L. Q. Washington.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. PENDLETON]. Is the Senate ready for the question? [Putting the question.] The noes appear to have it.

Mr. PENDLETON. I ask for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. ALLISON (when his name was called). On this question I am paired with the Senator from Missouri [Mr. COCKRELL] and upon all votes that may hereafter be taken until his return.

Mr. EDMUNDS (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. GARLAND (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY]. If he were present, I should vote "yea."

Mr. BUTLER (when Mr. HAMPTON'S name was called). My colleague [Mr. HAMPTON] is paired with the Senator from Vermont [Mr. EDMUNDS]. If my colleague were present, he would vote "yea."

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MORRILL (when his name was called). On this question I am paired with the Senator from Indiana [Mr. VOORHEES].

The roll-call was concluded.

Mr. VEST. I am paired with the Senator from Kansas [Mr. PLUMB]. I should vote "yea" if he were present.

The result was announced—yeas 29, nays 32; as follows:

YEAS—29.

Bayard,	Fair,	Jones of Florida,	Saulsbury,
Beck,	George,	Lamar,	Slater,
Brown,	Gibson,	McPherson,	Vance,
Butler,	Gorman,	Maxey,	Walker,
Call,	Groome,	Morgan,	Williams.
Camden,	Harris,	Pendleton,	
Coke,	Jackson,	Pugh,	
Colquitt,	Jonas,	Ransom,	

NAYS—32.

Aldrich,	Frye,	Lapham,	Pike,
Blair,	Hale,	Logan,	Platt,
Bowen,	Harrison,	McMillan,	Riddleberger,
Cameron of Wis.,	Hawley,	Mahone,	Sabin,
Conger,	Hill,	Manderson,	Sewell,
Cullom,	Hoar,	Miller of N. Y.,	Sherman,
Dawes,	Ingalls,	Mitchell,	Van Wyck,
Dolph,	Jones of Nevada,	Palmer,	Wilson.

ABSENT—15.

Allison,	Edmunds,	Kenna,	Sawyer,
Anthony,	Farley,	Miller of Cal.,	Vest,
Cameron of Pa.,	Garland,	Morrill,	Voorhees.
Cockrell,	Hampton,	Plumb,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to

the resolution of the Senator from Ohio [Mr. SHERMAN]. Is the Senate ready for the question? [Putting the question.] The "ayes" appear to have it; the "ayes" have it, and the resolution is agreed to.

Mr. MILLER, of New York. The gentleman who has just been elected Secretary of the Senate is present, and, in accordance with the rule of the Senate, I ask that he may be sworn in.

The PRESIDENT *pro tempore*. He will present himself at the desk and receive the oaths.

Anson G. McCook was escorted to the President's desk by Mr. MILLER, of New York, and the oaths prescribed by the acts of June 1, 1789, and July 2, 1862, were administered to him.

The PRESIDENT *pro tempore*. Under the order of the Senate the next officer to be elected is Chief Clerk of the Senate.

Mr. SHERMAN. I submit the following resolution:

Resolved, That Charles W. Johnson, of Minnesota, be, and he is hereby, chosen Chief Clerk of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution of the Senator from Ohio [Mr. SHERMAN].

Mr. PENDLETON. The present incumbent of that place was selected by the Democratic party. He is also the nominee of the Democratic party at this time. He has performed, as we believe, his duties in such a manner as to entitle him to the confidence of the Senate.

It would be a vain thing to move that the name of Mr. Shober be substituted for that of the gentleman whose name is contained in the resolution, because if the resolution be defeated Mr. Shober, being in office, retains it. I will therefore not move an amendment to the resolution, but will state that the votes upon this side of the Chamber are given with a view of manifesting our desire not to change the Chief Clerk of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. PENDLETON. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. I desire to say that I am opposed to the resolution, and shall therefore vote against it.

The Principal Legislative Clerk proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. EDMUNDS (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. GARLAND (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY]. I should vote "nay" if he were here.

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

The roll-call was concluded.

Mr. MORRILL. I desire to say that I am paired on this question with the Senator from Indiana [Mr. VOORHEES].

The result was announced—yeas 32, nays 29; as follows:

YEAS—32.

Aldrich,	Frye,	Lapham,	Pike,
Blair,	Hale,	Logan,	Platt,
Bowen,	Harrison,	McMillan,	Riddleberger,
Cameron of Wis.,	Hawley,	Mahone,	Sabin,
Conger,	Hill,	Manderson,	Sewell,
Cullom,	Hoar,	Miller of N. Y.,	Sherman,
Dawes,	Ingalls,	Mitchell,	Van Wyck,
Dolph,	Jones of Nevada,	Palmer,	Wilson.

NAYS—29.

Bayard,	Fair,	Jones of Florida,	Saulsbury,
Beck,	George,	Lamar,	Slater,
Brown,	Gibson,	McPherson,	Vance,
Butler,	Gorman,	Maxey,	Walker,
Call,	Groome,	Morgan,	Williams.
Camden,	Harris,	Pendleton,	
Coke,	Jackson,	Pugh,	
Colquitt,	Jonas,	Ransom,	

ABSENT—15.

Allison,	Edmunds,	Kenna,	Sawyer,
Anthony,	Farley,	Miller of Cal.,	Vest,
Cameron of Pa.,	Garland,	Morrill,	Voorhees.
Cockrell,	Hampton,	Plumb,	

So the resolution was agreed to.

The PRESIDENT *pro tempore*. The Chair will state in respect to this officer and all the others named in the order of the Senate that the taking of the oath in the presence of the Senate is not required. It can be taken in the Secretary's Office. The next order of the Senate is to proceed to the election of a Principal Executive Clerk.

Mr. SHERMAN. I submit the following resolution:

Resolved, That James R. Young, of Pennsylvania, be, and is hereby, chosen Principal Executive Clerk of the Senate.

Mr. PENDLETON. Mr. President, I ask that the resolution be read again.

The PRESIDENT *pro tempore*. The resolution will be again reported.

The Acting Secretary read the resolution.

Mr. PENDLETON. I repeat the statement that I made just now in relation to the election of a Chief Clerk of the Senate, that the gentleman who is now occupying the place of Chief Executive Clerk was put in office by the will of those who were then in the majority of the Senate. He is now the nominee of the Democratic party for the office. He still retains the confidence of the Senate as having discharged his duties admirably well. I will not delay the Senate by making a motion to amend the resolution by inserting the name of Col. Henry E. Peyton; but the confidence of those who put him in office will be manifested by the fact of voting against the resolution to supersede him by another election.

Mr. SHERMAN. I only desire to say that the gentleman who is nominated for this office held the office for a number of years to the entire satisfaction of every Senator on either side of the House, a gentleman of accomplishments and experience. He was an officer of the Senate when I left some years ago—Mr. Young, of Pennsylvania. I do not think it is worth while to waste words about this matter; indeed I had hoped that we should have this whole matter disposed of without any one being called upon to say a single word.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. PENDLETON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. EDMUNDS (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. GARLAND (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

The roll-call was concluded.

Mr. CAMDEN. I announce the pair of my colleague [Mr. KENNA] with the Senator from Wisconsin [Mr. SAWYER].

The result was announced—yeas 32, nays 29; as follows:

YEAS—32.

Aldrich,	Frye,	Lapham,	Pike,
Blair,	Hale,	Logan,	Platt,
Bowen,	Harrison,	McMillan,	Riddleberger,
Cameron of Wis.,	Hawley,	Mahone,	Sabin,
Conger,	Hill,	Manderson,	Sewell,
Cullom,	Hoar,	Miller of N. Y.,	Sherman,
Dawes,	Ingalls,	Mitchell,	Van Wyck,
Dolph,	Jones of Nevada,	Palmer,	Wilson.

NAYS—29.

Bayard,	Fair,	Jones of Florida,	Saulsbury,
Beck,	George,	Lamar,	Slater,
Brown,	Gibson,	McPherson,	Vance,
Butler,	Gorman,	Maxey,	Walker,
Call,	Groome,	Morgan,	Williams.
Camden,	Harris,	Pendleton,	
Coke,	Jackson,	Pugh,	
Colquitt,	Jonas,	Ransom,	

ABSENT—15.

Allison,	Edmunds,	Kenna,	Sawyer,
Anthony,	Farley,	Miller of Cal.,	Vest,
Cameron of Pa.,	Garland,	Morrill,	Voorhees.
Cockrell,	Hampton,	Plumb,	

So the resolution was agreed to.

The PRESIDENT *pro tempore*. The next thing in order under the resolution of the Senate is the election of a Chaplain.

Mr. SHERMAN. I submit the following resolution:

Resolved, That Rev. Elias De Witt Huntley, of the District of Columbia, be, and hereby is, chosen Chaplain of the Senate.

Mr. SAULSBURY. Mr. President, I think the resolution offered by the Senator from Ohio illustrates very properly the estimate the other side of the Chamber put upon the civil-service-reform bill passed at the last session. Not content with removing every officer of the Senate who has any considerable salary, the proposition now is to remove the Chaplain of the body, who performs the duty of offering prayer as acceptably as any other gentleman can, and who on this very morning offered up a devout prayer for every member of this body. And yet the proposition is now not only to remove every officer who has any considerable salary attached to the functions of his office, but to remove a gentleman who has prayed diligently and fervently for every member of the Senate for the last four years.

I say, sir, and I rise to emphasize the fact that this proceeding illustrates the attachment of the other side of this Chamber to the principles of the bill we passed last winter; and, sir, I think the country will understand it. Notwithstanding we passed a civil-service-reform bill, the party now in power in this Chamber, whenever they have an opportunity, will ignore the principles of that bill entirely, as they are doing by their proceedings in this case.

I simply rose to call attention to this fact. This change of officers is now carried to a position which has but a nominal salary attached to it. I concede the ability of the other side not only to take the more prominent offices but to take even the chaplaincy away from this side of the

Senate; but I say again it illustrates most clearly and forcibly the attachment of the other side of this Chamber to the principles of that bill which was passed at the last session and which was loudly advocated by many gentlemen on that side of the Chamber.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. PENDLETON. I call for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. GARLAND (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

Mr. HARRISON (when the name of Mr. VOORHEES was called). I was requested by the Senator from Vermont [Mr. MORRILL] to announce his pair on this question with my colleague [Mr. VOORHEES].

The roll-call having been concluded, the result was announced—yeas 32, nays 29; as follows:

YEAS—32.

Aldrich,	Frye,	Lapham,	Pike,
Blair,	Hale,	Logan,	Platt,
Bowen,	Harrison,	McMillan,	Riddleberger,
Cameron of Wis.,	Hawley,	Mahone,	Sabin,
Conger,	Hill,	Manderson,	Sewell,
Cullom,	Hoar,	Miller of N. Y.,	Sherman,
Dawes,	Ingalls,	Mitchell,	Van Wyck,
Dolph,	Jones of Nevada,	Palmer,	Wilson.

NAYS—29.

Bayard,	Fair,	Jones of Florida,	Saulsbury,
Beck,	George,	Lamar,	Slater,
Brown,	Gibson,	McPherson,	Vance,
Butler,	Gorman,	Maxey,	Walker,
Call,	Groome,	Morgan,	Williams.
Camden,	Harris,	Pendleton,	
Coke,	Jackson,	Pugh,	
Colquitt,	Jonas,	Ransom,	

ABSENT—15.

Allison,	Edmunds,	Kenna,	Sawyer,
Anthony,	Farley,	Miller of Cal.,	Vest,
Cameron of Pa.,	Garland,	Morrill,	Voorhees.
Cockrell,	Hampton,	Plumb,	

So the resolution was agreed to.

The PRESIDING OFFICER (Mr. INGALLS in the chair). Next under the order of the Senate is the choice of a Sergeant-at-Arms.

Mr. SHERMAN. Mr. President, I offer the following resolution:

Resolved, That William P. Canaday, of North Carolina, be, and is hereby, chosen Sergeant-at-Arms of the Senate.

Mr. PENDLETON. Mr. President, I repeat the statement which I made before in relation to the election of the various officers of the Senate. The present incumbent is the choice of the present minority of the Senate for this position and retains the confidence of the Senate for having faithfully performed the duties of his office, and as, if the resolution is not passed, he will still retain the office, I will therefore not move an amendment that the name of Col. R. J. Bright be inserted in the resolution.

The PRESIDING OFFICER. Will the Senate agree to the resolution offered by the Senator from Ohio [Mr. SHERMAN]?

Mr. BECK. Mr. President, I should like to ask the Senator from Ohio on the other side, as he made a remark about restoring a gentleman to a clerkship a little while ago because he had formerly performed valuable services, what distinguished services the present nominee of the Republican caucus has performed to entitle him to the place for which it has now nominated him and what objection gentlemen on the other side have to the present imcumbent, if he will be kind enough to tell us.

Mr. SHERMAN. Mr. President, I do not care now—and certainly at this stage of the business it is not necessary—to go into a matter of detail in regard to the personal qualifications of the gentlemen named. The Senator from Ohio is doing precisely what the Senator from Kentucky would do with a straight face and without any apologies or excuses, and I have none to give. The gentleman who is nominated for Sergeant-at-Arms is a gentleman well known on both sides of the Chamber as a man of character and standing, well fitted to discharge the duties of the office for which he is nominated. I have not one word to say, and have not the heart to say it, against the incumbent.

Mr. BECK. I happened to be here a few years ago when there was an immense amount of what I then thought was false pretense or pretended indignation at the outrage which was said to be committed when the Democrats elected a few officers of the Senate, retaining a very large proportion of men who belonged to the Republican party who were here then and are in office yet. I knew when they pretended to be so indignant at our action and I know now that the whole so-called civil-service-reform system is recognized by the Senators on the other side whenever it stands in their way as being an absolute humbug. Their conduct now illustrates it. They are seeking to remove and will of course remove an officer who they know is the very best the Senate has ever had in this position, and they propose to put in his place a man who has never held any position here and whose fitness is to be determined I suppose by the number of the present employés who are Democrats that he can turn out and the number of men he can put in their places, not because of their fitness for the positions, but because of their capacity to aid in carrying elections for Republican nominees elsewhere, notably in North Carolina, from whence they have brought him, and in Virginia where they have secured such valuable allies.

As a specimen of the lectures we received from the Republican leaders, the distinguished and generally the most moderate of all the members on the other side, the gentleman who has been spoken of and I suppose will be made our presiding officer—I allude to the senior Senator from Rhode Island [Mr. ANTHONY]—at that time gave us the benefit of a speech, in which he said:

> Mr. President, I am too well aware that nothing which I can say, nothing which any one may say, will arrest or modify the foregone determination to make a sweeping change of the officers and servants of the Senate; a change demanded, not by any deficiencies or neglect of duty on their part, but by the inexorable necessities of political partisanship. Yet, as one who has served long in this body, who has paid some attention to its rules, and who has a profound respect, nay a reverence, for its precedents and its traditions, I am unwilling to see the measure initiated without recording my protest and uttering my unavailing warning to the majority against the personal discomfort and inconvenience to which they are subjecting themselves and their associates and the danger to which they are exposing the orderly and decorous transaction of the business of the Senate.

Mr. BUTLER. When was that speech made?

Mr. BECK. That speech was made on the 24th day of March, 1879. Again that distinguished gentleman said in a colloquy with Mr. Hill, of Georgia, on the 15th of April, 1879:

> Mr. HILL, of Georgia. If the Senate should become Republican in 1881, two years from now, will he oppose a change of the officers then?
>
> Mr. ANTHONY. I will answer that when the time comes, and I hope to see it. I can not tell whether another rebellion may not break out in the South. There seem to be signs of it now.
>
> Mr. HILL, of Georgia. If a rebellion does not break out, how then? Will you move to change them or not? Suppose we do not rebel?
>
> Mr. ANTHONY. It will depend upon the manner in which they fulfill the duties of their offices. I do not think I shall ever be found advocating the removal of officers of this body who have performed their duties with fidelity, with honesty, and with intelligence.

And yet to-day that distinguished gentleman—he is paired I believe at this moment, but he was in the Senate a little while ago—is voting to dismiss a man of known capacity, fidelity, and integrity, with every element that he can claim any man possesses, and to put in his place a new man, who has never had a test in any shape or form that would enable him to say that he is even competent to perform the duties which the present incumbent of the office of Sergeant-at-Arms now performs so well.

Other gentlemen took part in the debate. I am not going to read all that was said, but to refer to some things simply for the edification of the Republican gentlemen in the Senate. They have always preached civil-service reform and have tried to make the country believe they were going to carry it out. I always knew that they did not intend to do it. I think the country will know it after this performance. In order to avoid being personal, perhaps I had better select extracts from the speeches of those who are not here now, but who are known to be leaders—Mr. Hamlin, of Maine, followed Mr. ANTHONY, saying, among other things:

> Individually I care very little about the matter; but as a Senator I do say that I regret to see this sweeping removal of the best officers we have and the putting in their places of men who, if equally qualified, will require a long and varied experience before they can discharge their duties equally well. I had hoped the mad spirit of partisanship would not thus run riot in this body, but that the counsels and the practices and the precedents of this body might in a small degree have been observed. It is not to be so, however, and I can only say again that I regret it exceedingly.

And the whole Republican side of the Senate followed these leaders, and told us that a revolution was about to be precipitated on the country since their sage counsels were not followed, although, as everybody knows, we did keep in place nearly all the best officers they had and they are here now.

Another distinguished Senator, I think I may say one more distinguished and able than any now left on that side of the Chamber, Mr. Conkling, of New York, said, among other things:

> I made a general remark, not intended to touch any applicant for place in the Senate; perhaps it was an impatient remark, for I do not deny that I sometimes feel impatient at the cant which beclouds professions and practice in appointing and removing public officers. There are people whose idea of purity and reform seems to consist in canting incessantly about purity, in keeping up continuing sensation and proclamation as if they were holier than other people—

We heard a good deal of it then—

> and then when they find themselves in possession of the power to select or cause the selection of public agents, to divide with considerable impartiality their attention between such knaves and such fools as they feel indebted to for adulation or service. There are people who seem to think that something in the way of the "reform" is effected when a competent honest man is expelled from place and a rascal, a pretender, or an incompetent is put in.
>
> I was disclaiming for myself all such belief, without reference to these particular individuals, as I think the RECORD will show; and I said that my idea of civil-service reform was not to put out a faithful man who was competent—perhaps I said also that I did not believe even in cases of a vacancy in putting in either a knave or a fool, even if that knave or that fool was able to stand on the corners of the street, make a long face, wring his hands, deplore the shortcomings of other people, and blow a horn, and say to the passers-by, "If you wish to see holiness look at me."

That was the style of debate we had in 1879. I know that the present Republican nominee will be elected. I assume that he is selected because of his disposition to remove everybody who is now here who calls himself a Democrat. I see in the papers that a debate was had the other day in the caucus on a proposition to restore the rule, that the Senator from Vermont regretted the repeal of during the debate in 1879, submitting all removals to the presiding officer for his approval; but that might have tied the hands of the distinguished gentleman who is to be Sergeant-at-Arms in his wholesale removals, and the proposition was defeated. I have seen many statements as to caucus arrangements in the last few days. One thing I know. Several very distinguished Senators from the large and important States in the Northwest are left without chairmanships and some new ones elsewhere have obtained them who do not openly admit that they are in harmony with the Republican party majority. But that may perhaps have nothing to do with this question. I thought I would call the attention of the country if I could to the value of their professions by asking the Senator from Ohio the question what was the objection to the present incumbent and what were supposed to be the particular qualifications of the man proposed. While his reasons were given very freely in the case of a clerk by the Senator from Ohio, he could not well afford to give them to the Senate or to the country in this particular case, in whose hands nearly all the patronage of the Senate is held.

Oh, Mr. President, it all amounts to just this: that the Republican party can be very loud in its professions and its protestations and its clamor when the Democracy see fit to do anything they hope to make political capital out of, but the moment they get the power, their civil-service rules, their laws, their pretenses that they are going to regard the rights of men who faithfully discharge their duty in the public service are all disregarded, especially when they can substitute somebody who will aid them in any way or anywhere in their political campaigns, and they do not care much how or in what way.

The PRESIDING OFFICER. Will the Senate agree to the resolution offered by the Senator from Ohio?

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MORRILL (when his name was called). On this question I am paired with the Senator from Indiana [Mr. VOORHEES].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

The roll-call having been concluded, the result was announced—yeas 32, nays 28; as follows:

YEAS—32.

Aldrich,	Frye,	Lapham,	Pike,
Blair,	Hale,	Logan,	Platt,
Bowen,	Harrison,	McMillan,	Riddleberger,
Cameron of Wis.,	Hawley,	Mahone,	Sabin,
Conger,	Hill,	Manderson,	Sewell,
Cullom,	Hoar,	Miller of N. Y.,	Sherman,
Dawes,	Ingalls,	Mitchell,	Van Wyck,
Dolph,	Jones of Nevada,	Palmer,	Wilson.

NAYS—28.

Bayard,	Colquitt,	Jackson,	Pugh,
Beck,	Fair,	Jonas,	Ransom,
Brown,	George,	Jones of Florida,	Saulsbury,
Butler,	Gibson,	Lamar,	Slater,
Call,	Gorman,	McPherson,	Vance,
Camden,	Groome,	Maxey,	Walker,
Coke,	Harris,	Pendleton,	Williams.

ABSENT—16.

Allison,	Edmunds,	Kenna,	Plumb,
Anthony,	Farley,	Miller of Cal.,	Sawyer,
Cameron of Pa.,	Garland,	Morgan,	Vest,
Cockrell,	Hampton,	Morrill,	Voorhees.

So the resolution was agreed to.

Mr. INGALLS submitted the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the President of the United States and the House of Representatives be notified of the election of Anson G. McCook as Secretary of the Senate.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened.

REVISION OF THE RULES.

Mr. FRYE. I call for the regular order.

The PRESIDENT *pro tempore*. The Chair understands that at the adjournment of the Senate at a preceding sitting when the proposed rules were under consideration they were being considered by the Senate as in Committee of the Whole. The present printed rules do not seem to provide for that method of procedure, but it is one of obvious convenience, and will save entering on the journals various discussions and amendments that are proposed. The report of the Committee on Rules is now before the Senate as in Committee of the Whole, and the Clerk will report the rule under consideration at the adjournment of the Senate when the matter was last under consideration.

Mr. ALLISON. I should like to ask a question, whether it is always understood that when we pass from one rule it is no longer amendable; or are we to consider Rule No. 1, for example, now, and then, at the will of any Senator afterwards, go back to Rule No. 1 and make amendments to it, or are we to consider these rules *seriatim* for amendment and then pass from them?

Mr. FRYE. I understand we are to consider them *seriatim*, and they are only open to amendment, having once before passed, after the report has been made from the Committee of the Whole to the Senate.

Mr. ALLISON. That ought to be unanimously agreed to, if it is not already the understanding.

Mr. FRYE. I understood it was unanimously agreed to when the rules were first taken up for consideration.

The PRESIDENT *pro tempore*. The Chair will state the question now, so that there may be no doubt about it. The Senator from Maine, the chairman of the Committee on Rules, asks that in the consideration of these rules as in Committee of the Whole they be proceeded with *seriatim*, and that when the consideration of one rule has been concluded and the next rule taken up it shall not be in order to go back to a preceding rule in committee or until the matter is reported to the Senate, when all amendments will be again in order. Is there objection to this?

Mr. BAYARD. Will the Chair be kind enough to restate the proposition?

The PRESIDENT *pro tempore*. The Senator from Maine in charge of this report asks unanimous consent that in Committee of the Whole the consideration of the rules be proceeded with *seriatim*, and that when the consideration of one rule is completed and the next rule is taken up it shall not be in order to go back to consider the previous rule again in committee; but when reported to the Senate the whole matter will be open.

Mr. BAYARD. Will the effect of the arrangement be to allow a vote to be taken in the Senate on such amendments as are offered in Committee of the Whole and in the Senate proceed with the report as if the set of rules was a bill, on which we proceed item by item, and not go back upon it?

The PRESIDENT *pro tempore*. The Chair understands in the case of a bill in Committee of the Whole that although a particular section may have been disposed of and another gone to, when no special question is pending a motion to amend any part of the bill is in order. But the Senator from Maine asks that, treating these rules in Committee of the Whole, when one rule is disposed of in committee it shall be considered as a final disposition of it in committee. The Chair will state that when the rules are reported to the Senate everything will be at large and open to amendment.

Mr. HARRIS. In the Senate a separate vote may be demanded on any amendment made in Committee of the Whole or any new amendment may be offered?

The PRESIDENT *pro tempore*. Certainly. Wherever the question is capable of division, as rule by rule, or paragraph by paragraph, or separate points, under the rules of the Senate, the Chair thinks it is open to division, and certainly to every species of amendment which may be offered. Is there objection to the proposition of the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. CAMERON, of Wisconsin. The rules are now before the Senate as in Committee of the Whole. Does the Senator from Maine desire to go on with the consideration of the rules this afternoon?

Mr. SHERMAN. I think we can go on an hour or two.

Mr. FRYE. I should like very much to go on an hour or so. Of course I do not intend at this early period in the session to undertake to force the matter, but I should like to go on an hour longer to-day with these rules.

Mr. CAMERON, of Wisconsin. So many Senators are absent that I think the Senate had better not enter on that matter this afternoon. I am inclined to move an adjournment.

Mr. HOAR. Will the Senator allow me to make a statement? I understand that the Speaker of the House has said very lately—I suppose I am not transgressing the rule in mentioning it—that the committees there will not probably be announced before Friday, though possibly they may be on Thursday. Of course therefore there can be no adjournment for the holidays until Friday. We have these four days here, and it seems to me that we might dispose of this entire matter and of some legislative business besides by working ordinary hours this week. In that way we shall save a great deal of time which will otherwise be spent here in midsummer.

Mr. INGALLS. Mr. President, I hope that we shall continue the discussion of this subject this afternoon until 5 o'clock and every legislative day thereafter till the holiday adjournment until it is disposed of. No time is more appropriate for this matter than the present. We shall in the course of two or three days at the outside undoubtedly adjourn over the holidays, not to reassemble until early in January. At that time both Houses will be actively engaged in legislative business, the committees will have been formed and will be continually

making reports, and we shall have little leisure to devote to a subject as comparatively unimportant as the discussion of the rules of the Senate. I hope, therefore, the Senator from Maine will resist any motion for adjournment and ask the Senate to proceed with the consideration of this important report.

Mr. CAMERON, of Wisconsin. I will submit the motion. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate adjourn.

Mr. FRYE. I call for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY]. Otherwise I should vote "yea."

The roll-call was concluded.

Mr. BLAIR (after having voted in the affirmative). I understand that I am paired with the Senator from Kentucky [Mr. WILLIAMS]. I withdraw my vote.

Mr. ALLISON. I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. RANSOM. I am requested to state that on all these questions the Senator from South Carolina [Mr. BUTLER] is paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. EDMUNDS (after having voted in the negative). I am paired with the Senator from South Carolina [Mr. HAMPTON], and on consulting with his friends I think I ought to withdraw my vote. I did not suppose this was a question where the pair would apply, but I am very glad to apply it if his friends desire. I withdraw my vote.

Mr. MILLER, of California. I am paired with my colleague [Mr. FARLEY].

The result was announced—yeas 22, nays 27; as follows:

YEAS—22.

Bayard,	Gibson,	McMillan,	Riddleberger,
Beck,	Gorman,	Maxey,	Saulsbury,
Brown,	Harris,	Pendleton,	Vance,
Call,	Jonas,	Pike,	Walker.
Cameron of Wis.,	Jones, of Florida,	Pugh,	
Coke,	Lamar,	Ransom,	

NAYS—27.

Colquitt,	Harrison,	Lapham,	Platt,
Conger,	Hawley,	Logan,	Sawyer,
Cullom,	Hill,	Mahone,	Sewell,
Dawes,	Hoar,	Manderson,	Sherman,
Frye,	Ingalls,	Mitchell,	Van Wyck,
George,	Jackson	Morgan,	Wilson.
Hale,	Jones, of Nevada,	Morrill,	

ABSENT—27.

Aldrich,	Cameron of Pa.,	Groome,	Plumb,
Allison,	Cockrell,	Hampton,	Sabin,
Anthony,	Dolph,	Kenna,	Slater,
Blair,	Edmunds,	McPherson,	Vest,
Bowen,	Fair,	Miller of Cal.,	Voorhees,
Butler,	Farley,	Miller of N. Y.,	Williams.
Camden,	Garland,	Palmer,	

So the Senate refused to adjourn.

The PRESIDING OFFICER (Mr HOAR in the chair). The Secretary will read the pending rule.

The Principal Legislative Clerk read the first proposed rule, as follows:

RULE I.

APPOINTMENT OF A SENATOR TO THE CHAIR.

1. In the absence of the Vice-President, the Senate shall choose a President *pro tempore*.

2. In the absence of the Vice-President, and pending the election of a President *pro tempore*, the Secretary of the Senate or in his absence the Chief Clerk shall perform the duties of the chair.

3. The President *pro tempore* shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair; and the Senator so designated may discharge such duties for a period not exceeding three days, unless the Senate shall otherwise order.

The PRESIDING OFFICER. The question is on agreeing to the rule just read.

Mr. GARLAND. We had better take the vote separately on each clause.

The PRESIDING OFFICER. The Senator from Arkansas requests a division of the question. It will be so ordered, and the first clause will be read.

The Principal Legislative Clerk read as follows:

1. In the absence of the Vice-President, the Senate shall choose a President *pro tempore*.

The clause was agreed to.

The next clause was read, as follows:

2. In the absence of the Vice-President, and pending the election of a President *pro tempore*, the Secretary of the Senate or in his absence the Chief Clerk shall perform the duties of the chair.

The clause was agreed to.

The next clause was read, as follows:

3. The President *pro tempore* shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the chair; and the Senator so designated may discharge such duties for a period not exceeding three days, unless the Senate shall otherwise order.

Mr. BAYARD. I ask whether it is in order now to propose an amendment which shall limit the power of the President *pro tempore* to call a Senator to the chair to a period not exceeding an adjournment. I ask that because the Senator from Arkansas [Mr. GARLAND] proposed an amendment which was in substance that which I have indicated, and I do not wish to violate the rules by taking another vote on the same subject in Committee of the Whole. I am inclined to believe that the effect of the vote of the Senate acceding to the proposition that it is competent under the Constitution or that it is expedient under our present condition of laws to allow the President *pro tempore* of the Senate to nominate in writing or in the open Senate a substitute for himself who shall have his powers for three days, at least shall preside in the Senate for three days—I am inclined to believe that the effect of that vote could not have been fully considered by the Senate, or they would not have given their approval to the proposition.

In the first place, granting that the President *pro tempore* is a constitutional officer who is prescribed in the Constitution itself and who in the absence of the Vice-President must be elected by the Senate or otherwise there would be an improper or a defective organization of the body, when he is elected his powers in this body are those of a Senator with those of the Vice-President superadded. If for three days the only person who can append his signature to bills, who can attest the validity, the accuracy, of measures as engrossed or enrolled under the rules of the Senate, may absent himself and no person be here who has the authority to sign the bills as they come from the House of Representatives, must there not be for that period of time an arrestation of legislation and a delay in the signature of bills before they can pass to the Executive? Must there not be therefore a repudiation for three days of time of the action of the other House of Congress as well as of the Senate if this power is to be given to the President *pro tempore?* Because if it shall be held that the substitute for the President *pro tempore* has not the powers of the office of the Presidency *pro tempore*, there will be no one during the three days' absence of the President *pro tempore* to execute the essential functions, formal though they be, of this office.

I have not been able to discharge my mind from the belief that there is great danger to be apprehended from the assumption of this authority by the Senate now in attempting to authorize to a single man a power which the Constitution throws alone upon the Senate as a body. *Potestas delegata non potest delegari;* and if there ever was a case in which the principle of that rule is to be applied it is surely in a body like this, acting under a strictly limited delegation of power.

Now, sir, whether the motion which I indicated can be at this time made, or whether its repetition would be disorderly, and therefore we must postpone the question until this report comes into the Senate and the amendment of the Senator from Arkansas can again be offered, is not perhaps so important, for the great matter is to test the sense of the Senate upon this point. Under our present condition of law, most unhappily, most unwisely, the powers of the Presidency may devolve upon the presiding officer of this body. The result is filled with confusion, and no man can pursue its consideration without feeling how involved in difficulties and contradictions the whole matter becomes. Is it wise for us, is it justifiable in us, to add further difficulties to a case already so fraught with trouble as the law of 1792 causes this case to be?

I hope, sir, that the Senate will not under the form of adopting such a rule trench upon that which is a legislative function, and which, if it is ever to be raised and considered, the co-ordinate branch of the Legislature should have an opportunity to be heard upon. Should the devolution of such powers as are contained in the executive head of this Government, equal to those of any government in the world, even be placed in question by a rule of one House of Congress? Why, sir, it seems to me that both Houses of Congress can address themselves to no more vital and important question than that. I regret exceedingly that the House of Representatives did not see fit to take action upon the measure which was presented to them and which passed the Senate at the last session. They did not. The country it appears to me seem but little alive to the importance of that measure and the necessity for changing the present condition of the laws. Here by a rule of one of the Houses of Congress alone, a rule determinable at the pleasure of that House alone, it is proposed to raise a question whether you are not attempting to delegate functions which in a certain contingency may assume the most vast importance to the people of this country.

These are things in regard to which it will not do to say that the weight of argument merely lies on one side or another. They are things in regard to which there should be no question at all. We have no right to trifle with them, or subject them to opinion or doubt. I did not say, nor do I say now, that the argument presented by me was conclusive or satisfactory. I say it was enough for me to show the Senate that questions could be raised on such a subject to make it improper for us to take action and such action as this in regard to it.

The Senator who will be designated to take the seat which you now, sir, occupy must be either what I have suggested or the mere *locum tenens* for the session of the duly elected President *pro tempore* of the body, with no power, but in his stead for convenience' sake to direct the business of the body and not attempt to exercise other functions. You, sir, would not presume to sign an enrolled bill; you would not presume to exercise the functions officially which the vote of the Senate had de-

clared rest upon another. If that be so, and you are there for three days under the appointment, under the delegation, of the President *pro tempore* of the body, what becomes of the business of Congress, and what becomes of the bills that pass from the other House here and that require the signature of both presiding officers before they can pass to the Executive? Is it not palpably an arrestation of that business for three days? And what right have you to do that? It may be most vital to public and to private interests that bills shall pass from Congress promptly and receive the action of the Executive and of both branches of Congress promptly; and this unquestionably will provide, deliberately provide, that the only officer who can sign a bill can leave the Senate and leave the city and three days elapse before he returns; because if that is not so, if the power does exist, and all the functions can be transferred, then it is clear that the Senate is delegating to a single officer that power which the Constitution says they must exercise themselves as a body.

I submit to the Chair the question whether it is in order for me now to move an amendment of this third paragraph of Rule 1 by striking out "for a period not exceeding three days, unless the Senate shall otherwise order;" proposing afterward to insert, "but such substitution shall not extend beyond an adjournment."

Mr. GARLAND. We have voted on that.

Mr. BAYARD. If that has been voted on, I suppose it can not be moved again at this stage.

The PRESIDING OFFICER. The Chair will answer the question of the Senator from Delaware. The Chair understands that the rule of parliamentary law which prevents the renewing in the same stage of a motion once voted down is strictly confined to motions which are literally *verbatim et literatim* the same. It does not affect the question of substance, but the literal use of language. The motion now suggested by the Senator from Delaware would, therefore, it seems to the Chair, be in order.

Mr. INGALLS. Let it be reported.

Mr. BAYARD. If that amendment is reserved for the consideration of the Senate I shall not move it now.

Mr. SHERMAN. When the vote was taken the other day I said distinctly that I would not consider myself foreclosed from reconsidering this question in the Senate; and I suggest to the Senator from Delaware whether it would not be better to allow the first reading to be gone through with in committee and then consider the matter in the Senate. I shall be very glad to hear the Senator again on the subject.

Mr. FRYE. He has agreed to that.

Mr. SHERMAN. Very well.

The PRESIDING OFFICER. Is the Senate ready for the question—on the third clause of this rule?

Mr. FRYE. I understood the Senator from Delaware to withdraw the motion with the understanding that it would be renewed in the Senate.

Mr. BAYARD. With that understanding.

Mr. FRYE. Very well.

Mr. JONES, of Florida. Mr. President, I think I can appreciate the argument of the Senator from Delaware as much as anybody in the Senate, for the reason that I some years ago contended with all the earnestness which I possessed against the power of this body to change its presiding officer because of the serious consequences which might result in the Presidential succession under the act of Congress. First, I took the ground that when a President *pro tempore* of the Senate was elected in the event of the Vice-President retiring or entering on the Presidential office he occupies the chair by a fixed tenure because of the very consequences to which the Senator from Delaware has alluded, and it would be eminently dangerous to confer on this body the absolute power to remove an officer upon whom in a given emergency the executive functions of this great nation were to devolve. I said that was far more dangerous than this proposition, but I met with very little support. Nothing that has since occurred, no argument that I have ever heard, has changed my mind about it.

Sir, I can not see that this clause violates the Constitution. I think it is in keeping with the spirit of the old rule. The old rule empowers the presiding officer of the Senate to designate a Senator to occupy the chair for a period not beyond an adjournment. This body has sat, within my recollection, for thirty or more hours, thirty-six hours I think, and during that period, at least under the old rule, it would be within the competency of the President *pro tempore* to designate a Senator to occupy the chair.

The trouble in my mind arises because if while that Senator is in the chair, no matter where the President *pro tempore* may be, the Senator from Delaware seems to suppose that in the event of the offices of President and Vice-President becoming vacant, the office of President would devolve upon the temporary appointee of the President *pro tempore* of the Senate. I can not think so.

Mr. BAYARD. My friend from Florida did not happen to be here a few days ago when this matter was discussed or he would not have asked me that question. I endeavored to distinguish between a single legislative day and the fractions of a day regarding which the law does not take notice, and the longer period beyond an adjournment, a separate and a given period of time which would be three days. I cited then the familiar maxim *de minimis non curat*, and said that the record of this body would disclose no change in the Presidency *pro tempore* of the Senate from day to day, and that for that reason, the fractions of a day not being considered, the reasonable and necessary human convenience of executing business would not require the President *pro tempore* of the Senate or the Vice-President, the presiding officer, to be absolutely a fixture in his chair from the opening to the close of a session. There is no such unreasonable interpretation to be given to any rule, but there is common sense to be applied, so that during the legislative day he could absent himself from time to time and from hour to hour and call another for the sake of public convenience to the chair; and that the reason why it should not continue beyond adjournment was that there were functions which he alone could execute and which his delegate could not.

Mr. JONES, of Florida. The old rule provides that "the presiding officer shall have the right to name a Senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment." The proposed rule is that the presiding officer "shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the chair; and the Senator so designated may discharge such duties for a period not exceeding three days, unless the Senate shall otherwise order." It seems to me that this whole matter is under the control of the Senate. If I supposed for one moment that this Senator proposed to be designated here to preside over the Senate in any emergency would have a claim to the executive functions of the first office of the country under this appointment I am free to say I would not countenance such a thing; but I can not get my mind to think that this appointment provided for in this rule would change for one moment the legal character of the present President *pro tempore* of the Senate, so that if a vacancy occurred in the Presidential office, which this officer would be entitled to enter, notwithstanding this appointment, he would still have the right to go into it without regard to the temporary designation of a Senator for the three days to occupy the chair. Now if the necessities of the Senate and the experience of past days satisfy us that this little change is necessary, I can not see the objection to it.

That is all I have to say. I was not here the other day when the discussion was had; but with that view I can not think this rule would give to the designated Senator for one moment the right to the Presidential office, though I would not be in favor of leaving any doubt on the subject, because I think that is a matter we ought to have perfectly clear.

Mr. BLAIR. Mr. President, it may be because I have given little consideration to the subject or it may be because I do not comprehend it very readily, but I do not really see the purpose of this proposed change in the rule. We are undertaking by it to give to the President of the Senate *pro tempore* a power which I suppose he is to exercise for his personal convenience. We all understand that the President *pro tempore* is not likely to occupy the chair for more than a very small portion of the time; the Vice-President is the officer provided by the Constitution to preside in the Senate, and he is the officer here usually, and it is only in very rare instances, exceptions, that there is any President *pro tempore* chosen at all. Now, if we are to delegate to a President *pro tempore* the power to create a presiding officer here for one, two, or three days, or any length of time, for his personal convenience, why should we not extend the same power to the Vice-President? He certainly is much more likely to need the personal convenience, and I really do not understand why we undertake to make this provision for the benefit of a President *pro tempore* and not for the regular presiding officer of the Senate.

Mr. LAPHAM. Let me suggest to the Senator the constitutional provision in regard to the Vice-President——

Mr. BLAIR. In express terms——

Mr. LAPHAM. In his absence we have to elect a President *pro tempore*.

Mr. BLAIR. Assume that to be so, that in his absence we are to elect a President *pro tempore*, is there any more difficulty in electing one in the absence of the President *pro tempore* himself to preside until the President *pro tempore* returns?

Mr. LAPHAM. We reserve that right in this rule as proposed.

Mr. BLAIR. We reserve that right, to be sure; we may make the election; but is there really any great consequence at all in the thing?

Mr. MAXEY. Mr. President, it was only during the last days of the convention which framed the Constitution that the office of Vice-President was considered at all, and after it was determined to have a Vice-President elected the duty of presiding over the Senate was assigned to him, there being otherwise nothing for him to attend to unless the President should be removed or die or resign. The Constitution reads:

> The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.
>
> The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate chooses a President of the Senate *pro tempore*. Is it a function of the President *pro tempore* as provided by the Constitution to designate some one to fill his office in his absence? I concede that in

the absence of a presiding officer for a few minutes or for a short time he has the right to call some one to the chair to preside until he shall return; but I insist that it has never been the practice, it was not at the time of the adoption of the Constitution, and it has not been since, to extend that beyond an adjournment. Here is a change in the rule which has been in force some sixty years, conferring upon the President of the Senate the power to designate for three days his successor when he is absent. It is true the rule goes on to say, as proposed, "unless the Senate shall otherwise order," but practically it is a departure from the theory upon which the right depends of calling one to preside during the absence of the regular presiding officer; and that is where, by necessity, for a temporary or momentary absence, the presiding officer has to leave the Chamber, then he designates, by unanimous consent, some one to sit in the chair until he returns. Certainly that does not apply to three days, and if you can break over that rule of calling one to the chair temporarily until an adjournment and allow some one to preside for three days under a temporary designation, you can for thirty, for forty; and the whole theory of that, it seems to me, is false. I can see no reason why the rule as it has always been should be departed from; therefore I am opposed to the third clause, and hope it will be voted down.

Mr. BLAIR. I should like to call the attention of the Senator from New York [Mr. LAPHAM] who replied to my suggestion by saying that the Constitution makes a provision in reference to the Vice-President which does not apply to the President *pro tempore*. Under the rule itself, the original rule, the first one on the second page, the Vice-President was expressly given the power of substitution, not extending to be sure beyond an adjournment, but he was given the power to designate a Senator to preside in his absence. That would seem to be a concession that the Vice-President always has had that power for a limited period of time, not extending beyond an adjournment. I raise the question again, if now we are to make this provision for any length of time as a matter of convenience to the President *pro tempore*, why is it not made with reference to the Vice-President himself?

In regard to the Senator's main proposition, that the Constitution requires us to choose a President *pro tempore* in the absence of the Vice-President, I do not suppose he will contend that that is a mere temporary absence. It is such an absence as becomes permanent, when the office is practically vacant; then we are to proceed to choose a President *pro tempore* in precisely the same way as if the office of the President himself were vacant, he being absent by reason of sickness, death, inability, or what not, then under the Constitution and according to law measures would be taken to fill that high office. So I do not see that the suggestion of the Senator from New York meets the objection which I made at all.

Mr. JONES, of Florida. Am I to understand that the effect of the adoption of this rule would be to give to the President *pro tempore* of the Senate a power which under the Constitution the Vice-President presiding over the body would not possess? Is that the Senator's position?

Mr. BLAIR. I do not say "under the Constitution," but I say that under the rule it is proposed to give the President *pro tempore* power to appoint a presiding officer over this body for three days, while for the Vice-President himself, who hitherto has possessed the right to designate a Senator to preside not beyond an adjournment, no such provision is made for his convenience. Why should there not be? The Vice-President is the man usually here, and it is proposed by this addition to the rules to provide for the convenience of a President *pro tempore*, and leave the Vice-President, who is generally here, entirely out in the cold.

Mr. JONES, of Florida. That is what I understood the Senator to say, that the Constitution restricts the power of the Vice-President in designating a Senator to preside——

Mr. BLAIR. I do not say that. The Senator from New York, in reply to my suggestion, said that the Constitution compels us to choose a President *pro tempore* in the absence of the Vice-President; and yet here is our rule, adopted in 1820 and practiced upon ever since, which gives to the Vice-President the power to make a substitution for a limited period of time.

The PRESIDING OFFICER. The question is on the adoption of the third clause of the first rule.

The question being put, it was declared that the noes appeared to prevail.

Mr. FRYE. I desire to say just a word in relation to this matter. I think that the committee considered the convenience of the presiding officer and the convenience of the Senators in this modification or change of the rule. I speak for myself alone when I say that I can not see how by any possibility it touches the question of the Presidential succession, nor can I see how by any possibility it raises any constitutional question. As to the Vice-President of the United States, the Constitution says that in his absence we shall elect a President *pro tempore*. We have no authority, under the Constitution, to say for the Vice-President what we have said by this rule for the President *pro tempore*; nor is there the slightest necessity, because if he absents himself for a day, then, under the Constitution, we proceed at once, are compelled to proceed at once, to provide a President *pro tempore*, who at any time in the absence of the Vice-President can preside over this body. Under general, common, well-settled parliamentary law the Vice-President may, without a word being said touching it, substitute a presiding officer in his place for the time being, for the ten minutes, fifteen minutes, or twenty minutes; and, of course, when the Constitution says "absent" it does not refer to an absence for an hour or a half-hour, and we in our rule are silent in relation to that. But as to the President of the Senate *pro tempore* we are just now placed where the stringency of the rule is an affliction, and it is seen to be an affliction every day.

Why, Mr. President, since I have been in the Senate—less than three years—three solid days have been spent in the discussion of this very question, as to whether or not the presiding officer should have the power to appoint a man, he being outside of the Senate and away from it; and it has been discussed again and again in the United States Senate.

Now it seems to me that it simply resolves itself into this question: Under the circumstances, there being no Vice-President of the United States, the President *pro tempore* of the Senate being necessarily presiding officer of this body for nearly the next two years, shall that presiding officer have an opportunity in case of a day's sickness, in case of a two days' absence, to be relieved without the United States Senate being compelled to elect a President *pro tempore* and oust him from the place where we have put him? Why, sir, with the rule as it stands now, if the presiding officer of the Senate is too sick to come to the Senate Chamber, the first thing in the morning under the presidency of the Secretary of the Senate we must elect a President *pro tempore;* there is no choice left; and that President *pro tempore* of the Senate is then clothed with all the powers the Constitution clothes the President *pro tempore* with to-day. If the next day that Senator is sick and can not come up here to the Senate Chamber and appoint from his place orally some one to take that chair for an hour or two hours, then the Senate of the United States must proceed again to an election of President *pro tempore*, and so on.

I admit, Mr. President, that in times past the inconvenience and trouble of this have not been seen so much, because as a rule, probably for nine years out of every ten, there has been a Vice-President of the United States, and we have relieved him, when he has made a day's absence for the purpose, by electing a President *pro tempore*.

Mr. MAXEY. Allow me to interrupt the Senator. I am endeavoring to follow the chairman of the Committee on Rules very closely. I understand his argument is that the powers of the Vice-President of the United States as presiding officer of the Senate being fixed by the Constitution, we have no right to add on or to subtract therefrom. Then he assumes, if I understand the argument, that we have no choice when it comes to an election of President *pro tempore* of the Senate and can confer on him no powers over and above those which the Vice-President is authorized by the Constitution to exercise. Can we give a President *pro tempore* of the Senate, who is a mere substitute for the Vice-President in case of his absence or when he performs the duties of President—can we give him any other greater or higher authority than the Constitution gives to the Vice-President?

Mr. BAYARD. May I ask the Senator from Maine also, while he is considering this, is not every argument of inconvenience that he suggested in the case of the absence of the President *pro tempore* equally strong in the case of the absence of the Vice-President?

Mr. FRYE. I will answer the last question first. Certainly not, because the Vice-President of the United States, for the very purpose of giving the United States Senate an opportunity to have a presiding officer in case of his absence, absents himself for a day, and the Senate proceeds to elect a President *pro tempore*, who in the absence of the Vice-President does preside.

Mr. BAYARD. If he were absent from any cause at the time of meeting of the Senate, would it not be our duty then to elect just as we would in the case of the absence of our President *pro tempore?* What is the difference? The Constitution provides that the presiding officer of this body shall be the Vice-President of the United States, and if on any day that Vice-President is absent he can not nominate his *locum tenens*, he can not nominate his substitute; the Senate must elect one; and then if the Vice-President comes back again that Senator is *pro tanto* out of office. I remember when we, following the usual convenience of having a President *pro tempore* in order to prevent a failure of succession to the office of the Presidency, had chosen one, there was a doubt whether Mr. Henry Wilson did not even by his presence in the gallery, coming into the Senate Chamber, being really within its four walls, vacate the election we had made the day before of a President *pro tempore* to fill his place. So the very argument of convenience growing out of the accidental absence of the President *pro tempore* from the chair when without the Senate applies with equal force to the absence of the Vice-President of the United States.

Mr. FRYE. Now, Mr. President, I understand that it is entirely competent for the United States Senate to elect to-day ten gentlemen, ten Senators, if it pleases, and give them another name than President *pro tempore* of the Senate, and that those gentlemen in the absence of the President *pro tempore* could preside over the Senate. I believe that the President *pro tempore* of the Senate can under authority of the United States Senate put a man in his place to perform the duties of the chair for a month. I fail to see the slightest difference between doing it for one day or one hour and two days, and I call the Senator's

attention to this: The Speaker of the House of Representatives under certain contingencies may be called to perform the duties of President of the United States, and yet the Senator has seen the House of Representatives put a man in the place of the Speaker of the House of Representatives to preside for more than one day or two days or three days.

Mr. BAYARD. Did the Speaker do so or the House?

Mr. FRYE. The Speaker did it; and under the existing rules in the House of Representatives the Speaker himself in case of illness may appoint some one to perform the duties of the chair for a time not exceeding ten days; and yet that Speaker of that House may be a successor to the President of the United States, and I never heard of the slightest inconvenience. I never heard the question raised when the rules were under discussion in that House in relation to that matter that it was not within the power of the Speaker to designate some one under that rule to perform the duties of the chair for ten days.

I say, Mr. President, what I said when I rose to my feet and nothing more, that in my judgment the committee in this rule simply consulted the convenience of the Senate and the presiding officer; and I say further, that to-morrow and next day (two days) the Senator from Massachusetts will preside in this body in place of the President *pro tempore* by unanimous consent of the United States Senate. Now, does the Senator from Delaware maintain for a moment that if the President of the United States should die to-morrow Mr. EDMUNDS, of Vermont, would not be President *pro tempore* of the Senate?

Mr. BAYARD. The Senator is begging the question, it seems to me, when he speaks of the unanimous consent of the Senate, for that, I apprehend, would cure all defects in regard to our action.

Mr. FRYE. If there is any difficulty with the Constitution of the United States, or any conflict with it, unanimous consent, of course, would not cure that.

Mr. BAYARD. Unanimous consent may do many things here.

Mr. FRYE. Mr. President, one word more. I have learned that when I have a matter in my charge the more talking I do the more delay I cause and the more speeches I am liable to provoke; and therefore my rule is when I have a matter in charge to do just as little talking as it is possible for me to do. Now, I understand in the open Senate out of committee this whole question is to be met once more. This amendment which has been offered here by the Senator from Arkansas will be offered again, and in the full Senate ample debate can be had upon the proposition and will be had. I hope, therefore, that the Senators will now not insist upon the yeas and nays upon this third clause, but will allow the vote *pro forma* to be for the clause, and allow us to proceed with the consideration of the next rule, and before a great while I shall consent that there may be an adjournment.

Mr. MAXEY. The Senator has not answered the question I put.

Mr. FRYE. I beg pardon.

Mr. MAXEY. He followed off the question interjected by the Senator from Delaware, and did not answer mine. That question was whether or not we have power to confer on the President *pro tempore* of the Senate other and higher powers than those conferred by the Constitution on the Vice-President, and if we have no such authority how we can pass this rule.

Mr. FRYE. I will answer that by saying that I have not the slightest question on earth that we have full and ample power to clothe the President *pro tempore* of the Senate with power to substitute some one in his place to perform the duties of the chair one hour, or one day, or three days, or ten days, or twenty.

Mr. MAXEY. If he is a constitutional officer just as much as the Vice-President I do not see why the same reasoning the Senator adopts as to the Vice-President does not apply to him, that we can not add to his authority.

The PRESIDING OFFICER. The question is on the adoption of the third clause of the first rule. [Putting the question.] The noes seem to have it.

Mr. FRYE. I asked that *pro forma* this clause might be considered adopted, because in a full Senate we are to have the amendment offered again. I did not suppose any Senator under the circumstances would object to that, and let us proceed. If it is objected to, and if the decision of the Chair is to be that the noes have it, then as a matter of course I shall demand the yeas and nays, and I do not like to take the yeas and nays now.

The PRESIDING OFFICER. The Chair would state to the Senator from Maine that it is a mere question of the form of stating the question in the Senate. When the Committee of the Whole reports to the Senate it reports simply a proposition to strike out this third clause, and that can be amended in the Senate, if the Senate see fit, before the vote on that proposition is taken. On the other hand, if it is adopted, it can be reached by a motion there to strike out; so that it is of very little practical importance.

Mr. FRYE. I do not know that it is; but I think I had better ask for the yeas and nays on the last clause; and pending the taking of the yeas and nays, at the request of several Senators, I shall move that the Senate now adjourn.

The yeas and nays were ordered.

Mr. FRYE. I now move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 48 minutes p. m.) the Senate adjourned.

SENATE.

WEDNESDAY *December* 19, 1883.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY.

The Journal of yesterday's proceedings was read and approved, containing the following entry of an occurrence which took place while the doors were closed yesterday, viz:

"The PRESIDENT *pro tempore* notified the Senate of his intention of being absent from the Senate for the next two succeeding days, and asked unanimous consent for leave to designate a Senator to perform the duties of the chair during such temporary absence, which was granted.

"Whereupon

"The PRESIDENT *pro tempore* designated Mr. GEORGE F. HOAR, a Senator from the State of Massachusetts, to perform the duties of the chair during his absence."

COAST SURVEY REPORT.

The PRESIDING OFFICER (Mr. HOAR in the chair) laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with section 4690 of the Revised Statutes, a report of Professor J. E. Hilgard, Superintendent United States Coast and Geodetic Survey, showing the progress made in that work during the fiscal year ending June 30, 1883; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. MCMILLAN presented a memorial of the Legislature of the State of Minnesota; which was read, and referred to the Committee on Commerce, as follows:

Memorial to Congress in relation to sheer-booms at bridges on the Mississippi River.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Minnesota respectfully represents:

That the piers of many of the railway bridges crossing the Mississippi River are a very serious hinderance to navigation. The steamers frequently collide with them, and sometimes great loss of life is thereby occasioned, and that there is annually a great loss of property, and that they are constantly a great source of danger and dread to those who have business or who travel upon the river.

That in accordance with the act of Congress approved March 3, 1875, a board of United States engineers was convened in Saint Louis, and after an exhaustive examination of the subject they submitted a report to the honorable the Secretary of War February 19, 1877, in which they recognized the great necessity for sheer-booms and recommended plans for the same at the various bridges.

That in 1882 Maj. A. Mackenzie, United States engineer in charge of the river improvements between Saint Anthony's Falls and the mouth of the Illinois River, constantly witnessing the great danger to life and property at the bridge piers and the consequent necessity for protection thereat, submitted a report to the Chief of Engineers, United States Army, in which much important information was given upon the subject, and the sheer-booms urgently recommended. Therefore, your memorialists would respectfully but urgently suggest that the interest of commerce, the security of property, and the safety of life imperatively demand that, at the earliest possible moment, sheer-booms be placed at the various bridges in substantial accordance with the plans and recommendations above alluded to.

Be it resolved (the assembly concurring), That the governor be, and he is hereby, requested to subscribe and forward the memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in the Congress of the United States.

C. A. GILMAN,
President of the Senate.
L. FLETCHER,
Speaker of the House of epresentatives.

Approved March 1, A. D. 1883.

STATE OF MINNESOTA,
Department of State.

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.]

FRED VON BAUMBACH,
Secretary of State.

Mr. MCMILLAN. I have quite a number of memorials from the Legislature of Minnesota, and I suggest that their reading be omitted, and that they be inserted in the RECORD without reading, to save time.

The PRESIDING OFFICER. No objection being made, it will be so ordered. The memorials will be printed in the RECORD.

Mr. MCMILLAN presented the following memorials from the Legislature of Minnesota; which were referred to the Committee on Commerce, and ordered to be printed in the RECORD.

Joint resolution requesting Congress to fix the head of navigation of the Minnesota River.

Be it resolved by the Legislature of the State of Minnesota:

That our Senators and Representatives in Congress be requested to procure the passage of an act of Congress fixing the head of navigation of the Minnesota River at New Ulm, Brown County, Minnesota.

Resolved, That the secretary of state is requested to forward copies of this resolution to each of our Senators and Representatives in Congress.

L. FLETCHER,
Speaker of the House of Representatives.
C. A. GILMAN,
President of the Senate.

Approved February 26, A. D. 1883.

STATE OF MINNESOTA.
Department of State.

I hereby certify that I have carefully compared the foregoing with the origi-

nal now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED VON BAUMBACH,
Secretary of State.

Joint resolution instructing our Senators and requesting our Representatives in Congress to use their best endeavors to secure such appropriations as may be necessary to carry on the improvements of the Mississippi River.

Whereas the importance of continuing the work of the improvement of the Mississippi River in the interest of cheap transportation is a matter of national interest: Therefore,

Be it resolved by the Legislature of the State of Minnesota:

SECTION 1. That our Senators in Congress be, and they are hereby, instructed, and our Representatives be, and they are hereby, requested, to use their best endeavors to secure such appropriations as may be necessary to carry on the improvement of the Mississippi River.

SEC. 2. That the secretary of state is requested to forward copies of these resolutions to each of our Senators and Representatives in Congress.

C. A. GILMAN,
President of the Senate.
L. FLETCHER,
Speaker of the House of Representatives.

Approved February 24, A. D. 1883.

STATE OF MINNESOTA,
Department of State.

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED VON BAUMBACH,
Secretary of State.

Memorial to the House of Representatives.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislature of the State of Minnesota, would respectfully but urgently represent:

That Big Stone Lake, which is but an enlargement of the Minnesota River and Lake Traverse, but five miles distant therefrom, and which discharges its waters by the way of the Bois de Sioux River into the Red River of the North at Breckinridge, are each about thirty-five miles long, with a width of from one and a half to two miles, and so situated in the great valley which extends from the northern boundary of the State to the mouth of the Minnesota River that by embracing them in the "reservoir system" now being prosecuted by the Government in this State the excess of waters caused by the annual and disastrous spring floods in that region could be permanently restrained and so utilized as to render the Minnesota River navigable throughout its length, and also extend the navigation of the Red River of the North southward about one hundred miles to the foot of said Big Stone Lake.

That the preliminary surveys have shown the entire practicability of the project above foreshadowed, and at a comparatively small cost, while its immense advantages to the people of Western Minnesota and Eastern Dakota are too obvious to need repetition.

Wherefore your memorialists respectfully urge upon Congress that you take such speedy and prompt action as will result in accomplishing the objects herein set forth.

L. FLETCHER,
Speaker of the House of Representatives.
C. A. GILMAN,
President of the Senate.

Approved February 8, A. D. 1883.

STATE OF MINNESOTA,
Department of State.

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED VON BAUMBACH,
Secretary of State.

A memorial to the honorable the Senate and House of Representatives of the United States.

To the honorable the Senate and House of Representatives of the United States:

Your memorialists, the Legislature of the State of Minnesota, respectfully represent that further and more liberal appropriations are urgently demanded for the immediate improvement of the harbor of Duluth.

The expansion of the commerce tributary to that point has been so manifestly and largely out of proportion to the extension of harbor facilities that a further failure to augment the appropriations must result in the obstruction of such commerce or its diversion to unnatural and less economical channels.

The water front in said harbor, so improved as to be presently available for commerce, is not at all commensurate to the variety and magnitude of the shipping interests which are now definitely seeking accommodation at that port.

Wherefore your memorialists pray for an immediate and substantial increase of the appropriations for that harbor.

C. A. GILMAN,
President of the Senate.
L. FLETCHER,
Speaker of the House of Representatives.

Approved January 22, A. D. 1883.

STATE OF MINNESOTA,
Department of State.

I hereby certify that I have compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED VON BAUMBACH,
Secretary of State.

A memorial to Congress asking an appropriation for the construction of a light-house at Grand Marais, on Lake Superior.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Minnnesota, respectfully represent that the necessity for a harbor of refuge upon the north shore of Lake Superior has been heretofore recognized by your honorable body by appropriations which have been made for the partial improvement of such a harbor at Grand Marais; that the constantly increasing commerce of the lake demands that such improvements be pushed to early completion. Your memorialists therefore pray that such further and adequate appropriations may be promptly made as will insure a commodious harbor of refuge at Grand Marais, together with a light-house, without which the improvements already made will be of little value.

L. FLETCHER,
Speaker of the House of Representatives.
C. A. GILMAN,
President of the Senate.

Approved February 23, A. D. 1883.

STATE OF MINNESOTA,
Department of State.

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED VON BAUMBACH,
Secretary of State.

He also presented a memorial from the Legislature of Minnesota; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

A memorial to the honorable the Senate and House of Representatives in Congress assembled.

Your memorialists, the senate and house of representatives of the State of Minnesota, most respectfully represent that

Whereas, under and by the laws of the State of Minnesota, a judgment is a lien on real estate only upon and after the docketing of such judgment in the county in which such real estate lies; and

Whereas the courts of the United States in this State have held that the aforesaid provision of law is inapplicable to judgments rendered by the United States courts, and that such judgment when docketed in the office of the clerk of such courts becomes a lien on all real estate in any and every county in the State without the docketing of such judgments in the county in which such real estate lies; and

Whereas the existence of different rules in the same State as to the liens of judgments is misleading to the public, and the making of a judgment a lien on any real estate in any county in which such judgment is not docketed is a great and manifest hardship and inconvenience: Therefore, your memorialists respectfully and earnestly pray that a law be enacted by Congress making the laws of the United States conform to the laws of the State in the respect aforesaid.

Resolved, That our Senators in Congress be instructed and our Representatives requested to use their influence to secure the passage of such a law.

Resolved further, The secretary of state is hereby directed to send an authenticated copy of this memorial to each of our Senators and Representatives in Congress.

C. A. GILMAN,
President of the Senate.
L. FLETCHER,
Speaker of the House of Representatives.

Approved March 3, A. D. 1883.

STATE OF MINNESOTA,
Department of State.

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED VON BAUMBACH,
Secretary of State.

He also presented a memorial of the Legislature of Minnesota; which was referred to the Committee on Railroads, and ordered to be printed in the RECORD, as follows:

A joint resolution, asking immediate adjustment of land grants to railroads in this State.

Whereas millions of acres of land in this State have been granted to railroads and have been withdrawn from settlement and are untaxed; and

Whereas many such grants have not been adjusted, and lands not falling within the grant are thus withheld from market or are untaxed; and

Whereas some of such grants have been forfeited by reason of non-compliance on part of the railroad company to which the grant has been made with intentions of the grant; and

Whereas it requires an act of Congress or the decree of a court to forfeit the land of a defaulting railroad company: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That the interest of the State and of the citizens requires that all land grants to railroads should be adjusted at the earliest possible day, or that in all cases when any railroad company has not complied with the conditions of the grant to it, such grant should be at once declared forfeited.

Resolved further, That our Senators and Representatives in Congress are requested to use all honorable means to secure an immediate adjustment of such grants, or an immediate forfeiture of any grant the terms of which have not been complied with.

Resolved further, That the secretary of state be, and is hereby, requested to forward a copy of this resolution to our Senators and Representatives in Congress at as early a day as practicable.

C. A. GILMAN,
President of the Senate.
L. FLETCHER,
Speaker of the House of Representatives.

Approved February 17, A. D. 1883.

STATE OF MINNESOTA,
Department of State.

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED VON BAUMBACH,
Secretary of State.

He also presented a memorial of the Legislature of Minnesota; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

A joint resolution for the relief of John Fenske.

Whereas John Fenske, of the city of New Ulm, in the county of Brown, and State of Minnesota, on the 18th day of August, A.D. 1862, while in the employ-

ment of the United States as a mechanic, and while endeavoring to save the property of the Government from destruction, received a severe wound from Sioux indians, whereby he was permanently disabled; and

Whereas a bill has been introduced in the Congress of the United States providing that the name of said John Fenske be placed on the roll of invalid pensioners: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That our Senators and Representatives in Congress be, and are hereby, required to use their influence to secure the immediate passage of an act granting an invalid pension to said John Fenske, and that the same date from the time of receiving said injury.

Resolved, That the secretary of state forward a copy of these resolutions to each of our Senators and Representatives in Congress.

C. A. GILMAN,
President of the Senate.
L. FLETCHER,
Speaker of the House of Representatives.

Approved February 14, A. D. 1883.

STATE OF MINNESOTA,
Department of State.

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED VON BAUMBACH,
Secretary of State.

Mr. INGALLS presented the petition of C. W. Buttz and 180 other residents of Lisbon, Dak., praying for the passage of a law removing the limitation from the arrears-of-pension act; which was referred to the Committee on Pensions.

Mr. MILLER, of New York, presented the petition of Calhoun, Robbins & Co. and other merchant importers from Austria-Hungary, praying for a refund of excessive duties arising from overvaluation of the Austrian florin in the year 1878; which was referred to the Committee on Finance.

Mr. GARLAND presented the petition of Levy E. Stevens, successor to the claim of John A. Coan, Government lessee of certain plantations in Louisiana, praying to be reimbursed for cotton belonging to him and seized at Natchez by the military authorities of the United States; which was referred to the Committee on Claims.

Mr. LOGAN presented a petition of citizens of Washington, D. C., praying for the reinstatement of Philip Thompson as policeman on the metropolitan force; which was referred to the Committee on the District of Columbia.

He also presented a petition of ex-soldiers at the National Soldiers' Home, Elizabeth City County, Virginia, praying for the passage of the bill commonly known as the equalization-of-bounty bill; which was referred to the Committee on Military Affairs.

Mr. GORMAN presented the petition of W. A. Boyd and other citizens of Baltimore, Md., dealers and manufacturers of tobacco and cigars, praying for the passage of an act making an appropriation for the claims for rebate of taxes as provided for by the act of March 3, 1883; which was referred to the Committee on Appropriations.

Mr. MAXEY presented additional papers to accompany the bill (S. 536) for the relief of Capt. Nicholas J. Bigley; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. INGALLS. I report from the Committee on the District of Columbia, with the recommendation that it do pass without amendment, the bill (S. 616) to establish a standard of time in the District of Columbia, and after the conclusion of the morning business I will ask that the bill may be considered to-day.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 26) granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria, reported it without amendment.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 47) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the bill (S. 12) for the relief of Elizabeth Carson, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

GEORGE A. CLARKE AND W. H. H. ST. JOHN.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution for the payment of $720 to the mother of George A. Clarke and $600 to the widow of W. H. H. St. John, to report the resolution without amendment; and I should like to have it placed immediately upon its passage.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. INGALLS. Let it be first read, so that we may understand what it is.

The resolution was read, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mrs. Mary V. Quin, mother of George A. Clarke, deceased, late messenger in charge of the room of the Official Reporter of the Senate, the sum of $720, being an amount equal to six months' salary as messenger aforesaid; and to the widow of W. H. H. St. John, late messenger in charge of store-room, the sum of $600, being an amount equal to six months' salary as messenger aforesaid; the above sums to be considered as including the funeral expenses and all other allowances.

The Senate, by unanimous consent, proceeded to consider the resolution as in Committee of the Whole.

Mr. JONES, of Nevada. I wish to explain that the persons for whom the relief is provided come within the rule adopted by the Senate to give six months' pay, which shall be in lieu of funeral expenses and all other allowances, in case of death of officers in the employ of the Senate. These officers died since the last session of Congress, and the resolution allows six months' pay, which includes funeral expenses and all other allowances, to each of the parties named. They were in the employ of the Senate at the time they died.

The resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAY OF CONGRESSIONAL EMPLOYÉS.

Mr. JONES, of Nevada. I am also directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the joint resolution (S. R. 31) to pay the employés of the two Houses of Congress their salaries for the current month on the 20th instant, to report it with an amendment; and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. JONES, of Nevada. I call attention to the fact that the committee recommend an amendment making the time of payment the 22d instead of the 20th instant, it being found to be impossible to make payment on the 20th on account of the changes of the officers here. The joint resolution was changed so as to require the payment to be made on the 22d instant.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In the last line of the joint resolution, after the word "the," it is proposed to strike out the word "20th" and to insert the word "22d;" so as to read:

That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay the employés of the two Houses of Congress their salaries for the current month on the 22d inst.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A joint resolution to pay the employés of the two Houses of Congress their salaries for the current month on the 22d instant."

BILLS INTRODUCED.

Mr. COKE asked and, by unanimous consent, obtained leave to introduce a bill (S. 801) to grant to the Texas, Oklahoma and Kansas Railway Company a right of way through the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 802) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 803) for the relief of Overton Love and the administratrix of Wyatt Gilschrist; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 804) for the relief of William Beddo and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM asked and, by unanimous consent, obtained leave to introduce a bill (S. 805) to provide for the acceptance by the United States of the grant of the Illinois and Michigan Canal and all its appurtenances from the State of Illinois; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 806) for the relief of John McNellis; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 807) for the relief of John H. Shugart and Robert F. Shugart; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SEWELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 808) for the relief of Mrs. Julia L. Williams, administratrix of the estate of William P. Williams, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. 809) to indemnify the State of California for balances paid and remaining due on account of indebtedness

incurred in the Indian wars, for the payment of which said State issued bonds in 1851 and 1852, a part of which remain unpaid owing to delays occasioned by War Department rulings under the act of Congress of August 5, 1854; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 810) for the relief of the State of California; which was read twice by its title, and referred the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 811) to indemnify the State of California for balances paid and remaining due on account of indebtedness incurred in the Indian wars in said State, for the payment of which the State of California issued bonds in the year 1862; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 812) for the relief of certain citizens of the United States and occupants of lands within one mile of the military post of Camp Independence, Inyo County, California; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 813) for the restoration of the Klamath River Indian reservation, in the State of California, to the public domain; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 814) for the relief of Thomas Guineau, of California; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GIBSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 815) to extend the limits of the port of New Orleans; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 816) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, and the act amendatory of the same, approved March 3, 1881; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 817) to permit Henry Vignaud, of Louisiana, second secretary of the legation of the United States at Paris, to receive the decoration of the Legion of Honor of France; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. FAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. 818) to provide for the sinking of artesian wells on Government land in the State of Nevada; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SLATER asked and, by unanimous consent, obtained leave to introduce a bill (S. 819) for the relief of Avery D. Babcock and wife, of Oregon; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 821) to regulate the subletting of contracts for carrying the United States mail; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 822) providing for the auditing and payment of claims of soldiers who served in the several Indian wars in Florida; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 823) for the relief of Thomas Lynch; which was read twice by its title, and referred to the Committee on Finance.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 824) to establish a municipal code for the District of Columbia; which was read twice by its title.

Mr. INGALLS. With regard to the bill for the establishment of a municipal code, as it is very voluminous, I will inquire at the Document Room before the usual order to print is made. It may be that copies sufficient remain for the use of the committee, and if so it need not be reprinted. I move the reference of the bill to the Committee on the District of Columbia.

The motion was agreed to.

Mr. INGALLS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 825) to promote the efficiency of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 826) to provide for the appointment of a commission to investigate the subject of railroad transportation; which was read twice by its title, and referred to the Committee on Railroads.

Mr. MILLER, of New York (by request), asked and, by unanimous consent, obtained leave to introduce a bill (S. 827) for the relief of Hiram Anderson and others; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 828) granting a pension to Thomas Patton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. 829) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Decatur, in the county of Burt, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 830) for the relief of John Fraser; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONAS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 831) for the relief of Dr. Robert Carter; which was read twice by its title, and, together with the papers on file in the case, referred to the Committee on Claims.

Mr. HAWLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. 832) granting a pension to Sarah Nicoll Crane; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a bill (S. 833) to release the American Baptist Home Mission Society from the conditions of the sale of the marine hospital building and grounds at Natchez, Miss.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. 834) relating to the public lands of the United States, and to require payment of costs in certain cases of trespass or conversion of material therefrom; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. 835) to amend section 1000 of the Revised Statutes, in relation to giving security in cases on appeal or writ of error; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 836) to amend the act of January 9, 1883, for the relief of John T. Hennaman; which was read twice by its title, and referred to the Committee on Finance.

Mr. BECK asked and, by unanimous consent, obtained leave to introduce a bill (S. 837) granting a pension to Mary Joyce; which was read twice by its title, and, with accompanying paper, referred to the Committee on Pensions.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 838) to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 839) to amend section 688 of the Revised Statutes of the United States, relating to writs of prohibition, &c.; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 32) providing for the payment of laborers in Government employ for certain holidays; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. GIBSON asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 33) as to giving notice to terminate the convention of June 3, 1875, with His Majesty the King of the Hawaiian Islands; which was read twice by its title, and referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MILLER, of New York, it was

Ordered, That the Tice Manufacturing Company have leave to withdraw their petition and papers from the files of the Senate, there having been no adverse report thereon.

On motion of Mr. JONAS, it was

Ordered, That the papers in the claim of Eliza E. Hebert be taken from the files and referred to the Committee on Claims, subject to the rules of the Senate.

On motion of Mr. MCPHERSON, it was

Ordered, That the papers in the case of Sarah E. Rose, widow of Capt. C. C. Rose, be withdrawn from the files of the Senate, subject to the rules in such cases provided.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. MORRILL. I ask leave to submit the following resolution:

Resolved, That five hundred copies of the report of the commissioner of the Freedman's Savings and Trust Company be printed for the use of the commissioner.

I wish merely to say that this is a House document now in print; but the Committee on Printing of the House not having yet been appointed, it is impossible to act upon the matter there, and it would be well to have these five hundred copies struck off now while the document is in

type. Therefore I commend the resolution to the consideration of the Committee on Printing.

The PRESIDING OFFICER. The question is on the adoption of the resolution, the Chair hearing no objection to its present consideration.

The resolution was agreed to.

INDEMNITY RAILROAD LANDS.

Mr. VAN WYCK submitted the following resolution; which was read:

Whereas at its December term, in the year 1875, in a decision rendered in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States, the Supreme Court of the United States construed the indemnity clause found in the grant made by Congress in aid of said road, and held that under such a grant indemnity lands are allowed in lieu only of lands originally included in the grant, but which are afterwards sold or disposed of by the United States between the date of the grant and the date when the granted lands become identified by the definite location of the line of the road; and

Whereas on the 5th day of June, 1880, Attorney-General Devens, to whom the question had been referred by Hon. Carl Schurz, then Secretary of the Interior, rendered an opinion, in which, referring to the language of the Supreme Court in the above-named case in regard to the indemnity authorized by grant under consideration, he stated that in the circuit court for the district of Wisconsin, in 1879, Justice Harlan had expressed different views from those announced by the Supreme Court of the United States, and held that under a grant similar to that involved in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States indemnity lands are allowed in lieu of lands disposed of by the United States either before or after the date of the grant, and therefore advised the Secretary of the Interior to return to the practice which had prevailed in his Department prior to the above-mentioned decision of the Supreme Court, and award indemnity lands to railroad companies in lieu of lands otherwise disposed of by the United States, either before or after the dates of their respective grants; and

Whereas Secretary Schurz, on the 16th of October, 1880, accepted the opinion of Attorney-General Devens, and directed the Commissioner of the General Land Office to be governed thereby in the certification of indemnity lands to railroad companies instead of being governed by the ruling of the Supreme Court of the United States: Therefore,

Resolved, That the Secretary of the Interior be requested to inform the Senate how much land has been certified or patented for the benefit of railroad companies since the date of the above-named decision of the Supreme Court of the United States as indemnity for lands sold or otherwise disposed of by the United States prior to the dates of the respective grants, and in aid of what roads such patents or certified lists have been issued or are intended to be issued, and that he further inform the Senate whether the order of his predecessor directing the Commissioner of the General Land Office to be governed by the opinion of the Attorney-General and the alleged decision of the United States circuit court for the district of Wisconsin rather than by the decision of the Supreme Court of the United States is still in force in his Department.

Mr. VAN WYCK. I ask for the present consideration of this resolution.

Mr. INGALLS. Let it lie over and be printed.

The PRESIDING OFFICER. The resolution will lie over and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 31) authorizing the payment of the salaries of the employés of the two Houses of Congress on the 22d instant.

DISTRICT STANDARD TIME.

Mr. INGALLS. If there are no further concurrent or other resolutions, I ask the Senate now to consider the bill (S. 616) to establish a standard of time in the District of Columbia, reported from the Committee on the District of Columbia this morning.

The PRESIDING OFFICER. The morning business is concluded, and the Senator from Kansas asks unanimous consent that the Senate proceed to the consideration of the bill indicated by him.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the legal standard of time in the District of Columbia shall hereafter be the mean time of the seventy-fifth meridian of longitude west from Greenwich; but this shall not be so construed as to affect existing contracts.

The bill was reported to the Senate without amendment, and ordered to a third reading.

Mr. SHERMAN. I should like to have the bill read over again in full.

The bill was read the third time at length, and passed.

ARMY MEDICAL DEPARTMENT BUILDING.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, dated December 13th instant, inclosing one from the Surgeon-General of the Army, submitting a special estimate for funds in the sum of $200,000 for the erection in this city of a suitable fire-proof building to contain the records, library, and museum of the Medical Department of the Army, together with preliminary plans for said building and copies of reports, &c., in relation to the subject.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

ROUND VALLEY INDIAN RESERVATION.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 3d instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill for the payment of the value of certain improvements made by certain settlers on the Round Valley Indian reservation, in the State of California, as appraised under the act approved March 3, 1873.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

NAVAL COLOR TESTS.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of the Navy, dated the 10th instant, inclosing a letter from the Surgeon-General of the Navy respecting the advisability of providing for representation on the part of the United States in any international convention that may be organized for the purpose of establishing uniform standards of measure of color-perception and acuteness of vision.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

INDIAN LANDS IN WASHINGTON TERRITORY.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 4th instant from the Secretary of the Interior, with draught of a bill to accept and ratify an agreement made with Chief Moses and other Indians for the relinquishment of certain lands in Washington Territory, and to make the necessary appropriations for carrying the same into effect; with accompanying papers.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

ABANDONED MILITARY RESERVATIONS.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War, dated December 14, 1883, upon the subject of abandoned military reservations, and renewing his former recommendation for such legislation as will provide for the disposal of military sites that are no longer needed for military purposes.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 19, 1883.

CROW INDIAN DEFICIENCY.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, inclosing a copy of a communication from the Commissioner of Indian Affairs, setting forth the necessity of a deficiency appropriation of $78,110 for the purchase of supplies for the balance of the present fiscal year for the Crow Indians.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 19, 1883.

CHICAGO, MILWAUKEE AND SAINT PAUL RAILROAD.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 4th instant, submitting, with accompanying papers, draught of a bill "to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux reservation in Dakota."

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

CHEHALIS INDIAN RESERVATION.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, submitting a draught of a bill "providing for allotment of lands in severalty to the Indians residing upon the Chehalis reservation in Washington Territory, and granting patents therefor," with accompanying report from the Commissioner of Indian Affairs upon the subject.

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

KICKAPOO INDIAN LANDS, ETC.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 11th instant from the Secretary of the Interior, submitting, with accompanying papers, draught of a bill "to provide for the issuance of patents for certain lands in the Indian Territory occupied by the Kickapoo, Iowa, and other Indians."

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

PUBLIC RECORDS BUILDING.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, dated the 15th instant, inclosing one from the Quartermaster-General, setting forth the necessity for the construction of a fire-proof building in this city for the storage of the public records.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 19, 1883.

FORT HALL AND LEMHI RESERVATIONS.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, of the 4th instant, submitting, with accompanying papers, draught of a bill "to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations in Idaho, May 14, 1880, for the sale of a portion of their land in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same."

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

NEZ PERCÉ AND OTHER INDIANS.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, of the 3d instant, with accompanying papers, submitting a draught of a bill "for the relief of the Nez Percé Indians in the Territory of Idaho, and of the allied tribes residing on the Grande Ronde Indian reservation in the State of Oregon."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

NORTHERN PACIFIC RAILROAD.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 6th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill "to accept and ratify an agreement with the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreille Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and for other purposes."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

"OLD SETTLER," OR "WESTERN," CHEROKEES.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 12th instant from the Secretary of the Interior, submitting a report of the Commissioner of Indian Affairs of December 8, 1883, and accompanying papers, on the subject of the "Old Settler," or "Western," Cherokees.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

INDIAN LANDS IN INDIAN TERRITORY.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 4th instant, with accompanying papers, submitting a draught of a bill "to confirm the title to certain land in the Indian Territory to the Cheyennes and Arapahoes and the Wichitas and affiliated bands, to provide for the issuance of patents therefor, and for other purposes."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

HOLIDAY RECESS.

Mr. INGALLS. I offer the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Thursday, the 20th day of December 1883, they stand adjourned till 12 o'clock meridian on Thursday, the 3d day of January, 1884.

The PRESIDING OFFICER. Does the Senator from Kansas ask for the present consideration of the resolution?

Mr. INGALLS. No, sir; let it lie on the table.

Mr. HARRIS. In order that the Senate may consider it in connection with the resolution, I move to amend by striking out "Thursday the 3d of January" and inserting "Monday the 7th of January."

The PRESIDING OFFICER. The Senate will hear the notice of the Senator from Tennessee that the motion will be made when the resolution is before the Senate. The morning business is now concluded, and there is no business before the Senate.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. THOMAS O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 31) authorizing the payment of the salaries of the employés of the two Houses of Congress on the 22d instant.

MESSAGE FROM THE HOUSE.

A subsequent message from the House of Representatives, by Mr. TOWLES, Chief Clerk, announced that the House had passed a resolution that when the two Houses adjourn on Monday, December 24, 1883, they stand adjourned until Thursday, the 3d day of January, 1884; in which the concurrence of the Senate was requested.

REVISION OF THE RULES.

Mr. FRYE. I call for the regular order.

The PRESIDING OFFICER. The regular order is the consideration of the report of the Committee on Rules, which is before the Senate as in Committee of the Whole.

Mr. FRYE. As clause third——

The PRESIDING OFFICER. The Secretary will first report the pending question.

Mr. FRYE. If the President pleases, there will be no pending question on clause third of Rule 1, as I propose to withdraw my demand for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. INGALLS. The demand may be withdrawn by unanimous consent.

The PRESIDING OFFICER. By unanimous consent the order of the Senate for the yeas and nays can be rescinded. Is there objection? The Chair hears none.

Mr. FRYE. I do that because the same subject has to be considered in the Senate, and it is a mere waste of time to be going over it twice.

Mr. INGALLS. The third clause, then, of the first rule stands disagreed to by the Senate as in Committee of the Whole.

The PRESIDING OFFICER. The demand for the yeas and nays having been withdrawn, the noes have it on the question of the adoption of the third clause of the first rule. The second proposed rule will be read.

The Secretary read as follows:

RULE II.

ELECTION OF OFFICERS.

The Senate may elect a Secretary, a Chief Clerk, a Principal Executive Clerk, a Chaplain, a Sergeant-at-Arms, and an Assistant Doorkeeper, to continue in office until their successors are chosen and qualified; each of whom shall take and subscribe the oaths prescribed by law before entering upon the duties of his office, the Secretary of the Senate in open Senate, the other officers in the office of the Secretary. The Secretary and Sergeant-at-Arms shall each appoint all the employés of his department, unless otherwise directed.

Mr. FRYE. This is a new rule, but it simply formulates a custom of the Senate into a rule, the same officers having hitherto been elected without law or rule.

Mr. GARLAND. I should like the chairman of the committee to give some reason that moved the committee to offer this innovation. It is apparent that it is a new rule, as stated by the Senator who has charge of the report, and I have been examining it with a view of ascertaining what could have been the reason for it. I am not in favor of the rule as it is presented, but still if I could hear the reason that prompted the committee I might change my mind in the matter, and possibly would not care to detain the Senate by giving my reason against it.

Mr. FRYE. It was not regarded by the committee as a matter of any special importance, but in looking over the organization of the Senate, the election of a President *pro tempore*, the administration of the oaths, &c., in order to preserve some proper order of proceedings, finding that these officers had always been elected, or elected at any rate for a long time, and that there was no rule touching the matter and that there was no law touching it, it was thought better on the whole to adopt this as a rule. Of course it is not a matter of any great importance any way, because a resolution can do it at any time.

Mr. GARLAND. Now, Mr. President, looking at this in its practical operation, I much prefer that the subject should remain just as it is, in the hands of the Senate at all times, to be brought up by a resolution or motion to elect the officers that may be deemed proper and necessary for the execution of the business of the Senate; and I believe it is right that it should not be fixed by any standing rule or by any statute.

It is a little curious to consider that if a person would ask you what officers the Senate by law is entitled to you could not tell him. The Revised Statutes mention that "the following officers are employed by the Senate at the following salaries." There is no rule saying what officers we shall have, and I think upon examination it is for a very good reason. It is left to the Senate to determine what officers it needs, what officers it may possibly need, so as not to be tied down to the compulsory election of certain classes of officers whether or no; so that at any time if a Senator thinks we are in need of another officer he may offer a resolution to that effect, or whenever we want to change our officers a resolution is offered, as for example by the Senator from Ohio

[Mr. SHERMAN], that a certain officer be elected, or that certain officers be elected by the Senate.

For one I honestly want to come back to the custom that as I have been informed did once prevail in the Senate, of continuing the officers of the Senate unless they should be removed for cause. At every new Congress, when the composition of the Senate is partly changed, we are asked to elect officers, it does not matter which party is in power; we may preach and talk as much as we please about civil-service reform, but when the time comes the party that is in power seeks to change the officers of the Senate. I want the time to come when we shall stop this practice, and not fix a rule that the Senate may elect, because we know by what kind of interpretation it is so often said that "may" means "shall," and is so interpreted. I would leave it with the Senate to continue its officers and to change them when it saw proper, and not have a standing rule that it may do this thing, that, or the other.

I believe there is nothing so essential, as is preached here every two years by the abstract doctrines of Senators, as good and efficient officers for the enforcement of the order of the Senate and for the proper enforcement and execution of its business.

There was once an old rule on this subject, Rule 49, and I wish to call the attention of the Senate to how summarily it was dispensed with on a short speech made by Mr. Benton on February 9, 1849. I will ask the Secretary to read what I send to the desk.

The Chief Clerk read as follows:

MR. BENTON. Experience has satisfied me and many other Senators that it would be advantageous to us to have no periodical elections for our higher officers. The workings of the system have satisfactorily proved this to my own mind and the minds of other Senators. These officers are always in our hands, and we can at any time discharge them for the non-performance or unfaithful discharge of their duties. They are always in our hands, sir, and we can discharge them at once for any delinquency of duty; therefore there is no need of these changes at every session. And being called upon for reasons for the introduction of this resolution, I will go further and say that I have come to the stern determination to discountenance everybody who comes in to apply for any of these offices and seeks to undermine the incumbents; and that I believe it is now a matter of fact that there are persons who have such an immensity of leisure upon their hands as to be actually working at this time—a year in advance—for these offices. Now it is not right that officers engaged in the performance of their duties should be harassed by knowing that persons are attempting to undermine them and trying to get away their places during their whole term of office. While this rule continues in force all the officers of the Senate who are affected by it, from the highest to the lowest, are continually subject to these annoyances; for, sir, among those who have violent inclinations for office there are many who will begin at the top, at the highest office, and come all the way down, until they get to the last one, like a wounded squirrel falling from the top of a tree, catching and struggling at every limb, till at length his last support fails him, and he rolls upon the ground. Thus we have seen it for a long time, and Senators have been overwhelmed by the importunities of these office-seekers, who will take no denial, but return again and again with their application. Under the old rule Senators were not troubled with these applications, but from the moment we adopted the rule now in force we found that there was a concentration of all the rejected applicants—and, God knows, their name was legion—upon the Senate for places. Now, sir, I hope the Senate of the United States will be kept free from applications for office and from these periodical changes in its offices. I have been against it from the beginning, and I brought in the resolution from seeing the evils of the system and with the hope that the Senate, by abolishing the rule, will free its members from the importunities of these applicants and its officers from the anxieties occasioned by the consciousness that there are legions of office-seekers endeavoring to undermine them, and that we will retain in our own hands, as we have the full right to do, the power of discharging an incompetent officer on any occasion.—*Congressional Globe*, second session Thirtieth Congress, page 490.

Mr. GARLAND. These remarks of Mr. Benton were upon a resolution of his to repeal the then existing forty-ninth rule, providing for a biennial election of a Secretary and a Sergeant-at-Arms of the Senate, and on the conclusion of this brief speech the resolution repealing the old rule was "considered by unanimous consent and agreed to" without a division. These remarks of Mr. Benton have been fully verified and emphasized and proved in all succeeding time to the present date. I think it is much better, as we now have no rule on the subject, to leave this matter, in Mr. Benton's language, in the hands of the Senate to deal with as occasion may require. If we want faithful and efficient officers of this body, let us keep them when they are so, as it is the habit of the States, at least those States that are long settled, to keep their old sheriffs and their old clerks where they are faithful, it matters not to what political organization they may belong.

Here is an opportunity to start this matter in the right direction; and I do not agree with the Senator from Maine that it is proper and judicious to enact a rule on this subject, but we should leave it in the hands of the Senate, in the language that Mr. Benton uses in the remarks that I have had read from the Secretary's desk. For that reason I shall oppose the adoption of this proposed rule.

Mr. FRYE. Only one word, Mr. President. This rule leaves it entirely in the hands of the Senate. If the Senate will observe the language, it is "may elect," and "to continue in office until their successors are chosen and qualified." We have just elected officers. Suppose this rule is adopted; there will be nothing in the rule which should demand, and I can not see anything in the rule which should encourage, the other side of the Chamber if in two or three years from now they are in the majority of this body to proceed to another election.

Mr. HARRIS. The Senator from Maine will allow me to ask, is there any reason why to-morrow the Senate may not displace any one of the newly-elected officers and elect a successor and qualify him?

Mr. FRYE. I understand there is none.

Mr. HARRIS. Has the Senate parted with a particle of its power over the question if this rule shall be adopted?

Mr. FRYE. I do not understand so.

Mr. GARLAND. That has nothing to do with the proposition I made. I stated emphatically that in the great legerdemain of interpretation, if you put in "may" and say that the Senate may do this, it is nothing more nor less than as was said by Mr. Benton, a standing invitation to all persons who want these offices to electioneer for them, and you will find that the Senate soon begins to interpret "may" to mean "shall," and it soon becomes, instead of a mere permissive rule, one of absolute compulsion according to the construction of the Senate. As we have worked so long and so well without any rule on the subject, why not leave it in the hands of the Senate so that they may control it by a mere resolution at any time they see proper.

Mr. INGALLS. Mr. President, this rule appears to be merely a reenactment or a declaration of the constitutional power of the Senate on this subject. The language of the Constitution is that the Senate "shall choose" their "other officers." We have even under parliamentary law, without any declaration in the Constitution, I suppose, and certainly without the formulation of any rule, the power absolutely over this subject. I can not understand precisely why the committee proposed to interpolate this among the rules of the Senate, unless it might be that they wished to show what it was the desire of the Senate should be done under that constitutional provision, because the constitutional provision is absolute. I suppose if technically interpreted the Senate would be compelled to choose all its officers, even down to a page and to the messengers in the subterranean cavern beneath the Capitol. But we have by this rule, if adopted, delegated to the Secretary and Sergeant-at-Arms the appointment of all employés unless otherwise provided. I can see no reason specially why the rule should be adopted, unless it may be to designate what particular officers the Senate shall choose under the constitutional provision.

So far as concerns the custom to which the Senator from Arkansas has referred, of retaining faithful officers for a long period of time, I agree with him fully, and I wish the old traditions and the old spirit of the Senate might be carried out. I believe the spectacle of continual changes in the official staff when the officers have properly and impartially performed their duties is a revolting one, and I hope that if this rule stands in the way of that observance (which I do not see that it does) it may not be adopted; otherwise I can see no reason why it should not be.

Mr. BAYARD. Mr. President, I agree with much that has been said by the Senator from Kansas, that there would be inherently, independent of the constitutional suggestion, in a parliamentary body *ex necessitate* the power to change its officers and provide proper machinery for the transaction of its business. I have no doubt about that. But I think this rule is entirely superfluous, and I think it has this objection, which I submit to the consideration of the Senate, that it is suggestive that changes ought to be made. There is no necessity for creating new machinery. We had an instance yesterday of how easily the machinery works and how, without any additional lubrication, tried and trusted and proved officers can be displaced for others. There is no necessity therefore for the rule.

But I wish very much, sir, that while there is no rule upon the subject, that which was the unwritten law of this body and which prevailed for many years, greatly to the advancement of public business and to the reputation of the body, should continue to prevail. In 1879, after an interval of nearly twenty years, the Democratic party was found to have a majority of members in this Chamber. In the twenty years there had been a most diligent process of winnowing from out of the public service every man who could be suspected of sympathy or affiliation with the doctrines of that party. In the executive branch and all its departments, in the House of Representatives, and here in the Senate the same rule had prevailed, and Democrats were exceedingly scarce holding office of any kind in the executive, legislative, or judicial departments under the authority of the United States. Perhaps it was a natural order of things. When therefore the Senate passed into their hands there was a more than usual demand and pressure that the few places to which they could by any means be made successfully eligible should be filled in some degree by them. I appreciated that feeling, but I did not fully agree with the majority of my political brethren in this body on that subject. I believed then that where there had been able, courteous, honest, efficient employés of this body, they ought not to be discharged because the accident, the ebb and flow, of political power had brought a majority of Democrats on this floor. One result of my efforts and those of others associated with me was testified by the retention in the service of the Senate of a number of amiable and excellent gentlemen, some of whom remain here yet. There was no such thing as a "clean sweep;" and the fact remains before the country undenied and undeniable that yesterday morning before these removals commenced a majority in number of the official force of the Senate were of persons holding opposite political opinions to the Democrats of the Senate, and not only a majority in number of mere numerical force, but, if you choose to descend to a still lower particular, a majority in the amount of salaries which they drew.

In 1879, however, when there was a proposition for change, I would say to the Senate that there was justification for that change. We wished to remove the Secretary of the Senate because the Secretary of the Senate had been the aggressive, violent, denunciatory opponent of more than one-half of the members of this Chamber and the party to which they belonged, both in public and in private. He had made his office the center of active, aggressive campaigning, in which the motives and the character and the objects of the Democratic majority were aspersed most unjustifiably and improperly; and I believe, placing that matter fairly and squarely before the self-respect of the Senate, they were entitled to have at least some one holding that office and exercising its powers who did not consider and treat and publish them as revolutionists, in whose hands the public power of this Government would not be safe. It was perfectly justified.

Without meaning to speak unkindly of any one who was then displaced, I do mean to say there was no displacement in my judgment but what was for the benefit of the public service so far as efficiency and ability were concerned. "Comparisons are odious;" the events are past; I would not wish to reflect unkindly personally on any one who then held office; but I do mean to say that there was an active and actual reform practically in the changes then made.

But let us see something of the doctrine which was professed at that time on both sides of the Chamber and which I wish to have in some degree recognized now. On the 18th of April, 1879, the honorable Senator from Vermont [Mr. EDMUNDS] not now in his seat offered the following resolution on this subject:

That, in the opinion of the Senate, the correct and safe transaction of the business of the Senate is materially dependent on retaining in its service a corps of experienced, well-trained, and diligent officers, and this can only be done by security in their respective positions so long as they continue faithful in the discharge of their duties.

That was the declaration proposed by the honorable Senator from Vermont to which he invited the approval of the Senate. On the 25th of April, after certain discussions, there was a modification of that resolution adopted by the Democratic majority, on a vote of 33 yeas to 26 nays, in this form:

Resolved, That in the opinion of the Senate the correct and safe transaction of the business of the Senate is materially dependent on retaining in its service a corps of experienced, well-trained, and diligent officers, and this can only be done by security in their respective positions so long as they continue faithful in the discharge of their duties and acceptable to a majority of the Senators.

And inasmuch as the appointment of the subordinates and the power of dismissal should remain with those officers respectively who must be responsible for all the service committed to their charge: Therefore,

Resolved, That the standing order of the Senate regulating the appointment and removal of clerks and other employés of the Senate be, and it is hereby, amended by striking out all of the same after the word "respectively," in the third line, so that the same shall read as follows:

"*Resolved*, That the several officers and others in the departments of the Secretary of the Senate and of the Sergeant-at-Arms shall be appointed and removed from office by those officers respectively."

I fail, between the resolutions of the honorable Senator from Vermont speaking I suppose for his party in the Senate and the resolutions adopted by the Democratic majority at that time, to see any material difference, because the declaration that their tenure of office should depend on their acceptability to a majority of the Senate was adding no new feature whatever. I believe, sir, that the proposition stated by either one of these resolutions or by both is true, that the facility of public business can only be attained by allowing well-trained men of approved character to continue during good behavior in the offices attached to this body. Upon that doctrine I have not simply spoken, but I have voted and acted, and I again say that no diligent, able officer of this body ever quitted his place by my vote or with my consent. I have not moved to push one man out in order to push another in. I agree with the Senator from Arkansas in believing that this proposed new rule is not only entirely superfluous, but perhaps I may go further when I speak my own opinion and say it is suggestive of that which I think is to be regretted, and that is changes except for cause.

Mr. President, I do not think this is the occasion for any extended remarks on the subject of civil-service reform. The absolute indifference of the Senate to the subject on the Republican side is pretty well attested by the fact that there are not six members in their seats now when this matter is being discussed or reference made to it. The subject seems to be distasteful; they care to hear nothing about it, and after the performance of yesterday I am not surprised at the exhibition of their feeling on the subject. I have, however, a very strong belief in the necessity of civil-service reform, and if I am not very much mistaken in the opinion of the American people they intend to have a civil-service reform, and they do not intend that the choice for the great offices of this country is to be confined to a set of men selected by the mere machinery of a coterie of venal office-holders. In other words, this country is not to be run by a mere political machine built up on the spoils of office. The least part of such an evil as that is the ungrateful servants that are procured for the minor offices; men who lose their self-respect, who lose their conscience and give up all at the demand of party, and who are put on trial every two or every four years, who have to struggle for their livelihood, who are told that in case the party power shall go one way they are to be cast out and only in the event of success are to be kept in. What can we expect but that men will struggle for their livelihood? They will resort to almost anything to keep themselves in place, and when they are told that the tenure of their office is not dependent upon their good behavior, upon their activity, upon their industry in the public service, but entirely upon what they may do in the way of questionable party service, we have what? Not faithful and industrious officers, but active partisans. The tree must produce its fruits; the system must bear the results which necessarily are part of its nature; and then what else follows? That that is virtually to be the body by whom your Presidents are to be selected and your great officials are to be selected, because they are those who will control your conventions, who will control your nominations; and it is perfectly absurd to say that a man can vote for whom he pleases; practically the option is confined to the men who are set up to be voted for, and those must be backed by an organization or the vote is idle, and is therefore thrown away.

I do not wish to see the higher places of this country filled by a set of men who are nothing more than office-brokers, dealers in patronage, wire-pullers, and men of that class; and yet that must be it. If the question of filling the offices is to be the great matter that determines political campaigns, necessarily the men who devote themselves to such objects will be those and those only who will find themselves in public power.

Mr. President, I believe this fact has impressed itself upon the mind of the thoughtful men of this country. It is not the question of mere pecuniary loss from unfaithful service, not the mere fact of having a set of expensive, idle employés. That is the least part of it. It is the fact that you are going further and you are placing the great powers of this country and the offices of this country in the hands of a set of men who are chosen only in this office-holding manufactory of Presidents and Cabinets. I believe that great truth, that profound truth, is sinking into the minds of the people of this country, and therefore it is that I believe civil-service reform will not be a mere matter of lip-service, but I believe it is to be an essential. I can see its practical results, and I believe that the people of this country can see its practical results, and that they are not in favor of a system which shall make every clerical and ministerial office under the Government the mere spoil of party success, to be parceled out to the most active partisan or to the man who shall devote his whole time and energies to such business.

Therefore it is, sir, that I hope this rule will not be adopted. It is unnecessary. If the Senate has a bad officer it can remove him when it pleases, and if he is not a bad officer he ought not to be removed. If he is faithful and intelligent, fit for his place, and has training for it, the public exigency, the public service, demands that he should not be turned out. Therefore it is I say there is no necessity of this suggestion. As the Senator from Arkansas remarked, when you say the Senate "may elect," it means practically that they shall elect whenever they get a chance to do so. That I do not want to see.

Mr. GARLAND. Mr. President, the second clause of the rule I intended after a while to call attention to; but the Senator from Kansas alluded to it, and I may just as well say now what I intended to say when we reach that regularly. I refer to the language:

The Secretary and Sergeant-at-Arms shall each appoint all the employés of his department, unless otherwise directed.

That part of the rule is entirely unnecessary, because such is the standing order of the Senate now. In 1879, at the time referred to by the Senator from Delaware, among others the following resolution was passed:

Resolved, That the several officers and others in the departments of the Secretary of the Senate and of the Sergeant-at-Arms shall be appointed and removed from office by those officers respectively.

That was passed on a yea-and-nay vote of 33 to 26. The old rule, running back as far as 1854, required such removals to be subject to the approval of the presiding officer if they were made during the session, and if during the recess the officers should certify them on the first day of the meeting of the next session to the presiding officer and then he should approve or disapprove as he saw proper. In 1879 that was changed by the resolution I have just read, which is now an existing order of the Senate. Therefore this part of the rule is unnecessary, because it simply says what is already part of the rules of the Senate.

Some distinguished Senator seven or eight years ago, I believe it was Mr. Conkling, of New York, said that the Senate was never so thoroughly on its mettle or so completely aroused as when it had a rule or a point of order to discuss. I thought that observation was correct, and I have continued to think so until the present time. Now these rules that seek to change in many respects old rules of the Senate fundamentally and substitute new experiments, and to change committees and make new ones, seem to be cared for very little by the Senate, and little or no attention is paid to them. We have here now, after progressing to a certain extent for four days, got to the second of these rules, and we have not a quorum, or barely a quorum, present. I take it, Mr. President, the Senate does not care enough about them, and is willing to live, like the Dutch settlers of New York were, under the laws of the Lord until they could make better ones. I therefore move to indefinitely postpone the further consideration of this subject, not that I want it done, but I wish to see whether the Senate wants to consider these rules or thinks them of importance enough to be considered.

The PRESIDING OFFICER. The Senator from Arkansas moves the indefinite postponement of the pending order.

Mr. MORRILL. It seems to me that it is hardly generous to make that motion when the Senate is as thin as it is at the present time. There is probably not a quorum present. I hope the Senator, if he chooses to make that motion, will wait until the Senate is a little fuller than it is at the present time.

Mr. GARLAND. That is the trouble, with due respect to the Senator; the Senate will not be fuller while we have this subject up.

Mr. MORGAN. Pending the motion of the Senator from Arkansas, I move that the Senate adjourn. If we have no business here we had better go home. There is no quorum here now. I move that the Senate adjourn.

The PRESIDING OFFICER (at 1 o'clock and 40 minutes p. m.). The Senator from Alabama moves that the Senate do now adjourn.

Mr. MORRILL. I call for the yeas and nays.

The yeas and nays were ordered; and the Chief Clerk proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY]. If he were here I should vote "yea." I will state that the Senator from Vermont [Mr. EDMUNDS] is paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. If he were present I should vote "yea."

The roll-call was concluded.

Mr. ALLISON. I am paired with the Senator from Missouri [Mr. COCKRELL]; otherwise I should vote "nay."

The result was announced—yeas 13, nays 33; as follows:

YEAS—13.

Bayard,	Gibson,	Pendleton,	Walker.
Camden,	Jones of Florida,	Saulsbury,	
Coke,	Maxey,	Slater,	
Fair,	Morgan,	Vance,	

NAYS—33.

Aldrich,	Dawes,	Jackson,	Pike,
Blair,	Dolph,	Lapham,	Platt,
Bowen,	Frye,	Logan,	Sabin,
Butler,	Groome,	McMillan,	Sawyer,
Call,	Harris,	Mahone,	Van Wyck,
Cameron of Wis.,	Harrison,	Manderson,	Wilson.
Colquitt,	Hawley,	Mitchell,	
Conger,	Hoar,	Morrill,	
Cullom,	Ingalls,	Palmer.	

ABSENT—30.

Allison,	Garland,	Kenna,	Riddleberger,
Anthony,	George,	Lamar,	Sewell,
Beck,	Gorman,	McPherson,	Sherman,
Brown,	Hale,	Miller of Cal.,	Vest.
Cameron of Pa.,	Hampton,	Miller of N. Y.,	Voorhees,
Cockrell,	Hill,	Plumb,	Williams.
Edmunds,	Jonas,	Pugh,	
Farley,	Jones of Nevada,	Ransom,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Arkansas to indefinitely postpone the subject.

Mr. GARLAND. I withdraw the motion, hoping we may keep a quorum here.

The PRESIDING OFFICER. The motion of the Senator from Arkansas is withdrawn. The question is on the adoption of Rule II.

The proposed rule was rejected.

The Principal Legislative Clerk read the next proposed rule, as follows:

RULE III.

OATHS, ETC.

The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties.

Mr. GARLAND. I ask the Senator from Maine if he does not consider that rule unnecessary? That is covered by a section of the Revised Statutes, section 28. I do not think myself the matter of taking oaths of office or the oaths of members of either House ought to be left to rule; it ought to be prescribed by statute, and I think section 28 of the Revised Statutes covers it, and therefore the rule will be entirely unnecessary.

Mr. FRYE. Mr. President, I was entirely aware that no rule could be reported to the Senate which would not open itself up to discussion and amendment; and the suggestion made by the Senator from Arkansas this moment recalls to my mind the fact that for the last ten years the law to which he refers, and with which I am entirely familiar, has not been complied with in the United States Senate, and Senators when they have been sworn in have not subscribed the oath which the law required. Until the attention of the President *pro tempore* of the Senate was called to it by this very proposed rule that duty required by the laws of the United States never had been complied with, and I doubt if there is a Senator occupying a seat here who has subscribed the oaths which he took at that desk until about two weeks ago, and that was the result of the proposed rule.

Now, the Constitution may, as the Senator from Kansas suggested, provide certain things; the laws of the United States may provide certain other things; but the provisions of the Constitution and the law it may be well to call sharply to the attention of members of any legislative body. If the rules and orders of legislative proceedings shall be examined, it will be found that large numbers of provisions in the rules are already in the Constitution and in the laws, and are placed in the rules for the very purpose of sharply calling the attention of members of legislative bodies to the requirements of the Constitution and the laws.

There was a rule here, Rule LXIII, which provided for the taking of these oaths, and this is simply a replacing of that rule by the proposed rule. If the Senator from Arkansas will notice Rule LXIII of the present code, he will find that it recites the dates of the enactment of the laws touching oaths—of course entirely unnecessary—and this rule is simply "the oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator in open Senate before entering upon his duties."

Of course it is not necessary that there shall be a rule like that, because the law says that the oaths which have been enacted by law shall be subscribed; and yet I say, for the want of a rule requiring it to be done in open Senate, it never has been complied with until recently. Now, what harm will this rule do? Will it not do good, and has it not already done good in calling the attention of the Senate to the requirements of law?

Mr. GARLAND. The only point between the Senator from Maine and myself is this, Mr. President: He says this matter is entirely within the control of the rule of the Senate, which I do not believe. He admits that there is a law regulating the question; and if there is a law, that is enough. After a while you will hear it said probably that A, B, C, and D can not get here because they were not sworn down in Louisiana or Arkansas or somewhere else, as the case may be; the law says they shall be sworn here. Oh, well, but here is a rule about it. If the Senate make a rule, we can repeal it or modify it. I think the matter of oaths of office ought to be regulated by statute. Where no statute undertakes to regulate it, it is very doubtful, even if ordinarily the matter were within the province of a rule of the Senate, whether the Senate could regulate it by rule.

I think if the Senator will reflect a moment he will see, admitting that there is a law on the subject, we had better not put it as a rule, but leave the law there. I know that sometimes in the rules we re-enact the Constitution or we re-enact the statutes, but that is superfluous work, and should not be quoted as a good example in making the rules of the Senate. I say section 28 of the Revised Statutes is ample without any rule, and it is a little dangerous to touch those things which are regulated by law in the rules of the Senate. That is the sole purpose I have in calling attention to it.

Mr. CALL. Mr. President, the Constitution says that each House shall be the judge of the qualification of its members and each House shall prescribe the rules of its proceeding. How, then, can it be true that a past Legislature, a past Senate and House of Representatives, may prescribe a qualification and a rule of proceeding against the wishes of an existing Senate? It seems to me that there can be no question that this is not a subject of law, but is a subject for the regulation of each House as to the qualification of its members and as to the rules of its proceeding in this as in every respect.

The Constitution prescribes the qualifications of Senators, being the age of thirty years, nine years a citizen of the United States, and citizenship of the State for which he shall be chosen, and an oath or affirmation to support the Constitution. Of these qualifications "each House is the judge; also of the rules of its proceedings." There is therefore no place for statute law to provide for an oath which shall be binding in the Senate. The Constitution is the law, and each House the sole judge.

Mr. HARRISON. I have referred to section 28 of the Revised Statutes, to which the Senator from Arkansas alluded, and I find that it is as follows:

SEC. 28. The oath of office shall be administered by the President of the Senate to each Senator who shall hereafter be elected, previous to his taking his seat.

The rule proposed by the committee is somewhat broader.

Mr. GARLAND. It uses the word "subscribed."

Mr. HARRISON. It provides that the oath shall be taken in open Senate and that it shall be subscribed by the Senator; that is, that a written oath shall go upon the files, that there shall be some evidence of his having taken the constitutional and lawful oath of his office aside from the mere record of the Journal reciting the fact; that the files of the Secretary's office shall show his own subscription to the lawful oath of office. Certainly it is competent for a rule of the Senate to prescribe the method by which this shall be done and what record shall be made of the oath. We are not, therefore, re-enacting the statute in this rule, but, recognizing the statute, are adding the additional requisite that the oath shall be taken in open Senate and shall be subscribed.

It seems to me this is the true function of a rule. It is the proper function of a rule to provide forms and methods for carrying out this statutory provision. It seems to me, therefore, that the committee were

justified in reporting this rule, especially in view of the fact that the Senator from Maine has already stated that the Senate have recognized the propriety of such a rule in the past, and this is simply a modified, a simpler, and a better form of the rule as it has existed heretofore.

The PRESIDING OFFICER. The question is on the adoption of Rule III as proposed.

The rule was agreed to.

The PRESIDING OFFICER. The next proposed rule will be read.

Mr. GARLAND. Before we leave the subject of the third rule I wish to make a suggestion to the committee.

The PRESIDING OFFICER. The Chair will assume the unanimous consent of the Senate to treat Rule III as still before the body.

Mr. GARLAND. Not as to that, but what I suggest is to come in that connection, immediately after Rule III. What I wish to suggest would come in immediately after the third rule, and be a fourth rule, or part of the third rule, as the committee may prefer.

I find that it is a custom in the Secretary's office to record the certificates of election of Senators in full. I can see no law for it and no rule for it, and yet I think this in the main a very good idea; that is to say, I think there should be some record of that matter, but I do not believe that the entire certificate should be recorded. My attention was called to it by a very lengthy certificate coming from some State, which was read here at the opening of this session and the Acting Secretary brought it to me for my opinion as to how much of it he should record. Then on looking to the law and to the rule I could find neither on the subject. Of course if he had to record any of it he had to record it all; it was not with him to make a selection. I think it is very well for a rule to be adopted in this connection to the effect that a record of an abstract of the certificates shall be kept by the Secretary, and not an entire complete record of all the certificates, as of deeds and mortgages, but the mere date of the certificate, who gave it, and to whom it was given. I wish to make the suggestion to the chairman of the committee for what it is worth. I have no particular pride about it. I shall offer the amendment if the committee think it worth while to put it in as a new rule.

Mr. FRYE. The Senator has not written it?

Mr. GARLAND. I will write it.

Mr. FRYE. If the Senator will please draft the amendment he can submit it.

Mr. GARLAND. Let the report be proceeded with and I can call attention to it afterward.

The PRESIDING OFFICER. The next proposed rule will be read.

The Principal Legislative Clerk read as follows:

RULE IV.

COMMENCEMENT OF DAILY SESSIONS.

1. The presiding officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, and any mistake made in the entries corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of.

2. *A quorum shall consist of a majority of the Senators duly chosen and sworn.*

Mr. JONES, of Florida. Mr. President, I would ask the Senator who has the proposed rules in charge if the last clause is not a little in opposition to the spirit of the Constitution? I do not know what necessity there is for adding it. I am not aware of any great difficulty ever having been experienced under the old rule. This says a quorum "shall consist of a majority of the Senators duly chosen and sworn."

Mr. FRYE. That is the old rule.

Mr. JONES, of Florida. Why is it printed in italics here?

Mr. FRYE. I will answer the Senator, because a discussion was had away back in 1863, I think, touching this very question, and the Senate by a vote in 1864 decided that a rule was absolutely necessary, and they passed in 1864 a rule and it was repeated again in the next revision. There is no change in this rule except a verbal change.

The PRESIDING OFFICER. The question is on the adoption of Rule IV.

The rule was agreed to.

The next proposed rule was read, as follows:

RULE V.

JOURNAL.

1. The proceedings of the Senate shall be briefly and accurately stated on the Journal. Messages of the President in full; titles of bills and joint resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered.

2. The legislative, the executive, the confidential legislative proceedings, and the proceedings when sitting as a court of impeachment, shall each be recorded in a separate book.

Mr. FRYE. There is no change in substance; only an alteration in form.

The rule was agreed to.

The next proposed rule was read, as follows:

RULE VI.

QUORUM—ABSENT SENATORS MAY BE SENT FOR.

1. No Senator shall absent himself from the service of the Senate without leave.

2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

3. Whenever upon such roll-call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel, the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. FRYE. The changes there are only of form, not of substance.

The rule was agreed to.

The next proposed rule was read, as follows:

RULE VII.

PRESENTATION OF CREDENTIALS.

The presentation of the credentials of Senators-elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

Mr. FRYE. I call the attention of the Senator from Arkansas to Rule VII which relates to credentials, and I suggest to him if he offers the proposed amendment touching the record of credentials that he make it clause 2 of that rule.

Mr. GARLAND. Very well; that will do.

Mr. FRYE. There is no change here except as to form.

The PRESIDING OFFICER. Does the Senator from Arkansas now propose his amendment?

Mr. GARLAND. Yes, sir; I move to add as clause 2 of Rule VII:

That the Secretary shall keep a record of the certificate of election of each Senator by entering in a well-bound book, kept for that purpose, the date of the election, the name of the person elected, the vote given at the election, the date of the certificate, the name of the governor and the secretary of state signing and countersigning the same, and the State from which the Senator is elected.

Mr. LAPHAM. I suggest to the Senator instead of naming the officers "governor and secretary of state," he say "officers signing the certificate," because the practice of the States is not uniform as to the name of the officers certifying or signing the certificate.

Mr. GARLAND. That is a matter regulated by the act of July 28, 1866, and I want to make it uniform. I have a bill now before the Committee on Privileges and Elections for that purpose. The statute of 1866 says these certificates must be signed by certain officers, and I follow that in the proposed amendment. As I stated before, it is simply to relieve an onerous piece of work that has grown up here simply by custom.

Mr. INGALLS. Is it important that the book should be "well bound?"

Mr. GARLAND. I expect it had better be.

Mr. CONGER. I can not tell now certainly, but I think the credentials of Senators from the State of Michigan do not require the signature of the governor or other officer. My impression is that they are simply a record of the proceedings of the senate and house of representatives of the State certified to by the president of the senate and speaker of the house. If so, this amendment would not meet that case. I ask that this amendment be passed over until another day.

Mr. HARRIS. I suggest that we adopt it now, and the Senator can, when we get into the Senate, ask a separate vote upon it and get the certainty of a review of the question in that way.

Mr. CONGER. It is easier before a rule is adopted to have it conform to the facts than it is to change it afterward.

The PRESIDING OFFICER. The Senator from Michigan asks unanimous consent that the consideration of this amendment may be passed over for the present, with the right to return to it hereafter. Is there objection? The Chair hears none.

Mr. CONGER. The matter can be taken up at any time hereafter.

The PRESIDING OFFICER. It can be called up by the Senator at any time hereafter. The question is on the adoption of Rule VII as reported. The Chair will consider the whole rule as passed over by the order of the Senate, and the next proposed rule will be read.

Rule VIII was read, as follows:

RULE VIII.

MORNING BUSINESS.

1. After the Journal is read, the presiding officer shall lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate; and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The presiding officer shall then call for, in the following order:

"The presentation of petitions and memorials;

"Reports of standing and select committees;

"The introduction of bills and joint resolutions;

"Concurrent and other resolutions;"

all which shall be received and disposed of in such order unless unanimous consent shall be otherwise given.

2. Until the morning business shall have been concluded, and so announced from the chair, no motion to proceed to the consideration of any *other business* shall be entertained by the *presiding officer* unless by unanimous consent; and if such consent be given the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up.

3. Every petition or memorial shall be referred, without putting the question, unless objection to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions.

4. Before any petition or memorial shall be received, it shall be signed by the petitioner or memorialist, and a brief statement of its contents made by the pre-

siding officer or Senator presenting it. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

Mr. FRYE. All the changes in this rule except one are as to form; but there is one material change, and I call the attention of Senators to it, as it is a somewhat lengthy rule, and this might be overlooked. There is a provision in the old rule, Rule VIII, second clause, just before "Petitions:"

If any portion of the morning hour shall remain after the call for resolutions, the presiding officer shall lay before the Senate, in their order, resolutions and concurrent resolutions introduced on any prior day, and the same may be proceeded with, but not beyond the expiration of the morning hour, unless by the unanimous consent of the Senate.

That is entirely dropped out in the new Rule VIII for the reason that the committee has recommended that what is called the "morning hour" as such shall be abolished, and that the time shall be devoted to the privileged morning business, and that as soon as the morning business is completed then the Calendar of unobjected cases shall be taken up; so that if that rule were adopted it would be necessary to drop out this part of the rule touching resolutions. I simply call the attention of Senators to it, and will say nothing further unless——

Mr. HOAR. I should like to ask a question of the chairman of the committee. I have read this hastily and it may be that I do not comprehend its force; but, if I do, it seems to me to make a very serious and important change in the rule. As I understand it, the present rule is:

Until the business of the morning hour shall have been concluded and so announced from the chair, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Chair, unless by unanimous consent.

The present rule, therefore, requires the unanimous consent of the Senate only when it is desired to substitute for the pending business of the morning hour some ordinary legislation which is upon the Calendar. But the proposed rule goes further and absolutely compels the attention of the Senate until the entire morning business is disposed of, under which, of course, references to committees and other dispositions of petitions and bills are debatable, and debatable at great length, unless by unanimous consent. So if there be an invasion of the privileges of the Senate, if there be some question of that kind, if notice is given of the decease of a member, and it is necessary to take up the provision for a decent and proper ceremonial which follows, no business whatever can be entertained, under the new rule, at the desire of every member of the Senate but one, until this morning business is disposed of. It seems to me whether that is a wise change in the rule is pretty doubtful, and at least it is a very substantial one.

Mr. FRYE. "Bill, resolution, report of a committee, or other subject upon the Calendar" includes almost everything that can come before the United States Senate, as it seems to me.

Mr. HOAR. No, because the subjects on the Calendar are legislative matters which in their nature are not matters of privilege, and they are not matters which ordinarily require instant attention. The very fact that they have been put on the Calendar to be taken up at a future time shows that. The old rule provides for the superiority of privilege by putting new business by petition or memorial or bill or joint resolution over the old business which is already under way, so that it may at least get its place in court. Out of respect for the right of petition, really, this rule as it now stands was enacted. There are two ways in which under our practice citizens bring their grievances to the attention of Congress to be remedied: by petition or by drawing a bill and getting it introduced. We provide that the legislation which has got its stand shall give way during the morning hour until any new subject is at least heard by the Senate, so that it may know something of its nature and may take measures for its investigation. But the proposed rule, unless my friend shall be able to show me that I have not understood it correctly, seems to me to say that no question of the highest privilege, no question of the highest importance, not merely a matter on the Calendar, but no business whatever, shall be taken up without the consent of the entire Senate. It seems to me that that is certainly a very substantial change.

Mr. FRYE. My judgment is that the rule does provide that no business whatever shall interfere with the calling of the Calendar.

Mr. HOAR. Suppose, for instance, there is a message from the House of Representatives announcing the decease of a Representative; suppose the announcement is made by a member of the Senate to the Senate of the decease of a member of this body; suppose there is some grave question of privilege which requires the instant interposition of our authority; or suppose there is some matter of business not upon the Calendar, a question of the suspension of a rule, which requires to be taken up and dealt with immediately as most urgent, is the Senate to tie its hands until one member, wishing to satisfy himself against a majority of the Senate, or two members get through debating *ad infinitum* every morning hour until debate is concluded upon the question of reference of a bill?

Since I have been in public life, and since I think the honorable Senator from Maine has been in Congress, a member of the House of Representatives was attacked in the street, and attacked by a person who the House found attacked him because of his official character. It was treated as a contempt of the House, and yet there was a very strenuous resistance on the part of a small minority of the House of Representatives to dealing with that subject at all. Now, under this rule you have only got to debate a question of the reference of a petition or bill all the morning hour, as much as any body pleases, to prevent the dealing with a question of that kind.

Mr. FRYE. The Senator does not exactly state that correctly. There is no morning hour, if these rules are adopted.

Mr. HOAR. Then it is still more; it is morning business.

Mr. FRYE. It is "morning business," not "morning hour."

Mr. HOAR. Does the Senator mean to say that if I desire to prevent the taking up of a bill which is in order and half proceeded with, which nine-tenths of the Senate want to pass, I have only to debate the reference of some other bill in the morning hour forever to stop that coming up under the new rule?

Mr. FRYE. But the old rule provided that no bill or resolution or report of a committee should be considered during the morning hour except by unanimous consent.

Mr. HOAR. But the old rule only applied to such things, and stopped at the end of an hour; the new rule extends it to all business and goes on forever——

Mr. FRYE. No.

Mr. HOAR. Indefinitely.

Mr. FRYE. No; the new rule simply closes up the time between the completion of the morning business and the time of taking up the Calendar at 1 o'clock.

Mr. INGALLS. No; I think the Senator is wrong about that.

Mr. HOAR. That was the reason of my suggestion.

Mr. INGALLS. One o'clock will be no longer known in the Calendar of the Senate after this rule is adopted.

Mr. FRYE. It simply, I said, closed up at the business which under the old rule interposed between the completion of the morning business and the completion of the one hour.

Mr. INGALLS. You abolish 1 o'clock.

Mr. FRYE. Yes, we abolish 1 o'clock.

Mr. HOAR. The morning business extends through the day until the morning business is completed.

Mr. FRYE. My impression is that there is another rule somewhere which fixes that. It cannot extend beyond 2 o'clock under the next rule—IX.

Mr. HOAR. Suppose the President sends a message proposing a declaration of war? It seems to me that in saving the Senate from the previous question (in which I heartily concur with the conclusion the committee have finally adopted, because I think that the preservation in this country of one body where the power of debate, free and full speech, and the power of amendment is unlimited is of very great importance to constitutional liberty) there is no occasion for the change here proposed. One of the great historians of Rome has declared that the liberties of Rome perished when the freedom of debate in the Senate was terminated by the adoption of a rule like our previous question. In doing that it seems to me the rules of the Senate should scrupulously, within that principle, avoid putting the majority into the hands of a minority consisting of a single member in regard to the transaction of business.

Mr. FRYE. I will ask the Senator from Massachusetts whether or not this affords the remedy:

2. Until the morning business shall have been concluded and so announced from the chair no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the presiding officer unless by unanimous consent?

Mr. HOAR. That would leave it as it is now. That very largely changes it. My objection is to the words "other business."

Mr. FRYE. As "other business" was simply put in not with the intention of changing the rule as far as that is concerned but simply of reducing the language, I will take the liberty of offering an amendment there, as follows: Instead of "other business" insert "bill, resolution, report of a committee, or other subject upon the Calendar." That will leave it as it was before.

The PRESIDING OFFICER (Mr. SAWYER in the chair). The question is on the amendment of the Senator from Maine [Mr. FRYE].

Mr. HOAR. That would relieve the thing very much, but it seems to me that there should be some time in the day fixed for closing the morning business. Suppose you do continue the morning business until it is finished ordinarily, yet there should be some time in the day at which at least a majority of the Senate may lay aside that morning business to proceed to some matter of great importance. It would seem to me that the rule should read that "until the morning business shall have been concluded and so announced from the chair, or until the expiration of one hour from the beginning of its consideration," &c. I will not press that motion myself, but I suggest it to the chairman of the committee as a matter for reflection.

Mr. FRYE. Then would come in the difficulty which I have observed ever since I have been here. After the first two or three weeks of the session, when the general raft of bills and resolutions has been presented, the morning business really closes fifteen or twenty minutes after 12 o'clock, and then between the completion of the morning business and the Calendar at 1 o'clock there is a hiatus, and my recollection is that on almost every day that was entirely consumed by discussions

between Senators as to what business should occupy that time, and practically no business was ever done in it. One purpose of the committee was to get rid of just exactly that time so occupied.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine.

Mr. HOAR. Does the Senator include in the term "resolution" any new resolution proposed by a Senator, or does he mean simply a resolution already upon the Calendar?

Mr. FRYE. A resolution on the Calendar.

Mr. CAMERON, of Wisconsin. It says a resolution or bill on the Calendar. It leaves it open for any new matter.

Mr. FRYE. That is the old rule exactly.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine [Mr. FRYE].

The amendment was agreed to.

Mr. INGALLS. Mr. President, I agree entirely with the suggestion made by the Senator from Massachusetts that there should be some limitation in point of time upon the presentation of what is now known as morning business. The original rule I see was adopted on the 14th of February, 1828—upon the top of page 6:

The special orders of the day shall not be called by the Chair before 1 o'clock, unless otherwise directed by the Senate.

Under the operation of the rule as reported by the committee, and from which the consideration of the Senate is about apparently to pass, the entire time of the legislative day may be consumed in the presentation of the business that is named in the first clause of Rule VIII, to wit: The presentation of petitions and memorials, reports of standing and select committees, the introduction of bills and joint resolutions, concurrent and other resolutions. It is not, evidently, the intention of the rules, nor would it comport with the satisfactory discharge of the public business, that the consideration of these four heads of business should continue indefinitely through the entire legislative day. It is not possible that parliamentary business can be conducted on that basis; and while I should be very glad indeed to see the old practice amended, by which the consideration of business was prevented in the interval between the expiration of the call for this order and the striking of 1 o'clock, yet it appears to me very obvious that serious inconvenience may result from the modification of the rule as presented by the committee.

I hope therefore that the chairman will either consent that this matter may be passed over for further consideration or agree that the period named in the original rule as the morning hour may be re-established in the rule. I can see that very serious inconvenience might result, and of course under the rule as it now stands the presentation of petitions and of reports and of resolutions and bills might continue every day until 5 o'clock if that suited the convenience or the caprice of Senators, if they ever indulge in caprice.

Mr. FRYE. No, Mr. President, not quite so, because if the Senator will examine Rule X he will find a provision there which requires the general Calendar to be taken up at 2 o'clock.

Mr. INGALLS. But that rule is not yet adopted. I am talking about the condition of things as it now stands.

Mr. FRYE. Of course the amendments prior to that offered by the committee are founded upon the expectation of the adoption of the latter provisions.

Mr. INGALLS. Now will not the Senator read the clause to which he invites attention as curing the difficulty that I have suggested?

Mr. FRYE. It reads: "Immediately after the consideration of unobjected cases upon the Calendar is completed, and not later than 2 o'clock——"

Mr. INGALLS. Good.

Mr. FRYE. "If there shall be no special order for that time the Calendar of General Orders shall be taken up and proceeded with in its order."

Mr. INGALLS. I do not see myself how that cures the difficulty that is spoken of.

Mr. FRYE. Let me see if this will be entirely satisfactory to the Senator: Already twice during the present session of the Senate on a request from the Senator the morning hour has been extended for the reception of bills, resolutions, &c., and of course at times it may require more than an hour, but the greater part of the time not more than fifteen or twenty minutes are required. Now suppose, as suggested to me by the Senator from Indiana [Mr. HARRISON], after the word "chair," in the second clause, it read "until the morning business shall have been concluded and so announced from the chair, or until the hour of 1 o'clock shall have arrived, no motion shall be entertained," &c.

Mr. INGALLS. I think that will be satisfactory.

Mr. FRYE. Allow me to ask the Senator—I ask him because I am aware of his knowledge of the rules—whether or not he would in any way interfere with the purpose of the committee to make use of the portion of that hour which is not consumed by morning business?

Mr. INGALLS. I should think not.

Mr. FRYE. Then, Mr. President, in order to meet the difficulty proposed, I will move to insert after the word "chair," in the second clause, the words:

Or until the hour of 1 o'clock has arrived.

Mr. BAYARD. May I suggest to the Senator whether in fixing in that way the hour of 1 o'clock and in Rule IX the hour of 2 o'clock for the operation of the Anthony rule, so called, we do not dispose of the first hour of the session and the second hour also. As the session draws near a close the pressure of business makes us commence our sessions an hour earlier, and we meet for the last three or four weeks of the session at 11 o'clock in the day. The morning hour is less requisite at the close of the session than at the beginning of the session. At the beginning of the session, as Senators all know, there is the presentation of new business or the reintroduction of old business, and the time for the morning hour is more essentially demanded; whereas the longer the session progresses the less business is to be presented anew in that hour. Therefore it seems to me that if we wish to confine the morning business to one hour and the business on the Calender under the Anthony rule, so called, to another hour, we had better not fix the specific hour of the day in the rule for one at 1 o'clock and for the other at 2, because you may find in that way you have extended the morning hour to two hours and the Anthony rule one hour beyond the two.

Mr. HARRISON. The Senator from Delaware will allow me to suggest that the amendment which the chairman of the committee has now indicated a purpose to offer was simply intended to remove the objection that otherwise the entire session or an unreasonable portion of the time might be occupied with morning business. He has suggested in this amendment that the hour of 1 o'clock be named, and in the next rule 2 o'clock. Now in the contingeney which the Senator from Delaware has suggested, that the Senate towards the conclusion of the session, being pressed with business, would meet at 11 o'clock, this first rule would simply put a limitation of 1 o'clock upon the morning business. It is not likely that two hours would be needed for it.

Mr. BAYARD. Certainly not.

Mr. HARRISON. And the other rule would send us at once to the Calendar whenever we were through with morning business; so that in the case he suggests there would be a possibility that the morning business might occupy two hours if it was pressing; but there is, I think, no practical objection, for at that period of the session, as we all know, the morning business is not pressing.

Mr. BAYARD. My design was merely to facilitate a rule that would not give the entire day to the consideration of morning business, as I supposed the object of the Senator from Kansas was to prevent it. The rule under which the Senate has proceeded for so many years, Rule VIII, provides that the first hour of daily session shall be designated as the morning hour, during which a certain order of business shall follow. Therefore you have the designation of the hour and the limitation of the consideration of that business to that period of time, so that whatever may be your hour of meeting, if 10 o'clock, you have one hour to 11, if 11 o'clock 1 to 12, for morning business; but if you fix the hour of 1 o'clock and meet at 11 you have two hours for the morning business, which I suppose it is not the desire to have.

The PRESIDING OFFICER (Mr. HOAR in the chair). Does the Senator from Maine move the amendment which he indicated?

Mr. FRYE. I move the amendment in clause 2 of Rule VIII, line 2, after the word "chair," to insert:

Or until the hour of 1 o'clock has arrived.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the adoption of the rule as amended.

The rule as amended was agreed to.

The next proposed rule was read, as follows:

RULE IX.

ORDER OF BUSINESS.

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of bills and resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

Mr. BAYARD. May I ask whether in the first part of that rule, which reads "At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order," the "motion" there spoken of would require any notice?

Mr. FRYE. I suppose not. I suppose that really refers to the motions provided for in Rule X, which are privileged motions—the motion to proceed to the consideration of a revenue or an appropriation bill, the motion to proceed to the consideration of any other bill on the Calendar, &c.

Mr. BAYARD. I ask simply whether the rule the Senator proposes means a motion of which no previous notice has been given?

Mr. FRYE. I think it refers to those privileged motions named in the next rule. This is the Anthony rule, only changed slightly in form.

Mr. BAYARD. What I mean is that a single objection would not prevent a matter being considered.

Mr. FRYE. I have no question about that.

Mr. HARRIS. It is simply a motion to consider something else, which never has been held to require a day's notice. It is always a motion disposed of immediately.

Mr. BAYARD. I only want that made clear.

The PRESIDING OFFICER. The question is on the adoption of Rule IX.

The rule was agreed to.

The next proposed rule was read, as follows:

RULE X.

ORDER OF BUSINESS—Continued.

Immediately after the consideration of unobjected cases upon the Calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar.

Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

Fourth. A motion to place such subject at the foot of the Calendar.

Each of the foregoing motions shall be decided without debate, and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

Mr. MORGAN. I move to amend the second clause, "A motion to proceed to the consideration of any other bill on the Calendar," by adding the words:

Which motion shall not be open to amendment,

So as to confine the question to the particular bill a Senator may choose to suggest in lieu of the business then pending in the Senate.

Mr. FRYE. I see no objection to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. MORGAN].

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the rule as amended.

Mr. INGALLS. Mr. President, the word "unobjected" as an adjective is one that has crept into our parliamentary usage in the last few years without any authority of lexicography, and I would suggest to the chairman of the Committee on Rules, in the interest of reform in speech, that that clause be changed so as to read:

Immediately after the consideration of cases not objected to upon the Calendar is completed.

Mr. FRYE. I think that the language used by the Senator from Kansas is an improvement.

Mr. INGALLS. There is no such word as "unobjected" used in this sense.

The PRESIDING OFFICER. The Senator from Kansas moves to amend by striking out in the first line "unobjected" after "of" and after "cases" in the same line, inserting "not objected to."

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the rule as amended.

The rule as amended was agreed to.

The next proposed rule was read, as follows:

RULE XI.

SPECIAL ORDERS.

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the presiding officer shall lay it before the Senate, unless there be unfinished business of the preceding day; and if it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

2. When two or more special orders have been made for the same time they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

Mr. FRYE. That does not change the substance of Rules X, XI, and XII, but does change the form entirely.

Mr. INGALLS. Does it incorporate all the provisions contained in those three rules?

Mr. FRYE. All the provisions contained in those three rules.

The rule was agreed to.

The next proposed rule was read, as follows:

RULE XII.

OBJECTION TO READING A PAPER.

When the reading of a paper is called for and objected to, it shall be determined by a vote of the Senate, without debate.

Mr. FRYE. There is no change there.

The rule was agreed to.

The next proposed rule was read, as follows:

RULE XIII.

VOTING, ETC.

1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the presiding officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the presiding officer entertain any request to suspend it by unanimous consent.

2. When a Senator declines to vote on call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate; and these proceedings shall be had after the roll-call and before the result is announced; and any further proceedings in reference thereto shall be after such announcement.

Mr. BAYARD. I was in hopes that when the committee recast that rule they would provide in some way against the repetition of scenes that I have witnessed in this Chamber, whereby, a quorum being present, a sufficient number of Senators remained silent when their names were called and though in their seats refused to vote, and on the question preliminary to the demand that a Senator should vote yea or nay, and after hearing his reasons whether he should be compelled to vote or not when called upon by the presiding officer, remained silent, so that there was no decision reached by the Senate (which means a quorum of the Senate). Thus, although there was a majority of those present ready to act and that majority a constitutional majority because the majority of a quorum present, there was a dead-lock put, or to speak more accurately a paralysis inflicted, upon legislation by Senators sitting in silence and refusing to obey the laws of their own creation. It seemed to me to have features in it of the most unfortunate kind, in some respects rather more dangerous than the doctrine of secession which we have heard condemned, and so justly, for it appears to me much better that Senators should leave the Chamber and be absent from their seats than to sit here and vote when they please and withhold their votes when they please without any regard to public interests or the rules of this body.

I do not know that the Senate can frame a rule which shall compel a man to speak against his will. They can by law prevent his speaking and can remove him from the place where he can speak; but I know of no law that can compel him to speak against his will; but possibly there might be some punitive measure brought in to prevent an absolute contempt of the body, a contempt of its rules, a contempt of the objects of legislation for which we were assembled, which has been witnessed in this Chamber I am sorry to say upon more than one occasion. The persons who refused to vote sat still and virtually said, "Business shall not proceed unless it be in the way we desire; a quorum is present; we are part of that quorum; but we prefer to stand mute and to answer not when our names are called, and in that way arrest all proceedings of public business unless we can have our way and prevent the will of the majority from being performed."

I do not know, sir, precisely by what means you are to procure or by what penalties you can exact the performance of and obedience to the rules of the Senate, but I have seen this very rule laughed to scorn in the Senate, I have seen it derided, nullified by the utterly disorderly and insubordinate action of a number necessary to assist in forming a quorum for the transaction of business. When this question came to be examined by the light of our experience I was in hopes that there would be some rather more stringent method that would compel Senators to answer one way or the other when they were in their seats, and it was their duty to answer one way or the other.

I have a right to speak of this, because in days long gone by, when I was a member of a very feeble minority in this Chamber and we were compelled to sit at one time three days by a vast majority who were hurrying through business which we thought destructive of the interests of the country, the proposition was made that we could withhold our votes, break a quorum, and compel a portion of the vast majority to come here and form their own quorum. When that rule was first read to me, though I believed I had then as much justification for withholding my vote as could be given under any stated condition of affairs, I bowed to the rule, for I believed there was a duty incumbent on me when I entered the body and an obedience to the rules to the creation of which I had been a party, and therefore I never under any circumstances sat mute in defiance of the rule or refused to vote when I was called upon under the rules to answer.

I do not know that machinery can be provided in the form of a rule to compel subordination to the great object for which we are assembled here, but I wish very much that while this matter is in the hands of a special committee, and with the experience and history of events in this body before them, there could have been some improvement upon a rule which had been quoted and read only to be despised.

Mr. MORGAN. Mr. President, I will not offer an amendment to this rule now, but inasmuch as the measure before the Senate is to be considered in the Senate after we have passed through it in Committee of the Whole, I will venture to suggest that the difficulty which the Senator from Delaware has encountered and we all have so frequently here might possibly be obviated in a safe way in this manner: allow the rule to stand just as the committee have reported it, and add to it a provision of this character, that a Senator being present and declining to vote, the presiding officer shall announce the presence of the Senator and direct the Secretary to record his vote in the negative, for if he is here and not participating in the proceedings it is a fair presumption that he is opposed to what is going on and is opposed to the will of the Senate in the particular in which the Senate is about to execute its will.

Mr. INGALLS. Silence gives consent usually.

Mr. MORGAN. Silence does usually give consent, but not in practice in the Senate, for when consent is withheld by a Senator who is present to form a constitutional quorum to do business it must be on the ground that he is opposed to what the Senate is trying to do, and it would be only fair that his vote should be recorded in the negative when he declines to vote himself. The rule being well understood beforehand the Senator would comprehend the consequences of his refusal to vote. If he were to absent himself from the body, as he might do until the body was reduced below the number required for a quorum, then the Senate could order him to be brought in. If he still refused to vote, however, the order of the Senate in that particular would be entirely nugatory, although it had executed its will by having him brought within the body.

I throw out the suggestion, not in the form of an amendment at this time, but for the consideration of the Senate and the committee, so that we may see whether there is any danger in this suggestion.

Mr. FRYE. I had the honor once to be on a House Committee on Rules which had a revision intrusted to it. The members of the committee were Mr. RANDALL, Mr. Stephens of Georgia, Mr. Garfield, Mr. BLACKBURN, and myself, and I think we honestly and conscientiously undertook to provide a rule which should compel members of the House to vote when their names were called. We worked upon it two or three days and we failed. It can not be done by any rule or constitution or law, or anything else except the Senator's own sense of propriety and decency.

Mr. President, there are several forms of filibustering, so called. One is by making motions to adjourn and motions to adjourn to a day certain one after the other, the one always in order, the other being interposed, and calling for the yeas and nays. In the House of Representatives under its present rules, and under any rules it has ever had within my knowledge, a vote can not by any possibility be reached so long as a minority sufficient to order the yeas and nays can maintain physically the conflict.

It may be that filibustering ought now and then to be resorted to by a minority in the preservation of an imperiled right, and it may be that they would be justified in resorting to it under extraordinary circumstances; but it brings, in my judgment, a body into contempt, and ought to bring it into contempt, when it is resorted to on every trivial occasion, just as the cross-examining of witnesses, as all lawyers understand, brings cross-examination into contempt, and makes it utterly useless when it is tried in the case of every witness who presents himself.

Now take the case of a Senator sitting still in his seat. I do not myself believe that it is ever justifiable. I believe that the Senator should vote. The Committee on Rules of the Senate undertook to consider that very question and to provide for it, and after discussing it for an hour or two they unanimously gave it up as an utter impossibility.

Mr. BAYARD. Questions of Senators' personal interest may prevent their voting sometimes.

Mr. FRYE. If you propose to fine, nobody cares for a fine when he is acting with his party, and the fine will certainly be remitted in time. If you propose censure, who cares for a censure when he is acting in accord with his side? It amounts to nothing. You may lead the horse to the brook, but you can not make him drink. You can not make a Senator say "yea" or "nay" by any rule. The Senate itself can be a rule to itself, so that no other rule would ever be necessary touching that single matter. So far as I am concerned, I agree with the Senator from Delaware entirely, and I put myself upon his platform. I never will while I am in the Senate, at the dictate of my party, sit silent and refrain from voting to destroy a quorum. I shall exercise the privilege of voting from duty, for that method of filibustering, it seems to me, is entirely improper, and almost indecent, in a body like the United States Senate.

Mr. SHERMAN. Mr. President, it has been said that the habit of refusing to vote in violation of the rule is an ancient custom. I should like to know when it ever occurred in the Senate of the United States until within the last six or seven years. I ask the Senator from Delaware if he ever heard of a case of Senators refusing to vote until within the last six or seven years.

Mr. BAYARD. No, sir. I have stated to the Senate my own experience on the subject. It was not six or seven years ago; I think it was perhaps twelve or thirteen years since, when there were only about five or six men of my way of thinking in this Chamber, and I did once withhold my vote; but the rule was read, and as soon as I heard the rule read I bowed to the rule and voted, and I never sat in my place and withheld my vote against the instruction of the Senate.

Mr. SHERMAN. It is not worth while for us by rules to guard against an abuse and violation of a public duty which never occurred during some eighty years in the history of the Government and has only occurred three or four times, probably not so often. I never knew it to occur; I never was in the Senate of the United States when a Senator refused to answer to his name, except sometimes when he was paired or declined to vote, and no one desired him to vote; but I never yet saw a Senator refuse to answer to his name in order to break up a quorum. It is just as revolutionary an act as it would be to fire a musket at the President of the United States.

There is a great distinction between this refusing to vote and the making of dilatory motions. The making of dilatory motions is a right given by the rules. It is given to secure amplitude of debate; consideration, to gain time; and therefore, although sometimes very wearisome and very hard to submit to, especially through a long night session, yet we feel bound to yield to it, because a Senator exercises a right which the rules give him. But a man who refuses to vote when his name is called upon a question before the Senate violates the rules and places himself in antagonism to the rules that he has himself probably voted for, or at least that were adopted by the body of which he is a member. I say, for one, that I never have refused and I never will refuse to answer to my name, when it is called in my presence, with my vote, and I can not imagine any circumstances, the gravity of any vote, that would induce me to refuse to vote when my name was called on a lawful calling of the roll.

I do not think it is worth while for us to guard against a contingency that, although it happened three of four times in the recent history of the Senate, will probably never happen again. I have heard the lecture read many times on this subject; I do not think any of us will ever forget it. It is only a modern practice; it only occurred in three or four instances, and by both sides of the Chamber, as I am informed, though I was not here. It has been practiced in two or three rare instances by both sides of the Chamber in times of high party excitement, and it is not a thing that can be guarded against by rule. It is revolutionary and dangerous. I hope, therefore, no attempt will be made to either apply a penalty or to record a man as voting when he does not vote, and thus make the Journal a falsehood, or do anything at all to guard against a remote danger that probably will not occur again in our time.

Mr. BLAIR. Mr. President, there seems to be a natural difficulty, a difficulty of fact, involved here. Under our form of government a majority has a right to control the action of the deliberative body; but if circumstances arise such as have been witnessed in the past and as have been discussed in the debate on this proposition, the power of that majority is taken away, it may be by a single member, and at all events in any case it is within the power of a minority to do it. Now, it seems to me that if the majority is present we may be able to adopt a rule which will enable the body to act, and that we ought to do so; and I would suggest an addition to this rule, in language something like this—and which I would submit for the consideration of the Senator from Alabama, as he proposes to offer an amendment—if we could adopt language something like this, it seems to me, it would enable us to carry on this Government:

That a question shall be decided whenever a majority of a quorum shall vote, there being a quorum present in the Chamber at any time during the roll-call.

If we could adopt language of that kind it would enable us to act, if there is any possibility of our adopting any rule that will do so.

Mr. INGALLS. How would that effect it?

Mr. BLAIR. There could be no majority of those present unless under the provisions of this proposition a decision could be secured. There would be, of course, in order that the body could act at all, necessarily a quorum present in the Chamber. There must be thirty-one, if the deliberative body consists of sixty members. That thirty-one has, under the theory of our institutions and of all deliberative bodies, a right to act, and a majority of the thirty-one may carry a proposition. But the difficulty we meet with is, that a majority of the thirty-one being present, some one or more refuse to act and the proposed action of the body is nullified. This difficulty would be met and would be overcome by a provision such as is covered by this proposition, that a man should be presumed to have voted if he was present and did in reality assist to make up a quorum.

Mr. HARRISON. As these amendments, which have been proposed or indicated by the different Senators, can be offered in the Senate and have not yet been formulated, I suggest that we proceed with the rule, and Senators having this matter in their mind can present their amendments in the Senate.

The PRESIDING OFFICER. The Senator from Indiana suggests the passing over of this rule.

Mr. HARRISON. No, sir; not that we pass over it, but that we pass it in committee, and the amendments can be moved afterward.

The PRESIDING OFFICER. The question is on the adoption of Rule XIII.

Mr. INGALLS. Mr. President, I notice that one clause of this rule forbids the voting of a Senator after the decision shall have been announced, and declares that he may, for sufficient reasons, with unanimous consent, change or withdraw his vote; that is to say, after the decision has been announced. It seems from the reading of the rule that permission might be given to withdraw the vote when it would change the result. I suppose it can not have been the intention of the Committee on Rules to permit the withdrawal of a vote after the decision has been announced when it would change the result. I would suggest that there should be some further modification necessary, because it would be very strange parliamentary practice to have the yeas and nays recorded in the affirmative, for instance, carrying a measure, and then permit the change or withdrawal of a vote after the announcement of the decision, so that the Journal would show that the majority was on the other side.

Mr. HARRISON. I think in this respect the proposed rule as reported by the committee is identical with our present Rule XVIII.

Perhaps that is subject to the objection which the Senator from Kansas has suggested, but it is not new with the committee.

Mr. INGALLS. No change or withdrawal of a vote ought to be allowed after the decision is announced if it changes the result. I state that as a proposition which demands general consent. I would suggest that the proposed rule be amended by inserting after "change or withdraw his vote" the words "provided such change or withdrawal will not alter the result."

Mr. FRYE. Suppose a Senator has made a mistake?

Mr. INGALLS. That is his misfortune, of course, if he may have made a mistake; but after the decision has been announced by the Chair, and in parliamentary practice the decision has gone into active operation as a practical result, then to allow a man to come in and change or withdraw his vote would certainly be to nullify the entire proceeding.

Mr. HARRISON. Will the Senator allow me to suggest to him that it can only be done by "unanimous consent?"

Mr. INGALLS. It ought not be allowed to be done at all.

Mr. HARRISON. "And for sufficient reasons," so that it is entirely in the power of any Senator voting with the majority to prevent a change in the result by the withdrawal or change of a vote.

Mr. SHERMAN. The present rule has the same provision.

The PRESIDING OFFICER. The question is on the adoption of Rule XIII.

The rule was agreed to.

The next proposed rule was read, as follows:

RULE XIV.

RECONSIDERATION.

1. When a question has been decided by the Senate, any Senator of the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, without debate, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

Mr. BAYARD. I submit to the Senator from Maine whether in the desire to condense the phraseology of these rules he has not left out a word which ought to be left. This reads "When a question has been decided by the Senate any Senator of the prevailing side." I submit that ought to be "any Senator voting on the prevailing side." That is the language of the former rule. A man may be on the prevailing side and not vote at all. I think the words "voting on" had better be inserted in place of the word "of" in the first line.

Mr. FRYE. I have no objection to saying "voting with the prevailing side."

The PRESIDING OFFICER. The amendment is in the first line of clause 1, after the word "Senator," to strike out "of" and insert "voting with."

The amendment was agreed to.

The rule as amended was agreed to.

The next proposed rule was read, as follows:

RULE XV.

BILLS, JOINT RESOLUTIONS, AND RESOLUTIONS.

1. One day's notice at least shall be given of an intended motion for leave to bring in a bill or joint resolution, but in the introduction of bills or joint resolutions on leave such notice may be dispensed with by unanimous consent.

2. Every bill and joint resolution shall receive three readings previous to its passage; which readings shall be on three different days, unless the Senate unanimously direct otherwise, and the presiding officer shall give notice at each reading whether it be the first, second, or third.

3. No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day if not objected to, for reference, but shall not be considered on that day as in Committee of the Whole, nor debated, except for reference, unless by unanimous consent.

4. Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar.

5. All resolutions shall lie over one day for consideration unless by unanimous consent the Senate shall otherwise direct.

6. Every resolution of inquiry addressed to the President of the United States, or to the heads of Departments, shall, if objected to, be referred to the committee having jurisdiction of the subject-matter of such resolution; said committee shall report thereon within one week thereafter, and said resolutions shall be in order for consideration when reported.

Mr. HOAR. I desire to call the attention of the Senator from Maine, the chairman of the committee, to a suggestion in regard to the first clause of this rule. I never heard of an objection to the introduction of a bill or joint resolution. Still, of course, it may be convenient sometimes that such a matter should be postponed one day in order to give opportunity for preparation for what may be an important question—the reference of a bill. But under this rule and under the old rule of the Senate the thing which is most frequently done as of course in the Senate, that is the introduction of a bill or joint resolution, is done out of order by unanimous consent, and therefore the Chair, if he goes through the entire formula, has in every case to ask the unanimous consent of the Senate, and the clerks in journalizing the proceeding record that Mr. A asked and received unanimous consent to introduce without previous notice a certain bill.

Now why would not everything practical be accomplished by providing that whenever a bill or joint resolution is introduced, it shall, if objected to, lie over one day? That would secure everything that the present rule secures, and would avoid the long formula and the repetition of this statement in the Journal. I beg leave to move that amendment as a substitute for the first clause of Rule XV.

The PRESIDING OFFICER (Mr. PLATT in the chair). Will the Senator prepare his amendment?

Mr. HOAR. I will, if the Secretary will take it down. I propose to strike out the first clause of Rule XV and to insert:

Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.

Mr. FRYE. Mr. President——

Mr. HOAR. Let the Secretary report the amendment. Perhaps some better phrase will be suggested.

The amendment was read.

Mr. FRYE. It seems to me that that is an improvement on clause 1 of this proposed rule; but on reference to the RECORD it will be found that in the last revision of the rules a report was made to the Senate striking out practically clause 1 for reasons given then as given now by the Senator from Massachusetts, and the then Senator from Maine, Mr. Hamlin, objected to striking out the provision, and said that in his experience he had known of two or three occasions where it was absolutely necessary or exceedingly important to invoke the rule. However I do not see but that the Senator's amendment still preserves all that is good in that clause.

Mr. HOAR. If the Senator will pardon me, I believe that my amendment preserves everything that is in the clause, good or bad. The practical result is precisely the same as now; it merely saves the long formula uttered from the chair and recorded in the Journal.

Mr. INGALLS. The first clause of the rule is founded upon a venerable fiction that has long since been abandoned. It was the custom in the early days of the Senate frequently to have the debate upon the subject-matter involved in a controversy occur when the motion was made for leave to bring in a bill. That was in the days when there were but very few members of the Senate, when it sat with closed doors, and when the debates were largely colloquial and conversational; but as the business has become public and conducted with open doors and the numbers of the Senate have increased, the whole practice has been entirely abandoned; and the reason for the rule having ceased, of course the rule itself ought to cease.

The amendment offered by the Senator from Massachusetts meets with my entire approbation, and I have not the slightest doubt that even under it the privilege which may be invoked will not be called into existence within the experience of any man now in this body.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The PRESIDING OFFICER. Are there further amendments to Rule XV as proposed by the Committee on Rules?

Mr. BAYARD. I was about to propose to strike out the new clause, clause 6, for which I can imagine no necessity whatever, and to which I can see very manifest objection.

In the first place, if a resolution of inquiry is offered it is always competent, under the present rules, for the Senate to commit it if they think it proper to be done. Every one understands practically that when a resolution of inquiry is offered and it is committed, that is an adverse action upon the resolution. Although by this provision you are to return it in a week and then make it open for consideration, that does not cure the case, because the week may contain the very time which is of essence for the purpose of obviating the information.

The Senator from Ohio [Mr. PENDLETON] not now in his seat made the proposition that the officers of the Cabinet should be here present on this floor for the purpose of being interrogated and of making their personal and verbal replies to inquiries respecting their various Departments. It is essential, more perhaps to the minority than to the majority, that this right of inquiry, the opportunity to obtain information in regard to public affairs, should be as unimpeded as the public interests will permit. I do not wish to see resolutions of inquiry, the only means whereby a minority can promptly avail itself of information in order to check action, impeded by a week's delay, which may effectually destroy that remedy.

This section of the rule is entirely new. It has never found its way into any of the rules of this body up to this time, and I hope now that it will not meet the approval of the Senate. There are times in legislation when prompt and immediate reply must be had from the officials in charge of the information desired. Under this proposed rule, as I understand it, a single objection would prevent the adoption of a resolution of inquiry, and would send it to a committee which can withhold it for a week and then indefinitely debate it.

I trust that there is no new cause for such a rule as this. There has been no abuse. The Senate may refuse to make the inquiry; the Senate may commit the resolution to any committee it pleases under our present rules; but this would place it at the mercy of any single individual to object to an inquiry being made, which might be very vital, and which should have immediate and prompt attention.

I submit to the Senate that such a rule is not wise, that it is not expedient, and I trust it may not receive the approval of this body. I therefore move to strike out the sixth clause.

Mr. INGALLS. It is not in yet.

Mr. GARLAND. We can take a separate vote on the different clauses. The sixth section is not yet in the rule.

Mr. SHERMAN. It seems to me that this is a wise provision of the rules on the score of economy——

The PRESIDING OFFICER (Mr. HOAR in the chair). If the Senator from Ohio will suspend, the Chair desires to understand what is the attitude of the question.

Mr. SHERMAN. The whole text of the rule, I understand, is subject to amendment, and a Senator may move to strike out any portion of it.

The PRESIDING OFFICER. The Chair understands that the entire report of the committee is before the Senate, and as there is nothing here which is proposed by the committee which requires to be inserted, the regular motion would be that suggested by the Senator from Delaware to strike out.

Mr. BAYARD. I beg pardon of the Senator from Ohio, but I have already made a motion to amend the rule by striking out the sixth section.

The PRESIDING OFFICER. The Chair understood the Senator from Delaware to move to strike out section 6, when some Senator suggested that that was not in yet; and the Chair understood the Senator from Delaware not to press his motion in obedience to that suggestion; but the Chair understands that the motion of the Senator from Delaware was the proper one.

Mr. BAYARD. On the contrary, the Chair misunderstood me. I arose to emphasize my motion to strike out the sixth section.

The PRESIDING OFFICER. The Senator from Delaware moves to amend. The amendment will be reported.

The SECRETARY. It is proposed to strike out clause 6 of Rule XV, as follows:

> 6. Every resolution of inquiry addressed to the President of the United States, or to the heads of Departments, shall, if objected to, be referred to the committee having jurisdiction of the subject-matter of such resolution; said committee shall report thereon within one week thereafter, and said resolutions shall be in order for consideration when reported.

Mr. SHERMAN. As I said a moment ago, I think the adoption of this rule on the score of economy would be advisable. I do not think in any other respect it is very material. No doubt it has been copied from one of the new rules adopted in the other House, where it has worked very well, but where it is much more imperative in form than the proposed rule as stated here.

Very commonly resolutions of inquiry are hurriedly written out and introduced, and they are generally favored, because, as the Senator from Delaware says, there ought to be the freest modes of communication between the executive and legislative departments of the Government. We call upon the President and the heads of Departments in a multitude of instances for information already communicated to us and lying on our table. In some cases large documents, sometimes extending to volumes, have been sent to us and published twice during the same session of Congress; and information actually transmitted to us in the regular annual reports has been called for by a resolution of inquiry before it could be printed, and when sent to us again has in the ordinary routine of business been ordered to be printed.

It seems to me, therefore, that these resolutions ought to go through some kind of examination or surveillance to see that they are properly expressed, that the resolutions do not call for information already communicated, and that they do not throw upon the executive branch of the Government a great deal of unnecessary labor and expense. I know from my own experience that large numbers of clerks have been sometimes kept copying from official documents information that had been previously in a somewhat different form communicated to Congress, thus creating an expense not only in the Departments but an expense in the Senate in printing, and largely adding to the cost of our printing.

It seems to me that it is a very moderate check upon the hasty introduction of these resolutions to provide that as they are introduced they must be referred to some appropriate committee; and here is a provision that such a resolution shall be reported back in one week, so that the Senate will have the power no doubt to act upon it.

With a view to promote economy it was deemed advisable to propose this rule, and I think it ought to be adopted. If it is found to be too restrictive in its character there will be no difficulty in changing it, but a great deal of unnecessary labor and a great deal of unnecessary expense would be saved by its adoption.

Mr. MCPHERSON. I am very much surprised indeed at the remarks made by the honorable Senator from Ohio in placing, as I understood him, the whole ground of his objection to the motion of the Senator from Delaware upon the question of economy. Within the past week I have known two or three Senators upon the other side of the Chamber to rise in their place and ask for information from the Interior Department of the Government with respect to some matter touching the railroads, as to the amount of land grants, I think one of them was, of a certain railroad, and as to the action of the Interior Department touching its right to certain land grants. The Senator from Ohio well knows that legislation might have been pending in regard to which it would have been very important not only to the Senators seeking that information but also to the entire Senate to know what the facts were touching the case. He also well knows that the heads of Departments do not report in their annual reports that detail of information touching those questions which the Senators there asked for.

It seems to me it would be the most unwise proceeding to choke off any Senator, so to speak, from his right to ask for such information as would give him the necessary knowledge to vote intelligently upon any question brought before the Senate. This rule proposes to refer such a resolution of inquiry to a committee to take action upon it, giving them one week's time.

Mr. SHERMAN. If my friend will allow me to interrupt him, he will find that in the case he puts the proposed rule does not at all apply. The rule only applies where objection is made, and then it requires, where an objection is made, that a reference should be had to ascertain the character and nature of the objection.

Mr. MCPHERSON. In that case one member of the Senate, conceiving that he had an objection, would have the power in his hands alone, and without concert of action with any other Senator, to prevent action and to delay the information for one entire week. When such a resolution is put into the hands of a committee it may remain there for a week under this proposed rule, and it is then reported to the Senate and may be debated for a week or two weeks longer, and pending the discussion the important matter upon which the information was to bear may have been decided and out of the way entirely, and we be left entirely in the dark.

This proposition is the worst species of gag law that I have ever heard undertaken in this Senate Chamber. If there is any disposition on the opposite side of the Senate to prevent information, then no better plan could ever have been adopted than this one, which proposes to provide by an express rule of the Senate that action shall be suspended before the information so necessary and so important in many legislative matters can be even reached for the guidance of the Senate.

Mr. JONES, of Florida. It seems to me that we have sufficient guarantees already in the good sense of the Senate with respect to resolutions of inquiry. I can not conceive of any necessity for a rule of this kind to guard against the intemperate or hasty action of so conservative a body as this. During the eight or nine years that I have been here I think I can say that I have never known a resolution of inquiry to go through in a hasty way. Such resolutions are very few in number ordinarily, and when a Senator gets up here and objects to a resolution of this description it lies over for a day or so and comes up again, and after it is adopted and goes to the Departments it may be that in the course of a month we get a reply. To hamper and restrict the powers of this body under existing rules or practice would be in my judgment very unwise.

I think the rule proposed is entirely unnecessary, because the Senate holds within its own hands the power to regulate the whole subject. If any Senator comes forward here with a resolution of inquiry which in its character is not proper to be addressed to the head of a Department or to the President, the Senate can put it down by its vote; it is open to debate, if necessary; the object and purpose of it can be disclosed. When it is proposed to refer a resolution of inquiry to a committee which may sit with closed doors, where the whole purpose of the matter may be debated in a very different way from what it can be done here, I think it is a change in the rule which ought not to take place.

Mr. BECK. Mr. President, I desire to make one suggestion. As I understand it now every resolution of inquiry, if objected to, lies over one day and then comes up for consideration; and if a majority of the Senate think it ought to go to a committee it goes there. This rule provides that if one man the next day when it comes up for consideration insists that it shall go to a committee, although the whole body of the Senate might determine that it should not so go, it must go. That is the proposed change. As Senators have very well said, before the committee can meet the purpose of the inquiry may be at an end, for the legislation to be based upon the information may be passed upon. Why the whole body of the Senate should put it in the power of one man to send such a resolution to a committee I am not able to see.

Besides, the committee to whom the resolution may appropriately go, or a majority of them, may be absent from the city and they may be unable to obtain a meeting. If they do not report within a week, what is to be done about it? Is it then to come back whether they report or not, or is it to be withheld until they can meet? They may be able to give good reasons on account of the absence or the sickness of members for not having had a meeting within the time prescribed by the rule. Many embarrassments may arise. When it is now in the

power of a majority to send such a resolution to a committee, surely the whole body of the Senate should not be deprived of the information desired because one man may desire a reference, with the chances taken of the legislation being over before the information can be procured, and when by reason either of the absence of members of the committee or sickness, or other excuses, they may be prevented from acting upon it at all.

Mr. INGALLS. There is some embarrassment resulting in my consideration of this proposed addition from the language of the third line, prescribing the committee to which the resolution is to go, the language being, "the committee having jurisdiction of the subject-matter of such resolution." Take the case of the resolution offered by the Senator from Nebraska [Mr. VAN WYCK] this morning, which recited in the first place the decisions of a number of courts, including, I think, the Supreme Court of the United States, which may have been or may not have been correctly set forth. Then there was a further reference to certain statutes passed that incorporated certain railroads and endowed them with land subsidies. The resolution closed with a declaration that the public lands of the United States had been interfered with in some way by this judicial determination and by the action of the Interior Department. The question would naturally arise whether that resolution should go to the Committee on the Judiciary, to the Committee on Railroads, or to the Committee on Public Lands. I should hope the Senator from Maine would see fit, if he adheres to this proposed amendment, the wisdom of which I very much doubt, to change that language at least, so that the resolution should be referred to the appropriate committee, because properly speaking there is no committee in this body that has jurisdiction, in the proper sense of that term, of any subject-matter whatever.

While speaking on the subject I may suggest that, although there are reasons of considerable force why this amendment should be adopted, yet there are others that appear to me equally strong against it. It is very true that occasionally resolutions are offered here calling for information that is accessible in published reports of the officers of the Government on the files of the Senators or in the document-room, but whether or not the mere saving of dollars and cents that might result from the discovery of this fact would not be largely outweighed and overborne by the detriment that might occur by reason of the possible delay of one week when legislation was pending or great public matters were at stake is to my mind a matter of very grave and serious doubt, and until a stronger case is made than has yet been presented my opinion would be very strongly against the adoption of the proposed amendment to the rules.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware [Mr. BAYARD] to strike out clause 6 of Rule XV.

The motion was agreed to.

The PRESIDING OFFICER. The question now is on the adoption of the rule as amended.

The rule as amended was agreed to.

Mr. MCMILLAN. It is now nearly 4 o'clock and we have progressed some distance in the rules. There is a very large number of nominations lying on the table, and I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. If the Senator from Minnesota will be kind enough to withhold that motion for a moment, the Chair will lay before the Senate a resolution from the House of Representatives which is a matter of privilege.

Mr. MCMILLAN. Very well.

HOLIDAY RECESS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution, received from the House of Representatives; which was read:

Resolved by the House of Representatives the Senate concurring), That when the two Houses adjourn on Monday, December 24, 1883, they stand adjourned until Thursday, the 3d day of January, 1884.

Mr. GARLAND. Let that lie over, to be considered in connection with the resolution offered by the Senator from Kansas [Mr. INGALLS] this morning.

The PRESIDING OFFICER. The resolution will lie over.

Mr. MCMILLAN. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to.

THE CALENDAR.

The PRESIDING OFFICER. Before the doors are closed the Chair will consider a proposition that the Calendar be printed for the use of the Senate, as has been done heretofore at each session.

Mr. INGALLS. And I suggest, as has been done on previous occasions, that the Calendar be printed daily for the use of the Senate.

Mr. GARLAND. That was the last rule of the Senate on the subject.

The PRESIDING OFFICER. If there be no objection it will be so ordered.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After 23 minutes spent in executive session the doors were reopened.

CLAYTON-BULWER TREATY CORRESPONDENCE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table and be printed.

To the Senate of the United States:

I transmit herewith in response to the Senate resolution of the 18th instant a report of the Secretary of State and accompanying papers relating to the treaty between the United States and Great Britain, signed April 19, 1850.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, December* 19, 1883.

HOLIDAY RECESS.

On motion of Mr. ALLISON, the Senate proceeded to consider the concurrent resolution of the House of Representatives concerning the holiday recess.

Mr. ALLISON moved to strike out the words "Thursday, the 3d," and to insert "Monday, the 7th;" so as to make the resolution read:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Monday, December 24, 1883, they stand adjourned until Monday, the 7th day of January, 1884.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. GARLAND. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 18 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 19, 1883.

The House met at 12 m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Monday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House of the election of Hon. ANSON G. MCCOOK as Secretary of the Senate.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

FIRST CONGRESSIONAL DISTRICT OF NORTH CAROLINA.

Mr. SCALES. I now call up the motion submitted by me on Monday last, and ask that the credentials filed at that time be now read.

The SPEAKER. The gentleman from North Carolina [Mr. SCALES] now calls up the motion to administer the oath of office to Mr. Skinner, of North Carolina, and asks that the certificate of the governor be read. The Clerk will read.

The Clerk read as follows:

To Thomas G. Skinner, greeting:

We do, by these presents, commission you a Representative of the State of North Carolina in the Forty-eighth Congress of the United States of America, your election thereto from the first Congressional district of North Carolina having been duly certified to us, and do hereby confer upon you all the rights, privileges, and powers useful and necessary to the just discharge of the duties of said office.

In witness whereof His Excellency Thomas J. Jarvis, our governor and commander-in-chief, has signed with his hand these presents and caused our great seal to be affixed thereto.

Done at the city of Raleigh, on the 13th day of December, in the year of our Lord 1883, and in the one hundred and eighth year of our American Independence.

[STATE SEAL.] THOMAS J. JARVIS.

By the governor.

W. S. SANDERS, *Secretary of State.*

Mr. KEIFER. I offer for adoption, relating to this case, the resolution which I send to the Clerk's desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas Walter R. Pool was, at the November election in 1882, elected a Representative to this House for the first Congressional district of North Carolina, composed of the counties of Currituck, Camden, Pasquotank, Perquimans, Gates, Chowan, Hertford, Hyde, Beaufort, Pitt, Pamlico, Bertie, Martin, Washington, Tyrrell, and Dare; and

Whereas by his death on August 25, 1883, a vacancy occurred in said district; and

Whereas since the election of said Pool as aforesaid the Legislature of said State redistricted that State for the purposes of representation in Congress, and created a new first district in said State, composed of the counties of Beaufort, Camden, Carteret, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington; and

Whereas to fill the vacancy occurring as aforesaid the governor of North Carolina ordered an election in the said new first district, by virtue of which election Hon. Thomas G. Skinner now claims a seat in this House; and

Whereas to admit him to the seat would leave the said county of Bertie without any district representation in this Congress, and the said county of Carteret would be doubly represented: Therefore,

Be it resolved, That the credentials of Mr. Skinner be referred to the Committee on Elections of this House, when appointed, with power to ascertain and report all the facts pertaining to this vacancy and the said election to fill the same at as early a day as practicable, together with the law governing the case.

Mr. KEIFER. Mr. Speaker——

Mr. MILLS. I desire to ask whether the credentials now presented are in due form.

The SPEAKER. The House has heard the certificate read, and of course it is for the House to determine whether it is in due form.

Mr. SCALES. I object to that resolution.

The SPEAKER. The resolution is undoubtedly in order. It is a resolution, as the Chair understands, to refer the matter to a committee.

Mr. KEIFER. The gentleman from North Carolina [Mr. SCALES] has not the floor to make objection.

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] is entitled to the floor on his resolution.

Mr. KEIFER. Mr. Speaker, the resolution just read is clearly in order, and is also in accordance with the practice, so far as I have been able to discover, in cases of like character through the entire history of this House. It is in order because it recites facts which are entitled to be taken into consideration in connection with the *prima facie* case, entitled to be taken into consideration as governing the law as applicable to all such cases.

The certificate, I beg to say, in the first place, is not the usual certificate. Indeed it cannot be called a certificate at all within the meaning of the rule that has prevailed here. I think I am quite safe in saying that there never was a case of this character presented in which such a certificate was brought before the House. It is perhaps a misnomer to call it a certificate. It is a mere formal commission. The fact that it bears date the 13th day of December, 1883, is suggestive that it has cost a great deal of trouble, a great deal of time, a great deal of mental anxiety to get up a paper which would come here and would not show what the law requires should be shown. All certificates which have hitherto come here, so far as I know, have recited the fact (where the circumstances warranted it) that the man came here to fill a vacancy. This is a mere commission, which does not undertake to show any of these things. The facts are recited in the resolution. Mr. Walter R. Pool was elected to this Congress in the old first district of North Carolina, the district composed of counties not the same as the new district. The certificate, if it is to be called such, ought to have recited the death of Mr. Pool and the fact that Mr. Skinner was elected as his successor; but it does not do that; it simply formally commissions Mr. Skinner as a Representative of the first district of North Carolina.

Now, Mr. Speaker, I assert as a fact—and if gentlemen are prepared to dispute the statement I will for the purpose of settling the fact yield to anybody—I assert as a fact that there never was a vacancy in that first district of North Carolina, and hence there could be no man sworn in to fill a vacancy. If gentlemen dispute that proposition we will settle the fact now. [A pause.] There is not to-day a vacancy in the first district of North Carolina, as is undertaken to be recited in the commission presented here for the consideration of the House, and there being no vacancy, no man can be sworn in to fill a vacancy. The gentleman from North Carolina [Mr. SCALES], who presents this certificate on behalf of Mr. Skinner, and who sits here with a perfect title to his seat, if another gentleman should come here with a commission reciting that he was commissioned for his district, mentioning it by number, would not claim that there was a *prima facie* case which bound this entire House to swear in the person presenting such a commission notwithstanding the seat was filled. Although the circumstances of such a case may not precisely agree with this, they are substantially in law and in fact the same as the case now presented.

But let us go to the law on this question of *prima facie* case, and assume for the purpose of the discussion, if you will, that this is a certificate in accordance with some law of the State of North Carolina. I wish to say that I have looked at the laws of North Carolina, and I first that the governor is authorized by the statute of the State to issue commissions to persons elected to the Congress of the United States. It is very unusual, but that would not be a guide where there was a commission issued for the purpose of filling a vacancy, as is claimed here.

But let us assume that this commission is regular in form; that the governor of North Carolina is justified in issuing it in this form, although he seems to have had a great deal of difficulty in coming up to it. The rule and the law that govern this body is that a certificate—or commission, if you choose to call it such—makes for the man holding it a *prima facie* case of election only. Why? Because the officer who is authorized to ascertain whether a man is elected has nothing before him but the returns of the election. The certifying officers—the returning boards, if there are such—only pass upon the votes cast; they pass upon nothing else; they do not determine the question of qualification or eligibility, or the question of a vacancy, or any question of that kind; and hence a certificate coming from such a board, and upon which a governor may act, can only be a certificate which would make a *prima facie* case of the things which came before the certifying officers, and nothing else.

And this is the rule laid down in the books and which has been followed in this House. I admit for the purpose of determining whether Mr. Skinner was elected in the district where he claims to have been elected—that is, whether he received a majority of the votes cast—that this commission, in view of the peculiar state of the law in North Carolina, is evidence that Mr. Skinner in the district in which he ran received more votes than his adversary, Mr. Pool. So I concede all the gentleman has the right under the law to claim under that state of the law; but the question is still open to be decided as to what goes behind and belongs to the *prima facie* case.

McCrary, in his American Law of Elections, a most excellent work, laying down the general proposition as to the effect of certificates or commissions, as the case may be, states in section 222 as follows:

> The regular certificate of election, properly signed, is, as we have seen, to be taken as sufficient to authorize the person holding it to be sworn in. It is *prima facie* evidence of his election and the only evidence thereof which can be considered in the first instance, and in the course of the organization of a legislative body. But there are questions which may be raised touching the *qualifications* of a person elected, which may be investigated and decided as a part of the *prima facie* case, and as preliminary to the swearing in of the claimant. Thus, if a specific and apparently well-grounded allegation be presented to the House of Representatives of the United States that a person holding a certificate of election is not a citizen of the United States, or is not of the requisite age, or is for any other cause ineligible, the House will defer action upon the question of swearing in such person until there can be an investigation into the truth of such allegation. It is necessary, however, that such allegation should be made by a responsible party; it is usually made, or vouched for at least, by some member or member-elect of the House. It is to be presented at the earliest possible moment after the meeting of the House for organization, and generally at the time that the person objected to presents himself to be sworn in. The person objected to upon grounds such as these is not sworn in with the other members, but stands aside for the time being, and the House, through its committee, with all possible speed, proceeds to inquire into the facts.

Now, Mr. Speaker, before reading further I desire to say that I wish to discuss this question on the facts recited in the resolution, because I am warranted in saying, not alone on my own authority, but on the authority of the distinguished gentleman from North Carolina who has presented this certificate on behalf of Mr. Skinner, that the facts are stated correctly in the resolution; but if there is any dispute as to the facts the gentleman is present, and let him make his statement now, so we may have no question hereafter about the facts upon which this case rests.

I will now read a further paragraph from McCrary's book on this same question of what is a *prima facie* case:

> The certificate of election does not ordinarily, if ever, cover the ground of the due qualification of the person holding it. It may be said that by declaring the person "duly elected" the certificate, by implication, avers that he was qualified to be elected and to hold the office. But it is well known that canvassing officers do not in fact inquire as to the qualifications of persons voted for; they certify what appears upon the face of the returns and nothing more. The certificate, therefore, must be regarded as evidence of the *election* of the person named therein, so far conclusive that it can not be attacked except in the ordinary mode provided for contesting, but it is not evidence of the *qualifications* of the person named.

It seems to be settled, Mr. Speaker, not alone by recognized authority, but in cases of some importance determined by Congress.

The first case occurred in 1850, and is commonly known as the Perkins New Hampshire case. That case presented precisely the question which we now have here before us. In every respect the question is precisely the same. The objection was made that the credentials should be referred to the Committee on Elections, and the House so directed (as appears by McCrary's work on elections), and the case at once went to that committee.

The next case was one from the State of Louisiana, and there the *prima facie* case on a question was referred to the Committee on Elections, and a report made from that committee, before any further action was taken by the House with reference to it. These cases, Mr. Speaker, are similar in principle, and mainly in fact, to the case which is before the House for its present consideration, and I shall have occasion to refer to them in another connection during the course of this discussion.

I will not overlook the question that was made in 1880, I believe, in the House, when my honorable colleague, Mr. TAYLOR, of Ohio, who is also a member of the present House, presented, I believe through Mr. MCKINLEY of Ohio, or possibly through Mr. Townsend, Mr. MCKINLEY arguing the question, a certificate of election, and asked to be sworn in at the bar of the House. At the time that certificate was presented here it recited, what it should have recited, that Mr. TAYLOR was elected to fill the vacancy occasioned by the resignation of President Garfield. The honorable gentleman from Ohio, Mr. HURD, and I do not now see him in his seat, was then in Congress, and, when the certificate was presented, made a motion to refer the credentials of Mr. TAYLOR to the Committee on Elections. There was some discussion then upon the question as to whether or not he was entitled to be sworn in upon the naked *prima facie* case presented by the credentials. But all of the facts in that case were before the House at the time. Mr. HURD made his usual able, insidious, close legal argument, his purpose being to show that Mr. TAYLOR could not take his seat under the certificate presented, because he was elected from the old nineteenth district of Ohio, whereas after the election had been held the Legislature of the State of Ohio had amended the law, redistricted the State, and changed the old nineteenth district in some respects. Mr. HURD made his argument, and claimed that because there had been a change in that district in Ohio, because the old district in which the vacancy had occurred was no longer a lawful district in that State, there could be nobody elected from such district, and the question was raised and brought to the attention of the House that during that Congress that particular district must go without representation to the end. But after some discussion, and the citation of several cases bearing upon the subject—precedents which were numer-

ous—Mr. HURD very kindly withdrew his objection to the swearing in of Mr. TAYLOR, who was accordingly sworn in, after the House was fully advised of all the facts connected with the case; and thereafter, for the purpose of making a question and ascertaining whether or not Mr. TAYLOR had been properly sworn in, his credentials were referred to the Committee on Elections, which committee, I believe, or I had been under the impression, was unanimous in holding that the action was proper and regular; but I have been since informed that one gentleman, perhaps, had some doubt upon the subject.

That was in the Forty-sixth Congress; but that, Mr. Speaker, could not be cited as a precedent for the swearing in of Mr. Skinner on this certificate or commission from the governor of the State of North Carolina which he presents here to-day. There was finally no objection to Mr. TAYLOR'S being sworn in. There is an objection in the present case.

We have already, Mr. Speaker, other precedents, as I have stated, numerous precedents bearing upon this question. We are making them right along ourselves, and we are going to make precedents rapidly now. Therefore it is a matter of the highest importance that we should make them right as we proceed, for we do not know who or where they will hit in the future. The death of Mr. HASKELL, of Kansas, will bring us face to face with a similar question when a man has been elected to fill the vacancy which has been occasioned by his death.

In the last Congress Hon. Mr. Allen, of Missouri, a member of this body, died and left a vacancy from that State. Governor Crittenden, the executive of the State, issued his writ for a new election to fill the vacancy, and, I believe, provided that the election to fill that vacancy should be held upon the day fixed by law for the regular election of members of the Forty-eighth Congress. Mr. McLean, of Missouri (and if I am wrong some gentleman present who is more familiar with the facts can correct me), was a candidate for election in the old district from which Mr. Allen had been elected, because Governor Crittenden directed that the election should be held in the district in which the vacancy occurred, and not, as here, in a district in which a vacancy never did occur. He also directed that the election, or issued his proclamation to that effect, should be held at the time when the election for members of the present Congress was held. Mr. McLean, as I have said, was a candidate in the old district in which he lived for a seat in the Forty-seventh Congress to fill the vacancy, and I believe Mr. BROADHEAD was his opponent. He was also a candidate against Mr. BROADHEAD for the present Congress, the Legislature in the interval having redistricted the State. Mr. McLean was elected from that old district by a few votes. He came here and without objection presented his certificate of election in accordance with the proclamation of the governor of the State of Missouri, and, without objection, was sworn in and took his seat as a member of this House. He was defeated, it is claimed, I believe, for election to the present Congress. I am simply referring to this as a settled precedent on this subject.

It is fair to say that there is one precedent in which the House decided this matter the other way. That is the Perkins New Hampshire case of 1850, where there had been a change territorially in the district after the resignation of a gentleman from one of the districts in New Hampshire. That case, however, was referred to the Committee on Elections, and there was a report in favor of Mr. Perkins, who was elected in the new district, and on a very close vote in the House Mr. Perkins was seated. The latter fact is stated on the authority of McCrary's work on elections (section 169), but there seems to be some error in the name of the person admitted.

Since that time the matter has undergone a great deal of discussion, and the criticism on the action of the House on that case, and especially of the Committee of the House, has been very abundant. That criticism has come from all sides of the House, and I have not since that time, I believe, heard any gentleman undertake to maintain that the decision was sound.

The next case was one that was fully considered—the Louisiana case in 1869. A gentleman named Hunt presented his credentials from Louisiana. He was elected from the old district. That case was referred to the Committee on Elections, and there was a report which, so far as I have been able to examine the case, I believe was unanimous in favor of seating Mr. Hunt. There the whole of the former case was reviewed, the partisanship that had entered into its decision was considered, and Mr. Hunt was admitted to his seat. I may as well read from the work most convenient for me what is said upon the case, and which is better said than I can state it. I read from page 168 of McCrary's work, section 179. Mr. McCrary says:

In the case of Jared Perkins, of New Hampshire (1 Bartlett, 142), the following facts appeared: On the 2d day of July, 1846, the State of New Hampshire was divided by an act of her Legislature into four Congressional districts, and in March, 1849, a Representative in Congress was chosen from each of said districts, and the gentlemen so chosen took their seats as members of the Thirty-first Congress. In July, 1850, by another act of the Legislature said State was redistricted, and the boundaries of the several districts changed. In September, 1850, Hon. James Wilson, who was the Representative from the old third district, resigned. A vacancy having been thus created, the governor ordered an election to be held by the new third district to fill it. At this election Mr. Perkins was chosen. There was a majority report from the Committee of Elections in his favor, and after debate in the House he was admitted to the seat by the very close vote of 98 to 90. There are grave reasons for questioning the soundness of this decision. Let us suppose, for example, that after an election by a district it is divided into two equal parts and one-half placed in one new district and the other half in another. If under these circumstances a vacancy occurs, by which of the new districts shall it be filled? Or we may suppose that the territory composing a district may be distributed among three, four, or a half a dozen new ones. In such cases there is no sound principle upon which to determine which, if any, of the new districts shall fill a vacancy which may occur from the old. The true rule, therefore, must be that a district once created, and having elected a Representative in Congress, should be allowed to continue intact for the purpose of filling any vacancy which may occur until the end of the Congress in which it is represented.

Further, in section 180, Mr. McCrary says:

The case of Jared Perkins, *supra*, was expressly overruled in the more recent case of Hunt *vs.* Menard (2 Bartlett, 477).

In this latter case the committee said—I may be pardoned for reading it, for it states the case well for our purpose here:

The act of the Legislature of Louisiana of August 22, 1868, making a new division of the State into its five Congressional districts, by its terms purports to repeal all laws and parts of laws in conflict with said act, but is silent on the subject of vacancies that might occur in the districts as then existing.

The language of the minority report in the case of Perkins on the New Hampshire statute is appropriate on this point as well as on this case generally, and we quote from it as follows:

"It does not purport to provide for any method of filling vacancies that might occur in the future, and beyond all question it was understood as providing only for the election of members of future Congresses. Such are the terms of the act, and such must also be its spirit. A vacancy in the House of Representatives is the occurrence of an event by which a portion of the people are left unrepresented, and the filling of that vacancy is directed by the Constitution in such explicit language as requires no aid from State enactments to perfect the right.

Now, Mr. Speaker, I will not read further. This whole review by the distinguished judge who prepared this work is in support of the proposition I make.

Mr. BELFORD. Will the gentleman yield to me for a question?

Mr. KEIFER. Yes, sir.

Mr. BELFORD. I desire to ask the gentleman from Ohio whether this district was established prior to the election?

Mr. KEIFER. It was established prior to the last election and after the regular election for the members of the Forty-eighth Congress.

Mr. BELFORD. Then it was not established before this gentleman was elected?

Mr. KEIFER. It was established before Mr. Skinner was elected to the Forty-eighth Congress, and after Mr. Pool was elected to the Forty-eighth Congress, Mr. Pool having died in the mean time.

The effect, Mr. Speaker, of admitting Mr. Skinner to the seat is as recited in the resolution, to give to Carteret County, in North Carolina, a double representation, that county having participated in the election of a present sitting member and having been allowed to participate in the election of Mr. Skinner. And while we are jealous that our brethren in other districts should not have any more political power or political representation than we have, we ought to care less about that, very much less about it, than we care about the question of leaving an entire county in any State without any representation at all, as would be the case with the county of Bertie, in the State of North Carolina.

That county has not participated in the election of Mr. Skinner or any other district Representative from the State of North Carolina. The outrage rests more heavily there than it works wrong by the mere matter of allowing a county to help elect two or more Representatives.

The Constitution of the United States speaks on this subject, and, if properly interpreted, it speaks aright upon it. Primarily, in the formation of our republican form of government, representation was guarded so that it was to be taken away from no person. And so jealous were the framers of the Constitution upon this subject, that they provided in the Constitution itself a mode by which, without legislative action at all in any of the States, vacancies could be filled. Section 2, article 1 of the Constitution reads as follows:

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

It was regarded by the friends of the Constitution important to provide for filling vacancies, and they excluded even the idea of legislative power, where it is assumed to have been exercised, to provide for filling a vacancy in one district by the election of a Representative from another district.

Originally—and it is a curious piece of history—originally the draught of the Constitution of the United States was so that it would hardly have left room for doubt or cavil as to what was its meaning. In the original first draught of the Constitution of the United States, before it went to the committee on style—for that committee made the Constitution at last in many respects—this was the form of this clause in a different connection—

The House of Delegates—

That is before they had named this the House of Representatives—

The House of Delegates shall exclusively possess the power of impeachment, and shall choose its own officers, and vacancies therein shall be supplied by the executive authority of the State in the representation from which they shall happen.

It was so specific in terms that even here, where we are very apt to be refined about many things, to allow substance sometimes to give way to mere forms, and allow principles to go sometimes in order that we may work out partisan ends—even here that would not have been questioned.

But this original draught of the Constitution went to the committee on style. The first time the committee on style reported it reported this portion in the form of section 7 of article 4 of the Constitution, not changing it very much. I will read it as they then reported it:

Vacancies in the House of Representatives shall be supplied by writs of election from the executive authority of the State in whose representation from which they shall happen.

I wish gentlemen to note that the word "representative" is not used in the Constitution now, nor was it ever used in the framing of the Constitution. The word there used is "representation," and, as was said on the floor of the body which framed the Constitution, they used that word in reference "to the state of being represented," not the matter of having a number of representatives from a State, for they were looking to the State being represented, and they used the word "representation" in its proper sense.

Representation means the people in that sense. And where there was a vacancy in the representation from the people the governor of the State was authorized to issue his writ to fill the vacancy in that representation. It may include representatives; but the primary idea was that they should see to it that there were no people without representation in the halls of Congress.

Now this same committee on style went to work again, without a new discussion ever arising about it, and in order to put, as they supposed, the language in better form and at the same time express the same idea, they reported finally the Constitution of the United States, changing the form of this expression and left it less clear what they meant, unless we go back to the discussion which led to the adoption of this clause in the Constitution.

Without any comment and any word in the redraught, they put the clause in the Constitution as it now stands and as I have read it. Section 2, article 1, of the Constitution of the United States provides—

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancy.

It is the representation that the governor is to see that writs are issued to fill vacancies in. Such is the Constitution, and the meaning of it is clear. It was so framed as to put a guard and security around all the people, so that they should be represented in the Congress.

I deny, Mr. Speaker, in the light of this clause of the Constitution, that it would be within the power of any State to issue through its executive authority a writ, though authorized by statute, to fill a vacancy that had occurred in one district by authorizing an election in another district wholly or partly outside of the original district.

Mr. Speaker, this House had a memorable case before it many years ago—I think it was from the State of Pennsylvania—where the Legislature, through some oversight or neglect or believing that no law was necessary, had failed to provide any mode for filling a vacancy in the House of Representatives. There was no legislative authority from the State for issuing any writ, there was no law directing how the governor should fix the time and place for filling a vacancy in the representation in the Congress of the United States. But the governor of the State, acting under his constitutional power under the Constitution of the United States, did issue his writ, did fix a time and place for filling the representation from a district in which a vacancy had occurred. The man came here with his certificate, confronted with the fact that there was no law of his State authorizing an election to fill the vacancy. But this House said the Constitution was the supreme law, and it contained an injunction upon the executive of a State to issue a writ; and that carried with it everything incident to it, including the power to fix the time and place for filling the vacancy in the exact district where the vacancy occurred; and the House swore in the man here, as it ought to have done, to represent the district where there was a vacancy.

[See McCrary on Elections, section 176.]

Mr. BELFORD. Will the gentleman allow me to put to him a question?

Mr. KEIFER. Certainly.

Mr. BELFORD. Suppose that a Congressional district is created by a State Legislature, which has a perfect right to create such districts, and that John Jones is elected to represent that district. Suppose that during the lifetime of John Jones the Legislature, which has an absolute and unqualified power to district the State, redistricts it. John Jones dies, and a man is elected to Congress from a county that did not constitute the original Congressional district. Why is not that within the power, full and complete, of the State; and why is not the man so chosen a representative on the floor of this House of the people of the new district?

Mr. KEIFER. Well, Mr. Speaker, the reason is that the man so chosen is a representative of the people of a new district, and the new district never had a vacancy in this House to be filled by anybody. I am trying (and that is the whole burden of my talk) to convince the gentleman from Colorado, and everybody else if possible, that there can be no such thing as filling a vacancy in that representation from one district by an election in another. I assert that the representation is to be supplied by an election on the part of the people who were deprived, by death in this case, of a representative here; and in the light of the Constitution and in the light of principle it can not be filled in any other way.

We violate the cardinal principles, all of them, if we undertake to say that this man can be sworn in and one of the counties of North Carolina go without representation through this Congress. We violate a fundamental principle, and we can not afford to do it. This question will present itself to us very soon in other cases. Of the members who were elected at the regular election in 1882 to this Congress six, I believe, have gone to their graves. The question is presented and now comes here in two cases; but death may sweep through the States of Maine, Pennsylvania, New York; there may be still other cases from North Carolina and from Kansas. We do not know how soon the question may come up again. Before we decide it is right that this man should be sworn in we ought to consider and deliberate upon the question; we ought to let it go to the Committee on Elections, that in their committee-room, in the light of deliberation and discussion, in the light of precedents and principles, they may bring us in a report upon which we can stand when the question comes here upon filling the vacancy in the representation from the district which the distinguished gentleman from Kansas, Mr. HASKELL, was elected to fill. In that State at the election in 1882 three of the Representatives were elected in districts and four were elected at large. In the State of Maine, I believe that State losing one Representative under the new apportionment, the whole four were elected at large. Suppose that death or resignation should make a vacancy there, will the gentleman tell us what district would fill the vacancy?

Take the State of New York with its numerous members, or the State of Pennsylvania, each of which elected a member at large. Suppose the member elected at large should resign or die, what district in the State of New York or Pennsylvania would fill the vacancy? Take the case of Mr. BENNETT, of North Carolina, who was elected at large. Suppose he should die or resign, what district would fill the vacancy there? I am told that a still stronger illustration might be given from the State of North Carolina. The distinguished Representative from that State [Mr. VANCE], long in Congress, comes here from a new district—number nine. There was no number nine before this Congress. His county has gone into a new district with a large number of other counties, all of which belonged to other districts at the time Mr. VANCE was elected, as I am told. Now, if he should die or resign would only one of those counties participate in electing his successor, or would eight or ten others in the new district participate? As Mr. McCrary has stated in his work on elections, you should look to see who are the people who are deprived of representation in this Congress, and the governor should direct precisely as was done in the cases in Missouri, Louisiana, and Ohio with the vacancy, by letting the people vote who elected in the first instance.

Now, if you carry out to its logical and technical conclusion what is proposed in this case, then every member from the State of North Carolina now upon this floor has no district to-day, and had no right to appear at the bar of the House and be sworn in. They came here violating the rule suggested in this case. The reason why they might have stated in this wise: "Our districts have been taken away from us; the law under which we were elected has been repealed. We are not entitled to be sworn in, because the Legislature of the State of North Carolina has changed our districts, changed them for all future time, beginning with the passage of the law. So, then, we have no districts to represent." This in view of the course now proposed would have been what the gentlemen from North Carolina should have stated when they were called up to be sworn in. They are now here representing districts which have been created under a law which has been repealed according to their own theory, and are not entitled to represent the new districts which are to be represented. That is the effect of the proposition in every new district if the course suggested in Mr. Skinner's case be now adopted.

But, Mr. Speaker, it is well enough perhaps to combat the idea—it is wise to do it in my judgment—that under the law of North Carolina there ever was a repeal of the law authorizing the election of members in the first instance to the Forty-eighth Congress. Now, the original act provided for filling vacancies. The act redistricting the State for the decennial which ended with 1880 has never been repealed. The provision is found in that act, as I have already stated, for filling vacancies which may occur in representations in Congress, and that provision has never been repealed. In the act redistricting the State for future Congresses there was no intention, no purpose, and no design to repeal that provision of the old law. It was allowed to stand for the purpose for which it was originally enacted, and applies to the election of members to this as well as to the Congresses which preceded it in the last decennial period. There was no attempt to repeal that law; but it was allowed to stand and operate until the expiration of the last Congress to which members under it were elected.

It was passed on the 6th of March, 1883, and after the time when the term of the members regularly elected to this Congress began. It did not undertake to repeal the old law, and therefore we do no violence to the law authorities of the State of North Carolina if we hold to the position that that law was in force for the purpose of filling the vacancy occasioned in the representation of the old first district of that State. The question is one of great importance. We are really doing

justice if we go back to the old rule. We do justice thereby to the county, which otherwise would be without any representation at all. We do no injustice to the counties which participated in the election, or to those which participated in the election of a Representative at large. We are doing no injustice to this district, but only putting it on a par with others.

Now, Mr. Speaker, I have made this statement for the purpose of having members understand the importance, not only in this case, but generally to carry out the purpose of the framers of the Constitution, that vacancies in representation shall always be filled by those who elected the member in the first instance. It is also for the purpose of showing that my resolution is not based upon mere technicality, but upon broad constitutional principle, a principle underlying our republican form of government. Therefore it is no violence to ask that the gentleman who presents himself to be sworn in under these circumstances shall have his case go to such an honorable Committee on Elections as will be constituted by the Speaker, and let them deal with all these questions and decide what should be done; to decide it on right principles, so that we may have a precedent hereafter for our government in similar cases.

Now, Mr. Speaker, how much time have I left?

The SPEAKER. Ten minutes.

Mr. KEIFER. I will reserve that time to answer, if necessary, what may be said on the other side.

Mr. SCALES. Mr. Speaker, I am sorry that so much time has been taken up on the merits of this case. The gentleman from Ohio has consumed all this time in presenting facts and discussing questions which do not touch and should not affect the motion which I have made.

Mr. HISCOCK. Will the gentleman from North Carolina permit me to have another certificate from North Carolina read for the information of the House?

The SPEAKER. Does the gentleman from North Carolina yield the floor?

Mr. SCALES. I do not yield.

Mr. HISCOCK. This is a certificate from the same district.

Mr. SCALES. What, Mr. Speaker, is the case presented before us? At a general election held in the State of North Carolina in November, 1882, Mr. Walter R. Pool was elected a Representative in Congress for the first district. Before the organization of the Congress Mr. Pool died. A writ of election was issued in due course of law to fill the vacancy. Due notice of the election was given. Regular conventions were held by both parties and regular candidates nominated by each. The election was held, the returns were made, and the canvassing board met on the 13th of December last. My friend from Ohio who has just addressed the House says that there is some suspicion in the fact that this certificate was signed on the 13th day of December. The canvassing board met on the 13th of December. They acted on the 13th of December, and the Representative duly chosen at that election being here without his certificate and Congress in session, the executive of North Carolina, as he should have done in the premises, signed the certificate at the very earliest moment after the board had acted. Mr. Skinner therefore comes here as one of the Representatives of the State of North Carolina. He comes here and presents his credentials as the ninth member to make up the full quota to which the State is entitled.

My friend from Ohio says that there is no great violence to him in submitting this matter to the Committee on Elections. But, Mr. Speaker, it is a great violence to the people of the State of North Carolina. That State is entitled to have her full representation of nine members on this floor, and I presume when her Representative comes here, armed and equipped as he comes in this case, with a certificate from the proper officer of the State, with the great seal of the State affixed and in the form provided by law, that the Representatives in this House from other States seated on like credentials will not reject him and consign him and his case to the committee and leave his State in part unrepresented.

But my friend from Ohio says that this commission is not a certificate. Mr. McCrary in his admirable work on elections says it is a certificate or a commission. A commission is a certificate. The one includes the other. In that certificate, which is now filed before this House, it is expressly declared that Mr. Thomas G. Skinner has been elected from the first district of the State of North Carolina, and the governor of North Carolina in pursuance of law commissions him to act as the Representative of that State upon this floor.

Is there anything else in this commission? No, sir. Then can you go behind it? You can not, sir, unless by the method, as my friend to my right suggests, of eight to seven, which is above law.

We insist upon the *prima facie* case. We insist that Mr. Skinner has been elected from the first district, because the State of North Carolina says so through her governor, who is authorized by law to make such a statement. We insist that he should take his seat, because he presents such a commission, and you can not go behind it. But the gentleman from Ohio says there is no vacancy. I assert that there was a vacancy. The commission of the governor says that there was an election there; it is a matter of public notoriety that Hon. Walter R. Pool died, that his death made a vacancy, that an election was held, and, as I have said, the certificate of the governor says that T. G. Skinner received a majority of all the votes and was duly elected in that district.

The gentleman presents a long statement of facts outside of the record. Where is his evidence that they are true? The same witnesses that proved those facts prove that there was a vacancy, and if his facts are true he is estopped from denying to him a vacancy, because his whole case is predicated upon it by the public conduct of the governor. Let me suppose a case: A vacancy occurs in a district. The governor of the State, in great caution, calls to his aid the law officers of the State and other counsel learned in the law. He wants to proceed strictly in accordance with the law, and issue a writ to hold an election to the proper district. They examine the law and search all of the precedents that Congress has made. They find there is but one precedent, and I assert it boldly here and defy contradiction.

What is that? That is the New Hampshire case known as the Jared Perkins case, and is in all respects the identical case we have here to-day. The question was whether the old or new district should elect.

They find a writ of election was issued to the new district, just as it was here. There had been some slight change in the new district from the old, just as it is here. The election was held, and the Representative-elect is here. He came with a certificate in proper form and signed by the proper officer and presented it; he was seated without question. That is just what the governor of North Carolina did in this case. He was sworn in upon that certificate, and it is the identical case that we have here; and all we ask is that you treat North Carolina as you did New Hampshire. Mr. Speaker, if there is lurking in the mind of any gentleman a doubt as to whether the old or the new district should elect, I would say to him let Mr. Skinner be sworn in and then send the case to the Committee on Elections.

In this way you vindicate the action of the House in the New Hampshire case. Have the case examined and decided, and in the mean time give to North Carolina her proper quota of Representatives on this floor.

It is not necessary to take up the time of the House in reading that New Hampshire case unless some gentleman desires it. If so, I will send it to the Clerk's desk for that purpose, that all may see that in all respects it is our case. There is no statement, it is true, that the Representative-elect from the new district was sworn in, but I find the following resolution when the case was finally decided upon its merits:

Resolved, That George W. Morris is entitled to the seat *which he holds* as a Representative from the third Congressional district of New Hampshire.

This shows conclusively that pending the contest he was in his seat. But more than this, he was not only seated on the *prima facie* case, but the whole case went to the committee, was decided upon its merits, and the committee reported that the new district was the proper district; and the House adopted the report by a vote of 98 to 90.

There are but two cases given in the law in which you can go behind the certificate. One of them is when the member seeking his seat is not eligible under the law, and the other is where the certificate itself contains something on its face which destroys it. Nobody claims that either of these questions arises in this case.

Mr. Speaker, the only other case cited as a precedent by the gentleman from Ohio is the Louisiana case—Hunt *vs.* Menard. I admit that the committee agreed there that the old district ought to elect, and not the new. In the New Hampshire case the committee and the House both agreed that the new district ought to elect, and not the old. But in the Louisiana case the committee reported that there was no election, not only because the election was held in the new district but also because of fraud and intimidation in the election, and the House in voting voted upon the report as a whole, and no one can say whether that decision was based upon the fraud and intimidation or because the election was held in the wrong district. This, then, is no precedent.

I now beg to call the attention of members to a case which arose in 1880, and I ask the gentleman from Ohio [Mr. KEIFER] to be as liberal in this case as his colleague was in a case similar to it. In 1880 the Hon. EZRA B. TAYLOR was elected to fill a vacancy in Mr. Garfield's district. He was elected from the old district and at the meeting of Congress presented his credentials here. Mr. HURD, of Ohio, believing that he had no right to his seat objected, and asked that the case be referred to the Committee on Elections. The Legislature in Ohio, just as was done in North Carolina in establishing the new districts, had, it was believed, repealed the old ones. This was done before the vacancy occurred, as in our case, and hence there was no legal districts in the State except the new. It was asserted by old members of the House, among others Mr. Stephens, of Georgia, who sat just in your front, sir, that a *prima facie* case had been made out, and that Mr. TAYLOR should be sworn in and the case could then go to the committee.

Mr. HURD, at the instance of Mr. Stephens and others, withdrew his objection, and Mr. TAYLOR was sworn in.

I send to the Clerk's desk a volume of the RECORD for December, 1880, and ask him to read the places marked on the one hundred and third and one hundred and fifth pages for the information of the House.

The Clerk read as follows:

Mr. MCKINLEY. I submit that the objection raised by my colleague [Mr. HURD] certainly ought not to operate to prevent the swearing in of the member-elect

on his *prima facie* case. If there be any force in the objection made by my colleague, such objection should go to the Committee on Elections, but the member-elect in the mean time should not be deprived of his seat on the floor of this House.

* * * * * * *

And again upon page 157 McCrary on Elections we find the following:

"The principal and almost the only case in which the lower House of Congress has ever denied to a person holding regular credentials the right to be sworn and to take his seat, pending the contest, is the celebrated New Jersey case (1 Bartlett, 19). In that case one set of claimants held the regular certificate of election signed by the governor, and another set held the certificate of the secretary of state that they had received a majority of the votes cast in their respective districts. After a long and angry debate the House (being yet unorganized) refused to admit either set of claimants to their seats. Subsequently, and after a partial investigation, the holders of the secretary's certificate were admitted to seats pending the contest, and at the end of the contest these persons were confirmed in their seats. This precedent has never since been followed in a single instance. It is so clearly wrong, and as a precedent so exceedingly dangerous, that the House has not hesitated to disregard it entirely on every occasion when the question has arisen."

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Mr. HARRIS, of Virginia. Mr. Speaker, I think the question before the House is a very plain one, both as to the law and the precedents. During my experience here I do not remember an instance where, when the credentials were presented in due form, the member was not sworn in. There was one exception, perhaps, but it was not exactly an exception in point, where the member from Colorado came with a certificate in due form, and that certificate referred to the statute under which the election was held in Colorado and the member was elected, thereby making the statute a part of the certificate itself. It there became the duty of the House to look to that statute, and see whether it had been complied with and the election held on the day provided in the statute for the election being held for a member to this House.

* * * * * * *

But look to the dangerous consequences and effects upon the House itself and upon the country if gentlemen who come here with certificates in due form should be rejected even for an hour instead of being sworn in upon their credentials in due form, and whatever matter may be objected to referred in proper form to the Committee on Elections for investigation. To follow the course suggested in this case would be exceedingly dangerous. The whole complexion of the House might be changed where there was only one or two majority for either party if, on the simple allegation of any member the election has not been held in conformity to law, the member presenting himself to be sworn in could be prevented from taking his seat.

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Mr. STEPHENS. I wish merely to state, Mr. Speaker, that I agree to every word the gentleman from Virginia has uttered. It seems to me to be a case that is perfectly plain. I have been here many years, and I never knew but the single exception the gentleman has stated where a member was not sworn in on a *prima facie* case if there was no contest, and I agree with him in trusting the objection will be withdrawn and the member from Ohio sworn in.

Mr. SCALES. Now I want members to recollect that that was a case the same as this, excepting that the member then presenting the certificate was from the old district. I ask now to read a few extracts from McCrary on Elections with regard to the commission and *prima facie* case:

It is enough for a *prima facie* case if the certificate comes from the proper officer of the State.

That fact is conceded in this case.

Where the statute gives the governor of a State the power and makes it his duty to commission the person elected to an office—

As it does in this case—

the issuing of a commission by him confers a vested right upon the person commissioned, which nothing but a judicial decision can take away or authorize the governor to recall.

Mr. McCrary again says:

The principal and almost the only case in which the lower House of Congress has ever denied to a person holding regular credentials the right to be sworn and to take his seat pending the contest is the celebrated New Jersey case.

And he says in regard to that case that the action of the House was "so clearly wrong, and as a precedent so exceedingly dangerous, that the House has not hesitated to disregard it entirely on every occasion when the question has arisen," and that this was done in the interest of a full and proper representation from each State.

There can be no doubt but that a certificate of election, regular in form and signed by the proper authority, constitutes *prima facie* evidence of title to the office, which can only be set aside by such proceedings for contesting his election as the law provides.

I might go on and read further extracts equally as strong and equally as positive. But the law and practice is all one way, and I will not waste further time. Mr. Skinner shrinks not from investigation. He is willing and invites investigation if gentlemen desire it. But in the mean time let the State have her representation in the person of Mr. Skinner.

I now yield five minutes of my time to the gentleman from Illinois [Mr. SPRINGER].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, their Secretary, announced that the Senate had passed a joint resolution (S. R. 31) to authorize the payment of the salaries of the employés of the two Houses of Congress on the 22d instant; in which the concurrence of the House of Representatives was requested.

PAYMENT OF CONGRESSIONAL EMPLOYÉS.

Mr. TOWNSHEND. I ask the gentleman to yield to me that I may make a motion. I desire unanimous consent to have taken from the Speaker's table and passed a joint resolution from the Senate regulating the payment of the salaries of the employés of the two Houses.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] asks unanimous consent for the present consideration of a joint resolution which will be read.

The Clerk read as follows:

Joint resolution (S. R. 31) authorizing the payment of the salaries of employés of the two Houses of Congress on the 22d instant.

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay the employés of the two Houses of Congress their salaries for the current month on the 22d instant.

There being no objection, the joint resolution was read three times, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FIRST CONGRESSIONAL DISTRICT, NORTH CAROLINA.

Mr. SPRINGER. Mr. Speaker, I hold that in this case the gentleman whose credentials have been read is entitled to the seat, first, on the *prima facie* certificate. That point has been perfectly and conclusively settled by the gentleman from North Carolina [Mr. SCALES], and I need not refer to it further. But he is also entitled to his seat upon the merits of the case.

The Constitution of the United States divides the subject of the election of members into two branches. The first power is that which pertains to this House. This House is authorized to "judge of the elections, returns, and qualifications of its own members." But so far as the districts are concerned, the places where members are to be elected, the Constitution has given the power to the States, the provision being—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

The Constitution has reserved to Congress the right to change the places of choosing Representatives; but that right on the part of Congress has not been exercised in this case; hence the places fixed by the Legislature of North Carolina are the only places in which elections of Representatives to this body can be held.

The new code of North Carolina contains the act under which this election was held. It was passed March 6, 1883, and enacts that—

For the purpose of electing Representatives to the Congress of the United States the State of North Carolina shall be divided into nine districts, as follows.

The act then proceeds to give the districts, and concludes with these words:

This act shall take effect and be in force from and after its passage.

That act repealed the former act with regard to the election of Representatives in Congress, and was the only law on this subject in force in the State of North Carolina when this election was held. It therefore is binding upon this body as to whether the Representative should have been elected in the new or the old district.

In addition to that I desire to refer to the action of this House in a case from Iowa in the Forty-sixth Congress, where the question was as to the time of holding the election; and, mark you, the "times, places, and manner" are all covered by the same clause of the Constitution. In that case the State of Iowa had held an election in October, when it was claimed by many that the proper day for the election was in November. But this House decided that the governor of the State was the proper authority to determine what the law and the constitution of that State were in that respect. The Committee on Elections of that Congress, in a report signed by Mr. William A. Field, then a member of this House, but now a judge of the supreme court of Massachusetts; by Mr. J. WARREN KEIFER, lately Speaker of this House, but now simply a member, just as the rest of us are; by Mr. WILLIAM H. CALKINS, of Indiana, and several other gentlemen whose names I need not read, took the ground that the State was the judge as to the time at which the election should be held; and if as to the time, also as to the place. In that report it was held that it thus became the duty of the governor to determine the meaning of the constitution of Iowa in the particular mentioned.

And this was done by him as the only authority in Iowa which under the constitution and the laws of Iowa had a right or was charged with the duty of determining, and it was done in the performance of an official duty which could not be avoided. It is the doctrine of the Supreme Court of the United States that the decisions of the highest judicial court of a State upon the meaning of the State laws and constitutions, when its decisions are uniform, are binding on that court.

Further, this committee in the Forty-sixth Congress cited a case from Tennessee, reported in 1 Smith's Digest, and affirmed the decision in that case. The report in the Tennessee case was made by Mr. George W. McCrary, the author of the work on elections; and the Committee on Elections at that time embraced as members Mr. McCrary, Mr. EUGENE HALE, now a Senator from Maine, and Mr. LUKE P. POLAND, now a Representative on this floor from the State of Vermont.

These were the leading Republicans. On the Democratic side I see the name of Mr. Michael C. Kerr, than whom no higher authority was ever cited in this House on such a case. I also notice the name of Mr.

Clarkson N. Potter, of New York, lately deceased. Those gentlemen held in the case coming from Tennessee to which I referred that it is a well-established and salutary rule that where the proper authorities of the State government have given a construction to their own constitution or statute that construction should be followed by the Federal authorities. This rule is absolutely necessary to harmonize the working of our complex government, State and Federal. The committee therefore recommended the adoption of the resolution which allowed the time for voting in that State to be decided by the State authorities for themselves.

The SPEAKER. The gentleman's time has expired.

Mr. SPRINGER. I only ask a moment longer.

Mr. SCALES. I yield to the gentleman.

Mr. SPRINGER. This rule, it seems to me, Mr. Speaker, settles the question raised by the gentleman from Ohio [Mr. KEIFER] as to what ought to be the construction by the State. His speech would have been all right for the governor of North Carolina when he was about to issue his proclamation calling the election, because it was a State question entirely as to what should be the places where the election should be held. But that State through its own authority, the governor, having decided the election should be held in the first district under the new law of Congress, that decision is binding on this House. And the election of the honorable gentleman is an election in accordance with the law of the State of North Carolina, and he ought to be sworn in immediately as a Representative from that State.

Mr. SCALES. How much time have I left?

The SPEAKER. Twenty minutes.

Mr. SCALES. I yield for ten minutes to the gentleman from Texas.

Mr. MILLS. Mr. Speaker, there is but one question to be decided by this House, and that is whether the certificate presented by the member from North Carolina is a substantial compliance with the law. The questions pertaining to the merits so fully discussed by the gentleman from Ohio [Mr. KEIFER] are questions that it is not competent for this House now to determine, because on the question of the sufficiency of the certificate the decision is *ex parte*. But when we come to decide on the merits, according to the well-established law of all civilized people, both sides must be heard. We can not therefore on the arraignment of the gentleman from North Carolina and the testimony he has given us to-day decide this question, not even as to whether we will refer the case or not. There are rights which are supported alone by presumption, and the great body of the rights we enjoy every day of our lives are rights which stand alone on the support of presumption. A man is protected in the enjoyment of personal liberty by the presumption with which the law invests him when he is innocent of crime. He inherits the patrimony of his fathers by the force of the presumption that he is the legitimate descendant. And I might go on and enumerate all of them.

Then, in advance of the investigation of a right contested, there is a right presumed when a member comes to this House and asks for a seat here, or when one comes anywhere to be inducted into office in the United States—Federal, State, or municipal. And this is not an exceptional case we are trying, for the same law which pertains to a member of Congress pertains to a sheriff or alderman whenever he is clothed with a certificate of the proper officer authorized by law to certify that in accordance with the forms of law he has been elected, and he is then entitled to exercise the functions of his office until a proper tribunal can investigate the merits as to whether some other has a better right than he has.

Now, sir, this position has not been called in question in this House by any of its decisions; it has been a number of times by the presentation of the individual opinions of gentlemen upon this floor. But outside of that portion of the history of this House just after the war, when passion instead of judgment dominated its counsels, there is not a decision to be found in which the House has departed from that line of precedents.

I am going to read to you now from the utterances of Mr. McCrary, the distinguished writer on the law of elections, which has been quoted by the gentleman upon the other side, and which bears upon this subject.

I read now from section 209:

> Where the statute gives the governor of a State the power, and makes it his duty, to commission the person elected to an office, the issuing of a commission by him confers a vested right upon the person commissioned, which nothing but a judicial decision can take away or authorize the governor to recall.

In section 210 he says:

> The person duly commissioned must exercise the functions of the office until, upon an investigation *upon the merits*, it is judicially determined otherwise.

Again, in section 213 he uses this language:

> And this ruling is according to the weight of authority in the House, while it has the support not only of reason and sound policy but of an almost unbroken line of judicial decision, extending far back through our history as a nation.

In section 221 the same author says:

> There can be no doubt but that a certificate of election, regular in form and signed by the proper authority, constitutes *prima facie* evidence of title to the office, which can only be set aside by such proceedings for contesting the election as the law provides.

In section 223 it is said:

> The certificate, therefore, must be regarded as evidence of the election of the person named therein, so far conclusive that it can not be attacked except in the ordinary mode provided for contesting, but it is not evidence of the *qualifications* of the person named. The presumption always is that a person chosen to an office is qualified to fill it, and it is never incumbent upon him to prove his eligibility. The certificate of election does not add to this presumption, but simply leaves it where the law places it, and he who denies the eligibility of a person who is certified to be elected must take the burden of proving that he is not eligible.

Cushing, in his Parliamentary Law, bearing upon this subject, says:

> The right to assume the functions of a member in the first instance and to participate in the preliminary proceedings and organization depends wholly and exclusively upon the return or certificate of election, those persons who have been declared elected and are duly returned being considered as members until their election is investigated and set aside, and those who are not so returned being excluded from exercising the functions of members, even though duly elected, until their election is investigated and their right admitted.

This refers to a Massachusetts case in 1784:

> Where, in a petition against an election, the member returned was charged with having obtained his election "by bribery" and by corrupting the minds of as many as he could by spirituous liquors and by other improper and illegal methods, and evidence was offered in support of the charge, it was held that the House had no constitutional right to suspend the member from acting as such until the matter of the charge had been heard and determined.

I have a number of other quotations from Mr. McCrary, but the time allotted to me being very brief I will not attempt to read them. It is sufficient to say that throughout the whole of the article bearing upon this subject he lays down the doctrine, and supports with a uniform line of decisions, that where a member comes to this House with a certificate properly authenticated it is a document which entitles him to be sworn in and take his seat and assist in the organization of the House. Now, would not this gentleman in the present case have stood upon an equal footing with any of the other members of this House if the gentleman who presents this certificate of the governor of North Carolina had submitted his certificate at the opening of this session of Congress and asked to be sworn in in order to participate in the organization of this House? He comes here with a certificate which is full and clear upon its face. There could not, therefore, have been any distinction in the rights of one member over those of another. We stand precisely upon equal footing. Suppose, then, that this member had come here at the organization of the House with the certificate; it can not be seriously questioned that he would then have had the same right that every other member of the House has under the law of Congress to act with those of us who had rightful and undisputed certificates and who alone are authorized to organize the House. I know that it has been customary at times for one gentleman to get up here and arrogate to himself the right to determine whether a member shall be sworn in or not upon the certificate he presents, but it is the exercise of a power nowhere conferred by law. There has got to be a House to determine all such questions, and how is there going to be a House until the members who have certificates are sworn in for the purpose of organizing? There can only be a House when there has been an organization by the election of a Speaker to preside over the body and invoke its will and decisions. There can only be a House when there is a Clerk appointed in accordance with the Constitution and the laws of the country to write down its Journal and write up the record of its decisions.

The House is invested by the Constitution with power to determine who is elected and who shall participate in its decrees; but until the House is organized, each member who presents a proper certificate is a unit of its power, and has a right to unite with the other members on this floor in its organization, and nobody can deny that right. Now, I repeat, if the gentleman who has this certificate had been here at the organization of the House he would have had the right to take part in that organization and could have voted for the officers of the House, and there is no power here to destroy that right. If it may be said that he had no such right, and that he stands or stood in the organization of the House upon a lower plane or footing than the other members, then there is a difference between the certificates of the members. Such a position could not be tolerated for a moment.

During the Twenty-ninth Congress three vacancies occurred. After the first session Mr. McConnell died, Mr. Yancey resigned, and Mr. Yell, of Arkansas, went into the war which was then prevailing against Mexico. Colonel Yell was killed while gallantly leading a charge at Buena Vista, one of the most gallant and glorious in the history of our country. The names of those absent members were still upon the roll of the House.

This House had no information that they were dead or had resigned, and when their successors presented certificates of election from the governors of their respective States, stating that they had each been elected to fill such vacancy, some one said the records of the House do not present any evidence that there is a vacancy. It appeared from the records that the names of these parties were still upon the roll. But this House said we have the certificates of the governors of the States that there are vacancies, and that such vacancies have been filled in accordance with the terms of the law. The holders of the certificates were duly sworn in.

In the course of the debate upon their admission Mr. Schenck said:

> The immediate question to be resolved is the right of Mr. Newton to take his seat at this time upon the credentials which he has presented. He thought there could be no reasonable doubt of that right; certainly none if respect was to be paid to the *uniform practice of the House in all time heretofore.*

And again—

The *prima facie* case in such instances had always been considered sufficient and conclusive as to the right *to take the seat*, whatever might follow afterward upon the question as to whether a vacancy had existed to be filled or not. The State determines that for itself and sends the successor, and the House acts upon the weight of presumption which then arises in favor of the member-elect.

The certificate, in other words, is *prima facie* evidence of the right of the applicant to be sworn in. Then if there comes up any question as to whether such State has transcended its power in apportioning members of Congress or in any other respect, that must go to the regular committee. If there is a contest, that must go to the committee. Both sides must be heard, testimony taken, witnesses brought on each side, and the compulsory power of the law invoked if necessary to secure this attendance. Each must have a trial surrounded by all the guarantees of the Constitution, and when the committee has made its report the House must determine the question upon its merits.

Mr. HISCOCK. Is it in order to offer a substitute?

The SPEAKER. The gentleman from North Carolina [Mr. SCALES] has the floor.

Mr. SCALES. I yield five minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. In the blazing light of the nineteenth century I think the Republican and Democratic parties can afford to be honest. We have endured, as the fortunes of parties have alternated, a large number of political outrages; they have been practiced on both sides, and it is idle to conceal their commitment.

What is the question before the House to-day? Here comes a member with a certificate duly signed by the governor in proper form and shape, avouching and attesting the fact that he has been elected a member of this House. He produces the same evidence to the Speaker and to the members of this national council that I presented or you presented and upon which the House acted. It is my deliberate judgment that he should be sworn in upon that *prima facie* case; and I care not whether he is Democrat, Greenback, or Republican. [Applause.]

If the evidence of his election is not sufficient to justify the Speaker in swearing him in, where is the evidence that is more supereminent in respect to the claims of any other member? I am not willing at this time to discuss the legal question presented by the distinguished gentleman from Ohio [Mr. KEIFER], although I think it is unsound and that his view can be refuted upon purely logical reasons. But I say if we set ourselves up to ignore, refuse, and repudiate the certificates issued by the governors of our respective States, and which inform this House that we have been chosen as members to represent the sovereign people, we are committing a most woful mistake, into the bosom of which I for one on this side do not propose to drop. Therefore I say that so far as I am concerned I will vote for the admission of this gentleman, because he has a certificate as valid, as tangible, as substantial as the certificate of any other member on this floor.

Mr. HISCOCK addressed the Chair.

The SPEAKER. The gentleman from North Carolina [Mr. SCALES] still has the floor.

Mr. SCALES. I yield to the gentleman from New York to offer his resolution.

Mr. HISCOCK. I send to the Clerk's desk what I offer as a substitute for the pending resolution.

The Clerk read as follows:

Resolved, That Thomas G. Skinner be sworn in, and that it be referred to the Committee on Elections, when appointed, to report at the earliest practicable moment whether the said Thomas G. Skinner was elected from the first Congressional district of North Carolina as created before the last Congressional apportionment of Representatives in Congress or from a district in North Carolina created in that State since the election of Walter R. Pool, deceased, and to further report whether in the judgment of said committee said Skinner was elected from the proper district.

Mr. HISCOCK. Mr. Speaker, I do not desire to discuss this question at any considerable length.

The SPEAKER. Does the Chair understand the gentleman from North Carolina to yield the floor entirely?

Mr. SCALES. Only for this resolution.

Mr. HISCOCK. I desire only five minutes and hope the gentleman will yield me that time.

Mr. SCALES. I am under promise to another gentleman to give him the balance of my time. That I yield to the gentleman from Ohio [Mr. HURD]. [After a pause.] As I do not see Mr. HURD present, I yield three minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. I hold, sir, in my hand the certificate of Walter R. Pool, deceased, to fill the vacancy occasioned by whose death Mr. Skinner was elected.

Mr. KEIFER. The gentleman is mistaken.

Mr. HISCOCK. As it is claimed, at least. The fact, I know, is disputed.

Mr. KEIFER. If the gentleman will yield to me I will say that he has the certificate of Walter R. Pool, who was regularly elected at the election of 1882 and died.

Mr. HISCOCK. We will say it is alleged that it is to fill the vacancy created by his death that Mr. Skinner was elected. These certificates are precisely in the same form. They are identical in purport. I understand the certificate of each member of the North Carolina delegation is in the same language as that of the certificate which has been issued to Mr. Skinner.

I sympathize most earnestly with the remarks made by the gentleman from Colorado [Mr. BELFORD] that it is dangerous to question the *prima facie* right of any man to a seat on this floor. When there is a vacancy in the delegation from a State and a certificate comes here in the usual form as the certificate from that State, I for one am unwilling when the gentleman presents himself here to be sworn in to question at the outset his right to be sworn in. And if gentlemen on the other side are willing that this case should go to the Committee on Elections charged with the investigation of the only question indicated by the substitute and instructed to report as soon as practicable, that will meet my views of this case and of the situation.

The SPEAKER. The gentleman from North Carolina has five minutes of his time remaining.

Mr. SCALES. I yield that time to the gentleman from Ohio [Mr. HURD].

Mr. HURD. The only question presented in this discussion is, shall the gentleman from North Carolina be sworn in pending the investigation into the character of the certificate he presents? As has been said by my colleague from Ohio [Mr. KEIFER], in the Forty-sixth Congress I objected to the seating of Mr. TAYLOR, successor to General Garfield, who had been elected from the old district. I maintained in the argument on that occasion that he could not be elected from the old district because the law which created it had been repealed, that he could not be elected from the new district because General Garfield had never represented that district, and by his resignation, therefore, he could occasion no vacancy in it, and that the only way in which an election could be held to fill such a vacancy as that was under the provisions of an act of the Legislature which should continue the old district for the purpose of filling a vacancy until that Congress had expired.

I am still of the opinion that I maintained then. But at that time I withdrew the objection, because there was a doubt as to whether a *prima facie* case had been made by the certificate which had been presented, and desiring to resolve the doubt in favor of a Representative of my State, I asked that the gentleman from Ohio be sworn in. That request was granted unanimously by the House of Representatives, and Mr. TAYLOR was sworn in. That case makes a precedent exactly fitting this, by which this case should be governed. Therefore I maintain that Mr. Skinner should be now sworn in.

The SPEAKER. The gentleman from North Carolina [Mr. SCALES] has three minutes of his time remaining.

Mr. MAYO. Will the gentleman yield me two minutes?

Mr. SCALES. I will yield the floor.

Mr. REED. I ask the gentleman to yield to me the three minutes he has remaining.

Mr. SCALES. Certainly, I will do so.

Mr. REED. I will reserve that time and endeavor to obtain further time from the gentleman from Ohio [Mr. KEIFER] after he has concluded.

Mr. KEIFER. Mr. Speaker, I do not propose to occupy much more time, and after a few words will yield to gentlemen, some who agree with me and some who differ from me.

I wish to say in reference to the basis upon which the substitute is offered by the gentleman from New York [Mr. HISCOCK], as I have already stated, that he seems to have been entirely at fault in the matter of his information. Walter R. Pool was the man who was elected at the regular election in 1882 and afterward died. He furnished his certificate of election to the Clerk of the House, and the gentleman from New York [Mr. HISCOCK] now has it before him. The other gentleman from North Carolina [Mr. Skinner] comes with a certificate of a like character here from the present first district of that State.

I have no doubt about the law as it is laid down. I have no doubt about the precedents. I wish to say that the gentleman from North Carolina [Mr. SCALES], who is always fair, has overlooked the other precedent from Louisiana, which is entirely in opposition to the New Hampshire precedent. He has overlooked the precedent set in the Ohio case on the merits of the case. He has overlooked the precedent which was set in the last Congress by the action of the governor of Missouri, and perhaps there are others which received no particular notice.

But as there seems to be a great division of opinion, and while I regard it as a very dangerous precedent, to which I offer my protest, I will say that I am entirely willing to withdraw my resolution and offer it again, if the gentleman will allow me, after Mr. Skinner has been sworn in, as it does not refer to the *prima facie* case, but refers the whole matter to the Committee on Elections.

Mr. SCALES. So far as I am concerned I prefer a vote on the resolution of the gentleman from New York [Mr. HISCOCK].

Mr. KEIFER. Very well; I will yield now to the gentleman from Maine [Mr. REED], and afterward decide upon what I will do.

Mr. REED. Mr. Speaker, there can be no question transcending in importance a question of this character. There are no questions which demand so much care in order that we may go aright.

This question is one liable to recur at the beginning of every decade. It is the question whether, a Representative having died representing a district under an old apportionment, that district as constituted by the old apportionment shall elect his successor or whether a new district which did not know him shall elect a successor.

It was very natural that in the early times there should be some question upon this point. It was decided by the House in the New Hampshire case a great many years ago that the new member should be elected from the new district. Since that time, however, new light has been thrown upon the question by repeated and continual discussion.

Since that time the public mind, the mind of the two Houses of Congress, has settled in the other direction; that is, that the old district, and not the new district, should be represented by the member elected to fill the vacancy; and for an obvious reason—and all the reasoning on the subject is in a nutshell—for the obvious reason that under our system we have a representation of all of the people of this country and of every acre of territory of this country, so far as it is formed into States. That is, we have not only a representation of all the men, but of all the territory, all of the territory and all of the men in it.

Now, it almost invariably happens that the new district is not territorially and constituently, if I may use the word, the same as the old. Hence it results that some portion of the State would be doubly represented, and some portion of the State would not be represented at all, if the member elected to fill the vacancy was elected by the new district and not by the old. To my mind this is conclusive upon the merits of the case.

The other alternative which was presented by the gentleman from Ohio [Mr. HURD] in the Forty-sixth Congress, that the constituency should go unrepresented if no provision was made by the State Legislature, in my judgment and in my experience has found no advocate except himself.

[Here the hammer fell.

The SPEAKER. The three minutes of the gentleman have expired.

Mr. REED. I had three minutes from the gentleman from North Carolina [Mr. SCALES] and I understood the gentleman from Ohio [Mr. KEIFER] to yeld me five minutes more.

Mr. HISCOCK. I believe I am entitled to the floor upon my substitute, and I will yield to the gentleman from Maine [Mr. REED] all the time he wants from my hour.

The SPEAKER. The gentleman from Maine will proceed.

Mr. REED. Although I have touched upon this question on the merits of the case, I have done so simply to put those of us right who take the view which I am about to express. I would not have it for a moment misunderstood what we think upon this question.

The real question before the House, however, is not what I have discussed. The real question is of a *prima facie* case. Now, in order to enable this body to be organized, it is absolutely essential that it should be organized under some general principles and under general laws.

All general laws are liable to injurious exceptions, but all general laws are sustained by the fact that in the great majority of cases they prescribe a wise rule, and whoever overturns that rule on account of unfortunate exceptions makes the great mistake of upsetting a thousand good cases in order to rectify one bad one.

In this case we have established the rule by a long series of decisions, decisions which in the long run have commended themselves to the judgment of learned men in the Houses of Congress for many years past. The principle is that, whenever a certificate signed by competent authority declares in unequivocal terms that a man has been elected to the House of Representatives, we respect such a certificate and allow the man to be sworn in, and then, if necessary, proceed to examine his case.

In this case, here is a certificate of the governor of North Carolina in the same form as the certificate upon which every other member has taken his seat, in the same form as that upon which every member of the Forty-seventh Congress took his seat. It is a declaration that the man was duly elected from the first district of North Carolina. Now the question is, which first district, the old one or the new one? There is one principle which underlies all certification, and it is that a public official is presumed to do his duty. No republican or other government can go on upon any other presumption. It may be that in a particular case the official violates his duty; but the presumption on which we must go in the *prima facie* case is that he has not violated his duty. The presumption also is that if he makes a certificate which by its terms covers the ground, it is intended to cover the precise ground. In other words, if in this case the governor says "the first district," it seems to me the presumption must be that he means the legal first district, which is entitled to representation here.

Mr. Speaker, I submit there is but one course left for us to pursue, and that is to swear this man in. I am sorry on some accounts to come to this conclusion, because I believe that after the long series of decisions on the part of this House there ought not to have been any question in the mind of the governor of North Carolina as to his duty in the premises; and were it not for two facts I should be inclined to characterize this as a fraudulent transaction. Those facts are, first, that honorable gentlemen contend that the governor of North Carolina was right as to the district he chose; and the House of Representatives a great many years back seems to have come to the same conclusion. But I sincerely hope that we may be plagued no more by questions of this kind; that we may go on and faithfully do our duty, presuming that others have done theirs; and when upon examination it is found they have not done theirs, I trust that without fear, affection, hope of reward, or party discipline we shall do our honest duty in the premises.

Mr. KEIFER. Mr. Speaker, how much time have I remaining?

The SPEAKER. Three minutes.

Mr. KEIFER. I yield two minutes to the gentleman from Indiana [Mr. CALKINS].

Mr. CALKINS. Mr. Speaker, the difficulty in my mind in this case has been whether the election upon which Mr. Skinner claims a seat was not absolutely void, whether this House was not bound, under the public law of North Carolina and the certification made by the gov ernor, to take notice of the fact that the election was held in a district in which there was no vacancy. I believe so yet. Adopting the argument of my friend from Maine [Mr. REED], I agree with him in everything he has said except in his position that this House ought not to examine into the *prima facie* case where the certificate appears perfect upon its face. That, it seems to me, is sacrificing substance to form. In this case it is perfectly evident to every one that this House must take notice of the public law of Congress which fixes November in every second year as the time for the election of Representatives from North Carolina. The election took place at that time. We have been officially informed that the person then elected has since died; it is upon record by the statement of the Clerk. This certificate comes here supplemented by these official statements; and it is the first duty of the House to examine the paper in connection with the public law and see whether this man was elected from a district in which there was a vacancy.

[Here the hammer fell.]

Mr. KEIFER. Mr. Speaker, on this question I stand where I did in the beginning. I agree with the gentleman from Maine [Mr. REED] and other gentlemen who say that the certificate or commission imports honest action on the part of a public official; but I deny that such action reaches further than is stated by the distinguished writer upon public law Mr. McCrary, who says that it only goes to the extent of determining that there was an election—nothing else. But, Mr. Speaker, seeing the temper of the House on this subject I am willing to withdraw my resolution after the protest which I have made; and when the gentleman has been sworn in I propose to reoffer a resolution omitting the preamble, leaving only that part of the resolution which refers the case for examination to the Committee on Elections. I hope this proposition will be satisfactory to the gentlemen on the other side.

Mr. SCALES. I object.

Mr. KEIFER. I propose to withdraw the resolution to let the gentleman be sworn in.

The SPEAKER. Does the gentleman from New York [Mr. HISCOCK] withdraw his substitute?

Mr. HISCOCK. I do not.

Mr. KEIFER. The gentleman has no right to object under the rule.

Mr. HISCOCK. I do not object; but I know no reason why a vote may not be taken on my resolution.

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] proposes that Mr. Skinner be sworn in, and that then the matter be referred.

Mr. KEIFER. I propose to withdraw the resolution for the present, but after Mr. Skinner has been sworn in I will again offer it.

The SPEAKER. But the gentleman from New York [Mr. HISCOCK] desires to have a vote on his proposition, and if the gentleman from Ohio withdraws his resolution the substitute of the gentleman from New York will go with it.

Mr. RANDALL. Certainly, as it is offered in the nature of an amendment.

Mr. HISCOCK. I am not particular how it is done, but I wish to refer the question to the Committee on Elections, to be reported on at the earliest practicable moment. If, in the course that is pursued, that shall be preserved, I am content.

The SPEAKER. The resolution being withdrawn, the gentleman from North Carolina will come forward and be sworn in.

Mr. Skinner, of North Carolina, accompanied by Mr. SCALES, appeared at the Clerk's desk.

Mr. HISCOCK. If I may be allowed, before the gentleman is sworn in, I wish to say that I understand there will be no objection after the gentleman has been sworn in to a vote on my proposition.

Mr. SCALES. To your resolution; no.

The SPEAKER. So the Chair understands.

Mr. SKINNER, of North Carolina, was then sworn in by taking the oath prescribed by section 1757 of the Revised Statutes.

Mr. KEIFER. I offer again my resolution, leaving out the preamble.

The Clerk read the resolution, as follows:

Resolved, That the credentials of Mr. SKINNER be referred to the Committee on Elections of this House, when appointed, with power to ascertain and report all the facts pertaining to said vacancy and said election, to file the same at as early a day as practicable, together with the law governing the case.

Mr. HISCOCK. I desire to inquire whether the words in that resolution, "all the facts relating to said election" do not carry the merits of the question to the committee? If so, I object.

Mr. KEIFER. It ought to.

Mr. HISCOCK. I think we ought first to have a report on the legal question.

Mr. KEIFER. The *prima facie* case has been already decided.

Mr. SCALES. Let it all go to the committee.

Mr. HISCOCK. That leaves this case, and the House may as well understand it, so that a report on it may be postponed to the last days of the Forty-eighth Congress. I believe this preliminary legal question ought to be disposed of and this disputed point settled before we go to anything else, and if my resolution is before the House I insist on a vote on it.

Mr. KEIFER. The *prima facie* case is gone.

Mr. HISCOCK. I do not ask to refer the *prima facie* case. But, Mr. Speaker, I do ask to refer to the Committee on Elections to report on certain facts at once. I believe the question which has been stated by the gentleman from Ohio will come up again in the case of Kansas, and therefore I believe the Committee on Elections should report immediatly on the question we have been discussing all the morning. Therefore I demand a vote on my proposition.

The SPEAKER. The gentleman from New York offers his resolution as a substitute for the one pending. The vote will first be taken upon that.

Mr. REAGAN. I hope the gentleman from New York will not insist upon his resolution. This contemplates two reports from the Committee on Elections after the *prima facie* case has been determined by the House. It seems to me that when the whole case goes, as this resolution contemplates, to the Committee on Elections, it must be acted upon as any other case is acted upon, and there is no just reason in my judgment to take it away from the committee or adopt any other course, nor is there any reason to ask for two reports from the committee after the *prima facie* case has been settled.

The SPEAKER. The question is on agreeing to the substitute proposed by the gentleman from New York.

Mr. REED. Let the substitute be again reported.

The proposed substitute was again read.

Mr. KEIFER. Mr. Speaker, before the House is called upon to vote on that resolution I desire that it shall understand that they are only referring under that substitute the mere legal question as to whether Mr. SKINNER was entitled to represent this new district instead of the old one. Gentlemen upon the other side of the House very properly and kindly say they are willing that the whole case shall go there as the *prima facie* case has gone.

I wish to say also to the members present that there is a contest over this seat. Mr. Pool, a brother of the deceased, Mr. Walter R. Pool, makes a contest for the seat. All that I ask, therefore, is that the ordinary proceedings had in such cases shall be observed here, and that the matter be referred to the Committee on Elections, as all such cases have been referred. It is the ordinary rule to refer the whole case to the committee, just as this resolution contemplates. The gentleman from North Carolina says there is no objection. The gentleman from New York, on the contrary, desires by his resolution to refer only the question of law growing out of the election in one or the other of the districts, as the case may be. It would be an act of injustice to the contestant in this case to submit any other question to the Committee on Elections than the general question raised by my resolution.

Mr. HISCOCK. My reply to the suggestion of the gentleman from Ohio is this: That if there is a contest in that district and Mr. Pool is the contestant for a seat here, under the rules of the House that goes to the Committee on Elections to investigate and determine. If he is here asking a seat upon this floor, that request goes to our Committee on Elections for it, in due course, to report upon. The resolution which I offer does not foreclose him in the least or in any manner impair his right. But what I want a report upon from the committee is upon this troublesome question that has been presented to us year after year and session after session. I want authoritative action on the part of the House. I do not want that question to be postponed until the last days of this Congress, when it may be intruded upon us at a time when its merits can not receive that attention from the House which the importance of the case demands.

Mr. SCALES. I understood the gentleman from New York to say that he had no objection whatever to the form of the resolution if the whole thing went to the Committee on Elections. Now, I have stated already that I have no objection to the whole question going to that committee——

Mr. KEIFER. That is just what I propose.

Mr. SCALES. So that that committee can report upon the whole question.

I move the previous question.

Mr. HISCOCK. Mr. Speaker, I presented the resolution which has been read from the desk to the House to the gentleman from North Carolina now upon the floor for an expression of opinion upon it. He read it and submitted it to a gentleman in the seat beside him——

Mr. MILLS. The demand for the previous question embraces that resolution.

Mr. HISCOCK. And after the gentleman from North Carolina had heard the resolution he said it would be acceptable as I read it to him.

Mr. MAYO. Let me ask the gentleman from North Carolina a question.

Mr. HISCOCK. Now, I do not want any action of this body which may have its foundation in mere partisanship or any other source to deprive the House of the opportunity of settling this vexed question and allow a man to hold a seat in the House until the very last days of the session, as has been done before. I think right and fair minded men on the other side of the House will agree with me——

Mr. TOWNSHEND. I object to debate.

The SPEAKER. Debate is not in order on the motion of the gentleman from North Carolina, except by unanimous consent.

Mr. SCALES. The gentleman from New York has seen proper to make something of an attack upon me, and I desire an opportunity to make a brief response.

The SPEAKER. Debate is not in order, except by unanimous consent.

Mr. SCALES. Then I withdraw the motion for the previous question.

Mr. REED. This, Mr. Speaker, is merely a question of understanding on the part of the House, which has always been permitted to be discussed. It is not, properly speaking, a debate upon the proposition.

The SPEAKER. If the gentleman insists upon the previous question, and objection is made to discussion, the Chair has no discretion but to recognize the demand of any gentleman for the regular order.

Mr. SCALES. I withdraw the demand for the previous question.

The SPEAKER. The gentleman from North Carolina now withdraws the demand for the previous question.

Mr. SCALES. I desire to do so for the purpose of saying, in reply to the gentleman from New York, simply this: He came to my seat while the discussion was proceeding and presented a resolution to which he called my attention. On reading it I then thought it carried the whole case to the Committee on Elections. I said that it would be acceptable to me in that form after the Representative had been sworn in. I also understood him to say that he did not care about the form of the resolution, and was willing to accept the original resolution provided it carried the case to the Committee on Elections.

I did it in good faith. I said I was willing to submit to that. I am willing to submit to that now. I think it is the right of Congress. And why? Because if that resolution goes it settles the whole question. If his resolution goes, as I now understand it, it carries the question as to the district, and if the report is in favor of the new district it has to go back on the other question. Therefore I think it should go to the Committee on Elections.

Mr. HISCOCK rose.

Mr. SCALES. I move the previous question.

Mr. HISCOCK. I hope the gentleman will not do that just yet.

Mr. SCALES. I yield to the gentleman for a moment.

Mr. HISCOCK. On account of some discussion which had taken place on this side of the Chamber I called attention to the fact that I cared nothing for the order in which this thing was done. As between the gentleman from Ohio and myself I had no pride of opinion whether his resolution was adopted or mine. But I did state that I expected this question would be sent to the Committee on Elections to be reported on as soon as practicable; and therefore no objection was made from any gentleman on this floor, and the gentleman was sworn in. And you, Mr. Speaker, understood I forebore to press a vote on my substitute because I understood there was a unanimous agreement in this House that that resolution or a resolution in form carrying this question alone to the Committee on Elections should be passed.

ENROLLED JOINT RESOLUTION.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution of the following title; and the Speaker signed the same:

Joint resolution (S. R. 31) authorizing the payment of the salaries of the employés of the two Houses of Congress on the 22d instant.

FIRST CONGRESSIONAL DISTRICT, NORTH CAROLINA.

Mr. SCALES. I call the previous question.

The previous question was ordered.

The SPEAKER. The first question is on agreeing to the substitute proposed by the gentleman from New York [Mr. HISCOCK] for the resolution proposed by the gentleman from Ohio [Mr. KEIFER].

The question being put, there were on a division—ayes 107, noes 96.

Mr. COBB and others called for the yeas and nays.

The SPEAKER. The question is on ordering the yeas and nays.

Mr. MILLS. I understand the request for the yeas and nays has been withdrawn.

Mr. RANDALL. It has not been withdrawn.

On the question of ordering the yeas and nays there were—ayes 47.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 108, not voting 96; as follows:

YEAS—117.

Adams, G. E.	Geddes,	Long,	Ranney,
Anderson,	George,	Lore,	Ray, G. W.
Atkinson,	Goff,	Lyman,	Ray, Ossian
Belford,	Guenther,	Mackey,	Reed,
Bland,	Hardeman,	McCoid,	Robinson, J. S.
Blount,	Hart,	McComas,	Rogers, W. F.
Boutelle,	Haynes,	McCormick,	Rowell,
Breitung,	Henderson, D. B.	McKinley,	Seymour,
Brewer, J. H.	Hill,	Mayo,	Skinner, C. R.
Brown, W. W.	Hiscock,	Milliken,	Smith,
Buckner,	Hitt,	Mills,	Springer,
Budd,	Holmes,	Morey,	Steele,
Calkins,	Holton,	Morgan,	Stephenson,
Campbell, J. M.	Hooper,	Morrill,	Stevens,
Cannon,	Hopkins,	Morse,	Stockslager,
Chace,	Horr,	Muldrow,	Stone,
Collins,	Houk,	Muller,	Storm,
Connolly,	Howey,	Murray,	Strait,
Culbertson, W. W.	James,	Mutchler,	Struble,
Cutcheon,	Jeffords,	Nelson,	Taylor, J. D.
Dargan,	Johnson,	Nutting,	Thomas,
Davis, G. R.	Jones, B. W.	Ochiltree,	Weaver,
Dingley,	Jones, J. H.	O'Neill, Charles	White, Milo
Dunham,	Kean,	Parker,	Willis,
Eaton,	Kelley,	Payson,	Wilson, James
Evans, I. N.	Ketcham,	Perkins,	Wilson, W. L.
Everhart,	Lacey,	Peters,	York.
Evins, J. H.	Laird,	Pettibone,	
Findlay,	Lawrence,	Phelps,	
Finerty,	Libbey,	Price,	

NAYS—108.

Alexander,	Elliott,	Morrison,	Talbott,
Bagley,	Follett,	Moulton,	Taylor, J. M.
Ballentine,	Forney,	Murphy,	Thompson,
Barksdale,	Fyan,	Nicholls,	Throckmorton,
Bennett,	Gibson,	Oates,	Tillman,
Breckinridge,	Glascock,	O'Hara,	Townshend,
Buchanan,	Green,	O'Neill, J. J.	Tully,
Cabell,	Greenleaf,	Patton,	Turner, Oscar
Caldwell,	Halsell,	Pierce,	Van Alstyne,
Candler,	Hancock,	Peel, S. W.	Vance,
Carleton,	Hatch, W. H.	Pryor,	Van Eaton,
Cassidy,	Henley,	Pusey,	Wakefield,
Clay,	Hoblitzell,	Randall,	Ward,
Clements,	Houseman,	Rankin,	Warner, A. J.
Cobb,	Jones, J. K.	Reagan,	Warner, Richard
Converse,	Jones, J. T.	Reese,	Wellborn,
Cosgrove,	Keifer,	Robertson,	Weller,
Cox, W. R.	Kleiner,	Robinson, W. E.	Wemple,
Crisp,	Lamb,	Rogers, J. H.	Wilkins,
Culberson, D. B.	Lanham,	Scales,	Williams,
Curtin,	Lewis,	Seney,	Winans, E. B.
Deuster,	Lowry,	Singleton,	Winans, John
Dibrell,	McAdoo,	Snyder,	Wise, G. D.
Dorsheimer,	McMillin,	Spriggs,	Wolford,
Dowd,	Matson,	Stewart, Charles	Woodward,
Dunn,	Maybury,	Sumner, C. A.	Yaple,
Eldredge,	Miller, J. F.	Sumner, D. H.	Young.

NOT VOTING—96.

Adams, J. J.	Covington,	Herbert,	Rice,
Aiken,	Cox, S. S.	Hewitt, A. S.	Riggs,
Arnot,	Cullen,	Hewitt, G. W.	Robinson, G. D.
Barbour,	Davidson,	Holman,	Rosecrans,
Barr,	Davis, L. H.	Hunt,	Russell,
Bayne,	Davis, R. T.	Hurd,	Ryan,
Beach,	Dibble,	Hutchins,	Shaw,
Belmont,	Dockery,	Jordan,	Shelley,
Bingham,	Duncan,	Kasson,	Skinner, T. G.
Bisbee,	Ellis,	Kellogg,	Slocum,
Blackburn,	Ellwood,	King,	Spooner,
Blanchard,	Ermentrout,	Le Fevre,	Stewart, J. W.
Bowen,	Ferrell,	Lovering,	Taylor, E. B.
Boyle,	Fiedler,	Millard,	Tucker,
Brainerd,	Foran,	Miller, S. H.	Turner, H. G.
Brewer, F. B.	Graves,	Mitchell,	Valentine,
Broadhead,	Hammond,	Money,	Wadsworth,
Browne, T. M.	Hanback,	Neece,	Wait,
Brumm,	Hardy,	Paige,	Washburn,
Burleigh,	Harmer,	Payne,	White, J. D.
Burnes,	Hatch, H. H.	Peelle, S. J.	Whiting,
Campbell, F.	Hemphill,	Poland,	Wise, J. S.
Clardy,	Henderson, T. J.	Post,	Wood,
Cook,	Hepburn,	Potter,	Worthington.

So the substitute was agreed to.

The following were the pairs:

Mr. AIKEN with Mr. VALENTINE until further notice.

Mr. RUSSELL with Mr. COLLINS until further notice.

Mr. J. D. WHITE with Mr. BLACKBURN until January 20.

Mr. MILLARD with Mr. POST until January 3.

Mr. HARDEMAN with Mr. KELLEY until after recess.

Mr. SHELLEY with Mr. EZRA B. TAYLOR.

Mr. ELLIS with Mr. HARMER.

Mr. ERMENTROUT with Mr. H. H. HATCH until further notice.

Mr. BROADHEAD with Mr. WADSWORTH until further notice.

Mr. PAYNE with Mr. TURNER, of Georgia, until Monday.

Mr. DUNN with Mr. WADSWORTH on this vote.

After the second roll-call the following proceedings took place:

Mr. GEORGE. I did not hear my name called. I desire to vote.

The SPEAKER. The gentleman's vote has not been recorded. It has been the practice of the House to allow a gentleman to have his vote recorded after the second roll-call if he states he did actually vote or that he was giving attention but did not hear his name called. Was the gentleman giving attention?

Mr. GEORGE. I was giving attention, but did not hear my name called.

Mr. RANDALL. I shall have to object on that statement.

Mr. HISCOCK. The gentleman from Oregon states he was giving attention and did not hear his name called.

Mr. RANDALL. I did not so understand his statement.

Mr. HISCOCK. So I understood him. Let the gentleman state what he did say.

Mr. GEORGE. I stated, or at least intended to state, that I was present and was paying attention and did not hear my name called.

The SPEAKER. Of course the rule is very clear that the Chair can not allow a gentleman to vote at all under any circumstances after the completion of the second roll-call; but gentlemen can ask unanimous consent to vote.

Mr. RANDALL. There should be a rigid adherence to the rule. I object.

Mr. KEIFER. But, Mr. Speaker——

The SPEAKER. The Chair will direct the rule to be read, so that there may be no misunderstanding upon the subject.

The Clerk read as follows:

Upon every roll-call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

Mr. KEIFER. Pardon me for a moment. If there is such confusion in the House that a member giving attention can not hear his name called, or if anything prevents his doing his duty in voting, it has been the practice, ever since this rule was adopted, to give him the opportunity to vote, if the failure on his part to vote is not in any sense attributable to his own neglect.

The SPEAKER. The Chair has so stated; but still, under the rule, it requires unanimous consent to do so.

Mr. CANNON. Allow me a moment, for this is a question of some importance. The precedent as heretofore established has allowed members to vote under circumstances similar to those stated by the gentleman from Oregon [Mr. GEORGE]. Now, if it be in the power of the Clerk—not assuming for a moment that in this case the Clerk has done so or would do so—if it be in the power of the Clerk to prevent a member from voting by omitting to call or indistinctly calling his name, what will be the result? It is not in order for any member to interrupt the roll-call. Suppose that the Clerk by accident omits to call the name of a member, then by the rule is his right to vote to be denied him?

It is to be presumed that the Clerk did omit to call his name, because the gentleman states that he was giving attention and did not hear his name called.

Mr. RANDALL. If we have rules we had better adhere to them. What are the circumstances in this case? The gentleman states that he was in his seat and listening. There was one call of the roll. I wish to call the attention of the House to the fact that the clerk who called the roll has a clear, distinct voice, which penetrates to every part of the Hall. Then there was a second call of the roll.

Now, I am entirely impersonal in this matter. There was a second call of the roll, and the name of the gentleman was again called. There is no allegation that his name was not twice called. It is in contravention of the rule to permit a vote to be given under such circumstances.

We may as well meet this difficulty at once, because the question constantly arises during a session of Congress. That is the reason why we favor a rigid adherence to the terms, the letter and the spirit, of the rule, which is a correct one. It requires that a member not responding to his name upon the first call of the roll shall be careful to have himself recorded on the second call, if he desires to vote.

Mr. REED. I entirely agree with the gentleman from Pennsylvania [Mr. RANDALL] that we ought to follow the rules of the House, whether those rules be wise or unwise. If we do not like them then we should change them.

On the other hand, every rule of this House is the subject of construction, and must be construed with sense, and must be construed in the light of the rights and duties of members. Now, members have the right to vote, and it is their duty to vote. If any member has done everything that he can in order to exercise that right, then he brings himself within the reasonable construction of the rules of this House.

That is not only sense, but it is sense tested by experience, for ever since the rules were adopted the construction of this rule has been given which is warranted and demanded by the situation of the gentleman from Oregon [Mr. GEORGE]. He says that he was attempting to hear his name called, did not hear it, and therefore did not vote. Now, I submit to this House that a reasonable, sensible construction of the rule gives him the right to vote.

Mr. RANDALL. The gentleman from Maine [Mr. REED] has alluded to the experience of the House.

Mr. TOWNSHEND. Allow me to make one suggestion in reference to the statements of the gentleman from Oregon [Mr. GEORGE] and of

the gentleman from Maine [Mr. REED]. If the gentleman from Oregon was listening when the first call of the roll was made and failed to hear his name called, then it was his duty to notify the House of the fact and to insist upon his name being called.

Another suggestion. The tally clerk is watching the call of the roll as well as the reading clerk; and if the name of any member was omitted by the reading clerk the tally clerk would immediately have called his attention to it.

The SPEAKER. The Chair has decided that under the rule he has no power to allow the gentleman to vote.

Mr. RANDALL. The gentleman from Maine [Mr. REED] has said something about our experience in this connection. The rule which has been quoted was introduced into the body of our rules because of the difficulties which we had experienced.

Before this rule was adopted I have witnessed roll-calls here when, after the names had been called and before the result was announced, members were hunted up from various places and brought in here and voted so as to change the actual result as at first ascertained. Now that was what we desired to avoid, to escape from, because it was found to be not conducive to public good and public approval.

I have no objection to any interpretation or construction which the Speaker may see fit to place on this rule; but if he does place a construction on it let us adhere to it.

The SPEAKER. The Chair does not think the rule is open to misconstruction. The language is very plain and very emphatic. Under the rule a member can not be permitted to record his vote after the second roll-call has been completed, unless by unanimous consent. Of course the House by unanimous consent can permit anything of this kind to be done, no matter what the rules may say.

Mr. MILLS. Mr. Macon, of North Carolina, when Speaker of the House of Representatives, decided that a Representative in Congress could not be deprived of his constitutional right to vote. This is a right that concerns his constituents on this floor, and upon any question affecting it the most liberal construction should be adopted.

Mr. RANDALL. Mr. Macon, when he made that decision, was Speaker of the House, and simply held that no rule of the House could deprive him of his constitutional right to vote as a representative of his constituency, although occupying at the time the position of Speaker.

Mr. HISCOCK. As I understand, all objection is withdrawn.

The SPEAKER. The Chair was about to remark that the gentleman from Oregon [Mr. GEORGE] may by unanimous consent record his vote. Is there objection? The Chair hears none.

The name of Mr. GEORGE was then called, and he voted in the affirmative.

Mr. WILSON, of Iowa. Mr. Speaker, one word——

The SPEAKER. There is nothing for debate before the House.

Mr. WILSON, of Iowa. One point, I think, has been overlooked. The manner in which this comes before the House—— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded. The question has been disposed of.

Mr. WILSON, of Iowa. I beg the Chair's pardon. One word——

The SPEAKER. The regular order is demanded, and the Chair has no discretion except to proceed with the regular order of business.

Mr. HISCOCK. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The result of the vote was announced as above stated.

The SPEAKER. The substitute offered by the gentleman from New York having been agreed to, the question is now upon agreeing to the resolution as amended by the adoption of the substitute.

The resolution as amended was adopted; there being—ayes 106, noes 76.

Mr. HISCOCK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOLIDAY RECESS.

Mr. MORRISON. I submit the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Monday, December 24, 1883, they stand adjourned until Thursday, the 3d day of January, 1884.

Mr. MORRISON. In connection with this resolution I desire to say that if it be adopted unanimous consent will be asked that on Monday next no other business be transacted than the announcement of committees, so that the recess will practically begin to-morrow.

The resolution was adopted; there being ayes 143, noes 21.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a bill (S. 616) to establish a standard of time in the District of Columbia.

SELECT COMMITTEES.

Mr. BLACKBURN. I am directed by the Committee on Rules to ask the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the following-named select committees, consisting of the same number of members, with like powers and duties, as in the Forty-seventh Congress, be appointed for the Forty-eighth Congress, namely:

Committee on Reform in the Civil Service; Committee on Law respecting Election of President and Vice-President; Committee on the Payment of Pensions, Bounty, and Back Pay; Committee on the Public Health; and Committee on Ventilation and Acoustics of the Hall of the House of Representatives.

Also, a committee, to be composed of seven members, on American ship-building and ship-owning interests, which shall investigate the causes of the decline of the American foreign carrying trade; and said committee shall have leave to report by bill or otherwise.

Mr. REED. I desire to offer an amendment and to make a statement in regard to it.

The Clerk read as follows:

Amend by adding, "Committee on Alcoholic Liquor Traffic."

Mr. REED. In the Committee on Rules by some mistake this matter was omitted. It was understood that all the committees that were not to be included in the original resolution would be read over; and this committee, by some accident, was not read over. My colleague on the committee [Mr. BLACKBURN] gives me permission to offer the amendment, with this statement: that a majority of the Committee on Rules would have favored the amendment had it not been thus accidentally omitted. I will state to the House that I was intending to insist upon the retention of this committee and supposed until this morning that it had been retained.

Mr. BLACKBURN. In justice to the gentleman from Maine [Mr. REED], my colleague on the committee, I desire to say that his statement accords exactly with my recollection. The continuation of this select committee was not, as I remember, discussed in the Committee on Rules at all. I have reason to believe, and doubtless he believes, there would have been some division of opinion in the committee in reference to the select committee that he now proposes to insert by way of amendment.

I am frank to say that I am opposed to the amendment; but I think it fair that the gentleman should have the right, which he now claims, to offer the amendment, leaving it to the House to determine whether this shall be inserted among the select committees to be continued in this Congress.

Mr. REED. With the understanding of a majority of the committee.

Mr. BLACKBURN. I believe a majority of the committee would favor it.

Mr. WILLIS. I have an amendment to offer in the nature of a substitute. In one word I can explain it. It leaves the committees identical with the report of the Committee on Rules, except that it increases the Committee on Reform in the Civil Service from eleven to thirteen. It increases the Committee on the Law respecting the Election of the President and Vice-President from eleven to thirteen. It increases the Committee on the Payment of Pensions, Bounty, and Back Pay from seven to nine. It leaves the Committee on Public Health at nine. It leaves the Committee on Ventilation and Acoustics at seven. It increases the committee on American shipping, the last one mentioned, from seven to nine. It does not enumerate the Committee on the Alcoholic Traffic as one of the committees.

The SPEAKER. The first question is on the amendment of the gentleman from Maine.

Mr. YOUNG. Let it be read.

Mr. MILLS. I hope the gentleman from Kentucky will call for the yeas and nays on the amendment of the gentleman from Maine, that we may see who it is that favors sumptuary legislation and who it is in the party to which he and I belong that wishes to regulate by Congress the domestic habits, customs, and appetites of the people.

The amendment was reported at the Clerk's desk.

Mr. VANCE. The gentleman from Texas talks about legislating in favor of sumptuary laws and saying what a man shall eat and drink. In my judgment, sir, the object is to get information on a subject that reaches and touches every human being on this continent. It affects every man, woman, and child, and every interest in this great country. [Applause on the Republican side.] I think that the sentiment of the temperance people of the United States of America ought to be respected in this House, which creates committees on almost every other subject. We have committees on legislation in regard to the yellow fever and we have committees in regard to the cotton worm. [Laughter.] We have committees on sending expeditions to the North Pole in search of vessels that have been lost, and then why, sir, should not the representatives of the American people inquire in reference to that vessel of intemperance which has wrecked so many households in this land of ours. [Applause.] I hope, sir, the Representatives of the American people will allow the friends of humanity, the friends of truth, justice, and mercy to be heard; that they will extend to the people the opportunity to gather every information on a subject of such tremendous importance as the one now before the House. Will the American Representa-

tives here, sir, deny to millions of people the right to be heard on this important question? [Cries of "No!"] I hope not.

I hope we will not be denied the simple right of having a committee on the subject. It does not necessarily follow we are to have a prohibitory law because of the raising of such a committee. Not at all, sir. We want information. We want to know what it costs this Government because of this evil of intemperance. We state that it costs more than the taxes which would be required to educate every man, woman, and child, white and black, in this broad land. I believe it will be better for us to stand up in the interest of humanity, in the interest of schools, in the interest of peace and of right, as well as in the interest of mercy. It is better for us to do so than to stand up here in the interest of the liquor traffic which is carried on at the price of the blood of our people. [Applause.] I hope we shall have this committee, and I do so with all due deference to my friend on my left from Texas.

Mr. RANDALL. Mr. Speaker, I never like to be misunderstood. I have no hesitation in saying that I voted that this resolution might be reported to the House for its action. I never have favored sumptuary legislation of any sort, and I do not know that I ever shall. But I do know that there ought to be the widest latitude in behalf of the right of petition; that these people who are interested and agitated on the subject that would naturally go to this select committee, if the House shall appoint it, have a right to be heard; and to that extent I am willing to take the consequences and vote in the affirmative, that they may be heard.

Mr. BLACKBURN. As it is evident that the resolution reported by order of the Committee on Rules will consume the rest of this day or this week or this year if allowed to go on in this fashion, unless the gentleman from Maine desires to be heard upon the amendment which he has submitted, I am going to ask the previous question.

Mr. REED. Just a word.

Mr. BLACKBURN. But I want to say a word myself. [Laughter.] I will divide the time with him if he desires to be heard.

There has been nothing said against his amendment. The gentleman from North Carolina and the gentleman from Pennsylvania have both debated it in the affirmative. I am as much in favor of the widest range of petition as the gentleman from Pennsylvania or any other gentleman on this floor. But that is not the question presented here. There is not a citizen upon the American continent who is not entitled to and does not hold that right, the dearest of all possessions of the American people—the right of petition. That is not the question presented here at all. The question is whether there shall be a special committee raised by this House for this purpose and for none other. That is the only question. It does not involve the right of petition. I was perfectly willing for this House to vote upon the amendment proposed by the gentleman from Maine without debate. I am willing that the House shall take a vote upon it now, after being debated, and all on one side.

If the gentleman from Maine desires to be heard in support of his amendment I shall not ask the previous question. If he does not feel that his side of the question has been sufficiently debated I am willing that he may be heard. If he is satisfied with the discussion upon his side, I shall demand it.

Mr. MILLS. I hope the gentleman from Kentucky will allow this debate to run for a short time. I would like to have five minutes myself.

Mr. REED. I want to say but a single word to close the debate that has already taken place.

Mr. BLACKBURN. Then I shall ask the right of the House to call the previous question in ten minutes.

Mr. REED. That will be satisfactory to me, and I will yield five minutes of it to the gentleman from Texas.

Mr. BLACKBURN. After that I shall call the previous question.

Mr. YOUNG. I would like to ask a question.

Mr. BLACKBURN. I have yielded the time allowed for debate to the gentleman from Maine.

Mr. YOUNG. I do not wish to make a speech, but I should like to ask a single question in this connection.

Mr. REED. I will yield five minutes of the time to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. Mr. Speaker, I am as much in favor of temperance as the gentleman from North Carolina or the gentleman from Pennsylvania, or anybody else. I am as much in favor of all of the good things that the people of these United States enjoy as either one of these gentlemen or any other of my peers upon this floor. But, Mr. Speaker, I am one of those who believe that great truths can never be propagated by legislative decrees. I am one of those who walk in the foot-paths of our old fathers of the Constitution, who held to the doctrine that all great improvements in morals, in science, in religion, in everything, must come through the brain and the conscience of the people, and not over the back with the whip. I hold that the powers of government must be strictly confined to the preservation of life, liberty, property, and the growth and enjoyment of happiness among its citizens in this life. I hold that all these great questions must come alone through the conscience and the judgment and enlightened understanding of the people themselves. That is the very foundation-stone upon which our Government is based; and the gentleman from North Carolina who drew such a strong picture in favor of temperance could have drawn a much more powerful parallel in favor of his position if he had pictured the beneficial influences upon mankind of the Christian religion. What has it done for mankind? It has laid the very track for the advance of our civilization. No country has ever been civilized, or great, or powful except through the doctrines that were taught by Jesus of Nazareth. But what member on this floor would dare to ask the Congress of the United States to define orthodoxy? What standard would you set up? What member here would ask for the appointment of a committee of Congress to declare whether the Methodist, or the Presbyterian, or the Baptist religion was the orthodox faith of Christianity? Sir, that is something that lies beyond the pale of government. It is something that lies in the heart of man, without an appeal to government. It is something which the jealous fathers of their country, they who loved liberty better than life, have written down in the Constitution of the United States that the impure hand of government should never touch. Christianity can live without the support of government, and so can temperance.

Temperance has never been advanced by any legal enactment either in a State Legislature or in the National Council. It never can be. It is one of the impossible things to drive men forward in civilization by legislative decrees.

[Here the hammer fell.]

Mr. REED. I try to have but one object in addressing the House, and that is to further the proposition I am maintaining. I do not feel under the present circumstances that it is necessary for me to argue this point. The gentleman from Pennsylvania [Mr. RANDALL] has succinctly and correctly stated what is our duty in the premises and the foundation for it, and if on the Democratic side and on the Republican there is that feeling, I am very confident that the shadow of the great rock of temperance has extended all over this land without respect to party.

Mr. BLACKBURN. I call for the previous question.

The SPEAKER. The gentleman from Kentucky calls for the previous question.

Mr. YOUNG. I protest against this summary and inconsiderate method of legislation, forcing upon the House the consideration of this resolution without discussion, and without being informed even of the powers and functions with which it is proposed to invest this new committee. I do not want to be called upon to vote for any measure without knowing something of its purpose and probable effect. What is to be the scope of this committee? What are to be its limitations? I have no information on the subject further than is conveyed in its title, which indeed seems to be all there is of it. "A committee on alcoholic liquor traffic!" What kind of traffic is meant? Traffic between the States or with foreign governments?

I take it that Congress has no constitutional power to interfere with any other character of traffic in alcoholic liquor or any other commodity. If it is proposed to regulate its manufacture, sale, or use in the States, then it is the purpose of the resolution, and will be the work of the committee, to override constitutional restraints and assume control of a matter exclusively under State and municipal jurisdiction.

I am quite willing to assist in any legitimate and proper temperance movement, any moral reform, so far as I can as a private citizen; but I do not consider that this House has constitutional authority to undertake specifically that character of legislation, though my friend from North Carolina [Mr. VANCE] seems to think differently. But I do not know that the committee is asked for in the interest even of temperance or morality. We are left wholly to conjecture as to what its real purpose is.

Mr. RANDALL. It is exactly like the one we had in last Congress.

Mr. YOUNG. Well, then, let the resolution so state it.

Mr. REED. It is what we have had for the past two years.

Mr. YOUNG. That is no answer to either my objection or my inquiry. I am not so much concerned about what was done in the last Congress as in what is to be done in this one. If the resolution were written out and the object of the committee fully disclosed I might possibly vote for it, but I will not vote for any measure no more definitely stated than this one is.

Mr. WILLIS. The proposition I sent to the desk I withdraw as a substitute and offer as an amendment; and I make the Committee on American Shipping to consist of eleven members.

The SPEAKER. That is not now before the House.

Mr. BLACKBURN. I call the previous question.

Several members called for the reading of the pending amendment.

The Clerk read as follows:

Add the following:

"Committee on Alcoholic Liquor Traffic."

Mr. BLACKBURN. I yield to the gentleman from Maine that he may indicate the number.

The SPEAKER. The first part of the resolution provides that the committee shall consist of the same number as in the last House.

Mr. BLACKBURN. Then I will say that in the last House the committee consisted of nine members.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Maine.

Mr. MILLS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 142, nays 86, not voting 93; as follows:

YEAS—142.

Adams, G. E.	Greenleaf,	McMillin,	Spriggs,
Alexander,	Halsell,	Miller, J. F.	Steele,
Anderson,	Hart,	Milliken,	Stephenson,
Atkinson,	Hatch, W. H.	Morey,	Stevens,
Bagley,	Haynes,	Morgan,	Stone,
Barksdale,	Henderson, D. B.	Morrill,	Storm,
Boutelle,	Henley,	Nelson,	Strait,
Brewer, J. H.	Hepburn,	Nutting,	Struble,
Brown, W. W.	Hiscock,	O'Hara,	Sumner, C. A.
Budd,	Hitt,	O'Neill, Charles	Talbott,
Calkins,	Holmes,	Parker,	Taylor, E. B.
Campbell, J. M.	Hopkins,	Payson,	Taylor, J. D.
Cannon,	Horr,	Pierce,	Taylor, J. M.
Cassidy,	Houk,	Peel, S. W.	Thomas,
Chace,	Howey,	Perkins,	Throckmorton,
Clay,	Hunt,	Peters,	Tully,
Crisp,	James,	Pettibone,	Van Alstyne,
Culberson, D. B.	Jeffords,	Phelps,	Vance,
Culbertson, W. W.	Johnson,	Price,	Van Eaton,
Cullen,	Jones, J. K.	Pusey,	Wakefield,
Curtin,	Kean,	Randall,	Warner, A. J.
Cutcheon,	Keifer,	Ranney,	Weaver,
Davis, G. R	Kelley,	Ray, G. W.	Weller,
Dibrell,	Ketcham,	Ray, Ossian	Wemple,
Dingley,	Lacey,	Reed,	White, Milo
Dunham,	Lanham,	Robertson,	Wilkins,
Eldredge,	Lawrence,	Robinson, J. S.	Williams,
Elliott,	Libbey,	Rogers, J. H.	Willis,
Evans, I. N.	Long,	Rogers, W. F.	Wilson, James
Everhart,	Lore,	Rowell,	Wilson, W. L.
Ferrell,	Lyman,	Seney,	Winans, E. B.
Findlay,	Mackey,	Seymour,	Winans, John
George,	McCoid,	Singleton,	Wolford,
Gibson,	McComas,	Skinner, C. R.	Yaple.
Glascock,	McCormick	Smith,	
Goff,	McKinley,	Snyder,	

NAYS—86.

Ballentine,	Dowd,	Kleiner,	Reese,
Belmont,	Eaton,	Laird,	Rosecrans,
Bennett,	Evins, J. H.	Lamb,	Scales,
Bland,	Follett,	Lovering,	Skinner, T. G.
Blount,	Foran,	Lowry,	Springer,
Breckinridge,	Forney,	McAdoo,	Stewart, Charles
Breitung,	Fyan,	Matson,	Stockslager,
Buchanan,	Geddes,	Maybury,	Sumner, D. H.
Buckner,	Graves,	Mills,	Thompson,
Cabell,	Green,	Morrison,	Tillman,
Caldwell,	Guenther,	Morse,	Townshend,
Candler,	Hancock,	Moulton,	Tucker,
Carleton,	Hardeman,	Muller,	Turner, Oscar
Clements,	Herbert,	Murphy,	Ward,
Cobb,	Hill,	Murray,	Warner, Richard
Connolly,	Hoblitzell,	Mutchler,	Wellborn,
Converse,	Houseman,	Nicholls,	Wise, G. D.
Cosgrove,	Hurd,	Oates,	Woodward,
Cox, W. R.	Jones, B. W.	Patton,	York,
Dargan,	Jones, J. H.	Pryor,	Young.
Deuster,	Jones, J. T.	Rankin,	
Dorsheimer,	King,	Reagan,	

NOT VOTING—93.

Adams, J. J.	Cook,	Holman,	Rice,
Aiken,	Covington,	Holton,	Riggs,
Arnot,	Cox, S. S.	Hooper,	Robinson, Geo. D.
Barbour,	Davidson,	Hutchins,	Robinson, W. E.
Barr,	Davis, L. H.	Jordan,	Russell,
Bayne,	Davis, R. T.	Kasson,	Ryan,
Beach,	Dibble,	Kellogg,	Shaw,
Belford,	Dockery,	Le Fevre,	Shelley,
Bingham,	Duncan,	Lewis,	Slocum,
Bisbee,	Dunn,	Mayo,	Spooner,
Blackburn,	Ellis,	Millard,	Stewart, J. W.
Blanchard,	Ellwood,	Miller, S. H.	Turner, H. G.
Bowen,	Ermentrout,	Mitchell,	Valentine,
Boyle,	Fiedler,	Money,	Wadsworth,
Brainerd,	Finerty,	Muldrow,	Wait,
Brewer, F. B.	Hammond,	Neece,	Washburn,
Broadhead,	Hanback,	Ochiltree,	White, J. D.
Browne, T. M.	Hardy,	O'Neill, J. J.	Whiting,
Brumm,	Harmer,	Paige,	Wise, J. S.
Burleigh,	Hatch, H. H.	Payne,	Wood,
Burnes,	Hemphill,	Peelle, S. J.	Worthington.
Campbell, F.	Henderson, T. J.	Poland,	
Clardy,	Hewitt, A. S.	Post,	
Collins,	Hewitt, G. W.	Potter,	

So the amendment was agreed to.

Mr. RANDALL. I ask that the reading of the names of the members voting be dispensed with.

There was no objection.

Mr. HOBLITZELL. I desire to announce that my colleague, Mr. COVINGTON, is confined to his room by sickness.

The following additional pairs were announced:

Mr. DUNN with Mr. WADSWORTH on this vote.

Mr. MULDROW with Mr. FINERTY on this question.

The result of the vote was then announced as above stated.

Mr. REED. I move to reconsider the vote by which the amendment was agreed to; and also move to lay the motion on the table.

The latter motion was agreed to.

The SPEAKER. The question is now on the adoption of the amendment proposed by the gentleman from Kentucky [Mr. WILLIS].

Mr. REAGAN. I move to strike out so much of the report of the committee as provides for the creation of a committee on ship-building and ship-owning.

The SPEAKER. The previous question has been ordered.

Mr. REAGAN. I did not understand it as having been ordered on the whole resolution.

The SPEAKER. The minutes will show.

Mr. REAGAN. Certainly no one around me understood the previous question as being ordered on the whole matter, and I was listening attentively.

The SPEAKER. If the Chair misunderstood the scope of the motion of the gentleman from Kentucky [Mr. BLACKBURN] the amendment indicated by the gentleman from Texas [Mr. REAGAN] will be in order after the amendment of the gentleman from Kentucky [Mr. WILLIS] is disposed of.

The amendment offered by Mr. WILLIS was read, as follows:

Committee on Reform in the Civil Service, thirteen members.
Committee on Law respecting the Election of President and Vice-President, thirteen members.
Committee on Payment of Pensions, Bounty, and Back Pay, nine members.
Committee on Public Health, nine members.
Committee on Ventilation and Acoustics, seven members.
Committee on American Shipping, eleven members.

Mr. REED. I do not think this amendment is understood. If it is a substitute, it will directly kill the last vote of the House by dropping out the Committee on the Alcoholic Liquor Traffic.

The SPEAKER. It is not a substitute, as now offered, but an addition to the report of the Committee on Rules. It does not affect in any manner whatever the action of the House just taken.

The amendment of Mr. WILLIS was then agreed to.

Mr. WILLIS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. REAGAN. I now move to amend by striking out so much as provides for the creation of a Select Committee on American Shipping, as I believe it is called.

Mr. KEIFER. I desire to say—

Mr. REAGAN. I do not wish to be interrupted now.

Mr. KEIFER. I rise to a point of order, and that is that the previous question is now operating.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] simply moved the previous question on the amendment of the gentleman from Maine [Mr. REED].

Mr. KEIFER. I did not so understand it; I understood the Speaker to say that the first question would be on the amendment of the gentleman from Maine.

Mr. REAGAN. The Committee on Rules will report to the House during the day, and the House will undoubtedly adopt a proposition to take from the Committee on Commerce all that part of its labors which relates to the improvements of rivers and harbors—to the water ways of the country. The object of that will be to enable the Committee on Commerce to discharge the duties which rightfully pertain to it independently of that portion of their present duties.

The select committee for the purpose here indicated was created at the last session of Congress because neither the House Committee on Commerce nor the Senate Committee on Commerce, having the river and harbor bill before them, had time to give the necessary and proper consideration to the other important subjects connected with the commerce of the country.

The Senate has already provided for taking the river and harbor bill from the Committee on Commerce, so that that committee can perform the duties ordinarily assigned to it. The House will without doubt do the same thing, and then the Committee on Commerce can well discharge the remainder of the duties assigned to it.

I trust, whoever may be on the Committee on Commerce, that that committee will not be further emasculated in its duties by taking away a large part of the remainder of its duties, and by creating a new committee with a jurisdiction conflicting with that of the Committee on Commerce. You can not have two committees in existence under the terms creating these committees without a conflict of jurisdiction.

Now, I take it that it is not the purpose of the House to multiply committees for the mere sake of multiplying them, and thereby producing confusion and inconvenience. For instance, there will be bills before the committee which relate to the subject of what is called free shipping, to ship-owning and ship-building. Which of these two committees would have jurisdiction of that subject? And who could say that under the rules the jurisdiction of that subject could rightfully be taken from either of these committees? Certainly they both would have jurisdiction.

I simply desire to have the House understand that there is no necessity for this new committee; that it produces confusion and should not be authorized.

Mr. BLACKBURN. I desire simply to say that the gentleman from

Texas [Mr. REAGAN] is assuming as a fact what has not yet been acted upon by the House. I have no authority to speak for this House nor has any other gentleman on this floor.

Further, I simply desire to say that the Committee on Commerce has shown conclusively that it has more work than it can do; for however well it may have done its work under the able guidance of the gentleman from Texas for many years, it has never finished it and never completed it.

This question proposed to be submitted to a select committee does not trench at all upon the powers of the Committee on Commerce, for it is impossible that the Committee on Commerce should ever reach the realm which the proposed select committee is intended to cover.

Now, if the Committee on Commerce should be broken into two committees, as the gentleman from Texas says very correctly that it is proposed to do, then we will send to the committee on river and harbor improvements that feature of the former work of the Committee on Commerce, and still leave the old committee with its hands full to consider and determine questions relating to American commerce and to the interstate commerce of the country.

The select committee proposed is one to consider such legislation as relates to the decadence of American shipping, ship-building, and ship-owning. Even though the Committee on Commerce should be broken into two committees, this select committee, in my judgment, would not infringe upon or change the domain of either of them.

Believing that the House knows now, from the statements of the gentleman from Texas, as well as it will hereafter be able to inform itself, I must ask the previous question, or otherwise we will never be able properly to dispose of our reports.

Mr. REAGAN. One sentence, that the House may not be misled by the statements of the gentleman.

Mr. BLACKBURN. The House knows that I am not trying to mislead it.

Mr. REAGAN. But the gentleman has misled the House by the statement which he has made.

Mr. BLACKBURN. If the gentleman can make his statement in a minute or two, and when he has done will renew the motion for the previous question, I will yield to him.

Mr. REAGAN. I will do so. The gentleman assumes as a basis of his argument that the Committee on Commerce can not attend to this matter because of the duties it already has in connection with the river and harbor bill, when he knows that he holds in his hand a report to be submitted at this time for the purpose of creating a river and harbor committee, relieving the Committee on Commerce from this branch of its duties.

Mr. BLACKBURN. The gentleman does not want to misrepresent me, I am sure. I made no such claim, and I do not intend to rest my protest against that amendment upon any such claim.

Mr. REAGAN. If the Committee on Commerce is stripped of the duty of reporting the river and harbor bill, which is enough to well occupy the time of one committee, it will leave ample time to perform all the other duties which have heretofore been intrusted to this committee. It will be wrong in practice, it will produce inconvenience and trouble, to make another committee to attend to what has been the business of the Committee on Commerce; and there is no necessity for it. According to the gentleman's request, I renew the motion for the previous question.

The SPEAKER. Does the gentleman demand the previous question on the amendment only?

Mr. REAGAN. That is as far as I can go.

Mr. BLACKBURN. I call for the previous question upon the whole report.

Mr. HORR. The gentleman does not propose to adopt this whole thing without any debate?

Mr. BLACKBURN. I do not understand what the gentleman from Michigan means by "this whole thing."

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBURN] demands the previous question upon the whole report.

Mr. BLACKBURN. I have no information of any intention on the part of any gentleman to make any amendment beyond what is pending here. The proposition includes nothing but select committees.

Mr. HORR. I have no objection to that.

Mr. BLACKBURN. I thought not.

The previous question was ordered.

The question being taken upon agreeing to the amendment of Mr. REAGAN to strike from the report so much as proposes to continue the Select Committee on Shipping Interests, it was not agreed to; there being ayes 51, noes 134.

The question being then taken on agreeing to the report, it was adopted.

Mr. BLACKBURN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF RULES.

Mr. BLACKBURN. I am directed by the Committee on Rules to ask the adoption of the report which I send to the desk.

The Clerk read as follows:

The Committee on Rules, to whom were referred the following propositions, viz:

Amend Rule X "Of Committees;" change Committee on Education and Labor by striking out the words "and Labor;" and to add to section 1 of said rule the following: "A Committee on Labor, to consist of seven members, to which shall be referred all proposed legislation and matters affecting the working classes," having had the same under consideration, report the following substitute therefor, viz:

Amend paragraph 22 of Rule X by striking out the words "and Labor" and inserting next thereafter as a new paragraph the following, viz:

"On Labor, to consist of seven members."

Amend paragraph 22 of Rule XI by striking out the words "and Labor" where they occur in said paragraph, and insert next thereafter, as a new paragraph, the following, viz:

"To and affecting labor, to the Committee on Labor."

Mr. WILLIS. I desire to offer the amendment which I send to the desk.

The SPEAKER. Does the gentleman offer this as an amendment to the substitute offered by the committee?

Mr. WILLIS. Yes, sir.

The Clerk read as follows:

1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencent of each Congress, the following standing committees, viz:

On Elections, to consist of fifteen members.
On Ways and Means, to consist of thirteen members.
On Appropriations, to consist of fifteen members.
On the Judiciary, to consist of fifteen members.
On Banking and Currency, to consist of thirteen members.
On Coinage, Weights, and Measures, to consist of thirteen members.
On Commerce, to consist of fifteen members.
On Rivers and Harbors, to consist of fifteen members.
On Agriculture, to consist of fifteen members.
On Foreign Affairs, to consist of thirteen members.
On Military Affairs, to consist of thirteen members.
On Naval Affairs, to consist of thirteen members.
On the Post-Office and Post-Roads, to consist of thirteen members.
On the Public Lands, to consist of thirteen members.
On Indian Affairs, to consist of thirteen members.
On the Territories, to consist of thirteen members.
On Railways and Canals, to consist of thirteen members.
On Manufactures, to consist of thirteen members.
On Mines and Mining, to consist of thirteen members.
On Public Buildings and Grounds, to consist of thirteen members.
On Pacific Railroads, to consist of thirteen members.
On Levees and Improvement of the Mississippi River, to consist of thirteen members.
On Education and Labor, to consist of thirteen members.
On the Militia, to consist of thirteen members.
On Patents, to consist of thirteen members.
On Invalid Pensions, to consist of fifteen members.
On Pensions, to consist of thirteen members.
On Claims, to consist of fifteen members.
On War Claims, to consist of thirteen members.
On Private Land Claims, to consist of thirteen members.
On the District of Columbia, to consist of thirteen members.
On Revision of the Laws, to consist of thirteen members.

Mr. WILLIS. As the hour is growing late I shall, in explaining the nature and intent of this amendment, be as brief as possible. The proposition I submit is precisely the same as the report made by the Committee on Rules, with two exceptions. In the first place, it restores the Committee on Education and Labor, but increases its membership from eleven to thirteen. In the second place, it increases twenty-two other committees that now consist of eleven members to thirteen members each. If the Committee on Rules had had more time to consider these questions, if any gentleman acquainted with the business heretofore referred to the committee which it is now proposed to divide had been heard upon the subject, I should with great hesitancy have intervened upon my own responsibility with any amendment touching either of these two points. It did not, however, occur to me until last evening, which was after the committee had taken final action, to offer this amendment. It should have been formally presented in the House, so that the committee could have had the benefit of a general expression of opinion. If the House had generally approved, as I believe would have been the case, the Committee on Rules, I doubt not, would have made no serious objection. Even as it is I hope there will be no difficulty.

The report of the Committee on Rules creates a committee on rivers and harbors of fifteen members. The amendment I have offered agrees in that particular with the report. It seems generally conceded that the Committee on Commerce should have more time to consider the important questions coming under its jurisdiction, and with this view the creation of a new committee on rivers and harbors seems to meet with favor on all sides.

The committee, however, in its necessarily hurried consideration of the subject, has failed to act upon what seems to be the most important question in this connection, and that is the propriety and necessity of an increase of the committee membership corresponding with the increase of members of the House.

There were in the Forty-seventh Congress forty-three standing committees, five joint, and nine select committees of the House. The majority representation on those committees in the last Congress comprised three hundred and forty-six, the minority two hundred and twenty-one; total, five hundred and sixty-seven, or lacking only nineteen of being double the number of members. Nearly every member was t'ns

assigned to at least two, and quite a number were upon three or four, committees.

This report of the Committee on Rules abolishes one standing committee, that on "Public Expenditures," of eleven members, the Joint Select Committee on the Census, of eleven members, and three select committees, to wit: on "Additional Accommodation for Congressional Library," on "Woman Suffrage," and on the "Improvement of the Mississippi River," comprising a total of twenty-three members; making a grand total of forty-five. In other words, there are in this Congress forty-five less committee positions than in the last. Against this loss of forty-five we must deduct fifteen for the proposed new committee on rivers and harbors and seven for the proposed committee on labor, which will reduce the loss to twenty-three.

Here, then, we have the figures. In the Forty-seventh Congress there were five hundred and sixty-seven committee positions; in the Forty-eighth Congress there are only five hundred and forty-four.

But what further important fact presents itself? This is the first Congress which has convened since the apportionment under the last census. As the result of that apportionment we have here an increased membership of thirty-two. While the number of committee places, including the Committee on the Alcoholic Liquor Traffic, is twenty-three less, the number of members is thirty-two more, than in the last Congress. In order to be on the same footing as we were in the Forty-seventh Congress these thirty-two new members must be provided with an average of two places to each one, and the twenty-three places abolished must be supplied, making a total of eighty-seven new committee positions. As four of the five members of the present Committee on Rules were members of the same committee in the last Congress, and as the basis of committee representation upon which this proposed increase is asked met with their unanimous approbation, as shown by their report, then may we not reasonably hope for equal unanimity in the same direction in this Congress? And especially may we not expect it in view of the judgment of the House, which has just been expressed with practical unanimity as to the propriety of increasing the Select Committee on American Ship-building from seven, as reported by the committee, to eleven, the Select Committee on Reform in the Civil Service from eleven to thirteen, the Committee on Law respecting Election of President and Vice-President from eleven to thirteen, and the Select Committee on the Payment of Pensions, Bounty, and Back Pay from seven to nine members?

Following in the path already designated by the almost united voice of this House to-day, this amendment proposes to increase twenty-three standing committees from eleven, their present number, to thirteen, making an increase of forty-six new committee positions upon these standing committees, or adding to those already created, we will have a total increase of fifty-six. Such an increase hardly demands a suggestion. It is the proper time for such an increase, it is in the direction of a more democratic and more republican form of legislation, it is demanded by the logic of the situation. Why should it not be done? What sound reason can be given against it? Are we not yearly increasing in numerical strength, in wealth, and in power? Are not the subjects coming before Congress growing every day in importance and in intricacy, and do they not demand more and more every day the close scrutiny and consideration of Congress?

How is that investigation had? What are our modes of legislation? What is the character of the rules which we have bound and fettered ourselves with? Do we not all know that the work in this House is done in the committees? Do we not see that no proposition, no measure—I care not how meritorious, I care not how fully it may receive the approbation of the American people—can be voted on by this American Congress unless some committee, consisting it may be of five or ten or a baker's dozen, shall first grant its gracious permission? Do we not know that there are to-day in the archives of these committees bills for the relief of the people which will never be reported, which we will never have the opportunity to express even our judgment upon? Do we not know that upon the floor of this House, through these absurd, illogical, arbitrary rules, a tyranny frequently prevails which would put an Eastern despot to the blush. Do we not know that there is more liberty of debate, more courageous consideration of public questions, in the French Assembly—ay, even in the British Parliament—than here upon the floor of the American Congress in this boasted era of civil and political freedom?

How are we to meet and overthrow this undemocratic and unrepublican system? One remedy is now before us. Increase the membership on these committees and thus increase their representative character. You lessen the possibility of smothering in the committee the great questions which are intrusted to your keeping. You destroy the power of oligarchy and build up the rights and privileges of the people. Let every member, whether new or old, have his post of duty upon one or two committees, and let us have a return to the rule of the many as against the arbitrary control of the few. I feel assured that if the Committee on Rules had fully considered these facts we would have their hearty co-operation.

Mr. RANDALL. The gentleman has stated that the Committee on Rules did not have time to consider this amendment. He is mistaken in that particular, as we had full time. But I am free to say that if the Speaker of this House desires this increase I have not only no disposition to interfere with it, but will accelerate its adoption.

Mr. WILLIS. It is proper, it is right, that I should say that the Speaker of this House has not been consulted as to this increased representation. The amendment I offer is in view of the facts I have stated and of the increased membership of this House. If it does not commend itself to the judgment of the House on those facts and considerations there is no other reason that can be given why it should be accepted.

I was about to refer to the other point in which this amendment differs from the report of the Committee on Rules, and that is as to the Committee on Education and Labor. While I consider this a minor objection, I have yet thought proper to present it to the House.

The proposition is to divide the Committee on Education and Labor and to make two committees, consisting of eleven and seven, respectively, members in lieu of the present one. For six years I have been a member of that committee. I am the oldest member in service upon it now here. I may be pardoned, therefore, for a suggestion in regard to this proposition. Four-fifths of the subjects over which it has exercised jurisdiction during the last three Congresses related to questions affecting labor. Its principal work was upon such subjects. The report on and passage of the Chinese bill, the eight-hour resolution, the establishment of a bureau of labor statistics will be recalled by old members as a part, and but a small part, of its work in this direction. What was true in preceding Congresses will even more fully be the case in the present Congress. Indeed there is only one live, important, substantial proposition touching education which will be before the committee, and that is the question of extending Federal aid temporarily to the States.

There are several other bills upon educational subjects, but they are crude, visionary, and impracticable, and will never, I predict, get out of the committee-room. In other words, Mr. Speaker, if you appoint a separate committee on education its whole occupation during the present Congress will be the consideration of a single bill; and I submit it to the judgment of this House whether it comports with its dignity, whether it will tend to illustrate the practical business principles which should control our action as Representatives, to organize a committee whose sole duty shall be confined to one single bill. So much for one branch of that proposition.

Now as to the questions affecting labor interests. I take it that it was the object of the gentleman introducing this resolution and of the committee who reported it to secure a fuller consideration of the problems involving the welfare and prosperity of the laboring classes of our country. If that was their object, as I doubt not it was, it has my most hearty sympathy. I will co-operate with them to the fullest extent in the accomplishment of so desirable a result. But I submit it to them as their friend, as the Representative of a district vitally interested in these questions. As a member of that committee heretofore, familiar with its duties, I submit it to them that the very object which they and all the friends of the laboring classes have in view will be hindered and not helped, will be retarded and not advanced, by the division of this committee. And why do I say this? Because you propose here that the Committee on Labor shall consist only of seven members, while practically now you have a committee of eleven members. If you want to change the name of the committee, do so; call it the committee on labor and education if you like; dignify labor to any extent and in any way you please. I care nothing as to the sentimental aspect of the case, but I do insist that the substantial, practical possibilities of discussion and legislation shall not be lessened by degrading the character of the committee, by reducing its working membership, and destroying in part its weight and influence in the councils of the nations.

There is, moreover, an intimate connection between educational questions and the condition of our laboring classes. To education more than to any other force or influence must our industrial classes look for the improvement of their social, personal, and political condition. And there is to-day no bill before the American Congress so intimately interwoven with the future welfare and prosperity of our workingmen, both white and colored, as that which is now before this Committee on Education and Labor, which proposes to place within their reach a good common-school education "without money and without price." Instead, therefore, of there being an incongruity, there is, to my mind, the closest and most logical connection between the two subjects over which this committee now has jurisdiction.

I would recognize that interdependence, I would dignify labor by associating it with education, by retaining the name of the committee as it now stands, or, if changed at all, I would make it the Committee on Labor and Education. Not only that, but instead of reducing I would increase its membership from its present number, eleven, to thirteen.

That is my first objection to this report.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced concurrence in the resolution for adjournment over the Christmas holidays, with amendments, in which concurrence was requested.

AMENDMENT OF RULES.

Mr. WILLIS. Mr. Speaker, I was about through when interrupted by the message from the Senate, and, with this brief expression of my

views in reference to these questions, I shall not detain the House any longer but ask the adoption of the amendment.

Mr. SPRINGER. Does the amendment also continue the Committee on the Improvements of the Mississippi River?

Mr. WILLIS. It is identical with the report of the Committee on Rules, except as to these twenty-three committees composed of eleven members. It increases them to thirteen——

Mr. SPRINGER. Does the report of the Committee on Rules propose to drop that committee?

Mr. WILLIS. That is not my understanding.

Mr. DUNN. It does not; that committee is continued.

Mr. WILLIS. There is no change except the increase from eleven to thirteen of twenty-three committees, and putting the Committee on Education and Labor back to its old status, leaving it unchanged except as to number of members, which is increased from eleven to thirteen.

Mr. TOWNSHEND. Does it preserve the Committee on Rivers and Harbors?

Mr. WILLIS. Yes, sir; just as it is in the committee's report. I will repeat, as I said before, that there is no change except the increase of these committees from eleven to thirteen, twenty-three committees being so changed, and that change is made in response to the increased representation on this floor by the new apportionment.

Mr. BLACKBURN. Mr. Speaker——

Mr. O'NEILL, of Missouri. I wish to ask the gentleman from Kentucky before he gets through to give me a portion of his time, having offered an amendment.

Mr. BLACKBURN. I will say to the gentleman from Missouri that I will do that with pleasure, promising that neither I nor any member of the Committee on Rules nor all of them combined will occupy one tithe of the time in this discussion that will be occupied upon the other side.

I desire now to call the attention of the House to the fact that the gentleman from Kentucky, my colleague, has stated to the House that he has brought before it, and for its consideration, without consultation with the Speaker or anybody else, this radical proposition for a change in our rules, and offered it here as an amendment to the report of the committee. It is radical in its very nature. It proposes to increase twenty-three of the committees of this House. That is, in my judgment, a very dangerous innovation. He says the Committee on Rules had no time to consider the proposition. They never had an opportunity to consider it, for it never was offered in this House and sent to the Committee on Rules for its consideration. It is offered here to be voted upon on the instant. I will say to my colleague that the Committee on Rules have considered the subject of increasing these committees, and concluded that it is a dangerous path to pursue. They do not believe it wise to extend their membership any further. There is such a thing as reaching a point where you destroy the power of a committee for good results by making it bulky and unwieldy. More than that, it adds two members, as I have said, to twenty-three of the standing committees of this House. It is a question that should be considered carefully, whether you had not better make more committees than to make the unwieldy ones still more so by additional membership.

But that is not the only point raised by this amendment nor the only objection to it. It proposes to undo the very thing the report of the Committee on Rules recommends. It proposes to thwart the report of that committee by combining the two subjects of education and labor together in an unnatural alliance where they have been before. I protest against bringing the two committees together. I would be obliged to my colleague, or to any other gentleman, to tell me what possible natural connection there is between the subject of education and the subject of labor. Why had not you as well put commerce and the judiciary into one committee? But my colleague says the Committee on Education had no work to do, and yet he tells you of the great work which has been accomplished and the great educational and labor problems pending before the committee. I am perfectly willing to submit to the gentleman that it is but common fairness to this House before it shall be called upon to act upon an amendment like the one he offers, so radical in its character and results, that it should have the scrutiny that ought to be given to it; and if he will withhold or withdraw it altogether now and send it to the Committee on Rules, which for that purpose will meet to-morrow morning two hours before this House shall convene, and let them have an opportunity of examining and correcting the imperfections, if indeed they appear, as I think they do, they will report the matter back for the consideration of the House without delay.

Let it be recommitted to the Committee on Rules and let the committee meet to-morrow morning at 10 o'clock, and at 12 bring it to you with the result of its judgment.

Mr. WILLIS. I have not the slightest objection to that.

The SPEAKER. But the Chair will state the amendment itself can not be recommitted. If sent to the committee it would carry with it the whole proceeding.

Mr. RANDALL. The gentleman from Kentucky [Mr. WILLIS] can withdraw the proposition and introduce it as a new matter and have it go to the committee; and I agree with my colleague, the gentleman from Kentucky [Mr. BLACKBURN], it will have full consideration.

Mr. WILLIS. As I understand the proposition is to pass the matter over and let it go before the Committee on Rules.

Mr. O'NEILL, of Missouri. I understand the gentleman from Kentucky [Mr. BLACKBURN] has yielded to me.

The SPEAKER. The Chair will hear the gentleman from Kentucky [Mr. WILLIS] who has offered the amendment make his statement in reference to it.

Mr. WILLIS. My understanding is that the whole matter is to come before the Committee on Rules to-morrow.

Mr. BLACKBURN. You mean this report?

Mr. WILLIS. Yes, sir.

Mr. BLACKBURN. Oh, no; I mean the amendment you have offered.

Mr. WILLIS. I did not apprehend that was the proposition; and I do not see what advantage we will get by merely sending the amendment. There is no difficulty in understanding the proposition. I am perfectly willing, however, if the committee approves of that course, that they shall take the matter and report upon it to-morrow. It seems to me there is no need of any such haste. The only difference between the propositions is an increase of twenty-three committees from eleven to thirteen members; and I think any gentleman on this floor is able to pass on that question of his own accord in his representative capacity now. But I am willing, out of courtesy to the committee, to let it stand over until to-morrow and let the committee pass upon it before it comes before the House.

The SPEAKER. The Chair understands the gentleman from Kentucky [Mr. WILLIS] to request that the entire subject may go over.

Mr. BLACKBURN. The report the committee has made?

The SPEAKER. Yes.

Mr. BLACKBURN. I have no authority from the committee to withdraw the report. I yield five minutes to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. I do not know whether to admire most the ingenuity or the disinterestedness of the gentleman who proposes in this adroit manner to destroy or prevent the creation in this House of a committee to consider matters affecting the interests of the working classes. I know the gentleman has been a member of the Committee on Education and Labor for years, and I know also the public prints state he is probably about to be appointed as chairman of the next committee.

Mr. WILLIS. The gentleman has no authority for that statement nor is there any authority for it.

Mr. O'NEILL, of Missouri. I have seen such statements in the press.

Mr. WILLIS. And I beg to tell the gentleman that he may consider that the only thing he has ever seen in the press that is not founded on fact.

Mr. O'NEILL, of Missouri. The ingenuousness of the gentleman is no doubt founded on fact, for I do not believe he is disinterested enough to have his committee divided for the public good.

Mr. WILLIS. When you know me better you will think differently.

Mr. O'NEILL, of Missouri. The proposition is to divide this committee so that there shall be a committee on labor, which will consider all proposed legislation for the working classes. And I wish to say that long-winded recapitulation of committees is the most extraordinary amendment I ever saw offered in any legislative body in my life. I ask the Clerk to read the report of the committee.

The SPEAKER. If the report is read it will come out of the gentleman's time.

Mr. O'NEILL, of Missouri. My amendment, which is the portion I desire to have read, is very short.

The Clerk read as follows:

The Committee on Rules, to whom was referred the following proposition, to wit:

Amend Rule X "of Committees:" Change Committee on Education and Labor by striking out the words "and Labor," and add after section 1 of said rule the following:

"The Committee on Labor, to consist of seven members, to which shall be referred all proposed legislation and matters affecting the working classes."

Having had the same under consideration——

Mr. O'NEILL, of Missouri. That is all I desire to have read. What has that got to do with the special bid that has been offered to the members of this House of twenty-three or forty-six places on committees of various kinds and characters? Is it pertinent to the amendment? Is it not clearly out of order, for the reason that it proposes to destroy everything intended to be created by the amendment itself?

Mr. Speaker, I stand here as a Democrat, but I stand here as a representative of the laboring element in my district. I sprang from that element, and it is not with the words of a demagogue I stand here to argue that you shall dignify the calling of labor by creating a committee in this House to which the representatives of the laboring element can submit their claims. You had better do it now, for you must realize as well as I do that there must be a vent through which the feelings of that element can reach the law-making power. You do not want this terrible rumbling and uneasiness to culminate as it did formerly in the celebrated railroad strike. You desire to find what they want. Give them, then, the right to be heard.

The gentleman has talked against dividing the committee. Who ever heard of a committee on education getting down and exhibiting common sympathy with the working classes? These upper-air and solar-walk gentlemen [laughter] do not comprehend what the workingmen want. This matter is offered in earnest, and I do not believe when it has been fairly presented this House will dare to vote it down.

Mr. BLACKBURN. I now demand the previous question on the report and the pending amendment.

Mr. WILLIS. I will withdraw the amendment.

The SPEAKER. The amendment having been withdrawn, the question is upon ordering the previous question on the adoption of the report as amended.

The previous question was ordered; and under the operation thereof the report of the Committee on Rules was adopted as amended.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE ON RIVERS AND HARBORS.

Mr. BLACKBURN. I am directed by the Committee on Rules to submit the report which I send to the Clerk's desk and to ask for its adoption by the House.

The Clerk read as follows:

The Committee on Rules, to whom was referred the following resolution, viz—

"*Resolved*, That the rules of the House of Representatives be amended as follows, namely:

"In Rule X, after the words 'on commerce, to consist of fifteen members,' add 'on rivers and harbors, to consist of fifteen members.'

"Amend paragraph 7 of Rule XI so as to read as follows:

"'To commerce, life-saving service, and light-houses, other than appropriations for life-saving service and light-houses, to the Committee on Commerce.'

"And insert next thereafter the following paragraph:

"'To the improvement of rivers and harbors, to the Committee on Rivers and Harbors; and the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills'"—

Having had the same under consideration, report it without amendment and recommend its adoption.

Mr. HORR. I make a point of order on that report, because there is not time to discuss it to-night, that it must lie over.

Mr. SPRINGER. Oh, no; it has laid over once.

Mr. BLACKBURN. I recognize the point of order without calling upon the Chair to decide it.

Mr. HORR. I make it simply because I do not think we have time to-day to consider it.

Mr. SPRINGER. It has already gone over one day from the time it was introduced.

Mr. RANDALL. It is not material whether the point of order is good or not; it should lie over.

Mr. BLACKBURN. I have no inclination to press it now; let it go over until to-morrow.

The SPEAKER. The report just read will lie over one day under the rules of the House.

ORDER OF BUSINESS.

Mr. KEIFER. Is the gentleman from Kentucky [Mr. BLACKBURN] through with his reports?

Mr. BLACKBURN. I have an adverse report to make, with instructions to move that it lie upon the table, which will of course cut off all debate. It will take but a moment.

Mr. TOWNSHEND. Let us adjourn now.

Mr. RANDALL. Oh, no. Let the report be made.

Mr. BLACKBURN. I submit an adverse report from the Committee on Rules, and move that it do lie upon the table.

Mr. TOWNSHEND. I apprehend that I understand the nature of the report, and think that it had better lie over until to-morrow.

SEATS AND DESKS IN THE HALL.

Mr. BLACKBURN. Let the report be read.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the following resolution, having had the same under consideration, report the same adversely and recommend that it do lie on the table:

Resolved, That the Architect of the Capitol be directed during the adjournment of Congress for the Christmas and New Year holidays to remove the desks now in the Hall of the House, and to make such rearrangement of the seats of members as will bring them together in the smallest convenient space without affecting the rights of members to occupy the seats already selected by them under the rules of the House; and that he be also directed to provide suitable writing tables for the use of members, to be placed in the space in the rear and at the sides of the Hall, and also in the lobby at the rear of the Speaker's chair.

Mr. TOWNSHEND. I have a substitute to offer for that resolution, and if the gentleman will allow it to go over until to-morrow I will not present the substitute until then.

The SPEAKER. The Chair understood the gentleman from Illinois [Mr. TOWNSHEND] to move that the House now adjourn.

Mr. TOWNSHEND. I will not insist upon that motion if the gentleman will allow this report to go over until to-morrow.

Mr. BLACKBURN. I am of course always ready to accommodate the gentleman from Illinois in any way that I can. But I am acting now under the instructions of the Committee on Rules to make this adverse report and move that it do lie upon the table so as to cut off debate.

Mr. TOWNSHEND. Then I move that the House now adjourn.

Mr. CALKINS. Will the gentleman withdraw that motion for a moment so that I may submit a resolution?

Mr. TOWNSHEND. I am willing to yield to the gentleman from Indiana [Mr. CALKINS].

Mr. BLACKBURN. I call for the regular order.

The SPEAKER. If the gentleman from Illinois insists upon his motion to adjourn, the Chair of course must submit it to the House.

Mr. TOWNSHEND. In order to allow the gentleman from Indiana [Mr. CALKINS] to submit his resolution I will withdraw the motion to adjourn.

Mr. BLACKBURN. Then I insist upon the floor, and move that the report I have made from the Committee on Rules lie upon the table.

Mr. TOWNSHEND. I then move a substitute.

The SPEAKER. A substitute can not be offered pending a motion to lie on the table.

Mr. BLACKBURN. It is not in order to move a substitute.

Mr. TOWNSHEND. Then I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. My point is that this is a question of privilege, relating to the comfort and convenience of members of this House, and it is in order at any time, as I understand, to present a proposition of this kind.

The SPEAKER. The very report now under consideration is a question of privilege.

Mr. TOWNSHEND. Then I ask the gentleman from Kentucky to permit this question to have some consideration.

The SPEAKER. The question is on the motion of the gentleman from Kentucky that the proposition lie upon the table.

Mr. TOWNSHEND. I hope that will be voted down.

The motion of Mr. BLACKBURN was agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the motion to lay on the table was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE ON WOMEN SUFFRAGE.

Mr. KEIFER. I am directed by the Committee on Rules to report the resolution which I send to the Clerk's desk; but it is my duty to state that while this resolution was ordered to be reported, it was simply for the purpose of getting the opinion of the House upon the question of the establishment of the committee named. The report does not express the judgment of the committee as to the merits of the proposition; but the Committee on Rules instructed me to submit the resolution for consideration.

Mr. MILLS. I hope that this motion will be withheld until the gentleman from Illinois [Mr. MORRISON] can call up and have concurred in the amendments of the Senate to our resolution for a holiday recess.

Mr. KEIFER. The motion which I submit can go over if necessary.

The Clerk read as follows:

Resolved, That a select committee of seven members be appointed, to whom shall be referred all petitions, bills, and resolves asking for the extension of suffrage to women or the removal of their legal disabilities.

Mr. SPRINGER. Has this subject been referred to the Committee on Rules?

The SPEAKER. It was not referred by any action of the House.

Mr. SPRINGER. Then I make the point of order that it is not properly reported from the committee.

Mr. KEIFER. This is not a proposition to amend the standing rules. I ought to state further that I am personally in favor of the adoption of the resolution.

Mr. REAGAN. I move that it be laid on the table.

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] has the floor.

Mr. SPRINGER. I insist on my point of order. Let that be settled. If it is overruled I have another point to make, which is that it has not been reported heretofore, and therefore must lie over one day. I insist on the other point first.

Mr. KEIFER. If there is any doubt upon the question—I think there is none—I have no objection to letting the matter go over, especially in view of the lateness of the hour. I do not concede that the point of order is well taken; but, if there be no objection on the part of members of the Committee on Rules or other gentlemen I am willing that the resolution shall go over, with the understanding that it shall come up to-morrow.

The SPEAKER. The resolution will lie over if there be no objection.

Mr. SPRINGER. Subject to the point of order.

The SPEAKER. The point of order is pending.

HOLIDAY RECESS.

Mr. MORRISON. I call up as a question of privilege the resolution for a recess of the two Houses, which is now on the Speaker's table, with amendments of the Senate.

The amendments of the Senate were read, as follows:

In line 4 strike out "Thursday" and insert "Monday;" and in line 5 strike out "3d" and insert "7th;" so that as amended the resolution will read:

"*Resolved by the House of Representatives (the Senate concurring)*, That when the two Houses adjourn on Monday, December 24, 1883, they stand adjourned until Monday, January 7, 1884."

Mr. MORRISON. I move that the House concur in the amendments of the Senate.

The amendments were concurred in.

Mr. MORRISON moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF RULES.

Mr. WILLIS. I rise to a parliamentary inquiry. The proposition which I offered as an amendment to the report of the Committee on Rules was withdrawn with the understanding that it should go to the committee. I do not know that it is necessary for me to represent it; but if so, I offer it now for the purpose of having it referred to the committee.

The SPEAKER. If there is no objection, the proposition of the gentleman from Kentucky [Mr. WILLIS] will be referred to the Committee on Rules.

There was no objection.

PATRICK O'DONNELL.

Mr. CALKINS, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of State be, and he is hereby, requested to furnish for the information of this House without delay, if not incompatible with the public service, all communications, documents, and papers in his possession relating to the trial, conviction, and execution of the late Patrick O'Donnell by the British Government.

Mr. CALKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF DISCHARGED EMPLOYÉS.

Mr. GEDDES. I rise, Mr. Speaker, for the purpose of offering the joint resolution which I send to the Clerk's desk to be read, and which relates to the compensation of discharged employés.

The Clerk read as follows:

Joint resolution giving one month's pay to certain employés of the House of Representatives.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all officers and employés of the House, including the Capitol police who were employed on the 3d day of December, 1883, and who have ceased, or who shall prior to the 1st day of February, 1884, cease, to be employed, shall be paid a sum equal to one month's pay at the rate they were severally receiving on the 3d day of December, 1883, and an amount sufficient for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the same to be immediately available.

The SPEAKER. Is there objection to the introduction of the joint resolution?

Mr. McMILLIN. I object to the introduction of that resolution. [Cries of "Oh, no!"] Let it go to the Committee on Accounts. I am willing to leave the question to be examined by that committee, and then we can act upon it when its report comes in.

Mr. KEIFER. Mr. Speaker, I hope the House will grant me its attention for a few moments. Let me suggest to the gentleman from Tennessee, and let it be understood by the House, that there is no Committee on Accounts at this time to report on this subject. This is a resolution similar to the one which was adopted at the last Congress for the benefit of the employés who then went out of office. These men who are the beneficiaries of this proposition, and who came here for a few days, do not make enough to pay for their transportation here and back home again. It is like the resolution passed at the beginning of every Congress since I have had any knowledge of it. To a great extent the custom has been so continuous that it has become almost a law. There was no objection on this side of the House two years ago when the employés on that side of the House, of the opposite party, were to be benefited by it. It was considered then as a matter of justice. If objection be now insisted on, no provision can be made for these men who will have to go home before the holidays. I therefore appeal to the gentleman in behalf of these discharged employés not to persist in his objection. There has been no objection heretofore, and there ought not to be any now.

Mr. McMILLIN. Let it be referred to the Committee on Rules and let it go over until to-morrow, and in the mean time we can consider the question. Let the resolution be printed in the RECORD.

The SPEAKER. It will be printed in the RECORD.

Mr. KEIFER. It is exactly like the resolution passed two years ago.

The SPEAKER. The Chair hears no objection, and the resolution will go over until to-morrow.

SURRENDER OF WASHINGTON'S COMMISSION.

The SPEAKER, by unanimous consent, announced the appointment, under joint resolution (H. Res. 65) relating to the surrender by George Washington of his commission as commander-in-chief of the patriot forces of America, of the following select committee: Mr. HOBLITZELL of Maryland, Mr. CABELL of Virginia, Mr. WILSON of West Virginia, Mr. KASSON of Iowa, and Mr. LONG of Massachusetts.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. COOK, indefinitely, on account of sickness in his family.

To Mr. DAVIDSON, indefinitely, on account of sickness in his family.

To Mr. TURNER, of Georgia, for five days.

To Mr. WOOD, until after the holidays.

To Mr. AIKEN, until after the holidays, on account of important business.

To Mr. JOHNSON, until January 9.

To Mr. WHITE, of Kentucky, indefinitely.

To Mr. DIBBLE, for ten days, on account of important business.

To Mr. MOREY, for ten days, on account of important business.

And then, on motion of Mr. MORRISON (at 5 o'clock p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: The petition of American artists, asking the removal of duties on works of art—to the Committee on Ways and Means.

By Mr. BLAND: The petition of B. T. Swart, of Washington, D. C., for compensation for use of farm, timber, wood, &c., by the United States Army in September, 1861—to the Committee on War Claims.

By Mr. CLAY: The petition of Mrs. Mary F. Woothon, for a pension—to the Committee on Invalid Pensions.

By Mr. W. R. COX: The petition of citizens of Bertie County, North Carolina, for extension of mail-route from post-office at Norfleet's Ferry—to the Committee on the Post-Office and Post-Roads.

By Mr. DEUSTER: Three petitions, bearing the names of 7,959 citizens and soldiers of the late war, praying for a pension for all soldiers of the late war—severally to the Committee on Invalid Pensions.

By Mr. DINGLEY: The petition of the president of the Board of Trade and ship-owners of Bath, Me., for the passage of the bills "to remove certain burdens on the American merchant marine" and "to encourage American ship-building for the foreign carrying trade," and to constitute a bureau of commerce and navigation—to the Committee on Commerce.

By Mr. I. N. EVANS: Memorial of the Woman's Auxiliary Indian Association of Montgomery County, Pennsylvania, containing the names of 873 persons, praying for the abolition of the reservation system and for citizenship and equal rights for all Indians not now under the Indian government of the Indian Territory—to the Committee on Indian Affairs.

By Mr. EVERHART: The petition of citizens of Delaware County, Pennsylvania, for the abolition of the reservation system and by granting to all Indians not now under Indian government of the Indian Territory lands in severalty, &c.—to the same committee.

By Mr. FINDLAY: The petition of dealers in manufactured tobacco, cigars, and cigarettes, of Baltimore, Md., to be paid the rebate of taxes on tobacco, cigars, &c.—to the Committee on Appropriations.

By Mr. GEDDES: Papers relating to the application of Richard D. Brewer, to be relieved of the charge of desertion—to the Committee on Military Affairs.

Also, papers relating to the pension claim of Henry F. Ruth—to the Committee on Invalid Pensions.

Also, the petition of Adam Winter, to be relieved from the charge of desertion—to the Committee on Military Affairs.

By Mr. GEORGE: Memorial of the Astoria (Oregon) Chamber of Commerce, asking for increased compensation for the Life-Saving Service at the mouth of the Columbia River—to the Committee on Appropriations.

By Mr. HALSELL: Paper relating to the pension claim of Meshack Finn—to the Committee on Invalid Pensions.

By Mr. JEFFORDS: Papers relating to the claim of Sidney Ballard, of Jackson Briscoe, of Joseph A. Briley, of Alfred Houston, of Cornelius Phetzing, of Jane E. Sims, of Alfred Smith, of Sarah M. Thomas, and of Mrs. Nora Walsh—severally to the Committee on War Claims.

By Mr. LORE: The petition of James Ponder and 106 others, citizens of Delaware, praying that Lewes, Del., be made a port of delivery, with an officer authorized to enter and clear vessels and issue marine documents—to the Committee on Commerce.

By Mr. MATSON: The petition of J. C. Robinson and 108 others, of Paragon, Morgan County, Indiana, for the passage of a law giving arrears of pension to all pensioners—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: The petition of 20,000 Good Templars of Maine,

for a commission of inquiry into the liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. MUTCHLER: The petition of Daniel L. Whiteside, late sergeant Battery C, United States Artillery, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. NELSON: The petition of citizens of Minnesota, relative to the White Earth Indian reservation; also, two petitions relating to the Red Lake Indian reservation, in the State of Minnesota—severally to the Committee on Indian Affairs.

Also, the petition of S. J. Brown, for a pension—to the Committee on Invalid Pensions.

Also, memorial of the Legislature of Minnesota, relative to judgment liens in United States courts—to the Committee on the Judiciary.

Also, the joint resolution adopted by the Legislature of Minnesota, relative to the adjustment of railroad grants—to the Committee on Public Buildings and Grounds.

Also, memorial of the Legislature of Minnesota, asking that Saint Vincent be made a port of entry—to the Committee on Commerce.

Also, memorial of the Legislature of Minnesota, praying for the establishment of a light-house at Grand Marais—to the same committee.

Also, memorial of the Legislature of Minnesota, relative to the Duluth Harbor—to the same committee.

Also, memorial of the Legislature of Minnesota, relative to including Lake Traverse and Big Stone Lake in the reservoir system of the Upper Mississippi River—to the Committee on Commerce.

By Mr. CHARLES O'NEILL: Papers relating to the pension claim of Sarah Poole—to the Committee on Invalid Pensions.

Also, the petition of Margaret Lauton, for a pension—to the same committee.

By Mr. J. J. O'NEILL: The petition of J. C. Ewalt, George Bain, and 500 others, protesting against the repeal of the vaporizing law of 1879, which permits vinegar-makers to produce low wines for the purpose of making vinegar without the payment of the United States tax—to the Committee on Ways and Means.

By Mr. PERKINS: The petition of W. B. Shockley, for the establishment of a soldiers' home in Kansas—to the Committee on Military Affairs.

Also, the resolutions adopted by the Board of Trade of Kansas City, Mo., asking a grant of the right of way through the Indian Territory—to the Committee on Railways and Canals.

By Mr. PRICE: The petition of Robert F. Johnson, administrator of the estate of Edmund A. Taylor, deceased, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. OSSIAN RAY: The petition of General J. N. Patterson and 602 others, Union veterans of the war of the rebellion from New Hampshire and other States, praying for an act placing the name of Miss Harriet P. Dame upon the pension-roll in recognition of her eminent services during said war as nurse in field and hospital and of her devotion to the welfare of the volunteers in said war—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: The petition of Col. George W. Getty (retired), for retirement with rank and pay of a major-general—to the Committee on Military Affairs.

By Mr. SMITH: The petition of Manthia Jacoby, for a pension—to the Committee on Invalid Pensions.

By Mr. STRAIT: The petition of C. F. Heer, for a pension—to the same committee.

By Mr. THOMAS: Papers relating to the claim of John F. Woodward—to the Committee on War Claims.

By Mr. TOWNSHEND: The petition of Mary Ringgold Archer, widow of Robert H. Archer, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. TUCKER: Papers relating to the claim of John Twiggs—to the Committee on War Claims.

By Mr. VAN ALSTYNE: The petition of General Franz Sigel and others, citizens of New York, relative to the improvement of Harlem River—to the Committee on Commerce.

By Mr. WAKEFIELD: The joint resolution adopted by the Legislature of Minnesota, requesting Congress to fix the head of navigation of the Minnesota River—to the same committee.

Also, the joint resolution of the Legislature of Minnesota, requesting its Senators and Representatives in Congress to use their influence to secure the passage of an act granting a pension to John Fenske—to the Committee on Invalid Pensions.

By Mr. WEAVER: The petition of C. W. Moore and 25 others, asking that the pending treaty with the Sioux Indians for the opening up of a portion of their reservation be ratified—to the Committee on Indian Affairs.

By Mr. W. L. WILSON: The petition of William G. Windom, of Barbour County, West Virginia, for correction of his military record—to the Committee on Military Affairs.

Also, the petition of George Adams and others, of Marion County, West Virginia, for the correction of their war record and other relief—to the same committee.

SENATE.

THURSDAY, *December* 20, 1883.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY.

The Journal of yesterday's proceedings was read and approved.

HOLIDAY RECESS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the concurrent resolution of the House of Representatives concerning the holiday recess.

THE SOLDIERS' HOME.

The PRESIDING OFFICER (Mr. HOAR in the chair) laid before the Senate a communication from the Secretary of War, transmitting a report of an inspection of the Soldiers' Home, Washington, D. C., made by the Inspector-General of the Army, November 6 and 19, 1883, in compliance with the provisions of the act of Congress of March 3, 1883; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a communication from the Secretary of War, transmitting the petition of Henry Flood, ordnance sergeant United States Army, praying retirement from service on full pay and allowances; which was referred to the Committee on Military Affairs.

He also presented the petition of Charles E. Creecy, of the city of Washington, on behalf of the owners of the patent issued to John J. Schillinger, praying that their claims for compensation for the use of their patents by the Government in laying walks in the Capitol grounds and elsewhere be referred to the Court of Claims; which was referred to the Committee on Patents.

Mr. BOWEN. I present the petition of F. L. Hagadorn, praying that the Secretary of War be authorized to purchase from him a patent secured to him for the manufacture of improved ammunition-chests for the use of the Ordnance Department. I move that the petition be printed and referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. FAIR presented two memorials and joint resolutions of the Legislature of the State of Nevada; which were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Assembly joint memorial and resolution No. 30, relative to Congress placing a protective tariff on silver bullion, passed February 27, 1883.

The people of the State of Nevada represented in senate and assembly do memorialize the Congress of the United States as follows:

Whereas the Congress of the United States has placed a high protective tariff upon the foreign importation of iron, copper, and other valuable metals, thereby protecting home industries and home products against foreign competition; and

Whereas mining for silver is the leading industry and paramount interest in nearly all of the great States and Territories, which embrace within their boundaries all that vast region extending from the eastern spurs of the Rocky Mountains to the Pacific coast, therein affording employment to thousands of the most worthy and enterprising of our fellow-citizens: Therefore, your memorialists do most respectfully urge Congress to enact such laws as are necessary to place a tariff on all foreign importations of silver, and to authorize the Secretary of the Treasury to adjust the tariff to exactly correspond with the discount on silver, that in the event of the free coinage of the same the prosperity of the country shall not be imperiled by the unrestricted importation of this metal; and for this they will ever pray.

Resolved, That our Senators in Congress be instructed and our Representative be requested to use all honorable means to secure the enactment of such laws as are herein indicated.

Resolved, That his excellency the governor be requested to speedily transmit a copy of the foregoing to each of our Senators and Representative in Congress, and also the governor of each State and Territory engaged in mining and producing silver bullion, with the request that the same be presented to the respective Legislatures for joint appeals to Congress for the relief herein prayed for.

STATE OF NEVADA,
Department of State, ss.:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original of assembly joint memorial and resolution No. 30, passed February 27, 1883, on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of state. Done at office, in Carson City, Nev., this 16th day of March, A. D. 1883.

[SEAL.] JOHN M. DORMER,
Secretary of State.
By J. H. MARSHALL,
Deputy.

Senate memorial and joint resolution relative to the unlimited coinage of silver, passed February 24, 1883.

Your memorialists, the Legislature of the State of Nevada, respectfully appeal to the Congress of the United States for relief from the unjust legislation in force against the industry and interest of the people of the State of Nevada in the regulation of the national coinage and in other ways. In the formation of the Federal Union it was decreed to be for the mutual benefit of every State and Territory under its control, and the protection of all the industries and interests of every section alike; and that there has been a wide departure from these just principles of the fathers, let certain facts be stated. By an unequal adjustment of the Federal tariff our people are made to pay on all the supplies they consume in the production and manufacture of silver an outrageous tribute to the protected industries of the Atlantic States, without any compensating benefit from Federal legislation on what they produce. On the contrary, they are wronged by the Government out of more than one-eighth part of their silver in its purchase for coinage at the mints; and coinage, being an exclusive monop-

oly of the Government, is managed in an unjust and arbitrary manner; coining gold bullion upon demand, and refusing the same privilege to the producers of silver bullion. London quotations are made to control and regulate the price of American-produced silver, Nevada's chief industry, while the chief industry of Pennsylvania, the production of iron and steel (as an instance of Federal partiality and favoritism), is sustained by a protective tariff: Therefore,

Be it resolved, That we hereby invoke Congressional action against such unparalleled discrimination; and we instruct our Senators and request our Representatives in Congress to demand in the name of the people of this State the unlimited coinage of silver bullion produced in the United States of America upon the same terms and conditions that are accorded to the producers of gold bullion.

Resolved, That his excellency the governor be, and is, requested to forward immediately a copy of this memorial to each of our Senators and Representative.

STATE OF NEVADA,
Department of State, ss.:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original of senate memorial and joint resolution relative to the unlimited coinage of silver, passed February 24, 1883, on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of state. Done at office, in Carson City, Nev., this 16th day of March, A. D. 1883.

[SEAL.] JOHN M. DORMER,
Secretary of State,
By J. H. MARSHALL,
Deputy.

Mr. FAIR presented three memorials and joint resolutions of the Legislature of Nevada; which were referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

Senate joint resolution No. 18, relating to desert land entries, passed February 19, 1883.

Whereas a large number of entries were made in the United States land office in this State under the act of March 3, 1877, known as the "desert land act," covering hundreds of thousands of acres of land of which only a very small number of entries have been completed by final proof and payment, covering only a few thousand acres of said land; and

Whereas many of the entries having lapsed by limitation of law, and by present regulations of the General Land Office can not be re-entered until they have been canceled by said Department; and

Whereas at the date of the passage of said act the grants to the State had been nearly exhausted, the homestead and pre-emption acts requiring actual occupation and cultivation, and only 160 acres could be taken under said acts; and very many people of this and other States, with the idea of securing 640 acres, filed under the said act; and

Whereas the supposition that said entries were assignable was made more certain from the fact that the blank receipts sent from the Department for official use so distinctly stated; and

Whereas under this state of facts many entries were made and assigned, and the parties have left the State and the Pacific coast; and

Whereas, for these and other reasons, not more than one-fifth of the applicants can make the proof required for final entry; and

Whereas many thousand acres of said lands would be entered by homestead, pre-emption, or State selections if cleared of these lapsed entries; and

Whereas no patents have ever issued in cases of final entries, and some of them were made more than four years ago: Now, therefore,

Be it resolved by the senate (the assembly concurring), That our Senators are hereby instructed and our Representative in Congress is hereby requested to use all honorable means to secure—

First. The adoption of such rules and regulations by the General Land Office as will insure that all lapsed desert land entries shall be canceled after due notice to applicants.

Second. That all final entries under the act, whether made by the original applicant or by assignees, be patented at once where the proof is satisfactory and in compliance with the act.

Third. That some needed steps be taken which will insure the forwarding of patents to those who may be entitled within a reasonable time after final proof is made.

Fourth. That the governor be directed to cause to be forwarded immediately to the Senators and Representative of Nevada in Congress copies of this joint resolution.

STATE OF NEVADA,
Department of State, ss.:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original of senate joint resolution No. 18, passed February 19, 1883, on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of state. Done at office, in Carson City, Nev., this 16th day of March, A. D. 1883.

[SEAL.] JOHN M. DORMER,
Secretary of State,
By J. H. MARSHALL,
Deputy.

Senate joint resolution No. 35, relative to the preservation of the National Park, passed February 28, 1883.

Whereas it is apparent from recent efforts which have been made that a number of private individuals are seeking a lease for a long term of years of the National or Yellowstone Park; and

Whereas said park is regarded as the only preserve which can ever effectually save to the nation a remnant of our rapidly disappearing native game; and

Whereas said lease is unquestionably sought as a means of private gain and will result in destroying its chief attraction and its national value and importance; and

Whereas most of our sister States have protested against said leasing or any other perversion of its chief attraction and its national value and importance; and

Whereas most of our sister States have protested against said leasing or any other perversion of its original purpose: Therefore,

Be it resolved by the senate (the assembly concurring), That our Senators and Representative be requested to use their utmost endeavor to prevent said or any other lease of said National Park, and that we protest against its being allowed to pass from the control of the General Government.

Resolved, That the governor be, and is hereby, requested to forward immediately a copy of these resolutions to each of our members in Congress and to the Secretary of the Interior.

STATE OF NEVADA,
Department of State, ss.:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original of senate joint resolution No. 36, passed February 28, 1883, on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of state. Done at office, in Carson City, Nev., this 16th day of March, A. D. 1883.

[SEAL.] JOHN M. DORMER,
Secretary of State,
By J. H. MARSHALL,
Deputy.

Senate joint resolution No. 8, relative to forfeiture by the Central Pacific Railroad Company of certain land granted in aid of the construction of its railroad, the legal title to which, in order to avoid payment of taxes thereon, it neglects to obtain from the United States, passed February 19, 1883.

Whereas by an act of Congress approved July 1, 1862, amended by an act of Congress July 2, 1864, the Central Pacific Railroad Company was granted certain lands of the United States in aid of constructing its railroad, amounting to about eight millions of acres; and

Whereas four hundred and fifty-two miles of the main track of said railroad company are situate and operated within the State of Nevada, the grants of land in aid of which aggregate over five millions seven hundred and fifty thousand acres; and

Whereas but a very small portion, not to exceed 5 per cent., of this vast amount of land so granted has been selected or sold by the said company or patents thereto applied for; and

Whereas the legal title to the unpatented and unsold portion of said granted lands still remains in the United States, and is not subject to taxation by the State or its county or municipal governments; and

Whereas the value of said granted lands is permanently and continuously enhanced by settlement upon portions thereof sold by said company and by improvements made thereon, and also by purchase and improvement of lands sold by the United States contiguous and adjacent thereto; and

Whereas the lands so granted are exempt from pre-emption and entry as in case of lands of the United States lying within the State of Nevada; and

Whereas the said railroad company, through neglect and failure to have such granted lands surveyed and patented to itself, has since the completion of its said railroad avoided and still continues to avoid the payment of taxes thereon; and

Whereas the said Central Pacific Railroad has been completed and in full operation as part of a main transcontinental line for over thirteen years, during all of which time it has received the protection of the State, county, and municipal governments through whose territory its line extends and under whose jurisdiction its lands so granted are situate, without contributing its equitable proportion to the support of said State, county, and municipal governments, through failure or neglect to obtain title, as aforesaid, to lands granted it by the General Government, and pay its just proportion of taxes thereon, as is demanded and collected of others obtaining lands by purchase or otherwise; and

Whereas a large portion of said granted land is valuable and should be a source of revenue to the State and its local governments: Now, therefore,

Be it resolved by the senate and assembly conjointly, That our Senators in Congress be, and hereby are, instructed, and our Representative in Congress be, and hereby is, requested, to use their utmost endeavors to secure the passage of an act compelling the said Central Pacific Railroad Company to forthwith have surveyed and patented to itself the unsold land embraced in the aforesaid grants, under penalty of forfeiting to the United States so much of the said grants as shall remain unsurveyed and the legal title to which shall not be vested in said company within one year from the passage of the act herein urged and demanded; and

Resolved further, That three manuscript copies of this resolution be prepared by the secretary of state and forwarded, duly attested by his excellency the governor, one to each of our Senators and our Representative in Congress, and that five hundred copies of this resolution be ordered printed, and one copy thereof be forwarded by mail to each Senator and Representative now in the Congress of the United States.

STATE OF NEVADA,
Department of State, ss.:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original of senate joint resolution No. 8, passed, on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of state. Done at office, in Carson City, Nev., this 16th day of March, A. D. 1883.

[SEAL.] JOHN M. DORMER,
Secretary of State,
By J. H. MARSHALL,
Deputy.

Mr. MITCHELL presented the petition of Frederick Mayer, of Philadelphia, Pa., praying to be allowed a pension for disability incurred while serving as band master in the Army during the late war; which was referred to the Committee on Pensions.

Mr. RANSOM presented a petition of members of the Metropolitan police force of the District of Columbia, praying to be paid for their services under the act of Congress of February 28, 1867; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 297) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. CALL, from the Committee on Patents, to whom was referred the bill (S. 298) for the relief of Mrs. Maggie Cassidy, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

BILLS INTRODUCED.

Mr. CULLOM asked and, by unanimous consent, obtained leave to introduce a bill (S. 840) to establish a board of railroad commissioners, to regulate interstate commerce, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 841) granting a pension to Watson I. Wheeler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. 842) authorizing the payment of prize-money to officers of the Farragut fleet for the destruction of enemy's vessels in April, 1862; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Appropriations.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 843) for the relief of Franklin Lee and Charles F. Dunbar; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. COKE asked and, by unanimous consent, obtained leave to introduce a bill (S. 844) to authorize the increase of the capital stock of the First National Bank of Fort Worth, Tex.; which was read twice by its title, and referred to the Committee on Finance.

Mr. SAULSBURY (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 845) to amend section 1556 of the Revised Statutes, giving longevity pay to certain officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. JONES, of Nevada, asked and, by unanimous consent, obtained leave to introduce a bill (S. 846) to confirm the title to that certain private land grant, Tres Alamos, in Arizona Territory; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 847) to confirm title to certain private land grants in Arizona Territory; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. DOLPH asked and, by unanimous consent, obtained leave to introduce a bill (S. 848) to amend section 2776 of the Revised Statutes of the United States so as to authorize the unlading of coal, salt, railroad iron, and other like articles in bulk, under the superintendence of customs officers at the expense of parties interested, at places to be designated by the Secretary of the Treasury within the collection district; which was read twice by its title.

Mr. DOLPH. I ask the indulgence of the Senate to state that this proposed amendment of the statutes has been prepared by the Acting Secretary of the Treasury or under his direction. It is intended to provide for practical difficulties which have arisen in regard to the discharge of vessels within the collection district but not within the limits of the port of entry. A day or two since I introduced a bill to extend the limits of the port of Portland as a port of entry, and yesterday the Senator from Louisiana [Mr. GIBSON] introduced a bill to extend the limits of the port of New Orleans as a port of entry. It has been the practice to allow bulky articles, such as coal, railroad iron, pig-iron, and other articles of like nature and bulk, to land without the limits of the port of entry under the supervision of officers of the customs, and at the expense of the parties interested. This bill is intended to give the sanction of the statutes to the custom which has existed. I submit with it a letter from the Acting Secretary of the Treasury, and move that the bill and accompanying paper be referred to the Committee on Commerce.

The motion was agreed to.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. 849) for the relief of George W. Ira, of Nebraska; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 850) for the relief of George L. Douglass; which was read twice by its title, and referred to the Committee on Claims.

Mr. BOWEN asked and, by unanimous consent, obtained leave to introduce a bill (S. 851) to provide for the payment of ten claims for depredations committed by the Ute Indians at the time of the massacre at the White River agency in 1879; which was read twice by its title, and, together with the papers on file in the case, referred to the Committee on Claims.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. 852) granting a pension to Theresa Crosby Watson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. 853) to fix the rank of certain retired officers of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 854) to provide for the erection of a public building in the city of Manchester, in the State of New Hampshire; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. 855) to repeal an act relating to vinegar factories established and operated prior to March 1, 1879, approved June 14, 1879; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 856) to authorize the Secretary of War to erect a memorial to commemorate the services of the late General G. K. Warren; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin (by request), asked and, by unanimous consent, obtained leave to introduce a bill (S. 857) providing that sales of property on the order, judgment, or decree of the circuit or district courts be made by the marshal; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 858) to remove the charge of absence without proper authority from the military record of Richard H. White, and to revoke the order of dismissal from the service therefor; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 859) to remove the charge of desertion from the military record of John Shanks; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 860) to extend time of payment of special assessments, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 861) to fund stock, liens, and bonds in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. 862) for the relief of Uriel Crocker; which was read twice by its title, and referred to the Committee on Finance.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. 863) for the relief of William G. Ford; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 864) for the relief of William G. Ford, administrator of John G. Robinson, deceased; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. 865) to authorize the distillation of fruit without the payment of tax or any license to the Federal Government, leaving the question of its taxation to the States; which was read twice by its title, and referred to the Committee on Agriculture.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a bill (S. 866) to refer the claims of John F. Krauz, and of John F. Krauz, surviving partner of the firm of S. B. Smith & Co., to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCPHERSON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 867) for the relief of the officers and crew of the United States steamer Monitor who participated in the action with the rebel iron-clad Merrimac on the 9th day of March, 1862; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 868) for an increase of pension of Raymond C. Reyes, a soldier of the Seminole Indian war in Florida; which was read twice by its title, and referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers in the matter of the claim of Hadley Hobson be withdrawn from the files and referred to the Committee on Claims, no adverse report having been made thereon.

On motion of Mr. CONGER, it was

Ordered, That the papers for the relief of the heirs of William A. Burt be taken from the files and referred to the Committee on Claims, there having been no adverse report, and the bill on that subject having been referred to that committee.

On motion of Mr. BECK, it was

Ordered, That the papers in the claim of Warren Mitchell be taken from the files and referred to the Committee on Claims, there having been an adverse report thereon, but new and material evidence having been filed in the case.

ORDER OF BUSINESS.

The PRESIDING OFFICER. Are there further "concurrent or other resolutions?" [A pause.] There being no further "concurrent or other resolutions" the business of the morning hour is closed.

Mr. FRYE. I move that the Senate proceed to the consideration of the report of the Committee on Rules.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate now proceed to the consideration of the report on the Senate rules.

Mr. HARRIS. It is the unfinished business.

The PRESIDING OFFICER. Not until 1 o'clock. If there be no objection it will be so ordered.

Mr. MCMILLAN. Is that business laid before the Senate?

The PRESIDING OFFICER. The Chair will direct it to be laid before the Senate unless the Senator rises to morning business.

Mr. MCMILLAN. No, sir. I do not.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. VAN WYCK] informs the Chair that he intended to call up the resolution submitted by him yesterday but did not do so, understanding that it would be laid before the Senate by the Chair. Therefore the Chair will treat the motion of the Senator from Maine as not having been adopted or made.

Mr. FRYE. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

INDEMNITY RAILROAD LANDS.

Mr. VAN WYCK. I desire to call up for consideration the resolution offered by me yesterday, which was ordered to be printed and lie over until to-day.

Mr. ALLISON. Has it been printed?

Mr. VAN WYCK. Yes, sir.

The resolution submitted yesterday by Mr. VAN WYCK was read, as follows:

Whereas at its December term in the year 1875, in a decision rendered in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States, the Supreme Court of the United States construed the indemnity clause found in the grant made by Congress in aid of said road, and held that under such a grant indemnity lands are allowed in lieu only of lands originally included in the grant, but which are afterwards sold or disposed of by the United States between the date of the grant and the date when the granted lands became identified by the definite location of the line of the road; and

Whereas on the 5th day of June, 1880, Attorney-General Devens, to whom the question had been referred by Hon. Carl Schurz, then Secretary of the Interior, rendered an opinion, in which, referring to the language of the Supreme Court in the above-named case in regard to the indemnity authorized by grant under consideration, he stated that in the circuit court for the district of Wisconsin, in 1879, Justice Harlan had expressed different views from those announced by the Supreme Court of the United States, and held that under a grant similar to that involved in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States indemnity lands are allowed in lieu of lands disposed of by the United States either before or after the date of the grant, and therefore advised the Secretary of the Interior to return to the practice which had prevailed in his Department prior to the above-mentioned decision of the Supreme Court, and award indemnity lands to railroad companies in lieu of lands otherwise disposed of by the United States either before or after the dates of their respective grants; and

Whereas Secretary Schurz, on the 16th of October, 1880, accepted the opinion of Attorney-General Devens, and directed the Commissioner of the General Land Office to be governed thereby in the certification of indemnity lands to railroad companies instead of being governed by the ruling of the Supreme Court of the United States: Therefore,

Resolved, That the Secretary of the Interior be requested to inform the Senate how much land has been certified or patented for the benefit of railroad companies since the date of the above-named decision of the Supreme Court of the United States as indemnity for lands sold or otherwise disposed of by the United States prior to the dates of the respective grants, and in aid of what roads such patents or certified lists have been issued or are intended to be issued, and that he further inform the Senate whether the order of his predecessor directing the Commissioner of the General Land Office to be governed by the opinion of the Attorney-General and the alleged decision of the United States circuit court for the district of Wisconsin, rather than by the decision of the Supreme Court of the United States, is still in force in his Department.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the adoption of the resolution?

Mr. INGALLS. Mr. President, I assume that no Senator who has heard the reading of this resolution will desire to be held by the recitals in the preamble; and I hope that before the Senator from Nebraska asks for the information that he requires, and to his having which I presume there can be no objection, he will either definitely inform the Senate as to the accuracy of his recitals or omit them.

I have no objection to the information that is called for being sent to the Senate, but I do not, in the absence of more direct information than I possess at this time, propose to stultify myself by assenting to the very important recitals made in the preliminary paragraphs to the resolution. They affect the decisions of the Supreme Court, the decisions of the Attorney-General, and the action of the Interior Department, about which we have no information whatever, and I most respectfully suggest that it would be exceedingly unwise in the Senate to adopt without further information, as an affirmative act of their own, the declarations that are made in the preamble to the resolution. If the Senator will strip his resolution of the preliminary averments, and ask for the information, specifically setting forth the dates and what he requires, I shall interpose no objection. Otherwise I shall ask that the resolution be referred to the Committee on the Judiciary.

Mr. VAN WYCK. Mr. President, in order to point the resolution and that the Secretary of the Interior may clearly understand what information is desired, the preliminary whereases were inserted. I take it for granted that the facts stated in the preliminaries are more generally known to Senators and to the Department itself than most of the whereases inserted in resolutions proposed in this body. There can be no question on the subject, in the mind of the Senator from Kansas at least, who is so thoroughly conversant with all the branches appertaining to railroad grants. He, I think, will concede the truth of all the averments state.

Mr. INGALLS. Will the Senator allow me to interrupt him for one moment?

Mr. VAN WYCK. Certainly.

Mr. INGALLS. I state, then, Mr. President, affirmatively that I have before me the decision of the Supreme Court of the United States in the case of the Leavenworth, Lawrence and Galveston Railroad Company against The United States, and that there is in that decision nothing whatever which bears out the allegations contained in the first paragraph of this recital. I shall be glad to have the syllabus of the case read by the Secretary, in order that the discrepancy may appear.

Mr. ALLISON. Let it be read.

Mr. INGALLS. If the Senator from Nebraska will allow me I will have it read now.

Mr. VAN WYCK. Certainly, sir.

The PRESIDING OFFICER. The Senator from Nebraska yields for that purpose.

Mr. INGALLS. Let the syllabus of the case be read.

The Chief Clerk read as follows:

1. Where rights claimed under the United States are set up against it, they must be so clearly defined that there can be no question of the purpose of Congress to confer them.

2. The rule announced in the former decisions of this court, that a grant by the United States is strictly construed against the grantee, applies as well to grants to a State to aid in building railroads as to one granting special privileges to a private corporation.

3. The doctrine in Wilcox *vs.* Jackson (13 Peters, 498), that a tract lawfully appropriated to any purpose becomes thereafter severed from the mass of public lands, and that no subsequent law or proclamation will be construed to embrace it or to operate upon it, although no exception be made of it, reaffirmed and held to apply with more force to Indian than to military reservations, inasmuch as the latter are the absolute property of the Government, while in the former other rights are vested.

4. Where Congress enacts, "That there be and is hereby granted" to a State, to aid in the construction of a specified railroad, "every alternate section of land, designated by odd numbers," within certain limits of each side of the road, the State takes an immediate interest in land so situate, whereto the complete title is in the United States at the date of the act, although a survey of the land and a location of the road are necessary to give precision to the title and attach it to any particular tract. Such a grant is applicable only to public land owned absolutely by the United States. No other is subject to survey and division into such sections.

5. Where the right of an Indian tribe to the possession and use of certain lands, as long as it may choose to occupy the same, is assured by treaty, a grant of them, absolutely or *cum onere*, by Congress, to aid in building a railroad, violates an express stipulation; and a grant in general terms of "land" can not be construed to embrace them.

6. A proviso, that any and all lands heretofore reserved to the United States, for any purpose whatever, are reserved from the operation of the grant to which it is annexed, applies to lands set apart for the use of any Indian tribe under a treaty. They are reserved to the United States for that specific use; and, if so reserved at the date of the grant, are excluded from its operation. It is immaterial whether they subsequently become a part of the public lands of the country.

7. The act of March 3, 1863 (12 Stat., 772), to aid in the construction of certain railroads in Kansas, embraces no part of the lands reserved to the Great and Little Osages by the treaty of June 2, 1825 (7 Stat., 240); and the treaty concluded September 29, 1865, and proclaimed January 21, 1867 (14 Stat., 687), neither makes nor recognizes a grant of such lands. The effect of the treaty is simply to provide that any rights of the companies designated by the State to build the roads should not be barred or impaired by reason of the general terms of the treaty, but not to declare that such rights existed.

8. The act of Congress of even date with said act (12 Stat., 793), authorizing treaties for the removal of the several tribes of Indians from the State of Kansas, and for the extinction of their title, and a subsequent act for relocating a portion of the road of the appellant (17 Stat., 5), neither recognize nor confer a right to the lands within the Osage country. (Leavenworth, Lawrence and Galveston Railroad Company *vs.* United States, 93 United States Reports, p. 733.)

Mr. INGALLS. The recital on this point in the preamble to the resolution is:

The Supreme Court of the United States construed the indemnity clause found in the grant made by Congress in aid of said road, and held that under such a grant indemnity lands are allowed in lieu only of lands originally included in the grant, but which are afterward sold or disposed of by the United States between the date of the grant and the date when the granted lands became identified by the definite location of the line of the road.

This resolution was evidently drawn by some person not familiar with the facts. I do not assume that the Senator from Nebraska who offered the resolution had examined, at the time when he prepared it, the text of the decision of the Supreme Court of the United States; and I state affirmatively that the recital contained in this paragraph of the preamble to the resolution is not supported by the decision of the court in the case that has been named. I mention this, the Senate will understand, not for the purpose of impeding or hindering the Senator in the procurement of the information that he desires, but in order that the Senate may not be bound by improper and untruthful recitals either of law or of fact.

Mr. VAN WYCK. I presume the Senator from Kansas has read more of that case than the syllabus which has just been reported from the Secretary's desk. I presume that from his superior appreciation of the facts of this case and from his keener appreciation as to what the Supreme Court probably meant as to its decision of the facts. If there be one thing decided in the case as I have read it—and the Senate will excuse me for alluding to this, because it seems to be necessary from the statement made by the Senator from Kansas—it was that under a grant such as was made to the Lawrence, Leavenworth and Galveston Railroad, where land covered by the alternate sections had been disposed of by the Government before the passage of the grant, no claim to such land could attach on the part of the railroad company. That was the main point decided, and for proof of that I refer the Senator from Kansas to this fact: Previous to that decision the Commissioner of the General Land Office and the Secretary of the Interior had held directly the other way; they had recognized the right of a railroad company to all the land within the terms of the grant, whether the Government had disposed of any of this land before the date of the act or not. I suppose the Senator from Kansas will concede it to be a fact that previous to the decision in this case the Land Department had held that a railroad company was entitled to all the land embraced within the boundaries of the grant or indemnity for any loss, whether the Government had disposed of it or not before the date of the grant. Am I right?

Mr. INGALLS. As the Senator appeals to me, I will take this occasion to say that I am not at this time engaged in any discussion as to whether the decision of the Supreme Court was right or wrong or what it was, except so far as affects the veracity of the recitals in the resolution and the propriety of the Senate binding itself by an affirmative

declaration that those recitals are true. Whenever the proper time comes I shall be glad to discuss that or any other question with the Senator; but we are now considering the question whether or not the resolution shall be adopted, not in consequence of any allegations that the decision of the Supreme Court may have been this, or that, or the other, but that it was not what it is declared to have been in the preamble to the resolution.

Mr. VAN WYCK. Precisely; I understood the Senator before and I understand him now. I wish to show that there can be no question as to the facts stated in the recital. The first recital is that the Supreme Court of the United States have so decided. The Senator from Kansas says that the Supreme Court of the United States have not so decided. There is no question as to the correctness of their opinion; the only question is as to the fact whether there was any such opinion. I was not undertaking to argue either one way or the other; I was endeavoring to refresh the Senator's recollection by showing that he knew himself that the fact as stated in the preamble is correct. That is all I was seeking to do, and in endeavoring to do that I made a statement which I think the Senator from Kansas will admit to be true. I stated that before the decision in this case the Land Department had universally held and acted upon it that a railroad company was entitled to all the land embraced within the terms of the grant, whether the Government had disposed of it before or after the date of the grant; and if the Government had previously disposed of it then the railroad company was entitled to indemnity land. That was the statement I put to the Senator from Kansas as a question of fact. Is it not true that the Land Department so held previous to the decision of this case, the syllabus of which he has heard from the desk? That is a question of fact which I ask the Senator.

Mr. INGALLS. There has been nothing said about the decision of the Land Office before this time, and that is not under discussion. There is nothing whatever involved in the consideration of this resolution upon that point. The question is a very simple one; it is a very plain one; and I shall not be drawn at this time into any discussion whatever of the merits of the controversy or of the facts in the case further than to say, as I did originally, that the preamble contains a recital of matter that is not borne out by the decision to which the Senator alludes.

Mr. VAN WYCK. Not as to the merits of the matter; but the Senator from Kansas alleges that the allegation in the preamble is not correct. My only object is to show that the allegation is true. I wanted to confirm myself in that view by showing that the Senator's own knowledge of the history of procedure in the Land Department would sustain the truth of the allegation. I proposed to the Senator the question whether the Land Department invariably did not rule as I have said. The Senator does not deny it, and I think no Senator in this body will deny it. Then comes this decision in the case of the Lawrence, Leavenworth and Galveston Railroad Company. The question in the Senator's mind is what was that decision. I allege in the preamble, which I claim to be correct, that the Supreme Court expressly adjudicated that any land transferred before the date of the grant did not pass to the railroad company. The Senator will see the force of the query I propounded to him. So true is it, that as soon as the decision was pronounced the Land Department changed its course of procedure in conformity with the decision. I will ask my friend from Kansas if the Land Department at that time did not recognize the fact as to what that decision was, and how far it reached, when they proceeded at once to change their policy of procedure, and after that time held that the railroad company was only entitled to land within the granted limits at the date of the grant? The Land Department so ruled, they so held, until a Secretary of the Interior, Carl Schurz, for some reason began to question the force and effect of the decision. His own Department had recognized it and acted upon it, and acknowledged that the point as now claimed was decided in the case. The first question to be decided in the case was stated by Justice Davis:

It is, therefore, of primary importance to ascertain the scope and meaning of that act.

That is the substance of the decision from the beginning to the end. It is true the railroad ran through an Indian reservation, and it was claimed that therefore the rights of the railroad company did not attach; but in order to come to that conclusion the Supreme Court held, to keep the railroad company from laying their hands upon the Indian reservation, that the act itself gave them no right to the land. Hence it was that under that decision they had no right to take this land. They then had no right to take it even though it were an Indian reservation.

The Senator from Kansas is evidently conversant with the decision from beginning to end. It was not a unanimous decision of the Supreme Court. Judge Field dissented; and if my friend from Kansas has read, as no doubt he has, the reasoning of Judge Field, he knows that that judge antagonized the very doctrine which is set up in the preamble of this resolution. He sought to show that the Supreme Court were wrong in deciding what the Land Department held it had decided and what the preamble to this resolution says it had decided. Judge Field dissented, and when he dissented from that decision he very naturally expressed his grief that the railroad company should suffer to the extent of losing the land which the majority of the court said they were not entitled to. But there was the fact.

Then, after administering the law in the Land Department for two or three years, recognizing the decision as we say it was, comes Carl Schurz, Secretary of the Interior, and he is disturbed about this matter. His Department was administering the law as the Supreme Court said it was, and had been doing it for two or three years, and then he found it convenient as Secretary of the Interior to ask the opinion of the Attorney-General. That is the favorite way of disposing of such matters. We have the Supreme Court followed when it is convenient for the Departments to do so, and when that will not exactly meet the case, then it is convenient to have an Attorney-General to reverse the Supreme Court. That was the mode of proceeding here. Carl Schurz found that his Department had been administering the law for two or three years as the Supreme Court said it was, and then the question was referred to the Attorney-General. Carl Schurz, when he referred it to the Attorney-General, the law officer, made this remark in his opinion:

Entertaining these views of the law, the Attorney-General advised a return to the practice in vogue before the promulgation of the Supreme Court decisions in the cases of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States (2 Otto, 733) and United States *vs.* Burlington and Missouri River Railroad Company (8 Otto, 334).

Which—

Carl Schurz says—

Which *seem* to hold that indemnity can only be taken for lands lost between the *dates* of the granting act and of the definite *location* of the road.

The PRESIDING OFFICER. The morning hour has expired, and the resolution goes over under the rule.

Mr. INGALLS. I hope that the Senator will consent to the withdrawal of the preamble, the recitals, and let the resolution pass.

Mr. VAN WYCK. It is a matter between the Senator and myself. I have only a few words more to say. I am willing it shall go over until to-morrow, and then shall be willing to adopt language which will not commit the Senate to the doctrine the Supreme Court announced in that case.

Mr. CALL. I move that by unanimous consent the Senator from Nebraska be allowed to proceed.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent that the consideration of the pending resolution proceed. Is there objection?

Mr. FRYE. I should like the Senator to give me, if he can, an idea of how much time it will occupy. I would not like to consent to lose a day in the discussion of this resolution.

Mr. CALL. I think the Senator from Nebraska ought to be allowed to conclude his remarks. It is usually allowed.

Mr. PLATT. May I not suggest to the Senator from Maine whether it is not economy of time to have this matter out now?

The PRESIDING OFFICER. Is there objection to proceeding with the pending resolution?

Mr. FRYE. I yield to the general sentiment of the Senate, if they desire to listen to the discussion.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from Nebraska will proceed.

Mr. VAN WYCK. I was suggesting that Carl Schurz very cavalierly, because he does all things in that way, suggested that this decision "*seems to hold*," and, though his Department had been admitting it and acknowledging it for years, he discovered for the first time that it only *seemed* to hold, and referred it to Attorney-General Devens, and he, speaking of this decision, alludes to it in this way:

It is understood that up to the time of the decision of the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States (2 Otto, 733), the rule of the Department had been to indemnify the railroad, not only for lands which had been sold or pre-empted after the date of the passage of the granting act, but previous thereto—

That had been the rule before the decision; after the decision it was different—

and that in consequence of the remarks made in that case the rule has been changed.

That is a very pleasant way for an Attorney-General to speak of a decision of the Supreme Court—"the *remarks* made in that case." Nobody but an Attorney-General coming from the State of Massachusetts perhaps would have dared to say a thing of that kind. A decision of the Supreme Court of the United States laying down the law for this Government he speaks of as "the remarks made in that case!" The present Attorney-General from Pennsylvania might be willing to wrestle with the propositions in the same way, as may be indicated by his opinion in a case to which the Senator from Kansas referred the other day, known as the backbone grant.

But Carl Schurz referred this to the Attorney-General and said "it seemed to hold," and then the Attorney-General strengthened this commentary of the Secretary of the Interior by alluding to it as "the *remarks* of the Supreme Court" made in that case.

There we stand, and the fact now I think will be conceded by the Senator from Kansas that previous to this decision the Land Department invariably held that the railroad company was entitled to all the land covered by the lines of the grant whether the Government had disposed of it before the date of the grant or not. That is concurrent testimony as to what the Supreme Court said and as to what the Supreme Court

meant in that decision. The preamble says that the Supreme Court did so decide. I have read that opinion of the Supreme Court. Here is the letter of Carl Schurz and here is the opinion of Attorney-General Devens, and upon that Schurz directed that his Department, notwithstanding the decision in this case had for years been recognized, overruled it and went back and adopted the system upon which they had acted years before. This resolution could not be presented in any other way except to state the facts as they were then. It says:

Whereas on the 5th day of June, 1880, Attorney-General Devens, to whom the question had been referred by Hon. Carl Schurz, then Secretary of the Interior, rendered an opinion, &c.

All these facts are stated as they exist, the fact that the Department had recognized and that the Department had acted upon the decision. Now at this late day when we come with a resolution asking if that opinion of Carl Schurz has been followed by the Land Department, if it has ignored the decision of the Supreme Court and continues to ignore it by giving thousands upon thousands and I know not but millions of acres of land of the public domain to railroad corporations to which they were not entitled.

Mr. ALLISON. I wish to ask the Senator from Nebraska if he has before him the decision of Mr. Justice Harlan overruling the decision of the Supreme Court?

Mr. VAN WYCK. I allude to it in the preamble, and there he will find:

Whereas on the 5th day of June, 1880, Attorney-General Devens, to whom the question had been referred by Hon. Carl Schurz, then Secretary of the Interior, rendered an opinion, in which, referring to the language of the Supreme Court in the above-named case in regard to the indemnity authorized by grant under consideration, he stated that in the circuit court for the district of Wisconsin, in 1879—

Four years after the decision of the Supreme Court—

Justice Harlan had expressed different views from those announced by the Supreme Court of the United States, and held that under a grant similar to that involved in the case of the Leavenworth, Lawrence and Galveston Railroad Company vs. The United States indemnity lands are allowed in lieu of lands disposed of by the United States either before or after the date of the grant.

I set that fact out in the preamble.

Mr. ALLISON. I understand it is so set out, but I wanted to know if the Senator had before him the decision of Justice Harlan in which he overruled the decision of the court of which he was a member.

Mr. VAN WYCK. No, sir; I have not that. I do not know whether the gentleman means to concede that Justice Harlan had a right to overrule the Supreme Court, or whether he means by his question that Justice Harlan did not understand what the Supreme Court had decided or differed with it. Strange things are taking place as well in the Supreme Court as in the Land Department in regard to this matter of land grants. I think my friend from Iowa will concede that very strange and mysterious doings in the Supreme Court and the circuit courts and in the Land Department of this Government have taken place. I think my friend has abundant evidence in his own State that such is the fact. He knows it by the sufferings of his own people from the administration of the law of railroad grants and by the decisions of courts. He knows that in his own State some of his own people have suffered to the deprivation of their property and some of them to the deprivation of their reason because of the treatment accorded to them. It is not the time for us to stand higgling at this day at just what was the meaning of the Supreme Court when the Departments of the Government recognized its decision, which was not disturbed in that Department until Carl Schurz fortified himself by the opinion of the Attorney-General from which I have read; and now it is too late, I suggest to my friend from Iowa, if he is disposed to higgle on this question, when the Supreme Court once in 1875 made a decision apparently in the interests of the people, and when that has been done this Department gets to work to ignore it, to defy it, and then when that fact is stated which is a fact directly within our knowledge, then gentlemen seek to get beside it as the Department has done, and to make excuses for these companies getting millions of acres to which they are not entitled under this decision of the Supreme Court.

It seemed proper that I should explain why it was that this was stated as a fact which had been recognized by the Government itself for years. Still, if gentlemen are tender on that point, I will suggest this language:

Whereas it is alleged—

That will not commit the Senate. I desire the facts to be stated in the body of this preamble, that the Secretary of the Interior may know, and that the Senate may know, the very point upon which we seek information. Therefore I suggest, to meet the gentleman's views, that the preamble be modified by saying, "Whereas it is alleged."

The PRESIDING OFFICER. The question is on the adoption of the resolution. Does the Chair understand the Senator from Nebraska to modify his resolution?

Mr. VAN WYCK. Yes, sir.

Mr. INGALLS. Let it be read as modified.

The PRESIDING OFFICER. It will be read as modified by the mover.

The Secretary read as follows:

Whereas it is alleged that at its December term in the year 1875 a decision——

Mr. INGALLS. That is sufficient for that; now the next whereas.

The SECRETARY. "And whereas it is alleged that on the 5th day of June, 1880," * * * "And whereas it is alleged that Secretary Schurz," &c.

The PRESIDING OFFICER. The question is on the resolution as modified.

The resolution as modified was agreed to.

HOLIDAY RECESS.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Kansas [Mr. INGALLS] to the resolution offered by him yesterday.

Mr. INGALLS. In order to relieve the Calendar that had better be indefinitely postponed, the subject having been acted upon.

The PRESIDING OFFICER. The resolution will be read for information.

The Secretary read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Thursday, the 20th day of December, 1883, they stand adjourned till 12 o'clock meridian on Thursday, the 3d day of January, 1884.

The resolution was postponed indefinitely.

REVISION OF THE RULES.

The PRESIDING OFFICER. The Senate now resumes the consideration of the report of the Committee on Rules as in Committee of the Whole. The pending rule will be read.

The Secretary read as follows:

RULE XVI.

BILLS—COMMITTEE OF THE WHOLE.

1. All bills and joint resolutions which shall have received two readings shall first be considered by the Senate as in Committee of the Whole, after which they shall be reported to the Senate; and any amendments made in Committee of the Whole shall again be considered by the Senate, after which further amendments may be proposed.

2. When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee, it shall be placed on the Calandar, and when again considered by the Senate it shall be as in Committee of the Whole.

3. Whenever a private bill is under consideration it shall be in order to move, as a substitute for it, a resolution of the Senate referring the case to the Court of Claims, under the provisions of the act approved March 3, 1883.

Mr. HARRISON. Mr. President, the Senator from Maine [Mr. FRYE] who is temporarily absent from the Chamber has requested me to take charge of this report in his absence. I am not so familiar as he with these modifications, but I believe that clause 3 of the new rule as reported contains the only modification suggested. That, as Senators will see, provides that when a private bill is under consideration a resolution of the Senate may be moved as a substitute, referring the case to the Court of Claims under the act of March 3, 1883. It was believed by the committee——

Mr. BAYARD. Will the Senator refer to that act?

Mr. HARRISON. I have sent for it.

Mr. CAMERON, of Wisconsin. If the Senator will allow me one moment——

Mr. HARRISON. Certainly.

Mr. CAMERON, of Wisconsin. The third subdivision of the rule reads as follows:

Whenever a private bill is under consideration it shall be in order to move, as a substitute for it——

I desire to call the attention of the Senator from Indiana to that portion of this subdivision "as a substitute for it." Is a resolution really a substitute for a bill?

Mr. HARRISON. I should say so. Instead of contemplating action by the Senate on the bill itself, the resolution is interposed to take its place to refer the claim—not the bill, but the claim mentioned in the bill—to the Court of Claims for adjudication under the act of March 3, 1883. It seems to me, therefore, that it is appropriately described in the rule as a substitute for the bill.

Mr. BAYARD. May I ask the Senator from Indiana whether without this rule, which seems to be entirely competent, as we now stand under the practice of the Senate, we can move an amendment by way of substitute to accomplish a reference to the Court of Claims?

Mr. HARRISON. I am a little modest in answering to questions of parliamentary law or under the rules of the Senate; but I should think not. I should not think that under the general rules of the Senate it would be in order.

Mr. BAYARD. I think it has been done and in a case of some prominence, which the Senator from Wisconsin I suppose will remember—the case of Holliday, I think. There was a proposition made in the Senate, I think by my friend the former Senator from New York, Mr. Kernan, to refer that case to the Court of Claims, and that was not held to be out of order. It was an amendment by way of substitute referring the entire question to the Court of Claims, which I always thought was an eminently proper course. If that can be accomplished now I do not see the use of encumbering our rules with a provision which in substance is already there.

Mr. HARRIS. Mr. President, the experience of the Senator from Delaware is very much greater than my own here, but I certainly remember no single instance where such a motion as is authorized by this

rule has ever been made in the Senate since I have been in the body. I remember quite a number of instances in which amendments to a bill or to a joint resolution referring the subject-matter of the claim to the Court of Claims or bills or resolutions for the purpose of referring claims, but I do not remember a single instance where the motion contemplated by this rule, disposing of the pending bill, has ever been resorted to, and I do not think it probable that such instances can be found, unless the case mentioned by the Senator from Delaware, of which I have no recollection, is of that precise character.

Mr. BAYARD. If I recollect that case—though I would rather take the recollection of the Senator from Wisconsin than I would my own about it—the Holliday bill, which was a private bill, was under consideration, and the then Senator from New York, Mr. Kernan, moved an amendment by way of substitute, which referred the question to the Court of Claims. I do not remember that any point of order was raised upon it, but I think there was a vote of the Senate upon it, and they declined so to refer it. I never heard a point of order raised, and I know that such a substitution was contemplated, because the bill was in print for some time, and the amendment was on the theory of a disposition of the case to which I deferred. It was apparently held to be in order; and if so, there is no necessity for this proposed rule. If it was not in order, and the Senate consider it wise to permit such a substitution, that is a different thing.

Mr. HARRISON. If the Senator will pardon me, I have now the act for which he called, which is found on page 485 of the acts of the last session, and the first section, which is the one relating to the matter under discussion, is as follows:

That whenever a claim or matter is pending before any committee of the Senate or House of Representatives or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt.

That is all that is important in this connection. Now, it does seem to me that in the absence of some rule, such as is prescribed here, it would not be in order, pending the consideration of a bill, to make such a motion. The Senator from Wisconsin has suggested that there is some other rule covering the case. If so, I am not aware of it.

The PRESIDING OFFICER. The Chair will state to the Senator from Delaware, with the leave of the Senate, that he recollects the case the Senator refers to. That was a case where it was proposed to substitute for a bill paying a private claim a bill referring it to the Court of Claims, which was, of course, in order under the old Senate rules, and would be now, but it required at that time a bill to be concurred in by both Houses and signed by the President. The bill of last winter, which is now the law, authorizes either House by a resolution, or a committee of either House by a resolution, to make the reference without the concurrence of the other House or of the President. This rule proposes to substitute for a pending bill a mere Senate resolution, which would not be in order under the old rules.

Mr. BAYARD. I am not disposed to object to this rule or to anything else that will facilitate the removal of the trial of questions of fact, especially those relating to private claims, from the decision of the Senate, which I consider one of the most unfit bodies of any that I know of to deal with a question of suggested facts. I shall not make any objection.

Mr. GARLAND. I ask the chairman of the committee if he examined section 1060 of the Revised Statutes when this rule was being considered by the committee?

Mr. FRYE. I did not.

Mr. GARLAND. I ask that the section be read by the Secretary, and if there is any difficulty in the way between this section and the law of last session, I do not see how it is to be reconciled under this rule.

The Secretary read as follows:

SEC. 1060. All petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, express or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which they are introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents, to the Court of Claims.

Mr. GARLAND There is little difficulty in framing this rule to meet the two laws, the act of March 3, 1883, and the section just read. The law of March 3, 1883, has all that is there substantially, and in addition allows the committees to refer claims to the Court of Claims and mentions every kind of claim, while section 1060 mentions claims founded on any law of Congress or on any contract, express or implied. The power is very large under section 1060 to do this very thing, but it does not contemplate that it shall be done by bill, but simply by the Secretary of the Senate or the Clerk of the House, unless otherwise ordered by the respective Houses.

I think, to meet this whole matter, both under the law of 1883 and section 1060, you should strike out the words "as a substitute for it." Then perhaps the whole matter would be accommodated.

Mr. HARRIS. The Senator from Arkansas will allow me to ask him whether, if this language shall be stricken out and the motion shall be to refer to the Court of Claims, it will leave the bill still pending upon our Calendar undisposed of. If, however, the motion here named is authorized by the rules as a substitute for a pending bill, it disposes of the pending bill and disposes of the claim by sending it to the Court of Claims.

Mr. GARLAND. I do not think so, because section 1060 of the Revised Statutes says petitions, private bills, or anything else shall be referred, and you do get rid of them just as well in that way as if you pass a resolution here to indefinitely postpone them or a resolution to refer, and that keeps up the harmony between the last law and the section I have read. That is my version of it. I am not combating the idea of the rule, but wish simply to work the two laws together by proper phraseology in this clause of the rule.

The PRESIDING OFFICER. The question is on the adoption of the sixteenth rule.

The rule was agreed to.

Mr. GARLAND. I shall reserve the question on the third clause of that rule in the Senate.

Mr. FRYE. I will look at the amendment which the Senator offers.

Mr. MCMILLAN. Mr. President——

Mr. FRYE. If the Senator will allow me one moment, this especial clause of this rule was drafted to avoid a certain difficulty which comes from another law and in another direction, and I desire to look at it before I can say anything in relation to the amendment offered by the Senator from Arkansas.

EXECUTIVE SESSION.

Mr. MCMILLAN. I rise to ask the Senator from Maine who has charge of this measure to give way to me to make a motion to go into executive session. There is a very large amount of executive business which it is desired to report, and this is the last day for the transaction of business before the holiday recess; it will take nearly all the time we can reasonably devote to it. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 1 hour and 5 minutes spent in executive session the doors were reopened.

REVISION OF THE RULES.

The PRESIDING OFFICER. The Senate resumes the consideration of the report of the Committee on Rules. The Secretary will report the pending proposed rule.

The Secretary read as follows:

RULE XVII.

AMENDMENTS TO APPROPRIATION BILLS.

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Internal Improvements, and bills making appropriations for the expense of the government of the District of Columbia, which shall be referred to the Committee on the District of Columbia; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are *considered*, be referred to the Committee on Appropriations, and when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received; in like manner amendments proposing new items of appropriation to river and harbor bills shall, before being *considered*, be referred to the *Committee on Internal Improvements;* also amendments to bills establishing post-roads, proposing new post-roads, shall, before being *considered*, be referred to the Committee on Post-Offices and Post-Roads; *also amendments proposing new items of appropriations to bills for the expenses of the government of the District of Columbia shall, before being considered, be referred to the Committee on the District of Columbia.*

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. FRYE. It will be perceived that there are here two amendments proposed to the old rule.

Mr. BAYARD. Do the words in italics indicate the changes?

Mr. FRYE. The changes are in italics.

Mr. BAYARD. They are the only changes?

Mr. FRYE. They are the only changes; one sending the appropriation bill for the District of Columbia to the Committee on the District of Columbia; the other sending the river and harbor appropriation bill to the new Committee on Internal Improvements. I ask unanimous consent to pass over the second amendment sending the river and harbor bill to the Committee on Internal Improvements until such time as the question shall have been settled whether or not there shall be such a committee and with liberty then to return to it.

Mr. ALLISON. Why not allow the whole rule to be passed over for the present?

Mr. FRYE. Let me put in my request first.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Is there objection to the request made by the Senator from Maine [Mr. FRYE]?

The Chair hears none, and the order will be regarded as granted.

Mr. McPHERSON. May I ask the Senator from Maine a question? Having made provision that the appropriations for the District of Columbia shall go to the District Committee, post-route bills to the Post-Office Committee, and that such other bills as now properly go to the Committee on Commerce shall be referred to a new committee, which I understand it is his purpose to raise, let me ask why he does not go further, and send the naval appropriation bill and the Army appropriation bills to their appropriate committees?

The PRESIDING OFFICER. If the Senator from New Jersey will permit the Chair will suggest to him that that portion of the rule, by the unanimous consent of the Senate, has just been passed over and is not now under consideration.

Mr. McPHERSON. I supposed it was only the one clause relating to internal improvements which the Senator from Maine desired to have passed over. Do I understand that the Senator from Maine asks to have the whole section passed over?

Mr. FRYE. No; only that clause touching the Committee on Internal Improvements. The Chair misunderstood me.

The PRESIDING OFFICER. The Chair did not understand the Senator from Maine distinctly.

Mr. FRYE. My request only extended to the one amendment touching the Committee on Internal Improvements, leaving the rest of the rule to be considered now.

Mr. McPHERSON. If there is any reason why the appropriation bill for the District of Columbia should be sent to the Committee on the District of Columbia and why the post-office appropriation bill should be sent to the Post-Office Committee, there is an equally good reason why the Navy and Army appropriation bills should be sent also to their appropriate committees, to be first considered there.

Mr. FRYE. If the Senator will allow me, there is nothing here which proposes to send the Post-Office appropriation bill to the Committee on Post-Offices and Post-Roads. The only changes relate to the District of Columbia appropriation bill, and to the river and harbor bill, which has usually been referred to the Committee on Commerce, and the Committee on Commerce is here changed to a Committee on Internal Improvements.

Mr. McPHERSON. I see it is the bill establishing post-routes that is to be referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE. Yes, sir.

Mr. McPHERSON. I did not hear correctly the proposed rule as it was read.

The PRESIDING OFFICER. The question is, will the Senate agree to the first clause of the rule as reported?

Mr. GARLAND. I should like to learn from the committee their idea in proposing to send the appropriation bill for the District of Columbia to the District Committee. Why take it from the Appropriations Committee? What is the reason for that?

Mr. FRYE. I can give simply the impressions which I gathered from the discussion occurring before the Committee on Rules, feeling no special interest in the matter myself. The District itself pays one-half the expenses of managing the District affairs and taking care of the District property, and the District Committee itself is especially authorized to consider all subjects touching the interests of the District, and it seemed to the Committee on Rules that that committee for that very reason was entitled to receive the District appropriation bill for consideration. Again, the District, as it is situated now, is without a constituency; there is no one to take any special interest in its affairs, no one especially authorized to investigate its necessities except the two committees on the District of Columbia of the two Houses. When the proposition was made that it would be a proper thing, while being compelled to consider all questions touching appropriations for the District, to allow that committee to prepare the items of appropriation themselves and report them to the Senate, it was considered on the whole that it would be a wise thing to do.

Mr. GARLAND. The same argument would carry the appropriations for the benefit of the Indians to the Committee on Indian Affairs, and for Territories to the Territorial Committee, and we should go on in this way until we emasculated entirely the Committee on Appropriations proper; there would be no work at all for that committee. The theory of the appropriations for the Government should be, it occurs to me, kept in unity before the one committee that has the entire subject and sees the expenditures and the demands for expenditures and the outlays all at one glance, so to speak.

If the argument is good as to the District of Columbia for the want of a proper constituency and some one to look after its business, certainly the Territories are exactly in the same condition, the Indians are in the same condition, and by this means we should cut down the Committee on Appropriations entirely. Take the appropriation bills, for example, by Departments. Take the judicial appropriations; they would go to the Judiciary Committee under that rule. Take the naval appropriations; they would go to the Naval Committee; and we should not have a thing left in the world for the Appropriations Committee to do. You might just as well put an end to it.

Mr. FRYE. My experience has not been that there is any danger of the Appropriations Committee being deprived of what legitimately belongs to it. The complaint which I have heard for the last dozen years is the danger that the Appropriations Committee will seize and get control of all the legislation of Congress. To-day, by reason of the singular rules of the House and the Senate, the Appropriations Committees can legislate generally. Under this very rule we are considering now the House proposes general legislation, almost anything under its rules and under the rulings of a Speaker or of a chairman of a Committee of the Whole. That general legislation comes over to the Senate, and under our rules no amendment to the general legislation sent here from the House is in order, and we must take the general legislation as it comes from the Committee on Appropriations or else not take it at all. The result is that there is a committee of conference made up of members of the Appropriations Committees of the Senate and House, and the greater part of the legislation assumed by that committee is really legislated by a committee of conference.

I do not believe there is any danger of the Appropriations Committee being deprived of anything which legitimately belongs to it. As I said before, I have myself no special care about this particular item, although it did seem to me proper, and I voted very willingly that the District appropriation bill should go to the Committee on the District of Columbia.

Mr. HARRIS. I think there is one reason which may be assigned for referring this appropriation bill to the Committee on the District of Columbia that applies to no other appropriation bill. The people of the District of Columbia have no representatives; the moneys appropriated for the District of Columbia are not the revenues of the United States Government except to the extent of one-half. One-half of the money so appropriated is raised by taxation upon the people of the District. When the Appropriations Committee deals with general appropriations for the existence of the General Government, it deals with public revenue only. In this instance we deal with public revenue to the extent of one-half the amount appropriated, while the other half is raised by taxation on the people of the District.

The District Committees of the two Houses certainly understand, or ought to understand, very much more about District affairs than members of the two Houses not upon those committees, or than any other of the standing committees of the two Houses. The Senate District Committee knows, or ought to know, the extent to which revenues can be raised by taxation in the District; it knows, or ought to know, better than any other committee, the necessities of the District government, and the ways and means of providing for them.

For these reasons I have for years believed, as I now believe, that it is absolutely necessary and important that that appropriation bill should go to the Committee on the District of Columbia, and I think the reasons for that appropriation bill going to that committee are a thousand-fold stronger than can be assigned for sending the river and harbor bill to the Committee on Commerce. But I have no objection to that reference as it is now required by the rule, and as the new rules require it to be sent to the committee having jurisdiction of rivers and harbors.

Mr. BECK. Will the Senator from Tennessee allow me to make a suggestion? The House of Representatives, I believe, claims the right to originate all appropriation bills. Does the House Appropriations Committee continue to consider the District of Columbia appropriation bill?

Mr. HARRIS. My answer to the Senator from Kentucky is that so far as I am informed there has yet been no change of the rule in the House that I am aware of; but however that may be, we have no jurisdiction or control of the rules of the House of Representatives. This is a matter of controlling our own action, and the question for the Senate is which one of its standing committees is the appropriate committee to consider this particular bill.

That is all that I desire to say, Mr. President.

Mr. BAYARD. It strikes me that the difficulty about this special feature of the rule arises from the misunderstanding of what are the functions of appropriation bills. Properly they are simply bills to provide funds for the execution of existing laws; they have nothing to do with the functions of legislation beyond the mere ascertainment and provision of the money necessary to carry laws then on the statute-book into effect. The moment that you depart from that theory of an appropriation bill you are launched upon a sea of general jurisdiction that can readily, improperly exercised, absorb the powers of every committee of the body. Under the reasoning of the Senator from Tennessee it seems to me that each committee could undertake to report appropriations for all subjects within the general cognizance of the committee

I think the experience of this Government and of its legislation has been that independent of the Committee on the Judiciary, independent of the Committee on Public Buildings and Grounds, or any other one of the standing committees of the body, an Appropriations Committee is necessary simply to pass upon the assessments made by the Executive Departments for the proper execution of the functions of the Govern-

ment and to provide money for them as they stand, and do nothing else.

With the policy of laws the Appropriations Committee have nothing to do; with reform and amendment of existing legislation the Appropriations Committee have nothing to do. They, if their functions are kept in their proper sphere, will take the estimates from the Executive Departments, and they will, under instructions and comparison and examination discover how much money is needed to carry on the Government in its different branches; and there their proper function begins and there it ought to end.

If I am right in this, and I do not think I can be mistaken, it is not well to select the Committee on the District of Columbia as the one committee out of all the forty or fifty standing committees of the body who shall have the duplicate function, first, of general legislation, and coupling with that the power and duty to report such sums as they deem necessary for its execution.

The Appropriations Committee is controlled by the reports of standing committees of this body, by their recommendations; your rule generally provides for it; they are controlled, as I said, by the estimates from the Departments and by information of that kind; but I submit to the Senate would it not be a solecism in our general administration of the powers of this body to couple the power of appropriation and the power of general legislation in the same committee? Where else in one other committee do those two features combine?

Mr. INGALLS. Will the Senator allow me to interrupt him for a moment?

Mr. BAYARD. Certainly; with pleasure.

Mr. INGALLS. The Senator speaks about the difficulty of combining the power of reporting appropriations and general legislation in the same committee. I would ask him if he does not know that a very large amount of the most important legislation has been reported by appropriations committees and forced through both bodies?

Mr. BAYARD. And I am now protesting against any such practice. I consider that one of the most vicious forms of legislation has been the ingrafting upon appropriation bills of general features of law.

Mr. INGALLS. So do I.

Mr. BAYARD. It is one that this body has endeavored to prevent, and in my experience we have returned, and properly returned, bills to the House of Representatives because they contained features of general legislation. The whole function of an appropriation bill is disregarded when it is turned into an engine of general legislation instead of being confined to its proper duties.

The question is, if it be unwise, inexpedient, in a legislative sense vicious, to ingraft general legislation upon an appropriation bill and allow committees of that kind to sit in judgment upon such subjects of general jurisdiction, do you not enter in a great degree upon the same objectionable ground when you propose to give a standing committee the functions of an Appropriations Committee? It is for Senators to consider whether the function of finding money to execute existing law, which is one thing, should be sent to your general committee in order that the two things may be combined, general legislation and appropriations. I do not think that is wise. If I understand the object for which these separations have been made, it has been in the endeavor to keep appropriation bills from features of general legislation; and the reason is obvious. I think equally so we ought to keep our standing committees free from the functions of general appropriations. For that reason I should be glad to see the Committee on Appropriations continue its functions in respect to the money needed to execute the laws made here for the District of Columbia, and the Committee on the District of Columbia have the power to report legislation fit and proper for the District; let the money be found and reported by one committee and the law under which it is to be expended be reported by another. I think there is a system of checks in that which is wise.

Mr. SHERMAN. Mr. President, the argument of the Senator from Delaware utterly fails in respect to the Committee on the District of Columbia and the appropriations for the support of the government of the District. It is true that the Appropriations Committee ought to simply report to us such sums as are necessary to carry into execution existing law. That is their function according to the rules, and that function they can perform very well in regard to all the expenditures of the Government except those in the river and harbor bill and the District of Columbia appropriation bill. From the very nature of these appropriations they are not susceptible of the test which is applied to other appropriation bills. Take up the naval appropriation bill; we can at once see whether or not the committee has gone beyond the requirements of existing law and can check them; but in regard to the appropriations for the District of Columbia, they can not be ascertained beforehand by law. I have here the estimates of appropriations for the support of the District of Columbia, and I venture to say that not one-tenth of the amounts which are contained in these items is fixed by law, nor can it be from the nature of the items.

What are the expenses of the government of the District of Columbia? They are not defined by law; they are not entirely regulated by law. The few officers named in the bill probably are provided for by law, but the great body of these expenditures is for streets, for alleys, and for public improvements of various kinds; nine-tenths of all the appropriations made for the District of Columbia are in their nature new items not fixed by existing law.

Mr. President, there is another reason why this bill ought to be referred to the Committee on the District of Columbia, and I can speak impartially because I do not belong to either committee. It is that the money appropriated by the bill is not our money; it is not the money of the Government that is being appropriated but it is the money of these people, the money of the people who live in this District. It is true the Government of the United States contributes one-half of it, but it contributes one-half of it as the owner of property in this District. It ought to be governed therefore by the interests of the people of this District, and not by the interests of the General Government.

Mr. BAYARD. Does the Senator mean that the people of this District do contribute one-half the moneys spent here?

Mr. SHERMAN. One-half exactly.

Mr. BAYARD. When was that?

Mr. SHERMAN. That is the law. One-half is contributed by taxation; you and I as tax-payers pay our taxes.

Mr. BAYARD. We pay taxes; but I had no idea that the people of this District had to pay one-half the expenses.

Mr. SHERMAN. One-half.

Mr. BAYARD. That may be one-half in regard to certain expenses.

Mr. SHERMAN. More than one-half let me say; at least one-half of the regular appropriations. The Government of the United States appropriates out of the Treasury the same amount as is levied by general taxation on the District, and the people of the District also contribute special taxes in the form of licenses, &c., so that the people of this District pay more than one-half of the money that is disbursed here, and the United States only contributes the other half from a sense of justice, because it owns property here.

Mr. BAYARD. May I ask a question of the Senator, for I desire to understand him? I never believed that the people of this District ought to pay one-half of all the money spent here, because these expenses are not for their benefit. This is a kind of Federal depot to which the entire country comes, and we can not expect the local inhabitants here to bear all the taxation necessary. Let me ask the Senator this: when for instance a million and a half of money, I think $1,600,000, over a year ago upon the recommendation of the Senator from Tennessee now in the chair was appropriated for water-works in this city, did the citizens here pay any portion of that?

Mr. SHERMAN. I understand not.

Mr. BAYARD. Not a dollar.

Mr. SHERMAN. That is considered simply a Government work, necessary for the protection of the Government.

Mr. BAYARD. I do not object to it; I am only asking about the fact.

Mr. SHERMAN. If any citizen of this District avails himself of the use of that water, that citizen is charged a water tax and is obliged to pay the water tax. My friend pays it.

Mr. BAYARD. And I may add do not get the water.

Mr. SHERMAN. It is in order to relieve that last objection that the appropriation was made. That work is the property of the Government of the United States, and if we avail ourselves, as citizens, of the use of that property we have to pay our tax for it.

Mr. McMILLAN. Does not the tax go to the District of Columbia, and not to the Government of the United States?

Mr. HARRIS. If the Senator from Ohio will allow me a word in respect to the appropriation made to complete the water-works a year ago, I wish to say that as the bill passed the Senate the appropriation was made from the Treasury, and the Government was, according to the provisions of the bill as it passed here, to pay the whole expense; but the House amended it by requiring the District to pay one-half of it.

Mr. SHERMAN. I did not know that.

Mr. HARRIS. And the committee of conference finally agreed upon some compromise, the exact terms of which I can not now state, but by referring to the act you will find that the people of the District, if they do not pay one-half of it, pay what approximates very nearly to one-half of that entire expense. The people of the District pay, as the Senator from Ohio has already stated, fully one-half or more than one-half of every expenditure made for the District of Columbia, and that is regulated by what is known as the organic act of 1878.

Mr. SHERMAN. Now, Mr. President, let me go back to the argument. The argument in favor of the Committee on Appropriations fails entirely when you come to deal with a fund that is collected from private individuals to promote the ends of a public or private corporation. Another thing, the items making up this aggregate of appropriations are not defined by law, nor are they definable by law, but from the nature of the expenditures they are items granted from time to time to do work which can not be fixed by law, as the amount to be expended on a particular street and the like. It seems to me that this is a proper case where the bill ought to be referred to the Committee on the District of Columbia, just as a bill to pay a pension, which appropriates money to pay a particular pension for a particular individual, is referred to the Committee on Pensions, and is never sent to the Committee on Appropriations to provide ways and means for paying and

ascertaining what should be the pension, but the bill itself provides for the amount.

I shall vote for the report of the Committee on Rules in this respect, referring this particular bill to the Committee on the District of Columbia. As to all the other appropriation bills, I think they ought to be referred to the Committee on Appropriations, because they are bills of a general character, applying to the whole people of the United States and making appropriations of public money of the people of the United State for general purposes. I think if those bills were distributed among the various committees appertaining to the particular business it would lead to a large increase of public expenditure; but the reference of this bill to the Committee on the District of Columbia can not increase the expenditure, because the amount of expenditure is fixed by the amount of taxation, and all the money that could be appropriated, if it exceeded the amount of taxes provided for and the amount to be supplied by the Government, would necessarily remain unexpended, because the law expressly provides that no money shall be expended, even though appropriated, in excess of the revenues of the Government, and there is no power in the District commissioners even now out of appropriations made by Congress to contract a debt to the amount of one cent or one dollar. If they do they are subject to very severe penalties, I believe. So the amount to be appropriated is already fixed by law, and the only question is, which committee can best judge of the wants of the people of this District.

I feel bound to say that I have observed on the floor here that when good complaints, honest complaints, have been made by the people of this District to the Committee on Appropriations, in the nature of things that committee could not give any heed to them because that committee is overwhelmed with other business and this is the least important of all the appropriation bills that it considers. There are complaints arising in the government of 180,000 people that ought to be heard by some one, questions of the amount for roads or repairs, questions as to the appropriation whether in this end or that end of the city. There has been a controversy here for years as to whether justice has been done in the distribution of the expenditure as between the eastern part of the city and other parts of the city. It is claimed that the great body of the money expended is spent up where the wealthy people live and they get the benefit of all the appropriations, whereas those who pay a large share of the taxes, though in smaller sums, who live in a more obscure part of the city, are not fairly dealt with. That is not a complaint that the Committee on Appropriations can listen to; but there is a committee organized to take care of the interests of the people of this District, that is organized with a view to protect their interests and to hear their complaints, and that committee can be approached any day and any hour upon matters of local and minor importance.

It seems to me that the Senate ought to give to the people of this District one committee where they can complain of the appropriations excessive in one part of the city and deficient in another, where they can make their wants known, and I assure you that I know that has been a practical trouble. The people of this District, poor people, have come to me and made their complaints about it. It seems to me they ought to be heard before the committee set aside by this body to listen to their matters and take care of their business, and that their money put in the hands of the Government for the purpose of taking care of the interests of this District ought to be controlled, regulated, doled out, parceled out if you please, by that committee which has charge of the interests of the people of the District.

Therefore, with every respect to the Committee on Appropriations which is charged with a great and important function, and with no willingness on my part to take away from them one particle of the important duties they are called upon to discharge, I do think that this in the interest of the people of this District is an important and desirable change, and I shall vote for it.

Mr. ALLISON. Mr. President, I have no personal wish with respect to this modification of the rules, although my judgment is against its adoption; but the Senator from Ohio has put into my mind a good many arguments against the proposition. He seems to think that the Committee on Appropriations is responsible for the fact that streets have been improved in one section of the city and neglected to be improved in another section of the city, and very properly and truly says that the Committee on Appropriations can not be approached upon that subject.

It is well enough for us to understand the exact relations of the Government of the United States to the District of Columbia. Prior to 1878, when this District was put in chancery by the selection of three commissioners to govern it, the District proper for a time made its assessment of taxes and appropriated the money received therefrom; but the Government of the United States during all that period of time also appropriated money for the District of Columbia. The entire Metropolitan police of this District prior to 1878, and I believe prior to 1880, was paid for out of the public Treasury. The courts of the United States in this District are wholly paid to-day out of the Treasury of the United States.

Mr. INGALLS. Not the police court.

Mr. ALLISON. The police court is sustained by fines, as the Senator very well knows.

Mr. INGALLS. No.

Mr. ALLISON. The salary of the judge of the police court is paid by the Government of the United States.

Mr. INGALLS. Only one-half.

Mr. ALLISON. I may be mistaken as to that, but the police court is a self-sustaining court. The Reform School up to a recent date was appropriated for out of the Treasury of the United States. In 1878 there was a long discussion as to the relation of the people of this District to the Government of the United States with reference to public property and private property, and the Congress of the United States agreed that for purposes of compromise and adjustment with regard to these matters the Government of the United States should pay one-half the expenses of this District, and that the other half should be raised by taxation, so that the Metropolitan police, the Reform School, and some other of the charitable institutions of this District are put in this common pool, or pot, as it may be called, and the expenses divided. But there are to-day a large number of institutions in this District the expenses of which are wholly paid by the United States, and, as my colleagues on the Committee on Appropriations will bear me witness, one of the difficult things we have to do in that committee is to decide whether or not the Government of the United States shall pay the whole of these appropriations or whether some of them shall be divided between the United States and the people of this District.

Mr. SHERMAN. I would ask the Senator from Iowa if I am not correct in this, that where the appropriations are all paid out of the general Treasury they are put in the miscellaneous or other bills?

Mr. ALLISON. Undoubtedly so.

Mr. SHERMAN. And therefore where the Government pays the whole of the expenses the item would not go into this bill?

Mr. ALLISON. Undoubtedly not. And that is just what I am trying to say, that the controversy with the District of Columbia is whether a certain appropriation ought to go into the sundry civil bill or whether it shall go into this District of Columbia bill, under which one-half the expense is paid by the District. The aim and effort of the people of this District is to throw off as much as possible of these expenditures upon what is called the sundry civil bill, so that they may be paid by the Government of the United States, rather than to include them in the District of Columbia bill, where one-half the expense is to be paid by the District of Columbia. One of the great controversies we have had in the Committee on Appropriations has been to decide whether or not this or that item of appropriation shall be divided fairly and justly between the Government and the District of Columbia or whether the whole of it shall be paid by the Government of the United States.

Mr. HARRIS. I should like to ask the Senator from Iowa, with his permission, if he intends to be understood that the Committee on Appropriations is the only committee of this body that can divide fairly and properly the expenditures as between the sundry civil and the District appropriation bills or as between the people of the District and the Government of the United States?

Mr. ALLISON. That is a most pertinent question put in a most polite way, and therefore I will answer the Senator from Tennessee that if I have intimated any such thing as he seems to suggest I have been mistaken in the words I have used. I know perfectly well that any committee of this body is capable of taking charge of the particular subjects assigned to it; and, as I stated in the beginning, I have no feeling in regard to this question, whether the bill now spoken of shall be given to the Appropriations Committee or whether it shall be given to the Committee on the District of Columbia. I have no doubt the latter committee will discharge the duty imposed upon it by this rule with fidelity if it is assigned there. I was only endeavoring to answer some of the suggestions made by the Senator from Ohio, that the Committee on Appropriations is responsible for the complaints made here by people with reference to this being done or that not being done. If the Senate will take note of the laws of Congress they will observe that the commissioners of the District of Columbia are required annually to make estimates to the Secretary of the Treasury of what streets ought to be improved and the character of improvement to be made. We have had in the Committee on Appropriations no discretion as to whether the street paving shall be on East Capitol street or whether it shall be on Fourteenth street, leading to the Soldiers' Home, where the palatial mansions of which we have heard are being reared. It is because we have had no discretion in these matters that we have had numerous complaints made against us in the committee-room and on this floor by Senators with reference to appropriations in this part of the city or that part of the city. I know perfectly well that the Committee on Appropriations, with reference to these local matters, is not able always to do what is wanted by different citizens of the District of Columbia. We have only endeavored in the best way possible to carry out the laws as we have found them on your statute-book. When the law requires that the commissioners of the District of Columbia shall make an estimate of what streets shall be improved and the amount required to be appropriated we have never exercised any judgment whatever with respect to the matter except to cut down the total sum.

Now, as a matter of course, if appropriations can be shifted from the District of Columbia over to the Government of the United States by any process, more money can be used in ornamenting and decorating

this city, because the amount raised by taxation is a fixed sum, and we are required to appropriate an equal sum; and therefore if some charitable association is appropriated for wholly out of the Treasury, it leaves one-half of that sum in addition to the sum raised by taxation and appropriated in the regular District bill to go to the decoration and ornamentation of this city. Of course the Committee on the District of Columbia will be as careful of these things, possibly more careful of them, than has been the Committee on Appropriations.

Now, one word with reference to the allegation that there are no laws as to the subject of appropriations in this District. With the exception of streets and alleys and sewers the estimates are as particular and as definite for every officer of the District of Columbia as they are with reference to every officer of the United States as defined by law. Of course with regard to streets and alleys and sewers there can not be any fixed sum, because it rests and must rest in the discretion of the two Houses of Congress.

I wish to say a word further with reference to this rule in connection with this and other appropriation bills. It is said that it is the disposition of the Committee on Appropriations to aggrandize to itself power in this body and to ingraft upon its bills legislation. I ask any Senator whether the Committee on Appropriations has in a single instance within the last two years reported legislation upon appropriation bills? I know of no instance. We have resisted it everywhere and as firmly as we could. Unfortunately (and I regret it exceedingly) the committee that has taken care of these local matters in the District of Columbia did not address itself more particularly to this great embarrassment in this rule. They have made no modification of the rule with respect to the very thing which gives us the most trouble in the Senate. They have reported the old rule here, *verbatim et literatim* I believe, which refuses the privilege of putting legislation upon appropriation bills in this body. We have the singular paradox of coming into the Senate with appropriation bills loaded down with legislation that comes from the House of Representatives, put there under the rules of the House and sent to us for consideration and action; and yet we stand here without the power of amending this legislation in a single particular. They have tied us up by these rules so that we can not amend legislation in an appropriation bill, although that bill may come here checkered and cross-barred with legislation on every page and every line.

Mr. SHERMAN. If my friend will allow me—I do not see the chairman of the committee in his seat and I see one of the members of it in the chair—I will state that the difficulty in regard to legislative amendments to appropriation bills grew out of the action of the other House. We can control so far as our amendments are concerned; the Senate can control itself under our present rules but can go no further. The matter the Senator speaks of is provided for in the joint rules. They are a part of this report and will have to be considered in connection with the other House.

Mr. ALLISON. So I understand.

Mr. SHERMAN. The subject has not been overlooked. The Committee on Rules agree with the Senator as to the importance of a change in the rules of the House, and in the joint rules reported I think we have made provisions that if adopted by the two Houses will cure the whole difficulty heretofore experienced.

Mr. ALLISON. Then there seems to be no necessity for the iteration and reiteration of the statement that the Committee on Appropriations is constantly aggrandizing power, when it has stood up here resolutely for the last two years and resisted legislation upon appropriation bills when the legislation has been proposed in the Senate, and did not during the last Congress undertake to amend legislation that was sent to us from the House.

I believe from my knowledge (which is limited, I admit) and my experience in reference to this matter that it is not wise to segregate this appropriation bill from the other appropriation bills. The District of Columbia bill is a child. It is only two or three years old. Until the last three years the appropriations for the District of Columbia were always embodied in what is known as the sundry civil bill. The District appropriation bill is a new bill. It is the latest and newest of all the appropriation bills. Now it may be wise, I do not say that it is not—indeed I would not undertake to say from my position that it would not be wise—to abolish the Committee on Appropriations and send each and every one of the appropriation bills to the respective committees having charge of the subjects to which they relate. It is not for me to say that. I do not know but that that would be wise. I think my friend near me [Mr. INGALLS] would concur in that, because he certainly is of opinion that this particular matter can best be cared for by the Committee on the District of Columbia. I do not say that it can not be; but it does seem to me that the argument which would submit this bill to the Committee on the District of Columbia would also turn over the Army appropriation bill to the Committee on Military Affairs, the naval appropriation bill to the Naval Committee, and so on. I have no care about it; it will be a great relief to the Committee on Appropriations to have this bill considered by the District of Columbia Committee, though I do not think it wise to do so.

Mr. INGALLS. Mr. President, the question about the expenditures for the increase of the water supply of the District was raised by the Senator from Delaware; and the suggestion was made in response to him, by the Senator from Iowa I think, that the Government paid the entire expense of that improvement. It is true that in the sense of advancing the money to pay for it the Government is to pay the entire expense; but the proviso in connection with the passage of the bill was this:

> That one-half the cost of said improvement, excluding the fish-way, shall be annually computed and stated by the Treasurer of the United States, and charged to a capital account on the books of the Treasury, and that interest at the rate of 3 per cent. per annum thereon shall be annually computed and charged to said account, and that any surplus of water-rents over and above the expense of maintaining the works and appendages and paying the charges for interest and sinking fund for the redemption of outstanding bonds heretofore issued for the extension of said water-works in the city of Washington shall be paid into the Treasury of the United States by the officer who may be charged with the collection of the same, and credited to the account thus created, until the same shall be finally extinguished; and the water-rents shall be so regulated from time to time as to be at least sufficient to pay the expenses of maintaining the said works and appendages and the interest on the capital account created in accordance with this provision in addition to charges now imposed thereon by law. After the extinguishment of said account and until further action by Congress the surplus water-rents shall be paid into the Treasury of the United States.

So it is the intention, and was the purpose in the passage of this law, to compel the payment of one-half the entire expense of increasing the water supply of the District by the consumers by reason of the sinking fund that is to be created from the excess of water-rents, and the commissioners are directed to fix the water-rents so as to provide for this sinking fund that shall entinguish one-half of the cost of this improvement. The Government, therefore, pays one-half of that improvement and the residents of the District pay the other half in the way that I have suggested, by the payment of their water-rates, which are so computed as to form an excess over and above the operating expenditures that shall constitute a sinking fund which shall ultimately extinguish one-half of the entire amount appropriated.

Mr. ALLISON. Does the Senator from Kansas think that is a very hard provision in view of the fact that the United States to-day is paying one-half of the interest on a debt of this District and this city of more than $30,000,000 and providing one-half of the sinking fund which shall extinguish that principal of $30,000,000?

Mr. INGALLS. The Senator from Iowa will not divert me from the consideration of this question by any appeal to prejudice in consequence of the fact that the Government pays a large amount upon the capitalized debt of this District. I do not think the Government pays a half of what it ought to pay in this District. When the contest came up in 1878 as to the relative position occupied by the Government and the people here and the question of taxation was considered, I resisted the effort that was made to compel the payment of 50 per cent. by the people of this District. They ought not to be asked to pay one-half of the expenses of this District. It is an outrage upon them. The expenses here are enormously in excess of what would be required in an ordinary municipal corporation. The width of the streets, the parks, the expenditure of water for ornamental purposes, everything that is done here is on a gigantic scale, and I believe the Government ought to pay 75 per cent. of the taxes here. I think it would be equitable, it would be just.

Mr. BAYARD. May I suggest to the Senator another fact, that the people of this District have no voice in their own government?

Mr. INGALLS. I am very glad they have none. That experiment was tried sufficiently. We had popular government and universal suffrage here, and the result was an expenditure that was not entirely satisfactory either to the Government or to the tax-payers; and when the fathers and founders of the Republic declared that the United States should have exclusive jurisdiction over the District where the Federal capital should be located, I think it was a very wise provision to exclude popular suffrage as an element in the government of that District.

But I was saying a word about the expenditures of this District in response to a remark made by the Senator from Iowa, evidently in the *ad captandum* spirit, to show that there ought to be still further limitation because there had hitherto been extraordinary expenditure; and upon that point I will make another observation, Mr. President.

There has been a great deal of animadversion in this country upon the expenditures that have been made in this District for the improvement of the streets and for other public works which have been carried on at the expense that has been named by him. I regret, sir, that more was not expended. I will say in response to the Senator from Iowa that there never has been $30,000,000 expended in this country in public improvements that was expended more to the satisfaction of the people of the entire country, and there never has been $30,000,000 expended for which there is more to show than there is for that; and these men who have been maligned, and who have been aspersed, and who have been vilified and pursued by newspaper detraction and held up and pilloried as deserving of public execration are benefactors of this community, and instead of being denounced and decried they deserve approbation, and they ought to have, and they will have yet, monuments erected in their memory.

I am no believer in a niggardly policy about this District and about this city. I believe in the widest possible beneficence and generosity. We have exclusive jurisdiction here, and this was intended to be the

national city. It ought to be in all its appointments a fitting representative of the wealth, of the taste, of the grandeur of this people; and the Senator from Iowa will not obtain public approbation by advocating, even in an indirect way, the policy of niggardliness in appropriations made here by the Government.

I stand here in no sense whatever as the apologist for what has been done, but as the advocate and defender of it, and to say that I regret that the system of improvements which was marked out by the men who have been hitherto execrated was not carried out to its fullest extent. It would to-day have been a benefit to this people, it would have been an honor to this country, if $50,000,000 had been expended rather than $30,000,000. There is not a citizen of this country who knows this District, who knows what it is here for, who would not willingly contribute his share of the expense necessary to pay the interest upon that debt.

The Senator from Iowa attempted also to correct me in another particular, and stated that the courts of this District were entirely paid for by the Government. When I said that the police court was an exception, he endeavored to avoid the force of my observation by saying that that was paid out of fees. Now, mark how plain a tale shall put the chairman of the Committee on Appropriations down. On page 141 of the laws of the United States for the first session of the Forty-seventh Congress, under the head of "courts," is one paragraph, which I will not read in detail, but in which the aggregate in all is $12,918 that is appropriated for the purposes of that court alone; and when the Senator states that it is paid for from fees he shows an additional reason why the appropriation bill for the District of Columbia should be referred to a body that has information upon these subjects.

As the Senator from Delaware appeared to be somewhat uncertain as to the fact that the appropriation was half paid from the revenues of the District, let me read the enacting clause of the appropriation act:

Be it enacted, &c., That the half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia.

Then follows the whole list of objects for which appropriation is made, including the Aqueduct, the institutions of charity, reformation, and prisons, the general expenses for the payment of the salaries of the officers, for the streets of the city, for the Metropolitan police, for the fire department, for the courts, for the public schools, for the markets, and miscellaneous expenses, including the health department, the interest on the sinking fund, and the water department.

Mr. President, I have no interest in this matter other than that of a friend of this District. I am a believer in the city of Washington as the great national city. There are 160,000, or, it may be, 180,000, people located within this territory over which the Government of the United States has exclusive jurisdiction by the Constitution. It was designed as a place for the seat of Government, and I think that when the framers of the Constitution and the founders of the Republic decided that they would have a Federal city, and that it should not be located in any great commercial or manufacturing metropolis where there are liable to be vast numbers of unemployed people to whom appeals might be made in cases of great popular excitement, they did well. The revolutions in France have been more frequently due to the presence of a vast excitable and unemployed population in Paris than to any other one fact in their history. I venture to say that if in 1876 and 1877, during the great contest over the disputed Presidential election, the seat of the Federal Government had been in New York, or in Philadelphia, or in Baltimore, where great masses of people could have been appealed to, the danger of a civil war or a revolution would have been increased a thousand-fold. It is a protection to this Government, it is one of the safeguards of our institutions, that this seat of government is located in this place over which Congress has exclusive jurisdiction.

These people, as the Senator from Delaware has said, have no voice practically in the disposition of their revenues. They are tax-payers; they own vast amounts of property here; and taxes are levied upon them by Congress, by a power superior to them, over which they have no control, and to which they can make no appeal, except through the committee in either House of Congress created for the purpose of advising upon the subject of the government of this District.

I have no observations to make upon the conduct of the Committee on Appropriations. It is an able committee, but that it has absorbed to a very great extent the functions of all the committees of this body I think goes without saying. It assumes to pass upon matters that are never referred to the appropriate committees and that are left until the very close of the session, when there is no possibility of consideration by the appropriate committees; and then they are precipitated upon us and we are compelled to vote "yea" or "nay" under the menace that if we do not vote "yea" or "nay" the necessary appropriations will be prevented. Sir, that is wrong, utterly wrong; and the reasons which have been presented by the Senator from Ohio and others who have spoken upon this subject in favor of permitting the Committee on the District of Columbia to report upon this bill are overwhelming.

I know that there are "enterprises of great pith and moment" here that are "turned awry" every session of Congress because the Committee on Appropriations is not advised about what is necessary. Take the great Boundary sewer here, that is intended to discharge all the surface drainage that comes from the north, on the one side toward Rock Creek and on the other toward the Eastern Branch, so as to prevent that accumulation of water coming from the rainfall which has hitherto filled up the sewers and prevented the proper drainage of the city. Insufficient appropriations have been made, the work has been delayed, the health of the city has been imperiled, great sanitary conditions have been disregarded, simply because the Committee on Appropriations refused to permit the necessary amounts to be reported by that committee, and why? Because they did not know anything about the necessity of the work; they could not know anything about the necessity of it. It is for the Committee on the District of Columbia to examine into these questions and to report what legislation in their judgment is necessary. I say it is not only appropriate, but it is no increase of the powers of that committee. I would not, as the Senator from Arkansas intimated, have the Committee on Appropriations emasculated; I would take no step in that direction; but I believe that the interests of 180,000 people would be promoted by such a course; and I believe further, that the interests of the Government would be promoted. Inasmuch as this bill is one that does not come within the general purview of appropriations, inasmuch as there is an entirely new element introduced, the Senator from Iowa certainly can take no umbrage, because there is no stigma attached to his committee and no reflection upon his eminent services by the course proposed by the amendment offered to the rule.

Mr. ALLISON. I desire to say one word in response to the remarks of the Senator from Kansas. I stated when I was up before that the expenses of the courts of this District were paid by the United States. The Senator from Kansas, in his seat, said the police court was not so paid. At the moment I supposed it probably was the case, but a moment's reflection, with the law before me, disclosed what is true, that the police court is appropriated for in the District appropriation bill. But what I subsequently stated also remains true, that the police court of this District is self-sustaining; that it is not a charge either upon the District government or the Government of the United States; all the fines, penalties, forfeitures, and fees are paid into the District treasury. So that, with all my ignorance and want of knowledge, I happened to state the facts as they exist.

Mr. BECK. Mr. President, I happen to be a member of the Committee on Appropriations and have been for a good while, and as such I assure you that personally I care nothing about the District appropriation bill. The Senator from Tennessee [Mr. HARRIS], now the acting President of the Senate, struck the real point that has been put by every committee to the Committee on Appropriations when it insists that it ought to be allowed to look over those matters. He asked the question if the chairman of the Committee on Appropriations thought that other committees and other gentlemen on other committees were not as competent to do that work as they were. The Committee on Post-Offices and Post-Roads have demanded jurisdiction over post-office matters, and have put the same question. The chairman of the Committee on Naval Affairs has asked the same question, and done it in the same way; and so the Senator from Kansas tells us we did not understand all about that sewer. We were told by the Naval Committee: "You do not as members of the Appropriations Committee understand anything about the steel vessels we ought to build, and the thousand things that we learn on our committee." So the chairman of the Committee on Post-Offices and Post-Roads tells us: "Our intercourse with the Post-Office Department has given us information that you gentlemen can not have;" so say the Military Committee; so say all.

This is the beginning of a raid on the Appropriations Committee that if allowed to proceed can not be resisted, because each committee will claim that it has special knowledge and special information that the Committee on Appropriations does not have and can not have, because of the intimate relations of the various committees with the different Departments; and it will end in abolishing the Committee on Appropriations substantially. Perhaps that may be a good thing to do. It is a good way to get money out of the Treasury; there is no doubt about that.

Each committee of the Senate very properly is constituted so as to be the adviser of the particular Department whose interests are committed to its care. The Committee on the District of Columbia is composed of as good men as any other committee, for we are all alike good; and it is a rule that the men representing the States and districts nearest to the District of Columbia are always as a matter of right placed upon that committee. Why? Because they are supposed to be the special friends of the District.

Mr. GROOME. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. BECK. I really prefer, as this is an important subject and is going to be very far-reaching before we are through with it, that we should adjourn till after the holidays, and think about this matter, or pass it over along with the other matter that was passed over until it can be further thought of. Therefore I yield to anybody.

Mr. ALLISON. I ask unanimous consent that the rule which we are considering now, relating to appropriations, be passed over until the remaining rules have been considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa that the rule now under consideration, No. 17, be passed over until the other rules have been considered and acted upon? The Chair hears none, and it is so ordered.

SURRENDER OF WASHINGTON'S COMMISSION.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 65) relating to the surrender by George Washington of his commission as commander-in-chief of the patriot forces of America; in which it requested the concurrence of the Senate.

Mr. GROOME. I ask that the joint resolution be read at length at the Clerk's desk for the information of the Senate.

The PRESIDING OFFICER. If there be no objection, the Chair will lay before the Senate the joint resolution just received from the House of Representatives.

The joint resolution (H. Res. 65) relating to the surrender by George Washington of his commission as commander-in-chief of the patriot forces of America was read the first time at length, as follows:

Whereas on the 23d day of December, A. D. 1783, at the city of Annapolis, in the State of Maryland, George Washington surrendered his commission as the commander-in-chief of the patriot forces of America; and

Whereas that act of patriotic devotion to the principles of the Revolution, the success of which established the independence of the Colonies and secured the liberties of the people of the United States, is deserving of special recognition upon the centennial return of that memorable event: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, requested to issue a proclamation, recommending the people, either by appropriate exercises in connection with the religious services of the 23d instant, or by such public observances as they may deem proper on Monday, the 24th instant, to commemorate this signal event in the history of American liberty.

SEC. 2. That the President be, and he is hereby, requested to order the national salute to be fired from the various forts throughout the country on Monday, December 24, 1883.

Mr. GROOME. The House of Representatives having passed this joint resolution, and it being clear from its terms that it will fall to the ground unless acted upon to-day, it seems to me but courteous to the other House that I should ask that the Senate at this time proceed to its consideration. I ask unanimous consent that it may be now considered without displacing the business before the Senate.

By unanimous consent the joint resolution was read the second time, and considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed

TEXAS AND PACIFIC RAILROAD LAND GRANT.

Mr. VAN WYCK. I ask that the Executive communication on the President's table be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the following communication, which was read:

DEPARTMENT OF THE INTERIOR,
Washington, December 20, 1883.

The honorable the President of the Senate pro tempore:

SIR: In answer to Senate resolution of the 13th instant I have the honor to transmit herewith copies of all papers on file in this "Department relating to the attempted transfer by the Texas and Pacific Railroad Company of its land grant to the Southern Pacific Railroad Companies of Arizona, New Mexico, and California; also copies of any memorials, briefs, or letters relating to the matter of land grants or subsidies to said Texas and Pacific Railroad." I may add that no action has been taken by this Department on the subject.

Very respectfully,

H. M. TELLER, *Secretary.*

Mr. VAN WYCK. I ask that the communication and accompanying papers be referred to the Committee on Public Lands.

The PRESIDING OFFICER. If there be no objection they will be so referred.

Mr. INGALLS. And printed.

Mr. VAN WYCK. I have no objection to their being printed, but there may be some papers which are very voluminous which it might not be necessary to print. However, if the Senator desires it, let them be printed.

Mr. INGALLS. Let them be printed.

The PRESIDING OFFICER. Does the Senator from Kansas desire the order to print to be entered?

Mr. INGALLS. Yes, sir.

The PRESIDING OFFICER. The communication and accompanying papers will be printed.

ADJOURNMENT TO MONDAY.

Mr. GROOME. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland that the Senate do now adjourn. [Putting the question.] The ayes have it; and the Senate stands adjourned until 12 o'clock Monday next. [A pause.] The Chair desires to call the attention of Senators before they depart from the Chamber to the fact that while the Chair understood that the Senate would adjourn over from to-day until Monday, the Secretary informs the Chair that no such resolution is of record. Such was the understanding of the Chair and the Chair so announced, but the Chair would rather follow the record than follow his own understanding.

Mr. INGALLS. I move that the Senate now adjourn until Monday, at 12 o'clock meridian.

The PRESIDING OFFICER. The Chair, assuming that by unanimous consent the former announcement of adjournment was reconsidered, will put the question on agreeing to the motion of the Senator from Kansas, that the Senate now adjourn until Monday, at 12 o'clock meridian.

The motion was agreed to; and (at 3 o'clock and 57 minutes p. m.) the Senate adjourned until Monday, December 24, at 12 o'clock, meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 20, 1883.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

CALL OF STATES FOR THE INTRODUCTION OF BILLS.

Mr. RANDALL. Mr. Speaker, at the request of many members on both sides of the House I ask unanimous consent that, after disposing of the reports of the Committee on Rules, the States may be called for the introduction of bills and joint resolutions as on Mondays. Gentlemen are here who desire to leave for the holidays, and wish to have their bills presented to the committees of the House before going. I do not suppose there will be any objection.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that after the House has disposed of the report already made by the Committee on Rules—or does the gentleman refer to the several reports to be made by the committee?

Mr. RANDALL. Yes, sir; after the entire subject is disposed of.

Mr. CALKINS. Will the gentleman from Pennsylvania listen to a suggestion? It will take some time to call the States, and I ask that he modify his request, that the Speaker, by unanimous consent, receive bills from any member who has them in his possession and desires to present them.

Mr. RANDALL. I am quite willing, as that accomplishes my object. It would accomplish the same thing, but I think the method which I have suggested would save confusion.

Mr. CALKINS. The only reason I made the suggestion was for the purpose of saving time.

Mr. RANDALL. I am disposed on reflection not to accept the suggestion of the gentleman from Indiana, and hope that he will not insist upon it.

The SPEAKER. The Chair thinks it will not save time to adopt the suggestion of the gentleman from Indiana. The more speedy method will be by calling the States.

Mr. CALKINS. Then I withdraw the suggestion.

The SPEAKER. The Chair will submit the request of the gentleman from Pennsylvania to the House. Is there objection, after disposing of the report from the Committee on Rules, to the call of States and Territories for the introduction of bills and joint resolutions?

Mr. COX, of North Carolina. I object.

ADDITIONAL FUND FOR FOLDING-ROOM.

Mr. BLACKBURN. Mr. Speaker, I desire to ask unanimous consent of the House to submit for passage the resolution that I send to the Clerk's desk, which I will ask to have read, and just state the facts connected with it in one moment.

The SPEAKER. The Clerk will report the resolution, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That there be paid out of the contingent fund of the House, under the direction of the Doorkeeper, the sum of $1,420, or so much thereof as may be necessary, for the rental value of a building to be occupied by the folding department of the House and for the expense of transportation of public documents for the use of the House for the ensuing fiscal year.

Mr. BLACKBURN. Mr. Speaker, allowing the right of objection to remain with every member of the House, I will only say that is a proposition to cover expenses after the 1st day of January for the rent of the building used for the folding-room of the House and for the transportation of documents and the hire of a horse and driver. Hitherto the appropriation has been made to run with the fiscal year, for years past, until the sundry civil bill of last year, which I hold in my hand, in which a provision was incorporated, which will be found on page 34, for this purpose, extending the appropriation only up to the 1st day of January. This House will not be in session on the 1st of January. The public documents of the Government will not have any building in which to be stored, nor will there be any provision made for their care or custody, or for the hire of a horse engaged in the transportation of them, unless this temporary relief be accorded by the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the reso-

lution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL PAY TO DISCHARGED EMPLOYÉS.

Mr. GEDDES. Mr. Speaker, in offering the resolution relating to the compensation of discharged employés of the House on yesterday I must confess that I was surprised to hear an objection to it come from this side of the House. One consideration alone would lead my judgment to support this proposition. I think it ought to be passed without a dissenting voice. If an objection exists, now is not the time to interpose it. If it stood here as an original proposition, I am free to say that I should oppose it. But I could not under existing circumstances interpose my voice or my vote against the passage of this resolution. That one consideration is this: For six years the Democratic party had power in this House. The other side of the House was in the minority, but they generously, cheerfully awarded to Democratic employés the compensation provided for by this resolution. We stood ready, and not only ready, but cheerfully and joyfully accepted the gift. In the last Congress, when they had the majority and we were in the minority, it was again tendered and accepted by this side of the House. Now we come again into the majority and they are in the minority, and their employés, our employés, the employés of this whole country, are asking this little pittance of award at our hands, and I say no objection should come from the Democratic side of the House.

If at another time, when we are even on this question, it comes up as an original proposition I may be found voting against it; but I do not want to be regarded as joining in any game of "heads I win, tails you lose."

Mr. BLOUNT. I would like to ask the gentleman from Ohio a question. Does he want the House to understand that the extra compensation given to employés began with the Forty-fourth Congress? Does he not know it is true that the practice antedated that many years?

Mr. GEDDES. I say this, that the first opportunity that Democratic employés had to receive this extra compensation they received it.

Mr. BLOUNT. I did not want the gentleman to put this side of the House in the attitude of having inaugurated this matter, which was the fair inference from what he stated.

Mr. GEDDES. I do not desire to be so understood. I only desire to be understood as saying that having accepted this extra compensation, we ought not now decline to give it.

I believe this objection came in the real spirit of economy, and I join most heartily in that. I want to be numbered among the strictest of that sect; but there are occasions for the application of that principle, and there are other times when we would be suspected of sheer humbuggery when we talk about it. I want no sham; I want it real when it comes; I want to begin at the bung-hole. I am unwilling to allow as mere incidental expenses to the executive department, to the President of the United States, $75,000 and allow these poor boys to go home paying their own fare.

Mr. MCMILLIN. Mr. Speaker, as my friend from Ohio [Mr. GEDDES] has gone so extensively into the merits of this question, I feel that it would not be inappropriate for me to give the reasons why I asked that the resolutions be printed in the RECORD and be considered with something more of deliberateness than was about to characterize us yesterday evening. I agree with him in that spirit of economy that he says he is going to enter upon. But it is proper for us to understand what the custom of the House has been, and I undertake to say that the gentleman has not presented accurately the custom. As he states, there has been an extra month's pay given as a customary thing to the employés of the House at the end of the session through which they have served; and the employés that are sought to be reached by this resolution got that extra month's pay at the close of the last session of Congress. That will not be denied. At the last Congress, for the first time so far as I have been able to see, a resolution went through giving to the discharged employés of the class that are affected by this resolution one month's extra pay. I have searched the record, and have searched it in vain, for any instance in which it was done prior to that time.

Mr. GEDDES. I trust the gentleman will, right in that connection, make the necessary explanation, because it might be inferred from what he has said that this is not in substance the same resolution as has been adopted heretofore. I admit that in the last Congress and now again one class of employés have been added who are not included in the former action of the two Houses; but that is an unimportant matter, and, so far as I care, they may be stricken out. That does not reach the main body of employés. That runs back also of the time to which I have referred.

Mr. MCMILLIN. The custom of paying a month's extra pay at the close of the session through which employés have served has run back for a number of years; but that of paying those who were discharged and did not serve through a session I believe has not been a custom heretofore. That is the distinction which I desire to draw, and I simply wanted to state the facts to the House. Let the House act upon them as they see fit.

Mr. REAGAN addressed the Chair.

Mr. KEIFER. I desire to ask the Chair if this resolution is up for consideration?

The SPEAKER. It was offered yesterday, and on objection being made, was allowed to go over until to-day.

Mr. KEIFER. Then it is now up for consideration?

The SPEAKER. It is.

Mr. REAGAN. We are here not representing ourselves, but representing our respective constituencies. We are here not making charitable donations of our own money, but voting away money of other people. Our experience has been that in public bodies like this there is great liberality generally indulged when men are engaged in voting away the money of other people. When they are called upon to pay money out of their own pockets they are not inclined, perhaps, to be so liberal.

I do not care what the precedents have been. The custom has been wrong from the beginning, and there never can be a better time to correct it than now. We employ men under the law, specifying what their compensation shall be, and upon that understanding they enter upon the discharge of the duties of the offices which they fill. It is in the nature of a contract between the Government and them that they shall receive so much compensation. Then we propose after they have received that compensation to make a donation of an additional amount. Why should this be done? These men get ample compensation for the services rendered; so ample that whenever the House is to be organized there is a scramble sufficient to disgust any man on earth for these positions. They are not compelled, as my friend suggests, to take this compensation. They take it from choice, and they are well paid for their services. But we can point to a million of men in this country not receiving anything like such compensation, and who perform not such easy service as this, but who perform toilsome manual labor. If you hire them at ten dollars or at twenty dollars a month, when the year expires or the six months expire you do not propose to give them out of your pocket a month's additional wages, although they are not like these men who have already received one month's additional wages; but you tell them, "There is your pay according to your contract; that is fair between us."

It may be that this may be thought one of the ways of reducing the surplus which now so encumbers the Treasury. But if we wish to teach our people to plunder the Treasury, if we wish to teach them that they are to obtain something for nothing, which is one of the great heresies of our age, such resolutions as this is the way to teach them to go into a scramble in order to draw from the Treasury something that does not belong to them, and to produce a condition of demoralization and dishonesty which is eating into the very vitals of this Government—of every department of it, executive and legislative, if not judicial.

I have no hope of resisting successfully the passage of this resolution, for it is other people's money that we are giving away. We propose, without consideration, without justification, to make ourselves exceedingly pleasant to some people by giving other people's money to those that are around us here. I have thus stated briefly some of the considerations that will induce me to vote against this resolution and to hope most sincerely that it may be defeated.

Mr. GEDDES. Will the gentleman permit me to ask him one question?

Mr. REAGAN. Certainly.

Mr. GEDDES. I wish to ask the gentleman if he has considered one thing, that I have no doubt originally and all along the line has influenced the members of this House? That is, that the employés of the Senate have been receiving a much larger compensation for less work than the employés of the House.

Mr. REAGAN. I have not thought of that just now and in this connection; but I have thought of it on several occasions most seriously. I have felt that it was a disgrace to this House that it consented to a law which permitted the employés of the Senate to receive so much more than the employés of the House, although we are paying our own employés most liberally. That, however, is the fault of the Senate, and if they can answer to their constituents for that fault they may do so. I do not propose to imitate their example and plunder the Treasury for the benefit of friends or partisans.

Mr. KEIFER. I simply desire to state, so that gentlemen may not suppose that we are voting away large sums of money by this resolution, that the class of persons the honorable gentleman from Tennessee [Mr. MCMILLIN] speaks of as being included in this resolution for the second time only——

Mr. COX, of North Carolina. Will the gentleman permit me to offer an amendment and have it read?

Mr. KEIFER. I will do so.

Mr. COX, of North Carolina. I do not propose to discuss it.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Add the following:

"The provisions of this resolution shall not apply to employés of this House on the annual roll who entered into its service within one month of the close of the last session."

Mr. KEIFER. I was about to state what I think is true so far as this resolution is concerned, that this is the second time that a resolu-

tion has been introduced into this House that included extra pay for the Capitol police. I think the last Congress passed a resolution of that kind for the first time. That is the class of persons referred to by the gentleman from Tennessee [Mr. MCMILLIN] as being included in a measure of this kind for the second time only.

In order that gentlemen may not be distressed about this matter I will state that I am just informed that no member of the Capitol police has yet been discharged, and therefore this resolution would not apply to that class of persons. I am not prepared to say that it would be well to strike them out. There may have been one discharged, but I think not one has been yet discharged. That being the case, this resolution will therefore not appropriate any money for them.

Mr. REAGAN. Does the gentleman say that none of the Capitol police would receive money under this resolution?

Mr. KEIFER. None of them would receive it unless they had been discharged from service by a certain day. I think there has been no one yet discharged, though there may have been one.

And it was suggested by the gentleman from Tennessee [Mr. MCMILLIN] that a month's extra pay was given to the employés of the House at the close of the last Congress. But the gentleman ought to have said that that was only usual and ordinary. At the close of the Forty-sixth Congress we had one of the most remarkable struggles between the House and the Senate over that very question. When the conferees on the part of the House on an appropriation bill came into the House and reported that the Senate would not allow the one month's extra pay for the House employés, and they had agreed to strike it out, this House rejected the conference report and referred the matter to a new conference committee. And then, upon my motion, a resolution was adopted instructing our conferees to go back to the Senate and say that the House would never agree to a report unless the extra month's pay was given to the employés of the House. The conferees did as they were ordered by the House, it was agreed to, and the House employés were paid. The gentleman from Georgia [Mr. BLOUNT] knows very well what that struggle was.

Mr. BLOUNT. I recollect very well the contest to which the gentleman refers. That compensation was allowed in order to equalize the salaries of the employés of the Senate and the House.

Mr. KEIFER. And that was what it was given for at the last session.

Mr. GEDDES. I now call the previous question.

Mr. COBB. I want to make an inquiry.

Mr. GEDDES. I will yield for a question.

Mr. REAGAN. Allow me for a moment to refer to a statement made by the gentleman from Ohio [Mr. KEIFER] in regard to the Capitol police.

Mr. GEDDES. Certainly.

Mr. REAGAN. I see by reference to the resolution that it provides—

That the officers and employés of the House, including the Capitol police who were employed on the 3d day of December, 1883, and who have ceased or who shall, prior to the 1st day of February, 1884, cease to be employed, &c.

That would include all who might be discharged before the 1st day of February.

Mr. COBB. I desire to inquire of both the gentlemen from Ohio [Mr. GEDDES and Mr. KEIFER] concerning one thing. I understand the fact to be that the Doorkeeper of the last House, who had a large number of employés under him, at the close of the last session of Congress turned off those employés who had been actively engaged in the service of the House during the last session of Congress and put new men in their places, who performed no duty whatever during the summer months and until the meeting of the present Congress.

Now, if those men or employés are to be paid this month's extra compensation I think it would be unjust, I think it would be not right to pay them. I understand it to be true that after turning off those who had actively performed service during the last session of Congress these men were put in their places and have performed no service whatever.

Now, is this a fact? I understand it to be true; and I understand that the Doorkeeper gave employment to a person interested with him in business by turning off another party, and that the person thus appointed performed no service whatever. Yet under this resolution, as I understand, that man would get the benefit of the additional pay. If this is the fact it is not right. This matter ought to be looked into and not passed hastily. Of course what I have stated as my understanding I do not know to be true, but I have learned it from such a source that I believe it to be true, and unless it is denied I shall take it for granted that it is the fact.

Mr. KEIFER. I know nothing about it.

Mr. GEDDES. As this question has been raised, I desire simply to say I have assumed that these officers performed their duty, judging from my knowledge of the practice of the Democratic party. If anything of the kind charged has occurred, I hope some member of the household on the other side will make it known. But I protest against allowing this entire proposition to go over or to be trodden under foot by a mere naked charge unsupported. Unless this charge is admitted to be true, I insist upon immediate action on this resolution.

Mr. BLOUNT. I ask the gentleman to yield to me for a moment or two.

Mr. SINGLETON. I hope the gentleman will yield to me for a few moments.

Mr. COBB. I wish to move an amendment to this proposition.

Mr. GEDDES. I move the previous question.

Mr. COBB. I presume the gentleman from Ohio [Mr. GEDDES] will not take me off the floor.

Mr. GEDDES. I have moved the previous question and yielded to the gentleman from Indiana for the purpose of making an inquiry. He took his seat and now rises under the advantage I then gave him.

The SPEAKER. The Chair understood the gentleman from Ohio to demand the previous question——

Mr. GEDDES. I did.

The SPEAKER. And he suspended for a moment in order that some gentleman might propound a question to him.

Mr. GEDDES. I would be very glad to yield, but half a dozen other gentlemen have made similar requests.

Mr. SINGLETON. I am required to give my vote on this proposition, yet am not permitted to state my reasons.

The SPEAKER. Does the gentleman from Ohio insist on the call for the previous question?

Mr. GEDDES. I do.

Mr. SINGLETON. Then I shall have to vote against the resolution.

Mr. GEDDES. I shall regret that.

The SPEAKER. The gentleman from Ohio demands the previous question on the resolution and includes in the demand, as the Chair understands, the amendment offered by the gentleman from North Carolina [Mr. COX].

The previous question was ordered, there being—ayes 101, noes 74.

Mr. REAGAN. I ask whether it is not in order now to move to commit the resolution?

The SPEAKER. With instructions.

Mr. SINGLETON. I desire to call for the yeas and nays on the adoption of the resolution.

The SPEAKER. Does the gentleman from Texas [Mr. REAGAN] make a motion to commit with instructions? The rule permits such a motion to be made pending the demand for the previous question or after it has been ordered.

Mr. REAGAN. Then I move that the resolution be referred to the Committee on Accounts, when appointed, with instructions to report at as early a day as practicable.

Mr. COBB. I ask the gentleman from Texas to accept as an amendment this provision: that the committee be instructed to inquire whether persons were employed immediately upon the close of the last session, and if so, that the committee be instructed so to amend the resolution that such persons shall not receive this extra pay.

Mr. REAGAN. I will accept that amendment.

The SPEAKER. The proposition had better be reduced to writing.

Mr. CALKINS. While that is being done I desire to ask unanimous consent to submit, in order that it may go with the resolution and take whatever course it takes, a provision to allow one month's extra pay to Judge Clisbee, our old reading clerk, who was stricken with paralysis during the last Congress. I think gentlemen on the other side will remember the circumstances of the case and will make no objection to having this proposition included.

Mr. PETTIBONE. I hope it may be included. Judge Clisbee is now a physical wreck; he is dying at this time as a consequence of overwork which he did during the last Congress.

Mr. CALKINS. I ask unanimous consent to submit the proposition, that it may go with this resolution as an amendment.

Mr. GEDDES. I object. There are half a dozen other amendments which gentlemen here desire to offer; and I have refused to admit any of them. I do not think this resolution ought to be lumbered down with amendments.

Mr. CALKINS. Let it go with the resolution and take whatever course the resolution may take.

Mr. GEDDES. It will do no good.

The SPEAKER. The motion of the gentleman from Texas [Mr. REAGAN], as now reduced to writing, will be read.

The Clerk read as follows:

That the resolution be committed to the Committee on Accounts, and that the committee inquire and report to the House whether there were persons turned out of their positions at the close of the last session of Congress, and others put in their places who have performed no service.

Mr. REAGAN. I think the words "by the Doorkeeper" should be inserted after the words "turned out of their positions."

Mr. GIBSON. Let it stand as it is.

Mr. COBB. Do I understand that it is proposed to insert the words "by the Doorkeeper?"

The SPEAKER. The motion as read has not been changed.

The question being taken on agreeing to the motion of Mr. REAGAN, there were—ayes 118, noes 54.

Mr. KEIFER. I demand the yeas and nays.

The yeas and nays were not ordered, one-fifth not having voted in favor thereof.

So Mr. REAGAN'S motion to recommit with instructions was agreed to.

Mr. REAGAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORRECTION OF ERROR IN RESOLUTION.

Mr. BLACKBURN. Mr. Speaker, I rise for the purpose of moving the correction of a clerical error in a resolution passed by the House just a moment ago, and it is to strike out the word "ensuing" and in lieu thereof to insert the words "current fiscal year." As it is, with the clerical error uncorrected, the resolution is now valueless.

The SPEAKER. If there be no objection the Clerk will read the resolution as it will be when corrected.

The Clerk read as follows:

Resolved, That there be paid out of the contingent fund of the House, under the direction of the Doorkeeper, the sum of $1,420, or so much thereof as may be necessary, for the rental value of a building to be occupied by the folding department of the House and for the expense of transportation of public documents for the use of the House for the current fiscal year.

There was no objection, and the correction was made accordingly.

HOUSE COMMITTEES.

Mr. BLACKBURN. Mr. Speaker, I am directed by the Committee on Rules to report back a substitute for the resolution submitted to them on yesterday and to move that the substitute be adopted.

The SPEAKER. The Clerk will read the report of the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to which was referred the following proposed amendment to Rule X, viz—

"1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, viz:

"On Elections, to consist of fifteen members.
"On Ways and Means, to consist of thirteen members.
"On Appropriations, to consist of fifteen members.
"On the Judiciary, to consist of fifteen members.
"On Banking and Currency, to consist of thirteen members.
"On Coinage, Weights, and Measures, to consist of thirteen members.
"On Commerce, to consist of fifteen members.
"On Rivers and Harbors, to consist of fifteen members.
"On Agriculture, to consist of fifteen members.
"On Foreign Affairs, to consist of thirteen members.
"On Military Affairs, to consist of thirteen members.
"On Naval Affairs, to consist of thirteen members.
"On the Post-Office and Post-Roads, to consist of thirteen members.
"On the Public Lands, to consist of thirteen members.
"On Indian Affairs, to consist of thirteen members.
"On the Territories, to consist of thirteen members.
"On Railways and Canals, to consist of thirteen members.
"On Manufactures, to consist of thirteen members.
"On Mines and Mining, to consist of thirteen members.
"On Public Buildings and Grounds, to consist of thirteen members.
"On Pacific Railroads, to consist of thirteen members.
"On Levees and Improvement of the Mississippi River, to consist of thirteen members.
"On Education and Labor, to consist of thirteen members.
"On the Militia, to consist of thirteen members.
"On Patents, to consist of thirteen members.
"On Invalid Pensions, to consist of fifteen members.
"On Pensions, to consist of thirteen members.
"On Claims, to consist of fifteen members.
"On War Claims, to consist of thirteen members.
"On Private Land Claims, to consist of thirteen members.
"On the District of Columbia, to consist of thirteen members.
"On Revision of the Laws, to consist of thirteen members"—

Had the same under consideration, and report the following substitute therefor, viz.:

"The committees hereinafter named shall hereafter consist of thirteen members each, viz.: Banking and Currency, Foreign Affairs, Military Affairs, Territories, Public Buildings and Grounds, and on the District of Columbia.

"And the Committee on the Post-Office and Post-Roads shall hereafter consist of fifteen members.

Mr. WILLIS. Mr. Speaker, I desire to offer as an amendment to that substitute the same amendment which I offered on yesterday, except that I increase the Committee on the Post-Office and Post-Roads to the same number indicated by the Committee on Rules, that is, to fifteen members.

Mr. BLACKBURN. Mr. Speaker, I simply desire to say for the information of the House that the report made by the Committee on Rules was reached after a careful and an elaborate consideration of the whole subject. They offer a proposition in lieu of the amendment submitted by the gentleman from Kentucky yesterday [Mr. WILLIS], and which he now proposes as a substitute for this report. We say to the House it is the judgment of the Committee on Rules that in the report I have submitted we adopt very largely the proposed increase suggested by the gentleman's amendment, but that the substitute we propose is more carefully prepared and better answers the necessities of the machinery of the House than the one offered yesterday, and which, as I stated, the gentleman again submits to the vote of the House.

I am authorized to say to the House that the report of the Committee on Rules fully meets the views and wishes of the present Speaker of the House, and it has the indorsement of every other member of that committee. It makes an increase of forty-four positions on committees, exclusive of the seven created by the new Committee on Labor as established and determined by the House on yesterday.

Several MEMBERS. Forty-four memberships of committees?

Mr. BLACKBURN. Yes; it is an increase of forty-four memberships of the committees of the House; that is, if it be adopted, there are to be forty-four additional committee memberships, exclusive of the seven which constitute the new Committee on Labor. The aggregate increase therefore would be fifty-one as proposed by the Committee on Rules, and that, in the judgment of every member of that committee, including the Speaker, is amply sufficient to provide for the efficient disposal of the business of the House.

I now ask, Mr. Speaker, for the previous question on the adoption of the report of the Committee on Rules.

Mr. WILLIS. I hope the gentleman will not insist on the previous question until I have had an opportunity to submit a few remarks on my proposition.

Mr. BLACKBURN. I can not withdraw the previous question, and yet I can not be wanting in courtesy to my colleague. He is only renewing the same amendment he debated at such length yesterday.

Mr. WILLIS. Upon yesterday, when the Committee on Rules presented its report reviving certain select committees, an amendment was offered and carried increasing the number of their membership. The total increase thus secured was ten. Subsequently, when the committee presented another report dividing the Committee on Education and Labor, I offered an amendment which left that committee unchanged in name and jurisdiction, but increased it and twenty-two other standing committees from eleven to thirteen members, thus securing forty-six additional positions on the standing committees. The amendment also created an additional standing committee on rivers and harbors of fifteen members, which it was understood had been determined upon by the committee.

At the request of my colleague [Mr. BLACKBURN], who was in charge of the report of the committee, I withdrew the amendment, in order to give the Committee on Rules an opportunity to examine the proposed changes.

That opportunity the committee has had, and the result is now offered in this unanimous report. That report makes a large increase of committee positions, and though not as large as the amendment proposed, I would be disposed to ask no vote except for the fact that a number of gentlemen are in favor of the largest increase and have expressed a desire to vote upon the subject. Before asking a vote, however, I will modify the amendment by striking out that portion restoring the Committee on Education and Labor.

While I felt it my duty as a former member of that committee to oppose the proposed change as unnecessary, uncalled for, and without justification, and while I believe the division of the committee will injure the cause in whose behalf it is asked, I am not inclined to press the point. And in this connection I ought perhaps to assure my clever and impulsive friend from Missouri [Mr. O'NEILL] that had I supposed for a single moment that the defeat of his proposed new committee of seven would imperil the safety of the country and precipitate a riot, either in Pittsburgh or elsewhere, I most certainly would never have uttered one word in opposition. My only desire was to accomplish the very object he doubtless had in view—the intelligent consideration and legislation upon the interests of the workingmen of our country. As that part of the amendment was of minor importance, and has been misunderstood and misconstrued, I now withdraw it, so that the only remaining question will be whether all these standing committees or only four-fifths of them shall be enlarged.

Mr. BLACKBURN. Will my colleague agree to submit the question now to the House, as there are several other matters the committee desire to have considered?

Mr. WILLIS. I am warned by my colleague that time is very precious. I am warned also by my own knowledge of this subject that it presents a serious and important question to this House. And if I had any doubt about it, the able and unanswerable speech which lies before me, made by my friend and colleague at the opening of the last Congress, when these various committees were increased, some from eleven to fifteen, and some from eleven to thirteen, would promptly and effectually remove it. His argument, though strong then, would be doubly so now, when we have such a large increase of representation and decrease of committee places.

My amendment simply contemplates the increase of all twenty-three of these committees, now consisting of eleven members, to thirteen. It gives a few positions more than the report does, and secures uniformity in numbers; that is all. I hope the amendment will be agreed to.

Mr. BLACKBURN. I now ask the previous question upon the report and pending amendment.

The previous question was ordered.

Mr. BLACKBURN moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The first question is upon the amendment of the

gentleman from Kentucky to the substitute proposed by the Committee on Rules, which the Clerk will now report.

The Clerk read as follows:

1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress the following standing committees, viz:

On Elections, to consist of fifteen members.
On Ways and Means, to consist of thirteen members.
On Appropriations, to consist of fifteen members.
On the Judiciary, to consist of fifteen members.
On Banking and Currency, to consist of thirteen members.
On Coinage, Weights, and Measures, to consist of thirteen members.
On Commerce, to consist of fifteen members.
On Rivers and Harbors, to consist of fifteen members.
On Agriculture, to consist of fifteen members.
On Foreign Affairs, to consist of thirteen members.
On Military Affairs, to consist of thirteen members.
On Naval Affairs, to consist of thirteen members.
On the Post-Office and Post-Roads, to consist of fifteen members.
On the Public Lands, to consist of thirteen members.
On Indian Affairs, to consist of thirteen members.
On the Territories, to consist of thirteen members.
On Railways and Canals, to consist of thirteen members.
On Manufactures, to consist of thirteen members.
On Mines and Mining, to consist of thirteen members.
On Public Buildings and Grounds, to consist of thirteen members.
On Pacific Railroads, to consist of thirteen members.
On Levees and Improvement of the Mississippi River, to consist of thirteen members.
On Education, to consist of thirteen members.
On Labor, to consist of seven members.
On the Militia, to consist of thirteen members.
On Patents, to consist of thirteen members.
On Invalid Pensions, to consist of fifteen members.
On Pensions, to consist of thirteen members.
On Claims, to consist of fifteen members.
On War Claims, to consist of thirteen members.
On Private Land Claims, to consist of thirteen members.
On the District of Columbia, to consist of thirteen members.
On Revision of the Laws, to consist of thirteen members.

The question being taken, the House divided; and there were—ayes 39, noes 100.

So the amendment was not agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs upon agreeing to the amendment of the Committee on Rules as a substitute for the original resolution committed to them.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the amended resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE ON RIVERS AND HARBORS.

Mr. BLACKBURN. Mr. Speaker, I now call up the report made by the Committee on Rules yesterday, which was undisposed of and went over on the suggestion of the gentleman from Michigan [Mr. HORR], in reference to the Committee on Commerce, and ask that the Clerk report the resolution as it comes from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred the following resolution, viz—

"*Resolved*, That the rules of the House of Representatives be amended as follows, namely:

"In Rule X, after the words 'on commerce, to consist of fifteen members,' add 'on rivers and harbors, to consist of fifteen members.'

"Amend paragraph 7 of Rule XI so as to read as follows:

"'To commerce, life-saving service, and light-houses, other than appropriations for life-saving service and light-houses, to the Committee on Commerce.'

"And insert next thereafter the following paragraph:

"'To the improvement of rivers and harbors, to the Committee on Rivers and Harbors; and the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills'"—

Having had the same under consideration, report it without amendment and recommend its adoption.

Mr. HORR. Mr. Speaker, I would ask the members of the House for their attention for just a moment while I state what seems to me to be almost self-evident, that the passage of this resolution will simply degrade what has heretofore always been one of the prominent committees of this House since that committee has been organized. The result of this resolution will be to degrade the Committee on Commerce to a level with the most unimportant committee now organized in this House.

The Committee on Commerce has heretofore been supposed to act in relation to all questions that affect the great commercial interests of the country. On yesterday you took from that committee questions pertaining to ship-building and shipping and made a special committee upon that subject. Now comes this proposition to take from it also the river and harbor bill, thereby reducing its business to a simple matter of interstate commerce with perhaps now and then a light-house thrown in.

Now, Mr. Speaker, that that committee has had a large amount of work to do no one knows better than myself. But is that a reason why we should degrade the committee? Has it not heretofore been able to do its work and do it well? If you are going to make up the committees of this House upon the simple principle of relieving committees that are pressed with work with perhaps the additional object of furnishing a few new places for members as we were told yesterday to provide for the increased Democratic membership here in the House, why do you commence on the Committee on Commerce? Why select that committee?

I suggest with all due respect to the Committee on Rules that if they are going to divide up the work of the committees of this House which are now overworked, I will suggest the most overworked committee to-day is the Committee on Ways and Means; and I see no particular reason why we could not have two committees formed from that one; perhaps one on ways and one on means. [Laughter.] Such a change would relieve that committee of some of its enormous work. For fear that my statement may not be quite definite enough, let me inquire further how would it do to split the work of the Committee on Ways and Means into two parts, giving to one committee all the bills that tend to build up and strengthen our home industries, and to the other committee all the bills that tend to break down and destroy these home industries [laughter]; and thereby, as can be readily seen, you would be able to meet the views of both wings of our Democratic friends, as the two committees could be so arranged that they would fit each wing of said party? [Laughter.] Such an arrangement would not only facilitate the work of this House, but it might tend to harmony among the members of the party in the majority here, a result which lies so near the heart of many of us here. [Laughter.]

Why, Mr. Speaker, if you must divide committees, why not take the committee that my friend from Maine [Mr. REED] presided over with such distinction in the last Congress—the Judiciary Committee? I would propose a new committee, and I would have the new committee take charge of all legal questions. As many of us know, that would still leave the old Committee on the Judiciary with a burden of work that is perfectly enormous. [Laughter.] Those who are familiar with the work in this House will recollect with what generosity that committee always spread its protecting wings over every chicken hatched in this House or anywhere else on any and all subjects. [Laughter.]

Then, again, and this suggestion I would make for the benefit of the Speaker, why not divide up the Committee on Foreign Relations? I would give to the new committee, say, the Irish question, with the leave incidentally to act on all questions pertaining to the British lion. [Laughter.] If we could have the committee divided in that way we would have a committee—don't you see?—for an old and distinguished member of this House who has so long and on so many occasions given evidence of his sympathy for his Irish constituency. I do not mean my venerable friend in front of me [Mr. ROBINSON, of New York], but another gentleman from the same State, whom I do not see in his seat. We would also have a committee for a younger member of this House, who is also ambitious, whose service may not have been as long, though equally distinguished; and in that way we would relieve our Speaker from the embarrassments which I learn from the press are getting very troublesome.

Mr. ROBINSON, of New York. Will the gentleman allow me to make a single statement?

Mr. HORR. Certainly.

Mr. ROBINSON, of New York. I wish to correct the gentleman from Michigan by saying that what I complain of, and what those who sympathize with me complain of, is not that we do not get proper attention for our Irish citizens, but that we have shamefully and disgracefully neglected our American citizens, and that there has not been here energy and patriotism enough to condemn that, thoroughly as it should have been done. [Applause.]

Mr. HORR. And that arises from the fact no doubt that our present Committee on Foreign Relations is so overworked and has such an enormous amount of business on its hands that it has not time to divide and dissect and separate these great national questions so as to enable them to reach great results. Besides, for a few days past the Irish question has so taken up the time of this House that the necessity of a new committee must be apparent to all. Now my proposition would relieve that committee; and as I said, it springs from the love I bear our excellent Speaker, with whom my relations have always been so kind and friendly, and hence it would give me great pleasure to suggest any plan that will relieve him in his arduous duties or aid him in consoling his many friends. But of course I throw out these suggestions without the hope that they will be adopted.

I might go on and show you that the Committee on Claims might be divided into four committees, and still each committee have more work than any one committee can possibly perform. The same is true of many other committees in this House.

Why, then, single out this one Committee on Commerce and undertake to shear it of all of its previous duties and all of its previous important work? What will be the result, Mr. Speaker, if you pass this resolution? You will degrade that important committee; and let me say to my friend from Texas [Mr. REAGAN], who up to this moment has always stood by the Committee on Commerce, that when I heard from his own lips that he was going to submit to this outrage on that

committee I felt like exclaiming, *Et tu, Brute!* and then letting my great heart burst with grief. [Laughter.]

But, Mr. Speaker, I was asking what will be the result if we pass this resolution? You will degrade the Committee on Commerce until it will become nothing more than is to-day the Committee on Manufactures. You know, sir, that I refer to that Committee on Manufactures with a good deal of tender solicitude. It was my first love in this House. When that committee was first formed, seventy years ago, it was an important committee. How is it to-day? I had the honor during the Forty-sixth Congress to present to this House from that committee the only bill that had been before it, as I now remember, for eighteen years [laughter], but the Judiciary Committee, with the aid of the gentleman from New York [Mr. COX] and with that appetite, that organized appetite of which I have spoken before, took that little bill from us, and the last that was ever seen of it was when it was hurrying out of this House on its way to nestle under the expanded wings and distended feathers of that Judiciary Committee. [Laughter.] One by one the duties of that committee were taken away, until for twenty years there has been nothing left of it but a high-sounding phrase. Would you thus emasculate the Committee on Commerce? I aver that you are doing exactly that thing in connection with the rule on shipping adopted yesterday.

For that reason I protest against taking a committee like the Committee on Commerce and stripping it of all its work. I am frank to say to my friend from Texas [Mr. REAGAN] that I do not believe he would submit to it here to-day were it not for some pet scheme which he has for the work of the Committee on Commerce, which is merely for a day; and that he is allowing his affection for that scheme to warp his judgment and turn him from the position he has heretofore occupied in this House, where he has ever been noted for defending a committee which he himself has honored so much by his distinguished services thereon.

I am aware that that gentleman will say, and it is true, that there is one great question left for the Committee on Commerce, the question of interstate commerce. Mr. Speaker, that is one of the greatest questions before the American people to-day. It is one of the questions which requires work and requires labor. But one question alone is not sufficient to break down a committee like the Committee on Commerce, and when that question is settled what is there left?

I say again that I protest against this proposition. It is done, perhaps, to obtain temporary relief, but it is not, as I believe, in the interest of good legislation, of legislation which the country will adopt and stand by in the future.

I have said all I care to say upon this question. I do hope that this House will hesitate long before it passes a resolution which utterly and totally destroys the dignity and character of one of the committees of this House which has heretofore been considered not only respectable but of great service to the country.

Mr. REAGAN. I am not a member of the Committee on Rules submitting this report, but I desire to say a word on this subject. I do not differ in opinion with my friend from Michigan [Mr. HORR] concerning the extent and character of the labors of the Committee on Commerce. While, as he says, I have always done my duty in defending the jurisdiction of the Committee on Commerce, as given to it by the rules of the House, and while if the rules should remain the same as they now are I should continue to make the same defense of that committee, still I am of opinion that the good of the public service makes it proper to make the change now proposed in the rules.

It is not new with me to entertain this opinion. For four years past I have believed that the good of the public service required a division of the labors of the Committee on Commerce. The duty of examining the reports submitted, of hearing statements from persons, of considering the interests of commerce in the making up of the river and harbor bill, would make the labor of reporting and carrying through such a bill a full labor for one of the most industrious committees of this House. Those who have served on that committee and who have gone through that labor, as I have gone through it for eight successive years, know the immense labor of making up a river and harbor appropriation bill.

I the more favor this proposition because I favor the passage of bills to improve the navigation of the country, to cheapen commerce, to reduce the cost of insurance, to open markets, and promote the interest and welfare of the country. One of my reasons for favoring the report of the Committee on Rules is that I favor this policy and for this purpose.

Besides that, while I regret that a portion of the subjects-matter that it seems to me ought to have been left to the Committee on Commerce was taken away from that committee by the rule reported and adopted by the House yesterday, still the labors of that committee will be ample for any committee to keep it industriously employed with the river and harbor bill taken away from it.

It is not new to any member of the Committee on Commerce that for several years past that committee has not been able to give the consideration to general questions which they deserved, in consequence of the occupation of its time by the consideration and preparation of river and harbor bills.

I do not care to go into the discussion further than this. I simply desire to say that for the reasons I have stated, and for others which I might state, I think the public service would be benefited by adopting the division of the Committee on Commerce as proposed by the report of the Committee on Rules.

Mr. BLACKBURN. I am satisfied that everything that can be said in opposition to the pending report from the Committee on Rules has been said, and therefore I shall have but a word or two more to say.

The result of the report from the Committee on Rules now pending for adoption is simply to take from the Committee on Commerce its appropriation powers as to the rivers and harbors of this country. That is, the proposed new committee on rivers and harbors will take from the Committee on Commerce none of its jurisdiction, none of its powers, and will relieve it of none of its work, except the appropriation of what is known as the river and harbor bill. That will be the jurisdiction of the new committee, and to that extent the labors of the Committee on Commerce will be relieved and its jurisdiction will be abridged.

Mr. HORR. Will the gentleman permit me one question?

Mr. BLACKBURN. Certainly

Mr. HORR. Will the gentleman explain to me what difference there would be between what is now proposed in reference to the Committee on Commerce and the taking from the Committee on Ways and Means all questions relating to the tariff?

Mr. BLACKBURN. If I could see the application of the question, with that deference I am always pleased to show to the gentleman from Michigan [Mr. HORR] I would be glad to answer him. But I can not see the analogy between the case stated by him and the proposition pending before the House.

I was surprised to hear the gentleman from Michigan say that the adoption of this report would leave the Committee on Commerce with nothing on earth to engage its attention except the question of interstate commerce.

Mr. HORR. And like questions.

Mr. BLACKBURN. Does the gentleman mean to admit that the net product of twenty years of Republican administration and rule in the country has swept its commerce from the sea? Does the gentleman mean to admit that this country to-day has no commerce with foreign countries?

Mr. HORR. The House took that question from the Committee on Commerce yesterday.

Mr. BLACKBURN. If he does say so I am not going to controvert it, because it has been reduced to too small a matter to quarrel over.

But then I say the shipping question has not been taken from the Committee on Commerce.

Mr. HORR. I thought it had.

Mr. BLACKBURN. The ship-building and ship-owning interest of this country has by the action of this House been put into the hands of a special committee, and every one will concede that this interest is in such a condition as to need the fostering care of a special committee.

Mr. REAGAN. And the rules provide for the reference to it of questions relating to the decadence of American commerce.

Mr. BLACKBURN. Now, Mr. Speaker, that is the effect of the pending proposition. There is nothing more in it; it is easily stated and easily comprehended. It is for this House to say whether or not the Committee on Rules have acted wisely in the recommendation that there shall be a permanent standing committee of the House that shall have charge of the appropriations for rivers and harbors, and shall have the same powers and rights in making its report of those appropriations that the Committee on Appropriations has on general appropriation bills.

Mr. HENDERSON, of Iowa. Will the gentleman from Kentucky inform us whether this resolution will leave to the Committee on Commerce the appropriations for the improvement of the Mississippi River?

Mr. BLACKBURN. It will not. The appropriations for the improvement of rivers and harbors will, if this report be adopted, go to the new committee, and that is the only power, the only jurisdiction, it will have.

Mr. HENDERSON, of Iowa. The adoption, then, of this proposition will carry the improvements of the Mississippi River to the new committee.

Mr. BLACKBURN. Yes, sir; to the new committee, which will be known as the Committee on Rivers and Harbors.

Mr. SPRINGER. Will the gentleman from Kentucky yield for a few moments? I desire to offer, with the leave of the acting chairman of the committee, the amendment which I send to the desk.

The Clerk read as follows:

Amend paragraph 21 of Rule XI so that it will read as follows, namely:

"To the levees and improvements of the Mississippi River, to the Committee on Levees and Improvements of the Mississippi River; and the Committee on the Levees and Improvements of the Mississippi River shall have the same privileges in reporting bills making appropriations for the improvements of the Mississippi River as is accorded to the Committee on Appropriations in reporting general appropriation bills."

Mr. SPRINGER. With the leave of the gentleman from Kentucky I desire to make a few remarks in favor of my amendment.

Mr. BLACKBURN. Certainly. I yield to the gentleman from Illinois. How much time does he require?

Mr. SPRINGER. About five minutes.

Mr. BLACKBURN. Go ahead.

Mr. SPRINGER. This question of the improvement of the Mississippi River is now placed in the hands of a commission specially authorized for the purpose by Congress. That commission is carrying on a work in pursuance of authority granted by Congress for that purpose; therefore this matter is taken out of the ordinary improvements for rivers and harbors of the country.

The SPEAKER. The gentleman from Illinois will suspend a moment. Does the Chair understand that the gentleman from Kentucky yielded for the purpose of allowing the amendment to be offered or merely for remarks?

Mr. BLACKBURN. That was the only purpose for which I understood I yielded; I did not want to be lacking in courtesy when the gentleman wanted to be heard a minute.

Mr. SPRINGER. I understood the gentleman to yield to me for five minutes.

Mr. BLACKBURN. I yielded to have the amendment read; I did not yield to have it put to the House. I have no objection to the gentleman being heard, but I did not yield to have the amendment come in and be voted on.

Mr. DUNN. For the benefit of the gentleman from Illinois I wish to state that this amendment is not germane to the resolution pending.

Mr. SPRINGER. Oh, yes, it is.

Mr. DUNN. The resolution pending affects the jurisdiction of the new committee alone; this amendment relates to the jurisdiction of a different committee altogether.

Mr. SPRINGER. But the new committee will take control of this subject unless we adopt the amendment.

Mr. BLACKBURN. I am reminded—it had escaped my memory—that one of the members of the Committee on Rules reserved the right to offer, either in person or through another member, this amendment. Hence I now yield to allow it to be offered for a vote.

Mr. BELFORD. Let the amendment be again read.

The SPEAKER. The gentleman from Illinois has the floor.

Mr. SPRINGER. Let the amendment be read for the information of members.

The amendment was again read.

Mr. TOWNSHEND. If that be adopted the phraseology of the original resolution will have to be changed.

Mr. SPRINGER. This amendment will simply give to the Committee on Levees and Improvement of the Mississippi River the same right to report appropriations for the improvement of that river that is proposed to be given to the Committee on Rivers and Harbors generally in regard to all other streams of the country. The reason why this committee should have this special jurisdiction is found in the fact that this river has been given a special place in the legislation of Congress through the appointment of a commission by the President for the consideration of this work. The improvement of this river is different from the ordinary improvements of this character, for it relates to a great stream which is the highway of all the country, and therefore ought to be specially regarded in making appropriations of this kind.

If this improvement is to be dragged into the ordinary river and harbor bill it will be there for the purpose of being used as a kind of pack-mule to carry appropriations for all the small streams of the country. In my judgment, Mr. Speaker, the Mississippi River is entitled to stand upon its own merits. It ought to be dealt with by this House as a great national highway, and it ought to receive all that special consideration which this Congress can give it.

Let us recognize the great importance of this stream. Its improvement is now committed to a special commission for the purpose of devising the best means of dealing with it and of recommending necessary appropriations therefor. I am in favor of annual appropriations being made to such an extent at least that every freshet that comes in the spring shall not wash away the work done during the previous season. We must act in this matter in earnest if we mean that this great highway shall be properly and speedily improved, as it ought to be. We should appropriate at each Congress the largest sums that can be economically expended until the whole improvement as contemplated by the commission is completed. No matter what may be the cost, it will be economy to complete the work at the earliest time practicable. The necessary appropriations for this purpose can best be considered and recommended by a committee especially charged with the subject.

Mr. MILLS. Let me ask the gentleman from Illinois whether there should not be appropriations for the improvement of the harbors upon the seacoast, as well as for the improvement of the Mississippi River?

Mr. SPRINGER. Certainly; but we already have a special committee for that purpose. The Committee on Rivers and Harbors will take care of the improvement of the harbors of the country as well as of the rivers other than the Mississippi.

Mr. MILLS. But should not the appropriation for the improvement of the Mississippi River go with them?

Mr. SPRINGER. This river is entitled to have, as we have already given it, a special commission for the purpose of looking after its improvement. It is entitled, in my judgment, in this House to a special committee to see that the appropriations required by the Mississippi River Commission are ordered by Congress.

[Here the hammer fell.]

Mr. HORR rose.

Mr. BLACKBURN. I will yield now for a few moments to the gentleman from Michigan.

Mr. HORR. I only want a moment, Mr. Speaker. This amendment simply illustrates the position taken by me on the original resolution. You no sooner get the Committee on Commerce split in two, and get two committees, than in comes a proposition to resplit one of the split committees. [Laughter.] When and where is this dividing business to stop? The proposition to reduce and degrade one of the old committees is no sooner made than the process goes on to degrade new committees.

Now, I wish to say to the friends of improvements of rivers and harbors in this House that the object of this amendment, in my candid judgment, will be the death of the Mississippi River and its improvements. And when I say it, I know you gentlemen on this side of the House will bear me witness that heretofore my labors have been in behalf of that great stream and its tributaries. One committee should control all the rivers and harbors of this great country, and if you are determined to take that from the Committee on Commerce, you make a still worse mistake if you then divide the River and Harbor Committee and give these subjects to separate committees. There is no end of the divisions which must follow, and I am absolutely certain it will work ruin to a great extent to the improvements of rivers and harbors in this country.

This is the same question we have had in both Congresses since I have been here. Both the Forty-sixth and Forty-seventh Congresses voted it down by a very large majority, as they ought to have done, and I hope the Forty-eighth Congress will do the same thing.

Mr. CALKINS. I ask the gentleman to yield to me for a moment.

Mr. BLACKBURN. I assure the gentleman that not fewer than twenty members are asking to be heard.

Mr. CALKINS. I hope the gentleman will give me a little time on this important question.

Mr. BLACKBURN. It seems to me it is sufficiently well understood. If I knew what the wish of the House is I would act in accordance with it. [Cries of "Vote!"] It will take all day in this debate if we go on as we have done; and therefore I must insist on my demand for the previous question.

Mr. CALKINS. I hope the demand for the previous question will be voted down.

The SPEAKER. Does the gentleman ask for the previous question on the report and amendment or on the amendment alone?

Mr. BLACKBURN. On the report and amendment.

The House divided; and there were—ayes 137.

Mr. CALKINS. I withdraw the demand for a division of the House, and will only say one word.

Mr. TOWNSHEND. I object to debate unless we all can be heard.

The SPEAKER. The previous question is ordered.

Mr. BLACKBURN moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question first recurred on agreeing to Mr. SPRINGER'S amendment.

Mr. SPRINGER demanded the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The report of the Committee on Rules was then adopted.

Mr. BLACKBURN moved to reconsider the vote by which the report of the Committee on Rules was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. Mr. Speaker, I am advised that there will be now no objection to the proposition I made in the early part of the day, that the States and Territories may be called for the introduction of bills and joint resolutions as of Mondays.

Mr. DUNN. I would ask the gentleman from Pennsylvania to allow me to have another amendment offered, a mere verbal amendment, to change the phraseology of one of the rules of the House.

Mr. RANDALL. Certainly; but I should like to have the consent of the House to this proposition, that after the business of the Committee on Rules is disposed of this call of States and Territories for the introduction of bills may be had.

The SPEAKER. Is there objection to the suggestion of the gentleman from Pennsylvania?

Mr. ELLIS. I object.

COMMITTEE ON LEVEES AND IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. DUNN. I now ask consent to offer an amendment to Rule XI, which I send to the desk.

The Clerk read as follows:

Amend paragraph 21 of Rule XI so that it will read as follows:

"To the levees and improvements of the Mississippi River: To the Committee on Levees and Improvements of the Mississippi River."

Mr. KEIFER. That, I think, had better go over.

Mr. DUNN. Let me explain the purport of the amendment.

Mr. SPRINGER. What is the proposition?

Mr. KEIFER. I will withdraw my objection for the purpose of hearing what the gentleman has to say, reserving the right to renew it.

Mr. DUNN. This is really not a gravely material amendment. The Committee on Levees and Improvements of the Mississippi River bears that name, but its jurisdiction is limited and is not as large as its name implies. It has jurisdiction only of subjects relating to the levees of the river. It has never had, and has not now, jurisdiction of anything excepting subjects pertaining to the levees of the Mississippi River.

There is no measure before Congress relating to levees alone; and the jurisdiction of the committee ought to be made as wide as its name implies, by adding the word "improvements." That is all there is in the amendment. It ought to be adopted to make the rule consistent with itself.

Mr. KEIFER. If that is the full scope of the proposed amendment I believe I will not make any objection. I think it is a proper one.

Mr. DUNN. It simply gives jurisdiction of levees and improvements to the committee, which is now limited to legislation concerning levees alone.

Mr. BLOUNT. I think this had better go to the Committee on Rules.

Mr. TOWNSHEND. I call for the previous question.

Mr. DUNN. I hope the gentleman from Georgia will not object.

Mr. BLOUNT. This matter should be acted upon by the committee

The SPEAKER. Objection being made, the matter must go over.

Mr. KEIFER. If it goes over I think it had better be committed to the Committee on Rules.

The SPEAKER. Has the gentleman from Arkansas any preference in the matter?

Mr. DUNN. I will ask then, if the gentleman from Georgia insists upon his objection, that the amendment be referred to the Committee on Rules.

The SPEAKER. It will be so referred.

COMMITTEE ON WOMAN SUFFRAGE.

Mr. KEIFER. On yesterday I offered, as instructed by the Committee on Rules, a resolution for the appointment of a new committee. I should like to have the Clerk report the proposed resolution.

The Clerk read as follows:

Resolved, That a select committee of nine members be appointed, to whom shall be referred all petitions, bills, and resolves asking for the extension of suffrage to women or the removal of their legal disabilities.

Mr. SPRINGER. Will the gentleman from Ohio allow me a moment?

Mr. KEIFER. I do not desire, myself, to discuss the subject, unless some other gentleman wishes to be heard. If so, I shall yield such time as may be desired, as I do not propose to consume any time myself except in reply to what may be said by others upon the subject. If the gentleman from Illinois desires five minutes, I will yield to him.

Mr. SPRINGER. No; I desire to withdraw the objection I made to the consideration of this resolution on yesterday evening, and also the other objection, so that it may come up on its merits.

Mr. KEIFER. Does the gentleman desire to be heard upon the subject?

Mr. SPRINGER. Not at present; I may wish to be heard after a time.

Mr. KEIFER. If there is no disposition to debate the resolution, I am sure I have no wish to discuss it.

Mr. REAGAN. I hope the gentleman from Ohio will consent to yield to me for a few minutes.

Mr. KEIFER. I will yield to the gentleman from Texas not exceeding ten minutes.

Mr. REAGAN. Mr. Speaker, if the framers of the Constitution of the United States, the men who organized the Government of the United States, those who conducted its administration and its law-making department for the first fifty years of its existence, could happen to be here now and see and hear the proposition submitted by the Committee on Rules or by the gentleman from Ohio, as the case may be, to create a committee to consider the subject of woman suffrage, or if they could have been here on yesterday and heard the House discussing the subject of the creation of the committee on alcoholic liquor traffic, the probability is that the first inquiry raised in their minds would be, have the people of the United States lost the Constitution that we made for them?

Now, sir, suppose we adopt that rule and create that committee, is there one gentleman in this House who will say that the House can pass a bill upon the subject that any court can enforce, or that every court in the land would not consider unconstitutional?

Then, sir, we propose to take up a subject to amuse ourselves with because there is a clamor of a certain portion, and perhaps a very respectable portion, of the people for it. I hope that it will not be considered ungracious in me that I oppose the wish of any lady. But when she so far misunderstands her duty as to want to go to working on the roads and making rails and serving in the militia and going into the army, I want to protect her against it. I do not think that sort of employment suits her sex or her physical strength.

I think also, when we attempt to overturn the social status of the world as it has existed for six thousand years, we ought to begin somewhere where we have a constitutional basis to stand upon. We had better go to the States, which have a right to regulate the interests of society within their borders, and see what they wish to do about this. In relation to the question of suffrage, all who have read the Constitution or the comments upon it know that the framers of it provided nowhere that the power to regulate suffrage rested in the Congress of the United States, but in providing for the election of members of this body, the election of the members of the popular branch of Congress, they provided that they should be elected by electors of the several States as authorized to vote by the several States. If Congress can not authorize men to vote, will we extend courtesy so far as to repeal the Constitution and say we can authorize women to vote?

I only rose, sir, for the purpose of making very briefly a protest against kicking about the poor old Constitution that has been so long forgotten. If it is no longer a binding instrument here, let it rest in peace and cease to kick it around in the dirt. And I would have said this with reference to the rule we provided yesterday if I had felt it was necessary to say anything. But I suppose whoever clamors for action here finds a warrant for it in the clamor outside, and it is not necessary to look to the Constitution for it; it is not necessary to regard the interests of civilization and the experience of ages in determining our social as well as our political policy; but we will arrange it so that there shall be no one to nurse the babies, no one to superintend the household, but all shall go into the political scramble, and we shall go back as rapidly as we can march into barbarism. That is the effect of such doings as this, disregarding the social interests of society for a clamor that ought never to have been made.

Mr. Speaker, I had no intention to speak on this subject to-day, and am not prepared to discuss it as it ought to be discussed. As I have said, I only rose to make my protest against this disregard of the Constitution.

Mr. WOLFORD. Do I understand the gentleman from Texas to say that a law regulating the importation and selling of liquor is unconstitutional?

Mr. REAGAN. I have not said that. That is a revenue measure. That is not the matter I was talking about.

Mr. KEIFER. I yield five minutes to the gentleman from Colorado [Mr. BELFORD.]

Mr. BELFORD. I have no doubt that this House will be gratified with the profound respect which the gentleman from Texas [Mr. REAGAN] has expressed for the Constitution of the country. The last distinguished act with which he was connected was its attempted overthrow; and a man who was engaged in an enterprise of that kind can fight a class to whom his mother belonged.

I desire to know whether a woman is a citizen of the United States or an outcast without any political rights whatever. The gentleman informs us that this resolution is not within the purview and scope of the constitutional power of Congress. I say it is perfectly competent for the Congress of the United States to pass a bill, by way of a constitutional amendment at least, to prohibit the States of this Union from depriving women, our mothers and wives and sisters, of participation in its government. If we had more of female influence in the political arrangement of this country, I think even the morals of this House of Representatives might be improved.

What is the proposition presented by the gentleman from Ohio? That we will constitute a committee to whom shall be referred all petitions presented by the women of this country. Is not the right of petition a constitutional right? Has not woman in this country at least risen above the rim and horizon of servitude, discredit, and disgrace, and has she not a right, representing as she does in many instances great questions of property, to present her appeals to the national council and have them wisely and judiciously considered? I think it is due to our wives, daughters, mothers, and sisters to afford them an avenue through which they can legitimately and judicially reach the ear of this great nation.

Mr. KEIFER. I yield three minutes to the gentleman from Ohio on the left [Mr. WARNER].

Mr. WARNER, of Ohio. I desire time to refer only to the remark of the gentleman from Texas [Mr. REAGAN] respecting the committee organized yesterday. I take it nobody claims that Congress has a right to legislate on the question of the traffic in alcoholic liquors in the States; but over the interstate traffic in alcoholic liquors the Government of the United States has sole jurisdiction. We shall probably hear from the gentleman from Texas at no distant day claiming the right of Congress to inquire into the interstate traffic or traffic of everything else, and why not alcoholic liquors? This is a product from which we raise something like $50,000,000 by taxes annually. Is it not competent then for a committee of this House to inquire into that traffic? In my judgment it is, and it is no infringement whatever of the Constitution of the United States. I did not rise to discuss the questions involved in the resolutions offered by the gentleman from Ohio, but simply to say what I have said in reply to the gentleman from Texas.

Mr. KEIFER. I do not desire to take more than a minute or two of time in advocating the adoption of this resolution unless other gentlemen desire to speak. On yesterday, when the resolution was offered, I complied fully I believe with my instructions as given by the Committee on Rules, when I stated that I was not authorized to say to the House that this resolution expressed the judgment and views of that committee. But I do not wish the statement to go any further than

that. I do not understand that the committee was specially opposed to the resolution. but it rather felt, in view of its importance, that it ought to be brought before the House and the House left to pass upon it.

The gentleman from Texas [Mr. REAGAN], who is always fair and always candid, has hardly reviewed the whole scope of this resolution, or he would not have gone so far as to say that a committee constituted under it could report nothing to the House that would be constitutional. Even if we should agree, as we do not, wholly to his notions on the subject of State rights, it would be proper to say that we still hold within the sovereignty of the Government of the United States, specially given by the Constitution, the right to legislate for the District of Columbia. Nay, more, we have the right to legislate for all of the Territories, organized and unorganized, of this country.

Does the gentleman assert that we could not constitutionally pass a law affecting the rights and liberties of women, determining and defining their citizenship, &c., in the District of Columbia and in the Territories belonging to the United States? I suppose the gentleman would make that exception.

Mr. REAGAN. It merely occurs to me that as the men of the District of Columbia are not permitted to vote, probably they want the women to vote.

Mr. KEIFER. The gentleman avoids the question by saying that we do not give to the men of this District the right to vote. We have done so in years gone by, and then we repealed that law. We have the power to again authorize them to vote, and also the constitutional power to enfranchise the women of the District of Columbia.

Mr. REAGAN. If the gentleman will allow me, I will admit that I made my statement too broad. I do not mean to deny the right of Congress to legislate for the District of Columbia and for the Territories. But the resolution as introduced is general and is not limited to them; it is general and applies to everything.

Mr. KEIFER. Very well. We have gotten rid of the serious objection made to the adoption of the resolution, to wit, that there was nothing that could be done by that committee that would be constitutional. We find it now admitted and conceded that this committee could consider rightfully all petitions and memorials that might come before it relating to the rights of women in the District of Columbia and in all the Territories of the United States.

It is proper to say that by a reservation put in every charter act of an organized Territory we hold the right to annul all of the Territorial laws. In fact they are supposed to be approved by Congress as fast as they are passed by the Territorial Legislatures. All the charters of the Territories require them to send their laws here for our approval, and we may disapprove and thus annul them.

And we must remember, Mr. Speaker, that we stand here committed in a large sense to the matter of woman suffrage. In the Territory of Wyoming and in the Territory of Utah, for fifteen years past, women have had the right to vote on all questions that men can vote upon; and the Congress of the United States has stood by without disapproving those legislative acts of those Territories.

Mr. REAGAN. I have answered the question of my friend from Ohio [Mr. KEIFER] as to jurisdiction. Now, if it would not interrupt the line of his argument, I would like to ask him if he would assume that under the general terms of this resolution Congress could pass any act on this subject which would extend into a State?

Mr. KEIFER. I will come to that question, but I would rather not undertake to state everything in one sentence.

I was stating that we to-day stand committed by our negative action, and have so stood for fifteen years, in favor of woman suffrage in the Territories of the United States. And we now have before us a law passed at the last session of the Legislature of the Territory of Washington giving to the women of that Territory the right to vote. We have not passed upon the question one way or the other, but we have the right to pass upon it. This I think seems to dispose sufficiently of the question of constitutional legislative power without trampling upon the toes of any State-rights man.

The right of petition belongs to all persons within the limits of our Republic, and with the right of petition goes the right on the part of the Congress of the United States through constitutional means to grant relief.

If it be true, as gentlemen assume, that there is no constitutional power to pass a law that will grant to women rights and privileges which we may think should belong to them, then we have the right under the Constitution to propose amendments to the Constitution so as to enfranchise the women of this country. For that reason we might have a committee to consider the question, and it would not be unconstitutional for that committee to report an amendment to the Constitution so as to give to women the right to vote. Do gentlemen claim it is unconstitutional to amend the Constitution?

I know that claim was made at one time on the floor of this House and on the floor of the Senate. When it was proposed to abolish slavery in the United States, distinguished gentlemen argued that it was unconstitutional to amend the Constitution so as to abolish slavery. But all that has passed away, and we now find ourselves in the light of the present, seeing clearly that we may amend the Constitution in any way we please, pursuing always the proper constitutional methods of doing so.

There are considerations due to the women of this country which ought not to be lightly thrust aside. For thirty-five years they have been petitioning and holding conventions and demanding that certain relief should be granted them, to the extent of allowing them to exercise the right of suffrage. It is true they are not united upon that subject.

But in that thirty-five years we have seen great things accomplished. We have seen some of the subtleties of the common law that were spread over this country swept away. There is hardly anybody anywhere who now adheres to the doctrine that a married woman can not make a contract, and that she has no rights or liabilities except those that are centered in her husband. Even the old common-law maxim that "husband and wife are one, and that one the husband," has been largely modified under the influence of these ladies, these patriotic, earnest ladies, who have taken hold of this question and enlightened the world upon it.

There are now in the vaults and rooms about here hundreds of thousands of petitions for relief, sent in here by women and by those who believe that they ought to have certain rights and privileges of citizenship granted to them. For fifteen years there has been regularly held in this city annually a convention composed of representative ladies from all parts of the country. These conventions, as well as various State and local conventions, have been appealing for relief; and they ought not to be met by the statement that we will not even give them the poor privilege of having a committee to whom their petitions and memorials may be referred.

We have made some progress. In 1871 there was a very strong minority report made in this House in favor of woman suffrage. Notwithstanding the notion that we must stand by all our old ideas, the Supreme Court of the United States, after deliberately considering the question, admitted a woman to practice at the bar of that court. A hundred years ago, in the darkness of which some gentlemen desire still to live, I suppose they would not have done this. But there has been a great deal of progress in various ways. Favorable reports on this subject were made in the last Congress from a committee of the Senate and a committee of the House, although there was no favorable action by either branch of Congress. The Senate of the United States in the present Congress has already appointed a committee on the subject of woman suffrage. The Legislatures of many of the States have taken hold of the subject and expressed their judgment on the matter. There has been a great deal of progress in that direction. The Senate and the House of Representatives of the last (Forty-seventh) Congress each provided a suitable committee to whom all matters relating to woman suffrage could be referred. Will this House take a step backward on this question?

I want especially to notify the gentleman from Texas that we are not standing still on this question. We are moving in the light of the age or civilization in which we live; and for one I expect the next generation of people will be better and wiser than the present, and that they will see things more clearly than we do now. I believe in progress in civilization and, if you please, in all other things, especially in politics. Eleven States—New Hampshire, Vermont, Massachusetts, New York, Michigan, Kentucky, Minnesota, Nebraska, Kansas, Colorado, and Oregon—have authorized women to vote for school trustees and members of school boards. I am just informed that Pennsylvania has done the same. This would make twelve States. I always desire to be accurate when making a statement, and therefore when I say that Kentucky has authorized women to vote for members of school boards I must say that this right has been somewhat limited; but it concedes the principle. Kentucky only extends this right to widows who have children and pay taxes. But the principle is the same. This action shows that there is progress on this subject in Kentucky as well as in many of the other States. Women are nominated and voted for not only in the twelve States and three Territories I have named, but in nearly all the Northern and Western States. Pennsylvania, Illinois, and Iowa have a large number of women who are county superintendents of public schools. And let me say, for the benefit of the Democratic party, that in the great progressive Western State of Kansas the Democracy have risen so high as to nominate and vote for a woman for State superintendent of public schools. This they did at the last election. So there has been a little growing away from those old ideas and notions even among the Democracy. In the progressive State of Kansas, in the county of Harper, there was recently elected—I do not know how many Democrats assisted in the election—a woman to fill the office of county clerk. Thus we are permitting women to fill public offices. Why should they not participate in the election of officers who are to govern them?

We require them to pay taxes; there are a great many burdens imposed upon them, and shall we not allow them the poor privilege of having a committee to whom their petitions and their prayers may be sent? Kansas, Michigan, Colorado, and Nebraska have in recent years submitted the question of woman suffrage to a vote of the people, and more than one-third of the people of each of these States have voted in

favor of that proposition. Oregon has now a similar proposition pending before her people.

As I have referred to the matter of taxation, let me say that by the laws of all the States women are required to pay taxes; but we are practically working on the theory that these women are to be taxed without the right of representation. Taxation without representation led to the separation of the colonies from the mother country. The colonies were not so much opposed to being taxed as they were to being taxed without representation. The old patriots of that day conceived the idea that there was a principle somewhere involved in the right of representation. So they evolved and formulated that Revolutionary maxim, "Millions for defense, but not one cent for tribute." The basis of that maxim was that they would not give to the payment of taxes without the right of representation. Revolution and war made representation and taxation correlative. But the States tax all women on their property. For illustration, 8,000 women of Boston and 34,000 in the State of Massachusetts pay $2,000,000 of taxes; one-eleventh of the entire tax of that great and wealthy State. The same ratio of taxation will be found to prevail in all the other States.

And, Mr. Speaker, progress has gone on elsewhere than in the United States. England has been moving forward in this matter, and we should not stand behind her in anything. Since 1870 all women who are householders have had the right throughout all England to vote on all school questions, and by a very close vote in England at the last session of Parliament a resolution was rejected in the House of Commons extending to women the full right to a parliamentary vote. The resolution was lost by only nine votes, I believe. Under the poor laws of that country women hold office.

Canada, too, has been moving forward in this matter. Her Parliament has been agitating the question; and by a very close vote the matter passed over in the last session of the Parliament of the Province of Canada. So, about us, progress goes on. There is one little spot on the face of the globe, one little isle tributary to that great civilized nation England, that gives to woman the full right to vote with men, and that is the Isle of Man. Singular that the name should be so connected with this advanced step in civilization. But that isle, small as it is, has set an example to the world on this subject. And we are going to follow it some of these days. It may be when the gentleman from Texas [Mr. REAGAN] and your humble servant have passed away, but it will be in better days than now.

Now, Mr. Speaker, I have offered these suggestions because I believe one-half of the population of the United States should not be cut off from the poor privilege of having a home for the petitions and memorials which may be sent up here in accordance with the Constitution of the country.

Unless there be some special reason for extending the debate I shall now demand the previous question.

Mr. REAGAN. I wish to offer an amendment and to say a word in response to what has fallen from the gentleman from Ohio.

Mr. KEIFER. I am not authorized by the Committee on Rules to permit an amendment to be offered. I am acting under limited instructions of the Committee on Rules. I will yield, however, to the gentleman from Texas for a few minutes if he wishes to be heard, but I can not permit his amendment to be offered.

Mr. REAGAN. I will state, then, what my amendment would have been if the gentleman had permitted me to offer it. I would have moved to add to the end of the resolution the words "in the Territories of the United States and in the District of Columbia," in order to limit the resolution to what Congress might do, and not leave it general, to cover what the gentleman substantially confesses Congress has not the power to do, and that is to make laws in reference to the right of suffrage which would extend to the States.

Now the gentleman from Ohio has set himself up as the champion of the rights of the ladies of this country, but I am sure he does not have a more profound respect for them than I do. And what I have said already has been said because I have too much respect for them to see them taken out of their true sphere of action and placed where the God of nature and the common judgment of mankind never intended they should be.

Mr. KEIFER. I have been willing to be indulgent and to allow debate on this subject, and now I wish only to say in reply to the gentleman from Texas that I suppose he has now expressed what really is his objection to this resolution. I am one of those, however, who do not believe that to give to women common rights and privileges will degrade them, but on the contrary I believe it will ennoble them; and I believe further that to put them upon an equality in the matter of rights and privileges with men will enhance their charms and not lessen their beauty. I now insist on my demand for the previous question.

The previous question was ordered.

Mr. KEIFER moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BELFORD demanded the yeas and nays on the adoption of the resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 85, nays 124, not voting 112; as follows:

YEAS—85.

Adams, G. E.	Haynes,	McCoid,	Reed,
Atkinson,	Hepburn,	McComas,	Robinson, J. S.
Belford,	Hiscock,	McCormick,	Rowell,
Boutelle,	Hitt,	McKinley,	Skinner, C. R.
Brown, W. W.	Holmes,	Milliken,	Smith,
Brumm,	Holton,	Morey,	Steele,
Budd,	Hooper,	Morgan,	Stone.
Calkins,	Hopkins,	Morrill,	Sumner, C. A.
Cannon,	Horr,	Moulton,	Taylor, E. B.
Chace,	Houk,	Nutting,	Taylor, J. D.
Culbertson, W. W.	Howey,	Ochiltree,	Thomas,
Cutcheon,	James,	O'Hara,	Tully,
Davis, G. R.	Jeffords,	O'Neill, Charles	Vance,
Dingley,	Johnson,	Parker,	Wait,
Dowd,	Kean,	Payson,	Ward,
Dunham,	Keifer,	Perkins,	White, Milo
Evans, I. N.	Lacey,	Peters,	Winans, E. B.
Everhart,	Lawrence,	Pettibone,	Winans, John
George,	Libbey,	Phelps,	Yaple.
Goff,	Long,	Ranney,	
Greenleaf,	Lore,	Ray, G. W.	
Hart,	Lyman,	Ray, Ossian	

NAYS—124.

Alexander,	Eaton,	King,	Seymour,
Bagley,	Eldredge,	Kleiner,	Singleton,
Ballentine,	Elliott,	Lamb,	Skinner, T. G.
Barbour,	Ellis,	Lanham,	Snyder,
Barksdale,	Ferrell,	Lowry,	Spriggs,
Belmont,	Findlay,	McMillin,	Springer,
Bennett,	Finerty,	Matson,	Stewart, Charles
Bland,	Follett,	Maybury,	Storm,
Blount,	Foran,	Miller, J. F.	Sumner, D. H.
Breckinridge,	Forney,	Mills,	Talbott,
Breitung,	Fyan,	Mitchell,	Taylor, J. M.
Broadhead,	Geddes,	Money,	Thompson,
Buchanan,	Gibson,	Morrison,	Throckmorton,
Buckner,	Glascock,	Muldrow,	Tucker,
Cabell,	Green,	Murphy,	Turner, Oscar
Campbell, F.	Guenther,	Murray,	Van Alstyne,
Carleton,	Halsell,	Mutchler,	Van Eaton,
Cassidy,	Hancock,	Nicholls,	Warner, Richard
Clay,	Hatch, W. H.	Paige,	Washburn,
Clements,	Hemphill,	Patton,	Weaver,
Cobb,	Henderson, D. B.	Payne,	Wellborn,
Connolly,	Henley,	Pierce,	Weller,
Converse,	Herbert,	Peel, S. W.	Wemple,
Cosgrove,	Hewitt, A. S.	Pryor,	Wilkins,
Crisp,	Hill,	Pusey,	Williams,
Culberson, D. B.	Hoblitzell,	Reagan,	Willis,
Deuster,	Houseman,	Robertson,	Wilson, W. L.
Dibrell,	Hunt,	Rogers, J. H.	Wise, G. D.
Dorsheimer,	Jones, B. W.	Rogers, W. F.	Wolford,
Duncan,	Jones, J. H.	Scales,	Woodward,
Dunn,	Jones, J. K.	Seney,	Young.

NOT VOTING—112.

Adams, J. J.	Cullen,	Kellogg,	Robinson, W. E.
Aiken,	Curtin,	Ketcham,	Rosecrans,
Anderson,	Dargan,	Laird,	Russell,
Arnot,	Davidson,	Le Fevre,	Ryan,
Barr,	Davis, L. H.	Lewis,	Shaw,
Bayne,	Davis, R. T.	Lovering,	Shelley,
Beach,	Dibble,	Mackey,	Slocum,
Bingham,	Dockery,	McAdoo,	Spooner,
Bisbee,	Ellwood,	Mayo,	Stephenson,
Blackburn,	Ermentrout,	Millard,	Stevens,
Blanchard,	Evins, J. H.	Miller, S. H.	Stewart, J. W.
Bowen,	Fiedler,	Morse,	Stockslager,
Boyle,	Graves,	Muller,	Strait,
Brainerd,	Hammond,	Neece,	Struble,
Brewer, F. B.	Hanback,	Nelson,	Tillman,
Brewer, J. H.	Hardeman,	Oates,	Townshend,
Browne, T. M.	Hardy,	O'Neill, J. J.	Turner, H. G.
Burleigh,	Harmer,	Peelle, S. J.	Valentine,
Burnes,	Hatch, H. H.	Poland,	Wadsworth,
Caldwell,	Henderson, T. J.	Post,	Wakefield,
Campbell, J. M.	Hewitt, G. W.	Potter,	Warner, A. J.
Candler,	Holman,	Price,	White, J. D.
Clardy,	Hurd,	Randall,	Whiting,
Collins,	Hutchins,	Rankin,	Wilson, James
Cook,	Jones, J. T.	Reese,	Wise, J. S.
Covington,	Jordan,	Rice,	Wood,
Cox, S. S.	Kasson,	Riggs,	Worthington,
Cox, W. R.	Kelley,	Robinson, Geo. D.	York.

So the resolution was not agreed to.

The following pairs were announced:

Mr. AIKEN with Mr. VALENTINE until further notice.

Mr. RUSSELL with Mr. COLLINS.

Mr. ELLIS with Mr. HARMER.

Mr. RANDALL with Mr. BINGHAM.

Mr. WHITE, of Kentucky, with Mr. BLACKBURN.

Mr. MILLARD with Mr. POST.

Mr. HARDEMAN with Mr. KELLEY.

Mr. ERMENTROUT with Mr. HATCH of Michigan.

Mr. PAYNE with Mr. TURNER of Georgia.

Mr. RAY, of New York, with Mr. OATES.

Mr. HORR with Mr. CURTIN.

Mr. PEELLE, of Indiana, with Mr. LE FEVRE.

Mr. HORR. I desire to state that I was paired on political questions with Governor CURTIN, of Pennsylvania; but not looking upon this as such a question, I have voted.

Mr. GIBSON. I move to dispense with the recapitulation of the names.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that the recapitulation of the names be dispensed with. Is there objection? The Chair hears none.

The result of the vote was then announced as above recorded.

WASHINGTON'S RESIGNATION OF HIS COMMISSION.

Mr. HOBLITZELL. I ask unanimous consent to submit a report from a select committee; and in view of the fact that unless the subject-matter is acted upon now the resolution will fail for want of time, I ask the consideration of the resolution immediately.

The SPEAKER. The report will be read, after which the Chair will ask for objection.

The Clerk read as follows:

The special committee to which was referred joint resolution No. 65 report the same back with amendments.

Your committee believe that the subject of the resolution commends itself to every patriotic citizen as commemorative of the most signal example in history of the subordination of personal ambition to the rights and liberties of the people, and therefore recommend the adoption of said resolution in the form herewith submitted:

Whereas on the 23d day of December, 1783, at the city of Annapolis, in the State of Maryland, George Washington surrendered his commission as the commander-in-chief of the patriot forces of America; and

Whereas that act of patriotic devotion to the principles of the Revolution, the success of which established the independence of the Colonies and secured the liberties of the people of the United States, is deserving of special recognition upon the centennial return of the memorable event:

Resolved by the Senate and House of Representatives, &c., That the President be, and he is hereby, requested to issue a proclamation, recommending the people either by appropriate exercises in connection with the religious services of the 23d instant, or by such public observances as they may deem proper on Monday, the 24th instant, to commemorate this signal event in American liberty.

2. That the President be, and he is hereby, requested to order the national salute to be fired from the various forts throughout the country on Monday, December 24, 1883.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. HOBLITZELL. I move its adoption.

The SPEAKER. The question will first be taken upon the adoption of the amendments proposed by the special committee.

The amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOBLITZELL moved to reconsider the vote by which the joint resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DIRECTORS OF COLUMBIA HOSPITAL FOR WOMEN.

The SPEAKER announced the appointment of Mr. HOLMAN of Indiana and Mr. O'NEILL of Pennsylvania as directors of the Columbia Hospital for Women and Lying-in Asylum, under the act of June 10, 1872.

ADJOURNMENT OVER.

Mr. MORRISON. I move that when the Hourse adjourns to-day it stand adjourned until Monday next.

The question being taken, the House divided; and there were—ayes 139, noes 6.

So the motion was agreed to.

Mr. RANDALL. I move that the House do now adjourn.

Mr. REED. A single question before that motion is submitted. It is understood on this side of the House that there is to be no business transacted on Monday morning except the announcement of committees.

Mr. MORRISON. I so understand it.

Mr. REED. Then that is the understanding on both sides.

ORDER OF BUSINESS.

Mr. CONVERSE rose.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has moved that the House do now adjourn. Before submitting that motion the Chair desires unanimous consent to lay before the House certain executive communications.

There was no objection.

LANDS IN INDIAN TERRITORY.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 4th instant, with accompanying papers, submitting a draught of a bill "to confirm the title to certain land in the Indian Territory to the Cheyennes and Arapahoes and the Wichitas and affiliated bands, to provide for the issuance of patents therefor, and for other purposes."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

KICKAPOO, ETC., INDIAN LANDS.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 11th instant from the Secretary of the Interior, submitting, with accompanying papers, draught of a bill "to provide for the issuance of patents for certain lands in the Indian Territory occupied by the Kickapoo, Iowa, and other Indians."

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

CROW INDIAN DEFICIENCY.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, inclosing a copy of a communication from the Commissioner of Indian Affairs, setting forth the necessity of a deficiency appropriation of $78,110 for the purchase of supplies for the balance of the present fiscal year for the Crow Indians.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 19, 1883.

BUILDING FOR ARMY MEDICAL DEPARTMENT.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, dated December 13, instant, inclosing one from the Surgeon-General of the Army, submitting a special estimate for funds in the sum of $200,000 for the erection in this city of a suitable fire-proof building to contain the records, library, and museum of the Medical Department of the Army, together with preliminary plans for said building and copies of reports, &c., in relation to the subject.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

ABANDONED MILITARY RESERVATIONS.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War, dated December 14, 1883, upon the subject of abandoned military reservations, and renewing his former recommendation for such legislation as will provide for the disposal of military sites that are no longer needed for military purposes.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 19, 1883.

STORAGE OF PUBLIC RECORDS.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, dated the 15th instant, inclosing one from the Quartermaster-General, setting forth the necessity for the construction of a fire-proof building in this city for the storage of the public records.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 19, 1883.

STANDARD OF COLOR-PERCEPTION, ETC.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of the Navy, dated the 10th instant, inclosing a letter from the Surgeon-General of the Navy, respecting the advisability of providing for representation on the part of the United States in any international convention that may be organized for the purpose of establishing uniform standards of measure of color-perception and acuteness of vision.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

WESTERN CHEROKEES.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 12th instant from the Secretary of the Interior, submitting a report of the Commissioner of Indian Affairs of December 8, 1883, and accompanying papers, on the subject of the "Old Settler," or "Western," Cherokees.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

AGREEMENT WITH FLATHEAD AND OTHER INDIANS.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 6th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill "to accept and ratify an agreement with the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreille Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and for other purposes."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

CHEHALIS INDIAN RESERVATION.

The SPEAKER also laid before the House the following message from

the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, submitting a draught of a bill "providing for allotment of lands in severalty to the Indians residing upon the Chehalis reservation in Washington Territory, and granting patents therefor," with accompanying report from the Commissioner of Indian Affairs upon the subject.

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

ROUND VALLEY INDIAN RESERVATION.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 3d instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill for the payment of the value of certain improvements made by certain settlers on the Round Valley Indian reservation in the State of California, as appraised under the act approved March 3, 1873.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

CHICAGO, MILWAUKEE AND SAINT PAUL RAILROAD.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 4th instant, submitting, with accompanying papers, draught of a bill "to accept and ratify certain agreements made with the Sioux Indians and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux reservation in Dakota."

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

NEZ PERCÉ AND OTHER INDIANS.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 3d instant, with accompanying papers, submitting a draught of a bill "for the relief of the Nez Percé Indians in the Territory of Idaho, and of the allied tribes residing on the Grande Ronde Indian reservation in the State of Oregon."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

FORT HALL AND LEMHI RESERVATION.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 4th instant, submitting, with accompanying papers, draught of a bill "to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations in Idaho, May 14, 1880, for the sale of a portion of their land in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same."

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

INDIAN LANDS IN WASHINGTON TERRITORY.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 4th instant from the Secretary of the Interior, with draught of a bill to accept and ratify an agreement made with Chief Moses and other Indians for the relinquishment of certain lands in Washington Territory, and to make the necessary appropriations for carrying the same into effect, with accompanying papers.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 17, 1883.

SURG. BENJAMIN F. POPE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition and accompanying papers of Capt. and Assist. Surg. Benjamin F. Pope, United States Army, for such legislation as will confirm his title to his office of assistant surgeon; which was referred to the Committee on Military Affairs.

PUBLIC BUILDING AT FORT SMITH, ARK.

The SPEAKER also laid before the House a communication from the Attorney-General, inclosing a letter from Judge C. C. Parker, United States judge, relative to the necessity for the erection of a new courthouse at Fort Smith, Ark.; which was referred to the Committee on Public Buildings and Grounds.

STATISTICAL ABSTRACT.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting the sixth number of the Statistical Abstract of the United States; which was laid on the table, and ordered to be printed.

YELLOWSTONE NATIONAL PARK.

The SPEAKER also laid before the House a joint memorial of the Legislature of the Territory of Montana, relative to the boundaries of the Yellowstone National Park; which was referred to the Committee on the Public Lands.

COAST AND GEODETIC SURVEY FOR 1883.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting the report of the Coast and Geodetic Survey for 1883; which was laid on the table, and ordered to be printed.

CLOTHING DESTROYED BY FIRE AT FORT BROWN, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, with accompanying papers, recommending the gratuitous issue of clothing to certain enlisted men of Company D, Nineteenth Infantry, to cover the loss caused by the fire at Fort Brown, Texas, November 20, 1882; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. MAYBURY, indefinitely, on account of important business.

To Mr. DOCKERY, until January 7, on account of important business.

To Mr. HOUSEMAN, indefinitely, on account of important business.

To Mr. HARDEMAN, until after the holiday recess.

To Mr. WINANS, of Michigan, until after the holidays.

To Mr. STRUBLE, until after the holiday recess, on account of important business.

To Mr. YAPLE, until after the holidays.

WITHDRAWAL OF PAPERS.

Mr. BARBOUR asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of Richard Heater, executor of John Heater, of Loudoun County, Virginia; no adverse report.

ORDER OF BUSINESS.

The SPEAKER. The question recurs upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House now adjourn.

Mr. RANDALL. I withdraw that motion.

CHINESE IMMIGRATION.

Mr. HENLEY. I am instructed by the delegation from the Pacific coast, representing three States and two Territories, to ask leave to introduce at the present time the bill which I send to the Clerk's desk. It is a bill to amend an act entitled "An act to execute certain treaty stipulations relating to the Chinese," approved May 6, 1882.

Mr. WEAVER. I object.

The SPEAKER. Objection is made, and the bill is not received.

LABORERS IN CLOAK-ROOM.

Mr. MATSON. I ask unanimous consent to submit for present consideration the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk of the House pay out of the miscellaneous items of the contingent fund to Alexander B. Thomas and Wilson Grice $60 a month each for services rendered from March 4, 1883, to December 3, 1883, as per resolution of the House passed March 3, 1883.

Mr. WARNER, of Ohio. I think that resolution should go to the Committee on Accounts.

Mr. MATSON. I ask one minute to explain the resolution. The two persons named in it are employés in the cloak-rooms of the House, one on each side of this Chamber.

A resolution was passed on the last day of the last Congress providing for their employment at the rate of $60 per month. By some inadvertence of the Committee on Accounts, which reported the resolution, the fund out of which those two employés were to be paid was not named. This resolution is intended simply for the purpose of providing the manner of their payment, so that they may be paid. They have served for nine months without any pay at all.

Several MEMBERS. The resolution is right.

Mr. MATSON. They are colored men, and should have the money for Christmas.

There being no objection, the resolution was received, considered, and adopted.

Mr. MATSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WEAVER. I desire to withdraw my objection to the introduction of the bill of the gentleman from California [Mr. HENLEY].

The SPEAKER. Is there objection to the introduction of the bill, the title of which has been read?

Mr. SKINNER, of New York. I object, unless we can all have the same privilege.

Mr. RANDALL. Then I renew the motion that the House now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 20 minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELFORD: The petition of Wolff & Brown, for compensation for certain property taken by United States officers during the late war—to the Committee on War Claims.

By Mr. CANNON: The petition of Thomas J. Bowman and others, relative to the application for the relief of Harrison Shannon—to the Committee on Military Affairs.

By Mr. CLEMENTS: Paper relating to an appropriation to continue the improvement of Coosa River in Georgia and Alabama—to the Committee on Commerce.

By Mr. COSGROVE: The joint resolution adopted by the Legislature of Missouri, relative to the tax on tobacco—to the Committee on Agriculture.

By Mr. W. W. CULBERTSON: The petition of the Fourth Kentucky Regimental Association, indorsed by resolutions of Craxton, Rousseau, and McPherson Posts of the Grand Army of the Republic in the Department of Kentucky, relative to pensions, &c.—to the Committee on Invalid Pensions.

Also, the petition of Charles S. Worthington, signed by many others, citizens of Kentucky, praying that a pension be granted the said C. S. Worthington—to the same committee.

By Mr. DEUSTER: The petition of Corydon Millard, late chaplain of the Fourth United States Heavy Artillery, for a pension—to the same committee.

By Mr. DIBRELL: The petition of P. R. Dabney, for a pension—to the same committee.

By Mr. DUNCAN: The petition of dealers in tobacco, cigars, &c., of Carlisle, Pa., for special appropriation to pay rebate of taxes under act of March 3, 1883—to the Committee on Ways and Means.

Also, the petition of Major Jenkins's Post, No. 99, Department of Pennsylvania, Grand Army of the Republic, for increase of pension of Jacob J. Montgomery, late of Seventy-sixth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. DUNHAM: The petition of Philip D. Armour, Charles L. Hutchinson, John A. Jameson, and others, asking that a pension be granted to Mrs. Susan B. La Monte—to the same committee.

By Mr. FINDLAY: The petition of the owners of the patents issued to John J. Schillinger, asking Congress to send their claims against the United States for use of said patents to the Court of Claims for adjudication and settlement—to the Committee on Patents.

By Mr. KING: Papers relating to the claim of Robert Carter, of Burks Fitzgerald, of John Kane, of Ralph P. Miller, of George G. Russell, of David Singleton, and of Mrs. Norah Walsh—severally to the Committee on War Claims.

By Mr. LIBBEY: Papers relating to the claim of Frances A. Robinson—to the Committee on Claims.

Also papers relating to the claim of Dr. A. G. Tebault—to the Committee on War Claims.

By Mr. McCOMAS: The petition of Joseph M. Middlekauff, for relief—to the same committee.

Also, the petition of R. A. Hurley, for relief—to the Committee on Claims.

By Mr. MORRILL: The resolutions adopted by the Board of Trade of Kansas City, Mo., relating to the Texas, Oklahoma and Kansas Railroads—to the Committee on Railways and Canals.

Also, papers relating to the claim of F. C. Bulkley—to the Committee on Indian Affairs.

Also, the petition of W. B. Shockley, relative to the establishment of a soldiers' home in Kansas—to the Committee on Military Affairs.

Also, the petition of colored citizens of Kansas, asking legislation to protect the colored people of the country in their civil rights—to the Committee on the Judiciary.

By Mr. NUTTING: The petition of Mary Abbott, widow of William Abbott, for a pension—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: The petition of W. B. Webb and Henry R. Elliott, trustees of the estate of H. K. Randall, for relief—to the Committee for the District of Columbia.

By Mr. PETERS: The petition of over 1,000 citizens of Harvey County, Kansas, for the location of a soldiers and sailors' home and offering a donation of land for a site in that county—to the Committee on Military Affairs.

By Mr. PETTIBONE: Papers relating to the claim of Samuel P. Evans—to the Committee on the Judiciary.

By Mr. OSSIAN RAY: The joint resolution adopted by the general court of New Hampshire, protesting against land subsidies to railroads and declaring in favor of a Government postal telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. W. F. ROGERS: Paper relating to the claim of Peter Marcy and of the heirs of John Schwartzenburg—severally to the Committee on War Claims.

By Mr. ROSECRANS: Memorial of the Chamber of Commerce of San Francisco, Cal., relative to the erection of a suitable building for the post-office in that city—to the Committee on Public Buildings and Grounds.

By Mr. J. M. TAYLOR: The petition of John H. Lanier, jr., administrator of the estate of John H. Lanier, deceased, for relief—to the Committee on War Claims.

By Mr. THOMAS: Two petitions of citizens of Illinois, for proper appropriations for the improvement of the Mississippi River and its navigable tributaries—to the Committee on Commerce.

By Mr. TUCKER: The petition of John P. Wright, of Lynchburg, Va., for relief—to the Committee on Claims.

By Mr. TULLY: The petition of the Board of Trade of Los Angeles, Cal., for the erection of a post-office and court-house in that city—to the Committee on Public Buildings and Grounds.

By Mr. VANCE: The resolutions adopted by the medical faculty of North Carolina, for an appropriation for the erection of a fire-proof building for a medical library—to the Committee on Appropriations.

Also, the petition of Sylvester Mitchell, for relief—to the Committee on War Claims.

Also, papers relating to the claim of W. H. Dearen, late deputy collector seventh district of North Carolina—to the Committee on Claims.

SENATE.

MONDAY, *December* 24, 1883.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY.

The Journal of the proceedings of Thursday last was read and approved.

ENROLLED BILL SIGNED.

The PRESIDENT *pro tempore*. The Chair will announce that he has heretofore signed the enrolled joint resolution (S. R. 31) authorizing the payment of the salaries of the employés of the two Houses of Congress on the 22d instant. The announcement was not made at the time because the Senate was not in session. The Chair saw no objection, under the Constitution or laws, to his signing the joint resolution, which had been duly enrolled; and he now announced the fact.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. President, I believe there was a general understanding that no legislative business should be transacted to-day, but there may be some executive business that can be attended to; and I therefore move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. It was understood that there was to be no business done except by unanimous consent. That was expressly set forth. There is some formal business that may as well be disposed of now as at any time—the presentation of petitions, bills, and the like.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I hope the Senator will withdraw the motion and let some informal business be transacted.

Mr. MORRILL. I withdraw it.

The PRESIDENT *pro tempore*. The motion is withdrawn.

PETITIONS AND MEMORIALS.

Mr. COCKRELL. I present a memorial of merchants, manufacturers, and business men of Saint Louis, Mo., remonstrating against any effort to repeal what is known as the vaporizing law of 1879, which permits vinegar-makers to produce low wines for the purpose of making vinegar without the payment of the United States tax. They state that they believe the law is good and beneficent, and ought to remain in force. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL. I present certain vouchers and evidence in regard to the bill (S. 367) for the relief of Joseph W. Carmack, introduced at this session of Congress. I move that they be referred to the Committee on Military Affairs, to accompany that bill.

The motion was agreed to.

Mr. COKE. I present the answer of Judge E. B. Turner, of the western district of Texas, to the memorial of A. J. Evans, district attorney of the same district, which was presented by me some days ago, and referred to the Committee on the Judiciary. I move that this reply be referred to the same committee, to be considered in connection with the memorial.

The motion was agreed to.

Mr. GIBSON presented a petition of the members of the bar of the parishes of Saint Mary's and Iberia, Louisiana, praying for an amendment of the act approved March 3, 1881, so that those parishes shall be embraced within the limits of the western judicial district of Louisiana; which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 869) to vacate an alley in square 234 in the city of Washington; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. DOLPH asked and, by unanimous consent, obtained leave to in-

troduce a bill (S. 870) for the relief of R. G. Combs and others; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

Mr. CULLOM (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 871) to restore Charles H. Campbell to the rank of captain in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 872) for the relief of William R. Testerman; which was read twice by its title.

Mr. COCKRELL. I introduce that bill in lieu of one previously introduced. I ask that it be referred to the Committee on Claims, to be considered instead of the other bill, in which there was a blank. This is filled up.

The bill was referred to the Committee on Claims.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. 873) for the relief of William G. Ford, of Memphis, Tenn; which was read twice by its title, and referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SHERMAN, it was

Ordered, That the papers relating to the pension claim of E. Jacobs be taken from the files of the Senate and referred to the Committee on Pensions, subject to the rules of the Senate.

Ordered, That the papers in the claim of E. Jacobs be taken from the files of the Senate and referred to the Committee on Foreign Relations.

On motion of Mr. LAMAR, it was

Ordered, That the papers in the matter of the claim of Lewis D. Allen be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. COCKRELL, it was

Ordered, That the papers in the case of William H. Manning be taken from the files and referred to the Committee on Claims.

On motion of Mr. MILLER, of California, it was

Ordered, That the papers in the case of E. J. Baldwin be taken from the files and referred to the Committee on Claims, there being no adverse report.

COAST-SURVEY REPORT.

Mr. HAWLEY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of Julius E. Hilgard, Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1883, for distribution by said Superintendent.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 65) relating to the surrender by George Washington of his commission as commander-in-chief of the patriot forces of America; and it was thereupon signed by the President *pro tempore*.

CORRECTION OF A BILL.

Mr. CALL. I ask unanimous consent for the correction of a clerical error in the bill (S. 298) for the relief of Mrs. Maggie Cassidy, reported from the Committee on Patents on Thursday last, in which the amount was omitted by mistake. The report shows the amount.

The PRESIDENT *pro tempore*. The Chair understands the Senator wishes that the blank in the bill be filled by the sum mentioned in the report of the committee. Is there objection to this request of the Senator from Florida? The Chair hears no objection, and the blank in the bill will be filled with the sum mentioned in the report.

EXECUTIVE SESSION.

Mr. MORRILL. If there is no further morning business, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 9 minutes spent in executive session the doors were reopened, and (at 12 o'clock and 27 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 24, 1883.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Thursday last was read and approved.

ORDER OF BUSINESS.

Mr. KASSON. I beg to make an inquiry of the Chair. Having been absent at the time the order was adopted touching the course of business to-day, I wish to inquire whether it is in order, in view of the understanding agreed to, to submit bills for reference.

The SPEAKER. While there is nothing in the order of the House itself upon this subject, the Chair will state that when the motion was made that the House adjourn over until to-day it was announced as the understanding upon the floor that no business would be transacted at this meeting except the announcement of the committees.

Mr. KASSON. Would the reference of bills be considered business under such an order?

The SPEAKER. Of course it would be.

Mr. PETERS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PETERS. Would permission by unanimous consent to change the reference of a bill be a violation of the understanding?

The SPEAKER. The Chair thinks that would be the transaction of business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the joint resolution (H. Res. 65) relating to the surrender by George Washington of his commission as commander-in-chief of the patriot forces of America.

PATRICK O'DONNELL.

A message from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

The SPEAKER. If there be no objection the Chair will lay before the House the message just received from the President of the United States, which is very brief; and it will be read; but no order with regard to its reference will be made unless gentlemen on the floor think that would not be in violation of the understanding.

Mr. RANDALL. The rule requires that messages of this kind from the President shall be immediately read. Hence I think the Chair exercises a wise discretion in this matter.

The Clerk read as follows:

To the House of Representatives:

The House of Representatives having adopted on the 19th instant a resolution in the following words—

Resolved, That the Secretary of State be, and he is hereby, requested to furnish for the information of this House, without delay, if not incompatible with the public service, all communications, documents, and papers in his possession relating to the trial, conviction, and execution of the late Patrick O'Donnell by the British Government—

I transmit herewith a report made to me by the Secretary of State, with the papers enumerated in the subjoined list, as answering said resolution.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, December* 24, 1883.

The SPEAKER. Unless it be the disposition of the House to take some other course, this message, with the accompanying documents, will lie on the Speaker's table for action hereafter.

Mr. RANDALL. A motion will be made when the House next meets to have these papers printed. This is a matter of the highest importance.

The SPEAKER. The Chair presumes the papers will be printed and referred.

ENROLLED JOINT RESOLUTION.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 65) relating to the surrender by George Washington of his commission as commander-in-chief of the patriot forces of America.

ANNOUNCEMENT OF COMMITTEES.

The SPEAKER announced the appointment of the following standing, joint, and select committees:

STANDING COMMITTEES.

Committee on Elections—Messrs. Turner of Georgia, Davis of Missouri, Converse, Cook, Bennett, Lowry, Elliott, Robertson, Adams of New York, Ranney, Pettibone, Miller of Pennsylvania, Valentine, Hepburn, and Hart.

Committee on Ways and Means—Messrs. Morrison, Mills, Blount, Blackburn, Hewitt of New York, Herbert, Hurd, Jones of Arkansas, Kelley, Kasson, McKinley, Hiscock, and Russell.

Committee on Appropriations—Messrs. Randall, Forney, Ellis, Holman, Hancock, Townshend, Hutchins, Follett, Burnes, Keifer, Cannon, Ryan, Calkins, Horr, and Washburn.

Committee on the Judiciary—Messrs. Tucker, Hammond, Culberson of Texas, Moulton, Broadhead, Dorsheimer, Collins, Seney, Maybury, Reed, Ezra B. Taylor, McCoid, Browne of Indiana, Poland, and Bisbee.

Committee on Banking and Currency—Messrs. Buckner, Ermentrout, Potter, Hunt, Miller of Texas, Candler, Wilkins, Yaple, Dingley, Brumm, Adams of Illinois, Henderson of Iowa, and Hooper.

Committee on Coinage, Weights, and Measures—Messrs. Bland, Dowd, Hardy, Nicholls, Pusey, Lanham, Tully, Belford, Lacey, Chace, Everhart, and Luna.

Committee on Commerce—Messrs. Reagan, Clardy, Turner of Kentucky, Dunn, Seymour, Glascock, Woodward, Boyle, Barksdale, O'Neill of Pennsylvania, Davis of Illinois, Wadsworth, Long, Stewart of Vermont, and Peters.

Committee on Rivers and Harbors—Messrs. Willis, Blanchard, Jones of Alabama, Gibson, Rankin, Breckinridge, Murphy, Sumner of California, Houseman, Henderson of Illinois, Bayne, Robinson of Ohio, Chace, Stone, and Burleigh.

Committee on Agriculture—Messrs. Hatch of Missouri, Aiken, Dibrell, Williams, Beach, Green, Winans of Michigan, Weller, Patton, Cullen, Wilson of Iowa, White of Minnesota, Ochiltree, Howey, Stephenson, and Raymond.

Committee on Foreign Affairs—Messrs. Curtin, Belmont, Deuster, Clements, Cox of North Carolina, George D. Wise, Stewart of Texas, Lamb, Rice, Wait, Ketcham, Phelps, and Hitt.

Committee on Military Affairs—Messrs. Rosecrans, Slocum, Dibrell, Morgan, Wolford, Nicholls, Murray, Duncan, Steele, Bayne, Lyman, Laird, Cutcheon, and Maginnis.

Committee on Naval Affairs—Messrs. Cox of New York, Morse, Talbott, Buchanan, Eaton, Ballentine, McAdoo, Harmer, Thomas, Goff, and Boutelle.

Committee on the Post-Office and Post-Roads—Messrs. Money, Reese, Ward, Cosgrove, Riggs, Rogers of Arkansas, Taylor of Tennessee, Jones of Texas, Paige, Bingham, Peelle of Indiana, Skinner of New York, White of Kentucky, Wakefield, McCormick, and Caine.

Committee on the Public Lands—Messrs. Cobb, Scales, Oates, Shaw, Lewis, Henley, Van Eaton, Belford, Strait, Anderson, Payson, and Brents.

Committee on Indian Affairs—Messrs. Wellborn, Graves, Stevens, Peel of Arkansas, Pierce, Finerty, Skinner of North Carolina, Smith, George, Perkins, Nelson, and Oury.

Committee on the Territories—Messrs. Evins of South Carolina, Pryor, Arnot, Hardeman, Lanham, Alexander, Carleton, Foran, Joseph D. Taylor, Kellogg, Johnson, Lawrence, Struble, and Post of Wyoming.

Committee on Railways and Canals—Messrs. Davidson, Hoblitzell, Murphy, Paige, Caldwell, Turner of Kentucky, Wemple, Culbertson of Kentucky, James, Atkinson, and Hatch of Michigan.

Committee on Manufactures—Messrs. Bagley, George D. Wise, Mitchell, Caldwell, Crisp, Murray, Lewis, Brewer, Mackey, Ellwood, and Campbell of Pennsylvania.

Committee on Mines and Mining—Messrs. Warner of Tennessee, Cassidy, Alexander, Skinner of North Carolina, Miller of Texas, Wood, Stevens, White of Minnesota, Breitung, Culbertson of Kentucky, O'Hara, and Singiser.

Committee on Public Buildings and Grounds—Messrs. Stockslager, Young, Dibble, Reese, Hopkins, Pusey, Wemple, Worthington, Brainerd, Holton, Kean, Breitung, and Milliken.

Committee on Pacific Railroads—Messrs. Cassidy, Throckmorton, Cabell, Thompson, Jordan, Crisp, Post of Pennsylvania, Wilson of Iowa, Millard, Dunham, and Hanback.

Committee on Levees and Improvements of the Mississippi River—Messrs. King, Dunn, O'Neill of Missouri, Post of Pennsylvania, Campbell of New York, Jones of Wisconsin, Henley, Thomas, John S. Wise, Howey, and Whiting.

Committee on Education—Messrs. Aiken, Converse, Willis, Budd, Arnot, Duncan, Winans of Wisconsin, Joseph D. Taylor, Milliken, Hatch of Michigan, and Morrill.

Committee on Labor—Messrs. Hopkins, O'Neill of Missouri, Foran, Lovering, Mackey, James, and Haynes.

Committee on the Militia—Messrs. Muller, Cox of North Carolina, Covington, McAdoo, Peel of Arkansas, Boyle, Ballentine, Strait, Morey, Valentine, and Cutcheon.

Committee on Patents—Messrs. Vance, Singleton, Mitchell, Greenleaf, Halsell, Dargan, Winans of Wisconsin, Hepburn, Morey, Atkinson, and Rice.

Committee on Invalid Pensions—Messrs. Matson, Le Fevre, Fyan, Winans of Michigan, Budd, Sumner of Wisconsin, Patton, Lovering, Bagley, Ray of New Hampshire, Cullen, Houk, John S. Wise, Holmes, and Morrill.

Committee on Pensions—Messrs. Hewitt of Alabama, Tillman, Robinson of New York, Le Fevre, Stockslager, Jones of Texas, Wolford, Steele, Laird, Struble, and York.

Committee on Claims—Messrs. McMillin, Dowd, Tillman, Warner of Ohio, Van Alstyne, Dockery, Wood, Lore, Snyder, Ray of New Hampshire, Price, Ochiltree, Ellwood, Brown of Pennsylvania, and Ray of New York.

Committee on War Claims—Messrs. Geddes, Jones of Wisconsin, Storm, Tully, Rogers of New York, Weller, Ferrell, Kellogg, Everhart, Rowell, and Bowen.

Committee on Private Land Claims—Messrs. Muldrow, Mutchler, Williams, Halsell, Cosgrove, Eldredge, Lowry, Payson, Parker, Mayo, and Weaver.

Committee on the District of Columbia—Messrs. Barbour, Muldrow, Shelley, Eldredge, Wilson of West Virginia, Fiedler, Spriggs, Barr, Guenther, McComas, and Jeffords.

Committee on Revision of the Laws—Messrs. Oates, Buchanan, McMillin, Hill, Clay, Ward, Hemphill, Brown of Pennsylvania, Payne, Spooner, and McComas.

Committee on Expenditures in the State Department—Messrs. Hardeman, Dargan, Worthington, Campbell of New York, Barr, Henderson of Iowa, and Price.

Committee on Expenditures in the Treasury Department—Messrs. Davis of Missouri, Hewitt of Alabama, Potter, Connolly, Lacey, Libbey, and Haynes.

Committee on Expenditures in the War Department—Messrs. Thompson, Ferrell, Taylor of Tennessee, Elliott, Mayo, Johnson, and Hanback.

Committee on Expenditures in the Navy Department—Messrs. Morse, Hewitt of New York, Shaw, Davidson, Houk, Davis of Massachusetts, and Lawrence.

Committee on Expenditures in the Post-Office Department—Messrs. Morgan, Talbott, Robinson of New York, Neece, Peelle of Indiana, Stone, and Nutting.

Committee on Expenditures in the Interior Department—Messrs. Young, Clardy, Cook, Storm, Brumm, Dunham, and Payne.

Committee on Expenditures in the Department of Justice—Messrs. Springer, Hemphill, Van Alstyne, Fyan, Stewart of Vermont, Bowen, and Stephenson.

Committee on Expenditures on Public Buildings—Messrs. Belmont, Wilkins, Spriggs, Sumner of Wisconsin, Harmer, Weaver, and O'Hara.

Committee on the Rules—The Speaker, Messrs. Blackburn, Randall, Keifer, and Reed.

Committee on Accounts—Messrs. Covington, Muller, Dockery, Ermentrout, Brewer of New Jersey, Spooner, and Adams of Illinois.

Committee on Mileage—Messrs. Moulton, Wellborn, Glascock, Ranney, and Miller of Pennsylvania.

Committee on the Library—Messrs. Singleton, Woodward, and Nutting.

Committee on Printing—Messrs. Scales, Rogers of New York, and Smith.

Committee on Enrolled Bills—Messrs. Neece, Warner of Tennessee, Snyder, Yaple, Holmes, Hooper, and Perkins.

SELECT COMMITTEES.

Committee on Reform in the Civil Service—Messrs. Mutchler, Cox of New York, Clements, Hoblitzell, Finerty, Barksdale, Seymour, Robertson, Bingham, Phelps, Millard, Lyman, and Hitt.

Committee on American Ship-Building and Ship-Owning Interests—Messrs. Slocum, Deuster, Dibble, Throckmorton, Hunt, Findlay, Lore, Dingley, O'Neill of Pennsylvania, George, and Long.

Committee on Law respecting Election of President and Vice-President—Messrs. Eaton, Springer, Clay, Jordan, Pryor, Bennett, Kleiner, Findlay, Parker, White of Kentucky, Peters, Hart, and Wait.

Committee on Payment of Pensions, Bounty, and Back Pay—Messrs. Warner of Ohio, Connolly, Pierce, Rogers of Arkansas, Greenleaf, Brewer of New York, York, Whiting, and Anderson.

Committee on the Public Health—Messrs. Beach, Graves, Riggs, Candler, Fiedler, Davis of Massachusetts, Evans of Pennsylvania, Libbey, and Pettibone.

Committee on Ventilation and Acoustics—Messrs. Hardy, Cabell, Green, Shelley, Jeffords, Evans of Pennsylvania, and Brewer of New York.

Committee on the Alcoholic Liquor Traffic—Messrs. Hill, Bland, Kleiner, Carleton, Evins of South Carolina, Davis of Illinois, Guenther, Goff, and Campbell of Pennsylvania.

Mr. MORRISON. I move that the House adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 45 minutes p. m.) the Speaker, in pursuance of the concurrent resolution adopted by the two Houses, declared the House adjourned until Monday, January 7, 1884, at 12 o'clock m.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CLEMENTS: The petition of citizens of Floyd County, Georgia, praying that the tax on alcohol be removed—to the Committee on Ways and Means.

By Mr. DEUSTER: The petition of T. M. Vanderhoof, post commander of A. Lincoln Post, No. 3, of Wisconsin, Grand Army of the Republic, praying for a pension for Rev. Corydon Millard, late chaplain Fourth United States Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: The petition of J. S. Gilliam and 10 others, letter-carriers of Dubuque, Iowa, praying legislation granting those employed in the free-delivery service a thirty days' leave of absence each year, with pay—to the Committee on the Post-Office and Post-Roads.

Also, the petition of O. S. Newcomb and 33 others, soldiers of the late war, for equilization of bounties, &c.—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

Also, the resolutions adopted by John J. Stillman Post, No. 194, Grand Army of the Republic, Department of Iowa, asking Congress to grant a pension at the rate of $8 per month to each soldier who served thirty days in the Union Army and was once under fire—to the Committee on Invalid Pensions.

By Mr. YOUNG: Papers relating to the claim of Elizabeth Becton, of Willis Ferrill, of Mary E. Lucas, heir of Mary G. Wray, and of E. P. McNeal—severally to the Committee on Claims.

SENATE.

MONDAY, *January* 7, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

The Journal of the proceedings of Monday, December 24, 1883, was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report of the Chief of Engineers and copies of reports from officers in charge of river and harbor districts of the results of preliminary examinations made in compliance with the provisions of the river and harbor act of August 2, 1882; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with Senate resolution of December 13, 1883, three printed briefs filed by Charles H. Tweed, counsel of the Southern Pacific railroad companies of Arizona and New Mexico, said to have been included in papers relative to the attempted transfer by the Texas and Pacific Railroad Company of its land grant to the Southern Pacific railroad companies of Arizona, New Mexico, and California submitted to the Senate, but not printed under the former order of the Senate; which was read.

The PRESIDENT *pro tempore*. If there be no objection, this communication, with the accompanying papers, will be printed and laid on the table.

Mr. VAN WYCK. It should be referred to the Committee on Public Lands. The previous part of the documents was ordered to be printed and referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. Then this communication, with the accompanying papers, will be referred to the same committee.

Mr. INGALLS. My recollection is that the papers were laid upon the table. I should like to know what the docket entry is on that question.

The PRESIDENT *pro tempore*. The Chair understands that the former papers were referred to the Committee on Public Lands. The order will be entered, therefore, if there be no objection, to print this letter, with the accompanying papers, and refer the same to the Committee on Public Lands.

Mr. VAN WYCK. That should be done.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Postmaster-General, transmitting the report of the commission appointed under section 3 of the act approved March 3, 1883, to investigate the railway mail service and devise a system of gauging rates of pay for carrying the mails.

The PRESIDENT *pro tempore*. The communication will be printed and referred to the Committee on Post-Offices and Post-Roads. The report to which the Postmaster-General alludes was sent to the House of Representatives and is in print there. The communication alone, therefore, will be printed here.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Postmaster-General, transmitting a list of claims of postmasters presented under the act of March 17, 1882, authorizing the Postmaster-General to adjust certain claims of postmasters for losses by burglary, fire, or other unavoidable casualties, showing the action taken by him thereon; which was read.

The PRESIDENT *pro tempore*. The letter will be printed.

Mr. COCKRELL. Is there a list accompanying it?

The PRESIDENT *pro tempore*. The list was sent to the House of Representatives and will be printed there. The communication of the Postmaster General only, unless some Senator desires a reprint here, will be printed, and referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with Senate resolution of December 10, 1883, copies of all papers now on file in the Interior Department relating to the transfer of the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad Company to the New Orleans Pacific Railroad Company; which, on motion of Mr. HILL, was ordered to lie on the table and be printed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a letter from the Secretary of the Navy, requesting the return of the report of Prof. J. E. Nourse on the Suez Canal, for the purpose of adding to it important information received since it was submitted to the Senate on March 30, 1882. The Chair will state that the letter was addressed to the Chair as President of the Senate, and not to the Senate, asking that this paper, which was sent to the Senate a year ago and has not yet been printed, be returned to the Department for addition and revision, bringing it down to this time. If there be no objection, the Secretary will be directed to return the report to the Secretary of the Navy for the purpose indicated, and his letter will be placed on file.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Mrs. Caroline Hall Smith, of Milton, Vt., as heir of Capt. John Hall, of the Revolutionary army, praying remuneration for property taken from him by the enemy during the Revolutionary war; which was referred to the Committee on Revolutionary Claims.

He also presented the petition of C. C. Lancaster, attorney in fact for the heirs of Richard S. Coxe, deceased, praying payment of their claim against the United States for legal services, as found due in report of Court of Claims, No. 249, Thirty-sixth Congress, first session; which was referred to the Committee on Claims.

He also presented the petition of Charles C. Lancaster, attorney in fact for Joseph E. Nourse, William E. Nourse, and E. M. Nourse, heirs of Michael Nourse, deceased, praying payment of amount found due and allowed Michael Nourse in his lifetime by the Court of Claims for services rendered as Register of the Treasury; which was referred to the Committee on Claims.

He also presented the petition of James Martin, of Omarel, Holt County, Nebraska, praying for a donation for the support of Daniel Martin, a soldier of the war of 1812; which was referred to the Committee on Pensions.

He also presented the petition of Pope, Berry & Hall, and 19 other firms, of Burlington, Vt., jobbers and dealers in tobacco, snuff, cigars, &c., praying for a tobacco-rebate appropriation; which was referred to the Committee on Appropriations.

He also presented the petition of S. A. Groff, of Washington, D. C., praying for the adoption by the Senate of his invention known as "The groff voting indicator and page or messenger call;" which was referred to the Committee on Rules.

He also presented the petitions of Mrs. Sarah Williams and Mrs. Rebecca Turner, of Bowdon, Ga.; and the petition of Mrs. L. Myra Morse, of South Lubec, Me., praying for an increase of widows' pension; which was referred to the Committee on Pensions.

Mr. SHERMAN. I am requested to present the petition of a number of American artists in Rome, praying for a repeal of the duty on works of art. I do not know but that on the whole it would be better to have the paper read or printed. I will ask that an order be made that it be printed and referred to the Committee on the Library. I ask that at the request of others, with some doubt as to the committee to which it should properly go. The Committee on the Library usually has charge of the purchase of works of art, and the Committee on Finance necessarily has charge of the question of levying a duty and determining whether it ought to be repealed or not. I will move that the petition be referred to the Committee on the Library, unless there is objection made to such a reference.

Mr. MORRILL. It is not very important to which committee the petition shall be referred, but it clearly ought to be referred to the Committee on Finance. That committee may not have power at present to act upon it, but I do not see how the Committee on the Library will ever have any power to act upon it. I move to amend the motion by referring the petition to the Committee on Finance.

Mr. COCKRELL. On this side of the Chamber we did not hear the Senator from Ohio when he stated what the petition was.

Mr. SHERMAN. It is a petition of American artists living abroad praying for a repeal of the duty on works of art, and it comes to me with a request that I ask that it be printed (and I think it is very proper to print it, because it sets out the argument for the repeal of that duty), and also that it be referred to the Committee on the Library with a view of having the question of the propriety of the duty inquired into by that committee. As I am a member of both committees, I do not, as a matter of course, care to which it is referred, but I comply with the suggestion that it be referred to the Committee on the Library, and then if that committee should deem the prayer a proper one the matter would naturally and necessarily go to the Committee on Finance.

Mr. COCKRELL. Does it affect the finances entirely?

Mr. SHERMAN. It does. The prayer of the petition is to repeal a duty levied by existing law.

Mr. COCKRELL. It seems to me the petition ought to go to the Committee on Finance, very clearly.

Mr. EDMUNDS (Mr. PLATT in the chair). Certainly at the first glance there would be no doubt, and if there was such a bill now pending before the Committee on Finance the petition clearly ought to go there; but I rise to speak of it only because Mr. Story, the eminent gentleman who heads the petition, sent it to me with an explanatory letter, the petition being signed I believe by all the American artists in Rome for this change or reduction; and inasmuch as there was no opportunity for the Senate at this time to act upon the matter and as it related to a difference of opinion between American artists abroad and American artists at home as to how this matter ought to be adjusted, and as the subject of the art question in its relations to the general interests of the country is one that the Committee on the Library have usually had charge of, I thought there would not be any impropriety to have it to go meantime to the Committee on the Library, who would receive from the artists of this country correspondence on the subject; and when the matter should be in a condition to be acted upon at all, then, with all the papers, it could be sent to the Committee on Finance. Therefore, occupying the chair, I handed the petition to my friend from Ohio with that suggestion and I hope my colleague will not object, as public attention is drawn, and some letters are already coming on the subject addressed to the Senator from Ohio and myself.

Mr. MORRILL. It is quite immaterial to me to which committee the petition may be referred, and if my colleague desires to have it referred to the Committee on the Library, I withdraw the amendment I moved to refer it to the Committee on Finance.

Mr. EDMUNDS. I am much obliged to my colleague.

The PRESIDING OFFICER (Mr. PLATT in the chair). If there be no objection the petition will be ordered to be printed and referred to the Committee on the Library. The Chair hears none.

Mr. SHERMAN presented the petition of James M. Dalzell, formerly private Company H, One hundred and sixteenth Ohio Volunteers, praying to be granted arrears of pension; which was referred to the Committee on Pensions.

Mr. SHERMAN. I have a petition, very largely signed by merchants and business men, praying for the ratification of a treaty. I ask the Chair what is the usual course in such cases, whether it should be presented in executive session?

The PRESIDENT *pro tempore*. It should be presented in executive session.

Mr. SHERMAN. I will withhold it, then, for that purpose.

Mr. LOGAN presented the petition of Robert Anderson and others, members of Post No. 32, Department of Nebraska, Grand Army of the Republic; the petition of Francis S. Long and others, members of Post No. 30, Department of Connecticut, Grand Army of the Republic; the petition of M. C. Johnson and others, members of the Grand Army of the Republic; the petition of S. P. Hosmer and others, of Post No. 140, Department of Michigan, Grand Army of the Republic; the petition of George E. Brown and others, of Post 369, Department of Illinois, Grand Army of the Republic; the petition of John Vandorn and others, of Post 206, Department of Iowa, Grand Army of the Republic; the petition of W. H. Strain and others, members of the Grand Army of the Republic; the petition of W. W. Rowley and others, members of the Grand Army of the Republic; the petition of T. J. Lutton and others, ex-Union soldiers of Knoxville, Nebr.; the petition of W. B. Dugger and others, of Don Messic Post 339, Department of Illinois, Grand Army of the Republic; the petition of William E. Axtell and others, of Wagoner Post No. 31, Department of Missouri, Grand Army of the Republic; the petition of Barney Cole and others, ex-Union soldiers of Weigand, Knox County, Nebraska; the petition of A. J. Goodell and others, of Annett Post No. 124, Department of Iowa, Grand Army of the Republic; the petition of H. O. Dodge and others, of Post No. 5, Department of Colorado, Grand Army of the Republic; the petition of R. H. Taylor and others, members of the Grand Army of the Republic; the petition of J. R. Latta and others, of Post 54, Department of Indiana, Grand Army of the Republic; the petition of Charles Beadle and others, of Post 86, Department of Wisconsin, Grand Army of the Republic; the petition of W. F. Bradley and others, of Woodbury Post No. 45, Department of Michigan, Grand Army of the Republic; the petition of C. L. Straight and others, ex-Union soldiers of Evanston, Wyo.; the petition of J. R. Wallace and others, of Post 199, Department of Indiana, Grand Army of the Republic; and the petition of James Bear and others, of Post 15, Department of Ohio, Grand Army of the Republic, praying for the opening of the Sioux reservation in Dakota for settlement; which were referred to the Committee on Indian Affairs.

He also presented the petition of ex-soldiers and sailors of the late war, citizens of New York, praying for a change of the pension laws for the benefit of ex-Union soldiers; which was referred to the Committee on Pensions.

Mr. FRYE presented the petition of R. Noble, of Woodstock, Me., praying for an increase of pensions to the soldiers of the war of 1812; which was referred to the Committee on Pensions.

Mr. CALL presented the petition of A. B. Noyes, Fred W. Hoyt & Co., and other citizens of Fernandina, Fla., praying for an appropria-

tion to pay the rebate provided by law on tobacco, snuff, cigars, &c.; which was referred to the Committee on Appropriations.

Mr. MAXEY. I present a petition of citizens of Grayson County, Texas, and a petition of citizens of Tarrant County, Texas, praying for the payment of rebate allowed dealers in tobacco, snuff, &c. I move that the petitions be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Chair has referred all the petitions on that subject hitherto to the Committee on Appropriations, the law having already, as the Chair understands, provided for the rebate and it being only a question of appropriation.

Mr. MAXEY. Very well; let the petitions go to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The petitions will be so referred.

Mr. GARLAND. I present a similar petition to those presented by the Senator from Texas from Probst & Hilt and other citizens of Little Rock, Ark. I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. GARLAND. I present a communication from the governor of the State of Arkansas, in reference to the manner of apprehending and surrendering fugitives from justice to the Indian Nation; which I move be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. COKE presented a petition of citizens of El Paso County, Texas, praying an appropriation for the erection of a public building to encourage and facilitate transactions in the increasing customs business and in the postal department in the city of El Paso; which was referred to the Committee on Public Buildings and Grounds.

Mr. JONAS presented a petition of jobbers and importers of tobacco of New Orleans, praying for a tobacco rebate appropriation; which was referred to the Committee on Appropriations.

Mr. GROOME presented the petition of Sarah E. Mooney, of Earlville, Cecil County, Maryland, dependent mother of George P. Ruby, late of Company B, Sixth Maryland Regiment, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present a petition of jobbers and dealers in manufactured tobacco, snuff, and cigars in Kansas City, State of Missouri, praying for an appropriation to pay the rebate claims already allowed in the Treasury Department, amounting, I believe, to something over $3,000,000, which have not been paid, and for which no appropriation has been made. I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. COCKRELL. I hold in my hand a printed petition, which seems to have been gotton up in regular form.

The undersigned, whose residence is at Weaubleau City, in the county of Hickory, and State of Missouri, and who is now in receipt of a widow's pension, respectfully petitions your honorable body to enact that all pensions granted to widows and dependent relatives of persons of the military service at a less rate than $12 per month be increased to that rate.

And your petitioner prays that it be further enacted, that the necessary forms, information, and assistance to enable pensioned widows to obtain the said increase be furnished from and by the Pension Office without charge, and it be made a misdemeanor for any person to claim or receive any compensation or gratuity for services, or pretended services, in applying for or obtaining such increase as may be granted by your honorable body.

It is signed by Elizabeth Murry and attested by J. H. Nunn.

The petition is a regular printed petition; and I move that it be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL presented the petition of Mary Hays, dependent mother of Darrel J. Hays, late sergeant of Company E, Sixth Regiment Iowa Volunteers, praying for special relief; which was referred to the Committee on Pensions.

Mr. COCKRELL. I hold in my hand a letter signed by the letter-carriers of Kansas City, Mo., addressed to me, but desiring legislation in regard to their rights. They want legislation authorizing an annual vacation of thirty days, such as is granted to most other employés of the Government, but which is denied to them. I hope that this petition will receive prompt consideration at the hands of the Committee on Post-Offices and Post-Roads. If other employés of the Government performing no more arduous or confining labors are allowed, by mere discretion or by law, a regular leave of absence for thirty days, with pay, there is no reason why any discrimination should exist against letter-carriers. I ask that the letter be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that a letter addressed to him of the character named may be received and referred to the Committee on Post-Offices and Post-Roads. Is there objection? The Chair hears none, and it is so referred.

Mr. MILLER, of New York. I present a petition of the Board of Underwriters and others, of New York City, praying for an appropriation in behalf of the cable and signal communication between Martha's Vineyard and Nantucket. This petition asks for an appropriation, but I think the matter should first be considered by the Committee on Commerce. I move that it be referred to that committee.

The motion was agreed to.

Mr. MILLER, of New York, presented two memorials of citizens of New York, remonstrating against the passage of the bill (S. 559) to quiet the title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which were referred to the Committee on Public Lands.

He also presented a petition of Garrett Post, Grand Army of the Republic, of Liberty, N. Y., praying the pensioning of the veterans of the late civil war; which was referred to the Committee on Pensions.

Mr. MILLER, of New York. I present a petition in regard to the ratification of the commercial treaty with Mexico, and move its reference to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator that petitions with respect to the ratification of treaties should be presented in executive session and be entered on the executive journal. The Senator will therefore kindly withhold it until that time.

Mr. MILLER, of New York. Very well.

Mr. MANDERSON presented the petition of McCord, Brady & Co. and others, of Omaha, Nebr., praying for necessary legislation for the payment of claims for rebate on tobacco; which was referred to the Committee on Appropriations.

Mr. DAWES presented a petition of several firms of North Adams, Mass., praying for the passage of a law for the payment of rebate on tobacco, snuff, cigars, &c.; which was referred to the Committee on Appropriations.

Mr. MITCHELL presented a petition of Jacob Livingstone & Co. and others, of Carlisle, Pa., praying for an appropriation for the payment of rebate on tobacco, cigars, snuff, &c.; which was referred to the Committee on Appropriations.

Mr. HILL presented a petition of jobbers and dealers in manufactured tobacco, residents of Denver, Colo., praying for an appropriation for the payment of rebate on the various manufactures of tobacco; which was referred to the Committee on Appropriations.

Mr. DOLPH presented a petition of citizens of Oregon and Washington Territory, praying that the land grant of the Oregon Central Railroad Company (Astoria Railroad) be declared forfeited, including all lands within the overlapping grant, whether they may be in Washington Territory or in Oregon, and that they may be thrown open to public settlement; which was referred to the Committee on Public Lands.

Mr. LAPHAM presented the petition of Alida Dennis, of Amsterdam, Montgomery County, New York, wife of Benjamin H. Dennis, late private Company I, Thirty-first Regiment United States Colored Troops, praying to be granted a pension; which was referred to the Committee on Pensions.

Mr. MILLER, of California, presented a petition of the board of supervisors of the city and county of San Francisco, praying that more suitable provision be made for the accommodation of the postal and judicial business of the United States in California; which was referred to the Committee on Public Buildings and Grounds.

Mr. HALE presented the petition of Mary J. French, of Skowhegan, Me., widow of Dearborn P. French, late private in Company B, Thirty-second Regiment Illinois Volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 652) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla, reported it with an amendment.

Mr. SLATER, from the Committee on Public Lands, to whom was referred the bill (S. 621) for the relief of William L. White, reported it without amendment.

Mr. PUGH. The Committee on the Judiciary, to whom was referred the bill (S. 178) to repeal section 714 of the Revised Statutes, allowing pensions to judges in certain cases, have instructed me to report it back with a recommendation that it ought not to pass, and to submit a report thereon.

The PRESIDENT *pro tempore*. The report will be printed, and the further consideration of the bill will be postponed indefinitely, if there be no objection.

Mr. GEORGE. I object to its indefinite postponement.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed upon the Calendar.

Mr. WALKER, from the Committee on Public Lands, to whom was referred the bill (S. 258) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith, for the use and benefit of the free public schools thereof, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. HILL, from the Committee on Public Lands, to whom was referred the bill (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," reported it without amendment, and submitted a report thereon.

TARIFF COMPILATION, 1884.

Mr. MORRILL. I desire to make a report from the Committee on Finance in relation to the comparative tariffs, the present and the past, with various other statistics, authorized and ordered by the Senate at the last session. I wish to say that this report has been prepared by the clerk of the Committee on Finance, and I do it no more than justice in saying that it will be found a very valuable and interesting report. I ask to have it referred to the Committee on Printing, and that it be printed.

The PRESIDENT *pro tempore*. Is there objection to printing? The Chair hears none. The report will be printed. Does the Senator wish to have it referred to the Committee on Printing?

Mr. MORRILL. Yes, as I desire to have some extra copies printed.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Vermont that probably it would be more convenient, in keeping the Journal, for him to introduce a resolution to print the number of extra copies he desires, and send the resolution to the Committee on Printing.

Mr. MORRILL. Very well.

The PRESIDENT *pro tempore*. The usual number of copies of the report will be printed, as all reports are printed.

BILLS INTRODUCED.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 874) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 875) for the relief of Charles C. Hill, of Urbana, Ohio; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 876) for the relief of Daniel M. Cook; which was read twice by its title, and referred to the Committee on Patents.

Mr. DOLPH asked and, by unanimous consent, obtained leave to introduce a bill (S. 877) to provide for the construction of a public building at Portland, Oreg.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 878) for the relief of Louis C. Madeira and Emilio F. Cabada, of Philadelphia, Pa.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MAHONE asked and, by unanimous consent, obtained leave to introduce a bill (S. 879) for the relief of P. L. Ward, widow and executrix of William Ward, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. 880) to extend the jurisdiction of justices of the peace in the District of Columbia and to regulate proceedings before them; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 881) for the relief of M. L. Wicks, of California; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 882) for the relief of William B. Stokes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PIKE asked and, by unanimous consent, obtained leave to introduce a bill (S. 883) for the relief of Lysander H. Carroll; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 884) directing the Secretary of the Treasury to refund money wrongfully paid for duties on imports by Daniel Marcy; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM asked and, by unanimous consent, obtained leave to introduce a bill (S. 885) to amend section 17 of act of July 2, 1864, providing for the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean; which was read twice by its title.

Mr. CULLOM. I desire to say that this is a railroad bill, but it asks for neither land nor bonds. I move that it be referred to the Committee on Railroads.

The motion was agreed to.

Mr. FAIR (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 886) to prevent the retroactive operation of that portion of the naval appropriation act of August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service, printed on page 285 of volume 22 of the United States Statutes at Large; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 887) for the relief of Herman Ruge; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 888) for the relief of Perry G. Wall and the executors of O. B. Hart, deceased; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 889) for the improvement of the Suwannee River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 890) for continuing the work on the channel between Cumberland and Amelia Islands, Florida, and the entrance to Fernandina, Fla., and Saint Mary's, Ga.; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 891) for the improvement of the channel at Key West, Fla., for the safety and convenience of the commerce of the Gulf of Mexico; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 892) for continuing work on the bar of Saint John's River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 893) for the improvement of the Saint John's River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 894) for the improvement of certain channels, rivers, and harbors in the State of Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 895) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 896) for the relief of Pearson C. Montgomery, of Memphis, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. GIBSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 897) to facilitate the reform of the civil service; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 898) to establish a navy-yard and depot of supplies on the Mississippi River at Algiers, or at some point between Algiers and Port Eads; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 899) to provide promotion in the corps of judge-advocates; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 900) to abrogate the powers of the executive officers of the United States in allowing indemnity locations or scrip for confirmed unsatisfied private land claims under section 3 of the act of Congress approved June 2, 1858 (United States Statutes at Large, volume 11, pages 294 and 295, chapter 81), and to vest that power in the courts of the United States; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. LAMAR (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 901) providing for the payment of judgments when rendered in the Court of Commissioners of Alabama Claims; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PUGH (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 902) for the relief of Peter Targarona; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. CONGER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 903) for the relief of the heirs of Mark Davis, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 904) to confirm a certain land claim in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 905) for the relief of Hugh Dougherty; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 906) for the relief of Napoleon B. Drummond; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 907) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 908) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes; which was read twice by its title.

Mr. INGALLS. I am uncertain to what committee the bill should be appropriately referred. It provides for granting a right of way to a railroad company through the Indian Territory, and might properly go either to the Committee on Railroads or to the Committee on Indian Affairs. Inasmuch as the rights of the Indians would be affected more or less by the passage of the bill, I ask that it be referred to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. If there be no objection the bill will be referred to the Committee on Indian Affairs. The Chair hears none, and it is so referred.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. 909) to increase the pension of Martin Kelly and to rate him in the second grade of pensioners; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Florida, asked and, by unanimous consent, obtained leave to introduce a bill (S. 910) providing for continuing the improvement of Pensacola Harbor; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LOGAN (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 911) for the relief of Charles H. Adams; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 912) granting a pension to Henry A. Armstrong; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 913) to increase the pensions of soldiers and sailors who have lost an arm or leg in the service; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 914) to create an additional land district in Washington Territory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. EDMUNDS (Mr. GARLAND in the chair) asked and, by unanimous consent, obtained leave to introduce a bill (S. 915) to permit the owners of certain vessels to sue the United States in the Court of Claims; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. EDMUNDS. I ask leave, without previous notice, to introduce another bill on the same subject, and to say in this connection that both these bills have been sent me by gentlemen learned in the law, and I have examined them sufficiently to think that the matter deserves inquiry, although I do not at this moment commit myself to the propriety of either of the bills.

By unanimous consent leave was granted to introduce a bill (S. 916) to permit the owners of certain vessels to sue the United States in the Court of Claims; which was read twice by its title.

Mr. EDMUNDS. I ask that the second bill may be referred also to the Committee on the Judiciary.

Mr. CAMERON, of Wisconsin. My recollection is that bills similar to that have usually gone to the Committee on Claims. It is true that committee has a great deal of work on its hands, perhaps more than it can do, but if bills of that character heretofore have gone to that committee I think they ought to go there now.

The PRESIDENT *pro tempore*. The Senator from Wisconsin will allow the Senator from Vermont to state from the chair that these bills relate purely to collision cases, which are now tried in the district courts, under a certain fiction of law sometimes. The Senator from Vermont therefore thought the Judiciary Committee was the proper one, but the Chair will change the reference, on the suggestion of the Senator from Wisconsin, with pleasure. The bills will be referred to the Committee on Claims.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. 917) granting a pension to Alida Dennis, widow of Benjamin H. Dennis, late a private in Company I, Thirty-first Regiment United States Colored Troops; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 918) for the relief of Greenleaf Cilley; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 919) for the relief of John M. McClintock; which was read twice by its title, and referred to the Committee on Finance.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. 920) for the relief of John Ogden; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 921) for the relief of Elijah Crudgington; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 922) for the relief of John Gibson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 923) for the relief of John G. Leefe, first lieutenant Nineteenth Regiment of Infantry, United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 924) for the relief of First Lieutenant M. O'Brien, Fourth United States Artillery; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 925) granting a pension to John B. Childs; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 926) granting a pension to Levi H. Naron; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 927) granting a pension to James Rockwell; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 928) granting a pension to Sarah Cadis; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 929) granting a pension to Caroline Treckell; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 930) granting a pension to Spencer W. Tryon; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 931) granting a pension to Amanda Reeder; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 932) for the relief of Mary Jane Thompson, executrix of Jeter L. Thompson, deceased, late surgeon Third Indian Home Guard; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 933) for the relief of the estate of H. H. Dalrymple, deceased; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 934) for the relief of the officers and crew of the United States sloop of war Cumberland who engaged the Merrimac on the 8th of March, 1862, and went down with her colors flying; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 935) for the relief of August Thieman; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SLATER asked and, by unanimous consent, obtained leave to introduce a bill (S. 936) to provide for the payment of so much of the expenses incurred by the Territories of Oregon and Washington in the suppression of Indian hostilities therein in the years 1855 and 1856 as have not been heretofore provided for and paid; which was read twice by its title, and ordered to lie on the table.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 937) restoring to settlement lands withdrawn therefrom by the Secretary of the Interior under section 4 of an act entitled "An act granting lands to the State of Oregon to aid in the construction of a military wagon-road from Dalles City, on the Columbia River, to Fort Boisé," approved February 25, 1857; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 938) confirming to W. S. Byers & Co., of Pendleton, Oreg., the right to take and use water from the Umatilla River, on the Umatilla Indian reservation in the State of Oregon, for manufacturing and other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 939) for the relief of Ezra Hayes, of Oregon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST asked and, by unanimous consent, obtained leave to introduce a bill (S. 940) to authorize and direct the Secretary of the Treasury to cause to be examined certain vouchers of the State of Missouri for payments to officers and enlisted men of her militia forces, made since April 22, 1882, for services rendered to the United States in the suppression of the rebellion, and to report to Congress; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 941) for the relief of Martin E. Smith, of Webb City, Mo.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. COKE asked and, by unanimous consent, obtained leave to in-

troduce a bill (S. 942) to provide for the purchase of the necessary land and the erection thereon of a custom-house and post-office building in the city of El Paso, Tex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. VANCE asked and, by unanimous consent, obtained leave to introduce a bill (S. 943) for the relief of R. D. Hay; which was read twice by its title, and referred to the Committee on Claims.

Mr. GARLAND (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 944) to incorporate the United States Gas Electric Light and Fuel Company, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 945) to authorize a preliminary examination and survey of the passes between the affluents of the Upper Missouri and Columbia Rivers for the purpose of ascertaining the distances between the navigable waters of said rivers and the practicability of uniting said rivers by canal or otherwise; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Transportation Routes to the Seaboard.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 946) for the relief of Edward S. Armstrong; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 947) granting a pension to Powhattan B. Short; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 948) granting a pension to Emma A. Porch; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 949) to amend and correct an act approved January 29, 1879, authorizing the appointment of Dr. Junius L. Powell an assistant surgeon United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 950) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MANDERSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 951) to authorize the Capital Cable Railway of Washington to construct its railway on certain streets of said city; which was read twice by its title, and referred to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The morning hour has expired, but if there be no objection the Chair will continue to receive the current business of the morning hour. Is there objection? The Chair hears none.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. 952) to authorize the construction of a bridge across the Missouri River at or near Decatur, Burt County, Nebraska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. 953) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GIBSON asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 34) for the immediate appropriation of $1,000,000 in accordance with the earnest request of the Mississippi River commission for the preservation, repair, and construction of certain works for the improvement of the said river; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SEWELL asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 35) to correct clerical errors in the resolution referring the claim of the owners of the schooner Twilight to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 36) to authorize the Secretary of State to reimburse Sam C. Reid for certain expenditures; which was read twice by its title, and referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WALKER, it was

Ordered, That the papers relating to the claim of W. M. Raines be taken from the files and referred to the Committee on Claims.

CHINESE IMMIGRATION.

Mr. MILLER, of California, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate all the documentary information in his possession relating to the execution of the act of Congress entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, together with all facts which may have come to his knowledge concerning the difficulties which may have been encountered by the officers of his Department in the enforcement of said act.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further resolutions, the morning hour is closed. The Chair will state, the Calendar now being in order, that the unfinished business of a preceding sitting was the consideration of the rules proposed by the Committee on Rules, but at the last sitting day of the Senate the Senate adjourned before the morning hour expired, and the unfinished business of the preceding session was not laid before the Senate. Strictly, therefore, the Chair thinks that the unfinished business has lost its precedence as unfinished business, unless there was some understanding to the contrary. The Chair was not present at the time. If there be no objection, under the circumstances, as the last day's sitting was an informal one, the Chair will treat the unfinished business of the preceding sitting as now the unfinished business. Is there objection?

Mr. HOAR. I wish to inquire of the Senator from Maine if he desires to go on with that order this morning?

Mr. FRYE. I do very much.

Mr. HOAR. I give notice that when this order is out of the way I shall ask to take up the bill to fix the day for the meeting of electors of President and Vice-President, &c.

The PRESIDENT *pro tempore*. Is there objection to the suggestion of the Chair regarding the unfinished business? The Chair hears none. The report of the Committee on Rules is now before the Senate.

ARREARS OF PENSIONS.

Mr. INGALLS. Before that report is actually taken up I ask that Senate bill No. 1, which has been read the first time and has been on the Calendar since the appointment of the committees, may be read a second time and referred to the Committee on Pensions.

The bill (S. 1) to amend section 2 of an act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes, approved March 3, 1879, was read the second time by its title, and referred to the Committee on Pensions.

Mr. HOAR. I suggest that all the bills which were introduced before the appointment of committees be appropriately referred, so that they may be removed from the Calendar.

The PRESIDENT *pro tempore*. The Chair will state that he understands some of those bills have been laid on the table with a view to the gentlemen introducing them submitting some remarks before the reference occurs.

Mr. COCKRELL. That is precisely the suggestion I was going to make to the Senator from Massachusetts. Let the bills be called over in their order, and, unless some Senator desires that they be retained on the Calendar, let them be referred.

Mr. HOAR. I see they have all been read twice except the one called up by the Senator from Kansas; so perhaps the movers desire that they shall remain.

The PRESIDENT *pro tempore*. The Chair is under the impression that the bills now on the table which have been read twice were laid there on motion of the Senators introducing them.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 21st ultimo, approved and signed the joint resolution (S. R. 31) authorizing the payment of the salaries of employés of the two Houses of Congress on the 22d instant.

REVISION OF THE RULES.

The PRESIDENT *pro tempore*. The unfinished business is now before the Senate as in Committee of the Whole. At the last sitting on this order, Rule XVII, page 15, had been gone through with, the Chair is informed. Rule XVIII will now be reported.

Mr. FRYE. If the President pleases, there were under consideration at adjournment the amendments which refer to the District of Columbia Committee the appropriation bills for the District, and those amendments were not determined. There is to be a vote taken on those two amendments.

The PRESIDENT *pro tempore*. The Chair is informed by the clerk at the desk that when that matter was under consideration the Senator from Iowa [Mr. ALLISON] requested that that subject be passed over until the other rules should have been gone through with, and by unanimous consent that suggestion was agreed to, and it is so entered.

Mr. FRYE. I was mistaken; I remember it now.

The PRESIDENT *pro tempore*. Rule XVIII will be reported.

The Secretary read as follows:

RULE XVIII.

AMENDMENT MAY BE LAID ON THE TABLE WITHOUT PREJUDICE TO THE BILL.

When an amendment proposed to any pending measure is laid on the table it shall not carry with it, or prejudice, such measure.

The PRESIDENT *pro tempore*. The question is on agreeing to this rule.

The rule was agreed to.

Rule XIX was read, as follows:

RULE XIX.

AMENDMENTS—DIVISION OF A QUESTION.

If the question in debate contain several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The question is on the adoption of Rule XIX.

Mr. FRYE. There is no change made there.

The rule was agreed to.

Rule XX was read, as follows:

RULE XX.

DEBATE.

1. When a Senator desires to speak he shall rise and address the presiding officer, and shall not proceed until he is recognized, and the presiding officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate.

2. If any Senator, in speaking or otherwise, transgress the rules of the Senate, the presiding officer shall, or any Senator may, call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order; which motion shall be determined without debate.

3. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator, the exceptional words shall be taken down in writing, and read at the table for the information of the Senate.

Mr. INGALLS. The word "exceptional" I suppose was intended for "exceptionable." It is probably a misprint.

Mr. FRYE. Yes; that should be "exceptionable."

Mr. HOAR. The comma should be stricken out after the word "Senator" in the second line of the third clause, where it occurs the second time. The clause reads:

Upon the demand of the Senator or of any other Senator, the exceptionable words shall be taken down in writing.

The clause beginning "upon the demand of the Senator" refers to what follows, and the comma should be stricken out.

The PRESIDING OFFICER. If there be no objection, the amendment proposed will be made.

Mr. CAMERON, of Wisconsin. I desire to suggest to the Senator from Maine an amendment to come in at the close of the first subdivision. The last clause of the first subdivision reads as follows:

And no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate.

I propose to add "Which shall be determined without debate." If that provision be not contained in the rule, the question whether the Senate will give leave or not might be discussed indefinitely. I am not tenacious about it, but I suggest the amendment to the Senator from Maine, if he thinks it is important.

Mr. FRYE. I see no objection, certainly, to providing that it shall be determined without debate.

The PRESIDING OFFICER. If there be no objection, the amendment will be considered as agreed to. The question is on the adoption of Rule XX as amended.

The rule was agreed to.

Rule XXI was read, as follows:

RULE XXI.

QUESTIONS OF ORDER.

1. A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the presiding officer without debate, subject to an appeal to the Senate; when an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the presiding officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the presiding officer.

2. The presiding officer may submit any question of order for the decision of the Senate.

The rule was adopted.

Rule XXII was read, as follows:

RULE XXII.

MOTIONS.

1. All motions entertained by the presiding officer shall be reduced to writing, if desired by him or by any Senator, and shall be read before the same shall be debated.

2. Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

Mr. HOAR. Why is the change in that phraseology? Suppose a motion be not entertained by the presiding officer, should it not be reduced to writing for the information of the Senate, if any question of order arises on it?

The PRESIDING OFFICER. Does the Senator propose an amendment?

Mr. HOAR. I supposed there might be some reason for the change in the mind of the chairman of the committee. From a hasty reading of this rule, the committee have substituted a new phraseology for the old, and that new phraseology confines the right to require a motion to be put in writing to such motions as the Chair holds in order and entertains. Now, I submit that that is too restricted, and that it should apply to any motion which is the subject of action by the Senate. It seems to me the rule would read better thus:

All motions shall be reduced to writing if desired by the presiding officer or by any Senator.

Mr. FRYE. I think the Senator from Massachusetts is right, and I accept the proposed amendment.

Mr. CAMERON, of Wisconsin. Can a motion be acted upon unless it be entertained by the Chair?

Mr. HOAR. Suppose a motion be made by a Senator which is held by the Chair to be out of order, which he says he cannot entertain at that time, the question whether that can be received may be submitted to the Senate as a question of order, and, if so, the Senate ought to have a right to have the motion before them in writing, to go into the Journal, and for information.

Mr. HARRIS. I think the amendment suggested by the Senator from Massachusetts improves the rule, and I suggest to the chairman that he accept it.

Mr. FRYE. I accept the amendment. Let it be read.

The Secretary read as follows:

All motions shall be reduced to writing, if desired by the presiding officer or by any Senator, and shall be read before the same shall be debated.

The amendment was agreed to.

The rule as amended was adopted.

Rule XXIII was read, as follows:

RULE XXIII.

PRECEDENCE OF MOTIONS.

When a question is pending no motion shall be received but—
To adjourn,
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain,
To take a recess,
To proceed to the consideration of executive business,
To lay on the table,
To postpone indefinitely,
To postpone to a day certain,
To commit,
To amend;
which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Mr. HOAR. I rise to inquire of the chairman of the Committee on Rules whether that rule as now stated provides for the motion to refer a private claim to the Court of Claims? Does the chairman understand that that is to be treated as a motion to amend?

Mr. FRYE. Not necessarily a motion to come under this rule, because, as I understand it, it is provided for in some former rule.

Mr. HOAR. In Rule XVI, on the fifteenth page.

Mr. FRYE. Does the Senator from Massachusetts think that is not a sufficient provision to make it a privileged motion?

Mr. HOAR. I presume it is a motion to amend really.

Mr. FRYE. It seems so to me.

The PRESIDING OFFICER. Does the Senator from Massachusetts propose an amendment?

Mr. HOAR. No, sir. I am satisfied with the answer of the chairman of the committee.

The rule was adopted.

Rule XXIV was read, as follows:

RULE XXIV.

PREAMBLES.

When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

Mr. FRYE. There is no change there.

The rule was adopted.

Rule XXV was read, as follows:

RULE XXV.

APPOINTMENT OF COMMITTEES.

1. In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint.

2. When a chairman of a committee shall resign or cease to serve on a committee, and the presiding officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number on the committee.

The rule was adopted.

The Secretary proceeded to read Rule XXVI, as follows:

RULE XXVI.

STANDING COMMITTEES.

1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:
A Committee on Privileges and Elections, to consist of nine Senators.
A Committee on Foreign Relations, to consist of nine Senators.

A Committee on Finance, to consist of eleven Senators.
A Committee on Appropriations, to consist of nine Senators.
A Committee on Agriculture, to consist of seven Senators.
A Committee on Military Affairs, to consist of nine Senators.
A Committee on Naval Affairs, to consist of nine Senators.
A Committee on the Judiciary, to consist of nine Senators.
A Committee on Post-Offices and Post-Roads, to consist of nine Senators.
A Committee on Public Lands, to consist of nine Senators.
A Committee on Private Land Claims, to consist of five Senators.
A Committee on Indian Affairs, to consist of nine Senators.
A Committee on Pensions, to consist of nine Senators.
A Committee on Claims, to consist of nine Senators.
A Committee on the District of Columbia, to consist of nine Senators, *to which shall be referred all bills making appropriations for the expenses of the government of the District of Columbia.*

Mr. FRYE. That is the same amendment which was postponed at the request of the Senator from Iowa [Mr. ALLISON] under Rule XVII, and it had better be postponed until he returns.

The PRESIDING OFFICER. If there is no objection the clause just read will be postponed until the other rules are disposed of.

The reading of the proposed rule was continued, as follows:

A Committee on Patents, to consist of seven Senators.
A Committee on Public Buildings and Grounds, to consist of five Senators, which shall have power also to act jointly with the same committee of the House of Representatives.
A Committee on Territories, to consist of seven Senators.
A Committee on Railroads, to consist of eleven Senators.
A Committee on Mines and Mining, to consist of seven Senators.
A Committee on the Revision of the Laws of the United States, to consist of five Senators.
A Committee on Education and Labor, to consist of nine Senators.
A Committee on Civil Service and Retrenchment, to consist of nine Senators.
A Committee to Audit and Control the Contingent Expenses of the Senate, to consist of three Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.
A Committee on Printing, to consist of three Senators, which shall have power also to act jointly with the same committee of the House of Representatives.
A Committee on the Library, to consist of three Senators, which shall have power also to act jointly with the same committee of the House of Representatives.
A Committee on Rules, to consist of five Senators.
A Committee on Engrossed Bills, to consist of three Senators, which shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate.
A Committee on Enrolled Bills, to consist of three Senators, which shall have power also to act jointly with the same committee of the House of Representatives, and which, or some one of which, shall examine all bills or joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.
A Committee on the Improvement of the Mississippi River, to consist of seven Senators.
A Committee on Transportation Routes to the Seaboard, to consist of seven Senators.
A Committee on Internal Improvements, to consist of nine Senators, to which shall be referred all subjects relating to improvements of rivers and harbors, and also the bill known as the river and harbor bill.
A Committee on Commerce, to consist of nine Senators, to which shall be referred all subjects relating to commerce, to shipping, to the merchant marine, and to the Life-Saving Service and light-houses.
A Committee on Expenditures of Public Money, to consist of seven Senators, which shall consider such measures tending to economy in public expenditures as shall be referred to it, and conduct all investigations into the expenditure of public money which shall be ordered by the Senate, unless the Senate shall otherwise direct.
A Committee on Epidemic Diseases, to consist of seven Senators.
A Committee to Examine the Several Branches of the Civil Service, to consist of five Senators.
2. The Committees to Audit and Control the Contingent Expenses of the Senate, on Printing, and on the Library shall continue and have power to act until their successors are appointed.

Mr. MORGAN. Mr. President, I move to amend the clause in reference to the Committee on Agriculture, so as to strike out "seven" and insert "nine," so as to read:

A Committee on Agriculture, to consist of nine Senators.

Almost all the leading committees of the Senate relating to the general affairs of the country, I observe, have nine Senators and one committee has as many as eleven Senators. I suppose it has been a mere oversight that the Committee on Agriculture has not been increased in the manner that the others have been.

I need not discuss the question before the Senate to show the propriety of having all the different portions of the United States, and all of its great leading industries indeed, represented upon that committee. If there is any necessity at all for such a committee, then the distribution of the representation upon that committee ought to be territorially equal throughout the length and breadth of the land. I think it will be really advantageous and wise to make the amendment I have proposed.

Mr. MILLER, of New York. Mr. President, I trust that that motion will prevail. I am a member of the Committee on Agriculture, and I know that it is very desirable that every section of the country should be represented there, and particularly the different agricultural interests of the different sections. I know that it is the desire of every member of that committee that it should so represent the entire country, and that the Committee on Agriculture to a certain extent should be restored to its old usefulness. Of late years it has had few, if any, duties to perform; it has had little, if any, influence upon that great department of our industries. I shall propose at the proper time, when we go over these rules again, to move also that the appropriation bill for the Agricultural Department shall be referred to the Committee on Agriculture for their consideration.

I will not take up the time of the Senate now in discussing that, but at the proper time I shall move that as a proper amendment, which I trust will prevail. I think the wisdom of increasing the Agricultural Committee to nine will be conceded by the Senate on a moment's consideration.

Mr. FRYE. I shall not oppose the amendment.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Alabama [Mr. MORGAN] striking out "seven" and inserting "nine" as the number to constitute the Committee on Agriculture.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. I observe that two of the present standing committees of the Senate are omitted from the proposed rule. Those are the Committee on Manufactures and the Committee on Revolutionary Claims. There may be and there doubtless was some good reason which influenced the Committee on Rules to omit these two standing committees from the proposed new rule. I will inquire of the chairman of that committee why those two standing committees are omitted from the proposed rule.

Mr. FRYE. Mr. President, under the rule as reported by the committee provision is made for two new committees, one on internal improvements and one on the expenditures of public money, both regarded by them as important committees. On examining the list of the committees, not desiring to increase the number unless it was absolutely necessary, they concluded to drop out Manufactures and Revolutionary Claims as having but little business to do. That was the only reason that I know of.

Mr. ANTHONY. Mr. President, I notice that three committees, one of them I think the Committee on Printing, are continued until their successors are appointed. Does that give those committees power to sit during the recess?

Mr. FRYE. It was so supposed by the Committee on Rules, and that amendment was offered for that purpose.

Mr. ANTHONY. But it does not say "with power to sit during the recess." The Committee on Printing now has to ask leave to sit during the recess at the conclusion of every session.

Mr. INGALLS. Why is that?

Mr. ANTHONY. Because there is business that is intrusted to the control of the committee that comes up during the recess. The Public Printer is authorized to do certain things with the assent of the Committee on Printing. I have been here several times on business of the committee during the recess, but I may say it has never cost the Government anything, either for expenses or time.

Mr. FRYE. The committee understood that it was necessary for those committees named to sit during the recess on certain occasions, that there were contracts to be made by the Library Committee and contracts perhaps by the Printing Committee, and this provision was suggested as covering the ground by the present occupant of the chair who was a member of one of those committees.

Mr. ANTHONY. Then I understand that the rule as framed now gives those committees permission to sit during the recess?

Mr. FRYE. The Committee on Rules so understood it.

Mr. CAMERON, of Wisconsin. I move to amend the proposed rule by inserting immediately after "a Committee on Appropriations, to consist of nine Senators":

A Committee on Manufactures, to consist of seven Senators.

Mr. MORGAN. I hope that amendment will be adopted. We have here now committees relating to public lands, Indian affairs, pensions, claims, patents, public buildings and grounds, railroads, mines and mining, education and labor, &c., which may be said to be business that has reference to special functions of the Government or special employments of the people. I can see no good reason why we should adopt the rule of referring to a certain standing committee all questions relating to agriculture, and all questions relating to mines and mining to another committee, and have nobody here to whom we can refer the very great and important questions which relate to manufactures.

Manufactures in the United States comprise one of its leading industries. Perhaps we get more actual gain in a monetary way, we make more progress toward the development of our manufactures, than we do in any other department of industry; and it seems to me that there is no occasion now for departing from a rule which we have established and which has worked very well heretofore, in striking out this committee.

It may be said, and properly, too, that the committee has not had much to do. I think I can see in the future, if not at present, that this committee may have a great deal to do with many of the most important interests of this country and with one of the most respectable of all its industrial classes. I can see no reason why such a committee as this should not be charged with such an investigation as we have had during the last recess, in which some of the members of this body have engaged very laboriously, in ascertaining with reference to the soundness of certain complaints that have been made concerning our

financial condition, our manufacturing condition, and in fact concerning our social condition.

It seems to me that that committee will find very much employment if the Senate addresses itself to the complaints which are being continually made through the newspapers and through societies and otherwise in respect of the falling away of the manufacturing industries, strikes, and all things that concern that immense laboring community known as mechanics and industrial men. I really can see no reason for abolishing this committee.

Now, as to the question of the number of committees of this body, we find that a few committees of this body are very much overtaxed with work. Constant complaint is being made in respect of some of these committees that they have more than they can do. Probably that arises from the want of a proper division of labor by the order of the Senate. But there can be no doubt at all that in this House and in the other House the legislation of this country is every day becoming more and more disposed of, put into shape, and completed in every respect, through the action of committees, than it has been in years past. In other words, we are getting to be so large a people, to have so large a representation, and to have such varied and numerous interests to be taken care of by the lawmakers of this land, that we are compelled to intrust to committees the consideration of questions of the greatest possible moment; and when a bill comes into the Senate backed by the unanimous vote, or nearly so, of one of the standing committees of this body, it is very well understood that that recommendation carries with it so much force as that the bill may be said to be destined almost to pass this body. That being the drift of legislation, and that drift arising from the fact that we have such an enormous increase of people, of power, and of wealth coming in year after year, it seems to me we should consult a wise economy by so arranging the committees of the Senate as that the different members of this body shall be charged with the duty of examining into every one of these important matters, and I think that if you will distribute the labors of this body more generally through a greater number of committees, you will find that investigations will be more complete and more satisfactory to the country.

I find that the House of Representatives recognizes the necessity of dividing up the labor of some of its committees in obedience to the very demand I have mentioned; and our Committee on Rules itself finds it necessary to strike out two of the committees here, in order to give place to some others that they put in position, new committees entirely in this body, for the mere sake of the division of labor, in order that subjects that come before the Senate may have a thorough and proper consideration in the committees.

There are quite a number of very able men in the Senate of the United States to-day who have very little employment in this body except to debate questions as they come in from the important leading committees, and I think that the best way to furnish these gentlemen with an opportunity to serve the country with the ability that they possess, and with the faithfulness for which they have become proverbial, is to give them work to do upon the important leading standing committees. I think this is one of the important standing committees of this body; I think it should be retained, and that we are not consulting true economy when we cut down the number of these committees.

There is another industry in this country which I will advert to merely for the sake of illustrating the points I am trying to make, and that is the fisheries. When I first came to the Senate the fisheries were a matter of very minor consideration. The merest show of experiment was being made in respect of the scattering of food-fishes through the United States, the cultivation of fishes, the preparing of ways for them to ascend the rivers, &c. That very vast and important industry has never had the recognition of a committee of this body to whom a bill relating to the fisheries could properly be referred. I remember an incident that occurred here last year or the year before last, when a question arose between several of the States on the northeastern coast, I believe between Maine first, and afterward, perhaps, Massachusetts, and later, I know, New Jersey, and the Government of the United States, upon a point of jurisdiction as to how far the jurisdiction of the United States extended into the sea from the actual shore for the protection or for the regulation of the fisheries; we had to refer that to the Committee on Foreign Relations, and there was but one pretext for it that could be thought of, and that was the fact that whatever action might be taken by the Senate in declaring the law disputed between the Government and several of the States might affect our relations with Great Britain in consequence of our fisheries treaties along the northeastern coast. Upon that pretext the bill was sent before the Committee on Foreign Relations of the Senate, and an investigation, which I think is a very important one, is now about to be reported.

There should be in this list of committees a committee on fisheries, and perhaps a portion of their duties should relate also to animal industry, to the question of food supply of the people of the United States through the fishes of the rivers and seas and the animals that we raise upon this vast territory of ours. Now, to illustrate a little more, it has not been more than twenty years since all the plains of the West were covered by swarming herds of buffalo. They were there to feed the Indians, to keep up their hostilities and their savagery. They have been swept away by the march of civilization, and to-day I have no doubt that there are three splendid bullocks upon the plains being fattened for human food and to contribute to commerce where there was ever one buffalo to be found. When our industries are progressing in this immense ratio, we are not consulting the real progress of the country and we are not discharging our duty as I think we should by the sort of economy that prevents us from having committees enough to be charged with the special duty of investigating in respect to these very important matters.

Mr. FRYE. Mr. President, I do not feel called upon to defend the action of the committee.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Wisconsin [Mr. CAMERON] to insert—

A Committee on Manufactures, to consist of seven Senators.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the rule as amended.

Mr. FRYE. I do not feel exactly at liberty to have this rule adopted now in the absence of the gentleman who is chairman of the Committee on Commerce. There is a very important division of that committee, taking from it at least one-half of its present work and giving it to another committee, on Internal Improvements. While I do not wish to delay the consideration of the rules, and will not for his absence longer than to-morrow, I will ask that that portion of this rule, that clause, be permitted to pass over for the present.

The PRESIDING OFFICER. It is proposed to pass over two clauses——

Mr. FRYE. I ask unanimous consent that the clause relating to the Committee on Internal Improvements and the Committee on Commerce be passed over for the present.

The PRESIDING OFFICER. And that as to the Committee on the District of Columbia also?

Mr. FRYE. And the Committee on the District of Columbia also.

The PRESIDING OFFICER. The question is on agreeing to the suggestion of the Senator from Maine. Is there objection? The Chair hears none. The question now is on the adoption of the remaining clauses of the rule.

Mr. CAMERON, of Wisconsin. I move to amend the proposed rule by inserting after the provision which provides for a Committee on Pensions the following:

A Committee on Revolutionary Claims, to consist of five Senators.

Mr. ANTHONY. I hope this motion will prevail. The Committee on Revolutionary Claims has always been assigned to the minority of the Senate. The committee-room is a large room, and it is a very convenient place for Senators of the minority to assemble.

Mr. HARRIS. I desire to suggest to the Senator from Rhode Island that I think during the last session by a resolution of the Senate that room was made a consultation-room for the minority of the Senate, and I think it is now held as a consultation-room and not used as a committee-room at all.

Mr. ANTHONY. Was that by resolution of the Senate?

Mr. HARRIS. By resolution of the Senate, my recollection is.

Mr. ANTHONY. I thought it was by the courtesy of the chairman of that committee, who is not now present.

Mr. HARRIS. I think it will be found on examination that it was by resolution of the Senate. I see that room is labeled as a consultation-room of the minority.

The PRESIDING OFFICER. The Chair is informed by the clerk at the desk that no such rule or resolution appears on record. It was understood to be agreed to by the courtesy of the committee.

Mr. HARRIS. I know the committee has moved out, and my impression was that by resolution of the Senate that room had been set apart to the minority of the Senate without regard to which side should be in the minority. That is the fact, but the clerk of course knows better than I do whether such a rule was adopted.

Mr. ANTHONY. I think at any rate it is safer to leave it as it was. The courtesy of the chairman of that committee would always open it to fellow-Senators of his own party, and if we have it for a consultation-room a resolution will have to be offered at every session.

Mr. FRYE. As representing the Committee on Rules, I do not care to debate the question at all. It is a very simple question, understood by all Senators, and of course the majority of the Senate should control in a matter of this kind.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin [Mr. CAMERON].

The amendment was agreed to.

Mr. PLUMB. Are amendments to this rule still in order?

The PRESIDING OFFICER. They are.

Mr. PLUMB. I move to add after the words "a Committee on Agriculture, to consist of seven Senators," the following:

To which shall be referred all bills making appropriations for the Department of Agriculture.

I do not think this is the proper place to insert this amendment, but at the same time——

The PRESIDING OFFICER. The Senator from Kansas will allow the Chair to suggest that the Senator from New York [Mr. MILLER] gave notice of such a motion to be made by him at a future stage of the consideration of the rules.

Mr. PLUMB. At some future time, he stated, he would move it, but if the amendment which has been inserted by the committee in a subsequent part of the rule requiring the appropriation bills for the District of Columbia to go to the Committee on the District of Columbia is proper in this connection, this is also proper, and I think the Senator from New York would have made the motion if he had observed what my attention has just been called to, that the jurisdiction of the Committee on the District of Columbia is fixed by this rule. I do not think this is the proper place for fixing that of either committee, but as the Committee on Rules have adopted that plan, I think now is the proper time to bring it up.

The PRESIDING OFFICER. The Chair would inform the Senator from Kansas that that clause has been passed over at the request of the chairman of the Committee on Appropriations. The clause in regard to the District of Columbia appropriation bill has been passed over and has not been considered.

Mr. PLUMB. Will that carry with it this enumeration or statement of the jurisdiction of the District of Columbia Committee?

The PRESIDING OFFICER. That is the very point that has been reserved for future consideration at the request of the chairman of the Committee on Appropriations.

Mr. FRYE. I desire to call the attention of the Senator from Kansas to Rule XVII. In Rule XVII it is provided that the appropriation bills for the District shall go to the Committee on the District of Columbia; and of course if that was adopted it would be absolutely necessary that this clause should be in this rule, but both those provisions have been passed over at the request of the Senator from Iowa [Mr. ALLISON]. I suggest to the Senator from Kansas, if he desires to submit a similar proposition touching the appropriation bill for agriculture, that he allow both of these amendments to wait until in the Senate amendments can be offered to both Rules XVII and XXVI.

Mr. PLUMB. I have no objection to waiting, but I will make this further suggestion, that if this question of the jurisdiction of the committees is to go over at all, it ought all to go over, because while I perceive great propriety in the amendment which I have proposed, I think there may be others of the same general character which are equally proper, and when we come to adjust this question of the jurisdiction of the committees I think it ought all to be done at once and that whatever rule we apply ought to obtain all the way through. If one part of it is to go over, it ought all to go over. If it be in order, I therefore move that all questions relating to the jurisdiction of committees be postponed to await the consideration of the question which has heretofore been laid over at the suggestion of the Senator from Iowa.

Mr. FRYE. I hardly see how a motion of that kind can now be in order. I suppose that all pending motions touching the jurisdiction of committees—and the Senator might offer his motion and consider it as one pending—may be laid over.

The PRESIDING OFFICER. The Chair will inform the Senator from Kansas that an independent resolution of the kind offered by him probably would not be in order, but a motion to amend the rule could be pending and could be laid over.

Mr. PLUMB. I made a motion to amend the rule.

The PRESIDING OFFICER. The Chair understands the Senator from Kansas to move to amend the rule by inserting after the clause relating to the Committee on Agriculture the words:

To which shall be referred all bills making appropriations for the Department of Agriculture.

And the Senator from Kansas further moves that the consideration of that subject lie over with other clauses of a similar kind.

Mr. PLUMB. For the purpose of bringing the whole question up it is necessary to make several motions, and I will therefore make a similar motion in regard to the Committee on Naval Affairs and the Committee on Military Affairs with relation to the Naval and Army appropriation bills. It seems to me when we come to consider the question of what the several committees shall do, the class of subjects that shall be referred to them for the purpose of subdividing the labors of the Senate, that question ought all to come up together. My motion, therefore, was—and I do not see why it can not be in order—that all questions relating to the jurisdiction of committees be postponed until the time named in the former order of the Senate concerning the District of Columbia appropriation bill.

The PRESIDING OFFICER. It would be perfectly competent for the Senator to move that the rule itself lie over for future consideration.

Mr. PLUMB. Very well, if that is the only proper motion, I move that the consideration of Rule XXVI be postponed. Perhaps I had better ask unanimous consent that the rule go over until the time to which the consideration of Rule XVII has been postponed.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to postpone the further consideration of Rule XXVI until the previous Rule XVII is considered.

Mr. HOAR. That is not deferred to any particular time. Why is it not best to have unanimous consent that this rule be passed over informally at present, to be called up when the Senator from Iowa returns?

Mr. PLUMB. If that is the understanding, I have no objection.

Mr. GARLAND. I want the attention of the Senator from Kansas for a moment. I think the proposition he makes is eminently proper in view of the fact that we are likely to set a precedent by referring the appropriation bill for the District of Columbia to the Committee on the District of Columbia, and I want to call his attention to one point, that he may think of it when he puts his amendment in form and calls it up. Would there not be propriety in establishing as a rule that all matters of appropriation shall first go to the particular committees having charge of the subjects to which those appropriations relate and then afterward be referred to the Committee on Appropriations? While he is looking into the matter I wish to call his attention to that suggestion, to see whether it would not be proper to incorporate it into the rules. Take, for example, the matter referring to expenditures in the Agricultural Department. First let them go to the Committee on Agriculture, and then be referred, after that committee has acted upon them, to the Committee on Appropriations.

Mr. PLUMB. That is a most excellent suggestion, and one that I have already given some thought to, and there are a great many other questions which grow out of it that make it very proper that in this most important part of the rules practically we should consider this question by itself; that is to say, a time should be set apart when the question of the jurisdiction of the committees, embracing all these things which may not only go on appropriation bills but the course which all bills shall take, should receive consideration separate and apart from all other portions of the rules.

The PRESIDING OFFICER. Is there objection to the consideration of this rule being informally passed over?

Mr. INGALLS. Until what time, Mr. President?

The PRESIDING OFFICER. Until the chairman of the Committee on Appropriations returns.

Mr. INGALLS. No, sir; that was not his request.

The PRESIDING OFFICER. That is the way the motion is put now.

Mr. INGALLS. The agreement, as it appears on page 230 of the RECORD, is:

Mr. ALLISON. I ask unanimous consent that the rule which we are considering now, relating to appropriations, be passed over until the remaining rules have been considered.

Therefore the postponement was not to depend upon the return of the Senator from Iowa. I understand that he is absent in consequence of some personal bereavement, and it therefore would not be proper, if we are to consider these rules continuously, that this subject should be postponed longer than is suggested in that motion or request made by the Senator from Iowa, that is, that it should go over until the remaining rules have been considered.

The PRESIDING OFFICER. Does the Senator from Kansas accept the suggestion of his colleague?

Mr. PLUMB. Yes, sir. My motion was that it should go over for the time, to come up with Rule XVII, according to the previous order of the Senate.

Mr. INGALLS. That is, when the remaining rules have been considered.

The PRESIDING OFFICER. That will be considered the unanimous consent of the Senate.

Mr. MAXEY. I understand the Senator from Kansas to ask that the rule relative to the jurisdiction of the committees be laid over.

Mr. PLUMB. Each of the committees.

Mr. MAXEY. I hope that will be done for the reason stated by him. I think there is very great reason why the items relating to appropriations for the Post-Office Department should go to the Post-Office Committee, and items relating to the Army to the Military Committee, and then be reported to the Appropriations Committee for their consideration.

The PRESIDING OFFICER. By unanimous consent the rule is passed over until action shall be had on the other rules.

Rule XXVII was read, as follows:

RULE XXVII.

REFERENCE TO COMMITTEES; MOTIONS TO DISCHARGE AND REPORTS OF COMMITTEES TO LIE OVER.

1. When motions are made for reference of a subject to a select committee, or to a standing committee, the question of reference to a standing committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions.

2. All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

The rule was adopted.

Rule XXVIII was read, as follows:

RULE XXVIII.

REPORTS OF CONFERENCE COMMITTEES.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The rule was adopted.

Rule XXIX was read, as follows:

RULE XXIX.

MESSAGES.

1. Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is dividing, or while the Journal is being read, or while a question of order or a motion to adjourn is pending.

2. Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver to the President of the United States all resolutions and other communications which may be directed to him by the Senate.

The rule was adopted.

Rule XXX was read, as follows:

RULE XXX.

PRINTING OF PAPERS, ETC.

1. Every motion to print documents, reports, and other matter transmitted by either of the Executive Departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the Legislatures or conventions, lawfully called, of the respective States, and motions to print by order of the standing or select committees of the Senate, shall, unless the Senate otherwise order, be referred to the Commitee on Printing. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.

2. Motions to print additional numbers shall also be referred to the Committee on Printing; and when the committee shall report favorably, the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum of $500, the concurrence of the House of Representatives shall be necessary for an order to print the same.

3. Every bill and joint resolution introduced on leave or reported from a committee, and all bills and joint resolutions received from the House of Representatives, and all reports of committees, shall be printed, unless, for the dispatch of the business of the Senate, such printing may be dispensed with.

The rule was adopted.

Rule XXXI was read, as follows:

RULE XXXI.

WITHDRAWAL OF PAPERS.

1. No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate. But when an act may pass for the settlement of any private claim, the Secretary is authorized to transmit to the officer charged with the settlement the papers on file relating to the claim.

2. No memorial or other paper upon which an adverse report has been made shall be withdrawn from the files of the Senate unless copies thereof shall be left in the office of the Secretary.

The rule was adopted.

Rule XXXII was read, as follows:

RULE XXXII.

REFERENCE OF CLAIMS ADVERSELY REPORTED.

Whenever a committee of the Senate, to whom any claim has been referred, reports adversely, and the report is agreed to, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimant shall present a petition therefor, stating that new evidence has been discovered since the report, and setting forth such new evidence.

Mr. CAMERON, of Wisconsin. The last clause provides that the claimant shall set forth such new evidence. I think the construction which would be given to that would be that the whole of the new evidence must be set forth. I think that would be imposing an unnecessary hardship upon the claimant, and I propose to amend as follows:

And setting forth the substance of such new evidence.

Mr. HARRIS. The language employed would probably be construed as the Senator suggests. I do not think such, however, was the intention of the Committee on Rules. I see no objection to the amendment suggested by the Senator from Wisconsin.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

The rule as amended was adopted.

Rule XXXIII was read, as follows:

RULE XXXIII.

BUSINESS CONTINUED FROM SESSION TO SESSION.

At the second or any subsequent session of a Congress the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place; and all subjects referred to committees and not reported upon at the close of a session of Congress shall be returned to the office of the Secretary of the Senate, and be retained by him until the next succeeding session of that Congress, when they shall be returned to the several committees to which they had previously been referred.

Mr. HOAR. Should not the word "papers" be used instead of "subjects"? It hardly seems to be good English to say:

And all subjects referred to committees and not reported upon at the close of a session of Congress shall be returned to the office of the Secretary of the Senate.

The PRESIDING OFFICER. Does the Senator propose an amendment?

Mr. HOAR. I think "papers" would be a more appropriate word. I move the amendment.

Mr. HARRIS. I see no objection to the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The rule as amended was adopted.

Rule XXXIV was read, as follows:

RULE XXXIV.

PRIVILEGE OF THE FLOOR.

1. No person shall be admitted to the floor of the Senate while in session except as follows:

The officers of the Senate.
Members of the House of Representatives and the Clerk of the House.
The President of the United States and his private secretary.
The heads of Departments.
Ministers of the United States.
Foreign ministers.
Ex-Presidents and ex-Vice-Presidents of the United States.
Ex-Senators and Senators-elect.
Judges of the Supreme Court.
Governors of States and Territories.
General of the Army.
Admiral of the Navy.
Members of national legislatures of foreign countries.
Private secretaries of Senators, duly appointed in writing; and the Librarian of Congress.
Hon. George Bancroft.
Judges of the Court of Claims.

2. No person shall be admitted to the floor as private secretary of a Senator until the Senator appointing him shall certify in writing to the Sergeant-at-Arms that he is actually employed for the performance of the duties of such secretary, and is engaged in the performance of the same.

Mr. MORRILL. I desire to amend the rule by inserting "the Architect of the Capitol Extension." It is very often the case that the Committee on Public Buildings and Grounds desire to have him present here. I think there will be no objection.

Mr. HARRIS. I think the suggestion a very proper one, that the Architect of the Capitol should be one of the persons to whom the privileges of the floor may be extended.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont [Mr. MORRILL].

The amendment was agreed to.

Mr. GARLAND. It has been suggested to me several times that it is a proper courtesy due to ex-members of the House of Representatives to admit them to the floor. I do not know whether the matter was before the committee or not. If it has been considered by them I do not care to offer any amendment.

Mr. HOAR. They are not admitted to the floor of the House itself except on the subscription of a certain certificate that they are not engaged in lobbying and have no interest in anything before Congress, which is an inconvenient and awkward thing to provide for in regard to so large a number of persons. I do not think it is worth while to change our rule.

Mr. GARLAND. I do not care to make any quibble about it, but my attention has been called to it several times. If the committee have considered the subject, I make no motion.

The rule was adopted.

Rule XXXV was read, as follows:

RULE XXXV.

REGULATION OF THE SENATE WING OF THE CAPITOL.

1. The Senate Chamber shall not be granted for any other purpose than for the use of the Senate.

2. It shall be the duty of the Committee on Rules to make all rules and regulations respecting such parts of the Capitol, its passages and galleries, including the restaurant, as are or may be set apart for the use of the Senate and its officers, to be enforced under the direction of the presiding officer. They shall, at the opening of each session of Congress, make such regulations respecting the reporters' gallery of the Senate as will confine its occupation to *bona fide* reporters for daily newspapers, assigning not to exceed one seat to each paper.

The rule was adopted.

Rule XXXVI was read, as follows:

RULE XXXVI.

SESSION WITH CLOSED DOORS.

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the presiding officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

The rule was adopted.

Rule XXXVII was read, as follows:

RULE XXXVII.

EXECUTIVE SESSIONS.

1. When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of executive business, he shall have a seat on the right of the presiding officer. When the Senate shall be convened by the President of the United States to any other place, the presiding officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate.

2. When acting upon confidential or executive business, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant-at-Arms, the Assistant Doorkeeper, and such other officers as the presiding officer shall think necessary; and all such officers shall be sworn to secrecy.

3. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy.

4. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

The rule was adopted.

Rule XXXVIII was read, as follows:

RULE XXXVIII.

EXECUTIVE SESSION—PROCEEDINGS ON TREATIES.

1. When a treaty shall be laid before the Senate for ratification it shall be read a first time; and no motion in respect to it shall be in order, except to refer it to a committee, or to print it, in confidence, for the use of the Senate.

When a treaty is reported from a committee with or without amendment it shall, unless the Senate unanimously otherwise direct, lie one day for consideration; after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed.

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be; which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.

2. Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.

3. All treaties concluded with Indian tribes shall be considered and acted upon by the Senate in its open or legislative session, unless the same shall be transmitted by the President to the Senate in confidence; in which case they shall be acted upon with closed doors.

The rule was adopted.

Rule XXXIX was read, as follows:

RULE XXXIX.

EXECUTIVE SESSION—PROCEEDINGS ON NOMINATIONS.

1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless by unanimous consent.

2. All information communicated or remarks made by a Senator, when acting upon nominations, concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret.

3. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual executive session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

4. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate.

5. When the Senate shall adjourn or take a recess for more than thirty days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate, which shall be pending at the time of taking such adjournment or recess, shall fall; and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate, as the case may be.

6. Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

The rule was adopted.

Rule XL was read, as follows:

RULE XL.

THE PRESIDENT FURNISHED WITH COPIES OF RECORDS OF EXECUTIVE SESSIONS.

The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary, except by special order of the Senate; and no paper, except original treaties transmitted to the Senate by the President of the United States and finally acted upon by the Senate, shall be delivered from the office of the Secretary without an order of the Senate for that purpose.

The rule was adopted.

Rule XLI was read, as follows:

RULE XLI.

SUSPENSION AND AMENDMENT OF THE RULES.

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XIII.

The rule was adopted.

The PRESIDING OFFICER. The Senate now, as in Committee of the Whole, has gone over all the rules, with certain exceptions, which will now be reported in their order. The clauses that have been passed over will now be stated in their order.

The Secretary read Rule VII, as follows:

RULE VII.

PRESENTATION OF CREDENTIALS.

The presentation of the credentials of Senators-elect and other questions of privilege shall always be in order, except during the reading and correcting of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

Mr. FRYE. The Senator from Arkansas [Mr. GARLAND] had an amendment which he proposed to offer, and I suggested that that be passed over so that he might offer the amendment there. It was touching the record of credentials.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas will be read.

The Secretary read as follows:

2. The Secretary shall keep a record of the certificates of the election of Senators by entering in a well-bound book kept for that purpose the date of election, the name of the person elected and the vote given at the election, the date of the certificate, the names of the governor and the secretary of state signing and countersigning the same, and the State from which such Senator is elected.

Mr. GARLAND. The point involved is a very simple one. It is found that the Secretary, of his own motion, or by some order made at some time or other, of which there is no record, has been in the habit of recording in full the various certificates of election. The Secretary, on looking at some certificate presented here at this session, brought it to me to know whether the whole of it should be recorded. It was a very lengthy certificate; I do not remember now from what State it came. It certainly imposed considerable labor upon the Secretary's office. I think the best plan would be to simply have an abstract or mere statement of the substance and material portions of the certificate; and with that view I offered the amendment to incorporate it as a permanent rule, requiring the recording of the substance of the certificate in each case.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas [Mr. GARLAND].

Mr. LAPHAM. I repeat to the Senator from Arkansas the suggestion I made when the amendment was offered, that he insert after the governor and secretary of state the words "or other officers of the State," because the practice is not uniform.

Mr. GARLAND. The practice does not amount to anything. The act of Congress fixes this. The act of July, 1866, says the governor must sign and the secretary of state countersign. This is strictly in accordance with the act of Congress that regulates the subject.

Mr. LAPHAM. Certainly certificates have been received since I have been a member of the body that had not that formality.

Mr. GARLAND. It is wrong since the act of July, 1866, because that act says the governor must sign and the secretary of state countersign.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Arkansas [Mr. GARLAND].

The amendment was agreed to.

The rule as amended was adopted.

The PRESIDING OFFICER. The next reservation will be reported.

The SECRETARY. Rule XVII, on page 15, "Amendments to appropriation bills."

Mr. FRYE. Those have been passed by consent until the conclusion of the consideration of the report of the committee touching the Senate rules, and I suppose it would not be well to take up those questions to-day.

The PRESIDING OFFICER. All the rules have been gone over except those relating to appropriations and the committees.

Mr. INGALLS. Why not let the report of the committee be reported from the Committee of the Whole to the Senate, that we may make one step in progress, with the reservation of the two rules the Senator has named, so that we can consider them to-morrow?

Mr. HALE. And go and finish the rest in the Senate?

Mr. INGALLS. Yes.

Mr. HALE. That will utilize the afternoon.

Mr. INGALLS. We can make that step in advance.

Mr. FRYE. I see no objection to that, if it can be done.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that these rules be reported to the Senate with the reservation of the two rules named by him. Is that the request?

Mr. FRYE. Yes, sir; the reservation of Rule XVII and the rule touching standing committees.

Mr. INGALLS. It had better all be reported to the Senate, and then the reservation can be made in the Senate.

The PRESIDING OFFICER (after a pause). The Senate, as in Committee of the Whole have had under consideration the report of the Committee on Rules and have acted on all except two. It is now proposed that they be reported to the Senate for consideration.

Mr. COCKRELL. Do I understand the Senator from Kansas, and is that the proposition that the President of the Senate is putting to

the body, that the rules be reported to the Senate, and then that the reservations be made in the Senate? I do not see how we can do that, because then it would take a majority vote to strike out what the committee has proposed, whereas, without it, it will take a majority vote to adopt it. It just reverses the affirmative. I understood the Senator from Maine to ask that these two rules be reserved without any action had upon them and the others be reported to the Senate; and then would action in the Senate on these rules be final?

Mr. INGALLS. It is about as broad as it is long.

The PRESIDING OFFICER. The Chair had some doubt whether a portion of the rules could be reported to the Senate and the rest left in committee. That would certainly be a novel practice. Therefore he understood the proposition of the Senator from Kansas to be to report all the rules to the Senate, with the statement, however, that the two rules named had not been fully considered and would be open to amendment in the Senate.

Mr. COCKRELL. Not open for amendment, but open for adoption. I shall have to object to their being considered adopted, because then it takes a majority to undo them.

The PRESIDING OFFICER. The Chair tried to state the proposition of the Senator from Kansas correctly. The question is on the proposition as stated. [Putting the question.] The rules are now open for amendment in the Senate. There are no amendments reserved. There have been many amendments adopted, and the vote will be taken on all the amendments if there is no objection.

Mr. INGALLS. All those to which there is no objection might be agreed to.

Mr. MORGAN. I offer the following amendment to Rule XXVI, on page 23——

The PRESIDING OFFICER. The question must first be put on the adoption of the amendments made in committee. Are there any reservations? If not, the question will be taken on the adoption of the amendments made in Committee of the Whole.

The amendments were concurred in.

Mr. COCKRELL. I understand that Rules XVII and XXVI are reserved.

The PRESIDING OFFICER. They are reserved for future amendment and consideration.

Mr. MORGAN. I offer the following amendment, to come in on page 23, in the twenty-sixth rule, before the figure 2 in the last paragraph:

A committee on fisheries, to consist of seven Senators, to which shall be referred all matters relating to fish and fisheries, and all matters relating to animal industries.

I will say that I put in the last clause of the proposed amendment at the suggestion of the Senator from South Carolina who is not in his seat to-day [Mr. BUTLER]. I see nothing in it that is at all inappropriate, although it might be considered perhaps some transgression upon the present jurisdiction of the Committee on Agriculture. I am not sure of that.

I do not care to elaborate the necessity for the adoption of this rule creating this new committee. In some remarks I made a while ago I had occasion to refer to the immense growth of this fishery industry in the United States since I have been in the Senate. We have a fish commission here organized by law, and it has no other protector and no one to look after its legislation now, I believe, except the Committee on Appropriations. They come here and make requests for appropriations, they get estimates for appropriations, and that committee considers every question, so far as I know, that is connected with the distribution of food-fishes among the people of the United States.

I can say for the people of my section of the country that they feel very greatly interested in this Fish Commission and in its labors. It is a part of the executive establishment of the Government of the United States which has won great renown in this country and abroad. It has had devoted to it the labors of some of the most eminent of our scientific as well as of our practical men. I suppose that no one country can boast of an individual who is doing more by his personal exertions to contribute to the increase of excellent food for the human family than we can in the person of Professor Baird, and I might add also in the able support he has from the gentlemen by whom he is surrounded. The work of the Fish Commission has increased enormously in the last five or six years, and there is scarcely a mail that comes to this city that does not bring earnest requests from the people in various sections of the country for a supply of fish, and questions are coming up continually in which the Government of the United States must necessarily take some part respecting the control of the fisheries in our bays, our inlets, and even upon our great rivers. I do not know whether it may become a question of practical importance in the Mississippi as it is in the Potomac River now, the control of the fisheries there by acts of Congress or otherwise; but no man can close his eyes to the magnitude of the question within those parts of the country where Congress may have jurisdiction, and I dare say it has jurisdiction in a very large proportion of the waters of the United States to some extent to control this question of the fisheries. Nothing can be more important, it seems to me, than the questions which have been presented for the consideration of State governments and the Congress of the United States on this subject.

I propose that we shall have a committee that shall address itself to this very important matter. It has become my duty, in some sense, to become acquainted with it recently, because I was assigned to a subcommittee of the Committee on Foreign Relations under the chairmanship of the honorable Senator from New York [Mr. LAPHAM], and had to make very extensive investigations in respect of it, and I confess that to me it was a great revelation. The importance and magnitude of this supply of food and the increase of it under the nurture of the Fish Commission is obvious and very great. It seems to me that it is one of the industries of this country that ought to be very carefully husbanded.

I will not submit any further remarks to the Senate on this subject, because it certainly is not new to them. They have all had opportunity to consider it.

Mr. FRYE. Mr. President, I suppose I was born a fisherman, for ever since I can remember I have been more expert in fishing than in anything else I know of, and there are few rivers in the eastern part of my State or in the Canadas that I have not whipped with my fly. Thirteen years ago I came to Congress with all the love for fishing on me. I had watched the private attempt made in State after State to stock lakes and rivers. I had seen the utter failure by reason of the failure of the States themselves to protect the work which had been done. For instance, take the Connecticut River, running through two or three States. The State of Connecticut might pass the necessary laws to protect; the State of Massachusetts might pass no law to protect, and all the work which had been done to propagate fish in the Connecticut River might in one season be destroyed in Massachusetts by the tyrant of the fish, there being no law in Massachusetts to restrain. It was so with many rivers, and Seth Green found the utmost difficulty attending the immense business he was undertaking from pure love of the business from this lack of uniformity of law.

I came to Congress, I say, fresh as a fisherman, and fresh from a study of this then new study of the propagation of fish, and I desire, Mr. President, to claim to myself the credit which I think nobody on earth has ever given me—and yet a man is entitled to credit where he actually does something and it ought to be given to him—I claim to myself the credit of first of any member of Congress going before the Appropriations Committee and insisting with them that they should make an appropriation touching this propagation of food-fish. I undertook to explain it somewhat to them. It was a new thought, a new business, and it was very difficult to satisfy them that something ought to be done. I sent for Professor Baird and I asked him to appear. He appeared, and having more strength than I fresh in Congress, he old in the business, under the joint labors of both of us the Appropriations Committee finally consented to give $10,000 towards propagating the fish and towards the discovery of the causes of the loss of fish on our coast. The bill was reported, I think, by Mr. Garfield to the House, and a Representative from Illinois, a very able man, General Farnsworth, immediately when this item was reached took the floor and proceeded to destroy it by ridicule, always a powerful weapon if carefully used. I remember he declared that if this was done, in less than ten years they would be calling for $25,000 a year for this business. I never had spoken in the House, and I confess the most alarming thing I ever saw in my life was myself on the floor of the House, and the most terrible noise I ever heard in my life was the first sound of my own voice there. I raised it in behalf of this appropriation, General Garfield turning it over to me, saying that he knew little or nothing about it. I defended the appropriation as well as I could. It passed the House, and as I went up to the rear to take a smoke and quiet my nerves after that unusual performance I met a distinguished, magnificent-looking gentleman, who would attract anybody's attention anywhere. He shook me by the hand and said, "Young man, you have planted infinitely better than you know, and instead of $25,000 in ten years from now, if Congress does not appropriate $200,000 a year I am mistaken." I inquired the name of the gentleman, and it was Professor Agassiz, and I am happy to say that I received my first commendation for the first work I ever did in the Congress of the United States from that distinguished professor.

The next year I appeared before the committee again, and they increased the appropriation; and from that second time up to now no man has been compelled to appear before the Appropriations Committee to obtain what was necessary to carry on the purposes of the original appropriation. Why, Mr. President, it was clearly apparent in less than two years that this whole Republic was getting two dollars, ay, five dollars, for every one that it expended, and to-day from all over this country, if any attempt were made to cut down that appropriation, would come serious, determined opposition.

The study of this business was a new study; it is to-day a new study; and the eyes that look down into the depths of the ocean and that look into our lakes and our rivers are seeing more than they ever dreamed they would see in this world of ours. The discoveries that are made are the most interesting of to-day; and whether a new committee is to take charge of this appropriation, of this investigation, or whether it shall remain with the Appropriations Committee, I have no doubt that

the people of this country, who are the government of it, will justify to the fullest extent the claim I make that no appropriation is made by the Congress of the United States from which so great and so universal good comes as from this appropriation.

I did not rise to oppose the committee nor to favor it, but simply to take to myself the little meed of credit which it seems to me I am fairly entitled to.

Mr. COCKRELL. I move to strike out the last clause of the amendment referring to animal industry. I do not think that is appropriate. I think a committee on fish and fisheries would be appropriate, but not on animal industry.

Mr. MORGAN. I have no objection to that being stricken out. I put it in because I did not find the Senator from South Carolina in his seat, and he had made the suggestion to me and I thought it my duty to present it to the Senate in that form.

The PRESIDING OFFICER. Does the Senator from Alabama modify his amendment?

Mr. MORGAN. Yes, sir.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. MORGAN] as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. There are other reserved clauses of this rule. The Chair will receive any further amendments.

Mr. GARLAND. I was going to offer an amendment in the Senate to Rule I, but I prefer to go on with other questions if there are others.

The PRESIDING OFFICER. The Chair thinks that under the circumstances these two rules ought not to be taken up until amendments to other rules are disposed of.

Mr. GARLAND. Very well; then I offer my amendment now to Rule I. I propose to add as a third clause to Rule I:

3. The President *pro tempore* shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the chair; but such substitution shall not extend beyond an adjournment.

I call for the yeas and nays on the amendment. The matter has been sufficiently debated.

Mr. FRYE. The only difference between this and the rule which was rejected is that this makes the substitution for one day only and the rule rejected made it for three days. There was so much opposition developed to the rule of three days that two or three members of the committee have spoken to me, and have made the suggestion that probably on the whole it was just as well to accept the amendment offered by the Senator from Arkansas. I shall not oppose the amendment he offers.

Mr. GARLAND. Then I do not want the yeas and nays.

The PRESIDING OFFICER. The call for the yeas and nays is withdrawn. The Chair would suggest to the Senator from Arkansas the advisability of adding the words "except by unanimous consent."

Mr. GARLAND. I have no objection to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas as amended. Do Senators desire that it be read again?

Mr. COCKRELL. Let it be read again; the third clause only.

The Secretary read as follows:

3. The President *pro tempore* shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the chair; but such substitution shall not extend beyond an adjournment, except by unanimous consent.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. I desire to make a suggestion to the Senator from Maine, who has charge of this matter, and that is in regard to the arrangement of the committees, the order in which they shall stand. I was going to suggest that they be arranged alphabetically. The position occupied by the committees now does not represent the importance or the comparative importance of any of the committees, and whenever any person desires to ascertain who the members of a particular committee are he must look through the whole list of committees before he can find that committee. I suppose the amendment would be more clerical than anything else, but the Secretary would not, of course, change the order of the committees unless he was authorized by vote of the Senate, or by an understanding of the Senate, that that might be done.

The PRESIDING OFFICER. Does the Senator from Wisconsin submit that motion?

Mr. CAMERON, of Wisconsin. I believe I will submit the motion.

Mr. COCKRELL. To come in alphabetical order, first the Committee on Agriculture, then the Committee on Appropriations, the Committee on Commerce, &c.

Mr. CAMERON, of Wisconsin. That they be arranged alphabetically.

Mr. COCKRELL. I see no objection.

Mr. GARLAND. Before that is done I wish to make a suggestion to the Senator from Wisconsin. He will find on examination that these committees are listed according to the period of time at which they were made.

Mr. CAMERON, of Wisconsin. So I understand.

Mr. GARLAND. I do not know that it would be well to change that, because if we made a new committee to-morrow we should have to alter the list by putting it in alphabetically. There was no Committee on Elections until comparatively a short time since.

Mr. ANTHONY. The Committee on Privileges and Elections, which heads the list of committees, was not created until a few years ago.

Mr. GARLAND. So I have stated.

Mr. HALE. The Committee on Appropriations is a committee of comparatively a late date.

Mr. ANTHONY. Certainly.

Mr. COCKRELL. If the statement of the Senator from Arkansas be true, that committee lists are now made up according to the date at which each committee was formed, it does not hold true——

Mr. GARLAND. It does substantially.

Mr. COCKRELL. I see no objection to the motion of the Senator from Wisconsin to let them come in alphabetical order, and hereafter if a new committee is formed it will take its place in its alphabetical order.

The PRESIDING OFFICER. It is moved by the Senator from Wisconsin that the committees be arranged in alphabetical order.

Mr. HOAR. Where does that come in?

The PRESIDING OFFICER. It is put in the nature of an order and does not come in the body of the rules.

Mr. HOAR. I suppose the Senator hardly desires to have a special clause in the rule in regard to printing a little document which is circulated, and if he wants to have anything in the rules——

Mr. CAMERON, of Wisconsin. I do not care to have it in the rules.

Mr. HOAR. If the Senator wants to have it in the rules at all, the best way would be to have Rule XXVI rearranged by changing the order of the paragraphs. I suggest to the Senator that he have a clerk do that, and when that rule which has been reserved, by reason of the absence of the Senator from Iowa, to be considered at a future day comes up, then to have that change made, and then the list will appear in the rules in alphabetical order. Then the little document which is distributed will follow the order of the rule. The clerk of the Committee on Rules can make up that order, to be ready when the rule is taken up.

Mr. CAMERON, of Wisconsin. If the chairman of the Committee on Rules will heed the suggestion made by the Senator from Massachusetts——

Mr. FRYE. I will look into it.

The PRESIDING OFFICER. The proposed order, the Chair understands, is withdrawn.

Mr. FRYE. Withdrawn, and at the request of the Senator I will ask the clerk of the Committee on Rules to draft a rule having the committees in their regular alphabetical order, and offer it as a substitute when final action comes on the rules.

The PRESIDING OFFICER. Are there further amendments proposed to the rules?

Mr. CONGER. What do I understand as to the consideration of Rule XXVI?

The PRESIDING OFFICER. All the rules have been passed except Rules XVII and XXVI, and they are now open for amendment. If amendments are not offered to them the question will be on the engrossment of these rules.

Mr. CONGER. I desire to suggest an amendment to Rule XXVI.

Mr. FRYE. Allow me to say to the Senator from Michigan, who was absent, that these two rules touching the Appropriations Committee and touching the standing committees have been passed over by unanimous consent, and will not be taken up until to-morrow. They were passed over partly on account of the absence of the chairman of the Committee on Commerce, and the Senator from Michigan, and the Senator from Iowa.

Mr. CONGER. Then I will simply make the suggestion for the consideration of the Senate when the question shall be taken up again. I propose to add after the words "a Committee on Agriculture" the words "and Forestry." The subject of forestry is a matter which has received considerable attention, and I think it would come in very well with the duties of that committee.

Mr. FRYE. That can be offered now.

Mr. CONGER. I offer that as an amendment now.

The PRESIDING OFFICER. It is moved that the clause in reference to the Committee on Agriculture be amended by adding "and Forestry" after "Agriculture." The question is on that amendment.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. INGALLS. I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 7*, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Monday, December 24, 1883, was read and approved.

POLITICAL ASSESSMENTS.

Mr. REED. I ask unanimous consent to offer at this time, for adoption, a resolution of inquiry.

The SPEAKER. The resolution will be read, after which objections will be asked for.

The Clerk read as follows:

Whereas it has been alleged that circulars have been distributed in some of the Departments asking contributions for political purposes, in violation of the twelfth section of the civil service law: Therefore,

Resolved, That the heads of the Departments where such distribution of circulars has taken place, if any, be requested to inform the House of the facts connected with such distribution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. REED moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPORTATION OF AMERICAN HOGS.

Mr. TOWNSHEND. Mr. Speaker, I ask unanimous consent to offer a resolution of inquiry.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Secretary of State be, and he is hereby, requested to furnish for the information of this House, if not incompatible with the public service, all communications, documents, and papers in his possession relating to the exclusion of and restrictions upon the importation of American hog products into Germany and France.

Mr. CANNON. Let me suggest to my colleague that he substitute the word "President" for the "Secretary of State." It is merely a change in the phraseology.

Mr. TOWNSHEND. I have no objection.

Mr. CANNON. I shall otherwise be compelled to object to the resolution.

Mr. TOWNSHEND. I accept the modification suggested by my colleague.

Mr. KEIFER. Let the resolution be read as modified.

The resolution was again read.

The SPEAKER. Is there objection to the present consideration of the resolution? The Chair hears none.

The resolution was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE RULES.

Mr. RANDALL. Under instructions from the Committee on Rules I submit for the consideration and action of the House the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the rules of the House of Representatives of the Forty-seventh Congress be the rules of the House of Representatives of the Forty-eighth Congress for twenty days from this date, unless otherwise ordered by the House.

Mr. RANDALL. I desire to state, Mr. Speaker, that there are now pending before the Committee on Rules some amendments to the rules, but owing to the fact that all the members of the committee were not present this morning, the gentleman from Kentucky [Mr. BLACKBURN] being necessarily absent, we are unable to make a full report, and in lieu it is thought desirable to present this resolution for immediate adoption.

I ask the previous question on the adoption of the resolution.

Mr. SPRINGER. I would like to ask the gentleman from Pennsylvania whether the resolution he now submits should not make an exception of such portions of the rules as have already been modified and accepted by the House at its present session?

Mr. RANDALL. Speaking for myself alone, I should say yes; but there were considerations which prompted the Committee on Rules, or the members who are present this morning, to unanimously agree not to go further at present than to submit the resolution which has been read.

Mr. SPRINGER. Then let me ask what would become of the amendments and changes made in the rules by the House at this present session?

Mr. RANDALL. Such action as the House has already taken with reference to the rules would, I presume, be excepted from the operation of this resolution. We do not repeal any rule heretofore adopted by the present House.

Mr. SPRINGER. But you commit the House, if the resolution is adopted, to the rules of the last House, without reference to our previous action here. In order that there may be no doubt about the matter a provision should be inserted in the resolution specifically excepting from its operation such portions of the rules as have been already adopted.

Mr. RANDALL. To what does the gentleman from Illinois refer?

Mr. SPRINGER. Such as the division of the Committee on Education and Labor into two committees, the change made with reference to the Committee on Commerce, and several others which do not occur to me at this time.

Mr. REED. The phraseology can be changed, I presume, if the resolution submitted by the Committee on Rules is open to the objection urged by the gentleman from Illinois.

Mr. SPRINGER. I would suggest that the resolution be modified by the insertion of the words "except in so far" as changed or modified in this House.

Mr. RANDALL. I am instructed by the committee——

Mr. TURNER, of Kentucky. I desire to offer an amendment to the rules, which I ask to have read for the information of the House.

The SPEAKER. The gentleman from Pennsylvania, under instructions of the Committee on Rules, has demanded the previous question.

Mr. TURNER, of Kentucky. I presume the gentleman from Pennsylvania will not object to have the proposed amendment read for the information of the House.

Mr. RANDALL. I have no objection to its being read; but I have no authority from the committee to waive the demand for the previous question.

The SPEAKER. The proposed amendment will be read.

The Clerk read as follows:

Add to Rule XXIV additional clause as follows:

"When any public bill or resolution shall have been referred to a committee, and the committee shall fail or refuse to report said bill or resolution back to the House of Representatives, either favorably or unfavorably, for thirty days, it shall be in order for the member who offered the bill or resolution, on any Monday immediately after the morning hour, to move to discharge the committee from the consideration of the bill or resolution, and the House shall then dispose of the bill or resolution by recommittal or by final action, such as a majority of the House may determine."

The SPEAKER. The question is on ordering the previous question on the resolution offered by the gentleman from Pennsylvania.

Mr. KEIFER. Does that include the amendment just read?

The SPEAKER. The amendment has been simply read for information.

Mr. RANDALL. I do not think the point essential; but, as suggested by the gentleman from Illinois [Mr. SPRINGER], I am quite willing, after conference with my associates on the committee, to add the words "as amended by the present House of Representatives."

The SPEAKER. The resolution as proposed to be modified will be read.

The Clerk read as follows:

Resolved, That the rules of the House of Representatives of the Forty-seventh Congress as amended by this House be the rules of the House of Representatives of the Forty-eighth Congress for twenty days from this date, unless otherwise ordered by the House.

Mr. TURNER, of Kentucky. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TURNER, of Kentucky. Is the previous question now pending?

The SPEAKER. The gentleman from Pennsylvania has demanded the previous question, and the Chair was about to take a vote on that motion when a modification of the resolution was suggested.

Mr. TURNER, of Kentucky. Are amendments being offered?

The SPEAKER. The gentleman from Pennsylvania accepted the suggestion of the gentleman from Illinois [Mr. SPRINGER] and has modified his resolution accordingly. That is as the Chair understood it.

Mr. RANDALL. The Chair is correct.

Mr. TURNER, of Kentucky. I would like the gentleman from Pennsylvania to allow me a vote on my amendment.

Mr. RANDALL. I would like to do so, but I have no authority from the committee.

The previous question was ordered; and, under the operation thereof, the resolution as modified was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMPLOYÉS OF THE HOUSE.

Mr. COX, of North Carolina. I desire to offer a resolution for immediate consideration.

The SPEAKER. The resolution will be read for information, after which the Chair will call for objections.

The Clerk read as follows:

Resolved, That the Committee on Accounts is instructed to inquire and report to this House as early as practicable the number of employés, the character of

their employment, the number of hours they are engaged in the public service, their compensation, and whether the convenience of members in the discharge of their public duties requires that they be diminished or increased.

2. They shall further inquire whether in minor committees the same clerk can not conveniently discharge the duties of two or more committees.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. THOMPSON. I object.

ORDER OF BUSINESS.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills and joint resolutions, and also resolutions of inquiry calling upon the heads of Departments for information for reference to their appropriate committees. Under this call joint and concurrent resolutions of State and Territorial Legislatures are in order for reference.

Mr. McMILLIN. I wish to inquire whether when the call has begun it will continue until all the States and Territories shall have been called?

The SPEAKER. The call, under the rule, will continue until completed, if the House shall remain so long in session.

COMPENSATION OF PHYSICIANS.

Mr. PRYOR introduced a bill (H. R. 1763) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama; which was read a first and second time.

Mr. PRYOR. That bill should properly go to the Committee on the Judiciary.

The SPEAKER. The Chair thinks under the rule it would go to the Committee on Claims.

Mr. PRYOR. Yes, sir; but I respectfully submit that on referring to the bill it will be seen it should properly go to the Committee on the Judiciary. It relates to judicial proceedings.

The SPEAKER. The gentleman from Alabama moves that the bill be referred to the Committee on the Judiciary.

The question being taken, the motion was agreed to; and the bill was accordingly referred to the Committee on the Judiciary, and ordered to be printed.

RICHARD L. KIRBY, JR.

Mr. PRYOR also introduced a bill (H. R. 1764) for the relief of Richard L. Kirby, jr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HIRAM N. ROBERTS.

Mr. PRYOR also introduced a bill (H. R. 1765) for the relief of Hiram N. Roberts, as the administrator of the estate of Henry C. Roberts, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM A. MILAM.

Mr. PRYOR also introduced a bill (H. R. 1766) for the relief of William A. Milam; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES E. LAWLER.

Mr. PRYOR also introduced a bill (H. R. 1767) for the relief of James E. Lawler; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SARAH S. MASSIE.

Mr. PRYOR also introduced a bill (H. R. 1768) granting a pension to Sarah S. Massie; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HOMESTEAD ENTRIES.

Mr. HERBERT introduced a bill (H. R. 1769) to repeal the act of March, 1879, providing for publication in newspapers of notice before making final proof in homestead entries; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REPEAL OF TONNAGE DUTIES.

Mr. DUNN introduced a bill (H. R. 1770) to repeal the tonnage duties upon ships and vessels of the United States and upon certain foreign vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM C. MEREDITH.

Mr. DUNN also introduced a bill (H. R. 1771) granting a pension to William C. Meredith, guardian of Matilda Freeman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HINDMAN.

Mr. DUNN also introduced a bill (H. R. 1772) for the relief of John Hindman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JEMIMA UNDERWOOD.

Mr. ROGERS, of Arkansas (by request), introduced a bill (H. R. 1773) granting a pension to Jemima Underwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES SUPPLE.

Mr. ROGERS, of Arkansas (by request), also introduced a bill (H. R. 1774) for the relief of James Supple; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDMOND WILLIAMS.

Mr. ROGERS, of Arkansas (by request), also introduced a bill (H. R. 1775) for the relief of Edmond Williams; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BURRELL BURNS.

Mr. ROGERS, of Arkansas (by request), also introduced a bill (H. R. 1776) for the relief of Burrell Burns; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

F. E. FOLSOM.

Mr. ROGERS, of Arkansas (by request), also introduced a bill (H. R. 1777) for the relief of F. E. Folsom; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

STEPHEN E. LAMAR AND OTHERS.

Mr. ROGERS, of Arkansas (by request), also introduced a bill (H. R. 1778) for the relief of Stephen E. Lamar and others; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHESTER ASHLEY.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 1779) for the relief of the estate of Chester Ashley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS IN ARKANSAS.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 1780) to indemnify the State of Arkansas for swamp and overflowed lands within said State sold by the United States since March 3, 1857, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHEROKEE RESERVATION IN ARKANSAS.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 1781) to provide for the disposal of the Cherokee reservation in the State of Arkansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CAMP DOUGLASS, UTAH.

Mr. ROSECRANS introduced a bill (H. R. 1782) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation in the Territory of Utah; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COL. GEORGE W. GETTY.

Mr. ROSECRANS also introduced a bill (H. R. 1783) to place Col. George W. Getty (retired) on the retired-list of the Army with the rank and pay of major-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RETIRED MEDICAL OFFICERS OF THE ARMY.

Mr. ROSECRANS also introduced a bill (H. R. 1784) for the assignment of retired officers of the medical department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM BOWEN.

Mr. ROSECRANS also introduced a bill (H. R. 1785) for the relief of William Bowen; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

CAPT. WILLIAM H. REXFORD.

Mr. ROSECRANS also introduced a bill (H. R. 1786) for the relief of Capt. William H. Rexford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMMANDER HENRY GLASS.

Mr. ROSECRANS also introduced a bill (H. R. 1787) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander Henry Glass, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

COMMANDER JAMES H. SANDS.

Mr. ROSECRANS also introduced a bill (H. R. 1788) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander

James H. Sands, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

COMMANDER CHARLES D. SIGSBEE.

Mr. ROSECRANS also introduced a bill (H. R. 1789) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander Charles D. Sigsbee; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BOUNTIES.

Mr. ROSECRANS also introduced a bill (H. R. 1790) to equalize the bounties of honorably discharged soldiers of the United States who served in the war of the rebellion; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

INJURIES TO UNITED STATES EMPLOYÉS.

Mr. ROSECRANS also introduced a bill (H. R. 1791) to protect employés in the service of the United States in the District of Columbia from certain injuries by reason thereof; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

RELIEF OF ARMY OFFICERS.

Mr. ROSECRANS also introduced a bill (H. R. 1792) for the relief of officers of the Army who have served a specified number of years in one grade under the rank of major; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN WILLIAMS.

Mr. ROSECRANS also introduced a bill (H. R. 1793) referring the claim of John Williams to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS B. SHANNON.

Mr. ROSECRANS also introduced a bill (H. R. 1794) for the relief of Thomas B. Shannon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATE OF FRANK SOULÉ AND OTHERS.

Mr. ROSECRANS also introduced a bill (H. R. 1795) for the relief of the estate of Frank Soulé and others; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BRIG. GEN. GEORGE P. IHRIE.

Mr. ROSECRANS also introduced a bill (H. R. 1796) for the relief of Bvt. Brig. Gen. George P. Ihrie, of California, late colonel and additional aid-de-camp of United States volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPITOL CABLE RAILWAY, DISTRICT OF COLUMBIA.

Mr. ROSECRANS (by request) also introduced a bill (H. R. 1797) to authorize the Capitol Cable Railway Company of Washington to construct its railway on certain streets in said city; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

TRANSFER AND MUSTER-OUT OF ARMY OFFICERS.

Mr. ROSECRANS also submitted a resolution calling on the Secretary of War for information respecting the transfer and muster-out of officers of the Army under the act of July 15, 1870; which was referred to the Committee on Military Affairs.

CHINESE IMMIGRATION.

Mr. HENLEY introduced a bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

STATE UNIVERSITY OF CALIFORNIA.

Mr. HENLEY also introduced a bill (H. R. 1799) for the relief of the State University of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

J. L. BURCHARD.

Mr. HENLEY also introduced a bill (H. R. 1800) for the relief of J. L. Burchard; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REIMBURSEMENT FOR MECHANICS' TOOLS, ETC.

Mr. HENLEY also introduced a bill (H. R. 1801) to make an appropriation to the laborers and mechanics for their tools destroyed by fire in the Government workshops at Benicia, State of California, on the 2d day of November, 1880; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RANCHO DE NAPA.

Mr. HENLEY also introduced a bill (H. R. 1802) authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

FREIGHT RATES ON PACIFIC RAILWAY.

Mr. SUMNER, of California, introduced a bill (H. R. 1803) to fix and establish the maximum rates of freight fares on the Union Pacific Railroad and Central Pacific Railroad; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

RELIEF OF SOLDIERS AND SAILORS.

Mr. GLASCOCK introduced a bill (H. R. 1804) for the relief of certain soldiers and sailors in the service of the United States during the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, LOS ANGELES, CAL.

Mr. TULLY introduced a bill (H. R. 1805) to provide for the erection of a post-office building at Los Angeles, Cal., and appropriating $150,000 therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM D. HALEY.

Mr. TULLY also introduced a bill (H. R. 1806) for the relief of William D. Haley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADVERTISEMENT OF NOXIOUS MEDICINES, ETC.

Mr. TULLY also introduced a bill (H. R. 1807) to prevent the use of the United States mails to advertise noxious and dangerous medicines, foods, and compounds; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SOUTHERN JUDICIAL DISTRICT OF CALIFORNIA.

Mr. TULLY also introduced a bill (H. R. 1808) to detach certain counties from the United States judicial district of California and create the United States judicial district of Southern California; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDWARD P. JOHNSON.

Mr. TULLY also introduced a bill (H. R. 1809) for the relief of Edward P. Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IRRIGATION OF ARID-LAND REGIONS.

Mr. BELFORD introduced a bill (H. R. 1810) making appropriations for the repair, preservation, and completion of certain public works on reservoirs, mains, and laterals for irrigation and other purposes in the arid-land regions of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ALABAMA CLAIMS.

Mr. EATON (by request) introduced a bill (H. R. 1811) to re-establish the Court of Commisioners of Alabama Claims, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REAL ESTATE TITLE INSURANCE COMPANY.

Mr. EATON also (by request) introduced a bill (H. R. 1812) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

MISS ELIZA A. WHITE.

Mr. EATON also (by request) introduced a joint resolution (H. Res. 67) for the relief of Miss Eliza A. White; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANN CORNELIA LANMAN.

Mr. WAIT introduced a bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUNIUS H. LUCAS.

Mr. MITCHELL introduced a bill (H. R. 1814) for the relief of Junius H. Lucas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. S. EUNICE NICHOLS.

Mr. MITCHELL also introduced a bill (H. R. 1815) for the relief of Mrs. S. Eunice Nichols; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELIEF FROM CHARGE OF DESERTION.

Mr. SEYMOUR introduced a bill (H. R. 1816) to amend an act entitled "An act to relieve certain soldiers of the late war from the charge of desertion," passed at the first session of the Forty-seventh Congress;

which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS DAILEY.

Mr. SEYMOUR also introduced a bill (H. R. 1817) for the relief of Thomas Dailey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE BALL.

Mr. SEYMOUR also introduced a bill (H. R. 1818) for the relief of George Ball; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUSTIN L. FRINK.

Mr. SEYMOUR also introduced a bill (H. R. 1819) granting a pension to Austin L. Frink; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET E. EDWARDS.

Mr. SEYMOUR also introduced a bill (H. R. 1820) granting a pension to Harriet E. Edwards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL A. DONALD.

Mr. BISBEE introduced a bill (H. R. 1821) for the relief Samuel A. Donald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE J. ALDEN.

Mr. BISBEE also introduced a bill (H. R. 1822) granting a pension to George J. Alden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDMUND C. WEEKS.

Mr. BISBEE also introduced a bill (H. R. 1823) granting a pension to Edmund C. Weeks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF SOLOMON COHEN.

Mr. NICHOLLS introduced a bill (H. R. 1824) for the relief of the legal representatives of Solomon Cohen, of Savannah, Ga.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH V. CONNERAT, OF SAVANNAH, GA.

Mr. NICHOLLS also introduced a bill (H. R. 1825) for the relief of the heirs of Joseph V. Connerat, of Savannah, Ga.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEYER NEWMARK.

Mr. NICHOLLS also introduced a bill (H. R. 1826) for the relief of Meyer Newmark, of Savannah, Ga.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN D. MUNNERLYN.

Mr. NICHOLLS also introduced a bill (H. R. 1827) for the relief of John D. Munnerlyn, of the State of Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MORGAN RAWLS.

Mr. NICHOLLS also introduced a bill (H. R. 1828) for the relief of Morgan Rawls, of the State of Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, SAVANNAH, GA.

Mr. NICHOLLS also introduced a bill (H. R. 1829) to provide for the erection of a public building in the city of Savannah, in the State of Georgia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES M. LOWRY.

Mr. CLEMENTS introduced a bill (H. R. 1830) for the relief of James M. Lowry, of Whitfield County, Georgia, and for other purposes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH A. CLOUD.

Mr. CLEMENTS also introduced a bill (H. R. 1831) for the relief of Elizabeth A. Cloud; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

RUFUS BARKER.

Mr. CLEMENTS also introduced a bill (H. R. 1832) for the relief of Rufus Barker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHOLIC CHURCH, DALTON, GA.

Mr. CLEMENTS also introduced a bill (H. R. 1833) for the relief of the trustees of the Catholic church at Dalton, Ga.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRESBYTERIAN CHURCH, MARIETTA, GA.

Mr. CLEMENTS also introduced a bill (H. R. 1834) for the relief of the trustees of the Presbyterian church at Marietta, Ga.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID G. ORR.

Mr. CLEMENTS also introduced a bill (H. R. 1835) to compensate David G. Orr for supplies furnished by him to the Army of the United States during the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH MOYAL.

Mr. CLEMENTS also introduced a bill (H. R. 1836) for the relief of Elizabeth Moyal; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISCILLA HOLBROOK.

Mr. CLEMENTS (by request) also introduced a bill (H. R. 1837) for the relief of Priscilla Holbrook; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LEWIS STOWERS.

Mr. CLEMENTS (by request) also introduced a bill (H. R. 1838) for the relief of Lewis Stowers; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MICHAEL KREIS.

Mr. CLEMENTS (by request) also introduced a bill (H. R. 1839) for the relief of Michael Kreis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAX ON LEAF-TOBACCO.

Mr. TOWNSHEND introduced a bill (H. R. 1840) to amend section 3244 of the Revised Statutes, relating to the sale of leaf-tobacco by farmers and planters; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SARAH C. THOMAS.

Mr. TOWNSHEND also introduced a bill (H. R. 1841) granting a pension to Sarah C. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OLIVER W. MONROE.

Mr. TOWNSHEND also introduced a bill (H. R. 1842) granting a pension to Oliver W. Monroe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARQUIS D. DAVIS.

Mr. TOWNSHEND also introduced a bill (H. R. 1843) for the relief of Marquis D. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICK S. M'COWN.

Mr. TOWNSHEND also introduced a bill (H. R. 1844) to increase the pension of Nick S. McCown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER GALLAGHER.

Mr. TOWNSHEND also introduced a bill (H. R. 1845) for the relief of Peter Gallagher; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARY WHITTINGTON.

Mr. TOWNSHEND also introduced a bill (H. R. 1846) granting a pension to Mrs. Mary Whittington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. LOGAN.

Mr. TOWNSHEND also introduced a bill (H. R. 1847) restoring the name of James B. Logan to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMERICAN CUSTOMS UNION.

Mr. TOWNSHEND also introduced a joint resolution (H. Res. 68) requesting the President to invite the co-operation of the governments of American nations in securing the establishment of free commercial intercourse among those nations and an American customs union; which was read a first and second time.

Mr. TOWNSHEND. I do not know whether that joint resolution belongs to the Committee on Commerce or to the Committee on Foreign Affairs.

Mr. REAGAN. It should properly go to the Committee on Commerce, as it relates to commercial intercourse.

Mr. TOWNSHEND. The rules, however, say that all bills relating to foreign affairs shall go to the Committee on Foreign Affairs.

The SPEAKER. If the gentleman from Illinois does not make a motion for another reference, the joint resolution will be referred to the Committee on Commerce.

The joint resolution was referred to the Committee on Commerce, and ordered to be printed.

ELECTION OF SENATORS.

Mr. TOWNSHEND also introduced a joint resolution (H. Res. 69) proposing an amendment to the Constitution of the United States, providing for the election of Senators by the votes of the people of the States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS.

Mr. THOMAS introduced a bill (H. R. 1848) granting a pension to all United States soldiers and sailors of the late war of the rebellion who served thirty days or were in any engagement therein, and to the widows of all soldiers who are deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISCHARGES OF SOLDIERS AND SAILORS.

Mr. THOMAS also introduced a bill (H. R. 1849) to give legal force and effect to all certificates of honorable discharge of soldiers and sailors from the service of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LANDS IN RANDOLPH COUNTY, ILLINOIS.

Mr. THOMAS also introduced a bill (H. R. 1850) granting to the county of Randolph, in the State of Illinois, certain public unsurveyed lands within said county on certain conditions; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRIDGES ACROSS MISSOURI AND MISSISSIPPI RIVERS.

Mr. THOMAS also introduced a bill (H. R. 1851) to authorize the construction of bridges across the Missouri River between its mouth and the mouth of the Dakota or James River, and across the Mississippi River between the port of Saint Paul, in the State of Minnesota, and the port of Natchez, in the State of Mississippi, and across the Illinois River between its mouth and Peoria, in the State of Illinois, and to prescribe the character, location, and dimensions of the same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARINE CORPS.

Mr. THOMAS also introduced a bill (H. R. 1852) to regulate appointments and promotions in the staff of the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NAVAL LINE OFFICERS.

Mr. THOMAS also introduced a bill (H. R. 1853) to change the grade of line officers in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SARAH A. ASHER.

Mr. THOMAS also introduced a bill (H. R. 1854) granting a pension to Sarah A. Asher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. B. AGNEW.

Mr. THOMAS also introduced a bill (H. R. 1855) granting an increase of pension to A. B. Agnew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE HIGGERSON.

Mr. THOMAS also introduced a bill (H. R. 1856) granting a pension to Caroline Higgerson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK H. W. SMITH.

Mr. THOMAS also introduced a bill (H. R. 1857) granting a pension to Frederick H. W. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL W. HESTER.

Mr. THOMAS also introduced a bill (H. R. 1858) granting a pension to Samuel W. Hester; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN N. MATHEWS.

Mr. THOMAS also introduced a bill (H. R. 1859) granting a pension to John N. Mathews; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY J. SANDERS.

Mr. THOMAS also introduced a bill (H. R. 1860) granting a pension to Mary J. Sanders; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW CURRY.

Mr. ROWELL introduced a bill (H. R. 1861) for the relief of Andrew Curry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BUCHANAN.

Mr. ROWELL also introduced a bill (H. R. 1862) for the increase of the pension of James Buchanan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. BARNES.

Mr. ROWELL also introduced a bill (H. R. 1863) granting a pension to John A. Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. TODD.

Mr. ROWELL also introduced a bill (H. R. 1864) granting a pension to Mary A. Todd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUNCAN FORBES.

Mr. ROWELL also introduced a bill (H. R. 1865) granting an increase of pension to Duncan Forbes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN L. KNICK.

Mr. ROWELL also introduced a bill (H. R. 1866) granting a pension to Calvin L. Knick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FOREIGN RELATIONS.

Mr. HITT introduced a bill (H. R. 1867) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4083 to section 4130 inclusive; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

HENRY W. PETERSON.

Mr. HITT also introduced a bill (H. R. 1868) granting a pension to Henry W. Peterson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK FLYNN.

Mr. HITT also introduced a bill (H. R. 1869) for the relief of Patrick Flynn; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

WILLIAM EARNEST.

Mr. HITT also introduced a bill (H. R. 1870) granting an increase of pension to William Earnest; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOPHIA BEELER.

Mr. HITT also introduced a bill (H. R. 1871) to increase the pension of Sophia Beeler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JOHN S. OVIATT.

Mr. HITT also introduced a bill (H. R. 1872) granting pensions to the minor heirs of John S. Oviatt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD KRAEMER.

Mr. HITT also introduced a bill (H. R. 1873) for the relief of Edward Kraemer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT WOOD.

Mr. HITT also introduced a bill (H. R. 1874) for the relief of Albert Wood; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH A. ROBBINS.

Mr. WORTHINGTON introduced a bill (H. R. 1875) granting a pension to Elizabeth A. Robbins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLIFFORD A. GOULD.

Mr. WORTHINGTON also introduced a bill (H. R. 1876) to authorize the payment of interest collected by this Government to Clifford A. Gould; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CORRECTION OF ARMY RECORD.

Mr. WORTHINGTON also introduced a bill (H. R. 1877) to correct the Army record of certain Army officers named therein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN M'NELLIS.

Mr. CULLEN introduced a bill (H. R. 1878) for the relief of John McNellis; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ILLINOIS AND MICHIGAN CANAL.

Mr. CULLEN also introduced a bill (H. R. 1879) to provide for the acceptance by the United States of the grant of the Illinois and Michigan Canal and all its appurtenances from the State of Illinois; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

MATTHEW M'DONNELL.

Mr. CULLEN also introduced a bill (H. R. 1880) granting a pension to Matthew McDonnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTIETAM NATIONAL CEMETERY.

Mr. HENDERSON, of Illinois (by request), introduced a joint resolution (H. Res. 70) to provide for the settlement of a claim against the Antietam National Cemetery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES HILSABECK.

Mr. PAYSON introduced a bill (H. R. 1881) for the relief of James Hilsabeck; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCRETIA M. LARKIN.

Mr. PAYSON also introduced a bill (H. R. 1882) granting a pension to Lucretia M. Larkin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES PEVE.

Mr. PAYSON also introduced a bill (H. R. 1883) granting a pension to James Peve; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. NEECE introduced a bill (H. R. 1884) to declare certain lands heretofore granted in aid of the construction of railroads forfeited to the United States for not complying with their charters, and to open the same for settlement and protecting the rights of any settlers thereon, and where lands have been conveyed in violation of law, or the conveyance thereof has been procured by fraud, to recover the same or the value thereof; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES W. DAVIDSON.

Mr. NEECE also introduced a bill (H. R. 1885) for the relief of James W. Davidson, late United States marshal for the northern district of Illinois; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

JOSEPH H. BAYLES.

Mr. NEECE also introduced a bill (H. R. 1886) for the relief of Joseph H. Bayles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADELA CONARD.

Mr. HITT introduced a bill (H. R. 1887) for the relief of Adela Conard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JACOB LUCAS.

Mr. SPRINGER introduced a bill (H. R. 1888) for the relief of Jacob Lucas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DAVID A. WILLIAMS.

Mr. SPRINGER also introduced a bill (H. R. 1889) for the relief of David A. Williams; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GARRETT WALL.

Mr. SPRINGER also introduced a bill (H. R. 1890) to rerate the pension of Garrett Wall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM D. COWAN.

Mr. SPRINGER also introduced a bill (H. R. 1891) granting a pension to William D. Cowan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. ADAMS.

Mr. DAVIS, of Illinois (by Mr. SPRINGER), introduced a bill (H. R. 1892) for the relief of Charles H. Adams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES BOND.

Mr. RIGGS introduced a bill (H. R. 1893) granting a pension to James Bond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARK ROBERTS.

Mr. RIGGS also introduced a bill (H. R. 1894) granting a pension to Clark Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF COL. STEPHEN H. LONG.

Mr. MORRISON introduced a bill (H. R. 1895) to settle the claim of the heirs of the late Col. Stephen H. Long, of the United States Topographical Engineers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES VALIER.

Mr. MORRISON also introduced a bill (H. R. 1896) for the relief of Charles Valier; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHERINE HUNTER.

Mr. MATSON introduced a bill (H. R. 1897) granting a pension to Catherine Hunter, widow of Levi M. Hunter, late a private of Company A, One hundred and twentieth Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET ARMSTRONG.

Mr. MATSON also introduced a bill (H. R. 1898) granting a pension to Harriet Armstrong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISCRIMINATION AGAINST UNITED STATES PRODUCTS.

Mr. CALKINS introduced a bill (H. R. 1899) to prohibit imports from foreign governments who unjustly discriminate against the products of the United States; which was read a first and second time.

Mr. CALKINS. I am uncertain whether this bill should go to the Committee on Foreign Affairs or the Committee on Commerce. I think, however, it should go to the Committee on Foreign Affairs.

Mr. TOWNSHEND. The same subject is now before the Committee on Ways and Means. I submit that is the proper reference.

Mr. CALKINS. This is essentially a retaliatory measure, and should go to the Committee on Foreign Affairs.

The SPEAKER. A similar bill has been referred this morning to the Committee on Commerce.

Mr. CALKINS. It is immaterial to me what committee shall take jurisdiction of this bill. I will accept the indication of the Chair as to the reference.

The bill was referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. CALKINS also introduced a bill (H. R. 1900) to amend section 2 of the arrears of pensions law; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRISON MITCHELL.

Mr. CALKINS also introduced a bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LESHER.

Mr. CALKINS also introduced a bill (H. R. 1902) for the relief of John Lesher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP TRAPP.

Mr. CALKINS also introduced a bill (H. R. 1903) granting a pension to Philip Trapp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY T. M'ANALLY.

Mr. CALKINS also introduced a bill (H. R. 1904) granting a pension to Mary T. McAnally, widow of John T. McAnally; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROHIBITION OF IMPORTATIONS IN CERTAIN CASES.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 1905) authorizing the President to prohibit by proclamation the importation of goods in certain cases; which was read a first and second time.

The bill was read *in extenso*.

The SPEAKER. The Chair believes this bill should go to the Committee on Commerce, as it provides for the regulation of commerce.

Mr. TOWNSHEND. A similar bill was introduced three weeks ago, and was referred to the Committee on Ways and Means. In my judgment it belongs clearly to that committee. It is in regard to import duties and foreign commerce.

The SPEAKER. The Chair thinks it properly goes to the Committee on Commerce, but the gentleman can submit any motion he pleases.

The bill was referred to the Committee on Commerce, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 1906) granting arrears of pensions to persons pensioned by special act, and repealing the proviso to section 2 of the act making appropriations for the

payment of arrears of pensions, approved March 3, 1879; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

REDUCING ARMY PAY DEPARTMENT.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 1907) reducing the Pay Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROSECUTION OF CLAIMS.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 1908) authorizing the head of an Executive Department to require satisfactory evidence of qualifications and character before admitting a person to prosecute or defend proceedings therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALE OF TIMBER LANDS.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 1909) to repeal an act entitled "An act for the sale of timber lands in the States of California, Oregon, and Nevada, and in Washington Territory," approved June 3, 1879; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LOTTERY CIRCULARS, ETC.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 1910) to prohibit the mailing of letters and circulars concerning lotteries, or newspapers or other periodical publications containing lottery advertisements, and prescribe the penalty therefor; which was read a first and second time.

The SPEAKER. The bill will be referred to the Committee on the Post-Office and Post-Roads.

Mr. BROWNE, of Indiana. Should it not go to the Committee on the Judiciary?

The SPEAKER. The Chair thinks not.

Mr. BROWNE, of Indiana. The bill fixes a penalty for mailing letters containing lottery advertisements, and it belongs to the Committee on the Judiciary, as I think, under the rule. It is a statute creating an offense, and is within the definition of the criminal law.

The SPEAKER. The Chair thinks, under the two rules, one regulating the jurisdiction of the Committee on the Judiciary and the other regulating the jurisdiction of the Committee on the Post-Office and Post-Roads, this bill would go to the latter committee; but the gentleman may make a motion to refer to the Committee on the Post-Office and Post-Roads. It relates to the carriage of the mails.

Mr. BROWNE, of Indiana. That is true, but it is equally true it creates a crime and affixes a penalty, and is a criminal statute, I think, to all intents and purposes.

Mr. KASSON. If the Chair will permit me to add, I believe it does not relate to the mails, but to the act of individuals, prohibiting them from depositing for carriage in the mails certain circulars and newspapers.

The SPEAKER. The Clerk will report the bill.

The bill was read.

Mr. MONEY. I desire to ask the Speaker what reference has been requested of this bill?

The SPEAKER. The gentleman from Indiana asks its reference to the Committee on the Judiciary.

Mr. MONEY. I should like to be heard for a moment.

The SPEAKER. The Chair will of course be glad to hear the gentleman from Mississippi upon the subject, as it relates to a proper construction of the rule.

Mr. MONEY. Bills of this character have been uniformly referred to the Committee on the Post-Office and Post-Roads. The legislation that has been heretofore had with reference to this and kindred subjects was legislation reported by that committee. There is nothing in the bill introduced by the gentleman from Indiana that would give any committee jurisdiction of the subject other than the Committee on the Post-Office and Post-Roads. I repeat that the subject-matter to which it relates has been uniformly referred to that committee, and under the rules of the House is clearly and exclusively within its jurisdiction. Further than that, Mr. Speaker, if such subjects are taken from that committee its business is practically at an end in this House.

Now, the bill which has just been read refers to the transmission of certain matters through the mails. There is no question, therefore, of construction, permit me to say, with all due deference to the gentleman from Indiana; but upon its very face it relates to matters exclusively within the jurisdiction of that committee, and should be referred to it and to none other. I will say further that subjects of a similar character have been already referred to that committee during the present session; and the committee should be able to report a general bill covering all such cases.

Mr. BROWNE, of Indiana. If the Chair will indulge me——

The SPEAKER. Certainly, the Chair will be glad to hear the gentleman from Indiana.

Mr. MONEY. Before the gentleman from Indiana proceeds I ask for the reading of a portion of the Digest on page 290, relating to the jurisdiction of committees.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The question of jurisdiction of committees over "proposed legislation," though apparently clearly determined by Rule IX, has frequently arisen in the House and will undoubtedly continue to arise in future Congresses. While it is sometimes difficult to decide upon the proper committee to which a bill or other proposition should be referred, an examination of its details will usually enable the Speaker (and House when appealed to or where required to vote on a motion to refer) to decide without difficulty upon the proper reference of the pending proposition. The general rule governing in such cases seems to have been, so far as can be ascertained, that the leading or principal subject of the bill should govern and control its reference. As, for instance, in a case where a bill related principally to revenue matters or the bonded debt, but contained sections authorizing or looking to certain judicial proceedings in connection therewith, it was held that the bill should be referred to the Committee on Ways and Means. So, in another case, where a bill related almost exclusively to the public domain, but contained sections proposing certain judicial proceedings in certain events and imposing additional duties on the Assistant Attorney-General for the Department of the Interior, it was held that the bill should be referred to the Committee on the Public Lands.

Mr. MONEY. Now, Mr. Speaker, there is nothing whatever in this bill which takes it from the Committee on the Post-Office and Post-Roads. It is introduced in the usual manner, and under the clause of the Digest which has just been read its principal feature manifestly relates to the business of the Committee on the Post-Office and Post-Roads. It is proposed to exclude certain matters from the mails and to make it an offense for attempting to mail them. It is certainly therefore within the jurisdiction of the Committee on the Post-Office and Post-Roads. This is the very matter over which the committee has jurisdiction and for which it was organized. I submit, therefore, that in view of the precedents—the uniform practice of the House—the proper reference is as I have indicated.

Mr. BROWNE, of Indiana. The rule is that all proposed legislation in regard to judicial proceedings, civil and criminal laws, shall be referred to the Committee on the Judiciary.

Now, let us inquire for a moment what is the principal end to be attained by the proposed bill. It is simply to declare a misdemeanor the depositing in the post-office or postal car or letter-box of a publication of a particular description. It does not concern the carrying of the mails at all; but simply denounces as a crime the act of the individual who deposits in the mails a pamphlet, circular, newspaper, or letter concerning a lottery.

Suppose it were an act declaring it to be a crime to interfere with a letter in transit. Suppose it declared that to open a letter or abstract money from one, while in the post-office or postal car or in transit, was a felony and affixed a penalty for it. Would the gentleman insist that that was not purely a penal statute; and that simply because it referred to a letter in transit, or that the crime was committed on a letter in transit, for that reason alone it should go to the Committee on the Post-Office and Post Roads?

If this bill provided that a letter-carrier should not receive or the United States mail should not transmit a publication of this particular description, it might with propriety be said to belong to the Committee on the Post-Office and Post Roads, for then the subject-matter of the legislation would concern the transmission of the mails.

But I do not care to protract the discussion. This is simply no more and no less than declaring a particular thing to be a crime. That is all there is of it. That is its extent, and to say that it does not stand upon precisely the terms of other criminal legislation is to assume a position that I am not ready to concede by any manner of means. The fact that it declares a certain thing a crime does not certainly send the proposed legislation to the Committee on the Post-Office and Post-Roads.

The SPEAKER. The bill declares it shall be unlawful to convey by mail certain matters which are described in the bill itself. It is true that the bill provides that any person who attempts to deposit or does deposit this particular matter in the mail shall be punished; but the whole postal code is full of penalties for violation of its provisions. And the Chair thinks that in pursuance of the usual practice of the House heretofore, and upon what the Chair conceives to be a proper construction of these two rules, this bill should go to the Committee on the Post-Office and Post-Roads. But the Chair will submit any motion the gentleman from Indiana desires to make about it.

Mr. BROWNE, of Indiana. I move that the bill be referred to the Committee on the Judiciary.

The question being taken on the motion of Mr. BROWNE, of Indiana, it was not agreed to; there being—ayes 60, noes 68.

The bill was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REGISTERED LETTERS AND MONEY-ORDERS.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 1911) to amend sections 3929 and 4041 of the Revised Statutes, authorizing the Postmaster-General to prohibit the delivery of registered letters and the payment of money-orders, and providing for the return of the same; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DAVID C. PAULLUS.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 1912) for the relief of David C. Paullus; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ALEXANDER NUGENT.

Mr. STOCKSLAGER introduced a bill (H. R. 1913) to remove the charge of desertion against Alexander Nugent, of Seymour, Ind., late a private in Company G, Seventy-seventh Regiment, Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELI MILLER.

Mr. STOCKSLAGER also introduced a bill (H. R. 1914) for the relief of Eli Miller; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN F. DAVIS.

Mr. STOCKSLAGER also introduced a bill (H. R. 1915) for the relief of John F. Davis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS CRAWFORD.

Mr. STOCKSLAGER also introduced a bill (H. R. 1916) for the relief of Thomas Crawford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN ABBOTT.

Mr. STOCKSLAGER also introduced a bill (H. R. 1917) for the relief of John Abbott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT SCHINDLER.

Mr. STOCKSLAGER also introduced a bill (H. R. 1918) for the relief of Albert Schindler; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STEPHEN M. GUPTON.

Mr. STOCKSLAGER also introduced a bill (H. R. 1919) granting a pension to Stephen M. Gupton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLOTTE M. COWARD.

Mr. STOCKSLAGER also introduced a bill (H. R. 1920) for the relief of Charlotte M. Coward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. CONEY.

Mr. STOCKSLAGER also introduced a bill (H. R. 1921) granting a pension to John G. Coney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL H. COLE.

Mr. STOCKSLAGER also introduced a bill (H. R. 1922) granting a pension to Samuel H. Cole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA S. ALLEN.

Mr. STOCKSLAGER also introduced a bill (H. R. 1923) for the relief of Rebecca S. Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS SIMPSON.

Mr. STOCKSLAGER also introduced a bill (H. R. 1924) granting a pension to Thomas Simpson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. WILFORD H. WELMAN.

Mr. STOCKSLAGER also introduced a bill (H. R. 1925) for the relief of Capt. Wilford H. Welman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PHILLIP LESTER.

Mr. STOCKSLAGER also introduced a bill (H. R. 1926) for the relief of Phillip Lester; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM R. BENTLEY.

Mr. STOCKSLAGER also introduced a bill (H. R. 1927) for the relief of William R. Bentley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HAMILTON MARTIN.

Mr. STOCKSLAGER also introduced a bill (H. R. 1928) for the relief of Hamilton Martin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM B. REYNOLDS.

Mr. STEELE introduced a bill (H. R. 1929) for the relief of William B. Reynolds; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SARAH NICOLL CRANE.

Mr. STEELE also introduced a bill (H. R. 1930) granting a pension to Sarah Nicoll Crane; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MOBILE AND GIRARD RAILROAD COMPANY.

Mr. COBB (by request) introduced a bill (H. R. 1931) for the relief of the Mobile and Girard Railroad Company; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BLACKWELL BAILEY.

Mr. COBB also introduced a bill (H. R. 1932) for the relief of Blackwell Bailey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. KENNEDY.

Mr. COBB also introduced a bill (H. R. 1933) for the relief of John H. Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. SHACKLETT.

Mr. COBB also introduced a bill (H. R. 1934) granting a pension to John C. Shacklett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BASIL CLEMENTS.

Mr. COBB also introduced a bill (H. R. 1935) for the relief of Basil Clements; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN GIER.

Mr. COBB also introduced a bill (H. R. 1936) for the relief of Martin Gier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONAS SMITH.

Mr. COBB also introduced a bill (H. R. 1937) for the relief of Jonas Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. O'BANNON.

Mr. COBB also introduced a bill (H. R. 1938) for the relief of George H. O'Bannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. DOUTHETT.

Mr. COBB also introduced a bill (H. R. 1939) for the relief of William G. Douthett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. ISRAEL STOUGH.

Mr. COBB also introduced a bill (H. R. 1940) granting a pension to Capt. Israel Stough; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BERNARD MOAN.

Mr. COBB also introduced a bill (H. R. 1941) granting a pension to Bernard Moan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS WADSWORTH.

Mr. COBB also introduced a bill (H. R. 1942) to restore the name of Thomas Wadsworth to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN CALVERT.

Mr. COBB also introduced a bill (H. R. 1943) for the relief of John Calvert; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN G. PARKER.

Mr. COBB also introduced a bill (H. R. 1944) for the relief of John G. Parker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY T. SKINNER.

Mr. COBB also introduced a bill (H. R. 1945) granting a pension to Henry T. Skinner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FELIX W. RUSHER.

Mr. COBB also introduced a bill (H. R. 1946) granting a pension to Felix W. Rusher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS FERGUSON.

Mr. COBB also introduced a bill (H. R. 1947) granting a pension to Thomas Ferguson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THORNTON M'COY.

Mr. COBB also introduced a bill (H. R. 1948) for the relief of Thornton McCoy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGET SHERLOCK.

Mr. COBB also introduced a bill (H. R. 1949) for the relief of Bridget Sherlock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM L. DAY.

Mr. COBB also introduced a bill (H. R. 1950) granting a pension to William L. Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEXTER GARDNER.

Mr. COBB also introduced a bill (H. R. 1951) for the relief of Dexter Gardner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL FOSTER.

Mr. COBB also introduced a bill (H. R. 1952) for the relief of Samuel Foster; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SASSER SULLIVAN.

Mr. COBB also introduced a bill (H. R. 1953) for the relief of Sasser Sullivan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M. LORD.

Mr. COBB also introduced a bill (H. R. 1954) for the relief of John M. Lord; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SALES BY UNITED STATES MARSHALS.

Mr. COBB also introduced a bill (H. R. 1955) to authorize and require United States marshals within their respective districts to make all sales of property which may hereafter be made by virtue of any order, judgment, or decree of any United States court, master in chancery, or commissioner, or by virtue of any execution or other process thereof, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed the joint resolution (H. Res. 65) relating to the surrender by George Washington of his commission as commander-in-chief of the patriot forces of America.

PROTECTION OF PURCHASERS OF PATENTS.

Mr. WOOD introduced a bill (H. R. 1956) to limit the jurisdiction of United States courts and to protect innocent purchasers of patent rights; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PENSIONS.

Mr. WOOD also introduced a bill (H. R. 1957) to grant the same amount of pensions to widows and minor children as drawn by soldiers, &c., prior to decease; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

Mr. WOOD also introduced a bill (H. R. 1958) to grant pensions to prisoners incarcerated in confederate prisons; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

LAWRENCE A. DURBIN.

Mr. WOOD also introduced a bill (H. R. 1959) for the relief of Lawrence A. Durbin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNTIES.

Mr. WOOD also introduced a bill (H. R. 1960) to equalize the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

THOMAS WARD.

Mr. WOOD also introduced a bill (H. R. 1961) increasing the pension of Thomas Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMELIA A. TAYLOR.

Mr. HOLMAN introduced a bill (H. R. 1962) granting an increase of pension to Amelia A. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN L. ELLIOTT.

Mr. HOLMAN also introduced a bill (H. R. 1963) restoring the name of John L. Elliott to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT M'CLAIN.

Mr. HOLMAN also introduced a bill (H. R. 1964) granting a pension to Robert McClain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. CROZIER.

Mr. HOLMAN also introduced a bill (H. R. 1965) granting a pension to John A. Crozier, of Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A PLATTER POST, G. A. R.

Mr. HOLMAN also introduced a bill (H. R. 1966) granting condemned cannon and cannon-balls for monumental purposes to John A. Platter Post, No. 82, Grand Army of the Republic, Indiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN E. NEFF.

Mr. WARD introduced a bill (H. R. 1967) for the relief of John E. Neff; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

ELI CONNER.

Mr. WARD also introduced a bill (H. R. 1968) for the relief of Eli Conner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE F. WALKER.

Mr. PEELLE, of Indiana, (by request) introduced a bill (H. R. 1969) for the relief of George F. Walker; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ALICE T. SHERWOOD.

Mr. KLEINER introduced a bill (H. R. 1970) for the relief of Mrs. Alice T. Sherwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. TRICKETT.

Mr. KLEINER also introduced a bill (H. R. 1971) for the relief of M. Trickett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEXICAN, FLORIDA, AND BLACK HAWK WARS.

Mr. KLEINER also introduced a bill (H. R. 1972) granting pensions to surviving soldiers of the Mexican, Florida, and Black Hawk wars; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE KOPE.

Mr. LOWRY introduced a bill (H. R. 1973) for the relief of George Kope; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS M. M'DONALD.

Mr. LOWRY also introduced a bill (H. R. 1974) for the relief of Francis M. McDonald; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SCHOOLS OF MEDICAL PRACTICE.

Mr. LOWRY (by request) also introduced a joint resolution (H. Res. 71) relative to schools of medical practice in the United States and to graduates thereof; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

MICHIGAN AND MISSISSIPPI RIVER CANAL.

Mr. MURPHY introduced a bill (H. R. 1975) to provide for the construction of the Michigan and Mississippi River Canal and to cheapen transportation; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JOHN KANE.

Mr. MURPHY also introduced a bill (H. R. 1976) for the relief of John Kane; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARIA L. HAMMER.

Mr. MURPHY also introduced a bill (H. R. 1977) for the relief of Maria L. Hammer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. H. STIBOLT.

Mr. MURPHY also introduced a bill (H. R. 1978) for the relief of C. H. Stibolt; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

C. H. LATHROP.

Mr MURPHY also introduced a bill (H. R. 1979) for the relief of C. H. Lathrop; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M'GARRAHAN.

Mr. MURPHY also introduced a bill (H. R. 1980) for the relief of William McGarrahan; which was read a first and second time.

The SPEAKER. The bill will be referred to the Committee on Private Land Claims.

Mr. MURPHY. It has twice already been referred to the Committee on the Judiciary, and as I am informed there are only legal questions involved in the bill, it should, perhaps, take that reference at this time.

The SPEAKER. As the bill refers to the investigation of certain judicial decisions, perhaps it should go to the Committee on the Judiciary.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

LIQUOR TRAFFIC.

Mr. MURPHY. I now submit a resolution declaring that Congress has no legal or constitutional power to regulate the sale or traffic in malt, vinous, or alcoholic liquors.

The SPEAKER. It will be referred to the Committee on the Alcoholic Liquor Traffic. [After a pause.] The Chair supposed that the resolution offered by the gentleman from Iowa was a joint resolution, but on examination finds that it is a House resolution and not in order under this call.

Mr. MURPHY. I desire, then, to make it a joint resolution, so that it may be properly referred.

The SPEAKER. The joint resolution will be referred.

The joint resolution (H. Res. 72) was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

RELIEF OF CERTAIN PENSIONERS.

Mr. KASSON introduced a bill (H. R. 1981) for the relief of certain pensioners enrolled by special acts of Congress; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN JEFFRIES.

Mr. KASSON also introduced a bill (H. R. 1982) granting a pension to Benjamin Jeffries; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 1983) granting a pension to all persons who, after enlisting in the regular or volunteer Army or Navy of the United States in any wars waged by the United States, served three months, were honorably discharged, and who are unable by reason of physical disability to earn their subsistence, or who are 65 years of age and are dependent upon their own labor for support, and for other purposes; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

ROBERT M. M'KINLAY.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 1984) granting a pension to Robert M. McKinlay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MALVIN PIERCE.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 1985) granting a pension to Malvin Pierce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK F. FITKIN.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 1986) granting a pension to Frank F. Fitkin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY B. JAY.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 1987) to remove the charge of desertion from the military record of Henry B. Jay; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUSAN CRAFT.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 1988) granting a pension to Susan Craft; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY R. HORR.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 1989) for the relief of Henry R. Horr; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOLDIERS AND SAILORS WAR OF THE REBELLION.

Mr. WELLER introduced a bill (H. R. 1990) for the relief of the soldiers and sailors who served in the Army and Navy of the United States in the late war for the suppression of the rebellion and to restore to them equal rights in money payments with the holders of Government bonds, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COLLECTION OF TAXES ON BANK DEPOSITS.

Mr. WELLER also introduced a bill (H. R. 1991) to provide for assessing and collecting certain duties or taxes on certain deposits made in banking associations and to provide penalties and for collecting same, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SARAH J. CHIPMAN.

Mr. WELLER (by request) also introduced a bill (H. R. 1992) granting a pension to Sarah J. Chipman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY S. MORGAN.

Mr. WELLER (by request) also introduced a bill (H. R. 1993) granting a pension to Henry S. Morgan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. W. DENNIS.

Mr. WELLER (by request) also introduced a bill (H. R. 1994) granting a pension to W. W. Dennis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADULTERATION OF BUTTER.

Mr. WELLER (by request) also introduced a bill (H. R. 1995) to prevent the fraudulent manufactures and sales of imitations of or adulterations of butter, and for other purposes; which was read a first and second time, referred to the Select Committee on the Public Health, and ordered to be printed.

JOHN KENNEDY.

Mr. HEPBURN introduced a bill (H. R. 1996) for the relief of John Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD W. BARNES.

Mr. HEPBURN also introduced a bill (H. R. 1997) for the relief of Richard W. Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. SAWYER.

Mr. HEPBURN also introduced a bill (H. R. 1998) for the relief of William J. Sawyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS BROCKETT.

Mr. HEPBURN also introduced a bill (H. R. 1999) for the relief of Thomas Brockett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUT. N. C. RIDENOUR.

Mr. HEPBURN also introduced a bill (H. R. 2000) for the relief of Lieut. N. C. Ridenour; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES S. MOORE.

Mr. HEPBURN also introduced a bill (H. R. 2001) for the relief of Charles S. Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. JENNIE E. JOHNSON.

Mr. HEPBURN also introduced a bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL K. WRIGHT.

Mr. HEPBURN also introduced a bill (H. R. 2003) for the relief of Daniel K. Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINTON PRALL.

Mr. HEPBURN also introduced a bill (H. R. 2004) granting a pension to Minton Prall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL B. GLENN.

Mr. HEPBURN also introduced a bill (H. R. 2005) granting a pension to Samuel B. Glenn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND GRANTS IN IOWA.

Mr. HEPBURN also introduced a bill (H. R. 2006) confirming the title of the State of Iowa to certain lands granted to said State by an act of Congress approved May 12, 1864, and to authorize the disposal of the same; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM E. WARD.

Mr. HEPBURN also introduced a bill (H. R. 2007) for the relief of William E. Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN S. RAWLINS AND EUGENE W. SQUIRES.

Mr. HEPBURN also introduced a bill (H. R. 2008) for the relief of Benjamin S. Rawlins and Eugene W. Squires; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

W. A. HAYES.

Mr. PUSEY introduced a bill (H. R. 2009) granting a pension to W. A. Hayes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL T. EDMONDS.

Mr. McCOID introduced a bill (H. R. 2010) for the relief of Samuel T. Edmonds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE P. WEBSTER.

Mr. McCOID also introduced (by request) a bill (H. R. 2011) for the relief of George P. Webster; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. WILSON, of Iowa, introduced a bill (H. R. 2012) to regulate interstate commerce; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SECTION 629 REVISED STATUTES.

Mr. WILSON, of Iowa, also introduced a bill (H. R. 2013) to amend section 629 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BARBARA A. CHEENEY.

Mr. WILSON, of Iowa, also introduced a bill (H. R. 2014) granting increase of pension on certificate No. 191347 in favor of Barbara A. Cheeney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF RULES.

Mr. WILSON, of Iowa, also submitted the following resolution to amend Rule XXIV, clause 6, so as to read as follows:

Business on the Speaker's table having been disposed of, or the House having refused to proceed to business thereon, the House shall on Thursdays and Saturdays of each week proceed to the consideration of business on the House Calendar, which shall be taken up and disposed of in regular order, if not otherwise ordered by the House.

The resolution was referred to the Committee on the Rules.

DES MOINES RIVER LANDS.

Mr. HOLMES introduced a bill (H. R. 2015) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING AT FORT DODGE, IOWA.

Mr. HOLMES also introduced a bill (H. R. 2016) for the erection of a public building at Fort Dodge, Iowa; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WALTER DICKSON.

Mr. HOLMES also introduced a bill (H. R. 2017) granting a pension to Walter Dickson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABBIE SHARPE.

Mr. HOLMES also introduced a bill (H. R. 2018) for the relief of Abbie Sharpe, formerly Abbie Gardner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SQUIRE FINLEY.

Mr. HOLMES also introduced a bill (H. R. 2019) for the relief of Squire Finley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LAND GRANT TO IOWA.

Mr. STRUBLE introduced a bill (H. R. 2020) declaring forfeited a certain grant of lands made to the State of Iowa and resuming a part of said lands and declaring them subject to entry and sale under the pre-emption, homestead, and tree-culture laws of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SETTLERS ON SUPPOSED PUBLIC LANDS.

Mr. STRUBLE also introduced a bill (H. R. 2021) for the relief of actual settlers upon supposed public lands under the pre-emption, homestead, and tree-culture laws of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PENSIONS TO WIDOWS.

Mr. STRUBLE also introduced a bill (H. R. 2022) granting pensions to the widows of deceased soldiers of the Union Army; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

PENSIONS.

Mr. STRUBLE also introduced a bill (H. R. 2023) for the relief of applicants who were soldiers in the Union Army for invalid pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES E. HEDGES.

Mr. STRUBLE also introduced a bill (H. R. 2024) for the relief of the legal heirs of Charles E. Hedges, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABRAM J. REBER.

Mr. STRUBLE also introduced a bill (H. R. 2025) restoring Abram J. Reber to the pension-roll with the same allowance of pension as was granted him originally; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSEPH R. BENJAMIN.

Mr. STRUBLE also introduced two bills (H. R. 2026 and H. R. 2027) granting a pension to and for relief of Joseph R. Benjamin; which were severally read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

W. W. NORRIS.

Mr. STRUBLE also introduced a bill (H. R. 2028) for the relief of W. W. Norris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT H. MILLER.

Mr. STRUBLE also introduced a bill (H. R. 2029) granting a pension to Robert H. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOUTHERN KANSAS RAILWAY.

Mr. RYAN introduced a bill (H. R. 2030) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BRIDGE OVER THE MISSOURI RIVER.

Mr. RYAN also introduced a bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EDWARD FENLON.

Mr. RYAN also introduced a bill (H. R. 2032) for the relief of Edward Fenlon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES A. MORRIS.

Mr. RYAN also introduced a bill (H. R. 2033) for the relief of Charles A. Morris; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALEXANDER M. CRUM.

Mr. RYAN also introduced a bill (H. R. 2034) for the relief of Alexander M. Crum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMOS WILLIAMSON.

Mr. RYAN also introduced a bill (H. R. 2035) granting a pension to Amos Williamson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA JOHNSTON.

Mr. RYAN also introduced a bill (H. R. 2036) for the relief of Rebecca Johnston; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLAIMS.

Mr. RYAN also introduced a bill (H. R. 2037) authorizing the appointment of a commissioner and the settlement of the claims of certain citizens of Kansas named therein; which was read a first and second time referred to the Committee on Claims, and ordered to be printed.

RETIRED ARMY OFFICERS.

Mr. RYAN also introduced a bill (H. R. 2038) to fix the rank of certain retired officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDWARD FENLON.

Mr. RYAN (by request) also introduced a bill (H. R. 2039) for the relief of Edward Fenlon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. RYAN also introduced a bill (H. R. 2040) to amend section 2139 of the Revised Statutes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

EDUCATIONAL FUND.

Mr. RYAN also introduced a bill (H. R. 2041) to establish an educational fund for the education of the people; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

BIGAMY.

Mr. RYAN also introduced a bill (H. R. 2042) supplementary to an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EQUAL RIGHTS OF CITIZENS.

Mr. RYAN also introduced a bill (H. R. 2043) to declare the equal rights of citizens of the United States without reference to race or color; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MANUFACTURE OF SALT IN INDIAN TERRITORY.

Mr. RYAN also introduced a bill (H. R. 2044) for the manufacture of salt in the Indian Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CLAIMS FOR HORSES, ETC.

Mr. RYAN also introduced a bill (H. R. 2045) to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALLOTMENT OF INDIAN LANDS IN SEVERALTY.

Mr. RYAN also introduced a bill (H. R. 2046) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NEW YORK INDIAN LANDS IN KANSAS.

Mr. RYAN also introduced a bill (H. R. 2047) to provide for the sale of certain New York Indian lands in Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

RELIEF OF DELAWARE INDIANS.

Mr. RYAN also introduced a bill (H. R. 2048) for the relief of the Delaware Indians in accordance with treaty stipulations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HOMESTEADS TO SANTEE INDIANS.

Mr. RYAN also introduced a bill (H. R. 2049) to grant homesteads to the Santee Indians residing upon their reservation in Knox County, State of Nebraska; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SETTLEMENT UNDER INDIAN TREATY.

Mr. RYAN also introduced a bill (H. R. 2050) to provide for a settlement with the Indians who were parties to the treaty concluded at Buffalo Creek, in the State of New York, on the 15th day of January, 1838, for the unexecuted stipulation of that treaty; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALLOTMENT OF INDIAN LANDS IN SEVERALTY.

Mr. RYAN also introduced a bill (H. R. 2051) to authorize the Secretary of the Interior to allot lands in severalty to Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DISBURSEMENT OF INDIAN FUNDS.

Mr. RYAN also introduced a bill (H. R. 2052) to authorize the Commissioner of Indian Affairs, with the consent and approval of the Secretary of the Interior, to issue orders to Indian agents for the disbursement of money, &c.; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALLOTMENT OF INDIAN LANDS IN SEVERALTY.

Mr. RYAN also introduced a bill (H. R. 2053) to provide for the allotment of lands in severalty to the United Peorias and Miamies of the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ADJUSTMENT OF INDIAN CLAIMS.

Mr. RYAN also introduced a bill (H. R. 2054) providing for the adjustment of the claims of certain of the Confederated Peoria, &c., Indians who became citizens of the United States under the treaty of 1867; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALLOTMENT OF INDIAN LANDS IN SEVERALTY.

Mr. RYAN also introduced a bill (H. R. 2055) to provide for the allotment of lands in severalty to the Ottawas of the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TRESPASSES ON INDIAN LANDS.

Mr. RYAN introduced a bill (H. R. 2056) for the prevention of trespasses on Indian lands; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LAND GRANTS TO KANSAS RAILROADS.

Mr. ANDERSON introduced a bill (H. R. 2057) to provide for the adjustment of all grants of lands made to aid in the construction of railroads doing business in the State of Kansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ALLOWANCES TO THIRD-CLASS POSTMASTERS.

Mr. ANDERSON also introduced a bill (H. R. 2058) to authorize an allowance for rent, fuel, and sundries to postmasters at offices of the third class; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FRANCES E. HENDRICKS.

Mr. ANDERSON also introduced a bill (H. R. 2059) to increase the pension of Frances E. Hendricks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIZZIE BELL.

Mr. ANDERSON also introduced a bill (H. R. 2060) granting a pension to Lizzie Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD R. YEARGIN.

Mr. ANDERSON also introduced a bill (H. R. 2061) granting a pension to Richard R. Yeargin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. H. DALRYMPLE.

Mr. ANDERSON also introduced a bill (H. R. 2062) for the relief of H. H. Dalrymple; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN A. HART.

Mr. ANDERSON also introduced a bill (H. R. 2063) for the relief of John A. Hart; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPT. J. W. LYSTEE.

Mr. ANDERSON also introduced a bill (H. R. 2064) for the relief of Capt. J. W. Lystee, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CORRESPONDENTS.

Mr. ANDERSON also submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Rule XXXIV be amended by adding the following words: "*Provided*, That a correspondent or reporter, who has the right to a seat in the reporters' gallery in accordance with the rules of the House and of the press committee, may also be admitted to the reception-room south of the Hall when invited thereto by a member of the House.

REPEAL OF DUTY ON SUGAR AND MOLASSES.

Mr. PERKINS introduced a bill (H. R. 2065) to abolish the tariff duty on sugar and molasses and to put them on the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COMMON SCHOOLS.

Mr. PERKINS also introduced a bill (H. R. 2066) to aid in the establishment and support of common schools and to appropriate $30,000,000 annually therefor, derived from the internal-revenue taxes; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

PUBLIC BUILDING, FORT SCOTT, KANS.

Mr. PERKINS introduced a bill (H. R. 2067) for the erection of a public building at Fort Scott, Kans.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES H. REID.

Mr. PERKINS also introduced a bill (H. R. 2068) granting a pension to James H. Reid; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BAXTER SPRINGS LIGHT ARTILLERY.

Mr. PERKINS also introduced a bill (H. R. 2069) to authorize the Secretary of War to turn over to the governor of Kansas two cannon for the use of the Baxter Springs Light Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DECATUR HAMLIN.

Mr. PERKINS also introduced a bill (H. R. 2070) granting a pension to Decatur Hamlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER HARPER.

Mr. PERKINS also introduced a bill (H. R. 2071) granting a pen

sion to Alexander Harper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICHOLAS W. BARNETT.

Mr. PERKINS also introduced a bill (H. R. 2072) granting an increase of pension to Nicholas W. Barnett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES R. WHITE.

Mr. PERKINS also introduced a bill (H. R. 2073) to restore to the pension-roll the name of Charles R. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRUE E. G. PETTENGILL.

Mr. PERKINS also introduced a bill (H. R. 2074) for the relief of True E. G. Pettengill; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN THEYE.

Mr. PERKINS also introduced a bill (H. R. 2075) for the relief of John Theye; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. G. PARKER.

Mr. PERKINS also introduced a bill (H. R 2076) granting a pension to S. G. Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF WILLIAM HUGHES, DECEASED.

Mr. PERKINS also introduced a bill (H. R. 2077) for the relief of the heirs of William Hughes, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL C. SPROUSE.

Mr. PERKINS also introduced a bill (H. R. 2078) granting an increase of pension to Samuel C. Sprouse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES L. CHRISTY.

Mr. PERKINS also introduced a bill (H. R. 2079) restoring to the pension-roll the name of James L. Christy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. V. HOLLYFIELD.

Mr. PERKINS also introduced a bill (H. R. 2080) granting a pension to L. V. Hollyfield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOLDEN COOK.

Mr. PERKINS also introduced a bill (H. R. 2081) granting a pension to Holden Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. TIBBETTS.

Mr. PERKINS also introduced a bill (H. R. 2082) granting a pension to John B. Tibbetts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN TAYLOR.

Mr. PERKINS also introduced a bill (H. R. 2083) granting a pension to John Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES S. WRIGHT.

Mr. PERKINS also introduced a bill (H. R. 2084) granting a pension to James S. Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH M'INTOSH.

Mr. PERKINS also introduced a bill (H. R. 2085) granting a pension to Joseph McIntosh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. MANNING.

Mr. PERKINS also introduced a bill (H. R. 2086) granting a pension to George W. Manning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. STUKEY.

Mr. PERKINS also introduced a bill (H. R. 2087) granting a pension to John F. Stukey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL P. HARDING.

Mr. PERKINS also introduced a bill (H. R. 2088) granting a pension to Samuel P. Harding; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET WIGGINS.

Mr. PERKINS also introduced a bill (H. R. 2089) granting a pension to Margaret Wiggins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. ALYEA.

Mr. PERKINS also introduced a bill (H. R. 2090) granting a pension to John W. Alyea; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. REBECCA HALL.

Mr. PERKINS also introduced a bill (H. R. 2091) granting a pension to Mrs. Rebecca Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACK SMITH.

Mr. PERKINS also introduced a bill (H. R. 2092) granting a pension to Jack Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCOTT CORNELL.

Mr. PERKINS also introduced a bill (H. R. 2093) granting a pension to Scott Cornell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. CRANDAL.

Mr. PERKINS also introduced a bill (H. R. 2094) to rerate the pension of George W. Crandal; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER KIRK.

Mr. PERKINS also introduced a bill (H. R. 2095) granting a pension to Alexander Kirk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. F. WILLIAMS.

Mr. PERKINS also introduced a bill (H. R. 2096) granting an increase of pension to L. F. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICHOLAS W. BARNETT.

Mr. PERKINS also introduced a bill (H. R. 2097) granting an increase of pension to Nicholas W. Barnett, which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSHUA PUCKETT.

Mr. PERKINS also introduced a bill (H. R. 2098) granting an increase of pension to Joshua Puckett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH BOWERS.

Mr. PERKINS also introduced a bill (H. R. 2099) granting a pension to Joseph Bowers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY ALLEN.

Mr. PERKINS also introduced a bill (H. R. 2100) granting a pension to Mary Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM F. MILLER.

Mr. PERKINS also introduced a bill (H. R. 2101) granting an increase of pension to William F. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. T. STILL.

Mr. PERKINS also introduced a bill (H. R. 2102) granting a pension to A. T. Still; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOB VAUGHAN.

Mr. PERKINS also introduced a bill (H. R. 2103) granting a pension to Job Vaughan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. L. KENNEDY.

Mr. PERKINS also introduced a bill (H. R. 2104) granting a pension to M. L. Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. SHUCKERS.

Mr. PERKINS also introduced a bill (H. R. 2105) granting a pension to John A. Shuckers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM FLETCHER.

Mr. PERKINS also introduced a bill (H. R. 2106) for the relief of William Fletcher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARY BLACKBURN.

Mr. PERKINS also introduced a bill (H. R. 2107) for the relief of

Mrs. Mary Blackburn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL SPHOR.

Mr. PERKINS also introduced a bill (H. R. 2108) for the relief of Daniel Sphor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM C. O'BRIEN.

Mr. PERKINS also introduced a bill (H. R. 2109) for the relief of William C. O'Brien; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES M'GERRY.

Mr. PERKINS also introduced a bill (H. R. 2110) for the relief of Charles McGerry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATE OF JAMES RILEY.

Mr. PERKINS also introduced a bill (H. R. 2111) for the relief of the estate of James Riley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

S. S. THORP.

Mr. PERKINS also introduced a bill (H. R. 2112) for the relief of S. S. Thorp; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN F. BAIR.

Mr. PERKINS also introduced a bill (H. R. 2113) for the relief of John F. Bair; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

I. J. DAVIS.

Mr. PERKINS also introduced a bill (H. R. 2114) for the relief of I. J. Davis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

E. P. DIEHL.

Mr. PERKINS also introduced a bill (H. R. 2115) for the relief of E. P. Diehl; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN BURKHART.

Mr. PERKINS also introduced a bill (H. R. 2116) for the relief of John Burkhart; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN GIBSON.

Mr. PERKINS also introduced a bill (H. R. 2117) for the relief of John Gibson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RUFUS ROSS.

Mr. PERKINS also introduced a bill (H. R. 2118) for the relief of Rufus Ross; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. PETERS introduced a bill (H. R. 2119) to regulate interstate commerce through a national court of arbitration; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EXAMINERS FOR THE PENSION DEPARTMENT.

Mr. PETERS also introduced a bill (H. R. 2120) to provide examiners for the Pension Department; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORT DODGE MILITARY RESERVATION.

Mr. PETERS also introduced a bill (H. R. 2121) to amend an act entitled "An act to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers under the provisions of the homestead laws, and for other purposes," approved December 15, 1880; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLASSIFICATION OF THE PUBLIC LANDS.

Mr. PETERS also introduced a bill (H. R. 2122) to classify the public lands of the United States into agricultural, mineral, timber, and grazing lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING AT WICHITA, KANS.

Mr. PETERS also introduced a bill (H. R. 2123) for the erection of a public building at Wichita, Kans.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN BANKS.

Mr. PETERS also introduced a bill (H. R. 2124) for the relief of John Banks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EQUALIZATION OF HOMESTEADS.

Mr. PETERS also introduced a bill (H. R. 2125) to equalize homesteads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN A. EDWARDS.

Mr. PETERS also introduced a bill (H. R. 2126) for the relief of John A. Edwards; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEVI H. NARON.

Mr. PETERS also introduced a bill (H. R. 2127) granting a pension to Levi H. Naron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORREN D. LEMERT.

Mr. PETERS also introduced a bill (H. R. 2128) for the relief of Orren D. Lemert; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID MORROW.

Mr. PETERS also introduced a bill (H. R. 2129) for the relief of David Morrow; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JEPTHA HORNBECK.

Mr. PETERS also introduced a bill (H. R. 2130) granting a pension to Jeptha Hornbeck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. C. LINN.

Mr. MORRILL introduced a bill (H. R. 2131) for the relief of H. C. Linn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FORT LEAVENWORTH MILITARY PRISON.

Mr. MORRILL also introduced a bill (H. R. 2132) to determine the legal rank of the governor of the military prison at Fort Leavenworth, Kans.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STEPHEN LEAVITT.

Mr. MORRILL also introduced a bill (H. R. 2133) for the relief of Stephen Leavitt; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CORNELIUS W. KEIFER.

Mr. MORRILL also introduced a bill (H. R. 2134) for the relief of Cornelius W. Keifer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREDERICK WELLER.

Mr. MORRILL also introduced a bill (H. R. 2135) granting a pension to Frederick Weller; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MERLIN C. HARRIS.

Mr. MORRILL also introduced a bill (H. R. 2136) granting an increase of pension to Merlin C. Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POWERS & NEUMAN.

Mr. MORRILL also introduced a bill (H. R. 2137) for the relief of Powers & Neuman, and D. & B. Powers; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MARTHA ANGELL.

Mr. MORRILL also introduced a bill (H. R. 2138) granting a pension to Martha Angell; which was read a first and second time, referred to the Committee on Invalid Pensions and ordered to be printed.

AUGUST THIEMAN.

Mr. MORRILL also introduced a bill (H. R. 2139) for the relief of August Thieman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HUGH DOUGHERTY.

Mr. MORRILL also introduced a bill (H. R. 2140) for the relief of Hugh Dougherty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABOLITION OF TAX ON TOBACCO.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 2141) to abolish the internal-revenue taxes on tobacco in any form whatever; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 2142) to provide for a commission on the subject of the alcoholic liquor traffic; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

MOORE JOHNSON.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 2143) for the benefit of Moore Johnson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

P. R. NAPIER.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 2144) for the relief of P. R. Napier, of Clay County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TABITHA BALL.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 2145) granting a pension to Tabitha Ball; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REVENUE MARINE SERVICE, ETC.

Mr. WHITE, of Kentucky, also submitted the following resolution; which was referred to the Committee on Commerce:

Resolved, That the Secretary of the Treasury be requested to furnish this House with copies of all reports of inspections made by the secretaries of the Light-House Board since the 1st day of January, 1875, and also copies of all reports of inspections made by the Bureau of Revenue Marine since the 1st day of January, 1875, together with an itemized statement of the cost of such inspections.

AMENDMENT OF RULES.

Mr. TURNER, of Kentucky, submitted the following proposed amendment to the rules; which was referred to the Committee on the Rules:

Amend Rule XXIV by adding an additional clause, as follows:

"When any public bill or resolution shall have been referred to a committee and the committee shall fail or refuse to report said bill or resolution back to the House, either favorably or unfavorably, for thirty days, it shall be in order for the member who offered the bill or resolution, on any Monday, immediately after the morning hour, to move to discharge the committee from further consideration of the bill or resolution; and the House shall then dispose of the bill or resolution by recommittal or final action, as a majority may determine."

DISTILLED SPIRITS IN BOND.

Mr. WILLIS introduced a bill (H. R. 2146) to extend the time for payment of the tax on distilled spirits now in warehouse; which was read a first and second time.

Mr. WILLIS. I move the reference of this bill to the Committee on Ways and Means.

Mr. WHITE, of Kentucky. I call for the reading of the bill.

The bill was read:

Mr. WHITE, of Kentucky. I move the reference of the bill to the Committee on Education and Labor.

The SPEAKER. There is no such committee. There is a Committee on Education and also a Committee on Labor.

Mr. WHITE, of Kentucky. Then I move that the bill be referred to the Committee on Education.

Mr. WILLIS. I suppose it is hardly necessary——

Mr. WHITE, of Kentucky. I presume I shall be heard on my motion.

The SPEAKER. The motion is not debatable.

The question being taken on the motion of Mr. WHITE, of Kentucky, it was not agreed to.

The bill was then referred to the Committee on Ways and Means, and ordered to be printed.

REBATE OF TOBACCO TAX.

Mr. WILLIS also introduced a bill (H. R. 2147) to carry out the provisions of section 4 of the act of March 3, 1883, in regard to rebate of tax on tobacco; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

COMMERCE AMONG THE STATES.

Mr. WILLIS also introduced a bill (H. R. 2148) to regulate commerce among the States; which was read a first and second time, referred to the Committee on Commerce and ordered to be printed.

PARTITION OF LAND IN LOUISVILLE, KY.

Mr. WILLIS also introduced a bill (H. R. 2149) to authorize the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

UNITED STATES COURT, KENTUCKY.

Mr. WILLIS also introduced a bill (H. R. 2150) relative to the circuit and district courts of the United States for the district of Kentucky; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

A SUBTREASURY AT LOUISVILLE, KY.

Mr. WILLIS also introduced a bill (H. R. 2151) establishing a subtreasury at Louisville, Ky.; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

DAVID MERRIWETHER.

Mr. WILLIS also introduced a bill (H. R. 2152) for the relief of David Merriwether, of Louisville, Ky.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARGARET E. COCHRAN.

Mr. WILLIS also introduced a bill (H. R. 2153) granting a pension to Margaret E. Cochran, widow of Thomas B. Cochran, late lieutenant-colonel of the Second Kentucky Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF A. J. GUTHRIE, DECEASED.

Mr. WILLIS also introduced a bill (H. R. 2154) for the relief of the legal representatives of A. J. Guthrie, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

KATHARINE BENDER.

Mr. WILLIS also introduced a bill (H. R. 2155) granting a pension to Katharine Bender; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KETURAH A. COLLINS.

Mr. WILLIS also introduced a bill (H. R. 2156) granting a pension to Keturah A. Collins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOEL YANN.

Mr. WILLIS also introduced a bill (H. R. 2157) for the relief of Joel Yann; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN C. HERNDON.

Mr. WILLIS also introduced a bill (H. R. 2158) for the benefit of John C. Herndon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THEODORE SCHWARTZ.

Mr. WILLIS also introduced a bill (H. R. 2159) for the relief of Theodore Schwartz; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MONTGOMERY HOWARD.

Mr. WILLIS also introduced a bill (H. R. 2160) for the relief of Montgomery Howard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HAMILTON T. FIGG.

Mr. WILLIS also introduced a bill (H. R. 2161) for the relief of Hamilton T. Figg; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AUGUSTUS C. PAUL.

Mr. WILLIS (by request) also introduced a bill (H. R. 2162) for the relief of Augustus C. Paul; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES F. CASTLE.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 2163) granting a pension to James F. Castle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

F. M. CASTLE.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 2164) granting a pension to F. M. Castle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT BRYANT.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 2165) granting a pension to Robert Bryant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES KITCHIN.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 2166) granting a pension to James Kitchin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FREW STEWART.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 2167) for the relief of John Frew Stewart; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM B. WHITE.

Mr. ROBERTSON introduced a bill (H. R. 2168) for the relief of William B. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL B. STORMS.

Mr. ROBERTSON also introduced a bill (H. R. 2169) granting a pension to Daniel B. Storms; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN LUCAS.

Mr. ROBERTSON also introduced a bill (H. R. 2170) granting a pension to Benjamin Lucas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. SALYERS.

Mr. ROBERTSON also introduced a bill (H. R. 2171) granting a pension to James F. Salyers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALTER KIRBY.

Mr. HALSELL (by request) introduced a bill (H. R. 2172) for the relief of Walter Kirby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. E. DAWNING.

Mr. HALSELL also introduced a bill (H. R. 2173) for the relief of D. E. Dawning; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES C. RUDD.

Mr. CLAY introduced a bill (H. R. 2174) for the benefit of James C. Rudd; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN FELAND.

Mr. CLAY also introduced a bill (H. R. 2175) for the relief of John Feland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY M. CLARK.

Mr. CLAY also introduced a bill (H. R. 2176) granting a pension to Mary M. Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SIMS.

Mr. CLAY also introduced a bill (H. R. 2177) for the relief of John Sims; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HIRAM SMITH.

Mr. CLAY also introduced a bill (H. R. 2178) granting a pension to Hiram Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCY J. MITCHELL.

Mr. CLAY also introduced a bill (H. R. 2179) granting a pension to Lucy J. Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT RAY.

Mr. CLAY also introduced a bill (H. R. 2180) for the benefit of Robert Ray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. MOORE.

Mr. CLAY also introduced a bill (H. R. 2181) for the relief of John B. Moore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CUSTOMS AND INTERNAL-REVENUE DISTRICTS.

Mr. THOMPSON introduced a bill (H. R. 2182) to consolidate the internal-revenue and customs districts in each State and Territory, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SIXTH STREET AND BLADENSBURG RAILROAD.

Mr. THOMPSON also introduced a bill (H. R. 2183) to incorporate the Sixth Street and Bladensburg Railroad Company, of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

BENJAMIN C. BAMPTON.

Mr. BLACKBURN (by Mr. THOMPSON) introduced a bill (H. R. 2184) for the relief of Benjamin C. Bampton; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ROSA VERTNER JEFFREY, AND OTHERS.

Mr. BLACKBURN (by Mr. THOMPSON) also introduced a bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. S. BLOOM.

Mr. BLACKBURN (by Mr. THOMPSON) also introduced a bill (H. R. 2186) for the relief of A. S. Bloom; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARCUS L. BROADWELL.

Mr. BLACKBURN (by Mr. THOMPSON) also introduced a bill (H. R. 2187) for the relief of Marcus L. Broadwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DR. JOEL C. FRAZIER, DECEASED.

Mr. BLACKBURN (by Mr. THOMPSON) also introduced a bill (H. R. 2188) for the relief of the estate of Dr. Joel C. Frazier, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS V. STIRMAN, DECEASED.

Mr. BLACKBURN (by Mr. THOMPSON) also introduced a bill (H. R. 2189) for the relief of the estate of Thomas V. Stirman, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. TAYLOR.

Mr. BLACKBURN (by Mr. THOMPSON) also introduced a bill (H. R. 2190) for the relief of George W. Taylor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES S. FRIZZELL.

Mr. BLACKBURN (by Mr. THOMPSON) also introduced a bill (H. R. 2191) for the relief of James S. Frizzell, which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISAAC N. WEBB.

Mr. BLACKBURN (by Mr. THOMPSON) also introduced a bill (H. R. 2192) for the relief of Isaac N. Webb; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MASONIC LODGE, CYNTHIANA, KY.

Mr. BLACKBURN (by Mr. THOMPSON) also introduced a bill (H. R. 2193) for the relief of Saint Andrew's Lodge, No. 18, of Free and Accepted Masons, Cynthiana, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH B. M'CLINTOCK.

Mr. BLACKBURN (by Mr. THOMPSON) also introduced a bill (H. R. 2194) for the relief of Joseph B. McClintock; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS C. ISGRIG.

Mr. BLACKBURN (by Mr. THOMPSON) also introduced a bill (H. R. 2195) for the relief of Thomas C. Isgrig, of Harrison County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WIDOW OF CAPT. CHRISTOPHER M. HAILE.

Mr. ELLIS introduced a bill (H. R. 2196) for the relief of the widow of Capt. Christopher M. Haile; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HEIRS, ETC., OF G. P. WORK.

Mr. ELLIS also introduced a bill (H. R. 2197) for the relief of the heirs and legal representatives of the late G. P. Work; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE E. PAYNE.

Mr. ELLIS also introduced a bill (H. R. 2198) referring the claim of George E. Payne to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARGARET FUHR.

Mr. ELLIS also introduced a bill (H. R. 2199) for the relief of Mrs. Margaret Fuhr, widow and tutrix of the minor heirs of Frederick Fuhr, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

G. ALEXANDER RAMSAY.

Mr. ELLIS also introduced a bill (H. R. 2200) providing for the relief of G. Alexander Ramsay; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOUISIANA SWAMP LANDS.

Mr. ELLIS also introduced a bill (H. R. 2201) to extend the provisions of the act of March 2, 1855, to lands selected as swamp lands by the State of Louisiana under the act of March 2, 1849; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

A. E. MORPHY.

Mr. ELLIS also introduced a bill (H. R. 2202) for the relief of A. E. Morphy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STATE NATIONAL BANK OF LOUISIANA.

Mr. ELLIS also introduced a bill (H. R. 2203) for the relief of the State National Bank of Louisiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH R. SHANNON.

Mr. ELLIS also introduced a bill (H. R. 2204) to provide for the

payment of the claim of Joseph R. Shannon, of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TIRSO AGUIRRO.

Mr. ELLIS also introduced a bill (H. R. 2205) for the relief of Tirso Aguirro; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ASENATH A. PHELPS.

Mr. ELLIS also introduced a bill (H. R. 2206) for the relief of Asenath A. Phelps, administratrix of the estate of Harlow J. Phelps, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. AGNES E. FRY.

Mr. ELLIS also introduced a bill (H. R. 2207) for the relief of Mrs. Agnes E. Fry; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

W. A. HYDE AND T. G. MACKIE.

Mr. ELLIS also introduced a bill (H. R. 2208) for the relief of W. A. Hyde and T. G. Mackie, of New Orleans, La.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM G. FORD.

Mr. ELLIS also introduced a bill (H. R. 2209) for the relief of William G. Ford, of Memphis, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY WARE.

Mr. ELLIS also introduced a bill (H. R. 2210) for the relief of Henry Ware; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FLOATING HOSPITAL AT NEW ORLEANS.

Mr. ELLIS also introduced a bill (H. R. 2211) to construct, maintain, and support a floating ward or hospital in connection with the United States marine hospital at New Orleans; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WICHITA AND CADDO INDIANS.

Mr. ELLIS (by request) also introduced a bill (H. R. 2212) for the relief of the Wichitas, Caddoes, and their affiliated tribes, bands, or nations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CURRENCY.

Mr. HUNT introduced a bill (H. R. 2213) to prevent undue contraction of the currency by making provision for the issue and maintenance of the circulation of national banking associations and to make provision for and secure notes of insolvent national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DON CARLOS RAMOS.

Mr. HUNT also introduced a bill (H. R. 2214) for the relief of the legal representatives of Don Carlos Ramos; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

INTERNAL-REVENUE TAX CLAIMS.

Mr. HUNT also introduced a bill (H. R. 2215) authorizing claims for internal-revenue taxes illegally and erroneously assessed and collected to be referred to the Court of Claims for investigation; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LIGHT-HOUSE ON LAKE PONTCHARTRAIN.

Mr. LEWIS introduced a bill (H. R. 2216) making an appropriation to erect a light-house at Mandeville, on Lake Pontchartrain; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SWAMP LANDS IN LOUISIANA.

Mr. KING introduced a bill (H. R. 2217) to extend the provisions of the act of March 2, 1855, to lands selected as swamp lands by the State of Louisiana under the act of March 2, 1849; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AGRICULTURAL DEPARTMENT.

Mr. KING also introduced a bill (H. R. 2218) to enlarge the jurisdiction of the Agricultural Department; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

CHARBON IN ANIMALS.

Mr. KING also introduced a bill (H. R. 2219) to investigate the origin and spread of charbon in animals; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ELIZA J. MORANCY.

Mr. KING also introduced a bill (H. R. 2220) for the relief of Eliza J. Morancy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT H. MONTGOMERY.

Mr. KING also introduced a bill (H. R. 2221) for the relief of the estate of Robert H. Montgomery; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BURKS FITZGERALD.

Mr. KING also introduced a bill (H. R. 2222) for the relief of Burks Fitzgerald; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID SINGLETON.

Mr. KING also introduced a bill (H. R. 2223) for the relief of David Singleton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT CARTER.

Mr. KING also introduced a bill (H. R. 2224) for the relief of Robert Carter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE G. RUSSELL.

Mr. KING also introduced a bill (H. R. 2225) for the relief of George G. Russell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN KANE.

Mr. KING also introduced a bill H. R. 2226) for the relief of John Kane; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RALPH P. MILLER.

Mr. KING also introduced a bill (H. R. 2227) for the relief of Ralph P. Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMERICAN MERCHANT MARINE.

Mr. DINGLEY introduced a bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

MRS. MARY BENTON.

Mr. DINGLEY also introduced a bill (H. R. 2229) granting a pension to Mrs. Mary Benton, widow of a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GREENLEAF CILLEY.

Mr. DINGLEY introduced a bill (H. R. 2230) for the relief of Greenleaf Cilley; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CHARLES T. GRAY.

Mr. DINGLEY also introduced a bill (H. R. 2231) granting a pension to Charles T. Gray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DENNIS B. MUNSEY.

Mr. DINGLEY also introduced a bill (H. R. 2232) granting a pension to Dennis B. Munsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINOR CHILDREN OF DANIEL S. TRACY.

Mr. DINGLEY also introduced a bill (H. R. 2233) granting a pension to the minor children of Daniel S. Tracy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. FARMER.

Mr. DINGLEY also introduced a bill (H. R. 2234) to remove the charge of desertion against William P. Farmer, late of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GUANO ISLANDS.

Mr. FINDLAY introduced a bill (H. R. 2235) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JOHN T. HENNAMAN.

Mr. FINDLAY also introduced a bill (H. R. 2236) to amend the act of January 9, 1883, for the relief of John T. Hennaman; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WALTER SORRELL.

Mr. FINDLAY also introduced a bill (H. R. 2237) for the relief of Walter Sorrell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH H. CLARKE.

Mr. FINDLAY also introduced a bill (H. R. 2238) to authorize the Commissioner of Pensions to place the name of Joseph H. Clarke on the pension-rolls (war of 1812); which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SALE OF CIGARS.

Mr. FINDLAY also introduced a bill (H. R. 2239) to amend sections 3392 and 3397 of the Revised Statutes, relating to the packing, sale, and removal of cigars, for the purpose of allowing manufacturers of cigars to sell the same at retail at the place of manufacture; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ASSISTANT ENGINEER JOHN W. SAVILLE.

Mr. HOBLITZELL introduced a bill (H. R. 2240) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired-list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REPAYMENT OF ADVANCES TO MARYLAND AND VIRGINIA.

Mr. HOBLITZELL (by request) also introduced a bill (H. R. 2241) to provide for paying certain advances made to the United States by the States of Maryland and Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MUTUAL FIRE INSURANCE COMPANY, D. C.

Mr. HOBLITZELL (by request) also introduced a bill (H. R. 2242) supplemental to and amendatory of an act to incorporate the Mutual Fire Insurance Company of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

FUNDING OF STOCKS, BONDS, ETC.

Mr. HOBLITZELL (by request) also introduced a bill (H. R. 2243) to fund stock, liens, and bonds in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

MRS. CATHERINE HARRIS.

Mr. TALBOTT (by request) introduced a bill (H. R. 2244) for the relief of Mrs. Catherine Harris; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZA A. SHEALEY.

Mr. TALBOTT also introduced a bill (H. R. 2245) granting a pension to Eliza A. Shealey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF RULES.

Mr. TALBOTT also submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That clause 4 of Rule XXI be amended as follows:

"No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House, except amendments to appropriation bills, as provided for in clause 3 of this rule."

INTERSTATE COMMERCE.

Mr. LONG introduced a bill (H. R. 2246) to establish a board of commissioners of interstate commerce, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SHIPPING COMMISSIONERS.

Mr. LONG also introduced a bill (H. R. 2247) concerning shipping commissioners; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

REPEAL OF TENURE-OF-OFFICE ACT.

Mr. LONG also introduced a bill (H. R. 2248) to repeal the tenure-of-office act; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

GENERAL LANDER POST, G. A. R.

Mr. RANNEY introduced a bill (H. R. 2249) authorizing the Secretary of War to deliver condemned cannon to the General Lander Post, No. 5, G. A. R., of Lynn, Mass.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TREATY WITH SPAIN.

Mr. RANNEY also submitted the following resolution; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

Resolved, That the Secretary of State be, and is hereby, directed to furnish for the information of the House all information in the possession of that Department as to whether Spain has heretofore, and to what extent, if at all, paid the interest stipulated and the 1 per cent. annually on the nominal value of the rent provided for in its treaty with the United States promulgated by the President November 1, 1834, and the instructions issued in conformity therewith.

M. H. COLLINS.

Mr. LYMAN introduced a bill (H. R. 2250) for the relief of M. H. Collins; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

DILENO ROBINSON.

Mr. LOVERING introduced a bill (H. R. 2251) to increase the pension of Dileno Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTOPHER DAVIDSON.

Mr. LOVERING also introduced a bill (H. R. 2252) for the relief of Christopher Davidson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. SENTER.

Mr. LOVERING also introduced a bill (H. R. 2253) for the relief of Charles H. Senter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES HINES.

Mr. LOVERING also introduced a bill (H. R. 2254) for the relief of James Hines; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELLEN DACEY.

Mr. RUSSELL introduced a bill (H. R. 2255) granting a pension to Ellen Dacey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET E. WARREN.

Mr. RUSSELL also introduced a bill (H. R. 2256) for the relief of Margaret E. Warren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE ALDRICH.

Mr. RUSSELL also introduced a bill (H. R. 2257) for the relief of Caroline Aldrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FANNIE C. CLIFFORD.

Mr. RUSSELL also introduced a bill (H. R. 2258) for the relief of Fannie C. Clifford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. M'CLINTOCK.

Mr. RUSSELL (by request) also introduced a bill (H. R. 2259) for the relief of John M. McClintock; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ISAAC JOHNSON.

Mr. RICE (by request) introduced a bill (H. R. 2260) for the relief of Isaac Johnson from charges of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRITISH BARK CHANCE.

Mr. RICE (by request) also introduced a bill (H. R. 2261) for the relief of the owners, officers, and crew of the British bark Chance; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ELLA E. GIBSON.

Mr. RICE (by request) also introduced a bill (H. R. 2262) granting relief, in lieu of pension and pay, to Ella E. Gibson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOSTON CITY NATIONAL BANK.

Mr. MORSE introduced a bill (H. R. 2263) for the relief of the City National Bank of Boston, Mass.; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

STAFF MARINE CORPS.

Mr. MORSE also introduced a bill (H. R. 2264) to regulate appointments and promotions in the staff of the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EQUALIZATION OF RANK OF GRADUATES OF NAVAL ACADEMY.

Mr. MORSE also introduced a bill (H. R. 2265) to equalize the rank of graduates of the Naval Academy upon their assignment to the various corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EXTENSION OF BENEFITS OF SOLDIERS' HOMES.

Mr. COLLINS introduced a bill (H. R. 2266) extending the benefits of the National Home for Disabled Volunteer Soldiers to volunteers in the Navy in the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL C. WRIGHT.

Mr. COLLINS also introduced a bill (H. R. 2267) granting an increase of pension to Samuel C. Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT TO CONSTITUTION OF UNITED STATES.

Mr. COLLINS also introduced a joint resolution (H. Res. 73) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN F. SEVERANCE.

Mr. WHITING introduced a bill (H. R. 2268) for the relief of John F. Severance; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WINIFRED B. COFFIN.

Mr. DAVIS, of Massachusetts, introduced a bill (H. R. 2269) for the relief of Winifred B. Coffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS P. NOROS.

Mr. DAVIS, of Massachusetts, also introduced a bill (H. R. 2270) granting a pension to Louis P. Noros; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRAUDULENT BILLS OF LADING.

Mr. DAVIS, of Massachusetts, also introduced a bill (H. R. 2271) relating to fraudulent bills of lading; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BUILDING FOR ARMY MEDICAL MUSEUM.

Mr. DAVIS, of Massachusetts, also introduced a bill (H. R. 2272) authorizing the erection of a fire-proof building in the city of Washington to contain the records, library, and museum of the Army Medical Department; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMENDMENT TO CONSTITUTION OF UNITED STATES.

Mr. DAVIS, of Massachusetts, also introduced a joint resolution (H. Res. 74) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

FRANK WIGGIN.

Mr. STONE introduced a bill (H. R. 2273) for the relief of Frank Wiggin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LANDS DEVISED TO THE UNITED STATES.

Mr. STONE also introduced a bill (H. R. 2274) to authorize the Secretary of the Treasury to lease or sell land which has been given or devised to the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONDEMNED CANNON, BOXFORD, MASS.

Mr. STONE also introduced a bill (H. R. 2275) appropriating condemned cannon to the town of Boxford, Mass., for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROOFS IN PENSION CLAIMS.

Mr. ELDREDGE introduced a bill (H. R. 2276) to regulate proofs in pension claims; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON LUMBER.

Mr. ELDREDGE also introduced a bill (H. R. 2277) to remove the duty upon all kinds of lumber; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LOSS OF STEAMER J. DON. CAMERON.

Mr. ELDREDGE also introduced a bill (H. R. 2278) for the relief of sufferers by loss of the Government steamer J. Don. Cameron; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNMAILABLE MATTER.

Mr. ELDREDGE also introduced a bill (H. R. 2279) to construe and define the word "writing" in section 3893 of the Revised Statutes of the United States of America, providing a penalty for depositing obscene, lewd, and lascivious books, writings, and other matter in the mails; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PRIVATE LAND CLAIM, NEW MEXICO.

Mr. ELDREDGE also introduced a bill (H. R. 2280) to confirm a certain land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

HEIRS OF MARK DAVIS.

Mr. ELDREDGE also introduced a bill (H. R. 2281) for the relief of the heirs of Mark Davis, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADOLPH WEACH.

Mr. ELDREDGE also introduced a bill (H. R. 2282) granting a pension to Adolph Weach; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. LOSEY.

Mr. ELDREDGE also introduced a bill (H. R. 2283) for the relief of George H. Losey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH FOWLER.

Mr. ELDREDGE also introduced a bill (H. R. 2284) granting a pension to Elizabeth Fowler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARA S. COLEMAN.

Mr. ELDREDGE also introduced a bill (H. R. 2285) granting a pension to Clara S. Coleman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED ORDNANCE STORES.

Mr. ELDREDGE also introduced a joint resolution (H. Res. 75) authorizing the Secretaries of War and Navy to donate condemned ordnance stores to the Grand Army of the Republic of the Department of the Potomac; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANCIS T. NICHOLS.

Mr. CARLETON introduced a bill (H. R. 2286) granting a pension to Francis T. Nichols; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN GARDNER.

Mr. CARLETON also introduced a bill (H. R. 2287) granting a pension to Stephen Gardner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. TAYLOR.

Mr. CARLETON also introduced a bill (H. R. 2288) for the relief of John W. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARMY RANK.

Mr. CARLETON also introduced a bill (H. R. 2289) for the relief of persons receiving appointments in the Army in 1864, and providing that such persons shall take rank from the date of such appointments; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARBOR AT SAND BEACH, MICH.

Mr. CARLETON also introduced a bill (H. R. 2290) for an immediate appropriation for continuing the work at the harbor of refuge at Sand Beach, Lake Huron, Michigan; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

HARRIET PEAK.

Mr. HORR (by request) introduced a bill (H. R. 2291) granting a pension to Harriet Peak; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES WOLVERTON.

Mr. HORR (by request) also introduced a bill (H. R. 2292) for the relief of Charles Wolverton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IRA G. OMSBEE.

Mr. HORR (by request) also introduced a bill (H. R. 2293) for the relief of Ira G. Omsbee, which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LITTLE TRAVERSE BAY.

Mr. HATCH, of Michigan, introduced a bill (H. R. 2294) to provide for the survey of Little Traverse Bay, in the State of Michigan, for the purpose of a breakwater and harbor of refuge; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BUILDING AT BAY CITY, MICH.

Mr. HATCH, of Michigan, also introduced a bill (H. R. 2295) to provide for the construction of a public building at Bay City, in the State of Michigan; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ARMY OVERPAYMENTS.

Mr. LACEY introduced a bill (H. R. 2296) to relieve non-commis-

sioned officers, musicians, and privates from suits for overpayments; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHŒBE C. DOXSIE.

Mr. LACEY also introduced a bill (H. R. 2297) for the relief of Phœbe C. Doxsie; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELON A. MARSH.

Mr. LACEY (by request) also introduced a bill (H. R. 2298) to make operative certain letters patent of the United States granted to Elon A Marsh; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

R. W. NELSON, M. D.

Mr. LACEY also introduced a bill (H. R. 2299) to commission R. W. Nelson, M. D., an assistant surgeon in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ACTS OF UNITED STATES OFFICERS VALIDATED.

Mr. BREITUNG introduced a bill (H. R. 2300) to confirm and declare legal the acts of certain officers of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MACKINAC NATIONAL PARK.

Mr. BREITUNG also introduced a bill (H. R. 2301) for the improvement and embellishment of the Mackinac National Park and the appointment of a superintendent thereof; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOUIS MERRILL.

Mr. YAPLE (by request) introduced a bill (H. R. 2302) for the relief of Louis Merrill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANSON R. HODGKINS.

Mr. YAPLE (by request) also introduced a bill (H. R. 2303) for the relief of Anson R. Hodgkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES W. RODECKER.

Mr. YAPLE (by request) also introduced a bill (H. R. 2304) for the relief of Charles W. Rodecker; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRICTION MATCHES.

Mr. YAPLE also introduced a bill (H. R. 2305) to abolish the duty on friction or lucifer matches; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CORRECTION OF ARMY RECORDS.

Mr. WINANS, of Michigan, introduced a bill (H. R. 2306) to correct the Army record of certain officers named therein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN ALGOE.

Mr. WINANS, of Michigan, also introduced a bill (H. R. 2307) for the relief of John Algoe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK LESTER.

Mr. WINANS, of Michigan, also introduced a bill (H. R. 2308) granting a pension to Frank Lester; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. WALTER CLIFFORD.

Mr. CUTCHEON introduced a bill (H. R. 2309) to authorize the Secretary of War to cause the remains of Capt. Walter Clifford, deceased, to be transported to his late place of residence, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADDITIONAL PENSIONS.

Mr. CUTCHEON also introduced a bill (H. R. 2310) to grant additional pensions to those who have lost an arm or leg in the service of the United States, or who have incurred disability equivalent to the loss of a hand, foot, arm, or leg; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

WILLIAM BALLARD.

Mr. STRAIT introduced a bill (H. R. 2311) for the relief of William Ballard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELMIRA B. KALER.

Mr. STRAIT also introduced a bill (H. R. 2312) granting a pension to Elmira B. Kaler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI B. ALDRICH.

Mr. STRAIT also introduced a bill (H. R. 2313) granting a pension to Levi B. Aldrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINNESOTA LAND GRANTS.

Mr. STRAIT also presented a joint resolution of the Legislature of the State of Minnesota asking immediate adjustment of land grants to said State; which was referred to the Committee on the Public Lands.

MISSISSIPPI RESERVOIR SYSTEM.

Mr. STRAIT also presented a memorial of the Legislature of the State of Minnesota, asking that Big Stone Lake, Lake Traverse, and Boix de Sioux River may be embraced in the reservoir system; which was referred to the Committee on Commerce.

CRIERS IN UNITED STATES COURTS.

Mr. MAYBURY introduced a bill (H. R. 2314) to amend section 715 of the Revised Statutes of the United States, governing the compensation of criers in the circuit and district courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DELIA E. GRUMMOND.

Mr. MAYBURY also introduced a bill (H. R. 2315) for the relief of Delia E. Grummond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH LORANGER.

Mr. MAYBURY also introduced a bill (H. R. 2316) for the relief of the heirs of Joseph Loranger; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WHITE EARTH INDIAN RESERVATION, MINNESOTA.

Mr. NELSON introduced a bill (H. R. 2317) relating to the White Earth Indian reservation in the State of Minnesota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NORTHERN JUDICIAL DISTRICT OF MINNESOTA.

Mr. NELSON also introduced a bill (H. R. 2318) to establish the northern judicial district of Minnesota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LAURENA C. P. HASKINS.

Mr. NELSON also introduced a bill (H. R. 2319) granting a pension to Laurena C. P. Haskins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES L. KASSON.

Mr. NELSON also introduced a bill (H. R. 2320) granting a pension to James L. Kasson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL J. BROWN.

Mr. NELSON also introduced a bill (H. R. 2321) for the relief of Samuel J. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KELSEY CURTIS.

Mr. WAKEFIELD introduced a bill (H. R. 2322) for the relief of Kelsey Curtis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHANNA KUBERLE.

Mr. WAKEFIELD also introduced a bill (H. R. 2323) for the relief of Johanna Kuberle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KAULA.

Mr. WAKEFIELD also introduced a bill (H. R. 2324) for the relief of John Kaula; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HELEN M. HARRISON.

Mr. WAKEFIELD also introduced a bill (H. R. 2325) granting a pension to Helen M. Harrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, WINONA, MINN.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 2326) appropriating money for a public building at Winona, Minn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

H. K. BELDING.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 2327) for the relief of H. K. Belding; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

B. W. SUTHERLIN.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 2328) granting arrears of pension to B. W. Sutherlin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM BALLARD.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 2329) for the relief of William Ballard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RAILROAD LAND GRANT IN MISSISSIPPI.

Mr. BARKSDALE introduced a bill (H. R. 2330) releasing the State of Mississippi from the conditions of an act entitled "An act granting public lands in alternate sections to the State for the construction of what is commonly known as the Gulf and Ship Island Railroad," so as to extend the time for the completion of the same and avoid forfeiture of the grant; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN L. LAKE, JR.

Mr. BARKSDALE also introduced a bill (H. R. 2331) for the relief of John L. Lake, jr.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BENJAMIN F. JONES.

Mr. BARKSDALE also introduced a bill (H. R. 2332) for the relief of Benjamin F. Jones; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN CLEERY.

Mr. BARKSDALE also introduced a bill (H. R. 2333) for the relief of John Cleery, of Jackson, Miss., for various descriptions of merchandise taken for the use of the United States Army in 1863; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMERICAN BAPTIST HOME MISSION SOCIETY.

Mr. BARKSDALE also introduced a bill (H. R. 2334) to release the American Baptist Home Mission Society from the conditions of the sale of the marine-hospital buildings and grounds at Natchez, Miss.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RECEIPTS FOR MONEY-ORDERS.

Mr. MONEY introduced a bill (H. R. 2335) to provide for the deposit in the Treasury of the receipts of the money-order system and for the payment of its expenses out of appropriations; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PAYMENT OF ALABAMA CLAIMS.

Mr. JEFFORDS introduced a bill (H. R. 2336) providing for the payment of judgments when rendered in the Court of Commissioners of Alabama Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEWIS D. ALLEN.

Mr. JEFFORDS also introduced two bills (H. R. 2337 and 2338) for the relief of Lewis D. Allen; which were severally read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PREVENTION OF CURRENCY CONTRACTION.

Mr. BUCKNER introduced a bill (H. R. 2339) to prevent undue contraction of the paper circulation, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

NOTES OF LESS THAN TEN DOLLARS.

Mr. BUCKNER also introduced a bill (H. R. 2340) to prohibit the further issue of Treasury and bank notes of less denomination than ten dollars; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

HENRY F. BRANHAM.

Mr. BUCKNER also introduced a bill (H. R. 2341) for the relief of Henry F. Branham; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SPECIAL TAXES.

Mr. BUCKNER also introduced a bill (H. R. 2342) to amend section 3244 of the Revised Statutes and acts amendatory thereof, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FREE NAVIGATION.

Mr. BUCKNER also introduced a bill (H. R. 2343) to secure the free navigation of the navigable waters of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MELISSA G. POLAR.

Mr. BUCKNER (by request) also introduced a bill (H. R. 2344) for the relief of Melissa G. Polar; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

SPECIAL ASSESSMENTS.

Mr. BUCKNER (by request) also introduced a bill (H. R. 2345) to extend the time of payment of special assessments, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

SARAH A. REDMOND.

Mr. BUCKNER (by request) also introduced a bill (H. R. 2346) for the relief of Sarah A. Redmond; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

SAMUEL C. REID.

Mr. BUCKNER (by request) also introduced a joint resolution (H. Res. 76) to authorize the Secretary of State to reimburse Samuel C. Reid for certain expenditures; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JAMES B. HARPER.

Mr. HATCH, of Missouri, introduced a bill (H. R. 2347) granting a pension to James B. Harper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. RICKARDS.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 2348) granting a pension to John D. Rickards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW F. STILL.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 2349) granting a pension to Andrew F. Still; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY GREEN.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 2350) granting a pension to Henry Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RALPH H. TUCKER.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 2351) granting a pension to Ralph H. Tucker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF WINSTON B. GOULD.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 2352) for the relief of the heirs of Winston B. Gould; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EIGHTH JUDICIAL CIRCUIT.

Mr. BROADHEAD introduced a bill (H. R. 2353) to subdivide the eighth judicial circuit of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RESIGNATION OF JUDGES.

Mr. BROADHEAD also introduced a bill (H. R. 2354) to amend section 714 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ASENATH A. PHELPS.

Mr. BROADHEAD also introduced a bill (H. R. 2355) for the relief of Asenath A. Phelps, administratrix of the estate of Harlow T. Phelps, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAX ON NATIVE WINES.

Mr. BROADHEAD also introduced a bill (H. R. 2356) to amend section 3328 of the Revised Statutes of the United States, in relation to the tax on native wines; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LOUISA MOSS.

Mr. BROADHEAD also introduced a bill (H. R. 2357) granting a pension to Louisa Moss; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES HAWKINS.

Mr. BROADHEAD also introduced a bill (H. R. 2358) granting a pension to James Hawkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDICIAL DISTRICTS, MISSOURI.

Mr. DAVIS, of Missouri, introduced a bill (H. R. 2359) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, and to

prescribe the times and places for holding courts therein, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN T. PENNINGTON.

Mr. MORGAN introduced a bill (H. R. 2360) granting a pension to John T. Pennington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW M. JORDEN.

Mr. MORGAN also introduced a bill (H. R. 2361) granting a pension to Andrew M. Jorden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. A. RIGGS.

Mr. MORGAN also introduced a bill (H. R. 2362) granting a pension to S. A. Riggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD THOMPSON.

Mr. MORGAN also introduced a bill (H. R. 2363) granting a pension to Richard Thompson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

OZIAS RUARK.

Mr. MORGAN also introduced a bill (H. R. 2364) for the relief of Ozias Ruark; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF OF CORPORATIONS FOR DAMAGE DURING REBELLION.

Mr. MORGAN also introduced a bill (H. R. 2365) for the relief of municipal, religious, educational, and eleemosynary corporations who suffered damage from the action of the military forces of the United States during the late rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAYMENTS BY THE STATE OF MISSOURI TO OFFICERS AND MEN.

Mr. MORGAN also introduced a bill (H. R. 2366) to authorize and direct the Secretary of the Treasury to cause to be examined certain vouchers of the State of Missouri for payments made since April 22, 1882, to officers and enlisted men of her military forces for services rendered to the United States in the suppression of the rebellion, and to report to Congress; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. S. ELKINS.

Mr. ALEXANDER introduced a bill (H. R. 2367) for the relief of M. S. Elkins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARRIS & HODGE.

Mr. ALEXANDER also introduced a bill (H. R. 2368) for the relief of Harris & Hodge; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM J. OWINGS.

Mr. ALEXANDER also introduced a bill (H. R. 2369) for the relief of William J. Owings; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANN E. HAMILTON.

Mr. ALEXANDER also introduced a bill (H. R. 2370) to amend the records of the War Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES R. SPENCER.

Mr. FYAN introduced a bill (H. R. 2371) granting a pension to James R. Spencer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. J. TITLER.

Mr. FYAN also introduced a bill (H. R. 2372) granting a pension to M. J. Titler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS FOR MILITARY SERVICES, MISSOURI VOLUNTEERS.

Mr. FYAN also introduced a bill (H. R. 2373) providing for the appointment of commissioners to ascertain what just claims for military services, performed by officers and privates of the military forces of the State of Missouri in the suppression of the rebellion, in concert with the forces of the United States and subject to their orders, still remain unpaid and not assumed by said State, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EUGENE WELLS.

Mr. COSGROVE (by request) introduced a bill (H. R. 2374) for the relief of Eugene Wells; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF J. J. GALTNEY.

Mr. DOCKERY introduced a bill (H. R. 2375) for the relief of the heirs of J. J. Galtney, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FERNANDO MORENO.

Mr. DOCKERY also introduced a bill (H. R. 2376) to remove the charge of desertion from the record and granting an honorable discharge to Fernando Moreno, late a private in Company G, Eighth Illinois Infantry Veteran Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES STOCKTON.

Mr. DOCKERY also introduced a bill (H. R. 2377) granting a pension to James Stockton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ALLEE.

Mr. DOCKERY also introduced a bill (H. R. 2378) restoring to the pension-roll the name of John Allee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON FLANNELS, ETC.

Mr. DOCKERY also introduced a bill (H. R. 2379) to reduce the duty on flannels, blankets, hats, knit goods, and wearing apparel of every description made wholly or in part of wool; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUTY ON WOOLS.

Mr. DOCKERY also introduced a bill (H. R. 2380) to reduce the duty on wools used in the manufacture of shawls, flannels, blankets, hats, knit goods, and wearing apparel of every description; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. EMMA A. PORCH.

Mr. BLAND introduced a bill (H. R. 2381) for the relief of Mrs. Emma A. Porch; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. WEAVER introduced a bill (H. R. 2382) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Rulo, in the county of Richardson, in the State of Nebraska; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IOWA INDIAN RESERVATION.

Mr. WEAVER also introduced a bill (H. R. 2383) to provide for the sale of the Iowa Indian reservation in the States of Nebraska and Kansas, for the issuance of a patent for a reservation for the Iowa tribe of Indians in the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PACIFIC RAILROADS.

Mr. WEAVER also introduced a bill (H. R. 2384) declaring the time, the costs of surveying, selecting, and conveying should have been paid by the railroad company under the Pacific railroad acts, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. WEAVER also introduced a bill (H. R. 2385) to authorize the construction of a bridge across the Missouri River at a point between the north and south lines of the county of Douglas, in the State of Nebraska, and to make the same a post-road; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TRANSCRIPTS OF JUDGMENTS.

Mr. WEAVER also introduced a bill (H. R. 2386) requiring transcripts of judgments obtained in United States courts to be filed with county officers having charge of judgment records in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WESLEY MONTGOMERY.

Mr. LAIRD introduced a bill (H. R. 2387) for the relief of Wesley Montgomery; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ARMY AND NAVY ACCOUNTS.

Mr. LAIRD also introduced a bill (H. R. 2388) to authorize the continuance in force of an act approved June 23, 1870, entitled "An act to continue the act to authorize the settlement of the accounts of officers of the Army and Navy;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LYSANDER H. CARROLL.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 2389) for the relief of Lysander H. Carroll; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHILDREN IN THE DISTRICT.

Mr. RAY, of New Hampshire (by request), also introduced a bill (H. R. 2390) for the protection of children in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JUDITH B. DAVIS.

Mr. HAYNES introduced a bill (H. R. 2391) granting a bounty land-warrant to Judith B. Davis; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

RANK OF CERTAIN OFFICERS.

Mr. HAYNES also introduced a bill (H. R. 2392) to fix the rank of certain officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CARLOS BUTTERFIELD & CO.

Mr. HAYNES also introduced a joint resolution (H. Res. 77) relating to the claim of Carlos Butterfield & Co. against the Kingdom of Denmark; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MRS. MARY M'LAUGHLIN.

Mr. BREWER, of New Jersey, introduced a bill (H. R. 2393) granting a pension to Mrs. Mary McLaughlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'ANNY.

Mr. BREWER, of New Jersey, also introduced a bill (H. R. 2394) granting a pension to James McAnny; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. ROSE.

Mr. BREWER, of New Jersey, also introduced a bill (H. R. 2395) granting a pension to John W. Rose; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAM COLLEY.

Mr. BREWER, of New Jersey, also introduced a bill (H. R. 2396) for the relief of Abram Colley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAURINDA G. CUMMINGS.

Mr. FIEDLER introduced a bill (H. R. 2397) granting an increase of pension to Laurinda G. Cummings; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANN W. MULVEY.

Mr. FIEDLER also introduced a bill (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARISSA M'KEE.

Mr. FIEDLER also introduced a bill (H. R. 2399) granting a pension to Clarissa McKee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDITH LAUTER.

Mr. FIEDLER also introduced a bill (H. R. 2400) for the relief of Judith Lauter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNTIES.

Mr. FIEDLER also introduced a bill (H. R. 2401) to provide for payment of bounties due to the officers and sailors of the United States vessels under command of flag-officer D. G. Farragut; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

BANKRUPT MUNICIPALITIES.

Mr. KEAN introduced a bill (H. R. 2402) to provide for and regulate the settlement of the debts of bankrupt municipalities; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY HELENA MAHON.

Mr. KEAN also introduced a bill (H. R. 2403) for the relief of Mary Helena Mahon, widow of Dennis H. Mahon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND-WARRANTS AND PENSIONS.

Mr. McADOO introduced a bill (H. R. 2404) granting land-warrants to soldiers and sailors in the Federal service in the war of the rebellion, their widows and orphans, and providing for pensions for such of those soldiers and sailors as were confined in confederate prisons, and for other purposes; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

POST & M'CORD.

Mr. McADOO also introduced a bill (H. R. 2405) for the relief of Post & McCord; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. G. ROSE.

Mr. McADOO also introduced a bill (H. R. 2406) for the relief of J. G. Rose; which was read a first and second time, referred to the Committtee on Naval Affairs, and ordered to be printed.

MARCUS HAMILTON.

Mr. HOWEY introduced a bill (H. R. 2407) for the the relief of Marcus Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. P. VAN GORDEN.

Mr. HOWEY also introduced a bill (H. R. 2408) for the relief of W. P. Van Gorden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the House now adjourn; and pending that motion I ask unanimous consent that the present order of business be continued at to-morrow's session until the call of States and Territories shall have been completed.

Mr. KEIFER. To be resumed immediately after the reading of the Journal?

The SPEAKER. The Chair supposes the call would proceed as on Monday.

There was no objection, and it was so ordered.

The SPEAKER. The question recurs on the motion that the House now adjourn.

Mr. CONVERSE. I desire to submit a resolution of inquiry, by unanimous consent.

Many MEMBERS. "Regular order!"

The SPEAKER. The regular order being called for, the question is on the motion to adjourn.

Mr. CONVERSE. I ask that the resolution may be read for information. [Renewed cries of "Regular order!"]

The SPEAKER. The regular order is called for, and the reading of the resolution would not be in order.

Some time subsequently,

Mr. CONVERSE said: I understand that the objection to the resolution which I desire to offer will be withdrawn. I ask that it be read for information, and if not then objected to that it be adopted.

The SPEAKER. The resolution will be read subject to objection.

UNDERVALUATION OF WOOL.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested, if not incompatible with the interests of the Government, to furnish this House with such information concerning the undervaluation, false classification, and other irregular practices in the importation into the United States of wools and woolen yarns as has been received by the Treasury Department since January 1, 1882, from the consuls of the United States at Liverpool, Bradford, and Manchester, England, and Glasgow, Scotland, and the special agents of the customs revenue service at New York, Philadelphia, and Boston.

There being no objection, the resolution was received, considered, and adopted.

Mr. CONVERSE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESIGNATION OF MR. ROBINSON, OF MASSACHUSETTS.

The SPEAKER, by unanimous consent, laid before the House the following; which was read, and laid on the table:

BOSTON, MASS., *January* 2, 1884.

SIR: Having been elected governor of the Commonwealth of Massachusetts, I have this day delivered to his excellency the governor of the Commonwealth my resignation of the office of Representative in the Forty-eighth Congress of the United States from the twelfth Congressional district of Massachusetts.

With the highest respect, I am, yours, &c.,

GEORGE D. ROBINSON.

Hon. JOHN G. CARLISLE,
Speaker House of Representatives.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DIBBLE, for two weeks from this day, on account of important business.

To Mr. BRAINERD, indefinitely, on account of sickness.

To Mr. BLACKBURN, until the 20th instant.

WITHDRAWAL OF PAPERS.

Mr. CULBERTSON, of Kentucky, asked and obtained unanimous consent for the withdrawal from the files of the House of the papers relating to the claim of Samuel McKee in the contested-election case of McKee *vs.* Young; no adverse report.

REGENTS OF THE SMITHSONIAN INSTITUTION.

The SPEAKER announced the appointment of the following members of the House as Regents of the Smithsonian Institution, to date

from the fourth Wednesday of December, 1883: OTHO R. SINGLETON, of Mississippi; WILLIAM L. WILSON, of West Virginia; and WILLIAM WALTER PHELPS, of New Jersey.

ORDER OF BUSINESS.

Mr. MORRISON. I now insist on the regular order.

The SPEAKER. The regular order is the motion that the House now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: The petition of jobbers and dealers in manufactured tobacco of the city of Chicago, for an appropriation to pay rebate of tax on tobacco—to the Committee on Appropriations.

By Mr. ANDERSON: The petition of W. B. Shockly and others, citizens of Kansas, in favor of a new soldiers' home—to the Committee on Military Affairs.

By Mr. BALLENTINE: Papers relating to the claim of Walter Akin, administrator of the estate of James Akin, of Maury County, Tennessee—to the Committee on War Claims.

By Mr. BARBOUR: Papers relating to the claim of Julia Barnett and of the heirs of Tilghman Weaver—severally to the same committee.

Also, papers relating to claim of James N. Carpenter—to the Committee on Naval Affairs.

Also, papers relating to the claim of George T. and Lucilla S. Mason, and of Alfred H. Weaver—severally to the Committee on War Claims.

By Mr. BEACH: The petition of Mary Jacobs, of Stevensville, N. Y., for increase of pensions paid to soldiers' widows—to the Committee on Invalid Pensions.

Also, the petition of Charles L. Georgi and others, citizens of New York, asking that the Secretary of War be authorized to contract with Charles Stoughton for the entire work of improving the Harlem River—to the Committee on Rivers and Harbors.

By Mr. BINGHAM: Papers relating to the claim of J. H. Hammond—to the Committee on War Claims.

Also, the petitiou of Harry H. Zane, for relief—to the Committee on Claims.

By Mr. BLAND: The petition of Peter H. Kemp, for the establishment of a post-route from Reedsville to Portland, Mo.—to the Committe on the Post-Office and Post-Roads.

Also, paper relating to the improvement of the Osage River by locks and dams—to the Committee on Rivers and Harbors.

By Mr. BOUTELLE: The petition of citizens of Aroostook County, Maine, for construction of bridge across the Saint John River—to the Committee on Foreign Affairs.

Also, the petition of Charles Hayward & Co. and others, citizens of Bangor, Me., for payment of the rebate of tobacco tax—to the Committee on Appropriations.

By Mr. BOYLE: The petition of citizens of Youngstown, Westmoreland County, Pennsylvania, relative to pensions, bounties, &c.—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. BUCKNER: Paper relating to the improvement of the Missouri River from its mouth to Council Bluffs—to the Committee on Rivers and Harbors.

By Mr. CALDWELL: Papers relating to the claim of D. E. Downing—to the Committee on War Claims.

By Mr. CALKINS: The petition of Dr. D. Pagin, in relation to the Hennepin Canal—to the Committee on Railways and Canals.

Also, the petition of George S. Seymour, of La Porte, and of C. Whetmore, of Plymouth, Ind., on the subject of French spoliation claims—severally to the Committee on Foreign Affairs.

By Mr. CARLETON: The petition of F. Sanders & Co., John W. Benedict, E. P. Tibbals, and O'Neill Bros., of Port Huron, Mich., for a tobacco-rebate appropriation—to the Committee on Ways and Means.

By Mr. CASSIDY: Papers relating to the claim of John M. Dorsey and William F. Shepard—to the Committee on Claims.

By Mr. S. S. COX: The petition of Timothy Gay & Co., and of John A. Sowell and others, for an appropriation to pay rebate tax on tobacco—severally to the Committee on Appropriations.

Also, the petition of Agnes C. Feder and Catharine C. Tompkins, for relief—to the Committee on Pensions.

Also, the petition of General Alex. S. Webb, for relief—to the Committee on Military Affairs.

Also, the petition of Thomas Burns, for relief—to the Committee on Invalid Pensions.

Also, the petition of Charles H. Traitteur, asking that a resolution of thanks be tendered Col. Charles C. Long for distinguished services as acting United States consul at Alexandria—to the Committee on Foreign Affairs.

By Mr. CUTCHEON: Memorial of Post 92, Grand Army of the Republic, Department of Michigan—to the Committee on Military Affairs.

By Mr. R. T. DAVIS: Memorial of the Massachusetts Medical Society, in favor of the erection of a fire-proof building for the medical library and museum—to the Committee on Public Buildings and Grounds.

By Mr. DEUSTER: The petition of Augustus H. T. Hain, late major of General Frémont's staff, for relief—to the Commitee on War Claims.

Also, the petition of Maria B. Schug, for relief—to the Committee on Invalid Pensions.

By Mr. DIBRELL: Papers relating to the pension claim of James Nipper—to the same committee.

Also, papers relating to the claim of the widow of Henry Brown—to the Committee on Military Affairs.

Also, the petition of the Associated Charities of Chattanooga, Tenn., for a postal savings depository—to the Committee on the Post-Office and Post-Roads.

By Mr. DINGLEY: The petition of citizens of Sweden, Me., for the establishment of a postal route from Brighton to Sweden—to the same committee.

By Mr. DOCKERY: Paper relating to an appropriation for the improvement of the Missouri River near Kansas City, Mo.—to the Committee on Rivers and Harbors.

By Mr. ELLIS: Papers relating to the claim of Mrs. E. E. Hebert—to the Committee on War Claims.

By Mr. ELDREDGE: The petition of Woodbury Post, Grand Army of the Republic, of Michigan, asking that lands be granted to ex-soldiers—to the Committee on the Public Lands.

Also, the petition of John W. Wise and 17 others, for an appropriation to pay rebate on tobacco, &c.—to the Committee on Appropriations.

Also, the petition of citizens of Michigan, asking that a pension be granted Elizabeth Fowler—to the Committee on Invalid Pensions.

By Mr. FINDLAY: The petition of John B. Braun, for relief—to the Committee on Claims.

By Mr. FOLLETT: Papers relating to the claim of John Taylor & Son—to the Committee on War Claims.

Also, papers relating to the claim of Dennis Forbes—to the same committee.

Also, memorial of the Board of Trade of Cincinnati, Ohio, on the subject of a pure ballot and how to secure it—to the Committee on Elections.

By Mr. FORAN: The petition of J. H. Reid and 140 others, citizens of Ohio and Michigan, for an amendment to the alien laws of April 17, 1874—to the Committee on the Judiciary.

By Mr. FORNEY: The petition of Allen Carlisle and of Andrew J. Glass, for the passage of a law allowing them to enter a tract of land upon which they have made valuable improvements—severally to the Committee on the Public Lands.

By Mr. FYAN: The petition of O. P. Morton Post, No. 14, Department of Illinois, representing 200 ex-Union soldiers, asking for an amendment of the pension laws—to the Committee on Invalid Pensions.

By Mr. GEDDES: Papers relating to the claim of David Douglass—to the Committee on War Claims.

Also, the petition of A. J. King and 10 others, citizens of Elyria, and of Messrs. Lightcap & Neil and 25 others, citizens of Mansfield, Ohio, for a tobacco-rebate appropriation—severally to the Committee on Appropriations.

Also, the petition of Thomas T. Dill and 48 others, citizens of Mansfield, Ohio, relating to the bill for the relief of John McFarland—to the Committee on Military Affairs.

By Mr. GREENLEAF: The petition of Thomas Allcock, for increase of pension—to the Committee on Pensions.

Also, the petition of James B. Shaw, Charles P. Bromly, and others, of Rochester, N. Y., for an appropriation for an industrial training-school at Sitka, Alaska—to the Committee on Education.

By Mr. HARDEMAN: The petition of the letter-carriers of Macon, Ga., for equalization of compensation and for a thirty days' leave of absence during the year—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDY: The petition of Edgar Wright and others, citizens of New York, asking that the Secretary of War be authorized to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River—to the Committee on Rivers and Harbors.

By Mr. W. H. HATCH: Papers relating to the pension claim of John D. Rickards—to the Committee on Invalid Pensions.

Also, papers relating to the claim of the heirs of Winston B. Gould—to the Committee on Military Affairs.

Also, the petition of citizens of Northeast Missouri, asking that a pension be granted to Henry H. Green—to the Committee on Invalid Pensions.

Also, the resolutions adopted by the Board of Trade of Kansas City, Mo., asking that the right of way be granted the Texas, Oklahoma and Kansas City Railway Company through the Indian Territory—to the Committee on the Territories.

Also, paper relating to the pension claim of James B. Harper—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: The petition of C. M. Wyant and other soldiers of the late war, residents of Iowa, asking Congress to grant a pension to Frank F. Fitkin, Company B, Thirty-first Iowa Infantry—to the same committee.

By Mr. T. J. HENDERSON: The petition of Amelia M. Pratt, praying for an increase of all pensions to widows to $12 when the pension allowed is less than $12—to the same committee.

Also, the petition of Charles Schriber, late lieutenant of Company G, Eighth Regiment Illinois Cavalry, for relief—to the Committee on Military Affairs.

By Mr. HEPBURN: The petition of Samuel P. Glenn, of Osceola, Iowa, for a pension—to the Committee on Invalid Pensions.

Also, the petition of citizens of Clarke County, Iowa, asking that a pension be granted to Capt. Samuel P. Glenn—to the same committee.

Also, the resolutions adopted by the John J. Stillman Post, Grand Army of the Republic, Department of Iowa, relative to the pension laws—to the same committee.

Also, the petition of citizens of Page County, Iowa, asking for the relief of Benjamin S. Rollins and Eugene N. Squires—to the Committee on Military Affairs.

By Mr. A. S. HEWITT: Two petitions of merchants, ship-owners, underwriters, and others, for an appropriation to defray the cost of laying a submarine cable from the island of Nantucket to the mainland—severally to the Committee on Appropriations.

Also the petition of Calhoun, Robbins & Co. and others, doing business in the United States as merchant importers from Austria-Hungary, for relief—to the Committee on Ways and Means.

By Mr. HILL: Papers relating to the claim of the legal representatives of Alexander H. Brown, deceased, and of Dr. Charles E. Tupper—severally to the Committee on War Claims.

Also, papers relating to the claim of Abram G. Hoyt—to the Committee on Claims.

Also, papers relating to the claim of John Chism—to the Committee on Indian Affairs.

By Mr. HOLMAN: The petition of John Pope Hodnett, president of the United Labor League of America, in behalf of the bill pending for the relief of General John C. Frémont—to the Committee on Military Affairs.

Also, the petition of Dr. John M. Robinson, for relief—to the Committee on War Claims.

By Mr. HUNT: The petition of citizens of New Orleans, for a noiseless pavement to surround the custom-house in that city—to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON: The petition of L. Q. Conron and others, citizens of New York, asking that the Secretary of War be authorized to contract with Charles Stoughton for the entire work to improve the Harlem River—to the Committee on Rivers and Harbors.

Also, the petition of S. S. Olcott and others, praying that a pension be granted to the widow of Wesley Scripture—to the Committee on Invalid Pensions.

By Mr. J. K. JONES: Papers relating to the claim of S. E. Belcher, of Wilson County, Tennessee, for compensation for property destroyed by the United States Army during the late war—to the Committee on War Claims.

Also, memorial of E. C. Boudinot, a Cherokee Indian—to the Committee on Indian Affairs.

By Mr. JORDAN: The petition of 5,300 citizens of the United States, for the redemption of the trade-dollar and its withdrawal from circulation—to the Committee on Coinage, Weights, and Measures.

By Mr. KEIFER: The petition of Jonas Drury, for a pension—to the Committee on Invalid Pensions.

Also, the petition of W. H. Clark and 12 others, citizens of Salem, and of C. E. Paten and 12 others, citizens of Springfield, Ohio, praying for certain amendments to the patent laws—severally to the Committee on Patents.

By Mr. KETCHAM: The petition of John N. Cramer, postmaster at Rhinebeck, N. Y., for an allowance for rent for offices of the third class—to the Committee on the Post-Office and Post-Roads.

Also, the petition of Hoffman & Co. and W. E. Hatton, of Red Hook; of John Swartz and 15 others, dealers in tobacco, of Dutchess County; and of F. & M. Herbs and 11 others, dealers in tobacco at Hudson, N. Y., for a tobacco rebate appropriation—severally to the Committee on Appropriations.

By Mr. KLEINER: Papers relating to the pension claim of Alice T. Sherwood—to the Committee on Invalid Pensions.

Also, papers relating to the claim of M. Trickett—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: The petition of Sarah J. Crebs, in relation to increase of pension—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

Also, the petition of Edward Stone, relative to commutation money—to the same committee.

Also, the petition of Elon A. Marsh and Minard Lafever, asking that certain letters patent granted be made operative—to the Committee on Patents.

By Mr. LAIRD: The petition of Charles E. Van Pelt and others, citizens of Nebraska, for the ratification of a pending treaty for the opening of a portion of the great Sioux reservation in Dakota—to the Committee on Indian Affairs.

By Mr. LANHAM: The petition of Joseph Magoffin, mayor of El Paso, Tex., and other citizens, for an appropriation of $200,000 for the purchase of the necessary land and having erected thereon a custom-house and post-office building in the city of El Paso, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. LIBBEY: The petition of citizens of Southampton County, Virginia, for the establishment of a mail-route in said county—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: The petition of the Associated Charities of Taunton, Mass., for the establishment of a postal savings depository—to the same committee.

Also, the petition of J. Paull & Co. and others, of Taunton, Mass., for an appropriation for rebate due on unbroken tobacco packages—to the Committee on Appropriations.

By Mr. LOVERING: Papers relating to the pension claim of Christopher P. Davidson, and of Dileno Robinson, Company K, Second Massachusetts Infantry—severally to the Committee on Invalid Pensions.

Also, papers relating to the claim of James Wyland, Company I, Third New Hampshire Volunteers—to the Committee on Military Affairs.

By Mr. LOWRY: The petition of Col. C. A. Zollinger and others, soldiers and citizens, for the relief of Francis M. McDonald—to the same committee.

By Mr. MATSON: The petition of F. F. McCallie and 53 others, citizens of Indiana, asking that a pension be granted to Catharine Hunter, widow of Levi M. Hunter—to the Committee on Invalid Pensions.

By Mr. McCOID: The resolutions adopted by John J. Stillman Post, Grand Army of the Republic, of Iowa, for the passage of the Thomas pension bill—to the same committee.

Also, the petition of George L. White, for relief—to the Committee on Military Affairs.

Also, memorial of the Iowa State Medical Society, for the erection of a fire-proof building for the use of the Army medical library and museum—to the Committee on Public Buildings and Grounds.

Also, the petition of Kellogg, Bridge & Co. and others, of Keokuk, Iowa, for an appropriation to pay the rebate of tax on tobacco—to the Committee on Appropriations.

Also, papers relating to the claim of Richard Middleton—to the Committee on War Claims.

By Mr. MOREY: The petition of Chief Engineer James W. King, United States Navy, for restoration of rank—to the Committee on Naval Affairs.

By Mr. MORGAN: The resolutions adopted by the Board of Trade of Kansas City, Mo., in favor of granting the right of way to the Texas, Oklahoma and Kansas City Railway through the Indian Territory—to the Committee on Indian Affairs.

By Mr. MORSE: The petition of Samuel A. Waterman, for relief—to the Committee on Military Affairs.

By Mr. MURRAY: The petition of A. S. Galbreath, for relief—to the same committee.

Also, the petition of 31 blind men at the national military home in Montgomery County, Ohio, praying to be placed on the pension-rolls—to the Committee on Invalid Pensions.

Also, the petition of William Archibald, of Michael Mack, of William J. McPherson, of Matthew Murphy, of Michael Purcell, and of Hugh Ryan, for a pension—severally to the same committee.

Also, the petition of Stephen Johnson, in behalf of Priscilla Small, late a pensioner—to the same committee.

By Mr. MUTCHLER: The petition of Edward W. Horn, for a pension—to the same committee.

By Mr. NELSON: Paper relating to the establishment of a certain post-route in the State of Minnesota—to the Committee on the Post-Office and Post-Roads.

By Mr. NUTTING: The petition of Douglass Downing and others, and of T. Kingsford and others, for an appropriation to pay rebate of tobacco tax—severally to the Committee on Appropriations.

By Mr. CHARLES O'NEILL: The resolutions adopted by the Citizens' Suffrage Society of Philadelphia, asking Congress to protect all United States citizens in their right to vote—to the Committee on the Judiciary.

Also, paper relating to the pension claim of Miss Mary MacBlair—to the Committee on Invalid Pensions.

By Mr. PETERS: Paper signed by 55 citizens of Harney County, Kansas, offering land for a site for a soldiers' home—to the Committee on Military Affairs.

Also, the resolution adopted by the Kansas Wool-growers and Sheep-breeders' Associations, praying Congress to restore former tariff on wool—to the Committee on Ways and Means.

By Mr. PETTIBONE: The petition of John D. Long, for a pension—to the Committee on Invalid Pensions.

Also, the petition of soldiers and citizens of East Tennessee, for an

equalization of bounty and arrears of pensions—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. G. A. POST: The petition of Judson Holcomb, for relief—to the Committee on Accounts.

By Mr. POTTER: The petition of Edward Haight and others, citizens of New York, asking that the Secretary of War be authorized to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River—to the Committee on Rivers and Harbors.

By Mr. RANDALL: The petition of Frederick Mayer, for relief—to the Committee on Invalid Pensions.

By Mr. REED: Papers relating to the application of H. L. Sturdevant, to be restored to the Navy—to the Committee on Naval Affairs.

By Mr. ROBERTSON: The petition of the trustees of the Baptist church of Bloomfield, Nelson County, Kentucky, for relief—to the Committee on War Claims.

By Mr. W. E. ROBINSON: Papers relating to the claim of John Holloran—to the same committee.

Also, the petition of John E. Barston and others, citizens of New York, asking that the Secretary of War be authorized to contract with Charles Stoughton for the entire work of improving Harlem River—to the Committee on Rivers and Harbors.

Also, the petition of the president and secretary of the New York Independent Labor party, relative to the importation of manufactured goods—to the Committee on Ways and Means.

By Mr. ROSECRANS: The petition of Charles Murphy, for relief—to the Committee on Claims.

Also, memorial of the mayor and board of supervisors of San Francisco, Cal., relative to the building for the post-office and court-house in that city—to the Committee on Public Buildings and Grounds.

Also, paper relating to the recommendations for the restoration of Commanders Glass, Sands, and Sigsbee, United States Navy—to the Committee on Naval Affairs.

Also, memorial of Capt. Charles G. Lundborg, in relation to inventions and improvements in ocean steamships—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. SPOONER: The petition of Stephen N. Smith, for relief—to the Committee on Patents.

By Mr. SPRINGER: The petition of citizens of Sangamon and Mason Counties, Illinois, for the improvement of the Sangamon River—to the Committee on Rivers and Harbors.

Also, the petition of the widow of John C. Moses, for relief—to the Committee on Pensions.

Also, the petition of Henry B. Miller and 16 others, officers and executive committee of the Western Export Association, representing 78 distilleries of the Northwest, for the extension of the bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. CHARLES STEWART: The petition of mail-carriers of Houston, Tex., for certain privileges and increase of pay—to the Committee on the Post-Office and Post-Roads.

Also, the petition of Carson, Sewall & Co., and others, for a tobacco-rebate appropriation for the benefit of jobbers and dealers of tobacco under the act of March 3, 1883—to the Committee on Appropriations.

Also, paper relating to the improvement of Buffalo Bayou and of the ship-channel in Galveston Bay, Texas—severally to the Committee on Rivers and Harbors.

By Mr. STOCKSLAGER: The petition of Alexander Nugent, for relief—to the Committee on Military Affairs.

Also, paper relating to the claim of Eli Miller, of Harrison County, Indiana—to the Committee on Claims.

By Mr. E.B. TAYLOR: Paper relating to the pension claim of Capt. Orris O. King—to the Committee on Invalid Pensions.

Also, the petition of John H. McCombs and 8 others, and of M. D. Richards and 16 others, for an appropriation to pay rebate of tax on tobacco, &c.—severally to the Committee on Appropriations.

By Mr. THROCKMORTON: The petition of citizens of Troy, Tex., for the extension of mail route No. 31400, from Caddo Mills to Troy—to the Committee on the Post-Office and Post-Roads.

Also, memorial of attorneys of Montague County, Texas, for the establishment of United States court at Gainesville, with jurisdiction over the Chickasaw Nation—to the Committee on the Judiciary.

By Mr. THOMAS: The petition of citizens of New Grand Chain, Ill., for an appropriation of $50,000,000 to be apportioned among the several States—to the Committee on Education.

Also, the petition of Mary Mansfield, for increase of pension granted to soldiers' widows—to the Committee on Pensions.

By Mr. THOMPSON: Papers relating to the claim of the Somerset (Ky.) Baptist church—to the Committee on War Claims.

Also, the petition of John A. Morrison, for relief—to the Committee on Military Affairs.

By Mr. TOWNSHEND: Papers relating to the pension claim of James M. Blades and of Elizabeth M. Riley—severally to the Committee on Invalid Pensions.

Also, the resolutions adopted by the National Association of the Veterans of the Mexican War, in favor of pensions being allowed to the surviving soldiers and the widows of deceased soldiers of the war with Mexico—to the Committee on Pensions.

Also, paper relating to the pension claim of Joseph B. Berry, late Lieutenant Company K, Twenty-first Illinois, and of James M. Blades, late Company H, Sixth Regiment Illinois Cavalry—severally to the Committee on Invalid Pensions.

Also, the petition of William McEvoy, of Illinois, for relief—to the Committee on Military Affairs.

Also, the petition of W. H. Blades, for allowance on account of services in securing the capture of the confederate steamer W. B. Terry—to the Committee on Naval Affairs.

By Mr. TUCKER: Paper relating to the claim of J. P. Wright—to the Committee on Claims.

Also, the petition of Mrs. Eliza W. Patterson, for relief—to the Committee for the District of Columbia.

By Mr. TULLY: The petition of the Board of Trade of Los Angeles, Cal., for the erection and maintenance of public buildings in that city—to the Committee on Public Buildings and Grounds.

By Mr. VANCE: The petition of Mrs. Julia A. Duncan, for relief—to the Committee on War Claims.

Also, papers relating to the claim of James and Noah Roberts—to the Committee on Claims.

Also, the petition of J. M. West and 100 others, for a mail-route from Vinson to Sandy Mush, N. C.—to the Committee on the Post-Office and Post-Roads.

Also, the petition of a Pennsylvania medical society, for the erection of a fire-proof building for the library of the Surgeon-General of the United States Army—to the Committee on Public Buildings and Grounds.

Also, the petition of B. S. Logan and others, for a post-route from Green Hill to Black Mountain Station, N. C.—to the Committee on the Post-Office and Post-Roads.

By Mr. WAIT: The petition of A. P. Sturtevant Manufacturing Company and others, for an appropriation for the improvement of Niantic River and Bay—to the Committee on Rivers and Harbors.

Also, the petition of Hewitt & Letchell and others, and of Smith & Caulkins and others, for an appropriation to pay rebate of tax on tobacco—severally to the Committee on Appropriations.

By Mr. RICHARD WARNER: The petition of Leonidas Russell and Martha House Russell, his wife, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. J. D. WHITE: Papers relating to the claim of Samuel May—to the same committee.

Also, the petition of Hiram Hall and others, for the establishment of a post-route from Jamboree, Pike County, Kentucky, to Peerysville, McDowell County, West Virginia, to the Committee on the Post-Office and Post-Roads.

Also, paper relating to the pension claim of J. D. Payne—to the Committee on Invalid Pensions.

By Mr. WILLIS: The petition of George C. Buchanan and 66 others, and of F. O. Anderson and 91 others, bankers and merchants of Louisville, for the extension of the bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. JAMES WILSON: Memorial of the Fox Indians located on a reservation in the State of Iowa—to the Committee on Indian Affairs.

By Mr. JOHN WINANS: The petition of the members of Charles E. Curtice Post, G. A. R., Department of Wisconsin, for a pension to all the surviving soldiers of the late war—to the Committee on Invalid Pensions.

Also, the petition of John Johnston, for increase of pension—to the Committee on Pensions.

The following petitions, praying for an appropriation for the payment of the rebate of tax on unbroken packages of smoking and manufactured tobacco, cigars, &c., were presented, and severally referred to the Committee on Appropriations:

By Mr. BARBOUR: Of Lloyd Logan and H. Evans & Brothers, of Winchester, and of citizens of Alexandria, Va.

By Mr. BOYLE: Of jobbers and dealers in tobacco, of Connellsville, Fayette County, Pennsylvania.

By Mr. CALKINS: Of Wile & Kramer and other citizens of La Porte, Ind.

By Mr. J. M. CAMPBELL: Of tobacco dealers of Blair County, Pennsylvania.

By Mr. COLLINS: Of C. H. Carruth and other dealers in tobacco in Boston, Mass.

By Mr. CRISP: Of John F. Lewis & Son and others, of Georgia.

By Mr. CUTCHEON: Of tobacco manufacturers of Muskegon, Mich.

By Mr. ELLIS: Of C. W. Newton & Co. and other citizens of Louisiana.

By Mr. GREENLEAF: Of William S. Kimball and others, of Rochester, and of Andrew Boyd, George Lathrop, and others, of Brockford and Rochester, N. Y.

By Mr. HARMER: Of citizens of Philadelphia, Pa.

By Mr. HAYNES: Of Drake & Carpenter and 10 others, citizens of Manchester, N. H.

By Mr. HEPBURN: Of Wallace Heinly and others, citizens of Iowa.

By Mr. HOLMAN: Of James Horgan and 21 others, citizens of Madison, Ind.

By Mr. JOHNSON: Of citizens of Glens Falls, and of citizens of Plattsburg, N. Y.

By Mr. KASSON: Of citizens of Des Moines, Iowa.

By Mr. LIBBEY: Of citizens of Norfolk and Portsmouth, Va.

By Mr. LONG: Of J. Paull & Co. and others, of Taunton, Mass.

By Mr. LORE: Of N. N. Chapman & Co. and 15 other firms, of Wilmington, Del., and of D. H. Holland & Son.

By Mr. MACKEY: Of jobbers and dealers in tobacco of Georgetown, and of citizens of Sumter, S. C.

By Mr. MILLS: Of citizens of Belton, Bell County, and of C. H. Allyn & Co. and others, of Texas.

By Mr. MOREY: Of Henry Farrell and others, of Harveysburg, Ohio.

By Mr. MURRAY: Of Bright & Crosley and others, of Montgomery County, Ohio.

By Mr. MUTCHLER: Of John F. Stier.

By Mr. NICHOLLS: Of merchants of Savannah, Ga.

By Mr. O'HARA: Of merchants of Tarborough, N. C.

By Mr. POLAND: Of Putnam & Marvin and others, of Montpelier, Vt.

By Mr. RIGGS: Of W. S. Warfield and others, citizens of Quincy, Ill.

By Mr. ROSECRANS: Of certain members of the Board of Trade of San Francisco, Cal.

By Mr. THROCKMORTON: Of T. J. Leaverton and others, of Denison, Tex.

By Mr. TUCKER: Three petitions of citizens of Virginia.

By Mr. VANCE: Of M. C. Toms, of Hendersonville, N. C.

By Mr. WILLIS: Of H. C. and J. S. Armstrong and others, and of John Searcy and others, citizens of Louisville, Ky.

By Mr. JOHN WINANS: Of Woodard Stone and others, of Watertown, Wis.

SENATE.

TUESDAY, *January* 8, 1884.

Prayer by Rev. J. C. HARTZELL, D. D., of New York city.

The Journal of yesterday's proceedings was read and approved.

FORT SULLIVAN MILITARY POST.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, dated the 2d instant, inclosing copies of official correspondence, reports, &c., in relation to the military post of Fort Sullivan, Maine, and recommending such legislation as will authorize the sale of the site to the highest bidders after public advertisement, the same being no longer needed for military purposes.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 7, 1884.

INDIANS ON FORT BERTHOLD RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 19th ultimo, submitting, with accompanying papers, a draught of a bill providing for the allotment of lands in severalty to the Arickaree, Gros Ventre, and Mandan Indians on the Fort Berthold Indian reservation in Dakota, and the granting of patents therefor, and for other purposes.

The matter is presented for the action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 7, 1884.

INDIAN HOMESTEAD ENTRIES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 19th ultimo, submitting, with accompanying papers, a draught of a bill "to allow Indian homestead entries, in certain cases, without the payment of fees and commissions."

The matter is presented for the consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 7, 1884.

CHANNEL AT SOUTH PASS, MISSISSIPPI RIVER.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a report showing the maintenance of the channel at the South Pass, Mississippi River, by Mr. James B. Eads, during the quarters ending March 9, 1883, June 9, 1883, September 9, 1883, and December 9, 1883, respectively, and also a report from the engineer's office in charge of the work, setting forth the necessity of an early appropriation to continue the examination required by the act of March 3, 1875.

The PRESIDENT *pro tempore*. This communication, with the accompanying papers, will be printed, and referred to the Committee on the Improvement of the Mississippi River and Tributaries.

Mr. CONGER. The subject-matter of improving the South Pass of the Mississippi River has always been under the charge of the Committee on Commerce.

The PRESIDENT *pro tempore*. The Chair will change the reference then, and send the papers to that committee.

Mr. CONGER. But my impression is that, this being a report in accordance with the requirements of law on the condition of the Pass and asking for an appropriation to continue the examination which the law requires to be made by the Engineer Department of the depth and situation of the Pass, it should go to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that this communication, with the accompanying papers, be referred to the Committee on Appropriations.

Mr. SHERMAN. It had better be referred to the Committee on Commerce.

Mr. CONGER. It might go to the Committee on Commerce first for the recommendation of that committee.

Mr. HALE. I think those appropriations are considered by the Committee on Commerce.

Mr. CONGER. This is an appropriation required by the law which directs the Secretary of War to cause a quarterly examination of the condition of the Pass; but it might be referred to the Committee on Commerce for a report, if it is thought necessary.

The PRESIDENT *pro tempore*. The Chair was at first under the impression that the matter of the outlet of the Mississippi River was in charge of the committee on that river, but he now understands that the outlet has been under the consideration of the Committee on Commerce. The proper reference the Chair therefore thinks of these papers is to the Committee on Commerce.

Mr. HALE. I suppose that all appropriations for rivers and harbors go to that committee, and do not go to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The papers will be printed and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin. I present a petition from the State Historical Society of Wisconsin. The petition sets forth that that society "warmly approves the proposed Centennial History of the United States Government as reported by the Committee of the Senate on Education and Labor" during the second session of the Forty-seventh Congress, and they pray that Congress may provide "for the publication of so important a work." I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. VEST. I present the petition of R. K. Parks and others, officers of the Saint Charles Car Company, and citizens of Saint Charles, Mo., praying for the ratification of the proposed commercial treaty with Mexico. I suppose it should go to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Missouri that memorials and papers relating to treaties should be presented in executive session, as separate journals are kept of the two branches of the work of the Senate. The Senator, therefore, will please withhold it until an executive session.

Mr. VEST. Very well.

Mr. CONGER presented a petition of members of the Grand Army of the Republic, of Michigan, praying that further rewards be given to the soldiers of the late civil war; which was referred to the Committee on Military Affairs.

Mr. MILLER, of New York, presented a petition of members of the Stationers' Board of Trade of New York, praying for the reduction of postage on all city and town letters from 2 cents to 1 cent; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Stationers' Board of Trade of New York City, praying for the passage of a national bankrupt law; which was referred to the Committee on the Judiciary.

Mr. BAYARD. I present the memorial of a number of manufacturers and merchants of Wilmington, Del., in favor of the confirmation of the commercial treaty with Mexico. I ask its reference to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Delaware that all papers of that kind are to be presented, under the rules, in executive session, as separate journals are kept of executive proceedings.

Mr. BAYARD. The fact being in this case that the Senate had ordered the publication of the treaty for the public consideration, I conceived it proper that there should be public reference to it in this way, because the Committee on Foreign Relations would feel itself discharged from the secrecy which usually attends executive communications of that kind.

The PRESIDENT *pro tempore*. The Chair will state that his suggestion was not based upon the fact that the treaty now is not secret in respect of its text, but that the rules require that separate journals of executive and legislative proceedings shall be kept, and therefore, as the petition relates to matters which are to be kept in the executive journal, which is not supposed to be in the actual possession of the Senate except in executive session, the Chair made the suggestion, as he did yesterday, which was acquiesced in by the Senate.

Mr. BAYARD. I am aware of the fact. I withdraw the memorial, and merely note the fact to the Senate that I present the memorial as indicative of the public opinion of merchants and manufacturers on the subject of that treaty.

Mr. HOAR presented a petition of sundry citizens of Haverhill, Mass., praying that Henry J. White, late of the Sixth Massachusetts Volunteers, may be placed on the pension-rolls; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 844) to authorize the increase of the capital stock of the First National Bank of Fort Worth, Tex., reported it without amendment.

BILLS INTRODUCED.

Mr. DOLPH asked and, by unanimous consent, obtained leave to introduce a bill (S. 954) for the relief of F. Prosh and T. F. McElroy, of Olympia, Wash.; which was read twice by its title.

Mr. DOLPH. I think the bill should be referred to the Committee on Territories. It proposes to pay for printing and binding laws and documents of Washington Territory, which were supposed not to have been authorized by existing law, and the payment of which requires an appropriation.

Mr. HALE. Is not that a deficiency, under the statement of the Senator from Oregon?

The PRESIDENT *pro tempore*. The Senator from Oregon suggests that it is an expenditure made without authority of law.

Mr. HALE. Then it would not be a deficiency.

The PRESIDENT *pro tempore*. It would not be a deficiency to carry out any existing law, under the statement of the Senator from Oregon.

Mr. DOLPH. I may have been incorrect in the statement I made. The work was done under a contract with the then secretary of the Territory, but I understand the Treasury Department declines to pay for it on the ground that it was not authorized by the Department, and that Congress alone can grant relief.

Mr. HALE. Does the Senator know whether it is to be included in the list of deficiencies sent in by the Secretary of the Treasury to Congress?

Mr. DOLPH. I think not. I am not informed on the subject, however.

Mr. HALE. If not, then of course it ought not to go to the Committee on Appropriations; it is a claim.

The PRESIDENT *pro tempore*. The bill will be referred, on the motion of the Senator from Oregon, if there be no objection, to the Committee on Territories.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 955) for the relief of Alfred Hopkins; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 956) for the relief of Patterson & Caldwell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. SEWELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 957) granting a pension to Margaret D. Marchand; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 958) granting arrears of pension to Augustus D. Blanchet; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER asked and, by unanimous consent, obtained leave to introduce a bill (S. 959) to amend an act entitled "An act to provide for the appointment of commissioners for taking affidavits, &c., for the courts of the United States," approved August 15, 1876; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. 960) granting an increase of pension to Ann H. Cunningham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. 961) to provide for paying certain advances made to the United States by the States of Maryland and Virginia; which was read twice by its title, and referred to the Committee on Finance.

Mr. PUGH (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 962) to grant a pension to James M. Kirk; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. 963) to place on the pension-roll the name of Philenda Carran, mother of Francis M. Carran, late private of Company B of the One hundred and twenty-first Regiment New York Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALKER asked and, by unanimous consent, obtained leave to introduce a bill (S. 964) for the relief of the widow and children of John Shirley, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 965) for the relief of Jane Latham Donelly, only surviving daughter and heir of Amos Latham, a soldier of the Revolutionary war; which was read twice by its title, and, with accompanying papers, referred to the Committee on Revolutionary Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 966) providing for the opening of a passage through San Carlos Bay and the improvement of the Caloosahatchie River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LAPHAM (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 967) to enable corporations to become sureties on official bonds; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. 968) for the relief of Fielding Hurst; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 969) for the relief of William J. Smith, late collector of customs for the port of Memphis, State of Tennessee; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 970) for the relief of Mrs. Julia Elliott, widow of Newell D. Elliott, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 971) for the relief of Mrs. Priscilla W. Burwell, widow of Armistead Burwell, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 972) for the relief of Priscilla W. Burwell, widow and personal representative of Hon. Armistead Burwell, late of Vicksburg, Miss., deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. 973) to authorize the Court of Claims to hear and determine the claim of the estate of Francis H. Macleod for its corn and rice taken by the United States military forces; which was read twice by its title, and referred to the Committee on Claims.

COST OF NAVAL VESSELS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and is hereby, directed to inform the Senate what was the original cost of all vessels whose names are found on the Naval Register for the year 1883, under the Bureaus of Construction and Repair, Steam Engineering, and Equipment and Recruiting, together with the total expense for all repairs since their construction, under the same bureaus, or otherwise.

NEW ORLEANS AND PACIFIC RAILROAD LAND GRANT.

Mr. VAN WYCK. I ask for the present consideration of the following resolution:

Whereas it is claimed by the New Orleans and Pacific Railroad Company that, as the Attorney-General has decided in favor of said company as to lands claimed by them and the Secretary of the Interior has felt constrained to act upon and accept said opinion and that Congress has no further control or authority over said lands or the claim of said company thereto: Therefore,

Resolved, That the Secretary of the Interior be directed to suspend action in issuing certificates or patents for said lands to said corporation until Congress at this session shall determine the questions involved in the claim of said corporation.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. INGALLS. Let it lie over and be printed.

The PRESIDENT *pro tempore*. The resolution will go over under the rule, and be printed.

DISTRICT MUNICIPAL CODE.

Mr. INGALLS. I ask for an order to print the usual number of copies of Senate bill 824. This is the bill to establish a municipal code for the District of Columbia. The order for printing was withheld at my suggestion, thinking that a sufficient number of copies might be already remaining in the document-room, as the bill came over from the last session. Finding that the copies are insufficient, I ask that an order for printing the usual number of copies may be made.

The PRESIDENT *pro tempore*. The order will be entered, on the suggestion of the Senator from Kansas, if there be no objection.

COMMITTEE ON ADDITIONAL ACCOMMODATIONS FOR THE LIBRARY.

Mr. CAMERON, of Wisconsin. I move that two additional mem-

bers be added to the Select Committee on Additional Accommodations for the Library of Congress.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that two additional members be appointed to constitute a part of the Select Committee on Additional Accommodations for the Library of Congress, and asks for the present consideration of the motion. Is there objection to the present consideration of the motion? The Chair hears none. The question is, will the Senate agree to the motion of the Senator from Wisconsin?

The motion was agreed to.

Mr. HOAR. I suggest that the additional members of the committee just added on the motion of the Senator from Wisconsin be appointed by the Chair.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that an order be entered that the two additional members on the Select Committee on Additional Accommodations for the Library of Congress be appointed by the Chair. Is there objection? The Chair hears none, and it is so ordered.

REVISION OF THE RULES.

The PRESIDENT *pro tempore*. The Calendar of Resolutions is next in order under the rules. The Chair perceives that the first one on the Calendar was submitted by the Senator from Indiana [Mr. VOORHEES] not in his seat; the second by the Senator from South Carolina [Mr. BUTLER] not in his seat, and the third by the present occupant of the chair, which is a matter not to be called up at this time. The Chair therefore will pass, without having them read at the desk, from the order of resolutions, if there be no objection, to the unfinished business of yesterday, which is the report of the Committee on Rules. [A pause]. The Chair is reminded that until 1 o'clock the Calendar of General Orders will be in order, but in order, as the Chair thinks, to facilitate business unless some Senator wishes to call up a special bill, he will lay before the Senate the unfinished business. There being no objection, the unfinished business is before the Senate, and the pending question is on agreeing to Rules XVII and XXVI, the Chair understands. Rule XVII, which was reserved, will be reported.

The Secretary read as follows:

RULE XVII.

AMENDMENTS TO APPROPRIATION BILLS.

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Internal Improvements, and bills making appropriations for the expenses of the government of the District of Columbia, which shall be referred to the Committee on the District of Columbia; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received; in like manner amendments proposing new items of appropriation to river and harbor bills shall, before being considered, be referred to the Committee on Internal Improvements; also amendments to bills establishing post-roads, proposing new post-roads, shall, before being considered, be referred to the Committee on Post-Offices and Post-Roads; also amendments proposing new items of appropriations to bills for the expenses of the government of the District of Columbia shall, before being considered, be referred to the Committee on the District of Columbia.

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to Rule XVII, which has just been read.

Mr. BECK. Mr. President, I understand that a modification has now been made relative to this rule by connecting it with Rule XXVI. Other motions have been made and notices given of still other motions to refer the appropriations relating to agriculture to the Committee on Agriculture, and perhaps the appropriations relating to military affairs to the Committee on Military Affairs, naval affairs to the Committee on Naval Affairs, and I think the Post-Office Committee have suggested the same thing. I believe I am correct in that. The Senator from Maine recollects more accurately than I do. If I am right I desire to speak to the whole class of questions, as all involve the same principle.

Mr. FRYE. If the Senator will allow me, I think there have been but two formal motions made, one to refer the District of Columbia appropriation bill to the District Committee, which is offered by the Committee on Rules, and the other to refer the agricultural appropriation bill to the Committee on Agriculture, offered by the Senator from Kansas [Mr. PLUMB].

Mr. BECK. But several notices were given that other committees would claim the same rights.

Mr. FRYE. Yes.

Mr. BECK. I regret the absence of the chairman of the Committee on Appropriations [Mr. ALLISON]. I learn, however, he is necessarily detained, and will be absent perhaps for some time to come, his father having died a day or two ago. In the absence of the chairman of that committee, as I am one of the oldest members upon it, I desire to state the reasons as briefly as I can why I object to the adoption of the rule as proposed. I shall speak of it as though all the other motions and notices were now before the Senate, so as to avoid repeating what I may desire to say as each one of them is respectively called up.

On the day we adjourned before the holidays I retained the floor to state my objection then to the single proposition as to the District of Columbia. As preliminary to what I desire to say now, and as part of my remarks, perhaps I had better read what I stated then. I said:

Mr. President, I happen to be a member of the Committee on Appropriations and have been for a good while, and as such I assure you that personally I care nothing about the District appropriation bill. The Senator from Tennessee [Mr. HARRIS], now the acting President of the Senate, struck the real point that has been put by every committee to the Committee on Appropriations when it insists that it ought to be allowed to look over those matters. He asked the question if the chairman of the Committee on Appropriations thought that other committees and other gentlemen on other committees were not as competent to do that work as they were. The Committee on Post-Offices and Post-Roads have demanded jurisdiction over post-office matters, and have put the same question; the chairman of the Committee on Naval Affairs has asked the same question, and done it in the same way; and so the Senator from Kansas tells us we did not understand all about that sewer. We were told by the Naval Committee: "You do not as members of the Appropriations Committee understand anything about the steel vessels we ought to build, and the thousand things that we learn on our committee." So the chairman of the Committee on Post-Offices and Post-Roads tells us: "Our intercourse with the Post-Office Department has given us information that you gentlemen can not have;" so say the Military Committee; so say all.

This is the beginning of a raid on the Appropriations Committee that if allowed to proceed can not be resisted, because each committee will claim that it has special knowledge and special information that the Committee on Appropriations does not have and can not have, because of the intimate relations of the various committees with the different Departments; and it will end in abolishing the Committee on Appropriations substantially. Perhaps that may be a good thing to do. It is a good way to get money out of the Treasury; there is no doubt about that.

Each committee of the Senate very properly is constituted so as to be the adviser of the particular Department whose interests are committed to its care. The Committee on the District of Columbia is composed of as good men as any other committee, for we are all alike good; and it is a rule that the men representing the States and districts nearest to the District of Columbia are always as a matter of right placed upon that committee. Why? Because they are supposed to be the special friends of the District.

At that point an interruption was had, and I consented to yield the floor for a motion to adjourn, which was very soon made.

Following that line of thought, I desire to say now that if any one of these committees, the Committee on the District of Columbia or the Committee on Agriculture for example, ought to have the appropriation bills relative to the matters they are expected to recommend legislation about referred to them, the Senate will find it very difficult to determine that the Committee on Post-Offices and Post-Roads, the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Pensions, indeed all the other committees dealing with any particular subject or class of subjects, shall not also have the appropriation bills relative to the particular matters in which they are concerned referred to them; because it must be admitted, and is admitted by each member of the Appropriation Committee, that the accurate knowledge necessary to pass laws bearing upon their respective Departments or matters specially committed to the charge of these committees is more familiar to them in the aggregate than it can be to the Appropriations Committee as a whole. But it is just for that reason that supervision over the money sought to be appropriated should be had by a committee not connected with any of these matters.

As I said before, in selecting committees to attend to the interests of the different Departments gentlemen are selected because of their special knowledge of and intimacy with the matters referred to them and the confidence of the heads of Departments in them. The gentlemen of the Senate who are on the Military Committee are, most of them at least, men who have been soldiers. The Senator from Illinois [Mr. LOGAN] is the chairman of that committee. The gentlemen who have charge of other special matters are men who know more than other people about the special matters referred to them. The District of Columbia Committee, as I said, is always represented in large part by persons who are supposed to be specially friendly to the people and the interests of this District, and it is so now. You will observe in looking over the list of committees that the Senator from Maryland [Mr. GORMAN] is a member of the Committee of the District of Columbia, and the Senator from Virginia [Mr. RIDDLEBERGER] is also a member of that committee. Turning to the House, which follows the same rule, Representative BARBOUR, who is from the adjoining district of Alexandria, is the chairman of the Committee on the District of Columbia; and Representative MCCOMAS, of Maryland, from the other adjoining district, is also a member of that committee; and so with each of them, properly, I repeat. The Secretary of State ought to have the men who are in accordance

with his views and who are his personal friends to consult with in relation to our foreign affairs and the confirmation of his subordinates. So ought the Secretary of the Navy, so ought the Secretary of War, so ought the Postmaster-General, so ought the people of the District, so ought all of them. It is the duty of these committees to frame such laws as in their judgment will best promote the interests of their respective Departments, and when they do attend to that well they find a great deal of work to do. But if they are to make the appropriations also to carry out the laws they frame, then there is no supervision over their acts by any other body of men in the Senate. I insist that it is not wise legislation to vest any committee with absolute power as to the laws necessary and at the same time as to the amount of money necessary to carry those laws into effect.

The theory and practice of the Government has always been that when committees frame and pass laws the amounts to be appropriated to carry out the laws which have been framed and passed in the interest of the respective departments which they specially represent shall go before another body of men not specially connected with any of the departments of the Government and be carefully considered there. The Committee on Appropriations originates no bills, frames no laws, and has no appointments referred to it. I am speaking of it as acting under the rules, for I have no doubt those rules have been violated time and again, very frequently by amendments offered by other committees, much more frequently than by the action of that committee itself. Under the rules it can frame no law; it must make appropriations in accordance with existing laws that have been framed by the other committees and passed by Congress. It has to keep a record of all the appropriations and all the items of all the appropriations that have been passed, so that they can be seen by any Senator, who chooses to look over them, at once; and that committee has done so, as the books now on my desk will show to any one who cares to look at them.

How is the Committee on Appppropriations composed? I looked over the list of committees just now, and this is the condition exhibited: The Senator from Iowa [Mr. ALLISON], our chairman, is also a member of the Committee on Finance. Whatever questions come up in reference to internal revenue and the necessities of that branch of the service, he, as a member of the Appropriations Committee, is entirely familiar with them and can give the committee all the information requisite. I also am a member of the Committee on Finance, and can aid him in furnishing the necessary information relative to that branch of the public service, which is very important. The Senator from Illinois [Mr. LOGAN] is the next member of the Committee on Appropriations; he is chairman of the Committee on Military Affairs. When any matter of appropriation comes up before the Committee on Appropriations relative to the Army, can any one be better qualified to advise as to what is necessary than the chairman of the Committee on Military Affairs? The Senator from Massachusetts [Mr. DAWES] is chairman of the Committee on Indian Affairs, and is a member of the Committee on Appropriations. He is thoroughly posted as to all matters relating to Indian affairs, and can advise the committee as to the necessities of that great interest.

The Senator from Maine [Mr. HALE], who is also a member of the Committee on Appropriations, is perhaps the best informed man in the Senate as to all matters relative to naval affairs. The interests of the Navy will never suffer while he is a member of the Committee on Appropriations. The Senator from Kansas [Mr. PLUMB] is a distinguished member of the Committee on Agriculture, and is also the chairman of the Committee on Public Lands. If anything pertaining to agriculture is before the Committee on Appropriations we have all the information the Committee on Agriculture can give us in the person of the Senator from Kansas. The Senator from Missouri [Mr. COCKRELL], who is a member of the Committee on Appropriations, is also a member of the Committee on Military Affairs and of the Committee on the Improvement of the Mississippi River and its Tributaries. He is known to be extremely careful and well informed in all matters relating to any subject intrusted to his charge. Another of our members, the Senator from North Carolina [Mr. RANSOM], is now a member and was, while the Democracy were in power here, chairman of the Committee on Commerce and also of the Committee on the Potomac Flats Improvement of Washington. The Senator from Florida [Mr. CALL], also a member of the Committee on Appropriations, is upon the Committee on Patents and the Committee on Education and Labor. Therefore the nine men composing the Committee on Appropriations are in one form or other representatives of a large majority of the other special interests that have to be cared for.

I do not believe that the effort to take cognizance by special committee of the appropriations relative to the District of Columbia or to the Agricultural Department, or the Military or Navy, or any other department of the Government, is based upon the idea that the Committee on Appropriations are too extravagant in their appropriations for any of those things, or that it is now proposed to take any bill away from us for the purpose of curtailing extravagance or economizing expenditures in any of the different departments of the Government. I think if this movement succeeds that the reverse will be found to be the fact. I think the history of legislation in these halls will show that wherever amendments have been moved to appropriation bills as they came from the Committee on Appropriations by gentlemen representing any other of the great interests of the Government, whether military or naval or the District of Columbia or anything else, it has generally been asking an addition to an increase of appropriation over what the Committee on Appropriations had seen fit to allow; and I predict now that if this move is successful, and the Committee on Appropriations is abolished, as it will virtually be if all these motions carry—because I suppose if one shall carry all will—the result will be increased appropriations and a want of harmony, instead of strict economy and a thorough knowledge of all that has been done, and we shall have hereafter a good deal of extravagance in the management of our public affairs.

I called just now on the clerk of the committee to bring in all the books that I knew he had carefully prepared, in which every item of every appropriation made since 1870 in every bill is carefully collated. They are so kept that any member of the Senate can go into the room of the Committee on Appropriations and in five minutes can look and see what has been done for the last thirteen years at least—how much further back I do not know, but since 1870 I do know, for I have examined carefully—every item of every appropriation bill made outside of the river and harbor bills; he can ascertain any fact he seeks to know in a moment by the books kept by the secretary or clerk of the Committee on Appropriations, and I have the books now before me, so that any gentleman can verify my statement by looking at them. Surely that of itself is a great convenience. If it is taken from the Committee on Appropriations and the appropriation bills referred to the different committees, such books as I have lying before me now, invaluable for the purposes of information, never can be made up or preserved.

Allow me to refer to the action of the immediate representatives of the people on this question. The House of Representatives, through its Committee on Rules, two or three years ago, in revising their rules, not only left all general bills with the Appropriations Committee, but endeavored to place the river and harbor bill in charge of the Committee on Appropriations, after first referring it to the Committe on Commerce. The Committee on Rules made their report in 1879 on the 19th of December. It was a distinguished committee, one that had often considered all the matters connected with appropriations. It was composed of the then Speaker, Mr. RANDALL; Mr. Stephens, of Georgia; Mr. BLACKBURN, of Kentucky; Mr. Garfield, of Ohio; and Mr. FRYE, of Maine. They made a unanimous report, which I hold in my hand, and the language used by them meets my views so thoroughly that I will read it as my own:

> The Committee on Rules are of opinion, in consideration of the fact that the Committee on Appropriations are required under the rules "to report the general appropriation bills" (in which class the river and harbor appropriation bill should, by reason of long custom and practice, be included), that they should have entire charge of all those bills, in order that they might the more fairly and fully control the entire question of appropriation of revenue for carrying on the several departments of the Government. It follows as a logical sequence that, if any other committee is to take charge of one of the general appropriation bills, the interests therein involved and considered will stand separate and apart from the interests involved and considered in the other bills, and as a further result any scheme of reduction of expenditures made necessary by a deficit of revenue for that fiscal year must be executed by the Committee on Appropriations without respect to the interests involved in the bill so taken from them, thereby leaving that particular interest to stand independent of and without any relation whatever to the other interests for which appropriations are annually made.
>
> For these reasons the Committee on Rules have made the foregoing recommendations with respect to the river and harbor bill, believing that no good or valid reason exists why the Committee on Commerce should originate and have complete control of the river and harbor bill that does not apply with equal force to the theory that the Committee on Military Affairs should originate and control the Army, the Committee on Naval Affairs the naval, the Committee on Indian Affairs the Indian, the Committee on Post-Office and Post-Roads the Post-Office, the Committee on Foreign Affairs the consular and diplomatic, or the Committee on Invalid Pensions the pension appropriation bill.

Without going into the history of it or finding fault with the action of the House, in regard to the river and harbor bill I may say that it has, from the time it was taken charge of by the Committee on Commerce, been passed in a very anomalous way, in nearly every case under a suspension of the rules, without any member being allowed to offer an amendment or to say one word against it. I see before me the distinguished Senator from Wisconsin [Mr. SAWYER] who had charge of it the first time it was passed in that way, but I do not care to tell the pleasant conversation we then had in regard to the peculiar things in that bill which caused it to pass with such unanimity. I took the pains last night to look up the House debate on this subject, and I find that a great many wise suggestions were made by many well-informed men; among others, one of the Committee on Rules, General Garfield, of Ohio, used this language:

> There are two committees of this House that stand, if I may so speak, with their backs to each other and facing in opposite directions. One is the Committee of Ways and Means. That committee faces out upon all the business of this country from which a revenue can be had. They ask the nation this one question, Where can we get a revenue to supply the machinery of this Government, to fill the Treasury as it ought to be filled? And they apply to all of the people of this country, to all its wealth, to all its trade, to all its commerce, and ask what contributions shall be gathered and how they shall be gathered from the people.
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> But that committee wants one thing before they start out upon this inquiry—they want the figures, the sum total. And they turn to the other committee which stands back to back to them, the Committee on Appropriations, and in-

quire of that committee how much money must we give you to run this Government for the coming year? And they get the figures from the Committee on Appropriations. That committee says to them, we will require so many millions of dollars. Thereupon the Committee of Ways and Means turns to the nation and asks for a contribution. It passes a law that tells how much the burden shall be and how that burden shall be distributed.

Now, if it is important that the Committee of Ways and Means shall know that sum total before they begin to legislate, it is equally important that some one great fiscal committee of this House shall be able to give them the figures. Now, shall it be given them by one committee, or shall the Committee of Ways and Means hunt through all the committees of this House in order to find out what the figure of our taxation is to be?

In my view, the harmony and unity of the fiscal machinery of this Government requires that these two great committees shall stand back to back; the one of them facing the people and its industries, the other facing the machinery of the Government and its necessities. One shall say that to run this great machine requires so much money in the aggregate, to be distributed in the following way. The other shall say that to get that aggregate of money requires such a tax internal and such a tax external, to be distributed in such and such manner. The unity of our fiscal affairs must not, therefore, be broken up.

I have in this statement given the reasons that induced me to agree to the report as presented in this Rule 10. The same reasoning that would turn over the river and harbor appropriation bill to the Committee on Commerce would also turn over the Army appropriation bill to the Committee on Military Affairs, the naval appropriation bill to the Committee on Naval Affairs, the Indian appropriation bill to the Committee on Indian Affairs, the pension appropriation bill to the Committee on Invalid Pensions, and so on down through the whole list.

Now, Mr. Chairman, it is a fact within the experience of every member who has been here long, that the Committee on Appropriations always finds itself confronted with a demand from each of the committees having a special subject in charge for larger appropriations than the Committee on Appropriations think should be made. There never was a time within my knowledge since I have been here when the Committee on Military Affairs did not resist the tendency of the Committee on Appropriations to cut down the appropriations for the Army. The Committee on Naval Affairs has always been found resisting the reduction of the naval appropriation bill. For this reason, I say that if each of these several committees had charge of getting up the appropriation bills on these several subjects, the amount of the bills would be very large; they would outgrow the grasp of the House, and there would be no unity in the appropriations of public money.

He was followed by the then Speaker of the House, Mr. RANDALL, who used this language:

But, Mr. Chairman, what I wish to say is this, that if you undertake to divide all these appropriations and have many committees, where there ought to be but one, you will enter upon a path of extravagance you can not foresee the length of or the depth of, until we will find the Treasury of the country bankrupt.

They were followed by others. I have made notes of the remarks made by many of the leading men of the House, agreeing, almost without exception, that the rule was that each of the special committees charged with special interests were demanding more than the Committee on Appropriations was willing to give, and that there would be no uniformity if they were allowed to control appropriations. One committee would succeed in getting more than its share, while another would get less than its proportion; trading, bickerings, and heart-burnings would follow, to the detriment of the public service. The Post-Office Committee, whose jurisdiction reaches all the people, or the Agricultural Committee, banking on its popularity by representing the farmers of the country, might get more than the Army or the Navy, which are not so popular in time of peace; whereas when the bills all went to one committee composed of gentlemen, some of whom are on the majority of the important committees, and are acting uniformly to see how the aggregate that can be afforded from the taxation imposed may be best distributed, doing justice to each one, ignoring none, giving none an advantage over others as far as they are able, then uniformity and equal justice would be obtained.

The House, with the exception of the Agricultural Committee, which because of some supposed popularity got its separate bill referred to it, agreed with the Committee on Rules, unless the river and harbor bill be considered an exception, and retained all the other appropriation bills in the hands of the Committee on Appropriations. That committee, if we differ with the House, send their conferees over here. When we go into conference after a disagreement they send the members of the same committee each time, as they have had the whole budget before them. They now meet the same committeemen from this Chamber, who are familiar with each bill and with the appropriations made in each bill, and know how far the Treasury can afford, under the taxation that is levied, to make appropriations for the expenses of the fiscal year. But if you divide these appropriation bills an extremely incongruous condition of things would follow; there could be no general view taken by our confrères, the post-office appropriations, the military appropriations, the naval apppropriations, and so on, would only be looked at, and each Department of the Government would be represented by a different body of men in each conference who are not advised as to any of the other appropriations which have been made, and have to begin at the beginning and get the appropriations of all the other Departments from the different committees in order to get the information before they can tell what is going to be anything like an approximation to the aggregate of the expenditures of the Government for any fiscal year.

For these reasons, among others, I think it would be a misfortune to break up the unity of the action of the two Houses, as these propositions, if carried, certainly will, because if one be taken away from the Appropriations Committee the others I assume will be.

It is claimed, however, by the Committee on the District of Columbia that there is a special reason why the District of Columbia appropriation bill should be excepted; or at least it was so claimed before the holiday adjournment. I am unable to see why it should be excepted, or why there is any special reason that should have induced the Committee on Rules to make that bill an exception. On the contrary, there would be more difficulty if that was made an exception than with any other bill, for the reason that these appropriations are paid half by the District and half by the General Government. At least all that goes into the District of Columbia bill is so paid. Other appropriations bearing upon the District, if not a part of its expenses, are provided for in the sundry civil bill. I hold the amounts appropriated for the current year in the two bills in my hand.

In the District of Columbia act we appropriated for—

Washington Asylum	$46,320
Georgetown Almshouse	1,800
Indigent insane of the District of Columbia in Government Hospital for Insane	46,700
Reform School, salaries $10,936 Reform School, subsistence 22,014	32,950
Relief of the poor	15,000
Columbia Hospital for Women and Lying-in Asylum	15,000
Women's Christian Association	5,000
National Association for Destitute Colored Women and Children	7,000
Erection of building for same	20,000
Children's Hospital	5,000
Saint Ann's Infant Asylum	5,000
Industrial Home School	10,000
Church Orphanage of the District of Columbia	1,500
Total	211,270
Washington Aqueduct	20,000

Half of that is paid by the District and half by the Government. In the sundry civil act we appropriated $442,000 for matters bearing upon the District and to be expended in it—not perhaps all of them District matters, as follows:

Government Hospital for the Insane	$227,000
Columbia Institution for the Deaf and Dumb	58,000
Howard University	15,500
Freedmen's Hospital and Asylum	50,000
Columbia Hospital for Women and Lying-in Asylum, furniture, &c	5,000
Reform School (new barn, &c.)	7,500
Improving reservations and grounds	79,000
Total	442,000

This difficulty will occur if the Committee on the District of Columbia takes charge of the District bill: there will be a constant endeavor to throw as much of the appropriations necessary for the District into the sundry civil bill as possible, so as to make the Government pay them all and make the District of Columbia bill as small as possible, because the District has to pay half. On the other hand, the Committee on Appropriations, representing the United States, if you please, as against the views of those representing the District specially, will crowd as much as they possibly can into the District bill, to make the people here pay one-half, and keep as much from the sundry civil bill as they can, because the Government of the United States has to pay all that is there appropriated. That ought not to be. Two committees of the Senate ought not to be thrown into such antagonism with each other, and I do not quite like the suggestion which was made that these bills ought all to be referred first to the several committees, and then handed over to the Committee on Appropriations to be finally acted on. That was the way that was at first proposed to be done with the river and harbor bill in the House; it was to be handed over to the Committee on Commerce to be examined, and then to go to the Committee on Appropriations. Immediately the Committee on Commerce said: "Why should we hand a bill to another body who do not know as much as we do about it ourselves?" and they got it absolutely very soon, and have succeeded in passing it, under suspension of the rules, pretty much every year since.

The moment you hand over any of these bills to any of the special committees and the Committee on Appropriations see fit to recommend anything different from what the other committees have recommended, that committee, whether it be the Committee on Indian Affairs or on Military Affairs or on the District of Columbia, will at once say, "Here is a body of men who do not know as much as we do on this subject, who are undertaking to criticise and revise what we have said we need; we will take it ourselves, and we ought to have it;" and they will do so, just as the Committee on Commerce did with the river and harbor bill. I am stating what occurred in the House when I was there.

In short, we had better take the bills from it absolutely and abolish your Committee on Appropriations if Senators think there is to be anything saved by doing so. I should have no objection as a party man to trust the Committee on Appropriations of the House to-day with all the appropriation bills and let them send the various bills to Repub-

lican committees of this body, appointed to guard special interests, for their revision, and let them add what they see fit to them, and go before the country on the presentation made by a Democratic committee on appropriations representing all, and the Republican committees representing each of the different departments of this Government in their demands, and see where true economy would be. But I am looking to the proper prudent administration of the Government, seeking to secure harmony and economy in legislation, looking to the fact that there ought to be some place in this Government where all the appropriations are kept and where every Senator can see them at a glance. There is only one place, and no one supposes there is more, where men can go and ascertain them all, and where each interest is looked at regardless of any other except as all bear on each other, and that is a committee made up of men who originate no law, who can do nothing except to appropriate to carry out existing law, composed as I say of men who represent finance, military affairs, naval affairs, and so on. All the important committees are not represented, I admit. I believe the Post-Office Committee is not. The Military Committee is represented, the Indian Committee, the Naval Committee, the Agricultural Committee, the Committee on Commerce, the Committee on Patents, and other important committees are represented on the Appropriations Committee. I may add that the moment a bill comes over from the House of Representatives these committees can now, each and all of them, take hold of any matter relating to their jurisdiction, and frame and report any amendment they please to the Committee on Appropriations as well as they could if the bill should go to them first.

Let me suggest also that while at the long session of Congress no great difficulty might ensue, when we meet at the short session of Congress as we have to do every other year on the 1st of December and Congress expires by its own limitation on the 3d of March, how are we to get on practically? We have permitted the House to originate all appropriation bills—I do not say as a matter of right, but as a matter of fact. Most of those bills come to us during the last ten days of the session usually. If they have to go to the Committee on Military Affairs, the Committee on the District of Columbia, the Committee on Naval Affairs, the Committee on Post-Offices and Post-Roads, and others and be carefully examined by them, and then go to the Committee on Appropriations and be carefully examined by it, there will be very hasty and very badly considered legislation, because I assume that no gentleman desires after these committees have examined a bill and sent it to the Committee on Appropriations that it shall present anything on this floor without having all the explanations it can obtain with its members prepared on the floor of this House to defend their propositions when any exception to their action is taken by any one. They are compelled, if they do anything intelligently, to have all the time possible, and the House of Representatives gives us little enough time without having the bills to pass through other committees even for a day or a week. Some might be kept two weeks before they could get to the Committee on Appropriations, when they have all the work to do at any rate before they can report it intelligently to the Senate.

Mr. McPHERSON. Will the Senator from Kentucky permit me to ask him a question?

Mr. BECK. Certainly.

Mr. McPHERSON. I do not exactly understand, having been absent, the present status of this proposition. Do I understand we are now in Committee of the Whole and that there has been a reservation?

Mr. BECK. The rules have been reported to the Senate, and there is a reservation of this Rule XVII and Rule XXVI, embracing not only the District of Columbia but all the other committees that may have appropriation bills referred to them.

Mr. McPHERSON. I understand the Senator, then, to be debating against the amendment already pending. I also understand he opposes the second one.

Mr. BECK. So far as it gives the District of Columbia Committee jurisdiction of the District appropriation bill.

Mr. McPHERSON. There are two exceptions, I find, in the first clause—one referring to the new Committee on Internal Improvements and the other referring to the Committee on the District of Columbia. The Senator's objection applies to the District of Columbia Committee having charge of the District bill.

Mr. BECK. The District appropriation bill.

Mr. McPHERSON. But the Senator does not object to all matters relating to internal improvements being referred to the new Committee on Internal Improvements, to take the place of the old Committee on Commerce.

Mr. BECK. I was not looking into that question specially; the division may be proper; but I desire to say, my attention being called to it, that the Committee on Commerce have much important work to do in aid of the work of the Committee on Appropriations this year, and I have no doubt they will pursue their labor in proper spirit. The Committee on Appropriations can originate no bill, as I have said, can do nothing except to act in accordance with existing law. The Committee on Appropriations for years has begged and pleaded with this body to change the laws in very many regards. I hold in my hand a bill that was reported by a leading member of that committee, providing that the indefinite appropriations now held in the Treasury should be brought under the supervision of the two Houses, which we have never succeeded in getting done. We have, wherever we could, shown that in the collection of internal revenue, in the collection of customs, hundreds of thousands of dollars were unnecessarily squandered upon unnecessary custom-houses and unnecessary employés, until the Secretary of the Treasury has at last conceded the fact in his report, from which I will only read a few words:

> There are useless customs districts, and nothing but local pride or interest will disagree therefrom. There are twenty-two ports of entry at which not a dollar of duties has been collected for years at different times. There are thirty-two ports of entry in which the year's collections from all sources have not equaled the year's expenses. These had importance when foreign trade was carried on in sailing vessels, and before the concentration of importations at large ports from regular lines of ocean steamers and the present system of rapid inland transportation. The custom-houses in these districts are, however, kept up, with all the formalities of activity, with deputies, inspectors, and clerks, to make official returns to the accounting officers of the Treasury and the Bureau of Statistics.

The Secretary tells us further that a large number of them ought to be abolished and all their machinery removed. The Committee on Commerce I hope will frame and pass a law not only going as far as the Secretary recommends, but beyond his recommendation, and will take up again the provision that the Committee on Appropriations have been urging so long, bringing all the indefinite appropriations before the Congress of the United States. The Secretary says it will reduce expenses $500,000 now to do what he asks. I tried to do it ten years ago, and at last the Secretary recommends it.

So with many things in regard to the Navy, so in regard to the Army, and so in regard to other matters. There is very important legislation that each of these committees has committed to its care, and when passed upon by them they can come before the Committee on Appropriations for money to carry them out, and the Committee on Appropriations, as far as I am advised—and I have been a member of it for six years in this House and for many years in the other House—always listens anxiously and carefully and attentively to all the suggestions and all the amendments and all the reasons given by members of the other committees having special charge of the interests upon which they are making their appropriations.

It surely must be better to allow one body of men to frame the laws and another to provide the appropriations to carry them out than to allow one set of men to frame the laws and that same body of men provide the appropriations to make them operative. It at least gives two bodies in the Senate a chance to understand all about these things; and if the committee that frames the laws sees that the Appropriations Committee is not making sufficient appropriations to carry them out in good faith, each member of that committee can on the floor of the Senate show wherein injustice has been done, and he will overrule the Committee on Appropriations, of course, and ought to do it.

This is the trouble about the move now made, it is in the wrong direction; it is a consolidation of all power in a single committee. If one committee frames the law and votes the money to carry it out, no other man in the Senate will know anything about it. The Agricultural Committee will frame the law and vote all the money they can, and no man not on that committee will know anything about it. So of the Post-Office Committee, so of the Naval Committee, so of the Military Committee, so of the District of Columbia Committee. They become autocrats, not only in the framing of the law, but in the appropriation of the people's money to carry it out; and outside of that committee-room no man can get the information to enable him to contradict what they say if they are wrong; and they are selected because they are special friends of the Department they are appointed to represent, for each Secretary ought to have men he can trust before whom he can present the wants of his Department here.

What is the direction we ought to move in, and that I hope the great party I have so long been connected with has been moving in? Checks and guards ought to be thrown around all official acts. Discretion should be restricted by positive laws, and no man or set of men should hold unrestricted power. We ought to have one committee a check upon another, one guard placed upon another, so that no body of men sitting as a committee of Congress shall have absolute power over the money of the people. We have lost untold millions, in my opinion, by the operation of laws relative to the powers of the Secretary of the Treasury, having the collection of the money and the disbursement of the money in one Department, and by having only one set of books, that no man can understand, that are obliged to balance, and are made to balance, right or wrong, so that there can be no discovery had. I have report after report, and some of them I intended to read to-day to show that even leading Republicans, and one committee, headed by the Senator from Vermont [Mr. EDMUNDS], now our presiding officer, on the Treasury Department; another, of which the Senator from Massachusetts [Mr. DAWES], the Senator from Kansas [Mr. INGALLS], and I were members; and another, in which the Senator from Missouri [Mr. COCKRELL] and the Senator from Iowa [Mr. ALLISON] acted for the Committee on Appropriations—all showing the want of responsibility in these matters and the impossibility of obtaining information.

The direction I now hope to move in is to let the committees of this House having charge of particular subjects frame their laws and pass

them, then turn them over to a committee disconnected with them to make appropriations to carry them out. In this way two committees on this floor will act as a check on each other. One of the first things I did when I came to the Senate was to offer a resolution directing a committee to—

Report to the Senate whether or not the public interest would be promoted by a division of the Treasury Department into two distinct departments, the duties of one of which shall be to manage the collection of the revenues and hold them till ordered by law to pay them out; and the duties of the other shall be to manage the disbursement of the revenue collected and held by the other. If the committee determine to recommend such division of said Department, they may report a bill for that purpose.

I was assured by the then committee that something in that direction would be done. Until it is, we never shall have the money of the Treasury properly cared for. It will require the ablest man in this country and the ablest corps of assistants to construe all the laws relating to customs, all the laws relating to internal revenue, and look after all the great machinery necessary to bring the revenues of this country into the Treasury and hold them there; and then it will require another man, call him Chancellor of the Exchequer or anything you please, with another body of men as able as the first, to distribute that money to all the various Departments of the Government, and the one account to the other from a different set of books and both to Congress. There is not a decent grocery establishment or a wholesale or retail dry goods store in this country that would carry on its business as we are carrying on the business of this great Government now in our Treasury Department, with one set of books and all responsible to one head, and he with such a multiplicity of work to do that he has barely time to sign his name to such papers as some clerk has put a private mark on, indicating that he had looked at them.

Whenever we depart from the present system of legislation and say that the committee that have the right to frame the laws for the Navy, or the Army, or the District of Columbia, or the Post-Office, or any of the great Departments of the Government, shall at the same time declare what money is necessary to carry those laws into effect, and no other committee, no other member of this House, shall have the power or the opportunity to see whether they are right or wrong, then we are taking a step in a wrong direction and concealing from the great mass of the Senate and the great mass of the people the facts on which we act; but when one committee frames the law and another provides the money, the two committees will develop all the facts, so that the whole body of the Senate will understand what is the proper thing to do.

As I said, I have no feeling in this matter. I should perhaps not have said one word if the chairman of the Committee on Appropriations were not necessarily absent; but I have consulted with him; I know his views as a member of the committee, and I felt it my duty to say what I have said. While I admit—and I wish that distinctly understood that I not only admit but I believe—that every other member of every other committee, whether of the District of Columbia, on Agriculture, the Post-Office, or any other committee, is as honest and as able and better informed as to his special matter than the members perhaps of the Committee on Appropriations in the aggregate, still it is not wise that the framing of laws and the voting of money to carry them out shall be united; and if you put them in the hands of a single committee, who will look over the aggregate, summon the different committees, reason together, and see what the Government, with the money produced by the taxes levied, can afford to expend, then the books of one committee will show what can be done with justice to all.

Mr. EDMUNDS (Mr. CAMERON, of Wisconsin, in the chair). Mr. President, I wish to say that in the main part of the observations of my friend from Kentucky [Mr. BECK] I entirely agree. I think it would be injurious to the interests of the Treasury and so to the interests of the people who supply the Treasury of the United States to send appropriation questions for reports of sums to be appropriated to the various committees that have charge of the classes of the public service about which appropriations must be made, and that the practical result would be, if we divide them up, that the sum total of appropriations would be enormously increased. If there be a standing order of the Senate which says that all appropriations respecting the judicial establishment of the United States should be sent to the Committee on the Judiciary, the relations between the Committee on the Judiciary and the Department of Justice and the judicial establishment are of such an intimate and friendly character that we should be quite likely to be acting under a bias and to be more liberal in the money that we would recommend to be expended for the judicial establishment than a body of men not under such a bias would be likely to be. And I confess I do not see any distinction between the matter of the District of Columbia and any other of the various branches of the public service—the Army, the Navy, Indian affairs, post-offices and post-roads, public lands, and every one of the scores of separate subjects of public expenditure. I repeat I do not see any distinction between one and another.

If it be correct to send appropriations regarding the District of Columbia to that committee, so far as I can see it is perfectly correct to send all judicial appropriations to the Committee on the Judiciary, all naval appropriations to the Naval Committee, all military appropriations to the Military Committee, all Indian appropriations to the Indian Committee, and so on through the whole catalogue. I am fully persuaded that the aggregate of the separate bills, when we got to the end of a session of Congress, would be altogether beyond that which we now have; and I think we should find, in the main,—although there are and probably must be more or less deficiencies that we have to make up (in general they are small),—that the aggregate of the public expenditure would be largely increased, on account of the necessary fact in human nature that committees charged with particular subjects and in direct communication with particular branches of the public service get to be impressed with the ideas of the special Departments with which they have to do, and feel with the Departments that the public service would be better promoted with still larger appropriations to carry it on.

That is perfectly natural, perfectly reasonable in the philosophic sense, and is certain in my opinion to occur; and therefore, while I should be very glad to have the Judiciary Committee consider appropriations for the judicial establishment, because I think that the laws ought to be furnished with more money to carry them out and the judges ought to have higher pay, and the marshals and everybody else be provided with more funds, I do not think it would be for the public interest that the Committee on the Judiciary should be charged with reporting appropriations for that branch of the public service. If it is true as to the Committee on the Judiciary, I assume that it would be true as to all the other committees in this body.

I should hope, then, that we would adhere to the idea, with all the assistance we can get and suggestions from the several committees charged with the various branches of the public service, of having an independent committee, not charged with the administration of any particular branch of the public service, but only charged with following the law, providing for appropriations, have all these bills under their general charge grouped as they generally have been. That is my opinion, and I shall feel obliged, therefore, to vote with my friend from Kentucky to keep the appropriation bills (and I would extend it to appropriations for rivers and harbors, which have been by some custom sent to the Committee on Commerce) in the care of the Committee on Appropriations.

Mr. SHERMAN. Mr. President, I concur generally in the views expressed by the Senator from Kentucky and the Senator from Vermont, but I say that the argument they make does not apply to the bill providing for the government of the District of Columbia. There is no comparison between the appropriations for the government of the District of Columbia and the general appropriations for the Government of the United States. In the first place, the expenses of the Government of the United States are paid by the people of the United States out of the taxes levied upon the whole mass of the people, and, therefore, all the expenditures for the ordinary current expenses of the Government are properly appropriated by one committee. I think myself that the appropriations for rivers and harbors might properly be divided out by the Committee on Appropriations, but as the Committee on Commerce would necessarily have more knowledge of all the details of the items as to rivers and harbors, after long experience in both Houses of Congress it was finally settled that that particular bill should be consigned to the Committee on Commerce. It was because that committee necessarily had knowledge of the details in regard to those appropriations that the Committee on Appropriations could not have. But of all the bills that are presented in this body, the one that should not go to the Committee on Appropriations is the bill to provide for the expenses of the government of this District. The money collected for the government of this District is collected in the form of taxes from the people of this District.

Mr. EDMUNDS. One-half of it.

Mr. SHERMAN. One-half, I know, and the other half is paid by the Government of the United States as owners of land and property in this District. In that respect the Government of the United States stands like myself or any other proprietor in this District. It is a taxpayer; it has agreed that in justice and equity it ought to pay one-half the expenses of the government of the District, because it owns one-half of the land and property in this District, and therefore it contributes its taxes just like any other tax-payer, whether greater or smaller. The Government of the United States is a tax-payer here. It levies and fixes the amount of its own tax, but it pays that money into the Treasury just like the Senator from Vermont and myself and any other tax-payer in this District.

Now, who should determine the mode of the expenditure of this money? Should it be the general committee having charge of the money of the United States which is collected from general taxes and applied to the various general expenses of the Government? Certainly not. It ought to be that committee of this body which represents the particular interests of the people of this District; it ought to be that body of gentlemen in this Chamber who have been selected to look after the material interests of the people of this District, the tax-payers of this District, the Government being one and the largest one among them.

It is no criticism upon the action of the Committee on Appropriations to say that the Committee on the District of Columbia is better fitted from its knowledge of the local wants of the people of this District to say how this money should be expended.

I agree with what has been said as to the tendency of dividing out the appropriation bills among different committees being to increase the expenditures; but that does not apply to the expenditures for this District, because the law fixes the amount of these expenditures; it is limited by the nature of the laws passed in regard to this District. We know beforehand how much will be the revenue of this District, because we know that the amount of tax is limited to 1½ per cent. on the taxable list, and that is provided for, fixed by law. So the amount of money to be expended for the people of this District is absolutely limited, and the appropriations to be made by the Committee on the District of Columbia are limited in precise terms. It is not so in regard to any other committee; it is not so in regard to any other expenditure. The Committee on Appropriations are limited, and so would the Committee on the District of Columbia be limited by laws which can not be amended except by both Houses of Congress. Therefore the argument about this increasing expenditures falls. The amount of expenditure is fixed, and the only question we have to determine is which committee on the whole could more fairly represent the local wants and interests of the people of this District.

I happen not to belong to either of these committees, and am entirely impartial; and yet since the debate on this subject the other day many citizens of the District, many leading tax-payers of the District, have spoken to me of their gratification that at last they had a body they could appear before and make known their local wants to. They said undoubtedly the Committee on Appropriations was a very able body, but it was pressed with greater affairs; the expenditure of $3,000,000 for the people of this District is a very unimportant thing to the Committee on Appropriations, but it is vital to the tax-payers of this District.

Here is a list of appropriations, not like the ordinary appropriations for the expenses of the Government, which are fixed by law. All that the Committee on Appropriations have to do is to look to the law and see how much should be appropriated, and then they carry that sum into their appropriation bills. But here is the government of a people where from the nature of things you can not set out in set form and set words what shall be expended from year to year. It is true that a large portion of the expenses can be defined, as the salaries of the commissioners and the salaries of the other officers, but the great body of the expenditures of a city government are for objects that can not be defined by law. For instance the estimates submitted to us provide for $530,000 to be expended on certain streets and highways. I believe it is about one-third of all the expenditures of the District of Columbia, excluding the interest on their debt. Now, where should that be expended? What streets should it be expended upon? Here is a detailed estimate naming A street, B street, C street, D street, and so on; the different kinds of improvements on the different streets. Who is best able to determine as to whether these matters suggested by the commissioners of the District of Columbia are wise or not; whether on the whole certain other improvements should not be made? Certainly that committee that is selected by this body to take charge of the local affairs of this District. The Committee on Appropriations can not have the requisite knowledge. Every bill that provides for this District goes to the Committee on the District of Columbia, and they know necessarily and are bound to know about these local wants and local matters.

It seemed to me, therefore, especially where the amount to be appropriated was fixed by laws that cannot be changed except by an act of Congress, and particularly as this money is paid by the people of the District and by the United States as a tax-payer, our contribution depending upon the general good of the people of the District, including the smallest as well as the largest tax-payer, that the money ought to be divided out by the committee which has charge of the affairs of the District of Columbia. I can speak with absolute impartiality on this matter, because, though I do not belong to either committee, I have the common interest of all tax-payers here.

It must be remembered that the people of this District are in a very abnormal condition. They have absolutely no voice and no vote. They are taxed without representation. We govern them as absolutely as the worst despotism in the world can govern its people. We govern them, we hope, wisely; but, after all, the people of this District are subject to our will; they have no voice; they pay these taxes, this money is expended without their volition, and the only opportunity they have to say how their money shall be expended is by appealing to your generosity and your kindness. You have selected two committees to represent the people of the United States in saying how their taxes shall be paid out, and now you say that these two committees selected, one by each House, shall not pass upon these local matters with which they are bound to be familiar, but that a great committee, the Committee on Appropriations, that has charge of $300,000,000 of expenditures, shall at the last moment of a session of the Senate act upon them, and that the committee which has been all along during the session hearing their complaints and acting upon their local matters and local legislation here shall have nothing to do with directing the expenditure of the money, but only this committee that is overwhelmed with other important duties.

I say that this case stands on its own base. It is entirely to be distinguished from any other appropriation. I will not vote to transfer the naval appropriation bill to the Naval Committee, because these naval expenditures are fixed by law and the Naval Committee can report, if they choose, under our rules, amendments. Nor will I vote to carry the appropriations for agriculture to the Agricultural Committee. That is an interest represented by every man among us. But this local interest is not represented by us. What does a Senator know about the local interests of the people of this District, whether this alley or that street or some other place should be improved or not? We have not time to know; but the committee that has been selected to acquire this information must know, and therefore I think it is but reasonable and right to give to that committee the opportunity to present their view of how this money, kept distinct by law and limited by law, can best be distributed among the various objects of improvement so as to do to the people who pay those taxes the greatest possible good; and the mere fact that the Government of the United States is the largest tax-payer makes no difference at all, because the Committee on the District of Columbia of this body is just as much interested in the general good in the large sense as the Committee on Appropriations. It is true that if the Committee on the District of Columbia was not limited by law we might expend too much money for this District out of the general Treasury; but the amount that can possibly be expended is fixed by law, and if the Committee on the District of Columbia should report appropriations to an amount greater than the amount of the taxes and the contribution of the Government, the money would not be paid out of the Treasury, and therefore there is a complete safeguard against any extravagance of appropriation.

The general expression of opinion on the part of the people here, in the public press, by private tax-payers—they who have no power in the government of this district, but yet who pay all the taxes, for they, in common with the other proprietor, the Government of the United States, pay all the taxes—is that they feel gratified that at last they are to have an opportunity to come before some committee that holds the public purse of this District, so that they may make known their complaints where too much is given here and too little there, that this object is more important and that less important; and in that way they were at last to be represented in a committee of the Senate of the United States charged with the expenditure of the money collected in the form of taxes from the people of this District.

I need not say that my vote will not be guided by any want of confidence in the Committee on Appropriations. On the contrary, I shall vote against all amendments proposed to weaken the power of that committee. I believe that to relieve them from this local matter, about which they have not the requisite local information, would be a benefit to them, would be a satisfaction to the people of this District, and would enable the Committee on the District of Columbia to better apply the limited sum of money that is provided for carrying on the government of the District. I shall therefore vote for the rule as it now stands.

Mr. BECK. Before the Senator from Ohio takes his seat I desire his attention for a moment. I heard him make a remark in reference to the want of information the Committee on Appropriations necessarily had as to the details of the street improvements and the more accurate information of the Committee on the District of Columbia. I went to the room of the Committee on Appropriations for a moment to look at the estimates of appropriations, and I find, on page 287, Class A, Class B, Class C, and Class D, asking for $409,552.22; and the Committee on Appropriations have never ventured, nor I suppose would the Committee on the District of Columbia venture, to indicate how that money should be expended, there being commissioners for that purpose. The provision of the law that we passed last year was:

> For work on sundry avenues and streets, and replacement of pavements on streets named in classes A, B, C, and D of Appendix Bb, annexed to the estimates of the commissioners of the District for 1884, $350,000.

The only limitation we placed upon it this year—it was not there before—was that certain work east of the Capitol should be finished, as complaint was made, and very properly made, that that poor end of the city had been more neglected than the other. So the details of the bill, when the Senator comes to look at it, he will find are not controlled by law.

Mr. SHERMAN. I am glad the Senator has called my attention to that. I intended to call attention to it as the strongest argument I could make. It is true the commissioners set out in these tables the details as to certain streets and alleys and the improvements they propose to make. and the Committee on Appropriations have said, "Yes, we will give you one-half of what you estimate for these purposes, and do not undertake to tell what particular streets shall be improved." Make the change proposed, and then if the commissioners, who are but the officers of the Government of the United States and are in no sense the representatives of the people of this District, should make a classification that was not fair, it would enable the people of this District to say to the Committee on the District of Columbia that the classification contained in the list of the commissioners (not their officers, but their masters) is not a just and fair one, that it is not a just distribution of the money to be apportioned, "and therefore we do not want our money expended upon the estimate of commissioners not interested at all in our affairs, a majority of them non-residents of the District, you may say, in one sense, but we want to have the chance to

appeal to a committee having charge of these matters, so that that committee may, if they see proper for sufficient reasons, change this classification and order of improvements."

There is wherein the Committee on Appropriations, necessarily, can not do the duty that is enjoined upon them. They can not go over these alleys and streets, many of which they never heard of, probably. Their duty does not require them to go into that kind of detail, while the duty of the Committee on the District of Columbia enables them to go into it. They have ample time and leisure to look and see whether the improvements proposed by the commissioners are the wisest and the best, and the people of this District who may have a different opinion about these improvements from the commissioners will have the right to go to a committee, who probably will make some change in the estimates proposed by the commissioners. It is a very small thing, it seems to me, for us to refuse to grant them what they desire of us in this particular. It is their money, and not ours, that is about to be appropriated and expended.

It seems to me that the Committee on Appropriations might feel a sense of relief when they are relieved from these mere local expenditures that occur here around them, and can devote themselves to the larger and greater expenditures of the whole people of the United States. It certainly should be our interest to give to the people who live here some semblance or form of power in their own government, in the disposition of their own money; and the mere fact that the people of this District, I believe by general accord, desire to have an opportunity to go before a special committee to inquire into and act upon their matters is itself a conclusive argument in my mind that this petition should be granted, because it is their money, and they ought to be allowed to choose the persons in this body, or the committee in this body, that shall divide and parcel out their money, limited as it is, and point out the objects of expenditure.

Sir, I would not do anything at all to weaken the restraint or power of the Committee on Appropriations. I believe that it is necessary, as my friend from Vermont says, to bring all the items of expenditure for the nation under the eye and control of one committee, so that they may limit the amount of expenditure. That only applies, however, to the general expenditures for the Government of the United States. The amount that the Government contributes as a tax-payer here is limited by law, and cannot be increased by the District; and the objects of expenditure ought to be under the eye and control of the committee that is selected by this body to manage the local affairs of the people of this District.

Mr. PLUMB. Mr. President, I do not think this is a matter affecting any committee or any member of this body personally, but it is just as much a question of general policy as any other that can come before the Senate. If I had been going to argue the question of the propriety of separating the appropriations and saying where I thought the least propriety existed in giving any committee separate jurisdiction of any item of appropriation, I should have said that that committee was the Committee on the District Columbia, for the reason that there is a contention always between the people of the District and the people of the United States, who pay one-half of all the expenses here, as to this ratio and relation; and all the people of this country deserve to be especially represented in regard to the affairs of this District. The country is dealing liberally, and so far as I know the impression outside is much too liberally, with this District in the matter of the proportion of taxes which it pays. I do not say myself that this proportion is improper; I accept it as fixed by law, but it is a question which can be disturbed every session of Congress by the action of the Appropriations Committee. The mere shifting of one item out of the appropriation bill for the District of Columbia into the sundry civil bill or some other bill disturbs materially the proportion which the Government of the United States is to pay of the expenses of the District of Columbia.

No one, I think, desires to prevent in any way anything that is necessary for the development of the District; but if there are people, as the Senator from Ohio says, who are specially interested in this particular thing because of the fact that they are tax-payers in this District, whether they be officers of the General Government or not, it seems to me that it must be because they want the Government to pay more of the taxes of this District than it is now paying. I do not say that that might not be proper. All I say is that if we are to shift this ratio, if we are to pay more of these taxes, if we are to have a different arrangement of the relation existing between the District and the people of the United States in reference to the payment of taxes, that ought to be settled by itself and not indirectly through the means of an appropriation bill.

The Committee on the District of Columbia now has that same jurisdiction over the detailed affairs of this District that the Post-Office Committee has over the multifarious and vast details of the Post-Office Department. The Senator from Ohio says the Appropriations Committee can not tell how the appropriations for these streets have to be expended. We appropriate for more than one hundred and fifty thousand different items of appropriation in all the appropriation bills combined upon the recommendations of executive officers. We can not go into the Treasury Department or any other Department of this Government and tell that the porters and the clerks appropriated for are all in their places and that the money we appropriated for them is spent properly. We have got to take these things very largely on the discretion and the recommendation of the chief of the proper Department and the general laws that govern the employment of persons and the expenditure of the money. But the District Committee, if they want some other way to spend the money for the improvement of the streets and avenues and alleys and all the other items of expenditure of this District, can formulate and have passed a bill specifically providing how the money shall be spent, in what proportion, and then the function of the Appropriations Committee will simply be to take that up, ascertain what the law requires to be done, and make the appropriation necessary to carry it out. It is no more complex a problem than any other one which is involved in the appropriation of money, and by reason of the fact that the General Government pays for this community one-half of all its taxes and has the delicate relations that the Senator from Ohio has spoken of in reference to all its affairs, there is a double reason why the people who pay this money should themselves hold the purse and determine exactly how and for what objects the money shall be expended. If there is any reason for the sending of any appropriation bills to a specific committee, it does not apply with equal force to the District appropriation bill.

On the other hand, there are appropriations which might go well to the several other committees, at least for certain purposes, and if the rule is to be adopted it should be upon some rational plan, which shall aid the transaction of the business of the Senate in a sensible way, and shall result more nearly in a reflection of the will of this body and the general judgment in regard to the amount and character of the appropriations. If the appropriation bills when they come in could go, each item of them, to the committee having specific charge of the subject for their consideration, and they should be reported back by that committee with their recommendations and then go to the Appropriations Committee, we should have, I think, a system which would answer all the purposes, and in which all the ideas and all the plans and all the views of all the committees and of all the members of the Senate would have an equal chance for reflection.

I think, therefore, that there ought to be some plan whereby not only the District appropriation bill should go to the District Committee for advisory action, but it should go there and come back and be sent to the Committee on Appropriations, and so of the other appropriation bills, that if they do not literally go to the various committees when they come here they shall be considered as being referred to the several committees in such a way that they may take up and report to the Senate their view upon all propositions contained in them, and that they may then go to the Appropriations Committee, which shall have control of not only the various items of appropriation but of the sum total.

This is important, Mr. President, because while at this time whether we appropriate one million or five millions or twenty millions of money is no stress upon the Treasury because we have money coming in all the time more than enough to meet the expenses of the General Government, the time will come and ought to come under a healthy condition of things when we have paid off the debt, when our obligations are fixed and determined, when the question of the expenditure of half a million more or half a million less may be the difference between a surplus and a deficit; and for that reason every single appropriation bill ought to go to the one committee that can not only determine it in detail but can determine it in gross, and can say that this item or that item can be put on because we are going to have money enough for all these purposes or that it shall be cut off because it increases the total amount beyond the sum which is certain to come into the Treasury, and therefore run the risk of the Government having to go into the street and borrow money.

Every reason that affects the credit of the country, every reason that affects the economy of expenditure, everything that affects the just relations of the people of the United States to the people of this District, and *vice versa*, demands, I think, that in this particular case at least this bill ought to go where all other bills for the expenditure of the people's money go; but, as I said, I think there might be an adjustment of these differences of opinion which would result in great good, and that is to charge each committee, the Judiciary Committee with reference to its part, the Naval Committee with reference to its part, and so on all the way around, with a just and careful and prompt expression of their opinion in some authentic way in regard to those matters about which they might be supposed to have some special knowledge, and let the result go finally to one committee, that is to bring within bounds, with reference to the administration I have spoken of, the sum total of what is to be the national budget.

Therefore, Mr. President, not as expressing my ultimate judgment on this question of detail, but to some extent voicing this idea, I propose the following amendment to this Rule XVII:

That the general appropriation bills shall be referred as follows:

Making appropriations for the support of the Army, for the erection and repair of fortifications, and for the support of the Military Academy, to the Committee on Military Affairs; appropriations for the payment of pensions, to the Pensions Committee; appropriations for the Navy and for the Naval Academy, to the Naval Committee; appropriations for the Post-Office Department, to the Committee on Post-Offices and Post-Roads; appropriations for the Department of Agriculture, to the Committee on Agriculture; appropriations for the Indian

Bureau, to the Committee on Indian Affairs; appropriations for the District of Columbia, to the Committee on the District of Columbia; and the several items of appropriation contained in the remaining general appropriation bills, germane to the general jurisdiction of other committees of the Senate, shall be referred to such committees respectively. All such subjects of appropriation, and all appropriation bills so referred, shall be reported to the Senate by the committees to which referred, with proposed amendments, within one week of the date of such reference, and shall be printed, and referred to the Committee on Appropriations.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB].

Mr. MORRILL. I trust that the amendment will not be adopted. It would evidently procrastinate the session of the two Houses for an indefinite period if we were to have all the committees report and wait until they did report before the Committee on Appropriations should have possession of the bills. My opinion is that the business of the two Houses has never been so well performed as it was before the former duties of the Ways and Means and Finance Committees were separated. One committee ought to have the charge not only of the receipts of the Government but of its disbursements; but it was found that in the short session one committee in each House could not dispose of all the business in proper season if it had charge both of revenue matters and of all the appropriations, and, therefore, it was thought best, very properly, to separate the business of appropriations by having an independent committee for its consideration. I do think that this independent Committee on Appropriations is so large that it will overlook the details of the business that may be referred to it upon every subject, and this does not deprive the other committees of their potential power. Whenever a subject is brought here they will have their legitimate influence, and if there is anything wrong in the appropriations proposed by the Committee on Appropriations they will be heard fully.

The PRESIDING OFFICER. Shall the Chair understand the Senator from Kansas to offer this amendment as a substitute for the whole rule?

Mr. PLUMB. No.

The PRESIDING OFFICER. Where does it come in?

Mr. PLUMB. I want it to come in as a separate subdivision, but it will require, of course, if adopted, some amendment of the pending rule in order to make it harmonious. It is not necessary to perfect all the details in advance.

The PRESIDING OFFICER. The Chair now understands the Senator.

Mr. BAYARD. Mr. President, I am entirely opposed to the amendment of the Senator from Kansas; yet at the same time I do not regret that he has offered it, because it serves to emphasize the error into which, I respectfully submit, the Committee on Rules have entered in proposing, even as far as they have, to commit to the two committees here named, Internal Improvements and the District of Columbia, the conjoint consideration, first, of general legislation of matters relating to the subject-matter respecting which the committee is generally charged, and, at the same time, the duty of appropriating money to carry into effect existing laws relating to those subjects. If there be one thing that the rules of the Senate have been questioned about, if there be one subject that has constantly been challenged in the Senate, it has been the offering of inappropriate amendments to appropriation bills; and if there be one form of legislation worse than another, it is the ingrafting of provisions of general law upon appropriation bills, and yet the same effect is produced when you shall combine the two under the name of either a legislative or an appropriation bill.

I concur very largely in what was said by the Senator from Kentucky [Mr. BECK] and what was added by the Senator from Vermont [Mr. EDMUNDS], and I hope the Senate will not abandon the rule of legislation which enables the estimates of the Executive Departments to pass before a separate committee for the purpose of being examined with reference to the needs of existing law. I am very sure that, when the two functions shall be found combined in the same committee of general legislation and providing money to carry it into effect, the expenses of this Government will be found to be enormously increased.

When we speak of a system of checks and balances in powers, it is not the subject of distrust of the individuals in this body who may be charged with the performance of the duties of certain committees; it is simply that under the circumstances there is certainty by delay and there is increased security in having separate and distinct judgments upon the same subject-matter. Therefore, it is that I am glad that the error, or, as I may call it, the legislative vice proposed by the Senator from Kansas has been brought more emphatically and more broadly before the Senate by the amendment that he has offered; and I hope before the rule is accepted by the Senate that the amendments in italics proposed by the committee will of themselves be rejected.

I was disposed to believe that it were well to take the omnibus bill called the river and harbor bill, which has been the cause of so much scandal and of so much unwise legislation, in my judgment, and commit it, if you please, to a separate body. Certain it is that from one cause or another that bill seems to have swallowed up pretty much the energies of the Committee on Commerce, and very little legislation relating to commerce finds its way into the body or is considered, but everything is sacrificed to the river and harbor bill, that comes here at the end of the session and meets, I believe, the approbation of no one, although many and generally a majority find themselves constrained in some way to vote for it; but I think it would be better not even to create that separate committee; it would be better to let things go as they have, and allow the Committee on Commerce to continue in charge of this agglomeration of measures called a river and harbor bill and let it come in as a separate measure and be passed upon by them. I do not know that there is a necessity for creating a separate committee for that, although that does not fall within the line of disapproval which I have of connecting the double function of appropriation and general legislation in the same committee.

The Committee on Appropriations is not a committee of general legislation; it is nothing in the world but a committee of assessment; it is nothing but a committee to find, not whether the law is wise or right, but whether there is enough money to execute it as it stands. That is their function, no more and no less. When they go beyond it, they are assuming functions not intended for them, and when other committees shall assume their functions I think that there will be found want of wisdom in it. The recommendations and the reasons and the influence of every committee of this body can be perfectly retained in all their legitimate force in co-operation with the system of providing money to execute existing laws under the direction or suggestion of the Committee on Appropriations. Therefore I am perfectly ready to add my vote in opposition to these innovations proposed now for the first time in my knowledge in the Senate.

Mr. DAWES. Mr. President, the original proposition of the Committee on Rules, to send the particular appropriation bill for the District of Columbia to that committee in this body, seems to me to be quite a different proposition from that to refer each of the appropriation bills to different committees of the Senate, and then after their deliberating upon them to refer them to the Committee on Appropriations. Whether that particular bill should be referred to the Committee on the District of Columbia must largely be determined, I think, upon a proper distribution of labor in this body among the different committees. I do not know of anything that would come before the Committee on the District of Columbia, if this bill should be referred to that committee, that could not be as properly and as wisely considered by the Committee on Appropriations, provided the Committee on Appropriations had as much time to devote to its consideration as the Committee on the District of Columbia. Nothing in the constitution of either committee, in my opinion, would of itself indicate to which committee it would be wise to send that bill. Either committee has just as much knowledge, to begin with, of the necessities of the appropriation, the wisdom of it, and the economy of it, as the other. Neither of them comes into its place as a committee with any special knowledge upon the subject. Either of them must go through with precisely the same examination in detail, if they do their duty, that the other must, and it is only a question which of them in the distribution of the duties among committees will have the best opportunity.

But whether the appropriation bills shall be distributed around among the different committees before coming to the Committee on Appropriations, or whether they shall be distributed around and then reported, as was originally contemplated with that for the District of Columbia and for rivers and harbors, directly to the Senate for its consideration from some other committee than the Committee on Appropriations, is quite another question.

I think with the Senator from Vermont who last spoke [Mr. MORRILL], that it was a misfortune when it came to be necessary to separate the duties of the Committee on Ways and Means in the House, when that committee which considered the resources and receipts of the Government was unable also at the same time to consider and determine upon the expenditures of the Government. For seventy years or more the Government was administered upon the idea that the receipts and expenditures of the Government should be considered in both branches by one and the same committee, and they were, I think no one can doubt, more wisely and economically administered under that system than under any other possibly devised. There can be no considerable expenditure of money in the Government that does not have its proper relation to the receipts of the Government and be determined in some measure by the receipts. What is in the Treasury, what is coming into the Treasury, and what is to be expended out of the Treasury, are questions which ought to come under one general eye and one supervision as far as possible.

I admit that when the duties of the Committee on Ways and Means were separated and a new Committee on Appropriations was created in the other branch and also here, it was a necessity. The great amount of the business necessary to be considered as the country grew and as the war brought new and great questions to be decided with rapidity and upon the moment, made it absolutely necessary, and there has been no time and no possibility since that they could be united. And just so far as we do depart from that idea, that they are a unity, it is a defect; it results in larger expenditure and in my opinion in a less careful scrutiny. Every special committee, if I may so style the standing committees, to which the appropriation bills shall be distributed has

its specialty to amplify its jurisdiction and to accomplish more for its specialty than its predecessor has done, and I have never known the instance where such a reference has been made that the committee has ever come back with a bill that commended it to consideration because it had been cut down. When in the other branch they succeeded in having the agricultural bill taken from the control of the Committee on Appropriations and referred to the Committee on Agriculture it was doubled in amount. It went on increasing, and it has gone on from that very reference to this day; and so it will be with every particular appropriation bill which goes to any other committee, especially a committee that has the general subject of legislation upon any particular branch of the public service committed to it; if you put along with it the appropriations for that branch they will legislate and appropriate at the same time.

That brings me to one great defect in this report of the Committee on Rules. They have done nothing to meet the great difficulty, that while one branch is permitted by its rules to incorporate into an appropriation bill matters of independent legislation you can not in the other branch even amend the legislation which comes here. You can not offer an amendment to independent legislation in an appropriation bill which comes, under the rules of the other branch, before us, and there has been no attempt in this report, as far as I am able to discover, to meet that difficulty. Under that vice, if I may use that word without any offense, under that error, that difficulty, more trouble arises in appropriation bills, more measures are pushed through by the money power behind them in an appropriation bill, more objectionable features of independent legislation go upon the statute-book, than by any other method resorted to in Congress. It has by that new feature of it which has sprung up within a few years been made more dangerous to legislate, one branch having by its rules provided that independent legislation, without regard to its character or its extent, may be incorporated into an appropriation bill and be carried by the necessities of appropriations through that branch and brought into the other, where it can not under the rules of the body where it is sent be even amended; it must be rejected *in toto* or taken as a whole. We do not meet by any means the demands upon either branch for the amendment of their rules in reference to appropriations.

I think the Senate will find it has made a very great mistake if it goes any further than existing rules as to the reference of the different appropriation bills, if it does not hold them just as far as it can under the control of a single committee, responsible to the body and to the country for the aggregate as well as for details; a committee whose duty it is to survey the whole field when they consider any particular appropriation bill. I say this proposition to refer the river and harbor bill to a particular committee separate from the Committee on Commerce will not meet that to which I think there is a response in the country; it will disappoint those who think that by thus doing they are going to cut down river and harbor bills. That is not the way to do it. I am not one of those who join in the cry against just and proper and ample and large appropriations for rivers and harbors, but I do not want to see such a bill magnified, swollen, extended, to objects not proper to be expressed within it, which has brought all this scandal on river and harbor bills heretofore, by the ambition of any committee to which it may be referred. I would rather see it take the general course of all appropriation bills, and let the amount appropriate for particular improvements, for great public works, be measured and determined by a fair view of the whole field, by a proper consideration of the entire amount of receipts and the amount of expenditures for other matters, and let other matters be determined also by the amount proper to be appropriated for these great and important duties devolved upon the Government. The improper features of the appropriation bills, that one in particular, do not creep into them, if my experience teaches me anything, from the regular committees. The proper Committees on Appropriations of the two bodies cut down bills; they scrutinize; it is their duty to do so. They are responsible to their respective bodies for the reports they make as a whole, while each separate committee is responsible only for the particular bill referred to it, and does not consider it with the aggregate, for it does not have the aggregate before it.

With the exception of the bill in reference to the District of Columbia, and I should rather see that kept with the Committee on Appropriations, I trust that the Senate will go no further than that in taking away the appropriation bills from one committee and distributing them among the others, and dissipating the responsibility of the appropriation bills.

Mr. FRYE. Mr. President, one criticism made by the distinguished Senator from Massachusetts [Mr. DAWES] upon the action of the Committee on Rules it seems to me is not deserved by the committee. Of course to them, and to any man, the absurdity is apparent of the House of Representatives having power to send appropriation bills with general legislation over here, and under our rules no power on our part to amend that general legislation. It was discussed by the Committee on Rules and certain remedies were proposed, but every remedy which could be thought of in this particular Rule XVII appeared to the committee to be an invitation to the other House to continue that rule which permitted general legislation. Then the question came to the committee.

Is there any course open by which we can undertake in some way to prevent this general legislation? I think it is generally understood that there has been, even in the other House, a disposition growing against that rule which permits general legislation of almost every conceivable kind, allowing general legislation decreasing expenditures, and it was hoped by the committee that under a joint rule the other House to-day might consent that this whole matter should be governed and controlled. Therefore, on page 45 of this report, Rule IV of the joint rules proposed by the committee, there is a clause which provides against all general legislation on appropriation bills. If the Senate will send that to the House and the House shall agree to it, the whole trouble will be cured at once. If the Senate will send it to the House and the House shall disagree to it, and there shall be a compromise of some kind, there may be some healing in the result of that compromise. That is the only reason why the committee did not undertake in this rule itself to provide that where general legislation came over here on an appropriation bill there should be a right to amend it.

I desire to call the Senator's attention to another thing, because I do not wish him to get in opposition in advance to a measure which I think a great deal of, and for what I regard as a poor reason. The Senator thinks there will be no reduction of appropriations by sending the river and harbor bill to a separate committee. That was not what the Committee on Rules was after. The Committee on Rules was desirous to have some consideration given by the Committee on Commerce to commerce. The Senator was in the other branch long enough to know that from the day Congress met until the day it closed any consideration to any commercial question was an utter impossibility; that from the day Congress met until Congress adjourned the river and harbor bill, in the other branch at any rate, took every moment of the committee's time. If the action of the Senate committee does nothing more, if under the lead of the Senator from Massachusetts the proposed rule fails to be adopted by the Senate, it has directed the attention of the other branch to this very subject. The committee has been divided, and now I think some attention will be paid to questions of commerce, surely as important as the questions of rivers and harbors. It will not be a great while before the questions of rivers and harbors will be of little importance if we have no ships to sail into them.

Mr. President, I hope that we may have a vote. The presiding officer announced the pending question to be on the adoption of Rule XVII. My recollection is that the pending question should be on the adoption of the first amendment in clause 1. "Internal Improvements" having been passed over, by consent the words following, in italics, read:

And bills making appropriations for the expenses of the government of the District of Columbia, which shall be referred to the Committee on the District of Columbia.

That amendment was pending and was postponed, and I think the amendment offered by the Senator from Kansas would not be in order in the form in which it was offered. It might be offered as a substitute for the pending amendment.

The PRESIDING OFFICER. The rule, as the present occupant of the chair understands it, was reported as a whole, not as an amendment to any existing rule; so that the Chair thinks he was correct when he announced the question to be upon the adoption of Rule XVII. If he is mistaken, he will be very much obliged to the Senator from Maine for indicating wherein.

Mr. FRYE. I think the presiding officer is right and I am wrong, as a presiding officer is very apt to be.

Mr. MILLER, of New York. Mr. President, I gave notice yesterday that when this rule was under consideration I should move an amendment to it that the agricultural appropriation bill should be referred to the Committee on Agriculture. Afterward I understand that the Senator from Kansas entered that motion, and that that is one of the amendments now pending to this rule.

I do not desire to go into any general discussion of the propriety of sending the various appropriation bills to the committees which have under consideration the subjects of the various appropriation bills, but more particularly in regard to the reference of the appropriation bill for the Agricultural Department. It is, as we all know, impossible to put general legislation upon a general appropriation bill; and thus it is that many subjects of great importance to the farmers of this country and to the entire agricultural interest of the country are never reached in the course of the legislation of either of the two Houses.

The Department of Agriculture can scarcely be said to be fairly established. It is tentative in its character. Its duties are not thoroughly prescribed; its duties are changed from year to year by the legislation of the two Houses. The ordinary and regular expenses of the Department of Agriculture are very small, and could well be provided for in an ordinary appropriation bill; but the great interests of agriculture can not be cared for by a committee which has in charge all the expenditures of this great Government. Constantly subjects are coming up in this Department which require the expenditure of large sums of money for experimental purposes; and certainly it is not, as I have said, in the power of the Appropriations Committee to carefully and properly consider these interests.

At the present time we find that one of the great staple products of this country is to a large extent excluded by many of the European nations. I refer to the exclusion by Germany and France of the im-

portation of American pork. This is a subject which requires careful consideration. I know that the Committee on Agriculture proposes to take up the question, and it may be able to prepare a bill which shall lead to a Government inspection of all food products exported from our country. As I understand from correspondence with the State Department, the principal reason given to-day by the German Government and by the French Government for the exclusion of our pork products is that we have no governmental inspection, that there is no guarantee that the pork has been honestly packed and that it is free from disease. If some action is not had upon this question a very large proportion of the farmers of our western country will be compelled to change their form of industry and give up entirely the raising of pork for foreign export.

Another question of great importance is that of cattle diseases and the protection of our great herds of cattle from pleuro-pneumonia, which has been brought before this body; but the Committee on Agriculture has been deprived of much of its old power; it has fallen, I may say, into disuse, and the members of the committee have found it impossible to accomplish anything, and have from year to year given less attention to these great and important subjects.

The House of Representatives (and I may speak of it here as a matter of history), in the Forty-sixth Congress, in the amendment of its rules, sent the agricultural appropriation bill to the Committee on Agriculture; and I think we have already seen beneficial effects from sending that bill to the Agricultural Committee of the House. It has resulted in several appropriations for experimental purposes, appropriations which could never have been obtained from the ordinary Appropriations Committee of either House. It has resulted in great benefit. My honored friend from Massachusetts told us that it had resulted in largely increasing the agricultural appropriation bill. I am glad to know that it has resulted in somewhat increasing it; but this great interest of the country to-day has a meager appropriation of about $200,000 out of a grand budget of nearly $400,000,000. That is the amount, as I am informed by one of the members of the Appropriations Committee.

I believe that half a million or a million dollars could not be better spent to-day than by a thoroughly organized and a thoroughly equipped agricultural department—a department which should go into original investigation and original experiment. We should be able to establish a bureau of animal industry; we should be able to organize a system of Government inspection for all our food products which are exported abroad; we should undoubtedly take important steps to prevent the introduction of diseases of animals into this country. In order that this may be done it might require an appropriation of $100,000, or $200,000, or half a million dollars; but if it should require the largest sum, certainly no money could be so well and so economically expended as money applied in that direction. But so long as this question shall be left to one great committee, which has under its charge the Army, the Navy, the Treasury Department, and all the great Departments of this Government, providing for their ordinary and regular wants, the Agricultural Department will never receive the consideration which its importance deserves.

While I do not desire to go into a general discussion of this question in regard to the other appropriation bills, I am frank to say from my observation in the two Houses of Congress that one of the chief reasons to-day why we have no efficient Navy, one reason why to-day we have no sufficient seacoast defenses, will be found in the simple fact that the two great committees upon military affairs and upon naval affairs have been deprived of all power in these matters. If the question of building a new and efficient Navy lay entirely in the hands of the Naval Committee, and they had the power under our rules to bring in a bill for the building of a Navy, and if they could appropriate money in such a bill, I have no doubt whatever that we should to-day have a Navy which would be at least equal to that of some of the minor nations of South America, and instead of all of our great cities upon the Atlantic coast and upon the Pacific coast being, as we are told by the military authorities, absolutely defenseless, we should have proper coast defenses. Certainly it can not be claimed that for a number of years past there has been any deficiency in the funds of this Government to do all the things which may be necessary.

If the only object of our Government and the only object of legislation is to prevent as much expenditure as possible, then it is quite proper that all these bills should go to one grand committee, and that they in their own individual wisdom should fix the limit of the amount which could be appropriated by the Government for carrying on its great works; and then the same committee in its wisdom should proceed to divide up the sum total among the various branches of the Government. But I believe that this country is able to do any and all things which may be necessary for the good of the whole nation. If it should be found necessary to expend large sums of money upon the rebuilding of the Navy, and if the present revenue is not sufficient, the country is able to raise a revenue which shall be sufficient. If it should be found necessary, and if it should be held to be wise by the two legislative bodies of the Government to appropriate large sums of money for our seacoast defenses, then I know that the country is able to expend all the money which may be required for that purpose. If the great industry of agriculture should require a paltry $500,000 or $1,000,000 to do something in the direction which I have indicated, of establishing an inspection of all food products to be exported and of doing something in the direction of protecting our farmers from the introduction of cattle diseases, I believe that we are able to do it and that we should do it; and I believe it would be wise legislation to provide all the money that may be necessary for those purposes. I do not believe at all that it is economy to limit our expenditures in those directions by any fixed or arbitrary sums which may be agreed upon by the Appropriations Committee.

Mr. President, I believe that the Senate should at least go as far as it has already indicated by this report from the Committee on Rules, and that it should go still further, and particularly that it should refer the appropriation bills for the Agricultural Department to the Committee on Agriculture, in order that that committee may consider all these questions, for, as I have said before, the expenditures of the Agricultural Department are not like those of any other branches of the Government. The expenditures for the bureau itself are very small, but as to the expenditures which may be made in the direction of investigation and of experiment the demands are very large, and they should be made much larger than they have been heretofore.

I do not care to go into any general discussion of the other amendments which were offered by the Senator from Kansas in regard to referring all the appropriation bills to the different committees and having them reported back and then sending them to the Committee on Appropriations. That is a question which is certainly worthy of grave consideration. I do not feel that I have given that subject consideration enough to express an opinion upon it at this time. I do not understand that the question of referring the appropriations for rivers and harbors to the Internal Improvements Committee is now under consideration. I will inquire of the Senator who has this measure in charge if I am correct in that supposition, or I will make the inquiry of the Chair.

Mr. HALE. My colleague is not here. That has been reserved; it is not up at present.

Mr. MILLER, of New York. That is not to be considered in this vote; so I understood. The chairman of the Committee on Commerce is not now present, and I know he is deeply interested in that, and will desire to discuss it.

Mr. HALE. Mr. President, in order that we may reach a vote upon this subject in proper divisions, or what seems to me to be proper divisions, I will move that the words in the rule reported in clause 1 between the word "Improvements" in the fourth line and the words "District of Columbia" inclusive on the next line but one below, be stricken out, being these words:

> And bills making appropriations for the expenses of the government of the District of Columbia, which shall be referred to the Committee on the District of Columbia.

And I move also to strike out the lines which carry the same force in the lower part of the second clause:

> Also amendments proposing new items of appropriations to bills for the expenses of the government of the District of Columbia shall, before being considered, be referred to the Committee on the District of Columbia.

That will bring the vote I suppose to what Senators desire to vote upon. I get that impression from listening to the discussion. I make that motion to amend, if it is in order.

The PRESIDING OFFICER. The Chair is of opinion that it is in order, as it is to perfect the text of the rule, and takes precedence of the amendment offered by the Senator from Kansas.

Mr. HALE. I do not want to take up the time of the Senate upon this question; it is not a new one either in this body or in the other body, where my colleague, the chairman of the committee reporting this rule, had somewhat long service. There never was the time there when there was not some form or condition of a struggle to shear the Committee on Appropriations of a large part of its power; it was a struggle that constantly came up. In the course of that debate, as everybody will see who has read it, and as is shown in the extracts from it read here by the Senator from Kentucky [Mr. BECK], there was found, what will undoubtedly be found here, that there is a feeling on the part of other committees that the control of the money of the Government which is to be applied to any particular branch of the service should be in the hands of the committee raised to consider the interests and concerns of that Department. A Senator expressed it to me only a few moments ago quite epigrammatically. He said: "You give us power to legislate, but that is good for nothing without the money to carry it out." Of course it was precisely to meet that condition that one Committee on Appropriations was raised to consider all such subjects.

I know from my own experience that the tendency of the mind of a member of either of the other committees calling for appropriations each year—the Military or the Naval Committee (I will speak of the latter because I have had service upon that committee)—is to gain all the power in appropriating money possible, and connected with that is the unerring result of desiring to have the power to appropriate more money. There has never been any exception to that. I think few Senators will dispute the statement that if all the business of the Committee on Appropriations was taken from it and given to the several

committees we should then be confronted with a general scramble upon the part of each committee for more money. The Senator from Vermont [Mr. EDMUNDS] urged that point much more forcibly and clearly than I can, and his experience, never a member of the Appropriations Committee, but belonging to other committees here, taught him that.

The Committee on Appropriations is liable to make great mistakes; there is no committee that is not; but it is so situated that it has no favoritism for any branch of the Government; it considers all. First, it determines, so far as in it lies, how much money in all shall be appropriated. In the work that is now going on in the other legislative branch of the Government, in the work that is laid out by the Committee on Appropriations of the House of Representatives, one of the first things that will be considered by the moving spirits of that committee is, how much money can we afford to give for all the branches of the Government. If there is to be a movement in the interest of what is called economy, that is the fundamental question; that is first attacked, and that is a proposition in which the Committee on Appropriations has, as I have said, no favoritism. It does not want to unduly build up the Army; it does not want to extravagantly increase the Navy; it does not want to waste money on the Indian service; and so on throughout all the Departments; and so you get an action complete in itself, though, as I have said, by no means perfect. The tendency of the mind upon other committees, that is, of my own mind I know, is the other way. I am looking, if upon the Naval Committee, to that as a question of great importance. I do believe it to be. I do not think that there are many questions likely to come before this Congress of more immediate importance than that; and if I were guided only by my investigations and desires upon that committee, I know that my mind inevitably would run to a larger appropriation than it would if I was considering all the needs of all the branches of the Government. This is so apparent that it is trite to say it, and I need not urge it.

The Senator from New York who has just sat down, in speaking of his committee—an important committee, a committee touching the interests of millions of American people—said that there should be commissions, if need be investigations, as to the relation of our commerce, the exporting of different supplies of animal food to other countries—a great question, it may be, one of growing importance—and that they should have the money to do it with. There is no doubt of it. There never has been a time when every call of that kind was not most liberally responded to by the Committee on Appropriations, considering all branches. We have appropriated money for the investigation of every subject of that kind without stint I had almost said—commissions to consider the questions of metallic currency, postal conventions, all the great growing interests that came up in the fish-culture that was alluded to yesterday, because the committee is able to see that these are some of the needs of the Government

There is another thing which has occurred to me just now that seems to me an additional reason why we should proceed very carefully in the consideration of this question. The Committee on Appropriations in the Senate has within the last two years taken square and firm ground against the placing of legislation upon its bills. It has seen the evil of making appropriation bills the sluice-way for general legislation. It is happily so constituted that it is able to take that attitude and carry it out for the reason that it has no favoritism for one Department over another; and it can by its action divest itself of the power and the temptation to exercise the power of putting legislation upon the general appropriation bills because of its general jurisdiction over all appropriation bills for all the Departments. You, Mr. President, well remember how important it was considered in the last Congress. The Senator from Vermont who has spoken remembers that well. Nobody contributed to it more than he. It was considered an advance in the interests of good legislation; and that proposition was taken and maintained. But if you send the appropriation bills to the different committees on the different Departments that are charged also with legislation, you will find it to be almost or quite an impossibility that legislation shall be kept from those bills. The two need not and ought not to be mixed. There should be a committee that takes that position and maintains it and has nothing whatever to do with general legislation. I do not believe that a better formula for our legislation can be given here than that in these two propositions: the great departmental committees to consider, elaborate, perfect, and report the legislation necessary for those Departments, let them be ever so jealous in claiming the right to all that legislation; and then let there be one general committee that divests itself of all power to do that and appropriates the moneys from the general revenues of the Government. You have got in that a purer legislation, you have got a more economic result in your appropriations; and so it must have been considered by the great men who established these committees.

Mr. CALL. Mr. President, it seems to me that the whole of this question is properly determined by a consideration of what are the functions of the Committee on Appropriations. However important or unimportant, can they be dispensed with unless some better agency is found to promote the objects desired? It seems to me that the chief object of the Committee on Appropriations is to preserve a proper correspondence between the receipts and revenues of the government and its disbursements, its appropriations. How can that be done if each committee of the Senate has a right to fix the amount, so far as a committee can do it by a recommendation of the amount to be appropriated? Manifestly there can be no revising power by the Senate after the specific appropriation is fixed, if separate appropriation bills are to come from each committee. There can be no general aggregate presented by any agency whatever for the consideration of the Senate, and there can be no proportion preserved between the receipts, the revenues of the Government, and its disbursements. This, undoubtedly, is a necessary object, and one to which there can be no exception. If one committee, the Committee on the District of Columbia, has it, still the disproportion will exist. It is true there will be no great difference if that committee appropriates only a small amount, but the principle is unquestionably violated. It is necessary that there shall be a correspondence preserved between the amount of revenue received by the Government and the amount appropriated, and so far, as an incident, the Committee on Appropriations is vested with authority to make recommendations as to items of appropriation which are excessive, extravagant, or too little for the object proposed. That is a necessary incident of the great power of making such recommendations to the Senate as will preserve the proper proportion between the disbursements and the revenue of the Government.

The rule simply proposes, and so does the amendment proposed by the Senator from Kansas, that a compulsory reference shall be made to the committee instead of a voluntary exercise of the power which the committees now possess, for every committee of this body has the complete power, of its own volition, to recommend to the Senate such appropriations within the sphere of its jurisdiction as it sees fit or thinks proper to recommend. The Committee on the District of Columbia has that power now, and if the rules be insufficient for that purpose, the proper remedy manifestly is to amend the rules so that the committee may make its recommendation at any time, either when the appropriation bill is pending or before. It is manifest, therefore, that the committees have all the power now that they would have then, unless this rule shall deprive the Committee on Appropriations of its entire function of supervising and revising the aggregate of appropriations submitted to the body.

The simple question is as to the necessity of a compulsory reference, when an appropriation bill comes here from the House of Representatives, to the several committees of the items of appropriations relating to the special objects and powers of each committee. It seems to me that this view of the case settles the question. There can be no proper agency but some committee which shall have power to make recommendations looking to an aggregate of the disbursements of the Government. There can be no such looking to an aggregate without a power of revision and of supervision of each particular item of appropriation, and that has been committed to the Committee on Appropriations.

I do not perceive that there is any force in the arguments which have been submitted to us, because the committees have now absolute power to make recommendations such as they see fit upon all the subjects within the jurisdiction of each committee. As I interpret the rules, a committee has power when an appropriation bill comes here to take every item of that appropriation bill, relating to the subjects within the jurisdiction of that committee, and either recommend the appropriation according to the bill or in excess of it or in diminution of it. The simple difference, as it appears to me, proposed by this rule, is that of a compulsory reference to a committee, except so far as the rule now stands without the amendment of the Senator from Kansas that it gives to the Committee on the District of Columbia and the Committee on Internal Improvements the absolute right to recommend such appropriations as they see fit for the immediate action of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine [Mr. HALE], pending which the Chair asks indulgence to submit some messages from the President of the United States.

ILLINOIS AND MICHIGAN CANAL.

The following message from the President of the United States was read:

To the Senate and House of Representatives:

I submit a communication from the governor of the State of Illinois, with a copy of an act of the General Assembly of that State, tendering to the United States the cession of the Illinois and Michigan Canal upon condition that it shall be enlarged and maintained as a national water way for commercial purposes.

The proposed cession is an element of the subject which Congress had under consideration in directing by the act of August 2, 1882, a survey for a canal from a point on the Illinois River at or near the town of Hennepin by the most practicable route to the Mississippi River at or above the city of Rock Island, the canal to be not less than seventy feet wide at the water line, and not less than seven feet in depth of water, and with capacity for vessels of at least 280 tons burden; and also a survey of the Illinois and Michigan Canal, and an estimate of the cost of enlarging it to the dimensions of the proposed canal between Hennepin and the Mississippi River.

The surveys ordered in the above act have been completed and the report upon them is included in the last annual report of the Secretary of War, and a copy is herewith submitted. It is estimated in the report that by the enlargement of the Illinois and Michigan Canal and the construction of the proposed canal by the shortest route between Hennepin and the Mississippi River a direct and convenient thoroughfare for vessels of 280 tons burden may be opened from the Mississippi River to Lake Michigan at a cost of $8,110,286.65, and that the annual charge for maintenance would be $138,600.

It appears from these papers that the estimated yield of corn, wheat, and oats

for 1882 in the States of Illinois, Wisconsin, Iowa, Minnesota, Kansas, and Nebraska was more than a thousand million bushels. It is claimed that if the cheap water-transportation route which is now continuous from the Atlantic Ocean to Chicago is extended to the Upper Mississippi by such a canal, a great benefit in the reduction of freight charges would result to the people of the Upper Mississippi Valley, whose productions I have only partly noted, not only upon their own shipments, but upon the articles of commerce used by them, which are now taken from the Eastern States by water only as far as Chicago.

As a matter of great interest, especially to the citizens of that part of the country, I commend the general subject to your consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 8, 1884.

Mr. CULLOM. I move that the message be printed and referred to the Committee on Commerce.

Mr. EDMUNDS. Are there not accompanying papers?

Mr. CULLOM. My motion includes whatever papers accompany the message.

Mr. EDMUNDS. The papers also should be printed.

The PRESIDING OFFICER. The message will be printed, with the accompanying papers, and referred to the Committee on Commerce if there be no objection. Is there objection? The Chair hears none, and the order is made.

MISSISSIPPI RIVER COMMISSION REPORT.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith to the House of Representatives a communication from the Secretary of War, submitting the annual report of the Mississippi River Commission.

I take this occasion to invite the early attention of Congress to the continuation of the work on the Mississippi River which is being carried on under the plans of the commission. My sense of the importance of the improvement of this river, not only to the people of the Northwest but especially to the inhabitants of the Lower Mississippi Valley, has already been expressed in a special communication to the last Congress. The harvests of grain and cotton produced in the region bordering upon the Mississippi are so vast as to be of national importance, and the project now being executed for their cheap transportation should be sufficiently provided for.

The commission report that the results due to the still uncompleted works have been remarkable and give the highest encouragement for expecting the ultimate success of the improvement.

The act of August 2, 1882, appropriated $4,123,000 for the work on that part of the river below Cairo. The estimates of the commission already transmitted to Congress call for $3,000,000 for the continuation of the work below Cairo, and it appears from their report that all of the last appropriation available for active operations has been exhausted, and that there is urgently needed an immediate appropriation of $1,000,000 to continue the work without loss of time, in view of the approach of the flood season, with its attendant dangers.

I therefore recommend to Congress the early passage of a separate bill on this subject.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 8, 1884.

Mr. HARRIS. I move that the communication be referred to the Committee on the Improvement of the Mississippi River and Tributaries.

The motion was agreed to.

EXPENDITURES OF DEPARTMENT OF JUSTICE.

The PRESIDING OFFICER laid before the Senate a letter from the Secretary of the Treasury, transmitting, in compliance with Senate resolution of December 13, 1883, copies of all vouchers not heretofore communicated to the Senate audited by the First Auditor on account of expenses incurred by the Department of Justice since March 4, 1881; which was read.

Mr. VAN WYCK. I move that those papers be printed and laid on the table.

Mr. EDMUNDS. They should be referred in the end, I think, as they respect judicial matters, to the Committee on the Judiciary, but I have no objection to their being printed and lying on the table for the present.

Mr. VAN WYCK. I will probably in the future have no objection to that disposition of the matter, but I thought it best at present that they should take the course I have indicated.

The PRESIDING OFFICER. That order will be made if there be no objection. The Chair hears none.

DETACHED ARMY SERVICE.

The PRESIDING OFFICER laid before the Senate a letter from the Secretary of War, transmitting, in compliance with Senate resolution of December 10, 1883, a statement of the names and rank of officers of the Army on detached service, &c., including officers on sick leave, &c.; which, on motion of Mr. PLUMB, was referred to the Committee on Military Affairs, and ordered to be printed.

TRADE WITH CUBA AND PORTO RICO.

Mr. MILLER, of California, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he is hereby, requested, if in his opinion it is not incompatible with the public interests, to furnish for the information of the Senate copies of any papers in his possession relative to any correspondence or negotiations with the Government of Spain upon the subject of discriminating duties upon commerce between the United States and Cuba and Porto Rico.

FOX AND WISCONSIN RIVER IMPROVEMENT.

Mr. SAWYER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States, That the Secretary of War be, and he is hereby, instructed to report to the Senate what legislation, if any, is necessary for the immediate carrying out of the proviso contained in the appropriation for improving the Fox and Wisconsin Rivers, a part of chapter 375 of the laws passed by the Forty-seventh Congress, which proviso is in these words: "*Provided*, That the Secretary of War shall, without delay, cause the channel of the Lower Fox River, between Lake Winnebago and the upper Government dam at Appleton, to be restored to its natural width and capacity, and shall cause such changes and alterations to be made in the dams at Menasha and Appleton, not inconsistent with security to navigation, as may be necessary to reduce to and maintain the waters of Lake Winnebago and Lake Butte des Morts respectively at their natural height;" and to furnish such suggestions as may in his opinion be pertinent as to the method of carrying out said proviso, and what, if any, lands it is necessary to take and appropriate in order to carry out the same.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BLAIR, it was

Ordered, That the papers in the case of Isaac Polhamus, jr., and others, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. JONAS, it was

Ordered, That Mrs. Myra Clarke Gaines be permitted to withdraw from the files of the Senate the papers in relation to her claim, subject to the rules of the Senate.

COMPENSATION OF CONGRESSIONAL EMPLOYÉS.

Mr. PLATT. By the act of March 3, 1883, a joint commission was appointed to consider the question of the salaries and compensation of the officers and employés of the Senate and House of Representatives, respectively, and also the number of such employés necessary for the official transaction of the business of the two Houses, and it was directed to report at a given day, and also to recommend legislation on the subject. The commission has met, and after a good deal of consultation and investigation has been unable to arrive at any such conclusion that it is able to agree upon any legislation. I, as chairman of the commission, present now the report of the commission, and move that it lie on the table and be printed.

The motion was agreed to.

SPECIAL ASSISTANT ATTORNEYS.

Mr. VAN WYCK submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the Committee on the Judiciary be directed to examine and report what legislation, if any, is necessary to restrict the appointment of special assistant attorneys and special agents or detectives in Department of Justice, and report by bill or otherwise.

EXECUTIVE SESSION.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

Mr FRYE. I understand the report of the Committee on Rules to be the unfinished business.

The PRESIDING OFFICER. That remains the unfinished business. The question is on the motion of the Senator from New York.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 17 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 45 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 8, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

THE JOURNAL.

The Clerk proceeded to read the Journal of the proceedings of yesterday, when

Mr. RYAN said: I ask unanimous consent that the reading of so much of the Journal as relates to the introduction of bills and joint resolutions be dispensed with.

There being no objection, it was ordered accordingly.

The residue of the Journal having been read, the Journal was approved.

COMMITTEE CLERKS.

Mr. RANDALL, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Accounts be, and it is hereby, authorized and directed to designate the committees which in the judgment of the said Committee on Accounts should be allowed clerks for the present Congress under the legislative, judicial, and executive appropriation bill for the year ending June 30, 1884, and to report to the House without delay for its action thereon.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING FOR COMMITTEE ON APPROPRIATIONS.

Mr. RANDALL. I am directed by the Committee on Appropriations to ask unanimous consent for the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be authorized to have printed or bound all documents for the use of said committee that they may deem necessary in connection with subjects in relation to appropriations being considered or to be considered by the said committee during the present Congress.

Mr. RANDALL. This, Mr. Speaker, is the usual resolution.

There being no objection, the resolution was considered and adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. HUNT, by unanimous consent, introduced a joint resolution (H. Res. 78) for the immediate appropriation of $1,000,000, in accordance with the urgent request of the Mississippi River commission, for the preservation, repair, and construction of certain works of said river; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

PRACTICE IN PATENT SUITS.

Mr. CALKINS. I ask unanimous consent for the present consideration of the bill (H. R. 311) to regulate practice in patent suits.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any suit hereafter brought, in any court having jurisdiction in patent cases, for an alleged use or infringement of any patented article, device, process, invention, or discovery, where it shall appear that the defendant in such suit purchased the same in good faith for his own personal use from the manufacturer thereof, or from a person or firm engaged in the open sale or practical application thereof, and applied the same for and to his own use, and not for sale, and not in any manufacturing process, if the plaintiff shall not recover the sum of twenty dollars or over, the defendant shall recover costs, unless it shall also appear that the defendant, at the time of such purchase or practical application, had actual knowledge or notice of the existence of such patent, or unless the defendant puts in issue the plaintiff's right to recover anything in the suit: *Provided*, That nothing herein contained shall apply to articles manufactured outside of the United States.

SEC. 2. That in all suits hereafter brought as aforesaid against a defendant other than a manufacturer or seller of such patented article, device, process, invention, or discovery, the plaintiff shall, at the commencement of such suit, give a bond, to the approval of the clerk, with sufficient surety, to be conditioned that the plaintiff will pay all costs and attorneys' fees that may be adjuged against him; and if the defendant shall finally prevail in such suit, the court shall allow costs, and a reasonable sum, not exceeding $50, for counsel fees, to the defendant, which shall be recoverable by suit, in the name of the clerk, upon said bond, or by fee-bill on execution. A failure by the plaintiff to give such bond shall, on motion, be ground for dismissal of the suit.

The SPEAKER. Is there unanimous consent for the present consideration of the bill which has been read?

Mr. RICE and Mr. KELLEY objected.

Mr. VANCE. The Committee on Patents are preparing to consider that subject, and will no doubt report upon it during the present session.

Mr. CALKINS. The necessity for a measure of this kind is very urgent. [Cries of "Regular order."]

AID TO TELEGRAPH COMPANIES.

Mr. BINGHAM. I rise to a privileged question. I have been directed by the Committee on the Post-Office and Post-Roads to report back with a favorable recommendation the resolution which I send to the desk.

The SPEAKER. That is a privileged matter under the rule, which requires resolutions of inquiry referred to committees to be reported back within one week.

The resolution was read, as follows:

Whereas Congress has at various times since the 1st day of July, 1862, passed laws aiding in the construction of railroad and telegraph lines by the loan of United States bonds and grants of land; and

Whereas the operation of said telegraph lines for the Government and the public are inseparable from the operation of the railroad lines as a condition of said aid in bonds and lands: Therefore,

Resolved, That the Secretary of the Interior be requested to report to the House whether any railroad company so aided has granted, or attempted to grant, to any other corporation or telegraph company any rights to operate the lines of telegraph belonging to said railroad company, so as to prevent the said railroad company from fully performing its duties to the Government and the public or from granting equal facilities in all respects to all persons and corporations without discrimination.

The SPEAKER. The question is on agreeing to this resolution.

Mr. TOWNSHEND. I would like the gentleman to state the action of the committee to which the resolution has been referred.

Mr. BINGHAM. I have been unanimously directed to report the resolution back with a recommendation that it be adopted.

The resolution was agreed to.

Mr. BINGHAM moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRITISH SPY IN POST-OFFICE DEPARTMENT.

Mr. MONEY. I rise to make a privileged report. The Committee on the Post-Office and Post-Roads have unanimously directed me to report back without amendment the resolution which I send to the desk.

The Clerk read as follows:

Whereas it has been publicly and repeatedly stated in the public press that a British spy named M. E. O'Brien had been allowed to tamper with the American mails in the city of New York, and, known as such to the United States Inspector Newcome, was by him permitted to visit his office in the New York post-office, where he had apparently unlimited opportunity to tamper with and open the correspondence of American merchants and citizens, and where he laid his plans for entrapping those unfortunate men, some of them American citizens, who were recently tried in Liverpool and sentenced to imprisonment for life: Therefore,

Resolved, That the Postmaster-General is hereby directed to examine into this matter and communicate to this House the facts and circumstances connected therewith, together with the correspondence relating thereto.

The resolution was considered and adopted.

Mr. MONEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Several members demanded the regular order.

The SPEAKER. The regular order being demanded, the Chair, in pursuance of the unanimous consent given yesterday, will resume the call of States and Territories for the introduction of bills and joint resolutions.

LEAVE OF ABSENCE TO LETTER-CARRIERS, ETC.

Mr. SKINNER, of New York, introduced a bill (H. R. 2409) granting letter-carriers and clerks in first and second class post-offices thirty days' leave of absence in each fiscal year; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COMPENSATION OF THIRD-CLASS POSTMASTERS.

Mr. SKINNER, of New York, also introduced a bill (H. R. 2410) to amend section 3860 of the Revised Statutes, allowing compensation to post-offices of the third class for office-rent, clerk-hire, &c.; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOHN WALLACE.

Mr. ROBINSON, of New York, introduced a bill (H. R. 2411) for the relief of John Wallace; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY A. REYNOLDS.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 2412) for the relief of Mary A. Reynolds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS H. ELLISON.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 2413) for the relief of Francis H. Ellison; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COURT DRESS.

Mr. ROBINSON, of New York, also submitted the following resolution of inquiry; which was referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State is hereby directed to inform this House whether our ministers to foreign countries obey the law of March 27, 1867, in reference to dress at foreign courts, and if any correspondence has been had on this subject since the passage of said law, that copies of such correspondence may be communicated to this House for its information and action.

BUTLER & PITKIN.

Mr. ROBINSON, of New York, also introduced a joint resolution (H. Res. 79) for the relief of the late firm of Butler & Pitkin; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BILLS OF LADING.

Mr. DORSHEIMER introduced a bill (H. R. 2414) to make bills of lading conclusive evidence in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SPANISH FERRY-BOAT.

Mr. DORSHEIMER also introduced a bill (H. R. 2415)) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Senora de Regela; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ABOLISHING DUTIES ON TIMBER, ETC.

Mr. DORSHEIMER also introduced a bill (H. R. 2416) abolishing duties on timber, lumber, and other products of the forest; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. MARY LOUISE CRAVEN.

Mr. DORSHEIMER also introduced a bill (H. R. 2417) granting an increase of pension to Mrs. Marie Louise Craven; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COPYRIGHT.

Mr. DORSHEIMER also introduced a bill (H. R. 2418) granting copyrights to citizens of foreign countries; which was read a first and second time.

The SPEAKER. The bill will be referred to the Committee on Patents.

Mr. DORSHEIMER. I move that it be referred to the Committee on the Judiciary.

The SPEAKER. The Chair thinks under the rules of the House it should go to the Committee on Patents.

Mr. COX, of New York. The bill looks to legislation in reference to the law of copyright, and it might as well go to the Committee on the Judiciary.

The SPEAKER. The Chair will put the question to the House.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT NUTT.

Mr. RAY, of New York, introduced a bill (H. R. 2419) granting a pension to Robert Nutt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB MAYER.

Mr. RAY, of New York, also introduced a bill (H. R. 2420) granting a pension to Jacob Mayer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARRIAGE AND DIVORCE.

Mr. RAY, of New York, also introduced a joint resolution (H. Res. 80) proposing an amendment to the Constitution of the United States, giving to Congress power to pass uniform laws regulating marriage and divorce in the several States and Territories; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMITATION BUTTER AND CHEESE.

Mr. RAY, of New York, also introduced a bill (H. R. 2421) to regulate the exportation of articles made in imitation of butter and cheese; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PREVENTION OF PENSION FRAUDS.

Mr. BAGLEY also introduced a bill (H. R. 2422) to protect applicants for pension and to prevent frauds on the Pension Office; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABOLITION OF TRADE-DOLLAR.

Mr. BAGLEY also introduced a bill (H. R. 2423) for the purchase of the trade-dollar with fractional coins of the United States and repealing the act authorizing the coinage of the trade-dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

WILLIAM E. WOODBRIDGE.

Mr. BAGLEY also introduced a bill (H. R. 2424) to authorize the Commissioner of Patents to hear and determine the application of William E. Woodbridge for an extension of letters patent; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PRIVATE AND LOCAL BILLS.

Mr. BEACH introduced a joint resolution (H. Res. 81) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CATHARINE HENRY.

Mr. BEACH also introduced a bill (H. R. 2425) granting a pension to Catharine Henry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOVERNMENT AID TO PRIVATE CORPORATIONS.

Mr. BEACH also introduced a joint resolution (H. Res. 82) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGE ACROSS HUDSON RIVER.

Mr. BEACH also introduced a bill (H. R. 2426) to authorize the construction of a bridge across the Hudson River between Storm King and Break Neck Mountains, in the State of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STATUTE OF LIMITATIONS.

Mr. BEACH also introduced a joint resolution (H. Res. 83) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REPEAL OF SECTION 2771, REVISED STATUTES.

Mr. BEACH also introduced a bill (H. R. 2427) to repeal section 2771 of the Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PHILEMON B. PURVIS.

Mr. BEACH also introduced a bill (H. R. 2428) granting a pension to Philemon B. Purvis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATURALIZATION

Mr. BEACH also introduced a joint resolution (H. Res. 84) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

VETO POWER.

Mr. BEACH also introduced a joint resolution (H. Res. 85) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. KATE L. CUSHING.

Mr. BREWER, of New York, introduced a bill (H. R. 2429) to place the name of Mrs. Kate L. Cushing, widow of the late Commander William B. Cushing, on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEBREW PERSECUTION, RUSSIA.

Mr. COX, of New York, introduced the following resolution of inquiry; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the President of the United States, if not incompatible with the public service, communicate to this House all communications between the Government of Russia and that of the United States, not heretofore communicated, with respect to the condition and treatment of Hebrews by the Government of Russia, and especially with reference to Hebrew citizens of the United States.

COL. CHARLES C. LONG.

Mr. COX, of New York, also introduced a joint resolution (H. Res. 86) tendering the thanks of Congress to Col. Charles C. Long; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

FREE SHIPS AND SHIP MATERIALS.

Mr. COX, of New York, also introduced a bill (H. R. 2430) amendatory of title 48 of the Revised Statutes of the United States, so as to authorize the purchase of foreign-built ships by citizens of the United States for use in the foreign carrying trade and for free-ship materials; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

SILVER THREE-CENT COINAGE.

Mr. COX, of New York, also introduced a bill (H. R. 2431) to prohibit the coinage of the three-cent piece of silver; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

MRS. JANE YOUNG.

Mr. COX, of New York, also introduced a bill (H. R. 2432) for the relief of Mrs. Jane Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LICENSE TAX—COMMERCIAL TRAVELERS.

Mr. COX, of New York, also introduced a bill (H. R. 2433) to relieve commercial travelers from license taxes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REAR-ADMIRAL J. W. A. NICHOLSON.

Mr. COX, of New York, also introduced a joint resolution (H. Res. 87) to authorize J. W. A. Nicholson, rear-admiral in the United States Navy, to accept certain decorations and presents from foreign governments; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LETTER-CARRIERS.

Mr. COX, of New York, also introduced a bill (H. R. 2434) for the relief of letter-carriers; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MONUMENTS ON BATTLE-FIELDS.

Mr. COX, of New York, also introduced a bill (H. R. 2435) to encourage the societies of the vicinage to erect monuments on battle-fields; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

GEORGE CONWAY.

Mr. SLOCUM introduced a bill (H. R. 2436) for the relief of George Conway; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IMPROVEMENT OF THE ARMY.

Mr. SLOCUM also introduced a bill (H. R. 2437) to improve the condition of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HIRAM ANDERSON ET AL.

Mr. SLOCUM also introduced a bill (H. R. 2438) for the relief of

Hiram Anderson and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN T. HALL.

Mr. SLOCUM also introduced a bill (H. R. 2439) for the relief of John T. Hall; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

USEBUS SWEET.

Mr. NUTTING (by request) introduced a bill (H. R. 2440) granting a pension to Usebus Sweet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISONERS IN CONFEDERATE PRISONS.

Mr. NUTTING also introduced a bill (H. R. 2441) granting pensions to all soldiers and sailors of the rebellion who were confined in confederate prisons and certain of their heirs in case of their decease; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

CHARLES H. GETMAN ET AL.

Mr. NUTTING also introduced a bill (H. R. 2442) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, to the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co. certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs and before the same had entered into consumption; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN DRISCOLL.

Mr. NUTTING also introduced a bill (H. R. 2443) to relieve John Driscoll, late of Company B, Second Battalion Sixteenth United States Infantry, from charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZABETH AND H. F. STOUGHTON.

Mr. JOHNSON introduced a bill (H. R. 2444) for the relief of Elizabeth Stoughton and Hattie F. Stoughton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS B. NICHOLS.

Mr. JOHNSON also introduced a bill (H. R. 2445) for the relief of Thomas B. Nichols; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SARAH CARTER.

Mr. JOHNSON also introduced a bill (H. R. 2446) for the relief of Sarah Carter; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CATHERINE TERRY.

Mr. JOHNSON also introduced a bill (H. R. 2447) for the relief of Catherine Terry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY RESERVATION AT PLATTSBURG, N. Y.

Mr. JOHNSON also introduced a bill (H. R. 2448) dedicating the military reservation at Plattsburg, N. Y., to the village of Plattsburg for a public park; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARLEM RIVER NAVIGATION.

Mr. JOHNSON also introduced a joint resolution (H. Res. 88) authorizing and requiring the Secretary of War to contract for the improvement of Harlem River navigation; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURETIES ON OFFICIAL BONDS.

Mr. MILLARD introduced a bill (H. R. 2449) to enable corporations to become sureties on official bonds; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DEFENSE OF FRONTIER IN 1864.

Mr. ROGERS, of New York, introduced a joint resolution (H. Res. 89) authorizing the Secretary of the Treasury to pay certain expenditures incurred by the State of New York for the defense and protection of the frontier from invasion from Canada in the year 1864; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SERGT. A. B. VAN HEUSEN.

Mr. ROGERS, of New York, also introduced a joint resolution (H. Res. 90) authorizing the Secretary of the Treasury to turn over, free of duty, a silver cup, won by Sergt. A. B. Van Heusen as a member of the American rifle team at Wimbledon in July, 1883; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REFUND OF DUTIES ON ARMS.

Mr. ROGERS, of New York, also introduced a bill (H. R. 2450) to refund duties paid by the State of New York on arms imported in 1863; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PHŒBE H. MEECH.

Mr. ROGERS, of New York, also introduced a bill (H. R. 2451) granting a pension to Phœbe H. Meech; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES GILBERT.

Mr. ROGERS, of New York, also introduced a bill (H. R. 2452) for the relief of James Gilbert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANK S. MARSH.

Mr. ROGERS, of New York, also introduced a bill (H. R. 2453) granting a pension to Frank S. Marsh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN AMMAHAIE.

Mr. ROGERS, of New York, also introduced a bill (H. R. 2454) explanatory of an act directing the Second Auditor to settle the pay and bounty account of John Ammahaie (or Ammahe) passed June 30, 1876; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

ISHMAEL JONES.

Mr. SPRIGGS introduced a bill (H. R. 2455) granting a pension to Ishmael Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA STOKES.

Mr. SPRIGGS also introduced a bill (H. R. 2456) granting a pension to Julia Stokes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD DILLON.

Mr. SPRIGGS also introduced a bill (H. R. 2457) granting a pension to Richard Dillon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET CORRIGON.

Mr. SPRIGGS also introduced a bill (H. R. 2458) granting a pension to Margaret Corrigon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH AURAND.

Mr. SPRIGGS also introduced a bill (H. R. 2459) for the relief of Elizabeth Aurand; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE TEACHOUT.

Mr. SPRIGGS also introduced a bill (H. R. 2460) for the relief of Catharine Teachout; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH AURAND.

Mr. SPRIGGS also introduced a bill (H. R. 2461) for the relief of Elizabeth Aurand; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. POPE.

Mr. SPRIGGS also introduced a bill (H. R. 2462) to confirm the title of Benjamin F. Pope to his office of assistant surgeon in United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INTEREST ON WAR LOANS BY STATES.

Mr. STEVENS introduced a bill (H. R. 2463) to reimburse the several States for interest paid on war loans, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POSTAL CLERKS.

Mr. STEVENS also introduced a bill (H. R. 2464) authorizing the Postmaster-General to grant postal clerks leave of absence with pay in case of injury by railroad accident while on duty, and to pay one year's salary to the widow or the guardian of the minor children of any postal clerk killed while on duty by railroad accident; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

GEORGE DAVY.

Mr. STEVENS also introduced a bill (H. R. 2465) for the relief of George Davy, granting him arrears of pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. MATHER.

Mr. STEVENS also introduced a bill (H. R. 2466) for the relief of

George W. Mather; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS AGAINST FRANCE.

Mr. STEVENS also submitted the following resolution; which was read, and, under the rule, referred to the Committee on Foreign Affairs:

Resolved, That the President of the United States be, and he is hereby, requested to communicate to the House of Representatives, if not incompatible with the public interest, copies of any correspondence that may have taken place between the Government of the United States and the Government of the French Republic relative to the withdrawal from the French and American Claims Commission of the claims of citizens of the United States for indemnity for property captured on the high seas by the naval forces of the French Republic and alleged to have been condemned as prize of war, and copies of the instructions issued to the agents and counsel of the United States and to the commissioner on the part of the United States before said commission relative to the withdrawal of said claims.

FRENCH AND AMERICAN CLAIMS COMMISSION.

Mr. STEVENS also introduced a joint resolution (H. Res. 91) with reference to the claims of the commission between the Governments of France and the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

FRANK M. WOODRUFF.

Mr. PAYNE introduced a bill (H. R. 2467) granting an increase of pension to Frank M. Woodruff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN STEVENS.

Mr. PAYNE also introduced a bill (H. R. 2468) granting a pension to John Stevens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL WOOD.

Mr. PAYNE also introduced a bill (H. R. 2469) granting a pension to Michael Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COL. JAMES C. DUANE.

Mr. BELMONT introduced a bill (H. R. 2470) for the relief of Col. James C. Duane, Corps of Engineers, brevet brigadier-general United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE M. HAWKINS.

Mr. BELMONT also introduced a bill (H. R. 2471) granting a pension to George M. Hawkins; which was read a first and second time, referred to the Committee and Pensions, and ordered to be printed.

THOMAS C. ELLISON.

Mr. VAN ALSTYNE introduced a bill (H. R. 2472) for the relief of Thomas C. Ellison; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARGARET A. CASWELL.

Mr. VAN ALSTYNE also introduced a bill (H. R. 2473) for the relief of Margaret A. Caswell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. CAMPBELL, of New York, introduced a bill (H. R. 2474) to amend sections 1298 and 1302 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF OF INSURANCE COMPANIES.

Mr. DORSHEIMER (by request) introduced a bill (H. R. 2475) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, and the Commercial Mutual Insurance Company, all of New York city; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SALE OF NAVY-YARD PROPERTY, BROOKLYN, N. Y.

Mr. CAMPBELL, of New York, introduced a bill (H. R. 2476) providing for the sale of navy-yard and United States hospital land on and near Wallabout Bay, in the city of Brooklyn, N. Y.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HEIRS OF RANDOLPH LESCHOT.

Mr. GREENLEAF introduced a bill (H. R. 2477) for the extension of letters patent to the heirs of Randolph Leschot; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CHARLES PERLEY.

Mr. HARDY introduced a bill (H. R. 2478) for the relief of Charles Perley; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ANN JANE MACKEY.

Mr. HARDY also introduced a bill (H. R. 2479) granting a pension to Ann Jane Mackey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET KEARNS.

Mr. HARDY also introduced a bill (H. R. 2480) granting a pension to Margaret Kearns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD H. BIRMINGHAM.

Mr. POTTER introduced a bill (H. R. 2481) for the relief of Richard H. Birmingham; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. GEORGE P. M'CARTHY.

Mr. POTTER (by request) also introduced a bill (H. R. 2482) for the relief of the widow of George P. McCarthy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS THACHER.

Mr. POTTER also introduced a bill (H. R. 2483) for the relief of Thomas Thacher; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NORMAN WIARD.

Mr. POTTER (by request) also introduced a bill (H. R. 2484) for the relief of the creditors and assigns of Norman Wiard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TREADWELL SEAMAN, JR.

Mr. POTTER (by request) also introduced a bill (H. R. 2485) for the relief of Treadwell Seaman, jr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMITTEE STENOGRAPHERS, HOUSE OF REPRESENTATIVES.

Mr. POTTER (by request) also introduced a bill (H. R. 2486) relating to stenographers of committees of the House of Representatives; which was read a first and second time, referred to the Committee on the Rules, and ordered to be printed.

GENERAL W. W. AVERELL.

Mr. ARNOT introduced a bill (H. R. 2487) authorizing the retirement of Bvt. Maj. Gen. William W. Averell, United States Army, with the rank and pay of a brigadier-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

R. D. HAY.

Mr. SCALES introduced a bill (H. R. 2488) for the relief of R. D. Hay; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PETER K. DEDERICK.

Mr. VANCE introduced a bill (H. R. 2489) for the relief of Peter K. Dederick; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed

WILLIAM WHEELER HUBBELL.

Mr. VANCE also introduced a bill (H. R. 2490) to determine the rights of William Wheeler Hubbell and the United States, respectively, therein stated; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

FREE BRIDGE, GEORGETOWN, D. C.

Mr. VANCE (by request) also introduced a bill (H. R. 2491) to provide a free bridge across the Potomac River at Georgetown, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SYLVESTER MITCHELL.

Mr. VANCE also introduced a bill (H. R. 2492) for the relief of Sylvester Mitchell, a loyal citizen of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARY MERRILL.

Mr. VANCE also introduced a bill (H. R. 2493) granting a pension to Mrs. Mary Merrill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRYAN TYSON.

Mr. VANCE (by request) also introduced a bill (H. R. 2494) for the relief of Bryan Tyson, to indemnify him for loss on a certain mail contract; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

H. J. WILSON.

Mr. VANCE also introduced a bill (H. R. 2495) for the relief of H. J. Wilson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTIN HUBBARD.

Mr. VANCE also introduced a bill (H. R. 2496) for the relief of Martin Hubbard, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DOUGLASS SYPHAX AND OTHERS.

Mr. O'HARA (by request) introduced a bill (H. R. 2497) for the relief of Douglass Syphax and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CIVIL RIGHTS.

Mr. O'HARA also introduced a joint resolution (H. Res. 92) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REBATE ON TOBACCO.

Mr. GREEN introduced a bill (H. R. 2498) to provide for the payment to jobbers and dealers in manufactured tobacco of such sums of money as have been and may hereafter be found due them on claims presented for rebate of taxes under the provision of section 4 of the act of March 3, 1883; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JOSEPH C. HOGAN.

Mr. COX, of North Carolina, introduced a bill (H. R. 2499) for the relief of Joseph C. Hogan, of North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, DURHAM, N. C.

Mr. COX, of North Carolina, also introduced a bill (H. R. 2500) to provide for the erection of a public building for the accommodation of the post-office, custom-house, and other Government offices in the city of Durham, in the State of North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CLARENCE W. DE KNIGHT.

Mr. DOWD introduced a bill (H. R. 2501) for the relief of Clarence W. De Knight; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

JOSEPH BOST.

Mr. DOWD also introduced a bill (H. R. 2502) for the relief of Joseph Bost; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STEPHEN JOHNSON.

Mr. YORK introduced a bill (H. R. 2503) for the relief of Stephen Johnson, of Alleghany County, North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES KILBY.

Mr. YORK also introduced a bill (H. R. 2504) for the relief of James Kilby; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RACHEL DANCY.

Mr. YORK also introduced a bill (H. R. 2505) for the relief of Rachel Dancy, of Wilkes, North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM JENNINGS.

Mr. YORK also introduced a bill (H. R. 2506) for the relief of William Jennings; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M'FADDEN.

Mr. McKINLEY introduced a bill (H. R. 2507) for the relief of John McFadden; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH R. WHITE.

Mr. McKINLEY introduced a bill (H. R. 2508) for the relief of Joseph R. White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANN H. CUNNINGHAM.

Mr. McKINLEY also introduced a bill (H. R. 2509) granting an increase of pension to Ann H. Cunningham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID HARRINGTON.

Mr. McKINLEY also introduced a bill (H. R. 2510) to remove the charge of desertion against David Harrington; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL BAKER.

Mr. McCORMICK introduced a bill (H. R. 2511) granting an increase of pension to Samuel Baker; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. M. W. REED.

Mr. McCORMICK also introduced a bill (H. R. 2512) granting a pension to Mrs. M. W. Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed

MARIA ASHFORD.

Mr. McCORMICK also introduced a bill (H. R. 2513) granting a pension to Maria Ashford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD F. VANCE.

Mr. McCORMICK also introduced bill (H. R. 2514) for the relief of Edward F. Vance; which was read a first and second time, referred to the Committee on Invalid Pensions. and ordered to be printed.

RICHARD ELSWICK.

Mr. McCORMICK also introduced a bill (H. R. 2515) granting a pension to Richard Elswick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED F. CUMPSTON.

Mr. McCORMICK also introduced a bill (H. R. 2516) granting a pension to Alfred F. Cumpston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN CLEMMONS.

Mr. McCORMICK also introduced a bill (H. R. 2517) granting a pension to John Clemmons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS H. BUSH.

Mr. McCORMICK also introduced a bill (H. R. 2518) granting a pension to Thomas H. Bush; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL O'NEIL, SR.

Mr. McCORMICK also introduced a bill (H. R. 2519) granting a pension to Michael O'Neil, sr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALLY ANN BRADLEY.

Mr. McCORMICK also introduced a bill (H. R. 2520) granting a pension to Sally Ann Bradley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DARLING.

Mr. McCORMICK also introduced a bill (H. R. 2521) granting a pension to John Darling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN Q. BELLVILLE.

Mr. McCORMICK also introduced a bill (H. R. 2522) granting a pension to John Q. Bellville; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELMER A. JOHNSON.

Mr. McCORMICK also introduced a bill (H. R. 2523) granting a pension to Elmer A. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY TUMINE.

Mr. McCORMICK also introduced a bill (H. R. 2524) granting a pension to Mary Tumine; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LOGAN COUNTY, OHIO.

Mr. KEIFER introduced a bill (H. R. 2525) to transfer Logan County from the western division of the northern judicial district of Ohio to the eastern division of the southern district of said State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREDERICK W. KOEHLER.

Mr. KEIFER also introduced a bill (H. R. 2526) for the relief of Frederick W. Koehler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY J. SHARP.

Mr. KEIFER also introduced a bill (H. R. 2527) granting a pension to Henry J. Sharp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARINDA W. REED.

Mr. KEIFER also introduced a bill (H. R. 2528) granting a pension to Marinda W. Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER B. JEENBARGER.

Mr. KEIFER also introduced a bill (H. R. 2529) granting a pension to Alexander B. Jeenbarger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. BARR.

Mr. KEIFER also introduced a bill (H. R. 2530) for the relief of James A. Barr; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER MOTT.

Mr. GEDDES introduced a bill (H. R. 2531) to remove the charge of desertion from the military record of Peter Mott; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SARAH MEAD.

Mr. GEDDES also introduced a bill (H. R. 2532) granting a pension to Sarah Mead; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLOTTE BUCK.

Mr. GEDDES also introduced a bill (H. R. 2533) granting a pension to Charlotte Buck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM T. ALEXANDER.

Mr. MURRAY introduced a bill (H. R. 2534) for the relief of William T. Alexander; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM ARCHIBALD.

Mr. MURRAY also introduced a bill (H. R. 2535) granting a pension to William Archibald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL MACK.

Mr. MURRAY also introduced a bill (H. R. 2536) granting a pension to Michael Mack; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HUGH RYAN.

Mr. MURRAY also introduced a bill (H. R. 2537) granting a pension to Hugh Ryan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIANA ELDERMEIER.

Mr. MURRAY also introduced a bill (H. R. 2538) granting a pension to Christiana Eldermeier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. KISER.

Mr. MURRAY also introduced a bill (H. R. 2539) granting a pension to George W. Kiser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISCILLA J. SMALL.

Mr. MURRAY also introduced a bill (H. R. 2540) granting a pension to Priscilla J. Small; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. M'PHERSON.

Mr. MURRAY also introduced a bill (H. R. 2541) granting a pension to William J. McPherson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC H. LYNN.

Mr. MURRAY also introduced a bill (H. R. 2542) granting a pension to Isaac H. Lynn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES RODEN.

Mr. MURRAY also introduced a bill (H. R. 2543) granting a pension to James Roden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. MURRAY also introduced a bill (H. R. 2544) amending the law granting pensions to the soldiers and sailors of the war of 1812 and their widows, and extending its provisions to the soldiers, sailors, and marines employed in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN SCHMIDT.

Mr. MURRAY also introduced a bill (H. R. 2545) granting a pension to John Schmidt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB KASERMAN.

Mr. MURRAY also introduced a bill (H. R. 2546) granting a pension to Jacob Kaserman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK M'NICHOLAS.

Mr. MURRAY also introduced a bill (H. R. 2547) granting a pension to Patrick McNicholas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES DOENHORDT.

Mr. MURRAY also introduced a bill (H. R. 2548) to relieve Charles Doenhordt from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DEPARTMENT OF INDUSTRY.

Mr. FORAN (by Mr. FOLLETT) introduced a bill (H. R. 2549) to establish and maintain a department of industry; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

IMPORTATION OF CONTRACT LABORERS.

Mr. FORAN (by Mr. FOLLETT) also introduced a bill (H. R. 2550) to prohibit the importation of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

CHARLES MUNROE.

Mr. FORAN (by Mr. FOLLETT) also introduced a bill (H. R. 2551) granting a pension to Charles Munroe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED HOPKINS.

Mr. FORAN (by Mr. FOLLETT) also introduced a bill (H. R. 2552) for the relief of Alfred Hopkins; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CLEVELAND, OHIO.

Mr. FORAN (by Mr. FOLLETT) also introduced a bill (H. R. 2553) donating to the city of Cleveland, Ohio, a certain tract of land for streets and park purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOSEPH W. PARISH.

Mr. FOLLETT introduced a bill (H. R. 2554) for the relief of Joseph W. Parish; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL LAFAYETTE BANK.

Mr. FOLLETT also introduced a bill (H. R. 2555) to change the name of the "National Lafayette and Bank of Commerce" to that of "National Lafayette Bank;" which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

HENRY F. SCHRADER.

Mr. FOLLETT also introduced a bill (H. R. 2556) for the relief of Henry F. Schrader; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CAPT. H. S. SAYRE.

Mr. HART introduced a bill (H. R. 2557) granting a pension to Capt. H. S. Sayre; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SARAH COLES.

Mr. HART also introduced a bill (H. R. 2558) granting a pension to Mrs. Sarah Coles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB HOLDER.

Mr. HART also introduced a bill (H. R. 2559) granting a pension to Jacob Holder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID HICKS.

Mr. JORDAN introduced a bill (H. R. 2560) for the relief of David Hicks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LITIGANTS IN UNITED STATES COURTS.

Mr. JORDAN also introduced a bill (H. R. 2561) for the relief of the litigants in United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALE OF PUBLIC LANDS.

Mr. HILL introduced a bill (H. R. 2562) to provide for the sale and disposal of the public lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SUSAN R. GASSAWAY.

Mr. HILL also introduced a bill (H. R. 2563) for the relief of Susan R. Gassaway; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. HELEN RAYMOND.

Mr. HILL also introduced a bill (H. R. 2564) granting a pension to Mrs. Helen Raymond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED ORDNANCE OF DEFIANCE, OHIO.

Mr. HILL also introduced a bill (H. R. 2565) granting condemned ordnance to the Soldiers' Monumental Association of Defiance, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONDEMNED ORDNANCE, ARCHBOLD, OHIO.

Mr. HILL also introduced a bill (H. R. 2566) granting condemned ordnance to James Betts Post, Grand Army of the Republic, No. 107, of Archbold, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OBEDIAH A. BIGLEY.

Mr. HILL also introduced a bill (H. R. 2567) granting a pension to Obediah A. Bigley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POSTAL SERVICE.

Mr. HILL also introduced a bill (H. R. 2568) to provide for the construction of post-offices in the United States and to increase the efficiency of the postal service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PENSIONERS.

Mr. WILKINS introduced a bill (H. R. 2569) for the relief of certain pensioners; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RACHAEL A. M'GOWAN.

Mr. WILKINS also introduced a bill (H. R. 2570) granting a pension to Rachael A. McGowan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH MAXWELL.

Mr. WILKINS also introduced a bill (H. R. 2571) granting a pension to Sarah Maxwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. H. DEGARMO.

Mr. WILKINS also introduced a bill (H. R. 2572) granting a pension to W. H. H. Degarmo; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMOS HIXSON.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 2573) granting a pension to Amos Hixson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROSELLA PEGG.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 2574) granting a pension to Rosella Pegg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM KELLY.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 2575) granting relief to Abraham Kelly; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 2576) to repeal section 840 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

M. Z. GILMAN.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 2577) granting a pension to Mrs. M. Z. Gilman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLLINS MORSE AND HENRY C. GRAY.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 2578) for the relief of Collins Morse and Henry C. Gray; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES H. LIGHT.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 2579) granting a pension to Charles H. Light; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS H. LAWRENCE.

Mr. EZRA B. TAYLOR (by request) also introduced a bill (H. R. 2580) for the relief of Thomas H. Lawrence; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CAPT. H. H. HUMPHREYS.

Mr. EZRA B. TAYLOR (by request) also introduced a bill (H. R. 2581) for the relief of Capt. Henry H. Humphreys; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES R. RICHARDSON.

Mr. EZRA B. TAYLOR (by request) also introduced a bill (H. R. 2582) for the relief of James R. Richardson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARRIET SHACKLETT.

Mr. EZRA B. TAYLOR (by request) also introduced a bill (H. R. 2583) for the relief of Harriett Shacklett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATE OF JOHN W. DEAR.

Mr. EZRA B. TAYLOR (by request) also introduced a bill (H. R. 2584) for the relief of the administrator of the estate of John W. Dear, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. MOREY introduced a bill (H. R. 2585) to amend section 1207 of the Revised Statutes of the United States, and to provide for the examination of officers of artillery before promotion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIEUT. JOHN G. KYLE.

Mr. MOREY also introduced a bill (H. R. 2586) for the payment of the funeral expenses of Lieut. John G. Kyle; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ELIZABETH ENDERS.

Mr. MOREY also introduced a bill (H. R. 2587) for the relief of Mrs. Elizabeth Enders; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. MOREY also introduced a bill (H. R. 2588) to amend the pension laws; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

RESTORATION OF LANDS TO PUBLIC DOMAIN.

Mr. GEORGE introduced a bill (H. R. 2589) to restore to the public domain lands within the indemnity limits of the military wagon-road from Dalles City, on the Columbia River, to Fort Boisé, on the Snake River; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RENT OF LAND OFFICES.

Mr. GEORGE also introduced a bill (H. R. 2590) to authorize the Secretary of the Interior to make allowance for rent of United States land offices; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRIDGES ACROSS WILLAMETTE RIVER.

Mr. GEORGE also introduced a bill (H. R. 2591) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AVERY D. BABCOCK AND WIFE.

Mr. GEORGE also introduced a bill (H. R. 2592) for the relief of Avery D. Babcock and wife, of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FEES OF REGISTERS AND RECEIVERS.

Mr. GEORGE also introduced a bill (H. R. 2593) in relation to certain fees allowed registers and receivers; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GOVERNMENT TRANSPORT-BARGE TORRENT.

Mr. GEORGE also introduced a bill (H. R. 2594) for the relief of sufferers by the wreck of the Government transport-barge Torrent; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREDERICK BENO.

Mr. GEORGE also introduced a bill (H. R. 2595) to grant an increase of pension to Frederick Beno; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed

R. G. COMBS.

Mr. GEORGE also introduced a bill (H. R. 2596) for the relief of R. G. Combs and others for labor and material furnished in the building of the United States revenue-cutter Thomas Corwin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY H. WOODWARD.

Mr. GEORGE also introduced a bill (H. R. 2597) for the relief of Henry H. Woodward; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COLLECTION OF TONNAGE TAX.

Mr. GEORGE also introduced a bill (H. R. 2598) to allow the cities of Portland and Astoria, in Oregon, to levy and collect tonnage taxes for the improvement of certain rivers and harbors; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIEUT. M. C. WILKINSON.

Mr. GEORGE also introduced a bill (H. R. 2599) for the relief of Lieut. M. C. Wilkinson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZABETH BATES.

Mr. GEORGE also introduced a bill (H. R. 2600) for the relief of Elizabeth Bates; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STEAM VESSEL FOR SPECIAL SERVICE IN ALASKAN WATERS.

Mr. GEORGE also introduced a bill (H. R. 2601) appropriating certain moneys for the construction of a steam vessel of the revenue marine and steam-launch for special service in Alaskan waters; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

A. B. MEACHAM.

Mr. GEORGE also introduced a bill (H. R. 2602) for the relief of the heirs of A. B. Meacham; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

OREGON INDIAN WAR CLAIMS.

Mr. GEORGE also introduced a bill (H. R. 2603) to pay the Oregon Indian war claims audited by Philo Callender; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN F. MILLARD.

Mr. ERMENTROUT introduced a bill (H. R. 2604) for the relief of Benjamin F. Millard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC LANDS HELD BY ALIENS.

Mr. HOPKINS introduced a bill (H. R. 2605) limiting the quantity of public lands which may be acquired or held by aliens within the jurisdiction of the United States; which was read a first and second time.

Mr. HOPKINS. I ask that the paper accompanying the bill, which gives a partial statement of the lands held in the United States by aliens, be published in the RECORD for general information.

The SPEAKER. That can not be done during this call, and the gentleman will reserve it till another time.

SALE OF DONATED LANDS.

Mr. HOPKINS also introduced a bill (H. R. 2606) requiring the sale of public lands donated by the United States to various corporations; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES MILLINGER.

Mr. HOPKINS also introduced a bill (H. R. 2607) for the relief of James Millinger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SARAH BRYAN LEET.

Mr. HOPKINS also introduced a bill (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS MULVEHILL.

Mr. HOPKINS also introduced a bill (H. R. 2609) for the relief of Thomas Mulvehill; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHRISTOPHER SHAEFNOCKER.

Mr. LAWRENCE introduced a bill (H. R. 2610) providing for the pay of Christopher Shaefnocker, late second lieutenant of Company D, One hundred and ninth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARMAND, WILLIAM A., AND JAMES C. RAMSEY.

Mr. LAWRENCE also introduced a bill (H. R. 2611) granting a pension to Armand, William A., and James C. Ramsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES PLUCK.

Mr. HARMER introduced a bill (H. R. 2612) to remove the charge of desertion against James Pluck, late of Company K (subsequently C), Ninety-fifth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EFFICIENCY OF ARMY.

Mr. HARMER also introduced a bill (H. R. 2613) to promote the efficiency of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM GADBURY.

Mr. HARMER also introduced a bill (H. R. 2614) granting a pension to William Gadbury, late of Company A, Ninety-ninth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HERMAN CLAUDIUS.

Mr. HARMER also introduced a bill (H. R. 2615) granting a pension to Herman Claudius, late of Company B, Fifth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH JOHNSON.

Mr. HARMER also introduced a bill (H. R. 2616) granting a pension to Elizabeth Johnson, foster-mother of John Johnson, late of Company H, Seventy-first Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL J. DUNN.

Mr. HARMER also introduced a bill (H. R. 2617) for the relief of Michael J. Dunn, late a first lieutenant in the One hundred and fifteenth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM ARMSTRONG.

Mr. HARMER also introduced a bill (H. R. 2618) granting a pension to William Armstrong, late of Company F, Second Pennsylvania Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. YOUNG.

Mr. HARMER also introduced a bill (H. R. 1619) for the relief of William H. Young; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARGARET D. MARCHAND.

Mr. EVANS, of Pennsylvania, introduced a bill (H. R. 2620) granting a pension to Margaret D. Marchand; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMY MILLER.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 2621) granting a pension to Amy Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM SWIFT.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2622) granting a pension to William Swift; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARTHUR I. M'CONNELL.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2623) granting a pension to Arthur I. McConnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIAH BETTS.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2624) granting a pension to Mariah Betts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUT. JOHN NELSON.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2625) granting an increase of pension to John Nelson, first lieutenant of Company K, Eighteenth Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH A. COONS.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2626) granting a pension to Joseph A. Coons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NOAH CATON.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2627) granting a pension to Noah Caton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB D. TETWILER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2628) granting a pension to Jacob D. Tetwiler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM HOWARD.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R.

2629) granting a pension to Abraham Howard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HELENA HERMANS.

Mr. POST, of Pennsylvania, introduced a bill (H. R. 2630) for the relief of Helena Hermans; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

GEORGE A. REESE.

Mr. CONNOLLY introduced a bill (H. R. 2631) for the relief of George A. Reese; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. CONNOLLY also introduced a bill (H. R. 2632) for the relief of George A. Reese; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STATE MILITIA.

Mr. CONNOLLY also introduced a bill (H. R. 2633) for the special and uniform instruction of State militia; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

JOSEPH SNYDER.

Mr. CONNOLLY also introduced a bill (H. R. 2634) granting a pension to Joseph Snyder, of Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. COOK.

Mr. CONNOLLY also introduced a bill (H. R. 2635) granting a pension to John H. Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUT. JOHN C. GEYER.

Mr. CONNOLLY also introduced a bill (H. R. 2636) for the relief of Lieut. John C. Geyer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EZRA NEFF.

Mr. PATTON introduced a bill (H. R. 2637) for the relief of Ezra Neff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISABELLA C. SWISHER.

Mr. PATTON also introduced a bill (H. R. 2638) granting a pension to Isabella C. Swisher; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ISAAC WOODSIDE.

Mr. PATTON also introduced a bill (H. R. 2639) for the relief of Isaac Woodside; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. MELVILLE.

Mr. BINGHAM (by request) introduced a bill (H. R. 2640) for the rewarding of Chief Engineer George W. Melville, United States Navy, for meritorious services, &c.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MRS. S. A. WRIGHT AND MRS. C. FAHNESTOCK.

Mr. BINGHAM (by request) also introduced a bill (H. R. 2641) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MRS. MARGARET CASSIDY.

Mr. BINGHAM (by request) also introduced a bill (H. R. 2642) for the relief of Mrs. Margaret Cassidy; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN LEIDE.

Mr. BINGHAM also introduced a bill (H. R. 2643) granting a pension to John Leide, late of Company H, Twenty-ninth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MONOHAN.

Mr. BINGHAM also introduced a bill (H. R. 2644) restoring to the pension-rolls the name of James Monohan, minor child of Roger Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTHER HUDSON.

Mr. BINGHAM also introduced a bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA WARR.

Mr. BINGHAM also introduced a bill (H. R. 2646) granting a pension to Eliza Warr, widow of Isaac Warr, late of Company F, One hundred and fourteenth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILLIP LOTZ.

Mr. BINGHAM also introduced a bill (H. R. 2647) granting a pension to Phillip Lotz, late a corporal of Company I, Fifth Regiment Pennsylvania Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM F. PRATT.

Mr. BINGHAM also introduced a bill (H. R. 2648) authorizing the President of the United States to appoint William F. Pratt, late a second assistant engineer in the United States Navy, upon the retired-list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MARTIN JACOBY.

Mr. SMITH introduced a bill (H. R. 2649) granting a pension to Martin Jacoby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC WISE.

Mr. ATKINSON introduced a bill (H. R. 2650) granting a pension to Isaac Wise; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. A. SANDERSON.

Mr. ATKINSON also introduced a bill (H. R. 2651) for the relief of S. A. Sanderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE MEADATH.

Mr. ATKINSON also introduced a bill (H. R. 2652) granting a pension to Jesse Meadath, late of Company D, Forty-seventh Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES WILLIAM BUTLER.

Mr. ATKINSON also introduced a bill (H. R. 2653) granting a pension to James William Butler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. TYSON.

Mr. ATKINSON also introduced a bill (H. R. 2654) granting a pension to Mary A. Tyson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNATIONAL ELECTRICAL EXHIBITION.

Mr. MUTCHLER introduced a bill (H. R. 2655) to authorize the appointment of a scientific commission, which may conduct a national conference of electricians and special investigations on the occasion of the international electrical exhibition to be held in Philadelphia in 1884; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM SCHNEIDER.

Mr. MUTCHLER also introduced a bill (H. R. 2656) granting a pension to William Schneider, late a private in Company C, Twelfth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. GRIFFIN.

Mr. MUTCHLER also introduced a bill (H. R. 2657) for the relief of George W. Griffin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL L. WHITESELL.

Mr. MUTCHLER also introduced a bill (H. R. 2658) to increase the pension of Daniel L. Whitesell, late a sergeant of Battery C, Fifth United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD W. HORN.

Mr. MUTCHLER also introduced a bill (H. R. 2659) granting an increase of pension to Edward W. Horn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM PRINTZ.

Mr. CURTIN (by Mr. MUTCHLER) introduced a bill (H. R. 2660) granting a pension to William Printz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASAPH W. CLARKE.

Mr. CURTIN (by Mr. MUTCHLER) also introduced a bill (H. R. 2661) for the relief of Asaph M. Clarke, allowing him pay as a soldier in the volunteer service of Pennsylvania; which was read a first and

second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

GEORGE W. MELVILLE.

Mr. CURTIN (by Mr. MUTCHLER) also introduced a bill (H. R. 2662) to provide for the proper rewarding of Chief Engineer George W. Melville, United States Navy, for meritorious service, &c.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PENSIONS.

Mr. CURTIN (by Mr. MUTCHLER) also introduced a bill (H. R. 2663) supplementary to the act of March, 1883, increasing the pension of soldiers who lost a leg above the knee or an arm above the elbow in the late war; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

COMMANDER T. A. M. CRAVEN.

Mr. CURTIN (by Mr. MUTCHLER) also introduced a bill (H. R. 2664) granting an increase of pension to the widow of the late Commander T. A. M. Craven; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. P. DUNN.

Mr. CURTIN (by Mr. MUTCHLER) also introduced a bill (H. R. 2665) granting a pension to J. P. Dunn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH EDWARDS.

Mr. STORM introduced a bill (H. R. 2666) for the relief of Elizabeth Edwards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD EDWARDS.

Mr. STORM also introduced a bill (H. R. 2667) granting a pension to Richard Edwards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW L. CRONK.

Mr. STORM also introduced a bill (H. R. 2668) for the relief of Andrew L. Cronk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. SMITH.

Mr. STORM also introduced a bill (H. R. 2669) for the relief of William R. Smith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SARAH A. SCOTT.

Mr. BOYLE introduced a bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB HICKS.

Mr. BOYLE also introduced a bill (H. R. 2671) granting a pension to Jacob Hicks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES T. IRWIN.

Mr. BOYLE also introduced a bill (H. R. 2672) granting a pension to James T. Irwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC PRATT.

Mr. BOYLE also introduced a bill (H. R. 2673) granting a pension to Isaac Pratt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN RUFFNER.

Mr. BOYLE also introduced a bill (H. R. 2674) granting a pension to Ann Ruffner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL YOUNG.

Mr. BOYLE also introduced a bill (H. R. 2675) granting a pension to Samuel Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BEISTEL.

Mr. BOYLE also introduced a bill (H. R. 2676) granting a pension to William Beistel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY P. MACBLAIR.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 2677) granting a pension to Mary P. MacBlair; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DR. A. P. FRICK.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2678) to authorize the President, by and with the advice and consent of the Senate, to appoint Dr. A. P. Frick an assistant surgeon in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES L. SELFRIDGE.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2679) for the relief of James L. Selfridge; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. SARAH C. HAIG.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2680) granting a pension to Mrs. Sarah C. Haig; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE ARTZ.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2681) granting a pension to Theodore Artz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE BERNHART.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2682) granting a pension to Catharine Bernhart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE L. DOUGLASS.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2683) for the relief of George L. Douglass; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. G. FELL AND OTHERS.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2684) for the relief of J. G. Fell, Edward Hoopes, and George Burnham; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PARDON WORSLEY.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 2685) for the relief of Pardon Worsley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, WILLIAMSPORT, PA.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2686) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARGARET M'CORMICK.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2687) granting arrears of pension to Margaret McCormick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES E. DEMOREST.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2688) to rerate the pension of James E. Demorest; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD S. SHECKELS.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2689) granting a pension to Richard S. Sheckels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. PUTMAN.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2690) granting a pension to Andrew J. Putman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. WEBSTER.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2691) granting a pension to William B. Webster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH KENNEDY.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2692) granting a pension to Sarah Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF INTOXICATING LIQUORS IN TERRITORIES.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2693) to regulate the manufacture and sale of intoxicating liquors in the Territories of the United States, with a provision to submit the same to the voters therein for ratification; which was read a first and second

time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

PROTECTION OF CITIZENS.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2694) to provide for the further protection of citizens of the United States and others against the violation of certain rights secured to them by the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CIVIL RIGHTS.

Mr. BROWN, of Pennsylvania, also introduced joint resolution (H. Res. 94) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, WEST CHESTER, PA.

Mr. EVERHART introduced a bill (H. R. 2695) for a public building at West Chester, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CATHARINE HALL.

Mr. EVERHART also introduced a bill (H. R. 2696) granting a pension to Catharine Hall; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

NATIONAL PHARMACOPŒIA.

Mr. RANDALL introduced a bill (H. R. 2697) to prepare and publish a national pharmacopœia for the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HEIRS OF JACOB CRAMER.

Mr. RANDALL also introduced a bill (H. R. 2698) for the relief of the heirs of Jacob Cramer; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JAMES KANE.

Mr. RANDALL also introduced a bill (H. R. 2699) for the relief of James Kane; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARTIN MURPHY.

Mr. RANDALL also introduced a bill (H. R. 2700) for the relief of Martin Murphy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREDERICK MAYER.

Mr. RANDALL also introduced a bill (H. R. 2701) granting a pension to Frederick Mayer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELLIDA I. MIDDLETON.

Mr. RANDALL also introduced a bill (H. R. 2702) granting a pen to Mrs. Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE W. MELVILLE.

Mr. RANDALL also introduced a joint resolution (H. Res. 93) tendering the thanks of Congress to and conferring additional rank on Chief Engineer George W. Melville, United States Navy, and for other purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GRANT OF LAND TO PROVIDENCE.

Mr. SPOONER introduced a bill (H. R. 2703) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CORPS OF JUDGE-ADVOCATES.

Mr. SPOONER also introduced a bill (H. R. 2704) to remove a discrimination against the corps of judge-advocates in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STEPHEN N. SMITH.

Mr. SPOONER also introduced a bill (H. R. 2705) for the relief of Stephen N. Smith; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SALE OF SCHOOL LANDS IN SOUTH CAROLINA.

Mr. MACKEY introduced a bill (H. R. 2706) to provide for the redemption and sale of the school farm lands now held in South Carolina by the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING, BEAUFORT, S. C.

Mr. MACKEY also introduced a bill (H. R. 2707) for the erection of a public building at Beaufort, S. C., for the use of the post-office, custom-house, and other Government offices; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MRS. AMELIA YEOMANS.

Mr. MACKEY also introduced a bill (H. R. 2708) granting a pension to Mrs. Amelia Yeomans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BEAUFORT MOUNTED GUARD.

Mr. MACKEY also introduced a bill (H. R. 2709) providing for the payment of the Beaufort Mounted Guard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. A. THOMAS.

Mr. HEMPHILL introduced a bill (H. R. 2710) restoring to the pension-roll the name of J. A. Thomas, of South Carolina; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ABOLITION OF TAX ON TOBACCO.

Mr. PIERCE introduced a bill (H. R. 2711) to enable tobacco-planters to sell the tobacco raised by them free from any internal-revenue tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REPEAL OF DUTY ON SUGAR AND SALT.

Mr. PIERCE also introduced a bill (H. R. 2712) to admit sugar and salt free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ALFRED H. THOMAS, DECEASED.

Mr. PIERCE also introduced a bill (H. R. 2713) to amend the war record of Alfred H. Thomas, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS E. WILSON.

Mr. BAYNE (by Mr. HOUK) introduced a bill (H. R. 2714) to increase the pension of Thomas E. Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES SHERIDAN.

Mr. HOUK introduced a bill (H. R. 2715) granting arrears of pension to James Sheridan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS TO CERTAIN CIVIL OFFICERS.

Mr. HOUK also introduced a bill (H. R. 2716) granting a pension to certain civil officers of the United States and their widows; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

NEW MARKET COLLEGE, TENNESSEE.

Mr. HOUK also introduced a bill (H. R. 2717) for the relief of the trustees of New Market College, located at New Market, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIS N. ARNOLD.

Mr. HOUK also introduced a bill (H. R. 2718) for the relief of Willis N. Arnold; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAY OF TENNESSEE MILITARY ORGANIZATIONS.

Mr. HOUK also introduced a bill (H. R. 2719) to pay members of certain military organizations therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM LEWIS.

Mr. HOUK also introduced a bill (H. R. 2720) for the relief of William Lewis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS J. PROSISE.

Mr. HOUK also introduced a bill (H. R. 2721) for the relief of Thomas J. Prosise; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA TURNER.

Mr. HOUK also introduced a bill (H. R. 2722) for the relief of Martha Turner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM P. LOWERY.

Mr. HOUK also introduced a bill (H. R. 2723) for the relief of William P. Lowery; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PAY OF CERTAIN NON-COMMISSIONED OFFICERS.

Mr. HOUK also introduced a bill (H. R. 2724) for the relief of certain honorably discharged non-commissioned officers named therein;

which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRESBYTERIAN CHURCH AT LOUDON, TENN.

Mr. HOUK also introduced a bill (H. R. 2725) for the relief of the trustees of the Presbyterian church at Loudon, Loudon County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRANDY MADE FROM FRUITS.

Mr. DIBRELL introduced a bill (H. R. 2726) to abolish the internal-revenue tax upon brandy made from fruits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

M'MINNVILLE AND MANCHESTER RAILROAD.

Mr. DIBRELL also introduced a bill (H. R. 2727) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TENNESSEE JUDICIAL DISTRICTS.

Mr. DIBRELL also introduced a bill (H. R. 2728) detaching Grundy County, Tennessee, from the southern district of Tennessee and attaching it to the middle district of said State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROAD TO CHATTANOOGA NATIONAL CEMETERY.

Mr. DIBRELL also introduced a bill (H. R. 2729) making an appropriation to complete the road to the national cemetery near Chattanooga, Tenn.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WIDOW OF HENRY BROWN.

Mr. DIBRELL also introduced a bill (H. R. 2730) to pay back pay and bounty to the widow of Henry Brown, deceased; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

JOHN DAVIS.

Mr. DIBRELL also introduced a bill (H. R. 2731) to remove the charge of desertion against John Davis, late of Company E, Thirty-ninth Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES M. ALLISON.

Mr. DIBRELL also introduced a bill (H. R. 2732) to restore James M. Allison, a soldier in the war with Mexico, to the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

NEWTON J. MELTON.

Mr. DIBRELL also introduced a bill (H. R. 2733) granting a pension to Newton J. Melton, late a private in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM F. M. HYDER.

Mr. DIBRELL also introduced a bill (H. R. 2734) to restore the name of William F. M. Hyder to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARTFORD MATHERLY.

Mr. DIBRELL also introduced a bill (H. R. 2735) granting a pension to Hartford Matherly, late of Company I, Third Kentucky Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH M'CLOUD.

Mr. DIBRELL also introduced a bill (H. R. 2736) granting a pension to Elizabeth McCloud; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH FINLEY.

Mr. DIBRELL also introduced a bill (H. R. 2737) granting a pension to Elizabeth Finley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM T. GREEN.

Mr. DIBRELL also introduced a bill (H. R. 2738) granting a pension to William T. Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. PRESBY.

Mr. DIBRELL also introduced a bill (H. R. 2739) granting a pension to George W. Presby, late a private Company D, First Tennessee Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIMEON SAVAGE.

Mr. DIBRELL also introduced a bill (H. R. 2740) for the relief of Simeon Savage, of Grundy County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF THOMAS JONES.

Mr. PETTIBONE introduced a bill (H. R. 2741) for the relief of the estate of Thomas Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL P. EVANS.

Mr. PETTIBONE also introduced a bill (H. R. 2742) for the relief of Samuel P. Evans; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLEVLIN C. CREECH.

Mr. PETTIBONE also introduced a bill (H. R. 2743) granting a pension to Clevlin C. Creech; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NOXIOUS MEDICINES IN THE MAILS.

Mr. PETTIBONE also introduced a bill (H. R. 2744) to prevent the use of the United States mails in advertising noxious and injurious medicines; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SILAS M. M'GUIRE.

Mr. PETTIBONE also introduced a bill (H. R. 2745) for the relief of Silas M. McGuire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SCUDGINGTON.

Mr. PETTIBONE also introduced a bill (H. R. 2746) for the relief of John Scudgington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JENNETTE M'LELLAND.

Mr. PETTIBONE also introduced a bill (H. R. 2747) granting a pension to Jennette McLelland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. HUGHES.

Mr. PETTIBONE also introduced a bill (H. R. 2748) for the relief of John R. Hughes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

B. F. YOE.

Mr. PETTIBONE also introduced a bill (H. R. 2749) for the relief of B. F. Yoe; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES AND WILLIAM WHITE.

Mr. PETTIBONE also introduced a bill (H. R. 2750) for the relief of James White, and the legal representatives of William White, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN C. BYNUM.

Mr. PETTIBONE also introduced a bill (H. R. 2751) for the relief of the legal representatives of John C. Bynum, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH HENDERSON.

Mr. PETTIBONE also introduced a bill (H. R. 2752) for the relief of the legal representatives of Joseph Henderson, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FIELDING HENRY.

Mr. PETTIBONE also introduced a bill (H. R. 2753) for the relief of Fielding Henry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. CULLEN.

Mr. PETTIBONE also introduced a bill (H. R. 2754) for the relief of James F. Cullen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. SCHULTZ.

Mr. PETTIBONE also introduced a bill (H. R. 2755) for the relief of John R. Schultz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARTHA SMITH.

Mr. PETTIBONE also introduced a bill (H. R. 2756) granting a pension to Mrs. Martha Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM F. M. HYDER.

Mr. PETTIBONE also introduced a bill (H. R. 2757) to restore the name of William F. M. Hyder to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY PRITCHETT.

Mr. PETTIBONE also introduced a bill (H. R. 2758) granting a pen-

sion to Nancy Pritchett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WILSON.

Mr. PETTIBONE also introduced a bill (H. R. 2759) for the relief of William Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS F. JOHNSON.

Mr. PETTIBONE also introduced a bill (H. R. 2760) for the relief of Thomas F. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. F. M. LEWIS.

Mr. PETTIBONE also introduced a bill (H. R. 2761) restoring the name of J. F. M. Lewis to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBIRA TRENT.

Mr. PETTIBONE also introduced a bill (H. R. 2762) granting a pension to Albira Trent and minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRUCE F. YEAGER.

Mr. PETTIBONE also introduced a bill (H. R. 2763) granting a pension to Bruce F. Yeager; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAULINA JONES.

Mr. PETTIBONE also introduced a bill (H. R. 2764) granting a pension to Paulina Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA E. JONES.

Mr. PETTIBONE also introduced a bill (H. R. 2765) granting a pension to Martha E. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAPHINA E. DUKES.

Mr. PETTIBONE also introduced a bill (H. R. 2766) for the relief of Saraphina E. Dukes, widow of Alexander Dukes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. JOHN TEMPLETON.

Mr. PETTIBONE also introduced a bill (H. R. 2767) for the relief of Dr. John Templeton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL BIRD.

Mr. PETTIBONE also introduced a bill (H. R. 2768) for the relief of Samuel Bird; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JESSE HUMPHREYS.

Mr. PETTIBONE also introduced a bill (H. R. 2769) for the relief of Jesse Humphreys; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF JOHN D. RILEY.

Mr. PETTIBONE also introduced a bill (H. R. 2770) for the relief of the estate of John D. Riley, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES WHITE.

Mr. PETTIBONE also introduced a bill (H. R. 2771) for the relief of James White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES A. GALBRAITH.

Mr. PETTIBONE also introduced a bill (H. R. 2772) for the relief of James A. Galbraith; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN W. MINK.

Mr. PETTIBONE also introduced a bill (H. R. 2773) for the relief of John W. Mink; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH S. HENDERSON.

Mr. PETTIBONE also introduced a bill (H. R. 2774) for the relief of Sarah S. Henderson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER SMITH.

Mr. PETTIBONE also introduced a bill (H. R. 2775) for the relief of Peter Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PLEASANT W. FORTNER.

Mr. PETTIBONE also introduced a bill (H. R. 2776) to remove the charge of desertion against Pleasant W. Fortner from the records in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISAAC RAINS.

Mr. PETTIBONE also introduced a bill (H. R. 2777) for the relief of Isaac Rains; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JURORS IN UNITED STATES COURTS.

Mr. PETTIBONE also introduced a bill (H. R. 2778) prescribing the method of drawing jurors in the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

W. W. BOVELL.

Mr. PETTIBONE also introduced a bill (H. R. 2779) for the relief of W. W. Bovell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TARIFF AND TAXATION.

Mr. WARNER, of Tennessee, introduced a bill (H. R. 2780) to abolish the duty on trace-chains and plows used for farming purposes, and chopping axes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. WARNER, of Tennessee, also introduced a bill (H. R. 2781) to abolish the tax on tobacco in the hands of farmers and producers; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. WARNER, of Tennessee, also introduced a bill (H. R. 2782) to abolish the duty on the Bible; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PHILLIP NEW DECKER.

Mr. WARNER, of Tennessee, also introduced a bill (H. R. 2783) granting a pension to Phillip New Decker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALARIES OF HEADS OF DEPARTMENTS.

Mr. WARNER, of Tennessee, also introduced a bill (H. R. 2784) to reduce the salaries of the heads of departments of the United States, and for other purposes; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

NATIONAL BOARD OF HEALTH.

Mr. YOUNG introduced a bill (H. R. 2785) to amend an act entitled "An act to prevent the introduction of infectious and contagious diseases into the United States and to establish a national board of health;" which was read a first and second time, referred to the Select Committee on the Public Health, and ordered to be printed.

APPEAL IN UNITED STATES COURTS.

Mr. YOUNG also introduced a bill (H. R. 2786) providing for appeal in all criminal cases tried in courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM H. WHITESIDE.

Mr. YOUNG also introduced a bill (H. R. 2787) for the relief of William H. Whiteside; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WAR RECORD.

Mr. YOUNG also introduced a bill (H. R. 2788) to provide for the printing of additional copies of the War Record; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

FEES OF CLERK OF SUPREME COURT.

Mr. YOUNG also introduced a bill (H. R. 2789) to regulate the fees and emoluments of the clerk of the Supreme Court of the United States; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

COSTS IN UNITED STATES COURTS.

Mr. YOUNG also introduced a bill (H. R. 2790) to provide for the payment of costs by the unsuccessful party in all suits in United States courts wherein the United States is a party; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CORONNA, TAUSSIG & CO. AND OTHERS.

Mr. YOUNG also introduced a bill (H. R. 2791) for the relief of Coronna, Taussig & Co. and others; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN THOMAS BROWN.

Mr. YOUNG also introduced a bill (H. R. 2792) for the relief of John Thomas Brown; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM G. FORD.

Mr. YOUNG also introduced a bill (H. R. 2793) for the relief of William G. Ford, administrator of John G. Robinson, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HIRAM JOHNSON AND OTHERS.

Mr. YOUNG also introduced a bill (H. R. 2794) for the relief of Hiram Johnson and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. JULIA ELLIOTT.

Mr. YOUNG also introduced a bill (H. R. 2795) for the relief of Mrs. Julia Elliott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REUBEN S. JONES.

Mr. YOUNG also introduced a bill (H. R. 2796) for the relief of Reuben S. Jones, of Memphis, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER TARGARONA.

Mr. YOUNG also introduced a bill (H. R. 2797) for the relief of Peter Targarona; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. B. WILSON.

Mr. YOUNG also introduced a bill (H. R. 2798) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. YOUNG also introduced a bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

W. J. SMITH.

Mr. YOUNG also introduced a bill (H. R. 2800) for the relief of W. J. Smith; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FIELDING HURST.

Mr. YOUNG also introduced a bill (H. R. 2801) for the relief of Fielding Hurst; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ARREARS OF PENSION.

Mr. BALLENTINE introduced a bill (H. R. 2802) to allow arrears of pension to certain invalid pensioners whose names were dropped from the pension-roll and by act of Congress subsequently were restored; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

REPEAL OF TEST-OATH.

Mr. BALLENTINE also introduced a bill (H. R. 2803) to repeal all laws and parts of laws requiring Senators, Representatives, and Delegates in Congress to take any oath or affirmation other than that prescribed in the sixth article of the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CYNTHIA MARTIN AND CATHARINE STOVER.

Mr. McMILLIN introduced a bill (H. R. 2804) for the relief of Cynthia Martin and Catharine Stover; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ATHA L. ISENBERY.

Mr. McMILLIN also introduced a bill (H. R. 2805) for the relief of Atha L. Isenbery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACKSON COUNTY, TENNESSEE.

Mr. McMILLIN also introduced a bill (H. R. 2806) for the relief of Jackson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MAGGIE A. ELLIOTT.

Mr. McMILLIN also introduced a bill (H. R. 2807) for the relief of Mrs. Maggie A. Elliott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. G. POND, EXECUTOR.

Mr. McMILLIN also introduced a bill (H. R. 2808) for the relief of W. G. Pond, executor of Jeremiah Sarver; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. T. & T. R. EUBANK.

Mr. McMILLIN also introduced a bill (H. R. 2809) for the relief of C. T. & T. R. Eubank; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ASSESSMENT AND COLLECTION OF TAXES.

Mr. McMILLIN also introduced a bill (H. R. 2810) to regulate the manner of making and collecting assessments of taxes due the Government of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EXPENSE OF LEGAL PROCEEDINGS, ETC.

Mr. McMILLIN also introduced a bill (H. R. 2811) to cheapen legal proceedings in circuit and district courts of the United States and to regulate the summoning of witnesses; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. THROCKMORTON introduced a bill (H. R. 2812) to grant to the Texas, Oklahoma and Kansas Railway Company a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JUDICIAL DISTRICTS, TEXAS.

Mr. THROCKMORTON also introduced a bill (H. R. 2813) to amend the fourth, fifth, and ninth sections of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts," and to provide for holding terms of the court of the northern district of Texas at Gainesville, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TRIALS BEFORE UNITED STATES COMMISSIONERS.

Mr. THROCKMORTON also introduced a bill (H. R. 2814) relating to preliminary trials before commissioners of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

A. B. NORTON.

Mr. THROCKMORTON also introduced a bill (H. R. 2815) for the relief of A. B. Norton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN JACKSON.

Mr. THROCKMORTON also introduced a bill (H. R. 2816) for the relief of John Jackson; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HENRY C. SMITH.

Mr. THROCKMORTON also introduced a bill (H. R. 2817) for the relief of Henry C. Smith; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

THOMAS J. RHODES.

Mr. THROCKMORTON also introduced a bill (H. R. 2818) for the relief of Thomas J. Rhodes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

J. M. WAIDE.

Mr. THROCKMORTON also introduced a bill (H. R. 2819) for the relief of J. M. Waide, of Denton County, Texas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MRS. SUSAN M. ROACH.

Mr. THROCKMORTON also introduced a bill (H. R. 2820) for the relief of Mrs. Susan M. Roach; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN LARNES.

Mr. THROCKMORTON also introduced a bill (H. R. 2821) for the relief of John Larnes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

A. V. NEELEY.

Mr. THROCKMORTON also introduced a bill (H. R. 2822) for the relief of A. V. Neeley; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM W. ARMSTRONG.

Mr. MILLS (by request) introduced a bill (H. R. 2823) for the relief of William W. Armstrong; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TEXAS JUDICIAL DISTRICTS.

Mr. LANHAM introduced a bill (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding court in said districts," and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT EL PASO, TEX.

Mr. LANHAM also introduced a bill (H. R. 2825) to provide for the purchase of the necessary land and erection thereon of a custom-house and post-office building in the city of El Paso, in the State of Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

C. A. DIETRICH.

Mr. LANHAM also introduced a bill (H. R. 2826) granting a pension to C. A. Dietrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT HOUSTON, TEX.

Mr. STEWART, of Texas, introduced a bill (H. R. 2827) authorizing the construction of a public building for a post-office in the city of Houston, Tex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ADVERTISING OF MAIL LETTINGS, ETC.

Mr. JONES, of Texas, introduced a bill (H. R. 2828), to amend the first part of section 2 of an act to regulate the advertising of mail lettings, and for other purposes, approved May 17, 1878; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BRIDGES OVER RIO GRANDE RIVER.

Mr. OCHILTREE introduced a bill (H. R. 2829) to authorize the construction of a bridge for the transportation of street cars and other vehicles, horses and other animals, and pedestrians over the Rio Grande River between the city of Laredo, Tex., and Nuevo Laredo, Mexico; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. OCHILTREE also introduced a bill (H. R. 2830) to authorize the construction of a bridge for the transportation of street cars and other vehicles, horses and other animals, and pedestrians over the Rio Grande River between the city of Eagle Pass, Tex., and Piedras Negras, Mexico; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PAY OF SERGEANT-MAJORS, ETC.

Mr. OCHILTREE also introduced a bill (H. R. 2831) fixing the pay of sergeant-majors and quartermaster-sergeants in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH HAMMONS.

Mr. WELLBORN (by request) introduced a bill (H. R. 2832) granting a pension to Joseph Hammons; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LIENS OF JUDGMENTS.

Mr. CULBERSON, of Texas, introduced a bill (H. R. 2833) to regulate the liens of judgments in the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LANDING OF GOODS, ETC.

Mr. REAGAN (by request) introduced a bill (H. R. 2834) to amend certain provisions of chapter 4, title 34, of the Revised Statutes, relating to the movement of vessels and the landing of goods and personal effects; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HENRY BROOKS.

Mr. STEWART, of Vermont, introduced a bill (H. R. 2835) for the increase of the pension of Henry Brooks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVELYN M. LOVEJOY.

Mr. POLAND introduced a bill (H. R. 2836) to pay to Evelyn M. Lovejoy, widow of Daniel W. Lovejoy, late of Company C, Ninth Vermont Volunteers, the sum therein mentioned; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY P. THOMAS.

Mr. POLAND also introduced a bill (H. R. 2837) granting a pension to Mary P. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ORD.

Mr. POLAND also introduced a bill (H. R. 2838) for the relief of John Ord; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE J. STANNARD.

Mr. POLAND also introduced a bill (H. R. 2839) to increase the pension of George J. Stannard, late a major-general of volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS TO VOLUNTEERS.

Mr. POLAND also introduced a bill (H. R. 2840) granting pensions to volunteers in the military and naval service of the United States; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

WRITS OF HABEAS CORPUS.

Mr. POLAND also introduced a bill (H. R. 2841) regulating proceedings and appeals in writs of habeas corpus; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FERRY-BOAT NUESTRA SEÑORA DE REGLA.

Mr. POLAND also introduced a bill (H. R. 2842) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES L. LEWIS.

Mr. POLAND also introduced a bill (H. R. 2843) for the relief of Charles L. Lewis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. SAULPAW.

Mr. POLAND also introduced a bill (H. R. 2844) for the relief of George W. Saulpaw; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. F. BARRETT AND GARDNER J. HOWE.

Mr. POLAND also introduced a bill (H. R. 2845) to pay C. F. Barrett and Gardner J. Howe the sums therein mentioned; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTIN WEBB.

Mr. TUCKER (by request) introduced a bill (H. R. 2846) for the relief of the heirs of Martin Webb, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY C. BOYD.

Mr. TUCKER (by request) also introduced a bill (H. R. 2847) for the relief of the estate of Henry C. Boyd; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BONDS OF EXECUTORS.

Mr. TUCKER (by request) also introduced a bill (H. R. 2848) to amend the law relating to the bonds of executors in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ALBEMARLE AND CHESAPEAKE CANAL.

Mr. GEORGE D. WISE introduced a bill (H. R. 2849) for the relief of the Albemarle and Chesapeake Canal Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. P. L. WARD.

Mr. GEORGE D. WISE also introduced a bill (H. R. 2850) for the relief of Mrs. P. L. Ward, widow and executrix of William Ward, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF EDWIN D. PILKENTON.

Mr. GEORGE D. WISE also introduced a bill (H. R. 2851) for the relief of the estate of Edwin D. Pilkenton, deceased; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABOLITION OF INTERNAL-REVENUE TAXES.

Mr. GEORGE D. WISE also presented a joint resolution of the General Assembly of Virginia, in relation to the abolition of internal-revenue taxation; which was referred to the Committtee on Ways and Means.

Mr. CABELL. I present a joint resolution of the Legislature of Virginia, asking the abolition of the internal-revenue system. I ask that the joint resolution be read, so that it may be printed in the RECORD.

The SPEAKER. It can be read, but under this call that will not take it into the RECORD.

Mr. CABELL. I ask that it be read.

The resolution was read, and referred to the Committee on Ways and Means.

EMANUEL DOWNHAM AND HENRY STRAUSS.

Mr. BARBOUR introduced a bill (H. R. 2852) for the relief of Emanuel Downham and Henry Strauss; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES N. CARPENTER.

Mr. BARBOUR also introduced a bill (H. R. 2853) for the relief of James N. Carpenter; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EDWIN B. HAY.

Mr. BARBOUR also introduced a joint resolution (H. Res. 95) for the relief of Edwin B. Hay; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF RICHARD B. MASON.

Mr. BARBOUR also introduced a bill (H. R. 2854) to provide for the payment of the outstanding claims of the heirs of Richard B. Mason, deceased, late of Virginia, against the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

VIRGINIA PROTESTANT EPISCOPAL SEMINARY.

Mr. BARBOUR also introduced a bill (H. R. 2855) for the relief of the trustees of the Protestant Episcopal Seminary and High School in Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WAR CLAIMS.

Mr. BARBOUR also introduced a bill (H. R. 2856) for the relief of certain citizens of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2857) to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN CONNOLLY.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2858) for the relief of John Connolly; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WILLIAM E. WOODBRIDGE.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2859) for the relief of William E. Woodbridge; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

REFUNDING OF ASSESSMENTS IN DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2860) making an appropriation for the refunding of two-thirds of the amount of assessment made under the act of Congress approved July 8, 1870, upon the property-holders owning property on Pennsylvania avenue, from First street to Fifteenth street, and Louisiana avenue from the intersection of Four-and-a-half street to Seventh street, in the city of Washington, D. C., during the year 1871, for street improvements on said avenues; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DAMAGES BY DISTRICT OF COLUMBIA IMPROVEMENTS.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2861) to give the Court of Claims jurisdiction to audit and settle claims for damages to real estate in the District of Columbia caused by reason of public improvements or repairs, &c.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LAUNDRESSES IN THE ARMY.

Mr. LIBBEY introduced a bill (H. R. 2862) relating to laundresses in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALLOWANCES TO DISCHARGED ARMY OFFICERS.

Mr. LIBBEY also introduced a bill (H. R. 2863) allowing discharged officers of the Army one year's pay and allowances; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOLDIERS OF MEXICAN WAR.

Mr. LIBBEY also introduced a bill (H. R. 2864) requesting the President to recognize the soldiers of the Mexican war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JUDICIAL ADMINISTRATION.

Mr. JOHN S. WISE introduced a bill (H. R. 2865) to repeal section 2 of an act passed June 30, 1879, entitled "An act making appropriations for certain judicial expenses for the Government for the fiscal year ending June 30, 1880, and for other purposes;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGES FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries.

ORDER OF BUSINESS.

Mr. GIBSON. I ask that the resolution which I send to the desk may be read and referred to the appropriate committee.

The Clerk read as follows:

Resolved, That the authority given by the Federal Government to persons to sell by retail or wholesale——

The SPEAKER. The Chair will state to the gentleman from West Virginia that simple House resolutions are not in order under this call; only bills and joint resolutions are in order.

Mr. GIBSON. Then I will ask unanimous consent to have the resolution read and referred.

The SPEAKER. Unanimous consent can not be asked during this call. The gentleman might convert this into a joint resolution, if he so desires, and it could then be read and referred.

Mr. GIBSON. It is not in the nature of a joint resolution. It is a resolution which I desire to have referred to a suitable committee of the House.

The SPEAKER. It is not in order during this call to ask unanimous consent for the reading and reference of a House resolution.

LEGAL REPRESENTATIVES OF JOHN G. COUCHMAN.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 2866) for the relief of the legal representatives of John G. Couchman, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. N. TABB.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 2867) for the relief of H. N. Tabb; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF AMELIA A. ROBERTS.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 2868) for the relief of the legal representatives of Amelia A. Roberts, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA H. STRIBLING.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 2869) for increase of pension of Martha A. Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB HARMON.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 2870) granting a pension to Jacob Harmon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS M. SPEAR.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 2871) granting a pension to Francis M. Spear; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB FUNKHOUSER.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 2872) granting a pension to Jacob Funkhouser; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GOVERNMENT PROPERTY, HARPER'S FERRY.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 2873) to enable the Secretary of the Treasury to pay certain money found to be due by the Solicitor of the Treasury for repairs to and care of the property of the United States at Harper's Ferry, in the State of West Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALE OF TOBACCO.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 2874) to permit the sale of tobacco by farmers or planters raising the same free from any internal-revenue tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PRESBYTERIAN CHURCH, FRENCH CREEK, W. VA.

Mr. SNYDER introduced a bill (H. R. 2875) to compensate the trustees of the Presbyterian church at French Creek, W. Va., for the destruction of their church edifice by Union troops during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELMORE HYRE.

Mr. SNYDER also introduced a bill (H. R. 2876) granting a pension to Elmore Hyre; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BENNETT.

Mr. SNYDER also introduced a bill (H. R. 2877) granting a pension to John Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RILEY H. SMITH.

Mr. GOFF introduced a bill (H. R. 2878) for the relief of Riley H.

Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET MEYERS.

Mr. GOFF also introduced a bill (H. R. 2879) granting a pension to Margaret Meyers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELMER H. FETTY.

Mr. GOFF also introduced a bill (H. R. 2880) for the relief of Elmer H. Fetty; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB D. GEHO.

Mr. GOFF also introduced a bill (H. R. 2881) granting a pension to Jacob D. Geho; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. GRIMM.

Mr. GOFF also introduced a bill (H. R. 2882) for the relief of John D. Grimm; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ASA MONEYPENNY.

Mr. GOFF also introduced a bill (H. R. 2883) granting a pension to Asa Moneypenny; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAJ. WILLIAM M. MAYNADIER.

Mr. GOFF (by request) also introduced a bill (H. R. 2884) for the relief of Maj. William M. Maynadier, paymaster in the United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF JOHN W. DEAR.

Mr. GOFF (by request) also introduced a bill (H. R. 2885) for the relief of the estate of John W. Dear; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DISTRIBUTION OF SURPLUS FUND.

Mr. GOFF (by request) also introduced a bill (H. R. 2886) to appropriate a portion of the surplus revenue of the United States among the several States and Territories; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMENDMENT OF THE CONSTITUTION.

Mr. DEUSTER introduced a joint resolution (H. Res. 96) proposing an amendment to the Constitution in relation to the manufacture of merchandise composed of or prepared from products of the soil; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

The resolution was read:

Joint resolution proposing an amendment to the Constitution in relation to the manufacture of merchandise composed of or prepared from products of the soil.

Whereas the Declaration of Independence is based upon the broad principle that every person is endowed with certain inalienable rights, among which are life, liberty, and the pursuit of happiness, none of which can exist without that right of liberty of individual action and conduct which interferes with no rights of others and is the foundation of all civilized law; and

Whereas it is proposed to prevent the abuse of this highest right of every person by taking away the right itself, thereby furnishing an impetus to a complete revolution of the spirit of American institutions: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid when ratified by the Legislatures of three-fourths of the several States, as provided in the Constitution:

ARTICLE —.

Neither the Congress of the United States of America nor the Legislature of any State or Territory therein shall enact any laws prohibiting or abridging the manufacture or sale of any article of merchandise composed or prepared in whole or in part of any product of the soil.

BOARD OF RAILROAD COMMISSIONERS.

Mr. DEUSTER also introduced a bill (H. R. 2887) to establish a board of railroad commissioners to regulate commerce among the several States, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIEUT. P. H. RAY.

Mr. DEUSTER also introduced a bill (H. R. 2888) for compensation for Lieut. P. H. Ray while on duty in the Arctic regions; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STOCKBRIDGE AND MUNSEE INDIANS.

Mr. DEUSTER also introduced a bill (H. R. 2889) for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

THOMAS MOSHER.

Mr. DEUSTER also introduced a bill (H. R. 2890) granting a restoration of pension to Thomas Mosher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHUR O. REGAN.

Mr. DEUSTER also introduced a bill (H. R. 2891) to increase the pension of Mathur O. Regan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES PRESTON.

Mr. DEUSTER also introduced a bill (H. R. 2892) granting a pension to James Preston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GEIBEL.

Mr. DEUSTER also introduced a bill (H. R. 2893) granting a pension to John Geibel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY RODENBACK.

Mr. DEUSTER also introduced a bill (H. R. 2894) granting a pension to Henry Rodenback; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MORRIS O. CONNOR.

Mr. DEUSTER also introduced a bill (H. R. 2895) granting a pension to Morris O. Connor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT VINCENT.

Mr. DEUSTER also introduced a bill (H. R. 2896) granting a pension to Robert Vincent; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP FAY.

Mr. DEUSTER also introduced a bill (H. R. 2897) granting a pension restoration and an increase of pension to Philip Fay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER BURNS.

Mr. DEUSTER also introduced a bill (H. R. 2898) granting a pension to Peter Burns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES N. HAMILTON.

Mr. DEUSTER also introduced a bill (H. R. 2899) granting a pension to Charles N. Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. CARR.

Mr. DEUSTER also introduced a bill (H. R. 2900) granting a pension to John W. Carr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYDIA HOLTZ.

Mr. DEUSTER (by request) also introduced a bill (H. R. 2901) granting a pension to Lydia Holtz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDMOND GATLIN.

Mr. DEUSTER (by request) also introduced a bill (H. R. 2902) granting a pension to Edmond Gatlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MALINDA GRIMES.

Mr. DEUSTER (by request) also introduced a bill (H. R. 2903) for the relief of Malinda Grimes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCY BURHITE.

Mr. DEUSTER (by request) also introduced a bill (H. R. 2904) for the relief of Lucy Burhite; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE AND SALLY HARDMAN.

Mr. DEUSTER (by request) also introduced a bill (H. R. 2905) for the relief of George and Sally Hardman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANN ANNIS.

Mr. DEUSTER (by request) also introduced a bill (H. R. 2906) for the relief of Ann Annis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATHARINE BRENNAN.

Mr. DEUSTER also introduced a bill (H. R. 2907) for the relief of Catharine Brennan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES M'MANUS.

Mr. DEUSTER also introduced a bill (H. R. 2908) granting a pen-

sion to James McManus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK FISHER.

Mr. DEUSTER also introduced a bill (H. R. 2909) granting an increase of pension to Frank Fisher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES WILKINSON.

Mr. DEUSTER also introduced a bill (H. R. 2910) granting a pension to Charles Wilkinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYRUS K. LORD.

Mr. WOODWARD introduced a bill (H. R. 2911) for the relief of Cyrus K. Lord; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT LA CROSSE, WIS.

Mr. WOODWARD also introduced a bill (H. R. 2912) for the erection of a public building at La Crosse, Wis.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

OBSTRUCTIONS TO NAVIGATION.

Mr. WOODWARD also introduced a bill (H. R. 2913) to provide for the removal of obstructions to the free navigation of the navigable waters of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SURVEY IN VERNON COUNTY, WISCONSIN.

Mr. WOODWARD also introduced a bill (H. R. 2914) authorizing the survey of a certain township in Vernon County, Wisconsin, and making an appropriation therefor; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PATRICK SULLIVAN.

Mr. SUMNER, of Wisconsin (by request), introduced a bill (H. R. 2915) for the relief of Patrick Sullivan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN DAILY.

Mr. SUMNER, of Wisconsin (by request), also introduced a bill (H. R. 2916) for the relief of John Daily; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PATRICK SULLIVAN.

Mr. SUMNER, of Wisconsin (by request), also introduced a bill (H. R. 2917) for the relief of Patrick Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRESIDENT'S VETO POWER.

Mr. SUMNER, of Wisconsin, also introduced a joint resolution (H. Res. 97) proposing an amendment to the Constitution limiting the veto power of the President; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CYRUS W. BOWERS.

Mr. WINANS, of Wisconsin (by request), introduced a bill (H. R. 2918) granting a pension to Cyrus W. Bowers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS F. BAKER.

Mr. WINANS, of Wisconsin (by request), also introduced a bill (H. R. 2919) granting a pension to Thomas F. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN JOHNSON.

Mr. WINANS, of Wisconsin (by request), also introduced a bill (H. R. 2920) for the relief of John Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAIAH H. CRONCH.

Mr. WINANS, of Wisconsin (by request), also introduced a bill (H. R. 2921) granting a pension to Isaiah H. Cronch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET E. HOYT.

Mr. WINANS, of Wisconsin (by request), also introduced a bill (H. R. 2922) granting a pension to Harriet E. Hoyt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL BENNETT.

Mr. JONES, of Wisconsin (by request), introduced a bill (H. R. 2923) for the relief of Michael Bennett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MICHAEL DALY.

Mr. JONES, of Wisconsin, also introduced a bill (H. R. 2924) granting a pension to Michael Daly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS MALOTT.

Mr. JONES, of Wisconsin, also introduced a bill (H. R. 2925) granting a pension to Silas Malott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVERHARD WELTER.

Mr. JONES, of Wisconsin, also introduced a bill (H. R. 2926) granting a pension to Everhard Welter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT MONAHAN.

Mr. JONES, of Wisconsin, also introduced a bill (H. R. 2927) granting a pension to Robert Monahan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS STEWART.

Mr. JONES, of Wisconsin, also introduced a bill (H. R. 2928) granting a pension to Silas Stewart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. PRICE introduced a bill (H. R. 2929) to provide for a commission on the subject of the alcoholic liquor traffic; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

INDIAN HOSTILITIES.

Mr. OURY introduced a bill (H. R. 2930) to reimburse the States and Territories for interest on money heretofore used and expended by them in the suppression of Indian hostilities; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. SINGISER introduced a bill (H. R. 2931) to authorize the Secretary of War to ascertain the expenses incurred by the Territorial authorities and the people of the Territory of Idaho in the suppression of Indian hostilities in the years 1877 and 1878, known as the Bannock and Nez Percé outbreaks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. SINGISER also presented a memorial of the Legislative Assembly of the Territory of Idaho, asking Congress to make an appropriation to defray the necessary expenses of the people of Idaho in the suppression of the Indian outbreaks in said Territory in the years 1877 and 1878; which was referred to the Committee on War Claims.

MILITARY ROAD IN IDAHO AND MONTANA.

Mr. SINGISER also presented a memorial of the Legislative Assembly of the Territory of Idaho, praying for the establishment of a military road from Fort Lapwai, in the Territory of Idaho, to Fort Missoula, in Montana Territory; which was referred to the Committee on Military Affairs.

DR. HERMAN MILLER.

Mr. MAGINNIS introduced a bill (H. R. 2932) for the relief of Dr. Herman Miller; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BITTER ROOT VALLEY, MONTANA.

Mr. MAGINNIS also introduced a bill (H. R. 2933) to establish the price of lands in the Bitter Root Valley, Montana Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM FLANNERY.

Mr. MAGINNIS also introduced a bill (H. R. 2934) for the relief of William Flannery; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEANDER M. BLACK.

Mr. MAGINNIS also introduced a bill (H. R. 2935) for the relief of the heirs and legal representatives of Leander M. Black; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OFFICERS OF THE ARMY.

Mr. MAGINNIS also introduced a bill (H. R. 2936) relating to officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPT. A. C. GIRARD.

Mr. MAGINNIS also introduced a bill (H. R. 2937) for the relief of Capt. A. C. Girard, an assistant surgeon in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT HELENA, MONT.

Mr. MAGINNIS also introduced a bill (H. R. 2938) for the erection

of a public building at Helena, Mont.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MONTANA COLLEGIATE INSTITUTE.

Mr. MAGINNIS also introduced a bill (H. R. 2939) granting and confirming title to the Montana Collegiate Institute of certain lands situated in the town of Deer Lodge, Deer Lodge County, Montana; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. MAGINNIS also presented a joint memorial of the Legislature of Montana concerning the treatment of Indians and depredations committed by them upon settlers and their property; which was referred to the Committee on Indian Affairs.

FORT KEOGH MILITARY RESERVATION.

Mr. MAGINNIS also presented a joint memorial of the Legislature of Montana for a reduction of the military reservation of Fort Keogh; which was referred to the Committee on Military Affairs.

PUBLIC SURVEYS.

Mr. MAGINNIS also presented a joint memorial of the Legislature of Montana Territory for an increase of rates for public surveying; which was referred to the Committee on Appropriations.

PLEURO-PNEUMONIA.

Mr. MAGINNIS also presented a joint resolution of the Legislature of Montana concerning pleuro-pneumonia in cattle; which was referred to the Committee on Agriculture.

YELLOWSTONE NATIONAL PARK.

Mr. MAGINNIS also presented a joint resolution of the Legislature of Montana Territory pertaining to the boundaries of the Yellowstone National Park; which was referred to the Committee on the Public Lands.

AGNES AND MARIA DE LEON.

Mr. LUNA introduced a bill (H. R. 2940) for the relief of Agnes and Maria De Leon, heirs at law of Rebecca L. De Leon, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STATE OF WASHINGTON.

Mr. BRENTS introduced a bill (H. R. 2941) to provide for the formation and admission into the Union of the State of Washington; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

JUDICIARY OF WASHINGTON TERRITORY.

Mr. BRENTS also introduced a bill (H. R. 2942) to reorganize the judicial system of the Territory of Washington; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

TERRITORIAL COURTS.

Mr. BRENTS also introduced a bill (H. R. 2943) to amend section 1874 of the Revised Statutes and confirming the orders and proceedings of certain Territorial courts in cases arising under the naturalization laws of the United States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

VALIDATION OF TERRITORIAL ACTS.

Mr. BRENTS also introduced a bill (H. R. 2944) to validate certain acts of the Legislative Assembly of the Territory of Washington; which was read a first and second time, referred to the Committeee on the Territories, and ordered to be printed.

HOMESTEAD RIGHTS TO SOLDIERS, ETC.

Mr. BRENTS also introduced a bill (H. R. 2945) to amend section 2309, chapter 5, title 32, of the Revised Statutes, giving additional homestead rights to soldiers, sailors, and marines of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EXTENSION OF BOUNTY LAND LAW.

Mr. BRENTS also introduced a bill (H. R. 2946) amending section 2427 of the Revised Statutes so as to extend the benefits of the bounty land law to the volunteers who served in the Oregon and Washington Indian war of 1855 and 1856; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMPENSATION TO BOILER INSPECTORS, ETC.

Mr. BRENTS also introduced a bill (H. R. 2947) amending section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

QUILLEUTE LAND DISTRICT.

Mr. BRENTS also introduced a bill (H. R. 2948) creating the Quilleute land district in Washington Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING AT PORT TOWNSEND.

Mr. BRENTS also introduced a bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUGET SOUND COLLECTION DISTRICT.

Mr. BRENTS also introduced a bill (H. R. 2950) authorizing the collector of customs in the Puget Sound district to appoint a deputy, to be stationed at Semiahmoo, with authority to enter and clear vessels and collect duties; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSES IN WASHINGTON TERRITORY.

Mr. BRENTS also introduced a bill (H. R. 2951) to establish a first order light-house and fog-signal on Destruction Island, Wash; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. BRENTS also introduced a bill (H. R. 2952) to establish a light-house at the entrance of Gray's Harbor, Washington Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WAGON-ROAD, WASHINGTON TERRITORY.

Mr. BRENTS also introduced a bill (H. R. 2953) to construct a wagon-road across the Snoqualmie Pass of the Cascade Mountains, in Washington Territory; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SHIP-CANAL, WASHINGTON TERRITORY.

Mr. BRENTS also introduced a bill (H. R. 2954) to provide for and aid in construction and to regulate the operation of a ship-canal between Lakes Union and Washington and Puget Sound, in Washington Territory, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

SURVEYS IN WASHINGTON TERRITORY.

Mr. BRENTS also introduced a bill (H. R. 2955) to pay for the survey of certain public lands in Washington Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FREDERICK H. E. EBSTEIN.

Mr. BRENTS also introduced a bill (H. R. 2956) for the relief of First Lieut. Frederick H. E. Ebstein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISAAC LEMON AND ADDISON S. PERHAM.

Mr. BRENTS also introduced a bill (H. R. 2957) for the relief of Isaac Lemon and Addison S. Perham; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SETTLERS ON PUBLIC LANDS.

Mr. BRENTS also introduced a bill (H. R. 2958) to amend and construe an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 16, 1880; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DENNIS STORRS AND OTHERS.

Mr. BRENTS also introduced a bill (H. R. 2959) for the relief of Dennis Storrs, Marion Minnick, Fritz Dibberin, Donald McDonald, and Daniel Hines; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN G. PARKER.

Mr. BRENTS also introduced a bill (H. R. 2960) for the relief of John G. Parker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN L. BUTLER.

Mr. BRENTS also introduced a bill (H. R. 2961) for the relief of John L. Butler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS J. MILLER.

Mr. BRENTS also introduced a bill (H. R. 2962) for the relief of Thomas J. Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. PROSH AND T. F. M'ELROY.

Mr. BRENTS also introduced a bill (H. R. 2963) for the relief of F. Prosh and T. F. McElroy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALEXANDER S. HUGHES.

Mr. BRENTS also introduced a bill (H. R. 2964) for the relief of

Alexander S. Hughes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. H. HALE.

Mr. BRENTS also introduced a bill (H. R. 2965) for the relief of C. H. Hale; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN P. KIRBY.

Mr. BRENTS also introduced a bill (H. R. 2966) granting a pension to John P. Kirby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE A. MILLER.

Mr. BRENTS also introduced a bill (H. R. 2967) for the relief of George A. Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN S. HILL.

Mr. BRENTS also introduced a bill (H. R. 2968) for the relief of John S. Hill; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

RUFUS G. NEWLAND.

Mr. BRENTS also introduced a bill (H. R. 2969) confirming title in certain lands to Rufus G. Newland; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

THOMAS R. LYTLE.

Mr. BRENTS also introduced a bill (H. R. 2970) granting a pension to Thomas R. Lytle, a soldier of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

A. D. FISHER.

Mr. BRENTS also introduced a bill (H. R. 2971) for the relief of A. D. Fisher; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PETER HUFF.

Mr. BRENTS also introduced a bill (H. R. 2972) granting an increase of pension to Peter Huff, a soldier of the Seminole and Mexican wars; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EVAN MILES.

Mr. BRENTS also introduced a bill (H. R. 2973) for the relief of Evan Miles; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOUISA A. INGRAM.

Mr. BRENTS also introduced a bill (H. R. 2974) for the relief of Louisa A. Ingram; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARION D. EGBERT.

Mr. BRENTS also introduced a bill (H. R. 2975) granting a pension to Marion D. Egbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUGET SOUND SHIP-CANAL.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory relative to the construction of a ship-canal to connect Lakes Union and Washington with Puget Sound; which was referred to the Committee on Railways and Canals, and ordered to be printed.

NEW LAND DISTRICT.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory for the creation of a new land district in said Territory; which was referred to the Committee on the Public Lands, and ordered to be printed.

THOMAS F. TALBOT.

Mr. POST, of Wyoming, introduced a bill (H. R. 2976) for the relief of Thomas F. Talbot; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SALE OF ABANDONED MILITARY RESERVATIONS.

Mr. POST, of Wyoming, also introduced a bill (H. R. 2977) to provide for the sale of abandoned and useless military reservations; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT GARRARD, M. D.

Mr. POST, of Wyoming, also introduced a bill (H. R. 2978) for the relief of Robert Garrard, M. D.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

The SPEAKER. The call of States and Territories has been concluded. Several gentlemen were absent when their States were called, and if there be no objection, those gentlemen will now be recognized.

There was no objection.

NANCY ELLIS.

Mr. FORNEY introduced a bill (H. R. 2979) granting a pension to Nancy Ellis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL JÔ BARR.

Mr. FORNEY also introduced a bill (H. R. 2980) granting a pension to Michael Jô Barr, sergeant Captain Shelley's Company, First Regiment Alabama Volunteers, war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CUSTOMS AND INTERNAL-REVENUE DISTRICTS.

Mr. THOMPSON introduced the following resolution of inquiry; which was read, and referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be requested to furnish this House a tabulated statement showing the number of customs collection districts in each State and Territory of the United States and in the District of Columbia, the number of officers and employés in each district, their rank and pay, the amount of revenue collected in each district and the amount of fees and perquisites, the number of custom-houses and their cost of construction, and the cost of collection in each district of the revenue from customs duties; also, the number of internal-revenue districts in each State and Territory and the District of Columbia, the number of officers and employés in each district, with their respective rank and pay, the amount of revenue collected in each district from each source, the amount paid out for rents for buildings, and the costs of collecting the internal-revenue tax in each district.

W. W. WELSH.

Mr. SINGLETON introduced a bill (H R. 2981) for the relief of W. W. Welsh; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARGARET CHAMPION.

Mr. SINGLETON also introduced a bill (H. R. 2982) for the relief of Margaret Champion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

L. B. F. CHAMPION.

Mr. SINGLETON also introduced a bill (H. R. 2983) for the relief of L. B. F. Champion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

APOLLINE A. BLAIR.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 2984) granting arrears of pension to Apolline A. Blair, widow of the late General Francis P. Blair; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. GUSTAVUS B. HORNER.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 2985) for the relief of the heirs and devisees of Dr. Gustavus B. Horner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATHAN M'KAY AND OTHERS.

Mr. COLLINS introduced a bill (H. R. 2986) for the relief of Nathan McKay, George M. Clapp, and the executors of Donald McKay; which was read a first and second time, referred to the Committee on War Claims; and ordered to be printed.

REBECCA WALCOTT.

Mr. MORSE introduced a bill (H. R. 2987) granting a pension to Rebecca Walcott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LUCY LE G. JEFFERS.

Mr. MORSE also introduced a bill (H. R. 2988) granting a pension to Lucy Le G. Jeffers, widow of the late Commodore William N. Jeffers; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HAMILTON ELLIOTT.

Mr. LAMB introduced a bill (H. R. 2989) to rerate the pension to Hamilton Elliott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. LOOMIS.

Mr. LAMB also introduced a bill (H. R. 2990) for the relief of George W. Loomis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WARREN HALL.

Mr. HOLMAN (by request) introduced a bill (H. R. 2991) for the relief of Warren Hall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMMIGRATION.

Mr. CARLETON introduced a bill (H. R. 2992) to amend the act of Congress, approved August 3, 1882, entitled "An act to regulate immigration;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. W. SIMMONS.

Mr. FIEDLER introduced a bill (H. R. 2993) to place J. W. Sim-

mons on the retired-list of the Navy of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JAMES VANNESS.

Mr. STOCKSLAGER introduced a bill (H. R. 2994) for the relief of James Vanness; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIEUT. THOMAS A. PEARCE.

Mr. STOCKSLAGER also introduced a bill (H. R. 2995) for the relief of Lieut. Thomas A. Pearce, of Vernon, Ind.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAY OF CERTAIN VOLUNTEER SOLDIERS.

Mr. STOCKSLAGER also introduced a bill (H. R. 2996) to provide for the muster and pay of certain officers of the volunteer forces; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPEAL OF DUTY ON COAL, SALT, AND WOOD.

Mr. STOCKSLAGER also introduced a bill (H. R. 2997) to reduce taxation by adding coal, salt, and wood to the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DEPOSIT SAVINGS ASSOCIATION, MOBILE, ALA.

Mr. SHELLEY introduced a bill (H. R. 2998) for the relief of the creditors of the Deposit Savings Association of Mobile, Ala.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIAS B. MOORE.

Mr. PEEL, of Arkansas, introduced a bill (H. R. 2999) for the relief of Elias B. Moore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM R. MILLER.

Mr. PEEL, of Arkansas (by request), also introduced a bill (H. R. 3000) for the relief of William R. Miller for pension; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. G. DAVIS.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 3001) for the relief of C. G. Davis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Z. M. PETTIGREW.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 3002) for the relief of Z. M. Pettigrew; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

POSTAGE ON DROP LETTERS.

Mr. BRECKINRIDGE introduced a bill (H. R. 3003) to reduce the rate of postage upon drop or local letters; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MONEY-ORDER SYSTEM.

Mr. BRECKINRIDGE also introduced a bill (H. R. 3004) to extend the money-order system to the county-seats of all counties having 2,000 inhabitants; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

J. S. PICKETT.

Mr. BRECKINRIDGE introduced a bill (H. R. 3005) for the relief of J. S. Pickett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

W. A. MEGRATH.

Mr. BLOUNT introduced a bill (H. R. 3006) for the relief of W. A. Megrath, of Georgia; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ERASURE OF NAMES FROM PENSION-ROLLS.

Mr. STEVENS introduced a bill (H. R. 3007) to prevent the erasure from the pension-roll of the names of pensioners without notice to them; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LETTERS ON DUCK VALLEY INDIAN RESERVATION.

Mr. CASSIDY introduced a bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

COINAGE OF SILVER.

Mr. CASSIDY also presented a memorial of the Legislature of Nevada relative to the unlimited coinage of silver; which was referred to the Committee on Coinage, Weights, and Measures.

DESERT-LAND ENTRIES.

Mr. CASSIDY also presented a memorial of the Legislature of Nevada relative to desert-land entries; which was referred to the Committee on the Public Lands.

CENTRAL PACIFIC RAILROAD COMPANY.

Mr. CASSIDY also presented a joint resolution of the Legislature of Nevada relative to the subsidy lands of the Central Pacific Railroad Company; which was referred to the Committee on the Public Lands.

NATIONAL PARK.

Mr. CASSIDY also presented a resolution of the Legislature of Nevada relative to the preservation of the National Park; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PURCHASE OF PAINTINGS.

Mr. WAIT introduced a joint resolution (H. Res. 98) in relation to the purchase of four historical paintings representing leading events in the life of George Washington; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ROBERT A. CRITES.

Mr. CANNON introduced a bill (H. R. 3009) granting a pension to Robert A. Crites; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. C. HUMPHRIES.

Mr. CALKINS introduced a bill (H. R. 3010) to pay C. C. Humphreys, of Pierceton, Ind., for services as a surgeon during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. E. DOUGHTY.

Mr. CALKINS also introduced a bill (H. R. 3011) for the relief of George W. E. Doughty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS W. PERRY.

Mr. REED introduced a bill (H. R. 3012) to grant to Lewis W. Perry an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY HICKEY.

Mr. REED also introduced a bill (H. R. 3013) to grant a pension to Mary Hickey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY BENTON.

Mr. REED also introduced a bill (H. R. 3014) to grant a pension to Mary Benton; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LUCIUS S. GOFF.

Mr. REED also introduced a bill (H. R. 3015) to increase the pension of Lucius S. Goff; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EDMUND W. WHITNEY.

Mr. REED also introduced a bill (H. R. 3016) granting a pension to Edmund W. Whitney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NORTH CHICAGO ROLLING MILL COMPANY.

Mr. DUNHAM introduced a bill (H. R. 3017) for the relief of the North Chicago Rolling Mill Company; which was read a first and second time.

The SPEAKER. To what committee does the gentleman ask that this bill be referred?

Mr. DUNHAM. To the Committee on Rivers and Harbors.

The SPEAKER (after examining the bill). The Chair thinks it should be referred to the Committee on Claims, as it relates to money heretofore expended by the company.

Mr. DUNHAM. The company expended the money on the Calumet Harbor, and the proposition is to repay the company out of any money that may hereafter be appropriated for the improvement of that harbor.

The SPEAKER. It is for the payment of money heretofore expended, and under the rules should go to the Committee on Claims. The Chair will entertain a motion by the gentleman to make some other reference.

Mr. DUNHAM. I move that it be referred to the Committee on Rivers and Harbors.

The motion was agreed to; and the bill was accordingly referred to the Committee on Rivers and Harbors, and ordered to be printed.

CAPT. CHARLES F. KING.

Mr. HART introduced a bill (H. R. 3018) for the relief of Capt. Charles F. King; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH H. CROW.

Mr. SHAW introduced a bill (H. R. 3019) granting a pension to Joseph H. Crow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BUREAU OF LABOR STATISTICS.

Mr. McKINLEY introduced a bill (H. R. 3020) to establish a bureau of labor statistics; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

JAMES WHITMAN.

Mr. STRUBLE introduced a bill (H. R. 3021) for the relief of James Whitman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH H. FENTON.

Mr. STRUBLE also introduced a bill (H. R. 3022) for the relief of Joseph H. Fenton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DWYER.

Mr. McCOMAS introduced a bill (H. R. 3023) granting an increase of pension to John Dwyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. STEWART HERBERT.

Mr. McCOMAS also introduced a bill (H. R. 3024) granting a pension to R. Stewart Herbert; which was read a first and second time, referred to the Commitee on Invalid Pensions, and ordered to be printed.

JESSE HYDER.

Mr. McCOMAS also introduced a bill (H. R. 3025) granting a pension to Jesse Hyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS B. PRICE.

Mr. McCOMAS also introduced a bill (H. R. 3026) for the relief of Thomas B. Price; which was read a first and second time, referred to Committee on Claims, and ordered to be printed.

JOHN JOSEPH BRADSHAW.

Mr. McCOMAS also introduced a bill (H. R. 3027) for the relief of John Joseph Bradshaw; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MONUMENT TO FRANCIS SCOTT KEY.

Mr. McCOMAS also introduced a joint resolution (H. Res. 99) providing for the erection of a monument at Frederick, Md., over the grave of Francis Scott Key, the author of "The Star Spangled Banner;" which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

EMPLOYÉS OF GOVERNMENT PRINTING OFFICE.

Mr. HOLTON introduced a bill (H. R. 3028) granting leave of absence to the employés of the Government Printing Office and pay when actually sick; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MERCHANTS AND MINERS' TRANSPORTATION COMPANY.

Mr. HOLTON also introduced a bill (H. R. 3029) for the relief of the Merchants and Miners' Transportation Company of Baltimore, Md.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALBERT V. CONWAY.

Mr. HOLTON also introduced a bill (H. R. 3030) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee, for certain registered United States bonds redeemed or assigned by the Government upon forged assignments; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THOMAS S. BROOKS & CO.

Mr. MURPHY introduced a bill (H. R. 3031) for the relief of Thomas S. Brooks & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EVANS, NICHOLS & CO.

Mr. MURPHY also introduced a bill (H. R. 3032) for the relief of Evans, Nichols & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. FARRIN.

Mr. MURPHY also introduced a bill (H. R. 3033) for the relief of William H. Farrin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS FAGAN.

Mr. MURPHY also introduced a bill (H. R. 3034) granting a pension to Thomas Fagan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLLECTION OF WHISKY TAX.

Mr. WHITE, of Kentucky, submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be requested to furnish this House with copies of all letters of collectors of internal revenue relative to suspending the collection of tax for whisky listed in September, October, November, and December of the year 1880; also to inform this House whether the time for collecting tax due on whisky listed October, 1880, in the Alleghany or twenty-third collection district for the State of Pennsylvania has been extended, and if so, by what authority.

EXTRA COPIES OF COMPENDIUM OF THE CENSUS.

Mr. TILLMAN introduced a joint resolution (H. Res. 100) authorizing the publication of additional copies of the Compendium of the Tenth Census; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

RETIREMENT OF MATES IN THE NAVY.

Mr. RANDALL introduced a bill (H. R. 3036) relative to retirement of mates in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. COX, of New York. I move that the House adjourn.

Mr. REAGAN. I ask the gentleman to yield that I may report back from the Committee on Commerce some bills for reference to the Committee on Rivers and Harbors.

Mr. COX, of New York. I yield for that purpose.

Mr. REAGAN. The various bills which I send to the desk have been referred to the Committee on Commerce, but properly belong to the Committee on Rivers and Harbors.

The SPEAKER. The rules of the House provide that such erroneous references shall be corrected by placing the bills in the petition-box with a memorandum indicating the proper committee.

Mr. REAGAN. I did not know there was such a rule.

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows, from Rule XXII, clause 2:

Petitions which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented.

Mr. REAGAN. Does that apply to bills as well as petitions?

The SPEAKER. Under the rules, bills proposing appropriations for the improvement of rivers and harbors are treated as petitions and must go into the box. The Chair, therefore, thinks this rule applies in spirit to bills as well as petitions.

Mr. REAGAN. That would be correct if these bills were now originally introduced; but they come back from a committee; and it seems to me some action by the House is required to discharge that committee from their consideration and make another reference.

The SPEAKER. The bills ought not to have been referred in open House, but should have been referred by placing them in the box. If the gentleman will return the bills to the Clerk the proper order will be made.

Mr. REAGAN. If a committee, by the action of the House, has acquired jurisdiction of a subject, how can that jurisdiction be taken away except by action of the House?

The SPEAKER. The Chair thinks the House has provided by rule that a committee shall be divested of jurisdiction of matters of this character which have been improperly referred to it.

Mr. REAGAN. Very well.

COMPENSATION OF CONGRESSIONAL EMPLOYÉS.

Mr. HISCOCK. I rise for the purpose of submitting a privileged report, the report of the joint committee appointed under the sundry civil bill of last session to report to Congress by bill or otherwise in respect to equalizing the salaries of employés of the House and the Senate. A part of this report so far as it is concurred in by the representatives of the Senate and the House ought, I believe, to go to the Committee on Appropriations. The residue of the report, which is made to this House by the House members of the commission, should I think go to the Committee on Accounts. I suggest such reference of the report.

Mr. RANDALL. You can not divide it in that way.

The SPEAKER. It can only be done by resolution, referring so much as relates to a particular subject to one committee and so much as relates to another subject to another committee.

Mr. HISCOCK. So far as the report made by the members of the committee on the part of the House is concerned it refers only to the employés of the House, a subject over which the Committee on Accounts of the House has jurisdiction; and I suppose that it is in order to refer that much of the report to that committee. I will make that motion, that that part united in by the Senate and House members of the commission be referred to the Committee on Appropriations and that the part agreed to by the members of the House be referred to the Committee on Accounts.

Mr. RANDALL. I suggest to the gentleman from New York that the report be printed.

Mr. COX, of New York. Let us have the report read now.

Mr. HISCOCK. I am entirely willing it should be printed or read, as the case may be.

Mr. RANDALL. It is, I understand, a practical disagreement, and I hope the gentleman will have the report printed in the RECORD and let it go over for the present.

Mr. COX, of New York. It can be printed in the morning.

Mr. HISCOCK. It is not a disagreement; they agree to disagree [laughter] so far as equalizing the salaries of the employés of the House and Senate is concerned. But the House members went further, and

made recommendations for an increase of the force in the Clerk's office as well as others, which we deem it proper should go to the Committee on Accounts. So far as it refers to the salaries of the employés of the two Houses, the members of the Senate and the House could not agree.

Mr. RANDALL. Is the report a long one?

Mr. HISCOCK. Not very.

Mr. RANDALL. In order that the House may be well advised on the subject, I suggest that the report go over for the present, so that it be printed in the RECORD.

Mr. HISCOCK. I consent to that.

The SPEAKER. The Chair hears no objection, and that course will be pursued.

The report is as follows:

To the Senate and House of Representatives:

The undersigned, appointed by the act of March 3, 1883, a joint commission to consider during the recess of Congress the question of the salaries and compensation of the officers and the employés of the Senate and House, respectively, and also the number of such employés necessary for the official transaction of the business of the two Houses, and directing it to report to the two Houses on the second Monday in December, 1883, their conclusions with reference to the whole subject, and to recommend legislation respecting the same if, in their judgment, such legislation is necessary—the time for such report having been extended by joint resolution until the 10th day of January, 1884—submit the following report:

The commission finds that the question of the number of officers and employés necessary to transact the business of the two Houses, respectively, and the compensation which should be paid them, has been for many years a subject of controversy. The House has from time to time insisted that the officers and employés of the Senate were too many in number and received for the services rendered by them a greater compensation than that received by the officers and employés of the House for similar services. The Senate, on the other hand, has contended that the number of its officers and employés was not greater than required for the prompt and accurate dispatch of the legislative and other business of the Senate; that the compensation of the officers and employés of the Senate could not be properly measured by the apparently corresponding duties of the House officials; that while in some instances it was true that officers of the Senate were paid a larger sum than officials in the House of the same name, in other instances the reverse was true; and it has also been contended on the part of the Senate that the officers and employés of that body receiving a greater compensation than officers bearing the same title in the House have duties to perform not performed by the House officials. It is further insisted by the Senate that the whole amount paid for salaries of officers and employés of the House is about one-third larger than that paid for salaries of the officers and employés of the Senate, and that, considering the aggregate salaries paid as aforesaid in the Senate and House, the aggregate paid to the officers and employés of the Senate is not disproportionately large.

The commission has been unable to agree upon any adjustment of the salaries of the officers and employés of the two Houses which shall give to them respectively the same amount of salary and compensation for apparently corresponding positions. It is insisted by that part of the commission representing the Senate that each House must be the judge of the number of officers and employés required for the transaction of its business and their proper compensation. That part of the commission representing the House, though recognizing to a certain extent the force of this claim, is unable wholly to accede thereto. Your commission has therefore failed to agree upon any specific measure of legislation affecting the subject-matter referred to it, and can only join in the recommendation to each of the two Houses of Congress that in the passage of future appropriation bills such legislation shall be incorporated as shall seem to each House to be just and fair, prescribing the number of officers and employés necessary for the transaction of the business of the two Houses, respectively, and their salaries and compensation, having regard, first, to the prompt and accurate transaction of business; and, second, a wise and prudent economy.

O. H. PLATT,
ANGUS CAMERON,
F. M. COCKRELL,
Members of the commission on the part of the Senate.

FRANK HISCOCK,
JOSEPH C. S. BLACKBURN,
WM. H. FORNEY,
Members of the commission on the part of the House of Representatives.

The members of the joint commission on the part of the House, in addition to the foregoing, beg leave to submit and recommend that the following additional employés in the House be provided for, namely:

IN THE CLERK'S OFFICE.

One assistant journal clerk, at $1,800.
One assistant printing and bill clerk, at $1,800.
One laborer, at $720.

IN THE DOORKEEPER'S DEPARTMENT.

Three messengers, at $1,000 each.
One folder, at $900.
One folder, at $840.
Two folders, at $720 each.
Two riding pages (during session), at $2.50 per day each.
Four pages (during session), at $2.50 per day each.
Two cloak-room men (during session), at $50 per month each.
One clerk in the folding-room, at $1,200.

They further recommend that the salary of the Doorkeeper of the House be increased from $2,500 to $3,000 per annum. The former salary is, in their judgment, not commensurate with the onerous duties and responsibilities imposed upon this official.

The increase of force recommended above for the service of the House is believed to be necessary because of the large and constant increase of work in the Clerk's office and Doorkeeper's department and to the increase in membership in the present over the last House. The number of new places recommended to be created is not so great by one-half as was asked for by the Clerk and Doorkeeper.

Appended herewith are submitted, for the information of the House, the letters of the Clerk and Doorkeeper to the joint commission, asking for additional force in their respective departments.

FRANK HISCOCK.
JOSEPH C. S. BLACKBURN.
WM. H. FORNEY.

OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES,
Washington, December 8, 1883.

To the joint commission created by act of March 3, 1883, to adjust the salaries and compensation of the officers and employés of the Senate and House of Representatives:

GENTLEMEN: In compliance with your request of December 6, I have the honor to submit the following statement and facts in regard to the clerical force and employés in this office necessary to the proper discharge of the public business.

Year by year the business of the Clerk's office has increased in volume in regular ratio with the increase in population and business of the country. In the Forty-fourth Congress quite a number of positions were abolished and the clerical force largely decreased. Since then the work in this office has more than doubled at some of the desks, and has been largely increased at all of them. The increase in membership in the present House, thirty-two new members having been added, will swell the volume of the work in the office far beyond its former limits, and the present force, not large enough before, will in all probability be wholly unable to properly and promptly discharge the daily and necessary work. The Clerk's office should be an office of experts, most of the positions requiring men of intelligence, good education, and business capacity, for a proper discharge of the duties, and consequently the compensation paid should in some degree approximate the character and value of the services rendered. In submitting the following estimates for an increase of force I should perhaps add that I have sought for, and been largely aided by, the advice and experience of Hon. Edward McPherson, late Clerk of the House, who indorses the recommendations I have the honor to submit herewith.

I would respectfully recommend the following additions to the present clerical force:

First. One assistant journal clerk, at a salary of $1,800 per annum.

An assistant has been provided for the Journal Clerk by special resolution during each Congress since the position was abolished in the Forty-fourth Congress, which fact fully establishes the necessity for making this a permanent position.

Second. One assistant bill and printing clerk, at a salary of $1,800 per annum.

For the last three Congresses a clerk has been detailed from the document-room to assist the bill and printing clerk. The services of the detailed clerk will be necessary in the document-room hereafter, on account of the increase in the membership of the House and consequent increase of work in the document-room. To show the regular and great increase in the work at this desk, I have filed herewith an abstract marked "A," taken from the journals of the House, of the number of House bills and joint resolutions in each Congress from the Thirty-eighth to the Forty-seventh, inclusive. (See abstract "A.")

Third. Second assistant enrolling clerk, at a salary of $1,800 per annum.

At every session of Congress a large amount has been expended for additional assistance in the enrolling-room, approximating a sum sufficient to pay a regular salary for a permanent clerk, and mistakes made in this critical work have been mainly due to the employment of new and untried clerks toward the close of each session.

Fourth. One assistant index clerk, at a salary of $1,800 per annum.

In the Forty-seventh Congress $900 additional was paid for the work of indexing the Journal of the Forty-sixth Congress, and a claim for a like amount is now pending for similar work in the Forty-seventh Congress. The want of the requisite clerical force to carry this work forward during the sessions of Congress necessarily causes great delay in the printing of the Journals of the House. To show how great an increase there has been in the amount of indexing required see abstract "B," herewith filed.

Fifth. Three laborers, at a salary of $60 per month each per annum.

The three additional laborers should be assigned to the Chief Clerk's rooms, the file-rooms, and the enrolling-room. The five laborers now on the Clerk's roll are assigned as follows: One to the stationery-room as a clerk, one in the House library, two in the bath-rooms, and one in the document-room. The additional laborers are needed to care for and clean up the six rooms occupied by the force in the Clerk's office, to wit, the rooms of the Chief Clerk, the rooms of the file clerk, the enrolling clerk's room, and the index clerk's room. They are also needed to run on errands between these offices and care for the public property in the rooms.

All of which is respectfully submitted.

I have the honor to be, your obedient servant,

JOHN B. CLARK, JR., *Clerk.*

ABSTRACT "A."

Statement of bills and joint resolutions introduced in the House of Representatives from the Thirty-eighth to the Forty-seventh Congresses, inclusive.

Congress.	Bills.	Joint resolutions.	Total.
Thirty-eighth	813	182	995
Thirty-ninth	1,234	305	1,539
Fortieth	2,023	476	2,499
Forty-first	3,091	522	3,613
Forty-second	4,073	203	4,276
Forty-third	4,891	162	5,053
Forty-fourth	4,708	196	4,904
Forty-fifth	6,549	250	6,799
Forty-sixth	7,257	419	7,676
Forty-seventh	7,685	367	8,052

Statement of reports of committees made in the House of Representatives in the Thirty-eighth, Forty-fourth, and Forty-seventh Congresses.

	Total reports.
Thirty-eighth Congress	173
Forty-fourth Congress	1,061
Forty-seventh Congress	2,044

FILE CLERK'S OFFICE.

In the Thirty-eighth Congress 40 file-boxes held the papers. In the Forty-seventh Congress 410 file-boxes were required.

ABSTRACT B.

Increase of index of House Journals in the Thirty-eighth, Forty-fourth, and Forty-seventh Congresses.

	Pages of index.
Thirty-eighth Congress	186
Forty-fourth Congress	544
Forty-seventh Congress	616

LETTER FROM THE DOORKEEPER.

By reason of the large increase in the membership of the present House an increase of the force in the Doorkeeper's department is necessarily required to make said department effective and for the general welfare and convenience of the members, the present force being entirely inadequate for the purpose. I therefore recommend that provision be made for the following additional force:

Three messengers, at $1,200 per annum each; three messengers, at $1,000 per annum each; three folders, at $900 per annum each; three folders, at $840 per annum each; four folders, at $720 per annum each; two riding pages; eight pages; two cloak-room laborers, at $50 per month during session; and two clerks in the folding and document rooms, at $1,200 per annum each.

J. G. WINTERSMITH. *Doorkeeper.*

O'DONNELL CORRESPONDENCE.

Mr. CALKINS. I move that the correspondence in the O'Donnell case, sent from the Department of State and received just before the holiday recess, be ordered to be printed.

There was no objection, and the motion was agreed to.

And then, on motion of Mr. COX, of New York (at 4 o'clock p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Papers relating to the claim of William H. Brown—to the Committee on War Claims.

By Mr. BARBOUR: The petition of Thomas J. Steele, praying Congress to pass an act declaring the true intent and meaning of the joint resolution of Congress approved February 28, 1867, and give force and effect to the decisions of the Supreme Court of the United States—to the Committee on the Judiciary.

Also, memorial of sundry property-holders in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BELMONT: The petition of K. T. Goldsmith and 51 others, of C. B. Warner, of James M. Worth and 5 others, of Simon S. Hawkins and 30 others, of James H. Tuthill and 40 others, and of S. A. Beckwith and 132 others, for the establishment of a harbor of safety at Horton's Point, New York—severally to the Committee on Rivers and Harbors.

By Mr. BISBEE: Paper relating to the work upon the jetties at the mouth of the Saint John's River—to the same committee.

By Mr. BRENTS: Papers relating to confirmation of certain acts of the Legislature of Washington Territory—to the Committee on the Territories.

Also, the petition of citizens of Washington Territory, for an increase of the duty on wool—to the Committee on Ways and Means.

Also, papers relating to the pension claim of Thomas K. Lytle—to the Committee on Pensions.

Also, papers relating to the claim of Louisa A. Ingram—to the Committee on Military Affairs.

Also, papers relating to the claim of C. H. Hale, of Washington Territory—to the Committee on Claims.

By Mr. F. B. BREWER: The petition of Olive Martindale, relative to pensions granted to soldiers' widows—to the Committee on Invalid Pensions.

By Mr. R. T. DAVIS: The petition of Joseph B. Macy and others, for a signal station upon island of Nantucket, to be connected by telegraph with the mainland—to the Committee on Commerce.

By Mr. DEUSTER: The petition of Joseph Wirth, for increase of pension—to the Committee on Invalid Pensions.

By Mr. FERRELL: The petition of Charles Shivers, jr., for relief—to the same committee.

Also, the petition of Elisha M. Luckett, for relief—to the Committee on Pensions.

By Mr. FIEDLER: The petition of the Newark (N. J.) Board of Trade, in regard to the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. FOLLETT: The petition of Isaac Reis, Maddux, Hobart & Co., and 61 others, and of G. P. Griffith, vice-president Citizens' National Bank, and Benjamin Eggleston, president Second National Bank of Cincinnati, Ohio, for extension of the bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. GEDDES: Paper relating to the claim of Victoria Mott, widow of Peter Mott, late of Company I, Fifteenth Regiment Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. GEORGE: Paper relating to the improvement of certain rivers and harbors—to the Committee on Rivers and Harbors.

Also, two petitions of citizens of Oregon, praying for forfeiture of land grant of Oregon Central Railroad—severally to the Committee on the Public Lands.

Also, the petition of citizens of Oregon, for thirty days' leave of absence to letter-carriers and for increase of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENLEAF: The petition of Lewis Williams, for increase of pension—to the Committee on Invalid Pensions.

Also, memorial of Moses S. Hotchkiss, of Rochester, N. Y., on the principles of a republican form of government—to the Committee on Education.

By Mr. HOLMAN: Papers relating to the claim of Emanuel Mason, of the District of Columbia—to the Committee on Claims.

By Mr. JAMES: The petition of Thomas Kirkpatrick, for balance of salary as consul at Nassau, New Providence—to the same committee.

Also, the petition of Rev. Charles R. Baker and 19 others; of Rev. Joseph Pullman and 11 others; of Rev. Thomas B. McLeod, on behalf of Clinton Avenue Congregational church, and of Noah Hunt Schenck, D. D., and 15 others, citizens of Brooklyn, N. Y., asking that the Indians be allotted lands in severalty, protection of law, and afforded ample facilities for education upon present reservations—severally to the Committee on Indian Affairs.

By Mr. JEFFORDS: The petition of the mayor, aldermen, and citizens of the town of Greenville, Miss., for an appropriation for the protection of the harbor at that place—to the Committee on Rivers and Harbors.

By Mr. J. K. JONES: The petition of Z. L. Cotton and others, asking that pensions be granted to soldiers of the Mexican war—to the Committee on Pensions.

By Mr. LACEY: The petition of Phœbe C. Doxsie, for relief—to the Committee on War Claims.

Also, the petition of E. D. Williams and 33 others, in favor of granting one hundred and sixty acres of land to soldiers, sailors, and marines—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. LOVERING: The petition of Dileno Robinson, for relief—to the Committee on Invalid Pensions.

By Mr. MAYBURY: The petition of Margaret J. McCrickett, of Detroit, Mich., for relief—to the Committee on War Claims.

Also, papers relating to the claim of Richard Hawley & Sons—to the Committee on Claims.

By Mr. McCORMICK: The petition of citizens of Scioto County, Ohio, for change of mail route—to the Committee on the Post-Office and Post-Roads.

By Mr. MOREY: Papers relating to the claim of Pattison & Caldwell, of Hamilton, Ohio, for the refunding of tax paid on certain spirits which had been reduced below proof by water thrown into the receiving cisterns to extinguish the fire which destroyed their distillery—to the Committee on Ways and Means.

By Mr. MURRAY: The petition of Joel B. Martin, for a pension—to the Committee on Invalid Pensions.

By Mr. NELSON: The joint resolution of the Legislature of Minnesota, asking immediate adjustment of land grants to railroads in that State—to the Committee on the Public Lands.

By Mr. O'HARA: Papers relating to the establishment of a post-route in the counties of Craven and Lenoir, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. S. W. PEEL: The petition of veterans of the Mexican war, for a pension—to the Committee on Pensions.

By Mr. S. J. PEELLE: The petition of Schevabacher & Selig, wholesale liquor dealers, and 15 others, and of F. L. Ritzengers and other bankers, indorsed by the Board of Trade of Indianapolis, Indiana, for the extension of the bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. PETTIBONE: Papers relating to the claims of William H. Quinn, and of Lieut. Francis Ware—severally to the Committee on Claims.

Also, papers relating to the claim of James W. Anderson, Mary E. Anderson, and other heirs of Mrs. Mary Anderson—to the Committee on War Claims.

By Mr. REAGAN: The petition of J. G. Schwartz and 25 others, citizens of Kansas, for the passage of a law prohibiting stockholders, agents, or attorneys for any corporation from voting or sitting in either House of Congress during the pending of any motion affecting directly or indirectly the affairs of such corporation—to the Committee on the Judiciary.

By Mr. REED: Paper relating to the pension claim of Hannah Hutchins—to the Committee on Invalid Pensions.

Also, the petition of A. N. Yates, for increase of pensions of soldiers of the war of 1812—to the Committee on Pensions.

By Mr. W. F. ROGERS: Papers relating to the claim of Sarah E. Webster, administratrix—to the Committee on Claims.

By Mr. SHELLEY: Paper relating to the improvement of the channel at Mobile, Ala.—to the Committee on Rivers and Harbors.

By Mr. SINGLETON: The petition of ex-Union soldiers and their heirs, residents of the State of Mississippi, for donation of lands, &c.—to the Committee on the Public Lands.

By Mr. STOCKSLAGER: The petition of Virginia J. Robert Bolin, for relief—to the same committee.

By Mr. E. B. TAYLOR: The petition of George W. Arret and 48 others, of Henry Binkrey and 45 others, of James Fowler and 51 others, of John Geddes and 52 others, of Wallace Johnson and 25 others, of Harman Kline and 38 others, of Reuben Kale and 61 others, of William Longenberger and 112 others, of O. L. Miller and 41 others, of W. F. Ball, M. D., and 51 others, of J. W. Matthews and 44 others, of H. H. Marklin and 108 others, of S. B. Pine and 38 others, of James Russell and 34 others, of Daniel D. Shaffer and 50 others, of O. J. Shatto and 45 others, and of Clark Stough and 110 others, relating to the tariff on wool—severally to the Committee on Ways and Means.

By Mr. TUCKER: The petition of the legal representatives of the estate of David Wood, for payment of claim found due and allowed by the Court of Claims—to the same committee.

Also, the petition of Charles Beatty, representing the estate of James Beatty; of John W. Cater and of Frederick Sturges, praying for payment of claims against the United States—severally to the same committee.

Also, the petition of S. A. Groff, asking that he may be heard by the House Committee on Rules on the merits of his page and voting indicator for the Hall of the House—to the Committee on the Rules.

Also, the petition of T. M. English, administrator of the estate of Richard Fitzpatrick, deceased, for payment of his claim against the United States—to the Committee on Claims.

By Mr. WAIT: The petition of Maj. James Belger, for relief—to the Committee on Military Affairs.

By Mr. A. J. WARNER: Papers relating to the claim of William T. League—to the Committee on War Claims.

Also, papers relating to the claim of T. W. Stone—to the Committee on Claims.

Also, papers relating to the pension claim of Samuel J. Warner—to the Committee on Invalid Pensions.

By Mr. WELLER: The petition of Isaac High and others, and of J. Warner and others, to equalize the pay and bounties of soldiers and sailors of the late war—severally to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. WHITING: The petition of Baker, Pratt & Co. and others, for the passage of a national bankrupt law—to the Committee on the Judiciary.

Also, the petition of Charles T. Dillingham and others, for the reduction of postage on all city and town letters from 2 cents to 1 cent—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIS: Papers relating to the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States—to the Committee on Public Buildings and Grounds.

By Mr. WOODWARD: The petition of 59 inhabitants of township No. 12 north, of range 3 west, in Vernon County, Wisconsin, for a survey of said township—to the Committee on the Public Lands.

Also, the petition of Lydia A. Long, Elizabeth Bedford, and Louisa Jane Shaw, for increase of pension to widows and dependent relatives—to the Committee on Invalid Pensions.

By Mr. YORK: The petition of citizens of Ashe County, North Carolina, asking Congress to aid the States and Territories by making an appropriation for educational purposes—to the Committee on Education.

Also, the petition of citizens of Ashe and other counties in North Carolina, for a stage line from Abingdon to Statesville, in that State—to the Committee on the Post-Office and Post-Roads.

The following petitions praying for an appropriation for the payment of the rebate of tax on unbroken packages of smoking and manufactured tobacco, cigars, &c., were presented, and severally referred to the Committee on Appropriations.

By Mr. BELMONT: Of J. H. Newins & Son, of Riverhead, N. Y.

By Mr. CRISP: Of S. B. Bosworth and others, of Americus, Ga.

By Mr. HOWEY: Of dealers in tobacco of Washington, Warren County, New Jersey.

By Mr. KLEINER: Of citizens of Evansville, Ind.

By Mr. LAMB: Of citizens of Crawfordsville, Ind.

By Mr. MILLS: Of citizens of Limestone County, Texas.

By Mr. MORSE: Of Thomas Dana & Co. and others, of Boston, Mass.

By Mr. PRICE: Of T. J. Burhite and others, of River Falls, Wis.

By Mr. RANNEY: Of John A. Nowell and others, and of Timothy Gay & Co.

By Mr. G. W. RAY: Of tobacco dealers of Norwich, Chenango County, New York.

By Mr. ROWELL: Of Gillespie & Co., of Lincoln, Logan County, and of Humphreys, Newton & Co. and others, of Bloomington, Ill.

By Mr. SINGLETON: Of A. T. Threefoot & Son and others, of Meridian, Miss.

By Mr. WHITING: Of citizens of Adams, Mass.

By Mr. WOODWARD: Of P. Nelson and others, dealers in tobacco, of Viroqua, Wis.

SENATE.

WEDNESDAY, *January* 9, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, inclosing reports of Indian Agent Armstrong relative to the condition and necessities of the Crow Indians in Montana; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting the report of the surveyor-general of New Mexico relative to the private land claim in New Mexico, reported as No. 123, in the name of Francisco Sandoval, for the Santisima Trinidad or Rancho de Galvan tract; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, showing the amount of the public debt, how much it has been reduced beyond the amount required by sections 3694 and 3696 of the Revised Statutes relating to the sinking fund, &c.; which was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting reports from Col. Charles E. Blunt, Corps of Engineers, of surveys of certain localities in Maine, made in compliance with the river and harbor act of August 2, 1882; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLUMB. I present the petition of a number of ex-Union soldiers, praying for the establishment of a soldiers' home in the State of Kansas. The petition is signed by more than twenty thousand ex-soldiers, representing over one thousand regiments and, I think, seventeen States and Territories. The petitioners are now residents of the States of Missouri, Iowa, Nebraska, and Kansas, the Territories of New Mexico and Wyoming and the Indian Territory. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. PLUMB. I also present, and ask that it be made part of these remarks, a preamble and resolution adopted by a reunion of the soldiers of the State of Kansas held at Leavenworth in October last, expressing the sentiment of that assemblage upon the same question. I ask that the petition itself be read, minus the names.

The PRESIDENT *pro tempore*. The Senator from Kansas asks consent that the petition referred to be read. Is there objection? The Chair hears none.

The petition was read, and referred to the Committee on Military Affairs, as follows:

AN APPEAL FOR A SOLDIERS' HOME IN KANSAS.

To the honorable the members of the Senate and
House of Representatives th Congress assembled:

We, your petitioners, representing every regiment, of all arms—artillery, cavalry, and infantry—and every man of war that participated in the defense of our country during the war of the rebellion, 100,000 ex-soldiers and sailors, now residing in the State of Kansas, and hundreds of thousands at present in Colorado, New Mexico, Arkansas, Missouri, Nebraska, Iowa, and the Indian Territory, set forth the fact that hundreds of our former comrades in arms, disabled by wounds received and diseases contracted while in the service of their country, are in a helpless condition, dependent upon the labor of their wives and children, a burden to those whom they should support, or upon charity they can not accept without humiliation, for the simplest necessities of life.

Many of these men, by reason of the length of time which has elapsed, the loss of important papers, or the death of those who could have furnished the necessary proofs, can not now hope to establish their right to a pension, and if they could, the character of the original injury would entitle them a pittance so small as to furnish no adequate relief; the influence of time, toil, and pain upon the system, weakened by wounds received or disease contracted in the service, being not considered in the award.

As an example, we cite to the case of Greenville Meade, late private of Company F, One hundred and eighteenth Illinois Infantry, of Fort Scott, recently deceased. After twenty years of suffering and six years of entire helplessness, during which he was confined to the house, wholly dependent upon the labor of his wife, he died in real poverty, and the day after his death the notice came that he had been granted a pension of $4 per month.

Such cases might be multiplied by hundreds throughout this Western country. The reason why they abound here is readily understood. When the discharged soldiers returned to their homes they found the places they had occupied filled by others, and conscious that they would have to compete with those in sound health, they moved to the West, where competition would be less and the opportunities greater. But the hardships incident to a new country increased their infirmities, and at last they are left in poverty, with no prospect of adequate relief, unless the Government, in whose defense they *risked everything* and *lost so much*, shall come to their help and furnish them a home wherein the few years of life yet remaining may be spent while they listen for the call that shall summon them from the pain and penury they have so long endured.

We send you this appeal the more cheerfully because we know you are not strangers to facts set forth, and in the past Congress has recognized the right of the soldier and sailor who bared his breast for his country in the time of her peril to a just reward for the service rendered and the injuries received.

We have seen with pleasure the order of the Secretary of War providing shelter and food for a mule that was worn out in the public service, and know that every true man will say, "The soldier who, from the effects of disease contracted in the 'prison pens' of the South, in the arduous campaigns of the war, or the injury resulting from wounds, is no longer able to work, is justly entitled to shelter and food."

We plead for those who can not plead for themselves; their helplessness renders them silent and love of their country seals their lips against complaint.

W. B. SHOCKLEY,
Chairman of Committee on Soldiers' Home.

FORT SCOTT, KANS.

Mr. PLUMB. I ask that the preamble and resolution which I have forwarded to the desk may be incorporated in the RECORD without being read.

The PRESIDENT *pro tempore*. If there be no objection that order will be entered. The Chair hears none.

The preamble and resolution are as follows:

Whereas there are now resident in the State of Kansas upward of 75,000 honorably discharged soldiers and sailors who served in the armies of the Union during the war of the rebellion; and

Whereas many of said solders and sailors are disabled from wounds and disease received and contracted during their service in said war and are now in needy circumstances; and

Whereas many of these soldiers and sailors can not now make the necessary proof to enable them to obtain pensions and are now dependent upon the charity of their comrades and friends; and

Whereas the General Government has provided suitable homes for disabled soldiers and sailors in many States of the Union; and

Whereas such homes are remote and difficult of access to destitute soldiers of Kansas and other adjacent Western States: Now, therefore,

We, the soldiers and sailors of the late war now residents of Kansas in reunion assembled at the city of Leavenworth, most respectfully petition our representatives in Congress to take such action as may be necessary to obtain sufficient aid from the United States to establish and maintain a soldiers' home in our State, believing that by so doing the Government will thereby discharge a moral and legal duty which it owes to its defenders who now need its aid and protection; and

Be it further resolved, That a copy of these resolutions be sent to Comrade P. B. Plumb, to be by him presented to the Congress of the United States, with the earnest request that he press the bill now before the Senate for such purpose and that he use all honorable means to secure its enactment.

Mr. JONES, of Florida, presented the petition of the master and wardens of Escambia Lodge, No. 15, Free and Accepted Masons, of Pensacola, Fla., praying that they be granted the title to the land on which their building is now located; which was referred to the Committee on Public Buildings and Grounds.

Mr. HALE presented a memorial of the board of directors of the Maritime Association of the City of New York, urging legislation in the interests of our mercantile marine; which was referred to the Committee on Commerce.

Mr. MITCHELL presented the petition of Charles Breneiser & Co. and others, of Reading, Pa., praying for an appropriation to pay rebate tax on tobacco, snuff, cigars, &c.; which was referred to the Committee on Appropriations.

He also presented a petition of the select and common council of Erie, Pa., praying for the re-establishment of the land light-house overlooking the harbor of Erie; which was referred to the Committee on Commerce.

Mr. INGALLS presented a petition of jobbers and dealers in manufactured tobacco, citizens of Humboldt, Kans., praying for a tobacco-rebate appropriation; which was referred to the Committee on Appropriations.

Mr. VAN WYCK presented a petition of citizens of Nebraska, praying for immediate legislation to make effective an act of Congress heretofore passed providing for rebate of tax on tobacco; which was referred to the Committee on Appropriations.

Mr. HOAR presented the petition of J. W. Thompson, Anthony Hyde, and other citizens of the District of Columbia, praying for the passage of a bill for the protection of children in the District of Columbia from cruelty and abuse, and for other purposes; which was referred to the Committee on the District of Columbia.

Mr. SLATER presented a petition of the citizens of Oregon, praying that the lands granted to the Oregon Central Railroad Company which have not been earned may be forfeited; which was referred to the Committee on Public Lands.

Mr. SEWELL presented two petitions of citizens of Philadelphia, Pa., praying that jetties be built at Corson's Inlet and Townsend's Inlet, on the coast of New Jersey, adjacent to Ludlam Island, in order to deepen the water upon the bar and thereby afford a harbor in Ludlam and in Townsend's Bay for vessels sailing along the New Jersey coast; which were referred to the Committee on Commerce.

Mr. PIKE presented the petition of E. M. Mason and others, letter-carriers of Concord, N. H., praying that they be granted a vacation of thirty days, the same as is allowed to other Government employés; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BOWEN presented a petition of citizens of Denver, Colo., praying for a tobacco-rebate appropriation; which was referred to the Committee on Appropriations.

Mr. LOGAN presented a petition of citizens of New York, praying for the passage of a bill to pension ex-prisoners of war; which was referred to the Committee on Pensions.

He also presented a petition of ex-soldiers of Hancock County, Illinois, praying for the passage of an equalization-of-bounty bill; which was referred to the Committee on Military Affairs.

He also presented the petition of F. M. Thomas Post, Grand Army of the Republic, No. 94, of Iowa; the petition of Grand Army of the Republic Post No. 19, Department of Ohio; the petition of Post No. 48, Grand Army of the Republic, of Nebraska; the petition of Custer Post, No. 44, Grand Army of the Republic, of Minnesota; the petition of James Morgan Post, No. 127, Grand Army of the Republic, of Missouri; the petition of Post No. 99, Grand Army of the Republic, of Nebraska; the petition of Elliott Post, No. 88, Grand Army of the Republic, of Nebraska; and the petition of Grand Army of the Republic Post No. 165, Department of Iowa, praying for the opening up of the Sioux reservation; which was referred to the Committee on Indian Affairs.

He also presented the petition of William Elrod, of Shobonier, Ill., praying for legislation to prevent the spread of epidemic diseases among domestic animals; which was referred to the Committee on Agriculture.

He also presented the petition of James B. Fox, of Aurora, Ill., praying for the passage of a bill providing that in case a disabled soldier does not make a declaration for an invalid pension previous to his death his widow or children shall be entitled to receive a pension as though he had made such declaration; which was referred to the Committee on Pensions.

Mr. LAPHAM presented a petition of letter-carriers of Oswego, N. Y., praying for an increase of compensation; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MAXEY presented a petition of citizens of Paris, Lamar County, Texas, praying for a tobacco-rebate appropriation; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Railroads, to whom was referred the joint resolution (S. R. 21) for the relief of the Kansas City, Fort Scott and Gulf Railroad, reported it without amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Claims, to whom was referred the memorial of Collin Adams, asking the refunding of the proceeds of the sale of certain cotton seized by the Army of the United States and the proceeds of sales used for the benefit of the Government, submitted a report thereon, accompanied by a bill (S. 974) for the relief of Collin Adams and Lucy V. Weatherred.

The bill was read twice by its title.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of T. J. Boyles, administrator of the estate of Marcus Radish, deceased, praying compensation for the use and occupancy of his property in Brownsville, Tex., by United States military authorities in the year 1865, submitted a report thereon, accompanied by a bill (S. 975) for the relief of T. J. Boyles, administrator of the estate of Marcus Radish, deceased.

The bill was read twice by its title.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 431) for the relief of Sallie A. Spence;

A bill (S. 379) for the relief of Mrs. J. P. Williams;

A bill (S. 537) for the relief of J. A. Henry and others; and

A bill (S. 677) for the relief of the estates of James Vance and William Vance.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 380) for the relief of James Bridger, reported it with an amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 382) for the relief of the city of Glasgow, in the State of Missouri, and of certain citizens thereof, submitted an adverse report thereon.

Mr. COCKRELL. Let the bill be placed upon the Calendar.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The bill will be placed on the Calendar, with the adverse report of the committee, which will be printed.

BILLS INTRODUCED.

Mr. CONGER asked and, by unanimous consent, obtained leave to introduce a bill (S. 976) to increase the pension of Peter Lennon, late second lieutenant Company B, Fifth Regiment Michigan Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PIKE asked and, by unanimous consent, obtained leave to introduce a bill (S. 977) for the relief of Sylvester Marsh; which was read twice by its title, and referred to the Committee on Patents.

Mr. JONES, of Florida, asked and, by unanimous consent, obtained leave to introduce a bill (S. 978) to rerate the pension of J. A. Ford, of Maitland, Fla.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL asked and, by unanimous consent, obtained leave to introduce a bill (S. 979) to regulate the entry of placer claims on mineral lands; which was read twice by its title, and referred to the Committee on Mines and Mining.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 980) for the relief of William C. McClellan and Robert J. Spotswood; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 981) for the relief of Hugo Wediles, which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. 982) for the maintenance and support of the Marine-Hospital Service; which was read twice by its title.

Mr. MILLER, of New York. I will state that this is a bill to repeal the monthly tax which is levied upon all our sailors for the maintenance of the marine hospitals, with the intention of making the support of the marine hospitals a charge upon the Government directly, without any tax upon our commerce. It is in the direction of aid to our commerce. I move that the bill be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduced a bill (S. 983) to amend section 4458 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 984) revising the postal laws; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 985) extending the operations of the Light-House Board over the Saint John's River, within the State of Florida, and making an appropriation therefor; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 986) granting a pension to Laura Prine, only surviving daughter and heir of Robert F. Prine; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 987) providing for the establishment of a land office at Bartow, Polk County, Florida; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 988) further to define and limit the appellate jurisdiction of the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. RIDDLEBERGER asked and, by unanimous consent, obtained leave to introduce a bill (S. 989) to construct a free bridge over the Potomac River at or near Georgetown, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 990) for the relief of John D. Marrion; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 991) for the relief of J. Henry Rives; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 992) for the relief of Isaac Davenport and other citizens of Virginia; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. 993) for the relief of Maria G. Dunbar; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BOWEN asked and, by unanimous consent, obtained leave to introduce a bill (S. 994) to authorize the Secretary of the Interior to dispose of the military reservation at Fort Lewis, in the State of Colorado, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. 995) to authorize the location of a branch home for volunteer disabled soldiers in the State of Kansas, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 996) granting a pension to David C. Canfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 997) for the relief of David A. Williams; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 998) for the relief of Herman Reifenrath; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 999) granting a pension to James King; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1000) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, surviving partner of Thayer Brothers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1001) to authorize the construction of a bridge over the Missouri River, by the Chicago, Rock Island and Kansas City Railroad Company; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 1002) for the relief of Cyprian T. Jenkins; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1003) to reimburse and compensate O. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 37) allowing the widow of General Jesse H. Moore, late consul at Callao, Peru, one year's salary; which was read twice by its title and referred to the Committee on Foreign Relations.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 38) authorizing the issue of clothing to Sergt. Herman Theune, Company I, Twenty-third United States Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO POST-ROUTE BILL.

Mr. PLUMB submitted an amendment intended to be proposed by him to the post-route bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

CHANGE OF REFERENCE.

Mr. GIBSON. I wish to change the reference of the joint resolution (S. R. 34) for the immediate appropriation of $1,000,000, in accordance with the urgent request of the Mississippi River Commission, for the preservation, repair, and construction of certain works for the improvement of said river, which was introduced on Monday last, from the Committee on Commerce to the Committee on the Mississippi River and Tributaries. I make that motion.

The motion was agreed to.

ABUSES IN UNITED STATES COURTS.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be instructed to transmit to the Senate copies of the reports, with the accompanying papers, made by different examiners of the Department of Justice concerning the business of the courts of the United States in Alabama, Georgia, Arkansas, and Texas, which reports relate to abuses by the officers of said courts and the marshals of said districts in the charging, collecting, and accounting for of fees, and other abuses referred to in the report of Brewster Cameron, general agent of the Department of Justice, made to said Department, dated January 5, 1884.

MEAT EXPORTATIONS.

Mr. ANTHONY. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of such legislation as shall enable the Executive to protect our interests against those governments which have prohibited or restrained the importation of healthful meats from the United States.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. VAN WYCK. I do not desire to object to the proposition of the Senator from Rhode Island, but I desire to have an opportunity to add something more to the resolution. I believe in the principle, but the difficulty is, I think, that foreign nations have acted upon and have struck at American products in the very principle which is sought to be acknowledged in the resolution in the spirit of retaliation. I only desire that the resolution shall be printed and go over so that I may propose an amendment and the whole matter may be stated.

The PRESIDENT *pro tempore*. The resolution will go over and be printed.

F. G. SCHWATKA AND WIFE.

Mr. HOAR. I ask leave to present at this time a report from the Committee on Claims.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks leave at this time to submit a report from the Committee on Claims. It will be received if there be no objection.

Mr. HOAR. I am instructed by the Committee on Claims, to whom was referred the bill (S. 264) for the relief of F. G. Schwatka and wife, to report it without amendment. I ask unanimous consent to have the bill considered at this time, and before the Senate determines whether it will consent I desire to state that this is a claim presented by a very aged citizen of Oregon, which accrued in the year 1850 by of the reason taking of his land by the United States for a military purpose. A military reservation is the farm on which he had settled. There were two adverse reports, I think, one of which I made myself, based upon the ground of the laches of the petitioner in presenting his claim. Thereupon the Senate called for the information to be obtained from the commanding officer of that district; and the objection of laches was completely removed, it being shown that this gentleman had been insane for a great many years, nearly all the time to which laches would apply. Thereupon a favorable report was made at the last Congress, and upon explanation the bill unanimously passed the Senate. A favorable report was made in the House, but I believe the bill was not reached for action there.

This gentleman is not only aged, but I understand he has had a calamity which results in the necessity for the amputation of one of his limbs. The Senator from Oregon [Mr. DOLPH], who is his neighbor and whose constituent he is, informs me that it would be a great act of grace and justice if the Senate would take up and deal with his claim at this time, so that he may be relieved in his great infirmity.

The bill provides for the payment of $6,000 to the husband and wife according to the law. The husband is the father of the eminent Arctic naval officer, Lieutenant Schwatka. I ask that by unanimous consent the Senate proceed to the consideration of the bill. If the Senate will allow the report, which is very brief, to be read, reserving the objection until that time, any Senator may then make the objection if he deems it proper to do so.

Mr. COCKRELL. Do I understand that the Senator has reported the bill this morning?

Mr. HOAR. Yes, sir.

Mr. COCKRELL. From the Committee on Claims?

Mr. HOAR. Yes, sir; and it was reported also at the last session.

Mr. COCKRELL. I know all about the case.

Mr. HOAR. The Senator from Missouri knows all about the case. The report of last winter, however, is in print.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the bill reported by him this morning be now considered, and in connection with that request he asks that the report of the committee be now read. Is there objection to the reading of the report? The Chair hears none, and it will be read.

The Chief Clerk read as follows:

The Committee on Claims, to whom was referred the bill (S. 264) entitled "A bill for the relief of F. G. Schwatka and wife," have considered the same and respectfully report: We adopt the report made from this committee on the 21st day of December, 1881, and recommend the passage of the bill. The report is subjoined for the information of the Senate.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts desire to have the report of last year read?

Mr. HOAR. Yes, sir.

The Chief Clerk read as follows:

Mr. HOAR, from the Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred the bill (S. 51) entitled "A bill for the relief of F. G. Schwatka, sr.," have considered the same, and respectfully report:

That F. G. Schwatka, sr., on November 6, 1850, being a married man, with eight or nine children, settled on a tract of land at the mouth of the Columbia River, in Oregon, as a donation claim. November 16, 1850, he filed in the office of the recorder of deeds for Clatsop County his claim, giving its boundaries and embracing six hundred and forty acres. He immediately built a house, and the following year raised a crop of potatoes on the land. He intended to make it his permanent home. He so occupied it until August, 1852, when he was told by Major Hathaway, of the United States Army, that his claim had been selected as a military reservation; whereupon he removed from it. Said claim was taken for a military reservation, now known as the Fort Stevens reservation.

The act of Congress entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey and to make donations to settlers of the said public lands," approved September 27, 1850, section 4, provides—

"That there shall be and hereby is granted to every white settler or occupant of the public lands, above the age of eighteen years, being a citizen of the United States * * * now residing in said Territory, or who shall become a resident thereof on or before the 1st day of December, 1850, and who shall have resided upon and cultivated the same for four successive years, and shall otherwise conform to the provisions of this act, the quantity of one half-section, or three hundred and twenty acres of land, if a single man; and if a married man, or if he shall become married within one year from the 1st day of December, 1850, the quantity of one section, or six hundred and forty acres, one-half to himself and the other half to his wife, to be held by her in her own right. And the surveyor-general shall designate the part inuring to the husband and that to the wife, and enter the same on the records of his office: * * * *Provided further*, That in all cases provided for in this section the donation shall embrace the land actually occupied and cultivated by the settler thereon."

Section 6 of said act provides—

"That within three months after the survey, or where the survey has been made before the settlement, then within three months from the commencement of such settlement, each of said settlers shall notify the surveyor-general to be appointed under this act of the precise tract or tracts claimed by them respectively under this law, and in all cases it shall be in a compact form; and where it is practicable so to do, the land so claimed shall be taken, as nearly as practicable, by legal subdivisions; but where that can not be done, it shall be the duty of the said surveyor-general to survey and mark each claim with the boundaries as claimed, at the request and expense of the claimant. * * * The surveyor-general shall enter a description of such claims in a book to be kept by him for that purpose, and note temporarily on the township-plats the tract or tracts so designated, with the boundaries.

Section 7 provides—

"That within twelve months after the surveys have been made, or where the survey has been made before the settlement, then within twelve months from the time the settlemnnt was commenced, each person claiming a donation right under this act shall prove to the satisfaction of the surveyor-general, or of such other officer as may be appointed by law for that purpose, that the settlement and cultivation required by this act had been commenced, specifying the time of the commencement; and at any time after the expiration of four years from the date of such settlement shall prove in like manner by two disinterested witnesses the fact of continued residence and cultivation required by the fourth section of this act; and upon such proof being made, the surveyor-general, or other officer appointed by law for that purpose, shall issue certificates, under such rules and regulations as may be prescribed by the Commissioner of the General Land Office, setting forth the facts in the case and specifying the land to which the parties are entitled. And the surveyor-general shall return the proof so taken to the Commissioner of the General Land Office, and if the said Commissioner shall find no valid objection thereto, patents shall issue for the land according to the certificates aforesaid upon the surrender thereof."

Section 9 provides—

"That no claim to a donation right under the provisions of this act, upon sections 16 or 36, shall be valid or allowed if the residence and cultivation upon which the same is founded shall have commenced after the survey of the same; nor shall such claim attach to any tract or parcel of land selected for a military post, or within one mile thereof, or to any other land reserved for governmental purposes, unless the residence and cultivation thereof shall have commenced previous to the selection or reservation of the same for such purposes."

Section 13 provides—

"That all questions arising under this act shall be adjudged by the surveyor-general as preliminary to a final decision, according to law; * * * to cause proper tract-books to be opened; * * * and to do and perform all other acts and things necessary and proper to carry out the provisions of this act."

Section 14 provides—

"* * * And that such portions of the public lands as may be designated, under the authority of the President of the United States, for forts, magazines, arsenals, dock-yards, and other needful public uses, shall be reserved and excepted from the operations of this act: *Provided*, That if it shall be deemed necessary, in the judgment of the President, to include in any such reservation the improvements of any settler made previous to the passage of this act, it shall in such cases be the duty of the Secretary of War to cause the value of such improvements to be ascertained, and the amount so ascertained shall be paid to the party entitled thereto, out of any money not otherwise appropriated."

No surveys were made of the township embracing the claim of Mr. Schwatka until 1856. It was, therefore, impossible for the petitioner to file a description of his claim, according to the law requiring such filing, "within three months after survey has been made." Major Hathaway told the petitioner that he would be paid for his claim by the United States when formal possession was taken by them. He made no claim for relief by petition to Congress or otherwise, so far as appears, until December, 1870, and his claim was rejected by the Committee on Claims in the Forty-fifth Congress principally for that reason: the report being made to the Senate by the writer of the present report, May 29, 1878. Thereafter, February 11, 1879, the Senate passed a resolution directing the Secretary of War to cause an examination to be made by the commanding officer of the Department of the Columbia into said claim, and the Secretary has transmitted the report of said officer for the information of the Senate. From this report, and the affidavits annexed thereto, it appears that Mr. Schwatka was insane for a large portion of the time between his surrender of the premises in 1852 and his application in 1870. He removed to Albany, in Linn County, in June, 1855, and from June, 1855, to August, 1859, he had frequent intervals of mental depression, taking long foot-journeys without letting any person know where he was going or when he would return, and being unfitted for any kind of business.

This condition is now shown to have existed from 1855 to 1868 at frequent intervals. When the former report was made, there was no evidence establishing this condition of dementia for a period preceding 1864, and the committee state that the petitioner seems to have had twelve years within which he might have prosecuted his claim. This period is now satisfactorily accounted for until a time within three years of his being ousted by the Government. We do not think that we ought to apply the doctrine of laches so strictly to a pioneer in Oregon, before it was admitted as a State, before the time of railroads or telegraphs, or punctuality of mail service, as to deprive him of a just claim against the Government for a failure to prosecute it in Washington during those three years, especially when, according to his affidavit, the military officer who informed him of the taking by the United States assured him that provision would be made for his compensation when the Government took actual possession.

It is true that Mr. Schwatka did not do all the acts which were needed to give him a complete title under the statutes of the United States. But he was prevented from doing such acts only by the appropriation by the Government of his land to a public use paramount in right and in importance. He was equitably entitled to be paid for the value of his right to go on and perfect his legal title.

We are therefore of opinion that some allowance should be made to the claimant.

The question of value is of more difficulty. The petitioner's affidavit, annexed to the report of the military officer, sets the value of the land at the time it was taken from him at $10,000. It appears that at the time of the former report there were before the committee an affidavit of the petitioner valuing the land at $4,000; an affidavit of one Shively, saying it was worth $2,500; one of B. C. Kindred, fixing the value at $10,000 "at the time the Government took possession," and $5,000 "when Schwatka left." Other witnesses fix the value at $10,000. It appears that the land is now of great value, being estimated at from $13,000 to $15,000, by reason of valuable fisheries appertaining to it, and its admirable situation at the mouth of the Columbia River. It is difficult to believe that the land which was wild and unoccupied, to be had for the taking by the first settler, two years before Mr. Schwatka left, had in that time risen to a value of $10,000, and that in the nearly thirty years since that time only $3,000 or $5,000 have been added by the increasing population of the important and growing State of Oregon.

Upon the whole, we are inclined to allow the sum of $6,000.

In coming to this conclusion, the committee have been aided by the personal knowledge of the locality of the Senator from Nevada, a member of the committee, who thinks $6,000 a low estimate of the value of the land at the time of the taking. The claimant, having waited so long for compensation, will receive no more than justice if this sum be allowed him.

Under the law, one-half of the claim would have vested in his wife, who was then and is now living.

We therefore recommend the amendment of the bill by providing for the payment of the sum of $6,000, to be equally divided between the claimant and his wife, and that the bill pass so amended.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to F. G. Schwatka, sr., of Salem, Oreg., and to Amelia Schwatka, his wife, $6,000, to be equally divided between them, in full of their claim against the Government of the United States for their donation claim taken by the War Department, in sections 6 and 7, in township 8 north, range 10 west of the Willamette meridian, in the State of Oregon, and what is now known as Fort Stevens.

The bill was reported to the Senate without amendment.

Mr. DOLPH. Mr. President, I beg the indulgence of the Senate to say that I for the first time this morning heard of this claim. I am, however, well acquainted with the claimant and with the tract of land in question.

Mr. Schwatka is a very aged and worthy citizen of Oregon. It appears from the report of the committee that he was one of the pioneers by whose energy, enterprise, and sacrifice the great Northwest, including Oregon, Washington, and Idaho, with its unrivalled resources, was saved to the Union. It appears that he settled upon the tract of land in question under the act of Congress commonly known as the donation law, built him a house, and proceeded to the cultivation of his claim; but the tract was taken by the Government as a military reservation. It would have been a very valuable private claim. Its value to the Government can not be estimated. It is the site of the fort which commands the south channel of the Columbia River.

Mr. Schwatka, as I have said before, is aged; he is infirm. He has lately submitted to a series of surgical operations. First, some of his toes were amputated, and I believe, finally, his foot. He can, in the course of human events, live but a short time.

I hope that the bill will pass the Senate and that the attention of the other House will be called to it, so that it will be taken up and acted upon there, and Mr. Schwatka receive what he should have received nearly a quarter of a century ago, so that it may do him some good during the last days of his life.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FIRST NATIONAL BANK OF FORT WORTH, TEX.

Mr. COKE. I ask unanimous consent to take up and consider Sen-

ate bill 844, to authorize the increase of the capital stock of the First National Bank of Fort Worth, Tex., reported by the chairman of the Committee on Finance and placed on the Calendar yesterday.

Mr. FRYE. Is it a bill that will occupy any time?

Mr. COKE. Not more than a minute or two.

Mr. FRYE. I shall not object to this bill, but I will ask for the regular order after it is disposed of.

The PRESIDENT *pro tempore*. Is there objection to proceeding to the consideration of the bill at this time?

Mr. HOAR. I should like to reserve objection, in order to inquire of the Senator from Texas why a national bank requires a special act to increase its capital.

Mr. COKE. I will answer the Senator in the language of the Comptroller of the Currency, which is very clear and very brief. The letter is addressed to the chairman of the Committee on Finance. The Comptroller says:

Section 5142 of the Revised Statutes provides that any association may, by its articles of association, provide for an increase of its capital stock from time to time, &c., but that the maximum of such increase, to be provided for in the articles of association, shall be determined by the Comptroller of the Currency.

The First National Bank of Fort Worth, Tex., in its articles of association, fixed their maximum at $100 000, and this was approved by the Comptroller of the Currency at the time of the organization of the bank.

The Attorney-General of the United States, in an opinion rendered on the 23d of February, 1882, referred to on page 10 of my annual report for 1882, decided that the maximum of increase of the capital stock of a national bank having once been fixed by the determination of the Comptroller of the Currency could not afterwards be changed by any act of the bank or the Comptroller.

The First National Bank of Fort Worth, Tex., desiring to increase its capital beyond the limit of $100,000 fixed in its articles of association, therefore finds it necessary to ask for legislation by Congress to enable it to do so, and this bill has therefore been introduced.

You will find a precedent for such action by Congress in volume 22 of the United States Statutes at Large, page 420, when the Second National Bank of Xenia, Ohio, was authorized to increase its capital beyond the limit fixed by its articles of association.

Unless a general act is passed which will enable national banks to change the maximum limit of increase of their capital stock by an amendment of their articles of association, the passage of special acts similar to the bill inclosed will be necessary in some cases.

The bill inclosed is unobjectionable and necessary, as stated above, and I recommend its passage.

The bill was unanimously reported from the Committee on Finance.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Massachusetts [Mr. HOAR] to reserve an objection. The Chair will therefore again ask the Senate, is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the First National Bank of Fort Worth, Tex., to increase its capital stock, in accordance with existing laws, to any sum not exceeding $500,000, notwithstanding the limit heretofore fixed in its original articles of association and determined by the Comptroller of the Currency; and the Comptroller of the Currency is authorized to fix the limit of increase of the capital stock of the bank at the amount of $500,000.

The bill was reported to the Senate without amendment, ordered to be engrossed by a third reading, read the third time, and passed.

COMMITTEE ON ADDITIONAL ACCOMMODATIONS FOR THE LIBRARY.

The PRESIDENT *pro tempore*. The Chair, pursuant to the order of the Senate made yesterday, will announce the appointment of additional members of the Select Committee respecting Additional Accommodations for the Library of Congress, as follows: Mr. MORRILL and Mr. BAYARD.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 686) to fix the time for holding the district court in the district of Maine at Bangor; in which it requested the concurrence of the Senate.

REVISION OF THE RULES.

The PRESIDENT *pro tempore*. The Chair will now lay before the Senate the unfinished business of yesterday, being the report of the Committee on Rules. The pending question is on agreeing to the amendment proposed by the Senator from Maine [Mr. HALE]. The amendment will be read.

The SECRETARY. The amendment is in line 4 of clause 1 of Rule XVII, after "improvements," to strike out:

And bills making appropriations for the expenses of the government of the District of Columbia, which shall be referred to the Committee on the District of Columbia.

Also in clause 2 of the same rule, after "Post-Roads," strike out:

Also amendments proposing new items of appropriations to bills for the expenses of the government of the District of Columbia shall, before being considered, be referred to the Committee on the District of Columbia.

Mr. BAYARD. I merely wish to understand the effect of the amendment upon the text of the printed recommendation of the committee, whether if this amendment is adopted it will operate to take out of the text, as reported by the committee, the words now in italics upon the third, fourth, and fifth lines of the first clause of the rule.

The PRESIDENT *pro tempore*. The Chair understands that the whole text, including the italics, is before the Senate. If, therefore, the amendment be defeated, the words in italics will stand as a part of the rule. If the amendment of the Senator from Maine, which is to strike out, be agreed to, those words will be stricken out.

Mr. BAYARD. Then it will be in order subsequently to move to strike out the words in italics?

The PRESIDENT *pro tempore*. That is the motion of the Senator from Maine. The italics are not amendments; they are part of the text. The words are inserted in italics, as the Chair understands, by the Committee on Rules in order to show to the Senate the difference between the new rule and the old one.

Mr. BAYARD. Precisely so; but I understand the amendment now pending is that of the Senator from Kansas [Mr. PLUMB].

Mr. BECK. No; of the Senator from Maine [Mr. HALE] to strike out.

The PRESIDENT *pro tempore*. The amendment of the Senator from Maine is now under consideration.

Mr. BAYARD. To strike out the words in italics?

Mr. BECK. Yes.

Mr. BAYARD. All right. I supposed the more extended amendment of the Senator from Kansas was pending.

The PRESIDENT *pro tempore*. The occupant of the chair yesterday held that the amendment proposed by the Senator from Maine took precedence of the amendment proposed by the Senator from Kansas, and the motion is to strike out these words. Although they are printed in italics, and would therefore appear to be an amendment, they are really a part of the text. The question is on agreeing to the motion to strike out those words.

Mr. FRYE. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The Chair will put the question on the first amendment, as he feels bound to do so strictly, as there are really two amendments. The question is on striking out the words read where they first occur.

Mr. COCKRELL. Where do they first occur?

Mr. BECK. In clause 1.

Mr. COCKRELL. How much of the matter in italics in clause 1 is to be stricken out?

Mr. FRYE. After "Improvements."

The PRESIDENT *pro tempore*. After the word "Improvements," in the fourth line of Rule XVII. Then they occur again in a subsequent clause.

Mr. COCKRELL. Does the motion include the words "Committee on Internal Improvements?"

Mr. FRYE. No.

Mr. HALE. It does not touch that matter at all. It is reserved.

Mr. COCKRELL. That is what I wanted to get at.

The PRESIDENT *pro tempore*. The Chair will again state the question. The question now is, as the Chair thinks he is bound to put it, on striking out in the fourth and sixth lines of Rule XVII these words:

And bills making appropriations for the expenses of the government of the District of Columbia, which shall be referred to the Committee on the District of Columbia.

Mr. HALE. If the motion carries it leaves the appropriation bills as they are now. If the motion is voted down, the effect is to give this bill to the Committee on the District of Columbia.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Virginia [Mr. MAHONE]. If he were present, he would vote "nay" and I should vote "yea."

Mr. HAWLEY (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON]. If he were here, I understand he would vote "yea;" I should vote "nay."

Mr. JONAS (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON]. I do not know how he would vote if he were present. I therefore withhold my vote.

Mr. WALKER (when his name was called). I am paired with the Senator from Colorado [Mr. HILL].

The roll-call was concluded.

Mr. CAMDEN. I desire to announce the pair of my colleague [Mr. KENNA] with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 27, nays 25; as follows:

YEAS—27.

Anthony,	Coke,	Jackson,	Platt,
Bayard,	Colquitt,	Logan,	Plumb,
Beck,	Dawes,	McMillan,	Pugh,
Butler,	Edmunds,	McPherson,	Slater,
Call,	Garland,	Maxey,	Vest,
Camden,	Gibson,	Morgan,	Voorhees.
Cockrell,	Hale,	Morrill,	

NAYS—25.

Aldrich,	Frye,	Lapham,	Sewell,
Blair,	George,	Manderson,	Sherman,
Bowen,	Gorman,	Miller of Cal.,	Vance,
Brown,	Harris,	Miller of N. Y.,	Van Wyck.
Conger,	Hoar,	Palmer,	
Cullom,	Ingalls,	Pike,	
Dolph,	Jones of Nevada,	Sawyer,	

ABSENT—24.

Allison,	Hampton,	Kenna,	Riddleberger,
Cameron of Pa.,	Harrison,	Lamar,	Sabin,
Cameron of Wis.,	Hawley,	Mahone,	Saulsbury,
Fair,	Hill,	Mitchell,	Walker,
Farley,	Jonas,	Pendleton,	Williams,
Groome,	Jones of Florida,	Ransom,	Wilson.

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the second amendment of the Senator from Maine [Mr. HALE], which is the same thing in substance.

The amendment was agreed to.

Mr. VEST. I desire to submit an amendment, if in order.

The PRESIDENT *pro tempore*. It is not now in order, as the Chair thinks. The amendment of the Senator from Kansas [Mr. PLUMB] was superseded for the time being by the amendment of the Senator from Maine [Mr. HALE]. The question now is on the amendment proposed by the Senator from Kansas [Mr. PLUMB], which will be read.

The SECRETARY. It is proposed to add, as clause 5 to Rule XVII, the following:

That the general appropriation bills shall be referred as follows:

Making appropriations for the support of the Army, for the erection and repair of fortifications, and for the support of the Military Academy, to the Committee on Military Affairs; appropriations for the payment of pensions, to the Pensions Committee; appropriations for the Navy and for the Naval Academy, to the Naval Committee; appropriations for the Post-Office Department, to the Committee on Post-Offices and Post-Roads; appropriations for the Department of Agriculture, to the Committee on Agriculture; appropriations for the Indian Bureau, to the Committee on Indian Affairs; appropriations for the District of Columbia, to the Committee on the District of Columbia; and the several items of appropriation contained in the remaining general appropriation bills, germane to the general jurisdiction of the committees of the Senate, shall be referred to such committees respectively. All such subjects of appropriation, and all appropriation bills so referred, shall be reported to the Senate by the committees to which referred, with proposed amendments, within one week of the date of such reference, and shall be printed, and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was rejected.

Mr. VEST. I move now to strike out of the third and fourth lines of clause 1 of this rule the words "Internal Improvements" and insert "Commerce."

Mr. FRYE. The Senator will pardon me a moment. By unanimous consent those words were allowed to remain here until a direct vote was taken on Rule XXVI, the only remaining rule not acted upon, where comes up directly the question whether or not the Committee on Commerce should be divided.

Mr. VEST. I want to raise the question and get a direct vote on it.

The PRESIDENT *pro tempore*. The amendment of the Senator from Missouri will be stated.

The SECRETARY. In line 3, clause 1, of Rule XVII, after the word "on," it is moved to strike out "Internal Improvements" and insert "Commerce."

Mr. VEST. I have no disposition to press the matter now if it is disagreeable to the Senator, and it can be taken up afterward on Rule XXVI.

Mr. FRYE. I do not know that it makes any practical difference, only in Rule XXVI the question is squarely presented of referring the river and harbor bill to a new committee on internal improvements. In that rule it is squarely presented, and we shall reach it in a very few minutes.

Mr. VEST. If the gentleman desires it I shall wait till then.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Missouri to withdraw his amendment?

Mr. VEST. I withdraw it for the present.

The PRESIDENT *pro tempore*. The amendment is withdrawn. The question is on agreeing to Rule XVII as amended.

Mr. FRYE. With the exception of the words "Internal Improvements."

The PRESIDENT *pro tempore*. The effect of that, the Chair thinks, would be to leave out the words "Internal Improvements" by a vote of the Senate. The rule by general consent can be passed over until Rule XXVI is disposed of.

Mr. FRYE. We may as well settle the question.

Mr. HARRIS. I ask unanimous consent that we pass over informally Rule XVII until we have disposed of Rule XXVI. That will obviate all confusion and difficulty about the matter.

Mr. VEST. I have no objection.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the further consideration of Rule XVII be passed by until Rule XXVI shall have been disposed of. Is there objection? The Chair hears none. The Secretary will now read Rule XXVI with the amendments which have been agreed to as if they were a part of the text so that Senators can see how the rule now stands. The Chair understands that there are no open amendments pending at this time. The Secretary will read the rule as it now stands as it has been agreed to in Committee of the Whole.

The Secretary read as follows:

RULE XXVI.

STANDING COMMITTEES.

1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

A Committee on Privileges and Elections, to consist of nine Senators.
A Committee on Foreign Relations, to consist of nine Senators.
A Committee on Finance, to consist of eleven Senators.
A Committee on Appropriations, to consist of nine Senators.
A Committee on Manufactures, to consist of seven Senators.
A Committee on Agriculture and Forestry, to consist of nine Senators.
A Committee on Military Affairs, to consist of nine Senators.
A Committee on Naval Affairs, to consist of nine Senators.
A Committee on the Judiciary, to consist of nine Senators.
A Committee on Post-Offices and Post-Roads, to consist of nine Senators.
A Committee on Public Lands, to consist of nine Senators.
A Committee on Private Land Claims, to consist of five Senators.
A Committee on Indian Affairs, to consist of nine Senators.
A Committee on Pensions, to consist of nine Senators.
A Committee on Revolutionary Claims, to consist of five Senators.
A Committee on Claims, to consist of nine Senators.
A Committee on the District of Columbia, to consist of nine Senators, *to which shall be referred all bills making appropriations for the expenses of the government of the District of Columbia.*

Mr. HALE. I suppose that, to conform to the action which the Senate has just taken, those words should be struck out.

The PRESIDENT *pro tempore*. The Secretary will complete the reading, when the rule will be open to a motion.

Mr. HALE. I give notice that I will, with the recognition of the Chair, make that motion.

Mr. INGALLS. I give notice that I will resist it and ask for the yeas and nays on the motion to amend.

The reading of the rule was continued, as follows:

A Committee on Patents, to consist of seven Senators.
A Committee on Public Buildings and Grounds, to consist of five Senators, which shall have power also to act jointly with the same committee of the House of Representatives.
A Committee on Territories, to consist of seven Senators.
A Committee on Railroads, to consist of eleven Senators.
A Committee on Mines and Mining, to consist of seven Senators.
A Committee on the Revision of the Laws of the United States, to consist of five Senators.
A Committee on Education and Labor, to consist of nine Senators.
A Committee on Civil Service and Retrenchment, to consist of nine Senators.
A Committee to Audit and Control the Contingent Expenses of the Senate, to consist of three Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate, or creating a charge upon the same.
A Committee on Printing, to consist of three Senators, which shall have power also to act jointly with the same committee of the House of Representatives.
A Committee on the Library, to consist of three Senators, which shall have power also to act jointly with the same committee of the House of Representatives.
A Committee on Rules, to consist of five Senators.
A Committee on Engrossed Bills, to consist of three Senators, which shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate.
A Committee on Enrolled Bills, to consist of three Senators, which shall have power also to act jointly with the same committee of the House of Representatives, and which, or some one of which, shall examine all bills or joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.
A Committee on the Improvement of the Mississippi River, to consist of seven Senators.
A Committee on Transportation Routes to the Seaboard, to consist of seven Senators.
A Committee on Internal Improvements, to consist of nine Senators, to which shall be referred all subjects relating to improvements of rivers and harbors, and also the bill known as the river and harbor bill.
A Committee on Commerce, to consist of nine Senators, to which shall be referred all subjects relating to commerce, to shipping, to the merchant marine, and to the Life-Saving Service and light-houses.
A Committee on Expenditures of Public Money, to consist of seven Senators, which shall consider such measures tending to economy in public expenditures as shall be referred to it, and conduct all investigations into the expenditure of public money which shall be ordered by the Senate, unless the Senate shall otherwise direct.
A Committee on Epidemic Diseases, to consist of seven Senators.
A Committee to Examine the Several Branches of the Civil Service, to consist of five Senators.
A Committee on Fisheries, to consist of seven Senators, to which shall be referred all matters relating to fish and fisheries.

2. The Committees to Audit and Control the Contingent Expenses of the Senate, on Printing, and on the Library shall continue and have power to act until their successors are appointed.

Mr. HALE. In the clause relating to the Committee on the District of Columbia I move to strike out the words in italics, to conform to the action of the Senate already taken.

The PRESIDENT *pro tempore*. The Senator from Maine proposes an amendment, which will be read:

The SECRETARY. It is moved to strike out—

To which shall be referred all bills making appropriations for the expenses of the government of the District of Columbia.

Mr. INGALLS. On which motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). On this question I am paired with the Senator from Virginia [Mr. MAHONE]. If he were present, he would vote "nay" and I should vote "yea."

Mr. HAWLEY (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON] who would vote "yea" if present, and I should vote "nay."

Mr. JONAS (when his name was called). On this question I am paired with the Senator from Indiana [Mr. HARRISON].

Mr. BAYARD (when Mr. SAULSBURY'S name was called). My colleague [Mr. SAULSBURY] is absent, paired with the Senator from Rhode Island [Mr. ALDRICH]. Were he here, my colleague would vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. If he were here present, I should vote "nay."

Mr. BECK (when Mr. WILLIAMS' name was called). My colleague [Mr. WILLIAMS] is paired with the Senator from Nebraska [Mr. VAN WYCK]. My colleague would vote "yea" if here.

The roll-call having been concluded, the result was announced—yeas 25, nays 25; as follows:

YEAS—25.

Anthony,	Coke,	McMillan,	Pugh,
Bayard,	Colquitt,	McPherson,	Slater,
Beck,	Dawes,	Maxey,	Vest,
Butler,	Edmunds,	Morgan,	Walker.
Call,	Hale,	Morrill,	
Camden,	Jackson,	Platt,	
Cockrell,	Logan,	Plumb,	

NAYS—25.

Blair,	George,	Jones of Nevada,	Riddleberger,
Bowen,	Gorman,	Lapham,	Sawyer,
Brown,	Harris,	Manderson,	Sewell,
Conger,	Hill,	Miller of Cal.,	Sherman.
Cullom,	Hoar,	Miller of N. Y.,	
Dolph,	Ingalls,	Palmer,	
Frye,	Jones of Florida,	Pike,	

ABSENT—26.

Aldrich,	Gibson,	Lamar,	Vance,
Allison,	Groome,	Mahone,	Van Wyck,
Cameron of Pa.,	Hampton,	Mitchell,	Voorhees,
Cameron of Wis.,	Harrison,	Pendleton,	Williams,
Fair,	Hawley,	Ransom,	Wilson.
Farley,	Jonas,	Sabin,	
Garland,	Kenna,	Saulsbury,	

The PRESIDENT *pro tempore*. The Senate being equally divided, the nays have it; and the amendment is not agreed to.

Mr. VEST. It being now proper to raise the question which I endeavored to raise on Rule XVII, I move to strike out the following words, in italics, in Rule XXVI:

A Committee on Internal Improvements, to consist of nine Senators, to which shall be referred all subjects relating to improvements of rivers and harbors, and also the bill known as the river and harbor bill.

And in the next clause I move to strike out all after the word "Senators," in the first line, being the words:

To which shall be referred all subjects relating to commerce, to shipping, to the merchant marine, and to the Life-Saving Service and light-houses.

The PRESIDENT *pro tempore*. The Senator from Missouri proposes two amendments. The first one will be read first.

The SECRETARY. It is proposed to strike out the following words:

A Committee on Internal Improvements, to consist of nine Senators, to which shall be referred all subjects relating to improvements of rivers and harbors, and also the bill known as the river and harbor bill.

Mr. VEST. Mr. President, I listened with a great deal of pleasure to the speech made yesterday by the present occupant of the chair, and it seems to me it has not been answered or met by any one. Until human nature is radically changed, just so long as particular committees have charge of special departments of the expenditure of the Government, just so long will you increase the expenditures. Now, I assert what the experience of every Senator will confirm to be the truth, that just so soon as a committee is appointed, for instance in regard to the Navy, in regard to military affairs, or upon fiscal questions, that very instant the most intimate and, I admit, proper relations begin between that particular Department and the Senators on that committee. If appropriations are to be received by any of the great Departments of the Government, to whom would it naturally apply? If one of my brother Senators to-day wanted a favor from the Navy Department, to what Senator on this floor should he go? It would be to the head of the Committee on Naval Affairs. So it would be in regard to military affairs, because in the very nature of things, as I said before, without any improper influence, there immediately, so soon as a committee is organized, naturally becomes an intimate relation and reliance one upon the other between the Department and the committee. The result is that there is too much rivalry between the different committees in regard to which shall secure the largest appropriations. The inevitable result, as the Senator from Vermont said yesterday so much better than I could possibly say it, is that as you multiply the committees you increase the expenses of the Government.

Now, in regard to the specific question that comes before the Senate on the motion which I have had the honor to offer, it is proposed to take away from the Committee on Commerce all control over the river and harbor bill, which, as the Senator from Delaware [Mr. BAYARD] was pleased to say yesterday, has succeeded in absorbing the functions of the Committee on Commerce almost entirely. It is proposed to eliminate that portion of the duties of the Committee on Commerce and to give it to a new committee, called the Committee on Internal Improvements, to consist of nine members.

Much has been said on this floor from time to time in criticism of the appropriations for rivers and harbors. I am the humblest member of the Committee on Commerce and the youngest, and in the presence of the chairman and its senior members I have no defense to make of its course; but I will say in the interest of fairness and candor and honesty and justice that if river and harbor bills have been pressed through the committee and through the Senate which ought never to have been passed, members of this body are responsible more than the Committee on Commerce itself. I undertake to say, and the facts will justify me in the assertion, that the solicitation, the urgent, the personal application to and pressure upon that committee in regard to the river and harbor bill is the cause of the manner in which that bill has been reported to and hurried through the Senate.

So far from discriminating for that measure, the Congressional record of the last session shows that the Commerce Committee reported no river and harbor bill. Such a bill came to us from the House only one day before the adjournment of the session, and it was not then reported, but the bill in regard to American shipping, the most important, in my judgment, that could come before Congress at this or any other session, was reported by that committee. I had the honor to be the organ of the committee in making the report, and I pressed for its consideration, and yet Senators objected to its consideration. The committee had done its duty fully, distinctly, and fairly. The Senate refused to take up the bill or to consider it at that time. So far from the river and harbor bill absorbing the functions of the Committee on Commerce, I appeal to the records to bear me out in the assertion that no committee in the Senate did its duty more fully or completely at the last or any other session than the Committee on Commerce. No bill in regard to navigation, no bill in regard to foreign commerce, failed to receive the consideration and due action of that committee.

But, Mr. President, we have now before us an example in regard to the action which is attempted to be put upon the Senate in the increase of committees. If there is one question in which, as a public man, I am more interested than any other, together with the Senators who represent the great States of the Mississippi Valley, it is the improvement of the Father of Waters, the great river which washes in its onward course to the ocean more than twenty-three States and Territories. Years ago, under the pressure of public opinion and the exigencies of the time, this Senate created a Committee on the Mississippi River and its Tributaries, and the argument made then was that the Commerce Committee could not consider this great question on account of the river and harbor bill absorbing all its functions, and that a special committee should be created. It was created, and what has been the result? I have nothing to say in regard to the *personnel* of that committee, I have nothing but praise to give them; and yet what does the record show has been the result of taking away from the Committee on Commerce this great question, this question most absorbing and vital to the people of the West, and putting it in the hands of a special committee? The record shows that nothing has been done. The session before last, when the Mississippi River swept over the whole valley and the country was appalled by the loss of property and life, then, under the influence of this great disaster, the Committee on the Mississippi River and its Tributaries reported a bill, which we passed through the Senate unanimously I believe. It fell still-born, and has never been heard of since; and but for the action of the Committee on Commerce not a dollar would have been appropriated to this great river or any of its tributaries. Not one dollar has come from this special committee, not one single measure which has given relief to the people of the West upon this great question. The Mississippi River has received every dollar of its appropriations from the Committee on Commerce and from that alone.

I speak of this to illustrate the fact that it is not in the creation of committees that we must expect the public business on this great question to be performed; it is in renewed diligence and attention on the part of the committees already created and the members who constitute them.

But, Mr. President, again; I allude now to a question which dwarfs in insignificance compared to that to which I have already alluded. I had hoped when this Committee on Rules was organized and the organization of committees was under consideration that one of the first things done would be the decrease of committees. I say now, in no spirit of invidious comparison with the other side of the Chamber or between those of my brother Senators who are chairmen of committees and those of us who are not, but I undertake to say as a matter of truth and fact that there are six of the standing committees of the Senate that have never had a bill or a resolution or a particle of business before them within the memory of a living man that I know of. They are all sinecure committees. They were created simply to give secretaries to members of the Senate and a committee-room. I do not complain of it, however. We have got a Committee on Civil Service and Retrenchment; and yet what has it done? What has the Committee on Rules done in the way of ameliorating this condition of affairs? Instead of getting rid of the abuses in the organization or the service of the committees, what has it done? It has increased the standing committees of the Senate from thirty-four to thirty-eight, saying nothing in regard to the special committees. Mr. President, if we would strike out six of the present standing committees, asking for renewed activity on the part of those that remain, in my judgment honestly the public interest would greatly be subserved.

For these reasons, and not because I care whether the jurisdiction of the Committee on Commerce, of which, as I say, I am the humblest member, shall remain intact or not, but because I am satisfied that if we multiply the committees and continue to increase them, instead of advancing the public business, instead of confirming the public interest, we strike at it, I have offered this amendment.

Mr. COKE. Mr. President, I have heard no reason which to my

mind justifies the change proposed in the creation of a new committee to take charge of the river and harbor bill. The improvement of rivers and harbors comes under the jurisdiction of Congress in virtue of the power vested by the Constitution in Congress to regulate foreign and interstate commerce. It would therefore seem that the Committee on Commerce, which heretofore has had charge of river and harbor bills and from which it is now proposed to transfer that subject to a new committee, was most appropriately invested with that jurisdiction. It is very apparent that a committee which is charged with the duty of investigating the manifold questions affecting or touching or bearing upon our foreign and domestic commerce which come before this body should have charge of a subject so intimately blended with them as the improvement of our rivers and harbors. The commercial value of every river and every harbor, their relations to our foreign and domestic commerce, the extent and commercial importance of the country tributary to them, are considerations entering into the estimate in every item of appropriation in our river and harbor bills. This knowledge is invaluable in dealing with the various subjects other than river and harbor bills which must be considered by the Committee on Commerce—it is indeed indispensable in dealing with many of them.

The jurisdiction of the Committee on Commerce can not be divided in the manner proposed without doing violence to the theory on which the committee was originally created nor without actual injury to this branch of the public business.

I have heard but one plausible reason assigned for the proposed change, and that has no sort of foundation in fact. It is that the Committee on Commerce has not the time to consider all the questions referred to it, and is to be relieved by taking away from it the river and harbor bill.

Now, it is well known to Senators that the river and harbor bills never reach the Committee on Commerce from the House, where they originate, until the last days of the session, usually eight or ten days before adjournment. Until this time the entire session is devoted to the consideration of other business. To transfer the river and harbor bills, then, will add nothing to the efficiency of the Committee on Commerce in dealing with other questions referred to it. If the Committee on Commerce has failed to come up to the standard of the Committee on Rules, which in the pending bill proposes the change, some other remedy than this of taking away jurisdiction over the river and harbor bills must be found, for those bills never come before that committee until the close of the session, after all its other business has been disposed of. As a matter of fact, my experience as a member of that committee teaches me that it is as abundantly able to consider and report upon all questions referred to it as any other of the committees of the Senate. If I am mistaken in this, the change proposed will certainly not help the committee or the Senate out of the trouble.

It is well known, Mr. President, that bills are passed much more rapidly and with much more facility through the Senate than through the House on account of the difference in the constitution of the two bodies, the one small and compact and the other large and unwieldy. It is also well known that with the expiration of every Congress large numbers of bills which have passed the Senate die on the Calendar of the House from non-action. I can not see the good to be accomplished by increasing the number of Senate committees, with the additional attendant expense, in order to increase the number of Senate bills to be ignored and permitted to expire without action in the House. We have already committees which should be abolished, and quite a number of them, and should not create more. We already have more than enough to prepare a much greater amount of work than the House can consider. Why do more? Why have more salaried committee clerks and messengers, when many of those we now have have nothing to do? I hope, sir, that the change proposed in the pending bill, so far as it affects the Committee on Commerce and the creation of a new committee to take a part of its jurisdiction, will be voted down. I agree fully with the Senator from Missouri, and will vote for his amendment.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Missouri [Mr. VEST].

Mr. FRYE. Mr. President, I freely admit that the position occupied by me at this moment, almost necessarily seeming to criticise a committee of the Senate, and one of which I am a member, I am happy to say, is a very delicate one, and I desire in advance to say that whatever facts I may state they are not in the nature of criticism upon the Committee on Commerce as it stands to-day.

The Senator from Missouri [Mr. VEST] criticised first the idea that this committee was not competent to take charge of the river and harbor bill, and suggested that this was a reflection upon the committee because they had been extravagant and had been subject to animadversions of the public in relation to the river and harbor bill. Mr. President, that idea never was entertained for a moment by the Committee on Rules. The Committee on Rules never considered that for a moment, and their report has no such reflection in it and is not open to the charge. The river and harbor bill was given to another committee not because in the opinion of the Committee on Rules this Committee on Commerce was not competent to take charge of it and would not do it as prudently and as carefully and as properly as any committee of the Senate, but in order to leave the Committee on Commerce ample time to deal with questions of infinitely greater importance.

The Senator from Missouri, in speaking of the multiplicity of committees, said that there was a committee created on the Mississippi River and its tributaries, and then went on to say that that committee had effected nothing, and that the Committee on Commerce of the United States Senate gave all that the Mississippi River received. Why, sir, the Committee on the Mississippi River, of which I had the honor to be a member at the last Congress, reported a bill promptly to the Senate of the United States appropriating, I think, $5,000,000 for the improvement of the Mississippi and Missouri Rivers. They pressed it before the Senate. It was promptly passed by the Senate; it went to another branch of Congress, and there came the very difficulty with the Committee on Commerce there. What was that Committee on Commerce? A committee created with but one central idea, a committee created for one single purpose, and that was a river and harbor bill. Ever since I have known anything about Congress the sole purpose of the Committee on Commerce—I am not criticising now the Committee on Commerce of the Senate—has been to contrive in every possible way to get two-thirds of the members of a branch of Congress in its favor, move a suspension of the rules, put it upon its passage, and prevent any opportunity for amendment, any opportunity for debate; and when our bill which we sent from the Senate to the House of Representatives was there taken up, it was not referred to the Committee on Mississippi River Improvement of that House, but was referred to the Committee on Commerce. Why? So that that committee in its general river and harbor bill might have the full strength of the friends of the Mississippi River and its tributaries to carry that bill under a suspension of the rules once more.

Mr. GIBSON. Will the Senator from Maine allow me a word?

Mr. FRYE. With pleasure.

Mr. GIBSON. The bill was left upon the Speaker's table of the House of Representatives; it was never referred even to the Committee on Commerce. A motion to that effect was made, requiring of course unanimous consent, but objection was made.

Mr. FRYE. Why, Mr. President, in the river and harbor bill, reported from the Committee on Commerce, that came over to the Senate, that very item was included to make up a part of the $18,000,000. It made up to quite an extent that great appropriation bill, so great that it toppled over of itself in the United States Senate, and that was the reason that the Mississippi River did not receive the amount which our Committee on the Mississippi River Improvement agreed to appropriate. We passed another bill in this body appropriating for the improvement of the Potomac flats. We passed it as a separate bill, and as a separate bill it would have gone through the House, and they would have had the money. As a separate bill the Mississippi River improvement money would have gone through the House, and the country would have had the benefit of it. Instead of that, those two bills were reported by the Committee on Commerce in their great river and harbor bill for but one single purpose, and that was to create strength for the whole river and harbor bill, and they sent it over here appropriating $18,000,000. If the Mississippi River improvement appropriation had been by itself and the Potomac flats appropriation had been by itself then the attention of this country would not have been attracted and a portion of it horrified with the immensity of this bill, and it was the Committee on Commerce that defeated that course. The Committee on Commerce alone defeated it, and they defeated it under that central idea of theirs that they are created for one single purpose, and that is to distribute the largest sum of money possible into every district of the United States under the river and harbor appropriation bill.

Mr. VEST. Will the Senator permit me to interrupt him?

Mr. FRYE. With pleasure.

Mr. VEST. Is not the Senator from Maine mistaken in his assertion that the Senate passed a separate appropriation bill for the Potomac flats?

Mr. FRYE. That is my recollection of it.

Mr. VEST. I was on that committee, and have been on it from the commencement. I stood here and voted to put in the general appropriation bill the appropriation for the Potomac flats on the ground that it had been under the consideration of a special committee, of which I was a member, for the whole summer, and that we ought to have voted a separate bill. The Senator is mistaken; that is all.

Mr. FRYE. My recollection is very distinct that I voted, I think, for $500,000.

Mr. VEST. Voted for it on the general appropriation bill, on the motion of the Senator from North Carolina [Mr. RANSOM], who was chairman of the special committee.

Mr. FRYE. No.

Mr VEST. I know I am right.

Mr. MCMILLAN. The Senator from Maine will allow me to suggest that I think the statement of the Senator from Missouri is correct. That appropriation was reported from the special committee and offered as an amendment to the river and harbor bill and inserted in the river and harbor bill by the Senate.

Mr. FRYE. Of course I am liable to be wrong, as I trust entirely

to memory; but that does not change the argument I was making touching the other bill to which the Senator from Missouri alluded.

Now, I desire to call the attention of the Senate for a moment further to the action of the Committee on Rules on the increase of committees. The Senator criticised the Committee on Rules for the increase of committees. The Committee on Rules has not increased a single committee. It provided for this committee on internal improvements and it provided for a committee on expenditures in the several Departments, making two new committees and only two; and it struck out the Committee on Manufactures and the Committee on Revolutionary Claims, leaving the committees in number precisely as they were before we touched them. We reported it so to the Senate, and the Senate, both sides agreeing, very promptly overruled the Committee on Rules, and restored the Committee on Manufactures and restored the Committee on Revolutionary Claims, and put in a new committee on fisheries in addition to them. If there is to be criticism, it should be upon the Senate and not upon our committee.

Mr. VEST. If the Senator from Maine will permit me——

Mr. FRYE. With pleasure.

Mr. VEST. I did not wish to do his committee any injustice; but I take the report as I find it. On one side of this page is the list of committees as they stand before the adoption of this report, and I find thirty-four standing committees. Upon the other side is the list of committees as he proposes to make them, and I find them upon actual enumeration to be thirty-eight.

Mr. FRYE. That simply comes from making certain special committees standing committees. They have been special for session after session heretofore.

Mr. VEST. Still the fact remains as I stated, that instead of thirty-four standing committees of the Senate there are now to be thirty-eight.

Mr. FRYE. But not creations of the Committee on Rules. They were created as special committees by the Senate, and they have had their clerks. We have put them into the list as standing committees, because we find them provided for at every session. That makes no difference.

The Senator from Texas [Mr. COKE] touches what is perhaps the vital point in this matter, the question whether or not the Committee on Commerce has time to give the necessary consideration to questions of commerce and the river and harbor bill; and he says that the river and harbor bill comes from the House at the close of a session, and that this Committee on Commerce gives it about one week's consideration, reports it to the Senate, and that is all the time that is taken up by the river and harbor bill. Why, Mr. President, that is just exactly what this country objects to; it is exactly what I object to in my place here as a Senator. I found on my desk here this morning five different bills referred to the Committee on Commerce asking appropriations for rivers and harbors, I think four from the State of Florida. I say that instead of permitting the other House to send a bill of river and harbor appropriations over to the Senate and the Senate Committee on Commerce taking it up and spending just one week on a bill with perhaps four hundred different items——

Mr. COKE. Will the Senator permit me to interrupt him for a moment?

Mr. FRYE. That is a bad point; let me finish the sentence. With a bill containing perhaps four hundred different items, extending over every portion of the United States of America, requiring a certain amount of information about every river and lake and harbor and coast of this whole country, sending it over here and then spending just one week in the consideration of that bill and putting their indorsement upon it as the Committee on Commerce of the United States Senate, I say that is just exactly what the country objects to.

Mr. COKE. Now, Mr. President, will the Senator allow me a word?

Mr FRYE. With pleasure.

Mr. COKE. I would state that the river and harbor bill originates in the House of Representatives.

Mr. FRYE. Yes.

Mr. COKE. It comes to this body, and as I stated in the remarks which I made, it usually reaches the Committee on Commerce of the Senate eight or ten days before the close of the session. It is all the time that is left, not all the committee would like to have. I should like to know from the Senator from Maine how the creation of a new committee is going to bring that bill from the House earlier and give that new committee more chance and better opportunities than the Committee on Commerce has.

Mr. HOAR. Will the Senator from Maine yield to me for a moment?

Mr. FRYE. With pleasure.

Mr. HOAR. The Senator from Maine quoted, I believe, from some other Senator whose remarks I did not hear, some statement about the time spent by the Committee on Commerce upon the river and harbor bill. The statement is wholly inconsistent with what I have been informed on very high authority is the fact and with what I have stated on my own authority to the country. I should like to ask the chairman of the Committee on Commerce what is the degree of time and study which his committee has been able to give to the river and harbor bill in times past. I respectfully ask my friend from Maine to allow him to make that statement now.

Mr. MCMILLAN. I understood the Senator from Texas to make a statement of a general character and not of the precise time occupied by the Committee on Commerce in the examination of the river and harbor bill. When the river and harbor bill comes over to the Senate from the House of Representatives it has been the practice of the Committee on Commerce to immediately enter upon the examination of that bill, and as the Senator from Texas said, give night and day to the examination of the bill every day, and the whole committee go through with it. The bill is first analyzed by a proper officer of the committee, so that every item is stated with a reference to the engineers' reports; and every report, from the Chief of Engineers down to the subordinate local engineers and every item in the river and harbor bill is gone through with and examined. In many instances the examination is repeated every year, because half the items of the bill and more are items that have been in the bill year after year, and all those members who have been on the committee for any length of time are familiar with the general character of the bill. Every item is examined, and we have still in the records of the committee the abstracts of the various bills and their examinations by the committee. The whole time of the committee when the bill comes over is occupied until the bill is fully and completely disposed of. That does not interfere with the transaction of the ordinary business of the session, because it comes at a later period of the session.

Mr. FRYE. Mr. President, the Senator from Texas stated what I have no doubt is correct, that the bill came from the House very late in the session to the Committee on Commerce of the Senate, was referred to them, and he then stated that ordinarily about a week would be spent upon it, and it would then be reported to the Senate.

Mr. MCMILLAN. The Senator from Maine will allow me to call his attention to the fact that the Senate Committee on Commerce at the last session refused to report the bill favorably, because they had not sufficient time to examine it as they desired to do. They reported the bill, therefore, to the Senate without a recommendation.

Mr. FRYE. I started out by saying that I was not criticising this Committee on Commerce in the Senate, and I do not intend to do it. It is not my purpose here. I was making an argument from the statement of the committee itself.

Now, I admit that the river and harbor bill is as important as any bill presented to the two branches of Congress; it is a bill absolutely necessary for the prosperity of the country; I believe in the river and harbor bill and the necessary appropriations for the improvement of our rivers and harbors as much as any man does; but I ask, why should not the Committee on Commerce, if it has jurisdiction, commence with the beginning of the session, and as bills are referred to them in the Senate examine each one of those bills as to its merits by itself, and then when the general bill comes over from the House of Representatives they are prepared to proceed with it and in a week's time intelligently report it to the Senate.

The objection to the river and harbor bill is that over in the House of Representatives it never is considered; the objection is that it is passed under a suspension of the rules; the objection is that no chance is there to offer amendments; the objection is that it is not debated; the objection is that the country does not have the information about it that it is fairly entitled to. Why, sir, I come over here to the Senate and I find that everything is open to amendment; I find that everything is subject to debate, even the rules reported, and almost endless debate sometimes. I made a proposition that there should be a previous question in the United States Senate, believing it to be important that there should be one in so large a body as this, and that debate should be stopped in a legitimate parliamentary way, instead of being stopped as it is in the Senate every once in a while by compelling us to sit two-thirds through the night to strangle it. The objection made by almost every Senator was that the right to debate must be preserved in the United States Senate because it did not exist in the other branch. There comes over here a bill that has neither been debated nor amended, it goes to the Committee on Commerce, they should report it back to the Senate, and because it has been passed under a suspension of the rules elsewhere every item of it should be examined by that Committee on Commerce with the utmost care; they should study the geography, ascertain the depth of the rivers, the commerce that can be floated upon them, whether you are making reservoirs to run saw-mills and logs or whether you are making reservoirs necessary for the improvement of the navigation of the country. I say the moment the session commences, at the early part of the session, in considering bills as they are sent to them here, the committee can be getting ready. I know they can not originate an appropriation bill, but there is no objection on the face of this rule to their considering separate bills, so as to be prepared when the great bill comes to consider and discuss it item by item intelligently, so that we can understand what we are voting upon.

Mr. COKE. I will say to the Senator, with his permission, that it has been the invariable custom of the Committee on Commerce, since I have been a member of it, to examine thoroughly in advance before the time the bill will come before the committee, so as to be ready to go on and act intelligently upon it at once.

Mr. FRYE. If that is so—and it must be so if the Senator so states—every minute of the time of the Committee on Commerce ought to be occupied from the first of the session up to the time they report the bill, and they surely have no time to attend to anything else.

Mr. President, I point to this fact: In 1861 we had a merchant marine equal to that of any nation on the face of this earth. In two years more with the progress that was making in 1859 and 1860 and 1861 we should have had more tonnage upon the seas in the foreign commerce than Great Britain herself, and yet to-day Great Britain carries 85 per cent. of all the exports and all the imports, amounting to $1,600,000,000, for us.

Mr. VEST. I do not want to interrupt the Senator, but does he mean to make the impression on the Senate and the country that the American marine commenced decreasing in 1861?

Mr. FRYE. No.

Mr. VEST. In 1862?

Mr. FRYE. Yes.

Mr. VEST. I assert here—and I did not suppose there could be any question in regard to it—that the decline of American shipping commenced five years before that. So far from commencing in 1861, it is agreed upon all hands that it commenced at least five years before that time.

Mr. FRYE. My recollection is (and I think the figures will show it) that our highest tonnage was in 1861.

Mr. VEST. I do not think I can be mistaken.

Mr. FRYE. I have not the figures here, because I did not intend to make a speech on that subject.

Mr. VEST. I can go into it and produce the figures.

Mr. FRYE. I trust the Senator and I will both go into the subject. I stand by my statement that in 1861 the American tonnage in foreign commerce was larger than it was at any other period.

Mr. VEST. The Senator is mistaken. It had begun to decline before that.

Mr. FRYE. I stand by my statement. I said to-day Great Britain carried 85 per cent. of our exports and imports and we carry but 15 per cent. ourselves.

Mr. VEST. Does the Senator say that is Great Britain's proportion?

Mr. FRYE. Eighty-five per cent. is carried in foreign ships. The gentleman must not be so hypercritical. I mean that in foreign ships 85 per cent. of our commerce is carried and our own ships 15 per cent. and a fraction. Now, from 1861—and I still adhere to that—down to the very moment I am talking the course of the merchant marine of the United States has been the lobster's—backward—until it is down to 15 per cent. of our own exports and imports in the carrying trade.

Why, Mr. President, if this is permitted to go on, in two or three years more, with the same decrease, there will be no American ships carrying our exports or bringing our imports. It will all be done in foreign bottoms. We could not do anything during the war, I confess; we could not do anything for three or four or five years after the war, I admit, our currency was in such a condition; but what have we been doing since? If the Committee on Commerce on the part of the Senate has had ample time, all but a week of its time at every session of Congress, to devote to these great commercial questions, what has the Committee on Commerce of the United States Senate done for American commerce in the last fifteen years? What has the Committee on Commerce on the part of the House done for American shipping in the last fifteen years? The first session I was in the House I referred to the Committee on Commerce in the House a bill to repeal compulsory pilotage. Is it repealed? Has any report been made? Has any action been had? This very day compulsory pilotage takes $2,000,000 a year from the few ships we have left carrying our goods abroad and bringing our goods home. To-day compulsory pilotage takes 8 per cent. of the net earning of every vessel of ours that travels the ocean.

Mr. BAYARD. Does that apply to American ships or foreign ships?

Mr. FRYE. Ships engaged in the foreign trade.

Mr. BAYARD. Is $2,000,000 the entire amount?

Mr. FRYE. No; $2,000,000 is our own proportion.

Mr. BAYARD. That is confined to American tonnage?

Mr. FRYE. Entirely to American tonnage. Why, sir, until last year, I think it was, when New York repealed the compulsory pilotage law for Hell Gate, the United States had expended on Hell Gate $3,000,000, and on its light-houses and buoys and monuments and its blasting and deepening and widening, and it made Hell Gate so that for the last five years the Senator from Kentucky could take a ship and pilot it through there without any instruction from any human being by looking at his chart; and yet until the last year the United States permitted the pilots of the State of New York to make every American schooner running from Maine into Hell Gate pay about half the wages of her captain for a month's service to a pilot for no service. The men running these vessels knew the road just exactly as the pilots knew the road. They could go by night or by day, in fog or in light. Several of them used to be joined to be carried through by a tug with a United States licensed pilot on the tug's deck to bring them through. That pilot could take six at a time. A New York pilot would go out to the mouth of Hell Gate, board the six schooners in the rear of the tug fastened to her, and ask if they had a pilot. "No, we have got a tugboat; what do we want with a pilot?" "Pay me, then." Every one of them has been compelled to pay, whether they took him or not, with a licensed pilot on the tugboat and they in tow of the tug themselves; and 99 per cent. of our ships are towed into New York by tugboats. In Massachusetts it is the same. Only a day or two ago I saw, by a rule of the pilots of Boston Harbor, that they only went out 10 miles. The danger in Boston Harbor is not within 10 miles. There is not a man running a coaster or a ship on our New England coast who can not go into Boston Harbor after he is within 10 miles. The danger is beyond. Only a few days ago I saw that a ship was wrecked beyond, and could not reach a pilot, for the pilots were in the harbor; and a day or two ago I saw another statement—that was a heavy storm, and the pilots had gone home out of the storm, to protect themselves and also to spend Christmas Day at home.

And yet I say from 1798 down to now this infernal system of pirating has been allowed by the Congress of the United States. In 1789 they remitted pilotage to the States. Well, perhaps they did it because then we had no lights and no buoys and no monuments and no charts, and each State could tell best for itself what was needed; but to-day the pathway of the ocean is lighted as Pennsylvania avenue is lighted by the gas lamps on the side; to-day the charts of the United States are as the alphabet to the boy learning his letters; everything is plain, and the wayfaring man, though a fool, need not make any error. Any intelligent man can pilot his ship to-day with the aid of the chart. And yet notwithstanding the Senate Committee on Commerce has for fifteen years been compelled to pay only about ten or fifteen days' attention to the river and harbor bill and the rest of the time at each session was left open to great commercial questions, the pilots have been permitted to pursue their piratical course, and thirty pilot ships in New York city have been permitted to lay up $30,000 every year net apiece at the expense of this dying American commerce.

The first time I came into the House I sent a bill to that committee for the repeal of compulsory pilotage. The pilots' body is a powerful body; it is a wonderful contrivance to exercise its power at call. It appeared in Washington. Every time an attempt has been made to repeal compulsory pilotage it has appeared in Washington. A committee which is compelled to obtain every vote possible to get two-thirds to suspend the rules to pass a bill dares not report a bill which has any respectable opposition to it, and that Committee on Commerce never reported a repeal of the pilotage law to that House from that day to this, and we could get no action upon it.

Mr. President, this same merchant marine of ours has been laboring, wallowing in the deep waves of a terrible sea for the last fifteen years, and Congress never has stretched out a hand to help her until the very last session. Away back in 1870, some one may say, the Committee on Commerce reported a bill making a rebate of duties on a few materials. To be sure the Committee on Commerce, my recollection is, did not do it. A special committee was raised, of which John Lynch, of Maine, was chairman, and that committee spent four or five months investigating the causes of this decline of American commerce. They reported to Congress, and Congress gave a rebate on a few imported materials that went into the building of a ship. It did not amount to a tub to a whale, and from that day—1870, I think it was—up to the last session of Congress the United States Government has stood by blindfolded, both hands clasped, and the American commerce has been going down and down and down, and the Committee on Commerce has not put out a hand to save it until, as I say, the last session of Congress.

I remember a bill was reported by the Committee on Commerce at the last session which provided for the inspection of foreign steamboats like our own, and another measure which provided for a different admeasurement of tonnage, giving us the same measurement, I believe, that the English have. I remember when the bill was reported I remarked in my place (and it went into the RECORD, though I did not expect it to go there), "The first gun for the American commerce." I remember that the Committee on Commerce then did not take the initiative. I remember that a special committee was appointed, made up of members of the Committee on Commerce I admit, an excellent body, and that they spent time, and they investigated and they reported a bill which if it had passed would have done infinite good, but a similar bill coming from the House over here was amended in the Senate and it could not pass both branches of Congress at such a late hour. That was the work of a special committee. It was ably done; the investigation was thorough, was complete; and the Senators on that committee did everything in their power—the Senator from Missouri [Mr. VEST] being at the head of it and in charge of the bill—to do what could be done.

But while I concede that this Committee on Commerce did that one thing, where have the Committees on Commerce been in the last fifteen years? What have they been doing? Do they say to me that they had no power to originate? I say the Committee on Commerce should be made up of men who understand thoroughly and completely commercial questions, questions affecting the mercantile marine, questions affecting the building of ships, and it is their duty when we have no boards of trade; it is their duty when we have no trinity-house; it is their duty when we have no other support to originate measures both in the Senate and in the House and send them to their own committee for consideration and bring them back with the weight of their authority. Show me any single instance in fifteen years where a Committee on Commerce has done this. It can not be found. Why, Mr. President? I come back to my original proposition; why? Because in the House of Representatives the Committee on Commerce is made up for one single purpose, with one central idea, the river and harbor

bill, and that river and harbor bill having been the inducement of the Commerce Committee for fifteen years, it has had its logical effect that whoever makes up the Committees on Commerce in the House or Senate has in view the monumental column of the river and harbor bill, and not the numerous widespread complaints and troubles connected with our general commerce.

The Senator from Texas says the committee has had ample time—the Committee on Commerce meets once a week, I believe on Thursday, at 10 o'clock—ample time; only a week per session for the river and harbor bill! Show me, Mr. President, where the Committee on Commerce has undertaken in that ample time to relieve American commerce, to restore our commerce to the ocean, to do those things that ought to be done in the interest of the whole country.

Sir, the only purpose I had when I asked a division of this committee was that there might be one committee whose sole jurisdiction should be commercial questions, whose sole work might be determining these very questions that are pressing upon us as they press to-day in this Republic; the committee itself should know that the United States Senate had made it a distinct and separate committee with this one power, and the committee then should devote its time, its intellect, its power to devising ways and means to restore us our American commerce.

In 1854 Great Britain passed her great maritime shipping act. It occupies perhaps sixty or eighty pages of her statute-book; and she provided in her act for every existing necessity of the merchant marine as far as the finite eye of man could see. She made her trinity-house at London; she made her great board of trade; she created a marine court in every seaport of Great Britain; she connected them with iron bands; she allowed appeals from the lower to the higher; she gave them unusual powers of making regulations in the interest of commerce equal to laws passed by the English Parliament; and she required them to report one to the other, and a final report from the central board to Parliament every session it had; and then Parliament took the reports and proceeded to enact whatever was necessary to help Great Britain in her onward march to gain the victory over the whole world in her merchant shipping career; and that Parliament, every single session from 1854 to now, has been considering questions affecting the merchant marine of Great Britain and at almost every session has enacted laws; and the merchant marine of Great Britain has grown until to-day it is more powerful than all the rest of the wide world, until to-day it controls the trade and commercial affairs of nearly the whole world, until to-day it carries all the mails (with a few feeble exceptions) of the United States of America to every foreign port; until to-day it carries 85 per cent. of our freight and our passengers abroad and brings our imports home. Why? Because Congress has not taken care of the interest of American shipping; because boards of trade, and trinity-houses, and marine courts, with their boards and their councils, have been at work day in and day out, in season and out of season, to help Great Britain to her position of power; and while we have sat here and seen her forcing herself onward until she controls the world, what have we done? Sat here in blind amazement, utterly paralyzed, weak as infants, and seen her strip our power from us.

Mr. President, while I admire the power of Great Britain, while I admire her steadiness of purpose, while I admire the manner in which she has gone to work and built herself up, yet I am constrained to say that she works for money always and everywhere. She fought us for more than fifty years because we owned slaves; in season and out of season she fought us. Then when there came a war, a war which was to affect slavery, preserve it or destroy it, she saw her opportunity to take from us our growing power on the ocean. Forgetting all about her principle of anti-slavery, she supplied the whole South with munitions of war, with ships of every kind. We captured seven hundred and sixty-three of her blockade-runners, with twenty-six million dollars' worth of arms and powder. She fitted out her Alabamas; she joined with Spain and France in landing forces in Mexico, ready to march on us when occasion should require, and I do believe that if it had not been for that man Ericsson she would have dismembered this country and would have held the South to raise cotton and corn for her and open to her merchandise and her manufactures in return. But Providence raised up a man by the name of Ericsson. He built a little iron monitor, a little cheese-box, as it was called. We left the Merrimac down here in Virginia; the gentlemen of the confederacy raised it, armed it, put on armor and a ram, and our whole Navy was at her mercy in the twinkling of an eye; she sunk two of our ships. Down came Ericsson's little cheese-box, his little Monitor, and the Merrimac went ashore and was sunk, and Spain and England left France in Mexico to take care of herself, and England went home to look out for her commerce on the seas, and immediately she went over her navy at the expense of hundreds of millions of dollars, and our country was saved because England did not want to lose her commercial supremacy.

She would forget principle, she would forget slavery, she would forget all that she ought to have held dear to get a market for her manufactured goods, but she would sacrifice principle, anti-slavery feeling, market for goods, and everything to save her commercial marine, and she did it, and she has been at work at it ever since; and yet we stand by here and see England do it year after year, and if any attempt is made to build up our commercial marine, all that some Senator has to do is to fling out "subsidy" or "bounty," and then down goes any attempt to do anything to save ourselves.

Mr. President, I asked a division of the Committee on Commerce for one sole purpose, that while we had no trinity-houses and no boards of trade and no marine courts and no parliament behind us, we might have one committee whose interest it should be, whose purpose it should be, whose investigation it should be, in view of our present condition, to compel the attention of the two Houses of Congress to the proper remedies, and see if we could not do something for our salvation. There was no other purpose. I meant no reflection so far as I am concerned, and I know the Committee on Rules meant no reflection whatever upon the Committee on Commerce of the United States Senate, and I trust that that committee will not so treat it.

I have endeavored to give the reasons which actuated me in this recommendation. I hope they will commend themselves to the Senate, and that no personal feeling touching the making up of a committee certainly will affect any Senator's vote.

Mr. President, I ask the pardon of the Senate. I had not the remotest idea when I took the floor of making a speech of any such length as this. I have spoken in a random way, but I have spoken from a very deep and profound feeling that the day is now come when, if we are to do anything to save this great country and its mercantile marine, we must act; and to that end I have put myself in the position of seeming to criticise a committee of this body of which I have the honor to be a member.

Mr. COCKRELL. Mr. President, I simply desire to correct an error into which my colleague [Mr. VEST] inadvertently fell in his remarks in regard to the Committee on the Improvement of the Mississippi River. In the Forty-fourth and Forty-fifth Congresses there was in the Senate a select committee on the Mississippi levees, and there was a corresponding committee in the House on the Mississippi levees. In the beginning of the Forty-sixth Congress, at its first session, at my instance, in the Senate the select committee on the Mississippi levees was changed to the Committee on the Improvement of the Mississippi River and its Tributaries. That was at the called session in 1879. At the same session in the House a partial change was made in the committee there; it was changed to the Committee on the Levees and Improvement of the Mississippi River.

Prior to 1879 I had the honor of introducing a bill in the Senate for the creation of a Mississippi River Commission, the first bill of the kind ever introduced in the Senate. It necessarily had to go to the Committee on Commerce, and was returned to the Senate tacked on as an amendment to the river and harbor bill, and was disagreed to in the Senate, there being only some twenty-odd votes in favor of the measure.

Being somewhat conversant with the history of the effort to create the Mississippi River Commission, I know that there were bills introduced in the House to the same effect. The distinguished Senator from Louisiana, the junior Senator [Mr. GIBSON], then a member of the House, had, prior to the time when I introduced the bill in the Senate, introduced a bill in the House. I think he commenced as early as the Forty-fourth Congress, probably, introducing bills for the creation of the Mississippi River Commission, and they went to the Committee on Commerce in the House and no action was ever had on them.

After the creation of the Committee on the Improvement of the Mississippi River and its Tributaries in the Senate and the change of the committee in the House to a Committee on the Levees and Improvement of the Mississippi River in 1879, the Senator from Louisiana [Mr. GIBSON] introduced in the House a bill, H. R. No. 1847, which was introduced in the House on the 10th of May, 1879, being a bill to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes near its mouth to the headwaters. That bill was in the House referred to the Committee on the Levees and Improvement of the Mississippi River. It was reported back to the House favorably by that committee and passed and came to the Senate. In the Senate, June 3, 1879, it was referred to the Committee on the Improvement of the Mississippi River and its Tributaries. June 6th it was reported back from that committee with amendments and was discussed in the Senate, and very soon afterward passed by a vote of yeas 48 to nays 4. That bill as amended was returned to the House, the amendments were concurred in there, and the Mississippi River Commission was created by that law coming from those two committees, and it has originated the system and plan of works which are now being carried out and which promise to give us permanent navigable water in that river. I simply desire to say that the Mississippi River Commission owed its existence to these two committees in the Senate and House, and I claim that that commission has originated the whole system of works which promise such great results.

In the subsequent Congress there was no change made in the House. In the last Congress my distinguished colleague introduced one or two bills for the improvement of the Mississippi River and the Missouri River. They were referred to the Committee on the Improvement of the Mississippi River and its Tributaries, and that committee reported back to the Senate Senate bill No. 1572 for the improvement of the navigation of the Mississippi and Missouri Rivers, which appropriated $5,000,000 for he improvement of the Mississippi River and $1,000,000

for the improvement of the Missouri River; and the bill passed the Senate almost unanimously on the 25th of April, 1882. It went to the House, and there, under the rules of the House, the Select Committee on the Levees and Improvement of the Mississippi River did not have jurisdiction of it. I do not remember to what committee it was referred, but the House refused to take any action upon the bill.

Mr. GIBSON. It was not referred at all.

Mr. COCKRELL. The Senator from Louisiana advises me that it was not referred to any committee. If the House had had a committee corresponding to the Senate committee, a committee on the improvement of the Mississippi River and its tributaries, and that committee had had jurisdiction of the bill, it would have passed the House and appropriations would have been made sufficient to have carried on the work of the improvement of the Mississippi River under the plans of the Mississippi River Commission up to this time.

Mr. President, I simply rose to say this as a mere matter of justice and right to the Committee on the Improvement of the Mississippi River and its Tributaries in the Senate. When I came to the Senate in 1875 it was the Committee on the Mississippi Levees, and I was made a member of it; I had it changed to the Committee on the Mississippi River and its Tributaries in 1879, and have continuously been a member of the committee up to this time. I think that committee, whether there was any necessity for it or not, has been of great service to the country and has faithfully discharged its duties. I do not intend this as a response to any argument that my colleague has made——

Mr. VEST. I understand.

Mr. COCKRELL. But simply as an explanation, because I knew that my colleague was not familiar with it.

Mr. VEST. In what I said or intended to say I was very unfortunate if I made the impression that I was criticising the Committee on the Improvement of the Mississippi River and its Tributaries. I highly appreciate the *personnel* of that committee and its labors; but I said this, and the record shows it, that as to the appropriations for the improvement of the Mississippi River they have come from the Committee on Commerce, and I said, in order to emphasize that statement, that the money that went to the improvement of this great river had come from the Committee on Commerce and upon its recommendation and from that committee alone. I admit the usefulness of the Mississippi River Commission, and I am glad to acknowledge that it was created by the action of any committee of this body, but the other facts remain as I stated them.

Mr. President, I do not propose to go into a discussion of American shipping or of the late war. I was in hopes that there was one subject under heaven and among men that could be discussed in this body without opening up hostility again between the United and the confederate states, but it seems utterly impossible to bring up anything here, even a change of the rules of the Senate, unless we "fight all our battles o'er again, and thrice we rout our foes and thrice we slay the slain." What has the Merrimac got to do with this question or Ericsson's "cheese-box," or whether the Merrimac went down amid shot and shell or under stress of weather? This is a question in regard to abolishing the functions of the Committee on Commerce of the United States Senate, and the imagination of the Senator from Maine alone could have brought into the question hostilities which ceased near twenty years ago.

If there is one thing necessary to add force to the present tendency to materialism on the part of the American people it is accuracy of statement. The Senator from Maine and myself had two issues of fact and of memory. One was in regard to a bill with reference to the Potomac flats, which he said was passed by the Senate and went to the House. No such bill was ever passed. The second statement he made, and the impression he desired to make on the Senate and the country, was that the decline of American shipping commenced with hostilities in 1861. I say that the reports from the Treasury Department show no such thing. They show, on the other hand, that American shipping commenced its decline in 1840, and after a slight revival in 1852 and 1853 it finally proceeded to go down-hill in 1855 until it almost touched bottom in 1883. I have before me the official reports of the Treasury Department and we shall see who is correct. In 1840 the American carrying trade amounted to 82.9 per cent.; in 1845, 81.7; in 1850, 72.5; in 1855, 75.6, an increase of 3.1; in 1860, 66.5; in 1865, 27.7. I hold in my hand the report made in the House of Representatives by a colleague of the distinguished Senator, ex-Governor Dingley, of Maine, who has given to this subject, I take pleasure in saying, the most accurate and exhaustive research, in which he puts the decline of American shipping properly from 1855 in these words:

> The decline of our foreign carrying trade dates from 1855, although the causes which produced it gathered volume so slowly as to attract little attention for several years. What these causes were appears from an investigation of the maritime history of the commercial world, and particularly of England, between 1840 and 1860. Up to 1850-'55, the ocean trade was carried on exclusively in wooden sailing vessels.

I do not propose to go into this question now. I am ready at any other time to discuss it; not now, for it is not pertinent to the inquiry before the Senate; but I tell the gentleman, and I think the Senator from Michigan [Mr. CONGER] would join me in my conclusions, that after taking testimony for weeks upon this question, after examining every authority pro and con in regard to it, it was not compulsory pilotage that destroyed our merchant marine, it was not seamen's wages, but it was the fact that England ascertained that wooden American sailing vessels made by the constituents of my honorable friend from Maine were superior to hers; that the American clipper vessels could not be competed with by Great Britain; and immediately that great people utilized their coal-beds and their iron, which were lying together upon the verge of the ocean, and commenced the construction of iron steamships. From that time on, not from the commencement of the war but from 1855, from the very time that England commenced this construction, the foreign carrying trade of the world and of the United States went into her hands. It is true the war accelerated the decline, but the primary cause of the whole of it was not in compulsory pilotage, not in any of the insect causes which the gentleman alludes to, but it was in the great fundamental cause that England, always true with her intellect and her resources to her interests, seized upon the great fact that her coal, her iron, and her cheap labor enabled her to build iron vessels much cheaper than could be done in the United States. That is all I desire, however, to say upon that subject.

Mr. President, in conclusion it simply amounts to this: The Senator's whole argument and statement, boiled down and sifted and compacted, is in the single sentence that the Committee on Commerce can not attend to this great subject of the foreign commerce and merchant marine of the United States, and yet he admits in the same breath that the only action taken in Congress for fifteen years which has amounted to anything was taken by the same Committee on Commerce at the last session of Congress. The records show that I reported a bill here as the organ of the Committee on Commerce and urged its passage, a bill which I again introduced on the first day of this session of Congress and had referred to the same committee. The Senator admits that members of the Committee on Commerce have labored laboriously and assiduously, and yet he says he has no reflection on the Committee on Commerce. He does not mean to say that it has not done its duty, but he does mean to say that he would take away from it this subject upon which it has labored for months and months and give it into the hands of a new committee created by the Committee on Rules, because (if there is force in English language and meaning in English words) the Committee on Commerce has not done its duty to the subject of the decline of American shipping. I say that the Committee on Commerce has done its duty, and I say that this report made by members of the Committee on Commerce jointly with the committee on the part of the House embraces every particle of information accessible to the Senator or to any one else upon this great question.

That is all I desire to say. I hope that the Senate in voting upon the question will exclude any idea that any personal feeling on the part of members of the Committee on Commerce has entered into the discussion. All we ask is that justice and the public interests may be consulted and subserved.

Mr. FRYE. Mr. President, one word in reply. I stated that American tonnage reached its height in 1861 according to my best recollection. I had not the reports by me; I had not examined any in reference to this debate. The Senator from Missouri [Mr. VEST] says that I am mistaken; that our carrying trade began to decrease before 1860. I admit that an iron steamship will carry five where a sailing vessel will carry one; but my statement was absolutely correct by the same report. If the Senator had turned to page 2 of the same report he would have found that in 1860 the American tonnage engaged in the foreign carrying trade reached 2,379,396 tons, and that in 1855 it had reached 2,348,358 tons. I think that justifies my statement that American tonnage was at its height in 1861. I made it expressly as to tonnage, and not as to the freight-carrying capacity of the vessels, recognizing, as I do fully recognize, the invention of steam, and also extra compound engines and the screw and all that sort of thing, as having very much to do with the decline of American commerce. I recognize those facts.

The Senator from Missouri did me injustice in another thing. I know perfectly well that pilotage had not all to do with this, nor two months' advance wages nor three months' wages exacted by consuls nor all these little things; but the little things together helped. My point was that we had not undertaken up to the last Congress to remove anything which tended to hurt us.

The Senator does me injustice in another respect. He says that I brought in the hostility of the war when that was all over. It was the remotest from my mind; never such an idea entered my head. I am entirely willing to say to the Senator what suggested the remarks I made. It was the distinguished Senator from Florida [Mr. JONES] sitting right here before me. His nativity suggested it. I was talking entirely without notes or thought, and when I saw him sitting in front of me the course England had pursued towards Ireland occurred to me, and at once there flashed into my mind the course that England had pursued towards us for her pecuniary benefit.

I alluded to those hostilities and to her withdrawal from Mexico and to her hastening home and fitting out those ships simply to show that she regarded her mercantile marine as of greater consequence to her as a nation than any question of principle or even any question of market for her goods. That is the only reason why I referred to it, and I trust that no Senator on that side supposes that I was undertaking to rake up hostilities. Hostilities I do not care anything about; they have gone by, I hope, forever; we have got through with them; but I

do not think that so far as England is concerned they are forgotten or will be forgotten readily; and I do think, if ever the opportunity comes, the United States, notwithstanding it received the paltry sum of $15,500,000, will exact higher wages and profounder penalties than that for the wrongs committed upon us simply as a question of money. My argument was that England would sacrifice everything else for her commercial marine, and that we would not sacrifice anything, not even the division of a penny.

Mr. McMILLAN. Mr. President, the Senator from Maine has enlarged this discussion very much indeed by bringing before the attention of the Senate the decline of the American marine. The bearing of that question upon the amendment of the rules of the Senate, it seems to me, is very remote, and I think very many of the remarks of the Senator on this occasion had just as little to do with the question now before the Senate.

The Senator seems to have been dealing very largely with his experience in some other legislative body. He seems to have been impressed by the state of affairs in some other body than the Senate as requiring a division of the labors of the Committee on Commerce. The Committee on Commerce of the Senate has nothing to do, under the practice of the Senate, with originating or framing the bill making appropriations for the rivers and harbors of the country, generally known as the river and harbor bill. According to the practice of these legislative bodies that bill, with all such general appropriation bills, originates in the House of Representatives. The whole time occupied in framing that bill is spent by members of the House of Representatives and the Committee on Commerce there, so that we have no time consumed in originating or framing the bill. It comes to us as a bill passed by the House. Of the items embraced in the river and harbor bill three-fourths of them fully are old subjects of appropriation, appropriations for the continuance of improvements, further appropriations in regard to improvements which have been originated years before and have been year after year before the consideration of the Senate, and with which the members of the Committee on Commerce are always familiar.

When the river and harbor bill comes to the Senate the practice of the Committee on Commerce has been, as I have heretofore stated, to examine the bill thoroughly in general committee. It is not referred to a subcommittee. The report of the Chief of Engineers, transmitted by the Secretary of War, embraces not only his report, but the report of the engineers of the United States Army in charge of the district embracing the improvement, and it also includes a report from a subordinate officer to the engineer in charge. These reports state distinctly and fully the character of each improvement; they give the history of the improvement, the effect of the improvement, not only upon the locality, the stream, or the harbor, but the effect upon commerce, the tonnage of the locality; and every fact which would enter into a consideration of the subject of appropriating for an improvement as affecting commerce is embraced within the reports. These are all separately examined, and the committee either recommend the items as sent to them in the House bill or amend it, according to their pleasure. That bill, with such examination, is reported to the Senate for its action, and so far as the Senate is concerned the remark of the Senator from Maine that discussion does not take place, that it is passed by any two-thirds vote, or that any limitation is placed upon the debate, does not apply to the Senate of the United States. The warmest and most ample discussions have taken place in the Senate upon river and harbor bills; the bill has always been considered and discussed here as long as it was the pleasure of the Senate to discuss or consider it; there has been no limitation upon the debate, and for one I would oppose any rule which the Senator from Maine favors imposing the previous question upon the Senate, either upon the river and harbor bill or upon any other bill. These remarks, therefore, while they may be applicable to the House of Representatives, do not apply to the Senate in any respect, and whatever the experience of the Senator from Maine may have been elsewhere he never will have that experience here.

With reference to the natural jurisdiction of the Committee on Commerce it would seem that the rivers and harbors of the country, the channels of the commerce of the country, should be in all respects under the supervision of that committee. These are the channels upon which our internal commerce is carried, as well as the foreign commerce coming to our ports. All seem to be naturally under the supervision of that committee. As the Senator from Massachusetts [Mr. HOAR] suggests, all our exports of cotton and all our foreign imports must come to our ports and harbors here. We are exporting largely wheat and even flour, and in these directions it is to be hoped that our commerce will be largely increased in some of the items certainly, if we can form a proper commercial treaty with Spain affecting the island of Cuba. All these matters naturally come within the jurisdiction of the Committee on Commerce, and if the attention of that committee is to be directed to the commerce of the country everything affecting that commerce would follow.

So far as the internal commerce of the country is concerned I have some knowledge of the action of the Committee on Commerce in regard to it. Our whole interests are not involved in a merchant marine, although that is a large interest of the country of course; but our great commerce is our internal commerce. That is the great body of the commerce of this country, and it is that portion of it which is increasing and will increase.

Mr. FRYE. Why?

Mr. McMILLAN. Because we have the facilities within ourselves for carrying on that commerce between our own ports, between our cities, our manufactories, all the branches of industry, the agricultural products of the country being transported in every direction.

So much for what should be naturally within the jurisdiction of the Committee on Commerce. Now, what has been the action of the Committee on Commerce in regard to all the branches of our commerce and our carrying trade? During the last Congress the Committee on Commerce made to the Senate eighty reports, embracing all kinds of subjects within its jurisdiction; and the interests of the merchant marine were by no means neglected. The bill already referred to by the Senator from Missouri [Mr. VEST] was reported from the committee and was fully considered and very generally debated here. The committee having reported the bill to the Senate, it was taken up on the motion of the Senator from Missouri. In addition to that, it is well remembered what grievous complaints were made of the treatment of foreign immigrants coming to this country upon our vessels, such as to shock humanity; and at the last session of Congress one of the most effective and beneficial bills was reported to the Senate and passed by the Senate and by both Houses of Congress upon that subject, securing and protecting them against the oppressions and hardships of disease and death which attended immigration here owing to the crowds of people that came upon our vessels.

In addition to that the Life-Saving Service was remodeled to a considerable extent. Very material and important changes were made in that service, and by a bill considered and reported by the Committee on Commerce of the Senate. The bill was discussed very fully, and with some very slight amendments it was passed as reported from the committee.

License fees were reduced by reports from the Committee on Commerce at the last session. The inspection of steam-vessels was considered. A bill was reported on the subject by the Committee on Commerce putting foreign vessels on the same footing to a certain extent with our own in their ports. Very material alterations and changes in the law affecting our vessels abroad and the vessels of foreign nations in our ports were made. Coasting licenses have been reduced and license fees in other directions. A bill was reported from the Committee on Commerce providing for ship-canals between the two oceans, and although it was not a unanimous report from that committee, the question was very fully considered and a report was presented to the Senate. The action of the Senate upon it was urged time and again by the Senator from Missouri [Mr. VEST] and the Senate as often refused to consider it. So in every direction the shipping interests and the coasting interests have been considered and have been protected and improved so far as the regulations concerning navigation are concerned. With reference to our internal commerce, by an amended bill from the Committee on Commerce our merchants can now import their goods from abroad into any interior port in the country and have the appraisement and collection of duties at their own homes. Importation is not confined now to one or two ports of the country, but the imports can be taken to any of the interior ports of the country where there are a collector and appraiser or the customs officers proper to discharge those duties.

I do not believe that the Committee on Rules intended to reflect particularly upon the Committee on Commerce, but if they did, I answer that the records of the Committee on Commerce refute any such charge, and establish the fact that the Committee on Commerce have labored as faithfully and performed their duties as diligently as any committee in this or any other body, and I appeal to the record. Now that the Senator from Maine is a member of that committee what diligence are we assured will characterize its future labors? What care will be taken of the merchant marine? Certainly all the commercial interests of the country will be cared for.

The Senator from Maine has had much experience elsewhere, if not here; and if he will forget his bitter experience elsewhere and will just confine his attention to the Senate, I think he will have no reason whatever to complain of the Committee on Commerce. Its meetings have been as regular as the week's return; its attendance has been as full as that of any committee of the Senate; rarely are absences found on the day of meeting. As far as that committee is concerned I feel highly honored in being associated with the gentlemen who compose the committee and who have composed it since I have been a member of it.

So far as compulsory pilotage is concerned, how can that affect our merchant marine? It is levied upon the vessels, and if our foreign commerce is carried in foreign bottoms it must pay the compulsory pilotage. It comes upon them all. There are differences of opinion in regard to whether there should be compulsory pilotage or not. It affects the question of the insurance of vessels. That of itself would go to affect the building up of a merchant marine. The States having charge of that question regulate it in view of sanitary measures, the protection of life in their own harbors. If vessels laden with passengers come into dangerous ports under the direction of pilots who know nothing of the harbors, what loss of life may there not be? These things are all to be considered when you come to discuss these ques-

tions; and if there has been delay, it has not been on the part of the Committee on Commerce.

I can see no reason why there should be a division of this labor. In the other branch of the National Legislature there are three committees that do the work of the Finance Committee of the Senate. The rule applying to this body does not require a division of the duties of the Committee on Finance, and whatever may be required there, whatever may be proper there, whatever may conduce to the disposition of business there, has no applicability here. We are to determine our rules by our own circumstances and necessities.

So far as the river and harbor bill is concerned, I am willing to let the action of the Committee on Commerce in regard to that bill rest upon the past record. It has been the custom to charge upon the river and harbor bill great irregularities. I think myself that those charges have arisen from the fact that general debate has not been allowed upon it where it should have been, in the House of Representatives. That does not apply here. I have never yet seen, by those who charge that the appropriations in the river and harbor bill have been ill-advised, any criticism or specification that would not apply to every other appropriation bill, and more generally than to the river and harbor bill.

There may be items that might be left out of the river and harbor bill; there may have been instances where an appropriation was not necessary. I remember appropriations made for improvements in the State of Delaware, and there were criticisms against the bill for appropriations made to that State. If the Senator from Delaware [Mr. BAYARD] alludes to that as any "scandal" about the river and harbor bill, I can only say that those appropriations were all considered and reported upon and recommended by the engineers in charge of the improvements in that State. The river and harbor bill will be found to be one of the most beneficial appropriations that can be made in the improvement and enlargement of our commerce. The improvement of the Mississippi River and its tributaries is in charge of a special committee, and properly so. It is one continuous channel that goes through the entire country, north and south, and coming from the northwest is the Missouri River. That work is being conducted successfully, and will soon I am sure result in great benefits to every section of the country.

With these remarks, Mr. President, I trust the Senate will conclude to keep the rule, so far as the Committee on Commerce is concerned, as it has been.

Mr. MILLER, of New York. Mr. President, I do not rise to make any defense of the Committee on Commerce of the Senate, for I do not think it needs any, and if it does need any, it has already been given by the chairman of that committee and by the honorable member from Missouri. Laying aside all the criticisms which have been made on the Committee on Commerce by the honorable Senator from Maine, the only reasons I have heard given for the creation of this new committee are simply that the Committee on Commerce——

Mr. HARRIS. Will the Senator from New York yield to a motion to proceed to the consideration of executive business?

Mr. MILLER, of New York. Certainly, if the Senator having the measure in charge does not desire to continue it further at this time.

Mr. HARRIS. If the Senator yields for that purpose I will move that the Senate proceed to the consideration of executive business.

Mr. MILLER, of New York. I said I would yield if it was the desire of the Senator from Maine, who has this measure in charge, that it should now go over.

Mr. HOAR. I hope we shall not take another day on this matter.

Mr. MILLER, of New York. I will state to the Senator from Tennessee that I do not intend to occupy more than two or three minutes at the furthest, and I do not know whether there are any other Senators who desire to discuss the question or not. Am I to understand from the Senator from Maine that he desires to continue this question now or to abandon it for the present? I get no response; so I shall proceed.

I was saying that the only reason I have heard given by the honorable Senator from Maine, or any other gentleman who has spoken, for the creation of the new committee, is that the present Committee on Commerce has not sufficient time to carry on the entire business which heretofore has been committed to it for its action. If that criticism be correct, I do not understand how the amendment to the present rules proposed by the Committee on Rules will in any way advance the business of this body, or that it can in any way create another committee which will have more time or greater opportunities to give to the consideration of the questions which may come before the committee. As has been said here, the river and harbor bill, which is the only measure of importance that is to be committed to the new committee on internal improvements, does not receive any consideration from the hands of any committee of this body or the body itself until it comes to the Senate from the House of Representatives. As a result of that course of action the Committee on Commerce of the Senate has the larger part of every session of the Senate for the consideration of the general subjects pertaining to commerce and navigation, and heretofore it has not been negligent in the discharge of those duties. The river and harbor bill reaches that committee usually during the third month of the session, and the committee is then prepared to go on with the consideration of that measure, and, as the chairman has said, it does it almost without interruption during the day and holding many night sessions. How, if a new committee shall be created, it will be found to work any benefit I am not able to see.

The present distribution of the members of the Senate upon the various committees is such that nearly every Senator in this body is a member of four committees. If a new committee shall be created, the nine members who are to go upon the new committee will find that they are upon five committees instead of four; and in what way their powers will be increased, in what way they will find more opportunity, more time, or more ability to consider these questions when the committee has been divided and their labors increased I am not able to see. If the rule that the Senator from Maine has brought in had provided that every Senator going upon this new committee should cease to be a member of all other committees, and should give all his time to the consideration of the one question of river and harbor improvements, then I can readily understand that the question coming before that committee would receive more consideration than it would under any other system; but there is no such proposition as that, and of course no such proposition as that would be entertained for a moment.

It seems to me, then, that instead of facilitating the business of the Committee on Commerce, or instead of facilitating the business of the other committees of this body, this action will be in directly the opposite direction, for certainly every Senator knows that if the business coming before four committees was to come before only two committees, he would have more time and more opportunity to consider it than he does when it is divided among so many different committees.

I see nothing, then, in this proposition which will in any way facilitate the business of this body. If I did I should most gladly give my consent to the amendment as it is proposed. There may be something in this consideration which I present to the Senate. All the appropriation bills for the carrying on of the Government, for the expenses of all the Departments, now go to one committee, the Committee on Appropriations, save this one bill, the river and harbor bill, which under our rules is committed to the Committee on Commerce. Why was that bill made an exception? I will not attempt to go back to the history of the creation of these rules, but I conceive it to be simply because it was believed by the Senate that the Committee on Commerce, which during all the session is considering the various questions relating to commerce that come before it, would of necessity in the consideration of these other questions which come before it obtain much information which would assist it in properly appropriating money for our rivers and harbors.

It was believed undoubtedly that it would come into the possession of much knowledge which could not and would not under the ordinary course of affairs in the Senate come to any other committee and information which would not be obtained by any other Senators. I venture to say that my short experience on that committee leads me to believe that the Committee on Commerce is much better prepared to deal with this subject than any other committee can be, because during the ordinary exercise of the duties of that committee the committee is constantly receiving information by letter and by individuals appearing before it from different parts of the country upon other subjects which necessarily bring in the question of the improvement of the various rivers and harbors. For instance, it is not uncommon that there are appearing before that committee gentlemen from various parts of our country, from Galveston and from San Francisco and from Oregon, upon questions pertaining to the commerce of those districts, and at the same time they are able to give the committee much information in relation to the condition of those harbors and much information in relation to the condition of many of the rivers in their various States.

No other committee would be able to obtain this information in the same way or with the same facility that the Committee on Commerce can do; and the result of it all is that when the bill for the improvement of rivers and harbors comes to this body from the other House and goes to the Committee on Commerce, that committee finds itself, by the very force of circumstances, already possessed of a large amount of information which has come to it in its ordinary business, which enables it to decide upon the appropriations for certain rivers and harbors with greater facility and greater knowledge, I believe, than any other committee possibly could do. I have no doubt that if the river and harbor bill should be referred to an independent committee and to a separate committee composed of Senators from this body, that committee would not be able to give it the careful consideration which the Committee on Commerce does give to it; and for that reason I believe that it is unwise to make this division. Nevertheless, if the Senate shall think that the duties of the Committee on Commerce are so onerous that it can not go on with its ordinary labor and still retain this jurisdiction, for one I have no objection to the change; but my experience leads me to believe that it would be most unwise to make the division.

Mr. MCPHERSON. Mr. President——

Mr. HARRIS. If the Senator from Maine does not insist upon going on with the consideration of the rules, I should like to ask the Senator from New Jersey to yield to a motion to proceed to the consideration of executive business.

Mr. FRYE. I will not insist on proceeding with the rules unless such be the desire of the Senate.

Mr. HOAR. I desire to call attention to the fact that the fourth week of this session has now gone by, with the exception of one day,

if we do, as we have so often, adjourn over on Thursday. The time is just as valuable as it will be in midsummer, and it seems to me that this measure, which consists of making a few clearly understood changes to the rules, ought not to occupy many weeks more of our time. It seems to me if we can stay here ten or fifteen minutes we may get a vote on the question and get this out of the way, and proceed to other legislation.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 27 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 9, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

THE JOURNAL.

Mr. BUCKNER. Mr. Speaker, I ask unanimous consent of the House that the reading of that portion of the Journal relating to the formal introduction of bills be omitted.

There was no objection, and it was ordered accordingly.

The remainder of the Journal of yesterday's proceedings was then read and approved.

DISCRIMINATION AGAINST EXPORTED DOMESTIC PRODUCTS.

Mr. KASSON. Mr. Speaker, owing to necessary absence I ask the indulgence of the House to present at this time the resolution which I send to the desk for reference to the Committee on Foreign Affairs.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Whereas it appears that certain foreign governments with which the Government of the United States has commercial treaties securing to the United States the treatment assured to the most favored nations in respect to the importation of American produce and manufactures have, in apparent violation of such treaties, prohibited the introduction within their territory of certain food products of the United States under regulations not applied to like products of other nations: Therefore,

Resolved, That the Committee on Foreign Affairs are hereby instructed to inquire into the facts respecting the same and to report to the House by bill or otherwise as early as practicable what legislation or other action should be taken by Congress or the Executive to assure the due observance of such treaties and to protect the rights of the people of the United States in respect thereto, whether by retaliatory legislation or otherwise.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. KASSON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPORTATION OF AMERICAN PORK.

Mr. DEUSTER. Mr. Speaker, I ask unanimous consent to introduce for present consideration the resolution which I now send to the desk.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Whereas the German and French Governments have prohibited the importation of American pork for alleged sanitary reasons; and

Whereas the agricultural and commercial interests of this country are considerably affected thereby: Therefore,

Resolved, That the Committee on Commerce is hereby requested to investigate the alleged reasons for said prohibition and report to this House and recommend such legislation as may seem warranted by the facts found.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BROWNE, of Indiana. If in order——

The SPEAKER. The first question is whether the House will give unanimous consent for the present consideration of the resolution.

Mr. TOWNSHEND. I desire to reserve the right to object after making a statement. This question has already been placed before the Committee on Ways and Means by a joint resolution introduced by myself on the first bill day of this session, the 10th day of December last. Indeed, I inaugurated this movement by joint resolution in February last, when it was then referred to the Committee on Ways and Means. That question, therefore, is now being considered by the Ways and Means Committee. I have no objection to the resolution proposed by the gentleman from Wisconsin if it be referred to that committee; on the contrary, I heartily favor it, as it follows and seeks to accomplish what I have so long desired done.

The SPEAKER. The gentleman must object or not object to the consideration of the resolution. Is there objection?

Mr. BROWNE, of Indiana. Because this has been already referred to the Committee on Foreign Affairs I shall object.

Mr. TOWNSHEND. I object to the reference of the resolution to the Committee on Foreign Affairs for the reason I have stated.

Mr. DEUSTER. I do not care where it is referred, so that the House may be informed of the facts and obtain a report upon the subject with a view to legislation.

Mr. TOWNSHEND. I shall not object to the resolution, but insist that it shall go to the Committee on Ways and Means, which committee unquestionably has prior jurisdiction of the subject.

Mr. DEUSTER. I did not object when the gentleman from Illinois introduced his resolution; I hope he will not object to this.

Mr. TOWNSHEND. I do not object to the resolution. My only desire is that it shall be referred to the appropriate committee.

The SPEAKER. The Chair understands that to be an objection. The gentleman can not make conditional objections, as the Chair could not dispose of an objection of such a character.

Mr. BROWNE, of Indiana. Suppose we consent to the present consideration of the resolution and allow the House to determine for itself its reference.

The SPEAKER. Of course, if the House considers the resolution it has power either to refer or dispose of it otherwise or modify or adopt it in its present form.

Mr. BROWNE, of Indiana. With that understanding, I withdraw my objection.

The SPEAKER. The resolution is then before the House for its action as to the reference.

Mr. BROWNE, of Indiana. I move that it be referred to the Committee on Foreign Affairs.

Mr. DEUSTER. I have no objection to that.

Mr. TOWNSHEND. I move to amend by referring it to the Committee on Ways and Means, and I wish to repeat that the subject is already before that committee, and it should still continue to have jurisdiction of the subject.

The SPEAKER. There is no debate allowed on the motion to refer.

Mr. TOWNSHEND. I ask that the resolution be again read.

The resolution was again reported.

Mr. KASSON. I ask permission simply to make a statement, and that in the hearing of the gentleman from Illinois, and that is that the whole question rests upon a violation of our treaty. I know that for three years correspondence has taken place in the foreign office respecting the duties of foreign governments under their treaties; and I think owing to the fact within my knowledge that protests have been made by one of our foreign ministers reserving the rights of the United States to claim damages under the treaty, the gentleman from Illinois will agree it is right to refer this matter to the Committee on Foreign Affairs, which must communicate on the subject with the foreign office.

Mr. TOWNSHEND. I desire to say a word in reply to the gentleman from Iowa.

The SPEAKER. This question is not debatable. The Chair, however, permitted the gentleman from Iowa to make a brief statement, no objection being made.

Mr. TOWNSHEND. I ask the indulgence of the House to be permitted to say a word in reply.

The SPEAKER. The Chair will indulge the gentleman if no objection is made.

Mr. TOWNSHEND. I believe this relates more to customs duties than it does to treaty stipulations. It certainly affects the customs regulations of this country and of France and Germany. The legislation of those two foreign countries is a species of protective tariff legislation in the interest of the home producers of those countries, oppressive to the consumers of those lands and the corn and pork producers of this country.

Mr. BROWNE, of Indiana. It is a violation of treaty.

Mr. KASSON. By decree of the Government.

Mr. TOWNSHEND. The action in Germany was by the parliament of that country, and in France it emanated from the French assembly. Now, I wish to say, with all due deference to what has been said by my friend from Iowa [Mr. KASSON], and also with great respect to the members of the Foreign Affairs Committee, that in questions affecting customs duties I am of the opinion the Committee on Ways and Means will be better able than the Committee on Foreign Affairs to determine, because the attention of the former committee is being constantly directed to questions affecting regulation of foreign imports, while the Committee on Foreign Affairs is mainly occupied with our political relations with foreign governments. And I think the object which the gentleman from Wisconsin and myself have in view will be better promoted by a reference of this resolution to the Committee on Ways and Means than by its reference to the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Indiana moves that the resolution be referred to the Committee on Foreign Affairs. The gentleman from Illinois moves an amendment, that it be referred to the Committee on Ways and Means. The question is first on the amendment.

The amendment was not agreed to.

The SPEAKER. The question is now on the motion of the gentleman from Indiana that the resolution be referred to the Committee on Foreign Affairs.

Mr. REAGAN. May I ask that the resolution be again read?

The SPEAKER. It has already been read twice. But if there be no objection it will be again read.

There was no objection, and the resolution was again read.

Mr. REAGAN. Will the Chair allow me to say a word?

The SPEAKER. The question is not debatable.

Mr. REAGAN. I move to amend the pending motion so that the resolution shall go to the Committee on Commerce, where it properly belongs.

The question being taken on Mr. REAGAN'S amendment, there were—ayes 100, noes 94.

Several members called for the yeas and nays.

Mr. RANDALL. Let us take the vote by tellers rather than by yeas and nays.

Mr. BROWNE, of Indiana. The motion to refer the resolution to the Committee on Foreign Affairs was mine, and I think the question is settled by the vote of the House. It is not a matter of very much consequence to which committee the resolution shall go, inasmuch as I think three committees already have the matter under consideration—the Committee on Ways and Means, the Committee on Commerce, and the Committee on Foreign Affairs; and inasmuch as the subject-matter is already before all the three committees, I hope we may have a report from one or the other.

The SPEAKER. Are the yeas and nays demanded?

Mr. WASHBURN. I call for the yeas and nays.

The question being taken, the yeas and nays were not ordered.

The SPEAKER. The amendment is agreed to; and the question is now on agreeing to the motion as amended.

The motion as amended was agreed to, and the resolution was accordingly referred to the Committee on Commerce.

SALE OF INTOXICATING LIQUORS.

Mr. GIBSON. I ask consent to submit for reference the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That all laws of the Federal Government authorizing the sale of intoxicating liquors in States by wholesale or retail should be made dependent on the party so authorized first obtaining license therefor from the State authorities, in accordance with the laws thereof, where said traffic is to be carried on; and that the Federal laws now existing in relation thereto are contrary to good and wise police regulations in the States on that subject; and

Be it further resolved, That the Committee on Alcoholic Liquor Traffic be, and is hereby, instructed to report a bill to this House repealing all such laws, and further, requiring all parties applying for such authority to any Federal official to file with his application the proper State license for such traffic in every case where a State license is necessary therefor.

The SPEAKER. Is there objection to the introduction for reference of the resolution which has just been read?

Mr. DEUSTER. I object.

CHANGE OF REFERENCE.

Mr. ROGERS, of Arkansas. On Monday, December 10, I introduced a bill (H. R. 39) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith, for the use and benefit of the free public schools thereof, and for other purposes, and it was referred to the Committee on Military Affairs. A part of the legislative history of that reservation is that by the act of Congress passed February 24, 1871, it was transferred from the jurisdiction of the Secretary of War to that of the Secretary of the Interior, under whose control it has remained to the present time. If I had stated this fact at the time the bill was introduced, I am quite sure it would have been referred to the Committee on Public Lands.

I am also authorized to state that the chairman of the Committee on Public Lands, to which I desire the bill to go, and the chairman of the Committee on Military Affairs agree that the proper reference is to the Committee on Public Lands. I ask that the bill be so referred.

The SPEAKER. The Chair was under the impression that this was still a part of the military reservation, and therefore sent the bill to the Committee on Military Affairs. To what committee does the gentleman desire now that the bill shall be referred?

Mr. ROGERS, of Arkansas. To the Committee on Public Lands.

The SPEAKER. Is there objection to the change of reference? The Chairs hears none, and the bill is referred to the Committee on Public Lands.

PUBLIC BUILDING AT FORT SMITH, ARK.

Mr. ROGERS, of Arkansas. I ask unanimous consent to introduce a memorial I now hold in my hand, signed by numerous citizens of the western judicial district of Arkansas, urging Congress to provide a public building for court, revenue, post-office, and other public purposes at Fort Smith, Ark. I ask to have the same printed in the RECORD, omitting the names of course. The memorial contains important statistics which I desire to bring to the attention of the House.

There was no objection; and the memorial and accompanying exhibit was ordered to be printed in the RECORD, and referred to the Committee on Public Buildings and Grounds.

The memorial is as follows:

Memorial to the Congress of the United States for a Federal court and post-office building and a United States jail at Fort Smith, Ark.

To the honorable Senate and House of Representatives of the Forty-eighth Congress of the United States of America:

Your memorialists, citizens of the western judicial district of Arkansas, respectfully represent that the United States district court of the said district is now and has for the past twelve years been held in the city of Fort Smith, in the western portion of the State of Arkansas. The said district embraces within its jurisdiction the counties of Benton, Boone, Carroll, Logan, Crawford, Franklin, Howard, Johnson, Little River, Madison, Montgomery, Marion, Newton, Polk, Sevier, Sebastian, Scott, Washington, and Yell, in the State of Arkansas, and criminal jurisdiction over the Cherokee, Choctaw, Chickasaw, Creek, and Seminole nations of the Indian Territory.

The said district court, by act of Congress, embraces four terms each year, commencing respectively on the first Mondays in February, May, August, and November. The criminal docket and business of said court, by virtue of its jurisdiction over said Indian nations, embracing crimes from the lowest misdemeanors to capital felonies, is so enormous and considerable that in order to try all cases said court is practically in session the entire year, holding its session frequently at night, and often lapping over with cases from one term into the next, and even then it is only by close economy of time that the business can be disposed of.

During the year commencing on the 1st day of November, 1882, and ending on the 1st day of November, 1883, the following number of cases were tried and disposed of by said court, viz: Number of criminal cases pending November 1, 1882, 77; number commenced during the year ending November 1, 1883, 419; total number pending during the year, 496. Number tried and disposed of during the year, 425; remaining on docket November 1, 1883, 71. Number of civil cases on docket November 1, 1882, 86; number commenced during the year, 138; total number pending during the year, 224. Number disposed of during the year ending November 1, 1883, 92; remaining on the docket, 132. Of the number of criminals convicted there were 137 sentenced and transported to the house of correction at Detroit, Mich.—the costs of transportation alone being $5,706.60. From the 1st day of November, 1882, to November 1st, 1883, there were confined in the jail, under charge of crime over which said court had jurisdiction, 605 prisoners. Under the present system of management of the jail there is required a regular force of one jailor, two turnkeys, and seven guards, and, at times, one and two additional guards, at a total cost of about $600 per month. On the civil docket of said court there were cases to the number of 224 from the 1st day of November, 1882, to the 1st day of November, 1883, and the civil business of said court is rapidly increasing.

A thorough report and review of the business of said court has been compiled by Stephen Wheeler, esq., clerk of said court, a certified copy of which is here filed, marked exhibit "A," and made a part of this memorial. The said city of Fort Smith, where memorialists ask that said buildings be erected, is a growing and thriving city, showing a population of 3,100 by the census of 1880, and at this date having a population of not less than 8,000. Said city is centrally located in the territory over which said court has jurisdiction, lies upon the banks of the Arkansas River, one hundred and sixty-five miles above Little Rock, and seventy-five miles below Fort Gibson. There are now two railroads running to said city, to wit: the Little Rock and Fort Smith Railway, and the Saint Louis and San Francisco Railroad. The latter of said roads has already obtained an act of Congress granting the right of way through the Government reservation at Fort Smith, and memorialists are advised at an early date will continue said road through to some point in Texas, thus running entirely through said district. It will thus be seen that said city is easily accessible, is in a healthy locality, with a fine climate and good water supply. Memorialists further represent that said district court is now being held in one of the old remaining barracks buildings, situated in the old fort of the now abandoned military reservation, erected for that purpose and formerly used by the Government in which to quarter soldiers; said building is a low-roofed, Spanish-fashioned, story and a half high house, and a more unfit place in which to hold a court could hardly be imagined.

The jail in which the prisoners are kept consists of two large, low-roofed cellar rooms, extending all the way under the entire building. In these two cells are confined the prisoners, indiscriminately, without regard to race, color, condition, or crime, except when females are imprisoned, when it becomes necessary to employ additional guards to guard them in some outhouse or the garret story of the building. In the event an epidemic or contagious disease should break out in the jail the results would be appalling and without remedy. As an inevitable consequence, a disagreeable odor and stench arise from said jail, which pervade the whole building. The court is held in a room over said jail, on the first floor, about 40 by 60 feet, supported in the center by four posts, and ventilated only at each end. In the other part of the first story, over the said jail, are the offices of the clerk and the marshal, subdivided by plank temporary partitions. The entire structure is, by reason of long use and age, in a state of decay, inconvenient and ill-suited in its appointments, and totally unfitted for the purposes for which it is used. Your memorialists, therefore, pray that your honorable body appropriate a sufficient sum of money out of the Treasury to erect a suitable Federal court building and jail at said city of Fort Smith.

EXHIBIT A.

[Prepared since original draught of the memorial.]

Synopsis of the business of the United States district court for the western district of Arkansas, held at Fort Smith, Ark., from November 1, 1882, to November 1, 1883:

Crimes.	Convicted.	Acquitted.	Nolle prosequi entered.	Ignored.	Forfeiture of recognizance.	Total number of cases.
Murder	13	8	3	2	.....	26
Arson	.....	.....	1	.....	.....	1
Rape	1	.....	3	1	.....	5
Assault with intent to kill	20	8	8	4	4	44
Larceny	84	10	10	9	6	119
Perjury	1	1	.....	1	.....	3
Introducing spirituous liquors into Indian country	181	15	13	14	7	230
Carrying on business of retail liquor-dealer without paying tax	62	7	6	10	2	87
Violating internal-revenue law	6	1	4	4	1	16
Fraudulent claim against United States	2	.....	2	.....	.....	4
Selling proprietary medicine	1	.....	.....	.....	.....	1
Forgery	1	.....	.....	.....	.....	1
Embezzling United States mail	3	.....	.....	.....	.....	3
Fraudulent pension contracts	1	.....	.....	.....	.....	1
Passing counterfeit money	2	.....	.....	.....	.....	2
Receiving stolen goods	1	1	.....	.....	.....	2
Cutting timber from Government lands	2	.....	.....	.....	.....	2
Illicit distilling	2	1	1	1	.....	5
Resisting process	4	2	.....	1	.....	7
Intimidating witness	.....	1	.....	.....	.....	1
Contempt	1	.....	*27	.....	.....	28
Grand total	388	55	78	47	20	588

*Dismissed.

As is seen from the foregoing—

The number of cases disposed of during the year is	588
Number of cases commenced is	582
Mistrials by jury during the year	7
Number of applications for witnesses in behalf of defendant at United States expense examined and acted on	143
Number of witnesses recognized in open court	575
Number of murder cases tried by jury	20
Number convicted of murder, 9; of manslaughter, 4	13
Number of days consumed in trial of murder cases	116
Number of accounts examined and allowed for actual expenses	26
Number of orders to pay witnesses	1,996
Number of marshal's account-currents examined and approved	45
Number of other accounts, commissioners', &c., examined and approved	30
Number of sentences passed upon defendants convicted	388
Number of civil cases on docket November 1, 1882	70
Number of civil cases commenced during the year	158
Number of civil cases pending between November 1, 1882, and November 1, 1883	228
Number of civil cases disposed of between November 1, 1882, and November 1, 1883	92
Number of other orders made during said period in relation to jury, jury commissioners, &c., and entered of record	3,960
Number of pages of record made and written up during said time	1,526
Number of days of court held during said year	291

Court convenes regularly at 7½ o'clock each morning, takes recess at 12 m. until 1½ o'clock p. m., and adjourns about 6 o'clock p. m. Very frequently night sessions are held until 10 and 11 o'clock p. m.

UNITED STATES OF AMERICA,
Western District of Arkansas:

I, Stephen Wheeler, clerk of the district court of the United States for the western district of Arkansas, hereby certify that the above and foregoing is a true and correct statement of the business of the United States district court, western district of Arkansas, for the length of time stated, as taken from the records of said court.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Fort Smith, in said district, this 8th day of December, A. D. 1883.

[SEAL.] STEPHEN WHEELER, *Clerk.*

CHANGE OF REFERENCE.

Mr. WAIT. Two bills, House bill No. 138, for the relief of Weaver & Sterry, and House bill No. 140, for the relief of Recknagel & Co., were by inadvertence referred to the Committee on Claims. The object of the bills is to return money which was improperly collected from those parties in the form of duties, and I ask that the reference be changed to the Committee on Ways and Means, to which I suppose there will be no objection.

There was no objection, and it was ordered accordingly.

Mr. LUNA. House joint resolution No. 63, appropriating money for the expenses of the Legislature of the Territory of New Mexico, was referred to the Committee on Territories. It is an appropriation for the expenses of the Legislature of that Territory, and I think belongs to the Committee on Appropriations. I therefore ask unanimous consent that the reference be changed as I have indicated.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BLAND. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

UNITED STATES DISTRICT COURT IN MAINE.

Mr. REED. I am directed by the Committee on the Judiciary to report back with an amendment House bill No. 686, to fix the time for holding the district court of the United States in the district of Maine. I would inquire if it is in order to ask unanimous consent for the passage of the bill at this time, as it only changes the time of holding the court?

The SPEAKER. It is not in order at this time.

The bill, with the amendment, was accordingly placed on the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back the bill (H. R. 307) to provide for the payment of female nurses during the war, and moved that the committee be discharged from its further consideration, and that the same be referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

There was no objection, and it was ordered accordingly.

Mr. ROSECRANS also, from the same committee, reported back the bill (H. R. 952) to authorize the Secretary of the Treasury to adjust and settle the expenses of Indian wars in Nevada, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Claims.

There being no objection, it was ordered accordingly.

Mr. ROSECRANS also, from the same committee, reported back the bill (H. R. 238) to equalize bounties of soldiers of the war of the rebellion, and moved that the committee be discharged from its further consideration, and that the same be referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

Mr. CALKINS. Ever since the war closed the Committee on Military Affairs have always had jurisdiction of these bills. This is the first time since I have been a member of this House when the Committee on Military Affairs has reported back such a bill and asked a change of reference. In my judgment the Committee on Military Affairs is the proper committee to consider this bill.

Mr. KEIFER. I think it should go to the Committee on the Payment of Pensions, Bounty, and Back Pay.

Mr. ROSECRANS. It is the unanimous opinion of the Committee on Military Affairs that the bill should be considered by the Committee on the Payment of Pensions, Bounty, and Back Pay.

The SPEAKER. The first question is upon discharging the Committee on Military Affairs from the further consideration of the bill.

The motion was agreed to, and the committee was discharged accordingly.

The SPEAKER. The question is now upon the motion to refer the bill to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

The motion was agreed to.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back the following bills, and moved that the committee be discharged from their further consideration, and that they be referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay:

A bill (H. R. 291) to equalize the bounties of soldiers who served in the late war for the Union;

A bill (H. R. 306) to equalize the bounties of soldiers who served in the late war for the Union;

A bill (H. R. 356) to equalize the bounties of soldiers, sailors, and marines;

A bill (H. R. 388) to equalize the bounties of soldiers who served in the late war for the Union;

A bill (H. R. 421) to equalize the bounties of soldiers who served in the late war for the Union;

A bill (H. R. 428) to equalize the bounties of all soldiers who served in the late war for the Union;

A bill (H. R. 492) to equalize the bounties of soldiers and others who served in the late war for the Union;

A bill (H. R. 1049) directing the payment of a bounty to John McDonald;

A bill (H. R. 1231) to equalize the bounties of soldiers who served in the late war for the Union;

A bill (H. R. 1233) to equalize the bounties of soldiers who served in the late war for the Union;

A bill (H. R. 1494) to equalize the bounties of soldiers who served in the late war for the Union; and

A bill (H. R. 1512) to revive section 12 of the act of July 28, 1866, providing an additional bounty of $100 to certain volunteer soldiers of the Union.

There being no objection, the Committee on Military Affairs was discharged from the further consideration of the above bills, and the same were referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

FITZ-JOHN PORTER.

Mr. SLOCUM, from the same committee, reported back with a favorable recommendation the bill (H. R. 1015) for the relief of Fitz-John Porter; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. STEELE asked and obtained permission to submit the views of the minority of the committee at some future time, to be printed with the report of the majority.

TRIAL OF ARMY OFFICERS.

Mr. SLOCUM, from the same committee, reported back with a favorable recommendation the following; which was read, considered, and adopted:

Resolved, That the Secretary of War be directed to communicate to this House a statement of the average number of commissioned officers in the United States Army during the period from the 4th of March, 1857, to March 4, 1861, and during the period from March 4, 1877, to March 4, 1881, together with a statement of the number tried by courts-martial during each period, the number of convictions, the list of cases in which the findings of the courts were disapproved or the sentences remitted or partially remitted; also a statement of the charges and specifications of which the officers were found guilty in cases in which the Executive clemency was exercised.

Mr. SLOCUM moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MUSTER AND PAY OF OFFICERS, ETC.

Mr. STEELE also, from the same committee, reported back without amendment the bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PATENTS.

Mr. VANCE, from the Committee on Patents, reported back without amendment the bill (H. R. 1134) to amend section 4887 of the Revised Statutes of the United States, in relation to patents; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. VANCE also, from the same committee, reported, as a substitute for House bill No. 1136, a bill (H. R. 3036) to enable the courts of

the United States in the case of the improper grant of letters-patent by reason of fraud and misrepresentation to declare a patent void on application of the Attorney-General; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

Mr. GEDDES, from the Committee on War Claims, reported back the bill (H. R. 1504) for the relief of Millia Staples; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

Mr. GEDDES also, from the Committee on War Claims, reported back bills of the following titles; when the committee was discharged from the further consideration of the same, and they were referred to the Committee on Claims:

A bill (H. R. 1726) for the relief of R. B. Talfor and H. C. Ripley;

A bill (H. R. 1266) for the relief of Alexander D. Schenck; and

A bill (H. R. 97) for the relief of René E. De Russy.

AMERICAN SHIPPING.

Mr. SLOCUM, from the Select Committee on American Ship-building and Ship-owning Interests, reported back with amendments the bill (H. R. 2228) to remove certain burdens on the American merchant marine and to encourage the American foreign carrying trade; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. COX, of New York. Mr. Speaker, would it be in order at the present time to ask leave for the printing of certain amendments to go with the bill just read?

The SPEAKER. Not at this moment.

UNITED STATES COURTS IN IOWA.

Mr. McCOID, from the Committee on the Judiciary, reported back without amendment the bill (H. R. 448) to fix the times for holding the terms of the circuit and district courts of the United States in the northern district of Iowa; which was referred to the House Calendar, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

Mr. REAGAN, from the Committee on Commerce, reported back the bill (H. R. 1242) to authorize a preliminary examination and survey of the passes between the affluents of the Upper Missouri and Columbia Rivers, for the purpose of ascertaining the distances between the navigable waters of said rivers and the practicability of uniting said rivers by canal or otherwise; when the Committee on Commerce was discharged from the further consideration of the same, and it was referred to the Committee on Railways and Canals.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. MORRISON. I am directed by the Committee on Ways and Means to report a resolution for the distribution of the President's annual message to the several committees of the House. I move the reference of the resolution to the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Mr. MORRISON. I now move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the resolution just referred to it.

The SPEAKER. That motion is now in order, unless the gentleman from New York [Mr. HISCOCK] desires that the House proceed with the consideration of the report made by him yesterday, and which was laid over by consent. If the gentleman desires to proceed with that, of course it is unfinished business, and must be disposed of before the motion of the gentleman from Illinois [Mr. MORRISON] can be entertained.

COMPENSATION OF CONGRESSIONAL EMPLOYÉS.

Mr. HISCOCK. I desire the attention of the gentleman from Pennsylvania [Mr. RANDALL], the chairman of the Committee on Appropriations, and ask him whether he has any special desire as to the committee to which our report should go.

Mr. RANDALL. I think it legitimately belongs to the Committee on Appropriations.

Mr. HISCOCK. I have no objection to that reference.

The SPEAKER. If there be no objection the report made yesterday by the gentleman from Illinois [Mr. HISCOCK], in reference to equalizing the salaries of the employés of the two Houses of Congress, will be referred to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

DISTRIBUTION OF PRESIDENT'S ANNUAL MESSAGE.

The SPEAKER. The question is now upon the motion made by the gentleman from New York [Mr. MORRISON] that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the resolution just reported providing for the reference of the President's message to the appropriate committees.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. SPRINGER in the chair), and proceeded to the consideration of a resolution, which was read, as follows:

Resolved, That so much of the annual message of the President and the documents which accompany it as relates to the public debt and the public revenues, to the national finances, to the revenue provisions of the reciprocity treaty with Hawaii and the commercial relations with foreign countries having connection with revenue questions, be referred to the Committee on Ways and Means.

That so much as relates to the appropriation and expenditure of the public moneys be referred to the Committee on Appropriations.

That so much as relates to the judiciary of the United States be referred to the Committee on the Judiciary.

That so much as relates to the currency and to national banking associations be referred to the Committee on Banking and Currency.

That so much as relates to the coinage and to the mints of the United States be referred to the Committee on Coinage, Weights, and Measures.

That so much as relates to the regulation of interstate commerce, and to the regulation of international commerce, and the centennial exposition at New Orleans be referred to the Committee on Commerce.

That so much as relates to the improvement of rivers and harbors be referred to the Committee on Rivers and Harbors.

That so much as relates to agriculture and the preservation of the forests be referred to the Committee on Agriculture.

That so much as relates to affairs between the Government of the United States and the governments of foreign nations, to the reorganization of the diplomatic and consular service, and to the violations of the laws regarding Chinese immigration, and pauper immigration from Great Britain be referred to the Committee on Foreign Affairs.

That so much as relates to the Army and to providing an armament for defense on the seacoast be referred to the Committee on Military Affairs.

That so much as refers to the Navy and to the reconstruction of the naval service be referred to the Committee on Naval Affairs.

That so much as relates to postal affairs, and to the reduction of existing rates of postage, and to postal telegraphy be referred to the Committee on the Post-Office and Post-Roads.

That so much as relates to public lands be referred to Committee on the Public Lands.

That so much as relates to the care, education, and management of the Indians be referred to the Committee on Indian Affairs.

That so much as relates to the organization and government of the Territories, the substitution of national for Territorial government in Utah, and the establishment of government in Alaska be referred to the Committee on the Territories.

That so much as relates to the care and improvement of public buildings and grounds in the District of Columbia be referred to the Committee on Public Buildings and Grounds.

That so much as relates to the Pacific railroads, except as herein otherwise provided, be referred to the Committee on Pacific Railroads.

That so much as relates to illiteracy and to the extending of aid by the United States to promote education be referred to the Committee on Education.

That so much as relates to patents be referred to the Committee on Patents.

That so much as relates to the pensions and the prevention of frauds under pension laws be referred to the Committee on Pensions.

That so much as relates to civil-service reform be referred to the Select Committee on Reform in the Civil Service.

That so much as relates to the revival of American ship-building be referred to the Select Committee on American Ship-building and Ship-owning Interests.

That so much as relates to legislation in reference to Presidential succession be referred to the Committee on Law respecting Election of President and Vice-President.

Mr. MORRISON. I move that the committee rise and report to the House with a favorable recommendation the resolution just read.

The motion was agreed to.

The committee accordingly rose; and Mr. COX, of New York, having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration a resolution providing for the distribution of the President's annual message had directed him to report back the same with a recommendation that it be adopted.

Mr. MORRISON. I move the previous question on the adoption of the resolution just reported from the Committee of the Whole.

The previous question was ordered; and under the operation thereof the resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

The SPEAKER. The Chair, by unanimous consent, will lay before the House certain personal requests of members.

There was no objection, and leave of absence was granted in the following cases:

To Mr. HANCOCK, indefinitely, on account of serious illness.

To Mr. KELLEY, until Monday next.

To Mr. KASSON, to fill a public engagement in Iowa on the 9th instant.

THOMAS M. HARBIN.

On motion of Mr. BROWNE, of Indiana, by unanimous consent, leave was granted for the withdrawal from the files of the House of the petitions, papers, and claim of Thomas M. Harbin, no adverse report having been made thereon.

CHANGE OF TIME FOR HOLDING MAINE DISTRICT COURT.

Mr. REED. Mr. Speaker, I move, in order to reach for present consideration the bill (H. R. 686) to fix the time for holding the district court of Maine, reported back this morning from the Committee on the Judiciary with an amendment in the nature of a substitute, that the House proceed to the consideration of the House Calendar.

The motion was agreed to.

The SPEAKER. The first business on the House Calendar is the

bill (H. R. 686) to fix the time for holding the district court in the district of Maine, which the Clerk will read.

The Clerk read as follows:

Be it enacted, &c., That the regular terms of the district court of the district of Maine shall be held at the times and places following: At Portland, on the first Tuesday in February; at Bangor, on the first Tuesday in June; at Bath, on the first Tuesday in September; and at Portland, on the first Tuesday in December.

The SPEAKER. This bill has been reported from the Committee on the Judiciary with an amendment which the Clerk will now report.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof:
"The regular terms of the district court of the district of Maine, now held at Bangor on the fourth Tuesday, shall be held hereafter on the first Monday of June."

Mr. REED. I move that amendment be agreed to.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REED moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED-ELECTION CASES.

Mr. TURNER, of Georgia, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That all the testimony and all other papers relating to the rights of members to hold seats on this floor in contested cases now on file with the Clerk of the House or in his possession, and all memorials, petitions, and other papers now in possession of the House or under its control relating to the same cases, not otherwise referred, be, and the same are hereby, referred to the Committee on Elections and ordered to be printed.

Mr. TURNER, of Georgia, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The SPEAKER. If there be no objection, the Chair will lay before the House certain Executive communications.

There was no objection.

MISSISSIPPI RIVER COMMISSION REPORT.

The SPEAKER laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith to the House of Representatives a communication from the Secretary of War, submitting the annual report of the Mississippi River Commission.

I take this occasion to invite the early attention of Congress to the continuation of the work on the Mississippi River which is being carried on under the plans of the commission. My sense of the importance of the improvement of this river, not only to the people of the Northwest but especially to the inhabitants of the Lower Mississippi Valley, has already been expressed in a special communication to the last Congress. The harvests of grain and cotton produced in the region bordering upon the Mississippi are so vast as to be of national importance, and the project now being executed for their cheap transportation should be sufficiently provided for.

The commission report that the results due to the still uncompleted works have been remarkable and give the highest encouragement for expecting the ultimate success of the improvement.

The act of August 2, 1882, appropriated $4,123,000 for the work on that part of the river below Cairo. The estimates of the commission already transmitted to Congress call for $3,000,000 for the continuation of the work below Cairo, and it appears from their report that all of the last appropriation available for active operations has been exhausted, and that there is urgently needed an immediate appropriation of $1,000,000 to continue the work without loss of time, in view of the approach of the flood season, with its attendant dangers.

I therefore recommend to Congress the early passage of a separate bill on this subject.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 8, 1884.

Mr. WILLIS. I move that the President's message, with the accompanying documents, be referred to the Committee on Rivers and Harbors.

Mr. KING. I move its reference to the Committee on Levees and Improvements of the Mississippi River.

The SPEAKER. These communications have sometimes been referred to the one committee and sometimes to the other, and the Chair would be glad to have the House dispose of the question for itself.

Mr. RANDALL. What does the rule say?

The SPEAKER. Rule XI provides that—

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely:
Subject relating— * * *
21. To the levees of the Mississippi River, to the Committee on Levees and Improvements of the Mississippi River.

Mr. RANDALL. This also embraces an appropriation.

The SPEAKER. Yes; and that is the reason the Chair states that there is some difficulty about where it should go. It relates to the levees of the river, and also refers to an appropriation.

Mr. BUCKNER. Let the Chair have read the new rule adopted recently in reference to Rivers and Harbors Committee and the jurisdiction of these committees.

Mr. WILLIS. The jurisdiction of the committee is plainly laid down in the rule. There can be no mistake in reference to the matter. It provides that all subjects relating to the levees of the Mississippi River shall be referred to the Committee on Levees and Improvements of the Mississippi River. Now, the message of the President of the United States has reference specially to the improvements of the Mississippi River, a subject with which, under the rule, that committee has nothing to do.

Mr. TOWNSHEND. Let us have read that portion of the rule which refers to the jurisdiction of the Committee on Rivers and Harbors.

Mr. WILLIS. The Committee on Rivers and Harbors have control of all subjects relating to the improvement of rivers and harbors in the United States. This question was sprung upon the House at the time the Committee on Rivers and Harbors was created, and by a decisive vote of the House it was decided then that that committee should have control of these improvements. I do not think, therefore, that there is any room whatever for discussion. The letter of the law is plain and unequivocally to the effect that all subjects relating to the improvements of the river go to the Rivers and Harbors Committee, and subjects relating to the levees of the Mississippi River must go to the Committee on the Levees and Improvements of the Mississippi River.

Mr. KING addressed the Chair.

The SPEAKER. The Chair will state that this subject is not properly debatable.

Mr. YOUNG. This is an important subject and should be fully considered.

The SPEAKER. The Chair has recognized the gentleman from Louisiana who made the motion to amend the reference. The Chair will repeat, however, that under the rule this question is not strictly debatable; but, as suggested by the gentleman from Tennessee, it involves a matter of much importance, and therefore the Chair prefers to have the opinion of the House upon it. Unless, therefore, there be objection the Chair will indulge gentlemen in the discussion for a while longer.

Mr. KING. Mr. Speaker, matters of this character have universally been referred to the Committee on the Levees and Improvements of the Mississippi River. That committee has no intention to antagonize or oppose the Rivers and Harbors Committee in anything that may properly belong to it. But the universal practice of this House, as its journals will show, or I may say the practice which has always prevailed since I have been here, has been to make the reference of this particular report of the commission in whom we have placed the duty of recommending a plan for the improvement of the Mississippi River to the Committee on the Levees and Improvements of that river, and I appeal now to the House simply to continue the custom in that respect. This committee was created not for mere show, but to treat upon a great practical question, and it has done so in the past with signal success.

All legislation on this subject that has passed this House has first been adopted by this committee, and any act now that tends to divest it of its rights and privileges is a blow at the improvement of the Mississippi River. As to the jurisdiction of this committee over this message and report there can be no doubt when we look at what has been done by former Congresses in that regard. A glance at the records shows in a long list, too long to be read here, the following measures, every one, more or less, carrying money appropriations, that were referred by the House to this committee, the most important of which have become laws through the instrumentality of this committee:

First session of the Forty-fifth Congress, 1877, November 21—By Mr. GIBSON, of Louisiana; house resolution No. 50, authorizing and directing the President to appoint a commission to provide for the improvement of the Mississippi River.

November 5, 1877—By Mr. Hatcher; a bill to improve the navigation of the Mississippi River and promote and protect its commerce.

Second session same Congress, a bill by Mr. Robertson, of Louisiana, to improve the navigation and afford protection and security to the shipping, commerce, and alluvial lands of the Mississippi River; same session, by Mr. Bicknell, a memorial relative to the improvement of the Mississippi River.

Forty-fifth Congress, third session, December 3, 1878, Hon. R. L. GIBSON, House bill 5258, for the improvement of the Mississippi River from the head of the passes near its mouth to its headwaters.

Many of the bills mentioned having failed in the Forty-fifth Congress, those looking to the creation of a commission included were reintroduced by the authors of the same in the succeeding Congress.

In this last-named Congress, which was my first, a number of important bills were introduced and referred to this committee, among which was one by myself, also asking for the appointment of a commission to consider this great subject.

The commission was appointed. Its preliminary report was referred to this committee, and a bill thereon was reported, I think, by Mr. GIBSON, adopting the plans of the commission and calling for the sum asked for by the commission. Similar bills were presented by other members, myself included, to commence work. The session being nearly at an end, the bill reported by this committee was taken to the Committee on Commerce, which incorporated it in the river and harbor bill.

December 9, 1880, estimates from the Committee on Levees and Improvements of the Mississippi River. February 17, 1882, partial report from the Secretary of War, were referred to the Committee on Levees and Improvements of the Mississippi River.

In the Forty-sixth Congress, second session, a bill making appropriations for the construction, repair, completion, and preservation of certain works on the Mississippi River, appropriating $5,524,000, was introduced by Mr. GIBSON, of Louisiana, and referred by Mr. RANDALL, then Speaker, to this committee.

This and other money bills, too numerous to be here mentioned, some of which were presented by me, have been referred to this committee, many of which have been reported to the House by this committee, and out of which has grown all legislation on this subject up to the present time. Notably, and I did not intend to omit it, is a bill which I see before me, by the gentleman from Illinois [Mr. THOMAS], chairman of this committee during the last Congress. This bill calls for the amount asked by the commission in full, $4,613,000, for the Mississippi from the head of the passes to the mouth of the Ohio. In this instance the Commerce Committee again in a large measure adopted the recommendations of this committee and appropriated $4,110,000 for the above purpose.

The Speaker of the last House referred to this committee all questions of this nature, as did his predecessor [Mr. RANDALL].

When first the subject was brought before the House many plans were suggested, but none of them met the approval of this body. This committee was then created to determine the plan by which the improvement of the river was to be conducted.

This was done, I believe, by the Forty-fifth Congress in a spirit of special friendship for the improvement of that river, in order that the plan by which it was to be improved might be digested carefully by a body of men who would give it exclusive consideration. The gentleman from Pennsylvania [Mr. RANDALL] makes the objection, however, that this special message from the President recommends an appropriation. I have already shown that under his repeated rulings, when Speaker of this House, bills making appropriations were referred to this committee.

During the next Congress this committee had the same jurisdiction, and the Speaker referred all matters relating to this subject to it, including the report of the commission to which this report and the accompanying message of the President is simply a supplement. The special message of the President to this House in the Forty-seventh Congress, on the 17th day of February, recommending an appropriation of one million for the continuance of these improvements, was referred to this committee. The committee is now organized and prepared to give this question its special consideration, and to bring into this House such a measure carefully prepared as will meet the exigencies of the situation.

Mr. WILLIS. Will the gentleman from Louisiana permit me to ask him a single question, which embodies the gist of this whole subject? Do you claim that committee has any right under any of the rules of this House to make an appropriation for the Mississippi River?

Mr. KING. I do; and if the House thinks proper to consider it it can become a law.

Mr. WILLIS. Ah! If the House thinks proper to consider it.

Mr. KING. It can report a bill on which the House can act.

Mr. WILLIS. In other words, the House must first give you jurisdiction.

Mr. KING. Not at all. It has a right to report a money bill; but that bill by law will go to the Calendar and there will take its turn unless by special order of the House it be considered, which can be done as readily at the instance of this committee as any other. I appeal to the precedents as well as the law in this case, and precedent in our legislation is law.

This committee, it will be seen, therefore, has the jurisdiction requisite; it can report appropriation bills, and has done so repeatedly in the past.

If the true friends of that river desire to show their earnestness in its behalf they now have an opportunity of doing so by voting to sustain this committee—a committee created by this House to specially watch over, protect, and work for the interests of that great stream and of the people who dwell upon its banks.

I do not propose to say what report the committee I represent will bring in should this message be referred to it; but I do say it will do its full duty to the subject and to the whole country.

Mr. HUNT. The rule on this subject is plain and not to be misunderstood. The gentleman from Kentucky [Mr. WILLIS] who sits on my right, the chairman of the Committee on Rivers and Harbors, has claimed jurisdiction over a bill affecting a river, and the greatest river in the United States. And what do we see now? The President has sent a special message to the House in which he recommends as exigent (to preserve the plant and to save from destruction the works which have been erected by the commission) the instant appropriation of one million of dollars. On yesterday, by unanimous leave of the House, I introduced and had referred to the Committee on Rivers and Harbors a resolution anticipating the action of the President, asking for the appropriation of the one million of dollars in the terms of the report of the Mississippi River Commission.

Now, Mr. Speaker, the Committee on Rivers and Harbors is the only committee authorized by the rule of the House to originate an appropriation in the premises, and the only committee which, when it reports, has the privilege of the floor; the only committee which is competent to come promptly to the front and to furnish the aid which is required; the only committee which, under the rules, can come forward and claim the suspension of the business before the House in order to bring as a question of privilege this mighty interest to the consideration of the American Congress. What friend, then, of that interest can stand up successfully and say you must consign it to a committee without privilege, without the right to originate an appropriation?

Mr. KING. Will the gentleman allow me to say——

Mr. HUNT. I decline to be interrupted. A committee, too, which has been steadily refused under the action of many Congresses the right of reporting an appropriation with the privilege of the floor.

Mr. KING. I beg the gentleman's pardon. He is making a statement which I desire to correct.

Mr. HUNT. I decline to be interrupted.

Mr. KING. I only want to set the gentleman right as to the facts.

Mr. HUNT. I decline to be interrupted. I ask the House, then, whether, if the measure in view is to receive the prompt aid which the President suggests, whether the resolution which I introduced yesterday is to have the consideration which the circumstances of the case require, whether the House intends that the floods shall be turned backward and the people residing on the river protected. I ask that the President's message and accompanying papers go promptly to the only committee vested with jurisdiction in this respect, the only committee with the remedial power to come to the rescue, and the committee specially organized under the rules for that purpose.

Mr. DUNN obtained the floor.

Mr. KING. I would like to answer my friend from Louisiana. He has made some statements which I desire to correct.

Mr. DUNN. I can not yield. I rose to offer an amendment to the amendment, which I think will reconcile the difficulty and the trouble.

I understand that this message brings before the House the entire report of the commission. That report refers chiefly to appropriations to be made; but it refers also, as I understand, to other matters looking simply to legislation.

Now, my motion is that so much of that report as relates to appropriations for the improvement of the Mississippi River be referred to the Committee on Rivers and Harbors, which has jurisdiction to deal with the subject and the privilege of reporting for consideration; and that so much of it as relates to other parts of the improvement of the Mississippi River than appropriations be referred to the Committee on Levees and Improvements of the Mississippi River; so that that committee, as it has done heretofore, may mature all proper legislation for the advancement of that plan of improvement.

As a friend of the Mississippi River improvement, I am not in favor of sending that part of the report which relates to appropriations to a committee which has no privilege of reporting for consideration, and which can only defeat its own purpose to advance that great measure by taking charge of it. I think the proper reference and the proper solution of the whole matter is to divide this reference, so as to give each committee for consideration the question which properly and justly belongs to it.

I trust that there will be no antagonism between the Committee on Levees and Improvements of the Mississippi River and the Committee on Rivers and Harbors, both of which deal with kindred subjects and should act with harmony throughout.

Mr. WILLIS. Just one word in connection with the suggestion made by my friend from Arkansas [Mr. DUNN] and in the direction which he suggests; that is, of harmonizing these two committees. I would ask in pursuance of his suggestion that so much of the President's message——

Mr. DUNN. And the accompanying report.

Mr. WILLIS. As refers to the necessity of an immediate appropriation of $1,000,000 be referred to the Committee on Rivers and Harbors; but as to the remaining portion, I would ask that it lie on the table for the present until the two committees can have time carefully to examine the question.

Mr. DUNN. I think we had better dispose of it now.

Mr. WILLIS. Our committee has just been organized; we have had no regular meeting, and in order to give time if possible to harmonize, if there be any conflicting claims of jurisdiction, I suggest that that part of the report shall lie on the Speaker's table for the present.

Mr. KING. You can not lay a part on the table without carrying the whole with it.

Mr. HORR. I desire to remark that this is precisely the same contest that we had in the last two Congresses. In both of those Congresses, as my friend from Louisiana [Mr. KING] states, the report of the Mississippi River Commission was sent to the Committee on Levees and Improvements of the Mississippi River. And for this reason the Committee on Commerce, at that time having charge of appropriations, withheld the question of the amount of the appropriation for the Mississippi River until the report on the levees and improvements had been received.

Now, gentlemen will see in a moment that if you take from the Committee on Levees the jurisdiction which comes from the report of the commission having charge of this matter you will leave that committee nothing to do. The Committee on Appropriations, in reference to this matter, is simply supposed to act in the way of supplying such amount as the other committee may in its judgment recommend for the purpose.

There is no doubt about this. I fought twice on the other side, so that I know exactly how that question was decided. In both those Congresses the House insisted on sending that portion of the message, together with the report of the commission, to the Committee on Levees and Improvements of the Mississippi River. In my judgment it should go there now. I take pleasure in acknowledging that I was wrong then [laughter] and insisting that I am right now. I hope the House will still make that reference, because I think that is where it belongs.

Mr. BRECKINRIDGE. The precedents in this case are not all which should determine the matter. We have now a new committee, and its power is clearly defined in the rules. The rule states that all propositions relating to the improvement of the Mississippi River shall go to the Committee on Rivers and Harbors.

Mr. KING. It does not state that, my friend.

Mr. BRECKINRIDGE. I refer to the rule adopted this session.

Mr. KING. I ask that it be read.

Mr. BRECKINRIDGE. Certainly; I want it read.

Mr. HORR. With all due deference, I think it is just the other way.

The SPEAKER. The rule will be read.

The Clerk read as follows:

Resolved, That the rules of the House of Representatives be amended as follows, namely:

"In Rule X, after the words 'on commerce, to consist of fifteen members,' add 'on Rivers and Harbors, to consist of fifteen members.'"

Amend paragraph 7 of Rule XI so as to read as follows:

"To commerce, Life-Saving Service, and light-houses, other than appropriations for Life-Saving Service and light-houses, to the Committee on Commerce."

And insert next thereafter the following paragraph:

"To the improvement of rivers and harbors, to the Committee on Rivers and Harbors; and the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills."

Mr. BRECKINRIDGE. That is exactly what I stated.

Mr. KING. There is no such rule in regard to the Mississippi River.

Mr. BRECKINRIDGE. The Mississippi River is the biggest river of this country. A man can not travel across this continent without striking that river. It is a comprehensive term. All matters relating to the improvement of rivers and harbors be referred to the Committee on Rivers and Harbors. That is the rule. Now, will you make an exception in reference to one river? Unless the rule makes the exception I do not think the House will do it now. To what does this report allude? You do not have legislation for levees *per se*.

Mr. KING. We never had.

Mr. BRECKINRIDGE. Well, we have not got it now. That is all I am insisting upon. The only question now is whether questions relating to levees shall be referred to that committee. If the gentleman admits that there is no question with regard to levees, then they have nothing to do with it.

Mr. HORR. We passed a resolution amending that very clause relating to levees, and put in the word "improvements."

Mr. WILLIS. No; what we did was exactly the reverse.

Mr. BRECKINRIDGE. The gentleman from Michigan [Mr. HORR] is mistaken, and the RECORD has shown it. What is this matter now submitted to the House? It is a report from the Mississippi River Commission, and the matter of levees comes in only as one of the features. Levees are not mentioned with any more prominence than mattresses or dikes. The levees are a part of the channel improvement, and are mentioned as a part of the question of the general improvement of the river.

Now, this matter should go to the committee to which the rules distinctly assign all propositions relating to the improvement of rivers. There are just those two elements in this matter; the one relating entirely to the improvement of the river and the other relating to the appropriation for that purpose. Here is a committee which has exclusive jurisdiction of all matters relating to the improvement of rivers and of all matters relating to appropriations for that purpose, and I hold that this should go to that committee.

Mr. O'NEILL, of Missouri. I am not familiar with the practice in former Congresses in regard to the power which a committee has on this floor. But from the manner of presenting this question by one of the gentlemen representing the Committee on Rivers and Harbors it would seem that that committee proposes to exercise the same power in this House that the former river and harbor concern did. It would seem that that power was potent enough to even override the President of the United States in his efforts to stop the reckless squandering of the public money under the guise of public improvement.

From that day to this, through the section of country I come from, there has been but one sentiment, and that is not confined to either party. That is, that the Mississippi River question should be considered independent, separate, and distinct from these other questions; that it should not be made the means of dragging through Congress every little petty steal and petty scheme; that that grand highway that bears upon its bosom the commerce of our many millions of people should not be dwarfed by the many little creeks and bayous and inlets which are stuck on for the purpose of dragging through some little appropriation to enable boats to float upon them.

I believe in talking plainly about these things. The Committee on Rivers and Harbors have all on earth that they can do within the time that this Congress will sit to consider the legitimate appropriations for the various harbors, the various rivers, the various light-houses, and the other questions which may be presented to them. I may underrate somewhat the ability of that committee; but I have been under the impression, considering the ordinary size of the hat which a member wears, that this would be work enough for them.

I trust, Mr. Speaker, there will be no mincing this matter; that men who earnestly and honestly believe that the question of the improvement of the Mississippi River is mighty enough for the consideration of this House will not say that the committee which, in the judgment of past Congresses, was organized singly and solely to take up the work of continuing the improvement of that river and devising legislation for it in the future shall be crippled, or rather destroyed, by taking away from it the only thing that you can send to it.

If you take from the Committee on the Improvement of the Mississippi River the right to work upon this Mississippi River report, what have they to do? Practically you should disband the committee, and tell the people who are asking for the improvement of that highway, "You must take your chance with the little schemes that may go through in a general bill with regard to rivers and harbors."

Mr. BLANCHARD. Mr. Speaker, I regret that my colleague from Louisiana [Mr. KING] has introduced this amendment to refer the President's message and the accompanying report of the Chief of Engineers to the Committee on the Improvements and Levees of the Mississippi River. It seems to me that this disposition of the message and the report would be an improper one. What have we now to refer? We have this message of the President, in which he recommends an appropriation for the Mississippi River and that this appropriation be made at the present time. With that message is a report of the engineers, giving estimates of the amount needed for the improvement of the Mississippi. Now, we have two committees of this House competing for the honor of the reception of this message and the accompanying report. What are these two committees? One is the Committee on Rivers and Harbors, in which committee alone is lodged, by the authority of this House, the power to originate and report an appropriation bill for rivers and harbors. The other is the Committee on the Improvement and Levees of the Mississippi River, which has no authority whatever under the rules of this House to originate or report any appropriation bill whatever. What, then, is to be gained by sending any portion of the President's message on this subject or any portion of the engineers' report on this question to the Committee on Mississippi River Levees and Improvements? What can they do with this matter after they have received it? Can they determine how much money the Mississippi River ought to receive under these estimates? My friend from Michigan [Mr. HORR] nods his head and says they can. But suppose they do, can they report to this House a bill recommending——

Mr. KING. May I answer my friend?

Mr. BLANCHARD. Not at present.

Mr. KING. I say, yes.

Mr. BLANCHARD. Can they report to this House a bill recommending that so much money be appropriated for the improvement of the Mississippi River?

Mr. KING. I answer the question in the affirmative.

Mr. BLANCHARD. I say that my colleague is misinformed on this subject.

Mr. KING. I say I am not.

Mr. BLANCHARD. If my colleague will read the rules of the House he will find that he is in error on this proposition.

Mr. O'NEILL, of Missouri. Will the gentleman allow me to put a question?

Mr. BLANCHARD. I yield to the gentleman.

Mr. O'NEILL, of Missouri. Can not this House in its wisdom clothe that committee with that power if it be deemed necessary?

Mr. BLANCHARD. This House, Mr. Speaker, can "in its wisdom" do a great many things; but this House "in its wisdom" has seen fit not to do that very thing. In the formation of the Committee on Levees and Improvements of the Mississippi River the House did not invest it with authority either to originate or to report an appropriation bill.

Now, then, if it be true, and my friend from Michigan says that I am right in that——

Mr. HORR. Certainly you are.

Mr. BLANCHARD. And he is an authority on this point, because in the Forty-seventh Congress he served on the Committee on Commerce, which had charge of this matter. If I be right in that respect, then in the name of common sense what in the world has this Committee on Mississippi River Levees and Improvements to do with this question? If it be referred to them, they can simply take these estimates, together with the President's message, and go through them in

their committee, and if they reach a decision that the Mississippi River under these estimates ought to have expended upon it a certain sum of money, can they report such a measure? I repeat they can not. What must they do then? They have to knock at the door of the Committee on Rivers and Harbors and ask that committee to report to this House an appropriation of a sum to be used in the improvement of the Mississippi River.

Mr. DUNN. Will the gentleman yield to me a moment?

Mr. BLANCHARD. I will.

Mr. DUNN. I wish to say to the gentleman, by way of correcting his statement, that the Committee on Levees and Improvement of the Mississippi River has full power to report an appropriation bill, but no privilege of reporting for immediate consideration; and, therefore, its report would be futile and useless. It would simply go upon the Calendar and there would die. That is the real point in this matter.

Mr. BLANCHARD. I yield no further, Mr. Speaker, to the gentleman from Arkansas.

Mr. HORR. I ask the gentleman from Louisiana to yield to me for one moment.

Mr. BLANCHARD. I will yield for one moment to the gentleman from Michigan.

Mr. HORR. Mr. Speaker, I think there is likely to be confusion about this matter, and yet it does not seem to me there is any question here which should lead to any difficulty. Now the former Congress supposed the consumption of time in looking up the Mississippi question was so great it interfered with the other duties of the Committee on Commerce and they could not have time to give it proper study; so they appointed a committee specially to take that subject up and digest it. That committee of course had to get an appropriation through the Committee on Commerce just as other committees have to through the Appropriations Committee.

Now, I beg of my friend from Saint Louis [Mr. O'NEILL], whom I do not see in his seat, to listen for one moment, for while I think he is right in his conclusion, yet he is wrong in the route he takes to get to it. He struggles with the difficulty that every man who lives on the banks of the Mississippi has struggled with ever since I have been a member here. He gets an idea that there is no other stream in the world except the Mississippi.

By special request of my friend from Arkansas I leave him out. [Laughter.]

Now, when my friend from Saint Louis talks thus early about "little creeks" and "little streams" in this country, he is talking on a subject in reference to which he will change his mind after he has investigated it. I am sensitive about these little streams. I have had some experience in reference to them, and so far as their rights go they are as sacred to me as the rights of the Father of Waters, which the gentleman from Missouri himself represents.

Do not let us get mixed up on this question. The Committee on Levees and Improvements of the Mississippi River ought to have the right to digest the plan and suggest the improvements which should be made to that river, and it is a big subject, and then the committee of my friend from Kentucky [Mr. WILLIS] should report the necessary appropriation, precisely as the Committee on Commerce did last year.

Mr. BLANCHARD. Mr. Speaker, I can yield no further to my friend from Michigan. He is speaking on the wrong side of this question. [Laughter.] I yielded to him merely to give the House some information which seemed to be called for by the remarks of my friend from Arkansas. But I did not yield to him to go on with a luminous argument, with which, by the way, he always favors the House when he speaks, in support of the proposition of my colleague from Louisiana.

Now, sir, it seems the gentleman from Arkansas [Mr. DUNN] was mistaken so far as the judgment and experience of my friend from Michigan go, and he served on that committee, in saying that the Committee on Levees and Improvements of the Mississippi River have the right to report to this House an appropriation bill. That, the gentleman from Michigan says, is not his understanding of the scope and power of that committee.

Now, then, sir, I come back to the question, which may be stated in a nutshell, that if this Committee on Levees and Improvements of the Mississippi River have no authority to originate and report an appropriation bill on the subject of rivers and harbors, what, then, is the necessity of the reference of any part of this message and accompanying documents to that committee? If they be sent to that committee, after that committee shall have gone through them they will then have to find their way to the committee-room of the Committee on Rivers and Harbors, and then when they get through the message and accompanying documents will have to be taken up again by that committee, which alone is invested, by the order of the House, with the right to originate and report an appropriation bill on the subject. But if the gentleman from Arkansas be correct in his position that that committee has the authority to report to the House an appropriation bill, still he concedes that it is not entitled to the privileges of the floor as an appropriation committee. And do you not see, Mr. Speaker, that the report of a bill coming from this Committee on Levees and Improvements of the Mississippi River must take its place on the Calendar of the House to be reached in its order, and every one who has served in Congress knows the Calendar is never reached.

Therefore I appeal to the friends of the Mississippi River on the floor of this House not to do a vain, useless, and idle thing. Do not send this message or any part of it to a committee which has nothing to do, I repeat, nothing to do in this Congress, and might as well not exist at all. Send it to a committee that is charged by the authority of this House with something to do with the subject, a committee that has some duty, namely, the duty of taking into consideration the question of rivers and harbors, to examine the reports of the engineers with reference to the rivers of this country, to digest, originate, and report to the House appropriation bills for the rivers and harbors, and then when the report comes here with the accompanying bill the Committee on Rivers and Harbors, under the authority of the rules of the House, has just the same right to the floor as the Appropriation Committee and can call up the bill from the Speaker's table and put it upon its passage before the House.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President was communicated to the House by Mr. PRUDEN, one of his secretaries.

MISSISSIPPI RIVER COMMISSION REPORT.

Mr. REAGAN. Mr. Speaker, the fact that the President of the United States has deemed it proper to send a special message to the two Houses of Congress indicating the necessity of prompt action in making an appropriation to carry on the work of the improvement of the Mississippi River is of itself sufficient to call for serious reflection on the part of the Congress of the United States upon this subject and induce us to look carefully into the question whether the appropriation is necessary, and if necessary, to look to the means of having it promptly made.

As has been mentioned here this morning, during the Forty-fourth or Forty-fifth and the subsequent Congresses much was said about the Mississippi River improvement according to the plan of the commission appointed to investigate and report upon that work and to devise a plan for carrying it on. In the getting up of that plan it was deemed proper to create a special committee on the levees of the Mississippi River. The jurisdiction of that committee was never clearly defined, but the intent of its creation was manifestly to call the attention of Congress to the subject and to mature a law for the creation of this special commission to fix the plan of the work. When that was done the business of that committee was, and ought to have been, at an end, and the committee itself should have been *functus officio*. Since then it has been simply in the way of appropriations for the improvement of that river, and it will stand in the way of these appropriations so long as it continues to exist as a committee of this House. If it is desired to avoid any further trouble upon this subject, I should approve myself of the suggestion of the gentleman from Arkansas [Mr. DUNN], that the subject of appropriations for that river be referred to the Committee on Rivers and Harbors, because that committee has the rightful and original jurisdiction of that subject, with the same power to report a bill, if it chooses, that the Committee on Appropriations have in reporting their appropriation bills. I am not sure, however, that I am right in saying they have that power. They have the right with reference to a general bill, but I am not sure in respect to a separate bill.

But the argument of the gentleman from Missouri [Mr. O'NEILL] was that it is necessary to take this message of the President of the United States and refer it to the Committee on the Levees of the Mississippi River in order to get the appropriation for the Mississippi River made separate from the general bill for the improvement of the rivers and harbors of the country. The gentleman has also favored the House with his luminous views upon the importance of the subject, showing how utterly unimportant all other appropriations for improvements of rivers and harbors throughout the country are, and how they sink into insignificance as compared with the Mississippi River. He also enlightened us in such an *ex cathedra* manner about steals, in reference to the matter generally, as would indicate that he was somewhat of an expert upon the subject. We have heard, Mr. Speaker, a great deal of that sort of thing from the press of New York, particularly from the New York Sun and others, that revile and abuse the appropriations that Congress has seen proper to make for rivers and harbors, because they wanted all of the commerce of this country to go by way of the railroads to New York city. In obedience to the dictates and demands of the powerful railroad corporations of the country, the New York press would destroy, if it were possible to do so, every hope of the improvement of the 28,000 miles of water ways of this country to prevent any rivalry between them and the railroad companies, without regard to the fact that their improvement would furnish competition to the railroads, would cheapen the cost of transportation to the people of this country of their products to the markets of the world, would remove the obstructions that hinder their transportation from many parts of the country, would cheapen insurance, and reduce the rates of freight.

All of these things stand for naught in the minds of those who seek alone to promote the selfish interests of the great trunk railroad lines, and have no broader views of statesmanship than to think that the petty policy of opening up railroad lines to New York is the only one that will give that city the commerce of the country, forgetting what a broader mind would see as to the future of that great metropolis of our country, that every additional river that is made navigable, every

additional facility that is extended to the general commerce of the country, inures to the ultimate benefit of that city. It is the dog-in-the-manger policy; a policy that should find no lodgment in the minds of those who have its best interests at heart. It is a policy that I can not believe commends itself to the thoughtful minds or is approved by the merchants of that city, however much the railroads may demand it, and I do not know of anything they would not demand of the people of this country to promote their special, selfish, interests.

But if the gentleman from Missouri [Mr. O'NEILL] wants an appropriation made for the improvement of the Mississippi River, let me tell him he is asking the adoption of that plan that will certainly defeat him.

Mr. O'NEILL, of Missouri. Will the gentleman permit me to make one remark?

Mr. REAGAN. I will yield to the gentleman, not for a speech, but for a question merely.

Mr. O'NEILL, of Missouri. Only one remark. I want to prevent a calamity like that which happened in the last Congress when the entire progress of the Mississippi River improvement was stopped and choked on account of the appropriation being incorporated in the river and harbor bill, as a result of which this special appropriation is asked for to-day to save these partially improved works from destruction. That is all.

Mr. REAGAN. We have had that question up several times. I know there are gentlemen interested in this subject of the improvement of the Mississippi River who think there ought to be a special appropriation bill for that interest. But an experience of eight years in regard to bills on that subject induces me to believe that whenever action is attempted in that way there will be an utter failure of any appropriation; for whenever you propose to improve the Mississippi River in a separate bill the people along the Ohio River will say it must be included also in that bill, because it is one of the great tributaries of the Mississippi. The people along the Missouri River will say it must be included because it is one of the great tributaries of the Mississippi River; and the people along the Red River, the Arkansas, the Cumberland, the Illinois—all those rivers—must have them included; and you thus make an appropriation bill including the Mississippi and all its tributaries, and when you do that you shut off from its support and sympathy the people of the Atlantic coast, the people of the lake region, the people of the Pacific coast, and the people of the Gulf coast; and the result will be that you will cease to appropriate money at all.

As an earnest friend of the Mississippi River improvement, one who has done all he could for years to get liberal appropriations for the improvement of that great water way, I submit, if you are to pass a bill through this House, it must be one which will command the support of the members generally.

Mr. DUNN. Will the gentleman allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. DUNN. I want to call the attention of the gentleman from Texas back to a doubt he expressed, in order that he may discuss it further and satisfy the mind of the House. He expressed a doubt as to whether the Committee on Rivers and Harbors had the privilege to report any other bill for consideration than the river and harbor bill. The language defining the jurisdiction of that committee is this:

> And the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors—

Not the river and harbor appropriation bill merely, but "bills making appropriations for the improvement of rivers and harbors"—

> as is accorded to the Committee on Appropriations in reporting general appropriation bills.

I want to see this subject dealt with practically and reasonably, and everything put in the line of proper consideration and action by the House. That is all.

Mr. REAGAN. Mr. Speaker, if we want to do anything on this subject we had better let this message go to the Committee on Rivers and Harbors, whose duty it is to investigate the subject and who have the power to recommend an appropriation.

Mr. DUNN. Let me ask my friend from Texas another question: I understand that a part of the report of the commission relates to other subjects than the appropriations.

Mr. REAGAN. I have already said so.

Mr. DUNN. And therefore I think the reference ought to be divided. For instance——

Mr. REAGAN. If my friend will excuse me, I can not yield further. I have already expressed my approval of his suggestion, and it is not necessary to repeat it again. I agree with him that the portion relating to appropriations should go the Committee on Rivers and Harbors; and if there be any other matter in the report of which the Committee on Levees and Improvements of the Mississippi River could take jurisdiction, I have no objection.

But I want to see the course adopted which will secure the necessary appropriation for the improvement of that great river, so that it may not be embarrassed by the mere antagonism between committees claiming jurisdiction of the subject.

Mr. GIBSON. As I understand, Mr. Speaker, the question before the House is simply as to which committee under the rules of the House should have charge of the consideration of this special message. Upon that, which is purely a legal question, gentlemen have undertaken to discuss the general policy of river improvements; and the gentleman from Missouri [Mr. O'NEILL] has made a very ill-natured attack upon the Committee on Rivers and Harbors. It is not necessary now to undertake to defend that committee, nor is it necessary to remind the gentleman that when we come to consider the matters before that committee perhaps we will be able to show as clean hands as he or any of the friends of his special pet subject will when they come to consider that.

The only question, as I have said, for the House to consider now is whether under the rules of the House the Committee on Rivers and Harbors shall consider this message or whether the Committee on Levees and Improvements of the Mississippi River shall consider it. That is a question which any member of this House, by giving the slightest attention to the subject, can setttle in a moment. I do not know what the precedents have been in the House upon that subject. It may be that heretofore members who advocated the improvement of the Mississippi River have been as unmanageable and turbulent as they seem to be to-day, and it may be that for the purpose of gratifying them former Congresses may have allowed that committee to consider matters that do not belong to them.

But that decision on the part of former Congressses should not override the rules of this House in the present Congress. When we turn to the rules we see that the Committee on Levees never had charge of matters of improvement at all; that when it was created it was created under the name of Committee on Levees and Improvement of the Mississippi River, yet when its jurisdiction was established it was given jurisdiction only of matters affecting the levees of the river, and not the improvement of the river. At the same time the same Congress that created that committee gave to the Committee on Commerce jurisdiction of all matters relating to rivers and harbors and appropriations therefor.

The present Congress created the special Committee on Rivers and Harbors, and gave to the Committee on Levees the same jurisdiction that it had in former Congresses. To-day that Levee Committee stands without any jurisdiction under the rules of the House over the improvement of the Mississippi River. Undertaking to interpret the rules of the House, we have had a general discussion as to what ought to have been and what ought not to have been the rules.

I submit that it is not a question whether this Mississippi River ought or ought not to be improved; it is not a question whether the River and Harbor Committee will be honest or dishonest in its action. It is simply a question as to what are the rules of this House. If gentlemen who are the special friends of the Mississippi River improvement desire to change the rules let them do so by direct resolution on the subject, and not come in with a sort of attack on a committee that is simply seeking to exercise a power conferred upon it by this House.

Mr. YOUNG. I had no idea, Mr. Speaker, that so many members desired to be heard upon this question, or I should perhaps have not asked for recognition to say a few words myself, nor did I suppose that the measure, at this early day of the session, had been examined by so many gentlemen, who seem to have acquired so thorough and intimate acquaintance with it in so short a time. But, however well they may be informed upon the subject, I am apprehensive that those who advocate its reference to the River and Harbor Committee are making a grave mistake, and that if they succeed in having this done they will deal the enterprise a fatal blow.

This is a question to which I have given great attention and some investigation, not only since I have been a member of this House but for many years before. I have lived nearly all my life upon the banks of the Mississippi River, and have long ago learned to appreciate the importance of its improvement, if I have not learned the proper method of accomplishing that great result. I have watched closely the course of legislation as well as the current above the thought and sentiment in respect to it, and all of this has brought me to the conclusion that unless jurisdiction over the whole subject is given to some committee created for that special purpose little or nothing will be done in furtherance of an enterprise now conceded by all parties and all sections to be eminently national in its character.

It is a subject of sufficient magnitude and importance within itself to be made the subject of special legislation separate and distinct from all other of similar character, and this must be done before any practical result can be attained. The history of legislation on the subject for nearly fifty years past is a complete and unanswerable argument in favor of the proposition which I urge. During that period of time the importance of the enterprise, that is, of restraining the wild flood of the Mississippi River as well as improving its navigation, has been urged before both Houses of Congress, and there was, I believe, never appropriated a single dollar for the former purpose until the Forty-fourth Congress created a special committee for that particular work, and all the practical good that has ever been accomplished in that direction has been through the efforts and by the work of that committee; and I do not think anything is likely to be gained by now placing it under the jurisdiction of another committee that already has, by the rules of

the House, jurisdiction over as many other interests as it will probably be able to consider with as much care as should be given to every subject of public legislation.

I warn gentlemen now who are friendly to the improvement of the Mississippi River in all its bearings that if they permit the Committee on Rivers and Harbors to obtain jurisdiction of this question in the outset, they may at once surrender all hope of having very much more done for the Mississippi River than for the most insignificant stream in the country. One of the main reasons why this great river, flowing four thousand miles through the very center of our country, has not heretofore received such appropriations as its vast interests demanded is, that it has always been handicapped by being put in a general bill along with a thousand other inferior and less important water courses, many of which can never be utilized for any beneficial public purpose. In this way it has lost the support of many leading members of Congress, who believed that the usual method of passing river and harbor bills was the outgrowth of a vicious system of legislation, and therefore voted against them and the Mississippi River as well, while if the improvement of the Mississippi River had been presented as a separate and independent measure they would most cheerfully have voted for it. Recently four of the most distinguished members of this House were candidates for the position of its presiding officer, and each one of them has always professed the warmest friendship for the improvement of the Mississippi River, but each and all of them, I believe, have felt constrained to vote against any appropriation for that purpose because it was asked for in general bills, coupling with the Mississippi River a great number of other streams for which they believed appropriations ought not to be made. In the last Congress the distinguished gentleman from Pennsylvania [Mr. RANDALL] made some remarks on this subject, a portion of which I ask to have read by the Clerk.

The Clerk read as follows:

Mr. RANDALL. * * * I wish that this proposition could be separated from others in this bill, so that I might vote, as I will now vote, against striking out any part of the provision in relation to the Mississippi River, and not give a seemingly opposition vote to that project by voting against the bill.

Mr. RANDALL. I will say to the gentleman, if he alludes to me, that I stand there yet.

Mr. YOUNG. I have no doubt of it. Your position is correct, as it usually is, and I hope you adhere to it. I now ask that the Clerk read what a no less distinguished gentleman said a year earlier on the same subject. The gentleman from New York [Mr. COX], always broad-minded and statesmanlike in his views, uttered sentiments similar to those quoted from the speech of the gentleman from Pennsylvania [Mr. RANDALL], and I send to the Clerk's desk an extract, which I ask may be read.

The Clerk read as follows:

Mr. COX of New York. * * * I wished for the sake of the country, and for the sake of the Congress, so often dishonored by these methods and measures, that the interests of the Mississippi River should have their own discussion. It deserved its own vote. It commanded it, as New York does, by its conspicuous magnitude. I would be willing to vote, as a New York member, even a larger sum than that on this bill, not for the levee system, for that belongs to the States, and it has been so regarded, but for a thorough improvement of the great Mississippi River, to the end that that grand inland water way might bear the commerce of the interior to the ocean, and command honest competition in the interest of the produce and commerce East, West, North, and South.

Mr. GIBSON. Will the gentleman answer me a question?

Mr. YOUNG. Certainly.

Mr. GIBSON. What has this to do with the rules of the House, as to which committee should have charge of this subject?

Mr. YOUNG. I am showing the views entertained by leading members of Congress on this subject and directing attention to the fact that they coincide with those upon which I am insisting; that I will answer the question of the gentleman from West Virginia [Mr. GIBSON] in respect to the rules of the House as applicable to the proposition I was discussing before I closed my remarks. The gentleman from Illinois [Mr. MORRISON] whose solid judgment and excellent good sense has always commanded the respect of this House, expressed in the last Congress substantially the views contained in the speeches of the gentlemen from Pennsylvania [Mr. RANDALL] and from New York [Mr. COX], from which I have had quotations read by the Clerk, and the same opinion has been held to and expressed by many other leading members of this body. There are perhaps now on this floor thirty or forty members who will not vote for any appropriation for the Mississippi River if embodied in an ordinary river and harbor bill, but would most gladly give it their support if submitted as an independent measure. They believe, and perhaps justly, that bills formulated and passed after the usual fashion of river and harbor bills is a character of legislation that ought not to prevail, but if a great national enterprise, such as the improvement of the Mississippi River, were presented free from this objection they would not hesitate to give it a cordial and active support.

I appeal to the gentlemen from Louisiana [Mr. HUNT and Mr. BLANCHARD] who have spoken so earnestly and so forcibly in opposition to the amendment offered by their colleague [Mr. KING], to pause and consider well the probable effect that will result from the adoption of their view of the case. Judging of the matter in the light of past events, there can be but little doubt but that it will be most disastrous to the enterprise which I know they desire to be successful. It is my judgment that if the improvements of the Mississippi River go to the Committee on Rivers and Harbors, burdened as it will be with several hundred little streams, it will receive only that attention accorded to all the others, and in the end nothing of practical benefit will be obtained. And if an appropriation were thus asked for, would it receive the support of such gentlemen as those I have named? Would it not be better to obtain the assistance and co-operation of gentlemen like these by conforming to their views than to array them against us?

Now, in answer to the question of the gentleman from West Virginia [Mr. GIBSON], I have this to say: I have not examined the rule which the gentleman says determines the proper reference in this case as a lawyer with a view of ascertaining its exact scope or technical meaning, and I do not therefore pretend to say whether or not under this rule we can send this proposition to the one committee or the other, but I do say that it is competent for the House to decide that question, and that by a majority vote we can send it to either of these committees or to any other one that may be selected. Aside, however, from a legal construction of the rule I am quite sure that to give practical effect and operation to any measure of the sort under discussion the construction insisted upon by the gentleman from West Virginia [Mr. GIBSON] must be disregarded.

Mr. GIBSON. I understand the gentleman to proclaim that this message should be sent to a committee in violation of the rules.

Mr. YOUNG. By no means. If the rules of the House, as construed by the Speaker, provides that this part of the message of the President shall be sent to any particular committee, and it should be the judgment of the House that it should go to another, then a majority vote can give it that direction, and, rule or no rule, the House can always refer any question to whatever committee a majority deems proper and necessary.

Mr. GIBSON. But it has not done so.

Mr. YOUNG. But that is exactly what I am trying to get it to do now, and gentlemen who are opposing me will find in the end that I ought to succeed.

I may say in reply to the gentleman from Texas [Mr. REAGAN] and the gentleman from Louisiana [Mr. BLANCHARD] that conceding that a reference of this question to the Committee on Rivers and Harbors would more certainly insure the immediate appropriation of the amount asked for, it would be better that it should be lost for the time being altogether, or thrown loose into the Mississippi River, than to give this committee permanent jurisdiction over the question involved. One million of dollars is nothing compared with the aggregate sum which will be eventually required to complete this great work, and it would be better, far better, not to obtain it at all than to obtain it under the jurisdiction of a committee that will never secure adequate legislation for the purpose to which it is to be devoted.

Not that the question would not be justly and fairly dealt with by the distinguished gentleman [Mr. WILLIS] who presides over that committee, but because the committee will have before it more business connected with other measures than it will be able to properly consider and dispose of.

Mr. HENLEY. I would like to ask the gentleman a question.

Mr. YOUNG. I yield to the gentleman.

Mr. HENLEY. I think the House may be in need of some little information, and I will ask the gentleman from Tennessee [Mr. YOUNG] this question: If the views advocated by the gentlemen of the Committee on Rivers and Harbors are to prevail, would not such action amount to an entire divestiture of all the functions of the Committee on Levees and Improvement of the Mississippi River?

Mr. YOUNG. I think so, for I know of no other subject that could be properly referred to that committee.

Mr. HENLEY. Then the question is, whether it is not advisable to declare this committee, to which I happen to belong, to be purely ornamental.

Mr. YOUNG. The committee had better be abolished unless it can obtain jurisdiction of this measure, for it will have no other question to consider, and the improvement of the Mississippi River will be practically a dead issue during this Congress.

Mr. BELFORD. Mr. Speaker, I hope that I can obtain the attention of this House for a few moments, inasmuch as my voice is not so vigorous as the voices of some other gentlemen here. I am gratified that this discussion has occurred. It shows the damnable and infernal character of the rules under which we act and by which we are governed. We have one committee privileged to report at any time—a committee called the Committee of Ways and Means, composed of the brains of this House. We have another committee known as the Committee on Appropriations, whose members might properly be designated the white-buttoned mandarins of this House. [Laughter.] The remainder of the committees are mere menials and slaves, and although they are the representatives of the sovereign people of this nation, compelled to bow on their knees and ask the Speaker of this House to recognize them.

Here we have our Democratic brethren dwelling to-day in delightful unity. It is a spectacle as sweet as the Hebrews observed when they saw the oil run down the beard of Aaron. [Laughter.] What is this controversy about? You gentlemen have constructed your committees. You have made two new committees. You have divorced them and separated them into distinct and separate bodies. And here we have the grand and magnificent spectacle of the Democrats from the South quar-

reling over the question to which of the two committees they have newly created and originated a bill of great and vital national importance shall be referred.

I am in favor of voting not only one million dollars to improve the streams of the South, but twenty millions, if it be necessary to accomplish the advantage of the people. We have a Treasury here to-day governed by New York influence that holds in its vaults a store of millions of dollars—ay, a hundred millions—of surplus revenue, that is kept there for the sole purpose, in my judgment, of advancing the financial interests of New York and Pennsylvania. I say that this House to-day is in the control of the South and the West, and thank God for it!

We have submitted to the domination of two States and a little section which is not as large as one county in my State long enough; and let us from the West and the South stand together, and say we will unlock the vaults of the national Treasury and use the money that is kept there in idleness to improve the great water courses of this country in order that the interests of the people may not be overborne and broken down by the railroad corporations of this Republic. [Applause.]

Mr. BRECKINRIDGE rose.

Mr. BELFORD. I have not got through. [Laughter.] I have never had heretofore a chance during the nine years I have been a member to make over a five-minute speech in this House, and as I have the floor now I wish to proceed. [Cries of "Go on!"]

Now, Mr. Speaker, I say that what ought to be done is to give every committee in this House the privilege of making a report at any time. And what ought to be done further is to give the right to every member on the floor to call up a measure by being recognized in the broadest sense. For what is this but the representative council of this great and mighty nation? And yet two men—and you know it—two men control this House. [Laughter.] In the first place the Speaker, who agrees or disagrees to recognize a member; and the second is the distinguished gentleman from Indiana [Mr. HOLMAN], who exercises the veto power by way of constant objection. [Laughter.] Are we here to be herded like sheep in a corral or like cattle in a field, to be governed by two men? [Laughter.] What is the Speaker? He is the organ of this House, chosen by the representatives of the people. And why did you not change your rules so that every Representative on the floor of this House could have the right at least at a convenient season to bring before this grand council of the nation important measures for its consideration, and upon which it could be called to deliberate? Is it not time to work a reform so far as this question is concerned?

For one, I am in favor of committing this subject to the Committee on Levees and Improvements of the Mississippi River; and in reply to the argument brought forward by other gentlemen that that committee has no power to make appropriations, I say amend your rules and authorize that committee, as you authorize the white-buttoned mandarins of the Appropriations Committee, to report an appropriation bill at any time. [Laughter.]

It is a grand and magnificent stream. On its bosom can float the commerce of the continent. Let us treat it with generosity and hold its crested waves up as the great ward against the railroad monopolies of America. [Applause.]

Mr. BRECKINRIDGE. Mr. Speaker, I wish to say one word for the consideration of those gentlemen on this floor who claim to be the special friends of the Mississippi River improvement. I believe it is generally conceded that under the rules this whole subject-matter must go to the Committee on Rivers and Harbors, but we have presented the question of policy whether the House should override its rules, and the friends of the Mississippi River improvement are divided into two classes on that question of policy; one believing in a special Mississippi River improvement bill and the other in the item of appropriation for the improvement of the Mississippi River going into the general river and harbor appropriation bill. If, then, we now refer this legislation to the Committee on Levees and Improvements of the Mississippi River we bind ourselves irrevocably to the policy of a separate and distinct bill in behalf of the Mississippi River, but if the subject be referred to the Committee on Rivers and Harbors, that committee under the rules will have the option either of bringing in a separate bill for the Mississippi River or of making that appropriation a part of the general omnibus bill. As to which course is most expedient I consider it to be unwise to bind ourselves at this time to any rigid policy, and therefore I am in favor of keeping the option and of the reference to the River and Harbor Committee as the wiser of the two courses.

Mr. WILLIS. I desire to move the previous question, but before doing so I wish to occupy the attention of the House for two or three minutes.

Mr. HEPBURN. Before the gentleman calls the previous question I rise to a point of order.

The SPEAKER. The gentleman will state the point of order.

Mr. HEPBURN. It is, that the rules provide after a member has spoken he can not speak again until those who have not spoken and who claim the floor have been heard.

Mr. WILLIS. If the gentleman insists on the point of order, of course there is nothing left to me but to demand the previous question.

The SPEAKER. The Chair desires to know whether the gentleman from Arkansas proposes an amendment.

Mr. DUNN. I have submitted a substitute for the motion of the gentleman from Kentucky and the amendment.

Mr. BRECKINRIDGE. Will the Speaker please state the question?

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] moves to refer the message and documents to the Committee on Rivers and Harbors. The gentleman from Louisiana [Mr. KING] moves to amend by referring it to the Committee on the Levees of the Mississippi River. The gentleman from Arkansas now submits a substitute, to refer so much of this message and the accompanying documents as relates to an appropriation for the improvement of the river to the Committee on Rivers and Harbors, and the remainder of it to the Committee on Levees and Improvements of the Mississippi River. Upon these several motions the gentleman from Kentucky [Mr. WILLIS] has demanded the previous question. The first question is, Shall the previous question be ordered?

The previous question was ordered.

The SPEAKER. The first question is on agreeing to the substitute proposed by the gentleman from Arkansas [Mr. DUNN], which will be read.

The Clerk read as follows:

That so much of the message and accompanying report as relate to the sums of money to be appropriated for improving the Mississippi River be referred to the Committee on Rivers and Harbors, and that the remainder thereof be referred to the Committee on Levees and Improvements of the Mississippi River.

The question was taken; the House divided, and there were—ayes 34, noes not counted.

So the substitute was not agreed to.

The question recurred upon the amendment of Mr. KING, to refer the message and documents to the Committee on Levees and Improvements of the Mississippi River.

The House divided; and there were—ayes 101, noes 114.

Mr. O'NEILL, of Missouri. I demand the yeas and nays.

The yeas and nays were ordered, 50 members voting in favor thereof.

The question was taken; and there were—yeas 123, nays 144, not voting 53; as follows:

YEAS—123.

Adams, G. E.	Hanback,	McComas,	Ryan,
Aiken,	Hardeman,	McCormick,	Seymour,
Atkinson,	Hardy,	McKinley,	Skinner, C. R.
Bagley,	Harmer,	Millard,	Slocum,
Barksdale,	Hatch, H. H.	Miller, S. H.	Spooner,
Beach,	Haynes,	Milliken,	Springer,
Belford,	Henley,	Mitchell,	Steele,
Bingham,	Hepburn,	Morey,	Stephenson,
Boutelle,	Hiscock,	Morrill,	Stevens,
Brainerd,	Hitt,	Muldrow,	Stewart, J. W.
Breitung,	Holmes,	Nelson,	Strait,
Brewer, F. B.	Hooper,	Nicholls,	Struble,
Brewer, J. H.	Horr,	Nutting,	Sumner, D. H.
Brown, W. W.	Howey,	O'Hara,	Taylor, J. D.
Browne, T. M.	Hutchins,	O'Neill, Charles	Thomas,
Calkins,	James,	O'Neill, J. J.	Tillman,
Campbell, F.	Jeffords,	Paige,	Van Alstyne,
Cannon,	Johnson,	Patton,	Van Eaton,
Cox, S. S.	Jones, B. W.	Payson,	Wait,
Cox, W. R.	Kasson,	Perkins,	Wakefield,
Culberson, D. B.	Kean,	Peters,	Weaver,
Culbertson, W. W.	Keifer,	Pettibone,	Weller,
Cutcheon,	Ketcham,	Poland,	White, Milo
Davis, R. T.	King,	Post,	Whiting,
Dingley,	Lacey,	Price,	Wilson, James
Dorsheimer,	Laird,	Ranney,	Winans, John
Dunn,	Lawrence,	Ray, Ossian	Wise, J. S.
Evans, I. N.	Libbey,	Reed,	Woodward,
Everhart,	Long,	Riggs,	York,
Ferrell,	Mackey,	Rogers, W. F.	Young.
Fiedler,	McAdoo,	Rowell,	

NAYS—144.

Alexander,	Eaton,	Lanham,	Rosecrans,
Arnot,	Eldredge,	Lewis,	Scales,
Ballentine,	Ermentrout,	Lore,	Seney,
Barbour,	Findlay,	Lovering,	Shaw,
Bayne,	Finerty,	Lowry,	Shelley,
Bennett,	Follett,	Lyman,	Singleton,
Bisbee,	Forney,	McCoid,	Skinner, T. G.
Blanchard,	Fyan,	McMillin,	Smith,
Bland,	Geddes,	Matson,	Snyder,
Blount,	George,	Maybury,	Spriggs,
Boyle,	Gibson,	Mayo,	Stewart, Charles
Breckinridge,	Glascock,	Miller, J. F.	Stockslager,
Broadhead,	Goff,	Mills,	Stone,
Buchanan,	Graves,	Money,	Storm,
Buckner,	Green,	Morgan,	Sumner, C. A.
Budd,	Greenleaf,	Morrison,	Talbott,
Cabell,	Halsell,	Morse,	Taylor, E. B.
Campbell, J. M.	Hart,	Moulton,	Thompson,
Candler,	Hatch, W. H.	Muller,	Townshend,
Carleton,	Hemphill,	Murphy,	Tucker.
Clay,	Henderson, D. B.	Murray,	Tully,
Clements,	Henderson, T. J.	Mutchler,	Turner, H. G.
Collins,	Herbert,	Neece,	Turner, Oscar
Connolly,	Hewitt, A. S.	Ochiltree,	Ward,
Cosgrove,	Hewitt, G. W.	Peel, S. W.	Warner, Richard
Covington,	Hill,	Peelle, S. J.	Wellborn,
Crisp,	Holton,	Potter,	Wilkins,
Cullen,	Holman,	Pryor,	Williams,
Curtin,	Hopkins,	Pussey,	Willis,
Dargan,	Houk,	Randall,	Wilson, W. L.
Davis, L. H.	Houseman,	Ray, G. W.	Winans, E. L.
Dibrell,	Hunt,	Reagan,	Wise, G. D.
Dockery,	Jones, J. H.	Reese,	Wolford,
Dowd,	Jones, J. K.	Robertson,	Wood,
Duncan,	Jordan,	Robinson, J. S.	Worthington,
Dunham,	Lamb,	Rogers, J. H.	Yaple.

NOT VOTING—53.

Adams, J. J.	Converse,	Hoblitzell,	Robinson, W. E.
Anderson,	Cook,	Hurd,	Russell,
Barr,	Davidson,	Jones, J. T.	Taylor, J. M.
Belmont,	Davis, G. R.	Kelley,	Throckmorton,
Blackburn,	Deuster,	Kellogg,	Valentine,
Bowen,	Dibble,	Kleiner,	Vance,
Brumm,	Elliott,	Le Fevre,	Wadsworth,
Burleigh,	Ellis,	Oates,	Warner, A. J.
Burnes,	Ellwood,	Parker,	Washburn,
Caldwell,	Evins, J. H.	Payne,	Wemple,
Cassidy,	Foran,	Pierce,	White, J. D.
Chace,	Guenther,	Phelps,	
Clardy,	Hammond,	Rankin,	
Cobb,	Hancock,	Rice,	

So the amendment was not agreed to.

On motion of Mr. THOMAS, by unanimous consent the reading of the names was dispensed with.

The following pairs were announced:

Mr. RUSSELL with Mr. COLLINS.

Mr. WHITE, of Kentucky, with Mr. BLACKBURN.

Mr. RAY, of New Hampshire, with Mr. OATES.

Mr. PEELLE, of Indiana, with Mr. LE FEVRE.

Mr. CHACE with Mr. VANCE.

Mr. COBB with Mr. VALENTINE.

Mr. THROCKMORTON with Mr. DEUSTER, on this vote.

Mr. RICE with Mr. HOBLITZELL.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs upon the motion of the gentleman from Kentucky [Mr. WILLIS], to refer the message and accompanying documents to the Committee on Rivers and Harbors.

The motion was agreed to.

Mr. WILLIS. I move to reconsider the vote last taken, and also move to lay that motion on the table.

The SPEAKER. It is not necessary to make that motion, since under the rules it can not come back on a motion to reconsider.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of bills of the following titles; in which concurrence of the House was requested:

A bill (S. 264) for the relief of F. G. Schwatka and wife; and

A bill (S. 844) authorizing the Fort Worth National Bank of Fort Worth, Tex., to increase its capital stock.

FORT BERTHOLD INDIAN RESERVATION.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, of the 19th ultimo, submitting, with accompanying papers, a draught of a bill providing for the allotment of lands in severalty to the Arickaree, Gros Ventre, and Mandan Indians on the Fort Berthold Indian reservation in Dakota, and the granting of patents therefor, and for other purposes.

The matter is presented for the action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 7, 1884.

INDIAN HOMESTEAD ENTRIES.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, of the 19th ultimo, submitting, with accompanying papers, a draught of a bill "to allow Indian homestead entries in certain cases without the payment of fees and commissions."

The matter is presented for the consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 7, 1884.

FORT SULLIVAN, MAINE.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a letter from the Secretary of War, dated the 2d instant, inclosing copies of official correspondence, reports, &c., in relation to the military post of Fort Sullivan, Maine, and recommending such legislation as will authorize the sale of the site to the highest bidders after public advertisement, the same being no longer needed for military purposes.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 7, 1884.

SCHUYLKILL ARSENAL, PHILADELPHIA.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, of the 7th instant, inclosing one from the Quartermaster-General of the Army submitting plans and estimates for the construction of walls, &c., at the Schuylkill arsenal, Philadelphia, Pa., rendered necessary by the opening of Peltz street, and recommending that an appropriation be made of the amount estimated to be requisite for the work referred to.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 9, 1884.

SOLICITING POLITICAL CONTRIBUTIONS.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Reform in the Civil Service, and ordered to be printed:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 7th instant, respecting the alleged distribution of circulars in some of the Departments asking contributions for political purposes, I hereby transmit the reply of the Secretary of State.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 8, 1884.

NEW MEXICO PRIVATE LAND CLAIM.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the report of the surveyor-general of New Mexico in the matter of the private land claim in New Mexico reported as No. 123, in the name of Francisco Sandoval, for the Santisima Trinidad or Rancho Galvan tract, together with the letter of the Commissioner of the General Land Office, transmitting a report and concurring in the opinion of the surveyor-general that the claim is valid, &c.; which was referred to the Committee on Private Land Claims.

NATIONAL BOARD OF HEALTH.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting statement of expenditures of the National Board of Health for the quarters ending March 31, 1883, and June 30, 1883; which was referred to the Select Committee on the Public Health, and ordered to be printed.

DAM AT BEATTYSVILLE, KY.

The SPEAKER also laid before the House a letter from the Secretary of War, and accompanying papers, relative to the application of the sum of $75,000 appropriated by the river and harbor act of August 2, 1882, for "the erection of a lock and movable dam at Beattyville, at the junction of Three Forks, Kentucky River, Kentucky;" which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

FIRE AT M'PHERSON BARRACKS.

The SPEAKER also laid before the House a letter from the Secretary of War, and accompanying papers, requesting a gratuitous issue of clothing to certain enlisted men, to cover losses occasioned by fire at McPherson Barracks, at Atlanta, Ga., September 10, 1879; which was referred to the Committee on Military Affairs.

CONTINGENT EXPENSES OF TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report of the contingent expenses of the Treasury Department for the fiscal year which ended June 30, 1883; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

TREASURY CATTLE COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury Department, transmitting a supplemental report of the Treasury Cattle Commission; which was referred to the Committee on Agriculture, and ordered to be printed.

CLAIM OF SOUTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, submitting for the action of Congress the claim of the State of South Carolina, presented under the act of June 7, 1862; which was referred to the Committee on Claims.

CROW INDIANS IN MONTANA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, with inclosure, in relation to the condition and necessities of the Crow Indians in Montana, urging an increase of the estimate for appropriation for flour, meal, &c., from $65,000 to $90,000; which was referred to the Committee on Appropriations, and ordered to be printed.

CANCELING, ETC., INTERNAL-REVENUE STAMPS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Commissioner of Internal Revenue, recommending an appropriation for the payment of persons who have been or may be employed in the Office of Internal Revenue in and about the work of counting, canceling, and redeeming certain internal-revenue stamps, &c.; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING TREASURY NOTES OF SMALL DENOMINATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, asking for an appropriation of $150,000, deficient for printing Treasury notes of a smaller denomination than $5 from the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

SOLICITING POLITICAL CONTRIBUTIONS.

The SPEAKER also laid before the House a letter from the Postmaster-General, in answer to a resolution of the House of Representa-

tives requesting to know if circulars asking for money for political purposes had been distributed in his Department in violation of law; which was referred to the Select Committee on Reform in the Civil Service.

RAILWAY MAIL SERVICE.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting the report of the commission appointed to investigate the railway mail service and devise a system of gauging the rate of pay for carrying the mails; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LOSSES BY POSTMASTERS.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting a list of claims of postmasters for loss by burglary, fire, or other unavoidable casualty allowed or disallowed prior to December 1, 1883; which was referred to the Committee on Claims, and ordered to be printed.

SOLICITING POLITICAL CONTRIBUTIONS.

The SPEAKER also laid before the House a communication from the Secretary of the Navy, in reply to the resolution of the House of Representatives dated January 7, 1884, concerning the distribution of circulars for political purposes in violation of the civil-service law; which was referred to the Select Committee on Reform in the Civil Service.

GOVERNMENT WAREHOUSE IN NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the report and accompanying papers of the commissioners appointed to appraise the premises, with the buildings and improvements thereon, bounded by West, Laight, Hubert, and Washington streets, in the city of New York; which was referred to the Committee on Public Buildings and Grounds.

CHARLES BRUNER.

The SPEAKER also laid before the House a letter from the Secretary of War, and accompanying papers, relative to the claim of Charles Bruner, Company G, Fifteenth Infantry, for clothing destroyed by fire May 8, 1883; which was referred to the Committee on Military Affairs.

NATIONAL BOARD OF HEALTH.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the annual report of the National Board of Health for the fiscal year 1883; which was referred to the Select Committee on the Public Health, and ordered to be printed.

NATIONAL HOME FOR DISABLED SOLDIERS.

The SPEAKER also laid before the House the letter of W. B. Franklin, president of the board of managers of the National Home for Disabled Volunteer Soldiers, transmitting the report of the said board for the fiscal year ending June 30, 1883; which was referred to the Committee on Military Affairs, and ordered to be printed.

TREASURY CATTLE COMMISSION.

The SPEAKER also laid before the House a letter from H. F. French, Acting Secretary of the Treasury, transmitting the report of the Treasury Cattle Commission; which was referred to the Committee on Agriculture, and ordered to be printed.

CONTINGENT EXPENSES OF WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of expenditures from the appropriations for the contingent expenses of the military establishment for the fiscal year ending June 30, 1883; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ADAMS, of New York, until Monday next, on account of important business.

LABOR STATISTICS.

Mr. HOPKINS, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Superintendent of the Census be requested to transmit to the House of Representatives the report of Joseph D. Weeks, special agent in charge of statistics of wages in manufacturing industries, on wages, necessities of life, strikes, and trade unions.

Mr. HOPKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NORTH CAROLINA CLAIMS.

Mr. SCALES, by unanimous consent, introduced a bill (H. R. 3037) to refund to the State of North Carolina certain moneys therein named; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

"LIBERTY ENLIGHTENING THE WORLD."

Mr. BAGLEY, by unanimous consent, introduced a bill (H. R. 3038) making an appropriation for the statue of "Liberty Enlightening the World," to be erected in the harbor of New York; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

UNITED STATES COURTS IN IOWA.

Mr. McCOID. There is a bill on the House Calendar, reported today favorably from the Committee on the Judiciary, which I ask consent may be considered at this time. It is House bill No. 448, to fix the times for holding the terms of the circuit and district courts of the United States in the northern district of Iowa.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That the sessions of the circuit and district courts of the United States in the northern district of Iowa shall begin and be held as follows: At Dubuque, on the first Tuesday in April and third Tuesday in November of each year; at Fort Dodge, on the third Tuesdays in January and June of each year; and at Sioux City, on the second Tuesday of May and first Tuesday in October of each year.

SEC. 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

There being no objection, the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. McCOID moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGET DOWD.

Mr. HISCOCK, by unanimous consent, introduced a bill (H. R. 3039) restoring the name of Bridget Dowd to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY TARBELL.

Mr. HISCOCK also, by unanimous consent, introduced a bill (H. R. 3040) for the relief of Mary Tarbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOUSE EMPLOYÉS.

Mr. COX, of North Carolina. I ask unanimous consent to introduce for immediate action the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be instructed to ascertain and report as early as practicable the number of employés of this House, the character of their employment, the number of hours they are daily engaged in the public service, and whether the convenience of the members in the discharge of their public duties requires that the number be increased or diminished.

2. They shall further report the names of said employés, and the State or States from which they were appointed.

Mr. THOMPSON. I object.

Mr. RANDALL. It is only a resolution of inquiry,

Mr. YOUNG. I object. [Cries of "Regular order!"]

Mr. COX, of North Carolina. I ask the reference of the resolution to the Committee on Appropriations.

Mr. YOUNG. I object, unless the resolution goes to the Committee on Accounts. That is the proper reference.

Mr. WHITE, of Kentucky. I call attention to the fact that the objection comes from the other side of the House. This side is in favor of reform in the civil service.

The SPEAKER. If there be no objection, the resolution will be referred to the Committee on Accounts.

There being no objection, the resolution was referred accordingly.

Mr. MORRISON. I move that the House adjourn.

ILLINOIS AND MICHIGAN CANAL.

The SPEAKER. Pending the motion to adjourn, the Chair, if there be no objection, will lay before the House a message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I submit a communication from the governor of the State of Illinois, with a copy of an act of the General Assembly of that State, tendering to the United States the cession of the Illinois and Michigan Canal, upon condition that it shall be enlarged and maintained as a national water way for commercial purposes.

The proposed cession is an element of the subject which Congress had under consideration in directing, by the act of August 2, 1882, a survey for a canal from a point on the Illinois River at or near the town of Hennepin by the most practicable route to the Mississippi River at or above the city of Rock Island, the canal to be not less than seventy feet wide at the water line, and not less than seven feet in depth of water, and with capacity for vessels of at least 280 tons burden; and also a survey of the Illinois and Michigan Canal, and an estimate of the cost of enlarging it to the dimensions of the proposed canal betwen Hennepin and the Mississippi River.

The surveys ordered in the above act have been completed and the report upon them is included in the last annual report of the Secretary of War, and a copy is herewith submitted. It is estimated in the report that by the enlargement of the Illinois and Michigan Canal and the construction of the proposed canal by the shortest route between Hennepin and the Mississippi River a direct and convenient thoroughfare for vessels of 280 tons burden may be opened from the Mississippi River to Lake Michigan at a cost of $8,110,286.65, and that the annual charge for maintenance would be $138,600.

It appears from these papers that the estimated yield of corn, wheat, and oats for 1882 in the States of Illinois, Wisconsin, Iowa, Minnesota, Kansas, and Nebraska was more than a thousand million bushels. It is claimed that if the cheap water-transportation route which is now continuous from the Atlantic Ocean to Chicago is extended to the Upper Mississippi by such a canal, a great

benefit in the reduction of freight charges would result to the people of the Upper Mississippi Valley, whose productions I have only partly noted, not only upon their own shipments, but upon the articles of commerce used by them, which are now taken from the Eastern States by water only as far as Chicago.

As a matter of great interest, especially to the citizens of that part of the country, I commend the general subject to your consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 8, 1884.

Mr. MURPHY. I move that this message, with the accompanying papers, be referred to the Committee on Railways and Canals, and ordered to be printed.

The motion was agreed to.

LEAVE OF ABSENCE.

Mr. HOPKINS, by unanimous consent, obtained leave of absence for two days.

Mr. MORRISON. I yield for a moment to the gentleman from Texas [Mr. OCHILTREE].

DEATH OF HERR LASKER.

Mr. OCHILTREE. I ask unanimous consent to introduce for present consideration the resolution which I send to the desk.

The SPEAKER. The resolution will be read, after which there will be opportunity for objection.

The Clerk read as follows:

Resolved, That this House has heard with deep regret of the death of the eminent German statesman Edward Lasker.

That his loss is not alone to be mourned by the people of his native land, where his firm and constant exposition of and devotion to free and liberal ideas have materially advanced the social, political, and economic condition of those peoples, but by the lovers of liberty throughout the world.

That a copy of these resolutions be forwarded to the family of the deceased as well as to the minister of the United States resident at the capital of the German Empire, to be by him communicated through the legitimate channel to the presiding officer of the legislative body of which he was a member.

There being no objection, the resolution was considered and adopted.

The motion of Mr. MORRISON was then agreed to; and accordingly (at 3 o'clock and 35 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Papers relating to the claim of Capt. Fred. Zarracher—to the Committee on Claims.

Also, the petition of Mary McNamara, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. BISBEE: Paper relating to the improvement of rivers and harbors in the State of Florida—to the Committee on Rivers and Harbors.

By Mr. J. H. BREWER: The petition of citizens of Bordentown, N. J., for an increase of pension for widows and dependent parents from $8 per month to $12—to the Committee on Invalid Pensions.

By Mr. BLAND: The petition of W. R. Floyd and others, for a mail-route in Wright County, Missouri—to the Committee on the Post-Office and Post-Roads.

By Mr. BRAINERD: Paper relating to the improvement of the harbor at Erie, Pa.—to the Committee on Rivers and Harbors.

By Mr. BRENTS: Papers relating to the claim of Lemon & Perham—to the Committee on Indian Affairs.

By Mr. BREITUNG: The petition of C. C. Royce and 41 others, citizens of Escambia, Mich., praying for an act of Congress declaring valid titles to lands which they purchased of the United States—to the Committee on the Public Lands.

Also, the petition of A. A. Carpenter and 18 others, citizens of Chicago, Ill., praying for an act curing titles to certain lands—to the same committee.

By Mr. CALDWELL: Papers relating to the improvement of the Cumberland River—to the Committee on Rivers and Harbors.

By Mr. CALKINS: Paper relating to an appropriation to aid in the construction of a harbor at Michigan City, Ind.—to the same committee.

By Mr. CANDLER: The petition of Malinda Mann, for increase of pension—to the Committee on Invalid Pensions.

Also, paper relating to establishment of a post-route in Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. CLEMENTS: The petition of Mrs. Elizabeth Cloud, for a pension—to the Committee on Pensions.

Also, paper relating to the improvement of the Coosa River in Georgia and Alabama—to the Committee on Rivers and Harbors.

By Mr. COLLINS: Papers relating to the pension claim of Samuel C. Wright—to the Committee on Invalid Pensions.

By Mr. COSGROVE: The petition of J. H. Waugh, John Hinton, and others, for the improvement of the Mississippi River and its tributaries—to the Committee on Rivers and Harbors.

By Mr. W. R. COX: The petition of the Medical Association of North Carolina, in behalf of the Army museum and library—to the Committee on Public Buildings and Grounds.

Also, the petition of E. Minor, and others, for the establishment of a post-route in Granville County, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIDSON: The petition of 152 citizens of Franklin County, Florida, for an appropriation of $25,000 for the improvement of the mouth of Carrabelle River—to the Committee on Rivers and Harbors.

By Mr. DOWD: Paper relating to the improvement of the navigation of the Pee Dee River in North Carolina—to the same committee.

By Mr. DIBBLE: Paper relating to the improvement of the harbor of Charleston, of the Edisto River, of the North Edisto River, and of Wappoo Cut, in the State of South Carolina—severally to the same committee.

By Mr. DIBRELL: Paper relating to the improvement of Caney Fork River, of the Hiwassee River, and of the Tennessee River—severally to the same committee.

By Mr. DUNHAM: Paper relating to bill for the relief of the South Chicago Rolling Mill—to the same committee.

By Mr. DUNN: Paper relating to an appropriation for the construction, repair, and preservation of certain works on the Mississippi River—to the same committee.

By Mr. FORNEY: Paper relating to the improvement of Coosa River in the States of Alabama and Georgia and of the Tennessee River—severally to the same committee.

By Mr. GEORGE: Memorial of the Legislature of Oregon and petition of citizens of that State, for the improvement of Coquille River, of Umpqua River, and of harbor of refuge at Portland, Oreg.—severally to the same committee.

By Mr. GOFF: The petition of J. Q. Armstrong and 118 others, of Stillman Young and 39 others, and of George W. Williams and 57 others, praying that the benefits of the pension and bounty laws be extended to West Virginia troops in the employment of the United States during the late civil war—severally to the Committee on Invalid Pensions.

By Mr. GREEN: Paper relating to the improvement of Black River, in North Carolina—to the Committee on Rivers and Harbors.

By Mr. A. S. HEWITT: The petition of George S. Coe and others, prominent bankers and business men of New York, relative to the improvement of Harlem River—to the same committee.

By Mr. HEMPHILL: Papers relating to the contested-election case of Albert C. Janin *vs.* Carleton Hunt, and also papers relating to the contested-election case in the sixth Congressional district of Louisiana—severally to the Committee on Elections.

By Mr. HOLMAN: Papers relating to the claim of John Ellis—to the Committee on Claims.

By Mr. HOUSEMAN: Paper relating to the improvement of Grand River, in the State of Michigan—to the Committee on Rivers and Harbors.

By Mr. KING: Paper relating to the improvement of the Mississippi River from the head of the passes to Cairo, including the harbors of New Orleans and other cities—to the same committee.

By Mr. LAWRENCE: Papers relating to the claim of Christopher Schoefnocker, of New Castle, Pa.—to the Committee on War Claims.

By Mr. HOBLITZELL: The petition of F. P. B. Sands, to transfer to prize-fund certain funds erroneously covered into the Treasury—to the Committee of Naval Affairs.

By Mr. McMILLIN: Papers relating to the improvement of Caney Fork River and of the Cumberland River—severally to the Committee on Rivers and Harbors.

By Mr. MILLIKEN: The petition of Huldah Mayo, for a pension—to the Committee on Invalid Pensions.

By Mr. MOREY: The petition of Thomas Worthington, for relief—to the same committee.

Also, paper relating to the claim of Thomas Worthington—to the Committee on War Claims.

By Mr. MORGAN: The petition of S. A. Riggs, for a pension—to the Committee on Invalid Pensions.

By Mr. NELSON: The petition of the Saint Paul (Minn.) Chamber of Commerce, relative to the improvement of the Fox and Wisconsin Rivers, and memorial of the Minnesota Legislature in relation to the Duluth Harbor and of Lake Traverse and Big Stone Lake—severally to the Committee on Rivers and Harbors.

Also, the petition of citizens of the fifth Congressional district of Minnesota, for the improvement of the Mississippi River, &c.—to the same committee.

By Mr. NICHOLLS: Papers relating to the improvement of the harbors at Brunswick, Darien, and Savannah, Ga., and of Romley Marsh, in the State of Georgia—severally to the same committee.

By Mr. NUTTING: Paper relating to the improvement of Salmon River, on Lake Ontario, in the State of New York—to the same committee.

By Mr. OURY: Papers relating to the claim of William H. Gray—to the Committee on Ways and Means.

By Mr. PETTIBONE: Papers relating to the claim of A. T. Terrill, of Henderson County, Tennessee—to the Committee on War Claims.

By Mr. PRICE: Papers relating to the claim of Joseph Perkins—to the Committee on Claims.

By Mr. ROBERTSON: The petition of Washington Myers and many others, for the improvement of the navigation of Green River—to the Committee on Rivers and Harbors.

By Mr. J. H. ROGERS: The petition of citizens of the western judicial district of Arkansas, for the erection of a public building at Fort Smith, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. RIGGS: Two petitions of citizens of Illinois, for the improve-

ment of the Mississippi River—severally to the Committee on Rivers and Harbors.

By Mr. SHELLEY: Papers relating to the claim of William H. Gordon and of Robert H. Montgomery—to the Committee on War Claims.

Also, papers relating to the claim of the creditors of the Deposit Savings Association of Mobile, Ala.—to the Committee on Claims.

Also, papers relating to the claim of the Mobile Marine Dock Company—to the Committee on War Claims.

By Mr. CHARLES STEWART: Paper relating to the work in removing the obstructions to navigation at Sabine Pass and Blue Buck Bar, in Texas—to the Committee on Rivers and Harbors.

By Mr. STOCKSLAGER: Paper relating to the improvement of the channel of the Ohio River—to the same committee.

By Mr. STRAIT: The petition of J. M. Howard, president of the Board of Trade of Litchfield, Minn., and others, for the improvement of the Mississippi River and its tributaries—to the same committee.

Also, the resolutions adopted by the Board of Trade of Minneapolis, Minn., relating to the coinage of silver and of silver certificates—to the Committee on Coinage, Weights, and Measures.

By Mr. E. B. TAYLOR: Papers relating to the claim of the heirs of John Byrnes—to the Committee on Claims.

By Mr. THOMAS: Two petitions of citizens of Illinois, for the improvement of the Mississippi River and its navigable tributaries—severally to the Committee on Rivers and Harbors.

By Mr. THOMPSON: Papers relating to the claim of James Clark Smith—to the Committee on War Claims.

By Mr. OSCAR TURNER: Papers relating to the claim of A. Gates Lee—to the same committee.

By Mr. H. G. TURNER: Papers relating to the improvement of the Chattahoochee and of Flint Rivers—severally to the Committee on Rivers and Harbors.

By Mr. VANCE: Paper relating to the improvement of the French Broad River, in North Carolina—to the same committee.

Also, the petition of John H. Harrison, for a pension—to the Committee on Pensions.

Also, the petition of citizens of Rutherford County, North Carolina, to open Broad River—to the Committee on Rivers and Harbors.

By Mr. VAN ALSTYNE: The petition of General Franz Siegel and others, of New York, in regard to the improvement of Harlem River—to the same committee.

Also, the petition of Charles Golden and others, for a post-route from Norton Hill to Medusa, N. Y.—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN EATON: The petition of citizens of the sixth Congressional district of Mississippi, for the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. WARD: The petition of William Ross and 168 others, and of Henry Taylor, for the improvement of the Wabash River from the city of La Fayette to the mouth of said river—severally to the Committee on Rivers and Harbors.

The following petitions, praying for an appropriation for the payment of the rebate of tax on unbroken packages of smoking and manufactured tobacco, cigars, &c., were presented, and severally referred to the Committee on Appropriations.

By Mr. BAYNE: Of Dilworth Brothers and 36 others, and of R. W. Jenkinson and others, citizens of Allegheny, Pa.

By Mr. BEACH: Of citizens of Newburg, N. Y.

By Mr. CANDLER: Of citizens of Athens, Ga.

By Mr. CLEMENTS: Of citizens of Floyd County, Georgia.

By Mr. DOWD: Of A. R. Nesbit & Brother and 20 others, merchants of Charlotte, N. C.

By Mr. GOFF: Of Michael Riley and 14 others, of Wheeling, W. Va.

By Mr. A. S. HEWITT: Of tobacco jobbers and dealers of the city of New York.

By Mr. PATTON: Of Charles Kauffman and others.

By Mr. J. W. STEWART: Of Arms & Haines and others, of E. D. Keyes & Co. and others, and Murray & Reed and others.

By Mr. WORTHINGTON: Of citizens of Peoria, Ill.

SENATE.

THURSDAY, *January* 10, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

THE SCHUYLKILL ARSENAL.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, together with the accompanying papers, was ordered to be printed, and referred to the Committee on Military Affairs:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, of the 7th instant, inclosing a copy of one from the Quartermaster-General of the Army, submitting plans and estimates for the construction of walls, &c., at the Schuylkill arsenal, Philadelphia, Pa., rendered necessary by the opening of Peltz street, and recommending that an appropriation be made of the amount estimated to be requisite for the work referred to.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 9, 1884.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report from Lieut. Col. George H Elliot, Corps of Engineers, of the results of a survey of Pawtucket River, Rhode Island, made in compliance with the requirements of the river and harbor act of August 2, 1882; which, together with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office, inclosing a supplemental report by the surveyor-general of New Mexico on the private land claim known as the Petaca grant, No. 105; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with Senate resolution of the 4th December, 1883, copies of leases, contracts, orders, instructions, or regulations made or issued by the Interior Department since the last session of Congress in relation to the Yellowstone Park, &c.

Mr. VEST. Let these papers lie upon the table and be printed. I will take occasion to call the matter up hereafter, as I desire to say something in regard to it.

The PRESIDENT *pro tempore*. If there be no objection the communication and accompanying papers will be printed and laid upon the table.

HOUSE BILL REFERRED.

The bill (H. R. 686) to fix the time for holding the district court in the district of Maine, at Bangor, was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present a petition of a number of discharged soldiers and sailors of the late war, citizens of Ohio, praying for the passage of an act granting 160 acres of land to each soldier of that war. I do not know whether the petition should be referred to the Committee on Public Lands or the Committee on Pensions.

The PRESIDENT *pro tempore*. The Chair is rather under the impression that the Committee on Pensions has charge of all matters relating to soldiers' pensions, &c.

Mr. SHERMAN. Let the petition be referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. It will be referred to the Committee on Pensions.

Mr. GORMAN presented the memorial of Francese L. Turnbull, of Baltimore, an owner of land in Iowa, remonstrating against the passage of the bill (S. 559) to quiet the title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which was referred to the Committee on Public Lands.

Mr. HARRIS presented the petition of William A. Albright, administrator of Jonathan Albright, deceased, of Shelby County, Tennessee, praying compensation for property taken and used by the United States Army during the late war; which was referred to the Committee on Claims.

Mr. BUTLER presented the petition of William R. Herron, of Charleston, S. C., praying compensation for services rendered at the custom-house in that harbor; which was referred to the Committee on Claims.

Mr. VOORHEES presented a petition of members of Gordon Tanner Post, No. 159, Grand Army of the Republic, praying for the passage of the bill repealing the statute of limitation in regard to arrearages of pensions; which was referred to the Committee on Pensions.

He also presented the petition of H. H. Gilley, of Flora, Ill., late private Company G, Forty-second Regiment Indiana Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of Grand Army Post No. 92, Department of Michigan, Grand Army of the Republic, praying that further rewards be granted to ex-Union soldiers; which was referred to the Committee on Pensions.

Mr. MORGAN presented the petition of William M. Beasley, a citizen of Limestone County, Alabama, praying compensation for property taken and used by the United States Army during the late war; which was referred to the Committee on Claims.

Mr. MILLER, of New York, presented the memorial of W. B. Welles, of New York, remonstrating against the passage of the bill (S. 559) to quiet the title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which was referred to the Committee on Public Lands.

Mr. MILLER, of New York. I hold in my hand a joint resolution of the Legislature of the State of New York, which has been transmitted to me, and which I present to this body and desire to have read. The resolution is in relation to the question of pleuro-pneumonia. In November last a national convention of cattle-breeders was held in Chicago, Ill., to take action in regard to pleuro-pneumonia and to devise

means to prevent its spread and bring the subject to the attention of the Federal Government. As a result of that meeting the governor of the State of New York in his late message recommended the Legislature to petition Congress for Federal action upon this question. In compliance with the recommendation of the governor the Legislature has passed a joint resolution, which I send to the desk and ask to have read.

The PRESIDENT *pro tempore*. The resolution will be read.

The CHIEF CLERK read as follows:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, January 8, 1884.

Whereas the subject of the existence in the United States of the contagious disease of cattle known as the lung plague, or contagious pleuro-pneumonia, and the necessity and practicability of its being suppressed, has, during several recent sessions of Congress, been presented for the consideration of both Houses without any effective action being taken, although earnest appeals have been made, not only by individual members but by legislative bodies, by agricultural associations, and by representatives of the dairy and grazing interests in many of the States; and

Whereas it has been conclusively shown by the report of the commissioners appointed under the authority of Congress to consider the matter, and known as the Treasury Cattle Commission, that the disease in question is entirely of foreign origin, that its existence in any country threatens the supply of beef and of milk to the inhabitants, that the neglect to extirpate it in time has brought great calamity in some countries, while in others, in which proper and timely measures have been taken, it has been wholly driven out and kept out, and that, under the circumstances existing, the work can be effectually accomplished in the United States only by means of an organization unlimited by State lines, and such as Congress alone can authorize and establish, which shall exist for the purpose of harmonizing and unifying the action of the several States involved, and shall for that purpose be furnished with funds from the National Treasury, to be expended for an object which is national in its character and importance: Therefore,

Resolved (*if the senate concur*), That the Senators of this State in Congress be requested, and the Representatives of this State be requested, to use their best efforts to secure the enactment of a law to carry into effect the recommendation made by the Treasury Cattle Commission in its report transmitted to Congress in February, 1882, for the extinction of the lung plague and to provide means therefor, or to secure such other legislation as may speedily and effectually accomplish the result.

By order of the assembly.

C. A. CHICKERING, *Clerk*.

Mr. MILLER, of New York. I ask to have the resolution referred to the Committee on Agriculture; and I desire to state that an adjourned meeting of the national convention of cattle-breeders is now in session in this city, and will undoubtedly be able to agree upon some action which they will desire Congress to take, and will present their memorial to this body.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Agriculture, if there be no objection.

Mr. HAWLEY. I have received a communication, addressed to myself personally, but in the nature of a petition, from the letter-carriers of the second class in Connecticut, praying for an equalization of their pay and allowances.

The PRESIDENT *pro tempore*. Is there objection to its being received? The Chair hears none, and it will be received and referred to the Committee on Post-Offices and Post-Roads.

Mr. PLUMB. I present a petition of about 1,500 citizens of the States of Kansas and Missouri, praying that the body of land known as the Oklahoma reservation in the Indian Territory may be opened to settlement. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. MITCHELL presented the petition of William H. Ward, of Monongahela City, Pa., praying for the passage of a bill paying him for a bullet-machine furnished to the Navy Department; which was referred to the Committee on Patents.

Mr. CONGER presented a petition of members of the Grand Army of the Republic of Michigan, praying that further awards of lands be granted to ex-Union soldiers and sailors; which was referred to the Committee on Military Affairs.

Mr. LOGAN presented the petition of Grand Army of the Republic Post No. 3, of Colorado; the petition of Grand Army of the Republic Post No. 5, of Michigan; the petition of Grand Army of the Republic Post No. 235, of Iowa; the petition of Grand Army of the Republic Post No. 51, of Indiana; the petition of Lander Post, Grand Army of the Republic, No. 125, of Nebraska; and the petition of Antietam Post, Grand Army of the Republic, No. 64, praying for the opening of the Sioux reservation in Dakota Territory; which were referred to the Committee on Indian Affairs.

He also presented the petition of Susan Buford Edson, widow of Maj. Theodore Edson, deceased, late major of ordnance United States Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of William McClure, of Flora, Ill., late private Company A, Third Regiment Illinois Light Artillery, praying to be granted a pension; which was referred to the Committee on Pensions.

He also presented the petition of Matilda Henderson, of Quincy, Ill., mother of George C. Young, late private Company B, Sixtieth Regiment United States Colored Troops, praying to be granted a pension; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Derby, Ind., praying for the passage of the equalization-of-bounty bill; which was referred to the Committee on Military Affairs.

Mr. MCPHERSON. I present a petition of the Newark (N. J.) Board of Trade, in regard to the trade-dollar, which I should like to have read.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks that the petition may be read. Is there objection? The Chair hears none, and it will be read.

The petition was read, and referred to the Committee on Finance, as follows:

NEWARK, N. J., *January 7, 1884.*

To the Senate and House of Representatives of the United States of America in Congress assembled:

The Board of Trade of the City of Newark, N. J., respectfully petition Congress to legalize the trade-dollar or redeem the same for its face value. And your petitioners will ever pray.

JAMES W. MILLER, *President.*

P. J. TIMM, *Secretary.*

REPORTS OF COMMITTEES.

Mr. DAWES. The Committee on Indian Affairs have instructed me to report several bills and to ask that they be printed and recommitted to the committee.

The PRESIDENT *pro tempore*. The Chair understands that they are original bills from the committee.

Mr. DAWES. They are original bills.

The PRESIDENT *pro tempore*. Does the Senator desire that they be read the first and second times or only printed?

Mr. DAWES. Perhaps it is as well that they be read the first and second times.

The PRESIDENT *pro tempore*. It is according to the pleasure of the committee substantially. They can be reported as regular reports and read the first and second time and recommitted, or the Senate can make an order for their being printed for the use of the committee without the bills being reported.

Mr. DAWES. I think they may simply be recommitted. The object is to get them printed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that several bills from the Committee on Indian Affairs may be printed for the use of the committee.

Mr. DAWES. And recommitted.

The PRESIDENT *pro tempore*. Then it will be necessary, the Chair thinks, for the correctness of the Journal, that the bills should be read at least the first time in the regular way, and receive their number, be entered in the Journal, and then ordered to be printed and recommitted.

Mr. DAWES. Very well, let them be read twice.

The bills were severally read twice by their titles, and ordered to be printed, and recommitted to the Committee on Indian Affairs, as follows:

A bill (S. 1004) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux reservation in Dakota;

A bill (S. 1005) for the relief of the Nez Percé Indians, in the Territory of Idaho, and of the allied tribes residing upon the Grande Ronde Indian reservation, in the State of Oregon;

A bill (S. 1006) to provide for the payment for improvements of certain settlers on the Round Valley Indian reservation, in the State of California;

A bill (S. 1007) providing for allotment of lands in severalty to the Indians residing upon the Chehalis reservation, in Washington Territory, and granting patents therefor;

A bill (S. 1008) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, May 14, 1880, for the sale of a portion of their lands in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same;

A bill (S. 1009) to provide for the payment for improvements of certain settlers on the Round Valley Indian reservation, in the State of California; and

A bill (S. 1010) to accept and ratify an agreement between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, in Washington Territory, and to make the necessary appropriations for carrying the same into effect.

Mr. ALDRICH, from the Committee on the District of Columbia, to whom was referred the bill (S. 196) for the relief of the devisees of the late Daniel Carroll, reported it without amendment.

Mr. CAMERON, of Wisconsin. A petition of the American Institute of Homœopathy, asking for legislation granting equal privileges to the graduates of all schools of medicine in appointments to the public service, was referred to the Committee on Claims. The committee is of opinion that it ought to go to some other committee, and I am instructed by that committee to report it back and ask that the Committeee on Claims be discharged from its further consideration and that it be referred to the Committee on the Judiciary.

Mr. INGALLS. I think, with all deference to the Senator from Wisconsin, that the Committee on the Civil Service would be the proper channel that it should take.

Mr. CAMERON, of Wisconsin. I have no objection to that reference.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Civil Service and Retrenchment, if there be no objection.

Mr. CAMERON, of Wisconsin. I am instructed by the Committee on Claims, to whom was referred the bill (S. 851) to provide for the payment of ten claims for depredations committed by the Ute Indians at the time of the massacre at the White River agency in 1879, to report it back with a recommendation that the Committee on Claims be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs.

I will state that some bills providing for payment for Indian depredations have been referred to the Committee on Claims. When there is a fund in the Treasury of the United States belonging to the Indians out of which payment for the depredations may be made those bills ought, we think, to go to the Committee on Indian Affairs. If there is no such fund, and when if any payment be made it is to come out of the general fund of the United States, the Committee on Claims retain those. There is, as I understand, a fund out of which payment for these depredations may be made. The claim was referred to the Committee on Indian Affairs last year and was reported favorably from that committee. The report states that there is such a fund.

The PRESIDENT *pro tempore*. If there be no objection the Committee on Claims will be discharged from the further consideration of the bill, and it will be referred to the Committee on Indian Affairs.

BILLS INTRODUCED.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1011) granting the right of way over the public lands in Alabama and Florida to the Alabama Diagonal Railroad Company and to grant to said company the right to purchase public lands in said States, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1012) granting the right of way over the public lands in Alabama and to grant lands to said State in aid of the Gulf and Chicago Air-Line Railway Company, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1013) to pay I. C. Hamner, as administrator of George M. Hamner, deceased, the proceeds of certain cotton; which was read twice by its title, and referred to the Committee on Claims.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1014) for the relief of the corporation of Roman Catholic clergymen of the State of Maryland; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1015) for the relief of John H. Huyett; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES asked and, by unanimous consent, obtained leave to introduce a bill (S. 1016) to provide for the transmission of correspondence by telegraph; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SAWYER asked and, by unanimous consent, obtained leave to introduce a bill (S. 1017) to prohibit the mailing of newspapers and other publications containing lottery advertisements and prescribing a penalty for the violation of the same; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1018) to amend sections 3929 and 4041 of the Revised Statutes, authorizing the Postmaster-General to prohibit the delivery of registered letters and the payment of money-orders and providing for the payment of the same; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. LAPHAM (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1019) for the relief of Peter K. Dederick; which was read twice by its title, and referred to the Committee on Patents.

Mr. DOLPH (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1020) to extend the provisions of the acts of Congress relating to the fees of clerks, marshals, and attorneys of the district and circuit courts to the Territory of Idaho; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1021) to authorize the reapportionment of the Territory of Idaho into council and representative districts; which was read twice by its title, and referred to the Committee on Territories.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1022) providing for an additional associate justice of the supreme court of the Territory of Idaho; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1023) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, for the sale of a portion of their lands in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. 1024) to authorize the State of California to select other lands in place of sixteenth and thirty-sixth sections returned as mineral; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 1025) for the relief of William Ervin; which was read twice by its title, and, with the accompanying petition and papers, referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1026) to amend the ninth section of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. 1027) for the relief of James H. Woodard; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1028) to equalize the bounties of soldiers who served in the late war for the Union; which was read twice by its title.

Mr. VOORHEES. In connection with that bill I desire to state that it is an exact copy of a bill which passed both branches of Congress in the Forty-third Congress, now nearly nine years ago. It was vetoed by the then President of the United States, General Grant, on the ground that it would take more money out of the Treasury than the public interests would warrant. I hear so much complaint now about a surplus revenue and so many statements in regard to the abundance of money in the Treasury that I venture to reintroduce the same bill and invoke the action of Congress upon it, believing as I do that no better use can be made of money than to pay honest debts with it. I hope the bill, as it passed Congress before, may attract the attention of the Military Committees of both branches again. I move the reference of the bill to the Committee on Military Affairs.

The motion was agreed to.

Mr. BUTLER asked and, by unanimous consent, obtained leave to introduce a bill (S. 1029) for the relief of Jessie Benton Frémont; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Military Affairs.

Mr. HARRIS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1030) for the relief of John Thomas Brown, administrator of the estate of Henry S. French, deceased, late of Nashville, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. JACKSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 1031) for the relief of W. C. Marsh; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 1032) securing the right of a party complainant in the United States courts to file a supplemental bill in equity causes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BECK. In the absence of my colleague [Mr. WILLIAMS] I beg leave to introduce three several bills and a joint resolution introduced by him in the last Congress, and to have orders made in regard to the papers on file, there having been no adverse report, as I understand.

By unanimous consent, leave was granted to introduce a bill (S. 1033) giving a military record to Alexander Francesco, deceased; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Military Affairs.

By unanimous consent, leave was granted to introduce a bill (S. 1034) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and James Waters; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. 39) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel United States Army; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Military Affairs.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 1035) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CULLOM asked and, by unanimous consent, obtained leave to introduce a bill (S. 1036) to provide for the construction of the Michigan and Mississippi River Canal, and to cheapen transportation; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. 1037) for the relief of John P. Walworth; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. VOORHEES, it was

Ordered, That the papers in the claim of Sewell Coulson *et al.* be taken from the files and referred to the Committee on Claims.

On motion of Mr. SHERMAN, it was

Ordered, That the papers on the files of the Senate accompanying Senate bill 1684, in the Forty-seventh Congress, for the relief of Lieut. A. D. Schenck, Second Artillery, be referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 448) to fix the times for holding the terms of the circuit and district courts of the United States in the northern district of Iowa; in which it requested the concurrence of the Senate.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. VEST. My attention was called away when reports of standing committees were called for. I desire to make a report from the Committee on Commerce.

The PRESIDENT *pro tempore*. The report may be received by unanimous consent. Is there objection? The Chair hears none.

Mr. VEST. The Committee on Commerce have considered the joint resolution (S. R. 34) for the immediate appropriation of $1,000,000, in accordance with the urgent request of the Mississippi River Commission, for the preservation, repair, and construction of certain works for the improvement of said river, and authorized me to report the same favorably.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. VEST. I ask that the Secretary read the preamble to the joint resolution, and I shall then ask the Senate to consider it at this time.

The PRESIDENT *pro tempore*. The Senator from Missouri asks for the present consideration of the joint resolution, and in connection with his request he asks that the preamble to the joint resolution be read. Is there objection? The Chair hears none. It will be read.

The Chief Clerk read as follows:

Whereas the latest report of the Mississippi River Commission, submitted to the Secretary of War December 28, 1883, declares that "every endeavor has been made to place the work in as safe a condition as possible, but it is greatly to be feared that this can only be partially accomplished, as the funds now available (the balance of last year's appropriation) will only admit of carrying on active operations till about the middle of December, after which time all work must cease until Congress makes a further appropriation for its prosecution. The commission feel that they can not too strongly urge upon Congress the necessities of the case and need of early relief, as the flood season, with all its attendant dangers, is close at hand, and the commission before that time will have exhausted all its available funds, only reserving such amounts as are absolutely needed for the care and preservation of the extensive and costly plant belonging to the works. An appropriation of $1,000,000 made immediately could be advantageously used:" Therefore,

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Missouri that he is advised by the Secretary, and now remembers it, and it appears in the Journal, that yesterday, on motion of the Senator from Louisiana [Mr. GIBSON], it was ordered that the Committee on Commerce be discharged from the further consideration of this joint resolution No. 34, "and that the same be referred to the Committee on the Improvement of the Mississippi River and Tributaries."

Mr. VEST. I was not aware of that change having been made in the reference of the joint resolution. All I can say now is that I hope the Committee on Commerce will at least be acquitted of any inattention to the interests of that great river. They have done all they could in the premises, and I leave the matter now to the Committee on the Improvement of the Mississippi River and Tributaries.

The PRESIDENT *pro tempore*. The Chair feels obliged, under the rules and orders of the Senate, to decline to receive the report of the joint resolution from the Committee on Commerce, because it is not now before them, having been taken from them yesterday and referred to the Committee on the Improvement of the Mississippi River and Tributaries. The Chair will state, however, that he thinks under the rules any of the standing committees of the Senate may originate and report any bill on subjects over which they have general jurisdiction, as the Committee on Commerce in the case of rivers.

Mr. GIBSON. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Missouri has the floor.

Mr. VEST. I yield to the Senator from Louisiana.

Mr. GIBSON. If the Senator from Missouri will permit me, I will state that I asked that the joint resolution be assigned to the Committee on the Improvement of the Mississippi River and Tributaries because I was informed that under the rules of the Senate that committee had special jurisdiction of the river. I hope, however, that the Committee on Commerce will originate such a bill as the Chair suggests and report it to the Senate.

Mr. VEST. The chairman of the Committee on Commerce has just informed me that he has no doubt the committee would be perfectly willing to give leave to report the joint resolution as an original measure, but I shall not take that liberty, and in order to avoid any technical objection I withdraw the joint resolution for the present.

CALENDAR OF RESOLUTIONS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions," the Chair will lay before the Senate the resolutions offered on previous days. The first on the Calendar of Resolutions is the resolution submitted by the Senator from Indiana [Mr. VOORHEES], December 10, 1883, relative to the perpetuation of the public debt.

Mr. VOORHEES. Is the morning hour through?

The PRESIDENT *pro tempore*. No; but it is the duty of the Chair, when any part of the morning hour remains, to lay before the Senate resolutions on the Calendar in their order. The resolution will be reported.

Mr. VOORHEES. I ask that it may go over for the present.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be passed over. The Chair lays before the Senate the resolution offered by the Senator from South Carolina [Mr. BUTLER] on the 10th of December last, entitling each Senator not the chairman of a committee to a clerk.

Mr. BUTLER. I wish that that resolution may lie over for the present. I am not quite ready to call it up.

The PRESIDENT *pro tempore*. The resolution will go over if there be no objection. The Chair lays before the Senate the resolution submitted December 13, 1883, that the Senate now proceed to elect a President *pro tempore*.

Mr. SHERMAN. I ask that it lie over until to-morrow.

The PRESIDENT *pro tempore*. If there be no objection the resolution will lie over until to-morrow. The Chair lays before the Senate the resolution submitted by the Senator from Nebraska [Mr. VAN WYCK], directing the Secretary of the Interior to suspend action in issuing certificates or patents to the New Orleans and Pacific Railroad, &c. The resolution will be reported at length.

NEW ORLEANS AND PACIFIC RAILROAD LAND GRANT.

The resolution submitted by Mr. VAN WYCK January 8 was read, as follows:

Whereas it is claimed by the New Orleans and Pacific Railroad Company that, as the Attorney-General has decided in favor of said company as to lands claimed by them, and the Secretary of the Interior has felt constrained to act upon and accept said opinion, and that Congress has no further control or authority over said lands or the claim of said company thereto: Therefore,

Resolved, That the Secretary of the Interior be directed to suspend action in issuing certificates or patents for said lands to said corporation until Congress, at this session, shall determine the questions involved in the claims of said corporation.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. INGALLS. I would suggest, by way of verbal criticism of the resolution, that it is not competent for the Senate by resolution to direct any executive officer to do or to abstain from doing any act imposed upon him by law. I have no doubt it would be competent for the Senate to request him, and that any officer would respect that request. I should hope that the Senate would not commit itself to an untenable position by adopting the resolution in the language in which it now appears.

In order that the whole matter may be before the Senate, I would also further suggest that as the resolution now reads it appears to create the impression that the Secretary of the Interior has denied the power and authority of Congress to exercise any control whatever over these lands. I do not suppose that it was the design of the Senator from Nebraska to leave that impression; but as the language is ambiguous I think it should be made clear. I would therefore suggest a still further modification, which I have no doubt the Senator from Nebraska will be glad to make, so that it may be apparent that this claim of want of authority on the part of Congress proceeds from the attorney of the railroad company and not from the Secretary of the Interior.

Mr. VAN WYCK. I should be most happy to meet the suggestion of the Senator from Kansas in the last proposition, and had drawn an amendment to the "whereas" so that there could be no question about that, although when I drew it I supposed it was entirely clear that the whole of the "whereas" referred to the claim or demand on the part of the railroad company and by no means on the part of the Secretary of the Interior. I was well aware of the fact that the Secretary of the Interior did not himself entertain any such idea in regard to that matter and that he believed it was not only the right of Congress but its duty also to act upon it. Therefore I have drawn an amendment so as to make it clear in that respect.

As to the other part of the proposition, I have no doubt that the Secretary of the Interior would regard the request of the Senate as much as a demand in this matter. It will therefore answer the purpose of the resolution to insert the word "requested" instead of "directed," although I may be allowed to differ in the conclusion which my friend from Kansas has reached. I believe in a matter of this kind it would be perfectly competent for the Senate to direct, because I do not understand that the Secretary of the Interior, when acting in the discharge of his duty upon a decision of the Attorney-General, is precisely in that position which my friend from Kansas would seek to place a Department officer in the discharge of his ordinary duty.

I have felt desirous that this matter of the New Orleans and Pacific Railroad, as well as the opinion of the Attorney-General, should be

halted right here and now, at the portals of the question of forfeited land grants.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. CAMERON, of Wisconsin. I suggest that the Senator from Nebraska be allowed to proceed.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Nebraska will proceed notwithstanding the expiration of the morning hour.

Mr. FRYE. For how long?

Mr. INGALLS. This is merely a momentary matter. It will take but a short time.

Mr. VAN WYCK. I will suggest to my friend from Maine [Mr. FRYE] that it will not take a hundredth part of the time he has occupied in the consideration of the rules. I am sure he will gratify me that much.

I found it necessary in the commencement of the investigation in regard to the forfeited land grants to bring forward this case, which was intended to be a sort of forerunner, and it was hoped would form a precedent whereby, in respect to the millions that are now in this position, character and status should be given by this decision of the Attorney-General. It was made apparent that the railroad company intended to assume the position that because the Attorney-General had decided this matter, therefore Congress was concluded from asserting the power which belonged to it; and when I used the words "felt constrained," on the part of the Secretary of the Interior, I only meant that his predecessor had chosen to call upon the Attorney-General for an opinion in regard to this specific case, and inasmuch as the Attorney-General had responded to that request and given his opinion as to the law, the Secretary of the Interior, as a matter of courtesy at least to a co-ordinate branch of the Government, felt constrained in that special case to act upon the opinion of the Attorney-General. I was rejoiced, as well as I think the Senate and the community were, to know the fact that the Secretary of the Interior refused the request of the Southern Pacific to ask the opinion of the Attorney-General upon that special and particular case; but when it was assumed by the railroad company that this matter was not only *res adjudicata*, but that the power was taken from the Congress of the United States, then it became necessary to make a flat denial of that position on the part of the railroad company.

I knew that next to the Constitution the highest law in this land was the demand of a railroad company, particularly a land-grant railroad company. I know that heretofore their demands in the Departments of this Government have amounted to law; and I have known, too, as I have read their briefs and the decisions in the Supreme Court of the United States, that the Supreme Court in a measure have recognized that the demand of a railroad company was next to the Constitution of the land as the highest law of the nation. It became necessary that this matter should be checked here and now; therefore it was that I desired it should be understood that there should be no certifications issued and no patents granted to this railroad company, whose only foundation for their claim is an opinion of the Attorney-General of the United States.

With these few suggestions in response to my friend from Kansas I will propose what I send to the Chair as a substitute for the preamble and resolution.

The PRESIDENT *pro tempore*. The Senator from Nebraska modifies his resolution. It will be read as modified.

The Chief Clerk read as follows:

Whereas it is claimed by the New Orleans and Pacific Railroad Company that inasmuch as the Attorney-General has decided in favor of said company as to lands demanded by them, and the Secretary of the Interior has felt constrained to act upon and accept said opinion, and said company also claim that Congress has no further control or authority over said lands or the demands of said company thereto: Therefore,

Resolved, That the Secretary of the Interior be requested to suspend action in issuing certificates on patents for said lands to said corporation until Congress, at this session, shall determine the questions involved in the claims of said corporation.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was agreed to.

TONNAGE DUTIES ON FOREIGN STEAMSHIPS.

Mr. VOORHEES. I ask consent to offer the following resolution, to be considered now:

Resolved, That the Secretary of the Treasury is hereby directed to inform the Senate whether since January 1, 1864, duties of tonnage have been collected in any port of the United States from foreign steamships in contravention of treaty provisions or unauthorized by law; and, if so, the amount and date of such exactions and the name of the vessel or vessels on which such unauthorized duties have been imposed.

Mr. HALE. I should like to hear that again.

The resolution was read by the Secretary.

The PRESIDENT *pro tempore*. Is there objection to the reception and present consideration of the resolution?

Mr. HALE. I hope the Senator will explain what is sought by the resolution.

Mr. VOORHEES. I am seeking to get the information at the request of parties who tell me that some injustice has been practiced in that regard. I want the Senate to be informed on the subject. It is a simple resolution of inquiry; that is all.

The PRESIDENT *pro tempore*. Is there objection to the present reception and consideration of the resolution?

Mr. HALE. Is the word "alleged" in the resolution before the allegation as to violation of law?

Mr. VOORHEES. I have no objection to "alleged" being in. My object is simply to acquire information. If the Senator from Maine prefers to have the word "alleged" inserted, let it go in.

Mr. HALE. I think that would be better.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Maine that the form of the resolution is one of inquiry, and it does not appear to the Chair that it assumes anything. The Secretary of the Treasury is directed to inform the Senate whether since the 1st of January, 1864, certain duties on tonnage have been collected.

Mr. HALE. It is not declared then in the resolution that any such tonnage duties have been collected?

Mr. VOORHEES. Not at all.

Mr. HALE. Very well.

The PRESIDENT *pro tempore*. Is there objection to the present reception and consideration of the resolution? The Chair hears none.

The resolution was agreed to.

BOUNTY TO UNION SOLDIERS.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to inform the Senate the number of soldiers in the late war for the Union who served one year, the number who served two years, the number who served three years, and the amount of bounty paid to each class respectively; also, that he inform the Senate of the amount or approximate amount of money which would be required to equalize the bounties of those who served in said war.

REVISION OF THE RULES.

The PRESIDENT *pro tempore*. The morning hour having expired, the Chair lays before the Senate the unfinished business of yesterday, being the report of the Committee on Rules. The pending question is on the motion of the Senator from Missouri [Mr. VEST], in Rule XXVI to strike out the first clause in italics among the clauses at the foot of page 23 on the right-hand column. The clause proposed to be stricken out will be read.

The Secretary read as follows:

A Committee on Internal Improvements, to consist of nine Senators, to which shall be referred all subjects relating to improvements of rivers and harbors, and also the bill known as the river and harbor bill.

Mr. MCPHERSON. Mr. President, on the adjournment of the Senate last evening I had taken the floor to make a single observation with respect to the pending amendment. I fully agree with what was said by the honorable Senator from Missouri [Mr. VEST], and so well said, and I have also additional reasons why I shall support the amendment he has offered.

I am opposed to the creation of new committees in this body unless some absolute necessity exists for their creation. It is now proposed to take from the Committee on Commerce, not an overworked committee according to its own showing, a measure of importance, and confer that measure upon a new committee to be raised for the purpose; and that labor is taken from the Committee on Commerce, not with its own consent, not by reason of its request, but against its protest.

There are many committees in this body that have little or nothing to do. Committee-rooms are provided for them, clerks of committee. The same machinery, the same necessary expense is attendant upon a committee doing no service as is required for a committee doing a large amount of service. During three years of my service in this body I had the honor to be assigned to duty upon the Committee on Manufactures. During that period of three years we never met but once. We were hastily called together one morning by the chairman of the committee to consider a bill which by some accident had been referred to us. No sooner had the consideration commenced than a messenger from the Committee on Finance appeared at the door and demanded that the bill be sent to the Committee on Finance, it being a revenue bill and properly belonging to that committee, and his authority showed the fact that the previous day the bill had been taken from the Committee on Manufactures and assigned to the Committee on Finance by the order of the Senate. During these entire three years, with the exception of this one bill to which I have alluded, the Committee on Manufactures had no bill, no resolution, no legislative matter of any character referred to it.

It is now proposed to take from the Committee on Commerce the major part of its duties. For one I shall object to that, for I do not wish to rob the committee of a single particle of credit that belongs to it or to weaken its powers for good. They have in the past explored every part of the country from Maine to Florida searching for water. I think in one or two cases, owing to liberal appropriations, they have even caused water to run up hill. They have pushed their flatboats over all the shoals of the country, and even in streams where it was dangerous for tugs to travel they have found a chance to spend the

public money. I say to the gentlemen who are to comprise the new committee that seemingly there is no glory left to them unless they have ingenuity enough to turn turnpike roads into navigable streams. Therefore it is that I do not wish to change the status and responsibilities of the Committee on Commerce; but I do wish to appeal to that committee, in whose charge I hope these matters will be left, to change the entire mode and form of the application of the public money in this regard. The money should be appropriated to great national water ways, rivers, and harbors, and we should stop making appropriations for trout streams. Do that, and your labor will be very much reduced and the appropriations will do some good.

Long before any attention of the committee will be called to the river and harbor bill, which by the custom of the Congress comes to us from the other House, I hope that committee will give some attention to reviving American commerce. I noticed in the columns of the New York Herald of yesterday a statement giving the amount of transatlantic commerce from the port of New York alone. The statement was there made that 1,196 steam vessels were engaged in conveying our products, mainly grain, to foreign ports, and not one of them floated the American flag; that there were 166 sailing vessels so engaged, and of the 166 only two floated the American flag.

Now, Mr. President, there is some good substantial reason for this. In a country like ours, furnishing more products for export than any other nation on the earth, with money going begging at 3 per cent. interest, with a people disposed to compete with the people of any other nation of the world for supremacy in all the branches of industry, there must be some good reason why the American people can not compete for the carrying of the American commerce.

I hope the Committee on Commerce will look to this. I believe I heard the Senator from Missouri, a member of the committee, state yesterday that they had in the past taken a large amount of testimony, had gathered many facts, and were prepared to give to the Senate a reason and a remedy. To my mind the reason and remedy are very plain, and at the proper time I shall endeavor to show the cause and suggest a remedy therefor. But I do hope the committee will be speedy in reporting some bill or some form of legislation to the Senate.

Mr. MAXEY. Mr. President, the debate on this very simple amendment of the Senator from Missouri has run out to every point of the compass. On the point at issue I beg to say if the Commerce Committee can discharge all the duties imposed upon it by the Senate as the rules now are, then there is no need for an additional committee. The reason, and the only reason, that can be assigned for the creation of a new committee is that the Commerce Committee has not time to supervise the river and harbor bill and the other business placed before that committee. To that the chairman of the Committee on Commerce replies—and he is indorsed in that by my colleague, a member of that committee, and by the Senator from Missouri, and by every other member of the committee who has spoken on the subject—"We have ample time to transact all the business properly and legitimately coming before the Commerce Committee from the Senate if it will get to us in time, but the reason why we have not looked more into the river and harbor bill is that it does not reach the Senate until a week or ten days previous to the close of the session." I ask if the creation of a new committee here would have any effect upon action elsewhere so as to bring the bill here sooner or later; and if it be true that the Commerce Committee can not look into that as fully as it ought to do because the bill reaches the Senate so late, then the same reason precisely would apply to any new committee created by the Senate. So the reason for the creation of the new committee on this point fails.

But I beg to say that we know it to be the fact that the House of Representatives, taking into consideration the very condition stated by the Senator from Maine, have created a river and harbor committee. If that River and Harbor Committee of the House, created with the view and design of relieving the Commerce Committee of that great burden, report that bill within a reasonable hour of the session, so that it shall come to the Senate early, the Commerce Committee of this body tell you, "We have ample time in our committee to look into that and report upon it." Therefore, so far as I can see, there is no reason whatever for the creation of a new committee.

Besides, I can say that ever since the subject of rivers and harbors has been treated by Congress the Commerce Committee has had charge of that business. The old members of the committee are experienced in it. The new members coming into that committee are taught by their predecessors in respect to it. A vast amount of valuable information is accumulated by that committee, and as the old ones go out the new ones become old, and thus is perpetuated an amount of information which is of immense value to that committee.

They tell you here in that very connection—and the chairman of the Committee on Commerce well said this river and harbor bill contains a very large number of items which have been passed upon year after year—"We have examined the investigations and reports of the Chief of Engineers on those subjects and all the testimony offered, and all we have to do now is to look into the new items." Suppose you create a new river and harbor committee, that committee must possess itself of all this information which is now possessed by the Commerce Committee; they must, in other words, begin at the very first item, old or new, and acquaint themselves with every item of that immense bill, and if the bill is detained in the other House to a late hour, then that river and harbor committee is not so well qualified to take hold of it as the Commerce Committee would be, because they have not that information which the Commerce Committee has. So much for that.

While I have the floor I will go further. In the speech made by the Senator from Maine [Mr. FRYE] yesterday evening I was forcibly impressed with a part of the remarks which he made. After passing a splendid eulogy upon the navigation and commercial laws of Great Britain, and after showing how they had got possession of the carrying of 85 per cent. of our exports and about 85 per cent. of our imports, and how the flag of Great Britain floated over her commercial marine in every sea throughout the length and breadth of this earth, and that she was the great commercial mistress of the seas, he says:

Until to-day it—

That is, the merchant marine of England—

carries 85 per cent. of our freight and our passengers abroad, and brings our imports home. Why?

The Senator answers "why":

Because Congress has not taken care of the interest of American shipping; because boards of trade, and trinity-houses, and marine courts, with their boards and their councils, have been at work day in and day out, in season and out of season, to help Great Britain to her position of power; and while we have sat here and seen her forcing herself onward until she controls the world, what have we done? Sat here in blind amazement, utterly paralyzed, weak as infants, and seen her strip our power from us.

And he shows in the same speech that in 1860—and I will go back behind that to 1855—the American tonnage was greater than it is in this year of our Lord 1884. I will answer the question "why," but not with the answer given by the Senator from Maine. I would say that your navigation laws, your pilotage, your requirements in regard to extra pay, are trifling as compared with the real essential reason why the commerce of this country has been swept to the rear. Let us look to the reason in its last analysis. In 1855 we had the lowest revenue tariff we had had for years. It began in 1846, and from the time that tariff began to show its fruits our carrying trade increased, and in 1855 there was more tonnage in our American marine than there is to-day; and so there was in 1860, just before it was superseded by a high protective tariff. You may give such reasons as I have heard assigned, that the character of the shipping has been changed into iron and steel vessels. That is all very true; but your navigation laws prevent us from going to the Clyde and buying our vessels there; and you heavily tax all imported materials that go into the construction of a vessel here. The true reason is that Great Britain has invited her commercial marine to carry a free load out to the commerce of the world and bring a free load back to her ports, while your laws authorize your commercial marine to carry a free load out to the commerce of the world, but everything which attempts to come in is handicapped and heavily taxed, and nothing is brought in but what is imperatively demanded by trade. Thus it is that you may take the laws of Great Britain, and you have, as the Senator says, a country which has gathered in 85 per cent. of the entire carrying trade in the commerce of this country, both outgoing and incoming.

It is no answer to say that the same goods that would be taxed if brought by an American vessel would also be taxed if brought by an English vessel. Inasmuch as the ingoing load of an English vessel enters the ports of England with few exceptions free and inasmuch as her navigation laws are most liberal and the material in her vessels not taxed, all the conditions are in favor of the English vessel; and it is true that an English vessel takes a load of English goods to Brazil, for instance, exchanging for sugar and coffee and bringing them to New York, while our protection laws prevent us sending an outgoing load of manufactured goods which can successfully compete with English goods. Protection prevents the out load of American manufactured goods. If you examine our laws and the laws of Great Britain you will find that British laws encourage foreign trade, while our laws restrict foreign trade, and when you compare the laws of our country under the revenue tariff of 1846 with the high protective laws of to-day, you find that under a low tariff our carrying trade flourished, and under the present high tariff our carrying trade is in decay; and from the adoption of your high tariff laws you may date the decadence of the American carrying trade, and it has gone on, year by year, so that in 1884 our flag has almost ceased to appear upon the high seas. From 1855 to 1860, when you had but few commercial restrictions and a tariff only sufficient to meet the expenses of the Government, then your commerce flourished. Now you have a high tariff, and your flag no longer floats over your own exports or imports. Judge ye which is best for your carrying trade.

The greatest man that New England ever produced beyond all comparison, Daniel Webster, in 1824, when he opposed with all his mighty intellect and trained powers the adoption of the protective system, did it not only on constitutional grounds yet unanswered, but upon the ground that at that time the marine business, the carrying trade of New England was over and above and beyond her interest in manufactures, and that the striking down of the carrying trade would follow as inevitably as that water flows down stream whenever you adopted a

protective tariff, and that the Government had no right to discriminate in favor of one against other industries.

That protective system adopted in 1824 and made every year more and more oppressive is to-day a dark shadow over the whole land, and your carrying trade is driven from the high seas. Webster saw it, and therefore he opposed it; and I believe there were but three men in all New England who voted for the tariff bill of 1824; and afterward, when Mr. Webster changed his course on that subject, the nearest approximation he ever made to an apology for having changed was that the interests of New England had changed by reason of the tariff of 1824, and it would be unwise for him to go back to a revenue tariff. But, sir, it is just as certain as the rising of the sun that whenever you have a protective tariff our carrying trade is in the very nature of things swept from the high seas.

So much for that part of the speech of the Senator from Maine, beautiful as everything he says is.

Mr. MORRILL. Will the Senator from Texas allow me to ask him a question?

Mr. MAXEY. Certainly.

Mr. MORRILL. Why was it that the commerce of Great Britain did not suffer any deterioration from 1824 to 1846, when they maintained the doctrine of protection to its full extent?

Mr. MAXEY. I do not at this distance distinctly hear the question.

Mr. MORRILL. I ask why was it that the commerce of Great Britain did not suffer any deterioration while they maintained the doctrine of a protective tariff from 1824 to 1846 and some time after it?

Mr. MAXEY. Why, Mr. President, we had better look at the facts. The commerce of Great Britain never deteriorated, because prior to 1846 her carrying trade was not more handicapped by protection and navigation laws than ours was during the same period. Since 1846 she has adopted a wiser policy, and it has been on the up-grade. In the debate to which I have referred in 1824 Mr. Clay said, with all his magnificent power and imperious bearing, "Would any man dare to get up in the British House of Commons and advocate the repeal of the protective laws?" And Mr. Webster replied to him that already in Great Britain at that time men were taking that position; and I believe (for I am speaking entirely without notes and by memory) he referred to Lord Liverpool and the Marquis of Lansdowne, who had already taken that position, and shortly after that the fight began under Cobden for the people, and was kept up against him by the protectionists with all the power that wealth and talent could bring against the repeal he urged. It was kept up from 1824, with Sir Robert Peel himself adverse to the policy, until he was driven into it by those monster meetings of the tax-ridden people of Great Britain. He agreed to it, and the act of 1846 was passed, and from that date, while it is true that handicapped as Great Britain had been her commerce naturally increased from 1824 to 1846, yet never in the ratio that it increased from 1846 up to this present good hour, until to-day it has the carrying of about 85 per cent. of our commerce exported and imported and the most of the commerce of the world.

Mr. MORRILL. Does not the Senator from Texas know that the repeal of the corn laws was the greatest measure of protection that the manufacturers of Great Britain could receive at that time?

Mr. MAXEY. That statement is very singular. I do not know that, but I do know this, that the proposition as it originated to repeal the corn laws of Great Britain resulted in repealing all her protective laws for the protection of her manufactures as well as the protection of farm products. While the protectionists of that country at that time opposed the repeal of the corn laws, yet the corn laws were repealed. When they went down the policy broadened out and became a grander and grander proposition under the lead of Bright and Cobden, and it never stopped until protection, and all of it, was wiped out. The effect of the repeal of the corn laws was that when the wheat of our country and the beef and the pork went into Great Britain it competed there with their beef, and their wheat, and their pork, and the workman got his food cheaper by reason of the repeal of the corn laws. At the same time the tax on the various manufacturing industries was repealed also, and the result showed the fallacy of the idea that protection protects labor. In the State in which I live the laboring men, white and black, raising cotton in the field compete with the lowest-paid pauper labor on the face of God's green earth; they contend with the pauper labor of Egypt, they contend with the pauper labor of India, and yet the white men and the black men of Texas raise cotton in defiance of all this pauper labor, and ask no protection from this Government in the way of tariff. They boldly defy competition on the markets of the world, and only ask that their Government shall not by an unwise and unjust system of laws take part of the money resulting from the crop they raise and market in competition with the pauper labor of Egypt and India, and by force of law turn it over to the owner of some protected factory. England admits their corn, wheat, pork, beef, and cotton free, but if they want to buy something to bring home this Government taxes them heavily, to protect American labor against the pauper labor of Europe! Discrimination with a vengeance!

The sturdy farmers of the Western States are rising in their might and are intelligently studying this proposition. They raise wheat in competition with the pauper labor of Poland, of Austria, of Turkey, of Russia, and all the country around the Black Sea, where labor commands a mere pittance; and yet those bold, hardy, industrious men of the West demand no protection. We only hear of it in other parts; and let me say to-day the handwriting is upon the wall, the time will come, and come speedily, when you, sir [Mr. PLATT in the chair], will be opposed to protection; the time will come when the factories of your country will shift themselves and place their machinery for manufacturing down in our country side by side with the cotton, with the wool, with the hides, and with the raw produce that they manufacture, because you now not only have to transport all the raw material, but the food that feeds your hands while at work, whereas we have cattle upon a thousand hills, pork, wheat, and mutton to feed our hands down there, and we have the cotton and the wool and all the raw materials needed to manufacture. Sir, the whole theory is wrong. I refer to this only from the fact that the Senator from Maine in his beautiful discourse branched off and gave us his views as to the grounds of the decadence of our commercial marine. The reason which he assigned, in my judgment, is fallacious. The true reason is the protective laws, which prevent in the very nature of things a free commerce between us and the nations of the earth.

Mr. JONES, of Florida. Mr. President, I concurred in a great deal that was said by the Senator from Maine [Mr. FRYE] yesterday in his very animated argument in favor of the dismemberment of the business of the Committee on Commerce, but I did not concur in all that he said with respect to the Committee on Commerce, of which I do not happen to be a member. He complained of the committee especially because it had not reported and vigorously advocated the adoption of a law overriding all the statutes of the States upon the subject of compulsory pilotage, and he made some assertions in regard to that subject which were really astonishing to me. He characterized the men who receive compensation in the way of half-pilotage as pirates.

Now, sir, I dissent entirely from the view taken by the Senator from Maine on that subject. I say that if there is a class of men in the Union to-day enjoying any advantage under its legislation that is better entitled to its protection than any other that is likely to get it, it is this very class of hard-working, laborious pilots to whom the Senator has referred. Reference has been made to lobbies of pilots. I have taken little interest in this subject hitherto, but I am free to say that I never saw in or about this Capitol a single representative of a pilot. They are not the men who come to Congress in behalf of their interests. Men who earn their daily bread by incurring the perils of the sea and undergoing all the hardships of nature for the few dollars of compensation that is awarded to them under our respective State systems are not the men, let me tell the Senator, who come to Congress and besiege our bodies and surround our Capitol. They are not able to do it. I have never seen one of them here.

The Senator complains because Congress has not overridden the State system of regulating pilotage, which has been in existence, let me tell him, from the time the States of this Union had any existence. He says that Congress remitted to the States in 1789 the power to regulate pilotage——

Mr. FRYE. Seventeen hundred and ninety-eight.

Mr. JONES, of Florida. Seventeen hundred and ninety-eight. Congress could not have remitted to the States a subject that the States had never given up jurisdiction over. The act of 1798 adopted or at least ratified all the State laws on this subject and left it entirely with the power of local regulation, because in the judgment of the wise men who adopted our commercial system or the laws giving effect to the Constitution on the subject of commerce this subject could not be well regulated except by local law; and that is the truth. There are some commercial subjects that the General Government can not well regulate, and this happens to be one of them.

The Senator complains of the great State of New York, and everything he has said may be appropriate to that, but it is entirely inapplicable to some of the States on our southern border. I say that the adoption of his views would drive out of existence that meritorious, brave, adventurous class of men known as pilots in nearly all the ports of the South, and would deprive property and life of all that security which they derive from the existence of this meritorious class. If a general law on this subject could be adopted what would be its effects? Do you think that the pilots in many of these little outlying places, where your vessels go from time to time, could exist? I say they could not; and this was not entirely an American invention; this system of half-pilotage, or at least compulsory pilotage, had been recognized by all the refined commercial states of Europe before it ever found a place in our system. France, Sweden, the Hanseatic League, all the pioneer nations in commerce, long before we had an existence recognized and gave effect to the system of compulsory pilotage, and made it obligatory on the masters of all vessels to take pilots, in order that the lives and property under their jurisdiction might be secure. Let me read what Mr. Justice Curtis said in the case of Cooley *vs.* The Board of Wardens of Port of Philadelphia in vindication of this class of persons and this system. This was a case which involved the constitutionality of a statute of Pennsylvania authorizing the collection of half-pilotage, the system so strongly denounced by the Senator from Maine. This is the language of Mr. Justice Curtis, delivering the opinion of the Supreme Court on this question:

> We think this particular regulation concerning half-pilotage fees is an appropriate part of a general system of regulations of this subject. Testing it by the

practice of commercial states and countries legislating on this subject, we find it has usually been deemed necessary to make similar provisions. Numerous laws of this kind are cited in the learned argument of the counsel for the defendant in error; and their fitness, as a part of a system of pilotage in many places, may be inferred from their existence in so many different States and countries. Like other laws, they are framed to meet the usual cases, *quæ frequentius accidunt;* they rest upon the propriety of securing lives and property exposed to the perils of a dangerous navigation by taking on board a person peculiarly skilled to encounter or avoid them; upon the policy of discouraging the commanders of vessels from refusing to receive such persons on board at the proper times and places; and upon the expediency, and even intrinsic justice, of not suffering those who have incurred labor and expense and danger to place themselves in a position to render important service, generally necessary, to go unrewarded because the master of a particular vessel either rashly refuses their proffered assistance, or, contrary to the general experience, does not need it. There are many cases in which an offer to perform, accompanied by present ability to perform, is deemed by law equivalent to performance. The laws of commercial states and countries have made an offer of pilotage service one of those cases; and we can not pronounce a law which does this to be so far removed from the usual and fit scope of laws for the regulation of pilots and pilotage as to be deemed, for this cause, a covert attempt to legislate upon another subject under the appearance of legislating on this one.

That is what the Supreme Court of the United States, through the mouth of one of its most eminent judges, stated in regard to this subject of pilotage. It is possible, Mr. President, that the question may come up in a different way from this, but I was unwilling to let what the Senator from Maine said in regard to this meritorious class of persons go by without a word of reply, for I think it was undeserved. I think them very far removed from the crime of piracy.

Mr. FRYE. The Senator will pardon me. I had not seen the report of what I said until I found it here on my desk in the RECORD. I thought I did not say that the pilots were pirates, because it does not seem to be possible that even in the heat of speech I could use that language touching the pilots themselves. I see I alluded to the system of law as a system of piracy.

Mr. JONES, of Florida. I am perfectly willing to accept that explanation from the Senator. I do not suppose that he meant that. Indeed, I do not suppose that he would consider for a moment that class of people as falling within the definition of pirates.

Mr. FRYE. No; I alluded to the system itself.

Mr. JONES, of Florida. Well, sir, I say that this system illustrates more than anything I know of the importance of leaving such subjects to the regulation of the States. If you attempt to put through this body a uniform law on this subject, it might be wise enough when applied to New York, but it would be ruinous to half a dozen other States. Hence the framers of this commercial system of ours left the regulation of pilotage to the States, and from the time of our colonial existence to the present hour it has continued so, untouched by national authority. The case from which I read a while ago was one in which the master of a vessel appealed to the Supreme Court of the United States against a half-pilotage law enacted by the State of Pennsylvania, and claimed that that law was unconstitutional, because it infringed the power of Congress to regulate commerce. The court sustained the constitutionality of the Pennsylvania law, and Judge Curtis gave expression to the views that I read a while ago in regard to the wisdom of half-pilotage, or compulsory pilotage, as it may be more properly called. Here is a body of men educated and trained for a particular service connected with the preservation of life and property on the high seas. Suppose you do away with them in the interest of economy. See the peril that you incur; see the risks to which you expose numbers of people that have to employ ships and vessels to carry them or their property. It is because of the connection of the interest of the general public with this kind of duty that the Government has ever been called upon to interfere. I have before me a list of countries and States that I will not weary the Senate by enumerating, the most refined and enlightened in the world, that have adopted and still continue to employ this system, because it has been found by experience to be necessary to the conservation of the lives and property of the public.

We know how far human selfishness will go in matters of this kind. You can take a shipmaster, hampered and beset by a hard-hearted owner, lying off a port, with the lives of the people on board his ship, and the property too at risk, and if he is permitted to go into a harbor on his own responsibility and without the aid of a pilot, in nine cases out of ten he will take the risk rather than pay the fees, and thus imperil the lives of the people and their property for the sake of saving a few dollars. Now, I say, if there were no other interest involved in the matter but the interest of that ship and the lives of the captain and the crew, the question would be a simple one; but, sir, they are trustees for the people; they are carriers, and the government of every country has a right in its legislation to enact such laws as in its wisdom may be necessary for the protection of the lives and property of the people.

It was upon this principle that the celebrated bill of Mr. Webster known as the steamboat bill of 1852 was framed, and under that bill a class of people known as pilots are recognized, over whom the Government of the United States exercises a special supervision. A person can not be a pilot, as the Senator well knows, on any steam vessel navigating the waters of the United States without having passed an examination and having obtained a license from the public authorities of the United States. Why is this? Why this interference on the part of the Government with private employments? Why this stretching forth the hand of authority to deal with the individual concerns of men? It is not because the Government of the United States cares anything about the professional qualifications of that engineer. He may go into the interior of the country and run a saw-mill or a sugar-mill or a sugar refinery and the Government has nothing to say about him. They do not care; they leave that to the personal risk of the man who employs him, because there nothing but individual interests are involved; but when he comes to ask for the place of a pilot on a steamboat he can not get employment at the hands of an owner of a steamboat unless he has the certificate of the Government showing that he possesses the necessary qualifications for the position. Why is that? It is because the public of the United States have an interest in the subject; it is because the people at large, their lives and their property, are involved in the subject; and hence the Government steps in for the public security, and declares that no man shall be permitted to attend to the ordinary duties of an engineer on board a steamboat carrying passengers unless he has been found fit to perform those duties with safety to the general public.

So it is, Mr. President, with respect to the question of half-pilotage. The governments of the respective States with whom this subject was left at the beginning of our Government have exercised it, as I think, wisely. Massachusetts still maintains her law on that subject. New York may have found it wise to dispense with hers. Many of the States of the South have found it wise to maintain such laws, because they were of opinion there that if a different system prevailed the entire pilotage system would go by the board.

These men, sir, are hard working men; they are men that incur more peril in the discharge of their duties toward the public than any other class, and they are about the only class of hard laborers that the bounty of this Government in any way has ever been extended to or that have had any recognition under our laws, and that only for the reason given, that they occupied a relation to the public that no other class of laborers occupies.

This much, Mr. President, I have thought it proper to say.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the motion of the Senator from Missouri [Mr. VEST] to strike out from Rule XXVI the clause which has been reported.

Mr. BECK. Mr. President, I shall vote with the Committee on Commerce to retain the jurisdiction they now have, because they avow that they are able to perform the work, and I believe they are. We have given them relief twice in the last few years, first by the appointment of a committee on the improvement of the Mississippi River, composed of seven Senators, which must certainly be a very great aid to the Committee on Commerce in furnishing information as to the needs of that inland sea; we gave them another committee, known as the Committee on Transportation Routes to the Seaboard, consisting of seven Senators, which is certainly able to take from them a good deal of the labor they might otherwise have to perform. I was a member of that committee for a while. We took charge of all the work relative to the improvement of the Mississippi delta by the Eads jetties, and relieved the Committee on Commerce of a great deal of work; and while the Transportation Committee has not had one-tenth part of the work it can do assigned to it, it is willing and able to give very great relief to the Committee on Commerce.

These two committees, it seems to me, render another committee on internal improvements, to consist of nine Senators, in the face of the objection made by the Committee on Commerce, entirely unnecessary now. It may be necessary at a short session, but during this long session there can not be any trouble about the performance of any reasonable amount of work by the Commerce Committee.

I am glad, and I may as well say so now while I am up, that the question as to the duties of the committee has taken a wide range in the discussion, and I am glad the Senator from Maine saw fit to take the initiative. It only shows how sensitive the representatives of the people are in regard to the great commercial relations of this country. The Senator from Maine [Mr. FRYE] on yesterday very properly and very earnestly called the attention of the Committee on Commerce to many important matters relating to our merchant marine. Everybody agrees that it is in a frightful condition, and that something has to be done. Doubtless there are wide differences of opinion as to the proper remedy for the acknowledged evil.

There were submitted last year, and there have been submitted to us again, a number of bills which may prove valuable in some regards; but they are mere patches, plasters, soothing-sirups; they utterly fail to reach the root of the evil; they all look in the right direction, however, and I expect to give them my support. There never will be any substantial restoration of our commercial marine, in my judgment, as long as our laws prohibit our people from buying ships where they see fit, upon the best terms they can, and have them registered and protected, as all their competitors do. They are now prohibited from purchasing ships abroad on any terms by our navigation laws. That right conceded will not, I admit, alone accomplish the purpose, but it is an indispensable preliminary step. We have laws on the statute-books based upon treaties of which I desire to present a specimen, and to call the attention of the Committee on Commerce specially to it, because I have a bill on the subject pending before them. One law or treaty illustrates all, as

nearly every other nation has the same right as "the most favored nation" by our treaties. Section 4229 of the Revised Statutes provides:

No other or higher rate of duties shall be imposed or collected on vessels of Prussia, or of her dominions, from whencesoever coming, nor on their cargoes, howsoever composed, than are or may be payable on vessels of the United States and their cargoes.

What is the meaning and effect of that? Plainly that we can give our people no privileges in our foreign carrying trade that we are not compelled to give to the people of Prussia. Their vessels shall be taxed no more, their cargoes shall be taxed no more, than ours. No discriminating tariff can be imposed to favor American shipping; nothing can be done that every other foreign nation does not get the equal benefit of by treaty, because, I repeat, England, France, Norway, Sweden, Mexico, all nations perhaps except Spain, have the privileges of "the most favored nation." I have for years pressed upon the Congress of the United States, in view of existing treaties, the fact that we are only handicapping our own people by maintaining our present navigation laws, prohibiting them from buying ships where all their competitors buy theirs and upon the same terms, and that so long as these treaties exist we are obviously transferring into the hands of foreigners a monopoly of our carrying trade to the absolute exclusion of our own people.

Two years ago I made a speech on this floor, which attracted the attention of the country, in favor of allowing our people, under the circumstances, to buy their ships abroad if they desired to. I have again introduced a bill for that purpose and have referred it to the Committee on Commerce. I have handed a brief to the chairman of that committee, whom I see before me, elaborating my views as to the reasons why that bill ought to pass. I do not care to take the time of the committee by appearing before it to make a verbal argument. If they think anything I have written of sufficient value to print it for the use of the committee, I should be glad other Senators may thus see it. The main point is that now under our treaties and laws Prussia, England, France, all the other nations of the world except our own citizens, have a right to buy the ships they use in our carrying trade wherever they see fit, in the cheapest market, and they do it. Even Mexico, I see, in view perhaps of more extended relations between her and this country, is buying now a highly respectable commercial marine at low prices, whereby she can carry all the exports and imports between the ports of New Orleans and Galveston and the ports of Mexico and between our ports and the West India ports; and our people, no matter how anxious they may be to do it, are prohibited by our laws from competing with any foreign nation for it, unless we build ships at home and pay any price our ship-builders see fit to ask. The difference in the cost of ships in the sharp competition for freights may make a difference amounting to a profit or loss in the trade.

The foreign nations who do our hauling now buy no ships from us; they encourage no ship-building industry here. Our carrying trade goes on and it goes on in foreign bottoms and under foreign flags, and will continue to do so even if we refuse to give our people the right to buy ships. All I am demanding from Congress is that we shall not by law prohibit our people from entering on the ocean highways of the world's commerce, especially in doing their own work; in short, that our own people shall be allowed to trade by law upon the same terms that by treaty we allow foreigners to do.

That is all there is of my free-ship proposition. You may remove compulsory pilotage, take off taxes, do what you please with the view of aiding commerce, for all of which I will vote and vote cheerfully; but until you give our people the right to buy ships as cheap as other people competing with them have a right by law to buy them, our carrying trade will diminish day by day.

The Senator from New Jersey [Mr. MCPHERSON] very well remarked that of over a thousand steamships crossing the Atlantic Ocean from New York, carrying our exports and bringing back our imports, not one carries the American flag. What have we left? We have fallen from 80 to 16 per cent. even of our own trade and have abandoned the trade of the world to other nations. That remnant of 16 per cent. is carried in miserable, old, worn-out wooden ships; and of the sailors who man them 95 per cent., according to the report of the Register of the Treasury, are foreigners, and the most worthless class of foreigners, foreigners of such a low grade that even the great foreign steamship lines will not employ them on board their valuable vessels.

That is all America has now left of the 90,000 sailors she had twenty years ago—90,000 sailors superior in the aggregate to the best seamen of England, as was proved in many a hard-fought battle with great odds against them; for the merchant marine was always the source of supply for our Navy. Think of it. Ninety thousand sailors gone, the only men we shall ever be required to call upon to defend us in case of strife with foreign nations, because the world in arms will never attack us on our own soil; our seaboard cities to-day are lying at the mercy of any third-rate power. Our commerce, our carrying trade, is in a worse condition than that. About 90 per cent. of our exports are agricultural products, and all the cost of commissions, interest, insurance, and transportation by ocean goes into the hands of foreign nations; that is deducted from the price abroad, and the man who produces the article only gets what remains after taking off all these things and a reasonable profit from the market price where it is sold. If the nations to whom we have surrendered by treaty our carrying trade, and who alone own ships, should go to war with each other, and the cruisers of each should sink the vessels of their enemy, our goods would go to the bottom, and we have no remedy, because we have to rely upon the ships of the belligerents to carry our products. The first step to get out of these obvious difficulties is to let our people buy ships where they please. We pay one hundred and fifty millions a year now, and nearly one hundred millions of it to England, to do our carrying and passenger trade. No ships are now being built here for that work; foreign ships do it all, and they are increasing, as the movement of Mexico shows. We can be no worse off if our people buy ships abroad. They will not do it if it is not profitable. The balance of trade that you boast of so much is only about one hundred millions. We are paying one hundred and fifty millions a year to foreign nations to haul our goods to market and home; fifty millions more than all the annual balance of trade of which we hear so much. That immense sum goes to strengthen foreign nations and to exhaust us year by year. With that one hundred and fifty millions we could buy a merchant marine equal to any other nation except England, and we should have all the repairing of these ships to do at home; we should build up a class of American sailors under American commanders who could be transferred in case of war from the merchant marine to the Navy of the United States; the best defenders and the only defenders we shall ever need. And why should we not have them?

Gentlemen say you will get nothing in the way of ship-building if you allow our people to buy ships abroad. I answer, you get nothing now. You give foreign nations the right to do your carrying trade in foreign-built ships that cost about two-thirds of what is asked for ships here, and what is your remedy? Subsidies raised by taxation at home to equalize the cost of ships; tax the people at home more heavily, take more of their hard earnings than you are taxing them now to give to the men who build ships! Mr. President, all the subsidy schemes we have ever tried have proved failures. We tried it with the Garrison line; we tried it with the Roach line to Brazil, and it failed; we tried it with the steamship company across the Pacific Ocean, and they have become synonyms for fraud and corruption. Nothing that does not inhere to the business itself ever helps any business. So long as even countries as weak as Mexico can buy ships and build up a merchant marine to do our work and her own, why should we by law exclude our own people from the business? That is the question that I propose to insist upon an answer to from the Senate and from the Committee on Commerce. I have begged them in the brief I have submitted to them to make a report. If they do not approve the proposition I submitted to them, let them disapprove of it and so report; do not keep it in committee, but give it to us and give us their reasons for their refusal to report favorably, and let the Senate have a chance at it.

I agree with the Senator from Texas [Mr. MAXEY] in what he said, but I do not care to go into that now. You have prohibited ships from being purchased abroad, and you have taxed everything that goes into the making of a ship here to such an extent that they can not be built to compete with other people on the great highway of the ocean. You can not protect anything beyond our own border, but worse than that, you have prohibited trade by a high protective tariff. As long as that remains you never can trade upon equal terms with other peoples. As the Senator from Texas said, England never sprang to her feet until she repealed all her old navigation laws and told her merchants and mechanics to pull off their coats and compete with the world.

Mr. JONES, of Florida. Will the Senator permit me to ask a question?

Mr. BECK. Certainly.

Mr. JONES, of Florida. Does the Senator think that the navigation laws have been the chief cause of the decline of American commerce? If that be his view, how was it that when we had 90,000 sailors and a commercial marine next to that of Great Britain, those laws were in operation but we did not have a high tariff?

Mr. BECK. That is just one of the things I have been speaking of. I want free ships, but we must also reduce our tariff. We are handicapped to-day because we can not trade as freely as other people. You may launch a ship to-day; you may start it from New York or Philadelphia or Baltimore or any other port side by side with an English ship, and it may cost no more than the English ship; it may have exactly the same cargo as the English ship, and that cargo may cost no more. You may sail to Brazil, Chili, Peru, any of the South American countries; they may sail side by side into any foreign port, and when they get there the American is handicapped. Why? Because those people have no money, and money does not furnish a return cargo if they had. They have copper; they have ores of all sorts; they have everything that we want.

The Englishman takes all these things; he gives them cotton or other goods and takes their copper; he takes their ore; he takes their hides; he takes everything they have got in exchange; and he sails back, having swapped what he had for what they had and secured a profit in the trade, and he lands it in England and sells it. The men in England pull off their coats, work that into some new material and ship it again, perhaps increased in value tenfold. Our ship lies there; she can not take what these people have, because she has to pay 50 per cent.

before she can land it at home. Thus we are handicapped even after you have given our people the advantage of free ships. But when you make ships that now cost here, say, $300,000 work against foreign ships costing $200,000 the burden is greatly increased. When our ship costs only $200,000, or no more than theirs, you have taken a great stride in the right direction; at least you have removed the stigma now on our legislation of having by treaty surrendered to foreigners the right to monopolize our own trade. I desire to see that unjust and unnatural discrimination against our own people abolished.

Mr. JONES, of Florida. I concur generally with the Senator from Kentucky on this subject, but what I was going to say was this: It would not be fair to attribute the decline of our commercial marine to the existence of the navigation laws, for those navigation laws have been in existence from the foundation of the Government and without any change.

Mr. BECK. Allow me to answer that, as I think I can. When this Government was founded, when our people ceased to be colonies and became free and independent States, they found a system all over the world of each nation assuming that every other nation was its natural enemy, and that commerce, except on the most exclusive terms, was fatal to its existence. No country pursued that policy more strenuously or maintained it more earnestly than England, and as long as she maintained a restrictive policy we antagonized it by making the same kind of restrictions, in order to meet those restrictions of hers—just as I see some gentleman now is proposing to inquire if our pork and our beef and our other things are cut off from other nations whether we can not retaliate. But England saw that nations in a commercial point of view were not enemies, they were friends, and when they made anything cheaply at home and sent it to other people who could not make it, and obtained from them what was wanted cheaper than England could produce it, it was better to make it cheap and sell it to the people that raised other things cheap than it was to hold them at arm's-length or make war on them. I put this question, in substance, once to the Senator from Vermont [Mr. MORRILL], in arguing this very matter. He lives in Vermont, where they raise the best potatoes in the world; Cuba raises the best oranges——

Mr. JONES, of Florida. No, Florida.

Mr. BECK. Well, as good as any in the world, as good as those in Florida. Would it not be supreme folly, in order to obtain oranges in Vermont because we hated Cuba, to put a tax on all the people to build greenhouses in Vermont and raise oranges under glass that would cost 10 cents apiece that could be bought in Cuba for 1? I assume they could be raised under a protective system. Is it not better that the man in Vermont should raise his potatoes, put them on board ship, take them to Cuba, where they want them and are willing to pay a good price for them, twice what he can get at home, get oranges in Cuba and bring them to Vermont and sell them at a cent apiece, instead of requiring the people of Vermont to pay 10 cents, and have the profit of hauling both ways? England saw that and acted on it. We ought to have followed her example long ago as far as we could consistent with our other obligations.

Speaking about English commerce, as the Senator from Texas well said, from 1846 on it sprang upon its feet; her commerce doubled up and doubled up until it is now half of all the commerce of the world, and she holds over 60 per cent. of the best and most profitable of ours. Instead of being second to her and ahead of all the nations of the world put together, as we were in 1860, we have gone down and down and down, under the combined influence of restrictive laws and protective tariffs, until we are below Spain, Norway, Sweden, and I believe even Mexico.

Mr. JONES, of Florida. The Senator will pardon me. The point is if this decline is not to be attributed more to the protective system than to the navigation laws.

Mr. BECK. The two work together; but the Senate can only act on the navigation laws. The House must originate bills looking to relief from taxation. Still, discussion of these questions is profitable.

The hitherto irresistible combinations of Treasury raiders may as well learn and appreciate the fact now as hereafter that the people fully understand that a high protective tariff and a prosperous merchant marine are absolutely incompatible. One or the other must go to the wall. The people may not yet be able to realize the fact that when they pay $6 for a coat or a pair of blankets out of their hard-earned wages (which do not average a dollar a day) which laborers in other countries can buy for $3, that half of their week's wages are taken from them by law, not to support the Government, but as a subsidy to some pet of Congress who pretends that the bounty thus given is expended by him in paying higher wages to his operatives than are paid in other countries, when in fact he would discharge the last one of them if he could buy a machine to do their work, no matter in what country it was invented or manufactured or could import cheaper labor than theirs from any part of the habitable globe. They are beginning to see through the false pretenses of the interested pensioners on the labor of the people and the fallacies of their subsidized press. They see that the English laborer gets more than nine pounds of sugar for the same money they pay for six and other things in still larger proportion; and they are inquiring why these conditions exist. They are looking into the purchasing power of their wages, and why they are so often and so long idle from closed factories glutted with overproduction. They see the markets of the great outside world abandoned by American protected manufacturers, and 90 per cent. of our exports furnished by the heavily taxed and absolutely unprotected farmer and his laborers; and they see that foreign nations are our ocean carriers, factors, brokers, commission merchants, and insurers; in short, they get all the benefits and profits of our trade with the world, charge what they please, and deduct all the costs and profits from the place of production to the place of sale out of the price they pay the original producer. These are facts that can neither be denied nor concealed, and I am glad to see that they are at last assuming the prominence before Congress that their importance demands.

What I seek to do is not to break down any interest, but to open the ports of the world to our people with every facility granted and every obstacle removed. I would bring down tariff taxation to a revenue basis, and send our manufactures abroad as extensively as possible. I would give our laborers in factories employment from New Year's day to the 31st of December by supplying the world, instead of, as now, closing the factories half the year because of overproduction in a high-priced limited market.

We can feed our people cheaper than any other nation. The great internal commerce of this country, which is free under the Constitution, gives us a market that secures us immense advantages over everybody else. All these things, it seems to me, the people of this country will understand after a while.

But I rose mainly to indorse the views of the Committee on Commerce, believing that they can do this work, and as they want to do it there is no use in subdividing it. They have, as I said, the assistance of two other committees made in the last few years, the Mississippi River Committee and the Committee on Transportation Routes to the Seaboard. Next I am anxious to impress upon them what I believe they all feel and think and what this discussion inaugurated by the Senator from Maine will tend to intensify, that something has to be done or what little of our commercial marine is left will go; as I said, the 16 per cent. that we have left is in such a miserable condition, manned so exclusively by the most worthless, discarded seaman of other countries, that it is almost valueless.

The object for which the navigation laws were passed originally has passed away, and no longer affords any excuse for saying to our people, "You shall not, even if you want to, carry your own goods to foreign markets in ships as cheaply as by our treaties we allow foreigners to do."

Take a man like Mr. Dalrymple, with a great farm in Dakota, where he raises two or three ship-loads of wheat. He may want to carry his wheat to London or any other foreign market—it has to be exported somewhere—and he asks leave to buy a ship abroad. The American Congress says no; we have by treaty given to Prussia and other people the right to buy their ships where they please and haul your grain; you shall not buy your ships where they buy theirs; you shall not compete with them; they may charge you what they please and make any combination they please to put up freights; your wheat may rot on the dock at New York, or Baltimore, or wherever you choose to send it, unless you buy ships here at any price home ship-builders ask. Ought that to be? We can not compel foreign nations to buy their ships from us. The moment we allow our own people to buy ships anywhere we start ship-yards here, if for nothing else for the purpose of repairs. These repairs will build up ship-building yards. They did so in Prussia, they did so in France, and they will do so everywhere. Men will repair their own property where it is done under their eye; and if we repair, we will soon build; but until we give our merchants some chance to have a part of our own trade they can do nothing, because we have given a monopoly of it, or exclusive privileges in it, to foreign countries.

These are some of the views I have presented to the Committee on Commerce. I know they will listen to them. The Senator from Missouri [Mr. VEST] showed in the very able minority report he made last year that he is thoroughly impressed with the importance of these questions, and I know he will impress his views on others of the committee. I could not forego, after the Senator from Maine had opened the question, saying what I have on this matter. He is responsible for the wide range the debate has taken.

Mr. MORRILL. Mr. President, I am rather surprised that the Senator from Kentucky should see fit to bring in the question of the tariff upon this simple question of dividing the Committee on Commerce.

Mr. BECK. The Senator from Maine might as well be alluded to.

Mr. FRYE. I did not say anything about the tariff.

Mr. MORRILL. I do not see how it has any relevancy at all, and the idea promulgated by the Senator from Kentucky that a coat can be bought in any country of the world for $3 is utterly preposterous; or if it is not preposterous, the only country in the world where it can be bought for any such sum is China, where it is made of cotton and stuffed with cotton.

Mr. President, the question of our commerce is a grave one. I am quite ready to do all in my power to improve its present condition, but it will be utterly impossible to restore the commerce of this country to the

position that it occupied in ancient years. In the first place, the construction of large steamer vessels taking our Atlantic trade abroad has used up all of the smaller sailing vessels, and our clipper ships that formerly controlled the entire trade with the Indies are now obsolete and are no longer used. In our inland trade, instead of using our coasters that we formerly had, it is now all done by railroad and must continue to be so done. These two things have absorbed the large amount of profit that formerly appeared on our list of tonnage. One of the present iron steamships supplies the place of twenty or thirty small sailing vessels, and let me say now that these vessels, which have been built by foreign nations in England and in Germany are not at the present time paying institutions; many of them, I am told, are not earning 2 per cent. upon their capital; many of them are merely earning their actual expenses.

The truth is that the universal Yankee nation will employ its labor and its capital where it can make the most money. If it can make more at some other avocation than it can in commerce, it will enter upon that.

But, Mr. President, it does seem to me that this lugging in of the tariff question upon all subjects is a little aside of the duty of Senators. In relation to our trade, does it make the least difference with the carrying trade whether duties are imposed or not? Of course it makes no difference with what we buy to bring into the country, and therefore it seems to me that this is entirely beside the question.

But, Mr. President, I did not propose to embark in this discussion. I have rather leaned to the idea that our committees were sufficiently numerous without any enlargement of them. I do not know but what, in the practical operation of the question in relation to river and harbor improvements and of the general questions in relation to commerce, it might be well enough to separate the river and harbor bill from the other questions, but I do not feel any very strong interest about it. I should like, of course, to have the business of the Senate conducted in a way that will improve our foreign commerce and also to give a reasonable and proper amount for the improvement of our harbors and rivers.

Mr. FRYE. Mr. President, I am delighted to hear the Senator from Kentucky [Mr. BECK] talk free trade always, and I was delighted to hear the Senator from Texas [Mr. MAXEY]. I should like to have a general expression from the Democratic side in favor of free trade. There has been a great deal of uncertainty within the last six months as to what course the Democratic party would take on the question of protection or free trade; it has been seriously discussed in all the press; and I am delighted to see Senators coming to the assistance of the public and solving this important question, and thus locating the Democratic party in favor of free trade just as rapidly as it is possible to get to it. Of course I hold views diametrically opposed to the Senator from Kentucky as he announced his. I have reasons, too, for the faith that is in me, and the temptation to reply to the speech which he has made is very serious indeed with me; but I remember that I have these rules in my charge. They have occupied a long while. I am exceedingly desirous to close up the consideration of these rules to-day. Therefore I forego the temptation to reply to the Senator from Kentucky, and ask the Senate that I may now have a vote on this question.

Mr. MORGAN. Mr. President, if the Senator from Maine [Mr. FRYE] had yesterday about this time or a little earlier concluded that he would waive the opportunity for expressing some very decided views that he has on commerce and navigation he might probably have reached the solution of this important question before this time, and he would have saved me the necessity of following in that channel of debate and of meeting that method of debate which appears to be adopted by all men who prefer denunciation to argument, of branding the opponents of his views with certain characteristic names and epithets which the Senator evidently supposes carry great meaning to the country.

He has now said that the Democratic party is committing itself to free-trade and describes us as free-traders. Sir, I assume to state that there is not a leading man in the Democratic party who has, so far at least, in either House of Congress given expression to the idea that he is, under our Constitution and under our system of laws, a free-trader in the sense that the Senator from Maine would have the country believe that we are free-traders. We are in favor of a modification of existing tariff laws for the purpose of reducing a redundant revenue of more than $100,000,000 a year, placed upon us by a war system of taxation and by unjust discriminations also, for which the Republican party is alone responsible to the people. And the resistance that is made to our views is and has been made to keep this redundant $100,000,000 a year, taxed out of the people for the purpose of improving the condition and prosperity of a certain set of monopolists who are favored with exclusive privileges under the laws of the land. Because we resist this unjust and continued taxation, because we claim some relief, some amelioration of the burdens of the people, although we admit that a tariff is a proper and constitutional manner in which to raise the largest proportion of our revenue, we are assailed here by epithets; we are called free-traders; we are persistently misrepresented by Senators on this floor.

The Senator from Kentucky was drawn into so much of the argument as he made upon the tariff by the strict analogy which holds, as everybody understands, between a law which prohibits the American people from buying ships abroad and putting them under American register and those features of the tariff law which prohibit the importation of goods to this country for sale to our people. Your tariff law contains a large number of prohibitory features which absolutely prevent the people of the United States from going abroad to purchase commodities which they desire and ought to have the opportunity to purchase cheaply and use freely. Your navigation laws do precisely the same, in putting as a penalty upon you if you do it that you shall not have an American register or the protection of the American flag for your ships if you buy them in other countries.

We are prohibited to buy ships in other countries in order that American ship-builders may have the monopoly of the home market for vessels, and we are prohibited in fact, though not in appearance, from buying many articles of merchandise for precisely the same reasons by our existing tariff laws.

I therefore think that there was a good deal of analogy between the position the Senator from Kentucky set out with and which the Senator from Maine introduced into this debate in respect to our navigation laws and those to which the Senator adverted in respect to our tariff laws. They are all made out of the same piece of cloth, they are all prohibitory tariffs, they all act upon the same idea of giving to the manufacturers, whether of ships or of goods, in this country an absolute monopoly of the home market for the sale of their goods.

These propositions are very simple; they can not be put under such a cloud as that the simplest mind in all this land shall not understand them. The burdens of them are felt in every direction. After a while other industries besides the building of ships to be sent out under the American flag will receive through this unwise and unjust legislation the same destructive visitation that the American ship-building industry has received from the prohibitory navigation laws that have so long stood upon our statute-book.

This argument is said by the Senator from Vermont to be entirely irrelevant. It is very true that it is an irrelevant argument, but for that very reason it ought to be made. We are allowed no other opportunity to make it. We are now considering the question of the power of committees of this body. A proposition is made by one of these committees to take from the Committee on Commerce so much of its power as relates to this very important subject of appropriating the people's money for the improvement of the rivers and harbors. I have been here now about six years waiting not for the purpose of speaking upon these questions, but waiting for an opportunity to vote the sentiments of my people and my own opinions upon them. I have seen the Committee on Commerce largely composed of the very elements that now constitute it, with bills sent before them from session to session of Congress now for six years, and I never have had presented to me fairly and squarely the question upon which I have so much desired to vote, whether I would consent to repeal or essentially modify the navigation laws of the United States.

This want of enterprise on the part of the Senate has not resulted from the fact that Senators have not offered bills and resolutions presenting questions of this kind, for Senators from various parts of the country and on both sides of this Chamber have introduced bills for the purpose of remodeling our navigation laws, and some for the purpose of repealing them out and out, many for the purpose of modifying them. The Committee on Commerce, composed, as I am willing freely to grant, of some of the most experienced and able gentlemen in this body, have habitually ignored these bills; and when we find Senators of other committees struggling for the floor and pressing for opportunity to bring measures of their respective committees to the consideration of the Senate, nobody ever finds the chairman of the Committee on Commerce, or any other member of that great committee, struggling for the floor or otherwise making an effort to bring before the country for its consideration the question of the navigation laws. Why is that the case?

Mr. VEST. I wish to say to the Senator from Alabama that I suppose he does not want to make a statement which is without foundation as to the Committee on Commerce; but I call to the recollection of the Senator the fact that I reported here at the last session a bill, which I again offered on the first day of this session, to remove the evil alluded to in regard to the decline of American ship-building, and I stood here for three days and begged and pleaded and urged the Senate, on behalf of the Committee on Commerce, to take up that bill and consider it. The tariff bill pushed it out, and I was finally informed that there was no time to take it up. These are the facts and I assert them, and every gentleman in this Chamber knows that they are the truth.

Mr. MORGAN. Then I shall modify the statement by saying that I waited five years instead of six, and it was only when the honorable Senator who lives upon the banks of the Missouri River, away in the very heart of our country, was put upon that committee that we found any person who took sufficient interest in this question to press a bill upon the consideration of this body; and that bill did not contain any proposition to repeal the navigation laws, as I understand, but only to modify the various little things to which the Senator from Kentucky has alluded, and the removal of which it was supposed would give the people a little more breath. There has been no energetic effort made to drive to the root of this question. No committee of this body has

been bold enough to bring to the consideration of the Senate and the people that great question which is debated everywhere and considered everywhere but here, the repeal of those odious navigation laws. No, sir; our Senators on the Democratic and on the Republican side have both seemed to be afraid to tackle this question. It appears now we have got into that condition that the people have to get up a general muster and beat the long-roll before they can put us in motion to do anything they want to have done.

This tardiness, this reluctance, this inattention, this negligence on the part of a great leading committee of this body for five years, to say the least of it, would be a good excuse for the Senate to take from them that other matter upon which they seem to be concentrating all their energies, the question as to what rivers and creeks and branches and the like $20,000,000 of money of the people, taxed out of them year by year, shall be spent in so-called works of internal improvement.

Who, sir, in appointing a member upon the Committee on Commerce has any reference to any other question than how he will vote upon matters affecting the river and harbor bill? Who wants to go on that committee for any other purpose than to aid his section, his State, or his district, or his particular locality, or the river that he lives upon in the disbursement of money for the improvement of rivers and harbors? Why, sir, if we should change the title of the Committee on Commerce and strike it out entirely as the Committee on Commerce and call it "a committee on the internal improvements bill, with facilities for considering commerce as a sort of æolian attachment to that bill," we should have something that somewhat resembled the actual description of the committee that they themselves have written upon the history of the country, both as to their functions and as to their disposition to exercise its powers.

I respect the membership of that committee as much as I do any set of gentlemen in this body, and with the very best of reasons. Everybody respects them, and it is not their fault alone that the Senate of the United States has come to consider its Committee on Commerce as a mere committee for the distribution of $20,000,000 a year upon works of internal improvement by what is called the river and harbor bill. It is not their fault alone that they have abdicated the great powers of the Committee on Commerce intended for the relief of the people virtually in favor of this power of spending or distributing this modicum of money taxed out of the people to aid in local and minor public works. I believe it is the fault of the general legislative feeling or sentiment that we are here, as it seems, more for the purpose of finding out how to spend this $100,000,000 of surplus a year than we are for any other purpose whatsoever. We seem to feel that our people have got so rich that they can furnish us $100,000,000 a year to squander upon such subjects as we may choose to bestow it upon. And being here representing a supposed rich people it is a very natural inclination following out the bent of humanity in all its history that we should fail to consider the wants of the people themselves and turn our attention to the manner in which we shall spend their money.

Sir, while this is going on, and while $100,000,000 a year is being taxed out of the people to pamper the rich and powerful, poverty, wreck, and ruin are tramping about over this land in rags and in sores and want of which Lazarus would have been ashamed. Strikes are occurring all over the land, and we hear of thousands and ten of thousands of men on a single day thrown out of employment in the depth of a cold winter without bread or fuel, and sometimes without sufficient clothing for themselves and their families, to beg and implore the charity of the rich masters by whom they are surrounded. If we would leave this $100,000,000 of money that we tax out of their pockets annually for no good or just reason in their pockets, and if we would let them have the privilege of enjoying something of the manhood of American citizenship along with its liberty, then, sir, we might console ourselves with sweet and pious reflections when we come to the question of the distribution of the money of the people toward public improvements. No, it is "tax," "tax," "tax;" and the moment a Senator dares to open his mouth in this Chamber upon the subject of the relief of the people from taxation, whether it respects their foreign commerce or their internal affairs, the honorable Senator from Vermont [Mr. MORRILL], who never deserts his post when this battle is on hand, rises and rebukes the Senator from Kentucky for daring to refer to the tariff question.

Sir, we will refer to it continually and eternally until justice in some form or other reaches the people that we represent, for if we fail in that we shall fail in the most solemn and important duty that has ever been devolved upon a set of legislators in this country. We have now got to that condition which is the bane of all democratic opinion and belief and the chief desire of all republican hearts; we have reached that condition which has been held to be most deplorable in the estimation of every man who ever belonged to the Democratic party from the days of Jefferson to the present time; we have got a rich government and a poor people—yes, a government that is so rich that it has one hundred millions of surplus revenue annually to disburse among its pets and its favorites through this land, and a people on the other hand so poor that the clamoring cries of many of them for bread and fuel and clothing come up during these wintry blasts and howl down the very storms that rage and reverberate and are now beating upon the walls of the Senate Chamber. They are the people for whom we must not speak. These are the constituents of the honorable Senator from Vermont and myself, in respect of whose sufferings this Senate Chamber must be as silent as the grave.

No, sir; we will speak for them and work for them, relevant or irrelevant, in time or out of time. In season or out of season, let it be understood that the Democratic party of this country stands pledged to relieve the burdens of these people in any and in every way that it can; and from this duty and from this appeal neither will the people be driven away nor will their true representatives be silenced.

The PRESIDING OFFICER. The pending amendment is to strike out the words which will be read:

The Secretary read as follows:

A Committee on Internal Improvements, to consist of nine Senators, to which shall be referred all subjects relating to improvements of rivers and harbors, and also the bill known as the river and harbor bill.

Mr. FRYE. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am on this question paired with the Senator from Kentucky [Mr. WILLIAMS].

Mr. COCKRELL (when his name was called). I am paired generally with the Senator from Iowa [Mr. ALLISON] who is absent. I have not heard any one announce a pair with him on this question; so I shall withhold my vote.

Mr. GARLAND (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY], who I see is not in his seat. I do not know how he would vote, but if he were here, I should vote "yea." While I am up I will also announce the pair of my colleague [Mr. WALKER] with the Senator from Colorado [Mr. HILL].

Mr. JONAS (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON]. I do not know how he would vote if present.

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY]. I understand that if he were here he would vote "yea" on this proposition. I should vote "nay."

The roll-call was concluded.

Mr. MANDERSON. I am paired on this question with the Senator from Maine [Mr. HALE].

The roll-call was concluded.

Mr. HILL. I vote "yea."

The PRESIDING OFFICER. The Chair would inform the gentleman from Colorado that a pair was announced between the Senator from Arkansas [Mr. WALKER] and himself.

Mr. GARLAND. It was announced, but I understand the Senator from Colorado [Mr. HILL] would vote the same way as my colleague would, and I withdraw the announcement.

The result was announced—yeas 36, nays 11; as follows.

YEAS—36.

Bayard,	Cullom,	Lamar,	Plumb,
Beck,	Dolph,	Logan,	Pugh,
Bowen,	Fair,	McMillan,	Ransom,
Brown,	Gibson,	McPherson,	Sabin,
Call,	Hawley,	Maxey,	Slater,
Camden,	Hill,	Miller of N. Y.,	Vance,
Cameron of Wis.,	Jackson,	Morgan,	Van Wyck,
Coke,	Jones of Florida,	Morrill,	Vest,
Colquitt,	Jones of Nevada,	Platt,	Voorhees.

NAYS—11.

Conger,	Groome,	Palmer,	Sewell,
Frye,	Harris,	Pike,	Sherman.
George,	Lapham,	Sawyer,	

ABSENT—29.

Aldrich,	Edmunds,	Ingalls,	Riddleberger,
Allison,	Farley,	Jonas,	Saulsbury,
Anthony,	Garland,	Kenna,	Walker,
Blair,	Gorman,	Mahone,	Williams,
Butler,	Hale,	Manderson,	Wilson.
Cameron of Pa.,	Hampton,	Miller of Cal.,	
Cockrell,	Harrison,	Mitchell,	
Dawes,	Hoar,	Pendleton,	

So the amendment was agreed to.

The PRESIDING OFFICER. The motion of the Senator from Missouri [Mr. VEST] included another amendment, which will be read, the question having been divided.

The SECRETARY. In the next clause, after the word "Senators," it is proposed to strike out:

To which shall be referred all subjects relating to commerce, to shipping, to the merchant marine, and to the Life-Saving Service and light-houses.

So that the clause will read:

A Committee on Commerce, to consist of nine Senators.

The amendment was agreed to.

Mr. VEST. I now move that the Committee on Commerce be placed in the list of committees where it was originally placed, next to the Committee on Appropriations.

Mr. HARRIS. I would suggest to the Senator from Missouri that I believe the Senate decided that the committees should be arranged alphabetically, and that amendment will be offered by the chairman of the Committee on Rules before we pass from this subject.

Mr. VEST. I beg pardon. Then I move that Rule XVII be changed to conform to the amendment just made—Rule XVII, in the third line of the first section——

Mr. HARRIS. The Senator will allow me again to suggest that by unanimous consent we passed over Rule XVII until Rule XXVI should be disposed of. Of course when we get back to Rule XVII the Senator's motion will necessarily come up.

Mr. VEST. I want to finish the question by striking out "Internal Improvements" and putting in "Commerce" in Rule XVII.

The PRESIDING OFFICER. The Chair thinks the rule under consideration, Rule XXVI, must first be perfected.

Mr. MORGAN. I move to amend the following clause in Rule XXVI:—

A Committee on Territories, to consist of seven Senators—

by striking out "seven" and inserting "nine." I have seen most of the members of that committee, I believe, and I find no objection to this on the part of the committee. I would like to say, also, that the questions which come before the Committee on Territories are of very great importance and of course attract the universal attention of the country, and that committee ought to be strong in numbers as well as it is now strong in ability. I think it would be proper to raise that committee to the same number with the other leading committees of the Senate.

Mr. FRYE. I see no objection.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

The amendment was agreed to.

Mr. MILLER, of New York. I now desire to call up the amendment of which I gave notice, and which amendment was entered, at the time this rule was under consideration before, by the Senator from Kansas [Mr. PLUMB].

The PRESIDING OFFICER. The Senator from New York will state his amendment.

Mr. MILLER, of New York. It is in regard to the Committee on Agriculture. The motion is to make the clause read:

A Committee on Agriculture, to consist of nine Senators; to which shall be referred all bills making appropriations for the expenses of the Department of Agriculture.

I do not desire to discuss this question again, as I spoke upon it the other day when it was first called up; but I understand there are some other Senators who still desire to be heard upon it.

The PRESIDING OFFICER. The amendment of the Senator from New York will be read.

The SECRETARY. After the word "Senators," in the line reading "A Committee on Agriculture and Forestry, to consist of nine Senators," it is proposed to add:

To which shall be referred all bills making appropriations for the expenses of the Department of Agriculture.

Mr. PLUMB. Mr. President, while I would have preferred that the amendment I proposed a day or two since should have been adopted, I think there are a great many reasons why this proposition of the Senator from New York should pass, more especially in view of the action of the Senate, pursuing the theory of the Senator from Ohio [Mr. SHERMAN], that there were certain classes in this country who ought to have special representation upon the committees; and as he referred to the real-estate owners of the District of Columbia as being of that class, small though they are in number and receiving a million and a half or two millions per annum out of the Treasury of the United States, it seems to me that we can fairly accord, not merely as a matter of grace but a matter of right, to seven-twelfths of the people of the United States that recognition which we have now accorded to a small portion of them in this District of Columbia.

This interest has never received practical recognition at the hands of Congress. The people who are interested in the legislation proposed by the action of committees which act upon matters connected with agriculture pay a larger proportion of the taxes of the United States than any other class of people. Everything they use is taxed, and in favor of nothing that they raise is anything done. They are, as I think they ought properly to be, jealous of this relative position which they say they occupy in the legislative action of this country. It will not do to say to them that their interest can be cared for by committees or by appliances organized for other purposes. This Committee on Agriculture ought to have charge, upon the theory which the Senate has acted on heretofore, of the bill appropriating for the Agricultural Department. The control of the purse is practically the control of legislation, and the control of legislation affecting this large class of people is of great interest to them and of great interest besides to the entire country. It would, as I said, be a gracious matter; it would not be, on the other hand, conceding more to them than they believe is theirs of right.

The Senator from New York [Mr. MILLER], in the remarks which he addressed to the Senate a few days ago on this subject, spoke of a number of questions which have engaged the attention of the country but so far have utterly failed to produce any impression upon this branch of Congress. The pleuro-pneumonia bill, a bill affecting more than $500,000,000 worth of the property of this country, has been so treated here as to beget the idea that this body at least is entirely out of sympathy with the agricultural producers of this country, and so in regard to a large class of cases which affect these people; and it is now for the Senate to say whether they will give that recognition to this class that they deserve, and at the same time respect their opinions in this matter, which have been expressed so fully and so frankly and so unanimously outside, but, as I said, with very little effect inside.

The Agricultural Department is yet in its infancy; its work is yet to be done; population is rapidly pressing upon production. There are many ways in which the operations of this committee, enlarged as they would be by the consideration of the appropriations for the benefit of the Agricultural Department, would be of immense service to this great and greatly preponderating interest.

For these reasons I hope that the motion of the Senator from New York will prevail.

Mr. GEORGE. Mr. President, I desire to add an observation or two to what has been said in behalf of this amendment by the Senator from New York and the Senator from Kansas, and in the outset I will say that I have no desire to cripple or curtail in any way the jurisdiction of the Committee on Appropriations. It seems to be the voice of this body that most of the appropriations that we shall make should undergo their scrutiny and supervision; but I take this to be an exceptional case, as much so as the river and harbor bill, which does not go before the Committee on Appropriations. The bill making appropriations for the Agricultural Department is framed in the other end of the Capitol by the Committee on Agriculture. When it comes to the Senate we distrust our committee upon that subject and refer it to the general Committee on Appropriations. There ought to be some good reason why this difference should exist in the rules of the two Houses. I propose to state in a few words the exceptional reasons which I think authorize us and justify us in referring this bill to the Committee on Agriculture.

In the first place, the appropriations made for the Department of Agriculture are not for the regular normal operations of the Government. The Department itself is *sui generis*. It performs none of the ordinary functions of government. It protects neither life nor liberty nor property. It collects and disburses no revenue. It is not a part of the means of our public defense. It is purely an educational and experimental department. Of the $400,000 appropriated at the last session for this department not exceeding $20,000 was appropriated in pursuance of any law upon the statute-book. The appropriations are made for purposes which are continually changing. They are made for seeds; they are made for experiments in forestry; they are made for the investigation of diseases of animals; for the investigation of insects which are injurious to agriculture; and they are continually changing; the same appropriations are not made every year for the same purposes. The Agricultural Department is very much like an experimental farm run by the Government of the United States. What it may do one year may be and often is very different from what it may do another year. What it does or what it shall do is determined, I wish the Senate to understand, exclusively by the appropriations made. I will read to the Senate some of the appropriations made in the last appropriation act, so that Senators may understand how the thing is done:

For chemicals and apparatus for the use of the chemist and microscopist, and for necessary expenses in conducting experiments, including experiments in the manufacture of sugar from sorghum and other vegetable plants, $16,000.

Whether that shall be continued another year or not depends entirely upon the appropriation made, and whether the appropriation is to be made depends upon the judgment which Congress may pass upon that subject. Now, who is more competent to inform the Senate as to the propriety of continuing these experiments—a committee raised for the purpose of looking after the agricultural interests of the country or the general Committee on Appropriations? So, again:

For the purchase and propagation and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, plants, eggs of silk-worms, and expenses of putting up the same, to be distributed in localities adapted to their culture, $75,000.

All this is matter outside of what may be supposed to be the regular duties of the Committee on Appropriations.

For these reasons, because all the appropriations made for that Department are chargeable, dependent upon the judgment of Congress as to what shall be done this year or next, I submit that it is more appropriate to leave the question of these appropriations to the Agricultural Committee than to the Committee on Appropriations.

Mr. JONES, of Florida. Mr. President, I shall vote with the Senator from Mississippi [Mr. GEORGE] on this question, but I am of the opinion that he has given expression to some views on the subject which might be construed as going too far. When the Senator speaks of the agricultural interests of the country not having received the proper recognition by Congress it presents a very interesting and in my opinion a very dangerous topic.

Mr. GEORGE. I said nothing of the sort. That was stated by the Senator from Kansas [Mr. PLUMB].

Mr. JONES, of Florida. Excuse me; it was the Senator from Kansas, then. I take it that the agriculturists of the country have just as much interest in everything that is done here as any other class of people. This Government is theirs; this Constitution is theirs. They compose a portion of the people of the Union, and the people as a whole have delegated to Congress certain enumerated powers that Congress is

required to exercise for the common benefit. Those powers are here in the Constitution. This constitutes our power of attorney from the people of the Union, not from agriculturists, nor manufacturers, nor mechanics, nor railroad laborers, not from any class, but from the entire people; and when a Senator comes forward here and says, as my friend from Kansas did, that the agriculturists have not had sufficient attention paid to them by this Government, he is advancing a very dangerous opinion. The mechanics have just as much right to come here and say that they have had no attention paid to them.

Mr. PLUMB. I think that is quite true.

Mr. JONES, of Florida. The sailors have as much right to come here and say that they have had no attention paid to them; the railroad laborers can come here and say, "the Federal Government has not given us the attention we ought to have."

This thing, sir, is all wrong. There are seventeen enumerated clauses of power in the Constitution that the people of the Union have said we shall exercise, and beyond them it would be criminal to go. Every Senator who comes into this body, before he is permitted to discharge his duty, must take an oath to support what? The Constitution of the United States, made by the people, ratified by the people, constituting the frame of this people's government; and in it from beginning to end the word "agriculturist" can not be found. You have power to regulate commerce; you have power to provide a navy, to create an army; you have power to declare war, but there are certain things that are withheld from you. I will go as far in behalf of special interests as anybody when I can get jurisdiction over them, but I will not go outside of the Constitution further than we have traveled in behalf of special interests. I will serve the people to the best of my ability, but I will not violate their own organic law if I know it.

I say if the law is not what it ought to be, change it, but as long as we have a constitution let us try to conform to it. We have created a Bureau of Agriculture, and I will go as far as anybody to support it; but I can not indorse the sentiment of the Senator from Kansas when he says that a particular class of people in the country have not had the attention given to them in the exercise of our Congressional powers that they ought to have.

Mr. PLUMB. Will the Senator permit me to ask him a question?

Mr. JONES, of Florida. Certainly.

Mr. PLUMB. Does he think the reference of the agricultural appropriation bill to the Agricultural Committee would be unconstitutional?

Mr. JONES, of Florida. No, because I am going to vote for it; but when the Senator says the agriculturists or any other class of people have not had sufficient attention given to them by the Government I think he is going a little too far. I will vote for this proposition, and I will do everything I can for the agriculturists, but this organic law of ours was made for the people of the entire Union, and the agriculturists are just as much interested in the general business of the Government as any other class of people.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New York [Mr. MILLER] to amend the paragraph of the rule under consideration as proposed by him.

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COKE. I should like to hear the amendment reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. At the end of the line—

A Committee on Agriculture and Forestry, to consist of nine Senators—

it is proposed to add:

to which shall be referred all bills making appropriations for the expenses of the Department of Agriculture.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY], who I see is absent. If he were here, I should vote "nay."

Mr. JONAS (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

The roll-call was concluded.

Mr. INGALLS. I am paired on this question with the junior Senator from West Virginia [Mr. KENNA].

The result was announced—yeas 22, nays 32; as follows:

YEAS—22.

Blair,	Dolph,	Lamar,	Pugh,
Bowen,	George,	Lapham,	Slater,
Brown,	Gibson,	Miller of N. Y.,	Vance,
Camden,	Harris,	Morgan,	Van Wyck.
Colquitt,	Jackson,	Palmer,	
Conger,	Jones of Fla.,	Plumb,	

NAYS—32.

Aldrich,	Edmunds,	Hoar,	Pike,
Bayard,	Fair,	Jones of Nev.,	Platt,
Beck,	Frye,	Logan,	Ransom,
Call,	Gorman,	McMillan,	Sabin,
Cameron of Wis.,	Groome,	Manderson,	Saulsbury,
Coke,	Hale,	Maxey,	Sherman,
Cullom,	Hawley,	Mitchell,	Vest,
Dawes,	Hill,	Morrill,	Voorhees.

ABSENT—22.

Allison,	Garland,	McPherson,	Sewell,
Anthony,	Hampton,	Mahone,	Walker,
Butler,	Harrison,	Miller of Cal.,	Williams,
Cameron of Pa.,	Ingalls,	Pendleton,	Wilson.
Cockrell,	Jonas,	Riddleberger,	
Farley,	Kenna,	Sawyer,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to Rule XXVI as amended.

Mr. GORMAN. I move in the clause "a Committee on Commerce, to consist of nine Senators," to strike out "nine" and insert "eleven;" so as to read:

A Committee on Commerce, to consist of eleven Senators.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Maryland [Mr. GORMAN].

The amendment was agreed to.

The PRESIDENT *pro tempore*. If no further amendment be proposed the question will be on agreeing to Rule XXVI as amended.

The rule was agreed to.

Mr. FRYE. I was instructed, I think by a unanimous consent of the Senate, to present Rule XXVI with the list of committees arranged in alphabetical order instead of the present order. I have prepared, in accordance with that request, the rule with the committees in alphabetical order, which I now offer as a substitute for the rule just adopted.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Maine that the rule has now been agreed to as amended.

Mr. FRYE. Then I will ask unanimous consent (having been instructed by unanimous consent) to substitute it.

Mr. INGALLS. If there is nothing in the substance of the rule that the Senator desires to amend, it is a mere clerical question which he presents, and it can be done by unanimous consent.

Mr. SHERMAN. If the rule is not changed in substance, but is the same exactly, it is but conforming to the direction of the Senate. The Senate by unanimous consent directed the Senator from Maine to classify the committees in their alphabetical order, without changing the text.

Mr. FRYE. Yes, without changing the rule at all. That has been done in the form which I now present.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that Rule XXVI, which has been agreed to, which provides for the standing committees of the Senate, be, when it is engrossed or put into form, changed in respect of the enumeration of the committees alphabetically.

Mr. PLUMB. I object, Mr. President.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HARRIS. I move to reconsider the vote by which the rule was adopted, in order that the Senator from Maine may offer his amendment.

Mr. RANSOM and others. That is right.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Tennessee to reconsider the vote by which Rule XXVI was adopted.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to Rule XXVI.

Mr. FRYE. I now offer the substitute which I send to the desk.

The PRESIDENT *pro tempore*. The proposed substitute will be reported.

The Chief Clerk read as follows:

RULE XXVI.

STANDING COMMITTEES.

1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

A Committee on Agriculture and Forestry, to consist of nine Senators.

A Committee on Appropriations, to consist of nine Senators.

A Committee to Audit and Control the Contingent Expenses of the Senate, to consist of three Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

A Committee on Civil Service and Retrenchment, to consist of nine Senators.

A Committee on Claims, to consist of nine Senators.

A Committee on Commerce, to consist of eleven Senators.

A Committee on the District of Columbia, to consist of nine Senators, to which shall be referred all bills making appropriations for the expenses of the government of the District of Columbia.

A Committee on Education and Labor, to consist of nine Senators.

A Committee on Engrossed Bills, to consist of three Senators, which shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate.

A Committee on Enrolled Bills, to consist of three Senators, which shall have power to act jointly with the same committee of the House of Representatives, and which, or some one of which, shall examine all bills or joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.

A Committee on Epidemic Diseases, to consist of seven Senators.

A Committee to Examine the Several Branches of the Civil Service, to consist of five Senators.

A Committee on Expenditures of Public Money, to consist of seven Senators, which shall consider such measures tending to economy in public expenditures as shall be referred to it, and conduct all investigations of the expenditure of public money which shall be ordered by the Senate, unless the Senate shall otherwise direct.

A Committee on Finance, to consist of eleven Senators.
A Committee on Fisheries, to consist of seven Senators, to which shall be referred all matters relating to fish and fisheries.
A Committee on Foreign Relations, to consist of nine Senators.
A Committee on the Improvement of the Mississippi River, to consist of seven Senators.
A Committee on Indian Affairs, to consist of nine Senators.
A Committee on the Judiciary, to consist of nine Senators.
A Committee on the Library, to consist of three Senators, which shall have power to act jointly with the same committee of the House of Representatives.
A Committee on Manufactures, to consist of seven Senators.
A Committee on Military Affairs, to consist of nine Senators.
A Committee on Mines and Mining, to consist of seven Senators.
A Committee on Naval Affairs, to consist of nine Senators.
A Committee on Patents, to consist of seven Senators.
A Committee on Pensions, to consist of nine Senators.
A Committee on Post-Offices and Post-Roads, to consist of nine Senators.
A Committee on Printing, to consist of three Senators, which shall have power to act jointly with the same committee of the House of Representatives.
A Committee on Private Land Claims, to consist of five Senators.
A Committee on Privileges and Elections, to consist of nine Senators.
A Committee on Public Buildings and Grounds, to consist of five Senators, which shall have power to act jointly with the same committee of the House of Representatives.
A Committee on Public Lands, to consist of nine Senators.
A Committee on Railroads, to consist of eleven Senators.
A Committee on the Revision of the Laws of the United States, to consist of five Senators.
A Committee on Revolutionary Claims, to consist of five Senators.
A Committee on Rules, to consist of five Senators.
A Committee on Territories, to consist of nine Senators.
A Committee on Transportation Routes to the Seaboard, to consist of seven Senators.
2. The Committees to Audit and Control the Contingent Expenses of the Senate, on Printing, and on the Library shall continue and have power to act until their successors are appointed.

Mr. MORRILL. I merely desire to say that I consider this amendment decidedly without any merits as a reform. Clearly the committees ought to stand with some reference to their importance or to the date when they were first established. Having stood in that relation for a long series of years, it seems to me much better that they should remain so than to be changed and brought up in a very miscellaneous manner, as they will be brought up by conforming to an alphabetical order. I hope, therefore, that the amendment proposed by the chairman of the Committee on Rules will not prevail. I should prefer to see the rules stand as they have heretofore stood.

Mr. HALE. I move to amend the substitute offered by my colleague by striking out, in the clause relating to the Committee on the District of Columbia, the words:

To which shall be referred all bills making appropriations for the expenses of the government of the District of Columbia.

There have been two votes taken upon that question with different results, the striking out being lost by a tie vote, and I desire another vote upon the question.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Maine [Mr. HALE] to the substitute proposed by his colleague [Mr. FRYE].

Mr. FRYE. I simply desire to say, in response to the Senator from Vermont [Mr. MORRILL], that while I, as the organ of the Senate, offered this amendment, I did not as chairman of the Committee on Rules offer it nor as a Senator myself offer it. I was instructed by the Senate, by unanimous consent, to prepare and offer the amendment.

Mr. MORRILL. Then I hope that we shall vote down the amendment proposed by the Senator on my right to change the order of the committees. I prefer the ancient order very much.

Mr. HOAR. I understand that the instruction which the Senator from Maine refers to was not an expression of the opinion of the Senate on the merits of the proposition, but merely a suggestion of a method of getting at it. The Senator from Wisconsin [Mr. CAMERON] made the suggestion to change the order of committees, and there was some difficulty raised as to the mode of doing it, whether it should be by a separate order outside of the rules or by an amendment. A suggestion was made that the best way would be to prepare an amendment, by having it referred, to arrange the order of the committees and submit that to the Senate; but it was not the intention (it was not mine when I made the suggestion) to express an opinion on the merits of the proposition.

Mr. FRYE. I simply desire to be understood as saying that I offered the amendment simply under instructions. I am not myself in favor of the amendment. I believe in the old rule rather than the new one that I have offered myself.

Mr. LAPHAM. I think the RECORD will show that the instruction to the chairman of the committee was to make this change himself, and that no further action of the Senate was contemplated. I am quite certain that it was so.

Mr. FRYE. No; I was instructed to have my clerk prepare it and I was to present it to the Senate.

Mr. LAPHAM. I did not so understand it at the time.

Mr. CAMERON, of Wisconsin. I made the suggestion the other day that in arranging the committees they should be arranged alphabetically, and not as they have stood heretofore. I stated at that time, and I am still of the same opinion, that the position of the committees as they now stand does not represent the absolute importance or the relative importance of the committees. To illustrate that, in the present arrangement the Committee on Finance stands before the Committee on Education and Labor. I think that we shall all admit that the Committee on Education and Labor is vastly the more important committee of the two. I do not think even the Senator from Vermont [Mr. MORRILL] would dispute that statement.

The object that I had more especially in view when I made the suggestion will appear when I state the fact that, as the committees now stand, if a Senator or any other person desires to ascertain who constitute a particular committee he must run over the whole list of committees before he can find the committee that he is in search of. If the committee-list as it now stands did represent the relative importance of the committees, then there would be some force in the objection which the Senator from Vermont makes, but no one will claim that they do as they now stand represent either the absolute or the relative importance of the committees. Then why should they be allowed to stand in the order in which they have stood heretofore? I supposed, until it came out in the discussion the other day, that I was mistaken, that they stood in the order in which they were organized, but it was stated then that the Committee on Appropriations is a committee of comparatively recent origin, and that the Committee on Privileges and Elections, which now stands at the head of the list, was established only a few years since.

The truth of the matter is that heretofore there has been no system in arranging the committees. For convenience I think they ought to be arranged alphabetically. If the Committee on Rules could determine the relative importance of the committees, then perhaps they might be arranged in view of their relative importance, but inasmuch as there would be a great variety of opinion about the relative importance of the various committees I think probably that they cannot be arranged in view of that. Therefore, I do not see any better rule to arrange them by than to arrange them alphabetically.

Mr. HARRIS. I regret somewhat the turn this matter has taken. I certainly understood, as did the Senator from Maine [Mr. FRYE] who offered this amendment understand, that a few days since by unanimous consent he was instructed to have the committees arranged alphabetically. We have gone over Rule XXVI, and have in the ordinary sense perfected it by the action of the Senate; and while the Senator from Maine immediately to my left [Mr. HALE] certainly has the technical right to move to amend the substitute offered, I think it is hardly in keeping with the unanimous-consent rule that was adopted a few days ago to the effect that the committees were simply to be arranged alphabetically after we should have perfected Rule XXVI.

I can see no possible influence that the position a committee may occupy in the list can have in adding to or detracting from the supposed importance of the various committees; but it certainly is a very great convenience to all of us who have occasion to refer to any given committee to have them alphabetically arranged, so that you may reach it in one-eighth of the time that it now requires me habitually to find any single committee on the list.

For that reason, and that reason only, I am in favor of the amendment proposed by the Senator from Maine on my right [Mr. FRYE], and I regret exceedingly that the Senator from Maine on my left [Mr. HALE] has undertaken to amend the substitute, because if his amendment is adopted (and I do not think it is consistent with the consent rule agreed upon two or three days ago), much as I am in favor of this shaping of the committees, I shall certainly vote against the adoption of the substitute proposed by the chairman of the Committee on Rules.

Mr. HALE. It seems to me the last thing the Senator from Tennessee can consistently say is that it is unfair to ask another vote of the Senate upon the proposition touching the Committee on the District of Columbia. The rule was voted upon in two places. In one place the Senate struck out the clause giving that committee the appropriations by two majority. In a thinner Senate, with absentees, the Senate refused. Therefore, so far as that question goes, there is at the present moment no decisive action of the Senate upon a most important subject-matter; and all that I seek is that there shall now be one vote which shall settle, if the Senate chooses, which shall be the best two in three.

Mr. HARRIS. My point was that the Senate had instructed the Senator from Maine [Mr. FRYE] simply to change the order of the committees in respect to the formation of this rule. The Senator from Maine [Mr. HALE] has had his day in court. The Senate has decided the question. It stands decided. If it was not decided contrary to the wish of the Senator I imagine he would not seek to offer an amendment, but would let the matter remain as it is.

Mr. HALE. The Senate has reconsidered the vote adopting the rule, and had not that motion been made by my colleague for one purpose, I should have made it for another, simply, as I have said, to get at the deliberate judgment of the Senate upon this important question. I shall take no time; I shall simply call for the yeas and nays; and the roll-call will determine on reflection what the Senate wishes as to that.

Mr. COCKRELL. I hope the amendment in regard to the arrangement of the committees will prevail. It would be a great convenience. Any Senator who has been on a subcommittee of the caucuses on either side of the Chamber for the purpose of arranging the membership of the various committees will recognize the convenience that such an arrange-

ment of the committees would afford. Now they are not arranged according to the date of their formation, nor according to their importance, as was clearly shown by my friend from Wisconsin. There is no regularity or system about their present arrangement. Arrange them alphabetically, and let all subsequent committees, if any shall be formed, be placed in the list according to their place in the alphabet. Then we shall have a system, we shall have an order; we shall have regularity.

The PRESIDENT *pro tempore*. The Chair will state to the Senate, in respect of the supposed unanimous understanding, that he finds in the RECORD of the proceedings of the 7th of January that the Senator from Wisconsin [Mr. CAMERON] made the motion or suggestion to have the committee-list arranged alphabetical. Passing over some desultory talk about it and coming down to the precise point, the RECORD reads:

The PRESIDING OFFICER. It is put in the nature of an order and does not come in the body of the rules.

That is, the alphabetical arrangement.

Mr. CAMERON, of Wisconsin. I do not care to have it in the rules.

Mr. HOAR. If the Senator wants to have it in the rules at all, the best way would be to have Rule XXVI rearranged by changing the order of the paragraphs. I suggest to the Senator that he have a clerk do that, and when that rule which has been reserved, by reason of the absence of the Senator from Iowa, to be considered at a future day comes up, then to have that change made, and then the list will appear in the rules in alphabetical order. Then the little document which is distributed will follow the order of the rule. The clerk of the Committee on Rules can make up that order, to be ready when the rule is taken up.

Mr. CAMERON, of Wisconsin. If the chairman of the Committee on Rules will heed the suggestion made by the Senator from Massachusetts——

Mr. FRYE. I will look into it.

The PRESIDING OFFICER. The proposed order, the Chair understands, is withdrawn.

Mr. FRYE. Withdrawn, and at the request of the Senator I will ask the clerk of the Committee on Rules to draft a rule having the committees in their regular alphabetical order, and offer it as a substitute when final action comes on the rules.

The PRESIDING OFFICER. Are there further amendments, &c.

So that the Chair does not understand from the RECORD that there was any unanimous agreement that this arrangement by alphabet should be made, but that it should be brought forward as the Senator from Maine has done at this time. The question now is on agreeing to the motion of the Senator from Maine on the left of the Chair [Mr. HALE], to amend the substitute by striking out the provision that appropriation bills in reference to the expenses of the government of the District of Columbia shall be referred to that committee. Is the Senate ready for the question?

Mr. SHERMAN. As the Senator from Maine desires a full vote on this proposition I think it is but fair to those Senators who are absent to give him that vote. Therefore I will move that the Senate adjourn. It is now 4 o'clock.

The PRESIDENT *pro tempore*. There is some executive business on the table.

Mr. SHERMAN. Then I will change the motion to a motion to go into executive session.

Mr. CAMERON, of Wisconsin. Before that motion is put I wish to make a report from the Committee on Claims.

The PRESIDENT *pro tempore*. Does the Senator from Ohio withdraw his motion for that purpose?

Mr. SHERMAN. Yes; I will yield for any formal business.

JAMES M. WILBUR.

Mr. CAMERON, of Wisconsin. I am instructed by the Committee on Claims to report back the bill (S. 411) for the relief of James M. Wilbur without recommendation. The committee has come to this agreement at the request of the claimant. He is of the opinion that he can obtain relief in the Treasury Department without application to Congress.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks leave, which will be granted if there be no objection, to report the bill indicated from the Committee on Claims, and he asks that the committee be discharged from its further consideration. Is there objection? Does the Senator from Wisconsin desire the bill to go on the Calendar, or to be indefinitely postponed?

Mr. LAPHAM. As I introduced the bill, I ask unanimous consent to withdraw it. The applicant has obtained a decision from the Solicitor of the Treasury which gives him all the relief he needs, but the Secretary of the Treasury is unwilling to act while the bill is pending here. If I may be permitted to withdraw it, if that is permissible under the rules, I should like to do so.

The PRESIDENT *pro tempore*. The Chair thinks that under the rules it is not permissible; but by unanimous consent the Chair thinks almost anything can be done.

Mr. LAPHAM. Then I ask unanimous consent to withdraw the bill.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the bill which has been reported from the Committee on Claims may be withdrawn from the files and records of the Senate. Is there objection?

Mr. HOAR. I shall object unless there is some advantage to the interest which the Senator is now guarding. The ordinary course would be to lay the bill on the table; and I suppose if the bill were laid on the table the papers might be withdrawn, and that would be a final disposition of the whole matter under our rules. It seems to me that it would inaugurate a new parliamentary method to withdraw an original document which has become a part of the legislative history of the country which might some time "return to plague the inventor." I suggest to the Senator from New York that the bill lie on the table.

Mr. LAPHAM. It would then be liable to be called up.

Mr. HOAR. Then let it be indefinitely postponed.

Mr. LAPHAM. I am not anxious as to the course to be pursued, only I want to relieve the Secretary of the Treasury, who while any question is pending here is unwilling to act.

Mr. HOAR. I suggest that the Senator have unanimous leave to withdraw all papers connected with the bill and that the bill itself be indefinitely postponed.

Mr. LAPHAM. The applicant does not need the papers which are here. He has papers in the Treasury Department which are satisfactory.

The PRESIDENT *pro tempore*. The Senator from Massachusetts objects to the withdrawal of the bill; and if there be no objection the bill will be laid on the table. Is there objection? The Chair hears none, and the bill is laid on the table.

UTAH TERRITORIAL GOVERNMENT.

Mr. CULLOM. I desire to give notice that to-morrow, after the morning hour, I shall ask to call up the bill (S. 404) to reorganize the legislative power of the Territory of Utah, for the purpose of making some remarks upon it, after which I shall move its reference to the appropriate committee.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. VEST, it was

Ordered, That the claimants in the case of Senate bill No. 749, entitled "A bill for the relief of persons to whom the governors of the Northwest and Indiana Territories confirmed lands, which lands were afterwards sold by the United States," be allowed to withdraw the papers filed by them in said case from the files of the Senate.

On motion of Mr. GORMAN, it was

Ordered, That the papers in the case of Joseph H. Maddox be taken from the files and referred to the Committee on Claims.

EXECUTIVE SESSION.

Mr. SHERMAN. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 10, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

CORRECTION OF THE JOURNAL.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. O'NEILL, of Missouri. I move that the further reading of the Journal be dispensed with.

The SPEAKER. That can only be done by unanimous consent, and, as the Chair understands, there is objection.

The Clerk proceeded with the reading of the Journal.

Mr. GIBSON. I move, Mr. Speaker, that the further reading of the Journal be dispensed with.

Mr. RANDALL. I object.

The reading of the Journal was then concluded.

The Journal as corrected was then approved.

ADDITIONAL MEMBER SWORN.

Mr. HATCH, of Missouri. Mr. Speaker, my colleague Mr. MARTIN L. CLARDY, who has been absent since the organization of the House on account of sickness, is now present, and I ask that he be sworn in as a member of the Forty-eighth Congress.

Mr. CLARDY appeared at the Speaker's desk, and was duly qualified by taking the oath prescribed by section 1757 of the Revised Statutes.

ALLEGED CUSTOMS FRAUDS.

Mr. BELMONT. Mr. Speaker, I ask unanimous consent to present the following preamble and resolution.

The Clerk read as follows:

Whereas the special supervising agent of the Treasury Department has declared that systematic frauds upon the customs revenue are perpetrated by invoice undervaluations of merchandise consigned to the United States for sale by the foreign manufacturers, and that certain consular officers of the United States are cognizant of such undervaluations and have repeatedly reported them to the Treasury and the State Departments: Therefore,

Resolved, That the President be requested to cause to be transmitted to this House copies of all such consular communications since January 1, 1883, either

to the State or Treasury Department, as made allusions to such frauds upon the customs revenue of the United States by foreign manufacturers; and to inform the House whether or not there is reason to believe that any consular officers have certified invoices to be true which such officers should have known, or did at the time of such certification know, were not true; and also to inform the House whether or not additional legislation is needed to compel foreign manufacturers to set forth and declare on the invoices of merchandise manufactured and consigned by them for sale in the United States the actual market value thereof, or the price at which such manufacturers would be willing to sell such merchandise in wholesale quantities; and furthermore to inform the House what additional legislation, if any, is needed, and is feasible, to enable the appraisers at the several ports to estimate and appraise the dutiable value of such merchandise at the time and place of shipment to the United States, and whether or not, in his opinion, it is for the advantage of the revenue that the invoice value of merchandise consigned to the United States by the manufacturer shall be at the time and place of "manufacture" (section 2854), but the dutiable value be estimated and appraised as at the time and place of shipment, as now required by law.

Mr. HISCOCK. I should like to have the preamble again read.

The SPEAKER. It will be read, subject to objection.

The preamble was again read.

Mr. HISCOCK. I suggest that the resolution had better go to a committee.

The SPEAKER. Is there objection to the introduction of the resolution?

Mr. RANDALL. Where does the gentleman from New York desire the resolution to go?

Mr. HISCOCK. To the Committee on Ways and Means.

The SPEAKER. Does the gentleman from New York consent to its reference?

Mr. BELMONT. Very well; let the resolution be referred to the Committee on Ways and Means.

The preamble and resolution were received, and referred to the Committee on Ways and Means.

ASSISTANT JOURNAL CLERK.

Mr. BLAND. I offer the following resolution for present action.

The Clerk read as follows:

Resolved, That the Clerk be, and he is hereby, authorized to employ an assistant to the Journal Clerk for the remainder of this Congress, the said clerk to be paid out of the contingent fund the per diem and compensation received by committee clerks.

Mr. HOLMAN. If that resolution is introduced for reference I do not object.

The SPEAKER. The gentleman from Missouri asks for its present consideration.

Mr. HOLMAN. I object, unless the resolution is referred to the Committee on Accounts.

The SPEAKER. Does the gentleman from Missouri consent to its reference?

Mr. BLAND. Very well; let it be referred.

The resolution was received, and referred to the Committee on Accounts.

ADDITIONAL CLERKS—COMMITTEE ON INVALID PENSIONS.

Mr. MATSON. I desire to offer a resolution for reference.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That there shall be appointed, as clerks of committees are appointed, two additional clerks for the Committee on Invalid Pensions; that there shall be paid to each of said additional clerks the same rate of compensation, out of the contingent fund of the House, as was paid to each additional clerk of said committee in the Forty-sixth and Forty-seventh Congresses.

Mr. RANDALL. Let that go to the committee.

The SPEAKER. It will go to the Committee on Accounts.

CLERK OF COMMITTEE ON RIVERS AND HARBORS.

Mr. WILLIS. I ask leave to offer a similar resolution for reference to the Committee on Accounts.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the clerkship of the Committee on Rivers and Harbors be, and the same is hereby, declared an annual clerkship, with compensation fixed at $2,000 per annum; and the Clerk of the House is hereby authorized and directed to pay the clerk of said committee, out of the contingent fund for the present session, compensation at the above rate.

The resolution was referred to the Committee on Accounts.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. O'NEILL, of Missouri. I ask leave to offer for present consideration the resolution which I send to the desk.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Be it resolved by the House of Representatives, That the Committee on Levees and Improvements of the Mississippi River are hereby authorized and instructed to investigate the present manner of improving the Mississippi River and its tributaries, to consider the proper methods of continuing said improvements, the amount necessary for the completion of said work, and the amount that should be expended annually, with the right to report by bill or otherwise.

Mr. HUNT. I object to the introduction of the resolution.

Mr. O'NEILL, of Missouri. I ask, then, that the resolution be referred.

Mr. HUNT. I have objected to the introduction of the resolution.

The SPEAKER. Objection being made, the resolution is not before the House for reference.

AMENDMENT OF THE RULES.

Mr. O'NEILL, of Missouri. I offer the following resolution, proposing an amendment to the rules, for reference to the Committee on Rules.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Amend Rule XI, section 21, so as to read:

To the improvement of the Mississippi River and its tributaries—to the Committee on Levees and Improvements of the Mississippi River. And the Committee on Levees and Improvements of the Mississippi River shall have the same privilege in reporting bills making appropriations for the improvement of the Mississippi River and its tributaries and its levees as is accorded to the Committee on Appropriations in reporting general appropriation bills.

Mr. HUNT. I object to the introduction of the resolution.

Mr. BROWNE, of Indiana. Is it introduced for reference?

The SPEAKER. For reference only.

Mr. HUNT. I object to the introduction of it.

The SPEAKER. If objection is made the resolution must lie over under the rules for one day.

Mr. TOWNSHEND. The introduction of the rule was objected to.

The SPEAKER. Under the rules of the House it will lie over for one day and then go to the Committee on Rules.

Mr. BROWNE, of Indiana. Was not the introduction of the resolution objected to?

The SPEAKER. Does the Chair understand the gentleman from Louisiana to object to the introduction of the resolution?

Mr. HUNT. Yes, sir.

The SPEAKER. That of course would exclude it entirely. It would have to come in in some other manner.

PAY OF A PAGE.

Mr. BROWN, of Pennsylvania. I ask consent for the immediate consideration of the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas Clarence W. De Knight having been regularly appointed and sworn in as a page to the House of Representatives December 3, 1883, and having performed the duties of and served in that capacity from said date to December 10, both days inclusive: Therefore,

Resolved, That the Clerk be, and he is hereby, authorized and directed to pay him out of the contingent fund of the House for the time he served at the rate of $2.50 per day.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. Let it go to the Committee on Accounts.

Mr. BROWN, of Pennsylvania. Very well, let it be referred.

The resolution was referred to the Committee on Accounts.

FRAUDS IN CUSTOMS REVENUE.

Mr. HEWITT, of New York. I ask consent to submit for immediate consideration the resolution which I send to the desk.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish this House with any information in his possession concerning the undervaluation, false classification, and other irregular practice in the importation of foreign goods, wares, and merchandise since January 1, 1882, and in his discretion prior thereto; and that he be requested to report whether any legislation is needed to prevent fraud on the revenue resulting from the causes above specified.

Mr. HISCOCK. I understand that this resolution is substantially the same as that introduced by my colleague [Mr. BELMONT]. I withdrew my objection to that and make no objection to this.

The SPEAKER. The resolution submitted by the gentleman from New York [Mr. BELMONT] has been already referred.

Mr. RANDALL. Let both, then, go together to the committee, or both be acted on together—the one submitted by Mr. BELMONT to come up for consideration first in its order.

Mr. TOWNSHEND. That has been already referred to the Committee on Ways and Means.

Mr. KEIFER. Let both go to the Committee on Ways and Means.

Mr. MILLS. I wish to state that the gentleman from Ohio [Mr. CONVERSE] obtained consent of the House some days ago for the adoption of a resolution calling on the Secretary of the Treasury for information in connection with the duties on wool. If this resolution should be adopted before the Secretary makes that report the information will be made more comprehensive, and will embrace all frauds arising out of undervaluation, &c.

Mr. RANDALL. I have read in print both the original report referred to in the resolution of the gentleman from New York [Mr. BELMONT] and the supplementary report, in which are embraced wools, silks, velvets, and everything else as to which information can be quickly transmitted. What is wanted by the gentleman from New York [Mr. HEWITT] is the recommendation of the Secretary of the Treasury how to prevent in the future these frauds by means of undervaluations, duplicate invoices, false classification, &c.

Mr. MILLS. We want something more general than was embraced in the resolution of the gentleman from Ohio. We want from the Secretary of the Treasury the specific facts as to all these undervaluations as far as he knows them.

Mr. RANDALL. They are already in print so far as I know, and I have read both the reports. I wish to expedite the matter, and that is why I made the suggestion that the original proposition of the gentleman from New York [Mr. BELMONT], which was a little more comprehensive than the other, should be acted upon at once.

Mr. HEWITT, of New York. I wish to say a word if the House will allow me one moment. My resolution is in no sense antagonistic to that offered by my colleague [Mr. BELMONT]. On the contrary, when I heard his resolution read I at first thought it might be best not to offer this. But the answer to this resolution, which is addressed to the Secretary of the Treasury and not to the President, is necessary in order that an intelligent consideration may be given to the resolution offered by my colleague. The gentleman from Ohio [Mr. CONVERSE] the other day obtained unanimous consent to offer a resolution, which the House adopted, calling for this information as to wools and wools only. The object of this resolution is to get this information as to other articles besides wools, that the committee may be able to make an intelligent report on the proposition offered by my colleague.

Mr. BELMONT. I think the reading of the resolution which I offered would show that the points of the resolution of my colleague [Mr. HEWITT] are also covered in my resolution; and if my colleague [Mr. HISCOCK] has withdrawn his objection——

The SPEAKER. Objection has not been withdrawn. Objection is made to the present consideration of the resolution with the view of having it referred to the Committee on Ways and Means.

Mr. RANDALL. Objection was made, and under that objection the gentleman offering the resolution asked that it might be referred.

The SPEAKER. The Chair has so stated.

Mr. RANDALL. As I understand, by consent that objection is now withdrawn, and by the same consent the gentleman from New York [Mr. BELMONT] could again have his proposition brought before the House.

The SPEAKER. The Chair understands the gentleman from New York in front of the Chair [Mr. HISCOCK] to withdraw his objection; but several other gentlemen objected to the immediate consideration of the resolution, and asked that it should go to the Committee on Ways and Means. If there be no further objection this resolution will take that course.

The resolution was referred to the Committee on Ways and Means.

AMENDMENTS TO THE CONSTITUTION.

Mr. BEACH, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the Speaker appoint a committee of thirteen members, to which shall be referred all bills or resolutions proposing amendments to the Constitution.

BUSINESS OF FEDERAL COURTS.

Mr. MCADOO, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on the Judiciary:

Resolved, That the Judiciary Committee report to this House, by bill or otherwise, such measures as in their opinion will decrease the number of cases originating in or on appeal in the Federal courts, looking to the decrease of business in said courts and the curtailing of the jurisdiction of the same.

TAX ON TOBACCO, ETC.

Mr. FIEDLER. I ask unanimous consent to offer for immediate consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to communicate to this House what amount of money is required to pay the rebate of taxes due to the dealers on unbroken packages of smoking and manufactured tobacco, cigars, &c., and when such information has been received the Committee on Appropriations be, and is hereby, instructed to provide by bill or otherwise an appropriation necessary to discharge the obligation of the United States Government.

Mr. WILLIS. If my friend will allow me to make a suggestion I will say to him that that information is already before the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RANDALL. Let it go to the Appropriations Committee.

The resolution was referred to the Committee on Appropriations.

CLERK OF COMMITTEE ON NAVAL AFFAIRS.

Mr. TALBOTT. I ask unanimous consent to offer, for reference to the Committee on Accounts, the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the clerkship of the Committee on Naval Affairs be, and the same is hereby, declared an annual clerkship, with compensation fixed at $1,800 per annum, and the Clerk of the House is hereby authorized and directed to pay the clerk of said committee, out of the contingent fund for the present session, at the above rate.

Mr. RANDALL. I object, unless the resolution is offered for reference.

The SPEAKER. The resolution is offered for reference to the Committee on Accounts.

Mr. RANDALL. The proposition being to make the clerkship an annual one, the resolution ought to go to some other committee than the Committee on Accounts. That part of it which requires legislation of the two Houses should go to the Committee on Appropriations, because such legislation would require to be inserted in an appropriation bill.

The SPEAKER. The resolution provides that the compensation of the clerk shall be paid out of the contingent fund of the House.

Mr. RANDALL. But it provides further that the clerkship shall be an annual one.

The SPEAKER. The Clerk will again report the resolution.

The resolution was again read.

Mr. RANDALL. The first part of the resolution changes the law.

Mr. TALBOTT. I will say to the gentleman that the clerk of the Committee on Naval Affairs in the Forty-seventh Congress was an annual clerk.

Mr. RANDALL. That was by law; and if this provision is again made it must be by legislation.

The SPEAKER. The Chair thinks the resolution had better be referred to the Committee on Appropriations.

Mr. TALBOTT. We do not care, so it is considered.

The resolution was accordingly referred to the Committee on Appropriations.

CASTLE ISLAND, IN BOSTON HARBOR.

Mr. MORSE, by unanimous consent, introduced a joint resolution (H. Res. 101) authorizing the President of the United States to permit the occupancy of Castle Island, in Boston Harbor, by the municipal authorities in Boston; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DONATING CONDEMNED CANNON.

Mr. BAYNE, by unanimous consent, introduced a bill (H. R. 3041) granting condemned cannon to Capt. Thomas Espy Post, No. 153, Grand Army of the Republic of Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDWARD SCHEUDEL.

Mr. BAYNE, by unanimous consent, also introduced a bill (H. R. 3042) granting a pension to Edward Scheudel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NORTH CAROLINA CHEROKEE INDIANS.

Mr. O'HARA, by unanimous consent, introduced a bill (H. R. 3043) to pay certain expenses of the Eastern Band of Cherokee Indians in North Carolina; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

THOMAS WORTHINGTON.

Mr. ROSECRANS, by unanimous consent, introduced a bill (H. R. 3044) for the relief of Thomas Worthington; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

I. M. HOGAN.

Mr. BUDD (by request) introduced, by unanimous consent, a bill (H. R. 3045) for the relief of I. M. Hogan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADJOURNMENT OVER.

Mr. RANDALL. I move that when the House adjourn to-day it be to meet on Monday next.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

Mr. PERKINS. I introduced a bill (H. R. 552) granting a pension to Lemuel J. Bennett, which was referred by mistake to the Committee on Invalid Pensions. It relates to the Mexican war, and should be referred to the Committee on Pensions. I ask consent that the reference be changed.

There was no objection, and it was ordered accordingly.

DEPARTMENT OF JUSTICE.

Mr. SPRINGER. I submit a privileged report, which I send to the Clerk's desk.

The Clerk read as follows:

The Committee on Expenditures in the Department of Justice, to whom was referred the following resolution, namely:

"*Resolved*, That the Attorney-General of the United States is hereby requested by the House of Representatives to furnish the House with an itemized account of all the expenditures in the Department of Justice in the prosecution of the so-called star route-cases"—

having had the same under consideration, have directed me to report a substitute therefor. The information called for by the said resolution has already been supplied to the Senate and directed to be printed by that body, hence the committee does not deem it necessary to require the same to be furnished to the House. But inasmuch as the committee is directed by the rules of the House to examine all the accounts and expenditures of the Department of Justice, the manner of keeping the same, the economy, justness, and correctness of such expenditures, the proper application of public moneys, the security of the Government against unjust and extravagant demands, retrenchment, the enforcement of the payment of moneys due to the United States, the economy and accountability of public officers, the abolishment of useless offices, the reduction

or increase of the pay of officers, therefore, to enable the committee to make the proper inquiry, to ascertain the facts and report them to the House, the adoption of the following resolution is recommended as a substitute for the resolution referred to the committee, namely:

"*Resolved*, That the Committee on Expenditures in the Department of Justice in making the investigations required by the rules of the House be authorized to send for persons and papers, and to employ a stenographer and also a messenger, to be paid out of the contingent fund of the House, but not exceeding the compensation of other employés of the House in like positions."

All of which is respectfully submitted.

Mr. SPRINGER. I move the previous question on adopting the report and agreeing to the substitute.

Mr. REED. Has the committee a right to submit a proposition of that kind as a substitute? Is that substitute in order? I make the point that it is not in order. A resolution was referred to the committee in regard to a specific matter, and the committee report that an answer is already made to the resolution and it is not necessary for the House to do anything in regard to it; therefore they propose as a substitute something entirely different.

Now, if the gentleman from Illinois [Mr. SPRINGER] thinks that he wants to investigate that Department, if he will come in in the regular way I will not have the slightest objection; but this looks to me like "climbing over the wall."

Mr. SPRINGER. Will the gentleman from Maine [Mr. REED] state what will be the regular way, if this is not?

Mr. REED. I should not venture to instruct the gentleman from Illinois.

Mr. SPRINGER. Then allow "the gentleman from Illinois" to instruct the gentleman from Maine.

Mr. REED. I can not do that, for I can not afford to be filled with misinformation. [Laughter.]

Mr. SPRINGER. Then the gentleman would have us understand that he has no room for correct information.

The SPEAKER. The gentleman from Maine [Mr. REED] makes the point of order that the substitute reported by the committee is not in order because it is not upon the same subject as the original resolution, and therefore not germane to the subject referred to that committee.

The resolution referred to the committee is one calling upon the Attorney-General for certain information. The resolution reported by the committee in the nature of a substitute is one authorizing the committee to send for persons and papers, administer oaths, make certain investigations, and employ a stenographer. The Chair thinks the substitute is not germane to the resolution referred to the committee.

Mr. REED. I think the gentleman from Illinois should endeavor to restrain himself within the rules of the House.

Mr. SPRINGER. Would it not have been in order to move this resolution in the House as a substitute for the original resolution?

The SPEAKER. The Chair thinks not, because the original resolution was simply one of inquiry, directed to the head of a Department, and under the rules of the House such a resolution must be reported back within one week. If it was permitted in reference to a resolution of that sort to report back something entirely different, the Chair thinks the purpose of the rule would be defeated.

Mr. SPRINGER. The object of the original resolution, as I understand, was to obtain certain information from the Department of Justice. The committee reports that the information is now accessible to it, but desires to obtain the papers referred to in this substitute—such papers as may be in any of the Departments of the Government. But, as the Chair has ruled that the proposed substitute is not in order as an amendment to this resolution, I ask unanimous consent to report the resolution, as instructed by the committee, and ask its present consideration.

The SPEAKER. What does the gentleman propose to do with his report—withdraw it?

Mr. SPRINGER. The report, of course, in so far as it reports back the resolution, is in order.

The SPEAKER. But the gentleman reports back the resolution with a substitute.

Mr. SPRINGER. I have no right to make any other report than that, so far as the committee is concerned.

The SPEAKER. Then the Chair determines that the substitute is not in order.

Mr. SPRINGER. I ask leave then to withdraw the report.

The SPEAKER. The question is on disposing of the report. Of course if there be no objection it can lie on the table.

Mr. SPRINGER. I ask leave to withdraw it.

There being no objection, the report was withdrawn.

Mr. REED. I think now we had better have the regular order, so as to give the gentleman from Illinois time from now until Monday next to think this matter over.

Mr. SPRINGER. I now ask to offer the resolution which has been read.

The SPEAKER. The gentleman from Illinois asks unanimous consent to introduce a resolution—for present consideration and reference?

Mr. SPRINGER. For consideration at this time.

The SPEAKER. The gentleman from Illinois asks consent for the present consideration of the resolution which has been read. The gentleman from Maine demands the regular order.

Mr. SPRINGER. I did not so understand.

Mr. REED. Oh, yes; I do not understand what the resolution is.

Mr. SPRINGER. Let it be read.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Justice, in making the investigations required by the rules of the House, be authorized to send for persons and papers, and to employ a stenographer and also a messenger, to be paid out of the contingent fund of the House, but not exceeding the compensation of other employés of the House in like positions.

The SPEAKER. Is there objection?

Mr. REED. I should think this ought to go to the Committee on Accounts, which is entitled to consider whether it is necessary to expend anything from the contingent fund for this purpose.

The SPEAKER. Is there objection?

Mr. REED. Oh, yes; I object. It may go to the Committee on Accounts.

Mr. SPRINGER. I do not desire it to go to the Committee on Accounts.

The SPEAKER. Objection is made.

Mr. REED. I call for the regular order.

The SPEAKER. The regular order being demanded, the first business in order is the call of committees for reports.

Mr. MOULTON. I ask unanimous consent to introduce at this time several bills, as I was unable to be here last Monday.

The SPEAKER. The Chair cannot entertain the request while the demand for the regular order is insisted upon.

Mr. REED. I withdraw the call for the regular order.

JACOB FOUKE.

Mr. MOULTON, by unanimous consent, introduced a bill (H. R. 3046) to increase the pension of Jacob Fouke; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HENRY D. CALDWELL.

Mr. MOULTON also, by unanimous consent, introduced a bill (H. R. 3047) for the increase of pension of Henry D. Caldwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN E. LEWIS.

Mr. MOULTON also, by unanimous consent, introduced a bill (H. R. 3048) granting a pension to John E. Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED H. LOWE.

Mr. MOULTON also, by unanimous consent, introduced a bill (H. R. 3049) for the relief of Alfred H. Lowe; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY STILGEBOWER AND OTHERS.

Mr. MOULTON also, by unanimous consent, introduced a bill (H. R. 3050) for the relief of Mary Stilgebower, and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF JOHN SEARS.

Mr. MOULTON also, by unanimous consent, introduced a bill (H. R. 3051) for the payment of the legal representatives of John Sears; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POLITICAL CONTRIBUTIONS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in reply to a resolution of the House, stating that he has no knowledge of the distribution of circulars in his Department asking contributions for political purposes in violation of law; which was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

WILLIAM E. BLUNT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, transmitting the claim of William E. Blunt, postmaster at Haverhill, Mass., in accordance with the act of Congress of March 17, 1882; which was referred to the Committee on Claims, and ordered to be printed.

PETACA GRANT, NO. 105.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a supplemental report of the surveyor-general of New Mexico on private land claim known as Petaca grant, No. 105; which was referred to the Committee on Private Land Claims, and ordered to be printed.

POLITICAL ASSESSMENTS.

The SPEAKER also, by unanimous consent, laid before the House

a letter from the Secretary of War, in reply to a resolution of the House of Representatives relative to the distribution of circulars asking contributions for political purposes in violation of law; which was referred to the Select Committee on Reform in the Civil Service.

CONTESTED-ELECTION CASES.

The SPEAKER also, by unanimous consent, laid before the House the following communication; which, together with the accompanying papers, was referred to the Committee on Elections:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 9, 1884.

SIR: I have the honor to transmit herewith a statement of papers on file in the office of the Clerk of the House of Representatives in relation to contested-election cases in the House of Representatives of the Forty-eighth Congress.

Very respectfully,

JOHN B. CLARK, JR., *Clerk.*

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

Testimony and papers in the following contested-election cases, to wit:
Alexander C. Botkin against Martin Maginnis, from the Territory of Montana.
George H. Craig against Charles M. Shelley, from the State of Alabama.
J. R. Chalmers against Van H. Manning, from the State of Mississippi.
James E. Campbell against H. L. Morey, from the State of Ohio.
William E. English against Stanton J. Peelle, from the State of Indiana.
Ben T. Frederick against James Wilson, from the State of Iowa.
George T. Garrison against Robert M. Mayo, from the State of Virginia.
John W. Jones against Charles M. Shelley, from the State of Alabama.
Papers relating to reports made by supervisors of the late general election in Colorado.
John E. Massey against John S. Wise, from the State of Virginia.
F. A. Manzanares against Tranquilino Luna, from the Territory of New Mexico.
James H. McLean against James O. Broadhead, from the State of Missouri.
Charles T. O'Ferrell against John Paul, from the State of Virginia.
Jonathan H. Wallace against William McKinley, from the State of Ohio.
S. N. Wood against S. R. Peters, from the State of Kansas.

LEAVE OF ABSENCE.

Mr. PEELLE, of Indiana, by unanimous consent, was granted leave of absence for one week, on account of important business.

CALL OF COMMITTEES.

The SPEAKER. The House will now proceed with the regular order, which is the call of committees for reports.

FORT WORTH NATIONAL BANK.

Mr. MILLER, of Texas, from the Committee on Banking and Currency, reported back with amendments a bill (H. R. 1574) to authorize the increase of the capital stock of the First National Bank of Fort Worth, Tex.; which was referred to the House Calendar, and ordered to be printed.

CHANGES OF REFERENCE.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back bills of the following titles; and the same were referred to the Committee on War Claims:

A bill (H. R. 50) to indemnify the State of California for balances paid and remaining due on account of indebtedness incurred in the Indian wars in said State, for the payment of which the State of California issued bonds in the year 1862; and

A bill (H. R. 51) to indemnify the State of California for balances paid and remaining due on account of indebtedness incurred in the Indian wars, for the payment of which said State issued bonds in 1851 and 1852, a part of which remain unpaid, owing to delays occasioned by War Department rulings under the act of Congress of August 5, 1854.

Mr. REAGAN, from the Committee on Commerce, reported back bills of the following titles; and same were referred to the Committee on Rivers and Harbors:

A bill (H. R. 101) to protect the commercial interests of California and to improve the navigation of its rivers and harbors;

A bill (H. R. 102) to protect the commercial interests of California and to improve the navigation of its rivers and harbors;

A bill (H. R. 144) for the relief of James Caler, of Stamford, Conn.;

A bill (H. R. 262) for the relief of Langdon, Richardson & Co.;

A bill (H. R. 823) for the better protection of life and property on Lake Michigan by the construction of a harbor of refuge;

A bill (H. R. 854) to improve and preserve the harbor of Greenville, Miss.;

A bill (H. R. 855) to preserve and improve the harbor at Vicksburg, in the State of Mississippi;

A bill (H. R. 1063) authorizing the construction of a harbor of refuge at the mouth of Big Sandy Creek, New York; and

A bill (H. R. 1460) making an appropriation for resuming work on the jetties in Charleston Harbor, South Carolina, to be available immediately.

F. G. SCHWATKA AND WIFE.

On motion of Mr. GEORGE, by unanimous consent, the bill (S. 264) for the relief of F. G. Schwatka and wife was taken from the Speaker's table, read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN C. CLARK.

Mr. PETERS, by unanimous consent, introduced a bill (H. R. 3052) for the relief of John C. Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRY FONES.

Mr. PETERS also, by unanimous consent, introduced a bill (H. R. 3053) for the relief of Harry Fones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. PETERS, by unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 563) for the relief of Elkanah Huddleston, and the same was referred to the Committee on War Claims.

IMMEDIATE APPROPRIATION FOR IMPROVEMENT MISSISSIPPI RIVER

Mr. KING, by unanimous consent, introduced a joint resolution (H. Res. 102) for the immediate appropriation of $1,000,000, in accordance with the urgent request of the Mississippi River Commission, for the preservation, repair, and construction of certain works for the improvement of said river; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

FREDERICK W. RUGGLES.

Mr. RAY, of New Hampshire, by unanimous consent, introduced a bill (H. R. 3054) for the relief of Frederick W. Ruggles; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRINTING FOR COMMITTEE ON WAYS AND MEANS.

Mr. MORRISON. I desire to offer for present consideration the resolution I send to the desk.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Committee on Ways and Means be authorized to have printed and bound such documents for the use of said committee as it may deem necessary in connection with subjects considered by the said committee during the present Congress.

Mr. MORRISON. That is the usual resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENCOURAGEMENT OF AMERICAN SHIP-BUILDING.

Mr. DINGLEY, by unanimous consent, introduced a bill (H. R. 3055) to encourage American ship-building for the foreign carrying trade; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

BUREAU OF NAVIGATION, TREASURY DEPARTMENT.

Mr. DINGLEY also, by unanimous consent, introduced a bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

ORDER OF BUSINESS.

Mr. COX, of New York. I move that the House do now adjourn.

The SPEAKER. The gentleman from Maine has sent to the desk for reference another bill.

Mr. COX, of New York. I have no objection to its reference pending the motion to adjourn.

AMENDMENT OF PILOT LAWS.

Mr. DINGLEY also, by unanimous consent, introduced a bill (H. R. 3057) relating to pilots and pilotage; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

INVESTIGATION OF EXPENDITURES IN DEPARTMENT OF JUSTICE.

Mr. SPRINGER. I ask consent to offer for immediate consideration the resolution which I send to the desk.

Mr. COX, of New York. I will yield for the reading of the resolution.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Justice in making the investigation required by the rules of the House be authorized to send for persons and papers.

Mr. REED. I make no objection to that. The other resolution to which I made objection involved an expenditure of the public money, and I thought it should be audited by the Committee on Accounts. To this resolution I make no objection.

The resolution was agreed to.

Mr. SPRINGER moved to reconsider the vote by which the resolu-

tion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE STENOGRAPHER AND MESSENGER.

Mr. SPRINGER, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Committee on Expenditures in the Department of Justice be authorized to employ a stenographer and also a messenger, to be paid out of the contingent fund of the House.

ASSISTANT CLERK, ELECTIONS COMMITTEE.

Mr. TURNER, of Georgia, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Elections be authorized to employ an assistant clerk during the present Congress at the same rate of compensation as has been heretofore allowed such assistant clerk.

INCORPORATION ACTS OF TERRITORIES.

Mr. BRENTS, by unanimous consent, introduced a bill (H. R. 3058) to amend section 1889, of chapter 1, title 23, of the Revised Statutes of the United States, relative to general incorporation acts of Territories; which was read a first and second time.

Mr. BRENTS. I desire that that bill shall be referred to the Committee on the Judiciary.

The SPEAKER. Under the rule all bills affecting Territories go to the Committee on Territories; but if the gentleman desires to move the reference of the bill to another committee the Chair will entertain such motion.

Mr. BRENTS. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to; and the bill was referred to the Committee on the Judiciary, and ordered to be printed.

ISSUE OF GOLD AND SILVER CERTIFICATES.

Mr. WOOD. I desire to submit a resolution requesting information of the Secretary of the Treasury concerning the issue of gold and silver certificates. I ask unanimous consent that the resolution be read and acted upon now.

Mr. RANDALL. Let the resolution be read.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to state to this House the amount of gold certificates issued by the Treasury Department between December 1, 1878, and December 1, 1881; and if none were issued between these dates, his reasons for non-issue are hereby requested; and that he also state the amount issued during the years 1882 and 1883, and his reasons for the limited issue thereof during these years; and that he further state to this House his reasons for discontinuing the issue of silver certificates since 1881, and his reasons for not issuing gold and silver certificates, as required to be done by law.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection, and the resolution was agreed to.

Mr. WOOD moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOURS OF LABOR.

Mr. LAMB, by unanimous consent, introduced a bill (H. R. 3059) to fix and regulate the hours of labor of laborers, workmen, and mechanics employed by the Government of the United States; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

BUREAU OF STATISTICS OF LABOR.

Mr. LAMB also, by unanimous consent, introduced a bill (H. R. 3060) to establish a bureau of statistics of labor; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

STAFF OFFICERS OF THE NAVY.

Mr. MORSE, by unanimous consent, introduced a bill (H. R. 3061) to equalize the rank and pay of certain staff officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. COX, of New York. I demand the regular order.

The SPEAKER. The regular order is the motion to adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 25 minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: The petition of Elizabeth Hensley and of Luke Lee, for compensation for property taken and used by the United States Army during the late war—severally to the Committee on War Claims.

By Mr. BARBOUR: The petition of Hon. Lewis McKenzie, for relief—to the Committee on Claims.

By Mr. J. M. CAMPBELL: The petition of the Grand Division of the Sons of Temperance of Pennsylvania, for a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CARLETON: The petition of the Good Templars of Michigan for a commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

By Mr. CLAY: The petition of citizens of the second Congressional district of Kentucky, for an appropriation for the improvement of Green and Barren Rivers, in the State of Kentucky—to the Committee on Rivers and Harbors.

By Mr. CRISP: Paper relating to the improvement of the Flint, Ocmulgee, and Oconee Rivers, in the State of Georgia—severally to the same committee.

By Mr. DIBRELL: The petition of O. M. Thurman, for relief—to the Committee on War Claims.

By Mr. EVERHART: The petition of citizens of Delaware County, Pennsylvania, for the abolition of the reservation system, by granting to all Indians not now under the Indian government of the Indian Territory lands in severalty, &c.—to the Committee on Indian Affairs.

By Mr. FINDLAY: Paper relating to the claim of John A. Dugan—to the Committee on Claims.

By Mr. GRAVES: Paper relating to the claim of Timothy McCormick—to the Committee on Indian Affairs.

Also, papers relating to the claim of Dr. Edward Dunscomb—to the Committee on Military Affairs.

By Mr. HILL: The petition of the Grand Temple of Honor of Ohio, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

Also, the petition of Humphrey and others, druggists of Napoleon and Defiance, Ohio, for a change in the revenue law regulating licenses—to the Committee on Ways and Means.

By Mr. HISCOCK: The petition of Bridget Dowd, to be restored to the pension-rolls—to the Committee on Invalid Pensions.

By Mr. JORDAN: The petition of A. W. Hicks, for pay as messenger—to the Committee on Claims.

Also, the petition of Justus M. Brown, United States Army, and of V. B. Hubbard and others, for restoration to original relative position in the Medical Department of the Army—severally to the Committee on Military Affairs.

By Mr. KETCHAM: The petition of Anna Hessen, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Theo. I. Samuels, for increase of pension—to the same committee.

By Mr. MAYBURY: Papers relating to the claim of John A. Whitall—to the Committee on Claims.

By Mr. MILLIKEN: The petition of L. F. Hinds and others, for equalization of bounties—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. MORSE: The petition of the directors of the Associated Charities of Boston, Mass., for a postal-savings depository—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY: The resolutions adopted by the Legislature of Illinois; memorial of commission appointed by a convention held in the city of Davenport, Iowa, May 25 and 26, 1881; of the Davenport (Iowa) Board of Trade; of Robert Krause and others, of the Hennepin Canal Central Committee; the resolutions and petition of the Chicago Board of Trade; of C. B. Bills and 48 others, of Cedar County, Iowa; paper of A. B. Miller, chairman of committee on canal transportation of the New York Board of Trade and Transportation; and 17 petitions of citizens of Illinois, for the construction of the Illinois and Michigan Canal—severally to the Committee on Railways and Canals.

Also, the petition of the Iowa State Medical Association, for the erection of a fire-proof building for the use of the Army medical library and museum—to the Committee on Public Buildings and Grounds.

Also, the petition of Lieut. Gilman L. Johnson, for a pension—to the Committee on Invalid Pensions.

By Mr. RANDALL: The petition of the National Division of the Sons of Temperance, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. J. H. ROGERS: Paper relating to the claim of Amos M. Adams—to the Committee on Claims.

Also, papers relating to the Fort Smith military reservation, Arkansas—to the Committee on the Public Lands.

Also, paper relating to the Arkansas swamp-land indemnity, and papers relating to the Arkansas Cherokee Indian reservation—severally to the same committee.

By Mr. STOCKSLAGER: Paper relating to the claim of William Martin—to the Committee on Claims.

By Mr. THOMPSON: Papers relating to the claim of the Somerset Baptist church, of Somerset, Ky.—to the Committee on War Claims.

By Mr. TUCKER: Papers relating to the claim of H. W. Vandergrift—to the Committee on the Judiciary.

By Mr. VANCE: The petition of J. K. Bryson and others, and of citizens of Haywood County, North Carolina, for the establishment of post-routes—severally to the Committee on the Post-Office and Post-Roads.

Also, the petition of the Medical Society of North Carolina, for the erection of a fire-proof building for the Surgeon-General's library—to the Committee on Public Buildings and Grounds.

By Mr. RICHARD WARNER: The petition of James W. Holman; of D. W. Holman, assignee of R. A. McDonald, and J. D. Tillman, administrator of estate of Henry Kelso, deceased; of D. W. W. Holman, executor of John Landess, deceased; of William C. Morgan, and of Jefferson King, administrator of the estate of Robert J. Small, deceased, for relief—severally to the Committee on War Claims.

By Mr. WASHBURN: The resolutions adopted by the Stock-Breeders' Association of Minnesota, for the protection of cattle and meat products, &c.—to the Committee on Agriculture.

Also, the joint resolution of the Legislature of Minnesota, asking Congress to grant permission to bridge the Mississippi River at Saint Paul—to the Committee on Commerce.

Also, the petition of citizens of Minnesota, for the improvement of the Mississippi River and its tributaries—to the Committee on Rivers and Harbors.

By Mr. WORTHINGTON: The petition of Edward V. Hughs, for relief—to the Committee on Invalid Pensions.

The following petitions, praying for an appropriation for the payment of the rebate of tax on unbroken packages of smoking and manufactured tobacco, cigars, &c., were presented, and severally referred to the Committee on Appropriations:

By Mr. CULLEN: Of citizens of Peru, Ill.

By Mr. DEUSTER: Of Dewey & Davis and others, of Milwaukee, Wis.

By Mr. HART: Of Gregg, Overman & Co. and other business firms of Hillsborough, Ohio.

By Mr. HITT: Of O. Barrett and 19 others, of Galena, and of Jacob Krohn and 23 others, of Freeport, Ill.

By Mr. JORDAN: Of dealers and jobbers in tobacco of Cincinnati, Ohio.

By Mr. MURPHY: Of citizens of Clinton and of Muscatine, Iowa.

By Mr. MORSE: Of citizens of Boston, Mass.

By Mr. O'HARA: Of merchants of Kinston, N. C.

By Mr. POST: Of citizens of Wayne County, Pennsylvania.

By Mr. VAN ALSTYNE: Of citizens of Albany, N. Y.

By Mr. WASHBURN: Of jobbers and dealers in tobacco of the city of Minneapolis, Minn.

By Mr. WOOD: Of citizens of Logansport, Ind.

By Mr. G. D. WISE: Of Spotts & Gibson and others.

SENATE.

FRIDAY, *January* 11, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. 448) to fix the times for holding the terms of the circuit and district courts of the United States in the northern district of Iowa was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

Mr. MITCHELL. I present a resolution adopted at a meeting of the Citizens' Suffrage Association of Philadelphia, Pa., requesting the protection of all United States citizens in their right to vote. I desire to state in this connection that the resolution was forwarded to me by Miss Susan B. Anthony with the request that I call special attention to the subject. I move that the resolution be referred to the Select Committee on Woman Suffrage.

The motion was agreed to.

Mr. INGALLS presented a petition of jobbers and dealers in manufactured tobacco, citizens of Atchison, Kans., praying for a tobacco-rebate appropriation; which was referred to the Committee on Appropriations.

He also presented a petition of citizens of Kansas who were soldiers in the late war, praying for additional relief by way of pension; which was referred to the Committee on Pensions.

Mr. LAPHAM presented the petition of John W. Cater, surviving partner of the firm of Aymar & Co., importers, of New York city, and the petition of the trustees of the estate of David Wood, of New York city, praying for the payment of their claims against the United States for a refund of customs duties; which were referred to the Committee on Claims.

Mr. BAYARD presented the petition of Mrs. Ellida J. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy, praying that she be granted a pension; which was referred to the Committee on Pensions.

Mr. SAWYER presented the petition of J. S. McDonald, N. Boordman, A. G. Ruggles, Mrs. M. H. Galloway, J. A. Treat, and W. C. Hamilton, citizens of Wisconsin, praying Congress to declare valid the acts of the United States land officers in making sales to them of lands lying within the limits of the ancient land grant in Upper Michigan, known as the Ontonagon and Brulé River grant; which was referred to the Committee on Public Lands.

Mr. CALL presented a petition of citizens of Florida living along the line of the Tropical Florida Railroad, praying that no indemnity of United States homesteadable lands be allowed that road for lands heretofore located and settled by individuals upon the alternate sections within the six-mile limits; which was referred to the Committee on Public Lands.

Mr. COKE presented a petition of citizens of Galveston, Tex., praying for a tobacco-rebate appropriation; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. 713) to remove the political disabilities of Samuel H. Lockett, of Alabama, reported it without amendment.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 538) for the relief of William H. Beck, assignee of A. Burwell, submitted an adverse report thereon.

Mr. COCKRELL. Let the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (H. R. 686) to fix the time for holding the district court in the district of Maine at Bangor, reported it without amendment.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 672) to amend section 4887 of the Revised Statutes in relation to patents, reported it without amendment.

ARMY REGISTER.

Mr. HAWLEY. The Committee on Printing instruct me to offer the following resolution, and to ask for its present consideration:

Resolved, That 1,000 copies of the latest Army Register be printed for the use of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. COCKRELL. I should like to ask the Senator from Connecticut if that is the usual number we have had.

Mr. HAWLEY. That is the usual edition. It is from the type which are now standing, and can be printed within our rules.

The resolution was agreed to.

NAVAL REGISTER.

Mr. HAWLEY. Similarly I am directed by the Committee on Printing to submit the following resolution concerning the Naval Register:

Resolved, That 1,000 copies of the latest Naval Register by printed for the use of the Senate.

The resolution was considered by unanimous consent, and agreed to.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. VAN WYCK. I am instructed by the Committee on the Improvement of the Mississippi River and Tributaries, to whom was referred the joint resolution (S. R. 34) for the immediate appropriation of $1,000,000, in accordance with the urgent request of the Mississippi River Commission, for the preservation, repair, and construction of certain works for the improvement of said river, to report it without amendment.

I need not say anything more than is known to every member of this body as to the importance and necessity of this appropriation urged so strongly by the Mississippi River Commission and also by a special message from the President of the United States. I would ask, if it be proper, that the joint resolution may have immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was read.

Mr. HOAR. Mr. President, that is a very large appropriation, and I should like to have the Senator reporting it explain what the purpose is and how the application of the money is limited. I am myself in favor of liberal appropriations for the improvement of the navigation of the Mississippi River. I believe some two thousand millions of tons annually are borne on the waters of the whole length of that river, and it is, of course, one of the most important interests of the country; but the Senate on full discussion two years ago provided that the moneys then appropriated should be limited to the improvement of the navigation of the river as distinguished from the safety of the land from overflow. I am not speaking now of my own individual opinion, but of what was adopted by Congress.

The President recommended a much more liberal and expensive policy. The President recommended by his special message an appropriation which he said in that message would probably reach $30,000,000, and a good many persons of pretty large experience and sound judg-

ment supposed that the scheme then recommended by the President would amount to at least $50,000,000 before it was fully carried out.

Congress carefully provided that no portion of the money expended by the commission should be applied to the system of levees, thereby saving to the country in comparison with the policy proposed by the President nearly or quite $30,000,000. I wish to know whether this resolve goes on the President's theory of expenditure or on that adopted by Congress.

Mr. VAN WYCK. I will say in response to the suggestion of the Senator from Massachusetts that, as I understand, the policy of the act to which he refers is to be continued beyond a doubt. This appropriation of $1,000,000 at this time is not only necessary upon the same principle upon which we made the appropriation to which the Senator refers, but on account of the additional fact that the work is now, from the exhaustion of the money before appropriated, in such a position that it is absolutely necessary to make a speedy and prompt appropriation for the purpose of saving what has already been done and protecting the works and machinery which are already in use there; and the danger of the wet season coming on immediately, leaving it in this unfinished condition, would have a tendency to do more injury really than the amount of $1,000,000 which it is proposed to appropriate. I suppose there can be no question as to that. If the Senator has any doubt upon that point he can suggest an amendment to the effect that the money shall be used in the manner heretofore limited.

Mr. COCKRELL. I wish simply to suggest to the Senator from Massachusetts that the joint resolution itself without the preamble be read, and I think he will then see that the appropriation itself does not extend the provisions of the law. Let the joint resolution itself be read without the preamble.

Mr. HOAR. I am myself in favor of a very liberal appropriation for the Mississippi River. I think it is a matter of national concern, as the Senator well knows.

Mr. COCKRELL. I understand that.

Mr. HOAR. But I think it important that we should understand, and that the country should understand, upon which theory we are proceeding, whether upon the theory urged upon us by the special message sent in by the President, which would add $50,000,000 certainly (as the President himself thought $30,000,000) to the expenditure proposed two years ago, or on the more economical theory of the act actually passed year before last.

Mr. COCKRELL. That is the reason why I ask for the reading of the joint resolution. Let the joint resolution be read as it is, without the preamble. There is a preamble as long as my arm. I ask that the joint resolution be read.

The PRESIDENT *pro tempore*. The Secretary will report the joint resolution.

The Chief Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That the sum of $1,000,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Mississippi River, which said sum shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission created by an act entitled "An act to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes, near its mouth, to its headwaters," approved June 28, 1879.

Mr. COCKRELL. I desired that the joint resolution should be read simply to show to the Senator from Massachusetts that this does not change the existing law at all. The commission have reported a plan and system of improvements at certain reaches in the river, and now this is simply to carry it on under the existing law without enlarging it in any shape, manner, or form.

Mr. GARLAND. I ask the attention of the Senator from Massachusetts for a moment. The very praiseworthy recommendation of the President to which he alluded was not adopted by the Congress. For one I advocated it, and I hope that before this session adjourns we shall work up to it. But the appropriation of $5,000,000 for this river specifically was made and limited under the act of the 28th of June, 1879. The commission now come forward and report that without this additional appropriation they must stop the work that has begun and must lose that. They ask for an additional appropriation of $1,000,000 to complete that work for which we have appropriated already. We did not take the liberal proposition of the President, but we restricted it, as the Senator from Missouri remembers, under the act of June 28, 1879, and this appropriation is to be restricted in the same way. We hope after a while to come up to the high standard erected by the President in this matter; but for the time being, in order to complete the work that is being done, we ask for this appropriation; and it has received the indorsement already of two committees at this session.

Mr. DAWES. Would it be in order to amend the joint resolution and make it a bill? It seems to me that it is very much better that any such provision as that should be in the form of a bill.

Mr. COCKRELL. I suggest that when we adopt the enacting part of it, then we shall strike out the resolving clause and the preamble and make it a bill.

Mr. DAWES. I think the method of appropriating money by joint resolution is not a good one.

Mr. COCKRELL. Let the joint resolution be passed, and then we can strike out the preamble and put a title to it as a bill.

Mr. DAWES. Very well.

Mr. PLUMB. I should like to make an inquiry of some one who is familiar with the subject. Perhaps the Senator from Arkansas [Mr. GARLAND] will be able to answer. I wish to know how much money it is proposed to appropriate for this purpose during the current year of which this is to be a part, and how much it will take to carry out the present plan under which the river is being improved?

Mr. JONAS. In answer to the inquiry of the Senator from Kansas I will say that the report of the Mississippi River Commission, to whom by law has been intrusted the prosecution of this work and whose plans have been approved by Congress, is before the Senate. The commission have asked this year for an appropriation of about $3,500,000, provided that the work to be carried on shall be limited to the two reaches on which they have been engaged for the past two years. If the New Madrid reach is to be included, then they ask for an additional appropriation of $1,000,000. Out of this amount of $3,500,000 they ask for $1,000,000 now for an emergency. Congress, at its last session, as the Senator will remember, failed to pass any appropriation for the Mississippi River, and the appropriation made at the former session has been exhausted. A large amount of labor is still employed, a great deal of work is still incomplete, which is threatened with injury by the winter and spring floods, and a large and valuable plant which has been collected along the river belonging to the Government and in use by the Mississippi River Commission is exposed to danger and destruction.

Of course this appropriation, if made, will be subject to all the restrictions which have been put upon the use of the money appropriated by Congress hitherto for the improvement of the Mississippi, and will be deducted from any appropriation which may be made by the present Congress for the prosecution of the work.

Mr. PLUMB. I call for the reading of the joint resolution.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Chief Clerk will again report the joint resolution.

Mr. COCKRELL. Let only the enacting part be read. The preamble need not be again read.

Mr. PLUMB. Omit the preamble.

The Chief Clerk again read the joint resolution.

Mr. PLUMB. I did not make the inquiry which I made a moment ago for the purpose of interposing any objection to this appropriation or of saying anything in the nature of criticism upon the work which is to be carried on; but following the suggestion of the Senator from Louisiana I ask him if it would not be better that there should be a direct reference to the law under which the Mississippi River Commission is operating?

Mr. GARLAND. There is.

Mr. PLUMB. My recollection is that the money is to be expended according to the report of the commission and under the direction of the Secretary of War.

Mr. GARLAND. According to the act of the 28th of June, 1879.

Mr. PLUMB. I overlooked that.

Mr. GARLAND. That is in the joint resolution.

Mr. PLUMB. I wish to make a remark by way of suggestion, because we have had a little controversy here about the question whether levees were to be built or not; and about that the Senate divided. I believe, and I think everybody else does, that this appropriation, and all such appropriations, will practically result in building levees. I am not going to say that they are not necessary for the purpose of carrying out this plan, but I wish to suggest that if we build levees they can only be kept up in one way, and that is by traversing them by railroads. It is capable of demonstration that a railroad can be built, with very little added cost, along the bank of the river where levees are constructed for the purpose of keeping the channel within bounds. It will be not only an economical provision, but the only practical method of keeping the levees in repair against the contingencies which that immense body of water, swollen as it is at times, is bound to constantly present.

I believe that we shall finally be constrained, not only by reason of a judicious expenditure of the public money but as an aid to the only effective way of improving the Mississippi River, to build a railroad along each bank for the purpose of protecting it, and as a matter of course incidentally and also very significantly adding to the transportation facilities of the Mississippi Valley.

Mr. PLATT. I understand that the joint resolution was reported favorably this morning by the Committee on the Improvement of the Mississippi River and Tributaries.

The PRESIDING OFFICER. So the Chair is advised.

Mr. PLATT. And one objection carries it over.

Mr. COCKRELL. Not now. Unanimous consent has been given to its present consideration.

The PRESIDING OFFICER. The Chair understands that objections were called for, and as none were made the joint resolution is now before the Senate by unanimous consent, and one objection will not carry it over.

Mr. PLATT. All I desire to say is that, if the joint resolution is

to be pressed for consideration this morning, I propose to content myself with voting against it. I do not think that we ought, even in as important a matter as the improvement of the Mississippi River, to pass a bill which appropriates $1,000,000, which does not lie upon our desks, and which we have no opportunity of examining except as it is read at the Secretary's desk.

Without any reference to whether the appropriation is proper or not, but solely with reference to the fact that I deem it to be an indiscreet and dangerous way of appropriating money, I desire to have it understood that my vote will be in opposition to the joint resolution.

Mr. PLUMB. I have read now, since my remarks, a moment ago, the joint resolution. It does not convey the construction or limitation which I supposed. The reference here to the act is simply for the purpose of describing the commission. It simply speaks of a certain commission that was created by a certain act, and the appropriation is not limited in any way except by the recommendations which that commission have made.

As I said, the matter of the construction of levees has been made the subject of discussion and of division in the Senate, and I think it is hardly fair now to appropriate money which may be used outside of the limitations heretofore created by statute. I therefore suggest to the Senator from Arkansas that he should so amend the joint resolution as that the money shall be appropriated according to the directions contained in the last appropriation act, whether it be the river and harbor act or some other.

Mr. JONAS. "Subject to the provisions of the last appropriation made in the river and harbor act."

Mr. PLUMB. That will answer.

Mr. JONAS. The Senate divided on that.

Mr. PLUMB. I move to amend by stating: "And subject to the provisions and limitations of the appropriation for the improvement of the Mississippi River contained in the river and harbor act of August, 1882."

The PRESIDING OFFICER. The Senator had better prepare his amendment in writing and send it to the Secretary's desk.

Mr. PLUMB. It is suggested that inasmuch as this is a matter of some importance the joint resolution should lie over for the time being in order that it may be put into such shape as to encounter no opposition.

Mr. VAN WYCK. It can gather none now. The point has been conceded. An amendment has been suggested and accepted that will remove all objection to the proposition.

Mr. MILLER, of New York. I have the amendment here which is desired, I suppose.

Mr. VAN WYCK. There is no objection to the amendment at all.

Mr. MILLER, of New York. The provision in the last river and harbor act in relation to the expenditures for the improvement of the Mississippi River reads as follows:

Provided, further, That the money hereby appropriated shall be used solely for the improvement of the navigation of the Mississippi River and its tributaries, and no part thereof shall be expended with the view to the improvement of private property.

Mr. HAWLEY. Put that on.

Mr. VAN WYCK. Insert the same proviso as an amendment to the joint resolution, to come in at the end.

Mr. PLUMB. I will withdraw the amendment I offered for the purpose of permitting the Senator from New York to offer his.

Mr. MILLER, of New York. I move as an amendment the proviso which I have read. I would strike out the words "and its tributaries," as this appropriation applies only to the Mississippi, as I understand it.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. PLATT. Let it be reported by the Secretary.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from New York.

The amendment was read.

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from New York? The Chair hears none, and it is agreed to.

Mr. CONGER. I ask that the joint resolution be reported as amended.

The joint resolution was read as amended.

The PRESIDING OFFICER. The Chair will suggest that if the frame is to be so changed as to make this a bill instead of a joint resolution, the amendment had better be made now.

Mr. COCKRELL. I move, then, to strike out the enacting clause of the joint resolution and the preamble and to insert:

A bill for the improvement of the Mississippi River.

Mr. HAWLEY. It should read: "A bill making an appropriation for the improvement of the Mississippi River."

Mr. COCKRELL. There is no necessity for that. It is a bill for the improvement of the Mississippi River, and it shows in itself what it is for.

Mr. HAWLEY. I think it is usual to put in the word "appropriation" in the title.

Mr. DAWES. I suggest further that it should read: "A bill making an appropriation for continuing the improvement of the Mississippi River."

Mr. HAWLEY. That is better still.

The PRESIDING OFFICER. These suggestions are not made in the nature of a motion to amend.

Mr. HAWLEY. I move to amend the title so as to read: "A bill making an appropriation for continuing the improvement of the Mississippi River."

The amendment was agreed to.

The joint resolution as amended was changed to "A bill (S. 1038) making an appropriation for continuing the improvement of the Mississippi River."

The PRESIDING OFFICER. The bill will be regarded as having been read twice and being now before the Senate as in Committee of the Whole.

Mr. CONGER. Before the final vote on the bill I desire to enter a protest against the bill being reported and passed as a report from the Committee on the Improvement of the Mississippi River and Tributaries. The appropriations upon this subject have been reported heretofore from the Committee on Commerce; the last appropriation and all the appropriations. In the absence of the members of that committee, or without attention to it, when the joint resolution had been referred to the Committee on Commerce and a report made by the committee for this purpose, it was found that in some manner the reference had been changed, probably by a suggestion without attention being called to it. By the determination of the Senate these appropriations go to the Committee on Commerce and are reported in the river and harbor bill, as determined in the Senate heretofore. Whatever appropriation is made now is a preliminary appropriation only to carry on work until the river and harbor bill shall be completed.

While I shall not oppose the passage of the bill now and shall vote for it, I desire to say that it should have been reported by the committee making the general report for this improvement. When the Committee on Commerce made their report for the improvement of this river they should, and will undoubtedly, take into consideration this preliminary appropriation as a part of the general appropriation for the Mississippi River for this year, and it should have been reported by that committee, so as to be a part of their general report for the year.

I make these remarks that it may not hereafter be assumed that without objection this appropriation has come from another committee, and that it may not be claimed that it is independent of the general appropriations to be reported in the river and harbor bill. This is not to be taken as a precedent for any future legislation on this subject.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HALE. I offer an order——

The PRESIDING OFFICER. That order has not been reached yet. The introduction of bills and joint resolutions is now in order.

Mr. EDMUNDS. I ask leave to introduce, without previous notice, a bill, the title of which I ask to have read.

By unanimous consent obtained, leave was granted to introduce a bill (S. 1039) for the relief of the survivors of the exploring steamer Jeannette and the widows and children of those who perished in the retreat from the wreck of that vessel in the Arctic seas; which was read twice by its title.

Mr. EDMUNDS. Before the reference of the bill to the Committee on Naval Affairs, where I presume it will go—for although it provides payments, yet it is particular, special payments, and is therefore not any otherwise an appropriation than a pension bill is—I wish to say that I hope the Committee on Naval Affairs will favorably consider the bill. It may be that the sums are not precisely such as the committee would think wise, but in respect of affording relief to the survivors of the Jeannette expedition and the widows of those who are lost I hope the bill will receive favorable consideration.

I was opposed to the sending forth of that expedition, and I think I prophesied, because every man thinks he is a prophet himself, that we should be obliged to send another expedition to recover that lost one, and it turned out to be so. I have been of opinion for a long time that the advantages to be gained for science (and that is all there is to it, because practically navigation in those waters is out of the question) were altogether incommensurate with the loss of life and exposure of the brave men who were induced or who were willing to undertake such expeditions; but as it was undertaken under the auspices of the Government of the United States, I think we ought to make every reparation and provision reasonably in our power for the people who imperiled their lives and the representatives of those who lost their lives in that expedition.

In connection with the bill I ask leave to send to the Committee on Naval Affairs a letter from the honorable Secretary of the Navy addressed to me upon the subject.

The PRESIDING OFFICER. The bill and accompanying paper will be referred to the Committee on Naval Affairs.

Mr. HALE. Should not the letter be printed?

The PRESIDING OFFICER. If there be no objection the letter will be printed. The Chair hears none.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. 1040) to provide for the construction of a public

building at New Albany, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1041) for the relief of the heir of Constantino Brumidi; which was read twice by its title, and referred to the Committee on the Library.

Mr. COKE asked and, by unanimous consent, obtained leave to introduce a bill (S. 1042) for the relief of the legal representatives of the late Capt. John G. Tod, of Texas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. GEORGE (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1043) to quiet certain land titles in the State of Mississippi; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. CALL (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1044) to establish a university of medicine at the capital of the United States, in the District of Columbia, for the advancement of science and the discovery of improved methods of treatment and cure of disease; which was read twice by its title, and referred to the Committee on Education and Labor.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1045) providing for the establishment of a system of postal savings-banks in the United States; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMDEN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1046) increasing pension of Martha P. Stribling; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. 1047) for the relief of Wesley Montgomery; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SAWYER asked and, by unanimous consent, obtained leave to introduce a bill (S. 1048) appropriating a certain sum of money therein named to William S. Stanley, jr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SLATER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1049) for the relief of Henry H. Woodward, of Oregon; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HALE, it was

Ordered, That the papers in the case of Daniel Mershon, jr., be taken from the files and referred to the Committee on Naval Affairs.

On motion of Mr. GARLAND, it was

Ordered, That the petition and papers of M. C. Frambes and others, owners of the schooner T. P. Learned, be taken from the files and referred to the Committee on Claims, no report having been made.

On motion of Mr. JACKSON, it was

Ordered, That Rear-Admiral Samuel P. Carter be permitted to withdraw the papers in his case from the Senate.

On motion of Mr. ANTHONY, it was

Ordered, That the papers relating to the case of Robert Sheridan be taken from the files and referred to the Committee on Pensions.

FLORIDA RAILROAD LAND GRANT.

Mr. CALL. I offer the following resolution and ask for its present consideration:

Resolved, That the Secretary of the Interior be instructed to send to the Senate copies of all letters, statements, and other papers in the possession of the Interior Department relating to the grant of lands made by the United States to the Florida Railroad, or to the State of Florida for the Florida Railroad, or relating to the reservation of any of said lands for the benefit of the assignees of said road, including the railroad from Waldo to Tampa, Fla.

The resolution was considered by unanimous consent, and agreed to.

MEAT EXPORTATIONS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the Calendar of resolutions offered on previous days is in order. The Chair sees by reference to the printed Calendar that the only resolution on the Calendar are those which were passed over yesterday with one exception. The Chair understands that the Senator from Rhode Island [Mr. ANTHONY] desires to call up the resolution offered by him on a previous day.

Mr. ANTHONY. Yes, sir.

The PRESIDENT *pro tempore*. The Chair, if there be no objection, will lay before the Senate the resolution submitted by the Senator from Rhode Island on the 9th of January; which will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of such legislation as shall enable the Executive to protect our interests against those governments which have prohibited or restrained the importation of healthful meats from the United States.

Mr. VAN WYCK. I propose to amend by adding:

Except such governments whose manufactured goods or products were previously restrained or prohibited from free access to our ports.

The purport of the amendment is to recognize the same spirit or doctrine of retaliation which is proposed by the resolution of the Senator from Rhode Island. The resolution proposes legislation with the view of striking at governments which prohibit or restrict the introduction of healthful meats from this country. That proposition on the face of it is correct, except that if we insist upon that principle for ourselves we must recognize it in other nations. If we restrict or prohibit the introduction here of the productions of other nations, then it becomes their privilege as well as their right, if the doctrine of this resolution is correct, as I believe it to be, to strike at us and restrict or prohibit the importation into their ports of the productions of this country, even though they may be healthful meats.

This is a matter which affects the producers of the soil throughout all this country. Although it has been represented that the great majority of the productions of this country are used here, yet their price is fixed in foreign countries. England, France, and Germany establish the price of our wheat, of our flour, of our pork, and our beef; and when France states in the spirit of retaliation that there is trichinæ somewhere in American pork it is convenient for them to embarrass the importation of that product into their ports, and so when Germany does the same thing. It is said they retaliate on us in this way because we exclude their products from free access to our ports, and in fact the price of our grain and our meat, not only in the French, German, and English market but in our own market at home, on the seaboard, on the banks of the Mississippi and Missouri Rivers, is regulated by them.

Without proposing to enter into a discussion of the question of the tariff, about which so much has been said in the discussion of the rules, I offer the amendment merely to recognize the right of other governments to do what we are asserting the power to do. Now in the House and in the Senate resolutions of this kind seem to be offered as a sort of peace-offering——

The PRESIDENT *pro tempore*. The morning hour has expired, and it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday.

Mr. LOGAN. Before that is done I desire to offer an amendment to the resolution of the Senator from Rhode Island, to strike out the works "the expediency of" in the second line and insert in lieu thereof the words "and report to the Senate," so that the resolution will read:

Resolved, That the Committee on Foreign Relations be instructed to inquire into and report to the Senate such legislation as shall enable the Executive to protect our interests against those governments which have prohibited or restrained the importation of healthful meats from the United States.

I ask that the amendment be printed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment will be received and printed and lie on the table.

Mr. CULLOM. Mr. President——

The PRESIDENT *pro tempore*. The unfinished business of yesterday will be first stated before the Chair recognizes the Senator from Illinois. The unfinished business is the report of the Committee on Rules, revising and rearranging the rules of the Senate.

Mr. CULLOM. Mr. President——

Mr. FRYE. I desire before the Senator from Illinois proceeds with his speech to give notice to the Senate that it is my purpose to-day, if possible, to conclude this matter of the rules after the speech of the Senator from Illinois.

Mr. CULLOM. Mr. President, I ask the indulgence of the Senate for a brief time.

Mr. BROWN. I do not wish to be concluded by the notice given by the Senator from Maine. I shall ask the Senate at the conclusion of the remarks of the Senator from Illinois to permit me to occupy the floor for a time on the same subject which he proposes to discuss.

UTAH TERRITORIAL GOVERNMENT.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Illinois [Mr. CULLOM] desires to have considered at this time, for the purpose of submitting remarks, the bill (S. 404) to reorganize the legislative power of the Territory of Utah.

Mr. CULLOM. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent to take up for consideration at this time the bill the title of which the Chair has stated. Is there objection? The Chair hears none, and that bill is before the Senate as in Committee of the Whole.

Mr. CULLOM. Mr. President, I ask the indulgence of the honorable Senate for a brief time, while I submit some remarks on a subject involving a problem in American politics perhaps as difficult to solve as any we shall have to contend with in the near future.

A careful examination of the history of the Mormon Church, or hierarchy, from its organization down to the present day, ought I think to convince every Senator that it is our bounden duty as representatives of the people, and as in part responsible for the perpetuity of our Christian civilization, to take such legislative action as will result in the certain and speedy subjection of the Latter-Day Saints, as they are called, to the laws of the nation.

A rapid review of the history of Mormonism is necessary to a good understanding of the dangers that threaten the country by reason of

the lawless spirit and treasonable designs of that organization. In 1820, Joseph Smith, jr., an ignorant youth, thriftless, trifling, and a debauchee, according to history, who lived near Palmyra, N. Y., professed to possess the power of divination, and for many years made use of this pretended power to deceive the ignorant and superstitious, and thereby secure a living.

When he had succeeded in obtaining something of a following by these deceptions, Smith pretended, in 1827, that he had discovered hidden in the earth a "Golden Bible," or the "Book of Mormon," so sacred that certain death would ensue to any who saw it except the prophet himself. It was soon found desirable to modify this declaration, and Smith had a revelation authorizing witnesses.

Ever since that day it has been the practice of this remarkably elastic church organization to make equally radical changes in its doctrines or teachings whenever it became expedient or necessary. "The end justifies the means" has always been its guiding principle.

After the publication of the Book of Mormon, in 1830, a colony of Mormons was established at Kirtland, Ohio, and a systematic organization of the Mormon hierarchy was effected. Smith proclaimed that their possessions at Kirtland were the gift of God and to be the inheritance of the Mormon people forever, but the speedy failure of this prophecy did not shake the confidence of his fanatical followers in the self-styled prophet.

In a little while a conflict began between the citizens around Kirtland and the Mormons, and the prophet found it necessary to move. So he had another revelation, and this time he proclaimed that Independence, Mo., was the land of promise and the place for the city of Zion. Smith and his followers went to Missouri, and history shows a constant warfare with the residents of the locality and with the authorities of the State, which culminated in their expulsion by the power of the State. In 1838 General Clark, who commanded the Missouri militia, sent to Governor Boggs a dispatch in which he arraigned the Mormons as follows:

> There is no crime from treason down to petit larceny but these people, or a majority of them, have been guilty of, all, too, under the counsel of Joseph Smith, jr., the prophet. They have committed treason, murder, arson, burglary, robbery, larceny, and perjury. They have societies formed under the most binding covenants in form and the most horrid oaths to circumvent the laws and put them at defiance, and to plunder and burn and murder and divide the spoils for the use of the Church.

Subsequently Governor Boggs, in a special message to the Missouri Legislature in 1840, referring to the Mormons, used this language:

> These people had violated the laws of the land by open force and avowed resistance to them. They had undertaken, without the aid of the civil authority, to redress their real or fancied grievances. They had instituted among themselves a government of their own, independent of and in opposition to the government of this State. They had at an inclement season of the year driven the inhabitants of an entire county from their homes, ravaged their crops, and destroyed their dwellings. Under these circumstances it became the imperative duty of the executive to interfere and exercise the powers with which he was invested to protect the lives and property of our citizens, to restore order and tranquillity to the country and maintain the supremacy of the laws.

Leaving Missouri under another convenient divine inspiration from Smith, the prophet, these people crossed the river into Illinois, and pitched their tents at Nauvoo. Public sympathy was enlisted in their behalf because of their supposed persecution, and they were welcomed by the people. Missionaries and preachers were again sent out, and in the spring of 1841 Brigham Young shipped from Liverpool over seven hundred proselytes whom he had gathered up in Europe. Nauvoo grew with great rapidity, and Smith proclaimed another revelation to the effect that a great temple should be built there.

In 1843 the first authoritative pronunciamento in favor of polygamy was issued by Smith as a revelation. The Mormon Church flourished. Smith set up at Nauvoo an independent government, hostile to the state, assuming unprecedented powers, and the Nauvoo Legion was increased 4,000 men. Within the city of Nauvoo Joseph Smith was an absolute despot. He was not only the spiritual and temporal head of the Church, but was also mayor of the city, judge of the mayor's court, presiding officer of the council, and commander of the Nauvoo Legion, with a higher rank than was given at that time to any officer in the United States Army.

The municipal court assumed jurisdiction in all cases of arrests made in the city by any process whatsoever, and I believe once or twice released Joe Smith when he had been arrested as a fugitive from justice under warrants issued by the governor of Illinois upon requisition from the governor of Missouri. Not satisfied with even this unwarranted assumption of authority, the council had the audacity to pass an ordinance providing that no writ issued from any place other than Nauvoo for the arrest of any person there should be executed in the city without an approval indorsed thereon by the mayor. It was also provided that if any officer should attempt to make an arrest in the city under any such foreign writ without the mayor's approval of his process he should be subject to imprisonment for life, and that the governor could not pardon him without the consent of the mayor.

These high-handed proceedings were appropriately supplemented by the petition presented to Congress by the Mormons, in which they asked for authority to set up an independent State.

About this time dissensions began to develop among the leaders and bitter hostilities sprang up between the Mormons and the citizens of the surrounding country. The Mormons were charged with stealing property of every description. The cattle of farmers were taken; and it is related that on one occasion, when the officers of the law were reported as coming to Nauvoo in search of stolen property, an order was sent forth to the faithful to assemble at once to hear Brigham Young declare the mysteries of the Kingdom of God. The story is that when the people assembled Young took off his coat, went upon the stand, and said, "Brethren, the mysteries of the Kingdom of God are that ye shall all let down the bars." Those who had stolen cattle understood this hint, the bars were let down, and when the officers of the law came the farmers' cattle were roaming the streets, and no man could be proven guilty of having stolen them.

These difficulties finally culminated in war and the death of Smith the prophet, and Hiram Smith the patriarch, at the hands of a mob.

Governor Ford, in his history of Illinois, states that from the best information he could get he believed that "Smith had the idea of making himself a temporal prince as well as spiritual leader of his people. He caused himself to be crowned and annointed king and priest far above the rest." He further says that the Mormons openly denounced the Government of the United States as utterly corrupt and about to pass away, to be replaced by the government of God, to be administered by his servant Joseph.

The result of the war was that the Mormons left Illinois while writs and prosecutions for property stolen were threatening them, and pitched their tents at Council Bluffs, Iowa, as a resting-place. History says that, though the country around that city was sparsely settled, complaints were soon heard from citizens, who charged the Mormons with stealing their stock and committing other depredations. The Mormons moved on, and the advance column of Latter Day Saints arrived in the valley of Salt Lake in July, 1847.

They soon became a powerful people. Their missionaries and preachers were started in all directions, and visited all parts of the world seeking recruits for the Mormon Church. They have built a beautiful city, erected a great Mormon temple in the city, and also temples in other portions of the Territory, and cultivated the fertile valleys of that great and rich portion of our country; but, Mr. President, there is scarcely a page of their history that is not marred by a recital of some foul deed. The whole history of the Mormon Church abounds in illustrations of the selfishness, deceit, and lawlessness of its leaders and members. Founded in fraud, built up by the most audacious deception, this organization has been notoriously so corrupt and immoral in its practices, teachings, and tendencies as to justify the Governm ent in assuming absolute control of the Territory, and in giving to the Church or its followers no voice in the administration of public affairs.

The progress of Mormonism to its present strength and power has been attended by a continual series of murders, robberies, and outrages of every description; but there is one dark spot in its disgraceful record that can never be effaced, one crime so heinous that the blood of the betrayed victims still calls aloud for vengeance.

Familiar as you all must be with the story of the Mountain Meadow massacre, its details can not be recalled without a shudder of honest indignation at the brutal and barbaric spirit displayed by those who could coolly plan and cruelly perpetrate such an unparalleled butchery. The records of Congress furnish sufficient evidence to prove, as I believe conclusively, that this most atrocious massacre was planned and decreed by the Mormon priesthood, and that several of the leaders personally participated in the horrifying scenes of carnage and bloodshed witnessed in the Mountain Meadow valley on that fateful 9th of September, 1857.

Of that luckless band of one hundred and forty men, women, and children none were left to tell the story of the massacre but seventeen helpless little children from three to seven years old. The savages who for four days assailed those brave pioneers from Arkansas would have been routed had it not been for the assistance of their Mormon allies, who had instigated them to the attack.

These inhuman fanatics, by means of treachery even more despicable than the butchery that followed, proposed a truce, decoyed the immigrants from their barricade, and secured their arms, so that they could be slaughtered without resistance. No adequate punishment was ever meted out to those dastardly murderers. John D. Lee, one of the leaders and chief instigators of the plot, fell out with his fellow priests, was made the scape-goat for their sins, and long afterward was shot for his confessed participation in this massacre. Others equally guilty were allowed to escape, and the Government utterly failed to enforce the atonement which justice demanded for such an unparalleled crime.

My object, Mr. President, in presenting this brief history of the Mormons is to show the spirit that has governed the whole organization from the beginning, and to make it apparent that their religious philosophy is at war with good society and with our institutions of government, and that these people can not safely be permitted to continue the course they have pursued in the past. Their teachings lead to an utter disregard of the Government and its laws and to an utter contempt of the rights of those who do not embrace their religion. They were driven from place to place, not because of their religious belief, but because by their conduct as individuals and as an organization they de-

fied the law and trampled upon the rights of others. They have been at war with good society and with good morals wherever they have secured a foothold. They are to-day building up a government in this Republic which is hostile to the Government of the United States and to our civilization; which, instead of being republican in form and spirit, is essentially at war with republican principles.

Our pioneers who are not Mormons have been oppressed by the power of those arrogant priests. Their teachings in the pulpit and in the press are that the Gentiles, as they are denominated, especially those of this country, are the foes of the Mormon people, and that every device that craft and crime can suggest is justified for their overthrow. By a well-organized system of immigration they are bringing to this country every year thousands of paupers from the Old World, subjects of the Mormon delusion, who are taught by Mormon preachers and teachers to hate this Government. These immigrants know nothing of our institutions except through such misrepresentations as emanate from the Church, and wherever Mormon societies exist the laws of the United States are a dead letter. Their preachers proclaim and their people believe that it is ordained of God that our civilization shall perish and be supplanted by Mormonism. The great mass of the Mormon people accept the declarations of Joe Smith, Brigham Young, and President Taylor as the revealed will of God. Instead of being inspired by the merciful spirit of the Christian religion, they believe that in the hands of God they are instruments to wreak vengeance on our people and destroy the Government.

And this people, Mr. President, animated by such a spirit and governed by such teachings as I have indicated, have from the date of their settlement in Utah steadily increased in numbers, material resources, and influence at a rate that promises to seriously threaten the peace of this country before many years elapse. By means of their system of immigration and by their practice of polygamy their numbers have in the last thirty years increased forty-fold. They have occupied substantially all the valuable lands in Utah, and have secured control of all the water courses of the Territory and of a large portion of Arizona and Idaho.

I understand it to be the fact that there is not one single drop of water in the Territory of Utah in the shape of rivers or lakes or springs that is not to-day owned by the Mormon Church or individuals belonging to it.

Utah now has a population of 170,000, and Salt Lake City of 28,000. There were 3,000 Mormon immigrants last year, and the Territory is rapidly increasing in population and wealth. The Mormons not only completely control Utah, but have sent thousands of their people into the neighboring Territories and States. These colonists vote as a unit under orders from Salt Lake City, and through them the Mormons hold the balance of political power in Arizona and Idaho, and perhaps also in Wyoming, Colorado, and Nevada. If allowed to carry out their designs unchecked they will ere long control at least five or six of the States and Territories west of the Mississippi River.

Mr. President, there has been considerable discussion in Congress from time to time as to the proper course to pursue in regard to these people. Laws have had their place in the statute-books of the nation for many years which have been disregarded and trampled upon with impunity. Under the present organization of the Territory of Utah the Government of the United States has utterly failed to use its own courts to punish the crime of polygamy or to break down the ecclesiastical despotism which rests upon those people.

If I may be pardoned for referring to myself, I desire to say that when I had the honor of being a member of the other branch of the Congress of the United States, and chairman of the Committee on Territories, I took occasion to investigate that question, and for months I labored to secure some sort of legislation which would enable the courts of this country, with judges appointed by the United States sent out there to enforce the laws of the Government, to carry into effect the statute which had been passed by the Congress of the United States against polygamy in the year 1862. The whole thing has been a failure; and up to this hour, notwithstanding that law has been on the statute-book since 1862 and has been decided to be constitutional by the highest court of the country, the effort to enforce it against those who violate it by the practice of polygamy has been an utter failure.

The recent act of Congress creating a commission, while it has I trust done some good yet it is believed to be inadequate to remedy the existing state of affairs. Instead of discouraging polygamy, as was intended by the act, I am told that the practice has considerably increased, and that every Mormon in full fellowship in the Church, whether he has one wife or more, is secretly encouraging the practice in the face of the laws of the Government. The masses of the people are fanatical. They believe in polygamy, and the women are taught that outside of Mormon civilization in this country there is no virtue, that the men are libertines and the women harlots.

It would be a mercy to these misguided people, Mr. President, to adopt such measures as may be necessary to release them from the domination of their priestly enslavers. They should be guaranteed true religious and civil liberty, free schools and a free press, all of which they are deprived of by the priesthood. The so-called Mormon Church should be compelled to take its proper place in society as a law-abiding organization, and its functions should be made purely ecclesiastical. This is all that is asked, but it has been asked of this organization in vain for these many years.

The duty of grappling with this question can not with safety be put aside. Delay is dangerous and a disgrace, and in the end will result in war. We do not want any more war. We do not intend to persecute any class for their opinions or on account of their religion, but the nation can not afford to have its laws trampled upon by any class or organization of people, whether under the garb of religion or under any other pretext.

What shall be done? In my judgment, Mr. President, there is but one thing left for the legislative department of this Government to do, and that is to take away from the people of Utah Territory all political power. Place the legislative power of the Territory in the hands of a legislative council, to be appointed by the President and confirmed by the Senate, and give the council the same powers heretofore given to the Legislative Assembly of the Territory. It is worse than folly for the Government to tinker with this question from year to year, and at the same time leave the whole legal power of the Territory in the hands of men who are defiantly violating national law.

The local legislators are men high in the Church. The judges of the local courts are bishops or other high officers of the Church. Every county officer is a Mormon and Church officer. The schools are taught by Mormons. The municipal corporations are under the control of the Mormon government, and for the purpose of control the settled portions of the Territory are laid off into districts and organized into municipal governments with Mormons as the officers, such municipal corporations taking in large tracts of land, so that it can not be entered or pre-empted by persons not Mormons. The entire machinery for the local government of the Territory is in the hands of Mormons, and they are dictated to by the Church.

The government of the Territory is an ecclesiastical despotism such as should not be allowed to exist in this country. If placing the entire government of these people in the hands of men loyal to the Constitution, the laws, and the institutions of the country, men subject to removal by the President and whose laws shall be subject to the approval of Congress, will not result in producing a better condition of affairs in Utah, I know of no practicable solution of the question.

If the bill which I have had the honor of presenting should become a law, there need be very little difficulty in bringing about the change which would be necessary in the Territory. Such a council would take the place of the local Legislature. The executive department and the Federal judiciary would remain as they are, the local government could be reorganized, and it seems to me that, with the right kind of officers, executive, judicial, and legislative, we would soon be able to see the end of the ecclesiastical despotism now and for thirty years prevailing in that Territory, and the beginning of obedience to the laws of the Government.

I do not wish to be understood as advocating this as a permanent arrangement. I believe that as a general proposition the people of the Territories ought to be intrusted with the control of their local affairs. But this bill is offered, Mr. President, as a remedy for the present deplorable state of affairs in Utah, and as providing the only adequate peaceable means of compelling the Mormons to yield obedience to the laws of the country that I know of.

The sole purpose of the bill which I have presented, and which may need amendment, is to take all political power and control out of the hands of those people because they hold a higher allegiance to their church than to the Republic, and to substitute a legislative council in the stead of the Territorial Legislature now provided by law.

For many years we have been waiting and hoping that the people would put themselves in harmony with the balance of the people of this country, throw off their despotic church government, obey the laws, and become true American citizens.

They are not doing this. They will not do this until they are stripped of political power and until the despotic rule of the priesthood over those benighted people is broken, and therefore I say in the language of Judge McBride, of that Territory:

> Let the Government take the management into its own hands, discharge the incompetent and treasonable agents who have for thirty years made Utah a reproach and a hissing among men, and purge out of its civil code every vestige of that ecclesiastical taint from which it has suffered for a generation. Justice to the priest-ridden people of Utah; humanity to her rising generation, destined to be slaves of a cunning and remorseless theocracy or free citizens of a redeemed commonwealth; protection to the brave and patriotic non-Mormons who have watched and waited for the dawn of freedom while her light seemed but a spark in the wilderness, call upon the nation to act without delay.

Now, Mr. President, I desire to discuss for a moment the power of Congress to pass such a law. It has been intimated that we have not the power under the Constitution to pass an act taking from the people the power of local government and placing it in the hands of a council appointed by the President. The Constitution gave to Congress the power to dispose of and make all needful rules and regulations respecting the Territories and all other property of the United States.

Whatever power Congress has in the premises is derived from this provision and as a necessary power to govern what it has acquired.

Story says in his work on the Constitution, in book 3, chapter 31, page 227, that—

> As the General Government possesses the right to acquire territory either by conquest or by treaty, it would seem to follow as an inevitable consequence that

it possesses the power to govern what it has acquired. The territory does not when so acquired become entitled to self-government, and it is not subject to the jurisdiction of any State; it must consequently be under the dominion and jurisdiction of the Union, or it would be without any government at all.

Again, on page 228 of the same volume, he says:

What shall be the form of government established in the Territories depends exclusively upon Congress. Having a right to erect a Territorial government, they may confer upon it such powers, legislative, judicial, and executive, as they may deem best.

Referring to Kent's Commentaries, volume 1, page 414, we find the following:

With respect to the vast Territories belonging to the United States Congress have assumed to exercise over them supreme power of sovereignty. Exclusive and unlimited power of legislation is given to Congress by the Constitution and sanctioned by judicial decisions.

The same writer, after referring to the regulations made for the government of the District of Columbia and the Territories northwest of the Ohio River, continued as follows:

It would seem from these various Congressional regulations of the Territories belonging to the United States, that Congress has supreme power in the government of them, depending on the exercise of their sound discretion. * * * All admit, said Chief Justice Marshall, the constitutionality of a Territorial government. But neither the District of Columbia nor a Territory is a State within the meaning of the Constitution, or entitled to claim the privileges secured to the members of the Union. This has been so adjudged by the Supreme Court.

In 19 Howard, in the famous case of Dred Scott, Justice Taney, in speaking of the acquisition of territory, says:

It is acquired to become a State, and not to be held as a colony, and be governed by Congress with absolute authority, and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State on an equal footing with the other States, must rest upon the same discretion.

Again:

In some cases government consisting of persons appointed by the Federal Government would best subserve the interests of the Territory when the inhabitants were few and scattered and new to one another. In other instances it would be more advisable to commit the powers of self-government to the people who had settled in the Territory, as being most competent to determine what was best for their own interests. What is the best form must always depend upon the condition of the Territory at the time, and the choice of the mode must depend upon the exercise of a discretionary power by Congress, acting within the scope of its constitutional authority.

Again:

The form of government to be established necessarily rested in the discretion of Congress.

I might cite many cases where the court has used language of like tenor and meaning, showing that the whole matter was in the sound discretion of Congress; but, Mr. President, what has been the action of Congress itself in regard to territory belonging to the United States? We find that Congress, by an act approved October 30, 1803, authorized President Jefferson to take possession of and occupy the territory ceded by France to the United States in that year by the treaty concluded at Paris.

In that act it was provided that until the expiration of that session of Congress, unless provision for the temporary government of the said Territories should be sooner made by Congress, all the powers exercised by the officers of the existing government of the ceded Territories should be vested in such persons and be exercised in such manner as the President might direct; and when the act providing for the temporary government of the two Territories was subsequently passed at the same session, it continued this authority in the President until October 1 following. Thus it appears that these early fathers, who had every opportunity for fully understanding the powers of Congress under the Constitution, did not hesitate to place the entire control of these new Territories in the hands of the President as a temporary expedient.

And I find that by the act of March 26, 1804, erecting Louisiana into two Territories and providing for the temporary government thereof, the legislative power was vested in the governor, and in thirteen of the most fit and discreet persons of the Territory, to be called the legislative council, and who were to be appointed annually by the President.

If it should be claimed, in the face of these precedents and authorities, that Congress can not take away from the people of Utah the government it has given them, it will perhaps only be necessary to refer to the case of the District of Columbia, in which the right of suffrage was revoked and a government by commissioners established, or to the provisional governments set up in the Southern States during the period of reconstruction.

If the people of Utah were loyal to the Government of the United States and were yielding obedience to the laws, I would be among the last members of this honorable Senate to insist upon placing over them a government not of their own; but they occupy to-day the position of defying the Government, of trampling the laws of Congress under their feet, and that being so, it seems to me it can not be doubted that Congress, so far as it has anything to do with the subject, has the right to strip them of every vestige of political power, and put all power there into the hands of whomsoever the Government of the United States sees proper to intrust with the functions necessary to be exercised.

Now, Mr. President, without delaying the Senate any longer, and thanking its members for their attention, I shall yield the floor. I believe my friend from Georgia [Mr. BROWN] desires to make some remarks upon the question, and I will therefore delay the motion to refer the bill to the Committee on Territories for the time being.

Mr. BROWN. Mr. President, it is not my purpose at present to follow the example of the Senator from Illinois, and discuss the social question connected with the affairs of Utah or its church polity. At a future period in the debate, when the bill introduced by the honorable Senator from Vermont is taken up for consideration, I may give some attention to that question, and I may contrast practices of the social evil in Utah and other sections of the Union. And while I have certainly no justification for these evil practices in any part of the Union, I shall be disposed, as far as we have the power, to apply the same remedies for the extirpation of the same evil in different sections. And I shall not draw distinctions between crimes against the family and the State, identical in their character, because they are practiced under different names. My purpose at present is to place upon the record, in connection with the remarks of the Senator from Illinois, an argument in which I shall attempt to show the unconstitutionality of the recent legislation already had in connection with Utah affairs, and the indefensible character of the legislation proposed.

As the Senator from Illinois has not been interrupted during the delivery of his remarks, and as I desire to discuss a constitutional question of importance, I respectfully request of Senators that the thread of my argument may not be broken by questions propounded during its delivery. After I have concluded the remarks I desire to make, I will then very cheerfully respond to any questions in connection with the argument which any Senator may desire to propound.

On a former occasion, when the bill known as the Edmunds bill, in reference to affairs in Utah, was before the Senate, I took occasion to express my abhorrence of the practice of polygamy, and to deprecate and denounce it. We now have pending before the Senate a bill to amend the provisions of that act and enlarge the scope of authority given by it. I desire to see the bill amended so as to meet any reasonable expectation that the country may have on this subject if it can be done without a palpable violation of the Constitution of the United States, which every Senator in this Chamber has taken a solemn oath to support.

When the original bill was pending before the Senate, I had not carefully investigated the whole question, and did not enter at length into the constitutional argument. But further reflection has satisfied my mind beyond a reasonable doubt that the eighth section of the act is a palpable violation of the Constitution of the United States, and is therefore null and void; and that the Utah commission, which is acting under that unconstitutional statute and prescribing test-oaths to voters, however amiable and accomplished they may be as gentlemen, are acting without authority of law; and that every act performed by them under said eighth section is without law, and every infringement of personal liberty or private rights is an unjustifiable and indefensible usurpation of power.

The eighth section of the act, which is the essence of it, is in these words:

No polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election in any such Territory or other place, or be eligible to election or appointment to, or be entitled to hold, any office, or place of public trust, honor or emolument in, under, or for any such Territory or place, or under the United States.

Now, I shall undertake to show that this section as administered violates at least a half a dozen provisions of the Constitution of the United States. If I succeed in showing that it violates a single provision, of course every lawyer must admit that it is a nullity.

I shall undertake to show, Mr. President, that it is a palpable violation of the following provisions of the Constitution, which I shall quote and then make my comments:

First. "Nor shall any person be deprived of life, liberty, or property, without due process of law."

Second. "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury."

Third. "In all criminal prosecutions the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State or district wherein the crime shall have been committed."

Fourth. "He shall be confronted with the witnesses against him."

Fifth. "He shall have compulsory process for obtaining witnesses in his favor."

Sixth. "He shall have the assistance of counsel for his defense."

Seventh. "No person shall be compelled in any criminal case to be a witness against himself."

Eighth. "No bill of attainder shall be passed."

Ninth. "No *ex post facto* law shall be passed."

Now, Mr. President, I propose to examine these different provisions, and to show that this act as administered by the commission violates every one of them.

First, the Constitution declares that no person shall be deprived of life, liberty, or property without due process of law.

It is solemnly declared in the great charter of English liberty that—

No freeman shall be taken, imprisoned, or disseized of his freehold or liberties, or free customs, or be outlawed, or exiled, or otherwise destroyed or condemned, but by lawful judgment of his peers or by the law of the land.

Judge Blackstone says of this provision in the great charter that it protected every individual of the nation in the free enjoyment of his life, his liberty, and his *property*, unless declared to be forfeited by the judgment of his peers or the law of the land. (Com., volume 4, page 424.)

Again, in volume 1, page 139, he says:

And by a variety of ancient statutes it is enacted that no man's lands or goods shall be seized into the king's hands against the great charter and the law of the land; and that no man shall be disinherited, nor put out of franchises or freehold, unless he be duly brought to answer, and be forejudged by course of law; and if anything be done to the contrary, it shall be redressed and holden for none.

Vattel, in his standard work upon the law of nations, page 33, while treating of the principal objects of good government, says:

The society is established with a view of procuring to those who are its members the necessaries, conveniences, and even pleasures of life, and in general everything necessary to their happiness—of enabling each individual peaceably to enjoy his own *property*, and to obtain justice with safety and certainty.

Now, Mr. President, I beg you to bear in mind that the Constitution not only guarantees protection to life and to liberty, but it also guarantees like protection to the *property* of every citizen of the United States. The eighth section of the Edmunds act as administered denies to every Mormon who is a citizen of a Territory of the United States the right to hold office or place of public trust, honor, or emolument unless he takes a certain oath prescribed by the commissioners. The Constitution of the United States guarantees to every such citizen protection of his *property*, which shall not be taken from him without due process of law. It becomes necessary, then, to inquire whether an officer has a property in his office. If so, he is protected in the enjoyment of it by the Constitution, and it can not be taken from him without due process of law. "An officer is one who is legally invested with an office" (1 Bacon's Abridgment, 279). Now, you will please bear in mind that the eighth section of the Edmunds act as administered denies to any one refusing to take the test oath prescribed by the commission the right to hold office. What is an office? Judge Blackstone, in his Commentaries, says:

Offices, which are a right to exercise a public or private employment, and to take the fees and emoluments thereto belonging, are also incorporeal hereditaments, whether public, as those of magistrates, or private, as of bailiffs, receivers, and the like. For a man may have an estate in them either to himself and his heirs, or for life, or for a term of years, or for during pleasure only.—*Blackstone's Commentaries*, 36.

By these quotations it appears that a man may have an estate in an office. What is the meaning of the word "estate?"

In its most extensive sense it is applied to signify everything of which riches or fortune may consist, and includes personal and real *property*.—*Bouvier's Law Dictionary*, 516.

Having established by authorities which will not, I presume, be questioned that an officer has a property in his office, and having shown that the Constitution of the United States expressly declares that he shall not be deprived of that property without due process of law, it becomes necessary to inquire whether the eighth section of the law known as the Edmunds act, which, as executed by the commission, deprives a Mormon of his property in his office and of his right to hold any place of public trust, honor, or emolument if he refuses to take a certain test-oath prescribed, takes his property by due process of law or without law.

The case of Huber *vs.* Reily, reported in the third volume of P. F. Smith's Pennsylvania Reports, in which the able opinion of the court was delivered by Judge Strong, was very similar to that under consideration.

By the act of Congress passed 30th March, 1865, all persons drafted for military service who did not report on notice were declared to be deserters. And, in addition to other lawful penalties for the crime of desertion, all persons who committed it were declared to have forfeited their rights of citizenship and their right to become citizens, and were declared incapable of holding any office of trust or profit under the United States. The plaintiff Huber was returned by the provost-marshal as a deserter.

It is admitted that he was a citizen of the State of Pennsylvania and entitled to vote at the precinct where he tendered his vote, if the disqualification did not render him ineligible. He tendered the vote, and it was rejected by the managers of the election on the ground that he was a deserter, as shown by the registry of the provost-marshal of the district. He brought suit against the manager of the election for refusing to permit him to vote. Upon this statement of facts a judgment was entered in favor of the plaintiff in the court below, and error was assigned. And the court above affirmed the judgment, on the ground that the plaintiff had not been convicted of desertion by any court-martial or any court of competent jurisdiction having the authority to render a final judgment in the case, and that the penalty could not attach, nor could he be disfranchised without due process of law. As already stated, the case is very much like the one now under consideration.

In each case the managers of the election declared the voter ineligible on account of the commission of a crime of which he had not been *convicted*, the only difference being that in the Utah case the voter was required to swear that he had not committed the crime, and on his failure to make the oath was disfranchised, while in the case decided by Judge Strong the fact of desertion appeared on the records in the provost-marshal's office, and upon that the managers of the election held that he was guilty, and rejected the vote. In neither case was there any trial by a competent tribunal, nor any judgment of conviction rendered by any court of competent jurisdiction.

I shall read a few sentences from the able opinion delivered by Judge Strong in this case. On page 117 he says:

But I can call to mind no instance in which it has been held that the ascertainment of guilt of a public offense and the imposition of legal penalties can be in any other mode than by trial according to the law of the land or due process of law. That is the law of the particular case administered by the judicial tribunal authorized to adjudicate upon it.

And I can not persuade myself that a judge of elections or a board of election officers, constituted under State laws, is such a tribunal. I can not think they have power to try criminal offenders, still less to adjudge the guilt or innocence of an alleged violator of the laws of the United States. A trial before such officers is not due process of law for the punishment of offenses according to the meaning of that phrase in the Constitution. There are, it is true, many things which they may determine, such as age and residence of a person offering to vote, whether he has paid taxes, and whether, if born an alien, he has a certificate of naturalization. These things pertain to the ascertainment of a political right.

But whether he has been guilty of a criminal offense, and as a consequence forfeited his right, is an inquiry of a different character. Neither our Constitution nor our law has conferred upon the judges of elections any such judicial functions. They are not sworn to try issues in criminal cases. They have no power to compel the attendance of witnesses, and their judgment, if rendered, would be binding upon no other tribunal.

* * * * * * *

Surely that is no trial by due process of law, the judgment in which is not final, decides nothing, but leaves the accused exposed to another trial in a different tribunal, and to the imposition by that other tribunal of the full punishment prescribed by law.

Again, on page 121, the learned judge says:

It may be added that this construction is not only required by the universally admitted rules of statutory interpretation, but it is in harmony with the personal rights secured by the Constitution, and which Congress must be presumed to have kept in view. It gives to the accused a trial before sworn judges, a right to challenge, an opportunity of defense, the privilege of hearing the witnesses against him, and of calling witnesses in his behalf. It preserves to him the common-law presumption of innocence until he has been adjudged guilty according to the forms of law. It gives finality to a single trial. If tried by a court-martial and acquitted, his innocence can never again be called in question and he can be made to suffer no part of the penalties prescribed for guilt. On the other hand, if the record of conviction by a lawful court be not a prerequisite to suffering the penalty of the law, the act of Congress may work intolerable hardships. The accused may then be obliged to prove his innocence whenever the registry of the provost-marshal is adduced against him. No decision of the board of election officers will protect him against the necessity of renewing his defense at every subsequent election, and each time with increased difficulty, arising from the possible death or absence of witnesses. In many cases this may prove a gross wrong.

* * * * * * *

To hold that the act of Congress imposes upon such the necessity of proving their innocence without conviction of guilt would be an unreasonable construction of the act, and would be attributing to the National Legislature an intention not warranted by the language and connection of the enactment. It follows that the judgment of the court below upon the case stated was right. The plaintiff, not having been convicted of desertion and failure to return to the service or to report to a provost-marshal, and not having been sentenced to the penalties and forfeitures of the law, was entitled to vote.

Chief-Justice Woodward concurred in the judgment of the court, and added:

But I do not concur in treating the act of Congress as a valid enactment, for I believe it to be an *ex post facto* law in respect to all soldiers except such as commit the crime of desertion after the date of the law. This is not a case of desertion subsequent to the enactment but prior to it, and the penalties of the offense were such as were fixed by law when the offense was committed, and it is not competent for the Legislature to increase them except for future cases.

And I will add in this connection, Mr. President, that it is not competent for Congress to punish citizens of a Territory, or to add new penalties for polygamy committed before the passage of the Edmunds act, or to disfranchise any citizen of a Territory for crimes committed prior to the passage of the act of disfranchisement.

In Dorsey's case (7 Porter's Alabama Reports) Judge Ormond refers to the constitutional provision that the crime or offense must be ascertained by due course of law, and says the term "due course of law" has a settled and ascertained meaning, and was intended to protect people against privations of their lives, liberty, or property in any other mode than through the intervention of the judicial tribunals of the country. But this law seeks to ascertain a fact exalted into a crime and punished in a particular manner—not by the judgment of a competent court, but by the admission of the offender, and construing his silence as evidence of guilt.

In the case of Greene *vs.* Biggs (1 Curtis' Circuit Court Reports 325), Judge Curtis, of the Supreme Court of the United States, presiding in the circuit court, defines what is meant by the law of the land. He says:

Certainly this does not mean any act which the Assembly may choose to pass. If it did, the legislative will could inflict a forfeiture of life, liberty, or property without a trial. The exposition of the words as they stand in Magna Charta, as well as in the American Constitution, has been that they require "due process of law," and in this is necessarily implied and included the right to answer to and contest the charge, and the consequent right to be discharged from it unless it is proved.

Lord Coke, in giving an interpretation of these words in Magna Charta (2 Inst., 50, 51), says they mean "due process of law," in which is included presentment or indictment and being brought in to answer thereto. And the jurists of our country have not relaxed this inter-

pretation. "It follows," says he, speaking of the case before him, "that a law which would preclude the accused from answering to and contesting the charge, * * * and which should condemn him to fine and forfeiture unheard if he failed to comply with the requisition, would deprive him of his liberty or property, not by the law of the land, but by an arbitrary and unconstitutional exertion of legislative power.

I might add other weighty authorities as to the meaning of "due process of law," but I deem it unnecessary. Those already produced show conclusively that the test-oath prescribed by the commissioners under the Edmunds act is not "due process of law" and that it deprives the citizen of Utah of his property in his office without due process of law and without law. It simply prescribes a test-oath which he is required to take, and if he refuses to do so his guilt is conclusively presumed, and his property is taken from him without giving him an opportunity to contest the truth of the charge and without requiring proof of it.

The Supreme Court of the United States in the case of the test-oath prescribed for lawyers and in the case of the Missouri test-oath have conclusively settled this question, that the application of a test-oath or the requirement that the party take the oath before he can exercise certain constitutional rights or before he can have the benefit of his office, is unconstitutional and of no effect. If the requirement that a lawyer take a test-oath that he has not committed a certain crime before he can practice law is not due process of law and the law requiring it is void, and that a test-oath, as in the Missouri case, requiring a minister of the Gospel to swear that he has not committed a particular crime before he can discharge the sacred functions of his position, is not due process of law, and the law requiring it is null and void, as the Supreme Court has decided it is, then I should like to hear some lawyer draw a distinction between them and the test-oath applied to the citizen of a Territory, requiring him to swear that he has not committed a particular crime before he can discharge the duties of his office.

If the law which denies to a lawyer, who has a property in his profession, the right to practice till he takes a test-oath, and if the law which deprives a minister of the Gospel of the right to discharge the duties of his office until he takes a test-oath, are unconstitutional, how can a law which requires a citizen of a Territory to swear that he has not committed a particular crime before he can discharge the duties of his office be constitutional and valid? There can be no legal distinction drawn between the cases; if one is a nullity they are all three nullities. In two of the cases the Supreme Court of the United States has expressly ruled that they are nullities.

So much for the first objection to the constitutionality of this act.

I will now proceed to consider in more concise form some of the other objections. For convenience, and as they are intimately connected, I will consider together the second, third, fourth, fifth, and sixth.

As a statute of the Congress of the United States makes bigamy a crime in the Territories and punishes it by imprisonment in the penitentiary, I suppose it will not be questioned by those who have a most laudable zeal for its suppression that it is an *infamous* crime.

The second constitutional objection above made is that no one shall be held to answer for a capital or otherwise infamous crime without indictment or presentment of a grand jury. The polygamist in Utah is held to answer before a commission appointed under the Edmunds act, which tenders to him a test-oath, requiring him to swear that he is not a bigamist or polygamist, and, as construed by the commission, that he has not at any time been guilty of the offense; and if he refuses to take the oath guilt is conclusively presumed, and the punishment, that he shall neither vote nor hold office, is inflicted upon him. In other words, he is convicted or conclusively presumed to be guilty by a commission acting as court, jury, and executioner, and deprived of his right to vote and of his property in his office without due process of law and without indictment or presentment of a grand jury.

I hold therefore that the second objection is well taken and the provision of the Constitution therein referred to is palpably violated.

The third objection is that the act violates that provision of the Constitution which requires a speedy and a public trial by an impartial jury. The Constitution provides in such case, first, that the accused shall be indicted by a grand jury and then that he shall be speedily and publicly tried by jury. For this constitutional requirement, which guarantees to him a speedy and public trial by jury, the commission under the Edmunds act tenders to him a test-oath and requires him to swear that he has not committed a crime; and if he refuses to do it guilt is conclusively presumed, and the sentence is passed by the officer controlling the elections or by the commission, which denies to him his right to vote or to hold his office. This proceeding therefore violates that portion of the Constitution referred to in my third objection.

My fourth objection is that the Constitution requires in each criminal case that the accused shall be confronted with the witnesses against him. The omnipotent commission, acting under the Edmunds act, requires that he shall take a test-oath that he did not commit the crime, and if he refuses to do it he shall be confronted with no witnesses, but by the executioner, who executes the sentence of the law by driving him from the polls, confiscating his property in his office if he has one, or refusing to permit him to vote or hold an office. The act is therefore a palpable violation of this provision of the Constitution.

My fifth objection is that the act violates that provision of the Constitution which guarantees to him compulsory process for obtaining witnesses in his favor. This bill permits him to introduce no witness in his favor. The trial is had without witnesses in his favor, and it matters not whether he committed the crime or whether he is the most innocent man in the Territory. It matters not that he might be able to prove by a hundred witnesses that he never committed the offense. The statute allows him no compulsory process to bring one of them before a court or the commission that has assumed jurisdiction in his case. But his simple refusal to take the test oath prescribed is held to be his conviction, and no witness is permitted in his favor and no appeal is provided to any other tribunal. Then the Edmunds act violates this provision of the Constitution also.

My sixth objection is that it violates that provision of the Constitution which guarantees to the citizen who is accused of a crime the assistance of counsel for his defense. As it provides for no indictment by a grand jury and no speedy and public trial by a traverse jury, as it permits him to be confronted by no witness against him and denies him compulsory process to bring in the witnesses in his favor, it follows as a necessary consequence that in the case of the trial, if we may call such a mockery of justice a trial, it denies to him the assistance of counsel for his defense, and is therefore violative of the fundamental law of the land.

The charge of bigamy is a criminal charge, and is punishable by law. The commissioners under the Edmunds act undertake to ascertain the guilt or innocence of the accused by means of a test-oath, and if the party answers that he has been guilty of the offense, or refuses to answer, punishment is inflicted upon him for the offense. In the Missouri test-oath case before the Supreme Court it was claimed by counsel for the State that the oath was a qualification for holding office and practicing certain professions, &c. But the court say it has been made an instrument for the infliction of punishment, which could not rightfully be done. (4 Wallace, 319.) Again, on pages 320 and 321, the court says: "The deprivation of any right may be punishment; disqualification from the pursuit of a legal profession or from positions of trust is punishment." The court says the oath was punishment.

Having shown that the crime at which the Edmunds act is aimed is an infamous one, and that the eighth section of that act denies to any Mormon who has been guilty of it the right to vote or to hold office and takes his property without due process of law and without providing for any legal trial, I now call attention to the additional fact that it violates the seventh provision of the Constitution, referred to in my objections, which says: "No person shall be compelled in any criminal case to be a witness against himself." This is a criminal case, or rather it is a proceeding to punish citizens of the United States for the crime of bigamy by depriving them of their vote or the right to vote or hold office. How does the commission propose to do this? It does it by compelling the party to be a witness against himself, to testify whether he has or has not been guilty of the crime. And if he refuses to testify it draws from the refusal the conclusion of his guilt. What right has the Congress of the United States or any commission acting under it to impose any such test-oath? What right has it to pass any law compelling the party to testify whether he has been guilty or not guilty of the offense?

Nemo tenetur seipsum prodere is the well-established rule of the common law, and is thus explained by a very able and accurate American authority: that when the answer will have a tendency to expose the witness to penal liability, or to any kind of punishment, or to a criminal charge, or to a forfeiture of his estate, the witness is not bound to answer. And if the fact to which he is interrogated forms but one link in the chain of testimony which is to convict him, he is protected. And if the witness declines to answer, no inference of the truth of the fact is permitted to be drawn from that circumstance. (1 Greenleaf's Evidence, secs. 451–453.)

I hold, therefore, that the eighth section of the Edmunds act as administered is a palpable violation of the constitutional provision that no one shall be compelled to be a witness against himself in a criminal case. The able and accurate authority above quoted seems to put this question beyond doubt. No one shall be held to answer if the answer will have a tendency to expose him to penal liability, or to any kind of punishment (and the Supreme Court has held that the oath itself is punishment), or to a criminal charge, or to a forfeiture of his estate; and no inference of the truth of the charge is permitted to be drawn from his refusal to answer. The Edmunds act as executed requires him to answer on oath when the answer, if in the affirmative, will expose him to penal liability, will expose him, in the language of the Supreme Court of the United States, to punishment, and to the forfeiture of his estate in his office, if he holds one. The act is, therefore, plainly and palpably in conflict with the provision of the Constitution last referred to.

In 4 Devereux's North Carolina Reports it is held that "a public office is the subject of property, as everything corporeal or incorporeal from which a man can earn a livelihood and make gain. The office is created for a public purpose, but it is conferred on a particular man and accepted by him as a source of individual emolument, and to the extent of that emolument it is private property as much as the lands he tills, or the horse he rides, or a debt that is owing to him."

And in 2 Alabama Reports, N. S., page 31, the chief-justice says:

An office is as much a species of property as anything else capable of being held or owned; and to deprive one of it or unjustly withhold it is an injury which the law can redress in a manner as ample as it can any other wrong.

Again he says, page 34:

We need not cite authorities to prove that by the common law no one can be deprived of the right to exercise or hold a civil office but by the judgment of his peers, as we have already shown that an office is a species of property.

An office is an estate, which may be for life, or for a term of years, or during pleasure. That estate is property, and the Constitution of the United States says no one shall be deprived of property without due process of law.

It matters not whether it is attempted to be done by means of a test-oath, compelling a party to criminate himself, or in whatever imaginable form other than by due process of law, it is null and void, whatever may be the means resorted to for its accomplishment. What power, then, has Congress to deprive any man of his property in his office simply because he refuses to swear whether he has or has not violated the criminal law of the land, when he has neither been charged with, indicted, nor convicted of any such violation? I deny that it has any such right. This attempt is in violation of the fundamental law as expounded by the highest authorities, and is absurd within itself; and I know of no rule governing courts which could justify them in the enforcement of any such enactment. The statute is a nullity, and must, in my opinion, be so held whenever and wherever it is brought in question before any intelligent court.

In support of the position that a statute prescribing a test-oath which deprives a citizen of his right to hold office is a penal one I refer the Senate to the case of Leigh (1 Munford's Virginia Reports) and the case of Dorsey (7 Porter's Alabama Reports). Each of these States had passed stringent acts against dueling, and had prescribed an oath to be taken in Virginia by all officers of the State government and in Alabama by all State officers and practicing attorneys that each had not before engaged in a duel and would never engage in one while he remained in the office. In each case the applicant moved to be admitted to the bar of the supreme court without taking the oath, and in each case the court sustained the motion The decisions are lengthy, but as they are very able I shall not apologize for reading portions of them to the Senate. And upon the point to which I last referred I invite the attention of the Senate especially to the following language of the judges:

In Leigh's case (page 482) Judge Roane, who was greatly distinguished for his ability, says:

However laudable the object of the act to suppress dueling may be, it is still a highly penal law, and must be construed strictly. It is unusually penal, if not tyrannical, in compelling a person to stipulate upon oath, by the third section, not only in relation to his past conduct and present resolution, but also for the future state of his mind. Thus premising that this act is highly and unusually penal I will, under the influence of the rules for construing penal statutes, proceed to apply it to the case before us.

Judge Fleming in the same case says:

The act under consideration being a compulsory law (however salutary it may be), imposing on the officers of the Government an oath unknown to the former law of the State or of the United States, though there be no pecuniary penalty inflicted on those who refused to take the oath therein prescribed, I can not but consider it as a penal statute, and as such must give it a strict interpretation.

Again he says:

Admitting that attorneys are comprehended in the act, it has or ought to have a prospective and not retrospective operation, and can not affect officers of any description appointed to office prior to the passage of the act.

In Dorsey's case (7 Porter, 366) Judge Goldthwaite says:

I have omitted any argument to show that disqualification from office or from the pursuit of a lawful avocation is a punishment. That it is so is too evident to require any illustration; indeed it may be questioned whether any ingenuity could devise any penalty which would operate more forcibly on society.

Again he says:

A citizen is informed that by the laws of the State he is entitled to aspire to any office or pursue any other avocation which any other citizen can. Yet when he is about to enter in the office or avocation he is required to swear to his innocence of a particular crime; it then becomes evident that if he can not truly take the oath required he is excluded. Can it be doubted that for all the purposes of the disqualification the guilt of the individual is ascertained? In what does it differ from the general enactment that a candidate for office shall be required to prove and establish his innocence of a specified crime? Admitting a person to be guilty, he is neither accused, tried, nor convicted by any tribunal known to the laws; yet he is punished with unerring certainty and the utmost celerity; his conscience is made his sole accuser and judge; his punishment commences with the commission of the crime, and terminates only when he ceases to exist; he is excluded from the sympathy of his peers; no legal doubt can intervene to produce his acquittal; an error of his judgment involves his soul in the awful guilt of perjury or punishes him without guilt. I have no hesitation in declaring that this act provides a mode of ascertaining and punishing guilt which is not only unwarranted by the constitution, but is also in direct contravention of several of the most important provisions of the declaration of rights, by which the liberties and privileges of the citizens are guarded. * * * When once it is admitted or proved that a citizen has a right to aspire to office, or to pursue any lawful avocation, it seems to me impossible that he can be legally deprived of that right by a punishment for an offense committed without a trial by jury; and I can perceive no sound distinction between a law which deprives one of his right without a trial and that which ascertains and punishes his guilt by an illegal mode of trial.

He then refers to the governor's right to grant pardons, and says:

We can not presume that the General Assembly intended by this act to interfere with the constitutional prerogative of mercy vested in the executive, yet this act, if constitutional, imposes a penalty which can not be remitted and inflicts a punishment beyond the reach of executive clemency.

In the same case Judge Ormond (says page 379):

This is a highly penal law; it excludes, unless its terms are complied with, all persons from practicing as attorneys and counselors at law in the courts of this State. It must, therefore, receive a strict construction, in accordance with well-established principles, and the authority to pass it be clearly and fairly discoverable from the Constitution.

And on page 38:

It is so offensive to the first principles of justice to require a man to give evidence against himself in a penal case, that, independent of the constitutional interdict no one in this enlightened age will be found to advocate the principle.

But it may be said this is not a case of this kind, as no corporal or pecuniary punishment is the consequence of a refusal to take the oath against dueling. But are not the results the same whether punishment follows from the admission or is imposed as a consequence of silence? Can ingenuity make a distinction between a punishment inflicted in this mode, as a consequence of a refusal to take the oath, by closing one of the avenues to wealth and fame, and a positive pecuniary mulct? If there is a difference, I think it entirely in favor of the latter, so far as the amount or weight of the penalty could affect the decision of the case.

On page 381:

With great deference to the opinion of others who may differ from me, I think that the requisition by the Legislature, in substance and effect, requires the applicant for a license to give evidence against himself, and that, if not within the letter, is at least within the words, of the prohibition, the very foundation of which is that every one is presumed to be innocent till the contrary appears.

Judge Pitman, in the same case, refers to the fact that the statute under consideration rendered any one engaged in selling spirituous liquors an incompetent juror, and authorized the question to be propounded to him, and says:

This law authorizes the court to inquire of the juror who may be challenged on this account. It is true the law says, "He may decline to answer;" but what then? Is the fact to be proved by other evidence? No; this silence is considered as sufficient proof, and he is excluded accordingly. He is therefore compelled to answer, if he does not wish to be excluded as unworthy to sit as a juror or does not wish to be considered as concerned in a traffic which may be considered as infamous. The maxim of the common law recognized by the Constitution is that every man is presumed to be innocent until he is proved to be guilty. The whole spirit of this law appears to me to be at variance with the rights of property as well as person. The Legislature has no right by an act to confiscate the property of the citizen.

Now, Mr. President, I beg the Senate to bear in mind that the two cases just referred to were precisely similar to the case now under consideration. The statutes of Alabama and of Virginia were aimed against dueling, just as the Edmunds act is aimed against bigamy. The means resorted to for the suppression of the vice and the punishment of the offender were the same in each case, a test-oath, which attorneys at law in the one case and officers of the State in the other were required to take, swearing that they had not and would not engage in a duel, &c. In the case before the Senate a like test-oath is applied to a citizen of Utah, requiring him to swear that he is not a bigamist or a polygamist; and the commission appointed under the act requires his oath to cover all his past life. If he has ever at any time been guilty, though it may have been before the passage of the act by Congress making bigamy a crime in Utah, or if the case occurred since the passage of the law, though it may have long since been barred by the statute of limitations, still he is required to swear that he never committed the act, or he is driven from the polls and denied the right to hold office.

As already stated, the Supreme Court of the United States held the lawyer's test-oath to be unconstitutional; they also held the Missouri test-oath, which applied to ministers of the Gospel and other officers, unconstitutional. The supreme court of Virginia held the dueling test-oath unconstitutional, and the supreme court of Alabama held a like test-oath unconstitutional; and I apprehend there is no United States court nor is there any respectable court of any State in the Union that would hold the Edmunds act as construed by the commission constitutional. If the test-oath in four similar cases was unconstitutional and was so adjudged by courts of the highest authority, how can the Edmunds act, similar in all its objects and aims, be held constitutional by any good lawyer, by any competent court, by Congress, or by the country?

But I must notice the two remaining constitutional objections. The Constitution of the United States denies to Congress the power to pass any bill of attainder. The Supreme Court of the United States has held that the acts of Congress prescribing the test-oaths above mentioned were bills of pains and penalties in the nature of a bill of attainder, and as such inhibited by the Constitution. What is a bill of attainder? A bill of attainder, as I understand it, is a judicial sentence by Parliament or by Congress; in other words, it is a legislative usurpation of judicial power, as when Parliament passed a bill to attaint A B of high treason, and directed his execution and the confiscation of his estate. This act is in the nature of a bill of attainder. It does not attaint the Mormon who refuses to take the test-oath of high treason, but it does assume judicial functions, and confiscate his property in his office without judicial trial or the judgment of any court. It usurps the power that properly belongs to the courts alone of determining the question of the guilt or innocence of the accused.

I may be told that the British Parliament centuries ago enacted test-oaths, and that no man was allowed to hold office until he had taken

the sacraments of the Church of England and the oaths of abjuration, &c. This is true; and it is also true that the enlightenment of the age and the triumph of reason have long since swept these oaths from the statute-book, and the Jew and the dissenter sit to-day by the side of the churchman in the Parliament of the realm.

But it does not follow from this historical fact that Congress now has or ever did possess any such powers. The Parliament of Great Britain has established a particular Church. Has the Congress of the United States any such power? Parliament has established an aristocracy and provided for the grant by the king of titles of nobility. Can Congress do the same? Certainly not. Why not? Because there is a written constitution in this country which expressly forbids it. There was none in England. Such is the omnipotence of the Parliament of Great Britain that, with the consent of the king, it may change what they call the constitution at pleasure. The Congress of the United States, with the President, has no such power. The Parliament of Great Britain has power to confiscate the property of the subject beyond the period of his life, and either with or without the use of test-oaths, if it should so will, to deprive a subject of his *property* without due process of law. The written Constitution of the United States, which it has no power to change, denies to Congress the power to do either. From the difference in the powers possessed by Parliament and by Congress the Senate will readily perceive the reason why the British test-oaths can as precedents be of no avail to the advocates of similar oaths in this country.

There is, therefore, no escape, Mr. President, from the position that the eighth section of the act in question is a bill of pains and penalties in the nature of a bill of attainder, the passage of which is expressly forbidden by the Constitution of the United States. My ninth objection is that it is an *ex post facto* law.

What is an *ex post facto* law? It is thus defined by Mr. Justice Chase, delivering the opinion of the Supreme Court of the United States in the case of Calder and Wife *vs.* Bull and Wife, (3 Dallas, 386):

1. Every law that makes an action, done before the passing of the laws, and which was innocent when done, criminal, and punishes such action.
2. Every law that aggravates a crime or makes it greater than it was when committed.
3. Every law that changes the punishment and inflicts a greater punishment than the law annexed to the crime when committed.
4. Every law that alters the legal rules of evidence, and receives less or different testimony than the law required at the time of the commission of the offense in order to convict the offenders.

(See also 1 Kent's Com., 408; Sergeant on Const. Law, 356; Smith's Com. on Const. Construction, 372.)

In Fletcher *vs.* Peck (6 Cranch's Reports, 138) Chief-Justice Marshall, delivering the opinion of the Supreme Court of the United States, says:

An *ex post facto* law is one which renders an act punishable in a manner in which it was not punishable when it was committed. Such a law may inflict penalties on the person or may inflict pecuniary penalties which swell the public Treasury. The Legislature is prohibited from passing a law by which a man's estate, or any part of it, shall be seized for a crime which was not declared by some previous law to render him liable to that punishment.

In the case of Ross (2 Pick., 169) it was held that if a statute add a new punishment, or increase the old one, for an offense committed before its passage, such an act would be *ex post facto*. The party ought to know, says the court, at the time of committing the offense, the whole extent of the punishment.

Will it be questioned by any one that the disfranchisement practiced in Utah under the Edmunds act is legal punishment of a high character? The punishment inflicted on the Mormon who refuses to take the test-oath in Utah is precisely the same which the Constitution inflicts on the President of the United States, or any other high official, who is impeached by the House of Representatives and convicted by the Senate. He is removed from office, and disqualified to hold and enjoy any office of honor, trust, or profit, and he is still liable and subject to indictment, trial, judgment, and punishment for the crime of bigamy according to law; just as the President, if impeached and convicted, would be liable in the courts to trial and punishment for his crime after he had suffered the penalties which follow the conviction on impeachment. And this high penalty of removal from office and disqualification is inflicted under an act of Congress passed long after the crime was committed.

Can any lawyer defend an act so palpably *ex post facto* and void, inflicting the highest punishment known to the Constitution of the country for a crime committed before its passage; a punishment as high as that which follows the conviction of the highest officer of the Government when impeached for high crimes and misdemeanors?

I beg to refer to the fact that the Utah Commission has in practice denied the citizen of Utah who does not now practice polygamy the right to hold office if he practiced it at any time during his past life. The commission in their first report, page 6, say:

Did Congress intend that those only should be excluded who at the very time of their registration or election were then living in polygamy or in unlawful cohabitation with more than one woman? If so, such a construction would render this section a perfect nullity. The means of evasion are patent to the dullest apprehension. We therefore conclude that neither the letter nor the spirit of the statute requires such a narrow construction, and in our published rules and regulations we gave the exclusion a wider scope and application.

In the case of Jennings, he admitted that he practiced polygamy prior to the passage of the statute, 1st July, 1862, making it penal, but that one of his wives died about 1871, and he had never since had more than one wife; and upon this state of facts he claimed the right to vote. The question was submitted to the commission, and they decided that having once practiced polygamy, though it was before the passage of the act making it penal, and if afterwards the crime had long since been barred by the statute of limitations, still he was ineligible, and they refused to permit him to vote or hold office.

Now, apply to Jennings's case the rule laid down by Mr. Justice Chase, and the act is clearly unconstitutional, because it inflicts a greater punishment than the law annexed to the crime when perpetrated. In addition to the old penalty, it denies his right to vote, forfeits his estate in his office, and denies to him the right to hold office, which could not be done, because no previous law, in the language of Chief-Justice Marshall, rendered him liable to that punishment.

And in the language of the supreme court of the State of Massachusetts, cited in the above-stated case, if it does not increase the old it adds a new punishment for an offense committed before its passage. How could a Mormon at the time of committing the offense years ago know, in the language of the last-named court, the whole extent of the punishment? How could he know that the wisdom of Congress would at some future day pass the Edmunds bill?

This law therefore punishes the citizen of Utah for what is now held to be an offense by legislative enactment, and not by the judgment of a court, denying him the right to a trial by jury, and in that respect it is also unconstitutional. The Constitution says, article 3, section 2, paragraph 3:

The trial of all crimes, except in case of impeachment, shall be by jury.

I beg the pardon of the Senate for taking up so much time reading authorities. But as they are in point and are the opinions of able judges, and as the question is an important one, I have relied upon your indulgence. These authorities establish the points I have taken against this law to my mind beyond all question.

First. That the citizen of Utah who is an office-holder has a property in his office.

Second. That this act of Congress violates the social compact, Magna Charta, and the Constitution of the United States, by depriving him of that property without due process of law, in this: that he is in effect convicted and his property forfeited without presentment or indictment of a grand jury; that he is denied a trial by jury; that he is denied the right to be confronted with the witnesses against him; that he is denied compulsory process for obtaining witnesses in his favor; that he is denied the assistance of counsel for his defense; and that he is compelled to be a witness against himself in a criminal case or that his silence is construed as conclusive evidence of guilt.

Third. That the act is in the nature of a bill of attainder, and is a usurpation by the legislative department of the Government of the functions assigned by the Constitution to the judicial department, being a sentence of forfeiture pronounced by Congress, which, being a judicial and not a legislative act, can only be done by the judiciary after trial and conviction.

Fourth. That the law is not and was not intended to be a law prescribing qualifications for office, but a penal law, forfeiting his property for the commission of an act which at the time of its commission had no such penalty annexed by law, and that the act or offense is punished by this law in a manner different from that prescribed by law at the time of its commission; and that the law is for this reason *ex post facto* and void.

The defendant is put upon trial not before a judicial tribunal, but before a commission appointed by Congress; he is made the witness against himself, and if he refuses to swear that he is not guilty, he is judged to be guilty and punished by disfranchisement.

But I may be told that while the authorities I have referred to might well apply to a similar act passed by Congress applicable to the States, as in the case of the lawyers' test-oath, or passed by a State, as in the case of the Missouri test-oath, that they do not apply to a test-oath passed by Congress as applicable to a Territory. And it may be claimed that the power of Congress over a Territory or the inhabitants of a Territory is absolute and uncontrollable, and that Congress may pass any law it thinks proper to pass applicable to Territories without constitutional restraint.

I deny the correctness of this position, and respectfully submit that the Congress of the United States has no greater power to violate the Constitution of the United States in the Territories, nor to pass laws that are unconstitutional as applied to the citizens of a Territory, than it has to pass like laws applicable to the citizens of States. Under what delegated power does Congress derive its right of absolute legislation in the Territories? I presume it must be found in the following grant, if found at all:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

The language "territory and other property," putting territory on the same footing with other property, does not seem to contemplate the government of communities or districts of country. But it seems to refer to rules and regulations respecting the territory as property as dis-

tinguished from population or an organized community. Territory and *other* property does not seem to mean a territorial government, but it puts territory as property, because it says that and other property. It would seem that this was the intention of the framers of the Constitution, who, treating it as property, were careful to protect the claims of the General Government and of the States to it as property.

But however imperfect the language of the Constitution may be, to confer such power it must be admitted that Congress has practiced upon the rule that it had the power to legislate for the Territories from the earlier periods of the Government, and the Supreme Court has sanctioned that practice. But this claim does not prove, nor has the Supreme Court held, that the power of Congress in the Territories is omnipotent, or that Congress may violate the spirit and letter of the Constitution by its legislation as applicable to the Territories. There are many things that Congress has no more power to do in the Territories than it has in a State. To illustrate: Congress has no power to pass any law applicable to any Territory for the establishment of religion or the prevention of the free exercise of religion therein; nor can it grant any title of nobility in a Territory; nor can it destroy or abrogate the right of trial by jury; nor can it suspend the privileges of the writ of habeas corpus, unless in case of rebellion or invasion; nor can it pass any law requiring excessive bail, or impose cruel or unusual punishments; nor can it by law justify unreasonable searches and seizures without the proper warrants; nor can it deny to any person the right to be confronted with the witnesses against him when on trial in any criminal case; nor can it deny to the defendant compulsory process to compel the attendance of his own witness; nor can it deprive any one of life, liberty, or property without due process of law; nor can it pass any law abridging the right of citizens of the United States to vote on account of race, color, or previous condition of servitude; nor can it establish involuntary servitude, except as a punishment for crime; nor can it pass any bill of attainder or *ex post facto* law; nor can it compel any person to be a witness against himself in any criminal case; nor can it destroy the principles of local self-government in a Territory as practiced for the last fifty years; nor can it refuse to govern the Territory according to the genius and spirit of our republican form of govern-ment; nor can it do many other acts which are prohibited by the Constitution; nor can it exercise any authority not delegated by the Constitution.

These instances are, I trust, sufficient to show that there exists in Congress no absolute power of unlimited legislation in the Territories. Congress has the right to dispose of and make all needful rules and regulations respecting the territory, in the singular, not Territories, and other property of the United States. That is the grant of power, and that is all of it. But this does not delegate to Congress the right to make any laws as applicable to the Territories or any rules or regulations for their government which violate the genius and spirit of our republican institutions or which are prohibited to Congress by the Constitution; nor, indeed, any which are not within the scope of its delegated powers.

The language as applicable to the District of Columbia, &c., is very different and much more full and ample. That provision gives to Congress the power to exercise exclusive legislation in all cases whatever over such District, not exceeding ten miles square, as may by cession of the particular States and the acceptance of Congress become the seat of Government of the United States, and to exercise a like authority over all places purchased, by consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

In the first case the language is, Congress may dispose of and make all needful rules and regulations concerning the territory (not Territories) and other property of the United States. In the last case, Congress may exercise exclusive legislation in all cases whatever.

The framers of the Constitution well understood the force and import of language, and it is very evident that they did not intend to confer power as plenary in the one case just quoted as they did in the other. In so far then as the right to legislate for the Territories is concerned, I am of the opinion Congress can rightfully exercise no power except such as is delegated to it by the Constitution. In the case of the District of Columbia and other places above mentioned, as the grant is plenary, Congress may exercise exclusive legislative powers, and enact and enforce any law that is not in conflict with some prohibitory provision of the Constitution.

The Supreme Court has held that the powers of the Territorial Legislature extend to all rightful objects of legislation, subject to the restriction that their laws shall not be inconsistent with the laws and Constitution of the United States. (1 Peters, 543.)

The test-oath prescribed by the constitution of Missouri during the war was similar to that prescribed under the act of March, 1882, as applicable to Utah in its disfranchisement, and was declared null and void by the Supreme Court of the United States, because it was a bill of pains and penalties, which neither the State nor the General Government had any right to pass.

I insist that Congress has no power in the Territories to pass any law violating these fundamental provisions of the Constitution. By articles 9 and 10 of the amendments to the Constitution the rights not delegated to the Congress by the States in the Constitution are reserved to the States respectively or to the people. The reservation of them to the States respectively, speaking of them as organized bodies, would embrace a reservation to the people who composed the State. But as many of the people might not be inhabitants of a State, but might live on the territory belonging to the Government, the reservation is put in the alternative, "to the States respectively or to the people." Therefore the reservation of powers not delegated applied as well to the people of a Territory as to the people of the States.

Congress may go to the extent of the delegated powers in passing laws for the Territories or in punishing crime there; but it has no right to pass laws prohibited by imperative provisions of the Constitution; nor has it the right to exceed the delegated powers in the enactment of laws for the government of the Territories. I deny that the power is anywhere delegated to Congress in the Constitution to destroy local self-government as long practiced in a Territory, or to destroy a republican form of government in a Territory, or to destroy the right of trial by jury, which the Constitution declares shall be preserved. The accused is in every case entitled to a speedy and public trial by an impartial jury before any penalty or punishment or disability of any kind can be inflicted upon him.

Again, Congress is required by the Constitution to guarantee to each State a republican form of government. Will it be insisted by any one that Congress has a right in a Territory belonging to the United States, inhabited by citizens of the United States, who are entitled to the protection guaranteed by the Constitution to citizens, to destroy a republican form of government, and to govern the Territory by commissions of military men, or civilians, or satraps, or provisional governors, in an arbitrary, tyrannical, or unconstitutional manner, violative of the very first principles of republican government? The framers of the Constitution intended no such inconsistency as a guarantee of a republican form of government in the States and the destruction of republican government in the Territories.

If Congress has the power to destroy the Territorial government in Utah, and send commissioners, military dictators, or satraps to govern the Territory for five years, it has the same power to embrace in the same category all the territory belonging to the United States. And if it may govern any portion of it, it may govern all of it by a satrap. And if it may continue such government for a term of years, there is no reason why, in its good pleasure, it may not continue it for one hundred years or five hundred, making the Territory a province, to be plundered at will by the party in power.

I can never subscribe to the doctrine that citizens of the several States, who leave their homes in the States and establish homes in the Territories, thereby lose their rights as citizens of the United States under the Constitution or lose the protection the Constitution guarantees to them against arbitrary tyranny or oppression. Nor can I believe that Congress may rightfully in such case govern them outside of the Constitution, or that it may exercise despotic, arbitrary, or unlimited power over the people of the Territories. They are as much citizens of the United States as are the citizens of the several States, and they are as much entitled to exercise the rights guaranteed by the Constitution as any of the other citizens of the United States are. They have a right to all the protection that the inhibitory clauses of the Constitution throw between them and the exercise of arbitrary power, whether it is attempted to be exercised by Congress or any other department of Government.

The Government of Great Britain, though a monarchy, does not claim the right to exercise any such power over the English-speaking inhabitants of Great Britain or the British provinces. When the original thirteen States were provinces of Great Britain the people claimed the right of local self-government, and they resorted to revolution and open resistance to the government rather than submit to taxation without representation. By an attempt to exercise the very power that it is now proposed by some persons that the United States shall exercise over Utah the British Government lost the provinces, which at the end of the war became thirteen sovereign and independent States, which united and formed this great Government of ours. The power of local self-government lies at the very foundation of our system. The powers of the General Government are limited to the grant made by the States in the Constitution, and the citizens of the States and of the Territories of the Union are alike protected by the inhibitory clauses of the Constitution to which I have invited the attention of the Senate.

The proposition is a monstrous one, that the Government of the United States has the power to destroy local self-government as it has heretofore existed in the Territories, to subvert the principles of our republican system there, or to send irresponsible commissions, agents, or despots to insult, rob, and plunder the citizens of a Territory, whose constitutional rights are inalienable and should be protected wherever the flag floats over an American freeman. If such power exists, it is the power of brute force, not of right; a power which no enlightened republic can afford to exercise over its citizens.

A few words about the practice and policy of the Government in its legislation in reference to the Territories may not be out of place here. After Virginia had ceded the northwestern territory to the Government of the United States, the Congress, in 1787, passed an ordinance for its government, in which it is provided that—

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be nec-

essary and best suited to the circumstances of the district, and report them to Congress from time to time; which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved by Congress; but afterward the Legislature shall have authority to alter them as they shall see fit.

In a subsequent part of the ordinance it is provided that—

So soon as there shall be 5,000 free male inhabitants of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships to represent them in the General Assembly.

It then fixes the number of representatives at 1 to every 500 free male inhabitants until the number shall amount to 25, after which the proportion of representatives shall be regulated by the Legislature. It then prescribes the qualifications of representatives and voters. It also provides for filling vacancies, &c. This was the earliest act passed by Congress for the government of the Territory, and at that time it was called district, and not Territory; and as you will readily see, Mr. President, the Congress provided for a republican form of government for the Territory, and for local self-government in the Territory, so far as the legislative functions were concerned. (See Statutes at Large, volume 1, page 51.)

By act of May 26, 1790, provision was made for the government of the territory of the United States south of the Ohio River, which the statute declared should be similar to that which was then exercised in the territory northwest of the Ohio. (Volume 1, page 123.)

As you see, Congress did not leave the governor and judges to legislate, but authorized them to select laws from those passed by the States for the Territory until it had sufficient inhabitants to enable it to elect a legislature, when it was to assume legislative functions; and the same rule was applicable to the territory south of the Ohio River.

Kentucky was part of Virginia, and with the consent of Virginia she formed herself into a State, and was admitted into the Union 1st of June, 1792.

Tennessee, having been ceded to the United States by North Carolina, was admitted into the Union with but little Territorial history.

The Territory of Mississippi was organized April 7, 1798, with the same privileges which the people of the Northwestern Territory enjoyed under the ordinance of 1787 except the provision as to slavery. By act of 10th of May, 1800, the right to elect representatives was provided for with property qualification. The property qualification was removed by act of October 25, 1814 (volume 3, page 143), and it had representative government until its admission into the Union.

On the 3d of March, 1817, the Territory of Alabama was organized from a portion of the Territory of Mississippi, and the representatives elected under the laws governing the Mississippi Territory who fell within the Territory of Alabama were to continue as the legislative assembly of that State. The town of Saint Stephens was declared to be the seat of government for the Territory until it should be otherwise ordered by the Legislature thereof.

By act of April 20, 1802, the people of the eastern part of the Northwestern Territory were authorized, in a convention elected by the people, to form a State government, preparatory to admission into the Union, with such name as they might adopt. The State of Ohio was thereupon organized as a State and admitted into the Union. (See volume 2, page 173.)

Having purchased the Territory of Louisiana from France, the President was authorized, by act of March 31, 1803, to take possession of it, and to use any part of the Army and Navy necessary for that purpose. We had just purchased the Territory, the inhabitants were not friendly to the people of the United States, and did not speak our language; hence it was necessary to use extraordinary means to take possession of the Territory and to form a government there. A Territorial government was established by act of March 26, 1804, which vested the legislative power in the governor and thirteen fit and discreet persons of the Territory, with the powers usually given in such cases. (Volume 2, page 284.)

A similar instance occurred in the case of the Territory of Florida. A hostile state of feeling had existed between the Spanish Government in Florida and the people of the United States for many years. Finally the Government of the United States purchased the Territory of Florida, and by the act of March 30, 1822, a Territorial government was established there, and, as the people were foreign and spoke a still different language, extraordinary means were deemed necessary in the government of the Territory, and the legislative power was vested in the governor and thirteen of the most fit and discreet persons in the Territory, to be called the Legislative Council, appointed annually by the President of the United States. There was also a short period when the Northwestern Territory was controlled by a governor and judges. But these were extraordinary occasions, at an early period of the Government, when there did not seem to be any fixed policy in reference to the organization and control of the Territories. But after the arbitrary government of the Territory of Florida had ceased we find no more instances of the application of such rules to any Territory, and for the last sixty years there has been no instance that has fallen under my observation where the right to elect the general assembly and in most cases the local officers has been denied to a Territory.

The unbroken practice for more than half a century has been uniformly in favor of local self-government so far as the election of the legislative assembly was concerned.

The Territories of Illinois, Indiana, Michigan, Mississippi, and Alabama were given the same right of self-government which was secured to the people of the Northwestern Territory by the ordinance of 1787.

The State of Maine formed a part of the territory of Massachusetts, and with the consent of Massachusetts formed an independent State, and was admitted into the Union in 1820. (Volume 3, page 544.)

The Territory of Arkansas was organized by act of March 2, 1815, and the legislative power was vested in a legislature, to be elected by the people so soon as it was organized.

The Territory of Missouri was organized under an act of June 4, 1812. A governor, legislative council, and a house of representatives elected by the people had the legislative power. (See volume 2, page 744.) And by an act of April 27, 1816, the qualified voters were authorized also to choose the legislative council. (Volume 3, page 328.) There were other instances in the early unsettled period where the legislative council as well as the governor were appointed by the President, but the house of representatives was invariably elected by the people. These instances occurred when there was no settled policy applicable to the Territories. For the last half century, as a rule, the legislative council and house of representatives and generally the local officers have been elected by the people under the various acts providing for the organization of the respective Territories. This rule applied to the following Territories, organized as hereafter stated:

Minnesota, by act of March 3, 1849. (Volume 9, pages 403, 404.)
New Mexico, act September 9, 1850 (volume 9, page 448).
Nebraska, act May 30, 1854 (volume 10, page 278).
Kansas, by the same act (volume 10, pages 284 and 285).
Territory of Washington, act March 3, 1853 (volume 10, page 172).
Territory of Oregon, act August 14, 1849 (volume 9, page 323).
Territory of Utah, act September 9, 1850 (volume 9, page 453).
Territory of Nevada, act March 2, 1861 (volume 12, page 210).
Territory of Colorado, act February 28, 1861 (volume 12, page 172).

California, having formed a State government without Territorial pupilage, was admitted as a State September 9, 1850 (volume 9, page 452). The collection laws were extended over the Territory by an act of March 3, 1849 (volume 9, page 400); and in all these later instances, without exception, the right to elect their own general assembly is given to the people of the Territory. The same is true of the remaining Territories of Dakota, Montana, Wyoming, Idaho, and Arizona.

Now, let it be borne in mind that the Government invited emigrants from the different States into the Territories. By giving them lands for their homes and holding out other inducements it got them to occupy the Territories, and it established Territorial governments with the privileges already mentioned.

This has been an unbroken practice, as already stated, for more than fifty years, and thousands and tens of thousands of people have been induced to go into the Territories and settle by the well-known policy of the Government, and they have acquired rights there under the Constitution and laws which Congress has neither moral nor legal authority to take from them. They have acquired the right of local self-government so far as the election of their own members of the legislature and their own local officers are concerned, and we have no moral right, after inducing them to go to the Territories with the assurance that they would have the rights the acts of Congress gave and which half a century's practice confirms, to abridge or destroy these rights.

Take, as an illustration, the Territory of Utah, at which the unfriendly legislation is aimed. The people of that Territory exposed themselves as those of few Territories ever have, and they endured an amount of suffering and privation that few people have ever been able to bear. They located in that distant wilderness, at the time a thousand miles from the nearest settlement in any of the States. Congress extended over them the laws of the United States and gave them a liberal Territorial government. Under it they have grown and prospered to a remarkable degree, and because there have been 12,000 persons found there who will not swear that they have at no time in their lives been guilty of bigamy or polygamy, it is proposed by members of Congress and others occupying high positions to destroy the government of Utah so far as its elective form is concerned, put it under a commission appointed by the President, deny to its people the right to elect their own members to the Legislature or their own local officers, deny them the right to elect a Territorial Delegate to Congress, which every Territory enjoys, put the feet of the power of this Government upon their necks, and crush them because there have been found among them 12,000 men and women who will not take an illegal oath which has been tendered to them, and who are therefore presumed to be guilty of bigamy or polygamy.

If this unconstitutional and illegal action applied only to the guilty parties there would be some pretext for the usurpation; but we punish 138,000 people who have not practiced polygamy in order to make sure that we have punished 12,000 who are believed to be guilty of that offense. We not only tear down the Territorial government, but we expose the whole people of the Territory, the innocent as well as the guilty, to a system of government which will enable those in authority to rob and plunder the people at pleasure. And it must, I suppose, be

understood by the people of Utah that they are to be governed by a commission or a satrap, until the population who have heretofore practiced polygamy, and who are a small minority of the people, consent to abandon their plural-wife system, and adopt instead of it the system of prostitution, fœticide, and sexual impurity practiced in other sections of the Union.

But they have another sin to atone for before they can be forgiven. The people of Utah for the last twenty years have felt that the Republican party in power has done them great injustice; consequently they are not as good Republicans as it is thought by some of the leaders of that party they ought to be. They must therefore consent to change their politics, at least to the extent of agreeing to be admitted into the Union as a Republican State, before the innocence of a large majority of the people will be considered by the political party in power sufficient to atone for the guilt of the minority.

The Utah Commission, in prescribing an oath for the voter, was careful not to interfere with the sexual privileges of non-Mormons in the Territory; consequently they require the voters to swear that they are not bigamists or polygamists, and that they do not cohabit with more than one woman *in the marriage relation*. If they do, they are denied the right to vote or hold office. But each inhabitant of Utah who has a wife and as many mistresses as he chooses to keep, if he does not claim that he keeps them in the marriage relation, has a perfect right to vote and hold office. It will therefore doubtless be required of the Mormons that they abandon their system of cohabiting with more than one woman "in the marriage relation," and adopt in its stead the system of one wife, with such other indulgences outside of the marriage relation as they choose to practice.

When they have consented to do this, and adopt the more popular mode against which there is no such popular clamor as exists against polygamy, and when they have declared themselves in favor of the Republican party, their many sins will doubtless be forgiven by the high priests of the party, and they will be a remarkably proper people to trust with the delicate and responsible duties of self-government. In other words, if they will only change the name, and resort to the same practices under a different name, and will sacrifice their political opinions and join the party in power, they will be embraced as brethren, and they will no longer be proscribed and made the victims of popular vengeance.

The Utah Commission report about 150,000 people in the Territory. Of this number there are 40,000 non-Mormons, leaving about 110,000 Mormons. Of this number about 12,000, male and female—as the women vote there—declined to take the oath, and are set down as practicing polygamy. As the oath applies to all their past lives, it is fair to infer that not more than 12,000 now living have ever engaged in this pernicious practice; and probably many of the 12,000 refused to swear that they were not polygamists or bigamists; not that they had practiced polygamy, but because they approved it.

There are over fifty millions of people in the United States; and there are probably twenty times as many persons practicing prostitution, or illegal sexual intercourse, in the other parts of the Union as the whole number who practice it in Utah. Many of the features of its practice in the other States and Territories, including fœticide, illegal divorce, &c., are quite as revolting or more so than in Utah. It is assumed in the other parts of the Union, where a greatly larger number of persons practice sexual impurity than the whole number of Mormon polygamists, that polygamy must be put down at any cost. It is certainly a matter of great importance that polygamy, prostitution, fœticide, and illegal divorce, whether practiced in Utah or in any other part of the United States, should be put down. And if we have it in our power by constitutional means to accomplish that end no one would be more rejoiced than I. But having taken a solemn oath to support the Constitution of the United States, I can not as a Senator vote for a measure which I am satisfied is a plain violation of the Constitution to crush out polygamy or to accomplish any other object. And we would do well to bear in mind that if the Congress of the United States disregards and violates the Constitution of the United States in its eager haste to crush a sect but little over one hundred thousand strong, the result of the precedent may be the crushing out of one sect after another, until it ends in the complete overthrow of the liberties of fifty millions of people, who are expected to applaud our efforts to crush the Mormons without regard to constitutional difficulties or constitutional obligations.

No matter what the popular applause may be on the one hand or the popular condemnation on the other, I will join in no hue and cry against any sect that requires me to vote for measures in open violation of the fundamental law of the land. And we would do well to bear in mind that an illegal persecution of any sect always excites sympathy for the persecuted and greatly increases its numbers. The late Alexander H. Stephens, of Georgia, when asked what would be the effect of the Edmunds bill on Mormonism, replied, "The effect will be to make more Mormons."

But I may be asked, "What means can we adopt to destroy this great evil in Utah?" I reply we can not do it by passing unconstitutional laws, or adopting illegal or unconstitutional means, or by striking down republican government in the Territory.

The Christian Churches of this country spend hundreds of thousands of dollars every year sending missionaries to foreign lands where polygamy is practiced. In India and in China alone more than 500,000,000 of people practice or acquiesce in the practice of polygamy. And yet the Christian Churches are not discouraged, but they send missionaries there, hoping finally to convert the whole mass of the people. Why, then, should we not send missionaries to Utah, where only about 12,000 people practice and a little over 100,000 people believe in polygamy? If the Christian Churches are willing to make the effort to convert 500,000,000 of polygamists in the East, why should they not with less effort convert 100,000 within the limits of our own land? If the first task is within the range of possibility, what is there to discourage us from the smaller undertaking? There are a great many people in Utah who might be converted by the proper effort. They are our neighbors, our fellow-citizens. Shall we give them up as reprobates, and make no effort to save them, and join in a crusade to crush them? They speak our language; they are within easy reach. Why give them up and turn to the heathen of other lands, who neither understand our language nor have anything of race or sympathy in common with us? Have the Christian Churches done their duty to the Mormon people? If you can not convince their leaders, you can convert thousands of the people. It may be easier to cry "Crucify them" than it is to try to help convert them. But can the Churches reconcile it to conscience that duty is as well performed in the one case as in the other?

There is also another mode of accomplishing it. If the honorable Senator from Vermont, or any other gentleman of his distinguished ability who feels the very deep interest that he evidently does in suppressing polygamy, will head a colony of 50,000 New England people, who will settle in Utah, my high estimate of the energy and enterprise of the people of New England justifies the conclusion that in a few years the present prevailing usages of Utah on the social question will give place to what by popular consent are admitted to be the more refined, delicate, voluptuous, and attractive practices of the people of New England. Immigration into the Territory sufficient to control its vote at the ballot-box and missionaries from Christian Churches to teach the people of that Territory the truths of the Gospel are an infinitely better remedy than unconstitutional, arbitrary, and oppressive enactments by Congress.

Mr. CULLOM and Mr. GARLAND addressed the Chair.

The PRESIDING OFFICER (Mr. WILSON in the chair). The Senator from Illinois. Does he yield to the Senator from Arkansas?

Mr. CULLOM. I rose to make a motion to refer the bill to the Committee on Territories.

Mr. GARLAND. I wish to say a few words; and I am very glad the Senator from Illinois has made that suggestion. I will make a statement to him, and I think possibly he will change the reference. The Committee on the Judiciary reported the act which the Senator from Georgia [Mr. BROWN] has argued against and has also before it several propositions looking to the government of Utah Territory. If this bill goes to the Committee on Territories we shall have the labor divided; and I suggest to him that he change his intention of referring it to the Committee on Territories and refer the bill to the Committee on the Judiciary.

Mr. CULLOM. Not being on either commiteee, I have no personal interest in the matter, but it does seem to me that if the Committee on Territories has any control whatever over the subjects that pertain to the interests of the Territories this ought to be one of them. If there is to be any serious question as to where the bill ought to go, as the chairman of the Committee on Territories is not in his seat, as the Senator from Arkansas knows, I suggest that the bill lie on the table, and I will withdraw the motion to refer until the Senator from Indiana [Mr. HARRISON] returns.

Mr. GARLAND. I have no objection if the Senator prefers that the bill should go to the Territorial Committee, but I am simply speaking by way of expediting the work and not getting a conflict of jurisdiction on this important subject.

Mr. CULLOM. I think the chairman of the Committee on Territories and the members of that committee generally would feel that this subject belongs to them for consideration, primarily at least.

Mr. GARLAND. As I am on both committees, I am as disinterested about where the bill shall go as the Senator from Illinois.

Mr. HOAR. I desire to suggest that the question of referring this bill has been settled by the custom of the Senate. The Senate has had occasion to deal with the question of polygamy several times in the past. The act which is commonly known as the Edmunds bill was matured by the Committee on the Judiciary, and the Senate has already sent to the Judiciary Committee a supplementary bill to that which passed in addition to the Edmunds bill reported to the Senate from the Judiciary Committee last winter. It is an elaborate supplementary bill to the act which is now a law, which came from the Judiciary Committee. I understand that at every session of the Senate the Senate has committed to the Judiciary Committee the bills which relate to Mormonism. As I understand the usage of the Senate it does not send to the Committee on Territories general legislation which involves constitutional and other considerations merely because it happens to be confined in its application to the Territories, but it is rather our general system of Territorial government, the question of the admission of

Territories, dealing with their interests, and so on, not questions of a legal character, which the Senate has sent to the Committee on Territories.

Mr. PLATT. I hope the suggestion made by the Senator from Illinois that the bill lie on the table until the chairman of the Committee on Territories shall return will be satisfactory to the Senate. I am new on the Committee on Territories, but I know that the chairman of that committee felt that this bill ought to be referred to the Committee on Territories. To my mind there are very many reasons why it should be so referred, and I think courtesy to the chairman requires that the bill should lie on the table until he may have an opportunity to express his opinion on the subject.

Mr. CULLOM. I will make the motion that the subject of the reference of the bill be postponed until the 15th of the present month.

Mr. PLATT. Let the bill lie on the table.

Mr. CULLOM. Very well; let it lie on the table.

Mr. GARLAND. That is quite satisfactory to me.

Now I wish to say a word or two on the subject. When the bill known as the Edmunds bill was before the Senate nearly two years ago it was elaborately discussed on all the grounds which have been suggested so ably by the Senator from Georgia who has just taken his seat. The bill passed the Senate and the House and is now a law of the United States; and the legal presumption is that that bill is constitutional until it is declared otherwise. The argument made so ably by the Senator from Georgia was advanced against the bill when it was pending before the Senate by himself and other Senators. All the questions arising upon the plenary power of Congress over the Territories was discussed and the authorities given, the friends of what is called the Edmunds bill claiming that from the earliest practice of the Government and from the earliest decisions, commencing with the celebrated case of Carter, in 2 Peters, relating to the Territory of Florida, and coming down to about the middle of Wallace's Reports, there had been no deviation, no change, in the doctrine that Congress had plenary power over the Territories, and that nothing in that bill deprived any man of his right of property. As to the power of Congress over the Territories, some contend that it is derived from the clause of the Constitution just preceding the one referred to by the Senator from Georgia as to making all needful rules for the regulation of the territory and other property of the United States, that is to say, the clause which gives Congress power to admit new States; but I think this general power over the Territories comes from both of these clauses, and that power is ample for all the purposes proposed by the Edmunds bill, and more too.

The decision in the case from Missouri of Happersett *vs.* Minor, in 21 Wallace, was referred to and commented on, which draws a distinction between a mere civil right, as a right to vote or a right to hold office, and a right to property, as a man's right to a horse or to land or to a house. All those arguments were gone over by different gentlemen, not of course as compactly and as thoroughly as the Senator from Georgia has to-day presented them.

The objection that I had to the Edmunds bill, as it is called, was that it did not go far enough; it was simply the application of a corn-plaster to cure a case of consumption. We afterwards brought in a bill that took the step I wanted, which the action of the commission there has shown to be a necessity. When that bill is passed in addition to the Edmunds bill, I think then the problem will be solved. I confess that upon the proposition to so amend, when I first thought of it I had some doubt, arising upon the fourth classification as to *ex post facto* laws as laid down by Judge Chase in Calder *vs.* Bull, in 3 Dallas's Reports. The fourth classification as laid down by him refers to the alteration of the law as to the testimony upon which to convict for a crime which has been already committed. But I was relieved of that difficulty by the unanimous decision of the Supreme Court in the case of Miles *vs.* The United States, in the one hundred and third volume of United States Reports, and inasmuch as that proposition is coming in some shape back from the committee to the Senate, I wish now, since this matter has been sprung, to present it to the Senate for what it is worth. Miles escaped, as all others had escaped, because of the difficulty of proving illegal marriage in that Territory. The Supreme Court say:

> It is made clear by the record that polygamous marriages are so celebrated in Utah as to make the proof of polygamy very difficult. They are conducted in secret, and the persons by whom they are solemnized are under such obligations of secrecy that it is almost impossible to extract the facts from them when placed upon the witness stand. If both wives are excluded from testifying to the first marriage, as we think they should be under the existing rules of evidence, testimony sufficient to convict in a prosecution for polygamy in the Territory of Utah is hardly attainable. But this is not a consideration by which we can be influenced. We must administer the law as we find it. The remedy is with Congress, by enacting such a change in the law of evidence in the Territory of Utah as to make both wives witnesses on indictments for bigamy. (103 U. S. Reports—13 Otto, 315, 316.)

The Supreme Court, after frequently tusseling with this question and being thwarted, has mapped out a way for Congress to get at it and obviate all this trouble. What we wanted to do in the start with the Edmunds bill, but did not see proper to bring forward, now stands in the new bill; and I think when the path has been mapped out by the Supreme Court so plainly that a blind man can see it by following it, we shall cure the evil in that Territory, and not without it; and for that reason I put upon record this decision of the Supreme Court, and a unanimous decision at that.

One word as to this business of sects. That question has been sifted before the Supreme Court in the case of Reynolds, that came from that Territory, in the ninety-eighth volume of United States Reports. It was presented in every conceivable shape by learned authors from the time of Aristotle to the present, and the Supreme Court unanimously said that men could not shelter themselves under the guise and color of their religion or their sect, if you please so to call it, against the law of the land made to extirpate polygamy or bigamy from that Territory. According to the view which was stamped out by that decision of the court a man could defend himself in this country from any crime by saying it was a part of his religion to commit that crime. I always thought that Guiteau made a mistake in his pleading; I always thought he should have traversed the indictment, and denied that he was moved and instigated by the devil and averred that he was moved and instigated by the Lord. Then, according to the doctrine of sect and the protection of religion, he would have gone free; but the Supreme Court would have told him, as it said in the Reynolds case, we know no such doctrine in this country to protect a man from crime because of his religion.

Mr. CULLOM. I do not care to make a motion, but simply suggest that the bill lie over until the return of the chairman of the Committee on Territories.

The PRESIDING OFFICER. It is suggested that the bill lie over until the return of the chairman of the Committee on Territories. If there be no objection, the bill will lie on the table for the present.

REVISION OF THE RULES.

The PRESIDING OFFICER. The consideration of the unfinished business will now be resumed, being the report of the Committee on Rules. The question is on the amendment of the Senator from Maine [Mr. HALE] to the substitute proposed by his colleague [Mr. FRYE] for Rule XXVI, which will be reported.

The SECRETARY. In the clause relating to the Committee on the District of Columbia it is proposed, after "nine Senators," to strike out—

> To which shall be referred all bills making appropriations for the expenses of the government of the District of Columbia.

Mr. HALE. Let us have the yeas and nays on that.

The yeas and nays were ordered.

Mr. HALE. I only wish to say that the Senate has decidedly voted in all other cases to adhere to its ancient ways and to dismember no committee, and I hope that rule which it has set in other cases will be followed here. I do not want to take any more time.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). On this question I am paired with the Senator from Virginia [Mr. MAHONE], who is detained from the Senate by illness. If he were present, I should vote "yea" and he would vote "nay."

Mr. BUTLER (when Mr. HAMPTON'S name was called). I understand my colleague [Mr. HAMPTON] is paired with the Senator from North Carolina [Mr. VANCE]. If he were present, my colleague would vote "yea."

Mr. HILL (when his name was called). I am paired on this question with the Senator from New Hampshire [Mr. PIKE].

Mr. HAWLEY. I am paired with the Senator from Iowa [Mr. ALLISON]. If he were here, he would vote "yea" and I should vote "nay."

Mr. JONAS (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON].

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. PIKE (when his name was called). I am paired with the Senator from Colorado [Mr. HILL].

Mr. VAN WYCK (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS].

Mr. WILSON (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

The roll-call was concluded.

Mr. VANCE (after having voted in the negative). I desire to withdraw my vote. I understand that while out of the Chamber I was paired with the Senator from South Carolina [Mr. HAMPTON]. I did not know that when I voted.

The PRESIDING OFFICER. The vote will be withdrawn if there be no objection.

The result was announced—yeas 29, nays 19; as follows:

YEAS—29.

Anthony,	Dawes,	McMillan,	Saulsbury,
Bayard,	Dolph,	Maxey,	Slater,
Beck,	Edmunds,	Morgan,	Vest,
Butler,	Garland,	Morrill,	Voorhees,
Call,	Hale,	Platt,	Walker.
Cockrell,	Jackson,	Plumb,	
Coke,	Lamar,	Pugh,	
Colquitt,	Logan,	Ransom,	

NAYS—19.

Aldrich,	Frye,	Ingalls,	Palmer,
Blair,	Gorman,	Jones of Fla.,	Sabin,
Brown,	Groome,	Lapham,	Sawyer,
Conger,	Harris,	Manderson,	Sherman.
Cullom,	Hoar,	Mitchell,	

ABSENT—28.

Allison,	Gibson,	McPherson,	Vance,
Bowen,	Hampton,	Mahone,	Van Wyck,
Camden,	Harrison,	Miller of Cal.,	Williams,
Cameron of Pa.,	Hawley,	Miller of N. Y.,	Wilson.
Cameron of Wis.,	Hill,	Pendleton,	
Fair,	Jonas,	Pike,	
Farley,	Jones of Nev.,	Riddleberger,	
George,	Kenna,	Sewell,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the substitute for the rule proposed by the Senator from Maine [Mr. FRYE] as amended.

The substitute as amended was agreed to.

Mr. HARRIS. The vote just taken was on agreeing to the substitute. Now the question is, Shall the rule be adopted?

The PRESIDENT *pro tempore*. The Senator from Tennessee is probably correct.

Mr. HARRIS. I desire to offer an amendment——

The PRESIDENT *pro tempore*. The Chair thinks he was right in stating the question before. The Senator from Maine moved to amend——

Mr. HOAR. The Chair will pardon me a moment. I understand the question was put on the adoption of an amendment, which amendment simply changed the order of the committees named in the rule. That amendment the Senator from Maine [Mr. HALE] moved to amend, and it has been amended. The question now is on the original amendment as amended.

Mr. HALE. That has already been carried.

Mr. HOAR. There is a misunderstanding. The rule was the pending question. The Senator from Maine on my left [Mr. FRYE] moved to amend by substituting it in a new draught, which was an amendment; that was the changing of the order of the committees. Then the Senator from Maine [Mr. HALE] moved to amend the amendment in the second degree, and his amendment has been carried on the yeas and nays

Mr. HALE. As also has the substitute moved by my colleague, as I understand.

Mr. HOAR. I have not heard that question put.

Mr. HALE. That question was put, and we proceeded to another amendment.

The PRESIDENT *pro tempore*. The Chair will state now that he thinks the Senator from Tennessee is in error. The question was first, on which the yeas and nays were taken, on amending the substitute for the whole rule offered by the Senator from Maine who sits in front of the Chair. That was agreed to on the yeas and nays. Then the Chair stated that the question recurred on agreeing to the substitute for Rule XXVI proposed by the Senator from Maine in front of the Chair, the chairman of the Committee on Rules, as amended. That motion was put and agreed to, so that the Chair thinks that Rule XXVI is now disposed of by the vote of the Senate in agreeing to a substitute for the whole rule from beginning to end, proposed by the chairman of the Committee on Rules as amended by the Senate.

Mr. HARRIS. I was inattentive. I had desired, after the adoption of the amendment of the Senator from Maine on the left of the Chair [Mr. HALE], to propose to amend the substitute by striking out the word "nine," in respect to the Committee on Appropriations, and inserting the word "eleven," for the reason that the Senate was informed the other day, and I doubt not correctly—I have not looked to it—by the Senator from Kentucky [Mr. BECK], that all the committees having charge of the important branches of the public service were represented upon the Committee on Appropriations except two, the Committee on the District of Columbia and the Committee on Post-Offices and Post-Roads. We have several committees with eleven members already, the Committee on Finance, the Committee on Commerce, and perhaps others; and I think it very important that every committee charged with an important branch of the public service should at least have one representative upon the Committee on Appropriations, and for that reason I desire to offer that amendment. If it be necessary I will ask the Senate to reconsider the vote by which the substitute was adopted in order that I may offer the amendment and test the sense of the Senate upon it.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves to reconsider the vote by which the Senate agreed to the substitute offered by the chairman of the Committee on Rules for Rule XXVI for the purpose he has indicated. Is there objection?

Mr. MAXEY. I was in entire sympathy with the Senator from Maine and voted with him all the way through, but I think that the Post-Office Committee, of which I have been a member for years, should not be without representation upon the Committee on Appropriations. That committee is one of very great importance. Very many million dollars are affected by the appropriation bill for the Post-Office Department, and I think it better that that committee should have one of its members upon the Committee on Appropriations.

The PRESIDENT *pro tempore*. Is there objection to treating the vote agreeing to the substitute proposed by the chairman of the Committee on Rules as reconsidered?

Mr. MORRILL. I should rather hope that this motion to increase the number of the Committee on Appropriations would not be adopted. I think it will injure the efficiency of the committee to enlarge it. All members of the Senate are not as prompt in their attendance upon committee meetings as the honorable Senator from Tennessee [Mr. HARRIS.] If they were there would be less difficulty about getting a quorum. The larger the committee is the more it takes for a quorum; and if we are to have all the committees represented upon the Committee on Appropriations that are of any vital importance, that committee will not embrace the whole number until its numbers shall amount to as many as thirty. I do not see that this matter can be arranged satisfactorily if that idea is to prevail. Indeed, I thought one idea that was prominent on the part of the chairman of the Committee on Rules was that Senators having one position upon the Committee on Appropriations, on the Judiciary, or on Finance, should not occupy any other committee position. It seems to me that this would magnify the evil which the Senator from Maine very justly, perhaps, sought to remedy. I hope at all events that the vote will not be reconsidered and that the committee will not be enlarged.

Mr. HALE. Mr. President, I have no sort of objection to the Senator from Tennessee, as he did not understand how the vote had been given, having the question taken upon his amendment; but I certainly hope that the Senate will not now, after considering these rules so long and having, as I said once before, voted down all propositions to change the committees, now proceed to add to the number of the Appropriations Committee. That committee at many times has to sit during the sessions of the Senate, having leave by the rules so to do. It is a difficult thing frequently to get a quorum. The larger the number of the committee, the larger must needs be the quorum necessary to do business and the greater the difficulty. I do not know that any complaint is made now that the committee does not with its present force do its duty and perform its labors faithfully.

Mr. MORGAN. Will the Senator from Maine allow me to inquire as to the practice of the committee, of which I am entirely ignorant? I suppose the committee divides itself into subcommittees and refers particular bills to particular subcommittees.

Mr. HALE. That is its invariable course.

Mr. MORGAN. Now I should like to know how those subcommittees are composed, how many there are, and what number of Senators on each.

Mr. HALE. Each bill is referred to a subcommittee of three members. Each bill receives consideration first in that subcommittee, which, as in other committees, reports to the full committee. The full committee considers it, not nominally, I may say, but carefully, considerately, and the report is the report of course of the whole committee.

Mr. MORGAN. That would carry about three bills to each subcommittee ordinarily.

Mr. HALE. I suppose the average would be just about what the Senator from Alabama says.

Mr. COCKRELL. Two to some and three to others.

Mr. HALE. Yes; two to some and three to others. But I will not take up any more time of the Senate. I do not think the body is now prepared to make this change, and I am willing the vote should be taken at once.

Mr. MAXEY. I only want to add to what I said before that I believe there are five committees of this body which treat of the matters connected with one Department, while the Post-Office Committee treats of that entire Department, not any branch of it, like the bureaus in the Interior Department or the Treasury Department, but the whole of it. Therefore the members of that committee ought to be conversant with everything that concerns the entire postal service, just as the Military Committee, of which the Senator from Illinois [Mr. LOGAN] is the able chairman, is with all things connected with the Army. For that reason it seems to me it will be a wise thing, that being the only committee representing a Department of the Government that has no representation upon the Committee on Appropriations, it would be but fair that it should have a member on that committee.

Mr. HARRIS. I wish to add but a single word. I have no special interest in this matter. My judgment is that the Committee on the District of Columbia and the Post-Office Committee ought to be represented upon the Committee on Appropriations. It struck me that there was great force in the suggestion of the Senator from Kentucky two or three days ago, when he made answer to the argument in favor of referring the District appropriation bill to the Committee on the District of Columbia, and the suggestion was made that other appropriation bills should be referred to other committees. The Senator from Kentucky then informed us that every committee of this body having charge of the important branches of the public service was represented upon the Committee on Appropriations except two. Now I think in all fairness these two ought to be represented. I seek to displace no-

body on the committee, and the only means of representing these other committees is to increase the number.

Mr. HALE. Will the Senator allow me to make a suggestion here?

Mr. HARRIS. Certainly.

Mr. HALE. It is not by force of any rule, or indeed by force of any precedent, that it happens that the great committees representing the Departments of the Government are represented upon that committee; and if you add two members, or three, or five, or ten, there is nothing that would settle it that the two departments referred to, the Post-Office and the District of Columbia—the latter not a Department but an interest in the Government—would be represented on that committee. It only happens that the others are; but as the committee is and will be constituted now and hereafter, it may at times happen that neither the Post-Office nor the District of Columbia will be represented, or that they may be and another Department be left out.

Mr. HARRIS. I am quite aware of all that, Mr. President; yet if it be important that the committees having charge of the more important branches of the public service should be represented upon the Committee on Appropriations, it is a matter very easy to be regulated by rule, if it shall be necessary to regulate it by rule; but I take for granted, if this enlargement shall take place under the circumstances of to-day and after this discussion, those two committees would be represented upon the Committee on Appropriations.

Mr. MORGAN. I am in favor of this enlargement, and I should be willing to carry it up to thirteen members of this body, my reason being that the subject of appropriations has passed almost entirely within the jurisdiction of that committee. The committee has been growing ever since it was first established, because it was found necessary to bring to its membership a larger number of Senators who were presumed to have a special acquaintance with a wide range of subjects.

I am not willing to break up the establishment of that committee, which I think is a very great check and safeguard upon the appropriation of public money; but I want that committee to have all the strength and all the information that we can give to it, and we can not do it merely by picking members who are supposed to be superior in their knowledge of such questions to the others, or at least we can do it very much better by distributing or widening out the membership of this committee so as to cover a larger field of information to be possessed by the gentlemen who may compose it. I believe it is a movement in the right direction. I think that as many Senators ought to be employed upon this committee as conveniently can transact its business; and inasmuch as it has established now firmly the precedent, the rule, I may say, of referring bills to subcommittees to report back to the general committee——

Mr. HARRIS. If the Senator from Alabama will allow me, the Senator from Kentucky has kindly furnished me with a list of the necessary subcommittees into which that committee is subdivided. There are thirteen of them in number.

Mr. MORGAN. I had said that I would have preferred that there should have been thirteen members upon this committee to eleven. The argument of inconvenience suggested by the Senator from Vermont I think does not hold in this case, for the reason that the committee really does not act upon any bill as a unit except in the review of the work of its subcommittees. There is no danger that any Senator who is upon the Committee on Appropriations will not be on hand, if his health can possibly justify it, night and day, to see to the expenditure. That has got to be the all-absorbing topic not only of the Senate and House of Representatives, but of the country at large. When we have got only a very small sum of money to spend you can get the Senate stirred up into a little degree of excitement about it and a little debate; but when you come to the great subject of spending three hundred millions a year, and distributing that out according to law, through appropriation bills, it is not to be expected that any Senator is going to desert his post or is going to go to sleep upon it. There is too much avidity now for that committee here to lead to the apprehension that we are going to be in the slightest degree indifferent to the actions of that committee. Therefore having this number of subcommittees the inconvenience does not exist, and the want of attention will not be found to be a serious public inconvenience on the part of Senators to their business. They will be there to see to the actions of this committee. I hope the Senate will enlarge it. I should be very glad to see it enlarged to thirteen instead of eleven.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Tennessee to reconsider the vote by which the substitute was agreed to.

Mr. SAULSBURY. I have no objection to the enlargement of the committee, but I do object to the composition of that committee being made up simply because the gentlemen are supposed to represent Departments of this Government. The Departments will not fail to make known to the Appropriations Committee their desire for appropriations, and I think the Committee on Appropriations ought to be made up of men wholly independent of the Departments of this Government, so that it can pass upon them without reference to what may be the wishes of the Departments, but act upon their own judgment of what is right and proper.

I am therefore opposed to the motion to reconsider, because it is to be adopted with a view of placing a member from the Post-Office Committee and a member from the District Committee upon the Appropriations Committee to hereafter be a precedent by which the proposition will be made to have representatives of the various Departments of the Government on the Appropriations Committee. There are gentlemen here who are not on the Military Committee or on the Finance Committee or on any other committee representing any Department of this Government who are just as competent to pass upon all questions of appropriations for the Departments as those who are on other committees. I fear the motion now made will become a precedent hereafter for the Committee on Appropriations being composed exclusively of gentlemen representing the different Departments of this Government. I shall therefore vote against the motion.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to reconsider.

The question being put, it was declared that the noes appeared to prevail, and a division was called for.

Mr. SHERMAN. I believe it has been the uniform practice of the Senate where a motion has been made and carried without a vote by yeas and nays to allow a reconsideration on the demand of a Senator. I do not say how I shall vote on the main proposition, but I think it is the right of the Senator from Tennessee to have the motion to reconsider put and carried in the nature of a formal motion, to give the Senator full opportunity to present the subject to the view of the Senate. That has been the usual habit I think, that a motion to reconsider is rather a formal motion adopted as a matter of course, unless there has been an actual vote by yeas and nays. I shall vote therefore for the motion to reconsider without regard to the merits of the question.

Mr. HARRIS. I take for granted after the full explanation of the object of making the motion to reconsider, that the vote upon the motion is conclusive as to its object. Hence I would just as soon test it in the one way as in the other.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Tennessee [Mr. HARRIS], to reconsider the vote by which the substitute proposed by the Senator from Maine [Mr. FRYE] was agreed to.

The motion was not agreed to; there being on a division—ayes 18, noes 24.

The PRESIDENT *pro tempore*. The Chair will state in reference to the technical question of order as to the pending question, that when he last suggested his view to the Senate he was under the impression that the final question would be on agreeing to the whole body of the rules as perfected, and under that impression he supposed the question on Rule XXVI had been exhausted. But, as the Chair is informed that the practice has been to adopt each rule finally by itself, the Chair will now put the question on agreeing to Rule XXVI as amended.

The rule as amended was agreed to.

The PRESIDENT *pro tempore*. The question now recurs, as the Chair believes, on Rule XVII.

Mr. FRYE. To conform with the action of the Senate on Rule XXVI the two words "Internal Improvements" should be stricken out wherever they occur in Rule XVII and the word "Commerce" inserted in their place. Therefore I move that wherever the words "Internal Improvements" occur in Rule XVII they be stricken out and that the word "Commerce" be inserted in their place.

Mr. HALE. That is in accordance with the vote yesterday?

Mr. FRYE. In accordance with the vote yesterday.

The PRESIDENT *pro tempore*. The Chair understands that on a former occasion the Senator from Missouri [Mr. VEST] had made the same motion to strike out of Rule XVII the words providing for a committee on internal improvements and the reference of bills to the Committee on Internal Improvements, so as to leave them as they stood before referred to the Committee on Commerce, and that was passed over informally in order to dispose of the question on Rule XXVI. So the Chair thinks the pending question is on the motion of the Senator from Missouri substantially like that of the Senator from Maine.

Mr. FRYE. That is all right.

The PRESIDENT *pro tempore*. Striking out of Rule XVII the provision for the reference of certain bills to the Committee on Internal Improvements and providing for their being referred to the Committee on Commerce. The question is on this amendment.

The amendment was agreed to.

Mr. FRYE. The presiding officer understands that vote also to restore the word "Commerce."

The PRESIDENT *pro tempore*. To restore the word "Commerce;" so as to read: "Shall be referred to the Committee on Commerce."

Mr. FRYE. That is right.

The PRESIDENT *pro tempore*. The question now is, if no further amendment be proposed to Rule XVII, on agreeing to it as amended.

The rule as amended was agreed to.

Mr. FRYE. I desire to call the attention of the Senate to Rule XXXIV, on page 29. It has been adopted, as I understand; I believe all the rules have been adopted now; but it has been suggested to me, and I think there is force in the suggestion, that there ought to be two amendments to that rule, one admitting to the floor the Sergeant-at-Arms of the House of Representatives and the other admitting to the

floor the assistant librarian having in charge the law library, as Senators have frequently to send for him and need him for a moment or two, and certainly he is a gentleman who never troubles the Senate by his presence unless he is sent for.

Mr. SHERMAN. He is admitted under the general rule as an employé of the Senate, is he not?

Mr. FRYE. No.

Mr. HALE. Is he not an officer of the Senate?

Mr. FRYE. He is not an officer of the Senate. I do not mean the assistant librarian of the Senate library, but the assistant librarian of the Library of Congress in charge of the law library. He is not an officer of the Senate.

Mr. HALE. Is the Librarian admitted?

Mr. FRYE. The Librarian is admitted.

Mr. HALE. I think he ought to be, but I do not see his name here.

Mr. FRYE. The Librarian is admitted. "Librarian of Congress," within five lines of the bottom of the rule.

Mr. HALE. I see; at the bottom. I think this assistant ought to be admitted also.

Mr. FRYE. The only way to reach it is I think by unanimous consent. I ask unanimous consent to amend the clause reading "Private secretaries of Senators, duly appointed in writing; and the Librarian of Congress," by adding thereto the words "and the assistant librarian in charge of the law library."

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to amend Rule XXXIV by adding the words he has just stated. Is there objection to this amendment?

Mr. SAULSBURY. I should like to ask why should not the person in charge of the document-room be admitted?

Mr. FRYE. He is one of the officers of the Senate, and is admitted of course.

The PRESIDENT *pro tempore*. Is there objection to the amendment proposed by the Senator from Maine? The Chair hears none, and it is agreed to.

Mr. FRYE. Now I ask unanimous consent to amend the third clause, "Members of the House of Representatives and the Clerk of the House," by inserting after the word "and" and before "the Clerk" the words "Sergeant-at-Arms," it being rather important sometimes that he may be permitted to come into the Senate Chamber when a good many members of the House have been admitted under the rule.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to amend the third paragraph of Rule XXXIV by adding after the word "Representatives" and before "and" the words "the Sergeant-at-Arms;" so as to read:

Members of the House of Representatives, the Sergeant-at-Arms, and the Clerk of the House.

Mr. COCKRELL. I suppose the Senator from Maine has more experience in that line than anybody else, and I am willing to follow his suggestion.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none. It is agreed to.

Mr. FRYE. I desire now to ask the President of the Senate, not strictly a parliamentary question but a question, whether or not an enacting clause is necessary to these rules? ["No!" "No!"]

The PRESIDENT *pro tempore*. Is there any written report from the committee?

Mr. FRYE. There is.

The PRESIDENT *pro tempore*. Is there a resolution that the rules be agreed to?

Mr. FRYE. There is none.

The PRESIDENT *pro tempore*. As the Chair is now informed at the desk, the Journal has been kept as if this was a bill. The whole thing can be accomplished, the Chair thinks, by the Senator from Maine moving, now the rules being perfected, that the whole body as perfected and amended be adopted. That will stand in the place of a resolution and keep the Journal in proper form.

Mr. FRYE. Mr. President, then I will move that this body of rules be the rules of the United States Senate and that they take effect from and after the 20th day of January instant; that is one week from Monday.

The PRESIDENT *pro tempore*. Does the Senator from Maine mean "from and after" or "on and after?"

Mr. FRYE. "On and after."

Mr. HOAR. I should like to inquire of the Senator from Maine the operation of the rule as to the appointment of committees. The present rule provides that committees shall be chosen at the beginning of each session, as therein ordered. The new rule provides that the committees shall be chosen at the beginning of each Congress to serve through the Congress. So this rule when adopted will leave strictly no provision for the selection of committees at the beginning of the next session, because it would not come in under either body of rules, the present rule being repealed and the new one not providing for an appointment at that time. Should there not be some declaration of the Senate, either by way of an order or something else, which will indicate whether it is expected that the present committees will serve through this Congress or will be reappointed at the next session?

Mr. FRYE. I suppose that the present committees having been appointed would serve at any rate through the session for which they were appointed, and that if it became necessary to reappoint them for the other session of Congress it can be done by resolution without the slightest difficulty.

Mr. HOAR. It would be better to determine now whether it is understood they shall be reappointed or not.

Mr. FRYE. I understand under these rules that, so far as the appointment of committees is concerned, it will not be made under these rules until the beginning of another Congress.

Mr. HOAR. Then there is no rule for the appointment of committees at the next session.

Mr. FRYE. Except it may be done by a resolution; and, if it were not done, the committees would hold over.

Mr. HALE. It is always done by resolution.

Mr. HOAR. It is done by resolution under the rule.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine [Mr. FRYE].

The motion was agreed to.

Mr. FRYE. The Committee on Rules also reported joint rules for the Senate and House of Representatives, to be found on page 45 of the report. I should like to take them up so that they may be the unfinished business, and if the Senator from Massachusetts desires to proceed with a bill that he has, then yield to him in order to do it. The joint rules will probably provoke little or no discussion and will occupy but a very short time.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate now proceed to the consideration of the joint rules reported from the Committee on Rules, on page 45 of the printed report.

Mr. FRYE. There may be no objection to them at all, and I should like to have them read now, as there seems to be nothing else this afternoon.

The PRESIDENT *pro tempore*. The question is, will the Senate agree to the motion of the Senator from Maine.

The motion was agreed to.

The PRESIDENT *pro tempore*. The joint rules proposed by the Committee on Rules will be read. Does the Senator from Maine desire to have them acted upon one by one or to be read through?

Mr. FRYE. Separately.

The PRESIDENT *pro tempore*. The Senator from Maine asks that the joint rules be acted on separately as they are read. Is there objection?

Mr. BAYARD. I ask the Senator in charge of this measure whether there is anything more in these proposed joint rules in the way of variations from the former joint rules than may appear in italics as heretofore in considering the Senate rules?

Mr. FRYE. The changes made by the committee to these rules do not appear in italics, but on page 49 will be found memoranda of the proposed code of joint rules explaining each one. There are one or two very important changes, and only one or two. Many of the old joint rules have been left out, because they had become useless as found by experience and have been suspended at every Congress. I will call the Senate's attention to the fact that under "Messages," in rule 2, the committee propose the following:

2. All messages from the President of the United States or the other House, all reports and communications from the heads of Departments, and all communications addressed to the Senate or House of Representatives, shall be placed in order on the table of the presiding officer of each House.

3. It shall be the duty of the presiding officer of each House, immediately after the reading and approval of the Journal of the proceedings of the last day's sitting, to lay before the Senate or House of Representatives, as the case may be, all messages on their respective tables, for reference to appropriate committees, or for such other action as may be deemed proper.

That is the Senate rule under which we act now. It is not a House rule, and never has been. All bills, messages, &c., going from the Senate to the House go to what is known as the Speaker's table, and there is but one way to reach the Speaker's table, and that is by a majority vote. The result is that, as I have known myself, two hundred different measures passed by the Senate after careful consideration were lying on the Speaker's table on the day of final adjournment, never having been referred to a committee or having received the slightest consideration. This is an important request in the shape of a rule to the House that they will treat our business as we treat theirs.

Mr. BAYARD. That is very important doubtless, but it modifies the action of the House, and not of the Senate as heretofore.

Mr. FRYE. Yes. On general appropriation bills, Rule IV (I am only calling attention to matters of real importance), we propose to the House a rule which corresponds with the rule of the Senate against general legislation on appropriation bills. In Rule XI, relating to the Joint Committee on the Library, there is a provision which authorizes the Senate portion of the Library Committee to act during vacation, which is necessary. In the rule regarding conferences there have been some changes, but nothing of great importance. The committees of conference are confined to the matters in dispute between the two Houses; the appointment of the committees is provided for without any motion, and the proposed rule provides for a report in detail, as much as may be necessary for the information of the body to whom the report is made, to be made by each committee of conference. My own impression is that

there is nothing in the proposed joint rules to which the Senate could possibly object, and that it would be of very great benefit to our legislation if the House would adopt what we have proposed to them.

Mr. BAYARD. I certainly hope they may adopt the matter of not amending appropriation bills by general legislation.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that each of the joint rules be acted upon as it is read. Is there objection? The Chair hears none. The first joint rule will be read.

The Secretary read as follows:

I.—ORGANIZATION.

At the commencement of each Congress and of each session thereafter, it shall on motion be the duty of the Secretary of the Senate and Clerk of the House of Representatives to communicate promptly to the other House notice of the appearance of a quorum and of the organization of their respective Houses for the transaction of business, which notice shall be in writing and be duly attested by each of said officers.

The PRESIDENT *pro tempore*. The question is on agreeing to the joint rule which has just been read.

The rule was agreed to.

The PRESIDENT *pro tempore*. The next proposed joint rule will be read.

The Chief Clerk read as follows;

II.—MESSAGES.

1. All messages between the two Houses shall be communicated by the Secretary of the Senate and Clerk of the House of Representatives, or by clerks designated by them for that purpose, which messages shall be announced at the door of each House by the Doorkeeper or his assistant, and shall be communicated to the Chair by the person by whom they may be sent.

2. All messages from the President of the United States or the other House, all reports and communications from the heads of Departments, and all communications addressed to the Senate or House of Representatives, shall be placed in order on the table of the presiding officer of each House.

3. It shall be the duty of the presiding officer of each House, immediately after the reading and approval of the Journal of the proceedings of the last day's sitting, to lay before the Senate or House of Representatives, as the case may be, all messages on their respective tables, for reference to appropriate committees, or for such other action as may be deemed proper.

4. All bills, joint and concurrent resolutions, referred to committees under the foregoing clause, shall be printed, unless otherwise ordered at the time of reference.

The PRESIDENT *pro tempore*. The question is on agreeing to this rule.

The rule was agreed to.

The PRESIDENT *pro tempore*. The next proposed joint rule will be read.

The Chief Clerk read as follows:

III.—COMMITTEE OF THE WHOLE.

All bills, joint resolutions, or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill or joint resolution has commenced.

Mr. HOAR. I ask the consent of the Senate to go back for a moment to the third clause of the second rule.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to return to the third clause of the second rule for consideration as if it had not been already adopted. Is there objection? The Chair hears none.

Mr. HOAR. I should like to ask the chairman if the third clause of the second rule is in force in the Senate or in either branch?

Mr. FRYE. My recollection is that it is in force in the Senate and that it is acted upon every day.

Mr. HOAR. What is the present rule?

Mr. FRYE. If there is not any rule of the Senate touching it it has been the constant practice.

Mr. HOAR. I think it is merely a matter of unanimous consent; is it not? I inquire of the Senator.

The PRESIDENT *pro tempore*. The Senator from Massachusetts, on turning to Rule VIII, page 133 of the Manual, will find the following:

8. The first hour of daily sessions shall be designated as the morning hour, during which the order of business shall be as follows:

First. After the Journal is read, the presiding officer shall lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of.

Mr. HOAR. My inquiry was directed to the point I will now state. It is absolutely impossible, it seems to me from my experience in the House, that this joint rule will ever be accepted there. The effect of it would be to require the Speaker of the House on the last day of the session to lay before the House for its action a new debatable subject which would thrust out whatever matter might be up in the House, giving it priority of all pending orders, all appropriation bills or conference reports.

Mr. FRYE. The Senator is mistaken in relation to that. During the last six days of the session in the House, in order to meet just such contingencies all rules are open to suspension on motion.

Mr. HOAR. Yes, on motion of course.

Mr. FRYE. In the House of Representatives a motion to suspend the rules is always in order during the last six days of a session, and almost all the business of the House is done by a suspension of the rules.

Mr. SHERMAN. I think it ought to be without debate.

Mr. HOAR. It seems to me that a single objection ought to prevent the right of the Chair. The question of reference here, as in the House, except when the previous question attaches, is debatable always; and the effect of this rule is to interpose any number of debatable questions. It is not confined even to the first hour in its operation in the Senate.

Mr. FRYE. Yes; immediately after the reading and approving of the Journal. My greatest fear is that we shall not get half that we ask for from the House in this very rule. If we get half we shall have gained a great deal. We are asking here for everything that we give. If they will grant back from the House one-half of what we ask, we shall be so much better off than we are now. My recollection of my House experience rather indicates to me that there is no need of any Senator taking care of them in that direction.

Mr. HOAR. It is limited to the morning hour in our present rule. The proposed rule extends the consideration of these matters until they are disposed of, if through the entire day. The matter was suddenly called to my attention, and I raised the question for the consideration of the chairman of the committee. So far as this rule is new anywhere, it is obvious that it thrusts before this body an unlimited number of debatable questions, displacing all the pending business, whatever it may be. The only change, so far as it affects the Senate, is that that displacement, under the existing rules, is limited to the morning hour, and at the expiration of the morning hour the pending business goes on. Under the new rule the matter must be laid before the House by the presiding officer through the entire day until disposed of. It is often that a very important parliamentary struggle arises over the right of way, especially at the close of a session, and it seems to me that this rule, as a rule affecting the Senate, should be limited, as the existing rule is, to the morning hour.

The PRESIDENT *pro tempore*. The question is on agreeing to the third clause of joint rule number 2, which has been open by unanimous consent for further consideration. Is the Senate ready for the question?

Mr. HOAR. The difficulty is in making an amendment which will be applicable here and also be applicable in the other House.

Mr. FRYE. They have a morning hour, but we do not have a morning hour under the new rules.

Mr. HOAR. I move to insert, if the chairman of the committee approves, after the word "sitting," in the third line of the third clause, the words "the morning hour remaining unexpired."

Mr. INGALLS. There is to be no morning hour under the new rule. The "morning business" is the term that is employed, and the old segregation of the hour between 12 and 1 has been abolished, so that the amendment of the Senator from Massachusetts will not accomplish what he desires.

Mr. HOAR. The term "morning hour" is the technical phrase in the old rule to which I refer. The criticism of the Senator from Kansas is correct. I will substitute the words "the time allotted for morning business remaining unexpired."

Mr. FRYE. I do not conceive that to be necessary. This really is simply for reference to the appropriate committees of the business which comes from one branch to the other. It can not occupy long at the longest, and under the rules of the House my recollection is that the question of reference to a committee is not debatable. I think that about every question that would arise under the rules of the House is not a debatable question.

Mr. HOAR. It certainly is a debatable question here, because we have very few undebatable questions. That is not one, and it is certainly a very serious change, affecting possibly the interests of very important measures whenever by any new regulation we authorize the displacement as of right of pending business which a majority of the Senate may desire to take up. Many Senators know how often very important measures which they are anxious to press upon the consideration of the Senate are thrust over and finally defeated by the use of the right of way for other business. Business is frequently taken up not on account of its own merits alone, but for the sake of its occupying the time which otherwise would be taken in the passage of a measure which some Senators deem hurtful.

Under this proposed rule if twenty or fifty bills come over from the House at once, the debatable question of referring each one of those bills is first in order during the entire day until disposed of; so that the business which is pending, which has the right at the expiration of the morning hour, is necessarily displaced. The morning hour of course has the effect to limit the morning business within the two hours; and it does no harm to put half a dozen new subjects, which have a right there, if necessary for the convenient transaction of business; but my protest is against extending that right through the entire day.

Mr. FRYE. Will the Senator kindly repeat his proposition of amendment?

The PRESIDENT *pro tempore*. The modification proposed by the Senator from Massachusetts will be reported.

The SECRETARY. After the word "sitting," in line 3 of clause 3 of Rule II, it is proposed to insert:

And during the time allotted for morning business remaining unexpired.

So as to make the clause read:

3. It shall be the duty of the presiding officer of each House, immediately after the reading and approval of the Journal of the proceedings of the last day's sitting, and during the time allotted for morning business remaining unexpired, to lay before the Senate and House of Representatives, as the case may be, all messages on their respective tables, for reference to appropriate committees, or for such other action as may be deemed proper.

Mr. FRYE. I am not going to be captious about it, Mr. President.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the third clause of the second joint rule as amended.

The clause as amended was agreed to.

EXECUTIVE SESSION.

Mr. MILLER, of California. Evidently we cannot finish this business to-night, and it is necessary to have an executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 24 minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

On motion of Mr. RANSOM, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

PRINTING OF THE RULES.

On motion of Mr. FRYE, it was

Ordered, That 1,000 copies of the rules as agreed to by the Senate be printed in pamphlet form for the use of the Senate, and that the Secretary be directed to cause to be prepared an index to accompany them.

Mr. MAXEY. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned.

SENATE.

MONDAY, *January* 14, 1884.

Prayer by Rev. O. H. TIFFANY, D. D., of New York city.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of the Treasury; which was read:

TREASURY DEPARTMENT, *January* 11, 1884.

SIR: On the 15th of June, 1880, this Department, in answer to a resolution of the Senate calling for information in regard to the claim of the United States against the New York Central and Hudson River Railroad, transmitted certain documents to the President of the Senate, among which were three printed volumes, which the Secretary requested might be returned in order to be restored to their appropriate places among the records.

As those volumes are now needed for immediate use, I have the honor to request that they may be returned.

Very respectfully,

CHAS. J. FOLGER, *Secretary*.

Hon. GEORGE F. EDMUNDS,
President pro tempore United States Senate.

The PRESIDENT *pro tempore*. The Chair has examined the letter of transmittal of three years ago in regard to these documents, and finds that the three printed volumes were stated in the letter of the Secretary of the Treasury as belonging to the files of that Department, and were sent as originals on account of the length of time required for copying, and he expressed the request that they be returned. The Chair, however, did not feel at liberty to return the printed volumes without the direction of the Senate. If there be no objection, the Secretary will be directed to return the printed volumes mentioned in the letter of the Secretary of the Treasury. Is there objection? The Chair hears none, and it is so ordered.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting the report of the Commission on Navy-yards, appointed in pursuance of the act of August 5, 1882; which, with the accompanying documents, was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of the 8th instant, a statement showing the date of construction, original cost, and total expense for repairs since their construction of vessels borne on the Navy Register in November, 1883; which, together with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter of the Commissioner of the General Land Office, submitting a supplemental report of the surveyor-general of Arizona Territory on private land claim No. 7, known as Tumacaeori y Calabazus; which, together with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, inclosing reports from Majors W. McFarland and J. W. Barlow upon examinations and surveys of the harbors of Black Rock, Stamford, Duck Island, and Madison, Conn., and of Peconic River and Southold Harbors, New York, made in compliance with the river and harbor act of August 2, 1882; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of December 4, 1883, copies of documents and correspondence relating to leases of lands in the Indian Territory to citizens of the United States for cattle grazing and other purposes

The PRESIDENT *pro tempore*. The Chair will call the attention of the chairmen of the Committee on Indian Affairs and the Committee on Public Lands to this letter. The Chair is not clear as to which committee the letter and the accompanying papers should be sent, whether to Indian Affairs or to Public Lands.

Mr. DAWES. What is the purport of it?

The PRESIDENT *pro tempore*. It is respecting cattle leases, &c., reported upon by the Commissioner of Indian Affairs in part and the Secretary of the Interior, which led the Chair to doubt as to the reference it should take.

Mr. DAWES. It relates to the question of leasing Indian lands?

The PRESIDENT *pro tempore*. The Chair infers from the letter of the Secretary of the Interior that it embraces that among other things.

Mr. DAWES. I insist upon it that that belongs to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The letter, with the accompanying papers, will be printed, if there be no objection, and referred to the Committee on Indian Affairs.

NATIONAL ACADEMY OF SCIENCES.

The PRESIDENT *pro tempore* laid before the Senate a communication from O. C. Marsh, president of the National Academy of Sciences, Washington, D. C., transmitting, in compliance with the requirements of law, a report of the operations of the National Academy of Sciences during the past year; which, on motion of Mr. HAWLEY, was referred to the Committee on Printing.

HEATING AND VENTILATING SENATE CHAMBER.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Sergeant-at-Arms of the Senate, transmitting a supplemental report of the chief engineer on heating and ventilating the Senate Chamber; which was referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of A. L. Barber, William Birney, and 72 other citizens of the District of Columbia, praying for the passage of the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia.

Mr. DAWES. I am in receipt of very many papers numerously signed by respectable and earnest citizens of Massachusetts of such an informal nature that I am hardly certain what ought to be done with them. They are headed "A Memorial to Congress," and evidently were intended as such, but consist in fact of a letter addressed to me, requesting me to use my influence to secure from the Committee on Appropriations a favorable report for an appropriation for an industrial training school at Sitka and for common schools at such points as may be designated by the United States Commissioner of Education. I have no doubt these papers were intended as a memorial to Congress; and I ask leave to present them as such and have them referred to the Committee on Appropriations.

I desire also in this connection to assure my constituents who have signed these papers and others that there can be no one more solicitous than the Committee on Appropriations for carrying out the very purpose indicated in the memorial. Some years ago the Committee on Appropriations reported, and there was adopted, an appropriation of $25,000 for the purpose of carrying out this very measure. No part of that money has been expended; I do not know for what reason. The Committee on Appropriations are already disposed to appropriate money for the education of the Indians in Alaska and all other Indians just so far as it is possible for the executive department of the Government to properly, efficiently, and economically expend it. I ask that the papers may be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks leave to present sundry letters addressed to him, but intended, as he thinks, to have been in the nature of a memorial, and that they be sent to the Committee on Appropriations. If there be no objection, they will be received and so referred.

Mr. GARLAND. The Committee on Territories have under consideration a bill now covering many of the points that are there mentioned, if I caught the statement of the Senator correctly.

Mr. DAWES. I have no choice to which committee they go——

Mr. GARLAND. I suggest the Committee on Territories.

Mr. DAWES. As it was a special request to me to use my influence with the Committee on Appropriations, and as the appropriation must come from that committee, I thought proper that the papers should go there.

Mr. GARLAND. The chairman of the Committee on Territories [Mr. HARRISON] has a bill now covering these very points, and as he is absent from the city, I will ask that the memorial be referred to the Committee on Territories, at least for the time being.

Mr. MILLER, of California. The Committee on Territories have reported a bill on this very proposition.

Mr. DAWES. I have no choice as to the committee, but whatever appropriation shall come must come from the Committee on Appropriations.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts acquiesce in the suggestion of the Senator from Arkansas?

Mr. DAWES. The Senator from California states that the Committee on Territories have already discharged their duty in that respect. I suggest that the papers should go to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that these papers be referred to the Committee on Appropriations. That order will be entered if there be no objection. It is entered.

Mr. FRYE presented the petition of Rush R. Shippen, William A. Bartlett, and other residents of the District of Columbia, praying for the passage of the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia.

Mr. ALDRICH presented the petition of B. H. Warner, W. W. Curtis, and other citizens of the District of Columbia, praying for the passage of the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia.

Mr. PLUMB presented a petition of citizens of Kansas and Nebraska, praying that the body of land known as the Oklahoma lands, in the Indian Territory, may be opened to settlement; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Western Central Stock Association, recommending certain modifications of the public land laws; which was referred to the Committee on Public Lands.

Mr. CAMERON, of Wisconsin, presented the petition of George M. Wakefield and other citizens of Oshkosh, Wis., praying for the passage of the bill (S. 691) to confirm and declare legal the acts of certain officers of the United States; which was referred to the Committee on Public Lands.

He also presented the petition of Alexander McDonald and 36 other residents of Fond du Lac, Wis., praying Congress to relieve certain persons who have purchased land inside the Ontonagon and Brulé River Railroad grant in Michigan by declaring their titles valid; which was referred to the Committee on Public Lands.

Mr. VEST. I present the petition of Henry Ames & Co., Francis Whitaker & Sons, and others, pork-packers and dealers in meat, of Saint Louis, Mo., praying for legislation which will protect their interest and that of other dealers against the measures recently adopted by France and Germany to prevent the importation into those countries of American meats. The petition is very brief and I ask that it be read and referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator from Missouri presents a petition of sundry citizens of that State, praying for legislation on the subject of the action of some foreign countries relating to products of the United States and asks that the petition be read. Is there objection? The Chair hears none and it will be reported.

The petition was read, as follows:

To the Senate of the United States:

The undersigned, all of whom are interested either as packers or dealers in the hog product and doing business in the city of Saint Louis, Mo., would respectfully ask for such legislation as will protect this interest from the unjust prohibition now being practiced by both Germany and France against the people of the United States.

It is useless to appeal to these nations in any other way than by such legislation as will teach them to respect the rights and interests of American citizens engaged in the import trade of pork and other meats into those countries. We therefore respectfully urge the immediate necessity of such legislation on our part.

The PRESIDENT *pro tempore*. The petition will be referred, on the motion of the Senator from Missouri, to the Committee on Finance, if there be no objection.

Mr. MILLER, of California. I will state to the Senator from Missouri that that subject by petition or resolution has been referred to the Committee on Foreign Relations, and they are now considering it. Perhaps the petition had better go to that committee.

Mr. VEST. I acquiesce in the suggestion. Let it go to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Foreign Relations.

Mr. HARRIS. I present the petition of J. T. Brown, of Nashville, Tenn., administrator of the estate of Henry S. French, praying for the proceeds of the sales of certain cotton and property of his intestate. I move that it be referred to the Committee on Claims, to accompany the bill upon the same subject which was a few days ago referred to that committee.

The motion was agreed to.

Mr. HARRIS presented the petition of J. S. and E. S. Haltom, administrators of Nathan Haltom, deceased, of Madison County, Tennessee, praying compensation for property taken and used by the United States Army during the late war; which was referred to the Committee on Claims.

Mr. SLATER presented a petition of citizens of Columbia County, Oregon, praying for the forfeiture of unearned lands granted to the Oregon Central Railroad; which was referred to the Committee on Public Lands.

Mr. GARLAND presented a petition of the mayor and citizens of Hot Springs, Ark., praying for an appropriation of $500,000 for the improvement of Hot Springs reservation; which was referred to the Committee on Public Lands.

Mr. PALMER. I present the petition of Robert Cutler, E. Crofton Fox, Charles Fox, S. W. Osterhout, Ira W. Gilbert, Thomas S. Freeman, and O. R. Wilmarth, citizens of Grand Rapids, Mich., declaring that they bought lands of the Government located in Northern Michigan in good faith, supposing them to be public lands subject to sale, but which now prove to be within an old railroad grant, and praying relief by the passage of Senate bill 691. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. VAN WYCK presented additional papers to accompany the bill (S. 849) for the relief of George W. Ira; which were referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 269) for the relief of M. P. Jones, reported it without amendment and submitted a report thereon.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 402) for the completion of the Capitol terraces and the stairways connected therewith, reported it without amendment.

BILLS INTRODUCED.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. 1050) to provide for the exchange of 4 per cent. bonds for 3 per cent. bonds, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. HALE asked and, by unanimous consent, obtained leave to introduce a bill (S. 1051) to amend section 1 of an act approved March 9, 1878, granting pensions to surviving officers, soldiers, sailors, and their widows, of the war of 1812; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1052) to amend the pension law; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1053) for the relief of William Pfænder; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Military Affairs.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. 1054) authorizing the retirement of Bvt. Maj. Gen. William W. Averell, United States Army, with the rank and pay of a brigadier-general; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1055) for the relief of Thomas C. Ellison; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. 1056) granting an increase of pension to Sally Mallory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1057) for the relief of The Soldiers' Nebraska Town Site Association; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. HOAR. I have been requested to introduce a bill which is I suppose practically in the nature of a petition, but the person interested in the bill takes this mode of asking the action of the Senate. I have no knowledge in regard to the merits of the bill.

By unanimous consent, leave was granted to introduce a bill (S. 1058) explanatory of an act directing the Second Auditor to settle the pay and bounty account of John Ammahaie (or Ammahe) passed June 30, 1876; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1059) to increase the pension of Mohammed Kahn, otherwise John Ammahae; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 1060) to regulate licenses in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1061) relating to police regulations in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1062) to refund the assessments made under the administration of M. G. Emery while mayor of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1063) to amend the Revised Statutes of the United States relating to the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1064) to restore John F. Lewis to the rank of first lieutenant Twenty-first United States Infantry and place him upon the retired-list; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1065) for the relief of David Morrow; which was read twice by its title, and referred to the Committee on Claims.

Mr. VANCE asked and, by unanimous consent, obtained leave to introduce a bill (S. 1066) to pay certain expenses of the Eastern Band of the Cherokee Indians of North Carolina; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VEST asked and, by unanimous consent, obtained leave to introduce a bill (S. 1067) for the relief of Eugene Wells; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1068) giving a pension to Alexander Thompson, of Newton County, Missouri; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BECK asked and, by unanimous consent, obtained leave to introduce a bill (S. 1069) to extend the time for the payment of the tax on distilled spirits now in warehouse; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1070) to prohibit the Secretary of the Treasury from purchasing the bonds of the United States above their par value, and for other purposes; which was read twice by its title.

Mr. BECK. I ask that that bill lie on the table, and I shall call it up to-morrow.

The PRESIDENT *pro tempore*. The bill will lie on the table for the present.

Mr. HARRIS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1071) for the relief of James R. Howard, formerly assistant special agent Treasury Department; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1072) for the relief of Samuel B. Seat, of Montgomery County, Tennessee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1073) for the relief of Joseph H. Maddox and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. BOWEN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1074) to amend section 837 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1075) to create a board of liquidation for the purpose of adjusting certain assessments for special improvement and redeeming certain outstanding certificates issued by the District of Columbia and the late corporation of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MAHONE asked and, by unanimous consent, obtained leave to introduce a bill (S. 1076) granting to the district judge of the eastern district of Virginia specific compensation for specific services rendered by him; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1077) amending section 4414 of the Revised Statutes fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 1078) granting a pension to Caroline R. Hazeltine; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1079) granting an increase of pension to Mrs. Emily M. Wyman; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1080) granting a pension to Mary M. Murray; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1081) granting a pension to Emma De Long; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1082) to appropriate $40,000 for the improvement of the Altamaha River, in the State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1083) to appropriate $100,000 for the improvement of the Chattahoochee River, in the State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1084) to appropriate $75,000 for the improvement of the Flint River, in the State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1085) to appropriate $50,000 for the improvement of the Savannah River, in Georgia, below Augusta, and $10,000 above Augusta; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1086) to appropriate $10,000 for the improvement of the Oostenaula and Coosawattee Rivers, in the State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1087) to appropriate $150,000 for the improvement of the Coosa River, in the States of Georgia and Alabama; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1088) to appropriate $10,000 for the improvement of the Ocmulgee River, in the State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1089) to appropriate $75,000 for the improvement of the harbor of Brunswick, in the State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1090) to appropriate $10,000 for the improvement of the Oconee River, in the State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONAS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1091) for the relief of Peter Kiveney; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 1092) to regulate attorneys' fees in pension claims; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 1093) to repeal all laws and parts of laws prohibiting pensions to wounded or disabled soldiers of the United States without proof of loyalty; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1094) providing for the establishment of a port of entry at Carrabelle, Fla.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JONAS, it was

Ordered, That the papers on file in the Senate in the claim of the estate of Robert H. Montgomery be taken from the files and sent to the Committee on Claims, additional testimony having been submitted since the adverse report thereon was made.

On motion of Mr. FRYE, it was

Ordered, That the papers in the claim of Mrs. Eliza H. Powers be taken from the files and referred to the Committee on Claims.

On motion of Mr. COCKRELL, it was

Ordered, That the petition and papers in the claim of S. W. Marston be taken from the files and referred to the Committee on Indian Affairs.

GOLD IN EXCHANGE FOR SILVER CERTIFICATES.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and hereby is, directed to report to the Senate as soon as may be the amounts of gold coin and bullion deposited in the Treasury, subtreasuries, and designated depositories of the United States in exchange for silver certificates, and for which silver certificates have been issued during the calendar years 1878, 1879, 1880, 1881, 1882, and 1883; or, if more convenient, during the fiscal years 1879, 1880, 1881, 1882, and 1883, and during the first six months of the fiscal year 1884; and also whether there has been any refusal to receive such gold coin or bullion for silver certificates, and, if so, the reasons therefor.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. SHERMAN. I move that the Senate proceed to the consideration of a resolution offered by the occupant of the chair, that the Senate now proceed to elect a President *pro tempore*.

The PRESIDENT *pro tempore*. The Senator from Ohio asks that the Senate now consider, under the order of resolutions, the resolution offered by Mr. EDMUNDS, of Vermont, on the 13th day of December last, that the Senate now proceed to elect a President *pro tempore*. If there be no objection the resolution will be laid before the Senate.

The resolution was read, as follows:

Resolved, That the Senate now proceed to elect a President *pro tempore* of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. SHERMAN. I submit for adoption the following resolution in connection with the order just made:

Resolved, That HENRY B. ANTHONY, a Senator from the State of Rhode Island, is hereby chosen President *pro tempore* of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. SHERMAN. Mr. President, I think the peculiar circumstances of the case justify me in saying a word in favor of this resolution. The gentleman named in the resolution is the Senator who has longest occupied a seat in this body of all those who are here associated with us. He has been five times elected by his State a member of the Senate and is now serving his fifth term. He has been many times elected by common consent President *pro tempore* of the Senate, and has faithfully and ably discharged the duties of that position whenever they have fallen to him. I think under these circumstances it would be a graceful act for the Senate, I hope with unanimity, to elect him President *pro tempore* of the Senate.

Mr. PENDLETON. Mr. President, without meaning to dissent from the opinion expressed by the Senator from Ohio as to the qualifications, fitness, integrity, ability, and patriotism of the gentleman named in the resolution, I move to strike out the name of HENRY B. ANTHONY, of Rhode Island, and to insert that of THOMAS F. BAYARD, of Delaware.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. PENDLETON] moves to amend the resolution. The amendment will be reported.

The SECRETARY. In line 1 of the resolution it is proposed to strike out the words "HENRY B. ANTHONY, a Senator from the State of Rhode Island," and to insert the words "THOMAS F. BAYARD, a Senator from the State of Delaware."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Ohio. [Putting the question.] The noes appear to have it. The noes have it. The amendment is disagreed to. The question recurs on agreeing to the resolution.

The resolution was agreed to.

The PRESIDENT *pro tempore*. The Senator from Rhode Island will please come forward to the chair and receive the oath the law requires him to take.

Mr. ANTHONY. Mr. President and Senators, I thank you for this distinguished honor. It would be affectation in me to say that it has come entirely unexpected, for I have been for some time aware of your kind and flattering purpose. It would be still greater affectation in me to deny that the acceptance of it would give me pride and pleasure. But the state of my health, which you all know is precarious, warns me not to assume any labor that I can consistently and honorably avoid; and although I would not hesitate to undertake any burden laid upon me by my brother Senators, not even at the peril of health, if it was thought that for any reason I could more appropriately perform it than another, yet I think it is no shirking of duty, no evidence of cowardly indolence in me, to decline a position which so many Senators can fill with equal and greater advantage to the Senate and to the country.

Therefore, Senators, with a heart overflowing with gratitude for all your kindness to me in this matter, I most respectfully decline the position to which you would elevate me.

The PRESIDENT *pro tempore*. The Senator from Rhode Island declines to accept the office to which he has been elected. The Chair awaits a further motion for the execution of the order of the Senate.

Mr. SHERMAN. There being no vacancy in the office, I think no further action is necessary. It seems to me so.

The PRESIDENT *pro tempore*. The Chair agrees with the view of the Senator from Ohio that there is no vacancy in the office, but the Senate has ordered to now proceed to elect, and as to whether the election that has taken place would be considered to be an execution of the order the Chair is in some doubt. Therefore the Chair has laid the matter before the Senate.

Mr. SHERMAN. To save all question in regard to that matter I submit a resolution, although I think it is unnecessary.

The PRESIDENT *pro tempore*. The Senator might move to dispense with the further execution of the order, if he desires to pursue that course.

Mr. SHERMAN. I ask that the resolution I offer be first read.

The PRESIDENT *pro tempore*. The Senator from Ohio offers a resolution which will be read.

The Chief Clerk read as follows:

Resolved, That GEORGE F. EDMUNDS, a Senator from the State of Vermont, is hereby chosen President *pro tempore* of the Senate.

Mr. SHERMAN. As the passage of that resolution would seem to imply that there was an actual vacancy, and would make it necessary to send a message to the President and to the House of Representatives, I do not think it is necessary. Therefore I move that further proceedings under the order just adopted relating to the election of a President *pro tempore* of the Senate be dispensed with.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on the motion of the Senator from Ohio.

Mr. BAYARD. The resolution is open to amendment?

The PRESIDING OFFICER. The Senator from Ohio has withdrawn his resolution, and has made a motion that further proceedings under the order of the Senate be suspended.

Mr. BAYARD. Then the vote is not upon the adoption of the resolution just submitted?

The PRESIDING OFFICER. It is not.

Mr. RANSOM. I simply rose to inquire of the Senator from Ohio in what way he proposes that the Senate can proceed without a President *pro tempore* of the Senate.

Mr. SHERMAN. There is a President *pro tempore* of the Senate. The Senator from Vermont [Mr. EDMUNDS] is now President *pro tempore* of the Senate. If the Senators on the other side really desire to have him re-elected, of course it can be done as a matter of form; but I do not think it is proper to pursue that course, because it would involve the necessity of sending a message to the President and a message to the other House, and it would imply that there had been a point of time when the Senator from Vermont was not President *pro tempore* of the Senate. If the Senators on the other side desire to repeat the organization in the manner proposed by me in the first instance, I will follow their lead; but if not, I simply move to postpone any further execution of the order.

Mr. HOAR. Mr. President, it seems to me that the raising of doubt by any Senator in regard to so grave and important a matter is enough to make it proper to remove the doubt. I entertain no doubt myself that if this resolution be withdrawn and the motion last suggested by the Senator from Ohio adopted, the organization of the Senate will be complete; but the suggestion of the Senator from North Carolina [Mr. RANSOM] implies that somebody hereafter or somebody now entertains a different opinion; and it seems to me therefore in order if there should be any grave constitutional exigency that the organization of the Senate shall be beyond a doubt, that it is the safest way to proceed as originally proposed by my honorable friend from Ohio. I trust, therefore, he will withdraw his suggestion and that we shall proceed to an election. It can certainly do no harm.

Mr. DAWES. I rise simply to add that the record of the Senate now stands that the Senate has indicated a desire to have some other gentleman its presiding officer, and therefore it is entirely proper that the record should be put right by proceeding to an election. I should not think it would be entirely comfortable for the presiding officer to continue after such a record, although everybody knows the circumstances under which it is made as having no bearing upon the propriety of his continuing in the office. But such is the record, and therefore it seems to me that it is very proper that we should proceed to the election of a President *pro tempore* after having indicated by a majority our desire to have some one else in the chair.

Mr. INGALLS. Mr. President, I differ *toto cœlo* from the opinion expressed by the Senator from Massachusetts on my right [Mr. DAWES]. It has always been held that the question of the Presidency *pro tempore* of the Senate was absolutely at the control of the body, and could be exercised hour by hour if a majority of the Senate so chose. I hold that the adoption of the resolution electing the honorable Senator from Rhode Island to the position vacated the chair so far as the previous incumbent was concerned, and that we are at this time, by the action of a majority of the body, without a President *pro tempore*. I should therefore hope that in the expression of the authority that has been so often asserted by this body with regard to its Presidency *pro tempore*, we now proceed to act upon the resolution submitted by the Senator from Ohio and elect the Senator named in that resolution to the place that is now vacant.

Mr. DAWES. Mr. President, I differ, *toto cœlo*, from the Senator from Kansas in the idea that we have vacated the chair by the simple passage of that resolution. The Senator from Rhode Island has declined to accept the position. Until a new President *pro tempore* has accepted and qualified we have not put anybody in that place, and it is because the law of the Senate is that we hold this office every day in our power to change, and it is because simply the record stands so, without affecting the legal title of the Senator from Vermont to that office, that I suggested that it would be more comfortable by a new vote to show to the Senate that the Senator from Vermont was not holding office after a majority of the Senate had indicated a desire to have some one else. The Senator from Vermont understands that I do not

mean to intimate that a majority of the Senate is not to-day just as well disposed to have him hold the place as they ever were, but the record does not carry this explanation along with it.

Mr. BAYARD. Mr. President, I think the Senator from Kansas has truly stated the present condition of the Senate and that under our rules we are proceeding only by unanimous consent, that if strictly our rules were followed the Secretary of the Senate would now be presiding until a President *pro tempore* was again chosen. Our honored friend from Rhode Island was duly elected by the vote of the Senate its President *pro tempore*, and *ipso facto* that avoided any title that preceded his. As he has declined to assume the duties of that place there is a vacancy, and that vacancy ought in all regularity to be filled, and I doubt not will be filled in accordance with the suggestion of the resolution of the Senator from Ohio read just now before the Senate; that is by the election of the honorable Senator from Vermont. But I am clear that the presence of the Senator now in the chair is only by unanimous consent of the Senate and that it will be proper that we should proceed to vote to fill that place made vacant by the resignation or the declination of the Senator from Rhode Island.

Mr. SHERMAN. Mr. President, to remove a doubt where there is no doubt in my mind, I will renew again the resolution that I offered a while ago and withdraw the motion to suspend.

The PRESIDING OFFICER. The Senator from Ohio withdraws his motion and offers a resolution which will be read.

The Chief Clerk read as follows:

Resolved, That GEORGE F. EDMUNDS, a Senator from the State of Vermont, is hereby chosen President *pro tempore* of the Senate.

Mr. BAYARD. That resolution is open to amendment. I move to strike out the name of GEORGE F. EDMUNDS, of Vermont, and substitute the name of GEORGE H. PENDLETON, of Ohio; and upon that I ask for the yeas and nays.

Mr. JONES, of Florida. The Senator from Kansas a while ago stated that it had been the custom for this body to exercise its power of removing its presiding officer. I think that that rule has been one of very recent date. I think, sir, that the history of this body will show that the best minds that ever occupied seats in it were until a few years ago clearly of the opinion that when the Senate elected a Senator to the position of President *pro tempore* of this body in the absence of the Vice-President of the United States or when he entered the Presidential office, he should hold until the office became again constitutionally vacant. That was the deliberate opinion of no less a man than William H. Seward, expressed on this floor.

I happened to be somewhat a pioneer on this question when the then Senator from Illinois, Mr. Davis, was elected the last time over the head of my distinguished friend from Delaware [Mr. BAYARD]. I then stated to the Senate my opinion that when the Senator from Delaware was elected there was a vacancy within the meaning of the Constitution, and when the Senator from Illinois was elected there was none. So in this case I was prepared to hear that the Senator from Vermont had resigned his position as presiding officer, in which case there would have been clearly a vacancy for the election that occurred a while ago; but there was no vacancy. Here is the language of the Constitution on the subject, which is very clear:

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

There was a vacancy when the Senator from Vermont was elected. There was no vacancy when the Senator from Rhode Island was elected.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware [Mr. BAYARD], upon which he asked for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired generally with the Senator from Iowa [Mr. ALLISON], who is still absent, and I presume he has no other pair on this question. I shall therefore not vote. Were he present, I should vote "yea" and he would vote "nay."

Mr. JONAS (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON]. If he were present, I should vote "yea."

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "yea."

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY].

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is absent from the Chamber necessarily, and is paired with the Senator from West Virginia [Mr. KENNA]. If my colleague were here, he would vote "nay."

Mr. SEWELL (when his name was called). I am paired with my colleague [Mr. MCPHERSON]. If he were here, I should vote "nay."

Mr. VAN WYCK (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS].

The roll-call was concluded.

Mr. VAN WYCK. I am informed that a pair has been arranged between the Senator from Kentucky [Mr. WILLIAMS] and the Senator from Virginia [Mr. RIDDLEBERGER]. I therefore vote "nay."

The result was announced—yeas 24, nays 32; as follows:

YEAS—24.

Bayard,	Colquitt,	Jackson,	Ransom,
Beck,	Fair,	Jones of Florida,	Saulsbury,
Brown,	Garland,	Lamar,	Slater,
Call,	Gibson,	Maxey,	Vance,
Camden,	Gorman,	Morgan,	Vest,
Coke,	Harris,	Pugh,	Walker.

NAYS—32.

Aldrich,	Dolph,	Lapham,	Palmer,
Anthony,	Frye,	Logan,	Pike,
Blair,	Hale,	McMillan,	Platt,
Bowen,	Hawley,	Mahone,	Plumb,
Cameron of Wis.,	Hill,	Manderson,	Sawyer,
Conger,	Hoar,	Miller of N. Y.,	Sherman,
Cullom,	Ingalls,	Mitchell,	Van Wyck,
Dawes,	Jones of Nevada,	Morrill,	Wilson.

ABSENT—20.

Allison,	Farley,	Jonas,	Riddleberger,
Butler,	George,	Kenna,	Sabin,
Cameron of Pa.,	Groome,	McPherson,	Sewell,
Cockrell,	Hampton,	Miller of Cal.,	Voorhees,
Edmunds,	Harrison,	Pendleton,	Williams.

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the adoption of the resolution.

The resolution was agreed to.

Mr. EDMUNDS advanced to the chair and said: If the occupant of the chair will administer the oath to me, it will remove all question.

The oath of office was administered by Mr. GARLAND to Mr. EDMUNDS and subscribed by him.

Mr. SHERMAN. I offer the following resolution:

Resolved, That the Secretary of the Senate inform the President of the United States and the House of Representatives that the Senate has chosen Hon. GEORGE F. EDMUNDS, a Senator from the State of Vermont, President *pro tempore* of the Senate.

Mr. GROOME. I wish to announce that I was temporarily out of the Chamber when the vote was taken on the amendment of the Senator from Delaware to the resolution of the Senator from Ohio. If I were present I should have voted for the Senator from Ohio [Mr. PENDLETON].

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on the adoption of the resolution of the Senator from Ohio.

The resolution was agreed to.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The morning hour having expired, the Chair will lay before the Senate the unfinished business.

Mr. HILL. Mr. President, I desire to ask the unanimous assent of the Senate to call up Senate bill 227, in order that I may make some remarks upon the bill before it is referred to a committee.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent to call up a bill the title of which will be reported by the Secretary.

The SECRETARY. A bill (S. 227) to establish a system of postal telegraphs in the United States.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HOAR. I ask the Senator from Colorado if he will yield to me that I may ask the Senate to pass a bill changing the time of holding the district court in Maine, a bill of three or four lines.

Mr. HILL. If the bill will not be discussed.

Mr. HOAR. It will not be.

DISTRICT COURT AT BANGOR.

The PRESIDING OFFICER. The bill called up by the Senator from Colorado will be temporarily laid aside, and the Senator from Massachusetts asks the Senate to proceed to the consideration of the bill indicated by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 686) to fix the time for holding the district court in the district of Maine at Bangor. It provides that the regular term of the district court of the district of Maine, now held at Bangor on the fourth Tuesday, shall hereafter be held on the first Tuesday, of June.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POSTAL TELEGRAPH SYSTEM.

The PRESIDENT *pro tempore*. The Senator from Colorado [Mr. HILL] now has the floor on the bill (S. 227) to establish a system of postal telegraphs in the United States.

Mr. HILL. Mr. President, in the history of governments it has sometimes happened that functions first exercised by rulers for the sole purpose of extending and maintaining their power have become converted into instruments for the benefit and service of the people. To subdue and keep in subjection the provinces of the Roman Empire Europe was covered with military roads, which were afterward used as

avenues of commerce and friendly intercourse between the descendants of the conquerors and conquered. Lines of couriers established to bear along these roads messages of emperors and military commanders were gradually superseded by systems of postal communication, in whose benefits the subject was permitted to share. In the course of time, as trade and intercourse developed, the share of the governed in the benefits of these systems became more and more important and that of the rulers comparatively more insignificant. For a time the privilege of carrying on the postal service was granted to the court favorites or farmed out for purposes of revenue. But these monopolies have long since been abolished, and civilized governments have everywhere themselves undertaken the service. In performing it they mainly act as agents of society, for the promotion of its happiness and prosperity, and not for their own aggrandizement. Even the direct raising of revenue is no longer a prime object, but only an incident of the service. The limits of political boundaries which confine the other functions of government have been by mutual consent broken over by the postal system, and it is now operating as a mighty force to bind together in amity the nations of the world. Upon governments considered as mere instruments for the preservation of the peace the effect of cheap and frequent postal communication has been to bring the people into closer relations, thus diminishing the chances of foreign and domestic troubles, and at the same time to make more easy the maintenance of their ordinary powers by stimulating and giving greater play to the productive forces from which the revenues to support these powers must be provided.

But who shall say what the effect has been upon the people themselves in their social and commercial relations? In anticipating the result of the introduction of the penny post in England Mr. O'Connell declared in Parliament that it would be impossible to exaggerate its benefits, and even if it would not pay the expenses of the post-office, he held that the government ought to make the sacrifice for the purpose of facilitating communication. Viscount Sandon insisted that the post-office was not a proper source of revenue, but ought to be used for the purpose of stimulating other sources of revenue. Mr. Goulburn admitted that it would ultimately increase the wealth and prosperity of the country. Sir Robert Peel said that great social and commercial advantages would arise from the change independent of financial considerations, and Mr. Wallace described it as one of the greatest boons that could be conferred on the human race. Lord Ashburton, speaking of a high-rate postage, said:

I think it is one of the worst taxes. We have, unfortunately, many taxes which have an injurious tendency, but I think few, if any, have so injurious a tendency as the tax upon the communication of letters.

And again:

It is, in fact, taxing the conversation of people who live at a distance from each other.

* * * * * * *

You might as well tax words spoken upon the royal exchange as the communications of various persons living in Manchester, Liverpool, and London. You cannot do it without checking the disposition to communicate very essentially.

In describing the results of the reform after its accomplishment, the following picture was drawn by Senator Sumner in debate in this body:

The smallest part of the result was in the revenue, except so far as this was advanced by the increased activity of the country, represented by the added millions of correspondence. Commerce and business were quickened infinitely, while the ties of social life were brightened and the heart was rejoiced. Here the testimony is complete. Tradesmen wrote to Rowland Hill, their benefactor, saying how their business had increased. Charles Knight, the eminent publisher, who did so much for the literature of the people, wrote that every branch of bookselling was stimulated, while the country seller was brought into daily communication with the London houses. The publisher of the polyglot Bible, in twenty-four languages, requiring a peculiar revision, declared that it could not have been printed but for penny postage. The secretary of the Parker Society, composed of church dignitaries and intelligent laymen, which has done so much for ecclesiastical literature by reprinting the works of early English reformers, stated that without penny postage the society could not have come into existence. Secretaries of other societies, literary and benevolent, wrote how their machinery had been improved; conductors of educational establishments testified that people were everywhere learning to write for the first time, in order to enjoy the benefits of untaxed correspondence, and that night classes of adults for this purpose were springing up in all large towns.

A leading advocate for the repeal of the corn laws gave it as his opinion that this reform must have waited but for penny postage; that through this ally it reached its triumph two years earlier than it otherwise could have done. All this is easy to believe; for penny postage lends itself to all knowledge and to every reform. Others wrote with rapture of its operations. The accomplished naturalist Professor Henslow, of Oxford, rejoiced over "its importance to those who cultivate science," and pictured the satisfaction of the humble people about his country parsonage "at the facility they enjoy of now corresponding with relatives," together with what he calls the "vast domestic comfort which the penny postage added to homes like his own." Miss Martineau declared the social advantages that were assured in her neighborhood. Rowland Hill himself, showing how much it had done for the poor, said "the postman has now to make long rounds through humble districts where heretofore his knock was rarely heard." And from the outlying Shetland Islands a visitor reported: "The Zetlanders are delighted with cheap postage. The postmaster told me that the increase in the number of letters was astonishing." But, perhaps, the heartfelt exultation was never better expressed than by the accomplished traveler Mr. Laing, when, after describing the Prussian system of education, and giving the palm to penny postage as "a much wiser and more effective educational measure," destined to be "the great historical distinction of the reign of Victoria," he proceeds to say that "every mother in the kingdom who has children earning their bread at a distance lays her head upon her pillow at night with a feeling of gratitude for this blessing." (Laing's Notes of a Traveler, chap. vi.) Such was the unbought tribute from all quarters—alike the cottage of the lowly and the home of the professor, the counting-house of the merchant and the activities of benevolence, business in its various forms and the commanding efforts of the political reformer, all, all confessing their debt to penny postage.

The increase of correspondence in Great Britain by the cheapening of postage was enormous. In 1840 (the first year) the number of letters more than doubled, and in 1856 the number of letters had grown to 778,393,803; and that of money-orders to 6,178,982, as against 75,907,572 letters, and 188,921 money-orders in the last year of the old system. In 1882 the letters numbered 1,229,354,800, and the money-orders 14,880,821. In addition to this 10,902,318 registered letters, 135,329 postal cards, 140,789,100 newspapers, and 271,038,700 book packages and circulars were carried by the mail in the United Kingdom. The number of letters per capita is shown by the report of the British postmaster-general to have increased from 3 in 1839 to 7 in 1840, 28 in 1872, and 35 in 1882.

While the increase of revenue was the result least considered when the reform was under consideration, yet the predictions of Mr. Cobden and of Rowland Hill in that regard were fully realized.

The net receipts of the British post-office had reached $6,000,000 in 1856 and in 1882 over $15,000,000. Yet it was of a reform which has produced such beneficent results that a noble lord then postmaster-general said in anticipation:

Of all the wild and visionary schemes I have ever heard of, it is the most extravagant.

In the United States the benefits derived from successive reductions of the postal rate have been not less astonishing. Prior to 1845 the rates for single letters were graded by distance as follows:

Not exceeding 30 miles, 6 cents.
Over 30 and not exceeding 80 miles, 10 cents.
Over 80 and not exceeding 150 miles, 12½ cents.
Over 150 and not exceeding 400 miles, 18¾ cents.
Over 400 miles, 25 cents.
And for double, treble, or quadruple letters in proportion.

Under these oppressive rates the limit of correspondence had apparently been reached, since the receipts of the Department remained about stationary for ten years prior to 1845, in which year, indeed, they were 13 per cent. less than in 1837. The first important reduction took place on the 1st of July, 1845, to 5 cents for distances under 300 miles and 10 cents for longer distances. So great was the impetus given to correspondence that the immediate loss of revenue was more than recovered in three years, and the receipts, which in the year ending January 30, 1845, had stood at $4,289,841, amounted in the year ending June 30, 1848, to $4,555,211.10. In three years more, 1851, it reached $6,410,-604.33.

Then came the sweeping reduction of 1851, namely, to 3 cents for single letters under 3,000 miles. The loss of revenue which this induced was much greater than that following the reduction of 1845, but it was more than recouped in four years. The revenue in the year ending June 30, 1855, was $6,642,146.13, and in 1860 it had reached $8,518,067.40. These figures may be roughly assumed to have represented about 250,000,000 letters in 1860.

No important reduction in the letter-postage has taken place since that time until the present fiscal year, and the increase has gone on more gradually, but still rapidly and surely. In the fiscal year ending June 30, 1882, the sale of ordinary stamps and stamped envelopes for letters and circulars had reached about 1,340,000,000, and for the fiscal year ending June 30, 1883, the number was about 1,432,000,000.

But in 1873 a new feature was introduced into the postal system in the shape of 1-cent postal cards. With no advantages over letters in point of speedy transportation, and with the double disadvantage of smaller size and lack of secrecy against them, their sales have yet risen from 91,079,000 in 1874 to 379,516,750 in 1883, or an increase of more than fourfold in nine years. The whole of this vast increase of correspondence may be mainly attributed to the cheapness of communication.

It may well be said that the benefits to our people from a cheap and efficient postal service are incalculable. In conferring them our republican Government has merely carried out one of the purposes, and one of the most important purposes, for which it was created, and performed a service which could not properly, or indeed safely, be committed to any other agency.

When our forefathers separated from the mother country, there had long been in operation through the Colonies a system—although an imperfect system—of postal communication. Its direction was assumed by the Continental Congress in ordinances which declared its functions to be "the communicating intelligence with regularity and dispatch from one part to another of these United States." And by the Articles of Confederation the power of "establishing and regulating post-offices from one State to another" was expressly committed to Congress.

Although post-roads were not mentioned in the Articles of Confederation, the power to establish them was necessarily presumed, and by the act of October 18, 1782, an extended system of postal communication was put in operation. In the first draught of the Constitution there was a clause:

Congress shall have power to establish post-offices.

But the words "and post-roads" were added by a vote of the majority of the State delegations, and the amendment was afterward unanimously concurred in.

From the beginning the simple words of the Constitution "to establish post-offices and post-roads" have been given all the breadth of construction necessary to carry into effect the power which the clause granted. By its authority statutes have been passed under which thousands of officers and sworn agents have been appointed and paid by the Government to conduct and superintend the transportation of the mails.

"Post-roads" were not thought to mean merely the highways on land existing at the time of the adoption of the Constitution. On the contrary, in the first permanent act of Congress "to establish post-offices and post-roads within the United States," passed February 20, 1792, provision was made for the postal service "in packet-boats or vessels passing by sea to and from the United States or from one point to another therein." The act of February 27, 1813, authorized the Postmaster-General "to contract for carrying the mails of the United States in any steamboat or boats which are or may be established to ply between one post-town and another post-town." Penalties for the non-delivery of the mails within a certain time by persons employed on such boats were provided by the act of February 27, 1815, and by the act of March 23, 1823, it was enacted—

That all waters on which steamboats regularly pass from port to port shall be considered and established as post-roads, subject to the provisions contained in the several acts regulating the Post-Office establishment.

The act of March 25, 1864, required all citizens of the United States owners of vessels plying between the United States and foreign ports to carry the mails, and by various acts the post-office clause of the Constitution has been drawn upon to authorize, in part at least, the charter by Congress of lines of steamers between the United States and foreign countries. [15 Statutes, 229.] Under that clause alone the Postmaster-General has been authorized to conclude conventions with foreign governments for the exchange of postal correspondence, and to make contracts with private persons for the carriage of the United States mails through foreign territory. The navigable waters of the United States, and canals and plank roads within their limits, have been declared post-roads while the mails were carried thereon. And by a sweeping clause in the act of July 7, 1838, it has been enacted "that each and every railroad within the limits of the United States which now is or hereafter may be made and completed shall be a post-road."

Railroads thus chartered as postal agents of the Government have been required to furnish special cars for the convenient transportation of the mails and otherwise to provide for their prompt transmission and delivery. On the other hand, they have incidentally received valuable franchises from the postal legislation of Congress. Their bridges across navigable streams have been declared post-roads, and the Supreme Court has held that such declaration made them legal structures.

In the foregoing instances, as in most others, the power to establish post-roads was used merely to designate existing routes over which the mails should be carried, but in the practice of the Government the power has by no means been confined to such designation. Under the administration of Jefferson, authority was given the President and exercised by him to cause to be opened roads in Georgia, in the Indian country, and from Nashville, Tenn., to Natchez, Miss. [2 Statutes, 397.] At the same session he was authorized to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio. The road was constructed and appropriations were made for its maintenance down to the year 1838.

Many acts were also passed for the repair of old post-roads in the States and for surveying new roads. The practice was discontinued for two reasons: First, because the invention of railroads made its continuance unnecessary; and, second, because the construction by the General Government of roads through the States which might and would be used more largely for other purposes than for postal communication seemed to be of doubtful policy. It was the fear that such schemes of internal improvement would interfere with the rights of the States that led to the several vetoes of Presidents Madison, Monroe, and Jackson. In his message of the 4th of May, 1822, vetoing a bill for the repair of the Cumberland road, Mr. Monroe did, indeed, argue that the words "to establish post-offices and post-roads" conveyed merely a power to designate existing places and existing roads between and over which the mail should be carried, but although the particular bill was not passed over his veto, yet, as before seen, his views did not prevail in subsequent Congresses.

So far as the authority to construct roads is concerned it has not yet been directly passed upon by the courts, but the word "establish," as used with reference to post-offices, has within the past ten years been given the widest possible meaning by the Supreme Court of the United States. For many years it had been the practice for the Government to purchase sites in the States and to erect its own buildings at the more important post-offices. In the appropriation act of June 10, 1872, provision was made "to commence the erection of a building at Cincinnati, Ohio, for the accommodation of the United States courts, custom-house, United States depository, post-office, internal-revenue and pension offices, and for the purchase at private sale or by condemnation of ground for a site therefor."

Under this act, for the first time in the history of the Government, it was sought to secure the condemnation of the necessary land by proceedings in the United States courts. The proceedings were resisted, and the case was brought to the Supreme Court, which said in the course of its opinion:

When the power to establish post-offices and to create courts within the States was conferred upon the Federal Government, included in it was authority to obtain sites for such offices and for court-houses, and to obtain them by such means as were known and appropriate. The right of eminent domain was one of these means well known when the Constitution was adopted and employed to obtain lands for public uses. Its existence, therefore, in the grantee of that power ought not to be questioned. (Kohl vs. The United States, 91 U. S. R., 372.)

If under the power "to establish post-offices" the Government may acquire lands in the States by condemnation through its own agencies, it can not be doubted that it may by similar means acquire whatever may be necessary to enable it "to establish post-roads," and that the courts will so decide if the occasion shall ever arise. It may be presumed that the power would never have been questioned if its exercise had not, as before shown, involved the establishment of roads to be used for the carriage of freight and passengers. If, therefore, there had existed in the early days a method of communication adapted only to the wants of the postal service, surely no one would have doubted the authority of the Government to avail itself of that method under the post-office clause of the Constitution. A pneumatic tube under-ground, or a balloon route through the air, would have been held to be a post-road equally with the common highway or the railway on land, the navigable rivers and canals, or the trackless waters of the ocean.

About the time that Congress declared that railroads were post-roads, and while the people of Great Britain were still rejoicing over the establishment of the penny post, an invention was perfected whose sole use and object was to carry out the functions of the post-office as described in the ordinances of the Continental Congress, namely, "the communicating of intelligence with regularity and dispatch from one part to another." The inventor brought it to the attention of Congress, and an act was passed March 3, 1843, appropriating $30,000 to test the practicability of establishing a system of electro-magnetic telegraphs by the United States. A line was built from Washington to Baltimore, and placed in charge of the Postmaster-General. For three years it was maintained by the Government, and its revenues were directed "to be placed in the Treasury of the United States for the benefit of the Post-Office Department in the same manner as other revenues from postages." But the people were slow to recognize its advantages, and its workings were so imperfect that it was thought to be unavailable for long distances. Under the authority of the act of June 19, 1846, the line was sold to private parties, and the invention passed from the hands in which it had been properly placed, and under which alone the public could ever hope to realize its full benefit.

It may be doubted whether the statute-books contain a piece of more ill-advised legislation than this act of 1846, an act which has already cost the people a hundred million dollars in the excessive cost of telegrams, which has produced most serious evils in the past, and which, unless its consequences can now be checked, may be fraught with yet more serious evils in the future.

The act was not passed without earnest protest. In 1845 the Ways and Means Committee of the House of Representatives made a report [No. 187, second session Twenty-eighth Congress], in which, after asserting with emphasis the constitutional right and duty of the Government to adopt for the benefit of the people this new system of postal communication, the committee said:

Should the arrangements into which he (the inventor) may find it necessary to enter with private individuals or associations stipulate exclusive rights in their favor, it is manifest how greatly Government and people would lie at their mercy. Having in their hands the monopoly of such a medium of intelligence on the important lines, they could make such use of their advantages over the Government and the community as would at length enable them to exact their own terms as the price of the surrender of their exclusive right; for the truth can not be too often repeated, or too deeply impressed, in relation to this subject, that the people will never submit long to the mischiefs and discredit of the public post being outstripped by any private monopoly or establishment whatever. The loss of revenue will co-operate with the complaints and sufferings of the people to do what were better done at once, namely, to establish the telegraph in connection with and as a branch of the post-office.

And again:

The committee might easily add to the views and arguments which they have now presented others of a highly commanding character, especially those which relate to the extreme value of which the magnetic telegraph would be in the emergencies of war, and its singular adaptedness to render our system of Government easily and certainly maintainable over the immense space from the Atlantic to the Pacific which our territory covers. Doubt has been entertained by many patriotic minds how far the rapid, full, and thorough intercommunication of thought and intelligence so necessary to a people living under a common representative republic could be expected to take place throughout such immense bounds. That doubt can no longer exist. It has been resolved and put an end to forever by the triumphant success of the electro-magnetic telegraph of Professor Morse, as already tested by the Government.

These views were concurred in by the Postmaster-General of that day, Mr. Johnson, who described the telegraph as an agent vastly superior to any other ever devised by the genius of man for the diffusion of intelligence, and said:

The use of an instrument so powerful for good or evil can not with safety to the people be left in the hands of private individuals uncontrolled by law.

The states of the continent of Europe were the first to appreciate the advantages of governmental control of the telegraph. They received

the inventor as a public benefactor, covered him with honors, and from the beginning they assumed the erection and management of the telegraph lines. It may be said that in taking control of the telegraphs the monarchical governments of the Old World were actuated as much by the desire to use them for the maintenance of authority as by the advantages which they offered for the service of the people. To a certain extent this is doubtless true, but it is none the less true that the people have reaped the most solid benefits, and that the tendency has been rather to liberalize government than to maintain arbitrary power. From the various administrative departments to which it was at different times confided the management of the telegraphs in the most important states has been transferred to the post-office and amalgamated with that establishment, and by successive reduction of rates the system has been brought within the reach of the poorest classes, and at the same time, through the increase of correspondence thus produced, it has, in the majority of cases, been made self-sustaining.

Moreover, the greatest progress and the best management have alike been shown in those countries where the forms of government are most liberal, as in Switzerland and Belgium. The area of these countries is so small (the former covering only about 16,000 square miles and the latter only about 11,330 square miles), that the telegraph has the least possible advantage over mail communication. A few hours will carry a letter from one end of either country to the other, but the management of the telegraphs has been such that their small margin of usefulness has been availed of to the utmost. Under the tariff of one franc, or less than twenty cents for twenty words, the number of internal messages in Belgium grew from 80,216 in 1860 to 332,721 in 1865. On the 1st of December of that year the rate was reduced one-half, and in 1866 the number of messages increased to 692,936, or more than 100 per cent. In 1882 the number was 2,225,094, in addition to 579,931 international messages sent and 620,923 international messages received, and 3,095,177 messages in the service of telegraph, post-office, railroad, navy, and other government departments. In Switzerland, under a like tariff of one franc for twenty words, the number of internal messages had in 1867 reached 397,333. The rate was reduced to half a franc on the 1st of January, 1868. In the very first year of the reduction the number of messages increased to 798,186, or more than 100 per cent.; and since that time it has grown to 1,837,385 in 1881, in addition to 879,727 international messages sent and received.

These figures alone would seem to be sufficient to show the popular character of European systems as illustrated in these two countries; but that character further appears from the classifications made by Belgian and Swiss administrations of the nature of the telegrams in 1872 and prior years, from which it appears that more than half the telegrams in these countries were on social affairs. In 1872 the proportion of social messages in Belgium was over 55 per cent., and in Switzerland 61 per cent. of the total number. In striking contrast with this is the statement which has been made on good authority, that of the 40,000,000 messages which passed over the wires in this country last year less than 12 per cent. were on social matters.

In the other countries on the continent the progress of the telegraph has varied with the character of the people and their institutions, the rates charged, and the advantages offered by telegraphing over postal communication.

In France, under the tariff of 1858 of 2 francs fixed and 10 centimes per myriameter (about 6 miles) for twenty words, 1 franc in the same department, and 1½ francs between adjacent departments, the number of messages in 1861 was only 734,352. January 1, 1862, the rates were reduced to 2 francs per twenty words, without regard to distance, and 1 franc in the same department. The number of messages rose to 1,291,774 in 1862. In 1868 the rates were reduced to 1 franc throughout France and one-half franc within a department; and the number of messages increased from 2,916,734 in that year to 4,085,408 in 1869.

Since the establishment of the republic the progress has been most rapid. In 1878 the service was amalgmated with that of the post-office, and in 1880 the tariff was reduced to 5 centimes, or less than one-half cent per word, with a minimum tariff of 50 centimes. The result of this reduction appears in the increase of internal messages from 13,998,736 in 1879 to 21,210,510 in 1882. In the last-named year the French sent and received also 3,379,620 international messages. For 1 franc messages may now be sent from the north of France to Algiers, a distance of 2,000 miles.

In Germany the tariff was for a long time based upon distance. Under this rate the number of internal messages in 1872 was 6,783,533 and the receipts from internal messages were $1,304,373, showing an average receipt per message (which of course exceeds the average tariff for the minimum number of words) of about 20 cents. In 1875 the service was amalgamated with the post-office so completely that no distinction is now made in the statistics as to the salaries paid employés who perform the postal and telegraphic services.

In 1878 Bavaria and Wirtemberg, which formerly maintained separate telegraphic administations, were brought into the imperial system. The present tariff in Germany is 1½ cents per word, with a fixed rate of 5 cents per message additional. For local messages the tariff is one-half cent per word. The number of internal messages in 1882 was 12,303,516.

While the progress of telegraphic correspondence in Germany is thus seen to have been less rapid, so far as the reduction in rates and increase of messages are concerned, the management of the system in other respects leaves little to be desired; and further reduction may be expected to place the system on the same popular basis as in the other countries. In 1876 an extensive system of under-ground lines was commenced, which now extends to 221 cities and aggregates 3,400 miles of line, carrying 23,318 miles of conducting wires.

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In Mr. Scudamore's report the success of the postal telegraph of Belgium and Switzerland was adverted to, as well as that of the system of the colony of Victoria, where the telegraph had for some time been under the control of the post-office. It was shown that the proportion of telegrams to letters in the United Kingdom had ranged from 1 to 439 in 1855 to 1 to 121 in 1866, while in Switzerland the proportion had been 1 to 84 in 1860 and 1 to 69 in 1866.

In Belgium, after the reduction in telegraph tolls from 1 franc to one-half franc, the proportion rose from 1 to 73 in 1865 to 1 to 37 in 1866. If this proportion had obtained in the United Kingdom there would in 1866 have been transmitted 19,700,000, instead of 6,000,000, the actual number.

From the foregoing premises and from the greater intelligence and social and commercial activity of the British people, as well as the greater advantages which the longer distances give to the telegraph over the mail, Mr. Scudamore argued that the establishment of a postal telegraph in Great Britain was desirable and that it would become even a greater success than on the continent. In conformity with his opinions a bill was prepared by the post-office department and submitted to the lords of the treasury February 14, 1868. In transmitting the bill the Earl of Montrose, the postmaster-general, said:

> It is merely a permissive bill, and does not contemplate the acquisition of any monopoly by the postmaster-general. * * * It is not proposed in the inclosed bill to confer on the postmaster-general any rights which the existing companies have not been authorized to exercise, or to give him any greater power over the holders of private property than the existing companies have already obtained from Parliament. In short, if the bill should become a law it would merely place the postmaster-general in the position of a newly-organized telegraph company, and will leave him to negotiate with existing companies for the transfer of their property on such terms as shall be satisfactory to him and them.

Upon its introduction into Parliament the bill was at once attacked by the representatives of the telegraph companies. Their arguments need not here be adverted to. They have been so often urged from the same quarters in this country that they are already familiar to the Senate and to the American people. After an exhaustive hearing by a parliamentary committee they were decided not to be well founded, and in July, 1868, an act was passed "to enable her majesty's postmaster-general to acquire, work, and maintain electric telegraphs." Its main features were as follows: The Postmaster-General was authorized, two-thirds of the stockholders consenting, to purchase the whole or any part of the undertakings of the telegraph companies at a price equal to twenty times their net profit during the year ending June 30, 1868. In addition to this price, special arrangements were provided for the compensation of the competing United Kingdom Company in consideration of its efforts to establish a shilling rate before alluded to, and for the assumption of the lines owned by the railway and canal companies, or operated by them, under contracts with the railways.

The rate for messages was fixed throughout the kingdom at 1 shilling for twenty words, excluding the address and signature. This rate covered delivery within one mile of the office of address or within its

postal delivery. If delivered beyond these limits the post-office might be used or special messengers employed at a cost of sixpence per double mile. No agreement entered into under authority of this act was to bind the government until it had lain for one month on the table of both houses of Parliament without disapproval.

It is not easy to say whether the fixing of these favorable terms of purchase was due to deception practiced by the companies as to their actual profits or to concessions made by the friends of the bill in order to avert the opposition of the companies, but it is certain that before its passage that opposition was withdrawn, and for the best of reasons.

Referring to the matter, Mr. Gladstone said (Hansard, volume 193, page 1586):

That at all events, at that time (before they knew of the proposed terms) the companies treated the proposed purchase as a disadvantage. The price of the Electric Telegraph Company's shares was then £153; on the 23d of June, just after the reference in committee, the shares had risen to £165. The rise might be taken to represent the normal, fair, and legitimate improvement in the value of the property, connected with the approximate realization of the plans of the government. But what were they to say when, instead of a rise of £12 between the 2d of January and the 23d of June, they found a rise of £41 between the 23d of June and the 21st of July? And would the reasoning of the honorable and learned gentleman account for that? He had set up an ingenious theory that there was something so delightfully scientific in the possession of telegraph property that it attracted to itself, quite irrespective of vulgar calculation, what was known as a *pretium affectionis*, but he was afraid that the change which had occurred during the last few weeks must be attributed to considerations of a different character. The Electric Telegraph Company's shares were £153 on the 2d of January, £165 on the 23d of June, and £206 on the 1st of July; and the Magnetic Company's shares were £115 on the 2d of January, £125 on the 23d of June, and £150 on the 21st of July. In the former case the increase was one-fourth, and in the latter it was one-fifth, between June and July.

Under the agreements made with the telegraph companies by the authority of the indefinite provisions of the act of 1868 the compensation to be paid the companies grew from £3,000,000, the estimate of Mr. Scudamore, to over £7,000,000. When the money bill came to be discussed by the new Parliament, Mr. Crawford, a member of the commons, who had opposed the original bill, said (Hansard, volume 198, page 759):

He confessed the terms now proposed to be given to the companies were, in his opinion, exorbitant and preposterous beyond all reason. Still he thought the house was bound by its bargain. The Parliament undertook last year to pay these companies twenty years' purchase, and if it could be shown that the profits amounted to the sum set down, the house could not help itself without breaking faith with the companies. He thought the bargain a very bad one, but he was afraid it must be carried out.

It was this sentiment that led Parliament to change the original intention and to confer a monopoly of the telegraphs on the post-office department. Thus one mistake necessarily led to another, and the British postal telegraph was from the first handicapped by an enormous interest charge, and to some extent by the odium which always attaches to a legal monopoly.

But, notwithstanding the exorbitant price paid for the telegraph, the investment has not proved an unprofitable one. Since the date of the transfer of the telegraph to the state, January 29, 1870, the length of line has been increased from 5,651 miles to 27,096 miles, and that wire from 48,999 miles to 132,431 miles.

The number of offices has grown from 2,488 to 5,747, and the number of messages from about 6,000,000 to nearly 33,000,000. Much of this increase was very sudden, the number of messages in 1872 having jumped to about 17,000,000. The popular appreciation of the benefit derived from the transfer of the telegraph to the state was so marked that for a short time the lines, notwithstanding their great extension, were clogged with business. This difficulty was soon obviated, however, and the steady progress of the system has enabled the government to pay all the expenses out of the receipts and to fall but little short of paying the interest on the entire investment.

For the whole of Europe it appears that the total number of internal messages sent in 1882 (excluding Portugal, Spain, Turkey, and Bulgaria), namely, 90,053,781, were sent at a total cost of $24,278,164, or an average cost per message of less than 27 cents. When it is considered that these figures represent more than the average tariff for the minimum number of words, and that the statistics include such unprogressive countries as Russia, Servia, Roumania, and Greece, where rates are exceptionally high, it will be seen that the average rate, taking Europe as a whole, is extremely low.

The interest which European governments take in their telegraphic systems is shown by the fact that they have been accustomed for many years to hold conferences, at which all matters relating to telegraphy are discussed. They have also organized an international bureau, with headquarters at Berne, presided over by a director-general, Mr. L. Curchod, a gentleman selected for his abilities for that important office, to whom advocates of a governmental telegraph in the United States are much indebted for statistical and other information.

In the United States, after the relinquishment by the General Government of the control of the line from Washington to Baltimore, the construction of a telegraph was commenced by individuals and corporations organized under State laws. The most enterprising of these was the Western Union Company, organized at Rochester, N. Y., which first built a line from New York to Louisville, via Buffalo, Cleveland, and Cincinnati, at a cost of about $150,000. The company then turned its attention to the purchase of lines of struggling Western companies, acquiring the Erie and Michigan from Buffalo to Milwaukee, and the Wade line from Cleveland to Cincinnati, and leasing the Louisville, Saint Louis and Pittsburgh, and the Cincinnati and Louisville lines. It also built from Pittsburgh to Philadelphia. The lines were cheaply built and still more cheaply purchased, so that the expenditure, as is stated by those in position to know, was up to this time about $300,000. This expenditure was more than recouped by the cash dividends, and the company's stock was quadrupled, making it about $2,000,000. From that time forward it is believed that the investments were paid out of the earnings, after deducting handsome dividends. These investments were sometimes in cash, but more generally in the shape of new issues of stock, and the policy of absorption of old and the construction of new lines was continued.

Down to 1860 the intervention of the General Government had been confined to the passage of a few acts granting aid and protection to parties proposing to extend the telegraph to the Pacific coast and to the Atlantic Cable Company. In June of that year Congress offered a bonus of $40,000 a year for ten years, in addition to rights on the public lands, to parties who would undertake the construction of a line from the Missouri to the Pacific. This offer was accepted by certain directors of the Western Union Company, and the line constructed from Brownsville, Nebr., a distance of 1,100 miles, to Salt Lake City, where it connected with the line to San Francisco. Four hundred and seventy-five miles of the eastern end of this line, from Brownsville to Sedgwick, were erected by Charles M. Stebbins, a well-known telegraph builder and operator, at that time I believe a citizen of my State, at a cost of $67 per mile, including the hauling of the poles and all the materials long distances in wagons.

The western end, according to Mr. Stebbins' statement, was built much more expensively, at a large profit to the contractors, but the whole cost only $147,000, or about $134 per mile.

On this expenditure $1,000,000 of stock was issued in the name of the Pacific Telegraph Company. In speaking of this line Mr. Stebbins, in a sworn statement, dated March 26, 1870, said:

This one million dollars of Pacific telegraph stock (prominent men of the Western Union Telegraph Company being the sole owners) was afterward taken into the Western Union Telegraph Company by issuing therefor $2,000,000 of Western Union Telegraph Company stock. After this the Western Union Telegraph Company's stock was trebled, by which manipulation an original expenditure of $147,000 (and a part of that not honestly spent) came to represent $6,000,000 of Western Union Telegraph stock.

The property thus represented by $6,000,000 of stock had itself been three times paid for by the Government bonus of $40,000 per annum for ten years.

At the beginning of the civil war the telegraphic territory of the country was divided mainly between the American Company, running through the eastern slope from Nova Scotia to New Orleans; the Southwestern, extending from New Orleans through Mississippi, Tennessee, and Kentucky to Louisville; and the Western Union Company, extending through the Middle and Western States. The California State Telegraph Company operated the lines on the Pacific slope, connected with the Western Union by the line above alluded to; the Illinois and Mississippi Company operated lines west of Chicago; the Northwestern Company those through Wisconsin and Minnesota, which maintained an independent organization until their recent absorption. These lines all worked in connection as one system, although under different managements.

In 1863, as is stated by eminent authority (Mr. Gardiner G. Hubbard), the capital stock of the Western Union Company was $3,000,000, representing the $2,000,000 to which it had been quadrupled and accretions from various sources. In that year a stock dividend of $3,000,000 was added. In 1863 and 1864 $5,000,000 more was issued to represent extensions and new lines, and in the latter year the stock was doubled by an issue of $11,000,000 as a dividend. In 1863 and 1864 the Russian extension was organized, with a capital of $10,000,000. The success of the Atlantic cable of 1865 made this line utterly useless, and it was saddled on the Western Union Company by an issue of $3,300,000 in bonds of the latter.

During and after the war an active opposition arose from the United States Telegraph Company, competing in the territory of the Western Union over some 14,000 miles of wire.

In 1866 commenced a grand scheme of consolidation. The 14,000 miles of the United States Company's wires, which were very poorly built and which offered few additional facilities to the public, were stocked into the Western Union at $6,345,800. The Illinois and Mississippi and the Southwestern Companies' lines were absorbed. Bonds to the amount of $1,652,000 were issued for the California telegraph lines, and for each share of the American Company's stock, which amounted to $4,000,000, three shares were issued, making an addition of $12,000,000.

When this consolidation was accomplished the Western Union Company stood without an important rival in the telegraph business of the country, with a capital stock of $41,000,000 and a total nominal investment of $47,877,350, of which $22,475,000 represented nothing but pure water, and $9,645,000 property almost worthless. The remaining

the inventor as a public benefactor, covered him with honors, and from the beginning they assumed the erection and management of the telegraph lines. It may be said that in taking control of the telegraphs the monarchical governments of the Old World were actuated as much by the desire to use them for the maintenance of authority as by the advantages which they offered for the service of the people. To a certain extent this is doubtless true, but it is none the less true that the people have reaped the most solid benefits, and that the tendency has been rather to liberalize government than to maintain arbitrary power. From the various administrative departments to which it was at different times confided the management of the telegraphs in the most important states has been transferred to the post-office and amalgamated with that establishment, and by successive reduction of rates the system has been brought within the reach of the poorest classes, and at the same time, through the increase of correspondence thus produced, it has, in the majority of cases, been made self-sustaining.

Moreover, the greatest progress and the best management have alike been shown in those countries where the forms of government are most liberal, as in Switzerland and Belgium. The area of these countries is so small (the former covering only about 16,000 square miles and the latter only about 11,330 square miles), that the telegraph has the least possible advantage over mail communication. A few hours will carry a letter from one end of either country to the other, but the management of the telegraphs has been such that their small margin of usefulness has been availed of to the utmost. Under the tariff of one franc, or less than twenty cents for twenty words, the number of internal messages in Belgium grew from 80,216 in 1860 to 332,721 in 1865. On the 1st of December of that year the rate was reduced one-half, and in 1866 the number of messages increased to 692,936, or more than 100 per cent. In 1882 the number was 2,225,094, in addition to 579,931 international messages sent and 620,923 international messages received, and 3,095,177 messages in the service of telegraph, post-office, railroad, navy, and other government departments. In Switzerland, under a like tariff of one franc for twenty words, the number of internal messages had in 1867 reached 397,333. The rate was reduced to half a franc on the 1st of January, 1868. In the very first year of the reduction the number of messages increased to 798,186, or more than 100 per cent.; and since that time it has grown to 1,837,385 in 1881, in addition to 879,727 international messages sent and received.

These figures alone would seem to be sufficient to show the popular character of European systems as illustrated in these two countries; but that character further appears from the classifications made by Belgian and Swiss administrations of the nature of the telegrams in 1872 and prior years, from which it appears that more than half the telegrams in those countries were on social affairs. In 1872 the proportion of social messages in Belgium was over 55 per cent., and in Switzerland 61 per cent. of the total number. In striking contrast with this is the statement which has been made on good authority, that of the 40,000,000 messages which passed over the wires in this country last year less than 12 per cent. were on social matters.

In the other countries on the continent the progress of the telegraph has varied with the character of the people and their institutions, the rates charged, and the advantages offered by telegraphing over postal communication.

In France, under the tariff of 1858 of 2 francs fixed and 10 centimes per myriameter (about 6 miles) for twenty words, 1 franc in the same department, and 1½ francs between adjacent departments, the number of messages in 1861 was only 734,352. January 1, 1862, the rates were reduced to 2 francs per twenty words, without regard to distance, and 1 franc in the same department. The number of messages rose to 1,291,774 in 1862. In 1868 the rates were reduced to 1 franc throughout France and one-half franc within a department; and the number of messages increased from 2,916,734 in that year to 4,085,408 in 1869.

Since the establishment of the republic the progress has been most rapid. In 1878 the service was amalgmated with that of the post-office, and in 1880 the tariff was reduced to 5 centimes, or less than one-half cent per word, with a minimum tariff of 50 centimes. The result of this reduction appears in the increase of internal messages from 13,998,736 in 1879 to 21,210,510 in 1882. In the last-named year the French sent and received also 3,379,620 international messages. For 1 franc messages may now be sent from the north of France to Algiers, a distance of 2,000 miles.

In Germany the tariff was for a long time based upon distance. Under this rate the number of internal messages in 1872 was 6,783,533 and the receipts from internal messages were $1,304,373, showing an average receipt per message (which of course exceeds the average tariff for the minimum number of words) of about 20 cents. In 1875 the service was amalgamated with the post-office so completely that no distinction is now made in the statistics as to the salaries paid employés who perform the postal and telegraphic services.

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> It is merely a permissive bill, and does not contemplate the acquisition of any monopoly by the postmaster-general. * * * It is not proposed in the inclosed bill to confer on the postmaster-general any rights which the existing companies have not been authorized to exercise, or to give him any greater power over the holders of private property than the existing companies have already obtained from Parliament. In short, if the bill should become a law it would merely place the postmaster-general in the position of a newly-organized telegraph company, and will leave him to negotiate with existing companies for the transfer of their property on such terms as shall be satisfactory to him and them.

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I do not need to assume the responsibility of charging the present existence of all the abuses which are possible, or even of those referred to, in the management of the telegraph. It will be sufficient for us to say, in the words of the late Postmaster-General Howe:

Knowing that it can be so abused, it seems to be the dictate of prudence not to wait until it is so abused. It is an agency much too dreadful to be intrusted to private hands.

For evils like those that have been briefly indicated it is conceded by all who have investigated this subject impartially, even by those who like the late Postmaster-General came to the investigation reluctantly and with a strong indisposition to interfere with private interests, that the remedy must come in some form of action by the National Government. Competition might afford relief, but it is certain that competition will not do so, because competition is at the expense of capital. This I believe to be the overwhelming sentiment of the country, accentuated by the occurrences of last summer, and it remains for us to decide sooner or later upon the form of relief best adapted to the nature of the case.

Four leading plans to this end have been proposed to Congress, differing widely in their provisions. I will endeavor to describe them briefly without regard to the order of time in which they were submitted. While I would not antagonize any one of them that would meet with the approval of the Senate, certain objections to each, which have occurred to me in investigating the subject, have induced me to suggest a fifth, and still a different plan.

First, it has been proposed to charter a new company to build or purchase telegraph lines, with which the Government should contract for the transmission of telegrams at specified rates, the Government to attend to their receipt from and delivery to the public; the wires of the company being admitted to the post-offices in most cases, and its operators in many places acting as postmasters or postal clerks. This plan has met with some favor in the House, and was strongly indorsed by Senator Ramsey, of Minnesota, chairman of the Post-Office Committee. It is considered by the present Executive and the Postmaster-General the least objectionable of all the schemes yet proposed; but, with great deference to these authorities, it seems to me open to serious criticism.

The establishment of a postal telegraph can only be justified on the ground that it is a public business, under the post-office clause of the Constitution; the power to regulate commerce between the States, even if applicable, not being broad enough to authorize an effective intervention. From the interference of the Government, so far as it extends, no one should be allowed to derive a direct private profit; least of all should Congress, by chartering a particular company, favor one private interest to the exclusion of another.

The administrative objections to the scheme are well stated by one of our ablest Postmasters-General, Mr. Creswell, who gave the subject of postal telegraph exhaustive attention in his annual report of 1872.

It is not—

Said he—

in analogy with the workings of the mail service in any important particular. In the latter the Department transmits the mails under the charge of its own officers, and controls all the machinery necessary for that purpose; in the former it is proposed to make the Department a mere agent to receive and deliver telegraph messages for the benefit and profit of a private corporation.

After describing the duties of the company and the Post-Office under the proposed dual management, Mr. Creswell adds:

The Government, inasmuch as it would deal directly with the parties sending and receiving messages, would be alone looked to for redress in case of default, and yet it would have no adequate power to compel the company to execute its contract. This would lead to endless confusion and irreconcilable conflicts between the Government and the company, and would certainly result in great inconvenience and pecuniary disaster to the people.

The bill of General Butler, reported in 1875 from the House Judiciary Committee, proposed to declare all telegraph lines to be post-roads, and to require the Postmaster-General to contract for the transmission of messages in the same way that he contracts with railroads for the transportation of the mails. While this plan is not open to the charge of favoritism, it is difficult to see how it could escape the administrative difficulties before suggested.

A third plan contemplates the construction of lines by the Government without making any provision for the use of existing facilities. In 1868 Mr. Elihu B. Washburne, and in the last Congress Mr. Anderson, introduced bills looking to such construction over certain specified routes only between the larger cities. It may well be doubted whether such partial systems would give sufficient relief or whether their operation would be such as to encourage Congress to afterward authorize the necessary extension. In the telegraph as in railroad business, the traffic on the trunk lines is not more necessary, important, or profitable than the local traffic, or that on the branch lines, which act as feeders. Moreover it would be a serious inconvenience to the patrons of the telegraph to divide their messages, sending those to the larger cities by the postal lines and those to smaller points by the lines of the company. The latter could doubtless afford without much loss to reduce its rates to competing points to a level with those of the Government and through its superior connections it could retain the bulk of the telegraphic business. The loss which such a system would entail on the Government would be a constant argument in favor of its abandonment instead of its extension by further legislation.

If the present is a favorable time for Congress to determine whether it shall perform what I regard as its constitutional duty, to establish telegraph post-roads, then the establishment should be made co-extensive with the needs of the people, and the governmental system should not be outstripped in extent by that of private parties.

If the principle is once decided upon, the same Congress which decides it should authorize it to be carried out in its entirety, and not have a system half established, and perhaps a financial failure, exposed to attacks from those influences which would surround our legislation when it was proposed to extend it hereafter.

Furthermore, as an objection to a proposition of this character, I submit that if the existing lines could be acquired for anything near what it would cost the Government to build, sound policy requires that they should be purchased. I concede that on the principles analogous to those laid down by the Supreme Court in the case of the Charles River Bridge Company the Government is under no obligation to purchase existing lines; but that company was given the option of selling its property at a fair valuation, and it would seem to be expedient to give the telegraph companies the same option before proceeding to construct lines in competition with them. This would do only in case they refused to sell.

The fourth plan to which I have alluded was that proposed by Mr. C. C. Washburn in the House of Representatives in 1870 and afterward indorsed by Postmaster-General Creswell, to wit, the enforcement of the existing contract with the companies who accepted the provisions of the act of 1866 by the purchase of their "telegraph lines, property, and effects" at an appraised value. This plan was the subject of two bills in the last House. One, introduced by Mr. SPRINGER, would authorize the appointment of the appraisers provided for in the act of 1866, and direct them "to ascertain the actual cash value of all the plant, property, and effects of the companies interested, including the value and character of all leases, choses in action, contracts, and franchises, and the receipts of the company from all sources; the operating expenses and the rates charged for transmitting messages, royalty paid to inventors, and all other facts which such appraisers may deem necessary for a thorough knowledge of the subject." This information was to be reported to Congress at its next session for its action or non-action, as the case might be.

The other bill, that of Mr. Ford, is the same as the bill reported by Mr. C. C. Washburn from the Select Committee on Postal Telegraphy in the Forty-first Congress. It would authorize the appointment of appraisers under the act of 1866, and give the Postmaster-General power to contract with the companies for the purchase of their lines, &c., at the appraised value, but subject to the approval of Congress. A basis of appraisal is, however, laid down for the appraisers, as follows: First, what would be the actual cost to the Government of erecting new lines of equal value of those appraised; second, the value of said lines as a means of earning dividends, regarding a stock which will earn regularly 10 per centum on all proper expenditures equivalent to par; and the average of the above modes of appraisement shall be the true basis of value.

While this mode of appraisal might not have been too liberal at the date of Mr. Washburn's report, when the market value of Western Union property, at the selling price of the stock, was about $16,000,000, it would not answer for the present, when that value is over $60,000,000. Moreover, it is contended, first, that the act of 1866 did not give either party the right to fix the basis of appraisal; and, second, that the companies were not bound to submit to an appraisal until the Government had first provided absolutely for the purchase of their lines at the value to be determined by the appraisers.

I have little doubt of the meaning of the act of 1866. It was intended, in the first place, to give the companies five years' notice in which to prepare for the entry of the Government into the telegraph business; and, in the second place (in return for that notice and for the very valuable franchises conferred upon the companies which should voluntarily accept its provisions), to provide a means whereby the Government might acquire the facilities necessary for the conduct of such business without the trouble of building or manufacturing them. Under the act "the telegraph lines, property, and effects" of the companies were to be bought under appraisal, *i. e.*, such property and effects as are necessary and convenient for the proper working of telegraph lines, without regard to the value of the stock or the price of good-will or monopoly. The forbearance of the Government in not exercising for five years its undoubted right to undertake the telegraphic business and the privileges granted to the companies constituted a valuable consideration for the stipulation on their part to sell their "telegraph lines, property, and effects." The contract was one of perfect mutuality and justice to the different companies, as well to the Western Union, whose property was paying large dividends, as to the opposition lines, which were losing money; and if the Government before making it was perfectly at liberty to undertake the business without regard to the existence of the companies, then surely our forbearance and concession to the latter, which have aided the Western Union since 1866 to amass a profit of $65,000,000, were not intended to place us in a worse position than before the passage of the act.

But these views are stoutly disputed by the Western Union Company, which has many times in the course of the discussion of this question claimed that the appraisal of its lines must be based on "their capacity to earn money;" or, in other words, the profits which its practical monopoly, built up largely since the act of 1866 was passed, has enabled that company to reap.

On this point the act itself is silent. I do not see how its provisions could be brought before the courts for construction until after the appraisers had acted, and perhaps committed us to the views of the companies and to an expenditure which would perpetuate by taxation on the whole people dividends which are now paid by the senders of telegrams.

The act of 1866, if we should now attempt to enforce its provisions, would involve us in serious difficulties, and leave us in no better position than that in which Great Britain was placed in the absence of a prior statute on the subject.

If we go to an appraisement we are bound irretrievably to abide the award of five appraisers, of whom two are to be named by the Government, two by the companies, and the fifth to be agreed upon by the other four. We know in advance that the two appraisers selected by the companies will insist upon the most exorbitant award which the companies, in their greed, can possibly demand, and that they will have at least an equal chance to secure the fifth appraiser in their interest. In fact, they can refuse their assent to any fifth appraiser who does not suit them, and thus either defeat the Government by preventing any appraisement at all, or obtain such fifth appraiser as they feel confident of their power to manipulate. The Government almost invariably goes to the wall in appraisements of this kind, and especially where the other side has an unlimited command of money. Appraisers appointed by the Government, who neither will have nor ought to have any other purpose than to do impartial justice between the parties, will be no match for the appraisers appointed by the companies, whose object is sure to be not impartial justice between the parties, but the highest obtainable award in favor of their employers and clients.

In making these observations I am not assuming that the managers of telegraphic companies are either worse or better than other men. The Government is rich and able to pay round prices for all it buys. Upon the average and common views of morality which prevail, nobody loses character nor suffers much from conscientious scruples by driving a sharp bargain with the Government about anything. The cases are exceptional in which men do not obtain and retain all they can get from it.

But we are not bound to put the provisions of the act of 1866 in operation in order to acquire a system of postal telegraphs. No such agreement is to be implied, either from the concessions made by the act or from the forbearance of nearly eighteen years to take advantage of our rights under it. We are still at liberty to compete with the telegraph company as we do with the banks and express companies in our money-order and parcel-post business; and unless the telegraph owners shall agree to sell at a fair price, or to come under appraisal on a reasonable basis, I am in favor of such a competition. The bill which I have had the honor to introduce provides for this contingency, by allowing the purchase of the existing lines, if they are offered, at a certain percentage (which I have left blank) over the cost of new construction. In its other details, the discussion of which at length I shall postpone until the committee shall have had an opportunity to consider it, I have endeavored to meet the objections which have seemed to me to apply to the other plans heretofore presented, and to incorporate in it the most approved features of European systems, leaving matters of administration largely to the Postmaster-General, subject to Congressional disapproval.

The bill fixes a popular uniform rate of 1 cent per word for all distances, with reductions for the press, and provides for the transmission of telegrams by mail between postal telegraph offices and all post-offices where telegraph offices are not established under its provisions. Postal telegraph offices are to be opened at all places where telegraph offices now exist by July 1, 1887.

The telegraphic service of the country ought not to be performed upon the methods of private business operations, the governing principle of which is necessarily that of obtaining the greatest profit and charging the highest rate which the business will bear. The people are entitled to telegraphic communications upon the methods of an enlightened public service, not looking at all to pecuniary gains, and not even insisting as a necessary condition that the cost shall at all times be directly reimbursed in money, but having regard to the indirect benefits of stimulating trade, diffusing intelligence, and strengthening social and family ties. The postal service by the telegraph ought, in short, to be governed by the same policy which we have so long and with such manifest and admitted advantage applied to the postal service in transmitting letters and newspapers.

Upon considerations of public policy, and because we believed it to be for the common advantage of the people, we have long since, without regard to the relative cost of transmitting letters over long and short distances, adopted a uniform rate of postage for the entire country.

The reasons are stronger in the case of the telegraph than of the mail for the adoption of a uniform rate.

The telegraph has already so largely taken the place of the mail, and will in the future, under the benignant and fostering administration of the Government, supersede the mail to such a degree that the people of the remote and thinly settled districts are entitled to be placed upon the same footing in respect to this mode of communication as the people of our densely populated cities.

No time can be more auspicious than the present to encounter the expenditures of the new policy, including the cost of the lines and other plant of a Government telegraph. Our revenues are so abundant, that in order to reduce them, and for the mere sake of reducing them, propositions are made to repeal the taxes on articles such as whisky and tobacco, taxes which oppress nobody, and on articles which are admitted on all hands to be the most fitting objects of taxation. Under a condition of things which gives rise to suggestions which receive no inconsiderable support, to throw away money by the repeal of such taxes for the sake of throwing it away, it will not be denied that now is the accepted time to meet the first cost of a Government telegraph service, if it is ever to be undertaken.

I am aware that the passage of such a bill would increase by several thousands the number of Government officers and employés, and that this is an objection which has been raised by opponents of a Government-telegraph system; but the same objection would prevent the extension of the postal service, which is growing with enormous rapidity and benefit to the country. If the telegraph is properly, as I claim it is, only a branch of the postal system, which the Constitution authorizes Congress to provide, we should not be alarmed at the number of employés which it requires. To quote once more from the late Postmaster-General Howe:

> I know of no law but necessity limiting the employment of officials. That government is not wise which employs a single officer not needed; it is unwise if it refuse to employ thousands when they are needed.

Again, he says that—

> The increase has doubtless been exaggerated. At a very large percentage of the offices the telegraph operator would not supplement the postmaster, but would supplant him, and that would result in giving to the administration of not a few offices men who have learned to do one thing in place of those who have never learned to do anything.

To this extent at least the adoption of a postal telegraph would reduce political patronage and be a movement in the direction of civil-service reform, and I am assured it would also to some extent reform the *personnel* of the telegraph. By amalgamating the two establishments better salaries could be paid without an increase of the present expenditure. The best educated operators would then be content to serve at the smaller offices, instead of crowding into the cities, striking for higher wages, and seeking other occupations where their efforts to better themselves in their own have failed.

The foregoing considerations negative the idea that the telegraph would be used as a political machine by the party in power. The system would require the service of the whole body of telegraphers in the country. Its officers and employés would necessarily be appointed for their technical skill, without regard to their political affiliations. The ward striker and the more genteel campaign organizer would thus both be excluded from its service. A system in the hands of men of all parties, appointed for their efficiency, could not be used largely for the benefit of any party. In my judgment, founded upon some experience, there is much more political interference by the present telegraph employés than there would be under a postal system regulated by law. But if this were not so, it seems that the public would suffer less from the active efforts of a few more place-holders to elect this or that man to office than it is likely to suffer from the control of its communications by monopolists seeking their own profit and aggrandizement.

It is doubtless of great importance who shall direct, make, and execute our laws, but it is of much greater importance that the system of telegraphic intercourse should not be left to grow under private control into one of those strong yet subtle forces which are constantly operating in this country to transfer the production of the many to the pockets of the few and to reduce the reward of labor, and make the rich richer and the poor poorer.

Whatever abuses there may be in the post-office, no one would propose to surrender our postal communication wholly to a corporate monopoly; yet if we fail to assume the telegraph, we may sooner or later find that we have substantially done so.

The use of the telegraph is now restricted by its cost to extraordinary communications, and by its nature to messages which do not need to be in the handwriting of the sender. Under these conditions the proportion of telegrams to letters is about one to thirty. But who shall say how soon some great discovery no more wonderful than the telephone may enable fac-simile messages to be sent instantaneously and cheaply over the wires instead of by the slow and costly process by which they are now transmitted in Europe. If that result shall be accomplished (and it is being earnestly sought by inventors), the post-office will be stripped of its most important business. Every letter which does not require absolute secrecy or which can be written in cipher will be taken from the mails and sent by electricity. Drafts will be drawn and balances settled daily by telegraph, and the monopoly which shall have grown up in the control of this business will overshadow not only the Post-Office Department but the Government itself.

I move that the bill be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

FREEDMEN SETTLERS IN INDIAN TERRITORY.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 10th instant from the Secretary of the Interior, submitting, with accompanying papers, an estimate of appropriation in the sum of $25,000 for the settlement, under existing treaties, of certain freedmen and their descendants upon lands known as the Oklahoma district, within the Indian Territory.

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 14, 1884.

MISSION INDIANS IN CALIFORNIA.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 11th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill for the relief of the Mission Indians in the State of California.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 14, 1884.

BOUNDARY LINES OF INDIAN LANDS.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 11th instant from the Secretary of the Interior, submitting, with accompanying papers, an item of appropriation in the sum of $3,000 for the location and survey of boundary lines of certain lands purchased by the United States from the Creek Indians for the use of the Seminole Indians in the Indian Territory.

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 14, 1884.

EXECUTIVE SESSION.

The PRESIDING OFFICER. The unfinished business will now be laid before the Senate, being the report of the Committee on Rules relative to the joint rules.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 1 hour and 55 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 14, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D.D.

The Journal of the proceedings of Thursday last was read and approved.

HOUSE POST-OFFICE.

Mr. COX, of New York, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Postmaster of the House of Representatives be authorized to employ four more assistants.

HOT SPRINGS CREEK, ARKANSAS.

Mr. ROGERS, of Arkansas. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be requested to transmit to the House a copy of the original contract and all subsequent modifications thereof, if any, and any other papers on file in his office, touching the work of improving the Hot Springs Creek, in the town of Hot Springs, in the State of Arkansas, together with the amount expended thereupon, the balance, if any, of the appropriation for that purpose remaining unexpended, the condition of the work, and any suggestions touching the completion thereof which he may deem proper to make.

There being no objection, the resolution was received, considered, and adopted.

Mr. ROGERS, of Arkansas, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The regular order, this being Monday, is the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. During this call memorials and resolutions of State and Territorial Legislatures are in order; also resolutions of inquiry calling upon heads of Departments for reference to their appropriate committees.

ALFRED HEDBERG.

Mr. FORNEY introduced a bill (H. R. 3062) for the relief of Alfred Hedberg; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOUIS GROVERMAN.

Mr. HEWITT, of Alabama (by request), introduced a bill (H. R. 3063) granting a pension to Louis Groverman; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. EMILY M. WYMAN.

Mr. HEWITT, of Alabama (by request), also introduced a bill (H. R. 3064) granting an increase of pension to Mrs. Emily M. Wyman; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EMMA DE LONG.

Mr. HEWITT, of Alabama (by request), also introduced a bill (H. R. 3065) granting a pension to Emma De Long; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GULF AND CHICAGO AIR-LINE RAILWAY.

Mr. HEWITT, of Alabama (by request), also introduced a bill (H. R. 3066) granting the right of way over the public lands in Alabama to the Gulf and Chicago Air-Line Railway Company, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

VICKSBURG AND MERIDIAN RAILROAD COMPANY.

Mr. SHELLEY introduced a bill (H. R. 3067) for the relief of the Vicksburg and Meridian Railroad Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STREET RAILROADS IN DISTRICT OF COLUMBIA.

Mr. SHELLEY also introduced a bill (H. R. 3068) for the better security of persons and greater facility of transportation and to adjust passenger fares on street railroads within the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MRS. MARY E. HERNDON.

Mr. JONES, of Alabama, introduced a bill (H. R. 3069) making an appropriation to Mrs. Mary E. Herndon, widow of the late Hon. T. H. Herndon, deceased, late Representative-elect from the State of Alabama; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

HARRALSON & CO.

Mr. JONES, of Alabama, also introduced a bill (H. R. 3070) for the relief of Harralson & Co. of Mobile, Ala.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SELMA AND MERIDIAN RAILROAD.

Mr. JONES, of Alabama, also introduced a bill (H. R. 3071) for the benefit of the Selma and Meridian Railroad Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUITS ON CONTRACTS.

Mr. OATES introduced a bill (H. R. 3072) to require the circuit courts and the Supreme Court of the United States to decide all cases predicated upon contracts or the breach thereof, coming within their respective jurisdictions according to the law of the State or place where the contract was made or to be performed; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM M. GREGORY.

Mr. PEEL, of Arkansas, introduced a bill (H. R. 3073) to grant a pension to William M. Gregory, late a private in Company A, ——— Regiment Tennessee Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JASPER J. HENRY.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOMESTEADS AND PRE-EMPTIONS.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 3075) to repeal an act entitled "An act to provide additional regulations for home-

steads and pre-emptions of the public lands," approved March 3, 1879; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JASPER J. HENRY.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 3076) for the relief of Jasper J. Henry for a horse killed while acting as guide to the First Arkansas Cavalry Volunteers in the late civil war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HOT SPRINGS CREEK, ARKANSAS.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 3077) appropriating money to complete the improvement begun upon Hot Springs Creek, Arkansas; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MRS. S. A. WRIGHT AND MRS. C. FAHNESTOCK.

Mr. ROSECRANS introduced a bill (H. R. 3078) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

HENRY A. ARMSTRONG.

Mr. ROSECRANS also introduced a bill (H. R. 3079) granting a pension to Henry A. Armstrong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. P. JACKSON AND OTHERS.

Mr. HENLEY introduced a bill (H. R. 3080) for the relief of A. P. Jackson and others; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REGULATION OF TRANSPORTATION RATES.

Mr. BELFORD introduced a bill (H. R. 3081) to promote the public welfare by securing reasonable rates of transportation to the people over railroads aided by the issue of large amounts of United States bonds; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

CLAIMS FOR INDIAN DEPREDATIONS.

Mr. BELFORD also introduced a bill (H. R. 3082) to provide for the payment of ten claims for depredations committed by the Ute Indians at the time of the massacre at the White River agency in 1879; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REVOLUTIONARY PENSIONS.

Mr. MITCHELL introduced a bill (H. R. 3083) to amend section 4742 of the Revised Statutes of the United States, relating to Revolutionary pensions, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE F. SELLECK.

Mr. MITCHELL also introduced a bill (H. R. 3084) for the relief of George F. Selleck; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

CHARLES WATERHOUSE.

Mr. MITCHELL also introduced a bill (H. R. 3085) for the relief of Charles Waterhouse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARIM H. AMESBURY.

Mr. MITCHELL also introduced a bill (H. R. 3086) for the relief of Marim H. Amesbury; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

CALVIN DURAND.

Mr. MITCHELL also introduced a bill (H. R. 3087) to refund to Calvin Durand, of Milford, State of Connecticut, certain customs duties improperly collected; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ANDREW J. CALLAHAN.

Mr. MITCHELL also introduced a bill (H. R. 3088) for the relief of Andrew J. Callahan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. F. P. GARDNER.

Mr. MITCHELL also introduced a bill (H. R. 3089) granting an increase of pension to Mrs. F. P. Gardner; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

M. L. WICKS.

Mr. TULLY introduced a bill (H. R. 3090) for the relief of M. L. Wicks, of California; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, AUGUSTA, GA.

Mr. REESE introduced a bill (H. R. 3091) to provide for the erection of a public building in the city of Augusta, Ga., for United States court-house, post-office, and internal-revenue service; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SANFORD A. PINYAN.

Mr. CANDLER introduced a bill (H. R. 3092) for the relief of Sanford A. Pinyan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DICY D. FOWLER.

Mr. CANDLER also introduced a bill (H. R. 3093) for the relief of Dicy D. Fowler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JASPER N. MARTIN.

Mr. CANDLER also introduced a bill (H. R. 3094) for the relief of Jasper N. Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. CANDLER also introduced a bill (H. R. 3095) for the relief of Jasper N. Martin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SANFORD A. PINYAN.

Mr. CANDLER also introduced a bill (H. R. 3096) for the relief of Sanford A. Pinyan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT M'CUTCHEN.

Mr. CANDLER also introduced a bill (H. R. 3097) for the relief of Robert McCutchen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET S. FAIN.

Mr. CANDLER also introduced a bill (H. R. 3098) for the relief of Margaret S. Fain, widow of Capt. William C. Fain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SANFORD A. PINYAN.

Mr. CANDLER also introduced a bill (H. R. 3099) for the relief of Sanford A. Pinyan, late a private in Company A, First Regiment Georgia Infantry Volunteers; which was read a first and second time, referred to the Commitee on Invalid Pensions, and ordered to be printed.

ELIZABETH WOOD.

Mr. CANDLER also introduced a bill (H. R. 3100) for the relief of Elizabeth Wood; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RODY M'CLELLAN.

Mr. BUCHANAN (by request) introduced a bill (H. R. 3101) granting a pension to Rody McClellan; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REUBEN FLETCHER.

Mr. CLEMENTS (by request) introduced a bill (H. R. 3102) granting a pension to Reuben Fletcher, late of Company C, Fifth Tennessee Mounted Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. EVELINE DUNN.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 3103) granting a pension to Mrs. Eveline Dunn, widow of the late Capt. William M. Dunn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REDUCTION OF PATENT FEES.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 3104) to reduce patent fees in certain cases; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PETER SWANSON.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 3105) for the relief of Peter Swanson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADDITIONAL REPORTS FROM COMMANDING OFFICERS.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 3106) authorizing the Secretary of War to receive additional reports from commanding officers of commands serving in the war of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OFFICERS OF THE ARMY.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 3107) relating to officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROTECTION OF FISH IN THE POTOMAC.

Mr. TOWNSHEND (by request) introduced a bill (H. R. 3108) to protect fish in the Potomac River, in the District of Columbia, and to provide a spawning ground for shad and herring in the said Potomac River; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOSHUA TEAGUE.

Mr. TOWNSHEND also introduced a bill (H. R. 3109) granting a pension to Joshua Teague; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EDWARD STEVENS.

Mr. ELLWOOD introduced a bill (H. R. 3110) for the relief of Edward Stevens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA R. WELLER.

Mr. ELLWOOD also introduced a bill (H. R. 3111) for the relief of Eliza R. Weller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALONZO B. CHATFIELD.

Mr. ELLWOOD also introduced a bill (H. R. 3112) for the relief of Alonzo B. Chatfield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE LORING.

Mr. ELLWOOD also introduced a bill (H. R. 3113) for the relief of Theodore Loring; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL BANKING ASSOCIATIONS.

Mr. ELLWOOD also introduced a bill (H. R. 3114) authorizing the organization of national banking associations with a circulating currency secured by United States standard gold and silver coins deposited with the Treasurer of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

EXPENSES OF CONTESTED-ELECTION CASES.

Mr. MOULTON introduced a bill (H. R. 3115) regulating and reducing the expense in cases of contested elections; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

DISTRIBUTION OF GLOBE AND RECORD.

Mr. MOULTON also introduced joint resolution (H. Res. 103) providing for the distribution of the Congressional Globe and RECORD; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

AUGUSTUS H. TOPP.

Mr. FINERTY introduced a bill (H. R. 3116) granting a pension to Augustus H. Topp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REORGANIZATION OF INFANTRY REGIMENTS.

Mr. FINERTY (by request) also introduced a bill (H. R. 3117) to reorganize the infantry regiments of the Army of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REGULATION OF PROMOTIONS.

Mr. FINERTY (by request) also introduced a bill (H. R. 3118) to regulate promotions in and to increase the efficiency of the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMELIA S. PARSONS.

Mr. DUNHAM (by request) introduced a bill (H. R. 3119) granting a pension to Amelia S. Parsons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEPARTMENT OF COMMERCE.

Mr. DUNHAM also introduced a bill (H. R. 3120) to establish a department of commerce; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TWO AND ONE-HALF PER CENT. BONDS.

Mr. DUNHAM also introduced a bill (H. R. 3121) to authorize the Secretary of the Treasury to issue 2½ per cent. forty-year bonds, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LOUISA K. ROSE.

Mr. ROWELL introduced a bill (H. R. 3122) to increase the pension of Louisa K. Rose, widow of the late Capt. Thomas Rose, of Company D, One hundred and seventh Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. J. CHILDERS.

Mr. ROWELL also introduced a bill (H. R. 3123) for the relief of E. J. Childers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCINDA TRIMBLE, ADMINISTRATRIX.

Mr. ROWELL (by request) also introduced a bill (H. R. 3124) for the relief of Lucinda Trimble, administratrix of William Trimble, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN HOFFMAN SMITH.

Mr. ROWELL (by request) also introduced a bill (H. R. 3125) for the relief of John Hoffman Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH TRIMBLE.

Mr. ROWELL (by request) also introduced a bill (H. R. 3126) for the relief of Joseph Trimble; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REBECCA SEARS, ADMINISTRATRIX.

Mr. ROWELL (by request) also introduced a bill (H. R. 3127) for the relief of Rebecca Sears, administratrix of James W. Sears, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. R. WILFRED MARSHALL.

Mr. ROWELL (by request) also introduced a bill (H. R. 3128) for the relief of G. R. Wilfred Marshall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHARINE A. TALBURTT.

Mr. ROWELL (by request) also introduced a bill (H. R. 3129) for the relief of Catharine A. Talburtt, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. R. WILFRED MARSHALL, ADMINISTRATOR.

Mr. ROWELL (by request) also introduced a bill (H. R. 3130) for the relief of G. R. Wilfred Marshall, administrator of John P. Waring, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF JULIANA BARRY.

Mr. ROWELL (by request) also introduced a bill (H. R. 3131) for the relief of the estate of Juliana Barry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. M. GOLDEN.

Mr. ROWELL (by request) also introduced a bill (H. R. 3132) for the relief of S. M. Golden; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES C. BROOKE.

Mr. ROWELL (by request) also introduced a bill (H. R. 3133) for the relief of James C. Brooke, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT S. PERKINS.

Mr. ROWELL (by request) also introduced a bill (H. R. 3134) for the relief of Robert S. Perkins, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN R. CONDON.

Mr. ROWELL (by request) also introduced a bill (H. R. 3135) for the relief of John R. Condon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF THOMAS TALBERT.

Mr. ROWELL (by request) also introduced a bill (H. R. 3136) for the relief of the estate of Thomas Talbert; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF EVAN LYONS.

Mr. ROWELL (by request) also introduced a bill (H. R. 3137) for the relief of the estate of Evan Lyons; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF REZIN ARNOLD.

Mr. ROWELL (by request) also introduced a bill (H. R. 3138) for the relief of the estate of Rezin Arnold; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF WILLIAM H. ARNOLD.

Mr. ROWELL also introduced a bill (H. R. 3139) for the relief of the estate of William H. Arnold; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. F. F ROSENTHAL.

Mr. ROWELL (by request) also introduced a bill (H. R. 3140) for the relief of C. F. F. Rosenthal; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY A. BUTLER.

Mr. ROWELL (by request) also introduced a bill (H. R. 3141) for

the relief of Henry A. Butler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ZADOCK WILLIAMS.

Mr. ROWELL (by request) also introduced a bill (H. R. 3142) for the relief of Zadock Williams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF ANTHONY ADDISON.

Mr. ROWELL (by request) also introduced a bill (H. R. 3143) for the relief of the estate of Anthony Addison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY STELLO.

Mr. ROWELL (by request) also introduced a bill (H. R. 3144) for the relief of Henry Stello; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OTHO HENSON.

Mr. ROWELL (by request) also introduced a bill (H. R. 3145) for the relief of Otho Henson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES HEITMÜLLER.

Mr. ROWELL (by request) also introduced a bill (H. R. 3146) for the relief of Charles Heitmüller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. S. A. STEEVER.

Mr. ROWELL (by request) also introduced a bill (H. R. 3147) for the relief of Mrs. S. A. Steever; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE R. WILSON.

Mr. ROWELL (by request) also introduced a bill (H. R. 3148) for the relief of George R. Wilson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMMONIATED FERTILIZER COMPANY.

Mr. ROWELL (by request) also introduced a bill (H. R. 3149) for the relief of the Ammoniated Fertilizer Company of Washington, D. C.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SWEENY, RITTENHOUSE, FANT & CO.

Mr. ROWELL (by request) also introduced a bill (H. R. 3150) for the relief of Sweeny, Rittenhouse, Fant & Co.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNAL REVENUE AND TARIFF.

Mr. HITT introduced a bill (H. R. 3151) to amend an act entitled "An act to reduce internal-revenue taxation, and for other purposes," and to place sugar and molasses on the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EDWARD B. HUGHES.

Mr. WORTHINGTON introduced a bill (H. R. 3152) for the relief of Edward B. Hughes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM HERBST.

Mr. RIGGS introduced a bill (H. R. 3153) to restore the name of William Herbst to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK A. NOELLER.

Mr. RIGGS also introduced a bill (H. R. 3154) to remove the charge of desertion against Frederick A. Noeller; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES T. DODSON.

Mr. RIGGS also introduced a bill (H. R. 3155) for the relief of James T. Dodson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM HUDDLESTON.

Mr. RIGGS also introduced a bill (H. R. 3156) to increase the pension of William Huddleston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN GOODWIN.

Mr. RIGGS also introduced a bill (H. R. 3157) granting a pension to Benjamin Goodwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WERNER LENTZ.

Mr. MORRISON introduced a bill (H. R. 3158) for the relief of Werner Lentz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES B. SIGNOR.

Mr. CULLEN introduced a bill (H. R. 3159) for the relief of Charles B. Signor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH J. COLBERT.

Mr. CANNON introduced a bill (H. R. 3160) granting a pension to Elizabeth J. Colbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS CORZATT.

Mr. CANNON also introduced a bill (H. R. 3161) granting a pension to Silas Corzatt, late of Company K, Second Ohio Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISREAL B. SPANGLER.

Mr. CANNON also introduced a bill (H. R. 3162) authorizing the Secretary of War to remove the charge of desertion from the record of Isreal B. Spangler; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. KERMAN.

Mr. NEECE introduced a bill (H. R. 3163) granting a pension to William H. Kerman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEVENS W. MERRILL.

Mr. NEECE also introduced a bill (H. R. 3164) granting a pension to Stevens W. Merrill, of Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUT. WASHINGTON L. LEMLEY.

Mr. NEECE also introduced a bill (H. R. 3165) granting a pension to Lieut. Washington L. Lemley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WOOD PULP, ETC.

Mr. WOOD introduced a bill (H. R. 3166) to admit free of duty all wood pulp and certain kinds of paper manufacture, books, &c.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FREE-LIST.

Mr. WOOD also introduced a bill (H. R. 3167) to admit free of duty certain goods; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LUMBER, WOOD, AND SALT.

Mr. WOOD also introduced a bill (H. R. 3168) to admit lumber, wood, and salt, of any kind, grade, or quality, free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COLORED AND BLEACHED COTTONS.

Mr. WOOD also introduced a bill (H. R. 3169) to reduce the specific duty on colored and bleached cotton goods to an ad valorem duty of 35 per cent.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES VOORHEES.

Mr. WOOD also introduced a bill (H. R. 3170) granting a pension to James Voorhees; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLA STOLZ.

Mr. WOOD also introduced a bill (H. R. 3171) granting a pension to Ella Stolz, widow of William Stolz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PEYTON DAVIDSON.

Mr. WOOD also introduced a bill (H. R. 3172) granting a pension to Peyton Davidson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTA YOST.

Mr. KLEINER introduced a bill (H. R. 3173) for the relief of Augusta Yost; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. L. DOUDLE.

Mr. KLEINER also introduced a bill (H. R. 3174) for the relief of W. H. L. Doudle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. HOLLAND.

Mr. KLEINER also introduced a bill (H. R. 3175) for the relief of John D. Holland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHIAS WHETSTINE.

Mr. MATSON introduced a bill (H. R. 3176) for the relief of Mathias

Whetstine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES F. PARIS.

Mr. MATSON also introduced a bill (H. R. 3177) granting a pension to Charles F. Paris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE M. STRAIN.

Mr. MATSON also introduced a bill (H. R. 3178) granting a pension to George M. Strain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. HETRICK.

Mr. WARD introduced a bill (H. R. 3179) for the relief of James W. Hetrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES E. CREAGER.

Mr. LAMB introduced a bill (H. R. 3180) granting a pension to Charles E. Creager; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. T. PICKETT.

Mr. LAMB also introduced a bill (H. R. 3181) for the relief of J. T. Pickett; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JANE CASSADY.

Mr. STOCKSLAGER introduced a bill (H. R. 3182) for the relief of Jane Cassady; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BAR-ROOMS IN THE DISTRICT OF COLUMBIA.

Mr. HEPBURN (by request) introduced a bill (H. R. 3183) to regulate bar-rooms in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LEASES BY APACHE INDIANS.

Mr. HEPBURN (by request) also introduced a bill (H. R. 3184) to authorize the Secretary of the Interior and the Commissioner of Indian Affairs to approve certain leases made by the chiefs and headmen of the tribe of Apache Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DAVID PETERSON.

Mr. McCOID (by request) introduced a bill (H. R. 3185) granting a pension to David Peterson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONSULSHIP AT CHEFOO, CHINA.

Mr. McCOID also introduced a bill (H. R. 3186) creating a consulship at Chefoo, China, and fixing the salary thereof; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. PUSEY introduced a bill (H. R. 3187) to authorize the construction of a bridge across the Missouri River at a point connecting the city of Council Bluffs and Omaha, Nebr.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMANDA CUTTER.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 3188) granting a pension to Amanda Cutter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOAN OF TENTS, ETC., FOR SOLDIERS' REUNION.

Mr. MURPHY introduced a joint resolution (H. Res. 104) authorizing the Secretary of War to loan certain arms and accouterments, with tents, camp equipage, &c., for the use of the soldiers' reunion to be held at Muscatine, in the State of Iowa, in September or October, 1884; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

G. S. SMILEY.

Mr. HANBACK introduced a bill (H. R. 3189) for the relief of G. S. Smiley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. LEEFE.

Mr. HANBACK also introduced a bill (H. R. 3190) for the relief of John G. Leefe; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM ERVIN.

Mr. HANBACK also introduced a bill (H. R. 3191) for the relief of William Ervin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. WILCOX.

Mr. HANBACK also introduced a bill (H. R. 3192) for the relief of William H. Wilcox; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH A. PORTER.

Mr. PETERS introduced a bill (H. R. 3193) granting a pension to Joseph A. Porter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. LAWRENCE.

Mr. PETERS also introduced a bill (H. R. 3194) to allow James M. Lawrence to purchase from the Government certain lands in Sumner County, Kansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM H. NELSON.

Mr. PETERS also introduced a bill (H. R. 3195) granting a pension to William H. Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. A. MORRIS.

Mr. PERKINS introduced a bill (H. R. 3196) for the relief of L. A. Morris; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

H. L. NEWMAN.

Mr. PERKINS also introduced a bill (H. R. 3197) for the relief of H. L. Newman; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGE W. CUSHMAN.

Mr. PERKINS also introduced a bill (H. R. 3198) for the relief of George W. Cushman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB THEIRER.

Mr. ANDERSON introduced a bill (H. R. 3199) for the relief of Jacob Theirer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WELLINGTON V. HUESTED.

Mr. ANDERSON also introduced a bill (H. R. 3200) granting arrears of pension to Wellington V. Huested; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KICKAPOO DIMINISHED RESERVATION.

Mr. MORRILL introduced a bill (H. R. 3201) to provide for the sale of the Kickapoo diminished reservation in Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM D. MATTHEWS.

Mr. MORRILL also introduced a bill (H. R. 3202) for the relief of William D. Matthews; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHERINE GANNON.

Mr. MORRILL also introduced a bill (H. R. 3203) for the relief of Catherine Gannon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. MASSEY.

Mr. HALSELL introduced a bill (H. R. 3204) for the relief of John H. Massey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CIVIL SERVICE.

Mr. CLAY introduced a bill (H. R. 3205) to repeal an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

PUBLIC BUILDING, OWENSBOROUGH, KY.

Mr. CLAY also introduced a bill (H. R. 3206) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PROSECUTION OF CLAIMS.

Mr. WILLIS introduced a bill (H. R. 3207) to prevent persons under fictitious and assumed names from prosecuting claims before the Executive Departments of the Government; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECURITY FOR COST.

Mr. WILLIS also introduced a bill (H. R. 3208) to enable certain persons to sue in the United States courts without payment of or security for costs; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DRY-DOCK, FALLS OF THE OHIO.

Mr. WILLIS also introduced a bill (H. R. 3209) to complete the dry

dock and other improvements at the Falls of the Ohio; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

JACOB HOERTH.

Mr. WILLIS also introduced a bill (H. R. 3210) for the relief of Jacob Hoerth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NAVY-YARD, ALGIERS, LA.

Mr. HUNT introduced a bill (H. R. 3211) to establish a navy-yard and depot of supplies on the Mississippi River at Algiers, or in its immediate vicinity; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CITIZENS' BANK OF LOUISIANA.

Mr. HUNT (by request) also introduced a bill (H. R. 3212) for the relief of the Citizens' Bank of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. ALEXANDER RAMSAY.

Mr. HUNT (by request) also introduced a bill (H. R. 3213) providing for the relief of G. Alexander Ramsay; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. KING introduced a bill (H. R. 3214) to provide for closing gaps in the levees of the Mississippi River for the improvement of the navigation and commerce of said river; which was read a first and second time, referred to the Committee on the Levees and Improvements of the Mississippi River, and ordered to be printed.

RESTORATION OF LANDS TO PUBLIC DOMAIN.

Mr. KING also introduced a bill (H. R. 3215) to restore certain lands in Louisiana to the public domain and also confirm title of settlers; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARY T. HICKMAN AND OTHERS.

Mr. BLANCHARD introduced a bill (H. R. 3216) for the relief of Mary T. Hickman and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLARA H. FLOWER AND OTHERS.

Mr. BLANCHARD also introduced a bill (H. R. 3217) for the relief of Clara H. Flower and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF LAURA P. MADDOX.

Mr. BLANCHARD also introduced a bill (H. R. 3218) for the relief of the heirs of Laura P. Maddox, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FANNIE M. WELLS AND IDA F. WELLS.

Mr. BLANCHARD also introduced a bill (H. R. 3219) for the relief of Fannie M. Wells and Ida F. Wells; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY J. CLOUD.

Mr. BLANCHARD also introduced a bill (H. R. 3220) for the relief of Mary J. Cloud; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REMOVAL OF RAFT FROM BAYOU PIERRE.

Mr. BLANCHARD also introduced a bill (H. R. 3221) to remove the raft from Bayou Pierre, in Northwestern Louisiana; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

COMMERCE OF RED RIVER VALLEY, LOUISIANA.

Mr. BLANCHARD also introduced a bill (H. R. 3222) to promote the commerce of the Red River Valley in Louisiana; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

PROTECTION OF ALEXANDRIA, LA.

Mr. BLANCHARD also introduced a bill (H. R. 3223) to protect the town of Alexandria, La., against damage by the action of the current of Red River; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

MRS. C. O. M'KENNEY.

Mr. MILLIKEN introduced a bill (H. R. 3224) granting a pension to Mrs. C. O. McKenney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA E. CARROLL.

Mr. TALBOTT (by request) introduced a bill (H. R. 3225) for the relief of Anna E. Carroll; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DENNIS W. MULLAN.

Mr. TALBOTT (by request) also introduced a bill (H. R. 3226) for the relief of Dennis W. Mullan; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RICHARD T. MORSELL.

Mr. TALBOTT (by request) also introduced a bill (H. R. 3227) for the relief of Richard T. Morsell, of Washington, D. C.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES DEMENT.

Mr. TALBOTT (by request) also introduced a bill (H. R. 3228) to relieve James Dement, formerly of Company D, Third Maryland Volunteers, of the charge of desertion and to grant him an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WASHINGTON AND ATLANTIC RAILROAD COMPANY.

Mr. COVINGTON introduced a bill (H. R. 3229) to authorize the Washington and Atlantic Railroad Company to extend its railroad into and within the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PURCHASE OF FOREIGN-BUILT SHIPS.

Mr. FINDLAY introduced a bill (H. R. 3230) amendatory of title 48 of the Revised Statutes of the United States so as to authorize the purchase of foreign-built ships by citizens of the United States for use in the foreign carrying trade; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

SARAH R. DARLEY.

Mr. FINDLAY also introduced a bill (H. R. 3231) granting a pension to Sarah R. Darley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMILY J. FARDY.

Mr. FINDLAY also introduced a bill (H. R. 3232) for the relief of Emily J. Fardy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

W. H. WILSON.

Mr. FINDLAY also introduced a bill (H. R. 3233) for the relief of W. H. Wilson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUPERVISORS OF ELECTIONS.

Mr. FINDLAY also introduced a bill (H. R. 3234) to pay certain supervisors of elections for extra services rendered; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CONVEYANCES OF LAND, DISTRICT OF COLUMBIA.

Mr. FINDLAY also introduced a bill (H. R. 3235) relating to acknowledgments of conveyances of land in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ERNEST H. WARDWELL.

Mr. McCOMAS introduced a bill (H. R. 3236) for the relief of Ernest H. Wardwell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATRICK M'DONALD.

Mr. LOVERING introduced a bill (H. R. 3237) for the relief of Patrick McDonald; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ELLEN M. FLAGG.

Mr. WHITING introduced a bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOONER WALTER B. CHESTER.

Mr. DAVIS, of Massachusetts (by Mr. STONE), introduced a bill (H. R. 3239) for the relief of the owners of the schooner Walter B. Chester; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN A. KNOWLES.

Mr. RUSSELL introduced a bill (H. R. 3240) for the relief of John A. Knowles; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LAURA A. TURNER.

Mr. LONG (by request) introduced a bill (H. R. 3241) for the relief of Laura A. Turner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NAVAL HOSPITAL AT CHELSEA, MASS.

Mr. MORSE introduced a bill (H. R. 3242) authorizing the sale of the naval hospital at Chelsea, Mass.; which was read a first and second

time, referred to the Committee on Naval Affairs, and ordered to be printed.

C. P. SYKES AND J. CURREY.

Mr. MORSE also introduced a bill (H. R. 3243) to confirm the title to certain lands in the Territory of Arizona to Charles P. Sykes and John Currey; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SARAH DENNY RIPLEY.

Mr. MORSE also introduced a bill (H. R. 3244) granting a pension to Sarah Denny Ripley; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ROBERT M. FLACK.

Mr. HORR introduced a bill (H. R. 3245) for the relief of Robert M. Flack; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORRIN CARPENTER.

Mr. ELDREDGE introduced a bill (H. R. 3246) for the relief of Orrin Carpenter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTION OF UNITED STATES SENATORS.

Mr. ELDREDGE also introduced a joint resolution (H. Res. 105) to amend the Constitution so as to elect United States Senators by the vote of the people; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. ELSIE OSBORN.

Mr. HATCH, of Michigan (by request), introduced a bill (H. R. 3247) granting a pension to Mrs. Elsie Osborn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SARAH SPAULDING.

Mr. HATCH, of Michigan (by request), also introduced a bill (H. R. 3248) granting relief to Mrs. Sarah Spaulding; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MEDICAL AND SURGICAL HISTORY OF THE REBELLION.

Mr. MAYBURY introduced a joint resolution (H. Res. 106) for printing 25,000 copies of each of parts 1, 2, 3, 4, 5, and 6 of the Medical and Surgical History of the Rebellion; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

JOSEPH COLLINS.

Mr. MAYBURY also introduced a bill (H. R. 3249) to expunge from the records of the War Department an entry of desertion in the case of Joseph Collins; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STEAM-BARGE TECUMSEH.

Mr. CARLETON introduced a bill (H. R. 3250) to authorize the Secretary of the Treasury to issue an American register to the steam-barge Tecumseh; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TRANSPORTATION OF FREIGHTS.

Mr. WINANS, of Michigan, introduced a bill (H. R. 3251) to regulate the transportation of freights by railways, to prevent an unjust discrimination therein, and to provide for a uniform rate; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARTHA SEWELL.

Mr. WINANS, of Michigan, also introduced a bill (H. R. 3252) granting a pension to Martha Sewell; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REBECCA GOODRICH.

Mr. WINANS, of Michigan, also introduced a bill (H. R. 3253) for the relief of Rebecca Goodrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMBER CULTURE.

Mr. STRAIT introduced a bill (H. R. 3254) to amend an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,'" approved June 14, 1878; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SAMUEL A. LUNDBORG.

Mr. STRAIT also introduced a bill (H. R. 3255) granting a pension to Samuel A. Lundborg; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HARRIET W. SHACKLETT.

Mr. STRAIT (by request) also introduced a bill (H. R. 3256) for the relief of Harriet W. Shacklett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLAIMS.

Mr. STRAIT (by request) also introduced a bill (H. R. 3257) to authorize the Court of Claims to hear and determine the claims of certain persons named therein; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGE ACROSS SAINT CROIX RIVER, MINNESOTA.

Mr. WASHBURN introduced a bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. WASHBURN also introduced a bill (H. R. 3259) to authorize the construction of a bridge across the Mississippi River at Saint Paul, in the State of Minnesota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PATRICK NASH.

Mr. WASHBURN also introduced a bill (H. R. 3260) for the relief of Patrick Nash; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARSH IN FARIBAULT COUNTY, MINNESOTA.

Mr. WAKEFIELD introduced a bill (H. R. 3261) to authorize the draining of a marsh in the county of Faribault, State of Minnesota, and granting the reclaimed land to certain parties draining the same; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOSEPH DEVINE.

Mr. WAKEFIELD introduced a bill (H. R. 3262) for the relief of Joseph Devine; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FERRY ACROSS MISSOURI RIVER.

Mr. WAKEFIFLD (by request) also introduced a bill (H. R. 3263) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dak.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MINING ON FORT BUFORD RESERVATION.

Mr. WAKEFIELD (by request) also introduced a bill (H. R. 3264) to authorize Frank W. Hunt to mine and sell coal upon the military reservation of Fort Buford, Dak.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RAILROAD TRANSPORTATION.

Mr. BARKSDALE introduced a bill (H. R. 3265) to regulate commerce by railroads among the several States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN W. MARTIN.

Mr. BARKSDALE also introduced a bill (H. R. 3266) for the compensation of John W. Martin for services as postmaster at Brookhaven, Miss., by authority of the military commandant, from July, 1865, to July, 1866; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY COLLINS.

Mr. BARKSDALE also introduced a bill (H. R. 3267) granting a pension to Henry Collins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATCHEZ NATIONAL CEMETERY.

Mr. VAN EATON introduced a bill (H. R. 3268) to construct a road to the national cemetery at Natchez, Miss.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DEPUTY COLLECTOR OF CUSTOMS, PEARLINGTON, MISS.

Mr. VAN EATON also introduced a bill (H. R. 3269) to authorize the Secretary of the Treasury to appoint a deputy collector of customs at Pearlington, in the State of Mississippi; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE, PEARL RIVER, MISSISSIPPI.

Mr. VAN EATON also introduced a bill (H. R. 3270) making an appropriation to erect a light-house near the mouth of the Pearl River; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

W. J. POITEVENT.

Mr. VAN EATON also introduced a bill (H. R. 3271) for the relief of W. J. Poitevent; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NORAH WALSH.

Mr. VAN EATON also introduced a bill (H. R. 3272) for the relief

of Norah Walsh; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAIL TRANSPORTATION ON RAILROADS.

Mr. MONEY introduced a bill (H. R. 3273) to regulate the compensation of railroads for transportation of the mails on railroad routes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NATIONAL MILITARY CEMETERY, SPRINGFIELD, MO.

Mr. FYAN introduced a bill (H. R. 3274) making appropriation to construct a road from the city of Springfield, Mo., to the national military cemetery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DONATION TO SAINT LOUIS, MO.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 3275) to donate Creve Cœur Lakes to the city of Saint Louis and the county of Saint Louis, in the State of Missouri, as a pleasure-resort for the working classes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AMENDMENT OF RULES.

Mr. O'NEILL, of Missouri, also submitted the following proposition to amend the rules; which was referred to the Committee on the Rules:

Amend Rule XI, section 21, so as to read:

"To improve the Mississippi River and its tributaries, to the Committee on Levees and Improvements of the Mississippi River; and the Committee on Levees and Improvements of the Mississippi River shall have the same privilege in reporting bills making appropriations for the improvement of the Mississippi River and its tributaries and its levees as is accorded to the Committee on Appropriations in reporting general appropriation bills."

SAMUEL CANES.

Mr. MORGAN introduced a bill (H. R. 3276) for the relief of Samuel Canes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POSTAGE ON NEWSPAPERS.

Mr. MORGAN also introduced a bill (H. R. 3277) to abolish the postage on newspapers; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REFUND OF INTERNAL-REVENUE TAX.

Mr. MORGAN also introduced a bill (H. R. 3278) to refund internal-revenue tax illegally collected; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JURISDICTION OF CIRCUIT COURTS.

Mr. GRAVES introduced a bill (H. R. 3279) to determine the jurisdiction of the circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CIRCUIT COURTS IN MISSOURI.

Mr. GRAVES also introduced a bill (H. R. 3280) to change the times for holding the regular terms of the circuit court of the United States in the eastern division of the western district of Missouri; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JURISDICTION OF COURT OF CLAIMS.

Mr. GRAVES also introduced a bill (H. R. 3281) to extend the jurisdiction of the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DAVID WALDO.

Mr. GRAVES (by request) also introduced a bill (H. R. 3282) for the relief of David Waldo; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DAVID WALDO & CO.

Mr. GRAVES (by request) also introduced a bill (H. R. 3283) for the relief of David Waldo & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN A. S. TUTT.

Mr. GRAVES also introduced a bill (H. R. 3284) for the relief of John A. S. Tutt; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

W. T. H. FORMAN.

Mr. GRAVES (by request) also introduced a bill (H. R. 3285) for the relief of W. T. H. Forman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIMON SCHABLE.

Mr. GRAVES (by request) also introduced a bill (H. R. 3286) for the relief of Simon Schable; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCES A. ROBESON.

Mr. GRAVES (by request) also introduced a bill (H. R. 3287) for the relief of Frances A. Robeson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RELINQUISHMENT OF AN ISLAND.

Mr. CLARDY introduced a bill (H. R. 3288) relinquishing the right of the United States to an island therein named; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MINERVA T. THOMPSON.

Mr. CLARDY also introduced a bill (H. R. 3289) granting a pension to Minerva T. Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL A. LOWE.

Mr. CLARDY also introduced a bill (H. R. 3290) for the relief of Samuel A. Lowe; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARREARS OF PENSION.

Mr. CLARDY also introduced a bill (H. R. 3291) to provide for the payment of arrears of pensions to the widows and minor heirs of persons who died in the United States service during the late war of the rebellion, or who have since died from wounds or injuries received or contracted in such service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH DIEHL.

Mr. COSGROVE introduced a bill (H. R. 3292) for the relief of Joseph Diehl, Moniteau County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN G. EBERLE.

Mr. ALEXANDER introduced a bill (H. R. 3293) for the relief of John G. Eberle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMMA A. PORCH.

Mr. BLAND introduced a bill (H. R. 3294) granting a pension to Emma A. Porch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILLIE E. HAYS.

Mr. BLAND also introduced a bill (H. R. 3295) for the relief of Millie E. Hay; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

RED CLOUD AND OTHER SIOUX INDIANS.

Mr. BLAND (by request) also introduced a bill (H. R. 3296) for the relief of Red Cloud and other Sioux Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REINHART BREINNEISS AND OTHERS.

Mr. BLAND (by request) also introduced a bill (H. R. 3297) for the relief of Reinhart Breinneiss, John H. Moas, Henry W. Kolkmeyer, Frank Breinneiss, and Louis Tompkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAY OF DISCHARGED OFFICERS AND SOLDIERS.

Mr. BUCKNER (by request) introduced a bill (H. R. 3298) amendatory of the act of March 3, 1865, providing for the pay of the discharged officers and soldiers of the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOUIS COON.

Mr. BUCKNER (by request) also introduced a bill (H. R. 3299) for the relief of Louis Coon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGES ACROSS THE MISSOURI RIVER.

Mr. BURNES introduced a bill (H. R. 3300) to authorize the Kansas City, Des Moines and Northwestern Railroad Company to build a bridge across the Missouri River at Quindaro, and across other rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

Messages in writing from the President of the United States were received of Mr. PRUDEN, one of his secretaries.

ELIJAH MOSGROVE.

Mr. BURNES also introduced a bill (H. R. 3301) granting a pension to Elijah Mosgrove; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT MYERS.

Mr. BURNES also introduced a bill (H. R. 3302) for the relief of Robert Myers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS OF MEXICAN WAR.

Mr. BURNES also presented joint resolution of the senate and house

of representatives of the State of Missouri, instructing the Senators and requesting the Representatives of that State in the Congress of the United States to favor the passage of an act granting pensions to the surviving soldiers of the Mexican war; which was referred to the Committee on Pensions, and ordered to be printed.

PRESERVATION OF YELLOWSTONE NATIONAL PARK.

Mr. BURNES also presented joint resolution of the senate and house of representatives of the State of Missouri, instructing the Senators and requesting the Representatives of that State in the Congress of the United States to support a law protecting the natural curiosities, timber, lakes, rivers, animals, birds, and fish of the Yellowstone National Park, and also thanking Senator VEST for his efforts in that behalf; which was referred to the Committee on the Public Lands, and ordered to be printed.

SALT ON FREE-LIST.

Mr. BURNES also presented joint resolution of the senate and house of representatives of the State of Missouri, instructing the Senators and requesting the Representatives of that State in the Congress of the United States to support a bill placing all kinds of salt imported into this country on the free-list; which was referred to the Committee on Ways and Means, and ordered to be printed.

NICHOLAS HIBNER.

Mr. DOCKERY (by request) introduced a bill (H. R. 3303) for the relief of Nicholas Hibner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB MARTIN.

Mr. DOCKERY (by request) also introduced a bill (H. R. 3304) for the relief of Jacob Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF POSTAGE ON NEWSPAPERS, ETC.

Mr. DOCKERY also introduced a bill (H. R. 3305) repealing all acts or parts of acts which require the payment of postage on newspapers and periodicals published in the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SYLVESTER MARSH.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 3306) for the relief of Sylvester Marsh; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MRS. HARRIET P. DAME.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 3307) granting a pension to Mrs. Harriet P. Dame; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLOTTE DAY.

Mr. FIEDLER introduced a bill (H. R. 3308) for the relief of Charlotte Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. JONES.

Mr. FERRELL introduced a bill (H. R. 3309) for the relief of William H. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY M. MUNION.

Mr. FERRELL also introduced a bill (H. R. 3310) for the relief of Henry M. Munion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH SMUTE.

Mr. FERRELL also introduced a bill (H. R. 3311) for the relief of Sarah Smute; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

AMY STANTON.

Mr. FERRELL also introduced a bill (H. R. 3312) for the relief of Amy Stanton; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FOREIGN LABOR UNDER CONTRACT SYSTEM.

Mr. FERRELL also introduced a bill (H. R. 3313) to protect American workmen from the effects of importation of foreign labor under the contract labor system, and for other purposes; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

JOHN JORDAN.

Mr. PHELPS introduced a bill (H. R. 3314) for the relief of John Jordan; which was read a first and second time.

The SPEAKER. This bill should properly go to the Committee on Claims.

Mr. PHELPS. I move that the bill be referred to the Committee on Naval Affairs.

The motion was agreed to.

The bill was accordingly referred to the Committee on Naval Affairs, and ordered to be printed.

PUBLIC BUILDING, PATERSON, N. J.

Mr. PHELPS also introduced a bill (H. R. 3315) for the erection of a public building at Paterson, N. J.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CALEB ABER.

Mr. HOWEY introduced a bill (H. R. 3316) granting a pension to Caleb Aber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PLEURO-PNEUMONIA IN CATTLE.

Mr. HEWITT, of New York, submitted joint resolutions of the Legislature of the State of New York; which were referred to the Committee on Agriculture.

Mr. HEWITT. I ask that the resolution be read and printed in the RECORD.

The SPEAKER. It will be read and appear in the RECORD.

The resolution is as follows:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, January 8, 1884.

Whereas the subject of the existence in the United States of the contagious disease of cattle known as the lung plague, or contagious pleuro-pneumonia, and the necessity and practicability of its being suppressed, has during several recent sessions of Congress been presented for the consideration of both Houses without any effective action being taken, although earnest appeals have been made, not only by individual members but by legislative bodies, by agricultural associations, and by representatives of the dairy and grazing interests in many of the States; and

Whereas it has been conclusively shown by the report of the commissioners appointed under the authority of Congress to consider the matter, and known as the Treasury Cattle Commission, that the disease in question is entirely of foreign origin, that its existence in any country threatens the supply of beef and of milk to the inhabitants, that the neglect to extirpate it in time has brought great calamity in some countries, while in others, in which proper and timely measures have been taken, it has been wholly driven out and kept out, and that, under the circumstances existing, the work can be effectually accomplished in the United States only by means of an organization unlimited by State lines and such as Congress alone can authorize and establish, which shall exist for the purpose of harmonizing and unifying the action of the several States involved, and shall for that purpose be furnished with funds from the national Treasury, to be expended for an object which is national in its character and importance: Therefore,

Resolved (if the senate concur), That the Senators of this State in Congress be requested and the Representatives of this State be requested to use their best efforts to secure the enactment of a law to carry into effect the recommendations made by the Treasury Cattle Commission in its report transmitted to Congress in February, 1882, for the extinction of the lung plague, and to provide means therefor, or to secure such other legislation as may speedily and effectually accomplish the result.

TAX ON VINEGAR FACTORIES.

Mr. HEWITT, of New York (by request), also introduced a bill (H. R. 3317) to repeal an act entitled "An act relative to vinegar factories established and operated prior to March 1, 1879," approved June 14, 1879; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

J. B. CORNELL.

Mr. HEWITT, of New York (by request), also introduced a bill (H. R. 3318) for the relief of J. B. Cornell; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ADMINISTRATRIX OF JOSEPH WHEATON.

Mr. VAN ALSTYNE introduced a bill (H. R. 3319) for the relief of the administratrix of Joseph Wheaton, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EARNINGS OF UNITED STATES MARSHALS AND OTHERS.

Mr. VAN ALSTYNE also submitted the following resolution of inquiry; which was read and referred to the Committee on Expenditures in the Department of Justice:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish to the House of Representatives a statement from the records of his office showing the gross earnings per annum of each United States marshal, attorney, and clerk, the expenses of his office, and the net earnings which have been paid to him each year from the beginning of the fiscal year 1873 to the close of the fiscal year 1883.

HAMMOND POST, GRAND ARMY OF THE REPUBLIC.

Mr. BEACH introduced a bill (H. R. 3320) authorizing the Secretary of War to deliver to Hammond Post, No. 343, Grand Army of the Republic, Department of New York, four condemned cannon and four cannon-balls; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL SHIELDS.

Mr. BEACH also introduced a bill (H. R. 3321) granting a pension to Michael Shields; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON, ETC., FOR MONUMENTAL PURPOSES.

Mr. BEACH also introduced a bill (H. R. 3322) to empower the Secretary of War to deliver condemned cannon and cannon-balls for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDWARD B. LANSING.

Mr. ROBINSON, of New York, introduced a bill (H. R. 3323) for the relief of Edward B. Lansing; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF TAX ON LEGACIES AND SUCCESSIONS.

Mr. COX, of New York, introduced a bill (H. R. 3324) to repeal the tax on legacies and successions; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CLAIM OF NEW YORK, WAR OF 1812.

Mr. COX, of New York, also introduced a bill (H. R. 3325) for the relief of the State of New York and to pay off certain certificates issued by that State to the soldiers of the war of 1812; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EX-CONFEDERATES IN UNITED STATES ARMY.

Mr. COX, of New York, introduced a bill (H. R. 3326) to repeal section 1218 of the Revised Statutes of the United States as to the service of ex-confederates in the Army of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

STATUARY, ETC., FOR SARATOGA MONUMENT.

Mr. WEMPLE introduced a bill (H. R. 3327) to provide statuary and historical tablets for the Saratoga monument; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

SOLDIERS' MONUMENT, SCHENECTADY, N. Y.

Mr. WEMPLE also introduced a bill (H. R. 3328) authorizing the Secretary of War to deliver to the city of Schenectady, Schenectady County, New York, four condemned cannon and four cannon-balls for decoration of the soldiers' monument; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM J. RIGGS.

Mr. WEMPLE also introduced a bill (H. R. 3329) for the relief of William J. Riggs; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. STARIN.

Mr. WEMPLE also introduced a bill (H. R. 3330) for the relief of William H. Starin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN M'CARNEY.

Mr. WEMPLE also introduced a bill (H. R. 3331) for the relief of Ann McCarney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE S. RIGGS.

Mr. WEMPLE also introduced a bill (H. R. 3332) granting a pension to George S. Riggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCES M'NEIL POTTER.

Mr. SLOCUM introduced a bill (H. R. 3333) for the relief of Frances McNeil Potter; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ESTATE OF F. Z. TUCKER.

Mr. SLOCUM also introduced a bill (H. R. 3334) for the relief of the estate of F. Z. Tucker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SECTION 1754, REVISED STATUTES.

Mr. SLOCUM also introduced a bill (H. R. 3335) to amend section 1754 of the Revised Statutes, relative to the employment of persons discharged from the military or naval service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SHERMAN C. PERRY.

Mr. PARKER introduced a bill (H. R. 3336) for the relief of Sherman C. Perry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEAMSHIP KENT.

Mr. PARKER also introduced a bill (H. R. 3337) authorizing the inspection of the boiler of the steamship Kent; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NICHOLAS BUSH.

Mr. PARKER also introduced a bill (H. R. 3338) for the relief of Nicholas Bush; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ERASTUS C. WEAVER.

Mr. RAY, of New York (by request), introduced a bill (H. R. 3339) granting an increase of pension to Erastus C. Weaver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. PIKE.

Mr. JOHNSON introduced a bill (H. R. 3340) granting a pension to James M. Pike; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH L. BRAGG.

Mr. GREENLEAF introduced a bill (H. R. 3341) for the relief of Sarah L. Bragg, late matron of linen department, Fairfax Seminary Hospital, Virginia, in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JARED CHADDOCK.

Mr. PAYNE introduced a bill (H. R. 3342) granting a pension to Jared Chaddock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERECTION OF PUBLIC BUILDING.

Mr. PAYNE also introduced a bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TRUSSES FOR DISABLED SOLDIERS.

Mr. BAGLEY introduced a bill (H. R. 3344) to amend an act entitled "An act to provide for furnishing trusses to disabled soldiers;" which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY NEWMAN.

Mr. COX, of North Carolina, introduced a bill (H. R. 3345) to remove the political disabilities of Henry Newman; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES JURORS.

Mr. BENNETT introduced a bill (H. R. 3346) to amend section 819 of the Revised Statutes of the United States, and regulate the standing of jurors to the foot of the panel; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

JAMES MAHONEY.

Mr. VANCE introduced a bill (H. R. 3347) for the relief of James Mahoney, a loyal citizen of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH A. HOOPER.

Mr. VANCE also introduced a bill (H. R. 3348) granting arrears of pension to Sarah A. Hooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Z. F. RUSH.

Mr. VANCE also introduced a bill (H. R. 3349) for the relief of Z. F. Rush, of North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DANIEL LUCUS.

Mr. VANCE also introduced a bill (H. R. 3350) granting arrears of pension to Daniel Lucus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARVEY P. BUCKNER.

Mr. VANCE also introduced a bill (H. R. 3351) to restore the name of Harvey P. Buckner to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WARREN SAMS.

Mr. VANCE also introduced a bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FIRST SCHOOL DISTRICT, BURKE COUNTY, NORTH CAROLINA.

Mr. VANCE also introduced a joint resolution (H. Res. 107) for the relief of the committee of the first common-school district (colored) for Burke County, North Carolina; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

MRS. DORA JOHNSON.

Mr. O'HARA introduced a bill (H. R. 3353) granting a pension to Mrs. Dora Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT WINSTON, N. C.

Mr. YORK introduced a bill (H. R. 3354) to appropriate $10,000 to build a post-office in the town of Winston, N. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARY MULHOLLAND.

Mr. FOLLETT introduced a bill (H. R. 3355) for the relief of Mary

Mulholland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RETIREMENT OF THE TRADE-DOLLAR.

Mr. WARNER, of Ohio, introduced a bill (H. R. 3356) to provide for the retirement of the trade-dollar; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SILAS H. BUCKLEY.

Mr. CONVERSE introduced a bill (H. R. 3357) granting a pension to Silas H. Buckley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY A. WEST.

Mr. McCORMICK introduced a bill (H. R. 3358) granting a pension to Nancy A. West; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS J. BRADNEY.

Mr. McCORMICK also introduced a bill (H. R. 3359) granting a pension to Thomas J. Bradney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL WELTY.

Mr. McCORMICK also introduced a bill (H. R. 3360) rerating the pension of Nathaniel Welty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. DAVIS.

Mr. HILL introduced a bill (H. R. 3361) authorizing the Secretary of War to remove from the record the charge of desertion against Private John W. Davis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM WILSON.

Mr. HILL also introduced a bill (H. R. 3362) authorizing the Secretary of War to remove the charge of desertion from William Wilson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONDEMNED ORDNANCE.

Mr. HILL also introduced a bill (H. R. 3363) granting condemned ordnance to I. Donafin Post, Grand Army of the Republic, of Hicksville, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HILL also introduced a bill (H. R. 3364) granting condemned ordnance to Losiere Post No. 35, Wauseon, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MANUEL TIBBS.

Mr. HILL also introduced a bill (H. R. 3365) granting a pension to Manuel Tibbs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. H. EDDY.

Mr. HURD introduced a bill (H. R. 3366) for the relief of C. H. Eddy; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CHARLES E. HAWKES.

Mr. HURD also introduced a bill (H. R. 3367) for the relief of Charles E. Hawkes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SAMUEL A. RANK.

Mr. GEDDES introduced a bill (H. R. 3368) to remove the charge of desertion from the military record of Samuel A. Rank; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. GEDDES also introduced a bill (H. R. 3369) to donate condemned cannon to Given Post, No. 133, Grand Army of the Republic, at Wooster, Ohio, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

A. SCHUYLER SUTTON.

Mr. GEDDES also introduced a bill (H. R. 3370) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had chosen Hon. GEORGE F. EDMUNDS, a Senator from the State of Vermont, President *pro tempore* of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 686) to fix the time for holding the district court in the district of Maine at Bangor.

The message further announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 1038) making an appropriation for continuing the improvement of the Mississippi River.

INTOXICATING LIQUORS IN THE DISTRICT OF COLUMBIA.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 3371) prohibiting in the District of Columbia the sale of intoxicating liquors within two squares of any public school building, or Government building in which persons are employed in the service of the Government; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NATIONAL BANKS.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 3372) to authorize national banks in cities, towns, and villages whose population is less than 20,000 inhabitants to make loans to the extent of one-half of their capital and surplus upon mortgage of real estate, and providing that national banks whose capital does not exceed $150,000 shall be entitled to receive circulating notes equal in amount to 90 per cent. of the market value of the bonds deposited as security therefor and not less in amount than the par value thereof; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

APPOINTMENTS IN MEDICAL DEPARTMENT, UNITED STATES ARMY.

Mr. JORDAN introduced a bill (H. R. 3373) to authorize the appointment of certain officers in the Medical Department of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY F. SCHRADER.

Mr. JORDAN also introduced a bill (H. R. 3374) for the relief of Henry F. Schrader; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MINNIE HARMON.

Mr. JORDAN also introduced a bill (H. R. 3375) granting a pension to Minnie Harmon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH A. HICKS.

Mr. JORDAN also introduced a bill (H. R. 3376) granting a pension to Sarah A. Hicks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK DEMMING.

Mr. JORDAN also introduced a bill (H. R. 3377) for the relief of Frederick Demming; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE KIEL.

Mr. JORDAN also introduced a bill (H. R. 3378) for the relief of George Kiel; which was read a first and second time, referred to the Committee on War Claims. and ordered to be printed.

JOHN H. JONES, AND THOMAS D. HARRIS.

Mr. McKINLEY introduced a bill (H. R. 3379) for the relief of John H. Jones and Thomas D. Harris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES PATTERSON.

Mr. McKINLEY also introduced a bill (H. R. 3380) for the relief of James Patterson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEWIS D. CHANCE.

Mr. MOREY introduced a bill (H. R. 3381) to rerate the pension of Lewis D. Chance; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT BRANT.

Mr. MOREY also introduced a bill (H. R. 3382) granting a pension to Albert Brant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNTIES FOR MILITARY SERVICE, ETC.

Mr. MOREY also introduced a bill (H. R. 3383) to secure to certain meritorious soldiers of the late war an honorable discharge from the service and to provide for the payment of the salary and bounty due to such soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. MOREY also introduced a bill (H. R. 3384) to equalize the bounties of soldiers, sailors, and marines of the late war for the Union; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

JANE BLACKMER.

Mr. MOREY also introduced a bill (H. R. 3385) granting a pension to Jane Blackmer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH FRY TAYLOR.

Mr. MOREY also introduced a bill (H. R. 3386) granting a pension to Sarah Fry Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOYAL LEGION BADGES, ETC.

Mr. MOREY also introduced joint resolution (H. Res. 108) granting permission to officers and soldiers members of the military order of the Loyal Legion of the United States and of the Grand Army of the Republic to wear the badges adopted by those orders; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. LYDIA ANN KIRBY.

Mr. MURRAY introduced a bill (H. R. 3387) granting a pension to Mrs. Lydia Ann Kirby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M'GRAW.

Mr. MURRAY also introduced a bill (H. R. 3388) granting a pension to John McGraw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT QUINN.

Mr. MURRAY also introduced a bill (H. R. 3389) granting a pension to Robert Quinn; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HENRY B. SPOONER.

Mr. MURRAY also introduced a bill (H. R. 3390) granting a pension to Henry B. Spooner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. GEORGE submitted the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be hereby directed to furnish this House with a list of all claims allowed in his Department for depredations committed by tribes of Indians who now have annuities or treaty or other funds due to them from the United States, with a statement of all the names and addresses of the claimants and amounts allowed.

EDSON HYDE.

Mr. ELLIOTT introduced a bill (H. R. 3391) granting a pension to Edson Hyde; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY LEWIS.

Mr. ELLIOTT also introduced a bill (H. R. 3392) granting a pension to Mary Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

V. B. HOLLIDAY.

Mr. ELLIOTT also introduced a bill (H. R. 3393) for the relief of V. B. Holliday; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS J. CONLAN.

Mr. CONNOLLY (by request) introduced a bill (H. R. 3394) for the relief of Francis J. Conlan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN MANNING.

Mr. POST, of Pennsylvania, introduced a bill (H. R. 3395) granting a pension to John Manning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. M. COOK, DECEASED.

Mr. EVANS, of Pennsylvania, introduced a bill (H. R. 3396) granting a pension to Martha J. Cook and Edgar J. Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY T. BURROWS.

Mr. EVANS, of Pennsylvania, also introduced a bill (H. R. 3397) for the relief of Mary T. Burrows; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN WRIGHT.

Mr. EVANS, of Pennsylvania, also introduced a bill (H. R. 3398) for the relief of John Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NAVAL ADVISORY BOARD.

Mr. HARMER introduced a bill (H. R. 3399) to organize the chiefs of bureaus of the Navy Department into a naval advisory board; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MARY M'NAMARA.

Mr. BINGHAM introduced a bill (H. R. 3400) granting arrears of pension to Mary McNamara; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID L. M'DERMOTT.

Mr. DUNCAN introduced a bill (H. R. 3401) granting a pension to David L. McDermott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMOS C. WERTZ.

Mr. DUNCAN also introduced a bill (H. R. 3402) granting a pension to Amos C. Wertz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB J. MORNINGSTAR.

Mr. DUNCAN also introduced a bill (H. R. 3403) for the relief of Jacob J. Morningstar; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MITCHELL.

Mr. DUNCAN also introduced a bill (H. R. 3404) granting an increase of pension to James Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT M. CHEW.

Mr. LAWRENCE introduced a bill (H. R. 3405) for the relief of Robert M. Chew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN MONTGOMERY AND THOMAS E. WILLIAMS.

Mr. PATTON introduced a bill (H. R. 3406) for the relief of John Montgomery and Thomas E. Williams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER GOBLE.

Mr. PATTON also introduced a bill (H. R. 3407) for the relief of Alexander Goble; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ASSISTANT ENGINEER HOWARD D. POTTS.

Mr. BARR introduced a bill (H. R. 3408) for the relief of Assistant Engineer Howard D. Potts, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PUBLIC BUILDING, ALLENTOWN, PA.

Mr. MUTCHLER introduced a bill (H. R. 3409) to authorize the purchase of a site and erection of a suitable building for a post-office and other Government offices at the city of Allentown, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN ELLENBERGER.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 3410) granting a pension to John Ellenberger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIM OF SCHUYLKILL COUNTY, PENNSYLVANIA.

Mr. BRUMM introduced a bill (H. R. 3411) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion, by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AUDLEY W. GAZZAM.

Mr. CURTIN introduced a bill (H. R. 3412) granting a pension to Audley W. Gazzam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. HUNT.

Mr. CURTIN also introduced a joint resolution (H. Res. 109) granting permission to William H. Hunt to accept a medal presented to him by the Emperor of Russia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

S. DILLINGER & SONS.

Mr. BOYLE introduced a bill (H. R. 3413) for the relief of S. Dillinger & Sons; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DEPOSITORIES FOR AND DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. CHACE (by request) introduced a bill (H. R. 3414) to establish depositories and provide for the distribution of public documents; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

CUSTOM-HOUSE, CHARLESTON, S. C.

Mr. DIBBLE introduced a bill (H. R. 3415) to provide for rebuilding the custom-house wharves at Charleston, S. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MRS. LUCY H. HASELL.

Mr. DIBBLE also introduced a bill (H. R. 3416) for the relief of Mrs. Lucy H. Hasell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CRIMINAL PROCEDURE.

Mr. MACKEY introduced a bill (H. R. 3417) to simplify the criminal procedure in United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PERJURY.

Mr. MACKEY also introduced a bill (H. R. 3418) to amend section 5392 of the Revised Statutes of the United States, relating to the crime of perjury; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 843 OF REVISED STATUTES.

Mr. MACKEY also introduced a bill (H. R. 3419) to amend section 843 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

B. S. JAMES.

Mr. TILLMAN introduced a bill (H. R. 3420) for the relief of B. S. James, of South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NAVIGATION OF MISSISSIPPI RIVER.

Mr. YOUNG introduced a bill (H. R. 3421) to make the Lake Borgne outlet, to improve the low-water navigation of the Mississippi River from New Orleans, La., to Cairo, Ill., and incidentally to reclaim and protect the valley lands of the Mississippi River and tributaries from overflow without levees; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

COMMISSIONERS OF ALABAMA CLAIMS.

Mr. YOUNG also introduced a bill (H. R. 3422) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES R. HOWARD.

Mr. YOUNG also introduced a bill (H. R. 3423) for the relief of James R. Howard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL B. SEAT.

Mr. CALDWELL introduced a bill (H. R. 3424) for the relief of Samuel B. Seat, administrator of Christian Krapp, deceased; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PRACTICE-SHIPS CONSTELLATION AND DALE.

Mr. BALLENTINE submitted the following resolution; which was read, and referred to the Committee on Naval Affairs:

Resolved, That the Secretary of the Navy be, and he is hereby, requested to inform the House of Representatives as to the present condition of two practice-ships, the Constellation and the Dale, and particularly as to the safety of those vessels for cruising purposes.

HENRY ERNI.

Mr. DIBRELL introduced a bill (H. R. 3425) for the relief of Henry Erni; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES SCOTT AND OTHERS.

Mr. DIBRELL also introduced a bill (H. R. 3426) for the relief of James Scott and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DUTY ON AXES, PLOWS, ETC.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 3427) to admit axes, trace-chains, plows, and hoes, free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FRANCIS M. KIRBY.

Mr. TAYLOR, of Tennessee, also introduced a bill (H. R. 3428) for the relief of Francis M. Kirby; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT P. CHAMBERS.

Mr. TAYLOR, of Tennessee (by request), also introduced a bill (H. R. 3429) for the relief of Robert P. Chambers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON BIBLES, ETC.

Mr. TAYLOR, of Tennessee, also introduced a bill (H. R. 3430) to admit Bibles and hymn-books free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

OSCAR M. BROWN.

Mr. LANHAM introduced a bill (H. R. 3431) for the relief of Oscar M. Brown; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

H. W. BRANCH.

Mr. MILLER, of Texas, introduced a bill (H. R. 3432) to authorize payment for certain mail service rendered by H. W. Branch; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REDEMPTION OF NATIONAL BANK CIRCULATION.

Mr. MILLER, of Texas, also introduced a bill (H. R. 3433) to provide for the redemption of the circulation of national banks, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

FORT WORTH AND DENVER CITY RAILWAY COMPANY.

Mr. THROCKMORTON introduced a bill (H. R. 3434) to grant the right of way to the Fort Worth and Denver City Railway Company through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INDIAN DELEGATE IN CONGRESS.

Mr. THROCKMORTON also introduced a bill (H. R. 3435) to authorize the appointment of a Delegate to the House of Representatives by the council of the Indian tribes resident in the Indian Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DISTRIBUTION OF INDIAN PROPERTY.

Mr. THROCKMORTON also introduced a bill (H. R. 3436) to provide for a revision of distribution of the "invested and other common property" of the confederate Peoria, Kaskaskia, Wea, and Piankeshaw Indians, made under the treaty of 1867 with the United States, and for the payment of those Indians who became citizens of the United States under said treaty, the survivors of them, their heirs or legal representatives, of their proportionate share of the "invested and other common property" of the tribe still held in trust for them by the United States; which was read a first and second time, referred to the Committee on Indians Affairs, and ordered to be printed.

JEROME M'ALLISTER.

Mr. THROCKMORTON also introduced a bill (H. R. 3437) for the relief of Jerome McAllister; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

W. A. WESTOVER.

Mr. THROCKMORTON also introduced a bill (H. R. 3438) for the relief of W. A. Westover; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Z. W. RAINS.

Mr. THROCKMORTON also introduced a bill (H. R. 3439) for the relief of Z. W. Rains; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

S. N. WOOD.

Mr. THROCKMORTON also introduced a bill (H. R. 3440) for the relief of S. N. Wood; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BUILDING AT SAN ANTONIO, TEX.

Mr. HANCOCK (by Mr. THROCKMORTON) introduced a bill (H. R. 3441) for the erection of a public building at San Antonio, Tex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PENSIONS FOR MEXICAN AND INDIAN WARS.

Mr. HANCOCK (by Mr. THROCKMORTON) also introduced a bill (H. R. 3442) granting pensions to soldiers and sailors of the Mexican, Florida, and Black Hawk wars; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CLAIMS.

Mr. MILLS introduced a bill (H. R. 3443) for the relief of certain persons therein named; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MISSISSIPPI LAND TITLES.

Mr. WELLBORN introduced a bill (H. R. 3444) to quiet land titles in the State of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

J. MELLIFONT AND ELLEN RIORDON.

Mr. REAGAN introduced a bill (H. R. 3445) for the relief of John Mellifont and Ellen Riordon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEWIS B. COOK.

Mr. STEWART, of Vermont, introduced a bill (H. R. 3446) to restore to the pension-roll the name of Lewis B. Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LICENSES IN DISTRICT OF COLUMBIA.

Mr. BARBOUR introduced a bill (H. R. 3447) to regulate licenses,

&c., in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia and ordered to be printed.

POLICE REGULATIONS IN DISTRICT OF COLUMBIA.

Mr. BARBOUR also introduced a bill (H. R. 3448) relating to police regulations in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ANNA M. FITZHUGH.

Mr. BARBOUR also introduced a bill (H. R. 3449) for the relief of the heirs and legal representatives of Anna M. Fitzhugh, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. A. FANT.

Mr. BARBOUR also introduced a bill (H. R. 3450) for the relief of Mrs. A. Fant; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. BURGESS, J. HALL, AND W. T. ROUNDTREE.

Mr. BARBOUR (by request) also introduced a bill (H. R. 3451) for the relief of Andrew Burgess, John Hall, and William T. Roundtree, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENWOOD HUNTER.

Mr. BARBOUR (by request) also introduced a bill (H. R. 3452) for the relief of Benwood Hunter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EMERY ASSESSMENTS, DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) also introduced a bill (H. R. 3453) to refund certain assessments made by M. G. Emery while mayor of Washington city, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

COURTS IN WESTERN JUDICIAL DISTRICT OF VIRGINIA.

Mr. BOWEN (by request) introduced a bill (H. R. 3454) to amend section 572 of the Revised Statutes so as to provide for the holding of the regular terms of the district courts for the western district of Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMPENSATION OF BOILER INSPECTORS, ETC.

Mr. BOWEN (by request) also introduced a bill (H. R. 3455) amending section 4414 of the Revised Statutes fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JONATHAN B. DAVIS.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 3456) granting a pension to Jonathan B. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILDEY LODGE OF ODD FELLOWS.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 3457) for the relief of the trustees of Wildey Lodge, No. 27, of the Independent Order of Odd Fellows, at Charlestown, W. Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN LYON.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 3458) to relieve John Lyon from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. GIBSON introduced a joint resolution (H. Res. 110) in relation to the alcoholic liquor traffic under the laws of the United States; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

HENRY T. WOODY.

Mr. SNYDER introduced a bill (H. R. 3459) for the relief of Henry T. Woody; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN COOK.

Mr. SNYDER also introduced a bill (H. R. 3460) for the relief of John Cook; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISAAC BLOSS.

Mr. GOFF introduced a bill (H. R. 3461) for the relief of Isaac Bloss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WEST VIRGINIA TROOPS.

Mr. GOFF also introduced a bill (H. R. 3462) for the relief of West Virginia troops acting under authority of the governor of the State; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

MARY CUNNINGHAM.

Mr. GOFF also introduced a bill (H. R. 3463) for the relief of Mary Cunningham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WEST VIRGINIA STATE TROOPS.

Mr. GOFF also introduced a bill (H. R. 3464) for the relief of West Virginia State troops acting under authority of the governor of the State; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

CRUISE OF UNITED STATES REVENUE-STEAMER CORWIN.

Mr. DEUSTER submitted the following resolution; which was referred to the Committee on Naval Affairs:

Whereas an elaborate report has been made to the Secretary of the Treasury by Capt. Calvin L. Cooper, of the United States Revenue Marine, on the cruise of the United States revenue-steamer Corwin in Behring Sea, of which the appendix only has been published; and

Whereas preparations for the relief of the Greely party are being made, and as it is of the utmost importance to obtain all the information relating to the Arctic Seas: Therefore,

Resolved, That the Secretary of the Treasury is hereby requested to report to this House the reasons why the main body of said report has not been published, submitted as it was in 1882.

SOPHIE F. KAMPF.

Mr. DEUSTER also introduced a bill (H. R. 3465) granting a pension to Sophie F. Kampf; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AZZUR W. READER.

Mr. DEUSTER also introduced a bill (H. R. 3466) granting a pension to Azzur W. Reader; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. D. PRIOR.

Mr. DEUSTER also introduced a bill (H. R. 3467) granting a pension to H. D. Prior; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET UNDERWOOD.

Mr. DEUSTER also introduced a bill (H. R. 3468) granting a pension to Margaret Underwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM SWEENY AND OTHERS.

Mr. DEUSTER also introduced a bill (H. R. 3469) for the relief of William Sweeny and other employés of the Census Office, Department of the Interior; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALE OF TIMBER ON WISCONSIN INDIAN LANDS.

Mr. GUENTHER introduced a bill (H. R. 3470) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOSEPH CONANT.

Mr. GUENTHER also introduced a bill (H. R. 3471) for the relief of Joseph Conant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WARREN CROAN.

Mr. STEPHENSON introduced a bill (H. R. 3472) granting a pension to Warren Croan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETH W. HOMESTEAD.

Mr. STEPHENSON also introduced a bill (H. R. 3473) for the relief of Seth W. Homestead; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS ANDRESS.

Mr. STEPHENSON also introduced a bill (H. R. 3474) for the relief of Thomas Andress; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK WALES.

Mr. STEPHENSON also introduced a bill (H. R. 3475) for the relief of Frederick Wales; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK WALES.

Mr. STEPHENSON also introduced a bill (H. R. 3476) for the relief of Frederick Wales; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS JUDKINS.

Mr. STEPHENSON also introduced a bill (H. R. 3477) for the relief of Thomas Judkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SYLVANUS BRIMHALL.

Mr. STEPHENSON also introduced a bill (H. R. 3478) granting a pension to Sylvanus Brimhall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK WALES.

Mr. STEPHENSON also introduced a bill (H. R. 3479) granting a pension to Frederick Wales; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGET LEARY.

Mr. JONES, of Wisconsin, introduced a bill (H. R. 3480) for the relief of Bridget Leary; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARIA B. SCHUG.

Mr. DEUSTER introduced a bill (H. R. 3481) for the relief of Maria B. Schug; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH H. WEATHERBE.

Mr. JONES, of Wisconsin, introduced a bill (H. R. 3482) for the relief of Joseph H. Weatherbe; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALABAMA CLAIMS.

Mr. RANKIN introduced a bill (H. R. 3483) amending an act reestablishing the Court of Commissioners of the Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award, approved June 5, 1882; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

O. W. STREETER.

Mr. OURY introduced a bill (H. R. 3484) to reimburse and compensate O. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PENSIONS.

Mr. BRENTS introduced a bill (H. R. 3485) to fix the rate of pensions in certain cases; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

COWLITZ RIVER.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory for an appropriation to improve the Cowlitz River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

FREDERICK H. SPARLING.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory for the reinstatement to the Naval Academy of Frederick H. Sparling as naval cadet from said Territory; which was referred to the Committee on Naval Affairs, and ordered to be printed.

CHEYENNE, BLACK HILLS AND MONTANA RAILROAD COMPANY.

Mr. POST, of Wyoming, introduced a bill (H. R. 3486) to authorize the Cheyenne, Black Hills and Montana Railroad Company to build its road across the Fort Russell and Fort Laramie military reservations; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

The SPEAKER. The call of the States and Territories is now concluded, but, by unanimous consent, the Chair will recognize gentlemen who were absent when their States were called.

THOMAS L. TERRY.

Mr. BLANCHARD introduced a bill (H. R. 3487) for the relief of Thomas L. Terry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. ERÉZIA GUNNEY.

Mr. BLANCHARD also introduced a bill (H. R. 3488) for the relief of Mrs. Erézia Gunney; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NORTHWEST LAND DISTRICT OF LOUISIANA.

Mr. BLANCHARD also introduced a bill (H. R. 3489) to protect certain purchasers of public lands in the northwest land district of Louisiana; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

T. ALONZO WALKER AND AUGUSTA C. TODD.

Mr. BLANCHARD also introduced a bill (H. R. 3490) referring the claim of T. Alonzo Walker and Augusta C. Todd for proceeds of cotton to the Court of Claims for adjudication; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL CEMETERY, PINEVILLE, LA.

Mr. BLANCHARD also introduced a bill (H. R. 3491) making an appropriation to construct a road and approaches from Pineville, La., to the national military cemetery near that town; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE ACROSS SAINT CROIX RIVER.

Mr. BOUTELLE introduced a bill (H. R. 3492) for the construction of a bridge across the Saint Croix River; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ANN HUNTER.

Mr. BOUTELLE also introduced a bill (H. R. 3493) granting a pension to Ann Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH M. STONE.

Mr. McMILLIN introduced a bill (H. R. 3494) granting a pension to Elizabeth M. Stone; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HEIRS OF HARPER P. HUNT.

Mr. JEFFORDS introduced a bill (H. R. 3495) for the relief of the heirs of Harper P. Hunt, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEVISEES OF JOHN RUPPERT.

Mr. JEFFORDS (by request) also introduced a bill (H. R. 3496) for the relief of the devisees of the late John Ruppert; which was read a first and second time referred to the Committee on the District of Columbia, nd rdered to be printed.

DR. ROBERT CARTER.

Mr. JEFFORDS also introduced a bill (H. R. 3497) for the relief of Dr. Robert Carter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. JASPER BLACKBURN.

Mr. JONES, of Arkansas, introduced a bill (H. R. 3498) for the relief of W. Jasper Blackburn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RECORDS OF WAR DEPARTMENT.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 3499) to amend the records of the War Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TERREL HAMLIN.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 3500) granting a pension to Terrel Hamlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

G. W. FRALEY.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 3501) granting a pension to G. W. Fraley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES W. MINNIX.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 3502) granting a pension to Charles W. Minnix; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. R. H. CALDWELL.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 3503) granting a pension to J. R. H. Caldwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. KING introduced a bill (H. R. 3504) to close the gaps in the levees of the Mississippi River for the improvement of the navigation and protection of the commerce of said river; which was read a first and second time, referred to the Committee on the Levees and Improvements of the Mississippi River, and ordered to be printed.

LANDS FOR LEVEE PURPOSES.

Mr. KING also introduced a bill (H. R. 3505) providing for the appropriation of lands needed for levees and other works in the improvement of the Mississippi River; which was read a first and second time, referred to the Committee on the Levees and Improvements of the Mississippi River, and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. KING also introduced the following resolution, proposing an

amendment to Rule XI; which was read, and referred to the Committee on Rules:

Be it resolved by the House of Representatives, That Rule XI, paragraph 21, be amended so as to read:

To the levees and improvements of the Mississippi River: to the Committee on Levees and Improvements of the Mississippi River.

JOHN H. KINKEAD AND OTHERS.

Mr. CASSIDY introduced a bill (H. R. 3506) for the relief of John H. Kinkead and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN A. DARLING.

Mr. REED introduced a bill (H. R. 3507) for the relief of John A. Darling; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM D. PORTER.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 3508) for the relief of William D. Porter; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CIVIL-SERVICE REFORM.

Mr. SHAW introduced a bill (H. R. 3509) to repeal an act to regulate and improve the civil service of the United States approved January 16, 1883; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

WILLIAM WALTERS.

Mr. DUNHAM introduced a bill (H. R. 3510) granting a pension to William Walters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BAZIL H. BEAULIEU AND OTHERS.

Mr. NELSON introduced a bill (H. R. 3511) to refer the claim of Bazil H. Beaulieu and others to the Court of Claims for adjustment; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GILBERT HAYFORD.

Mr. NELSON also introduced a bill (H. R. 3512) to place Gilbert Hayford on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM PFAENDER.

Mr. WAKEFIELD introduced a bill (H. R. 3513) for the relief of William Pfaender; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WASHINGTON AND OHIO RAILROAD.

Mr. BARBOUR introduced a bill (H. R. 3514) for the relief of the Washington and Ohio Railroad Company; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM W. SUTHARD.

Mr. MAYO introduced a bill (H. R. 3515) for the relief of William W. Suthard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY SWEENY.

Mr. MURPHY (by request) introduced a bill (H. R. 3516) for the relief of Mary Sweeny; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXECUTIVE COMMUNICATIONS.

The SPEAKER. The Chair asks unanimous consent to lay before the House at this time for reference certain executive communications.

There was no objection.

OKLAHOMA DISTRICT, INDIAN TERRITORY.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, submitting, with accompanying papers, an estimate of appropriation in the sum of $25,000 for the settlement under existing treaties of certain freedmen and their descendants upon lands known as the Oklahoma district, within the Indian Territory.

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 14, 1884.

SEMINOLE INDIAN LANDS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 11th instant, from the Secretary of the Interior, submitting, with accompanying papers, an item of appropriation in the sum of $3,000 for the location and survey of boundary lines of certain lands purchased by the United States from the Creek Indians for the use of the Seminole Indians in the Indian Territory.

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 14, 1884.

MISSION INDIANS, CALIFORNIA.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill "for the relief of the Mission Indians in the State of California."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 14, 1884.

REPORT ON NAVY-YARDS.

The SPEAKER also laid before the House a communication from the Secretary of the Navy, transmitting the report of the Commission on Navy-yards; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PRINTING DEFICIENCY.

The SPEAKER also laid before the House a communication from the Secretary of the Navy, requesting an appropriation to supply deficiency in public printing; which was referred to the Committee on Appropriations, and ordered to be printed.

SURVIVORS OF JEANNETTE EXPEDITION.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting the draught of a bill for the relief of the survivors of the exploring steamer Jeannette; which was referred to the Committee on Naval Affairs, and ordered to be printed.

SOLICITING POLITICAL CONTRIBUTIONS.

The SPEAKER also laid before the House a letter of the Secretary of the Treasury, in answer to a resolution of the House of Representatives, in relation to the distribution of circulars in the Treasury Department asking contributions for political purposes; which was referred to the Select Committee on Reform in the Civil Service.

WILLIAM G. BROWNLOW.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting papers in the claim of the estate of William G. Brownlow; which was referred to the Committee on Claims.

HARBOR OF REFUGE, GRAND BEACH, LAKE HURON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter of the Chief of Engineers and inclosing the draught of a bill providing for the operating and care of the harbor of refuge at Grand Beach, Lake Huron; which was referred to the Committee on Rivers and Harbors.

PUBLIC BUILDING AT CINCINNATI, OHIO.

The SPEAKER also laid before the House a letter from the Postmaster-General, recommending a special appropriation for the public building at Cincinnati, Ohio; which was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. BROWNE, of Indiana. I move that the House now adjourn.

The question was taken; and upon a division there were—ayes 124, noes 44.

LEAVE OF ABSENCE.

Pending the announcement of the result of the vote on the motion to adjourn, leave of absence was granted as follows:

To Mr. HOPKINS for one day, to obey a subpœna from the court of Allegheny County, Pennsylvania.

To Mr. JOHN S. WISE for one week, on account of important business.

To Mr. GEORGE D. WISE for three days, on account of important business.

To Mr. STORM, for two days.

To Mr. RAY, of New Hampshire, for four days, on account of important business.

To Mr. TUCKER for three days, on account of important business.

To Mr. BURLEIGH for one week, on account of sickness in his family.

And then the result of the vote as above taken was announced; and accordingly (at 3 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. J. ADAMS: The petition of Sarah E. E. Perine, administratrix, for relief—to the Committee on Claims.

By Mr. ARNOT: Papers relating to the retirement of Bvt. Maj. Gen. W. W. Averell, United States Army, with the rank and pay of a brigadier-general—to the Committee on Military Affairs.

By Mr. BALLENTINE: Papers relating to the claim of J. B. Stacy—to the Committee on War Claims.

By Mr. BARBOUR: The petition of Maria Gibson, for relief—to the same committee.

Also, papers relating to the claim of J. V. Davis—to the Committee on Claims.

By Mr. BARKSDALE: The petition of John W. Martin, for relief—to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the improvement of Pearl River and of Big Black River and other navigable streams in the State of Mississippi—severally to the Committee on Rivers and Harbors.

By Mr. BAYNE: The petition of A. Guckenheimer & Bro., distillers, and 23 others, and of Alex. M. Rogers, president of the Iron City National Bank, and 76 other business firms of Pittsburgh, Pa., for the extension of the bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. BEACH: The petition of Howard Tillotson and 380 others, citizens of Sullivan County, New York, asking the Government to refund to John Waller the moneys paid by him while acting as postmaster of Monticello, New York—to the Committee on the Post-Office and Post-Roads.

Also, the petition of Michael Shields, of the National Soldiers' Home, Virginia, for a pension—to the Committee on Invalid Pensions.

By Mr. BELFORD: The petition of S. N. Wood, cashier First National Bank of Denver, of Governor A. B. Grant and 99 bankers and merchants, for extension of the bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. BINGHAM: The petition of Joseph W. Sparks, for relief—to the Committee on Military Affairs.

By Mr. BLANCHARD: Paper relating to the improvement of the Bayou La Fourche, Louisiana—to the Committee on Rivers and Harbors.

By Mr. BLOUNT: The petition of citizens of the State of Georgia, for a post-route—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE: The petition of citizens of Aroostook, Me., for aid in the construction of bridges across the Saint John River—to the Committee on Foreign Affairs.

Also, the petition of citizens of Maine, for aid in the construction of a bridge across the Saint Croix River at Baring, in Washington County, Maine—to the same committee.

By Mr. BOYLE: The petition of S. Dillinger & Sons, of Westmoreland County, Pennsylvania, for relief—to the Committee on Claims.

By Mr. BRENTS: Paper relating to the granting of certain lands to William Rockwood—to the Committee on the Public Lands.

By Mr. BURNES: The petition of Henry Ames & Co. and others, pork packers and dealers, of Saint Louis, for legislation to protect their trade in France and Germany against unjust discrimination—to the Committee on Foreign Affairs.

Also, the petition of the Henry King Packing Company and Hox Brothers, of Saint Joseph, Mo., for legislation to protect their trade in healthful meat against the unjust discriminations of France and Germany—to the Committee on Commerce.

Also, paper relating to the claim of Calvin Gunn—to the Committee on Claims.

Also, papers relating to the claim of R. H. Hoffman—to the Committee on War Claims.

By Mr. J. M. CAMPBELL: Papers relating to the claim of Frances M. Bell and of Terrence Delozier—severally to the Committee on Claims.

Also, papers relating to the pension claim of Miss Mary E. Murray—to the Committee on Invalid Pensions.

Also, papers relating to the application of John W. Gumont to be relieved of the charge of desertion—to the Committee on Military Affairs.

By Mr. CANNON: The petition of A. P. Cunningham, of Champaign, Ill., for relief—to the same committee.

Also, the petition of C. E. Baker, of Beatrice, Nebr., relative to judgment liens—to the Committee on the Judiciary.

Also, the petition of Rev. J. R. Locke, of Decatur, Ill., for an amendment of the homestead law—to the same committee.

By Mr. CLARDY: The petition of citizens of Missouri, praying that Charles M. Scott, of Saint Louis, be compensated for services rendered the Government during the civil war—to the Committee on Claims.

By Mr. CLEMENTS: The petition of Rufus Barker, of Floyd County, Georgia, to be restored to the pension-roll—to the Committee on Pensions.

Also, papers relating to the pension claim of Rufus Barker—to the same committee.

By Mr. S. S. COX: The petition of B. F. Randall, for increase of pension—to the Committee on Invalid Pensions.

Also, paper relating to the pension claim of Ellen Horgan—to the same committee.

Also, papers relating to the claim of Joseph B. Elam and of E. Lawrence—severally to the Committee on Elections.

Also, papers relating to the contested-election case of Robertson *vs.* Nash—to the same committee.

By Mr. W. R. COX: The petition of William H. Oliver and others, in relation to the French spoliation claims—to the Committee on Foreign Affairs.

By Mr. W. W. CULBERTSON: The petition of Samuel Lytle and A. T. Wood, for relief—to the Committee on War Claims.

Also, the petition of Samuel McKee, to be paid his expenses of contest for seat in the Fortieth Congress—to the Committee on Elections.

By Mr. CUTCHEON: Memorial of R. G. Peters and others, in regard to certain lands claimed by the Ontonagon and Brulé River Railroad Company—to the Committee on the Public Lands.

By Mr. G. R. DAVIS: The petition of Peter Swanson, for relief—to the Committee on War Claims.

Also, memorial of ex-paymasters in the Army, relative to additional compensation—to the Committee on Military Affairs.

By Mr. DEUSTER: Papers relating to claim of Dabny Walker—to the Committee on War Claims.

Also, papers relating to the claim of William T. Duvall and of John Whitaker—severally to the same committee.

Also, papers relating to the pension claim of Mathew O. Reagan—to the Committee on Invalid Pensions.

By Mr. DIBBLE: Memorial of the Charleston (S. C.) Chamber of Commerce, in regard to the jetties in the harbor at that place—to the Committee on Rivers and Harbors.

By Mr. DINGLEY: The petition of the Grand Lodge of Good Templars of California, of the People's Church, and of the Church of the Strangers, of New York city, for a commission of inquiry concerning the alcoholic liquor traffic—severally to the Select Committee on the Alcoholic Liquor Traffic.

Also, the petition of the State Temperance Alliance of Oregon, and of Marcus Hendrick and others, citizens of New York, for an amendment to the Constitution of the United States to prohibit the manufacture and sale of all alcoholic beverages—severally to the same committee.

By Mr. DOCKERY: The petition of Henry Ames & Co., and other dealers in pork, of Saint Louis, Mo., for such action as will protect the hog product from unjust discrimination by the Governments of Germany and France—to the Committee on Commerce.

By Mr. EATON: The petition of N. Shipman and others, in relation to the divorce laws of the several States—to the Committee on the Judiciary.

By Mr. ELDREDGE: The petition of Carpenter Post, Grand Army of the Republic, No. 180, of Michigan, for the relief of Orrin Carpenter—to the Committee on Invalid Pensions.

Also, the petition of Henry S. Wyman and 39 others, members of Myron Baker Post, No. 33, Grand Army of the Republic, of Michigan, asking a grant of lands to all honorably discharged soldiers and sailors of the late war—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. J. H. EVINS: Memorial of the Chamber of Commerce of Charleston, S. C., for an immediate appropriation to continue work upon the jetties in the harbor at that place—to the Committee on Rivers and Harbors.

By Mr. FERRELL: The petition of citizens of Cape May County, of citizens of Millville, of citizens of Pemberton, N. J.; of citizens of Philadelphia, Pa.; of citizens of Vineland, N. J.; of citizens of Wilmington, Del., and of citizens of Woodbury, N. J., for an appropriation to build jetties at Corson's Inlet and Townsend's Inlet, on the coast of New Jersey, adjacent to Ludlam Island—severally to the Committee on Commerce.

By Mr. FINDLAY: The petition of Edward Walters & Co. and 23 others, of Baltimore, Md., for extension of the bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. FINERTY: The petition of masters, mates, and pilots and engineers of the United States to amend the act relating to the employment of certain aliens as engineers and pilots—to the Committee on Commerce.

Also, the petition of Augustus H. Topp, for a pension—to the Committee on Invalid Pensions.

By Mr. FOLLETT: Memorial of the National Association of Fire Engineers for the appointment of a commission to investigate the causes of the enormous loss of life and property by fires, &c.—to the Committee on Commerce.

By Mr. FORNEY: Papers relating to the claim of Samuel Noble—to the Committee on the Judiciary.

By Mr. FYAN: The petition of S. P. Cope and others, to build a macadamized road from the city of Springfield, Mo., to the national cemetery—to the Committee on Military Affairs.

By Mr. GEORGE: The petition of citizens of Oregon, for forfeiture of the Oregon Central Railway land grant—to the Committee on the Public Lands.

By Mr. GOFF: The petition of L. D. Westfall and 75 others, for the relief of the West Virginia militia in the service of the United States during the late civil war—to the Committee on Invalid Pensions.

By Mr. GRAVES: The petition of the Board of Trade of Kansas City, Mo., for legislation granting the right of way to the Texas, Oklahoma and Kansas Railway Company across the Indian Territory—to the Committee on the Territories.

Also, paper relating to the improvement of the Missouri River near Kansas City, Mo., and Wyandotte, in the State of Kansas—to the Committee on Rivers and Harbors.

Also, the petition of letter-carriers of Kansas City, Mo., for legislation to grant them the usual vacation of thirty days allowed to other employés of the Government—to the Committee on the Post-Office and Post-Roads.

Also, the petition of George Bain and other merchants of Saint Louis,

praying that the vaporizing laws of 1879 be not repealed—to the Committeee on Ways and Means.

Also, the petition of Henry Ames & Co., Francis Whitaker & Sons, and other pork packers and dealers, of Saint Louis, for legislation to protect the trade against unjust discrimination by France and Germany—to the Committee on Agriculture.

By Mr. GREENLEAF: Papers relating to the pension claim of Sarah Bragg—to the Committee on Invalid Pensions.

By Mr. GUENTHER: The petition of George M. Wakefield, G. W. Roe, and others, citizens of Oshkosh, Wis., for legislation to confirm titles to lands sold by the Government lying within the limits of certain land grants in Northern Michigan—to the Committee on the Public Lands.

Also, the petition of Alex. McDonald and 38 others, residents of Fond du Lac, Wis., praying Congress to relieve firms who have purchased land inside the Ontonagon and Brulé River Railroad grant in Michigan, by declaring their titles valid—to the same committee.

By Mr. HALSELL: The petition of William Draper and others and of James Martin and others, for the improvement of the navigation of Green River—severally to the Committee on Rivers and Harbors.

Also, the petition of H. P. Cortright, M. D., and others, of Kentucky, for the passage of an act for the relief of certain volunteers who enlisted in 1846 and 1847 but were not mustered into the service of the United States—to the Committee on Pensions.

Also, the petition of citizens of Butler and Ohio Counties, Kentucky, for the establishment of a post-route—to the Committee on the Post-Office and Post-Roads.

Also, the petition of William Watkins, for payment of Government loan certificates issued in 1780—to the Committee on Claims.

By Mr. D. B. HENDERSON: The petition of D. W. Reed, for the relief of postmasters of the second class—to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the pension claim of Armand Cutter, of Independence, Iowa—to the Committee on Invalid Pensions.

By Mr. HEMPHILL: Paper relating to the work on the Wateree River, in South Carolina—to the Committee on Rivers and Harbors.

By Mr. HOLMAN: Papers relating to the claim of W. T. Pate & Co.—to the Committee on Ways and Means.

Also, papers relating to the claim of Silas Q. Howe and W. T. Pate & Co.—to the same committee.

By Mr. HOUSEMAN: The petition of Otsego and Citizens' Post, No. 34, Grand Army of the Republic, of Michigan, for the passage of an act giving each honorably discharged Union soldier, sailor, and marine 160 acres of unoccupied Government land—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

Also, the petition of Robert Cutler, E. Crofton Fox, and others, residents of Grand Rapids, Mich., asking Congress to make good to them the titles to lands which the Government held out to be public lands and sold to them but which are now claimed by the Ontonagon and Brulé River Railway Company—to the Committee on the Public Lands.

By Mr. HUNT: Paper relating to the claim of G. Alexander Ramsay—to the Committee on Claims.

By Mr. HURD: Paper relating to the claim of Wehele, Werk & Son—to the Committee on Ways and Means.

By Mr. JEFFORDS: The petition of citizens of the Mississippi Valley, for the improvement of the Mississippi River and its tributaries—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. JORDAN: The petition of Edward A. Anthony, for relief—to the Committee on Claims.

By Mr. KLEINER: The petition of Indiana Women's Christian Temperance Union, of Newburg, representing a membership of 1,824, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

Also, the petition of R. B. Brozelton, for relief—to the Committee on Military Affairs.

By Mr. LACEY: The petition of L. L. Harth and 39 others, in favor of granting 160 acres of land to soldiers, sailors, and marines—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. LANHAM: The petition of citizens of the northern judicial district of Texas, for an appropriation of $50,000 for the erection of a public building at Graham, Texas—to the Committee on Public Buildings and Grounds.

By Mr. LOVERING: The petition of Patrick McDonald, to be placed on the retired list—to the Committee on Military Affairs.

By Mr. MAYBURY: Memorial in relation to licensing of alien engineers—to the Committee on Commerce.

By Mr. McCORMICK: The petition of Harrison Frazier Post, Grand Army of the Republic, and of A. E. Sibley and others, officers of O. P. Davis Post, Grand Army of the Republic, for payment of pensions, &c.—severally to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Richard Elswick—to the same committee.

Also, the petition of Newton Hempsted, to be restored to the pension-roll—to the same committee.

By Mr. McCOMAS: Papers relating to the claim of Capt. E. H. Wardwell—to the Committee on Military Affairs.

By Mr. MITCHELL: The petition of Richard E. Rice and others, of New Haven, Conn., for the establishment of a postal savings depository—to the Committee on the Post-Office and Post-Roads.

By Mr. MORGAN: The petition of citizens of South Carolina, for an appropriation for the improvement of the Great Pee Dee River—to the Committee on Rivers and Harbors.

By Mr. MORRILL: The petition of W. B. Townsend and others, for passage of bill granting mail-carriers thirty days' leave of absence and for other relief—to the Committee on the Post-Office and Post-Roads.

Also, the petition of the Kansas Wool-growers and Sheep-breeders' Association, asking that the tariff on wool be restored—to the Committee on Ways and Means.

By Mr. MORSE: The petition of merchants, ship-owners, and others, of Boston, for the establishment of signal stations upon the island of Nantucket and for the necessary connections with the telegraph upon the mainland—to the Committee on Appropriations.

Also, the petition of Felton & Son, distillers, and 20 others, of Boston, for extension of the bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. MURRAY: The petition of George Kays, for relief—to the Committee on Military Affairs.

Also, papers relating to the pension claims of Mrs. Lydia Ann Kirby, of John McGraw, and of Robert Quinn—severally to the Committee on Invalid Pensions.

By Mr. NELSON: The petition of J. D. Knox and others, against the repeal of the pre-emption law—to the Committee on the Public Lands.

Also, the resolutions adopted by the John Ball Post, No. 45, Grand Army of the Republic, Department of Minnesota, relative to pensions—to the Committee on Invalid Pensions.

Also, the petition of Charles E. White, relative to the timber-culture law—to the Committee on the Public Lands.

Also, the resolutions adopted by the Staunton Post, No. 33, Grand Army of the Republic, of Minnesota, in favor of the passage of the Logan bill granting land-warrants to honorably discharged soldiers—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. NICHOLLS: Memorial and report of the special committee of the Savannah Rice Association, relative to the foreign and domestic production of rice, &c.—to the Committee on Ways and Means.

By Mr. J. J. O'NEILL: Paper relating to the condemnation of land and materials for purposes of Mississippi River improvement—to the Committee on Levees and Improvements of the Mississippi River.

Also, paper to define the powers and jurisdiction of the Mississippi River Commission and authorizing the appropriation of land and material, &c.—to the same committee.

Also, the petition of John Tobin and others, for equalization of bounties, granting land-warrants to honorably discharged soldiers and sailors, &c.—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. PETERS: The petition of citizens of Sumner County, Kansas, for legislation to enable James N. Lawrence to purchase a certain tract of land in that county—to the Committee on the Public Lands.

Also, the petition of members of Prairie Grove Post, Grand Army of the Republic, Department of Kansas, for equalization of bounties, arrears of pensions, &c.—to the Committee on Invalid Pensions.

Also, the petition of letter-carriers of Leavenworth, Kans., to be allowed thirty days' leave of absence annually—to the Committee on the Post-Office and Post-Roads.

By Mr. PIERCE: Papers relating to the claim of Elisha Nelson, of Gibson County, Tennessee—to the Committee on War Claims.

Also, the petition of Richard Kempter, for relief—to the Committee on Military Affairs.

Also, the petition of Daniel G. Dill and others, of the eighth district of Wisconsin, for the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

Also, the resolutions adopted by the Black River Company, in relation to the improvement of the Mississippi River—to the same committee.

By Mr. RANDALL: The petition of the Philadelphia Board of Marine Underwriters, for the establishment of signal stations upon the island of Nantucket—to the Committee on Commerce.

By Mr. RAYMOND: Papers relating to the claim of E. Parham—to the Committee on Claims.

By Mr. RIGGS: The petition of William Herbst, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Frederick A. Noeller, for relief—to the Committee on Military Affairs.

By Mr. J. H. ROGERS: The petition of J. D. Reinhardt, M. L. Anderson, and M. D. Anderson, heirs of Mrs. Maria A. Reinhardt—to the Committee on War Claims.

Also, two petitions relating to the Hot Springs in Arkansas—severally to the Committee on Appropriations.

Also, memorial relating to the construction of a public building at Fort Smith, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. RUSSELL: Papers relating to the pension claim of Mrs. Ellen Dacey, mother of Lieut. Timothy Dacey, Company I, Ninth Massachusetts Infantry—to the Committee on Invalid Pensions.

By Mr. THOMAS G. SKINNER: The petition of George S. Atmore and others, in relation to the French spoliation claims—to the Committee on Foreign Affairs.

Also, the petition of William H. Basnight and others, and of Edward Pickup and others, for an appropriation for the improvement of the Alligator River—severally to the Committee on Rivers and Harbors.

By Mr. SINGLETON: The petition of W. W. Welsh, for compensation for services alleged to have been rendered as local mail agent—to the Committee on Claims.

Also, the petition of citizens of the fourth Congressional district of Mississippi, for the improvement of the Mississippi River and its tributaries—to the Committee on Rivers and Harbors.

Also, papers relating to the claim of Mrs. Mary Jane Veazie—to the Committee on War Claims.

By Mr. SPOONER: The petition of letter-carriers of Pawtucket, R. I., for an annual vacation and for equalization of pay—to the Committee on the Post-Office and Post-Roads.

By Mr. STOCKSLAGER: The resolutions adopted by the Indiana State board of agriculture, relative to the exclusion of American pork products from France and Germany—to the Committee on Agriculture.

By Mr. STRAIT: Memorial of the Legislature of Minnesota, asking that Big Stone Lake, Lake Traverse, and Boix de Sioux River may be embraced in the reservoir system—to the Committee on Rivers and Harbors.

By Mr. C. A. SUMNER: Paper relating to the claim of Thomas B. Shannon—to the Committee on Ways and Means.

By Mr. J. M. TAYLOR: Papers relating to the claim of Frederick A. Replogle, of Madison County, Tennessee—to the Committee on War Claims.

Also, the petition of G. W. Thomas, J. A. Timberlake, and others, for relief—to the Committee on Military Affairs.

Also, the petition of James M. Hunter, of Harriet E. McClelland, and of John C. Trice, for relief—severally to the Committee on War Claims.

By Mr. E. B. TAYLOR: Paper relating to the pension claim of Seymour D. Burr—to the Committee on Invalid Pensions.

By Mr. THOMAS: Papers relating to the claim of Rear-Admiral John L. Worden and the officers and crew of the United States steamer Monitor—to the Committee on Naval Affairs.

Also, papers relating to the claim of Hugh Worthington—to the Committee on War Claims.

By Mr. THOMPSON: Papers relating to the claim of Culven Sanders—to the same committee.

By Mr. THROCKMORTON: The petition of Peter Smith and others, citizens of Fort Worth, Tex., for passage of bill granting the right of way through the Indian Territory to the Fort Worth and Denver City Railroad Company—to the Committee on the Territories.

By Mr. WAIT: Papers relating to the claim of Fred. A. Holden—to the Committee on War Claims.

By Mr. WARD: Paper relating to the pension claim of Margaret J. Boyd—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Jehu C. Hannum—to the same committee.

By Mr. WASHBURN: Papers relating to the claim of James D. Wood—to the Committee on Military Affairs.

By Mr. MILO WHITE: The petition of Henry Rogers Post, Grand Army of the Republic, of Minnesota, in regard to pensions—to the Committee on Pensions.

Also, the petition of citizens of Minnesota, for the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. W. L. WILSON: Paper relating to the claim of the heirs of Daniel Bedinger—to the Committee on War Claims.

By Mr. YOUNG: Papers relating to the claim of R. Dudley Frayser, administrator of the estate of Fletcher Lane; of John W. Ledbetter; of Robert H. Walton, and of James I. Williams—severally to the same committee.

Also, paper relating to the claim of O. M. Alsup, administrator of the estate of Thomas B. Cunningham—to the same committee.

The following petitions, praying for an appropriation for the payment of the rebate of tax on unbroken packages of smoking and manufactured tobacco, cigars, &c., were presented, and severally referred to the Committee on Appropriations:

By Mr. BAGLEY: Of citizens of Kingston, Ulster County, New York.

By Mr. BLANCHARD: Of merchants of Shreveport, La.

By Mr. BURNES: Of Nave-McCord Mercantile Company and 16 others, wholesale dealers of Saint Joseph, Mo.

By Mr. CANNON: Of R. Coddington and others, of Danville, Ill.

By Mr. J. H. EVINS: Of Reid & Lyles and others.

By Mr. GEORGE: Of citizens of Oregon.

By Mr. CURTIN: Of citizens of Ridgway, Elk County, Pennsylvania.

By Mr. DOWD: Of A. A. Shuford & Co. and others, of Hickory, and of Springs & Burwell and 15 others, merchants of Charlotte, N. C.

By Mr. GOFF: Of Ruhl, Koblegard & Co. and 9 others, of Clarksburg, W. Va.

By Mr. GRAVES: Of Ryley, Ely & Co. and others, of Kansas City, Mo.

By Mr. H. H. HATCH: Of citizens of Bay City, Mich.

By Mr. HUTCHINS: Of James F. Martin and others, dealers in manufactured tobacco, of Peekskill, Westchester County, New York.

By Mr. JOHNSON: Of Stevenson, Smith & Co. and others, and of J. P. Higgins and others, of Troy, N. Y.

By Mr. LUNA: Of citizens of Albuquerque, N. Mex.

By Mr. MAYBURY: Of B. T. Farmington & Co. and others, and of Swift & Dodds and others, of Detroit, Mich.

By Mr. MITCHELL: Of five petitions of citizens of New Haven, Conn.

By Mr. OATES: Of E. C. Bullock and others, of Eufaula, Ala.

By Mr. O'HARA: Of citizens of Goldsborough, and New Berne, N. C.

By Mr. O'NEILL: Of citizens of Saint Louis, Mo.

By Mr. PATTON: Of H. J. Hopkins and others, of Forest County, Pennsylvania.

By Mr. PAYNE: Of J. Bryan & Co. and others, of New York.

By Mr. PHELPS: Of citizens of Paterson, N. J.

By Mr. W. F. ROGERS: Of four petitions of citizens of Buffalo, N. Y.

By Mr. SEYMOUR: Of L. B. Booth and others, of Newtown; of S. K. Stanley and others, of Norwalk, and of O. P. Coe & Co. and others, of Bridgeport, Conn.

By Mr. T. G. SKINNER: Of S. R. Fowle & Son and others, and of Charles H. Robinson and others, of North Carolina.

By Mr. THROCKMORTON: Of Goldstein & Philipson and others, of Austin, Tex.

By Mr. VAN ALSTYNE: Of citizens of Albany, N. Y.

By Mr. WELLER: Of citizens of Decorah, Iowa.

SENATE.

TUESDAY, *January* 15, 1884.

Prayer by Rev. JOSEPH COOK, of Boston.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office submitting a report of the surveyor-general of New Mexico on the private land claim of the town of Albuquerque; which, together with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers submitting reports from Col. John Newton of results of surveys under his direction of certain rivers and harbors in New York, made in compliance with the river and harbor act of August 2, 1882; which, together with the accompanying documents, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CONGER presented the petition of C. C. Royce, Louis Stegmiller, and 42 others, residents of Escanaba, Mich., praying for the passage of the bill (S. 691) to confirm and declare legal the acts of certain officers of the United States; which was referred to the Committee on Public Lands.

He also presented a petition of the Ladies' Seaman's Friends' Society, of San Francisco, Cal., praying for the passage of laws providing for the payment and discharge of sailors in foreign ports; which was referred to the Committee on Commerce.

Mr. PLUMB. I have two petitions signed by numerous citizens of the State of Kansas addressed to me but intended for the Senate, requesting the passage of what is known as the sixteenth amendment, conferring suffrage upon women. I ask permission to offer them and have them referred to the Select Committee on Woman Suffrage.

The PRESIDENT *pro tempore*. The Senator from Kansas asks leave to present for reference to the Select Committee on Woman Suffrage sundry papers addressed to him but intended to be petitions to the Senate, concerning woman suffrage. They will be referred to the committee on that subject, if there be no objection.

Mr. PENDLETON presented a petition of citizens of Jacksonville, Adams County, Ohio, praying for the extension of the arrears-of-pension act, and also the passage of the equalization-of-bounty bill; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, presented the petition of E. T. Pettengill, D. W. Patterson, and others, praying for the passage of the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia.

Mr. MITCHELL presented a memorial of the Wayne Presbyterian Church of Delaware County, Pennsylvania, in favor of certain changes in relation to the Indian policy of the Government; which was referred to the Committee on Indian Affairs.

Mr. MANDERSON presented the petition of William H. Fenton, late private Company G, Nineteenth Regiment Ohio Veteran Volunteers,

praying for the passage of a special act to remove the charge of desertion from his military record; which was referred to the Committee on Military Affairs.

Mr. VAN WYCK presented a petition of citizens of Knox County, Nebraska, praying for the ratification of a treaty made with the Sioux Indians for the opening for settlement of a portion of the Sioux reservation; which was referred to the Committee on Indian Affairs.

Mr. FRYE presented a petition of late paymasters in the Army during the war for the Union, praying additional compensation for their services; which was referred to the Committee on Military Affairs.

Mr. BLAIR. I have received sundry petitions which are informally addressed to the Committee on Education and Labor, but as they ask for legislation I will present them to the Senate. I present a petition of the North Star Barrel Company, a petition of the Phœnix Barrel Manufacturing Company, a petition of the Northwestern Barrel Company, a petition of the Hennepin Barrel Company, and a petition of the Co-operative Barrel Company, all of the State of Minnesota, which petitions are severally signed by the officers of those organizations and a large list of members, praying legislation by which a certain portion of the public lands may be set apart to be taken up by co-operative associations; that the amendment recommended by a certain commission be enacted into law, whereby "twenty or more families should be permitted to select contiguous territory, lay out a village in some suitable place on said territory, and live therein." This amendment, the petitions recite, with a provision allowing the colonists, as against themselves, to consolidate their claims, subject of course to such restrictions as may be necessary to prevent fraud, "would enable a co-operative company to be established on the public lands in safety, and with much less of the expense, hazard, and hardship that now fall to the lot of isolated settlers." I move that the petitions be received and referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. LOGAN presented the petition of Lewis W. Moore and others, legal descendants of Capt. James Moore, a spy in the Revolutionary war, praying remuneration for certain expenditures made by Captain Moore during such service and subsequently; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. JACKSON. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 238) for the relief of Hester Sprong, widow of David Sprong, to report it back adversely.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee desire the bill to go on the Calendar or to be indefinitely postponed?

Mr. JACKSON. I ask for its indefinite postponement.

The PRESIDENT *pro tempore*. The Chair will state that the usual course is, in order to keep the Calendar as clear as possible, for an adverse report to be considered immediately and agreed to, unless some Senator desires to have the question kept open.

Mr. JACKSON. There has been no application to have the bill placed upon the Calendar.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the bill be indefinitely postponed.

The motion was agreed to.

Mr. JACKSON also, from the same committee, to whom was referred the bill (S. 544) granting an increase of pension to Elijah W. Penny, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. MITCHELL and Mr. CONGER addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 587) granting a pension to Phineas Cano, to report adversely thereon, and move its indefinite postponement.

The PRESIDENT *pro tempore*. The order for indefinite postponement will be entered, if there be no objection.

Mr. CONGER. On that subject I wish to make a remark. I rose to address the Chair a moment ago, and perhaps on the pending motion to indefinitely postpone I may be allowed to proceed.

The PRESIDENT *pro tempore*. The Chair had recognized the Senator from Pennsylvania, who had not presented his bill at the time he was interrupted by the Senator from Michigan.

Mr. CONGER. But there was pending at that time a motion to postpone indefinitely, and I wished to make a remark about that as I do about this motion. Where these motions are made and the persons interested in a bill are present and have their attention called to it, there can be no wrong done by the indefinite postponement of this class of bills; but there are some bills upon which adverse reports have been made and indefinite postponement ordered in which I was interested, but I did not happen to notice them at the time. I think those bills where there is an adverse report should go upon the Calendar, and be subject to the consideration of the Senate when the Calendar is called. For that reason I hope that all pension bills may not be indefinitely postponed when reported upon adversely.

The PRESIDENT *pro tempore*. Does the Senator from Michigan object to the present consideration of the motion made by the Senator from Pennsylvania?

Mr. CONGER. I do.

The PRESIDENT *pro tempore*. One objection places the bill on the Calendar. The Chair only orders the indefinite postponement when no objection is made to that course, and for the reason the Chair stated before, that it has been found that the Calendar would become unmanageable if all adverse reports which nobody desires to have contested are kept upon the list.

Mr. CONGER. I understand the rule to be that if a motion to reconsider the motion of indefinite postponement is not made by the next legislative day it can not be made at all.

The PRESIDENT *pro tempore*. A motion to reconsider may be made during the next two legislative days.

Mr. INGALLS. Unanimous consent never has been refused to allow the reconsideration of an adverse report, and no injustice can occur, I will suggest to the Senator from Michigan. Any Senator interested in a bill that has been adversely reported can have it reinstated at once upon request; but if the practice he suggests were followed of placing every adverse report upon the Calendar, it would soon become so bulky and unwieldy as to be unmanageable; and, besides that, great additional labor would be imposed upon the Secretary and his clerks. I would suggest, inasmuch as the latitude is so wide and the facilities are so numerous for obtaining reinstatement, that the better plan would be, whenever the case is desired to go upon the Calendar, to ask permission that that action may be taken.

Mr. CONGER. With that understanding I have no objection. One or two cases of that kind have occurred, but I was not aware of the facility with which cases could be put back. I was informed that after two days a motion to reconsider could not be made.

The PRESIDENT *pro tempore*. The Chair will state that a motion to reconsider is not in order after two days, but the Chair will also state that in his experience on the floor he has never known a Senator to be refused who applied to reinstate a case when his attention had not been called to it at the time the adverse report was made.

Mr. CONGER. For the reason given I will not make an objection to the indefinite postponement of this bill, but will trust to the courtesy of the Senate to restore bills that have been thus acted upon when the attention of those interested was not drawn to the adverse report.

The PRESIDENT *pro tempore*. Then the bill last reported by the Senator from Pennsylvania [Mr. MITCHELL] will stand indefinitely postponed if there be no objection. The Chair hears none.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 359) granting a pension to Samuel P. Bronson, submitted an adverse report thereon and moved its indefinite postponement.

Mr. COCKRELL. Let the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. At the request of the Senator from Missouri the bill with the adverse report will be placed upon the Calendar.

Mr. HILL, from the Committee on Public Lands, to whom was referred the bill (S. 241) to repeal section 8 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880, reported it without amendment, and submitted a report thereon.

Mr. SLATER, from the Committee on Indian Affairs, to whom was referred the bill (S. 271) for the relief of Louisa Boddy, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, of Wisconsin, from the Committee on Indian Affairs, to whom was referred the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, reported it without amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 1035) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses, reported it without amendment.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 368) for the relief of Oscar Eastmond and James W. Atwill, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 439) for the relief of George A. Jaeger, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 56) for the relief of Lieut. C. C. Norton, submitted an adverse report thereon, and moved its indefinite postponement; which was agreed to.

MISSISSIPPI RIVER IMPROVEMENTS.

Mr. LOGAN, from the Select Committee on the Mississippi River Improvements, who were instructed by a resolution of the Senate of the 22d of February, 1883, "to examine into the works now in progress for the improvement of the Mississippi River below Cairo and the methods

employed in making such improvements," &c., submitted a report, which was ordered to be printed, and referred to the Committee on the Improvement of the Mississippi River and Tributaries.

BILLS INTRODUCED.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 1095) granting a pension to Aaron Shurtleff; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. 1096) for the relief of Daniel H. B. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. WILSON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1097) authorizing the Secretary of the Interior and the Commissioner of Indian Affairs to approve certain leases made with certain Indian tribes in the Territory of Arizona; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. 1098) for the relief of V. B. Horton, jr.; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1099) for the relief of Thomas M. Harbin; which was read twice by its title.

Mr. LOGAN. I wish to say that I introduce the bill by request. I know nothing about it myself. I move the reference of the bill to the Committee on Claims.

The motion was agreed to.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1100) granting an increase of pension to Mrs. Amanda M. Smyth; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. 1101) to secure reasonable rates of transportation to the people over railroads aided by the issue of large amounts of United States bonds and public lands; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MANDERSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 1102) requiring transcripts of judgments obtained in United States courts to be filed with county officers having charge of judgment records in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1103) to remove the charge of desertion from the military record of William H. Fenton; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1104) relative to acknowledgments of conveyances of land in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. JONES, of Florida, asked and, by unanimous consent, obtained leave to introduce a bill (S. 1105) to authorize the Secretary of the Treasury to erect a suitable building for a marine hospital at Pensacola, Fla.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DAWES asked and, by unanimous consent, obtained leave to introduce a bill (S. 1106) for the relief of Frances H. Plummer; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1107) for the relief of John A. Knowles; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. 1108) to provide for the sale of the Iowa Indian reservation in the States of Nebraska and Kansas, for the issuance of a patent for a reservation for the Iowa tribe of Indians in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1109) for the relief of John B. Lowry; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENDLETON asked and, by unanimous consent, obtained leave to introduce a bill (S. 1110) for the relief of James H. Hamilton; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Indian Affairs.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. 1111) granting an increase of pension to Sally Rodman, widow of General Isaac P. Rodman; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1112) granting a pension to John Sweeney; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Pensions.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. 1113) granting a pension to Ann E. Manchester; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1114) granting an increase of pension to William Shannon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. 1115) to amend section 4919 of the Revised Statutes, relating to the recovery of damages for the infringement of patents; which was read twice by its title, and referred to the Committee on Patents.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. 40) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Antonio Barrios, of Guatemala, and José Victor Zavala, of Nicaragua; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SLATER, it was

Ordered, That the papers in the case of H. H. Wheeler be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

On motion of Mr. PUGH, it was

Ordered, That the papers relating to the claim of the Mobile Marine Dock Company be taken from the files and referred to the Committee on Claims.

On the motion of Mr. SHERMAN, it was

Ordered, That the papers in the case of Senate bill 1732 (Forty-seventh Congress, second session), to refund excessive duties levied by overvaluation of the Austrian florin, be taken from the files and referred to the Committee on Finance.

On motion of Mr. GROOME, it was

Ordered, That the papers in the case of Harriet W. Shacklett be withdrawn from the files and referred to the Committee on Claims, there being no adverse report.

THOMAS E. BRAWNER.

Mr. COCKRELL. Some days ago I introduced a bill (S. 358) granting a pension to Thomas E. Brawner, which was referred to the Committee on Pensions. I desire to withdraw that bill, as the case is still pending in the office of the Commissioner of Pensions. I do not know exactly what order to ask for.

The PRESIDENT *pro tempore*. The Senator can ask for an order discharging the committee, and then he can have the bill either indefinitely postponed or laid upon the table.

Mr. COCKRELL. I will ask, then, that the committee be discharged from the further consideration of the bill, and that it be brought back to the Senate and laid upon the table.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the Committee on Pensions be discharged from the further consideration of the bill, and that the bill be laid on the table. Is there objection? The Chair hears none, and it is the order of the Senate.

DISCOVERY OF PHOSPHATES IN BRAZIL.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested (if he deem it not incompatible with the public interest) to furnish the Senate with all papers and correspondence, and with all information in the possession of the Department of State, relating to the discovery of phosphates upon the coast of Brazil by a citizen of the United States; and also as to the rights of the United States therein under the laws of Brazil, and what steps have been taken, if any, to avail of the benefits of said discovery to our shipping and agricultural interests.

MEAT EXPORTATIONS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the Chair, pursuant to the rule, will lay before the Senate the resolutions on the Calendar in their order.

Mr. ANTHONY. Does not the resolution I offered in regard to American pork come up now?

The PRESIDENT *pro tempore*. The rule says that the Chair shall lay before the Senate during the residue of the morning hour the resolutions that were offered on previous days. The Chair understands that that means in their order; but the Chair will lay before the Senate the resolution which was under consideration in the last morning hour, if there be no objection.

Mr. ANTHONY. If it is necessary I will move to proceed to the consideration of that resolution.

The PRESIDENT *pro tempore*. The Chair will state that the three resolutions standing at the head of the general order of resolutions are those which have been passed over at the request of the Senators submitting them; and if there be no objection he will lay before the Senate the resolution offered by the Senator from Rhode Island [Mr. ANTHONY] on the 9th of January, which was under consideration at the expiration of the last morning hour. It will be read.

The resolution was read, as follows:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of such legislation as shall enable the Executive to protect our interests against those governments which have prohibited or restrained the importation of healthful meats from the United States.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed to the text of the resolution by the Senator from Illinois [Mr. LOGAN], to strike out the words "the expediency of," in the second line, and insert in lieu thereof the words "and report to the Senate," so as to read:

That the Committee on Foreign Relations be instructed to inquire into and report to the Senate such legislation as shall enable the Executive, &c.

Mr. VAN WYCK. After looking more particularly at the form of the resolution, or rather its direction, as it proposes to refer the subject to a committee for the purpose of determining whether anything shall be reported for the particular object indicated, I feel inclined to withdraw the amendment which I proposed a few days ago, so as not to embarrass the purpose of the resolution. As I stated to the Senator from Rhode Island at the outset, I am in sympathy with him entirely, except that I desire to have it understood, at least as my understanding, that I am willing to concede to other nations the right to act in precisely the same spirit of retaliation which we feel it our duty by a solemn resolution, possibly to resolve itself into a more solemn act of Congress, to recognize and insist upon for ourselves. That was my purport and object, and anything further that may be necessary to be said upon that subject of course may be said at any time when a bill may be reported from the committee to which the resolution shall be referred. I therefore withdraw the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Illinois [Mr. LOGAN].

Mr. LOGAN. Let it be read.

The Chief Clerk read the amendment.

Mr. LOGAN. I desire to say, briefly, Mr. President, that the object of the amendment is that we may have a bill reported to the Senate so as to secure such legislation as the Congress of the United States may deem proper under the circumstances. My own judgment is that legislation of a character that would exclude from this country particular articles sought to be imported here from certain countries until our meats should have a fair opportunity to be transported to and received by those countries would be the proper action for us to take in our legislative capacity.

Now, one word in reference to the manner in which this matter has been treated. On the 25th of June, 1880, a decree was made prohibiting our meats being imported into Germany on the ground, as they charged, that they were diseased in some way; and the decree of prohibition in France was made on the 18th of February, 1881. The latter decree was revoked by the French minister of commerce on the 27th of November last, and on the 28th of December last its revocation was suspended, with a temporary provision allowing American pork to enter the ports of Havre, Bordeaux, and Marseilles until January 20, 1884, subject to examination before it is sold.

For nearly four years our meats have been excluded from the ports of France and Germany; and yet by an examination made by experts of all the meats of different countries ours prove to be the best of all. Why these decrees were made against the importation of our pork to those countries is something I can not divine. At the time the decrees were made a correspondence ensued between our Government and these foreign governments in reference thereto, and on an examination of that correspondence you will find letters written by some of our Secretaries of State (there have been three) which were very vigorous and insisted upon a revocation of the decrees. Promises were made that this should be done, but yet it has not been done. It seems as though the policy has been merely to keep this thing moving along, thinking that after a while, perhaps by persuading and coaxing these foreign governments, the decrees would be revoked and our meats would be permitted to enter their ports.

I do not wish, so far as I am concerned, to do anything that would be out of a proper line of policy; but my own judgment is that when we are dealt with as we have been by those governments in reference to such articles as these and when we have tried diplomacy for four years—and that certainly seems to be long enough—the only way to meet it is to exclude from our ports certain importations from those countries, and give them to understand that while our products that are sound and good can not enter their ports, a certain character of products of theirs can not enter our ports.

I know that some people do not believe in retaliatory legislation. I do, when it is necessary. I believe the time has come when it is necessary for us to say to France and to Germany that there are certain articles of theirs which come to this country which will be excluded unless our products are permitted to enter their ports, where they are sound and good. I am in favor of a bill being reported from the committee establishing this proposition and saying to them, "On this we stand; while there are excluded from your ports our products which are proper articles of commerce and trade, certain articles of yours shall be excluded from our ports." This is all I desire to say in reference to the proposition.

Mr. VEST. Before the Senator from Illinois takes his seat I should like to ask him a question. I have not had time to investigate this matter as thoroughly as I should desire. When he refers to an examination of these meats by experts, do I understand him to say that that has been done in the United States, or was it done upon the continent, in France and Germany? Where has the examination been made?

Mr. LOGAN. I will state to the Senate that in a conversation with the Secretary of State within the last few days he told me that experts, headed by Dr. Loring, our Commissioner of Agriculture, had made examinations, and that it was known not only to our people but to the people of foreign countries that the examinations showed that our pork was the best pork in the market to-day and had been for years. That was the statement made to me by the Secretary of State.

Mr. VEST. I only know that I recently received (I do not know whether other members of the Senate did) the proceedings of the National Cattle-Growers' Association, held in the city of Chicago, and in that I find statements made by gentlemen largely interested in the cattle business to the effect that the remedy to be applied to this injustice on the part of foreign countries would be found first, as an initiatory step, in the organization of a board of inspection, to inspect American meats, and to remove the ground for any such allegations as have been made by the French Government in regard to the unsoundness of the meats imported into their country. I had the honor to present to the Senate yesterday a memorial signed by the largest meat exporters in the city of Saint Louis and in my State, headed by Henry Ames & Co. and Francis Whitaker & Sons, who (with the exception of Armour Brothers, of Chicago) are the largest dealers probably in the West. These gentlemen in that memorial, which was read to the Senate, demand what the Senator from Nebraska [Mr. VAN WYCK] calls retaliatory measures. It seems that in a spirit of national comity the first thing for this country to do, and the first thing for the Committee on Foreign Relations in examining into the question to do, is to ascertain whether we have such a system of inspection as puts beyond doubt the condition of the meat when it leaves our shores. That takes away any ground of complaint or any reason based upon sanitary considerations which either France or Germany might advance in defense of their course. After this has been done, after it is established that these meats are sound and healthy, it seems to me that the next step for the Government of the United States, considering our relations with these great nationalities, is to call their attention officially to the fact that they have regulations and orders in regard to imports which are unjust and inimical to the people of the United States and their interests, and which, considering our mutual treaty regulations, are absolutely and intrinsically unjust and wrong. If, after this is done, France and Germany refuse to take any steps toward remedying the evil and the injustice, in the last resort, then, and then alone, we should be justified in the retaliatory measures which have been suggested on this floor.

I have no sentimentality in regard to retaliation. I understand, as every other business man and as every other Senator on this floor probably understands, that in these matters of national intercourse, as between individuals, the only tribunal is that of self and of self-interest; and at last we have it in our power, after acting in the dignified and, it seems to me, in the just manner which I have mentioned—we have it always within our own power by excluding their imports to bring them to that basis of comity and justice which is right.

Mr. INGALLS. Mr. President, the exportation of fresh and salted meats is one of the most important interests of the United States. The business is conducted very largely in the West, where the cattle and the swine are raised and fed and where the great centers of distribution exist. I have received during the past few days a number of communications by wire and by mail, calling my attention to this subject, from those interested in the traffic, and asking me to lend my support to measures of retaliation for the action of foreign governments upon this subject.

I do not understand, Mr. President, that the Governments of France or Germany, or any of the great continental powers, have excluded healthful meats from their ports; the ground of exclusion has been that they were unhealthy; and while there is no doubt that this action has been stimulated by the persons engaged in this business in foreign countries, yet there can be no doubt that the original action was initiated by those governments upon the theory that the meats were unhealthy, that meats which had been manufactured from diseased cattle had been exported to foreign countries and there sold, where the means of detection were of course very difficult.

Now, while the evil complained of is very great, I can not see why we are called upon to do ourselves an injury by preventing the importation of things that we require because other nations are guilty of injustice to us. There is not a man who does not know that the meat supply of Great Britain and France is insufficient for the needs of their populations; they require our meats; it is necessary that they should have them; and if it can be made apparent that the meats that are salted and exported fresh from this country are salutary and wholesome, then I have no doubt the inhibition will be removed. What is required, as it appears to me, is an authoritative inspection by Government officers of all meats that are put up for export, and I should hope that before the Committee on Foreign Relations would devote itself to the preparation of a bill for the infliction of retaliatory measures of exclusion, it would at least attempt, in the spirit indicated by the Senator from Missouri [Mr. VEST], to institute such a rigid system of in-

spection by Government officers appointed for that purpose at the manufactories and at our own ports as to render it assured that the meats will be wholesome and salutary. If, after that has been done and the attention of foreign governments has been called to that fact, they then pursue the policy of inhibition or exclusion, it will be time for us to resort to something else. But I can not believe that the Governments of France and Germany, needing these meats, when their supply raised at home is entirely insufficient and inadequate for the wants of their populations, would deliberately, to the great detriment of their own welfare and their own interest, exclude meats known to be wholesome.

We all know that it is one of the commonest statements that the herds of this country are infected with pleuro-pneumonia and with lung-plague, and the Committee on Agriculture has been called upon repeatedly to report measures that should, as they say, tramp out and destroy this infection that exists in our herds here. I think it is entirely justifiable, when it is impossible to tell from an inspection of the preserved product whether it came from a diseased animal or a sound animal, and when there are well-authenticated cases where injury has occurred, that those countries should protect themselves; and until we put ourselves in a position of enabling the people to be assured that the meat exported is sound we cannot blame them for taking precautions that we would take ourselves.

The PRESIDENT *pro tempore*. The morning hour has expired; and it becomes the duty of the Chair to lay before the Senate the unfinished business, which is the report of the Committee on Rules.

Mr. LOGAN. I ask permission to say a word.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will be regarded as before the Senate, and the Senator will proceed.

Mr. LOGAN. The Senator from Kansas was replying, I suppose, to what I said and not to the resolution itself. The resolution as I propose to amend it requires the Committee on Foreign Relations to report such legislation as will empower the President to protect our interests. It is not a resolution requiring that the committee shall report legislation of the character which has been mentioned. I made the remark that so far as I was concerned I could not see any other way out of this matter except that character of legislation, and I did so on the ground—and I do not take it back—that all the meats which have been exported from this country to these foreign countries, no matter whether sound or unsound, have been excluded upon the hypothesis that they were unsound. No matter whether inspected or not inspected, no matter whether inspected at Chicago or other places where they are put up or inspected at the port of exportation, no matter what the representations made or the character of the products exported from this country, they have been excluded. Four years have elapsed since these embargoes were laid or these decrees excluding our products from these countries were issued. If in four years we have not been able to induce these countries to understand that we are trying to send them sound meats, I ask the Senator how many more years it will require to convince them?

Mr. INGALLS. Will the Senator allow me just one word?

Mr. LOGAN. Certainly.

Mr. INGALLS. He rather misrepresents the position that I took. I was not replying to any observations that he made in connection with the character of the legislation that was to be invoked. I suppose the theory that the foreign powers exclude our meats upon is not that all the meats exported are unsound, but that it is impossible to distinguish between those that are unsound and those that are healthy.

Mr. LOGAN. That is very likely so, but they exclude them even if they inspect them themselves. Our meats are excluded, it is immaterial whether sound or unsound; the decrees go to a whole and not to a part.

Mr. VAN WYCK. Will the Senator allow me a word right there?

Mr. LOGAN. Certainly.

Mr. VAN WYCK. The Senator from Illinois states that these meats were excluded by the nations to which he refers without any regard to the fact whether they were healthy or unhealthy. I presume that is so. Then will the Senator go a little further and tell us—for I have no doubt that he has information on this subject—why these nations exclude meats which they know to be healthy when their people need them? Why do these foreign nations do that?

Mr. LOGAN. Inasmuch as I am not a part of the foreign nation that does it, I do not presume that I have a correct opinion on that subject. I perhaps might think that they were excluded in the interest of some individual, and yet I might have an erroneous opinion. I might suppose that they were excluded in the interest of a number of individuals who were engaged in this business in that country, and yet I might be mistaken in that. I have seen that representation made. I will not state it to be a fact, for I do not know it to be so. It is enough to know that these products of ours are excluded. Why they are excluded I certainly am not able to say. I have my opinion about it, but that I do not propose to detain the Senate by giving. I have my notion why they are excluded and what the result will be and what the intention is in the future. I have my views about all that, but it is entirely unnecessary to give them at this time.

But as I was saying, if in four years we have not been able to adopt any means by which we can convince these nations that we export sound meats and do not desire to send them any other kind, I ask how long it will take, how many more years it will take, to convince them? I said I would be in favor of retaliatory measures. Why? For the reason that I do not believe we can establish any inspection or resort to any species of legislation that will entirely satisfy those people on this particular subject. We may be able to do it. If we are able to do it, let us do it; but let us not stop until we do something.

Mr. MCPHERSON. Will the Senator from Illinois allow me just here to make a suggestion to him, as I think it will aid him materially in his argument?

Mr. LOGAN. Certainly.

Mr. MCPHERSON. I want to simply state the case of Great Britain with regard to the importation of live cattle from the United States and from some ports of the continent. Certain districts were said to be infected, among them the United States of America. There has been a large exportation of cattle from the United States to Great Britain. Those cattle exported from the United States are required to be slaughtered at the port of entry and conveyed as dressed meat to all parts of the British possessions—Great Britain, Ireland, and Scotland at least. A drove of cattle may go from a district that is not an infected district, that was never known to be an infected district, no disease ever having been known among its cattle, and how is it treated? In the eastern part of our country disease has been known to exist, such as pleuro-pneumonia, but there are portions of the United States where it has never reached. A drove of cattle from a healthy district goes over any of the railroads of the United States and is brought to the port of New York, placed on board steamer, and conveyed to Great Britain; but the cattle must be slaughtered at the port of entry in Great Britain. If the same drove of cattle is transported over a Canadian railroad, stopping for forty-eight hours, if you please, in the Province of Canada, and laden at some port in Canada and conveyed to Great Britain as the product of Canada, it is allowed to go anywhere over Great Britain until it reaches its destination. There is an inspection at the port of New York, by reason of the earnest feeling that dealers have had in this matter and the desire that all animals transported from that port should be furnished with a clean bill of health. A competent inspection has been made there; the bill of health has followed the animal to the port of Great Britain, but under the general inhibition the animal has not been allowed to enter the territory otherwise than as I have stated. I suppose the same thing exists in regard to pork. Our country is declared by the French to be an infected district, and no difference is made between good pork and bad pork, if there be any such.

Mr. LOGAN. It makes no difference at all; our whole country, as the Senator says, has been declared an infected district, and our meats have been excluded on that ground. Now, sir, if the Senate is desirous of having what we might call fair play between countries, our committee certainly can report some kind of legislation. If the Senator from Missouri and the Senator from Kansas think that legislation which would appoint Government inspectors to inspect our meats prior to their being exported to these foreign countries would be satisfactory, let that character of legislation be reported, and let it be passed. I do not believe it would. Every experiment has been tried with these countries that we could try, except this particular character of legislation mentioned by those gentlemen. The inspection that has already been made before the exportation is as good as an inspection by a Government inspector. At the same time let that be tried if it is thought best.

But will any Senator say, as was said by the Senator from Kansas, that we are only injuring ourselves by what is called retaliatory legislation because the articles they export to this country are those which we desire? Will Senators say that the people of this country desire foreign wines that are adulterated? The wines and liquors those nations send to this country which are adulterated probably produce more disease here than the diseased meats sent abroad, if any such have been sent abroad, produce there; and yet we take those things from those people. Why? Is it because we desire articles of that kind? Certainly not. Why is it then that we shall not say to those countries, "While you refuse to take our products which are sound and good, we shall not take your products which are not sound and good?" Is it because we have not nerve enough as a government to say to them, "While you refuse to receive our exports that are good, we will not receive yours that are not good?" Is that the logic? Is that the argument? That is certainly the point to be arrived at if we require these articles from them and must take them anyhow; and if for fear we might offend them we will not exclude the adulterated wines but will still take them, and yet allow them to exclude our meats which are good and sound. I do not see that that is good policy. I do not see that we should be so mild-mannered with those governments as to receive from them that which is not pure, and yet at the same time permit them to refuse to take from us that which is sound and good.

Now, sir, as I said before, while they exclude our meats from their ports, I am in favor of excluding their adulterated wines and other articles which are impure, as a retaliatory measure for the purpose of letting them know that we can exclude articles which they manufacture as well as they can exclude articles that we do. It is sound policy,

too. There is nothing unsound in that policy. There is nothing unfair in it; there is nothing improper in it; there is nothing that shows that we are trying to do something for the purpose of creating feeling with those governments or those people. They exclude our exports on a bare suspicion of unsoundness, and I would exclude those that are infected from their countries.

Mr. MAXEY. Allow me to ask a question of the Senator from Illinois.

Mr. LOGAN. I have said all I desire to say.

Mr. MAXEY. If retaliatory legislation should be eventually found to be true policy, would it not be well to have a basis for it? Would it not be the better course to put ourselves in a situation where we could adopt such legislation without any sort of criticism from any source? In other words, we now have only outside testimony as to whether or not this meat is pure or impure, healthy or unhealthy; but if we have our own commissioners, experts, to inspect the meat before it leaves here, would not that be a basis for legislation much better than we have now?

Mr. LOGAN. Very well. This resolution carries upon its face any kind of legislation that the committee sees proper to report.

Mr. MAXEY. I was referring to the argument of the Senator.

Mr. LOGAN. The resolution has not in it the point I am making. It only requires the committee to report legislation that will give the President power to protect our interests. If it is by inspection, that is one thing; if it is by retaliation, that is another thing. It is for the Senate, when the legislation is reported, to take such view of the case as it sees proper.

Mr. MAXEY. I understood that, but the Senator from Illinois intimated the line of legislation he thought proper. That, of course, will go before the Committee on Foreign Relations. Like the Senator from Missouri and the Senator from Kansas, I agree that a point may be reached when retaliatory legislation may be wise policy; but are we in a situation now, without further light on the subject, to adopt that line of policy? Germany tells us, and so does France, that the reason of the exclusion is not because they want to exclude American meat, but because this class of meat which they exclude is unhealthy. If that be true, their position is perfectly tenable, indeed impregnable. Now, we think that is not the case, but that the reason is such as was assigned by the Senator from Illinois, that parties in interest having meats put up in other countries are producing impressions on the minds of the German and French Governments when the fact alleged does not exist. How can we arrive at this, then? If we have a corps of experts appointed by the authority of the Government, whose duty it shall be to inspect our meats before they leave and those meats thus exported are reported to be healthful, then we have something absolutely sound upon which to base retaliatory legislation. On that ground it seems to me we can base legislation.

Mr. LOGAN. Would it not be upon the same theory, however, that they exclude our meats if we should say to them that while we have a suspicion of the unhealthiness of wines, and things of that kind, they shall be excluded? Is not that the same principle precisely?

Mr. MAXEY. Undoubtedly, if wines or other things are introduced into this country which are unhealthful, so far as the States are concerned every State has laws against impure and unwholesome meats and drinks, and I have no doubt Congress could pass a law prohibiting the importation of unwholesome meat or drink; but I say that it will not do for us to pass a law of that kind without some basis on which to act. We must have a corps of men officially responsible to us, experts to test that question, so as to have something tangible and definite to rely upon.

Mr. LOGAN. That is a matter for legislation. I only say we have a right to do it and we ought to do it. We may exclude adulterated wines and adulterated articles coming to us either as food or drink.

Mr. MAXEY. I am not disputing that proposition at all.

Mr. LOGAN. That is my proposition. If they legislate against us on account of alleged impure food, why should we not legislate against impure food and drink and exclude them by inspection, the same as they exclude ours? What objection is there to that?

Mr. MAXEY. The point I was endeavoring to make is that while the views of the Senator from Illinois go to the Committee on Foreign Relations, and of course will have their impression and ought to have, other views should in like manner go. While the resolution itself is broad enough to cover the character of legislation indicated by the Senator from Kansas, at the same time it is well for the committee to know that there are many here who believe that before we adopt extreme measures of retaliation we should know precisely what we are doing.

Mr. MILLER, of New York. Mr. President, I think this discussion is a little premature. It is quite evident that the question can not be settled at this time. I understand that we shall in the course of a few days receive from the State Department the entire correspondence with the French and German Governments in regard to the question of the prohibition of our meats being received into those countries. Along with that, I have no doubt, will come a report from the commission appointed by the President to investigate the healthfulness of the meats which are packed in this country and shipped abroad.

I will simply say that the Committee on Agriculture, in connection with the convention of cattle-growers and dealers in meats, have been in session for some days, and that that committee will undoubtedly present to this body a bill with regard to the protection of our cattle against pleuro-pneumonia, and bills also for the inspection of all our meat products which are exported abroad. Of course these bills are not at all in the direction of retaliatory legislation, but in the direction of preservative legislation. And whenever this resolution shall finally be disposed of, in consideration of the wide range the debate has taken and the views expressed by the Senator now in the chair [Mr. INGALLS] and the Senator from Illinois [Mr. LOGAN], as this resolution might call for the introduction of bills looking to the inspection of our meats, I think I shall be warranted in then moving that the resolution shall go to the Committee on Agriculture. I do not care to go into a discussion of that to-day, for I think it premature. I should prefer that this matter wait until the correspondence comes to us from the State Department and the Agricultural Department on this question. For that reason I prefer that the resolution shall now go over.

Mr. MILLER, of California. Mr. President, I move that the Senate proceed to the consideration of executive business.

SAMUEL H. LOCKETT.

Mr. BAYARD. I ask the Senator from California to allow me to call up and have passed a bill to remove the political disabilities of a citizen of Alabama. It passed the House at the last session, but it received a short amendment which prevented its passing the Senate. It will not occupy two minutes of time if there is no objection; and if the Senator will yield I ask to have it considered now.

Mr. MILLER, of California. If no one else objects, I shall not interpose.

Mr. BAYARD. I ask the Senate to proceed to the consideration of Senate bill No. 713.

By unanimous consent, the bill (S. 713) to remove the political disabilities of Samuel H. Lockett, of Alabama, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 3 hours and 17 minutes spent in executive session the doors were reopened.

NAMING OF A PRESIDING OFFICER.

The PRESIDENT *pro tempore* notified the Senate that he would probably be absent at the opening of the session to-morrow on account of a meeting of the Regents of the Smithsonian Institution, and asked unanimous consent to designate Mr. JOHN J. INGALLS, a Senator from the State of Kansas, to perform the duties of the chair for the day in the event of his absence; which was granted.

Mr. LAPHAM. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 15, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The reading of the Journal of yesterday was begun, when

Mr. BLAND asked unanimous consent that the reading of so much of the Journal as related to the introduction and reference of bills and joint resolutions be omitted.

The SPEAKER. Is there objection?

Mr. JONES, of Alabama. I object.

The SPEAKER. The Clerk will proceed with the reading of the Journal.

Some time subsequently,

Mr. JONES, of Alabama, said: I withdraw my objection to the proposition of the gentleman from Missouri [Mr. BLAND].

The SPEAKER. Is there objection to omitting, in reading the Journal, that portion relating to the introduction and reference of bills and joint resolutions.

There was no objection, and it was ordered accordingly.

The remainder of the Journal was then read, and as read was approved.

WILLIAM C. SPENCER.

Mr. COVINGTON, by unanimous consent, introduced a bill (H. R. 3517) for the relief of William C. Spencer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROAD FROM FORT SCOTT, KANS., TO NATIONAL CEMETERY.

Mr. PERKINS, by unanimous consent, introduced a bill (H. R. 3518) appropriating $15,000, or so much thereof as may be necessary,

for the completion of the macadam road from Fort Scott, Kans., to the national cemetery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADULTERATIONS OF FOOD, MEDICINES, ETC.

Mr. GREEN. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The SPEAKER. The resolution will be read, after which the Chair will call for objections.

The Clerk read as follows:

Whereas it is popularly charged and generally believed that divers and various articles of food, drink, and medicine are adulterated by admixtures with baser and usually deleterious substances; and

Whereas such adulterated compounds are injurious to public health and calculated to shorten human life: Therefore,

Be it resolved, That the Committee on Public Health be authorized and directed to inquire into the truth of said alleged abuse, and to report to this House the result of their investigation at as early a day as practicable; and if it shall be shown that such practices exist, then to suggest or recommend in their report what further legislation, if any, is necessary to correct the wrong. And that they may the more effectually do their work,

Be it further resolved, That said committee be, and they are hereby, empowered to send for persons and papers and to employ such chemical and medical experts as they may deem necessary to carry out the end, aim, and object in view.

The SPEAKER. Is there objection to the present consideration of the resolution just read?

Mr. LEWIS. I object.

Mr. GREEN. Then I ask that it be referred to the Committee on Public Health.

There was no objection, and the resolution was referred accordingly.

Mr. REAGAN. What was the reference of the resolution just presented by the gentleman from North Carolina?

The SPEAKER. It was referred to the Committee on Public Health, as requested by the gentleman introducing it.

Mr. REAGAN. I would suggest to the gentleman that a bill on the general subject is before the Committee on Commerce.

IMPROVEMENT OF CHARLESTON HARBOR, SOUTH CAROLINA.

Mr. DIBBLE. I ask unanimous consent to have printed in the RECORD a memorial of the Charleston Chamber of Commerce concerning the jetties in the harbor of Charleston, S. C.

There being no objection, the following memorial was ordered to be printed in the RECORD, and referred to the Committee on Rivers and Harbors:

CHARLESTON CHAMBER OF COMMERCE,
Charleston, S. C., January 12, 1884.

To the honorable the Senate and House of Representatives of the Congress of the United States:

The memorial of the Charleston Chamber of Commerce respectfully sheweth:

That it is of vital importance to the commercial and agricultural interests of this city and State that the work upon the jetties at the entrance of this harbor should be speedily completed.

That the partial work already done at an expense of $1,045,000 to the Government requires immediate protection from deterioration and injury.

That all work upon the jetties has ceased from the 28th of November last from exhaustion of funds.

That the appropriation of $755,000 asked for by the Chief of Engineers, United States Army, for the continuation of the work, should be granted by Congress as early as possible, not only to insure continuous work, but to protect what has already been constructed, and thereby save increased expense to the Government in the future.

The following information recently obtained from Lieutenant Bailey, the United States engineer officer in charge of improvements in Charleston Harbor, will show the present condition of the jetties and the necessity that exists for the work promptly to be resumed, and with ample funds for that purpose:

The crest of the bar, between the lines of the jetties, had moved seaward 500 feet from 1882 to 1883. The survey to date shows that this outward movement has extended along the crest for 2,000 feet south of the south jetty, averaging 500 feet outward, and that this movement is not so marked north of the north jetty.

As the outpour of the ebb between the jetties tends southeast, these observations seem to indicate that the effect is due to the jetties.

The filling of deep pockets between the jetties and consequent tendency to a more uniform channel, and the pronounced outward movement of Jim Evan's Shoal, can, I think, be fairly attributed to the jetties. Seventeen and one-tenth feet can now be carried through the Swash channel at mean high water, and 17.5 feet through Pumpkin Hill.

There are many reasons why work should be promptly resumed, and with ample funds. The following may be mentioned:

The outer end of the north jetty is now 1,000 feet within the outer 18-foot curve. The south jetty approaches to within but 4,700 feet of this curve.

The southward wash around the end of the south jetty will increase the expense of future work through delay by necessitating greater height of jetty.

The present work very probably interferes with the stability of the Pumpkin Hill channel. Shoaling is now suspected there. Future work will certainly affect the regimen of the Pumpkin Hill channel.

The jetties at present may be considered to represent a condition of preparation for the final change of best channel from Pumpkin Hill to the Swash.

This critical transformation should be well supported by ample resources.

The change should be rapidly effected, and the probable period of poor navigation in both channels rendered as short as possible.

Assuming that Congress, in its wisdom, considered the expenditure of $1,800,000 for the present project a good investment, say at 3 per cent., then $54,000 will be lost for every year's delay of the work.

The great advantage to this port and vicinity, and resulting increase of revenue to the General Government, to be secured by this improved channel must represent a considerable sum for even one year, which sum is also lost by delay.

The present length of the north jetty is 14,361 feet; of south jetty, 14,109 feet—or each about two and one-half miles.

Jetty work ceased from exhaustion of funds November 28, 1883.

Your memorialists would further represent that Charleston has a population of over 50,000, and transacts a large exporting and importing business, with abundant facilities for increasing the same. The value of her exports, foreign and coastwise, exceeds $37,000,000 per annum. The manufacturing business is large and increasing. Charleston, moreover, is on the margin of the sea. The deep water of the Atlantic beyond the bar is but six miles from the city. Within the land-locked harbor, with deep water to the wharves, is ample room for the entire shipping of the largest city in the Union. Wharf accommodations are ample for the trade, and can be largely increased when necessary.

The serious impediment to her increased commerce and prosperity is the comparative shallowness of the water on the bar. There is at present 17½ feet of water on the bar at mean high tide; the national jetties now in progress of construction by the United States Government will increase the depth of water to at least 25 feet, making Charleston incomparably the best port and harbor on the South Atlantic.

Your memorialists therefore humbly pray that the appropriation asked for by the Chief Engineer of the United States Army be speedily granted.

E. H. FROST, *President.*
WM. A. COURTENAY,
First Vice-President.
THEO. D. JERVEY,
Second Vice-President.
SAM'L Y. TUPPER,
LOUIS D. DESAUSSURE,
JAMES S. MURDOCH,
Committee under resolutions of the Chamber.

P. J. BARBOT, *Secretary.*

WILLIAM D. STEWART.

Mr. CRISP, by unanimous consent, introduced a bill (H. R. 3519) for the relief of William D. Stewart and other heirs at law of James Stewart, of Americus, Ga., deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. STEELE. I call for the regular order.

The SPEAKER. The regular order being called for, the Chair will proceed to call the committees for reports.

UNDERVALUATION OF IMPORTS, ETC.

Mr. MILLS. I am directed by the Committee on Ways and Means to report the resolution which I send to the desk as a substitute for two resolutions, one offered by the gentleman from New York [Mr. HEWITT], the other by his colleague [Mr. BELMONT].

The Clerk read as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interests, to furnish this House with any information in his possession, including reports from United States consuls, special agents of the Treasury Department, appraisers of customs, and decisions of the Department, concerning the undervaluation, false classification, and other irregular practices in the importation of foreign goods, wares, and merchandise since January 1, 1882, and in his discretion prior thereto; and that he be requested to recommend what legislation, if any, in his opinion, is needed to prevent fraud on the revenue resulting from the causes above specified.

The resolution was adopted.

Mr. MILLS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLLECTION OF WHISKY TAX.

Mr. MORRISON. I am directed by the Committee on Ways and Means to report back the resolution which I send to the desk and recommend its adoption.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be requested to furnish this House with copies of all letters of collectors of internal revenue relative to suspending the collection of tax for whisky listed in September, October, November, and December of the year 1880; also to inform this House whether the time for collecting tax due on whisky listed October, 1880, in the Allegheny or twenty-third collection district for the State of Pennsylvania has been extended, and if so, by what authority.

The resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENERAL WARD B. BURNETT.

Mr. DORSHEIMER. I am directed by the Committee on the Judiciary to report back the petition of General Ward B. Burnett.

The SPEAKER. What is the recommendation of the committee?

Mr. DORSHEIMER. I am instructed by the committee to make an explanation in reference to this report. The petition of General Burnett was referred to the Committee on the Judiciary under the impression that it involved questions of law which would make appropriate some legislation on the part of Congress. But an investigation of the matter has disclosed that all the questions of law involved have been passed upon and disposed of by the Supreme Court of the United States in a proceeding to which this petitioner was a party. Under these circumstances the Judiciary Committee have not thought it appropriate to take any action, and have directed that the petition be reported back to this House with a recommendation that it be referred to the Committee on Pensions.

The SPEAKER. If there be no objection, the Committee on the Judiciary will be discharged from the further consideration of this petition, and it will be referred to the Committee on Pensions.

There being no objection, the petition was referred accordingly.

ORDER OF BUSINESS.

Mr. ROSECRANS. I am directed by the Committee on Military

Affairs to report for adoption a resolution calling for executive information.

The SPEAKER (after examining the resolution). The Chair will state to the gentleman from California that this resolution can not be considered at this time. It is a resolution of inquiry which has not been referred to the committee.

Mr. ROSECRANS. It originated in the committee.

The SPEAKER. It can be reported by the committee, but can not be considered now. It may go to the Calendar.

Mr. ROSECRANS. Then I ask unanimous consent——

The SPEAKER. That can not be asked during this call.

Mr. ROSECRANS. Then I withdraw the resolution.

Mr. REED. Is the report upon something that was referred to the committee? If not, I make the point of order that the committee can not originate legislation.

The SPEAKER. The resolution is withdrawn.

GENERAL ALFRED PLEASONTON.

Mr. BAYNE, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 1101) authorizing the President to appoint and retire Alfred Pleasonton, a major-general; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FITZ-JOHN PORTER.

Mr. STEELE. In accordance with leave already granted by the House, I present the views of a minority of the Committee on Military Affairs upon the bill (H. R. 1015) for the relief of Fitz-John Porter.

The SPEAKER. The views of the minority will be printed with the report of the committee.

CHANGE OF REFERENCE.

Mr. THOMAS, from the Committee on Naval Affairs, reported back bills of the following titles; when the committee was discharged from the further consideration of the same, and they were referred to the Committee on Claims:

A bill (H. R. 656) for the relief of Mrs. Fanny S. Conway; and

A bill (H. R. 2207) for the relief of Mrs. Agnes E. Fry.

RECEPTION OF GIFTS BY UNITED STATES OFFICERS.

Mr. COX, of New York. Mr. Speaker, I am instructed by the Committee on Naval Affairs to report back the following resolution, with the recommendation that it do pass.

The Clerk read as follows:

Resolved, That the Secretary of the Navy is hereby directed to inform this House whether any officer of the Navy has received or accepted any gift or present from any king, prince, or foreign state without the consent of Congress and contrary to the provisions of the Constitution.

Resolved, That the Secretary of the Navy communicate to this House whether the officers——

The SPEAKER. This is a privileged resolution, which could be introduced at some other time for action. If reported now it can only be for reference.

Mr. COX, of New York. I withdraw it, then, for the present. I had an idea that it was a question of privilege, but not under this call.

FORFEITURE OF LAND GRANTS.

Mr. COBB. Mr. Speaker, I have been directed by the Committee on the Public Lands, to which has been referred the subject-matter touching forfeiture of railroad grants, to report a bill (H. R. 3520) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads, and to move that the bill be referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed. I also move that the minority report made by the gentleman from Mississippi [Mr. VAN EATON] be also printed, to accompany the majority report.

There was no objection; and the bill was received, read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report and the views of the minority, ordered to be printed.

SETTLING OF INDIANS IN SEVERALTY.

Mr. LEWIS, from the Committee on the Public Lands, reported back a bill (H. R. 65) to provide for settling the Indians of Los Angeles, San Bernardino, and San Diego Counties, California, upon lands in severalty; and the same was referred to the Committee on Indian Affairs.

PUBLIC BUILDING, LEXINGTON, KY.

Mr. LEWIS also, from the Committee on the Public Lands, reported back the bill (H. R. 593) to provide for the erection of a public building in the city of Lexington, Ky.; and the same was referred to the Committee on Public Buildings and Grounds.

LOUISA BODDY.

Mr. GEORGE, from the Committee on Indian Affairs, reported back with an amendment the bill (H. R. 1292) for the relief of Louisa Boddy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN B. MONTEITH, DECEASED.

Mr. GEORGE also, from the Committee on Indian Affairs, reported back favorably a bill (H. R. 1319) to adjust the accounts of John B. Monteith, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLOSING OF GAPS IN MISSISSIPPI LEVEES.

Mr. KING, from the Committee on Levees and Improvements of the Mississippi River, reported back with amendments the bill (H. R. 3504) to close the gaps in the levees of the Mississippi River, and for other structures for the improvement of the navigation and protection of the commerce of said river; which were referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GEORGE W. BEAN.

Mr. MATSON, from the Committee on Invalid Pensions, reported back the bill (H. R. 1710) granting a pension to George W. Bean; and the same was referred to the Committee on Pensions.

HENRY C. WORTHINGTON.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back the bill (H. R. 1621) for the relief of Henry C. Worthington; and the same was referred to the Committee on Pensions.

A. G. TEBAULT.

Mr. GEDDES, from the Committee on War Claims, reported back adversely the bill (H. R. 1614) for the relief of A. G. Tebault; and the same was laid on the table, and the accompanying report ordered to be printed.

DAVID SINGLETON.

Mr. GEDDES also, from the Committee on War Claims, reported back adversely the petition of David Singleton; and the same was laid on the table, and the accompanying report ordered to be printed.

ALEXANDER P. ROSE.

Mr. GEDDES also, from the Committee on War Claims, reported back adversely the petition of Alexander P. Rose; and the same was laid on the table, and the accompanying report ordered to be printed.

RELIEF OF DADE COUNTY, MISSOURI.

Mr. GEDDES also, from the Committee on War Claims, reported back adversely the bill (H. R. 928) for the relief of the county of Dade, in the State of Missouri; which was laid on the table, and the accompanying report ordered to be printed.

JOHN P. T. DAVIS.

Mr. GEDDES also, from the Committee on War Claims, reported back favorably the bill (H. R. 328) for the relief of John P. T. Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MAJ. WILLIAM M. MAYNADIER.

Mr. GEDDES also, from the Committee on War Claims, reported back the bill (H. R. 1378) for the relief of Maj. William M. Maynadier, paymaster in the United States Army; and moved its reference to the Committee on Claims.

Mr. WARNER, of Ohio. I object, unless the bill properly belongs to the Committee on Claims and not to the Committee on War Claims.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William M. Maynadier, from any moneys in the Treasury not otherwise appropriated, the sum of $3,726.50, the amount paid by him into the Treasury of the United States in liquidation of a deficiency in his accounts as paymaster at Prescott, Arizona Territory, caused by robbery committed by his clerk, D. D. Chandler, at Prescott, April 3, 1876, as shown by the finding and report of a board of inquiry appointed by General Kautz, commanding that military department, to investigate the circumstances of the loss; and also the further sum of $100 paid by said Maynadier for the arrest of Chandler, the restoration of both sums having been recommended by said board of inquiry.

Mr. WARNER, of Ohio. I withdraw my objection.

The bill was referred to the Committee on Claims.

J. W. STONE.

Mr. GEDDES also, from the Committee on War Claims, reported back the petition of J. W. Stone; and the same was referred to the Committee on War Claims.

ADVERSE REPORTS.

Mr. JONES, of Wisconsin, from the Committee on War Claims, reported back with adverse recommendations petitions of the following titles; which were severally laid upon the table, and the accompanying reports ordered to be printed:

The petition of the city of Memphis, Tenn., asking compensation for the use and occupation of the navy-yard at Memphis during and subsequent to the late civil war,

The petition of Hugh Core, of Pulaski County, Arkansas, for property taken by the Federal forces during the late war of the rebellion; and also

The petition of Elias R. Core, of Pulaski County, Arkansas, for property taken from him by the Federal forces during the late rebellion.

JOHN TAYLOR & SON.

Mr. BOWEN, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 1198) for the relief of John Taylor & Son; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN D. LAKIN.

Mr. BOWEN also, from the Committee on War Claims, reported, as a substitute for H. R. 1264, a bill (H. R. 3521) for the relief of Benjamin D. Lakin; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. TULLY, from the Committee on War Claims, reported back with adverse recommendation bill and petitions of the following titles; which were severally laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. 860) for the relief of Alfred Houston;

The petition of Isaiah Sweat;

The petition of R. H. Wood, executor of the estate of J. H. Bills, deceased; and also

The petition of Z. C. Nolen.

SIDNEY HENDERSON.

Mr. TULLY also, from the Committee on War Claims, reported a bill (H. R. 3522) for the relief of Sidney Henderson, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WEAVER & STERRY.

On motion of Mr. MULDROW, by unanimous consent, the Committee on Private Land Claims was discharged from the further consideration of the bill (H. R. 138) for the relief of Weaver & Sterry; and the same was referred to the Committee on Ways and Means.

SPECIAL DAYS FOR BUSINESS OF DISTRICT OF COLUMBIA.

Mr. BARBOUR. Under instructions from the Committee on the District of Columbia I desire to submit the following resolution, and ask unanimous consent that it be read and referred to the Committee on Rules.

The Clerk read as follows:

Resolved, That the second and fourth Mondays of each calendar month hereafter during the continuance of the Forty-eighth Congress, after the call of States and Territories for bills and joint resolutions, be, and the same are hereby, set apart for the consideration of such business as may be presented by the Committee on the District of Columbia.

The SPEAKER. Is there objection to the reference of the resolution?

There being no objection, the resolution was referred to the Committee on the Rules.

APPROPRIATIONS FOR DISTRICT OF COLUMBIA.

Mr. BARBOUR. I am also instructed by the Committee on the District of Columbia to offer the resolution which I send to the desk for reference to the Committee on Rules.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That authority be given to this committee to report directly to the House all bills involving appropriation for the District of Columbia.

Mr. RANDALL. I make the point of order that this does not come properly from that committee as a report.

The SPEAKER. The Chair will ask the gentleman from Virginia if this subject was referred to the committee?

Mr. BARBOUR. I am unable to hear the question of the Chair.

The SPEAKER. The Chair will state to the gentleman from Virginia that a point of order is made that this resolution does not come properly from that committee on this call for reports, the subject not having been referred to the committee, and the Chair is inclined to think that the point of order is well taken.

Mr. RANDALL. I am willing as far as I am individually concerned to have the resolution go to the Committee on Rules.

Mr. REED. There seems to be a general misunderstanding on the part of the committees of the House this morning that they can originate legislation. I suppose nothing is better established than that the committees are the mere creatures of the House, for the purpose of doing its work and not their own; that the House must initiate all legislation by referring the matter to a committee, and that otherwise the committee has no right to report upon the subject-matter at all. This, it seems to me, ought to be clearly understood in view of the proceedings that have taken place here this morning.

The SPEAKER. The Chair has already indicated that the resolution was not in order under this call.

Mr. REED. I speak because there have been several instances this morning of such action on the part of the committees.

Mr. BARBOUR. I withdraw the resolution.

ORDER OF BUSINESS.

The Committee on Expenditures in the Department of Justice having been called,

Mr. VAN ALSTYNE said: I am instructed by the Committee on Expenditures in the Department of Justice to report back to the House and to recommend the adoption of the resolution referred to that committee yesterday calling upon the Secretary of the Treasury for information.

The SPEAKER. If that resolution is reported back now it can not be disposed of under the call of committees for reports. Under the rules nothing can be done in that call except to refer the reports which are made to the appropriate calendars.

Mr. VAN ALSTYNE. This resolution was referred to the committee yesterday.

The SPEAKER. The gentleman can report back the resolution, but it can not be acted upon by the House at this time. But the Chair will state to the gentleman that this is a privileged report, and can be made at any time when the House is not engaged in other business.

Mr. VAN ALSTYNE. I will submit the report and ask the privilege of calling it up after the call of committees is completed.

The SPEAKER. That can not be done. If the gentleman submits the report now it must go to the Calendar.

Mr. VAN ALSTYNE. Then I withdraw it for the present.

PUBLIC ROADS AND HIGHWAYS POST-ROUTES.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the bill (H. R. 1482) making all public roads and highways post-routes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INFORMATION AS TO ARMY OFFICERS.

The SPEAKER. The call of committees for reports has been concluded.

Mr. LYMAN. I ask unanimous consent, on the part of the Committee on Military Affairs, to submit a resolution for present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War be directed to furnish to the House of Representatives without delay the name, rank, and regiment or corps of each officer of the Army borne on the sick report for long periods or continuously, as unable to perform full duty, since July 1, 1876, to December 31, 1883;

The name, rank, regiment, or corps of each officer of the Army who has been recommended for retirement since July 1, 1876, to December 31, 1883; the name and date of retirement of each officer who has been retired;

The name, rank, and regiment or corps of each officer of the Army now on sick leave, or unable to perform full duty, and in each case when said officer ceased doing full duty;

The length of time each officer who has been retired since July 1, 1882, up to December 31, 1883, had been on the sick report or off duty previous to his retirement, in each case giving his name, rank, and regiment or corps;

The name, rank, and regiment or corps of each officer in the Army who has been recommended by a board of retirement, and the date of retirement of each officer retired thereupon, showing those who have not been retired, up to December 31, 1883;

The number of vacancies that existed in the grade of second lieutenant in the Army on the 1st day of September, 1879, and on the 20th day of November, 1880;

The names of all persons appointed from civil life to be second lieutenants, and the names of all non-commissioned officers and enlisted men of the Army appointed to be second lieutenants, with the dates of appointment, in each of the two years ending June 30, 1880, and June 30, 1881.

The resolution was adopted.

Mr. LYMAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE CLERK.

Mr. McMILLIN. By direction of the Committee on Claims, I desire to submit the resolution which I send to the desk for reference to the Committee on Accounts.

The resolution was read, as follows:

Resolved, That the Committee on Claims be authorized during this session only, until the further order of the House, to employ an assistant clerk, to be paid out of the contingent fund of the House at the same rate of compensation now paid to session committee clerks.

The resolution was referred to the Committee on Accounts.

HEIRS OF GEORGE W. WELSH.

Mr. LAWRENCE, by unanimous consent, introduced a bill (H. R. 3523) for the relief of the heirs of George W. Welsh; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPORTS INJURIOUS TO HEALTH.

Mr. TOWNSHEND, by unanimous consent, introduced a joint resolution (H. Res. 111) authorizing the President, during the recess of Congress, to prohibit the importation of any imports injurious to public health from those countries which, upon the same ground, prohibit the importation of any American goods or products; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REPORT ON RAILROAD RATES.

Mr. SKINNER, of New York. As directed by the Committee on the Post-Office and Post-Roads, I ask unanimous consent to introduce for reference to the Committee on Printing the joint resolution which I send to the desk.

The joint resolution was read, as follows:

A joint resolution to print a report made to the Postmaster-General relating to the carrying of mails.

Resolved, That the Public Printer be, and he is hereby, authorized to print 1,000 extra copies of the report of the committee appointed by the Postmaster-General to devise a more complete system of gauging the rates of pay for carrying the mails on railroad routes under the act of Congress approved March 3, 1883; 3,400 copies for the use of the House, and 600 copies for the use of the Senate.

The joint resolution (H. Res. 112) was received, read a first and second time, referred to the Committee on Printing, and ordered to be printed.

TON-KA-WA INDIANS.

Mr. THROCKMORTON, by unanimous consent, introduced a bill (H. R. 3524) for the benefit of the Ton-ka-wa Indians; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SARAH HARPER.

Mr. BINGHAM, by unanimous consent, introduced a bill (H. R. 3525) granting a pension to Sarah Harper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. AMANDA M. SMITH.

Mr. BINGHAM also, by unanimous consent, introduced a bill (H. R. 3526) granting an increase of pension to Mrs. Amanda M. Smith, widow of the late General Thomas A. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. BARKSDALE. I am recorded in the RECORD of the proceedings of yesterday as having "laid on the Clerk's desk papers relating to the improvement of Pearl River and of Big Black River and other navigable streams in the State of Mississippi." They were bills which I introduced, and I ask that the Journal be corrected, in order that the bills may be printed.

The SPEAKER. The Chair is informed that the Journal is correct. The bills referred to by the gentleman from Mississippi [Mr. BARKSDALE] under the rule of the House went into the petition-box and through that to the proper committee. The Chair will cause this rule to be read, because there seems to be some misunderstanding about it among members.

The Clerk read as follows:

All bills for improvement of rivers and harbors and for the establishment or change of post-routes shall be delivered to the Clerk, as in the case of petitions and memorials, for reference to appropriate committees.—[Rule XXI, clause 5.]

The SPEAKER. And such bills are not printed except by order of the House.

Mr. BARKSDALE. Then I ask consent of the House for the printing of those bills.

Mr. KEIFER. Let us understand this matter. Why should these bills be distinguishable from other bills of like character? All should be printed or none.

The SPEAKER. Objection being made, it is not so ordered.

AMERICAN IRON AND STEEL STEAMERS.

Mr. REAGAN. I was not in my place this morning when the Committee on Commerce was called. I now ask consent to report back from that committee the bill (H. R. 59) to encourage the building of American iron and steel steamers. As the provisions of the bill relate to the carrying of the mails, I ask that the Committee on Commerce be discharged from its further consideration and that the same be referred to the Committee on the Post-Office and Post-Roads.

There was no objection, and it was ordered accordingly.

REINHARD WAGNER.

Mr. CURTIN. I ask consent to submit for present consideration the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the President be, and he is hereby requested, if in his opinion it be not incompatible with the public interest, to furnish for the information of the House of Representatives copies of correspondence on file in the Department of State in relation to the reported arrest at Lodz, in Russian Poland, of Reinhard Wagner, a citizen of the United States.

Mr. CURTIN. I will just say that that resolution is offered with the knowledge and approbation of the State Department.

There being no objection, the resolution was received, considered, and adopted.

Mr. CURTIN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOMBARDMENT OF ALEXANDRIA, EGYPT, ETC.

Mr. COX, of New York. I am instructed by the Committee on Naval Affairs to report back with the recommendation that the same be adopted the resolution of inquiry which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Secretary of the Navy is hereby directed to inform this House whether any officer of the Navy has received or accepted any gift or present from any king, prince, or foreign state without the consent of Congress and contrary to the provisions of the Constitution of the United States.

Resolved, That the Secretary of the Navy communicate to this House whether the officers and sailors of the United States ever rendered any service to the British navy in the recent bombardment or occupation of Alexandria, in Egypt, together with all correspondence relating thereto now in the possession of the Department.

Mr. KEIFER. I do not rise to oppose these resolutions, but to ask that the gentleman who reports them from the committee shall state some reasons at least for the first resolution. It seems to be implied by that resolution that officers of the United States Navy have been violating the Constitution of the United States in accepting gifts from foreign powers. I should be very glad to hear from gentlemen on the other side some reason that will justify our adopting a resolution that assumes that such a violation has taken place.

Mr. COX, of New York. In response to the gentleman from Ohio [Mr. KEIFER] I will say that at the request of the Committee on Naval Affairs I have made some inquiry, and find that there is a basis for the two resolutions presented.

The gentleman from New York, my colleague [Mr. ROBINSON], who presented the resolutions to the House and asked their reference to the Committee on Naval Affairs, states that he is advised that one of the officers of the Navy has boasted of receiving a present from a foreign government. It is within my own knowledge that one officer at least has received a very valuable present from, I think, the Government of Sweden and Norway; but he has very properly asked the consent of Congress to accept it. The answer to this resolution may in this regard vindicate a very meritorious officer.

As to the second resolution and the assistance which our Navy may have given at the bombardment of Alexandria, Egypt, it is within my own knowledge that there were some officers, American officers, who performed very valuable services at the time of that bombardment. If any one has assisted the British wrongfully, or against the ordinary rules of neutrality between nations, I would like that the facts should come out, so that we may know who are deserving and who are not.

I introduced the other day a joint resolution giving the thanks of this Congress to Col. Charles C. Long, who went into Alexandria during the bombardment and conflagration and who rescued our consulate and did more than any other person in saving that city from conflagration. Although this resolution was not intended by the gentleman who introduced it to reach all these cases, I think it will redound to the honor of some men if the correspondence shall become known. And if any person connected with our Navy may be subject to reproach by reason of that correspondence, surely we ought to know it.

I will yield now to my friend from New York [Mr. ROBINSON] who introduced the resolution, if he desires to say anything about it.

Mr. BROWNE, of Indiana. Mr. Speaker, is this discussion in order?

The SPEAKER. The question is upon agreeing to the resolution. That is debatable.

Mr. REED. Let us have the question.

The SPEAKER. The gentleman from New York is entitled to the floor.

Mr. ROBINSON, of New York. I wish to say simply a word or two, as I presume there will be no objection to the passage of these resolutions. I understand, Mr. Speaker, the charge has been made that our officers, marines, and men connected with our Navy made themselves conspicuous and obsequious in aiding England in slaughtering the Egyptians. This charge has been met with a quasi denial. This matter was up in this House during the last session. I had introduced a resolution similar to this, but before the committee had acted upon it the Secretary of the Navy, anticipating the action of the committee, sent in a communication, which did not bring down the facts to the date of the bombardment. While the communication of the Secretary of the Navy was a quasi denial that our troops had taken any part with England in that bombardment, it did not meet the question. The matter was not properly presented to the Secretary, as it will be by these resolutions. So general was the belief that this thing had been done, that in the exhibition of fireworks at Manhattan Beach, on Coney Island, where, as gentlemen know, they have had costly and brilliant displays of pyrotechnics, at the conclusion of this exhibition, which, by the way, was gotten up by an Englishman imported for the occasion, it was—represented that when England was slaughtering honest Egyptians who had some idea of liberty—perhaps they had read of Washington—it was represented that after the English had expended their fury upon these poor Egyptians the American tars were rushed in and the Egyptians used up.

If that is what our Navy has been doing, if we have no other use for it than to aid tyrants, let us call them home, and set them to hoeing potatoes or raising corn. I object to such a use of our American Navy abroad. Although the charge that our officers and men had rendered

such assistance has been met with the quasi denial to which I have referred, the British admiral in London—at the lord mayor's dinner, I think—rendered his homage to our American Navy, who obeyed him as servants on that occasion and helped him to do his disgraceful work. The charge is either true or false, and we are entitled to know the facts.

As to the other part of the resolution, it has been stated and not denied—indeed I believe it has been openly acknowledged—that an officer of the United States who was present at the inauguration of another tyrant in another country made himself so agreeable to the tyrant that he was rewarded by the Czar with a snuff-box (which he does not use, I believe) gemmed with diamonds, worth $15,000. This has been published abroad as if it were a graceful act. What did our ancestors do? They provided that no person in the employment of the United States should receive any gift from any foreign government. Even a wreath of roses thrown by direction of a foreign power upon the coffin of a dead servant of this country was a violation of the Constitution. Though it has thus been provided in our Constitution that "no person holding any office of profit or trust under them (the United States) shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind from any king, prince, or foreign state," such as our American minister has recently received from the University of Edinburg—a clear violation of the Constitution, though I do not wonder at it, because he is more an Englishman than American—these things are going on from day to day; and such apathy has been exhibited on the part of the United States, that officers of the Government do not hesitate to publish it abroad that they have violated in this respect the mandate of the Constitution. Here is an American commodore sent to Russia to witness the inauguration of perhaps the greatest tyrant in the world, and he comes home gemmed all over with snuff-boxes and diamonds—the insignia of the worn-out splendor of tyranny—and calls upon the people of the United States to sanction what was done in violation of the Constitution. This snobbery, this imitation of the ways and manners of tyrants abroad, has dishonored the service of our Government. We demand that the public servants shall obey the Constitution and shall not hobnob with tyrants, making the world believe, as it does believe, that the destiny of this great country is to "play second fiddle" to all the despots of the world.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were adopted.

Mr. COX, of New York, moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE A. MARSHALL.

Mr. DOCKERY, by unanimous consent, introduced a bill (H. R. 3527) granting a pension to George A. Marshall; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

NAVIGATION OF DETROIT RIVER.

Mr. MAYBURY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rivers and Harbors:

Whereas the Lime Kiln Crossing (so called) in the Detroit River is the most dangerous obstruction to navigation in the chain of the great lakes of the Northwest; and

Whereas upwards of forty thousand vessels, whose estimated freight is over seventeen millions of tons aggregate, pass through the Detroit River in a single season, and are subject to constant damage and detention at the crossing aforesaid; and

Whereas the plan for completing the improvement has been fully approved by the engineering department in charge of the work, and the estimated cost of completing the same has been reported and approved by the Engineer-in-Chief; and

Whereas of the original estimate of $1,100,000 required to complete the work but $335,000 have been expended, while the further sum of $227,000 will remove all obstructions in the channel, render its navigation safe and convenient, and is urgently demanded: Therefore,

Resolved, That the Committee on Rivers and Harbors of this House be, and is hereby, requested to take into consideration the wisdom of having the improvement referred to in the preamble of this resolution completed within the present year and of making the requisite appropriation to that end.

RICHARD F. BARRETT.

Mr. GRAVES (by Mr. DOCKERY) introduced, by unanimous consent, a bill (H. R. 3528) for the relief of Richard F. Barrett; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

E. H. GEORGE AND H. W. WALKER.

Mr. MOULTON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be directed to pay, out of the contingent fund of the House, to E. H. George the sum of $125, and H. W. Walker the sum of $250, the said compensation being for services rendered in closing and opening new books in the office of Sergeant-at-Arms and preparing mileage reports for payment.

SHIPPING.

Mr. SLOCUM. I move, Mr. Speaker, that the bill H. R. 2228, with the accompanying report, be reprinted. It is the bill which was introduced by the gentleman from Maine [Mr. DINGLEY] on the subject of shipping. I am informed that the number heretofore ordered to be printed is exhausted, while there continues to be a large demand for the bill and report.

Mr. COX, of New York. I hope my colleague will also include in his motion the printing of amendments to the bill.

Mr. SLOCUM. Yes, I will also include in my motion to reprint the amendments offered to the bill.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

TARIFF ON IMPORTED WOOL.

Mr. CONVERSE. I have received memorials and resolutions adopted by citizens of my district praying for a restoration of the tariff of 1867 on imported wool, and I move that they be printed in the RECORD and referred to the Committee on Ways and Means. It is not necessary to read them.

There was no objection.

The papers are as follows:

Whereas one-third, if not more, of the farmers are dependent upon sheep husbandry for a livelihood; and

Whereas there are no notable benefits derived from the late tariff legislation in the interests of this great producing class, but, on the contrary, it works disastrously to their material welfare; and

Whereas a judicious and equitable tariff on wool is the only hope of maintaining and perpetuating sheep husbandry in this country: Therefore,

Resolved by the wool-growers of Licking County in convention assembled, That the reduction of the tariff upon wool by the late Congress was a base ingratitude, and inimical to the best interests of 20,000,000 laborers of the United States, and likewise prejudicial to the financial prosperity of our nation.

Resolved, That justice and equity demand the restoration of the wool tariff of 1867, and that our Senators and Representatives in Congress are requested to use every effort to restore said tariff on wool.

Resolved, That our thanks are due Hon. GEORGE L. CONVERSE for his timely efforts to restore the old tariff upon wool.

Resolved, That a copy of these resolutions be sent to each Senator and Representative in Congress assembled, and that the proceedings of this convention be published in our county papers.

I hereby certify that the above resolutions were adopted by the Licking County Wool-Growers' Association, December 29, 1883.

H. W. HOWE,
Secretary Licking County Wool-Growers' Association.

At a called meeting of the wool-growers of Guernsey County, Ohio, the following resolutions were passed, December 13, 1883:

Whereas in the course of tariff legislation the Forty-seventh Congress reduced the tariff on wool to the extent of the ad valorem duty thereon, thereby crippling the industry and rendering it unremunerative: Therefore,

Resolved, That we ask Congress at its present session to restore the tariff on wool in at least an equal degree with the tariff of 1867; and

Resolved, That we make the question a non-partisan political issue, and support only men who will honestly labor to secure the above desired legislation.

Very truly, yours,

W. S. BRASHEAR,
Secretary Wool Growers, Guernsey County, Ohio.

To the Senate and House of Representatives
of the United States in Congress assembled:

The undersigned wool-growers in the State of Ohio respectfully and earnestly petition the Congress to restore the duties on foreign wools substantially as they were enacted by the act of 1867.

The flagrant injustice done to the wool-growers by abolishing the ad valorem duties provided by the wool tariff of 1867 demands your attention, and we venture briefly to state some reasons for this assertion:

Prior to that enactment no substantial protection had been given by Congress to the production of American wools, whereas the manufacturers of wool had been sufficiently protected against similar foreign fabrics. This well-known fact led to a conference of wool-growers and manufacturers, who, after careful and laborious consideration, agreed upon the act of 1867, and this agreement became the law of that date.

At that time the number of sheep in the United States was about 22,000,000, and the annual product of wool was about 60,000,000 pounds. Under the influence of this law sheep husbandry rapidly advanced, until the number of sheep is now over 50,000,000 and the annual product of wool is more than 300,000,000 pounds. With this increase the price of wool has steadily receded from 51 cents a pound in 1867 to 42 cents prior to the tariff of the last Congress. The stability of the home market, secured by the act of 1867, accounts for this rapid increase of production and for the reduction in price. Let it be remembered that these facts carried sheep husbandry into every State in the Union, and in some of these States not a county is found without a portion of its wealth invested in wool production, so that there is to-day 1,000,000 flockmasters who are demanding the restoration of the late tariff.

Your petitioners further state that the abolition of ad valorem duties has reduced the price of wool during the current year to the producer not less than 5 cents per pound; which equals, on the entire product of 300,000,000 pounds, $15,000,000, and they ask: "Who have been benefited by the loss?"

The consumers of woolen goods certainly have not, for on many classes of such goods prices have advanced. In fact and in truth this great loss has only augmented the profits of manufacturers, without any appreciable advantage to those who consume the fabric.

It must not be forgotten that the producers of wool have been compelled to submit to this reduction in order to compete with foreign wools. There are 80,000,000 of sheep in Australia, and with her mild climate and perennial pastures she can multiply this number, until she quadruples the present production of the United States, and finally destroy this industry. Great efforts are now being made by certain parties in the United States to assist Australia in this competition, by improving the quality of her wool through the instrumentality of the best American merino blood. This effort seems to have been commenced simultaneously with the effort to modify the act of 1867.

The loss to the United States by destroying sheep husbandry will not be confined to the direct loss of the wool production. The value of sheep for fertilizing land, and thereby enabling it to sustain the drain incident to the production of the cereals, is an important factor in this problem, especially in the grain-producing States, and this incidental loss is of great magnitude, and is best understood by those who are practical agriculturists. Wool is the only production of those who till the soil that is directly and materially benefited by economic legislation. We therefore urge upon Congress the duty of restoring the duties provided by the act of 1867.

Why should the manufacturers have free wool, or wool with a duty so low as to let in foreign wools, unless the consumers of their products have free goods, or goods with a duty so low as to admit foreign fabrics?

We are protectionists, and desire to see all American industries and American labor fairly and uniformly protected by just and equal economic legislation. Wherefore we respectfully and earnestly pray for the relief herein requested.

HARBOR OF REFUGE, JERRY'S POINT, NEW HAMPSHIRE.

Mr. HAYNES, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to transmit to the House of Representatives all reports relating to the improvement of shoal in channel of harbor of refuge near Jerry's Point, New Hampshire.

Mr. HAYNES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARBOR OF REFUGE, SANDY BAY, MASSACHUSETTS.

Mr. STONE. I ask by unanimous consent that the memorial of the governors and members of executive council and members of Legislatures of Maine, Massachusetts, and New Hampshire, and of shipowners and pilots of the principal seaports in New England, for the establishment of a harbor of refuge at Sandy Bay, Cape Ann, Massachusetts, be printed in the RECORD, and referred to the Committee on Rivers and Harbors.

Mr. DUNN. How much of the RECORD is that memorial likely to occupy? It looks voluminous.

The SPEAKER. The Chair is unable to inform the gentleman.

Mr. DUNN. I object.

Subsequently Mr. DUNN withdrew his objection, as he learned the memorial was a brief one; and it was ordered to be printed in the RECORD without the names.

It is as follows:

To the honorable Senate and House of Representatives of the United States:

We, the undersigned, the governors and members of executive council and Legislatures of the States of Maine, Massachusetts, and New Hampshire, shipowners, pilots, and others of the principal seaports in New England, would humbly represent to your honorable bodies that there is great need of a harbor of refuge on the eastern coast of Massachusetts. No point is more favorable or better located for such a harbor than Sandy Bay, Rockport, at the extremity of Cape Ann. More than seven-tenths of our import and export trade, besides all of our eastern carrying trade, pass so near the cape as to make a harbor of refuge at that place of incalculable value to the commercial interests of the United States. Had such a harbor been located there many shipwrecks would have been prevented, many lives saved, and in stress of weather the necessity of again putting to sea would have been avoided, thus saving an immense amount of suffering to our seafaring men.

The last session of Congress provided for a survey of "Sandy Bay, Rockport, Mass., with a view to the construction of a breakwater for a harbor of refuge;" said survey has been completed, and the project receives the approval of the engineer. We now ask that you make an appropriation, and that said breakwater be commenced at an early day. We consider that the interests of commerce and humanity demand such action. And as in duty bound will ever pray.

SALARIES OF UNITED STATES JUDGES.

Mr. BAYNE, by unanimous consent, introduced a bill (H. R. 3529) to increase the salaries of district and circuit judges of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BETSEY WEISSENFELD.

Mr. HOBLITZELL, by unanimous consent, introduced a bill (H. R. 3530) for the relief of Betsey Weissenfeld; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STAR-ROUTE CORRESPONDENCE.

Mr. SPRINGER. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved, That the Postmaster-General be requested to furnish the House of Representatives with copies of all correspondence between the Department of Justice and the Post-Office Department touching the prosecution of persons charged with frauds in connection with the star-route mail service, and a statement of the names of individuals found to be indebted to the United States, and the amount of indebtedness of each in consequence of such frauds; and also an itemized statement of the expenditures in the Post-Office Department from the 4th day, of March, 1881, to the 1st day of January, 1884, in the investigation and prosecution of such frauds.

Mr. REED. How does this come before the House?

The SPEAKER. The gentleman asked leave to introduce it for present consideration, if there be no objection.

Mr. HISCOCK. I wish to suggest a modification.

The SPEAKER. Is there objection?

Mr. HISCOCK. Yes, I must object to its adoption unless I can modify it.

Mr. REED. Such action, it seems to me, should be taken only on the report of a committee of this House.

The SPEAKER. Is there objection to the resolution?

Mr. REED. Yes, I object to action on it at this time.

Mr. SPRINGER. I move that it be referred to the Committee on Expenditures in the Department of Justice.

The resolution was received, and referred to the Committee on Expenditures in the Department of Justice.

SUSPENDED RIVER AND HARBOR IMPROVEMENTS.

Mr. SHELLEY. I move by unanimous consent the adoption of the following resolution:

Resolved, That the Committee on Rivers and Harbors be instructed to inquire into the necessity of making an immediate appropriation for continuing work on important river and harbor improvements where work has been, or is about to be, suspended for want of money, and report by bill or otherwise.

Mr. RANDALL. Is that for reference?

Mr. WILLIS. Let it be referred.

Mr. SHELLEY. Very well; then let the resolution be referred.

The resolution was received, and referred to the Committee on Rivers and Harbors.

IMMEDIATE APPROPRIATION FOR THE MISSISSIPPI RIVER.

Mr. WILLIS. Mr. Speaker, when the Committee on Rivers and Harbors was called this morning the report upon the bill referred to that committee was not quite completed. I now ask unanimous consent to present the bill and the accompanying report for reference and printing; following that with the motion to take from the Speaker's table Senate bill of similar tenor, making an appropriation for continuing the work on the Mississippi River, and refer that also to the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair will first submit the request of the gentleman from Kentucky for unanimous consent to make the report from the Committee on Rivers and Harbors on his statement that the report was not completed at the time the committee was called.

Mr. KING. I offer to amend the motion——

The SPEAKER. The gentleman can not amend a request for unanimous consent. The question now is, is there objection to the request of the gentleman from Kentucky?

Mr. WHITE, of Kentucky. What is the request of the gentleman from Kentucky?

Mr. WILLIS. I will say to the House for its information that the Committee on Rivers and Harbors adopt the Senate bill——

The SPEAKER. The Chair will state that the bill reported by the gentleman from Kentucky is reported now for reference only; and the question is, is there objection?

Mr. KING. He made a subsequent motion.

The SPEAKER. The Chair entertains but one motion. Is there objection to the request?

Mr. WHITE, of Kentucky. We do not know what it is.

Mr. REED. There cannot be unanimous consent unless the House knows the subject on which it is sought to obtain consent.

The SPEAKER. The Clerk will report the title of the bill reported by the gentleman from Kentucky from the Committee on Rivers and Harbors.

The Clerk read as follows:

A bill making an appropriation for continuing the improvement of the Mississippi River.

The SPEAKER. Is there objection to the presentation of this report at this time?

There was no objection.

The bill (H. R. 3531) was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WILLIS. Now I ask unanimous consent to take from the Speaker's table the Senate bill in reference to the same subject, and refer that also to the Committee of the Whole House on the state of the Union.

The SPEAKER. The Clerk will report the title of the bill, after which the request of the gentleman will be submitted.

The Clerk read as follows:

A bill (S. 1038) making an appropriation for continuing the improvement of the Mississippi River.

Mr. KEIFER. Let it go to the Committee on Rivers and Harbors.

The SPEAKER. Objection is made.

Mr. WILLIS. I will state that this bill has been practically before the committee, and the committee have adopted the Senate bill, so that the bill now proposed by the committee is precisely the same as the Senate bill.

Mr. KEIFER. I will withdraw the objection.

Mr. KING. I move to take that bill from the Speaker's table and put it upon its passage.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair has not disposed of the request of the gentleman from Kentucky. There being no objection, the Senate bill will be taken from the Speaker's table and referred to the Committee of the Whole House on the state of the Union.

Mr. KING. I moved that the bill be taken from the Speaker's table and put upon its passage.

The SPEAKER. That does not take precedence of the motion to refer.

Mr. MILLS. I understood that unanimous consent was asked that it be taken from the Speaker's table and referred to the Committee of the Whole House on the state of the Union together with the bill reported by the committee.

Mr. WILLIS. That was my request.

Mr. KING. Then I withdraw the objection.

The SPEAKER. The bill will be so referred.

ABROGATION OF DUTIES BY TREATY STIPULATION.

Mr. MILLS. The gentleman from Kentucky yields to me for a moment to introduce a resolution for present consideration.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Judiciary Committee be directed to report to the House whether the President, by and with the advice and consent of the Senate, can negotiate treaties with foreign governments by which the duties levied by Congress on importations can be changed or abrogated.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. DORSHEIMER. Let the resolution be again reported, as it was not distinctly heard.

The resolution was again read.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. MILLS moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMEDIATE APPROPRIATION FOR MISSISSIPPI RIVER IMPROVEMENT.

Mr. WILLIS. Acting upon the instructions from the Committee on Rivers and Harbors, I move that the House now resolve itself into Committee of the Whole House on the state of the Union, my object being to take up for consideration the Senate bill making an appropriation for continuing the improvement of the Mississippi River; and pending that motion I ask unanimous consent that all bills preceding that upon the Calendar be laid aside.

Mr. MILLER, of Pennsylvania. I object to that.

Mr. KING. I hope the gentleman will not object.

Mr. BELFORD. I would like to ask if it is not common for a majority of this House to resolve itself into Committee of the Whole to consider questions of great national importance?

The SPEAKER. No question has been made on that point.

Mr. BELFORD. That is just what I desire to be informed about. The gentleman from Kentucky has made a motion to that effect, and, as I understand it, some other gentleman here interposes an objection. I object, for my part, to any one man controlling the action of this House.

The SPEAKER. Objection was made to the request made by the gentleman from Kentucky for unanimous consent to lay aside all other bills on the Calendar in the Committee of the Whole. That objection was well taken.

Mr. BELFORD. I did not so understand it.

The SPEAKER. The only question now is upon the motion of the gentleman from Kentucky that the House resolve itself into Committee of the Whole House on the state of the Union.

AMERICAN LIVE-STOCK AND MEAT PRODUCTS.

Mr. HATCH, of Missouri. Before the motion is submitted to go into Committee of the Whole House on the state of the Union, I ask the gentleman from Kentucky to yield to me for a moment so that I may be able to present a memorial from the committee of the national live-stock convention held in Chicago in November, 1883, with the request that it be printed in the RECORD of to-morrow morning for the information of the House, and as it relates to agriculture, that it be referred to the Committee on Agriculture.

Mr. RANDALL. I do not object to that; but I desire to give notice that in future these matters ought to go to a committee. Printing in the RECORD involves considerable expense and lumbers up the RECORD, which is already a burden to get through.

Mr. HATCH, of Missouri. This is but a short memorial. It is an important subject, and the Committee on Agriculture desire it to be laid before the House for its information.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The memorial is as follows:

A memorial of the committee of the national live-stock convention held in Chicago November, 1883.

To the Senate and House of Representatives of the United States in Congress assembled:

Your petitioners respectfully set forth that at a national convention of the live-stock breeders of the United States, representing twenty-two of the principal stock-growing States and Territories, held in the city of Chicago, November 16, 1883, they were appointed a committee for the purpose of presenting to your honorable body a statement of the losses which the live-stock interests of the country suffer by reason of the restrictive regulations now enforced by foreign governments against the importation of American live-stock and meat products into their respective countries.

We believe that these regulations are, to a great extent, inspired by motives other than those publicly assigned. It is claimed that our cattle are infected with a disease known as contagious pleuro-pneumonia, and that our swine are diseased in various ways—but more particularly with trichinosis. It is further alleged that we have no adequate system of inspection of either live-stock or dead-meat products. While the facts do not fully bear out these allegations, yet they contain a sufficient amount of truth to give them a degree of plausibility.

The facts are briefly these: The disease of lung-plague exists to a limited extent in circumscribed localities along the Atlantic seaboard, where it was first introduced by importation from Great Britain and Holland. Various State laws have been passed for the suppression of this disease and several hundred thousand dollars expended, but owing to the lack of united action by several States, and the difficulty of regulating by State enactments the commerce between the States, it has been impossible so far to entirely eradicate the disease, except in the single State of Massachusetts, which took immediate action on discovering the disease, and by prompt measures, at an expenditure of about $100,000, successfully eradicated it.

There is also a certain amount of disease existing among the swine of the United States, but certainly to not nearly so great an extent as is represented abroad. The statistics of our export trade show that we are now annually losing millions of dollars by reason of these restrictions. The number of neat cattle in the United States as estimated by the census of 1880 is 41,171,000, representing an estimated value of $1,250,000,000. The number of swine is 43,000,000, representing an estimated value of $300,000,000. Our export of live-stock and meat products during the fiscal year ending June 30, 1882, aggregated $120,000,000; for the fiscal year ending June 30, 1883, they aggregated only $107,000,000, showing a decrease of $13,000,000. This great and rapidly growing interest is not only seriously embarrassed by reason of the restrictive regulations imposed by foreign governments against our meats, but the actual existence of the cattle interest is imperiled by the prevalence of contagious pleuro-pneumonia or lung-plague, which prevails, as yet, to only a limited extent, as hereinbefore stated.

In proof of this strong statement it is only necessary to cite the case of Australia, where formerly vast herds of cattle roamed the extensive plains of that country as they now do the plains of our own Western frontier. In the year 1858 a single cow infected with lung-plague was imported into that country from England, and from that one animal the disease extended to the ranges of the interior, and entirely destroyed the herds of whole districts of country, so that the raising of cattle was abandoned in consequence. The same state of affairs occurred in South Africa. We cite these cases to show what would be the result of the infection of our own Western ranges, now teeming with millions of cattle. That they have not already become infected is due solely to the fact that the traffic in live-stock has been almost entirely from the West to the East, except during the year 1880, when a large trade in Eastern dairy calves sprang up between the West and the East. The State of Illinois, foreseeing the fatal effects likely to result from this trade, promptly passed a law prohibiting the traffic in such calves within her territory, thereby substantially breaking up the dangerous traffic.

In consequence of the restrictions which Great Britain imposes on our exports of live cattle, animals taken from this country bring an average of $15 per head less than if the same class of cattle were exported from Canada, where a rigid examination of cattle is enforced and no disease is known to exist, thus placing our cattle industry at a serious disadvantage in competition with countries against which no restrictions are imposed, and tends constantly to lessen the aggregate of our export. A much greater percentage of losses is sustained by reason of the restrictions imposed by foreign countries upon our pork products.

For fuller and more complete information we respectfully refer you to the reports of the United States Department of Agriculture and of the United States Treasury cattle commission.

In view of losses already sustained and of the yet greater dangers menacing us, we most earnestly recommend that your honorable bodies enact such laws as will not only relieve us from the unjust suspicion which attaches to our live-stock and meat products abroad, but that you will also take proper measures to provide for the extinction of the disease of contagious pleuro-pneumonia, which can only be done by the slaughter of all infected cattle and the thorough disinfection of infected premises.

The United States Treasury cattle commission, who have made a very thorough examination of the subject, estimate the expense of such a measure at $1,500,000. Large as this sum is, it is a mere trifle in comparison with the losses already sustained. In our opinion not more than $500,000 need be made immediately available, and it is to be hoped that after the work has been properly inaugurated it may be found that a much smaller sum than that first named may be sufficient; but in any case we wish to particularly urge upon you the necessity for immediate, thorough, and complete work. We further respectfully recommend, with a view to removing the prejudice of our foreign customers whose trade it is desirable for this country to retain, that a rigid system of inspection of all meat products for foreign export be provided for and enforced, the expense of such inspection to be borne by the exporter.

In order that the States whose Legislatures are now in session may take immediate measures to co-operate with the provisions of a bill to carry out these recommendations, your early consideration of this measure is earnestly urged.

And your petitioners will ever pray, &c.

J. B. GRINNELL, Iowa.
T. CORWIN ANDERSON, Kentucky.
JOSEPH M. CAREY, Wyoming.
D. W. SMITH, Illinois.
DONALD ROBB, Arizona.
N. M. CURTIS, New York.
D. COOPER AYRES, M. D., Wisconsin.
LEVI STOCKBRIDGE, Massachusetts.
S. R. THOMPSON, Nebraska.
GEO. V. LAWRENCE, Pennsylvania.
WM. J. WILSON, Colorado.
E. M. HUNT, M. D., New Jersey.

ORDER OF BUSINESS.

The SPEAKER. The question is upon the motion of the gentleman from Kentucky [Mr. WILLIS] that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. COX, of New York, in the chair).

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the Calendar of that committee. The Clerk will report the first business on the Calendar.

PRINTING SUPREME COURT RECORDS.

The first business on the Calendar was a letter from the Chief-Justice of the Supreme Court of the United States, asking an immediate appropriation for the printing of records of said court.

Mr. WILLIS. I ask that that be passed over for the present.

Mr. RANDALL. I make the proposition that this be reported back to the House with a view to its being referred to the Committee on Appropriations. I make that motion.

The motion was agreed to.

ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will report the next business on the Calendar.

Mr. REED. Is it not necessary under the rules to report to the House each matter separately on which action has been taken?

The CHAIRMAN. The Chair is informed that that has not been the custom.

Mr. RANDALL. The rule has been, where objection is made to the consideration of a bill we go back into the House. But the rule can be read.

The CHAIRMAN. The Clerk will read the rule.

The Clerk read Rule XXIII, clause 4, as follows:

In Committees of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence; and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

The CHAIRMAN. The Clerk will report the next business on the Calendar.

AMERICAN MERCHANT MARINE.

The next business on the Calendar was the bill (H. R. 2228) to remove certain burdens on the American merchant marine and to encourage the American foreign carrying trade, reported by Mr. SLOCUM from the Select Committee on American Ship-building and Ship-owning Interests.

Mr. WILLIS. I ask that that bill be informally laid aside.

The CHAIRMAN. A bill can not be laid aside in that way. There must be an objection.

Mr. WILLIS. I object.

The CHAIRMAN. Objection having been made to the consideration of this bill, the committee, in accordance with the rule, will rise and report to the House.

ORDER OF BUSINESS.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union having had the Calender under consideration, had directed him to report back the letter from the Chief-Justice of the Supreme Court of the United States, asking an immediate appropriation for the printing of records of said court, with the recommendation that it be referred to the Committee on Appropriations. He further reported that the committee having had under consideration the bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, objection to the consideration of said bill was made, which objection he reported to the House.

PRINTING SUPREME COURT RECORDS.

The SPEAKER. The chairman of the Committee of the Whole House on the state of the Union reports that the committee having had under consideration a letter from the Chief-Justice of the Supreme Court of the United States, asking an immediate appropriation for printing the records of said court, had directed him to report back the same with a recommendation that it be referred to the Committee on Appropriations. The question is on agreeing to the recommendation of the committee.

The recommendation of the Committee of the Whole House on the state of the Union was agreed to, and the letter was referred to the Committee on Appropriations.

AMERICAN MERCHANT MARINE.

The SPEAKER. The chairman of the Committee of the Whole House on the state of the Union further reports that the committee having had under consideration the bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, objection to its consideration was made, which objection he reported to the House. The question for the House to decide is whether the bill shall be considered or laid aside for the present.

Mr. DINGLEY. I ask unanimous consent that the bill may be laid aside, so as not to lose its place.

The SPEAKER. That proposition can not be entertained. The question is, Shall the bill be laid aside?

The question was decided in the affirmative.

The Committee of the Whole House on the state of the Union resumed its session (Mr. COX, of New York, in the chair).

The CHAIRMAN. The House has directed that the bill (H. R. 2228) shall be laid aside for the present. The Clerk will report the next bill on the Calendar.

IMPROVEMENT OF MISSISSIPPI RIVER.

The next business on the Calendar was the bill (H. R. 3531) making an appropriation for continuing the improvement of the Mississippi River.

The bill was read, as follows:

Whereas the last report of the Mississippi River Commission, submitted to the Secretary of War, December 28, 1883, declares that "every endeavor has been made to place the work in as safe a condition as possible, but it is greatly to be feared that this can only be partially accomplished, as the funds now available (the balance of last year's appropriation) will only admit of carrying on active operations till about the middle of December, after which time all work must cease until Congress makes a further appropriation for its prosecution, the commission feel that they can not too strongly urge upon Congress the necessities of the case and need of early relief, as the flood season, with all its attendant dangers, is close at hand, and the commission before that time will have exhausted all its available funds, only reserving such amounts as are absolutely needed for the care and preservation of the extensive and costly plant belonging to the works. An appropriation of $1,000,000 made immediately could be advantageously used:" Therefore,

Resolved by the Senate and House of Representatives, &c., That the sum of $1,000,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Mississippi River, which said sum shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission created by an act entitled "An act to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes, near its mouth, to its headwaters," approved June 28, 1879: *Provided*, That the money hereby appropriated shall be used solely for the improvement of the navigation of the Mississippi River, and no part thereof shall be expended with the view to the improvement of private property.

Mr. WILLIS. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

The next business upon the Calendar was the bill (S. 1038) making an appropriation for continuing the improvement of the Mississippi River.

The bill was read, as follows:

Be it enacted, &c., That the sum of $1,000,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Mississippi River, which said sum shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission created by an act entitled "An act to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes, near its mouth, to its headwaters," approved June 28, 1879: *Provided*, That the money hereby appropriated shall be used solely for the improvement of the navigation of the Mississippi River and its tributaries, and no part thereof shall be expended with the view to the improvement of private property.

Mr. WILLIS. The bill just read is a Senate bill. The bill that was just before the committee is a House bill. The two bills are identical. I do not know that it is necessary to say anything to the Committee of the Whole in regard to the merits of this bill.

The President of the United States, by a special message, has referred this subject to the consideration of Congress. The Mississippi River Commission has made its report, upon which the message of the President is based. By order of the House both of those documents were referred to the Committee on Rivers and Harbors. A subcommittee was immediately appointed by that committee, who have had the report of the Mississippi River Commission under their careful consideration for the past three or four days. That report embraces about 1,000 printed pages. We have this morning made our report to the House, setting forth the necessity for the immediate appropriation of this amount.

It is well known to the Committee of the Whole that the last river and harbor bill failed to pass Congress. As a consequence, the appropriation which had theretofore been made for this purpose has been exhausted. The large and extensive plant now in existence upon the two reaches of the river, which are under the immediate consideration of the Mississippi River Commission, may be endangered because of the prospective rise of the Mississippi River. For the purpose of preventing injury to the valuable plant of the Government, and in order to enable the commission to proceed with its examinations, surveys, and improvement, this appropriation is asked to be immediately made. I do not know that it is necessary for me to make any further statement at this time.

Mr. KING. I will add to the statement made by the gentleman from Kentucky [Mr. WILLIS] that this morning the Committee on Levees and Improvement of the Mississippi River met, and after considering this bill which had come in from the Senate, the substance of which we had before us, the committee unanimously agreed to make a report substantially the same as the report referred to by the gentleman from Kentucky [Mr. WILLIS] from the Committee on Rivers and Harbors. That report and bill were presented by me by order of the committee I represent this morning on the call of committees. When two committees, numbering in all some twenty-four members, report in favor of any given proposition, those reports should be regarded by the House as the very strongest recommendation that could be made of a proposition of this kind. The President of the United States has twice urged this matter upon Congress; once by a special message to the Forty-seventh Congress and the second time by a special message to this Congress a few days ago. I have risen merely to make these statements. I do not think any extended remarks on this subject are necessary. I hope the bill will now be put upon its passage.

Mr. BELFORD. A few days ago, Mr. Chairman, when the President of the United States sent a message to this House touching the improvement of the Mississippi River, the great water artery of this Republic, we on this side, who constitute the left center—because our Democratic friends are here on both sides of us—witnessed the edifying spectacle of a quarrel between the gentleman from Louisiana [Mr. KING] the

gentleman from Kentucky [Mr. WILLIS] and some other gentlemen from the South.

I do not pretend to speak for the Republican party, but I can truthfully say, as I said a few days ago, that I am willing to vote, if it be necessary, thirty millions of dollars to improve this great highway of our commerce. Are you going to defeat that improvement by quarreling over the jurisdiction of the committees of this House? I want to call the attention of the country to the fact that while the Republican party is willing to make the most liberal appropriations for this purpose, you gentlemen are higgling and quiggling as to which committee shall have the jurisdiction of one bill or another. That is the exact situation, the position in which you have placed yourselves, and I hope the country will take notice of it.

Mr. KING. Will the gentleman allow me——

Mr. BELFORD. I do not want to be interrupted.

Mr. KING. I hope the gentleman will allow me to correct him.

Mr. BELFORD. I do not propose to be interrupted by anybody.

Mr. KING. I desire to say that we are in perfect accord.

Mr. BELFORD. We have had a beautiful spectacle in this House to-day. What is it? My vigorous and robustious friend from Maine [Mr. REED], who unquestionably enjoys the possession of a bushel of brains [laughter], gets up here and says that when the House has resolved itself into Committee of the Whole and anybody makes objection to the consideration of a bill the chairman of the Committee of the Whole has got to walk down, the Committee of the Whole has got to rise up; and although we do not put on our hats and do not adorn ourselves with overcoats, yet we are operating under a magnificent rule, by which one man, against the wishes of three hundred and twenty-four members of this House, actually controls the legislation of this body. Now, so far as I am personally concerned, I propose on all occasions to enter my protest against the tyranny of the one-man power in this House.

Now, beyond that question, what is our duty; what is the duty of this House? It is to unlock the vaults of the national Treasury. [Laughter and cries of "Exactly!" "That is it!"] Oh! you may laugh. But you have a hundred millions of dollars in your Treasury kept out of the channels of business and trade.

Take up the papers of this country, and you will find that business firms all over this Republic are failing. And why? Because you are keeping this money out of actual employment. Suppose that we appropriate twenty millions of dollars for the improvement of the Mississippi River, where will it go? It will go to the citizens of these United States; not to England, not to France, but to the "horny-handed sons of toil" of this country.

I say that it is the duty of the majority of this House to compel the Government to execute and enforce a broad, liberal, generous policy with respect to the great water courses of this nation, in order that we may meet and overcome the five men who control the railroad corporations of this country. Therefore I say that for one I have no objection to voting a million dollars; I would have no objection to voting thirty million dollars. And I hope this bill will receive the favorable consideration of this House.

Mr. BLANCHARD. Mr. Chairman, we have been treated by the gentleman from Colorado [Mr. BELFORD] again this morning with one of his characteristic efforts; and under the guise of a speech in support of this measure for the improvement of the Mississippi River he has seen fit to inject into this discussion the nauseous dose of politics.

I will say to my friend that when he says this, the Democratic side of the House is inharmonious in its support of the Mississippi River improvement—when he says that there is division among us on that great question—he misstates the position of this side of the House. And when he twits us with the statement that the Republicans are harmonious in their support of this measure, while we on the Democratic side are divided on it (while we want all the votes we can get, Republicans as well as Democrats), I will reply to him that for every vote cast for this measure on his side of the House we will guarantee to give two on the Democratic side.

But I do not propose, as he has done, to go out of my way in this discussion to treat of questions which are foreign to the matter at issue. The Committee on Rivers and Harbors have reported a measure appropriating a million of dollars for the Mississippi River. That committee tells you in its report that a similar measure has already passed the Senate and is now upon the table of the House. We are told by the chairman of another committee (the Mississippi Levee and Improvement Committee) that they too have considered this great measure and have unanimously agreed to report a similar bill. Now, Mr. Chairman, the appropriation provided for in this measure is asked upon the ground that there is an emergency calling for it to be made at once.

An examination of the report of the Mississippi River Commission discloses that former appropriations made for the river have been expended on the river in the inauguration and prosecution of works of improvement under the system adopted by the commission, except a sum sufficient for the preservation and repair of the extensive and costly plant belonging to the Government and used on said works.

Their report further shows that by reason of the exhaustion of said appropriations works of improvement on the river would cease on and after December 15, 1883; that the flood season is now at hand, with all its attendant dangers, and that without the steady and uninterrupted prosecution of the works begun it is feared the results already achieved by the expenditure of millions of money may be greatly impaired, if not lost.

The commission reaffirm with increasing emphasis their former declarations of the success and efficiency of the system of works adopted for the improvement of the river, and declare that the highest encouragement is derived from the experience of the last low-water season (fall of 1883), when it is shown that both above and below Plum Point reach and Lake Providence reach (where the principal works of improvement have been prosecuted) the water was at various points as shoal as from 5½ to 6 feet, while in said reaches, which aggregate a total length of 75 miles and where in former years the shoalest water was found, a depth of water of from 12 to 15 feet was had and no difficulties to navigation encountered.

The commission attribute these remarkable results to the works of improvement already partially constructed in said reaches, and point out that this evidence is all the more conclusive since these works are yet wholly incomplete.

They recommend an immediate appropriation of $1,000,000 for the river, and this recommendation is concurred in by the President in his special message on the subject of the river. I trust the bill will be passed.

Mr. HENDERSON, of Iowa. I have an amendment which I desire to offer.

The CHAIRMAN. No amendment is in order until general debate is closed.

Mr. HENDERSON, of Iowa. Can I not have the amendment read as a part of my remarks?

The CHAIRMAN. The gentleman can do so when he has the floor. The Chair recognizes him now. The Clerk will read the gentleman's amendment.

The Clerk read as follows:

Amend by adding:

"*Provided*, That the sum of $20,000 from said sum be, and it is hereby, appropriated to continue the improvements of the ice-harbor at Dubuque city, Iowa; said improvements to be continued under the direction of the Mississippi River Commission."

Mr. HENDERSON, of Iowa. Mr. Chairman, I do not rise to antagonize this bill. I have no disposition to do so.

Mr. DUNN. I make a point of order. I did not catch the reading of the whole amendment, but I do not think it is germane to this bill.

The CHAIRMAN. The Chair will state that the amendment is not offered now, but is only read for information as a part of the gentleman's remarks. The gentleman from Iowa will proceed.

Mr. HENDERSON, of Iowa. I desire to bring this proposition to the attention of the committee for the purpose of showing that it is, in my judgment, germane to this bill and should be incorporated in it.

Mr. KING. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KING. The Mississippi River Commission has no jurisdiction over the harbor which the gentleman's amendment proposes to improve.

The CHAIRMAN. The Chair overrules the point of order. The gentleman from Iowa will proceed.

Mr. HENDERSON, of Iowa. I do not know how many sections or vertebræ are going to be given to the Mississippi River. I may be out of order in offering this amendment in connection with this legislation; but I want this House to know that there are improvements in process of construction at different points on the Mississippi River and some above Cairo.

I am not going to offer any obstacle to any of these improvements which gentlemen may bring forward, and I do not wish my remarks to be regarded as making any opposition to them.

Now, the improvement which this amendment contemplates has already had expended upon it some $20,000. At Dubuque is the best natural harbor within a distance of 700 miles below the city of Saint Paul. The report of the Secretary of War for 1883 shows that the sum of $40,000 was needed for the improvement of this harbor, but that only $20,000 was appropriated and expended. An additional $20,000, therefore, is needed for its completion. So that if there is any point on the Mississippi River where improvement is needed it is at this little harbor which I have the honor to be looking after now. And while I ask gentlemen to consider this fact, that I am not antagonizing their improvements, let us consider this as one grand stream, and act in concert and in harmony for the general improvement of that river. That is my motto, and at the proper time I wish to ask this committee to incorporate as a part of the legislation under consideration the amendment which has been read at the Clerk's desk.

Mr. GIBSON. I am very much afraid, Mr. Chairman, that some of the gentlemen having improvements they desire have formed a wrong opinion as to the action of the Committee on Rivers and Harbors in reporting this specific bill, and insomuch as this special bill here is but a part of this general system which has been heretofore inaugurated and which we propose now to carry out, I trust it will not be considered by anybody as a bill specially for the Mississippi River. I am

not one of those on that committee, nor am I one of those in this House, who seem to think, or who do think, that all other river and harbor bills should be subordinated to the Mississippi River. I regard that simply as a part of the grand water scheme of the country, and I regard it simply as a part of the duty of this Congress in taking care of its water streams to take care of that river, and the reason why the Mississippi bill has come up specially before any other has been out of respect on the part of the majority of this Congress for the recommendation of the President of the United States in his annual message. He has there seen fit to take this one from among all others and to disconnect this immediate necessity of the Mississippi from the immediate necessities of the other streams, and he has recommended an immediate appropriation for the purpose of protecting the great national interests which are at stake there. It is therefore out of respect to the recommendation of the Executive on the part of the committee that this bill has been introduced simply referring to the Mississippi and not to any other work needed now. I wish to say to gentlemen on the other side and to gentlemen on this side who may differ as to the object of the committee that, so far as I am concerned, I propose to be a friend to a judicious, a fair, and an honest improvement of the harbors and water streams of this country, and to give to the whole land a free and untrammeled highway to reach the heart of the commerce of the world. Now, the River and Harbor Committee do not propose to make itself the special champion of the Mississippi River by this bill. I repeat, it is in accordance with the recommendation of the President that it has been proposed. When we come to act on the different other propositions I have no doubt if the gentleman from Iowa [Mr. HENDERSON] will make his case before that committee it will give us great pleasure to report favorably upon his scheme.

Mr. REAGAN. Mr. Chairman, I wish to say a word, and especially in reference to the proposition suggested by the gentleman from Iowa, which is for the improvement of a harbor on the Mississippi River. Now, this business of improving inland harbors is a rising one, and it is, in my judgment, growing into an enormous abuse. I will say in view of what has just been said by a member of the Committee on Rivers and Harbors, the gentleman from West Virginia [Mr. GIBSON], who suggests if a proper case be made the committee will no doubt be prepared to act favorably on the improvement proposed by the gentleman from Iowa, that whenever we attempt to make local appropriations for all the towns along the river we shall load down the river and harbor appropriation bill until it can not be passed.

The first one of these appropriations for inland harbors was made in the Forty-fourth Congress for the improvement of the harbor at Saint Joseph, Mo.; and from that day it has grown until upon the Missouri and Mississippi Rivers there are as many as thirty inland harbors for which appropriations have been made.

Whenever a town wants a wharf built it wants the Government to make a special appropriation for it, which the Government ought not to do. Whenever a railroad bridge is endangered by the washes of the river, the railroad people come and tell us that we must make an appropriation for this place to preserve their works. They do not put it exactly in that way or in such plain terms, but that is practically the effect of it. And you will find that local improvements in the main are for the preservation almost entirely of private enterprises.

The rule with Congress in dealing with such a subject should be that appropriations of this character ought to be made to improve the navigation of rivers, and it should be left to the engineers charged with the work, after the appropriation is made, to apply it where it will do the greatest amount of good and where its utility can not be questioned for the public benefit, but not allow it to be expended in promoting private or local enterprises. The whole scope of the appropriation should be the improvement of the navigation of the river. All I wish to do now, however, is simply to call attention to this proposition to make an appropriation of $20,000 to improve a harbor of a river, or probably to make a wharf that the city ought to make. If it is to deepen the channel, to make an appropriation to improve the navigation of the river, let it go to the engineer who has charge of the work, and let him apply it to the work of improvement where it will do the most good in promoting that navigation.

Mr. HUNT. Mr. Chairman, I have half a dozen practical suggestions and observations in relation to the appropriation for the improvement of the Mississippi River, to which I beg leave to call the attention of the committee. The urgent need of the appropriation, the reason why it is required at all, is easily stated to the Committee of the Whole. The Mississippi River Commission decided to try the plan of improving two reaches of the river, Lake Providence and Plum Point reaches. In order to test the theories of the commission, these two reaches were set aside to be improved. When the report of December 1, 1882, was made work was going on upon these reaches. There followed immediately a tremendous flood in the river. That flood did not abate until the following July. The works of the commission upon the Plum Point and Lake Providence reaches were exposed to the greatest pressure and the greatest risk to which works of such a character could be exposed; and upon the subsidence of the flood were left to a certain extent impaired. Then it was that the commission went to work with all the efficiency it could command until it had exhausted the amounts at its disposal. It then comes to Congress, and asks that it might go on upon these critical points with the work already begun and for the preservation of the plant accumulated for the prosecution of the work.

So much for the necessity. But there is another reason, the committee must understand, for asking this appropriation now. There will be by adopting the plan of immediate action greater economy, with such methods and material as the commission is now using, than under any other engineering system of construction. When subjected to flood-tests each part of the work of the commission must be complete in itself, and in addition there should be the means of immediately arresting the beginning of evil.

An equilibrium between the tremendous forces of the river itself and the material the commission is compelled to use can only be maintained by vigilance and promptness. It is a literally truthful statement that work could be made to cost two or three times as much by an injudicious distribution of appropriations.

Not only, then, is the work itself necessary, not only did the flood that followed the last report increase the necessity for it by making essential the repairs now required, but by voting the money now a large economy will be accomplished—an economical expenditure which can be attained in no other way.

Last of all, Mr. Chairman, I will observe that the exigency of the case and the economy which will be effected by adopting the recommendations of the commission are not the only matters to be considered, but we must also consider that the experience of the commission itself demonstrates the correctness of the theory upon which they are now proceeding, that by narrowing or confining the channel of the river the stream will scour itself out, and that by causing the silt in the current to be properly deposited where scientific investigation requires new banks the navigation will be made easy and safe. Finally, the flood surface or level of the river will be lowered.

The appropriation then is required; it is exigent; it is economical, and in making it you are acting in conformity with a theory fully tested, sustained by scientific inquiry and by experience, and which no man who is candid, and who will look into the reports of the river commission, will undertake to controvert.

Mr. BAYNE. Mr. Chairman, I shall not oppose this bill, but I am not disposed to sit quietly here in my seat and hear it advocated at the expense of all the other rivers and harbors of the country. I am opposed to that stream of sentiment and feeling upon which it is attempted to float through such an appropriation as this, a stream which in its volume is equal in magnitude to the great Mississippi River itself. I think that there is, perhaps, want of knowledge on the part of members in this House which in no other way can justify the immense appropriations which have been made and which it has become the custom to expect annually from Congress for this work.

I am disposed to think that so far as the improvement of the Mississippi River has gone it is an experiment, and an experiment which has not by any means been demonstrated to be a success. Nevertheless I am willing that appropriations shall be made. And if what I admit to be the great water way of this country can be improved for navigating purposes, I am as willing as anybody can be to appropriate money for that purpose. But I am not willing to sit quietly and hear this river advocated as the only river in the country, because I am convinced, so far as my knowledge of these matters goes, that money applied to various other rivers and harbors in the country will do infinitely more good in the way of improving navigation than the moneys that are expended on the Mississippi River. One of the reasons for this is because the Mississippi River itself is a navigable river; and practical river men are not making loud complaints about its navigation. You will look in vain in the records of this or any preceding Congress for petitions, remonstrances, or other evidences of complaint from practical navigators of the Mississippi River.

The improvement of the Mississippi River is advocated by theorists, by scientific gentlemen, who say that if you adopt such and such a plan great results will follow. That may be all true. I do not know whether it is true or not. Experience only will demonstrate whether it be true or not. But we do know that there are many other streams in this country where money can be expended with great advantage to the navigation of those streams; and although I assent to the passage of this bill, I am not willing it shall be understood that there are not other demands which are just as imperative upon Congress as the claims of the Mississippi. That is all I desire to say.

Mr. DUNN. I rather regret the fact that this subject has been opened to debate. I do not think debate was necessary. I think the House was prepared for action upon the Senate bill without debate; and I never allowed the rule to obtain in my practice, when I was a practicing lawyer, to ruin my client's cause in order to make a speech. I deprecate that policy; but inasmuch as debate has been permitted, it is perhaps as well to answer some things that have been stated by some members who have participated in the debate.

Now I do not concur in the statement made by the gentleman from Pennsylvania [Mr. BAYNE] that there have been no petitions addressed to Congress on the part of practical navigators and people concerned in commerce and shipping in favor of this work; that no demand for these improvements has been made. Why, sir, is that gentleman ignorant

of the numerous great meetings and conventions which have been held in all the cities and States of the Mississippi Valley from New Orleans to the lakes of the North, and which have memorialized Congress in behalf of this great work continuously for many years past?

If the gentleman means by that statement that a certain class of licensed pilots who imagine that they constitute a close corporation by reason of their special knowledge of the labyrinthian intricacies of the difficult and ever-changing channels of the unimproved Mississippi River have not asked for it, that is perhaps true. Neither did the pilots off the mouth of the Mississippi River, who knew of the devious and difficult ways to get in light craft over those obstructing bars, ask for the building of the jetties. Neither did the dredge-boat operators there who fattened upon the fruitless attempts at dredging out those bars to have their little channels refilled next month ask for the building of the jetties. "Long live Diana of the Ephesians!" is the cry of that class of people. These works that make possible the ways to navigation, that open the ways to commerce, that give safety and ease to navigation, are not what that class of people want; but they are the demands of the public welfare.

The question for us to deal with is the great needs of commerce. I congratulate the country as well as this House upon the fact that it is no longer necessary to discuss in this House the merits and importance of this great work or enter into argument as to whether it should or should not be undertaken and its prosecution continued. I congratulate the country upon the fact that it is now the established policy of the Government as evidenced by the repeated action of Congress, by the action of the Executive, and by the action of all the branches of the Government that deal with these subjects. There is not that want of practical knowledge which the gentleman from Pennsylvania speaks of as to this subject on the part of Congress. If there is one great work of river and harbor improvement better understood by this House and by this country than another, it is this great work of the Mississippi River. If any one great work has received more anxious care and attention on the part of Congress than another, it is this. In all the other works it is sufficient that the engineer makes a survey and a report and an estimate, and the work is then proceeded with if Congress happens to will it or the committee having charge of the work happens to will it. That was not the case with this work.

A great scientific commission was created in order to grapple with this great question; and after that commission, composed of the ablest engineers in this country, or in the world for that matter, had carefully and elaborately examined all the proposed plans and recommended one, in abundance of caution Congress sent a select committee to carefully examine and investigate that, and to make observations upon the conditions of the river and report upon it; and it was only after the coming in of the unanimous report of that committee approving the plan recommended and strongly recommending the measure that Congress ever appropriated one dollar for that great work. The annual appropriation for that work has been made every year from then until now as regularly as the river and harbor bill has come before this House until last session, when the bill failed to pass the Senate for want of time. All its details have been scrutinized; every feature has been inquired into; it has been assailed and assaulted with a persistence, an earnestness, and a cunning that have characterized the assault upon no other measure whatever.

It has withstood all assaults and been thoroughly sustained. Sir, I repeat, I congratulate the country that this has become the established policy of the Government. And I will go further, notwithstanding the statement of the gentleman from Pennsylvania [Mr. BAYNE], and congratulate the country upon the fact that that great work has now passed the stage of mere experiment; it is no longer an experiment. Demonstration after demonstration—practical demonstrations—have come with every report of the commission of the correctness of their theory and of the successful application of the principle upon which they are proceeding. It has passed beyond the regions of experiment, and I have no doubt that the commission is correct in assuming now that they have control of the Mississippi River. That means that they know the laws governing it, and that they have correctly applied them in the treatment of that great river. I confidently believe that it will prove in the end the grandest triumph of modern engineering, great as are those triumphs throughout the world.

But, Mr. Chairman, I deprecate above all other things the slight tendency exhibited here to-day to lug or admit into the discussion of this question any party feeling. Above all things I desire to see this one great subject treated as it has always been heretofore treated, from a non-partisan, national standpoint.

I thank God that there is one great interest in this nation upon which we can all unite, North, South, East, and West; upon which all patriots can meet in common fellowship, and to which we can all give united support, not of the improvement of the Mississippi River alone, but of all the great water ways of this country.

I will state what I have heretofore stated to this House, that I am in favor, not of extravagant and reckless appropriations, but of utilizing every cubic foot of water on this continent and compelling it to bear its burden of the products of labor and industry to the sea. I trust that the ugly effigy of party feeling, of party spirit, will not be permitted to obtrude itself into the discussion of this measure. And, sir, I thank the distinguished gentleman from Colorado [Mr. BELFORD] for the generous, manly, and enlightened support which he has always given to this great and important measure.

Now I will yield to the gentleman from Illinois [Mr. THOMAS] such time as he may desire.

Mr. THOMAS. Allow me ten minutes.

Mr. YOUNG. How does the gentleman obtain any time to yield?

Mr. DUNN. This is general debate, and has not been limited.

The CHAIRMAN. The gentleman is entitled to what remains of his hour.

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. Has the time for general debate been limited?

The CHAIRMAN. It has not.

Mr. BLOUNT. Then I hope it will be.

Mr. WILLIS. I understand that there are but one or two gentlemen who desire to speak, and that very briefly. After they have spoken I will move that the committee rise.

Mr. DUNN. I yield to the gentleman from Illinois [Mr. THOMAS] for ten minutes.

Mr. THOMAS. I am gratified to see the promptness with which this bill has been reported back to the House by the Committee on Rivers and Harbors. I am glad that that committee has so readily grasped the importance of the interests involved in this great question.

I have a deep and abiding interest in the improvement of this great national highway, and hope that, as the waters of this great river come from twenty-one States and Territories, some of which are Republican and some of which are Democratic, there will be no political questions thrust into the consideration of this matter.

I do not care to discuss the merits of the question of the improvement of the Mississippi River. That subject has been gone over and over so often in this House, has been so thoroughly explained to the American people, that a man must certainly be far behind in his knowledge of the commercial and national questions of this country if he does not know that the plan for the improvement of the Mississippi River has been finally settled and adopted.

Years and years went by with the frittering away of vast sums of money in the improvement of this and that local point of the Mississippi River under the Engineer Corps of the Army; and it was found that after the expenditure of all this money little if any improvement resulted therefrom.

It was found that the improvement of the Mississippi River could be treated only upon some general system. A corps of the best engineers the world has ever known was called by the Congress of the United States to consider this subject, and they finally settled upon a plan. That plan was ratified by Congress, and appropriation after appropriation has been made to carry it out.

Congress said there and then, by those appropriations, we will give this subject of the improvement of the Mississippi River to this commission alone, and we will not interfere with it by interjecting here and there special appropriations for this point or that, but we will leave to the commission to determine where the money can be best applied and where it shall be expended.

I throw out this hint in response to a notice given by the gentleman from Iowa [Mr. HENDERSON] that at the proper time he will ask the adoption of an amendment setting aside $20,000 of this appropriation for the continuance and preservation of works on the ice-harbor within his district. I hope that the gentleman will not bring that proposition forward at this time. This appropriation of $1,000,000 is to be made for an emergency, to save from destruction the costly plant that has been gathered by the officers of the Government and to continue this great work. The work is not confined alone, as has been suggested by some gentlemen here, to the reach of the river below Cairo; but, sir, they have control of the whole river; and since we have delegated to them this great work, have left to them to say where and how they will proceed, I hope this House will not come in now and try to tie their hands by setting apart any portion of this appropriation for this or that specific work. It was measures of this sort which obstructed and delayed this great improvement for years and years; and I hope the Congress of the United States will not at this day turn its back upon the intelligent course resolved upon by the last two Congresses.

Mr. HENDERSON, of Iowa. Will the gentleman allow me a few words?

Mr. THOMAS. I will yield for a question.

Mr. HENDERSON, of Iowa. I do not think it will amount to more than that. I desire to say, Mr. Chairman——

Mr. THOMAS. I will yield to the gentleman presently, but not now.

If this were a general bill (for I hope the Congress of the United States will not conclude from this emergency bill being brought in that this is the last appropriation which will be asked for the Mississippi River during this session of Congress) there might be some excuse for coming in and asking for the setting apart of a portion of the appropriation for this specific work. But this bill is not a general bill. It is for the specific purpose of preserving the plant purchased and now held

by the Mississippi River Commission and for preserving the work they already have in hand from destruction by overflow and by ice.

Now, since the Mississippi River Commission have control as well of the construction of this ice-harbor that the gentleman's amendment applies to as of the improvement of Providence reach and the other important works on the Lower Mississippi, how does he know, if there is an exigency demanding the protection of the work there, that they will not assign so much as to them may seem right and proper to this work? Is he better able to determine that question than these men, who have had their minds bent upon this great work for so long a time? I think not. This particular work may appear to him to be important from his standpoint; but he looks upon it from his own selfish standpoint naturally. I do not say this in a spirit of resentment or criticism, but simply as defining the position which the gentleman occupies. This is his interest as compared with the great interest of the improvement of the Mississippi River. Therefore I say that if the amendment indicated by the gentleman from Iowa should be offered, I hope that this House will vote it down with promptness and unanimity, and that we will continue to leave this work in the hands of this body of engineers, than whom a greater has never been known in modern times. Their work has shown their wisdom as well as their patriotism, and the country has been benefited far beyond any expenditure that has ever been made by the Government in this improvement.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. I move that the committee rise for the purpose of limiting debate.

Mr. SKINNER, of New York. I desire to submit an amendment.

The CHAIRMAN. No amendment is in order until the general debate has closed.

Mr. BROWNE, of Indiana. Do I understand that this million of dollars is to be dumped without a word having been said on this side of the House?

The CHAIRMAN. The gentleman from Kentucky moves that the committee rise.

Mr. WILLIS. The House will have control of the matter. It is not my desire to cut off any gentleman who may desire to speak, but to fix some limit to the debate.

Mr. CHACE. The gentleman had better allow ample discussion of this matter.

Mr. WILLIS. I had no idea that any gentleman wished to discuss it further. If any member desires to do so, and will indicate his wish in the House, we can agree upon some time.

Mr. REED. Let the debate go on.

Mr. WILLIS. I withdraw my motion for the present.

Mr. MILLER, of Pennsylvania. Mr. Chairman, it was my good fortune last spring to be one of a party in the company of that distinguished jurist of Pennsylvania, lately deceased, Judge Black. During the evening the discussion turned upon the question of the action of the Electoral Commission. Some one asked Judge Black how he made up his mind to discuss the question as to the counting of the electoral vote of Louisiana after the commission had virtually decided the question by passing upon the vote of Florida. He said that he occupied the position of an attorney, a friend of his, who once appeared before the supreme judiciary of the State to argue a cause which had been appealed from a lower court. He opened his case, and the chief-justice at once said: "Why, my dear sir, we have already adjudicated that question this term." The attorney persisted in going on, and the judge said to him again: "Do you expect to change the opinion of this court on that question?" "No," said the attorney, "I simply wanted to damn the opinion." [Laughter.]

Now, sir, I do not expect to change the views of any member of this House by anything that I may say, for I have made up my mind that there are many gentlemen in this House who feel like the distinguished gentleman from Colorado [Mr. BELFORD], that the business of the average Congressman is to find some place to dump the surplus, not how the affairs of the Government can be economically administered; not how the money in the Treasury can be economically spent, but how can we find some way to use up the surplus.

It is not long since the country was wonderfully agitated over the action of the members of the Forty-seventh Congress relative to the passage of the river and harbor bill; and that agitation was created largely by the men who seek here to-day for this appropriation without discussion. We have not been told what was done with the four million and odd thousand dollars appropriated by the Forty-seventh Congress. We well know that many members of the Forty-seventh Congress were black-listed by a portion of the press because they voted for that river and harbor bill, and yet of the millions appropriated by that bill as it originally left the House nearly one-third was for the Mississippi River. The seats of many of the men who voted for that bill are now filled by persons of opposite political proclivities. The Democratic members saw fit to keep before their constituents the fact that these men on the Republican side had voted for that iniquitous measure, as they styled it. Men who sat in that Congress occupying seats from Democratic districts, and who had received a portion of that appropriation, thought it not amiss to stand before the people and denounce the infamies of that bill.

Now, I venture to say, notwithstanding the high standing of this commission, as stated here by the gentleman from Illinois [Mr. THOMAS]—I venture to say not a stream in this country, not a harbor in this Union, not an appropriation for one of them to which there has been less filching than there has been of the appropriation for the Mississippi River. How much of it—notwithstanding the fact there is always appended to the bill "not one dollar shall be appropriated for the benefit of private individuals"—has been spent in building up levees, in repairing levees, in elevating the land on either side above the bed of the river, in order that lands might be reclaimed for private benefit?

Mr. KING. I will answer the gentleman. Not a dollar.

Mr. MILLER, of Pennsylvania. It is all very well to say that.

Mr. KING. I say it by the record of the Mississippi River.

Mr. MILLER, of Pennsylvania. There come up mutterings from that section that private corporations and private individuals are being largely benefited by this appropriation.

I am in favor of a fair appropriation for the improvement of the navigation of that river, but, as was remarked by the gentleman from Pennsylvania [Mr. BAYNE] a moment ago, the rivermen, when there were no means of railroad communication between the great lakes of the North and the Gulf, went up and down that river for nigh a century taking as much traffic then as now without one word of complaint. But it is useless to talk here. This question is already decided, for there seems to be a fear on either side of the House on the part of men who have political aspirations for national favors to speak one word against it. Whenever a Representative on the opposite side of this Chamber desires promotion in his party, the question is immediately asked, how does he stand on the appropriation for the Mississippi River? and at once he is "smoked out." He has to define himself favorably before he can be honored by his associates.

The gentlemen even who live distant from the banks of that river are so fearful of public opinion, that they not only raise their voices but cast their votes in favor of every measure asked for. For what other great river, what other harbor, has had a commission raised exclusively to look after its interests? Is not that magnificent harbor of New York of wonderful benefit to the whole country? And yet we do not have a special commission to look after its interests. Are not there other great rivers? Is not that wonderful chain of lakes of the Northwest of great benefit to the people? And yet who ever thought of raising a special commission for them? Yet for this stream we have had for a long time appointed a commission, and annually appointed a committee of this House with authority to roam up and down that stream and view its banks and its fertile lands and make a report.

While I am in favor of a fair appropriation, I am also in favor of discussion. I am not in favor of rushing a bill through this House giving a million of dollars when there are not one-fourth of the members of the House who know for what purpose it is to be expended, and I insist that some information should be given as to how the vast sums already appropriated have been expended, and for what purposes this special appropriation is for. It is true the sum asked for is not a large sum when compared with the total aggregate appropriations for the current year for all other purposes, but it is a large sum when compared with the possible appropriations of all the rivers and harbors in the country.

Mr. BROWNE, of Indiana. The gentleman from Pennsylvania yields the balance of his time to me.

The CHAIRMAN. Did the gentleman do so before he left the floor?

Mr. MILLER, of Pennsylvania. I intended to do so. [Laughter.]

Mr. HEPBURN. Mr. Chairman, it seems to me that there are some reasons why at this time this bill ought not to be passed by this House. So far as I have been able to discover, the report of the commission of their operations during the past year is not in print, and I doubt whether any gentleman on this floor knows of the manner in which the last appropriations made for this river have been used.

Mr. BLANCHARD. The gentleman is entirely in error.

Mr. HEPBURN. I made inquiry not two hours ago for this report, and was told by the superintendent of the document-room that it was not in print.

Mr. BLANCHARD. If the gentleman will pardon me, the report is not yet in print——

Mr. HEPBURN. That is just what I stated.

Mr. BLANCHARD. But it was before the Committee on Rivers and Harbors and was considered by them.

Mr. HEPBURN. Then I am incorrect so far as the committee is concerned, but not so far as the balance of the membership of this House is concerned.

Mr. Chairman, I am heartily in favor of proper appropriations for the improvement of the navigation of the Mississippi River. I am not in favor of appropriations for the improvement of the banks of the Mississippi River and the plantations on either side of it; and it is my judgment that through the operation of this Mississippi River Commission it is the purpose of certain gentlemen upon this floor to secure the improvement of the private property of their constituents through Government aid. It is my judgment that the real object of these ap-

propriations, the real purpose for which these gentlemen are making this struggle, is to secure the plantations of the Lower Mississippi River from overflow, rather than to perfect the navigation of that stream.

Why, Mr. Chairman, when the Mississippi River is in a condition to agitate these gentlemen, who in this hurried manner demand the passage of this bill, it is perfect as a channel of communication. They want to improve the Mississippi River when there are volumes of water there that would float the navies of the world. They are entirely content with the Mississippi River and with its condition when the people living farther north desire its improvement. There are these two antagonistic purposes between the advocates of Mississippi River improvement; they want to improve it when it is at flood; we want to improve it when it is insufficient for navigation.

Now, I have some evidences in my mind that compel me to this conclusion. Those persons familiar with that river know that during a large portion of each season it is abundantly navigable. They know that in its lowest stages there are comparatively few places where, by reason of sand-bars or snags, the navigation of the river is interrupted or made dangerous, and those who really desire to improve its navigation will be content that these stretches of the river where these sand-bars intervene and interrupt the navigation should be removed. That is what is meant, in the region of country where I live at least, by the term "improvement of the Mississippi River." That will necessitate comparatively a small outlay; it will necessitate a comparatively small plant—machinery and material for deepening the bed where the bars are found and removing the snags. A very few millions of dollars at most would meet the requirement, and whatever sum might in truth be needed for this purpose I would gladly aid in appropriating.

But look, Mr. Chairman, at the extraordinary ideas that certain gentlemen have with regard to this matter. We sometimes indulge in the fond delusion that these improvements are being conducted by the Engineer Corps of the Army of the United States, and that the engineers of the Army are doing the work. I have been recently investigating the Blue Book, and I find that among the employés on the pay-roll of the Mississippi River Commission there are no less than sixty-seven engineers, to whom there is paid a monthly compensation of $8,690—nearly $105,000 a year. This sum is paid for engineering alone, in addition, sir, to the commission and to the officers of the United States Army detailed upon that commission.

Mr. DUNN. Will the gentleman let me ask him a question?

Mr. HEPBURN. I will yield for a question only.

Mr. DUNN. Are those employés engaged in surveying or in doing the work?

Mr. HEPBURN. There, sir, I am entirely at a loss for an answer, because I have not seen the report of the commission, as I before stated.

Mr. DUNN. Then let me inform the gentleman. They are engaged exclusively in the surveys.

Mr. HEPBURN. I yielded to the gentleman for the purpose of making an inquiry, and not for the purpose of injecting a speech into mine.

Mr. DUNN. The commission does not execute the work, but the Secretary of War does, under the direction of the engineer officers.

Mr. HEPBURN. But, Mr. Chairman, I will go on a little further, illustrating the idea I have that the members of this commission have a most extraordinary, I may say wonderful, idea of the importance and extent of the work that they are engaged upon and the unlimited resources that are to be provided for them. Among others of the employés that I find specified in this book they have six chief clerks to whom they pay monthly in the aggregate $1,035; they have seventeen clerks to whom they pay monthly $1,562. They have forty-four cooks, Mr. Chairman, on the pay-roll of this commission—full-fledged cooks! I do not know precisely their relations to the commission, or whether Professor Blot is among the number, or whether they have graduated at his school of culinary art, or whether they have passed the ordeal of the Civil Service Commission. [Laughter.] But I do know that the Blue Book charges there is paid out monthly of the public money to these cooks $1,800 belonging to the people of the United States. I know that they have employés exclusive of laborers—remember, gentlemen, exclusive of those who do the real work, the manual labor on the improvement—they have employés to whom they pay $43,000 every month. There is paid more than one-half a million of dollars every year to this commission and to the persons on their pay-roll.

Now, sir, this statement is without reference to the two hundred and fourteen laborers that I find upon the Blue Book. Taking into account their services, the $72,000 paid to them, the yearly expenditure of this commission without reference to the other sums expended for labor, material, &c., used in building embankments, revetments, dams, mattresses or anything of that sort is $590,790. And in addition to that you must add the monthly pay of the military officers upon the commission. I was not able to ascertain accurately what that was, but it is something in the neighborhood of $15,000, making the annual expenses of the commission for personal services, without including sums paid to persons called "laborers," more than $525,000.

Is it wonderful, Mr. Chairman, that, in the language of some of these gentlemen, "the appropriations of the past are gone?" It seems to me it is not. If it is true that this commission has been in existence three years, and their expenditures have been at the same rates, then, sir, they have eaten up in the payment for services of this kind about one and a half millions of the $5,100,000 that has been appropriated.

But, Mr. Chairman, I have some other reasons for believing that it is the purpose of gentlemen here to improve the banks of the river rather than the navigation of the river. I heard the other day with a great deal of satisfaction (because I thought what was said was illustrative of the real purposes of gentlemen in this matter) the somewhat protracted discussion upon the subject of the reference of the annual report of the Mississippi River Commission. I heard the gentleman from Louisiana [Mr. KING] with the interest with which I always listen to him in his frank and dignified utterances; I sympathized with him in his proposition as to the reference, and voted with him because I thought that I concurred with him in the opinion that the major purpose of the report then to be referred contemplated the question of levees, and levees only. And I think that he agreed with me, because I understood him to be learned in the law of parliamentary procedure.

Mr. KING. I would like to correct my friend.

Mr. HEPBURN. I ask the gentleman to be so good as not to interrupt me. I am a young man, and it embarrasses me. [Laughter.]

Mr. KING. It embarrasses me also to have a misconception of my position or to have a friend put me in a wrong light.

Mr. HEPBURN. I will do the gentleman the justice to say that nothing perhaps he said induced me to this conclusion; but it was the general scope of his action. [Laughter.]

Mr. Chairman, I know that he is learned in the law that governs deliberative bodies and that governs this deliberative body. I know that he was well satisfied that "all subjects relating to the levees of the Mississippi River" should "be referred to the Committee on Levees and Improvements of that river." That is the language of the rule, and when I heard him so earnestly urging that his committee should have the custody of this measure, I knew, as a just and candid and learned man as he is, that he was fully convinced that the subject treated of and the purpose had in view by that report was the building of levees upon the Mississippi River, and that he was right in demanding the reference that he did.

Mr. BROWNE, of Indiana. I think my friend is mistaken. He principally intended to levy on the Treasury of the United States. [Laughter.]

Mr. KING. For a good purpose only.

Mr. GIBSON. May I ask the gentleman from Iowa a question?

Mr. HEPBURN. I wish the gentleman would not ask it just now.

Mr. GIBSON. It is a very short question.

Mr. HEPBURN. Very well.

Mr. GIBSON. I understand the gentleman to say that, believing it was the purpose to misappropriate these funds, yet he voted to send the matter to that committee. Am I correct?

Mr. HEPBURN. Whatever inference the gentleman desires to draw he is perfectly welcome to.

Another gentleman from Louisiana [Mr. HUNT] during the discussion he indulged in used this language, if the reporter correctly reported him. His language is said to have been this:

> If the House intends that rescue should be given to the interests now in peril, if the House intends that the floods should be turned backward and the people residing on the river protected, it should give the message promptly to the only committee vested with jurisdiction on the subject.

That was the gentleman's language.

Mr. HUNT. Yes, sir.

Mr. HEPBURN. The gentleman was clamoring then for protection to the people living on the banks of that river, for their protection against all incoming floods that he desired should be turned back, for protection against the inroads that were about to be made around their homes and upon their plantations. That was the plea that the gentleman from Louisiana then so eloquently made. It was to protect the individual interests of his constituents living upon the banks of the river; and from first to last of that estimable speech of his there was not one word that I can now recollect upon the subject of the improvement of the navigation of the Mississippi River.

Mr. HUNT. Protection of the people of the United States, the whole people of the United States.

Mr. HEPBURN. It would have been better to have stated that at that time. But then the gentleman was arguing his cause from the standpoint that he then had; he is arguing it now in his amendment from another standpoint.

Mr. Chairman, I have still another reason why I think we ought to be very careful how we vote and when we vote in view of the absence of the report upon this important question. I have taken the liberty of saying that in my judgment comparatively little was needed to improve the navigation of the Mississippi River. And in furtherance and corroboration of the remark made a few moments ago by the gentleman from Pennsylvania [Mr. BAYNE], that no clamor was being made for this improvement by practical rivermen, I desire to say that in the fall of 1881 I was a guest with others of the city of Saint Louis at the Mississippi River improvement convention. There are a number of gentlemen in my presence who were there, and who, with me, were taken upon an excursion upon one of their great flotillas with which they navigate that river.

A towboat and five barges made up the fleet, capable of carrying five or six thousand tons of freight. Upon the vessel which we were on was a large placard, stating that the vessel was constructed in 1872, had made ninety-one round trips to New Orleans, had carried down stream on her decks and her barges 446,000 tons of freight, and had brought up stream in the same manner 41,000 tons of freight.

When we took this excursion the river was at flood; I do not know how many feet of water were in the channel, but it spread out over its banks in the vicinity of our journey. As we passed the wharves of Saint Louis we were told that there were lying there, tied up and at the time unused, nearly one hundred of these barges, and that there were fifteen or sixteen tow-boats lying idle there. The same morning the daily press informed us that the railroads had instructed their agents to send no more grain to the city of Saint Louis, for 2,000 cars were then upon the tracks unladen and the elevators were all filled.

Yet with this fleet of boats there idle, with this great river at flood, with many millions of bushels of grain in store there was no demand for freight to the port in New Orleans. Why? Simply because there were no vessels in the port of New Orleans to carry forward to foreign ports the corn and wheat that might be taken there; simply because they could not secure at New Orleans the cheap freights that could be had in the port of New York.

Now, in my judgment, you may improve this river as far as you please, as much as you please, and the corn of the West will not go in great quantities to the city of New Orleans for European shipment until you change and reform the commerce of this country and make New Orleans a great entrepôt as New York now is, so that there may be vessels there to be either laden with corn at nominal freight rates or to go back in ballast to European ports.

Having digressed thus far, let me resume the idea that I tried to advance a few moments ago, that these gentlemen mean something more than the mere improvement of the navigation of the Mississippi River. Among other indications we have, we may be led to suppose so, I think, from the enormous sums that the commission talk of expending. I understood a gentleman to say the other day that he was in favor of an appropriation of $20,000,000 for the purpose of improving the Mississippi River, and I heard my enthusiastic friend from Colorado [Mr. BELFORD] say to-day that he was in favor of appropriating $30,000,000 for this purpose. Now these gentlemen do not understand aught of the magnificent demands of this Mississippi River Commission, and these sums are insignificant in comparison with theirs. The sum of $30,000,000 will not reach the estimates of this commission.

Mr. Taylor, one of the most intelligent members of the commission, was interrogated some time ago on this question by a committee of this House. He is reported to have stated that for the improvement of the Mississippi River between Cairo and the mouth of the Red River there would be needed $33,000,000. Now I do not know of any instance where the estimate of the cost of a work of this kind was equal to the actual expenditures. And I think that if he said $33,000,000, we may reasonably expect that the actual expenditure will be double that sum, or $66,000,000.

But we do know this fact, that there are at least 1,200 miles of river between Saint Louis and the mouth of the Mississippi, and 2,400 miles of banks along that river. We know that all the tributaries must be leveed until you reach back to the point where the natural bank of the river has the altitude of the artificial banks at its mouth. Again, each one of these larger tributaries must have its system of levees, and I do not doubt but that this plan includes the building of at least 5,000 miles of levees along the Mississippi River and its tributaries.

Now, the cost of constructing these improvements, according to the estimates made by a member of the commission, varies from $35,000 to $70,000 a mile, and his average of cost from Cairo to the mouth of Red River is $35,000. And suppose it is only the latter sum, what a colossal sum will be needed to meet this probable expenditure, if I am right in believing that it is the purpose of you gentlemen to make all incapable of encroachments upon your lands.

I once had the pleasure at one of the meetings of the friends of this enterprise, in this city, of listening to a gentleman of rare intelligence, who came here, as I understood, accredited by the governor of the State of Mississippi, as one of a committee whose duty it was to urge upon Congress an appropriation for this improvement. That gentleman spoke of what had been accomplished in leveeing the delta of the Yazoo. When asked as to the expense of those levees, he told us that they cost upon an average, if my memory is not at fault, $15,000 a mile.

Now every man who knows anything about the Mississippi River, from the mouth of the Ohio to the river's mouth, knows that there are not fifty miles of the natural banks of that stream that at certain seasons of the year are not subject to overflow, that do not need levees, in order, as the gentleman from Louisiana [Mr. HUNT] says, "to drive back the floods and to rescue the imperiled inhabitants upon its banks." Not only must both banks of the Mississippi be leveed, if you purpose the protection of the adjacent lands, but the banks of all the tributaries, up to a point where the natural bank rises to the altitude of the artificial bank at the mouth, must also be raised, requiring on the main stream, from Cairo down, and on the tributaries, five or six thousand miles of levees. If these are to cost but $10,000 to the mile, you have to contemplate the expenditure of at least an immense sum of money from the Treasury. For my part, Mr. Chairman, I am not willing to assist in the expenditure.

In my judgment, the expenditure of this vast sum will be but the beginning. We know, from the action of the elements, even if there were no encroachment from the river itself, if there were no caving-in of its banks, if there were no undermining of the artificial embankments, that at least once in every twenty years, where there is the light friable soil to be found in the Mississippi region, the floods from heaven and the frosts, where there are frosts, would wipe these embankments out of existence, wash them away, dissolve them, and compel their renewal. It is so with the earthworks and fortifications that we built twenty years ago. The disappearing frosts have left them mellow, the rains have fallen upon them and little by little washed them away, so that now you find only faint traces of embankments and ditches that once gave ample protection to armies. So that every twenty years at least the same expenditure will be necessary in order to continue the protection that it seems now necessary to give to the people along that stream.

Mr. Chairman, I again want to say that I have no hostility whatever to the improvement of the navigation of this river. I am earnest and hearty in my friendship, and I will vote liberal appropriations to all these worthy enterprises. I believe that they are of the utmost importance to the people of this country. I believe that the improvement of our water ways is the one great work that we can urge as a barrier, potent, and that will be determining, against the rapacity and the wrong-doing of the railroad carriers. As a protection against them I am in favor of these improvements, but I do not believe that I have the constitutional right to appropriate the public money to private uses, which in my belief—I may be mistaken—are covered up under this seeming public use.

I wonder, Mr. Chairman, when I see some of these stalwart, old-fashioned Democrats taking the position that they do upon this question. As I read the history of their party, it is not many years since those of that party who tower high above all others whom we see in our recollections of the past thought there was no language in the Constitution from which Congress could assume that it had the power to make improvements of this kind even for public uses. Now we find that these gentlemen have gone a long way from that ground, and in my judgment they are to-day proposing to support this and other bills that have for their primary object the improvement of the private property of individuals. And this you do, gentlemen, notwithstanding the bounty of this Government to you, notwithstanding the gift that it has made for the very purpose for which I believe you want to appropriate this money.

Thousands and thousands of acres—I may say millions—of these lands now demanding protection were given to the States that are most clamorous for this appropriation. For what purpose? For the purpose of reclaiming them; for the purpose of protecting them from overflow by the Mississippi River and other streams; for the purpose of adding them to the arable aggregate of the lands of this country. You have squandered these magnificent appropriations; they have disappeared, and the work is not accomplished.

Now, under this bill and under this commission and through these processes, you propose to secure that benefit which ought to have been secured to you through your own exertions and by reason of the largess of the Government.

I yield the remainder of my time to my friend from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. How much time is there remaining?

The CHAIRMAN. Half an hour.

Mr. HENDERSON, of Iowa. Mr. Chairman, I shall not require that length of time, as I do not propose to discuss the general merits of the bill. But I understand that the gentleman from Texas spoke of the harbor named in my amendment as being a private interest. I desire to say that there is no measure contemplated by this bill looking to the appropriation of a million of dollars that is of more general character than the ice-harbor at Dubuque. It is not for the benefit of Dubuque city; it is not for the benefit of the people of my district alone, but it is for the benefit of the commerce of the Mississippi River. Will not the gentleman from Texas stand upon this floor and make special effort for appropriations for the great harbors along the borders of his State when those harbors open their arms to the commerce of his shore? I do the same in regard to this harbor.

I asked permission of my friend from Illinois [Mr. THOMAS] to interrupt him for a moment. He kindly granted permission, and then said that when he concluded he would yield to me the remainder of his time. He yielded the floor when his time was out, after expending his genius in firing away at the interests which my amendment covers. Now I appreciate the generosity of his mind, which seems to open up in grand benevolence toward the entire interests of the Mississippi Valley as far as the northern boundary of his Cairo district; then it stops suddenly, and he can not see any interests beyond it.

Having made this response to my friend from Illinois, I want to say that when I offered the amendment I was not aware, as I then intimated, whether that was the proper time or place to submit it. I am

not accustomed to the rules of this House, and I see that men who have been here for twenty years are not. [Laughter.] But I have made up my mind that whenever the interests of my district or State are concerned I will make my proposition and then find out whether it is in order, and I am finding out. [Laughter.]

As I before said, I do not intend to antagonize this bill; and the reason I have asked my colleague to yield me a portion of his time is that I may say I do not intend now to press this amendment, but will urge it before the Committee on Rivers and Harbors. My reason for doing this, I will say to the House, is because I do not desire to block the wheels that seek the improvement of the Mississippi. I am for the improvement of that stream and for everything that tends to improve it. I am in favor of everything that will cheapen commerce and advance the agricultural interests of my State and my section as well as of the whole country, and those interests extend down as far as the Cairo district of my friend from Illinois and lower still. But my present purpose is simply to say that I will not urge that amendment on this bill, but will press it upon the attention of the Committee on Rivers and Harbors, for I find that by pressing my proposition now I may entangle this measure, as I do not wish to do, with a number of other amendments.

Mr. HENDERSON, of Illinois, obtained the floor and said: I yield ten minutes to the gentleman from Michigan [Mr. HORR].

Mr. HORR. Mr. Chairman, I hardly think it necessary for me to say more than a word on this subject, nor would I do even that were it not for the fact that it is a question to which I have given careful and long investigation. I need not say to the members who have served with me previously in this House that I am in favor of the improvement of the Mississippi River. My position upon that question is well understood, and I took it after very laborious work. Upon examination I came to the conclusion that the Mississippi River Commission had devised the proper plan, and I have never yet changed my mind in that regard. That commission is composed of able, careful, capable men, and their plan is the result of long and patient study of the river and the principles which govern these silt-bearing streams.

Now, this special appropriation of $1,000,000 simply involves the question of whether we will permit that commission to go on with their experiment. For I must say to my friend from Arkansas [Mr. DUNN] that I differ with him in this regard. I do not think the success of their plan is settled beyond question by any means. Indeed, I consider it still an experiment. I wish it could be set down among the certainties. But do not let us appropriate money here under any misunderstanding. There are many good men in the United States, able men, who sincerely believe that every dollar we appropriate to the Mississippi River upon the plan adopted by that commission might as well be dumped into the river; that it is a mere waste of money. I say good men, intelligent men, believe that. On the other hand, many good men believe the other way; have faith in this plan. I know that, because I believe that way myself. [Laughter.] Is not that convincing proof?

I believe that the commission have adopted the only plan that will ever successfully improve and control that stream. I know it will involve a large expenditure of money before we get through, but I believe the enterprise is so magnificent, so far reaching in its results, of so much importance to the commerce and development of this country, that as a nation we ought to undertake it. In doing this I do not believe it will ever be done successfully without leveeing the banks as the commission has determined. Now, if in building these levees for the purpose of confining its waters and thereby deepening its channel so as to improve the navigation of this river, what if it does happen to benefit the people who live upon its shores? And admit, if you please, that they are a people who have differed with me seriously in the past, so seriously that it requires an immense effort to work myself up to a point where I can labor in their behalf, and I admit that it costs me a struggle [laughter], still I say, even if it does benefit these people, in the name of God, shall we withhold an appropriation of this kind on that account?

I glory in the fact that it is likely to redeem from the overflowing waters of that stream land enough to make a State. That fact is an additional reason to me for favoring the project and not an objection to the enterprise.

But the only question which we have before us to-day is whether we will permit this commission to go on with its plan and complete its work. If we intend to do so, then we should give them this money, because the last appropriation will be exhausted, and then the delay will cause more damage than the amount of this appropriation if the work is suspended until the regular river and harbor bill can be passed. Work on that river can not be prosecuted during the flood-time. They need to get ready for the high water of the spring-time. Thus you see it is simply a question of whether we will rely on that commission and stand by them in their attempt to do this work or whether we intend to abandon them and the work altogether.

I am glad that my friend from Iowa [Mr. HENDERSON] has abandoned his effort to add another appropriation to this bill. This is not the first time we have passed a special appropriation for a needed work in advance of the regular bill. Members will remember that in the last Congress the engineers reported they were in need of $50,000 at Hell Gate for the protection and completion of work there, and that they needed the funds before we could pass the regular river and harbor bill, and a bill was passed in the Forty-seventh Congress meeting that emergency, which gave them that amount of money in advance. As a rule I do not believe in putting these special appropriations through in advance of the regular bill, but this case I think is an exception, a just and proper exception, one which should be made in deference to the public good.

I do not believe in passing an appropriation for this stream simply because it is the Mississippi River. Any other work with the same surroundings should receive the same attention. I said the other day that some men seemed to think that the Mississippi River was the only water way in the United States. I live upon a chain of lakes the commerce of which in tonnage is several times the amount that passes down the Mississippi River. Do you know that the Detroit River floats over its waters during the summer season almost as much tonnage in two days as goes over the Mississippi River in as many weeks? Yes, it does. But of late the people who live on the banks of the Mississippi have not withheld from us a single dollar needed for the improvement of that great highway or for the harbors upon our great lakes. Nor do I believe you intend to do it. You are coming to understand the needs of all the great water ways of this country. And our people are fast learning the importance of your great river, that drains the greatest valley on this continent. The appropriation now asked for is for the benefit of that important work. As a nation we have undertaken that great experiment, and now we must either abandon it or furnish the money to carry on the work.

I hope the committee will look this question squarely in the face. I know that there is a great question involved as to whether or not the plan on which the work is progressing will succeed. I know there is a serious question in the minds of many who have studied this matter carefully as to whether we can tame this great river and control its forces. Some think it an undertaking beyond the power of man. It is a big job, a grave question. Great doubts exist in the minds no doubt of many of us. I know that I have my fears on this question. But I prefer to take counsel of my hopes rather than my fears. I believe that this great nation should make the experiment, and if we fail we can survive it, while if we succeed it will be to our glory as a nation and as a people for all time.

Then let us try it for a while longer. Let us not higgle about the matter. Let us do the work like business men, and if the men who are intrusted with this important labor are out of funds, let us give them sufficient to keep the work going until we make of it a success or are satisfied that it is a failure. When the people become satisfied that the work can not be performed, then let them withhold the appropriations. If any members here are satisfied now on that point, of course they will vote against this proposition. For my own part I am not yet satisfied. I believe in the work, and have faith in its ultimate success; and I shall vote for this special appropriation in order that this immense undertaking may be proceeded with, trusting that the future will prove to us all that our attempt to compel that great river to obey the behests of man was a wise and beneficent undertaking.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. MCCOOK, its Secretary, was received, announcing that the Senate had passed a bill (S. 713) to remove the political disabilities of Samuel H. Lockett, of Alabama; in which the concurrence of the House was requested.

IMMEDIATE APPROPRIATION FOR IMPROVEMENT OF MISSISSIPPI RIVER.

The Committee of the Whole resumed its session.

Mr. HENDERSON, of Illinois. I am not disposed, Mr. Chairman, to occupy the time or the attention of this committee in discussing either the necessity or the importance of the work of improving the Mississippi River. The question, it seems to me, which the committee should now consider is whether there is a necessity for making this appropriation at this time. I had supposed, sir, that the importance of improving the Mississippi River had been almost universally conceded by all sections of the country. In the discussions on the floor of this House heretofore the great objection to the river and harbor bill has been always that it included smaller and insignificant streams and harbors which were not national in their character, and therefore did not deserve the consideration of Congress. But the importance of improving the Mississippi River has not been seriously questioned. Whether we should improve the Mississippi River by one system or by another is a question which I do not propose to discuss at this time. We have been discussing it for eight years, ever since I have had the honor of a seat in Congress, and I had supposed that Congress had settled down upon the plan of constituting a commission for the Mississippi River, to be composed of eminent engineers, men of experience and ability, who were qualified to investigate and consider the question of improving the Mississippi River, and who would adopt some plan for that purpose and report the same to Congress; and upon the report of that commission we have been acting and making our annual appropriations for a number of years.

I think in the Forty-sixth Congress, at the first session of that Congress, after full discussion of this great question, we finally appropri-

ated a million of dollars for the improvement of that portion of the Mississippi River below Cairo; and in the last Congress we made a much larger appropriation. So Congress, it would seem, is fully committed, Mr. Chairman, to this plan of improving the river. I care not whether you call it an experiment or not. It was entered upon as an experiment, it is true, and it may be, as the gentleman from Michigan [Mr. HORR] has just said, still an experiment; but we have the report of this commission, informing us that this plan of improving the river is proving eminently successful and satisfactory to the commissioners so far as it has progressed, and that it is in the interest of the improvement of the navigation of the river. Where we had but four or five feet of water a few years ago we are now having ten or twelve feet, and that in the worst and most dangerous places on the river.

Now the work is progressing satisfactorily. The commission tells us that, and the only question here is, whether we shall appropriate a million of dollars at this time, the necessity of which grows out of the failure to make any appropriation at the last session of Congress, and the fact that the money before appropriated is now expended within a very small amount, and soon there will come a time when floods will rise in the river and great loss and damage may be sustained to the work already in operation if this appropriation is not made. That is the question for us to consider, and I will say, Mr. Chairman, that it was upon this ground that I favored, as a member of the Committee on Rivers and Harbors, this immediate appropriation. I have seen enough of public improvements since I have been a member of this body to know that there is always great waste in the public expenditures, growing out of the insufficiency of appropriations for the purposes of carrying on public works. Sometimes we appropriate 20 per cent. only of the estimates; sometimes we appropriate 40 per cent. of what is asked for, and sometimes 50 per cent. of the amount that is deemed necessary for the work, and the result is that in improvements like that of the Mississippi River and other streams the entire plant is liable to be swept away and the amounts expended lost and destroyed unless a sufficient amount is given to carry on the work begun to completion and to protect it from freshets while it is progressing.

The Mississippi River is a great river. Everybody concedes that it requires a large amount of money to improve it, and everybody can see that we have a large amount of money already expended there, and which is liable to be lost or destroyed by not going on and completing the work at the earliest possible day. This is a rule with reference to the improvements of all rivers; and that makes it necessary, and more necessary in the case of the Mississippi River than others, because the amount involved is so much larger than the amounts which we have appropriated for the improvement of smaller streams.

Now, here is a commission constituted of intelligent men, as I have believed. I know one of them personally and have known him for some years, and as an engineer he has no superior in my opinion in the country. I refer to General Gillmore, whom I believe to be an able, intelligent engineer, and a faithful, conscientious public servant. He is a member of this commission, and has given this subject his attention. He is in favor of the plan adopted for the improvement of the river and of going on with the work. And I rely on what he says as well as other members of the commission. The commissioners say there is a necessity for this amount to go on with the work and protect it against the possible floods that may follow the winter and spring.

Mr. BRUMM. May I ask the gentleman a question for information.

Mr. HENDERSON, of Illinois. Certainly.

Mr. BRUMM. Has the committee as yet any idea of how much they will ask for the entire year?

Mr. HENDERSON, of Illinois. I think about $3,000,000, with possibly $1,000,000 for some other portions of the river. It was agreed by Congress that they would commence with Providence reach and Plum Point reach and test the proposed plans of improving the river by these, which are the most important points and at which there is most danger to navigation.

Mr. BRUMM. About $3,000,000 for the whole year?

Mr. HENDERSON, of Illinois. Yes, sir; that is my understanding, unless another $1,000,000 shall be appropriated for other points.

Well, Mr. Chairman, regarding it as a necessity to appropriate this money at this time in order to guard against great possible loss which may ensue if it is not appropriated, I believe this bill ought to pass, so that the commission may have a sufficient amount of money to proceed with the work and guard against possible loss and damage.

I will say a word in regard to levees. I have not favored the construction of levees on the Mississippi River unless for the purpose of improving the navigation of the river. Where it is necessary in order to improve the channel of the river to construct levees I see no objection to their construction, even though they do furnish protection to private property. In all our public improvements private property may be benefited by the expenditure of public money. You can not construct an arsenal, you can not construct a public work of any kind in any portion of the country, but you will benefit private property, and one locality will be more benefited than another. If the protection be incidental and the real object of building the levee is to improve the navigation of the river, I know no objection to it. But I want to say to the gentleman from Iowa [Mr. HEPBURN] that this intelligent commission says that to go on with a system of levees for the purpose of improving the navigation of the river will not cost to exceed the sum of about $11,000,000. Am I correct in that statement, Mr. BLANCHARD? That is my recollection of the report. No $20,000,000 is necessary, no $30,000,000 is necessary, nor $40,000,000 in the judgment of this commission; but about $11,000,000 is sufficient for the purpose of building levees and going on even with the levee system in the improvement of the river. But this appropriation does not involve the levee system.

Mr. BROWNE, of Indiana. Do I understand the gentleman to say that the entire amount asked for is $11,000,000?

Mr. HENDERSON, of Illinois. They say the estimate for the levees is $11,000,000.

Mr. BROWNE, of Indiana. For the whole work of the improvement of the Mississippi River?

Mr. HENDERSON, of Illinois. That is what they say in their report for levees.

Mr. BRECKINRIDGE. I think that is the estimate of what the levees themselves would cost.

Mr. BROWNE, of Indiana. The inquiry I intended to make was how much you expected it would cost to improve the Mississippi River according to the plan of the Mississippi River Commission.

Mr. KING. The estimate is $43,000,000.

Mr. DUNN. I think no estimates have ever been made.

Mr. HENDERSON, of Illinois. I want to say another thing to my friend from Iowa. He speaks of persons who want private property protected; that is, people who live along the banks of the Lower Mississippi River. I want to say to him that from year to year, and I think it must be within his knowledge, Mississippi River improvement conventions have been held at Saint Louis, have been held at Davenport, have been held all along the Mississippi River above Saint Louis, and that there has been more earnest and active interest taken in regard to the improvement of the Mississippi River on the part of the commercial cities and people on the Upper Mississippi River than there has been below. We have been urged from year to year, and now in a very few weeks we have another convention here in this city largely emanating from the great commercial city of Saint Louis, on what we call the Upper Mississippi River, to urge the improvement of the Mississippi River; so that our own people in the Northwest feel as deeply the importance of this work as I think the people of the Lower Mississippi River do, and we are doing it for our own benefit.

One of the most distinguished railroad men in this country, who, I think, understands the transportation question more fully and intelligently than any man I have conversed with upon the subject, has spoken of the influence of the water ways of our country upon the question of cheapening transportation. He says that must be our great dependence against the extortionate charges of railroads, and he tells us how the Erie Canal, during the season of navigation, in connection with the lakes of the North, affects the cost of transportation not only on the lines of railroad which run parallel to it, but on every line of railroad which runs from the Mississippi Valley to the Atlantic coast. And when he is asked the question, "But what is your dependence during the winter season of the year; when your lakes and canals are locked up with ice what protection have you then?" he points to the Mississippi River, flowing on to the Gulf and to the sea, as being the great dependence of our people. This great river is an interest which I contend we ought not to neglect. We should make liberal appropriations to improve it, for the very reason that while corn and wheat and all the products of the West and the Northwest may go down the Mississippi River, it will have a controlling influence in giving the people cheaper transportation.

In reply to my friend from Pennsylvania [Mr. MILLER] I will say that I voted for the river and harbor bill, and I went home and made speeches in every county in my district vindicating my vote everywhere. I did not apologize for it or attempt to palliate it in the slightest degree. Yet I was re-elected by the largest majority I believe that I ever received as a candidate for Congress.

And I know that a little way up the Mississippi River one of my friends, whom I respect and honor, and who stood here on the floor of this House day by day and fought the river and harbor bill, was left at home.

And I now yield five minutes of my time to his successor [Mr. WELLER], that he may have an opportunity to be heard.

Mr. WELLER. I am not well informed as to the methods of procedure required that one may be heard by members of this distinguished body on this floor. But I will do as my colleague from Iowa [Mr. HEPBURN] did a little while ago, and will feel my way out, and trust to the generosity of the members of this House. I ask the Clerk to read, as a part of my remarks, the body of the petition which I send to the desk.

The Clerk read as follows:

A petition to the Forty-eighth Congress of the United States by the people of the Mississippi Valley in behalf of the improvement of the Mississippi River and its navigable tributaries (as provided by the conference committee, July 11, 1883).

The people of the Mississippi Valley residing in the fourth Congressional district of the State of Iowa, and largely interested in the growth of this section of our country, as well as in the prosperity of all the United States, do petition

and ask that your honorable body make such appropriations for the improvement of the Western water ways as shall be adequate for the purpose of securing in them a permanent navigable channel equal to the needs of commerce.

The value to the country of a comprehensive improvement of the Mississippi River and its navigable tributaries can not be estimated. Whenever the improvement of these great rivers becomes complete the question of cheap transportation will be forever settled; a question of transcendent importance alike to all of our own people and of common interests to producers at home and consumers abroad.

These natural channels of communication are the property of the Government. They bind together the various sections of the country, politically and commercially, and their perfect improvement and supervision should be the especial care of the nation.

The people, without regard to party, representing every variety of industry in the Mississippi Valley, now the center of production, both of natural products and manufactured articles, producing in the year 1882 85 per cent. in value of all our exports, and contributing about 75 per cent. of our national revenues, respectfully ask from you, as their lawmakers and rulers, a full, fair, and just consideration of the needs and necessities of our great rivers as natural highways, and pray that such needed appropriations may be bestowed upon them by the General Government as are recommended by the United States officers in charge of the works and as are necessary to make transportation upon them safe and inexpensive.

Mr. WELLER. That is a sample of what might come from the great State of Iowa. If the question was presented to-day to the people of Iowa I am satisfied that 95 per cent. of the people of that great State would be in accord with the distinguished gentleman from the third district [Mr. HENDERSON] and myself, and would be specifically antagonistic to the position occupied by my other colleague from that State [Mr. HEPBURN].

I suggest that the names appearing upon that petition are not those of persons residing upon the banks of the Mississippi, but of persons residing one hundred miles inland. Yet they recognize the value of that stream to the commerce of the great Northwest; they recognize the value of that stream to the industrial, manufacturing, and farming interests of the country. They desire that this million of dollars, only a drop, perhaps, in comparison with the sum that ought to be appropriated, shall now be given, in order that the work may go on that has been so graciously begun.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENDERSON, of Illinois. I now yield to the gentleman from Kentucky [Mr. WILLIS], the chairman of the Committee on Rivers and Harbors.

Mr. WILLIS. I move that the committee rise, for the purpose of submitting a motion to limit debate upon the pending bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (S. 1038) making an appropriation for continuing the improvement of the Mississippi River, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House again resolve itself into Committee of the Whole for the further consideration of the Mississippi River appropriation bill; and pending that motion, I move that all general debate upon the bill be limited to five minutes.

Mr. WHITE, of Kentucky. And pending that motion, I move that the House now adjourn.

The SPEAKER. The first question is upon the motion to adjourn.

The question was taken; and upon a division there were—ayes 96, noes 104.

Before the result of the vote was announced,

Mr. WHITE, of Kentucky, called for tellers.

Mr. HATCH, of Missouri. I call for the yeas and nays upon the motion to adjourn.

The yeas and nays were not ordered, there being 38 in the affirmative—not one-fifth of the last vote.

The SPEAKER. The question recurs upon ordering tellers upon the motion to adjourn.

The question was taken upon ordering tellers, and there were 46 in the affirmative—more than one-fifth of a quorum.

So tellers were ordered; and Mr. WHITE, of Kentucky, and Mr. HUNT were appointed.

The House again divided; and the tellers reported that there were—ayes 90, noes 146.

So the motion to adjourn was not agreed to.

The SPEAKER. The question recurs upon the motion to limit debate.

Mr. BROWNE, of Indiana. I desire to offer an amendment to that motion.

The SPEAKER. That is in order.

Mr. BROWNE, of Indiana. I move to amend so as to allow thirty minutes for debate, fifteen minutes on each side.

The motion to amend was not agreed to.

Mr. WHITE, of Kentucky. I renew the motion that the House now adjourn.

The motion was not agreed to; there being, upon a division—ayes 52, noes 117.

The question recurred upon the motion to limit debate.

Mr. WHITE, of Kentucky. I move to amend so as to allow forty minutes for debate, and I hope gentlemen on the other side will concede that much. There are some important facts that have not yet been developed, and will not be developed in the House if debate is cut off in Committee of the Whole.

The amendment of Mr. WHITE, of Kentucky, was not agreed to.

The motion of Mr. WILLIS to limit general debate to five minutes was then agreed to.

The question recurred upon the motion to go into Committee of the Whole.

Mr. WHITE, of Kentucky. Pending that motion, I move again that the House now adjourn.

The question was taken by a *viva voce* vote; and the Speaker announced that the noes appeared to have it.

Mr. WHITE, of Kentucky. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, there being 41 in the affirmative—more than one-fifth of the last vote.

The question was taken; and there were—yeas 71, nays 182, not voting 67; as follows:

YEAS—71.

Anderson,	Dargan,	Kean,	Payne,
Atkinson,	Dunham,	Keifer,	Perkins,
Belford,	Eldredge,	Kelley,	Peters,
Bisbee,	Evans, I. N.	Ketcham,	Poland,
Boutelle,	Everhart,	Lacey,	Ranney,
Brainerd,	Evins, J. H.	Long,	Ray, G. W.
Browne, T. M.	Foran,	McCoid,	Reed,
Brown, W. W.	Hanback,	McComas,	Rowell,
Brumm,	Hart,	McCormick,	Skinner, C. R.
Calkins,	Hatch, H. H.	Millard,	Smith,
Campbell, J. M.	Hemphill,	Miller, S. H.	Steele,
Cannon,	Hepburn,	Milliken,	Taylor, J. D.
Cassidy,	Hiscock,	Morey,	Tillman,
Chace,	Hoblitzell,	Morrill,	Tully,
Cox, S. S.	Holmes,	Nutting,	Wait,
Culbertson, W. W.	Holton,	O'Hara,	Warner, A. J.
Cullen,	Howey,	O'Neill, Charles	White, J. D.
Cutcheon,	James,	Parker,	

NAYS—182.

Aiken,	Elliott,	Lowry,	Spriggs,
Alexander,	Ellis,	Mackey,	Springer,
Bagley,	Ermentrout,	McMillin,	Stephenson,
Ballentine,	Fiedler,	Matson,	Stevens,
Barbour,	Finerty,	Maybury,	Stewart, Charles
Barksdale,	Follett,	Miller, J. F.	Stockslager,
Bayne,	Forney,	Mills,	Stone,
Bennett,	Fyan,	Mitchell,	Strait,
Blanchard,	Geddes,	Money,	Struble,
Bland,	George,	Morgan,	Sumner, C. A.
Blount,	Gibson,	Morrison,	Sumner, D. H.
Boyle,	Glascock,	Morse,	Talbott,
Breckinridge,	Goff,	Muldrow,	Taylor, J. M.
Broadhead,	Green,	Murphy,	Thomas,
Buchanan,	Greenleaf,	Mutchler,	Throckmorton,
Buckner,	Guenther,	Neece,	Townshend,
Budd,	Halsell,	Nicholls,	Turner, H. G.
Burnes,	Hardeman,	Oates,	Turner, Oscar
Caldwell,	Hatch, W. H.	Ochiltree,	Van Alstyne,
Campbell, F.	Henderson, D. B.	O'Neill, J. J.	Van Eaton,
Candler,	Henderson, T. J.	Patton,	Wakefield,
Carleton,	Hewitt, A. S.	Payson,	Ward,
Clardy,	Hewitt, G. W.	Pierce,	Warner, Richard
Clay,	Hill,	Peel, S. W.	Washburn,
Clements,	Holman,	Post,	Weaver,
Cobb,	Horr,	Potter,	Wellborn,
Collins,	Houseman,	Price,	Weller,
Connolly,	Hunt,	Pryor,	White, Milo
Converse,	Hurd,	Pusey,	Whiting,
Cook,	Jeffords,	Randall,	Wilkins,
Cosgrove,	Johnson,	Reagan,	Williams,
Covington,	Jones, B. W.	Reese,	Willis,
Cox, W. R.	Jones, J. H.	Rice,	Wilson, James
Crisp,	Jones, J. K.	Riggs,	Wilson, W. L.
Culberson, D. B.	Jones, J. T.	Robertson,	Winans, E. B.
Curtin,	Kellogg,	Rogers, J. H.	Winans, John
Davis, G. R.	King,	Rogers, W. F.	Wise, J. S.
Deuster,	Kleiner,	Rosecrans,	Wolford,
Dibble,	Laird,	Seney,	Wood,
Dibrell,	Lamb,	Seymour,	Woodward,
Dockery,	Lanham,	Shaw,	Worthington,
Dorsheimer,	Le Fevre,	Singleton,	Yaple,
Dowd,	Lewis,	Skinner, T. G.	York,
Duncan,	Libbey,	Slocum,	Young.
Dunn,	Lore,	Snyder,	
Eaton,	Lovering,	Spooner,	

NOT VOTING—67.

Adams, G. E.	Dingley,	Jordan,	Robinson, J. S.
Adams, J. J.	Ellwood,	Kasson,	Robinson, W. E.
Arnot,	Ferrell,	Lawrence,	Russell,
Barr,	Findlay,	Lyman,	Ryan,
Beach,	Graves,	McAdoo,	Scales,
Belmont,	Hammond,	McKinley,	Shelley,
Bingham,	Hancock,	Mayo,	Stewart, J. W.
Blackburn,	Hardy,	Moulton,	Storm,
Bowen,	Harmer,	Muller,	Taylor, E. B.
Breitung,	Haynes,	Murray,	Thompson,
Brewer, F. B.	Henley,	Nelson,	Tucker,
Brewer, J. H.	Herbert,	Paige,	Valentine,
Burleigh,	Hitt,	Peelle, S. J.	Vance,
Cabell,	Hooper,	Pettibone,	Wadsworth,
Davidson,	Hopkins,	Phelps,	Wemple,
Davis, L. H.	Houk,	Rankin,	Wise, G. D.
Davis, R. T.	Hutchins,	Ray, Ossian	

So the motion to adjourn was not agreed to.

Mr. CABELL. I voted inadvertently. I desire to withdraw my vote. I am paired with the gentleman from Tennessee [Mr. PETTIBONE].

The following pairs were announced from the Clerk's desk:

Mr. ROBINSON, of Ohio, with Mr. FINDLAY.

Mr. SHELLEY with Mr. PHELPS.

Mr. EVINS, of South Carolina, with Mr. VALENTINE.

Mr. JORDAN with Mr. MCKINLEY.

Mr. MCADOO with Mr. BREWER.

Mr. BUCHANAN with Mr. RAY, of New Hampshire, on political questions.

Mr. WHITE, of Kentucky, with Mr. BLACKBURN.

Mr. WHITE, of Kentucky. I am paired with my colleague [Mr. BLACKBURN] on political questions; but not considering this a political question, I have voted.

The result of the vote was announced as above stated.

Mr. WILLIS. I desire to make a suggestion to gentlemen who wish to discuss this question. The proposition has been made to allow 40 minutes for debate—to be equally divided, of course, between the friends and opponents of the bill. We are perfectly willing that 20 minutes be given to those who oppose the bill, no one occupying any time on the other side.

The SPEAKER. The Chair will state that the proposition as to the extension of time has been disposed of by the House, and the question now is upon the motion made by the gentleman from Kentucky [Mr. WILLIS], that the House resolve itself into Committee of the Whole on the state of the Union. But the suggestion of the gentleman can be adopted by unanimous consent.

Mr. WILLIS. Then I ask unanimous consent to that agreement, after which I shall make a motion to adjourn. My proposition is that twenty minutes be allowed for debate, all of which shall be occupied by the opponents of the bill.

Mr. REED. I suggest to the gentleman from Kentucky that he give thirty minutes to the opponents of the bill.

Mr. WILLIS. Very well; thirty minutes for general debate—twenty minutes on the other side and ten on this.

Mr. REED. The opponents of the bill, as I understand, would like to have thirty minutes. It seems to me the wisest course to give them that time.

Mr. WILLIS. Let it be thirty minutes on the other side and ten on this, making forty minutes altogether.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that an order be made allowing forty minutes' debate in Committee of the Whole on this bill, thirty to be controlled by the opponents of the bill and ten by its advocates or friends. Is there objection to the request?

Mr. KEIFER. Is it understood that is the general debate?

The SPEAKER. It is. The Chair hears no objection, and the order will be made.

Mr. WILLIS. I move that the House now adjourn.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GRAVES, for ten days, on account of sickness in his family; and

To Mr. PETTIBONE, for one week, on account of sickness.

The motion of Mr. WILLIS was then agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: The petition of William M. Chase and 117 others, and of Gaston Fay and 15 others, artists, architects, and students of art, relative to the duty on works of art—to the Committee on Ways and Means.

Also, the petition of H. A. Reeves and others, vessel owners and pilots, interested in the navigation of Long Island Sound, for the establishment of a harbor of safety at Hunter's Point, N. Y.—to the Committee on Rivers and Harbors.

By Mr. BOUTELLE: Papers relating to the owners and officers of the brig Olive Francis—to the Committee on Claims.

By Mr. BRECKINRIDGE: Paper relating to the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

Also, paper relating to the improvement of the harbor at Pine Bluff, Ark.—to the Committee on Rivers and Harbors.

By Mr. BRENTS: Memorial of the Legislative Assembly of Washington Territory, for an appropriation to improve the Cowlitz River—to the same committee.

By Mr. J. H. BREWER: The petition of citizens of Bordentown, N. J., for increase of pensions paid to soldiers' widows—to the Committee on Invalid Pensions.

By Mr. BROADHEAD: The petition of Charles Parsons, president of bank, and 130 others, bankers, merchants, and distillers, of Saint Louis, Mo., for extension of bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. T. M. BROWNE: The petition of W. H. Brown and others, protesting against alleged abuse and usurpation of power of the United States Army in the Indian Territory—to the Committee on Indian Affairs.

By Mr. W. W. BROWN: The petition of John C. Montgomery, for relief—to the Committee on Patents.

By Mr. BRUMM: Papers relating to the claim of A. H. Herr—to the Committee on War Claims.

By Mr. CANDLER: Paper relating to the establishment of a post-route from Candler to Teagle's Store, Ga.—to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON: Paper relating to the pension claim of Hannah E. Roughton—to the Committee on Invalid Pensions.

By Mr. CONVERSE: The petition of C. C. Curtiss and 17 others, and of J. H. Green and 14 others, citizens of Ohio, in relation to the tariff on wool—severally to the Committee on Ways and Means.

By Mr. DEUSTER: Papers relating to the claim of Mrs. Sally Hardmond—to the Committee on Claims.

By Mr. DUNN: Memorial of the city council of Fort Smith, Ark., in relation to the construction of a bridge across the Arkansas River—to the Committee on Commerce.

Also, memorial of the city council of Hot Springs, Ark., in relation to the improvement of the resort at that place—to the Committee on the Public Lands.

By Mr. DUNCAN: The petition of Charles H. Mullen and 135 others, citizens of Mount Holly, Cumberland County, Pennsylvania, for special act granting a pension to David L. McDermott—to the Committee on Invalid Pensions.

By Mr. FORNEY: Papers relating to the claim of William H. Huff—to the Committee on War Claims.

By Mr. D. B. HENDERSON: The petition of J. J. Berkey, West Union, Iowa, urging legislation to protect soldiers against certain claim agents—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. T. J. HENDERSON: Papers concerning the Pay Department of the Army—to the Committee on Military Affairs.

Also, the petition of D. S. Shephard, late captain Company F, Eleventh Illinois Cavalry, and other officers of said regiment, praying for the relief of Joseph Dunn—to the same committee.

By Mr. G. W. HEWITT: The petition of George C. Arrington, for relief—to the Committee on War Claims.

By Mr. HOBLITZELL: Papers relating to the claim of J. Vernon Campbell—to the Committee on Claims.

By Mr. HOPKINS: The petition of citizens of Pittsburgh, Pa., for such legislation as will prevent the importation into this country of foreign laborers under contracts made abroad—to the Committee on Labor.

By Mr. HOUK: Papers relating to the claim of W. F. Scott—to the Committee on War Claims.

Also, papers relating to the claim of Martha Turner—to the same committee.

By Mr. B. W. JONES: Paper relating to the claim of Bridget Leary—to the Committee on the Public Lands.

By Mr. KLEINER: The petition of Selvin Post, No. 155, Grand Army of the Republic, Department of Indiana, relative to pension laws, &c.—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: Papers relating to the claim of Patrick Carroll—to the Committee on Claims.

Also, papers relating to the claim of Frank A. Bentor—to the Committee on Military Affairs.

Also, papers relating to pension claim of Robert N. Chew—to the Committee on Invalid Pensions.

Also, papers relating to the claim of William Talbert—to the Committee on Naval Affairs.

By Mr. LEWIS: Papers relating to the private land claim of Pulgas Rancho—to the Committee on the Public Lands.

Also, papers relating to the correction of boundaries of certain lands in San Mateo County, California—to the same committee.

By Mr. MCMILLIN: The petition of Mrs. Ruth King, for relief—to the Committee on Military Affairs.

By Mr. MORRISON: Memorial of the heirs of James Moore, for relief—to the Committee on War Claims.

By Mr. NELSON: The petition of citizens of Minnesota, for a mail-route—to the Committee on the Post-Office and Post-Roads.

By Mr. OCHILTREE: Papers relating to the claim of Santiago de Leon—to the Committee on War Claims.

By Mr. PIERCE: The petition of Zachariah Bryant and of Mrs. Martha S. Scales, for compensation for property taken and used by the United States Army during the late war—severally to the same committee.

By Mr. POTTER: Papers relating to the claim of Max Beebe—to the Committee on Claims.

By Mr. PUSEY: Memorial of the Squatters' Union of Northwestern Iowa, in relation to a certain railroad land grant—to the Committee on the Public Lands.

By Mr. RYAN: The petition of the Board of Trade of Kansas City,

Mo., for right of way for a mail-route through the Indian Territory—to the Committee on Indian Affairs.

Also, the petition of Rebecca Johnston, for relief—to the Committee on War Claims.

Also, the petition of A. H. Thompson, for relief—to the Committee on Claims.

Also, the petition of colored citizens of Kansas, for legislation to protect them in their civil and political rights—to the Committee on the Judiciary.

By Mr. J. H. ROGERS: Papers relating to the claim of James Clifford—to the Committee on Claims.

By Mr. RUSSELL: The petition of Rev. W. Willey, for relief—to the Committee on Indian Affairs.

By Mr. SCALES: Papers relating to private land claim of Rancho Canada de Guadalupe la Visitacion y Rodeo Viejo—to the Committee on the Public Lands.

By Mr. STONE: The petition of John Pew & Son and others, for removal of obstructions from the harbor at Gloucester Harbor—to the Committee on Rivers and Harbors.

By Mr. SMITH: Papers relating to the application to remove the charge of desertion from the military record of John Wiley—to the Committee on Military Affairs.

By Mr. STOCKSLAGER: The petition of Morris McDonald and others, for an additional appropriation for the completion of Ekin avenue, at New Albany, Ind.—to the same committee.

By Mr. C. A. SUMNER: Papers relating to the claim of Patrick Sullivan—to the Committee on War Claims.

Also, papers relating to the claim of Thomas B. Shannon—to the Committee on Ways and Means.

By Mr. J. M. TAYLOR: Papers relating to the claim of Dr. A. H. Brown, of Martha W. Hughes, of Mrs. M. Rone, of Fidel Spoh, of F. Spoh, of William Van Treese, and of Jane N. Williams—severally to the Committee on War Claims.

Also, the petition of Josiah Baker, of John W. Barnett, of James B. Beyken, of Mary Buckley, of Eaton Bond; of R. J. Brown, administrator of the estate of William Oldam; of F. L. Cawthorn, administrator; of W. S. Calaway, of Mrs. Elnora Epperson, of Mrs. E. Gant, of William H. Jackson, of John H. Jackson; of A. P. May, administrator of the estate of William McFarland, deceased; of Q. McFarland, of William Montague and others, of William Ozier, of Mrs. Mary Ann Pipkin, of Robert Smith, of Calvin Spivey, of R. Stanfield, of Mary Taylor; of Mrs. A. Vernon, administratrix of Amanda Wadley, deceased; of A. J. Williams, of William Wetherspoon, and of William Younger, for relief—severally to the same committee.

By Mr. THOMAS: The petition of George Overmier, of Minneapolis, Minn., for the passage of an act for the relief of certain officers of the late volunteer forces of the United States—to the Committee on Military Affairs.

By Mr. THOMPSON: The petition of T. C. Winfrey, for relief—to the same committee.

By Mr. THROCKMORTON: The petition of certain Indians who became citizens of the United States under treaty of 1867, for an investigation and revision of a distribution of a certain fund—to the Committee on Indian Affairs.

By Mr. VANCE: The petition of William H. Oliver and others, relative to the French spoliation claims—to the Committee on Foreign Affairs.

By Mr. WASHBURN: The petition of citizens of the Mississippi Valley, for the improvement of the Mississippi River and its navigable tributaries—to the Committee on Rivers and Harbors.

By Mr. J. D. WHITE: Papers relating to the claim of A. T. Hurst—to the Committee on Ways and Means.

By Mr. J. S. WISE: The petition of David L. Pool, of Lexington, Va., for relief—to the Committee on Invalid Pensions.

By Mr. YORK: The petition of citizens of Wilkes and Alexander Counties, North Carolina, for a mail-route from Boomer, Wilkes County, to Taylorsville, Alexander County, N. C.—to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of New Berne, N. C., relative to the French spoliation claims—to the Committee on Foreign Affairs.

The following petitions, praying for an appropriation for the payment of the rebate of tax on unbroken packages of smoking and manufactured tobacco, cigars, &c., were presented, and severally referred to the Committee on Appropriations:

By Mr. BREWER: Of citizens of Trenton, N. J.

By Mr. BROADHEAD: Of citizens of Saint Louis, Mo.

By Mr. W. W. BROWN: Of P. A. Stebbins & Bro. and others, and of J. O. Brookbank & Co. and others.

By Mr. CAINE: Of Walker Bros. and others, of Salt Lake City, Utah.

By Mr. CONVERSE: Of T. C. Higgins and 12 others, and of McDaniel, Johnson & Co. and others, of Ohio.

By Mr. W. R. COX: Of John L. Markham and others, of North Carolina.

By Mr. FORAN: Of wholesale and retail tobacco dealers of Cleveland, Ohio.

By Mr. HOUSEMAN: Of citizens of Grand Rapids, Mich.

By Mr. MULDROW: Of citizens of Columbus, Miss.

By Mr. PARKER: Of C. P. Clark and others.

By Mr. PRICE: Of Knapp, Stout & Co. and others.

By Mr. S. H. MILLER: Of citizens of Titusville, Pa.

By Mr. YORK: Of citizens of Salisbury, N. C.

SENATE.

WEDNESDAY, *January* 16, 1884.

Prayer by Rev. G. GOTTHEIL, D. D., of New York city.

The Journal of yesterday's proceedings was read and approved.

TRADE WITH CUBA AND PORTO RICO.

The PRESIDING OFFICER (Mr. INGALLS in the chair) laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

In response to the resolution of the Senate of the 8th instant, calling for the correspondence on file upon the subject of discriminating duties upon commerce between the United States and Cuba and Porto Rico, I transmit herewith a report made to me by the Secretary of State, with accompanying papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 15, 1884.

PETITIONS AND MEMORIALS.

Mr. DAWES. I present a petition of citizens of Boston, praying for an appropriation for schools in Alaska, and I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. DAWES. I present also the petition of the Temple of Honor of Massachusetts, representing 1,815 members, praying for an amendment to the Constitution prohibiting the use, manufacture, or sale of alcoholic drinks. The petitioners ask that this petition may be referred to a select committee. I am not advised whether any such petition has already been presented and referred during the session. I would like to have the petition take the reference of similar petitions, if any have been hitherto presented and referred.

Mr. CAMERON, of Wisconsin. Similar petitions were referred to the Committee on Finance in the last Congress.

The PRESIDING OFFICER. The Chair cannot advise the Senator from Massachusetts, but will have the petition referred to any committee he may suggest.

Mr. DAWES. Some petitions on this subject have gone heretofore to the Committee on Finance, but I do not see any reason why the Committee on Finance should report upon an amendment to the Constitution. I suggest that the petition be referred to the Committee on Education and Labor.

The PRESIDING OFFICER. The petition will be so referred.

Mr. LAPHAM presented a petition of the Woman's Christian Temperance Union of New York, representing 7,000 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating beverages; which was referred to the Committee on Education and Labor.

Mr. PLATT presented a petition of the Woman's Christian Temperance Union of Connecticut, representing 1,250 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating beverages; which was referred to the Committee on Education and Labor.

Mr. BLAIR presented a petition of the Woman's Christian Temperance Union of New Hampshire, representing 1,200 members, and a petition of the National Temperance Society of New York, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquors for drinking purposes; which were referred to the Committee on Education and Labor.

Mr. JACKSON presented a petition of the Good Templars of Tennessee, representing 3,549 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquors for drinking purposes; which was referred to the Committee on Education and Labor.

Mr. SAWYER presented the petition of Joannes Brothers and 8 other tobacco dealers at Green Bay, Wis., praying for a tobacco-rebate appropriation; which was referred to the Committee on Appropriations.

Mr. COCKRELL. I hold in my hand three petitions from citizens of the District of Columbia, one from Mrs. Dorman B. Eaton, Mrs. John B. Alley, and others; another signed by L. S. Emery, A. S. Solomons, and others, and the third by Judge William B. Snell and others, all praying for the passage of the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes. I move that these petitions be referred to the Committee on the District of Columbia, and I hope that the committee will give prompt consideration to the subject.

The motion was agreed to.

Mr. GORMAN presented the petition of Robert Reyburn, M. D., M. W. Galt & Brother, and others, citizens of the District of Columbia, praying for the passage of the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia.

He also presented the petition of Charles W. Beatty, of Baltimore, Md., praying a refund of duties alleged to be illegally exacted by the collector of customs; which was referred to the Committee on Finance.

Mr. SHERMAN presented a petition of the Grand Temple of Honor of Ohio, representing 700 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquors for drinking purposes; which was referred to the Committee on Education and Labor.

Mr. CONGER presented the petition of James H. Walton and other citizens of the Upper Peninsula of Michigan, praying for the passage of the bill (S. 691) to confirm and declare legal the acts of certain officers of the United States; which was referred to the Committee on Public Lands.

Mr. BUTLER presented the memorial of the Charleston (S. C.) Chamber of Commerce, in favor of an appropriation in advance for the Charleston jetties; which was referred to the Committee on Commerce.

He also presented a resolution adopted at a meeting of the Teachers' Institute of South Carolina, in favor of an appropriation in aid of the Bureau of Education; which was referred to the Committee on Education and Labor.

Mr. CALL presented the petition of O. H. Kelly and other citizens of Carrabelle, Fla., praying for the establishment of a port of entry at that place; which was referred to the Committee on Commerce.

Mr. MILLER, of New York. I present the petition of a committee of the national live-stock convention which was held in Chicago, an adjourned meeting of which has been held in this city during the past three or four days. The petition relates to the subject which was under discussion yesterday morning, in regard to diseased meats and diseased cattle. I desire to have it read. It is not long, but as it pertains particularly to the resolution which was before the Senate and under discussion yesterday, I wish that the paper may be read.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Secretary will read the memorial.

The petition was read, as follows:

A memorial of the committee of the national live-stock convention held in Chicago November, 1883.

To the Senate and House of Representatives of the United States in Congress assembled:

Your petitioners respectfully set forth that at a national convention of the live-stock breeders of the United States, representing twenty-two of the principal stock-growing States and Territories, held in the city of Chicago, November 16, 1883, they were appointed a committee for the purpose of presenting to your honorable body a statement of the losses which the live-stock interests of the country suffer by reason of the restrictive regulations now enforced by foreign governments against the importation of American live-stock and meat products into their respective countries.

We believe that these regulations are, to a great extent, inspired by motives other than those publicly assigned. It is claimed that our cattle are infected with a disease known as contagious pleuro-pneumonia, and that our swine are diseased in various ways—but more particularly with trichinosis. It is further alleged that we have no adequate system of inspection of either live-stock or dead-meat products. While the facts do not fully bear out these allegations, yet they contain a sufficient amount of truth to give them a degree of plausibility.

The facts are briefly these: The disease of lung-plague exists to a limited extent in circumscribed localities along the Atlantic seaboard, where it was first introduced by importation from Great Britain and Holland. Various State laws have been passed for the suppression of this disease and several hundred thousand dollars expended, but owing to the lack of united action by the several States and the difficulty of regulating by State enactments the commerce between the States it has been impossible so far to entirely eradicate the disease, except in the single State of Massachusetts, which took immediate action on discovering the disease, and by prompt measures, at an expenditure of about $100,000, successfully eradicated it.

There is also a certain amount of disease existing among the swine of the United States, but certainly to not nearly so great an extent as is represented abroad. The statistics of our export trade show that we are now annually losing millions of dollars by reason of these restrictions. The number of neat cattle in the United States as estimated by the census of 1880 is 41,171,000, representing an estimated value of $1,250,000,000. The number of swine is 43,000,000, representing an estimated value of $300,000,000. Our export of live-stock and meat products during the fiscal year ending June 30, 1882, aggregated $120,000,000; for the fiscal year ending June 30, 1883, they aggregated only $107,000,000, showing a decrease of $13,000,000. This great and rapidly growing interest is not only seriously embarrassed by reason of the restrictive regulations imposed by foreign governments against our meats, but the actual existence of the cattle interest is imperiled by the prevalence of contagious pleuro-pneumonia or lung-plague, which prevails as yet to only a limited extent, as hereinbefore stated.

In proof of this strong statement it is only necessary to cite the case of Australia, where formerly vast herds of cattle roamed the extensive plains of that country as they now do the plains of our own Western frontier. In the year 1858 a single cow infected with lung-plague was imported into that country from England, and from that one animal the disease extended to the ranges of the interior, and entirely destroyed the herds of whole districts of country, so that the raising of cattle was abandoned in consequence. The same state of affairs occurred in South Africa. We cite these cases to show what would be the result of the infection of our own Western ranges, now teeming with millions of cattle. That they have not already become infected is due solely to the fact that the traffic in live-stock has been almost entirely from the West to the East, except during the year 1880, when a large trade in Eastern dairy calves sprang up between the West and the East. The State of Illinois, foreseeing the fatal effects likely to result from this trade, promptly passed a law prohibiting the traffic in such calves within her territory, thereby substantially breaking up the dangerous traffic.

In consequence of the restrictions which Great Britain imposes upon our exports of live cattle, animals taken from this country bring an average of $15 per head less than if the same class of catte were exported from Canada, where a rigid examination of cattle is enforced and no disease is known to exist, thus placing our cattle industry at a serious disadvantage in competition with countries against which no restrictions are imposed and tends constantly to lessen the aggregate of our export. A much greater percentage of losses is sustained by reason of the restrictions imposed by foreign countries upon our pork products.

For fuller and more complete information we respectfully refer you to the reports of the United States Department of Agriculture and of the United States Treasury Cattle Commission.

In view of losses already sustained and of the yet greater dangers menacing us, we most earnestly recommend that your honorable bodies enact such laws as will not only relieve us from the unjust suspicion which attaches to our live-stock and meat products abroad, but that you will also take proper measures to provide for the extinction of the disease of contagious pleuro-pneumonia, which can only be done by the slaughter of all infected cattle and the thorough disinfection of infected premises.

The United States Treasury Cattle Commission, who have made a very thorough examination of the subject, estimate the expense of such a measure at $1,500,000. Large as this sum is, it is a mere trifle in comparison with the losses already sustained. In our opinion not more than $500,000 need be made immediately available, and it is to be hoped that after the work has been properly inaugurated it may be found that a much smaller sum than that first named may be sufficient; but in any case we wish to particularly urge upon you the necessity for immediate, thorough, and complete work. We further respectfully recommend, with a view to removing the prejudice of our foreign customers whose trade it is desirable for this country to retain, that a rigid system of inspection of all meat products for foreign export be provided for and enforced, the expense of such inspection to be borne by the exporter.

In order that the States whose Legislatures are now in session make take immediate measures to co-operate with the provisions of a bill to carry out these recommendations, your early consideration of this measure is earnestly urged.

And your petitioners will ever pray, &c.

J. B. GRINNELL, Iowa.
T. CORWIN ANDERSON, Kentucky.
JOSEPH M. CAREY, Wyoming.
D. W. SMITH, Illinois.
DONALD ROBB, Arizona.
N. M. CURTIS, New York.
D. COOPER AYRES, M. D., Wisconsin.
LEVI STOCKBRIDGE, Massachusetts.
S. R. THOMPSON, Nebraska.
GEO. V. LAWRENCE, Pennsylvania.
WM. J. WILSON, Colorado.
E. M. HUNT, M. D., New Jersey.

Mr. BECK. I wish to know if the petition will be printed in the RECORD. If not, I desire an order that it may be so printed.

The PRESIDING OFFICER. It will appear in the RECORD, having been read at the desk. The memorial will be referred to the Committee on Agriculture.

Mr. MILLER, of New York. When that order of business is reached I shall ask leave to introduce a bill upon this subject.

Mr. FRYE presented a petition of the Grand Lodge of Good Templars of Maine, representing 20,000 members, praying for a constitutional amendment to prohibit the manufacture and sale of alcoholic beverages; which was referred to the Committee on Education and Labor.

Mr. PLUMB presented a petition of the State Temperance Union of Kansas, representing 6,000 members, and a petition of the Sons of Temperance of Kansas, representing 780 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquors for drinking purposes; which were referred to the Committee on Education and Labor.

Mr. MAXEY presented a petition of the Templars of Honor and Temperance of Texas, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating beverages; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. 20) to provide for the issue of circulation to national banking associations, reported it with amendments; which were ordered to be printed, and, on motion of Mr. SHERMAN, the bill was recommitted to the Committee on Finance.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 376) for the relief of Henry McGowan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 735) for the relief of Charles S. Mills, submitted an adverse report thereon; which was agreed to, and the bill was indefinitely postponed.

Mr. HOAR. I am directed by the Committee on Claims, to whom was referred the bill (S. 307) for the relief of Lewis D. Allen, to report it adversely and with a recommendation that it be indefinitely postponed.

Mr. COCKRELL. I ask that the bill may go on the Calendar until to-morrow so that I can look at it. I do not know whether I introduced that bill or not, but I will see and call it up. Let the bill go over so that I may see the report.

The PRESIDING OFFICER. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. HOAR. I am also directed by the Committee on Claims, to whom was referred the bill (S. 392) for the relief of Joseph Kinney, administrator of David Ballentine, to report it adversely and recommend its indefinite postponement.

Mr. COCKRELL. There are one or two cases involving the same principle on the Calendar, and I ask that that bill may also go on the Calendar.

The PRESIDING OFFICER. It will be so ordered.

Mr. JACKSON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 491) for the relief of John W. Franklin, executor of the last will of John Armfield, deceased;

A bill (S. 767) for the relief of Columbus F. Perry and Elizabeth H. Gilmer; and

A bill (S. 339) for the relief of the State National Bank of Louisiana.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the bill (S. 167) for the relief of John Thorns, submitted an adverse report thereon, and moved its indefinite postponement.

Mr. BECK. I desire that the bill be placed upon the Calendar.

The PRESIDING OFFICER. The bill will be placed upon the Calendar, with the adverse report of the committee.

Mr. MANDERSON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 410) for the relief of the Sone and Fleming Manufacturing Company, limited, of the city of New York; and,

A bill (S. 399) for the relief of Albert H. Emery.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 253) for the relief of John Leathers, reported it with amendments, and submitted a report thereon.

Mr. PIKE. I am directed by the Committee on Claims, to whom was referred the petition of the personal representatives of Irvine & Field, praying compensation for cotton the proceeds of which were sold under a decree of a United States court, to submit an adverse report thereon, and recommend that the claim be disallowed.

The PRESIDING OFFICER. The committee will be discharged from further consideration of the petition, if there be no objection.

Mr. BECK. I should like to have that placed on the Calendar. I think it is a bill that my colleague [Mr. WILLIAMS] introduced.

The PRESIDING OFFICER. The Chair will state that it is a petition, and not a bill, and there is no way by which petitions can be placed on the Calendar.

Mr. BECK. I think the petition was presented by my colleague, and I should like to have it placed on the Calendar.

Mr. HOAR. I desire to inquire whether under the rules of the Senate this is not the time for the disposition of such a report upon a petition?

The PRESIDING OFFICER. The Chair thinks that it is.

Mr. HOAR. Then I hope the Senate will proceed to dispose of it now, and if there be any objection on the merits, that the merits be discussed now.

Mr. BECK. I beg pardon. I see on examination that this petition was presented by the Senator from Mississippi [Mr. LAMAR]. I was not aware of it; I thought it was presented by my colleague.

The PRESIDING OFFICER. The Senator from Kentucky withdraws his objection, and the Committee on Claims will be discharged from the further consideration of the petition.

Mr. CALL. Neither of the Senators from Mississippi is here, and I ask that the matter lie over until one of them is present.

Mr. HOAR. As was stated yesterday by the Senator now in the chair, the universal practice of the Senate, without an exception, has been that when one of these reports comes in from the Committee on Claims and the subject is acted upon in accordance with the report without discussion, if the Senator presenting the petition desires at any future day, being absent at the time or for any other reason, to have the matter reconsidered, it is always done by unanimous consent. I trust, therefore, that the Calendar will not be crowded by putting upon it petitions. I hope this report will be disposed of, and then if the Senator from Mississippi comes in undoubtedly the Senate will yield to a request of his, if he has any reason for making it.

Mr. CALL. With that understanding I have no objection to discharging the committee from the further consideration of the petition.

The PRESIDING OFFICER. The report of the committee will be agreed to, and the committee will be discharged from the further consideration of the petition.

Mr. PENDLETON, from the Committee on Foreign Relations, to whom was referred the bill (S. 343) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion and to repeal the Revised Statutes from section 4083 to section 4130, inclusive, reported it without amendment.

IRON MOUNTAIN RAILROAD GRANT.

Mr. PLUMB. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 353) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes, to report it without amendment and with a recommendation that it be passed.

I desire to state that a bill has been heretofore reported from the Committee on Public Lands in precisely the terms in which this is now reported, and also to state that this is a grant of lands which was never availed of by the railroad company; that until a comparatively recent period the railroad company, not having built over the line prescribed by the statute, supposed that it had no right to the lands in law or otherwise; that on the delivery of a certain opinion by the Supreme Court to the effect that grants of land made to railroads must be affirmatively forfeited by either legislative or judicial action before they could become a portion of the public domain, certain onerous requirements of the law making the grant were imposed upon the railroad company, and the railroad company then desired to get rid, as it before supposed it had got rid, of the land-grant. This bill is simply to forfeit that land-grant, and to restore the railroad company to the position it would have been in if the grant had not been made. It has never encumbered the land; it never has sold any of the land. On the contrary, the lands have been settled upon by a large number of persons who are now awaiting the consummation of their title, and it can not be consummated until such a bill as this shall pass and become a law. Inasmuch as it has heretofore received the favorable consideration of the committee and of the Senate, I venture to ask that it be now considered and passed.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the bill just reported by him may now be considered at this time.

Mr. COCKRELL. I hope that consent will be given. It is a very material bill and very short, and will only take a moment.

Mr. HOAR. Let the bill be reported for information.

The PRESIDING OFFICER. The bill will be read at length for information.

The Chief Clerk read as follows:

Whereas by the first section of an act of Congress approved July 4, 1866, there was granted to the State of Missouri, for the purpose of aiding in the construction and extension of the Iron Mountain Railroad, from its terminus at Pilot Knob to a point on the southern boundary line of the State, every alternate section of land designated by odd numbers, for ten sections in width on each side of said road; and

Whereas said Iron Mountain Railroad Company, or its successor, did not comply with the terms of said act either in time or by the construction of its line in accordance with the location of its line as shown on its maps filed in the Department of the Interior, or otherwise, and never became entitled to or received any of said lands: Therefore,

Be it enacted, &c., That section 1 of the act of Congress entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad, from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, be, and hereby is, repealed; and upon the acceptance by the said Iron Mountain Railroad Company, its successors or assigns, in writing, under corporate seal, within six months from the passage of this act, of the terms of this act, and upon the production to the Secretary of the Interior by said company, its successors or assigns, of satisfactory proof that said lands have not been sold or encumbered by said company, the said Iron Mountain Railroad Company, its successors or assigns, shall be forever released from any and all obligations imposed by said act of July 4, 1866; and thereupon said lands shall be restored to the public domain for disposition under the public-land laws of the United States: *Provided*, That all pre-emption and homestead entries heretofore allowed upon any of said lands, not in excess of the legal quantity, be, and they are hereby, confirmed: *And provided further*, That all persons residing on any of said lands at the date of the passage of this act shall have a prior right to acquire the same, not exceeding 160 acres, by the usual methods and under the usual restrictions.

By unanimous consent, the Senate, as in Committee of the Whole proceeded to consider the bill.

Mr. SHERMAN. I should like to have some Senator state to us the restrictions or burdens that are cast upon the railroad company which this bill releases the company from.

Mr. PLUMB. I will read the section in the original granting act. Section 4 of the act making the grant provides:

That the said railroads—

There were grants provided in the act to two railroads, a railroad in Arkansas and a railroad in Missouri, and this section 4 applies equally to both—

That the said railroads shall be, and remain, public highways, so far as the same may be constructed under this act, for the use of the Government of the United States, free of all toll or other charges upon the transportation of any property or troops of the United States, and at the costs in all respects of said railroad companies; and the said roads are hereby required to be constructed within the term of five years from and after the 1st day of July, A. D. 1866.

Mr. SHERMAN. The next question is, has this railroad company received any other land grants from the Government of the United States?

Mr. COCKRELL. None in the world, Mr. President; not a thing.

Mr. PLUMB. It has received nothing. I will state what I think will make the matter clear to the Senate. The railroad company did not locate its line upon the line provided for in the law; it did not suppose that it had any right to the land and intended to abandon the land, to waive all its rights under the grant; and it was only on the decision of the Supreme Court that the grant attached notwithstanding the lapse of time, that is to say, it must be declared forfeited by either legislative or judicial action, that any question ever arose about it in the mind of the railroad company or in the mind of anybody else.

Mr. SHERMAN. I will ask the Senator from Kansas whether the railroad company authorized to construct either of the roads here mentioned received land grants under any other act?

Mr. PLUMB. No, sir; it did not. It never received any grant from the United States other than this.

Mr. SHERMAN. In other words, the company did not act under the law at all?

Mr. PLUMB. No; nor under any other law. The company has had no benefit of any action of Congress granting lands.

Mr. McPHERSON. I should like to ask the Senator from Kansas a question. Did the railroad company obligate itself to do anything else except to build the railroad as a condition of the grant?

Mr. PLUMB. It was obligated to transport the Government stores, &c., according to the terms of the section I have just read, in consideration of the grant of lands.

Mr. McPHERSON. Now you propose to release the railroad company from that obligation and restore the land to the public domain?

Mr. PLUMB. The Government and the railroad company are to resume their former condition with respect to each other, the Government getting its lands and the railroad company being released from its obligation to transport Government stores, &c., on special conditions.

Mr. CONGER. I desire to ask the chairman of the Committee on Public Lands whether this grant was given to the railroad company or to the State to aid in building the railroads?

Mr. PLUMB. It was given to the State of Missouri to aid in building the railroad. The land was granted to the State of Missouri.

Mr. CONGER. Was it with the right of the State to assign the land, as has been usual in such cases?

Mr. PLUMB. No; there was no right to assign the land, and the State has never assigned or assumed to assign it. A large portion of the lands is now settled on, and the men are waiting for the perfection of their title until Congress shall pass this or some similar act which shall enable them to go on and get that title, which they can only have a right to by reason of the road not having been completed within the time named in the law.

Mr. CONGER. Has the State ever designated the company which is named in the bill as the party to receive the grant?

Mr. PLUMB. This particular road is mentioned in the act of 1866. The State had no power to designate any other road. The grant was made to the State for the purpose of aiding this particular railroad and no other.

Mr. CONGER. By name?

Mr. PLUMB. By name, the Iron Mountain Railroad.

Mr. CONGER. If it were not for that, I was about to inquire whether the State might not have given to some other company the same land.

Mr. COCKRELL. Oh, no.

Mr. PLUMB. The consideration was limited to the one railroad.

Mr. COCKRELL. And the State never did anything with it. The railroad was located on a certain line, and the reservation of land was made on that line. When they constructed the road it was located a considerable distance away from that line, probably 15 miles, and that reservation of public lands still remains. The railroad company can not claim it, and nobody else can; it belongs to the Government. This bill simply restores the situation as it existed before. The road is not built over the line of this land; it is not built over the line where the land was reserved.

Mr. CONGER. Is there any question other than that between the purchasers, or pre-emptioners, or homesteaders on the line of the road?

Mr. COCKRELL. None in the world except between the General Government and them, and the General Government gives them priority of right.

Mr. McPHERSON. There is one other question which I should like to ask, and which does not appear yet clear to me. Has the railroad company ever had any title to this land?

Mr. PLUMB. They have not.

Mr. McPHERSON. The Senator spoke of settlers on the land.

Mr. PLUMB. The bill provides that the company shall satisfy the Secretary of the Interior that there is no lien or incumbrance of the lands by it before it is released.

Mr. McPHERSON. Then the settlers upon the land have no title from the railroad company?

Mr. PLUMB. They have no title even from the railroad company. The railroad company has not assumed to deal with reference to the land, but under the supposition that by reason of their failure to construct the railroad on the original line and within the original time the railroad company had no title to the land the settlers went on. They are there now, and they have preserved their rights. That is the reason why the necessity exists for the prompt passage of this bill.

The bill was reported to the Senate without amendment.

Mr. CONGER. I wish to ask one further question. Does the bill provide that upon the restoration of the land to the public domain it shall be subject to pre-emption?

Mr. PLUMB. The bill restores it to entry under the public-land laws of the United States, leaving it exactly as it would have been if the reservation had not been made. The bill then provides for giving preference to the men who are already on the land, but who of course can have no status with reference to it now because of the fact that it is under this reservation.

Mr. CONGER. The question is whether this is a part of the public land that must be readvertised and offered for public sale.

Mr. PLUMB. There is no such question involved here. If restored to the public domain now without any further expression, the land would be subject to entry under the pre-emption and homestead laws of the United States.

Mr. MILLER, of California. Subject to all the land laws, I suppose.

Mr. PLUMB. Yes; the bill restores the land to the public domain and makes it subject to the forms of entry; but it goes further and provides that the men who are now on that land, who are actual settlers, shall have the preference right to purchase; and that is proper, because they are there now, practically as trespassers, by reason of the fact that the land was reserved for the benefit of the railroad company.

Mr. CONGER. I supposed when there has been a reservation of land of this kind, by some decision of the courts it was necessary that they should be again offered at public sale as original public lands of the United States.

Mr. PLUMB. If that were true in this case, as it is not, the terms of the bill would especially waive any such requirement as that, because it restores the land specifically and for a specific purpose, that is, for settlement.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question is on agreeing to the preamble.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. VANCE asked and, by unanimous consent, obtained leave to introduce a bill (S. 1116) to regulate distilleries of spirits of a capacity of less than thirty gallons production per day; which was read twice by its title, and referred to the Committee on Finance.

Mr. COLQUITT asked and, by unanimous consent, obtained leave to introduce a bill (S. 1117) for the erection of a public building at Macon, Ga.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BUTLER asked and, by unanimous consent, obtained leave to introduce a bill (S. 1118) for the relief of Mrs. Louisa H. Hasell; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAWYER asked and, by unanimous consent, obtained leave to introduce a bill (S. 1119) for the relief of John W. Brisbois; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1120) for the relief of the heirs and devisees of Dr. Gustavus Horner; which was read twice by its title.

Mr. SAWYER. I move that this bill, with the accompanying papers, be referred to the Committee on Claims.

Mr. CAMERON, of Wisconsin. I suggest to my colleague that the bill should go to the Committee on Revolutionary Claims. It refers to a Revolutionary claim, and I think it ought to go to that committee.

Mr. SAWYER. I accept the suggestion of my colleague, and will move the reference of the bill, with the accompanying papers, to the Committee on Revolutionary Claims.

The motion was agreed to.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. 1121) for the relief of Emily J. Fardy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. 1122) for the relief of M. H. Collins; which was read twice by its title, and referred to the Committee on Patents.

Mr. CULLOM asked and, by unanimous consent, obtained leave to introduce a bill (S. 1123) to restore Louis J. Sacriste to the rank of second lieutenant in the Army, and place him on the retired-list; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLPH asked and, by unanimous consent, obtained leave to introduce a bill (S. 1124) to provide for ascertaining losses sustained by citizens of the United States in Oregon, Washington, and Idaho Territories and Northern California by reason of Indian depredations in 1855, 1856, 1872, 1873, and 1878; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SEWELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 1125) to correct the record and fix the rank and pay of George W. Gile, a lieutenant-colonel in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILSON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1126) for the relief of William H. Manning; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. 1127) to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals; which was read twice by its title.

Mr. MILLER, of New York. I desire to say in connection with the bill that it is, as I understand, the work of the cattle-breeders' convention in connection with the chairman of the Agricultural Committee of the House, or at least that the bill contains the views of the

committee of the Cattle-Breeders' Association and some portions of a bill on this subject which has been introduced into the present and previous Congresses by the present chairman of the Committee on Agriculture of the House of Representatives. I move that the bill be referred to the Committee on Agriculture.

The motion was agreed to.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 1128) for the relief of Theodore F. Hartridge and William G. Christopher, sureties on the official bond of Felix G. Livingston, late collector of customs at Fernandina, Fla.; which was read twice by its title, and, with the papers relating to the case, referred to the Committee on Commerce.

Mr. BECK asked and, by unanimous consent, obtained leave to introduce a bill (S. 1129) to so amend the internal-revenue laws of the United States as to authorize the removal of distilled spirits from distillery to special bonded warehouses under certain circumstances, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1130) for the relief of the Madison Female Institute, located at Richmond, Ky.; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1131) for the relief of Julia A. Read; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1132) for the relief of Anthony L. Woodson; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1133) for the relief of Thomas J. Whitman; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1134) for the relief of Herman D. Stratton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1135) for the relief of Henry H. Sibley; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. HALE asked and, by unanimous consent, obtained leave to introduce a bill (S. 1136) for the relief of Emery S. Wardwell; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1137) granting a pension to Susan J. McKenney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1138) to authorize the Government of the United States to receive certain lands and property in the city of Erie, Pa., and to establish a home for indigent soldiers and sailors; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB. In the last Congress and in the Congress preceding that one, at the request of the National Temperance Union, preferred through its secretary, I introduced a joint resolution proposing an amendment to the Constitution of the United States prohibiting the manufacture and sale of intoxicating liquors. At the request of the same association, preferred in the same way as heretofore, I now ask leave to introduce a joint resolution proposing an amendment to the Constitution for the purpose which I have named.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. 41) proposing an amendment to the Constitution of the United States in relation to the manufacture and sale of intoxicating liquors; which was read twice by its title, and referred to the Committee on Education and Labor.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JACKSON, it was

Ordered, That the papers in the case of W. C. Marsh be taken from the files and referred to the Committee on Claims, there having been no adverse report on the claim.

MEAT EXPORTATIONS.

Mr. BECK. I ask leave to submit an amendment to the resolution offered by the Senator from Rhode Island [Mr. ANTHONY] on the 9th of January, and which was up for discussion yesterday, so that it may be printed.

The proposed amendment was read, and ordered to be printed, as follows:

And the committee is further instructed to report what discriminations are made against exports from the United States by the tariff laws of the principal countries of Europe and America, especially France, Germany, Mexico, and Brazil, by reason of commercial or other special treaties or agreements with more favored nations, and to report the causes which led to such discriminations, the efforts, if any, that have been made to remove them, and what legislation, if any, is necessary to place the United States on an equal footing with "the most favored nations." This investigation is not, however, to delay the action of the committee on the first branch of this resolution.

LONGEVITY NAVAL PROVISIONS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be instructed to transmit to the Senate the opinion of the Attorney-General of June 22, 1883, on the so-called longevity clauses of the naval appropriation acts of August 5, 1882, and March 3, 1883.

REVISION OF THE RULES.

The PRESIDING OFFICER. If there be no further resolutions the morning hour is closed, and the Chair lays before the Senate the Calendar of Resolutions offered on a previous day.

Mr. FRYE. Is not the unfinished business in order?

The PRESIDING OFFICER. The time has come for the unfinished business, being the report of the Committee on Rules. The pending question will be stated.

The SECRETARY. Page 45, Joint Rule III.

III.—COMMITTEE OF THE WHOLE.

All bills, joint resolutions, or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill or joint resolution has commenced.

The rule was agreed to.

Joint Rule IV was read, as follows:

IV.—GENERAL APPROPRIATION BILLS.

1. No amendment shall be in order to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be to carry out the provisions of existing law, or treaty stipulation, or in pursuance of a resolution of the house having the bill under consideration, unless the same be moved by direction of a standing or select committee.

2. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be decided without debate.

The rule was agreed to.

Joint Rule V was read, as follows:

V.—ENGROSSED BILLS.

Bills, joint and concurrent resolutions which have passed either House, and amendments thereto which shall have passed the other House, shall be engrossed on paper, and attested by the signature of the Secretary of the Senate or Clerk of the House of Representatives respectively, as the case may be.

The rule was agreed to.

Joint Rule VI was read, as follows:

VI.—ENROLLED BILLS.

1. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on parchment by the Secretary or Clerk of the House in which said bill or joint resolution originated; shall be examined by a member of the Committee on Enrolled Bills of said House, who shall carefully examine and compare the enrolled with the engrossed bill as passed by both Houses, and, correcting all errors—if any be found—report the said bill or joint resolution forthwith for signature as hereinafter provided.

2. After examination of any bill or joint resolution by a member of the Committee on Enrolled Bills of either House, it shall be reported, first to the House of Representatives, where it shall be signed by the Speaker or Speaker *pro tempore*, and be communicated forthwith to the Senate for the signature of its President or President *pro tempore*, as the case may be in either House.

3. After a bill or joint resolution shall have been thus signed in each House, it shall be presented to the President of the United States by a member of the Committee on Enrolled Bills of the House in which it originated, which fact shall be indorsed on the back of said bill or joint resolution, and be duly attested by the Secretary or Clerk, as the case may be, of the House in which it did originate.

4. The member of the Committee on Enrolled Bills presenting to the President an enrolled bill or joint resolution shall certify to the Secretary or Clerk of the House in which the same originated the date of such presentation, which shall be entered on the Journal of said House.

The rule was agreed to.

Joint Rule VII was read, as follows:

VII.—RESOLUTIONS.

All resolutions which are to be presented to the President of the United States or head of a Department shall be duly engrossed, attested by the Secretary or Clerk of the House adopting the same, and by him be presented to the President or head of a Department, as the case may be.

The rule was agreed to.

Joint Rule VIII was read, as follows:

VIII.—BILLS, JOINT AND CONCURRENT RESOLUTIONS.

1. Each House shall transmit to the other all papers on which any bill, joint or concurrent resolution shall be founded, and when a bill, joint or concurrent resolution which has passed one House shall be rejected in the other, it shall not be introduced or submitted again during the same session without a notice of ten days and leave of two-thirds of the House in which it shall be renewed.

2. When a bill, joint or concurrent resolution, which shall have passed one House, is rejected by the other, notice thereof shall be given to the House passing the same.

3. After each House shall have adhered to their disagreement, a bill, joint or concurrent resolution shall be lost.

The rule was agreed to.

Joint Rule IX was read, as follows:

IX.—CONFERENCES.

1. When a bill, joint or concurrent resolution has passed one House and been amended in the other, it shall be in order for the amending House to at once insist on its amendment or amendments and ask a conference thereon with the other House, or in case it does not so insist, and the originating House disagrees to

said amendment or amendments, it shall be in order at the time of such disagreement to move a conference thereon with the other House. If a conference be ordered, the presiding officer shall appoint three members as managers at the said conference on the part of the dissenting House, which action shall be promptly communicated to the other House. If that House insist on its amendment or amendments and agree to the proposed conference, the presiding officer thereof shall thereupon appoint three Senators or Representatives, as the case may be, to represent said House at said conference, which action shall be promptly communicated to the other House.

2. All committees of conference shall meet at the call of their chairman, and shall state, verbally or in writing, as they may choose, the reasons for the action of their respective Houses touching the amendment or amendments in dispute between the two Houses. It shall not be in order for a conference committee to consider or include in their report matter or subjects not in dispute between their respective Houses, nor shall the committee change the text of a bill, joint or concurrent resolution to which both Houses have agreed, unless it becomes necessary to change the text in order to perfect the bill after amendment.

3. The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, while either House is dividing, or pending a motion to adjourn, and a detailed statement sufficiently explicit to inform the two Houses what effect the report will have upon the subjects or propositions to which they relate shall accompany every conference report.

The rule was agreed to.

Joint Rule X was read, as follows:

X.—CALENDARS.

During the last ten days of a session, when either House has proceeded to the consideration of business on a Calendar, bills, joint and concurrent resolutions of the other House shall be given precedence, and shall be taken up and disposed of in regular order, unless otherwise ordered.

The rule was agreed to.

Joint Rule XI was read, as follows:

XI.—JOINT COMMITTEE ON THE LIBRARY.

There shall be a joint committee on the Library of Congress, to consist of three members on the part of each House, to which shall be referred all proposed legislation or matters touching said Library and all matters relating to statuary or pictures or works of art which may come before either House. It shall also superintend and direct the expenditure of all moneys appropriated therefor, and shall perform such other duties as are or may be directed by law or order of the two Houses, and during the period between the expiration of a Congress and the commencement of the next all duties devolving, by law or otherwise, on the Joint Committee on the Library shall be performed by the members of said committee on the part of the Senate of the preceding Congress.

The rule was agreed to.

Joint Rule XII was read, as follows:

XII.—JOINT ADDRESS TO THE PRESIDENT.

When the two Houses shall judge it proper to make a joint address to the President, it shall be presented to him at such place and time as he may designate by the President or President *pro tempore* of the Senate in the presence of the Speaker or Speaker *pro tempore* of the House of Representatives and both Houses.

The rule was agreed to.

Joint Rule XIII was read, as follows:

XIII.—SALE OF LIQUORS FORBIDDEN.

No spirituous or malt liquors shall be offered for sale, exhibited, or kept within the Capitol, or in any room or building connected therewith, or on the public grounds adjacent thereto; and it shall be the duty of the Sergeants-at-Arms of the two Houses, under the supervision of the presiding officers thereof respectively, to strictly enforce the foregoing provisions, and any officer or employé of either House who shall in any manner violate or connive at the violation of this rule shall be dismissed from office.

Mr. BAYARD. I wish to offer an amendment. I move to strike out the words "or malt" in that rule.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware [Mr. BAYARD].

Mr. BAYARD. I have no objection whatever to a rule that shall exclude from sale in and around the Capitol building where Congress has control the sale of spirituous liquors. I am entirely in favor of it, and I hope it will be adopted; but the case is different as to the other, the less dangerous and more wholesome malt liquors which are used and used here daily and have been used in the Capitol to the knowledge of every man in it ever since I have been a member of the Senate—I can speak now for fifteen years—without abuse and without danger; and yet I believe that this is the same rule in words that existed before. I am not aware of any change in it.

I am not one of those who believe that a law or a rule which stands upon the statute-book ought to be disregarded. If it is there, it should be obeyed; laws that are not obeyed are simply brought into contempt. I think it is entirely within the control of the presiding officers of the respective bodies to regulate the details of this sumptuary question conducted as a matter of trade. I think it is better far that the actual facts should appear in our rules, and that nothing like concealment should be made upon it. All measures for the invasion of personal liberty are unwise in my judgment, and I do not think they consort very well with the self-governing dignity of a body like this. But believing that the rule will be rather aided by striking out these words, and that the dangers to arise from the use of spirituous liquors will be entirely covered by the rule as it will be left with my amendment, I ask for the yeas and nays upon its adoption.

The yeas and nays were ordered.

Mr. HOAR. I wish to ask the Senator from Maine why he excludes lager beer and permits wine to be kept and sold and used in the Capitol.

Mr. FRYE. In the State of Maine, under our Maine liquor law, wine would be regarded as spirituous liquor, and it has been so held by the courts over and over again. Even cider that had 3 per cent. of alcohol was held to be spirituous liquor. Besides, this is the old rule of the joint rules exactly, with the exception that the word "strictly" is inserted here, requiring the Sergeant-at-Arms to strictly enforce this rule, and that is done because the rule has not been enforced.

Why, Mr. President, I have seen a restaurant of one of these Houses become an open, notorious, low, miserable groggery. I have seen a man with his pantaloons inside his boots, with his coarse blouse on, standing up at the bar of a restaurant of one of the Houses of Congress and drinking miserable whisky out of a cup.

Mr. VANCE. A tin cup?

Mr. FRYE. Out of a crockery cup; and I have seen whisky ordered again and again. They called it "tea." It was brought on and placed on the table in a cup put into a saucer and called "tea," and anybody, outside or inside, member of Congress or clerk, or a man from the town, could step in and step up to that bar and order his "tea," and drink it out of a cup. Now, to me, whether there is anything wrong about it or not, there is something utterly disgusting about it, something entirely wanting in character and dignity about any such performance.

I did not think about malt liquors or wines when this rule was considered. The only change made was to put in the word "strictly," so that the Sergeant-at-Arms should not have any option about it, but when he knew these restaurants were selling liquor he should stop it forthwith, and if he does his duty, if this becomes a rule by being accepted by the House of Representatives, it will be done.

Mr. HOAR. I do not wish to question the correctness of the Senator from Maine in regard to the interpretation of this word by the courts of his own State if he feels sure; but I think the law in his State has the word "intoxicating," and it is under that that wine is excluded—not "spirituous."

Mr. FRYE. I beg the Senator's pardon; the word is "intoxicating" in our statute.

Mr. HOAR. Certainly. Both wine and malt liquor contain, of course, some alcohol, and in a statute using the term "spirituous liquors" only malt liquors and wines might be held to be included; but where you say "spirituous and malt," showing that you are not giving it a comprehensive but a limited sense, it seems to me very clearly as a lawyer that that would exclude wine. I would suggest to the Senator, if he wishes to accomplish his purpose, to use the word "intoxicating."

Mr. BAYARD. There must certainly have been some misapprehension in the mind of the Senator from Maine as to the nature of my amendment. There was no suggestion of mine, and there will be none, against the strictest enforcement of the rule against the sale of spirituous liquors in the Capitol. Therefore what induced him to draw the shocking picture of a man disgracing himself, of the Capitol itself being disgraced by the spectacle which he had witnessed, I do not know.

Mr. FRYE. The Senator will pardon me a moment. My remarks were not called forth by anything the Senator said or any proposition he made; but the Senator from Massachusetts inquired about this, and I was simply stating that the only amendment made was the insertion of the word "strictly," and I was illustrating the necessity of that amendment by what I had seen. I had no reference to the Senator's remarks at all.

Mr. BAYARD. I am very glad of that, for a law that is not strictly enforced is not enforced, and if it is not enforced it ought not to be on the statute-book. The amendment that I moved is strictly, as I believe, in the line of temperance and good health. That was my own judgment, and quite without regard to my personal share or my personal tastes in the matter. I am strongly in favor of the exclusion of the sale of spirituous liquors from the Capitol. I am not in favor of the exclusion of malt liquors, and therefore I moved my amendment, and on that the Senate can give its vote.

Mr. FRYE. On the suggestion of the Senator from Massachusetts I am entirely willing to make this rule read "no intoxicating liquor shall be offered for sale," using the language of the Maine liquor law.

Mr. BAYARD. I have no objection to that.

Mr. FRYE. Then I will offer that as an amendment.

Mr. BAYARD. I withdraw mine and accept that.

Mr. FRYE. I move to strike out the words "spirituous or malt" and insert "intoxicating;" so as to read:

No intoxicating liquors shall be offered for sale, &c.

The PRESIDING OFFICER. Is there objection to this modification? The Chair hears none. The question is on the adoption of the rule as modified.

The rule as modified was agreed to.

The PRESIDING OFFICER. The report of the committee is still before the Senate as in Committee of the Whole.

Mr. FRYE. I ask to precede the joint rules by an enacting clause, as follows:

Resolved by the Senate (the House of Representatives concurring), That the following be the joint rules of the two Houses.

The PRESIDING OFFICER. Is there objection to the amendment

offered by the Senator from Maine? The Chair hears none, and it is agreed to. Are there further amendments as in the Committee of the Whole?

Mr. SEWELL. I rise to ask a question for information. The last joint rule as now amended allows malt liquors to the exclusion of wine. Is that the intention, obliging everybody to drink beer that wants to drink at all?

Mr. FRYE. Under the construction of our courts of the Maine liquor law, using the same language, it would not allow anything of the kind to be sold.

Mr. SEWELL. Is that the construction the Senator from Maine places on it?

Mr. FRYE. It would be the construction I should place on it myself.

Mr. SEWELL. That is all I wanted to know.

Mr. FRYE. The Sergeant-at-Arms may be broader than I am in his views.

The joint rules were reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The PRESIDING OFFICER. If there be no further amendments, shall the report of the committee on the joint rules as amended be agreed to?

The joint rules as amended were agreed to.

THE PRESIDENTIAL ELECTION.

Mr. HOAR. I now move that the Senate proceed to the consideration of the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOAR. Before the reading of the bill at length, which would ordinarily, I suppose, be the proper thing to do next, I wish to say that this bill has the unanimous support of the Committee on Privileges and Elections, as it had in the last Congress; and it passed the Senate unanimously winter before last. Under those circumstances I do not propose to debate it, or even to explain it, unless something shall be rendered necessary by some inquiry or discussion initiated by some other Senator. Under those circumstances, perhaps the Senator from California will consider it well enough to let the bill be read and passed before making his motion to go into executive session. If he does, however, prefer to utilize all the time, I shall not interfere with his motion now.

Mr. MILLER, of California. I think the bill will lead to discussion; I do not think we can pass it without discussion.

Mr. HOAR. It has passed unanimously heretofore. That is the reason of my belief that it will pass without discussion now.

Mr. MILLER, of California. How long will it take?

Mr. HOAR. It will take five or ten minutes to read it.

Mr. MILLER, of California. I will consent to have it read, but if it leads to debate——

Mr. HOAR. If there be any consumption of time I shall yield to the Senator's motion at once.

Mr. MILLER, of California. Very well.

Mr. HOAR. I want the bill to go down to the House as soon as possible.

The PRESIDING OFFICER. The bill will be read at length.

The Chief Clerk read the bill.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BAYARD. I am very desirous to expedite the passage of this bill, and yet hesitate upon the rapid reading at the desk, it not having been discussed at all, to let it go without asking the Senator who has it in charge, the chairman of the Committee on Privileges and Elections, whether this is the precise bill that we passed at the last Congress.

Mr. HOAR. It is *verbatim et literatim*, unless there has been some accidental change in copying. I believe it to be the same bill without any change whatever.

Mr. BAYARD. Upon that statement, as I voted for that bill before, I am prepared again to record my vote for this.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 844) to authorize the increase of the capital stock of the First National Bank of Fort Worth, Tex.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 3 hours and 33 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 16, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

CORRECTION OF THE JOURNAL.

The Clerk proceeded to read the Journal of yesterday's proceedings.

The SPEAKER. The Chair asks the attention of members to that part of the Journal about to be read. The vote taken yesterday afternoon on the motion to adjourn was correctly taken, and the result was correctly announced—yeas 80, nays 190—but in making up the record the Chair is advised some confusion occurred in relation to those voting on the second call of the roll, and the Journal as it now stands is evidently incorrect. The Chair will therefore ask the Clerk to read, as part of the Journal, the names of gentlemen voting, in order that the necessary corrections may be made after the Journal has been read.

The reading of the Journal was concluded.

Mr. ADAMS, of Illinois. I voted on the second roll-call and did not hear my name.

The SPEAKER. How did the gentleman vote?

Mr. ADAMS, of Illinois. In the affirmative.

The SPEAKER. The correction will be made.

Mr. EVINS, of South Carolina. I am recorded as having voted in the affirmative on the question of adjournment. I was paired with Mr. VALENTINE and did not vote at all.

The SPEAKER. The correction will be made.

Mr. WEMPLE. I am recorded as not voting. I voted "no" on the question of adjournment.

Mr. GLASCOCK. I am not recorded as voting. I voted "no."

The SPEAKER. The corrections will be made.

Mr. RYAN. I am not recorded as voting. I voted "ay."

The SPEAKER. The correction will be made.

The vote as corrected is as follows:

The question was taken; and it was decided in the negative—yeas 72, nays 185, not voting 63; as follows:

YEAS—72.

Adams, G. E.	Cutcheon,	Kean,	Payne,
Anderson,	Dargan,	Keifer,	Perkins,
Atkinson,	Dunham,	Kelley,	Peters,
Belford,	Eldredge,	Ketcham,	Poland,
Bisbee,	Evans, L. N.	Lacey,	Ranney,
Boutelle,	Everhart,	Long,	Ray, G. W.
Brainerd,	Foran,	McCoid,	Reed,
Browne, T. M.	Hanback,	McComas,	Rowell,
Brown, W. W.	Hart,	McCormick,	Ryan,
Brumm,	Hatch, H. H.	Millard,	Skinner, C. R.
Calkins,	Hemphill,	Miller, S. H.	Smith,
Campbell, J. M.	Hepburn,	Milliken,	Steele,
Cannon,	Hiscock,	Morey,	Taylor, J. D.
Cassidy,	Hoblitzell,	Morrill,	Tillman,
Chace,	Holmes,	Nutting,	Tully,
Cox, S. S.	Holton,	O'Hara,	Wait,
Culbertson, W. W.	Howey,	O'Neill, Charles	Warner, A. J.
Cullen,	James,	Parker,	White, J. D.

NAYS—185.

Aiken,	Ellis,	Lowry,	Springer,
Alexander,	Ermentrout,	Mackey,	Stephenson,
Bagley,	Fiedler,	McMillin,	Stevens,
Ballentine,	Finerty,	Matson,	Stewart, Charles
Barbour,	Follett,	Maybury,	Stockslager,
Barksdale,	Forney,	Miller, J. F.	Stone,
Bayne,	Fyan,	Mills,	Strait,
Bennett,	Geddes,	Mitchell,	Struble,
Blanchard,	George,	Money,	Sumner, C. A.
Bland,	Gibson,	Morgan,	Sumner, D. H.
Blount,	Glascock,	Morrison,	Talbott,
Boyle,	Goff,	Morse,	Taylor, J. M.
Breckinridge,	Green,	Muldrow,	Thomas,
Broadhead,	Greenleaf,	Murphy,	Throckmorton,
Buchanan,	Guenther,	Mutchler,	Townshend,
Buckner,	Halsell,	Neece,	Turner, H. G.
Budd,	Hardeman,	Nicholls,	Turner, Oscar
Burnes,	Hardy,	Oates,	Van Alstyne,
Caldwell,	Hatch, W. H.	Ochiltree,	Van Eaton,
Campbell, F.	Henderson, D. B.	O'Neill, J. J.	Wakefield,
Candler,	Henderson, T. J.	Patton,	Ward,
Carleton,	Hewitt, A. S.	Payson,	Warner, Richard
Clardy,	Hewitt, G. W.	Pierce,	Washburn,
Clay,	Hill,	Peel, S. W.	Weaver,
Clements,	Holman,	Post,	Wellborn,
Cobb,	Hooper,	Potter,	Weller,
Collins,	Horr,	Price,	Wemple,
Connolly,	Houseman,	Pryor,	White, Milo
Converse,	Hunt,	Pusey,	Whiting,
Cook,	Hurd,	Randall,	Wilkins,
Cosgrove,	Jeffords,	Reagan,	Williams,
Covington,	Johnson,	Reese,	Willis,
Cox, W. R.	Jones, B. W.	Rice,	Wilson, James
Crisp,	Jones, J. H.	Riggs,	Wilson, W. L.
Culberson, D. B.	Jones, J. K.	Robertson,	Winans, E. B.
Curtin,	Jones, J. T.	Rogers, J. H.	Winans, John
Davis, G. R.	Kellogg,	Rogers, W. F.	Wise, J. S.
Deuster,	King,	Rosecrans,	Wolford,
Dibble,	Kleiner,	Seney,	Wood,
Dibrell,	Laird,	Seymour,	Woodward,
Dockery,	Lamb,	Shaw,	Worthington.
Dorsheimer,	Lanham,	Singleton,	Yaple,
Dowd,	Le Fevre,	Skinner, T. G.	York,
Duncan,	Lewis,	Slocum,	Young.
Dunn,	Libbey,	Snyder,	
Eaton,	Lore,	Spooner,	
Elliott,	Lovering,	Spriggs,	

NOT VOTING—63.

Adams, J. J.	Dingley,	Jordan,	Ray, Ossian
Arnot,	Ellwood,	Kasson,	Robinson, J. S.
Barr,	Evins, J. H.	Lawrence,	Robinson, W. E.
Beach,	Ferrell,	Lyman,	Russell,
Belmont,	Findlay,	McAdoo,	Scales,
Bingham,	Graves,	McKinley,	Shelley,
Blackburn,	Hammond,	Mayo,	Stewart, J. W.
Bowen,	Hancock,	Moulton,	Storm,
Breitung,	Harmer,	Muller,	Taylor, E. B.
Brewer, F. B.	Haynes,	Murray,	Thompson,
Brewer, J. H.	Henley,	Nelson,	Tucker,
Burleigh,	Herbert,	Paige,	Valentine,
Cabell,	Hitt,	Peelle, S. J.	Vance,
Davidson,	Hopkins,	Pettibone,	Wadsworth,
Davis, L. H.	Houk,	Phelps,	Wise, G. D.
Davis, R. T.	Hutchins,	Rankin,	

The Journal as corrected was then approved.

QUARANTINE STATIONS FOR NEAT CATTLE.

Mr. HATCH, of Missouri, from the Committee on Agriculture, reported back the following resolution, with the recommendation that it do pass:

Resolved, That the Secretary of the Treasury be directed to furnish for the information of this House a statement showing where and at what places quarantine stations for neat cattle imported have been established, the amount of money expended at each station, what accommodations for the shelter and proper care of said cattle have been provided, the name of the commissioner at each station, and what rules and regulations have been adopted and are now in force in reference to the control and management of imported neat cattle on their arrival at any port of entry of the United States.

The resolution was adopted.

Mr. HATCH, of Missouri, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SWINE PRODUCTS.

Mr. HATCH, of Missouri, also, from the Committee on Agriculture, reported back the following preamble and resolution, with the recommendation that it do pass:

Whereas Germany and certain other foreign governments have interdicted the importation of the swine products of this country for the pretended reason that said products are not proper and wholesome for food; and

Whereas an invitation on the part of this Government to said foreign governments to send agents here to test said products has been declined, thus indicating that the pretended reasons given for such interdiction are not the real reasons; and

Whereas it is the duty of this Government to act promptly and with energy to resent the injustice done by said charges and to protect these great products from said imputation: Therefore,

Resolved, That the President of the United States is hereby requested to transmit to this House, if in his opinion it be not incompatible with the public interests, copies of any and all correspondence had by the State Department with all foreign governments on this subject, together with any and all information that he may have bearing upon this question.

Mr. TOWNSHEND. A resolution like that was adopted last Monday week, and I learn the Secretary of State will send a communication to the House on the subject to-day. What is the necessity then for the adoption of another resolution?

Mr. HENDERSON, of Iowa. The resolution adopted heretofore was not so comprehensive as the one now before the House.

Mr. TOWNSHEND. If you will refer to the resolution adopted on my motion you will find it to be more comprehensive.

Mr. HENDERSON, of Iowa. It was limited, if the gentleman from Illinois will pardon me, to the governments of Germany and France; whereas this resolution takes in all countries and seeks to obtain full information upon the subject.

Mr. TOWNSHEND. So does the resolution which I offered, and in compliance with that resolution I am informed that the Secretary of State will to-day send in a response covering the whole ground.

Mr. HENDERSON, of Iowa. The RECORD will show that only two governments were mentioned in that resolution, and the information called for referred expressly to them.

Mr. REAGAN. Let me state that the Committee on Commerce, acting through a subcommittee, on last Saturday waited on the President and learned through him, or the Secretary of State, that the papers in response to the resolution and covering the subject-matter referred to in the present resolution will be sent in to-day. I do not know the difference between the two resolutions, but my impression is that the information to be received will cover the entire ground.

Mr. TOWNSHEND. I object to the consideration of the resolution.

The SPEAKER. That is entirely unnecessary, as this is a privileged matter.

Mr. TOWNSHEND. I say that I object to the consideration of it.

The SPEAKER. The gentleman then raises the question of consideration.

Mr. TOWNSHEND. I will move that it be referred——

The SPEAKER. It has already been referred.

Mr. TOWNSHEND. Under the rule, where objection is made to its introduction it must go to a committee.

The SPEAKER. The Chair will state to the gentleman from Illinois that this is a privileged report from the committee, and comes in under the rule which requires the committee to report back such matters within one week. Does the gentleman make any motion in reference to it?

Mr. TOWNSHEND. No; I am indifferent to the matter, as the other resolution covers the whole ground.

Mr. HATCH, of Missouri. The Committee on Agriculture, to which the resolution was referred by order of the House, in its consideration was aware of the fact that this question had been before the House and had been referred to another committee, but they considered the resolution which has just been read from the Clerk's desk as more comprehensive in its character than the former resolution adopted by the House calling upon the President instead of the head of one of the Departments alone to furnish all the correspondence with any and all governments and all papers on file from any foreign government upon this question. They therefore adopted the more comprehensive resolution, and now submit it to the House for its adoption.

I demand the previous question.

Mr. COX, of New York. Let it be read again.

Mr. REAGAN. Before that is done, if the gentleman will permit me, I would like to ask whether there is any reason to believe that there has been any correspondence with any government except France and Germany on this question or with any other Department of this Government.

Mr. HATCH, of Missouri. We are advised that there is. I will say to the gentleman from Texas that when the report comes here, if it is deemed a full and complete report, there will be no necessity to reply further to the resolution.

The SPEAKER. The Clerk will again report the resolution.

The resolution was again read.

The SPEAKER. Upon this resolution the gentleman from Missouri [Mr. HATCH] demands the previous question.

The House divided; and there were—ayes 147, noes 10.

So the previous question was ordered.

Mr. HATCH, of Missouri. Before the final vote is taken, on consultation and at the suggestion of one or two members, I ask unanimous consent and leave of the mover of the resolution to change a word in the resolution. Where the word "pretended" occurs in the resolution to change it to "alleged."

The SPEAKER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DORSHEIMER. I wish to say in reference to this resolution——

The SPEAKER. This is not debatable, the previous question having been ordered by the House.

The resolution was agreed to.

Mr. HATCH, of Missouri, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINT OF A PETITION.

Mr. WELLER. Mr. Speaker, I desire to have the RECORD corrected. My remarks were supplemented yesterday by a petition presented, to which were subscribed some fifty names, giving force and character to the petition, which it could not have without the names attached to it. I desire that the petition be reprinted and the names be added. There are only about fifty of them.

The SPEAKER. The Chair is under the impression that the RECORD is correct, as the petition to which the gentleman refers was simply read as a part of his remarks, and of course unless the names were also read they would not go into the RECORD.

Mr. WELLER. I supposed they were to be read at the time.

The SPEAKER. Unless they were actually read, however, they would not go into the RECORD.

Mr. WELLER. Then I ask unanimous consent that they be added to the petition, and the petition be reprinted.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. COSGROVE and others objected.

GEORGE H. MITCHELL, M. D.

Mr. KELLEY, by unanimous consent, introduced a bill (H. R. 3532) for the relief of George H. Mitchell, M. D.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. GILE.

Mr. KELLEY also, by unanimous consent, introduced a bill (H. R. 3533) to correct the record and fix the rank and pay of George W. Gile, a lieutenant-colonel in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMMITTEE CLERK.

Mr. YOUNG, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved by the House of Representatives, That the Committee on Expenditures in the Interior Department be allowed a clerk, who shall be paid out of the contingent fund of the House.

EARNINGS OF UNITED STATES MARSHALS, ETC.

Mr. VAN ALSTYNE. I desire to make a privileged report from the Committee on Expenditures in the Department of Justice. I am in-

structed to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish to the House of Representatives a statement from the records of his Department showing the gross earnings per annum of each United States marshal, attorney, and clerk, the expense of his office, and the net earnings which have been paid to him each year from the beginning of the fiscal year 1873 to the close of the fiscal year 1883.

The resolution was adopted.

Mr. VAN ALSTYNE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MANUFACTURE OF FERMENTED LIQUORS.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. 3534) to amend sections 3336 and 3349 of the Revised Statutes in relation to the manufacture of fermented liquors; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DISTRIBUTION OF CONGRESSIONAL GLOBE.

Mr. WASHBURN. I offer the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to deliver in bound form to the Secretary of the Interior the volumes of the Congressional Globe purchased from Messrs. Rives.

Be it further resolved, That the Secretary shall, from the volumes thus delivered to him, supply to the library of each of the Executive Departments, to the State library of each State, to the Territorial library of each Territory, and to the library of each depository of public documents in the several States designated or to be designated, in accordance with provisions of law, such volumes as are required to complete the sets of Congressional Globes in said libraries.

Be it further resolved, That the Secretary of the Interior shall distribute the volumes of the Globe remaining after the distribution hereinbefore directed has been made to such libraries in the several States as in his discretion he may select to receive them.

Be it further resolved, That the Secretary of the Interior shall report to Congress the names and locations of the libraries supplied with documents under the provisions of this resolution and the number of volumes supplied to each.

Be it further resolved, That hereafter the Public Printer shall deliver to the Secretary of the Interior a sufficient number of bound copies of the CONGRESSIONAL RECORD to enable that officer to supply one copy to each library named in section 2 of this resolution; but this shall not authorize the reprinting of any back numbers of the Globe or RECORD.

The SPEAKER. Is there objection to the present consideration of the resolution.

Mr. HOLMAN. I object to its present consideration. Let it go to the Committee on Printing.

Mr. WASHBURN. Will the gentleman from Indiana permit me to call his attention to the fact that precisely this same resolution passed the last House and was amended at his own suggestion and the suggestion of the gentleman from Pennsylvania [Mr. RANDALL]. It is precisely the resolution that was passed during the last session of the last Congress, providing for the distribution of some old Globes that were purchased of Messrs. Rives & Co., and for which there is no earthly use. They simply lumber up the Printing Office. The resolution requires no new printing and no expenditure of any character.

Mr. HOLMAN. Oh, yes! one clause of the resolution provides, as I understand it, for further printing of the RECORD.

Mr. WASHBURN. It does not so provide. The last section is the amendment offered by the gentleman from Indiana [Mr. HOLMAN] himself, providing expressly against that.

The SPEAKER. The Clerk will again report that portion of the resolution.

The Clerk read as follows:

Be it further resolved, That hereafter the Public Printer shall deliver to the Secretary of the Interior a sufficient number of bound copies of the CONGRESSIONAL RECORD to enable that officer to supply one copy to each library named in section 2 of this resolution; but this shall not authorize the reprinting of any back numbers of the Globe or RECORD.

Mr. BEACH. I would like to have the second section of the resolution again read.

The SPEAKER. It will be read, subject to the right to object.

The second section was again read.

Mr. HOLMAN. I still reserve the right to object to this resolution until I can make further inquiry. From this hasty reading it is impossible for gentlemen to determine whether or not the resolution involves further printing. Is my friend certain that it does not involve an increased amount of printing?

Mr. WASHBURN. The last section is the amendment which was put on the resolution of the last House by the gentleman from Indiana [Mr. HOLMAN] himself. I assume that the country was protected to the fullest extent from the fact that the amendment was offered by him. But if there is any doubt in regard to it I have no objection to its being referred to the Committee on Printing.

Mr. HOLMAN. I prefer that it shall take that course.

The resolution was accordingly referred to the Committee on Printing.

RIVER AND HARBOR IMPROVEMENTS.

Mr. SHELLEY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rivers and Harbors:

Resolved, That the Secretary of War be requested to report as early as practicable on the necessity of making immediate appropriations for continuing work on important river and harbor improvements until the appropriation for the next fiscal year becomes available, and to make such recommendations as may be deemed necessary to protect the interests of the Government.

NATIONAL-BANK CURRENCY.

Mr. POTTER, by unanimous consent, introduced a bill (H. R. 3535) to maintain the currency against injurious fluctuations by the issue of 2 per cent. bonds and their deposit as security for bank-note circulation and by remitting taxation upon circulating bank notes when secured by deposits of 2 per cent. bonds; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ADDITIONAL COMMITTEE-ROOMS.

Mr. WILLIS. I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Public Buildings and Grounds be, and it is hereby, instructed to inquire and report to the House at the earliest practicable day whether or not there are sufficient accommodations at the Capitol for the committees of the House; and, if not, where and upon what terms the necessary additional accommodations can be procured.

There being no objection, the resolution was received, considered, and adopted.

Mr. WILLIS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN E. WHEELOCK.

Mr. LAMB, from the Committee on Foreign Affairs, reported back with a favorable recommendation the following resolution:

Resolved, That the Secretary of State is hereby directed to communicate to this House all the correspondence concerning the alleged arrest, imprisonment, and torture of John E. Wheelock, a citizen of the United States, now resident in the city of Brooklyn, by the Government of Venezuela, in the year 1879, and what steps have been taken to have the said Wheelock's claim acknowledged and paid by the said Government of Venezuela.

The resolution was considered and adopted.

Mr. LAMB moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RICE, from the Committee on Foreign Affairs, reported back with a favorable recommendation the following resolution:

Resolved, That the Secretary of State be, and is hereby, directed to furnish for the information of the House all information in the possession of that Department as to whether Spain has heretofore, and to what extent if at all, paid the interest stipulated and the 1 per cent. annually on the nominal value of the rent provided for in its treaty with the United States promulgated by the President November 1, 1834, and the instructions issued in conformity therewith.

The resolution was considered and adopted.

Mr. RICE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRAIRIE COUNTY, ARKANSAS.

Mr. DUNN, by unanimous consent, introduced a bill (H. R. 3536) for the relief of Prairie County, Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMMITTEE CLERK.

Mr. MORSE, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Expenditures in the Navy Department be allowed to employ a clerk during the sessions of the Forty-eighth Congress, to be paid at the rate of $6 per day out of the contingent fund of the House of Representatives.

MARSHALS IN WEST VIRGINIA.

Mr. GIBSON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Expenditures in the Department of Justice:

Resolved, That the Secretary of the Treasury be requested to furnish this House with a complete list of the marshals and deputy marshals appointed and employed in the State of West Virginia for the fiscal years of 1882 and 1883, together with information in what service each was so employed, and how much was paid from the Treasury to, or received in fees by, each of such persons; also a detailed statement of all moneys paid to employés and witnesses in behalf of the United States in criminal prosecutions in the Federal courts of that State for said years.

JOHN WILEY.

Mr. SMITH, by unanimous consent, introduced a bill (H. R. 3537) to remove the charge of desertion from the military record of John Wiley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ERIE CANAL.

Mr. WEMPLE, by unanimous consent, introduced a bill (H. R. 3538)

for the permanent improvement of the Erie Canal and maintaining the same free to the commerce of the United States; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

REBATE OF TOBACCO TAX.

Mr. BLOUNT. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be, and it is hereby, authorized to report at any time a bill appropriating such sum or sums of money as may be necessary to pay claimants for rebate of tax on tobacco.

There being no objection, the resolution was received, considered, and adopted.

Mr. BLOUNT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ABSENTEE FOREIGN MINISTERS, ETC.

Mr. DIBRELL, by unanimous consent, submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State be, and he is hereby, requested to inform this House how many and who of the foreign ministers, consuls, or agents of the United States to any foreign country have been absent from their post of duty since the 1st day of January, 1882, the time absent, and the reasons therefor, and whether their salary has been paid them during such absence, and the amount so paid in each case.

ADMISSION TO MILITARY ACADEMY.

Mr. SLOCUM. I ask unanimous consent to introduce for present consideration the joint resolution which I send to the desk.

The SPEAKER. It will be read, subject to objection.

The Clerk read as follows:

Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Antonio Barrios, of Guatemala, and José Victor Zavala, of Nicaragua.

Resolved by the Senate and the House of Representatives, &c., That the Secretary of War be, and he hereby is, authorized to permit Antonio Barrios, of Guatemala, and José Victor Zavala, of Nicaragua, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the cases of said Barrios and Zavala the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. HOLMAN. Inasmuch as this is an unusual proposition, I trust the gentleman from New York [Mr. SLOCUM] will explain his purpose in offering it.

Mr. SLOCUM. One of the young men whom it is proposed by this joint resolution to admit to the Military Academy is the son of the President of Nicarauga; the other is the son of an ex-President of Guatemala. In the opinion of the Secretary of War and the Secretary of State it is advisable to extend this courtesy to those two governments. The measure will involve no expense to the United States. As to the two sections of the law which it is proposed to suspend, one requires every person admitted to the Military Academy to swear allegiance to the United States; the other requires him to bind himself to serve in the Army. In view of our relations to these South American Republics I hope the resolution will pass without objection, as it involves no expenditure on the part of our Government and is simply a graceful act of international courtesy.

Mr. COX, of North Carolina. I would like to ask the gentleman from New York whether this resolution has been considered by any committee.

Mr. SLOCUM. It is presented at the request of the Secretary of War; it was prepared by him.

There being no objection, the joint resolution (H. Res. 113) was introduced, read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SLOCUM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REV. WORCESTER WILLEY.

Mr. RUSSELL, by unanimous consent, introduced a bill (H. R. 3539) for the relief of Rev. Worcester Willey; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PATENTS.

Mr. VANCE. By direction of the Committee on Patents, I ask unanimous consent to have taken up for present consideration the bill (H. R. 1134) to amend section 4887 of the Revised Statutes, in relation to patents. I think it will not consume any great length of time.

The SPEAKER. What is the position of the bill?

Mr. VANCE. It is on the House Calendar—number 3, I believe, on that Calendar.

The SPEAKER. The bill will be read, subject to objection.

The bill was read.

Mr. ANDERSON. I object.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. SNYDER, by unanimous consent, introduced a bill (H. R. 3540) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARINE-HOSPITAL SERVICE.

Mr. DORSHEIMER, by unanimous consent, introduced a bill (H. R. 3541) for the maintenance and support of the Marine-Hospital Service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REDUCTION OF INSPECTION FEES.

Mr. DORSHEIMER also, by unanimous consent, introduced a bill (H. R. 3542) on reduction of inspection fees; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FREE RAW MATERIALS.

Mr. DORSHEIMER also, by unanimous consent, introduced a bill (H. R. 3543) to exempt certain raw materials from payment of duty when imported; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RECORDING OF VOTES.

Mr. STONE, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That the Committee on the Rules be directed to inquire and report on the expediency of introducing a machine into the House, patented by Mr. Enos, for the purpose of facilitating the counting and recording of votes.

FIRST NATIONAL BANK, FORT WORTH, TEX.

Mr. MILLER, of Texas. Mr. Speaker, I move, by unanimous consent, to take from the Speaker's table for present consideration the bill (S. 844) to increase the capital stock of the First National Bank of Fort Worth, Tex.

Mr. HOLMAN. I trust before that is done some explanation will be made by the gentleman from Texas.

Mr. TOWNSHEND. Let the explanation be made, subject to objection.

Mr. MILLER, of Texas. By direction of the Committee on Banking and Currency of this House I have reported a bill exactly similar to this Senate bill. I therefore move that the Senate bill be put on its passage instead of going to the Committee on Banking and Currency, because that committee, as I have already stated, has reported a proposition exactly similar to the one passed by the Senate.

Mr. TOWNSHEND. I hope the gentleman will state the necessity for the passage of such a bill.

Mr. MILLER, of Texas. The business of the place has increased very much, and the Comptroller of the Currency has fixed the amount of its circulation at $100,000, but the Attorney-General of the United States has delivered an opinion that the circulation can not be increased except by legislation.

Mr. TOWNSHEND. Does the bill contain any other legislation?

Mr. MILLER, of Texas. Nothing else.

Mr. HOLMAN. We did not hear the explanation made by the gentleman from Texas, and I hope he will state to the House what necessity there is for the passage of any such proposition.

Mr. MILLER, of Texas. I have already stated the necessity for this action.

Mr. HOLMAN. We did not hear the gentleman.

Mr. MILLER, of Texas. The capital of this bank has been fixed by the Comptroller of the Currency at $100,000. Since the Revised Statutes authorized the Comptroller of the Currency to fix the amount of the capital of national banks the Attorney-General has given an opinion in which he holds that neither the Comptroller nor the bank can increase the capital after it has been once fixed. The business of the town has increased so rapidly that it is necessary to enlarge the capital of this bank, and it can not be done without this legislation.

The SPEAKER. Is there objection to taking up the bill from the Speaker's table for present consideration?

There was no objection; and the bill was taken up, and read a first and second time.

The bill is as follows:

Be it enacted, &c., That the First National Bank of Fort Worth, located in the city of Fort Worth, in the State of Texas, is hereby authorized to increase its capital stock, in accordance with existing laws, to any sum not exceeding $500,000, notwithstanding the limit heretofore fixed in its original articles of association and determined by the Comptroller of the Currency; and the Comptroller of the Currency is hereby authorized to fix the limit of increase of the capital stock of the First National Bank of Fort Worth, Tex., at the amount of $500,000.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MILLER, of Texas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SHIP-CANAL AROUND NIAGARA FALLS.

Mr. NUTTING, by unanimous consent, introduced a bill (H. R. 3544) authorizing the construction of a ship-canal around Niagara Falls, in the State of New York; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

REDUCTION OF CUSTOMS AND INTERNAL-REVENUE DISTRICTS.

Mr. THROCKMORTON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of abolishing or consolidating any of the customs and internal-revenue districts of the United States, and report by bill or otherwise.

ARTICLES SUBJECT TO TARIFF DUTIES.

Mr. BURNES, by unanimous consent, submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the Committee on Ways and Means be, and is hereby, requested to report to the House a schedule containing, as near as may be practicable, all the items, articles, and commodities now subject to tariff duties, which, in its judgment, are necessities or common comforts in the daily life and labor of the people of this country, to the end that all such items, articles, and commodities may be freed from all taxation or bounty not absolutely required to preserve the public credit of the United States.

CALL OF COMMITTEES.

Mr. STEELE. I now demand the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports.

SPEEDY DELIVERY OF LETTERS.

Mr. COSGROVE, from the Committee on the Post-Office and Post-Roads, reported back with amendments the bill (H. R. 1071) for the more speedy delivery of letters at free-delivery offices and special stamps to insure said delivery; which were referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ROWELL, from the Committee on War Claims, reported back adversely the following petitions; which were laid on the table, and, the accompanying reports, ordered to be printed:

The petition of R. W. Winbourn;

The petition of Thomas B. Smith, administrator of the estate of Thomas S. Hardaway;

The petition of George M. Robinson;

The petition of Mary C. Shields;

The petition of Sarah E. Norton; and

The petition of Mrs. Nora Walsh.

BILLS ADVERSELY REPORTED.

Mr. ROWELL also, from the Committee on War Claims, reported back with adverse recommendation bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. 859) for the relief of Norah Walsh; and

The bill (H. R. 2227) for the relief of Ralph P. Miller.

The call of committees for reports was resumed and concluded.

CLERKSHIP COMMITTEE ON RIVERS AND HARBORS.

Mr. DOCKERY. I desire to present from the Committee on Accounts and ask for its present consideration the resolution I send to the desk.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the following resolution, introduced by Mr. WILLIS:

"*Resolved*, That the clerkship of the Committee on Rivers and Harbors be, and the same is hereby, declared an annual clerkship, with compensation fixed at $2,000 per annum, and the Clerk of the House is hereby authorized and directed to pay the clerk of said committee out of the contingent fund for the present session compensation at the above rate"—

respectfully report that they are of the opinion that this committee should have an annual clerk, but such action can not be had by resolution of the House. We therefore recommend the reference of said resolution to the Committee on Appropriations.

We further recommend the adoption of the following as a substitute:

"*Resolved*, That the Committee on Rivers and Harbors be allowed a clerk, to be paid out of the contingent fund of the House, until June 30, 1884, with compensation at $2,000 per annum."

The SPEAKER. The question is upon agreeing to the resolution reported by the committee.

Mr. COX, of North Carolina. I think it is indispensable to an intelligent discharge of the duties we are called upon here to perform to have certain information upon this subject which has been called for. I introduced a resolution the other day to find out what is the actual number of the employés of this House. There is not a member, I presume, who knows what the present number is. I find in the appropriation bill of last year that there were two hundred and five on the rolls and fifty-one clerks, and that the employés of the House cost over $360,000 per annum.

Now, I think we should emphasize the fact that we propose to act with intelligence and know what we have. We can not tell what officers we now have; and I therefore move to recommit that report to the committee with instructions to report the present number of employés of the House.

The SPEAKER. The gentleman from North Carolina moves to recommit the report to the Committee on Accounts with instructions to report to the House the number of employés of the House.

Mr. WILLIS. I hope the gentleman will not press such a motion as that upon this report. It is a well-known fact that this committee is a new committee to the House. While I may cordially co-operate with him in the object of his resolution, I submit that this is not the proper time to press that question. The Committee on Rivers and Harbors have been compelled to meet without any clerk; all of the members have been acting as clerk; business is before the committee every day that requires the active participation of the members and emphasizes the necessity of a clerk, and I hope the motion will not be pressed on this report. There will be other reports upon which he can offer his amendment, and I hope he will not press his motion here.

Mr. DOCKERY. I desire to state to the House, if we are required to wait until the work contemplated by the resolution of the gentleman from North Carolina has been completed, that it will be at least a month, perhaps two months, until the assignment of temporary clerks can be made to committees of the House. This Committee on Rivers and Harbors, as the House well knows, is a new committee, authorized by a partial revision of the rules. There is a necessity that this committee should have a clerk. I apprehend no gentleman will question that, and I hope the resolution reported by the Committee on Accounts will prevail.

Mr. SKINNER, of New York. Mr. Speaker, I do not desire to antagonize the resolution reported from the Committee on Accounts, but in considering the question of clerkships for the various committees of the House, which was discussed at some length during the last Congress, we must bear in mind one thing, that the Committee on Commerce, as heretofore organized, was allowed the privilege of naming two annual clerks for service on that committee. It is now well known that for certain reasons which have been made plain the old Committee on Commerce has been divided into two or more committees, and we hear it asserted, or my friend from Michigan asserts, that it leaves nothing much for the committee to do since this division. I do not quite agree with him in that conclusion; but even if that were true, we can allow the old Committee on Commerce to retain one of its annual clerks for its present service, and allow the other, who has heretofore been appointed, to go with the subcommittee or with the committee which was taken out from the Committee on Commerce, the new Committee on Rivers and Harbors. Now, since two annual committee clerks have been heretofore appointed for the Committee on Commerce, I would like the gentlemen interested in that subject to explain why these two clerks can not do the business of the two committees.

Mr. HORR. Perhaps the chairman of the Committee on Commerce would consent that both its clerks should go to this other committee. It seems to me that would be quite appropriate, and it would settle the whole difficulty.

Mr. COX, of North Carolina. I have no doubt this clerk may be needed. The objection that I have to this report is that it is partial. I think we ought to have all the information before us, so that we may act intelligently. The information I have asked for is as to the number of employés and their compensation, and that information I think is indispensable in the consideration of resolutions of this character. In the hope, however, that the Committee on Accounts will report in regard to that at an early day I will withdraw my objection for the present, but may renew it if similar reports are made before that information is furnished to the House.

Mr. DOCKERY. I demand the previous question.

Mr. COBB. I ask the gentleman to withhold for a moment his demand for the previous question that I may make an inquiry. I wish to inquire of the gentlemen in favor of this proposition whether or not it is necessary that this committee shall have an annual clerk? I understand the resolution provides for that.

Mr. DOCKERY. Not at all.

Mr. COBB. Then I have no objection to the resolution.

The previous question was ordered; and under the operation thereof the resolution was adopted.

Mr. DOCKERY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection, the resolution reported back will be referred, in accordance with the recommendation of the Committee on Accounts, to the Committee on Appropriations.

There was no objection, and it was so ordered.

CLERKS FOR COMMITTEE ON INVALID PENSIONS.

Mr. ERMENTROUT. I am instructed by the Committee on Accounts to make the report which I send to the desk, and I ask for its immediate consideration.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the following resolution, namely:

"That there shall be appointed as clerks of Committee on Invalid Pensions

two additional clerks; that there shall be paid to each of said additional clerks the same rate of compensation, out of the contingent fund of the House, as was paid to each additional clerk to said committee in the Forty-sixth and Forty-seventh Congresses"—

having had the same under consideration, submit the following report:

The number of bills referred to the Committee on Invalid Pensions largely exceeds the number referred to any other committee. In the Forty-seventh Congress more than one-third of all the bills introduced were referred to this committee. The docketing, arrangement, filing, and distribution of so large a number of bills involve a great deal of clerical labor, and this must be done before the work of that committee can be systematically conducted; so then there appears to be a necessity for speedy action upon this resolution. The clerical labor necessary to the transaction of the business of the committee increases after this preparatory work is done, and it is a well-known and indisputable fact that the Committee on Invalid Pensions is, above all other committees of the House, the one involving the most labor.

The interests of those who are demanding remedies of the Government on account of sacrifices of its interests are placed in the charge of this committee, and it is the belief of the Committee on Accounts that the House will wish to do whatever is necessary to make the work of the Committee on Invalid Pensions effective. Influenced by these considerations, and the further fact that in the Forty-sixth and Forty-seventh Congresses the Committee on Invalid Pensions had three additional clerks, and this resolution asks for two only, who are to be paid at the same rate and in the same manner, therefore the Committee on Accounts recommends the adoption of the resolution.

Mr. BROWNE, of Indiana. Is the resolution reported by the Committee on Accounts before the House for consideration?

The SPEAKER. It is.

Mr. BROWNE, of Indiana. And is it open to debate?

The SPEAKER. It is, unless the previous question is ordered.

Mr. BROWNE, of Indiana. May I be permitted to say a single word, having had some experience on this subject?

The SPEAKER. The gentleman from Indiana has the floor.

Mr. BROWNE, of Indiana. My recollection is that during the last Congress the Committee on Invalid Pensions wrote and presented to the House about four hundred and thirty reports. I think I am safe in saying that that is more than were reported in the aggregate by any other ten committees of the House. While these reports are not written altogether by the clerks of the committee, they must contribute very largely to that work. The substance of a report may be penciled out by the gentleman who may be the subcommittee on a particular bill, but the report is put in shape at last by a clerk.

In addition to the preparation of reports all the papers in the cases pending before the committee are brought from the Pension Bureau for consideration; and often, I may say in almost every case, this testimony, which is frequently voluminous, must be abstracted for the consideration of the subcommittee by the Clerk.

While we had three per-diem clerks in addition to the clerks of the committee during the first session of the last Congress we found ample employment for all. I think during the second session of a Congress the committee might get along probably with the clerk and one per-diem clerk. But there certainly is no extravagance in asking two for the whole term. I hope, therefore, there will be no objection to the adoption of this resolution. I believe the clerks are necessary. All that is required is a little expenditure of $3,000 or $4,000, and in a matter of this kind certainly, under the circumstances, there ought to be no hesitation about it.

Mr. MATSON. I apprehend there will be no opposition to this resolution; I therefore regard it as unnecessary to discuss its merits. But I think it is fair to the House that I should now say that while this resolution calls for but two clerks, the Committee on Invalid Pensions expects to have the aid of one person detailed from the Pension Office for the express purpose of taking care of the valuable papers that are brought to the committee-room to be used in the work of the committee. That person, however, will be paid by the Pension Office, and not by the House.

If that arrangement can be accomplished the number of clerks asked for by the resolution will be found to be ample. As my friend and colleague [Mr. BROWNE, of Indiana] has said, three additional clerks will not be too many; but two will answer, with the assistance which we expect to receive from the Pension Office.

The question was then taken, and the resolution was adopted.

Mr. ERMENTROUT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLARENCE W. DE KNIGHT.

Mr. BREWER, of New Jersey, from the Committee on Accounts, reported back with a favorable recommendation the following:

Whereas Clarence W. De Knight having been regularly appointed and sworn as a page of the House of Representatives December 3, 1883, and having performed the duties of and served in that capacity from said date to December 10, both days inclusive: Therefore,

Resolved, That the Clerk be, and he is hereby, authorized and directed to pay him out of the contingent fund of the House for the time he served at $2.50 per day.

The resolution was adopted.

Mr. BREWER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPLOSION AT FRANKFORD ARSENAL.

Mr. RANDALL, by unanimous consent, introduced a bill (H. R. 3545) for the relief of the sufferers by the explosion at the United States arsenal at Frankford, Philadelphia, Pa.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL HOAK.

Mr. ERMENTROUT, by unanimous consent, introduced a bill (H. R. 3546) for the relief of the estate of Michael Hoak, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WILLIS. I now insist on my motion that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Mississippi River improvement bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the bill (S. 1038) making an appropriation for continuing the improvement of the Mississippi River. By order of the House all general debate upon this bill has been limited to forty minutes.

Mr. HOLMAN. I believe the bill is now open to amendment.

The CHAIRMAN. Not yet. General debate has been limited to forty minutes, with the understanding that thirty minutes shall be allowed to the opponents of the pending bill and ten minutes to those in favor of it. The Chair recognizes the gentleman from Indiana [Mr. BROWNE].

Mr. ANDERSON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON. Will it be proper, when the pending bill is being read for amendment, to raise the point of order that it originated in the Senate?

The CHAIRMAN. The Chair can not anticipate points of order.

Mr. ANDERSON. I give notice that when the proper time comes I desire to raise that point of order.

The CHAIRMAN. The half-hour allotted to the opponents of the bill may be distributed according to such arrangements as may be made by gentlemen.

Mr. BROWNE, of Indiana. I will yield five minutes to the gentleman from New York [Mr. SKINNER].

Mr. SKINNER, of New York. I do not propose, Mr. Chairman, to antagonize any bill before this House which has for its object the improvement of the navigation of any of the great rivers of this country. I do not propose to antagonize any proposition which is intended to lend the helping hand of the Government to those people who suffer from the uncontrollable floods of the great rivers of the West.

But we might as well understand at this time the real question before the House. It was well stated by the gentleman from Iowa [Mr. HEPBURN] that in this discussion nothing has been said about any proposition to improve the navigation of the Mississippi River, and there is nothing in the House resolution, as it appears on our desks, which has for its object the improvement of the navigation of the Mississippi River.

Broadly and I believe fairly stated, the proposition contained in the resolution is simply one to appropriate a million dollars from the United States Treasury for the purpose of building up the levees of the Mississippi River. It is nothing more, nothing less. Whatever may be the motive actuating those favoring this appropriation is another thing. Upon reference to the message of the President upon this subject, it will be found that it concludes with the recommendation for "an immediate appropriation of $1,000,000 to continue the work without loss of time, in view of the approach of the flood season, with its attendant dangers." The preamble of the joint resolution reported from the Committee of the House contained these words:

The commission feel that they can not too strongly urge upon Congress the necessities of the case and need of early relief, as the flood season, with all its attendant dangers, is close at hand.

All there is in the joint resolution reported from the committee of the House is the proposition to appropriate $1,000,000 to improve the levees of the Mississippi River and to protect them from the floods.

It has been a struggle to obtain half an hour in this House to discuss a bill which carries with it the appropriation of a million of dollars. A bill of this nature requires and should receive careful consideration, yet we are denied the privilege of an examination of the report of the Mississippi River Commission touching this question.

Who can tell us what that report is? And can any one assure us beyond all peradventure that the millions which have been appropriated for that river, or the millions that are to be hereafter appropriated for it, have not been and will not be controlled by a ring? Can we be assured that this money will be expended honestly? Wherever there is a large amount of money to be expended there are always men, or associations of men, who combine to direct and control the expenditure of that appropriation.

It is an indisputable fact that the Mississippi River Commission believe that the only way to improve the navigation of that river is to

raise and protect its levees, and thereby confer inestimable advantages upon the people who own property along the line of the river. If there is any other way to improve the river except by raising its levees, let us find that out. If to improve the navigation of the river we must raise its levees, let us understand the question just as it is and without any hidden inferences. If that is indisputable, then it opens another phase of the question: May we not be able to improve the river by dredging? Has that question been well settled? If so, let us understand it, and be able to act intelligently. For one I am not convinced that the river can not be dredged and improved by that method.

When this matter was under consideration on a former occasion our brilliant friend from Colorado [Mr. BELFORD], who is always bright and always earnest, made use of the following words:

I am in favor of voting not only one million dollars to improve the streams of the South, but twenty millions if it be necessary to accomplish the advantage of the people. We have a Treasury here to-day governed by New York influence that holds in its vaults a store of millions of dollars—ay, a hundred millions—of surplus revenue, that is kept there for the sole purpose, in my judgment, of advancing the financial interests of New York and Pennsylvania. I say that this House to-day is in the control of the South and the West, and thank God for it!

[Here the hammer fell.]

Mr. SKINNER, of New York. I would like to have a little more time.

Mr. BROWNE, of Indiana. I will yield to the gentleman two minutes more.

Mr. SKINNER, of New York. Yesterday, in the course of some bright remarks which the same gentleman uttered on the same topic we find this emphatic language:

Now, beyond that question, what is our duty? What is the duty of this House? It is to unlock the vaults of the national Treasury.

This certainly is a broad platform to stand upon, but it may be too liberal. It is no doubt true that "Westward the course of empire takes its way," and the gentleman may glory in a combination between the West and South to control the country. But he should not forget the enterprise which has gone there from the North and the East, which has helped to develop the vast resources. Might does not always make right. Withdraw the "New York influence" from some of your Southern and Western enterprises, and see how soon they will fall to the ground. Withdraw New York capital, which you are constantly asking in the West and South, and see how quickly you will regret it.

The Mississippi River is not the only river in the United States—not the only water way. Do not let us forget the great lake system of the North, which has its principal outlet through New York State, and through which nine-tenths of the commerce of the Northwest flows.

The gentleman alludes to "New York influence" as the cause of the immense surplus in the Treasury. I will admit that New York has placed the largest part of that surplus in the Treasury, and I am glad she is able to do it. She has also built the greatest canal on the continent through which the surplus growth of the West finds outlet, and she has maintained that great water way without aid from the Government. More than that, she has made it free, and the immense products of the fertile West go through her valleys untrammeled to the sea.

I am not so liberal as my friend from Colorado, especially when we can not see the end from the beginning. When we have poured $50,000,000 into the Mississippi River we have no assurance that it will be in any better condition for navigation than it is to-day.

But our liberal friend who is willing to vote for thirty millions for the Mississippi, who wants the Treasury vaults unlocked and the coveted surplus distributed, comes from a State which is the subject of a little clipping I have seen. It is said that during the sitting of the Legislature of that (or some other) State, after a large number of appropriations had been made, a member arose and said: "Mr. Speaker, how much money is there left in the treasury?" The speaker made a computation and answered, "About $100,000." "Then, Mr. Speaker," said the inquirer, "let's rake her."

Mr. BROWNE, of Indiana. I yield seven minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. Mr. Chairman, this bill has been reported to the House from the Committee on Rivers and Harbors. The ostensible object of the expenditure is the improvement of the navigation of the Mississippi River. Now, I think it is not well either to deceive ourselves or to attempt to deceive the people. If this expenditure were really necessary for the improvement of the navigation of the Mississippi River, I apprehend there would be very little objection made in this House to the passage of the bill. But while the improvement of navigation is the ostensible object, the primary object of the entire work of the river commission is to take care of flood waters and prevent overflow. Were this not the real object I do not believe any board of engineers would recommend the plan of improvement adopted by the commission. I will go further and say that if the sole purpose was to improve the navigation of the Mississippi River I do not believe any engineer of distinction in the world would recommend the plan of the commission.

But, Mr. Chairman, I do not say that I should be opposed to a reasonable appropriation, the object of which was to take care of the flood waters of the Mississippi and that by a system of levees, if I were satisfied that Congress had the constitutional power to enter upon such a work. But, sir, I am unwilling to vote an appropriation ostensibly for the purpose of improving the navigation of the Mississippi River when it is well known that from Memphis to New Orleans at any rate the Mississippi is navigable at all times, at all stages of water, and at all seasons of the year. Any vessel that can get up to New Orleans can go to Memphis.

Mr. DUNN. The gentleman is mistaken. There are three or four reaches of disturbed navigation below Memphis and above New Orleans.

Mr. WARNER, of Ohio. So far, Mr. Chairman, as this appropriation is intended for the improvement of the navigation of the Mississippi River I say I certainly have no objection to it; but I maintain that the real purpose of the appropriation is to carry on works recommended by the Mississippi River Commission throughout the whole length of the river; and that involves what? Not years, but decades of years of time. Not one million dollars, not ten million dollars, nor one hundred million dollars only, but to carry out the system of jetties at the mouth and a system of levees upon the banks of the river no one can tell what will be required. And when it has all been done I fear the danger from floods will have only been increased.

I for one am opposed to emptying the Treasury of the United States into the Mississippi River to no purpose, or on the mere theory of a commission. We were told yesterday by the gentleman from Arkansas that the question of plan of improvement had been settled; that the method recommended by the Mississippi River Commission was one which could no longer be questioned; that the commission had mastered the laws of hydraulics, the laws governing the floods of the Mississippi River, and could control them. I beg to read a few extracts from a very late report on the improvement of rivers in Europe, where plans very similar to that adopted by this commission have been tried, by Professor Janicke, an engineer of the very highest standing, in a work on the Improvement of Non-Tidal Rivers, translated by Col. W. E. Merrill:

Theory and practice must always be the two indispensable guides for engineers; but in the case now before us, we are unwillingly obliged to confess that no theoretical and practical rules have yet been laid down that lead to fixed conclusions. Notwithstanding the remarkable researches of many learned men, hydraulics, which seeks after the physical laws governing water in motion, and particularly that branch of the science which studies the movement of water upon the irregular beds of rivers, has not yet succeeded in expressing in exact mathematical formulas the phenomena which we must necessarily understand in order to put to practical use the principles of pure science. As to experience, as far as relates to the greater number of works of improvement, it hardly exists at all. I speak now of experience confirmed by results.

This is what the same author says about trying to improve the navigation of a river and at the same time carry off its flood waters:

It is evident that the same methods can not at the same time satisfy such requirements as are in part opposed to each other, for the method which will gather together and carry off any excessive volume of flood water may often affect disastrously the conditions required for navigation, and *vice versa*.

That is the case with the Mississippi River. To improve navigation is one thing and to take care of its flood waters another, and they require the adoption of very different methods.

He goes on to say:

The history of the regularization of rivers, both in Russia and in Western Europe, hardly shows us anything but failures.

Here is an example which the author gives of an experiment on the Volga:

Before any work was done between Tver and Rybinusk, boats could navigate the Volga with a draught of 13 verchoks (22½ inches); to-day, after works costing millions, their draft of water is 14 verchoks (24¼ inches). And that is the total result thus far obtained! Moreover, it must yet be added that this result is only reached by the help of periodical flushings, obtained by means of the dam on the Upper Volga.

This is the result of the applications of the jetty system to the Volga, and I believe ours with the Mississippi will turn out in much the same way.

Here is what the same high authority—and I believe there is none higher in Europe—says of the attempt to determine in advance the results of any system to *regularize*, as he calls it, a river:

From what precedes we now see how difficult it generally is to determine in advance the results which may ensue from ordinary works for the *regularization* of rivers, and we may affirm that in the present state of the science, and of our practically acquired knowledge, no conscientious engineer in devising a system for the *regularization* of any river whatever will dare hold himself responsible for its success.

And yet we are told that our commission has so thoroughly mastered the whole subject, and know so well the laws governing the flow of the Mississippi, that they can tell beforehand just what the result is going to be.

Mr. DUNN. But this appropriation is not to improve the rivers of Europe or Russia.

Mr. WARNER, of Ohio. No, sir, but in the United States; and I apprehend that the laws which control rivers in Europe apply also to rivers in the United States under similar circumstances.

In a later pamphlet the same author says:

This regularization by contraction—

And that is the method recommended and attempted for the Mississippi River—

is seductive at first sight, because it seems exactly to meet the necessities of the case. It is also seductive by its simplicity, but in reality it is a bastard system, which has only one undeniable merit, that of being readily defended.

In my judgment, Mr. Chairman, we may expend hundreds of millions of dollars on jetties at the mouth of the Mississippi, carrying the river farther and farther out into the Gulf, and in building levees along its banks until we have raised them a hundred feet, and we will only have increased the dangers from overflow. The bed of the river will follow the surface up. The river will raise its own bed if confined between levees until it flows on a ridge made higher and higher as levees are raised, and overflows will become more and more dangerous.

I believe that Jefferson Davis was right when he said the leveeing of the Mississippi River to protect the lands would in the end prove to be a measure for the destruction of the lowlands of the Mississippi. Believing the method itself to be entirely faulty, and believing that this appropriation is to be used mainly for the construction of levees—for carrying out a bad system—I am opposed to the bill, while I am not opposed to an appropriation as a means of improving the navigation of the Mississippi River.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. I will yield now for eight minutes to the gentleman from Kentucky [Mr. WHITE].

Mr. WHITE, of Kentucky. Mr. Chairman, we are called upon to act hurriedly on this subject, before the report of the Mississippi River Commission has been laid before the House in print for our information. By referring to the statement of my colleague [Mr. WILLIS], made yesterday, as it is in to-day's RECORD, you will find that this legislation is based on the recommendation of the President of the United States, and on a manuscript report of the Mississippi River Commission which would make about a thousand printed pages. Mr. WILLIS said:

> The President of the United States, by a special message, has referred this subject to the consideration of Congress. The Mississippi River Commission has made its report, upon which the message of the President is based. By order of the House both of those documents were referred to the Committee on Rivers and Harbors. A subcommittee was immediately appointed by that committee, who have had the report of the Mississippi River Commission under their careful consideration for the past three or four days. That report embraces about 1,800 printed pages.

Now that is a remarkable statement of fact. But it is true that this House has nothing but the recommendation of the President and that of the committee, which is based upon the recommendation of the President, and a thousand pages of matter yet in manuscript before that committee, which they have only had for three or four days.

Now, sir, I have not forgotten that two years ago the President recommended to the House an appropriation of $5,000,000 for the Mississippi River and half a million of dollars for the Potomac flats, near this city. And I have not forgotten that the President, when we prepared a river and harbor bill carefully, after months of labor, night and day, vetoed the entire bill making appropriations for rivers and harbors and gave this as his reason:

> I feel the more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tend to an increase in number and in amount. As the citizens of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood. Thus as the bill becomes more objectionable it secures more support. This result is invariable, and necessarily follows a neglect to observe the constitutional limitations imposed upon the law-making power.

I am compelled to hasten. The point I make is this: that the President bases his recommendation on the report of the commission, and the committee bases its recommendation on the recommendation of the President, while the report of the commission is not yet in print. We are asked to hurry up this bill for what? For labor on the Mississippi River? Not at all. In my humble opinion it is in the nature of a deficiency bill, and if we had an itemized account from the War Department it would show some startling facts.

I find, sir, by looking at the reports of the Mississippi River Commission (Executive Document No. 32, Forty-seventh Congress, second session, page 17), that $491,552 were expended on Plum Point reach. For what? For labor on construction? No, sir. Only $13,889 went for such labor. I find on Lake Providence reach $364,456 were expended. For what? For labor on construction? No, sir. Only $10,676 were expended for such labor there.

Mr. HORR. Where is the rest of it?

Mr. WHITE, of Kentucky. Out of my eight minutes' time I shall not occupy the attention of the committee to show what the rest of it was used for. Here is the report; the gentleman can examine it for himself. It did not go for labor on construction; the gentleman may be sure of that. It went for surveying and to junketing trips along the river; it went to build boats and into all sorts of expenditures. But the point I make, Mr. Chairman, is simply this, that if out of an expenditure of $856,000 only $24,500 went for labor on construction, and since it is estimated that it will take $33,000,000 to complete the project, I want to ask how many billions of money will be actually required to complete the whole line of the Mississippi River improvement as contemplated? Figure it out for yourselves, gentlemen, at your leisure, remembering that Captain Eads admitted before the Committee on Commerce in 1882 that a mistake of $2,000,000 had been made in the estimate by the levee commission of 1874 relative to closing up gaps in the levees. They estimated for $2,000,000, but $4,000,000 would be required.

There is a very popular opinion in this country, and I must avow that I share it in part, that the veto of the President in 1882 was not in the interest of cheap transportation, but in the interest of the railroad kings in this country. Moreover, if the President expects to control the Chicago convention on the 3d day of June next by bidding for Southern votes in his recommendation of the Mississippi River scheme, I think, sir, that he had better look a little sharp.

I desire to call the attention of this committee, however, to another fact, that the combination referred to by the President in 1882 has manifested itself already in this House. He recommends the Hennepin Canal this year. Two years ago he recommended the Potomac flats and the Mississippi River business. This year he recommends one million for the Mississippi River as a sort of entering wedge for that gigantic scheme; then he goes one better, and recommends the Hennepin Canal. You will find, Mr. Chairman, that the friends of the Hennepin Canal and of the Mississippi River improvement will be standing side by side in the contest, with this difference, that the men in favor of the Hennepin Canal have possibly always been in favor of internal improvements by the Government, while the friends of the Mississippi River scheme have been on the Democratic side of the question, and been for eighty years the opponents of internal improvements until the prospect of a two-billion-of-money scheme has won them all over. [Laughter and applause.]

[Here the hammer fell.]

Mr. BROWNE, of Indiana. Mr. Chairman, I simply take the floor at this time for the purpose of saying that I believe it will be demonstrated in the future that this Mississippi River improvement plan is the colossal waste and extravagance of the age. I do not care if in the improvement of the navigation of the river it should result in reclaiming all of the inundated lands along the margin of the river—that is, if such shall prove to be the result of the plan intended in good faith for the improvement of the navigation of the river. Indeed, as I have had occasion to say once or twice already upon this floor in the discussion of this and kindred measures, I hope such may prove to be the result of any plan that may ultimately be successful in making its navigation complete. But I have said that I believed it would be demonstrated that this is a vast waste and a tremendous extravagance, because I do not believe it is within the power of science by any manner of construction of embankments to confine the waters of the river within a narrower channel, to either improve the navigation of the river or secure from inundation the lands adjacent to it on either side.

Years ago I have myself seen the Mississippi River when it seemed to have no banks on either side. I was convinced, as I think every intelligent gentleman would be who has witnessed it in those days of flood, that it was not in the power of science or within the limits of the possibilities of the Treasury of the people of this country to levee the Mississippi River within such limits as will protect the riparian owners; and it is singular to me that this system adopted by the Mississippi River Commission is intended to improve the navigation where there is too little water, and also to continue the same plan when there is too much water. Now I can understand perfectly well that where the river is shoal, where the bed is wide, where the water is shallow, by confining its waters by narrowing the channel you may improve the navigation; and if this system of levees or embankments, or whatever you may call it, was confined to such portions of the Mississippi River, I would have some faith in its ultimate success. But what is the truth? As was said by the distinguished gentleman from Ohio [Mr. WARNER], and I think I may say from my own knowledge of the Lower Mississippi River, for eight to ten months in the year there is abundance of water all the way from the city of Memphis to the city of New Orleans.

Indeed, the trouble that is experienced on the Lower Mississippi River is that there is too much water. And yet it is assumed here that an appropriation is to be made to make more navigable a river which is already too much so. What you gentlemen want—and you might just as well tell us so—on the Lower Mississippi River is not to improve its navigation when there is difficulty in getting your boats along over its sand-bars; but you want an improvement that will confine the waters of the stream within a channel when there is too much water there and when your lands are inundated by it. And the Mississippi River Commission has adopted a plan to diminish the volume of water by attempting to confine it within narrower limits; when anybody, whether he is a scientist or otherwise, who knows anything of the laws of hydrostatics, knows that what you want when you have too much water is to get clear of it; and you may say as much as you please about Captain Cowden being a crank and all that, my belief is that the relief you seek can only be got by the outlet system, tapping the Mississippi River when there is too much water and drawing it off the surface.

The time was when the Lower Mississippi country was not inundated as it is now. And why? Because when the river was at flood the water escaped into your bayous and your lagoons and your lakes, and they were filled with water. Nature had made the outlet. It went when it left the river into these places, where it remained. But

by the system of levees adopted by the States you endeavored to confine the river within its embankments; and a muskrat or a crawfish making a hole in the embankment, after a while the waters waging their war in that direction cut your levees, and your country became inundated. In the mean time, while in this way you rescued these low places, the result is they become filled, and now when your waters escape there is no place for them to go except all over the country, and you are inundated there.

You have got to go back to the plan nature originally provided, to make some way by which these waters may escape from the river. It may be necessary to sacrifice some portions of your lands, but not to the extent they are now being sacrificed by these inundations of the river.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. I wish the committee would indulge me for two minutes more.

The CHAIR. It is impossible for the committee to extend the time, the limitation having been fixed by the House. The gentleman from Kentucky [Mr. WILLIS] is recognized.

Mr. WILLIS. I yield the time allowed to the friends of the bill to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE. Mr. Chairman, I do not know when I have listened to an address more plausible, more natural in the character of its views and in the order of their presentation and yet in my humble judgment more thoroughly impregnated with error, than that of the distinguished gentleman who has just occupied the floor. He speaks, Mr. Chairman, about our giving to the river its original character and condition and of our then enjoying the consequent protection. Then, sir, you must go back to the entire territory in the north of the Mississippi Valley and restore all the forests to the soil. Does not the gentleman know that the universal history and tendency of rivers is to deteriorate and degenerate as civilization advances? Does he not know that floods are precipitated upon the lower river now in a way that was not the custom in the early history of that stream? Sir, the troubles that are precipitated upon the lower river have their origin far more in the cultivated lands of the whole Northwest and in the valleys of the Ohio and the Missouri than they have in the conditions that exist from Cairo down.

The gentleman from Indiana and others who spoke upon this question are profoundly impressed with the idea that the real germ and gist of this whole thing is levees for the protection of land. This, Mr. Chairman, is no new question before this House. We have had report after report from a most eminent scientific commission. This matter began in 1876. For three years it was considered in Congress and discussed by scientific men; in 1879 this commission was originated. Four reports have been submitted by the commission indorsing this system as indispensable to the improvement of navigation. Three consecutive Presidents also have in turn urged this measure upon Congress, Mr. Hayes, Mr. Garfield, and Mr. Arthur; and for years Congress has been guided into great and just preparatory expenditures by these united counsels. Now, this bill calls for a part of what is needed this year. Two committees in the Senate have just examined into the merits of the bill, and they have unanimously reported in its favor. Two committees of the House of Representatives have just examined into it, and they have unanimously reported in its favor. And the Senate has just unanimously passed the bill over which we have had so much contention.

It is admitted that mattresses are an indispensable part of river improvement; it is admitted that jetties are an indispensable part of river improvement; and it is admitted by all of these eminent men whom we have commissioned to examine particularly into this matter that levies or channel dikes, which are nothing more than jetties made of earth on the bank instead of piles in the water, are an indispensable part of the only true system of the improvement of the navigation of the river. Do we mean to impeach the integrity of their statements? Do we mean to set our judgment against that of the united scientific investigation of the entire country? Do we mean to say now in view of this unanimous indorsement of these measures coming down through a line of Executives, through a line of Congresses, and through an unbroken line of scientific investigations, that we who confessedly have not examined into it know more about it than all of them together; and in the very flood-time of confidences and the best assurances of success shall we roll back the whole progress of this river's improvement and wreck the fair prospects of ultimate success?

We have never complained of tardiness of results, and now upon the first occasion of success are we going to discharge all the practitioners we brought into the case?

Here comes one gentleman citing figures. Does he expect that this commission is going to work without first purchasing its plant? Is it to their discredit that they build boats upon which to construct mattresses; that they buy pile-drivers; that they buy tugboats; that they make these large expenditures which you might expect and of reason *must demand*? And other gentlemen find fault because cooks are employed for the men thus engaged. Must they not eat? Engineers and clerks are employed. Must there be no organization?

The discrepancy between the money spent and the number of laborers in sight is easily explained. A large part of this work is done by contract. It is by contract that the stone is obtained; by contract that the willows for the mattresses are obtained; by contract that the land dikes or levees are built; by contract that the piles are obtained, and it is by machinery that they are put into the ground.

Now we know perfectly well, taking the assurances of these gentlemen who have examined into this matter, that if you leave this work in an uncontinued state, if you leave this commission with empty hands, when exigencies arise, from the character of the soil and the nature of the stream, the river can destroy in a few weeks the outlay of millions of money and of years of toil.

There was a time when the Gulf of Mexico extended to Cairo, very much as Hudson's Bay extends into the northern part of this continent. All of the bed below Cairo upon which the Mississippi flows is a made bed. There is no analogy between that and the rocky banks and beds of the streams in the uplands.

We know that the Mississippi River is really a system of lakes from Cairo down, and in a strict sense it is not a river at all; but, as Mr. Calhoun said, it is an inland sea. There are thirty-three reaches or lakes between Cairo and New Orleans. It is a succession of lakes and portages; and at the upper end and at the lower end and all through the whole extent of these lakes, reaches, and portages we find exactly the same phenomena and difficulties to contend with that Captain Eads overcame at the mouth of the river, where it makes its last departure into that great lake, the Gulf of Mexico. Bars are formed at the upper and lower ends and all through these lakes or reaches; for the river, almost human in its actions, after exhausting its energy in the bends, drops the huge loads from its Titan arms as it spreads out to rest over the broad expanse below.

As to the practical results to commerce, are gentlemen ignorant of the fact that a statement was made by a convention of merchants assembled in Saint Louis that the increased insurance because of these bars in these reaches or lakes amounts to more than ten millions of dollars annually over the sum which would be required if this work were completed? This is one practical demonstration of the necessity of this work. The tonnage now creeping through these frequent dangers amounts to over 4,000,000 tons per annum. Not only can the $10,000,000 of extra insurance be saved, but this tonnage can be doubled, and the freight charges, now often 50 per cent. less than that of the railroads to the seaboard, can be reduced yet a large percentage more.

I believe that this House did not yesterday care even to debate this question. The debate came on in a gradual way, and, as my friend from Arkansas [Mr. DUNN] described it, in a somewhat regretable way. But it has come. It is with diffidence that I make the closing argument upon the main bill for my committee, and it is with regret that I recognize the expiration of my time.

Now as to the fault findings and criticisms of gentlemen on this floor, who admit that they have not investigated this subject, I hold that the action of the Senate and its committees, the action of the House and its committees, the recommendation of the President, and the action of the commission through successive years, is a sufficient reply to what they have said.

As I surrender the floor I desire to say that I wish the tongue of the gifted Garfield could be again heard here upon this floor in advocacy of this measure to which his far-seeing sagacity caused him to render such efficient support. I would revive the aspirations of nearly all of the great statesmen of our history, who saw in the ultimate improvement of the 50,000 miles of navigable streams in the Mississippi Valley, streams of which this great river is the main stem—the whole covering the grandest country and making the grandest system of free commercial intercouse on earth—God's best assurance of happiness, of liberty, and of union to this people.

Mr. WILLIS. I now yield the remainder of my time to the gentleman from Iowa [Mr. WILSON].

Mr. WILSON, of Iowa. How much time is that?

The CHAIRMAN. There is one minute remaining.

Mr. WILSON, of Iowa. I do not desire to take the floor for one minute.

Mr. WILLIS. Then I ask that the general debate may be considered as closed.

The CHAIRMAN. General debate having been closed, the bill is now open to amendment and debate under the five-minute rule.

Mr. HOLMAN. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Provided further, That the money hereby appropriated (except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury) shall be expended in the continuation and completion of the works on some one reach of the river now in progress of improvement as established by the commission, to the end that the proposed improvement of one of the reaches of the river on which works are in progress shall be completed at an early day and the plan of said commission for the improvement of the navigation of the river fully tested. The reach to be so completed shall be designated by the commission, and report of such designation made to Congress at the earliest practicable period.

Mr. HOLMAN. I base this proposition on the opinion expressed by the Chief of Engineers, General Wright, who in testifying before a committee of Congress at the last session used the following language:

It has always been my view that only one reach of the river should be attacked first, say the Plum Point reach. That was the worst reach in the river.

It always seemed well to me that Congress should appropriate money enough to make a fair test upon that reach, and to wait until the results there were sufficiently known before attempting anything beyond.

This proposition is simply based upon the judgment of the Chief of Engineers. The river, as the committee will remember, is divided by the Mississippi Commission into reaches of varying lengths, from fifty miles to one hundred and more. The two reaches in progress of improvement and on which several million have been expended are the Plum Point reach and Lake Providence reach. Plum Point reach has had expended upon it up to this time $1,250,000. There will be required to complete that reach perhaps $3,839,000 more. I take it for granted that if Congress shall adopt this proposition the work on the Plum Point reach will be prosecuted by the commission to an early completion. Then Congress and the country can determine from the result of this completed work whether it is proper to proceed with further expenditures upon the plan of the commission.

There has been expended for the construction and repair of levees up to this time (if the reports are correct) $1,350,000 of the last appropriation of $4,100,000. Without stopping to discuss now the question whether the levee system is necessary to the improvement of the river, or the power of Congress to appropriate money for the construction of levees to protect private property, permit me to say that by adopting a single reach—a reach of from fifty to one hundred miles—long enough to illustrate fully the working of the plan, it will not be necessary to resort to the experiment of the levee system, for the building of levees has not heretofore been confined to the portion of the river under improvement. On the contrary, if the proposition I submit shall be accepted, it will involve simply the expenditure of money in the improvement of navigation and nothing beyond. I am not willing for one to appropriate large sums of money to be spent indefinitely and everywhere upon that river under a plan which competent engineers regard as an experiment until a fair test is made of that plan. If that test shall establish the practicability and efficiency of the plan of the commission to improve the navigation of the river, then further appropriations can be made with confidence and safety; then, I think, Congress, without any hesitation or fear of failure, might proceed to improve the entire river from Cairo to the Gulf.

The vast region of country on the Mississippi River between Cairo and the Gulf is not the region especially or mainly interested in the navigation of that great river. It is a question affecting the navigation of the Ohio River, the upper Mississippi, and their great tributaries, and the interests of the great States on their borders. It is the commerce of the great States northwest and northeast of the mouth of the Ohio River, as well as of the great States on the Lower Mississippi seeking an outlet to the Gulf, that are interested in improving the navigation of the Mississippi. That commerce is not so greatly embarrassed as might be supposed from the views expressed by gentlemen here. But the great river undoubtedly admits of great improvement, and reasonable appropriations undoubtedly should be made for that purpose, even large appropriations. But here is a gigantic system: the river is divided into stations, and the improvement of one of them, testing the entire plan, will determine whether it is the part of wisdom that the vast sums proposed to be expended in improving the navigation of the Mississippi River should be expended upon the system now being tried—a system which in the nature of things must be, until fully tested, an experiment. Other plans have been proposed. Let us test fully and fairly the plan of this commission, and if it is found to really and permanently improve the navigation of the river, the country will justify the expenditure of even the large sums proposed.

Mr. BROWNE, of Indiana. I move to amend the amendment by striking out the last word. It is assumed by gentlemen who favor this appropriation that the plan proposed by the Mississippi River Commission has not only been fully indorsed by the House but that its success has been demonstrated. And they also attempt to close the controversy by asserting that the engineers who originated this plan are "the best in the world," using the language employed yesterday by the distinguished gentleman from Illinois [Mr. THOMAS].

Now, it is unfortunate for us that in this matter failure has had no chroniclers. We might have learned very important lessons if we had only had some committee of this House to exhibit the frequent instances in which the plans of these distinguished engineers have proved failures. I do not doubt their capacity. I am not attacking their judgment. I am only assuming that the Mississippi River is too large for the science of the day. If I am not mistaken, distinguished engineers once hit upon a plan by which, as was supposed, they could deepen the Gulf of Mexico at Galveston. They supposed that, if they would only dip out the quicksands they would get a greater depth of water. They forgot that quicksands, like water, will seek a level. It was about as impossible to deepen the harbor at Galveston by taking out the quicksand as it would have been to lower the waters of the Gulf by dipping with a tin cup. After we had dumped something less than half a million of dollars in Galveston Harbor, even these distinguished scientific gentlemen came to the conclusion that their plan was a failure.

Mr. REAGAN. The gentleman will allow me to say that there never has been such a plan proposed at Galveston.

Mr. BROWNE, of Indiana. Well, whether I have stated the plan correctly or not, I have stated the result correctly; and so far as the practical question is concerned that is the same thing.

Mr. OCHILTREE. There has been two feet increase of water there within the last three years.

Mr. BROWNE, of Indiana. I suppose that when the Gulf is "on a high" the depth of water increases. I remember that at one time the waters of the Gulf were about three to six feet deep on the island; but I do not know that that was the result of any scientific engineering on the part of these distinguished men of the War Department.

Now, it is a mistake to assume that the scientists of the country are in accord upon this plan. If I am correctly advised this very plan of improvement was once passed upon by a board of distinguished engineers of the War Department, and they disapproved it. Before this commission had adopted it, before it was attempted to be put into operation at all, it was discussed and disapproved by gentlemen of science.

Now, Mr. Chairman, as I have no time to discuss some other questions in this connection, I desire to close by saying that I expect this bill will pass. Indeed I am not sure but it ought to pass. This is an experiment. I have made my prediction. It may be that I am not a prophet. I hope I am not. I sincerely hope that this plan may accomplish all that its friends anticipate. I am willing to see the sum of $1,000,000 appropriated for the purpose of testing the plan. I hope it will be appropriated. I should not have made these observations if there was not connected with this appropriation a further expenditure of fifty or perhaps one hundred million. Before we make any such expenditure let us test the plan.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. I withdraw the *pro forma* amendment.

Mr. DUNN. Mr. Chairman, I rise to oppose the amendment of the gentleman from Indiana [Mr. HOLMAN]; and I have sought the floor for the purpose of challenging and correcting the exceedingly erroneous and incorrect statement made on yesterday by the gentleman from Iowa [Mr. HEPBURN]. He said:

Now, sir, this statement is without reference to the two hundred and fourteen laborers that I find upon the Blue Book. Taking into account their services, the $72,000 paid to them, the yearly expenditure of this commission, without reference to the other sums expended for labor, material, &c., used in building embankments, revetments, dams, mattresses, or anything of that sort is $550,790. And in addition to that you must add the monthly pay of the military officers upon the commission. I was not able to ascertain accurately what that was, but it is something in the neighborhood of $15,000, making the annual expenses of the commission for personal services, without including sums paid to persons called "laborers," more than $525,000.

I read from the RECORD of to-day. He deliberately makes the statement that the Mississippi River Commission is guilty of the grossest extravagance, and has spent the enormous sum of $525,000 per annum, exclusive of the sums expended upon the works of improvement of the river. This is a sweeping charge, and was made with the appearance of authority and great assurance. It made an impression upon the House; indeed, sir, it deceived some members of this House, and, if allowed to go uncontradicted, is calculated to deceive the country. We all know that the laws absolutely forbid any officers of this Government from expending any money or to contract any liability whatever in excess of the appropriations made for the particular purpose by Congress, and if this commission have done so they have violated the law and should be punished.

I will read from the last sundry civil appropriation act making appropriations for the current fiscal year (22 Statutes at Large). The paragraph for the Mississippi River Commission is as follows:

For the Mississippi River Commission as follows:
For salaries and traveling expenses of the commission, office expenses, and reduction of work, for continuation of surveys and gaugings of the Mississippi River and its tributaries, for permanent gauge stations and borings and for publication of maps and results, $150,000; and an itemized statement of the expenditure of this sum shall be included with the annual report of the commission to Congress.

One hundred and fifty thousand dollars! Not for fine cooks and clerks and riotous living, as that gentleman would have us believe, but for "salaries, traveling expenses of the commission, office expenses, and reduction of work; for continuation of surveys, and gaugings of the Mississippi River and its tributaries; for permanent gauge-stations and borings, and for publication of maps and results;" and they are required to render annually, and do render, itemized accounts of their expenditures. That annual itemized account is before us. The one of last year I have here before me, showing that their expenditures were only $140,000, and that there was at the end of that fiscal year an unexpended balance of $35,000, which has gradually accumulated during the four or five years of their existence. Sir, upon this state of facts from the records and official reports comment is unnecessary.

I will not believe that he deliberately intended to deceive the House, but rather I will believe that he was himself misled and deceived by the delusive appearances of the Blue Book, which does not pretend to give any account of sums of money expended, and that he fell into this great blunder simply from want of careful investigation.

But, sir, be the source of his error what it may, being found utterly without foundation, it taints all he said with suspicion of error and forces distrust. There is no more foundation for his charge that this is a great

levee scheme for protection against overflows and not for the improvement of navigation. The original law creating the commission and authorizing this great work to be undertaken declared that it was to "give ease and safety to navigation." Every bill that has ever passed making appropriations for this work has provided that no part of the money appropriated should be used for any purpose except "to improve navigation." No one ever advocated one of these appropriations for any other purpose, and his charge that it is for levees, for protection merely, is equally unfounded as his first charge. The commission have nothing to do with the expenditure of money for the construction of works. That is given exclusively to the Secretary of War. He places engineers of the Army in charge of the work. They conduct it as all other river and harbor improvements are conducted by them, and they give itemized accounts of all their expenditures.

Sir, all the statements of the gentleman from Iowa are thus shown to be equally reckless and without foundation.

The gentleman from New York [Mr. SKINNER] said he found nothing in this bill now before the House looking to the improvement of the river; that it was all for levees.

Sir, that gentleman seems to be equally as unfortunate or reckless as the other to whom I have just paid my respects. Evidently he has not even read the bill nor heard it read. There is an absolute prohibition in the bill of any use of money except for improving navigation. I will read the bill.

Be it enacted, &c., That the sum of $1,000,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Mississippi River, which said sum shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, created by an act entitled "An act to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes, near its mouth, to its headwaters," approved June 28, 1879: *Provided*, That the money hereby appropriated shall be used solely for the improvement of the navigation of the Mississippi River and its tributaries, and no part thereof shall be expended with the view to the improvement of private property.

Mr. SKINNER, of New York. Allow me to ask the gentleman a question.

Mr. DUNN. No, sir.

A MEMBER. It says "with a view."

Mr. DUNN. Or for that purpose. This commission have concealed nothing from this House or the country. They have submitted a plan of improvement of navigation as an entirety, and what they ask is to be allowed to go on—not with a part of that plan, leaving it exposed to destruction because of its incompleteness, but to go forward with all the plan as a whole. They have not recommended the adoption of part of the plan, but all of it as an entirety. They would not be willing to be responsible for any experiment with part of their plan. We should accept it as a whole or reject it altogether. The gentleman from Indiana [Mr. HOLMAN], who we all know has always steadily opposed this measure, asks that the work be now confined to one reach. There are six or seven reaches of disturbed navigation for which the commission have asked appropriations. Four of them are below Memphis. There are two hundred miles of disturbed navigation, in the aggregate, included in these reaches.

The effort of the opponents of this measure a year ago was to limit the improvement to two reaches. That was yielded to by the friends of the measure; and it was the motion of the same gentleman then. Now they ask to limit it to one, and await proofs of the success of the experiment as they call it. We have waited the year, and with the report before us come "confirmations strong as proofs of Holy Writ," and "yet they are not happy." As proofs increase and multiply their doubts thicken; and the more the plan of the commission succeeds the less they want done. In the exercise of a wise discretion in the selection of a plan of improvement the commission have chosen that which will do the most good and accomplish the most complete success.

Do the opponents of the measure desire that plan chosen which will do the least good and fall short of success?

[Here the hammer fell.]

Mr. JEFFORDS. I move to strike out the last word of the amendment. Now, Mr. Chairman, the gentlemen who are opposing the passage of this bill seem to have conjured up a specter. They have argued this question from beginning to end as though we were asking for an appropriation for levees. There is not one word in the bill on the subject of levees. Sir, when the time comes those who are friendly to levees will be willing and ready to meet the gentlemen who are opposed to appropriating money for the building of levees. We claim this great Mississippi Valley contains at least one-half of the wealth and intelligence of the United States, and that whatever affects their welfare affects the welfare of the other citizens of the United States; and you do anything that will endanger the development of the Mississippi Valley, and you prevent the development of the United States.

We claim, or I shall, at least, as one of the friends of that measure claim, that under the general welfare clause of the Constitution, and also under that other clause which grants to Congress the right to regulate commerce between the several States, we have the right to ask and that Congress has the right to grant appropriations of money to build levees upon that river. And like the gentleman from Colorado [Mr. BELFORD], all the citizens of the Mississippi Valley will be in favor of appropriating not only one million, not thirty millions, but if necessary one hundred millions, of money to reclaim that vast and fertile region which is tributary to the wealth and power of this land. And, Mr. Chairman, if you refuse to pass this bill you endanger all that has been already done, and subject the people of this country to tremendous loss thereby. I have the honor to represent a district in Mississippi which has become somewhat historical, the well-known "Shoe-String" district, extending for over four hundred miles along the banks of the Mississippi River. I have seen the work of this improvement from its inception and during its whole progress up to this time; some portions of it I have seen every day, some parts of it every week, and other parts every month. There has been a vast outlay to accumulate the outfit or plant for the Government along the river which this appropriation is asked to protect and to hold the advantage which the Government has already obtained in the work so far done. Sir, if you refuse this appropriation all that work must go for naught. There has been a friendly and magnanimous disposition shown here by members on both sides of this House. I am satisfied the majority is going to pass this bill, and I feel like thanking Democrats and Republicans alike who have given it their support. Continue this work upon the Mississippi River. Continue these appropriations until you ascertain whether or not it is a mere experiment or whether it will result in success, and I say to all of you that it will do more to cement and harmonize this Union than if we were at war with half the nations of the earth.

[Here the hammer fell.]

Mr. ELLIS. Mr. Chairman, while that clock is making five minutes it will be impossible for me to reply in the course of this debate as I had hoped to reply to the vagaries, the inconsistencies, the false ideas, and the misconceptions of gentlemen who have spoken on this subject before this committee. I can now but address myself to the amendment pending before the committee.

The gentleman from Indiana [Mr. BROWNE] who has just addressed the committee is a little bit inconsistent. Last year I spent some months with him in the investigation of this whole question. He went into that investigation hostile to the improvement; and while the overwhelming testimony of the engineers and of the vast majority of the practical men of the country sustained the plan and workings of the Mississippi River Commission he remained unconvinced. He is still consistent in his hostility to the measure, but a little inconsistent now in the desire he has expressed to confine the appropriation for this work to one single reach of the river, for last year he joined in a report that it should be extended to two of the great reaches of the river.

What is the object of this appropriation here so hastily sought? I can not stand here and answer the arguments that have been made to the effect that it is intended for levees alone. Why, sir, the bill answers and refutes that itself. The very language of the bill is that "no portion of the money appropriated shall be expended for the protection or improvement, in any manner, of private property." Why, have gentlemen looked at the bill at all? Have they examined to see what its terms are? Are they aware of the fact that not one dollar of it is to be expended for any other purpose than the protection and prosecution of this great work, a greater than which this great Government has not in progress and never had? Confine it, if you will, to one point on the river, and you impair the brain and the thought and the action of that commission, and you will hold it responsible for failure. This you would do at the suggestion of men who are not sufficiently familiar with the great principles of engineering to build a flutter-wheel or to understand the mysteries of a coffee-mill. Confine it, then, to one reach of the river. In six weeks comes the resistless flood. Then this vast expenditure of money and time for plant, upon which so much labor and money and brains have been expended, will be swept away or injured, not at one point alone, but everywhere along the whole course of the river where the work has been progressing. Not alone will the destruction occur at Plum Point, but at Providence reach, at Memphis, at Vicksburg, and at the mouth of the Red River, where the commission has been laboring. All the works will be injured, and yet the hostility of the gentleman from Indiana, and those led by him, would have all of this plant and material subjected to waste and destruction in a penny-wise and pound-foolish policy inconsistent with the dictates of common sense or the most ordinary views of statesmanship. Sir, that commission in its composition embodies in it the best talent of this country in engineering principles. Ay, sir, I will tell the gentleman from Indiana that there is not an abler engineer here in this whole country than those that are engaged in this great work. You have formulated the law creating that commission; you surrendered this great river throughout all its length and breadth to the control of this commission. You told them, "Go and solve this problem; doubtful theories, conflicting theories, have been advanced, and we could not agree upon what is best to be done." In response to the clamor that came, not from Louisiana, not from Mississippi, not from Arkansas, so much as from the great and growing Northwest, asking for a free and untrammeled pathway to the sea—in obedience to that you created this commission, gave them the whole subject-matter in charge, and now you propose to fetter their brain, to unnerve their arm, and tie them down

where the property of the Government is being wasted by the coming flood. Gentlemen, where is your sense, where is your statesmanship, to entertain such a proposition?

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker resumed the chair.

Certain messages, in writing, from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries.

The Committee of the Whole resumed its session.

IMPROVEMENT OF MISSISSIPPI RIVER.

The *pro forma* amendment was withdrawn.

Mr. GIBSON. I renew the *pro forma* amendment.

I regret very much that the gentleman from Indiana [Mr. HOLMAN], who professes to be a friend to an experiment such as his amendment relates to, should have seen fit to attack this bill in the manner in which he has attacked it. If the action of the commission is to be regarded as a mere experiment, if all that has been done is to be regarded as proving nothing, then the whole foundation of the action of the River and Harbor Committee, the whole foundation of the action of the President, the whole foundation of the action of the Senate, and the whole foundation of the action of the Mississippi River Commission rest upon nothing.

If this bill is passed, why should this expenditure be confined to one particular point? If there are any works there to be saved, if there are any national interests there to be preserved, they ought to be preserved at all points as well as one. The facts in this case are that two points have been selected by the Government of the United States, and these have been improved in pursuance of the law. Why should the House now say that one-half of that work shall be thrown away and only the other half be preserved? If one-half is entitled to be protected, certainly the other half is, and the reasons advanced by gentlemen upon the other side, that this money has been expended not in labor but upon other things, will not support any such position as that taken by the gentleman from Indiana.

It is true that thousands and thousands of dollars have been expended under the head of labor in a way that does not appear to suit the ideas of the gentleman from Kentucky [Mr. WHITE]. But any fair and honest man looking at the report of this commission will see that every solitary dollar that has been expended in preparing to do this work must have been expended before any labor could have been expended upon it. Now, is the House to stand still and allow the floods or the waters in their ordinary condition to wash away or to destroy all this work, or are they to stand still and allow the very plants, the steamboats, &c., purchased there by the Government to rot away? While we are improving only one point the works at the other point will not be preserved, the plant there will be destroyed, and we will then have to make further appropriations to build that which we now have, instead of an appropriation simply to preserve it. If the argument is good for any appropriation at all, it is good for the whole; and if it is not good for the whole, it is not good for any.

I hope gentlemen will meet this matter in a fair, honest, and manly way; that if opposed to the improvement they will vote against it, and if they are in favor of it they will not undertake to kill the bill by insidious amendments.

[Here the hammer fell.]

Mr. HISCOCK. This appropriation is certainly asked for at an unusual period of time. We are asked to vote this money, as has been well said, without the information before us upon which it is assumed the President of the United States acted, and upon which doubtless the Committee on Rivers and Harbors acted in reporting this bill to the House. And therefore, sir, it is well that the amendment of the gentleman from Indiana should be adopted; that we should confine the expenditure of this money to one of the places upon which the Government has expended the money in the past.

When this improvement was first sought after and when the appropriation was first made for it we found in the bill restrictions that the money should be expended only for the purpose of improving navigation; and there was at least a hint in the bill that none of it should be expended for the levees. When the last appropriation was made, substantially the same language that was incorporated in the first bill was used. But this bill comes here without any restrictions as to the expenditure of the money. At least they are in so mild language that the utmost latitude will be allowed to the commission.

It has been said here on the floor that all the engineer strength of the country pronounced that this plan which has been submitted by the commission is a success. I say, in answer to that assertion, that the engineer force of the country has, with great unanimity, stated that this money ought to be expended at one point. It is true that some of them have recommended the extension of it to two points; and if we were discussing here a large appropriation and not an appropriation which is in its terms a deficiency, I would say extend it to two points. But when this is, as I have stated, an appropriation really for the current year, not for the next year, an extraordinary appropriation, I say without the facts before us we should adopt the suggestion which has been made by eminent engineers, that the appropriation should be devoted to one of these points on the Mississippi River.

We have a report from a committee of this House upon this subject. And, sir, I remember when that committee undertook to discuss this question upon a previous occasion it was at least insinuated that it did not make a proper examination. I desire to call the attention of this committee to the names of at least three members of that committee of a former House that investigated the subject. It is true that my friend from Indiana was upon that committee. An eminent gentleman from Massachusetts, Governor Robinson, was upon that committee, and a more eminent man, whom you have honored by placing in the Speaker's chair, was upon that committee. In the report submitted by the majority of the committee it was recommended that all the money should be expended on Providence reach and Plum Point reach; that all the appropriations made for this great work should be expended on these two reaches. Then, I say the amendment which has been offered by the gentleman from Indiana does not propose too much when it proposes that this extraordinary appropriation should be devoted to one of them.

It has been said here that we propose to let the property of the Government be destroyed. Not so. If I understand the amendment of the gentleman from Indiana [Mr. HOLMAN], he proposes that enough of this money shall be expended to preserve the property of the Government; ay, enough of it to preserve the works as far as they have progressed. But so far as new works are concerned, you shall extend them only upon one of these reaches.

If the purpose of gentlemen on the other side is not for the protection of the lands along the Mississippi River, with incidental improvement of the navigation, I ask them to accept the proposition which has been tendered to them by the gentleman from Indiana [Mr. HOLMAN], so that we can demonstrate by practical experience whether this money is being or will be wasted, and whether we can, by the plan which has been adopted by the Mississippi River Commission, aid in the improvement of that great river. I am entirely willing for one to vote all the money necessarily required for purposes of improving navigation, but I am not ready, I am not willing, to vote money solely and only for the purpose of protecting the alluvial lands along the Mississippi River.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired, and the time for debate upon the amendment to the amendment has been exhausted.

Mr. GIBSON. I withdraw the *pro forma* amendment.

Mr. WILSON, of Iowa. I renew it. I am inclined to regard the opportunity for discussing the pending proposition as mainly one for gentlemen to show their ability to entertain. I have not regarded with the least anxiety any evidence to prevent the passage of the bill.

The President tells us, in his special message on this subject, that this appropriation is absolutely necessary. We have a commission organized by authority of Congress for the purpose of making this expenditure. The Mississippi River improvement contemplating the present work was inaugurated earnestly in the Forty-third Congress. The improvement began at the mouth of the river by the expenditure of twelve or thirteen millions of dollars, and that improvement, as far as it has now gone, has revolutionized the commerce of this country and affects the commerce of the world.

This is not merely a sectional matter; it is one of great national importance, affecting the producer and consumer here and abroad. What has been the result of deepening the mouth of the Mississippi River so that vessels drawing 26 feet can come up to New Orleans? It has made New Orleans the second export city of this nation. New Orleans today exports more of the products of the country than either Philadelphia, Boston, Baltimore, or any of the Pacific cities. Heavy articles of freight are naturally seeking the cheapest routes to market.

We formerly sent all our products to market over the Alleghany Mountains by steam. We are now sending large amounts of the products of the Northwest down the Mississippi River by means of cheaper water transportation.

What is the use of gentlemen speaking against this mode of improving the navigation of that river? The mouth of the river was deepened in this way by Captain Eads. He took large willow baskets, filled them with stone, and sunk them in the river banks, making levees. Who cares how you improve the navigation of this great national system, provided it is done, done quickly, and done well?

What has been the effect of the improvement of the Mississippi River by deepening the channel at its mouth? It has compelled the Canadian Government to improve the Welland canal system, so as to give an outlet for the products of the great West through the Saint Lawrence system. That compelled New York to take the tolls off the Erie Canal to save her commerce by the lakes. What has been the result? It has been to bring down the cost of transportation, so that we can continue to compete with the system of water transportation in Russia and with a system of railroads which are being constructed from the Indian Ocean in British India to reach the grain fields of the temperate zone of that country. They raise there half as much wheat as we do in the United States; 240,000,000 bushels last year. There is a world-wide struggle going on between the two English-speaking nations as to which shall furnish the bread for the markets of Europe. A reduction on the East Indian railway system of 18 cents a bushel on wheat was made last year, with a view to competition with the States and Territories of our country. Great Britain desires to get her grain from her depend-

encies instead of buying it from us. They strive to keep pace with our commercial development by a systematic national policy. It is not a good time for us to hesitate about whether we shall improve navigation by raising the banks of a river or by deepening its channel.

If you by negative votes here prevent the appropriation of money to continue this work on the Mississippi River on the system which has been followed, the result will be that you will give our great competitor such an advantage as we may never get over. The contest is between the prairies of the great West, with their intelligent workers and fine machinery, and the temperate zone of India, with its primitive implements and untutored labor, as to which shall furnish breadstuffs to the markets of Europe and meats and dairy products to the world. One hundred and twenty thousand miles of railway require the corrective power of lake, canal, and river to moderate rates. The grain wave has moved into the Mississippi States and Territories, that are the great productive centers at present.

We are now engaged in a system of internal improvement that not only allows us to carry on this competition, but enables the Northwest to send many millions of dollars' worth of our products down the Mississippi River every year. The last ten years' development of our commerce have brought us cheaper transportation for our products, moved the western farm nearer the seaboard and enhanced its value.

We are now sending to the Southern States accessible to the Mississippi and its tributaries and bringing up lumber that is especially suited to the wants of the manufacturing West. We also bring up iron, iron ore, and cotton, and manufacture them in the State of Iowa and other Western States. The South has much to sell that the West needs. They buy heavily from the West. We want everything done that possibly can be done to enable us to carry on the development of our commerce that every year becomes more universal in its character, and of our lands, not only along the Mississippi River but in the whole West.

The whole basin of the Mississippi River is becoming unified in its requirements and more national in its development; the whole great valley is interested in this improvement. It means also cheaper bread and meat to the Eastern manufacturer. The land lying on every stream running into the Mississippi River is interested in it. Wherever in the world our commerce goes, there this improvement is felt.

I have not thought that there was any disposition to prevent the passage of this bill; criticism will be in place on the regular appropriation; amendments will only perplex and delay. No gentleman has favored us with an objection serious enough in its character to require special attention.

[Here the hammer fell.]

Mr. WILLIS. Before the vote is taken on the pending amendment I wish to call special attention to one or two features of it. And preliminary to the statement I desire to make, I wish to say that I take this to be the most important amendment to be offered to this bill. Before attempting its brief discussion, I desire, with the permission of the gentleman from Indiana [Mr. HOLMAN], to ask him a question. That is, whether, if this amendment prevails, he will vote for this bill.

Mr. HOLMAN. I do not think that is a parliamentary question.

[Laughter.]

Mr. WILLIS. I take it for granted——

Mr. HOLMAN. No; the gentleman can take nothing for granted——

Mr. WILLIS. I take it for granted that the gentleman desires to aid us in the discussion of this subject.

Mr. HOLMAN. I represent a constituency as much interested in the actual improvement of the navigation of the Mississippi River as the gentleman's; and he can take nothing for granted by my silence as to how I will ultimately vote on this bill.

Mr. HISCOCK. I do not believe this question should be prejudiced by whatever answer the gentleman from Indiana [Mr. HOLMAN] may make. I favor the gentleman's amendment, and I certainly shall vote for the bill if it prevails.

Mr. WILLIS. I am very glad the gentleman has acted as a proxy for the gentleman from Indiana in answering my question. My object in asking it was to ascertain whether this amendment came from the friends or opponents of the bill.

Mr. HISCOCK. So far as I have advocated it, I have done so as a friend of the bill.

Mr. WILLIS. Now, Mr. Chairman, either this appropriation of $1,000,000 ought or ought not to be made. If it ought to be made, its claim to favorable action rests solely upon the fact that it is an emergency appropriation. If it be not true that the plant of the Government and its works now in progress are jeopardized by an impending flood, by this prospective spring rise, then the Committee on Rivers and Harbors, the President of the United States, and the Senate of the United States have been mistaken in supporting this appropriation. The whole argument of the friends of this immediate appropriation rests upon those facts.

If the gentleman from Indiana had presented his amendment last year it would have been timely. He did present a similar amendment. What was it? That amendment limited the appropriation of money to two reaches, Plum Point reach and Lake Providence reach. The friends of the Mississippi River at that time claimed that there were seven or eight reaches which ought to come under the consideration of the Mississippi River Commission; but the opponents of the bill claimed then, as they claim now, and with more authority then than now, that this work was an experiment; and they succeeded in passing an amendment limiting the appropriation to two reaches upon the Mississippi River.

Now let us look at this question as business men. Suppose we had been discussing the propriety of building a house with four rooms or with two, and had finally concluded to build a two-room house. Suppose those two rooms were half completed, and the winds and rains of heaven were beating in upon them. Suppose then some one should suggest that we had better surrender one of those rooms and let it go completely to destruction. No sensible business man would be governed by such an argument. Yet that is the identical proposition which the gentleman from Indiana now asks this House in its sober judgment to adopt. He asks Congress to surrender work already in successful progress upon two of these reaches, and, to the destruction of hundreds of thousands of dollars of valuable plant, let go the experiment and confine the work to only one of those reaches.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, I have sought the floor to correct a misapprehension of the gentleman from Kentucky [Mr. WILLIS]. He misapprehends my proposition. It does not in any way propose to permit any of the works already in progress to be injuriously affected. While providing that the appropriation shall be expended in work upon a particular reach, my amendment expressly reserves so much of the appropriation as may be necessary to preserve from waste and injury works in progress on other portions of the river. This amendment, which has been offered after consultation with other gentlemen on the floor, proposes by no possibility any injury to any interest on the Mississippi River, but simply that the large sums appropriated from the Treasury shall be concentrated upon one work on one reach of the river until it shall be completed, so that from the result of this completed work Congress and the country may know whether the plan of this Mississippi River Commission will justify the further large appropriations proposed.

Mr. WILLIS. Will the gentleman permit a question?

Mr. HOLMAN. I would prefer that it should not come out of my time, but go on.

Mr. WILLIS. This commission reports to the House that upon both these reaches the water has been deepened—at Plum Point twelve feet and Lake Providence fifteen feet; that the work is a success even in its incomplete condition. Why should the gentleman want to surrender this work?

Mr. HOLMAN. My friend is usually fair and honorable in debate; but instead of asking a question, for which I yielded, he has made a statement upon a subject not embraced in the official reports. I have sources of general and current information on this subject as well as the gentleman from Kentucky. His people are a river-going people and so are mine. The people of my district are no less interested than his in the navigation of the Mississippi River. I am only insisting on reasonable prudence in the appropriation of public money. I am only asking that a plan involving millions of money shall be subjected to a reasonable test.

Believing as I do that the plan of the Mississippi River Commission is as yet but an experiment, I am not willing to vote millions from year to year without any effort to give it a reasonable test.

If this bill provided that until this system has been put to a fair test on one of the reaches, sixty or a hundred miles in length, the money should be expended in such manner as to prove the practicability of the system, that the work of constructing and repairing levees shall not be a part of the system, but the money expended in good faith to promote the interstate commerce of the Mississippi Valley, the commerce that binds together the States of the Union—if the expenditure of money were subject to these reasonable limitations, in order to determine by the ultimate results the soundness of a system promising to involve vast millions of money, I should feel it my duty to vote for the bill.

I ask the gentleman now whether he is willing, as a Representative of the State of Kentucky, as I am of Indiana, that this money shall be confined exclusively to the improvement of navigation and not used for the purpose of reclaiming lands from inundation?

Mr. WILLIS. I answer the gentleman in the exact words of the bill.

Mr. HOLMAN. But let me say——

Mr. WILLIS. Let me read just the proviso to the bill. It is as follows:

Provided, That the money hereby appropriated shall be used solely for the improvement of the navigation of the Mississippi River, and no part thereof shall be expended with the view to the improvement of private property.

Mr. HOLMAN. My friend knows under that language, in substance, $1,350,000 of the $4,100,000 last appropriated have been expended in this way. Will the gentleman strike out the last clause?

Mr. WILLIS. No; I can not.

Mr. HOLMAN. I mean the last part of the last clause.

[Here the hammer fell.]

Mr. MORRISON. Mr. Chairman, with others I have gone over this whole ground and won it in a Republican House of Representatives. I do not propose to go over it again, but merely to ask the Clerk to read from the RECORD.

The Clerk read as follows:

Mr. MORRISON. In the two and a half minutes allowed me I have no time to speak of the importance of improved navigation on the Mississippi River to my section as well as to the whole country. But I must be pardoned for saying that the long-promised home market has not come to us. For in the year last past we in Illinois have exported, besides a considerable portion of other products, about 30,000,000 of bushels, or more than one half of our entire wheat crop. And by reason of this river we reach the markets of the European millions at greatly reduced cost.

Before the organization of the Mississippi River Commission large sums of money were expended to improve navigation; but the improvement made was not commensurate with the money expended. Since then something—very much—has been accomplished and our products go cheaper, surer, safer, to the sea, whether they go by river or rail.

If the gentleman from Massachusetts [Mr. Robinson] means by his proposition or amendment that no levees shall be built to protect the lands of any one, and will so amend his proposition, I will vote for it.

Mr. ELLIS. So will I.

Mr. GIBSON. So will I.

Mr. MORRISON. If that is all he intends to accomplish by it, he ought so to amend it. If, on the other hand, it is needful in order to improve the navigation of that river that levees shall be built, to that extent, and to that extent only, do I favor, support, or advocate the building of levees. For that purpose and to that extent it is as legitimate, as just and wise, to accomplish the purposes by building levees as by any other means not more economical. If there is some better and more economical way, let us know what it is.

Mr. GIBSON. Will the gentleman from Massachusetts [Mr. Robinson] accept that proviso?

Mr. MORRISON. Who are the best judges and who is best informed on the subject and of what is needful to improve navigation of the river? The commission appointed by the President, with the advice and consent of the Senate, or the six or seven excellent gentlemen we sent down the river on a pleasure-trip to look at it? I do not question either the intelligence or the purpose of these gentlemen. I respect both.

But I submit that the members of the river commission are better advised on the subject because of their training before and their better opportunities for informing themselves since their appointment, if not before. A majority of the commission is made up of men skilled and trained in the Army and Navy, and whatever may be said of either the Army and Navy, both are as good as anything else we have in the country—the officers are as honest as any other class of men. Like other men, they can hardly be wholly free from local influences.

The commission was not so made up as to have on it men from different sections, representing different interests, that they might so perform their duties that each might help the other to put money in his purse. This commission was not packed, that each might help the other at the public expense to protect his field, his town, or his land. They have no fields or lands to protect which could induce them to make traffic of their positions to help each other to unwarrantable profits. Such commissions have been made, and I have heard none of the intelligent gentlemen of this examining committee rise in their places here and condemn or disapprove its misdeeds. The river commission is entitled to a fair and further trial. It has done well; it has done more in the work of improving the Mississippi River than has been done by all other agencies we have employed. Still I am not and have never been very partial to commissions of any kind. Next to conference committees Congressional commissions as a rule are more prolific of personal and private jobbery and public plunder than any other legislative methods or instrumentalities yet discovered.

Mr. HEPBURN. Mr. Chairman, the gentleman from Arkansas [Mr. DUNN] has seen fit to question the statement I made yesterday in regard to the amount of the pay-roll of the Mississippi River Commission, and he has cited as authority an appropriation act in which there is an item, as I understood his reading, of $150,000 for this purpose.

Mr. DUNN. That is all which has been appropriated and placed at their disposal. They can not expend any more.

Mr. HEPBURN. The gentleman says they can not expend any more than $150,000. I am willing to concede they can not legally expend more than that sum.

Mr. DUNN. Here is their itemized report.

Mr. HEPBURN. I understand. There is no question between the gentleman and myself as to authority.

Mr. DUNN. I shall ask to have this printed when you are through.

Mr. HEPBURN. I hold in my hand the Official Register of the United States, containing a list of officers and employés in the civil, military, and naval service on the 1st of July, 1883.

In volume 1, on page 373, begins a list under the title of the Mississippi River Commission, and follows for eleven of the closely printed pages of this volume, giving a list of the names and the compensation paid to the persons in the employ of that commission. The aggregate monthly compensation paid to all the persons on that pay-roll is $49,232.50. That includes 216 persons known on this report as laborers. To these the sum paid monthly aggregates $6,700, leaving over $43,000 paid monthly to those persons in the employ of this commission other than laborers, and making a total, as I stated on yesterday, of more than $500,000 a year exclusive of the salaries of these officers whose names I find here belonging to the Army of the United States, and whose compensation is not given and which does not therefore enter into this computation.

Now, sir, I can not say whether during each day in the year these men have been employed by the Government or the commission; but I know that their names are here on this roll, with the compensation allowed to them, and I have accurately stated the aggregate of the amount. I have taken the trouble to classify them and show the amount paid to each class, and the aggregate of the sums so paid is as I have already stated. The gentleman from Arkansas is therefore mistaken in supposing that the authority he cites is a contradiction of the position I have taken. It is nothing more than this, sir, that it raises an imputation—the two things together—against the commission whose special champion he seems to desire to be on this floor.

Mr. KING. Mr. Chairman, it has been said so frequently here that many of the members of this House, especially those from the Mississippi Valley, desire the construction of levees for the protection of the alluvial land along the river only that I feel it somewhat incumbent upon me to repel that charge. I am perfectly willing to state and candidly admit that if that were the question alone we have courage ample to make the petition to that effect. But in accordance with the plans of the Mississippi River Commission, under which we are now acting, that is not the proposition, and is not contemplated by the friends of the Mississippi River improvement. The only request we make is that that system shall be continued. If we are to make any improvements at all, it would seem proper to make them in the light of the experience which has been already derived from the works of that commission; and we ask this appropriation now under the urgent recommendation of the commission itself and of the President to meet an emergency.

With reference to the argument of my friend from Indiana [Mr. HOLMAN], who, I fear, is no friend of that great river nor of the people who ship their freights by it, I hold in my hand, Mr. Chairman, the maps of the commission, showing the works on the Plum Point and Providence reaches, and indicating that these works have resulted as their theories predicted they would result, in success, as far as they have gone. On Plum Point reach the water has been deepened from 5 feet to 12 feet and for many miles; at Providence reach for sixteen miles where the water was 5 and 6 feet deep it has reached an average depth of between 15 and 16 feet by the scouring process carried on in its channel.

In considering that river and its improvements we must not confuse it with clear-water streams or of streams with bottoms of rock. It is a river peculiar in itself; a stream carrying vast quantities of sediment, and its bed is alluvial soil. These works, sir, are in a state of progress. Stop work on one of them and the work already done will be placed in danger, if not ultimately destroyed, and its good effects lost. Stop work on both, and you will imperil all that has been already expended. The treatment of that river was long considered and by many eminent men, and many methods were devised whereby a successful solution of the great problem could be reached of making it navigable and safe at all periods of the year. The Mississippi River Commission ordered by this House determined that the treatment must be not local but constitutional. It must not be confined to any one point, but the whole of the river should be taken under control. What benefit, let me ask, would it be to the commerce of that river or the great valley if you make deep water at one bar while the bar immediately below would form an obstruction to the navigation which you had secured above it?

Imputations have been made by gentlemen upon this floor on the expenditures of the commission. The members of that commission, Mr. Chairman, can never be affected by utterances of that nature. They are men of too high character, of natures too exalted, to need any defense at the hands of any man. But the law itself puts them beyond the reach of any such charge. In relation to the appropriation it provides:

Which said sums shall be expended by the Secretary of War in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission.

In connection with this improvement, sir, it has been said here that—

You may improve this river as far as you please, as much as you please, and the corn of the West will not go in great quantities to the city of New Orleans for European shipment until you change and reform the commerce of this country, and make New Orleans a great entrepôt as New York now is, so that there may be vessels there to be either laden with corn at nominal freight rates or to go back in ballast to European ports.

Mr. Chairman, I have before me a pamphlet entitled "Competition in transportation, with special reference to competition between the Mississippi River and the trunk railroads extending from Saint Louis to the Atlantic seaboard;" also the annual report of the Treasury Department on the foreign commerce of the United States for the fiscal year ending June 30, 1883. From these I obtain the following figures:

Receipts of grain in New Orleans by the Mississippi River was in 1875 777,127 bushels. At this time the jetties were in process of construction, and were completed about 1879, when their effect began to appear on commerce. The following year, 1880, we find New Orleans receiving by river 22,992,544 bushels of grain, valued at $20,143,379.

This, Mr. Chairman, is obviously the result of the opening of the mouth of that stream.

Shipments from Saint Louis to the East during the calendar year of 1880 amounted to 1,325,004 tons; and to the South, mostly by river, 1,492,216 tons. Does this look as though New Orleans would not be a great shipping place?

A comparison of freight rates indicates the reason for the vast increase in the grain shipment to New Orleans. Freight rates on bulk corn in February, 1881, were 9 cents per bushel, and in June of the same year were only 5 cents per bushel; whereas the "all-rail routes" to New York from Saint Louis January 1 to April 18, 1881, were 24½ cents per bushel. The saving by Saint Louis to Liverpool by the Mississippi River is shown to be 11½ cents per bushel as compared with the all-rail routes.

It has been stated by the gentleman from Indiana [Mr. HOLMAN], as I understood him, that the Mississippi River is navigable all the year round between Saint Louis and New Orleans. It was found, as is stated in the volume first mentioned above, that during the nine years

from 1865 to 1873 the condition of river navigation below the city of Saint Louis was as follows:

Average number of days less than 4 feet	34
Average number of days over 4 and less than 6 feet	52
Average number of days over 6 and less than 8 feet	103
Average number of days over 10 feet	136

Thus it will be seen that vessels drawing 10 feet or more could navigate the river not exceeding two-fifths of the year.

The work from which the foregoing is taken also states:

The enjoyment to the full extent of the advantages afforded by the Mississippi River requires the employment of steamboats and barges of large size and drawing when loaded about 8 feet of water. At times, however, the river falls so as to admit only of the employment of boats and barges loaded to draw not more than 4 feet. This greatly increases the cost of transportation. The actual cost of transportation in vessels drawing only 4 feet is said to be nearly twice as great as when loaded to 8 feet.

But, Mr. Chairman, it is a notorious fact, and known to all this country, that when the water in the Mississippi is high freights to the sea are low, whether by river or rail, and when the river is low they are high. The great trunk lines of railways have sliding scales, governed mainly by the rise and fall in this river, which is but a great national free canal dividing our continent from north to south.

The plans proposed are threefold, as I understand them, resulting in one system, which is to confine the water in the bed of the river and cause it to scour down its sand-bars, thereby to deepen and rectify its channel. To accomplish this the commission tells us that the system of bank protection, jetties, and levees is the true one. If this plan, while improving the navigation of this great stream, gives also incidentally protection to millions who dwell upon its banks, I am sure no man loving his country and appreciating the philosophy of the work can object.

The value of levees to this work is indicated by the following note which we find in the report of the commission:

I concur in the foregoing report of the commission, with the single qualification that the value of levees as a factor in the improvement of the channel, in preventing the wide dispersion of flood-waters, is not affirmed in the report in sufficiently positive terms and with that clearness and prominence to which in my judgment it is entitled.

Q. A. GILLMORE,
Colonel of Engineers and Bvt. Maj. Gen., U. S. A.

I yield the remainder of my time to the gentleman from Kentucky [Mr. WILLIS].

Mr. DUNN. I ask unanimous consent, and hope the gentleman from Kentucky will yield to me, to have printed in the RECORD this itemized statement of the report of the Mississippi River Commission, showing their annual expenses for the years 1881–'82. The regular annual appropriation for the commission is $150,000. This is the last itemized report that has been printed, and is a sample of the annual reports. I ask consent to have it published in the RECORD.

There was no objection.

The report is as follows:

PROGRESS OF SURVEYS AND EXAMINATIONS.

Pursuant to the requirements of the third section of the law organizing the commission, and in accordance with the programme outlined in the report of March 6, 1880, surveys and examinations have been continued during the past year. The report of November 25, 1881, noted the progress made in this branch of the commission's work to October 10, 1881, from which date to December 1, 1882, further progress is now reported.

Gauges.—Daily readings have been continued at the stations established by the commission, which, with readings collected from other sources, have been collated and plotted for comparison and study.

Triangulation.—No field work has been done since last report. The work previously executed has been partly adjusted and reduced.

Precise levels.—A line 90 miles in length has been run to connect the levels of the Coast Survey at Carrollton, La., with the tide-gauge on the Mississippi Sound, the establishment of which was noted in last report and which has since been in continuous operation. A line has also been run from Keokuk, Iowa, northward along the river to a point opposite Clinton, Iowa, a distance of about 170 miles. The final reduction of 450 miles previously run has been made in the office.

The completion of the series of tide-gauge records and the determination of mean Gulf level therefrom, which will require but a few months, will make available the data necessary to determine with accuracy the elevations above Gulf level of all points along the Mississippi River from Clinton, Iowa, to New Orleans, a distance of more than 1,600 miles.

Final topography and hydrography, the former, embracing a strip of land averaging nearly a mile in width on each bank of the river, has been completed from Saint Louis landing to a point about 10 miles above Vicksburg, a distance of 255 miles; from Warrenton, 8 miles below Vicksburg, to Thrasher's Point, a distance of 25 miles, and from Natchez to Hutchins's landing, a distance of 18 miles, making a total of 298 miles of river surveyed. Charts of the river (scale of $\frac{1}{10000}$) from Saint Louis Landing to Arkansas City, and from Greenville to Lake Providence, 27 in number and covering 160 miles of river, have been plotted in the office.

The preparation of the preliminary chart (one inch to a mile) has been continued, ten sheets having been drawn, making fourteen in all, and eleven published, extending from Cairo to Saint Louis landing, 360 miles. The charts of the Mississippi River from Donaldsonville to the passes, 175 miles, have been reduced to the same scale in six sheets, of which five have been published. The reduction was made by the Coast and Geodetic Survey at the expense of the commission.

Observations.—Daily discharge measurements were made from December, 1881, to December, 1882, at Paducah, on the Ohio River, and at Columbus, Helena, Hay's landing, and Red River landing on the Mississippi River. The parties engaged in this work were also charged with special studies of the effect of the flood on the bed and channel of the river. The value of these observations is very much enhanced by the fact that the flood which occurred during their continuance was of unprecedented magnitude.

In conjunction with the above work three parties were sent over the river from Cairo to Baton Rouge at the top of the flood, to obtain the fullest and best possible data as to the escape of water from the river by flow over banks and through outlets and crevasses, and also to investigate the amount and direction of the discharge through the swamps. The final reduction of the observations of last year on the Upper Mississippi and a part of the above mentioned has been made in the office.

High-water marks and slope.—Two parties are now in the field, one engaged in determining elevations of the floods of 1881 and 1882, the other in determining the slope of the river at the present low water from Commerce Cut-off to Natchez, a distance of 400 miles.

Trans-alluvial levels.—The flood of last year compelled a suspension and retarded the completion of the lines designed to give needed information as to the heights of the alluvial bottom lands and their reservoir capacity. The party is again in the field and will probably complete the lines during the present season.

In addition to the usual financial statement, itemized statements of expenditures from the appropriations of June 30, 1879, June 16, 1880, and March 3, 1881, will be found below.

The following papers relating to the work of surveys and examinations are submitted as appendices to this report:

Appendix A.—Annual report of the secretary of the commission upon the field work of surveys.

Appendix B.—Report upon, and final results of, secondary triangulation from Helena Island to Greenville.

Appendix C.—Report upon, and final results of, precise leveling from Friar's Point to Greenville and from Cairo to Columbus.

Appendix D.—Report upon observations at Lake Providence, Louisiana, from November, 1879, to November, 1880.

Appendix E.—Report upon observations at Carrollton from December, 1879, to November, 1880.

Appendix F.—Results of observations at six stations on the Upper Mississippi River from October, 1880, to October, 1881.

Appendix G.—Report upon field work of topography.

FINANCIAL STATEMENT.

Balance on hand July 1, 1882	$38,005 72	
Appropriated by act approved August 2, 1882	150,000 00	
		$188,005 72
Expended from July 1, 1882, to December 16, 1882, including estimated liabilities	96,224 84	
Balance which it is estimated will be required during remainder of fiscal year ending June 30, 1883	91,780 88	
		188,005 72

Itemized statement of expenditures for surveys and expenses of Mississippi River Commission.

APPROPRIATION OF JUNE 30, 1879.

	Services assistant engineers.	Services rodmen and other employés.	Outfit.	Supplies.	Subsistence.	Fuel.	Repairs.	Transportation.	Mileage.	Miscellaneous.	Total.
Borings	$1,446 00	$1,758 00	$565 89	$121 61	$664 88	$9 00	$400 00	$778 49		$57 05	$5,800 92
Coast and Geodetic Survey											16,666 74
Commissioners' salaries											8,774 99
Mileage and inspection		5,200 92	104 07	467 20	2,143 92	3,586 42	602 74	315 83	$3,825 39		16,186 49
Hydrography and topography	4,332 92	6,111 47	646 15	257 00	1,934 35	585 03	568 54	538 46		631 76	15,605 68
Gauges	290 00	992 75	267 00	43 87				230 90			1,824 52
Levels, precise	2,349 00	2,993 73	278 44	71 65	985 82		309 02	375 34		263 65	7,626 65
Observations	7,829 00	14,224 84	650 34	1,670 85	4,832 17	1,914 18	1,440 88	1,033 12		82 70	33,678 08
Reduction of maps		2,667 00						3 70			2,670 70
Triangulation	7,750 67	10,403 71	1,069 10	307 10	3,890 60	652 72	675 46	2,190 24		1,268 41	28,208 01
Statistical reports											600 00
Instruments											2,437 00
OFFICE EXPENDITURES.*											
Services assistant engineers											1,375 50
Services clerks, &c											3,319 56
Rent											842 00
Fuel											155 81
Furniture											718 92
Stationery											847 37
Drawing materials and supplies											376 34
Transportation											49 60
Professional works and charts											96 52
Miscellaneous											486 66
Totals	23,997 59	44,352 42	3,580 99	2,879 28	14,451 74	6,747 35	3,996 64	5,466 08	3,825 39	2,303 57	148,348 06

* Office expenditures embrace all note-books, drawing materials, and stationery used in the field, general office, and office of the president.

SUMMARY.

Appropriated by act June 30, 1879	$175,000 00
Cash deposited, overpayment voucher	5 00
Total	175,005 00
Expenditures for fiscal year ending June 30, 1880	148,348 06
Balance	26,656 94

SMITH S. LEACH,
First Lieutenant of Engineers, Secretary and Disbursing Officer Mississippi River Commission.

APPROPRIATION OF JUNE 16, 1880.

	Services assistant engineers.	Services rodmen and other employés	Outfit.	Supplies.	Subsistence.	Fuel.	Repairs.	Transportation.	Mileage.	Miscellaneous.	Totals.
Copying maps	$97 50	$288 00									$385 50
Borings	199 08										199 08
High and low water marks	2,177 00	1,902 59	$68 90	$144 73	$579 94	$141 89	$110 90	$222 61		$33 30	5,381 86
Contingencies											325 65
Commissioners' salaries											8,500 00
Mileage and inspection		2,202 16		125 22	1,043 87	1,208 85		99 20	$4,884 98		9,564 28
Transverse valley levels	1,647 67	1,069 50	31 42	8 10			10	263 95		18 95	3,039 69
Hydrography and topography	8,808 50	4,966 44	1,062 74	392 17	1,999 23	137 60	587 03	1,462 40		956 87	20,372 98
Gauges		2,181 00	89 00	2 63			5 00	46 60			2,324 23
Instruments											1,852 54
Levels, precise	4,075 00	5,571 69	35 12	284 24	1,871 98		41 00	897 25		543 63	13,319 91
Triangulation	5,653 00	8,361 09	1,143 60	532 28	2,737 87	355 25	667 57	1,276 20		1,288 88	22,015 74
Observations	14,191 00	17,374 86	823 10	1,928 31	2,252 54	769 85	139 61	1,051 78		654 07	39,195 12
Meter testing	455 17	104 60	29 10	89 56			5 00	2 85			686 28
OFFICE EXPENDITURES.*											
Services assistant engineers											3,732 28
Services clerks, &c											5,678 07
Rent											1,488 00
Fuel											401 81
Furniture											148 50
Stationery											507 19
Drawing materials and supplies											521 67
Transportation											164 25
Professional works and charts											454 90
Miscellaneous											507 95
Totals	37,303 92	44,021 93	3,282 98	3,507 24	10,495 43	2,613 44	1,556 21	5,322 84	4,884 98	3,495 70	140,767 48

*Office expenditures embrace all note-books, drawing materials, and stationery used in the field, general office, and office of the president.

SUMMARY.

Balance from appropriation June 30, 1879	$26,656 94
Appropriated by act of June 16, 1880	150,000 00
Cash deposited, sale of fuel to officers, &c	55 50
Total	176,712 44
Expenditures for fiscal year ending June 30, 1881	140,767 48
Balance	35,944 96

SMITH S. LEACH,
First Lieutenant of Engineers, Secretary and Disbursing Officer Mississippi River Commission.

APPROPRIATION OF MARCH 3, 1881.

	Services assistant engineers.	Services rodmen and other employés.	Outfit.	Supplies.	Subsistence.	Fuel.	Repairs.	Transportation.	Mileage.	Miscellaneous.	Total.
Copying maps		$131 67									$131 67
High and low water marks	$925 00	6 70		$2 30				$152 40			1,086 40
Triangulation	1,398 00	2,825 83	$2 75	216 93	$305 03	$86 06	$48 00	353 00		$273 50	5,509 10
Hydrography and topography	18,900 08	14,543 00	371 11	874 83	5,923 66	1,073 65	502 27	1,451 53		2,815 55	46,455 68
Levee maps	66 67										66 67
Contingencies		600 75									600 75
Commissioners' salaries											9,500 00
Mileage and inspection		2,010 73	99 15	260 76	1,614 31	1,351 68	215 75	3 25	$5,201 12	16 05	10,772 80
Transverse valley levels	1,440 00	1,991 50	35 44	27 92			13 70	205 95		17 40	3,731 91
Flood observations	140 00	1,416 99	87 70	115 12	167 59	110 40	320 52	242 90		19 25	2,620 47
Gauges		2,347 00					2 00				2,349 00
Tide-gauge connection	324 67	727 34	20 00	8 10				105 15		5 00	1,190 26
Levels, precise	1,045 00	1,640 84		39 58	386 03			135 70		152 60	3,399 75
Observations	12,692 00	15,722 71	9,682 58	2,376 10	7 20	628 87	1,548 55	1,408 03		492 56	44,558 60
Reduction of maps		267 75									267 75
Publication of maps											1,954 25
OFFICE EXPENDITURES.*											
Services assistant engineers											894 67
Services clerks, &c											9,182 12
Rent											1,200 00
Fuel											339 55
Furniture											16 00
Stationery											369 47
Drawing materials and supplies											862 82
Transportation											360 32
Professional works and charts											40 28
Miscellaneous											565 67
Total	36,931 42	44,232 81	10,298 73	3,921 64	8,403 82	3,250 66	2,650 79	4,057 91	5,201 12	3,791 91	148,025 36

*Office expenditures embrace all note books, drawing materials, and stationery used in the field, general office, and office of the president.

SUMMARY.

Balance from appropriation June 19, 1880	$35,944 96
Appropriated by act March 3, 1881	150,000 00
By cash deposited, sale of fuel to officers, &c	86 12
Total	186,031 08
Expenditures for fiscal year ending June 30, 1882	148,025 36
Balance	38,005 72

SMITH S. LEACH,
First Lieutenant of Engineers, Secretary and Disbursing Officer Mississippi River Commission.

Mr. HEPBURN. I desire to ask unanimous consent that the list from the Blue Book to which I have referred be also printed in the RECORD.

There was no objection, and it was ordered accordingly. The list is as follows:

Mississippi River Commission.

Name and office.	Where born.	Whence appointed.	Where employed.	Compensation.
Commissioners.				
Col. Q. A. Gillmore, Corps of Engineers, U. S. A.	Ohio	Army	On duties of the commission	(*)
Lieut. Col. C. B. Comstock, Corps of Engineers, U. S. A.	Massachusetts	do	do	(*)
Maj. Charles R. Suter, Corps of Engineers, U. S. A.	New York	do	do	(*)
Henry Mitchell, United States Coast and Geodetic Survey.	Massachusetts	United States Coast and Geodetic Survey.	do	(†)
B. M. Harrod	Louisiana	Louisiana	do	p. m. $250 00
R. S. Taylor	Ohio	Indiana	do	p. m. 250 00
S. W. Ferguson	South Carolina	Mississippi	do	p. m. 250 00
Executive officer.				
Capt. Clinton B. Sears, Corps of Engineers, U. S. A.	New York	Army	On duties of the commission	(*)
Secretary and disbursing officer.				
Lieut. Smith S. Leach, Corps of Engineers, U. S. A.	Indiana	Army	On duties of the commission	(*)
Assistant engineers.				
R. E. McMath	New York	Missouri	Missouri	p. m. 200 00
J. A. Ockerson	Sweden	Michigan	do	p. m. 200 00
J. B. Johnson	Ohio	do	do	p. m. 180 00
Arthur Hider	England	Missouri	Lake Providence reach	p. m. 175 00
J. E. Willard	New York	Alabama	do	p. m. 175 00
Arthur J. Frith	Pennsylvania	Missouri	Plum Point	p. m. 175 00
Henry S. Douglass	Canada	Louisiana	New Orleans	p. m. 175 00
C. M. Winchell	New York	Indiana	Missouri	p. m. 175 00
L. L. Wheeler	Michigan	Michigan	do	p. m. 175 00
H. St. L. Coppée	New York	Pennsylvania	Vicksburg Harbor	p. m. 175 00
G. M. Helm	Kentucky	Mississippi	Yazoo front	p. m. 175 00
H. D. Garden	South Carolina	Virginia	Tensas front	p. m. 175 00
W. M. Rees	Pennsylvania	Alabama	Mound City landing, Ark.	p. m. 175 00
W. G. Price	do	New York	Carrollton, La.	p. m. 155 00
Hart Vance	Tennessee	Missouri	Lake Providence reach, La.	p. m. 150 00
C. P. Reiple	Ohio	Nebraska	do	p. m. 150 00
W. M. Childs	New York	Missouri	do	p. m. 150 00
G. G. Colman	Virginia	Virginia	Levees Tensas front	p. m. 150 00
Henry Goodrich	Louisiana	Louisiana	do	p. m. 150 00
W. H. Powless		Missouri	Plum Point reach, Tenn.	p. m. 150 00
Frederick W. Lehnartz	Prussia	Colorado	New Orleans	p. m. 150 00
Frank Olmsted	Wisconsin	Louisiana	do	p. m. 150 00
John Gartland	New Jersey	Tennessee	do	p. m. 150 00
Earnest Szalla	Hungary	Missouri	do	p. m. 150 00
Arthur O. Wilson	England	Mexico	Mouth Red River	p. m. 150 00
F. C. Burrows	Pennsylvania	Pennsylvania	Memphis	p. m. 150 00
O. W. Ferguson	do	New York	Saint Louis	p. m. 150 00
E. D. Thompson	New Jersey	Missouri	Lake Providence reach, La.	p. m. 130 00
B. H. Colby	Ohio	Michigan	Saint Louis	p. m. 125 00
J. A. Paige	Pennsylvania	Pennsylvania	do	p. m. 125 00
A. N. Darrow	Michigan	Michigan	do	p. m. 125 00
John Ewens	New York	New York	do	p. m. 125 00
Kivas Tully	Canada	Missouri	do	p. m. 125 00
W. J. McNulty	Ohio	Louisiana	Lake Providence reach, La.	p. m. 125 00
George W. Gender	do	Ohio	Plum Point reach, Tenn.	p. m. 125 00
E. S. Davis	Texas	Texas	Missouri	p. m. 120 00
J. H. Davis	Missouri	Missouri	do	p. m. 120 00
C. W. Clark	Virginia	Illinois	do	p. m. 120 00
G. W. Wood	Massachusetts	Massachusetts	do	p. m. 120 00
N. B. Craig	Pennsylvania	Missouri	do	p. m. 120 00
E. E. Haskell	New York	New York	do	p. m. 120 00
J. C. Quintus	Wisconsin	Iowa	do	p. m. 120 00
W. Poterfield	Mississippi	Mississippi	Vicksburg Harbor	p. m. 125 00
F. M. Amelung	Virginia	Missouri	Lake Providence reach, La.	p. m. 115 00
L. C. Jones	Louisiana	do	Missouri	p. m. 110 00
H. B. Wood	Massachusetts	Massachusetts	do	p. m. 110 00
Homer P. Ritter	Ohio	Ohio	do	p. m. 110 00
Allan C. Glasgow	Missouri	Missouri	do	p. m. 110 00
S. P. Hatfield	New Jersey	Florida	Plum Point reach, Tenn.	p. m. 100 00
Hunter Stewart	Louisiana	Louisiana	Missouri	p. m. 100 00
Charles T. Marx	Ohio	Missouri	Plum Point reach, Tenn.	p. m. 100 00
A. H. Weber	Missouri	do	Missouri	p. m. 90 00
A. N. Milner	Ohio	do	do	p. m. 90 00
O. A. Orrman	Finland	do	do	p. m. 90 00
F. B. French	Massachusetts	Massachusetts	do	p. m. 90 00
F. Felkel	Austria	Missouri	do	p. m. 90 00
E. H. Twining	Massachusetts	do	do	p. m. 90 00
T. C. Thomas	Iowa	do	do	p. m. 90 00
Moses Greenwood, jr.	Louisiana	Louisiana	do	p. m. 90 00
H. W. Kerr	Missouri	Missouri	do	p. m. 90 00
F. B. Maltby	Ohio	Illinois	do	p. m. 90 00
A. E. Kaste	Michigan	Michigan	do	p. m. 90 00
J. W. Dorst	Indiana	do	do	p. m. 90 00
J. T. Desmond	Massachusetts	Massachusetts	do	p. m. 90 00
Ed. M. Haile	Louisiana	Louisiana	New Orleans	p. m. 90 00
Paul A. Hérnécourt	do	do	do	p. m. 90 00
William J. Hardee		do	do	p. m. 90 00
Chief clerks.				
John M. Sears	Ohio	Kentucky	Saint Louis	p. m. 200 00
Julius Lowman	Germany	Missouri	Vicksburg	p. m. 175 00
Benjamin H. Cooper	New York	Louisiana	New Orleans	p. m. 175 00
H. G. Wilson	do	Tennessee	Memphis	p. m. 175 00
A. E. Symmes	Ohio	Missouri	Saint Louis	p. m. 160 00
H. G. Palfrey	Massachusetts	do	Cairo	p. m. 150 00
Clerks.				
Robert H. Enyart	Ohio	Missouri	Saint Louis	p. m. 125 00
S. F. Pegues	Mississippi	Alabama	Vicksburg	p. m. 125 00
Samuel L. Yourtee	Ohio	Missouri	Saint Louis	p. m. 100 00
Thomas Mason	England	Kentucky	do	p. m. 100 00
C. B. Duke	Kentucky	do	Vicksburg	p. m. 100 00
J. C. Lodor	Alabama	Tennessee	Wilson's Point	p. m. 100 00
Arthur Coste	Louisiana	Louisiana	New Orleans	p. m. 100 00

* Pay of rank in the Army.

† Pay of Assistant United States Coast Survey.

Mississippi River Commission—Continued.

Name and office.	Where born.	Whence appointed.	Where employed.	Compensation.
Charles N. Deatherage	Kentucky	Kentucky	Saint Louis	p. m. $100 00
T. B. Terry	Missouri	Missouri	do	p. m. 75 00
S. L. Guyoe	Louisiana	Louisiana	Memphis	p. m. 125 00
H. D. Kline	do	Missouri	Plum Point reach, Tenn	p. m. 100 00
E. W. Schwartze	do	Louisiana	Cairo	p. m. 90 00
Joseph O'Grady	Ireland	Missouri	Saint Louis	p. m. 75 00
W. L. Winas	Illinois	Illinois	Cairo	p. m. 67 50
R. E. Fisher	Louisiana	Missouri	Steamer Etheridge	p. m. 60 00
H. N. Craig	Kentucky	do	Steamer Mississippi	p. m. 60 00
F. P. Browner	Missouri	Illinois	Plum Point	p. m. 60 00
Draughtsmen.				
Edward Molitor	Germany	Michigan	Saint Louis	p. m. 175 00
H. S. Jacoby	Pennsylvania	Pennsylvania	Memphis	p. m. 150 00
William Shelton	Mississippi	Mississippi	Lake Providence reach, La	p. m. 120 00
George E. Vail	Missouri	Missouri	Saint Louis	p. m. 100 00
Pilots.				
Martin Fitchner	Virginia	Missouri	Steamer Etheridge	p. m. 175 00
H. T. Ashton	Indiana	Illinois	do	p. m. 175 00
E. H. Williamson		Pennsylvania	Steamer Patrol	p. m. 150 00
F. M. Cooper		Louisiana	Lake Providence reach, La	p. m. 90 00
W. E. Lambeth	Tennessee	Tennessee	Plum Point reach	p. m. 75 00
Captains of steamers.				
J. W. Shay	Missouri	Missouri	Steamer Etheridge	p. m. 150 00
W. A. Goll		do	Steamer Patrol	p. m. 150 00
Samuel J. Shrodes	Pennsylvania	do	Steamer Mississippi	p. m. 150 00
W. D. Phillips	Kentucky	Illinois	Plum Point reach, Tenn	p. m. 125 00
T. B. Worthington	Ohio	do	do	p. m. 125 00
George D. Keefe	Louisiana	Missouri	do	p. m. 100 00
Masters towboat.				
R. C. Varble		Kentucky	Lake Providence reach, La	p. m. 120 00
James Humphreys		Mississippi	do	p. m. 110 00
Inspectors.				
William Starling	Ohio	Mississippi	Yazoo front	p. m. 150 00
William H. Sadler	Alabama	Alabama	Vicksburg	p. m. 125 00
James Bassel	West Virginia	Colorado	Saint Louis	p. m. 125 00
Benjamin F. Temple	Ohio	Indiana	Jeffersonville	p. m. 125 00
P. Golay	Indiana	do	Golconda	p. m. 125 00
Subinspectors.				
Andrew J. Hanlon	Louisiana	Louisiana	Louisiana	p. m. 75 00
Allan E. Douglass	Canada	do	do	p. m. 75 00
Steam-engineers.				
B. G. Grigsby		Missouri	Steamer Patrol	p. m. 125 00
William Briggs	England	do	Steamer Etheridge	p. m. 125 00
Robert M. Gardner	Pennsylvania	do	Plum Point reach, Tenn.	p. m. 125 00
J. M. Green	New York	do	do	p. m. 100 00
D. H. Hill	Kentucky	do	Carrollton, La	p. m. 100 00
G. A. Lee	Missouri	Kentucky	Plum Point reach, Tenn.	p. m. 100 00
Frank Langley	Florida	Tennessee	do	p. m. 90 00
George Renshaw	Pennsylvania	do	Gold Dust, Tenn	p. m. 90 00
John L. Winston	Kentucky	Missouri	Steamer Mississippi	p. m. 125 00
Oscar G. Higgins	Massachusetts	New York	Plum Point reach, Tenn	p. m. 120 00
R. B. Phillips		Kentucky	Lake Providence reach, La	p. m. 120 00
Frank Davis		do	do	p. m. 120 00
John H. Gorey	Missouri	Louisiana	Mouth Red River	p. m. 85 00
B. P. Lyman	Indiana	Indiana	Plum Point Reach, Tenn	p. m. 85 00
H. C. Hazlet	Kentucky	Illinois	Steamer Etheridge	p. m. 75 00
F. B. Bays	Pennsylvania	Indiana	Plum Point reach, Tenn.	p. m. 75 00
F. L. Farley	Mississippi	Mississippi	do	p. m. 75 00
C. Erwin	New York	do	do	p. m. 75 00
Charles Greenwood	Illinois	Illinois	do	p. m. 75 00
S. A. French	Virginia	Missouri	do	p. m. 75 00
L. F. Hudson	Indiana	Tennessee	do	p. m. 75 00
James Henney	England	Arkansas	do	p. m. 75 00
J. F. Hawley			do	p. m. 75 00
C. Haynes	Indiana	Kentucky	do	p. m. 75 00
J. W. Jennings	Virginia	Missouri	do	p. m. 75 00
J. F. McIntyre	Indiana	Illinois	do	p. m. 75 00
Martin Luther	Tennessee	Kentucky	do	p. m. 75 00
H. W. Moir	Virginia	Arkansas	do	p. m. 75 00
George Moir	Canada	Ohio	do	p. m. 75 00
Calvin Beck	Indiana	Indiana	do	p. m. 75 00
Hugh Meenen	Ireland	Missouri	do	p. m. 75 00
J. Matson	Kentucky	Mississippi	do	p. m. 75 00
John Mason	do	Kentucky	do	p. m. 75 00
L. C. Partee	Mississippi	Tennessee	do	p. m. 75 00
J. G. Wallingford	Kentucky	Illinois	do	p. m. 75 00
W. J. Wilder	do	Kentucky	do	p. m. 75 00
J. H. West	do	do	do	p. m. 75 00
Ed. Goodman		Louisiana	Lake Providence reach, La	p. m. 75 00
George Wilcox	Arkansas	do	do	p. m. 75 00
Nicholas Hill	Pennsylvania	Mississippi	do	p. m. 75 00
H. A. Bywater	Louisiana	Louisiana	do	p. m. 75 00
John Wolvin	Kentucky	do	do	p. m. 75 00
J. L. Harris	Mississippi	Mississippi	do	p. m. 75 00
Hugh Nicholson	Tennessee	Louisiana	do	p. m. 75 00
W. J. Russell	Mississippi	Mississippi	do	p. m. 75 00
J. T. Nicholson	Tennessee	Louisiana	do	p. m. 75 00
Samuel Nux	Louisiana	do	do	p. m. 75 00
L. W. Sedam	Ohio	Missouri	do	p. m. 75 00
F. G. Pierce	California	Mississippi	do	p. m. 75 00
Allan Wyatt	Tennessee	Louisiana	do	p. m. 75 00
A. Spieler	Mississippi	do	do	p. m. 75 00
John Mitchell	Ohio	Mississippi	do	p. m. 75 00
R. Somerville	Scotland	do	do	p. m. 75 00
Thomas Metzler	Pennsylvania	do	do	p. m. 75 00
Ed. J. Frisbee	do	Missouri	Steamer Mississippi	p. m. 75 00
Bookkeeper.				
Garry Spencer	Missouri	Missouri	Saint Louis	p. m. 125 00

Mississippi River Commission—Continued.

Name and office.	Where born.	Whence appointed.	Where employed.	Compensation.
Recorders.				
A. L. Arner	Michigan	Michigan	Missouri	p. m. $100 00
S. J. Fitz Hugh	Missouri	Missouri	do	p. m. 90 00
Menard K. Bowen	do	do	Carrollton, La	p. m. 90 00
O. M. Tufts	Tennessee	Tennessee	Memphis	p. m. 75 00
W. J. Patterson	Missouri	Missouri	Lake Providence reach, La	p. m. 75 00
Peter Kline	New York	New York	Plum Point reach, Tenn	p. m. 60 00
Richard Niemeyer	Germany	Louisiana	Louisiana	p. m. 50 00
Assistant surveyors.				
P. P. Clarke	New York	New York	Plum Point reach, Tenn	p. m. 75 00
J. E. Lopz	Alabama	Tennessee	do	p. m. 75 00
Levelers.				
J. S. Martin	Georgia	Mississippi	Yazoo front	p. m. 100 00
Walter S. Davis	North Carolina	Tennessee	Plaquemine	p. m. 90 00
Alexander Struthers	England	New York	Mouth Red River	p. m. 90 00
Copyists.				
W. H. Anter	Ohio	Ohio	Vicksburg	p. m. 75 00
S. Q. Kline	Mississippi	Mississippi	do	p. m. 75 00
William Lohman	Maryland	do	do	p. m. 60 00
Miss Lillie G. Davis	Illinois	Missouri	Saint Louis	p. m. 60 00
Miss Mary Alice O'Hara	Ohio	Ohio	do	p. d. 1 50
Cooks.				
George Lartigue	Louisiana	Tennessee	Mound City landing	p. m. 50 00
Henry Clark	do	Louisiana	Lake Providence reach, La	p. m. 50 00
James Bys	China	do	do	p. m. 50 00
John Collins	Ireland	do	Plum Point reach, Tenn	p. m. 50 00
C. D. Dabbs	Louisiana	Tennessee	do	p. m. 50 00
William N. Scott	Illinois	Illinois	do	p. m. 50 00
A. J. Smiley	Kentucky	do	do	p. m. 50 00
Samuel Washington	South Carolina	Tennessee	do	p. m. 50 00
Smith Woods	Alabama	Illinois	do	p. m. 50 00
M. Mask			do	p. m. 50 00
James Murray			do	p. m. 50 00
C. Bowlen	Canada	Missouri	do	p. m. 50 00
J. Campbell	Tennessee	Tennessee	do	p. m. 50 00
William Ormstead	do	do	do	p. m. 50 00
Wade Atkins			do	p. m. 50 00
Gus. Dempewolf	Ohio	Missouri	Steamer Etheridge	p. m. 50 00
Burrell Taylor	North Carolina	Tennessee	Lake Providence reach, La	p. m. 40 00
William Tillman	Alabama	Louisiana	do	p. m. 40 00
William James	Mississippi	Mississippi	do	p. m. 40 00
Ed. Stephens	Louisiana	Louisiana	do	p. m. 40 00
H. Peters		do	Mouth Red River	p. m. 40 00
James Wilson	Sweden	do	Plaquemine	p. m. 40 00
Julius O'Hara		Mississippi	Lake Providence reach, La	p. m. 35 00
Richard Felmann			Plum Point reach, Tenn	p. m. 35 00
M. D. Sumner	New York	Missouri	do	p. m. 30 00
J. Wiley			do	p. m. 30 00
Frank Ennis	North Carolina	Alabama	do	p. m. 30 00
James Chalmers	Alabama	Arkansas	do	p. m. 30 00
C. Dempewolf	Missouri	Missouri	Steamer Etheridge	p. m. 30 00
P. Calup	Mississippi	Mississippi	Lake Providence reach, La	p. m. 30 00
Thad. Blake	Louisiana	Louisiana	do	p. m. 30 00
Charles Carr	do	Mississippi	do	p. m. 30 00
Thomas Johnson			Plum Point reach, Tenn	p. m. 30 00
Charles Smith		Louisiana	Lake Providence reach, La	p. m. 25 00
Ike Fetser		do	do	p. m. 25 00
Wash. Mansfield		Mississippi	do	p. m. 18 00
Allen Donahue	Mississippi	do	do	p. m. 45 00
Green Howard	Louisiana	do	do	p. m. 45 00
Larkin Stewart	do	do	do	p. m. 40 00
Joe Mace	do	Louisiana	do	p. m. 40 00
John Brown		do	do	p. m. 35 00
Gauge-keepers.				
S. R. Botts		Tennessee	Fulton, Tenn	p. m. 15 00
J. V. Bandy		Kentucky	Columbus, Ky	p. m. 15 00
T. J. O. Morrisson	Louisiana	Missouri	New Madrid, Mo	p. m. 15 00
C. F. Delassus	Missouri	do	Bailey's landing, Mo	p. m. 15 00
H. C. Garrett	Indiana	do	Cottonwood Point, Mo	p. m. 15 00
L. Grandeury	France	Louisiana	College Point, La	p. m. 15 00
Trasimond Rivet	Louisiana	do	Plaquemine, La	p. m. 15 00
R. Worrell	Pennsylvania	do	Saint Joseph, La	p. m. 15 00
J. M. Whitehill	do	Arkansas	Arkansas City, Ark	p. m. 15 00
William Green, jr		Mississippi	Greenville, Miss	p. m. 15 00
J. B. Park		do	Sunflower landing, Miss	p. m. 15 00
J. E. Richards		do	Malone's landing	p. m. 15 00
W. S. Slaughter	Louisiana	Louisiana	Port Hickey, La	p. m. 15 00
Louis Vigoroux		Mississippi	Biloxi, Miss	p. m. 15 00
Mrs. Augustine S. Ratcliffe	Louisiana	Louisiana	Barbre's landing, La	p. m. 10 00
Laborers.				
Levi Snow	Missouri	Missouri	Plum Point reach, Tennn	p. m. 30 00
Solomon Frank	Ohio	Illinois	do	p. m. 30 00
Mosil Sparks	Alabama	Arkansas	do	p. m. 30 00
E. A. Stailey	Missouri	do	do	p. m. 30 00
F. H. Stansberry	North Carolina	Tennessee	do	p. m. 30 00
E. E. Stokes	Pennsylvania	Pennsylvania	do	p. m. 30 00
K. H. Stone	Tennessee	Tennessee	do	p. m. 30 00
Carpenters.				
Charles W. Fredericks	Germany	Illinois	Lake Providence reach, La	p. m. 75 00
H. Harper	North Carolina	Tennessee	Mound City landing, Ark	p. m. 75 00
W. Peek	Tennessee	do	do	p. m. 75 00
Charles Armstrong	New York	New York	Plum Point reach, Tenn	p. m. 75 00
Joseph Bros	Germany	Missouri	do	p. m. 75 00
Thomas R. Burke			do	p. m. 75 00
Ira Butler	Indiana	Illinois	do	p. m. 75 00
Daniel Fitzgerald	Ireland	do	do	p. m. 75 00
P. Foley	do	Missouri	do	p. m. 75 00
Edward Mastin	Michigan	Tennessee	do	p. m. 75 00
John Harrington	Illinois	Illinois	do	p. m. 75 00
William Henderson	Indiana	Indiana	do	p. m. 75 00

Mississippi River Commission—Continued.

Name and office.	Where born.	Whence appointed.	Where employed.	Compensation.
S. M. Lewis	Illinois	Illinois	Plum Point reach, Tenn	p. m. $75 00
William O'Donnell	Ohio	do	do	p. m. 75 00
John T. Jones	Tennessee	Tennessee	do	p. m. 75 00
W. B. Jones	Pennsylvania	do	do	p. m. 75 00
Henry Siegle	Germany	do	do	p. m. 75 00
Fred. Sykes	England	Arkansas	do	p. m. 75 00
Frank Walker	Illinois	Illinois	do	p. m. 75 00
J. H. Morris	Kentucky	Kentucky	Steamer Etheridge	p. m. 75 00
Irwin Johnson	Pennsylvania	Missouri	do	p. m. 75 00
James Wallace	Tennessee	do	Plum Point reach, Tenn	p. m. 72 00
James Graham	Pennsylvania	Kentucky	do	p. m. 72 00
James D. Crutchee	Tennessee	Tennessee	do	p. m. 72 00
S. E. Walker			do	p. m. 72 00
F. Brown	Pennsylvania	Arkansas	do	p. m. 66 00
O. S. Fiezor	North Carolina	Pennsylvania	do	p. m. 66 00
Patrick Catrell	Ireland	Tennessee	Mound City landing, Ark	p. d. 2 00
Rodmen.				
A. E. Colcord	Missouri	Missouri	Elgin, Ill	p. m. 62 50
C. Dougherty	Illinois	do	do	p. m. 62 50
A. L. Johnson	Ohio	do	do	p. m. 62 50
A. Perrilliat	France	Louisiana	do	p. m. 62 50
John W. Dolan	New York	do	Louisiana	p. m. 50 00
Jules R. Hughes	Illinois	Illinois	do	p. m. 50 00
Thomas E. Cranner, jr	Louisiana	Louisiana	do	p. m. 30 00
James B. Sharp	Arkansas	Mississippi	do	p. m. 30 00
Foremen.				
J. N. Kane		Louisiana	Lake Providence reach, La	p. m. 75 00
William Sharp		do	do	p. m. 75 00
Peter Kehoe	Ireland	do	do	p. m. 75 00
Samuel Wolf	Indiana	do	do	p. m. 75 00
John J. Sweeney	New York	do	do	p. m. 75 00
John Ritter	Missouri	Illinois	Plum Point reach, Tenn	p. m. 60 00
A. G. Russell	Ohio	Missouri	do	p. m. 60 00
O. H. Schade	Missouri	do	do	p. m. 60 00
N. Vineyard	Virginia	Indiana	do	p. m. 60 00
Charles Jordan	Canada	Missouri	do	p. m. 60 00
John King	Ireland	Louisiana	do	p. m. 60 00
Benjamin Clark	New York	Missouri	do	p. m. 60 00
D. E. Connelly	Canada	Wisconsin	do	p. m. 60 00
Michael Cooney	Illinois	Missouri	do	p. m. 60 00
Frank Coobey	Ohio	Tennessee	do	p. m. 60 00
W. H. Crippen	Illinois	Illinois	do	p. m. 60 00
William A. Dickason	Indiana	do	do	p. m. 60 00
C. H. Osborn	Virginia	Missouri	do	p. m. 60 00
James Pickett	Kentucky	Kentucky	do	p. m. 60 00
James R. Rhodes	Illinois	Missouri	do	p. m. 60 00
David Lee	Ireland	Illinois	do	p. m. 60 00
G. G. Hogan	New York	Missouri	do	p. m. 60 00
M. L. Hutchens	Arkansas	Arkansas	do	p. m. 60 00
J. Downard	Kentucky	Kentucky	do	p. m. 60 00
V. C. Faries	Ohio	Arkansas	do	p. m. 60 00
C. Fink	Maryland	Indiana	do	p. m. 60 00
J. C. Boylan	Ireland	Tennesse	do	p. m. 60 00
Bridgewater	Tennessee	do	do	p. m. 60 00
T. Brunskill	Canada	Missouri	do	p. m. 60 00
A. Butler	Indiana	Illinois	do	p. m. 60 00
W. J. Bendell	Missouri	Missouri	do	p. m. 60 00
James Blake	Ireland	Illinois	do	p. m. 60 00
Louis Bodine	Mississippi	Missouri	do	p. m. 60 00
John Gahan	New York	Louisiana	Lake Providence reach, La	p. m. 60 00
William Kollmeyer	Louisiana	Missouri	do	p. m. 60 00
E. B. Adams		Louisiana	do	p. m. 60 00
D. B. Johnson		Mississippi	do	p. m. 60 00
James Cullen	New York	Louisiana	do	p. m. 60 00
Bob Bankston	Mississippi	Mississippi	do	p. m. 60 00
Henry Peters	New York	Louisiana	do	p. m. 60 00
Thomas Winters	Germany	do	do	p. m. 60 00
Ewin Travis	Louisiana	do	do	p. m. 60 00
A. G. Shepherd	Georgia	Mississippi	do	p. m. 50 00
A. W. Alston	Mississippi	do	do	p. m. 45 00
J. Sherrill	North Carolina	Kentucky	Plum Point reach, Tenn	p. m. 45 00
Jesse Murray	Tennessee	Arkansas	do	p. m. 45 00
G. Sidrow	do	do	do	p. m. 40 00
Clay Hughes	Illinois	Illinois	do	p. m. 40 00
E. H. Roberts			do	p. m. 35 00
Receivers of material.				
A. K. Shepard	Alabama	Alabama	Lake Providence reach, La	p. m. 85 00
R. H. McHie	Michigan	Missouri	do	p. m. 75 00
J. E. Pegues	Alabama	Alabama	do	p. m. 75 00
C. S. Owen	Louisiana	Louisiana	do	p. m. 60 00
Joseph Casilly	Kentucky	Kentucky	do	p. m. 60 00
H. G. Blanton	do	do	do	p. m. 50 00
F. Bankston	Mississippi	Mississippi	do	p. m. 50 00
A. B. Cheny		Louisiana	do	p. m. 50 00
R. F. Bay	Mississippi	Mississippi	do	p. m. 50 00
J. B. Williams	Louisiana	Louisiana	do	p. m. 45 00
A. M. Peyton	Mississippi	Mississippi	do	p. m. 40 00
Livingston Peyton	do	do	do	p. m. 30 00
Blacksmiths.				
N. J. Summers	Indiana	Indiana	Plum Point reach, Tenn	p. m. 75 00
W. U. Nicholas	Pennsylvania	Iowa	do	p. m. 75 00
H. W. Eckhoff	New York	Mississippi	Lake Providence reach, La	p. m. 75 00
J. L. Vincent	Alabama	Louisiana	do	p. m. 75 00
Blacksmiths' helpers.				
J. O'Brien	New York	Tennessee	Plum Point reach, Tenn	p. m. 40 00
Michael Dunn	Ireland	Michigan	do	p. m. 40 00
Machinists.				
James Johnson	Illinois	Illinois	Lake Providence reach, La	p. m. 75 00
F. A. Summers	Indiana	Arkansas	Plum Point Reach, Tenn	p. m. 75 00
Blacksmith.				
W. W. Tickell	Mississippi	Mississippi	Lake Providence reach, La	p. d. 3 00

Mississippi River Commission—Continued.

Name and office.	Where born.	Whence appointed.	Where employed.	Compensation.
Carpenters.				
R. Warburton	Canada	Mississippi	Lake Providence reach, La	p. m. $75 00
Louis Bolduc	do	Illinois	Plum Point reach, Tenn	p. m. 75 00
Cooks.				
Henry R. Taylor	Missouri	Missouri	Steamer Mississippi	p. m. 60 00
William Vaughn	do	do	do	p. m. 40 00
A. Wood			Plum Point reach, Tenn	p. m. 50 00
Overseers.				
C. F. Scott	Kentucky	Mississippi	Lake Providence reach, La	p. m. 95 00
Henry Adkins	New York	Missouri	Plum Point reach, Tenn	p. m. 125 00
H. A. Nolty	Germany	Alabama	do	p. m. 100 00
F. A. Yeager	Pennsylvania	Arkansas	do	p. m. 100 00
James M. Riley	Missouri	Missouri	do	p. m. 75 00
Foremen.				
Samuel M. Orr	Kentucky	Illinois	Cairo, Ill	p. m. 100 00
Samuel A. Van Nort	Missouri	Missouri	Gold Dust, Tenn	p. m. 100 00
Patrick Sheehan	Mississippi	Mississippi	Lake Providence reach, La	p. m. 90 00
Reuben Gill	Ireland	Missouri	Plum Point reach, Tenn	p. m. 82 50
James McKune	Missouri	do	Lake Providence reach, La	p. m. 85 00
Thomas Wood	New York	Illinois	Plum Point reach, Tenn	p. m. 78 00
J. E. Howard	West Indies	Kentucky	do	p. m. 78 00
James Anthony	California	Arkansas	do	p. m. 78 00
James Shea	Ireland	do	do	p. m. 75 00
Charles Jeffery	Scotland	Louisiana	do	p. m. 75 00
W. L. Killebrew	Tennessee	Tennessee	do	p. m. 75 00
John Doherty	Ireland	Missouri	do	p. m. 75 00
John Winningham	Illinois	do	Lake Providence reach, La	p. m. 75 00
John Birdwell	Missouri	do	do	p. m. 75 00
George Elliott	Illinois	Louisiana	do	p. m. 75 00
Edward Welsh		do	do	p. m. 75 00
J. H. Canfield	New York	do	do	p. m. 75 00
Arthur Nolan	Ohio	do	do	p. m. 75 00
James Fox	Ireland	do	do	p. m. 75 00
T. W. Kennedy	Illinois	Mississippi	do	p. m. 75 00
Ed. Gordon	England	Louisiana	do	p. m. 75 00
John Lehnart	Missouri	do	do	p. m. 75 00
George Anderson	Kentucky	do	do	p. m. 75 00
Russell Ishan	do	do	do	p. m. 75 00
Michael Thyson	Iowa	do	do	p. m. 75 00
J. I. Harland	Mississippi	Alabama	do	p. m. 75 00
C. J. Coney		Mississippi	do	p. m. 75 00
F. B. Childs	Illinois	Louisiana	do	p. m. 75 00
Rodmen.				
Edward H. Ludlow	Louisiana	Louisiana	Mouth Red River	p. m. 50 00
W. A. Postell		Georgia	do	p. m. 50 00
Mates.				
George Vevington	Pennsylvania	Missouri	Steamer Mississippi	p. m. 75 00
John Laringe			Lake Providence reach, La	p. m. 65 00
V. E. Varble		Kentucky	do	p. m. 60 00
Spencer Blackmore	Pennsylvania	Pennsylvania	Steamer Etheridge	p. m. 60 00
L. H. Yourtee		Missouri	Lake Providence reach, La	p. m. 50 00
Firemen.				
Nett Jackson	Mississippi	Missouri	Steamer Mississippi	p. m. 40 00
James H. Jackson	do	do	do	p. m. 40 00
Frederick Ward	England	Colorado	Plum Point reach, Tenn	p. m. 35 00
C. W. Warren			do	p. m. 35 00
J. D. Hardy	Illinois	Illinois	do	p. m. 35 00
I. M. Wright	Kentucky	Kentucky	do	p. m. 35 00
George Holmes	Indiana	Indiana	Lake Providence reach, La	p. d. 1 50
Surveyor.				
Hiram Phillips	Missouri	Missouri	Plum Point reach, Tenn	p. m. 100 00
Commissary clerks.				
B. O. Harrison	Maryland	Texas	Plum Point reach, Tenn	p. m. 100 00
William H. Hardee	Tennessee	Tennessee	do	p. m. 40 00
Master laborers.				
Albert Grisie	Germany	Louisiana	Lake Providence reach, La	p. m. 50 00
John O'Brien	New York	do	do	p. m. 50 00
Ed. Ellis	Sweden	do	do	p. m. 50 00
Stephen Inman	Massachusetts	do	do	p. m. 50 00
William Bass	Louisiana	do	do	p. m. 50 00
John McInerney	Illinois	do	do	p. m. 50 00
Thomas Nagle	Ireland	do	do	p. m. 50 00
W. C. O'Hara		Mississippi	do	p. m. 50 00
Time-keepers.				
S. N. Godden	England	Texas	Mount City landing, Ark	p. m. 75 00
B. R. Duncan	Tennessee	Tennessee	Plum Point reach, Tenn	p. m. 60 00
R. W. Tyler	New York	Louisiana	do	p. m. 45 00
Painters.				
W. E. Smith	Illinois	Tennessee	Plum Point reach, Tenn	p. m. 66 00
H. Hasenyager	Germany	Illinois	do	p. m. 60 00
Riggers.				
Joseph Wilson	England	Missouri	Plum Point reach, Tenn	p. d. 2 00
David Monroe	Nova Scotia	Tennessee	Gold Dust, Tenn	p. m. 40 00
Storekeepers.				
D. M. Adkins	New York	Missouri	Plum Point reach, Tenn	p. m. 60 00
Herman Fleck	Germany	Illinois	do	p. m. 40 00
Printer.				
O. W. Shoup	Illinois	Missouri	Saint Louis, Mo	p. m. 60 00
Steersmen.				
Joseph Damonte	France	Louisiana	Carrollton, La	p. m. 55 00
James T. Mills	Louisiana	do	Mouth of Red River, La	p. m. 40 00

Mississippi River Commission—Continued.

Name and office.	Where born.	Whence appointed.	Where employed.	Compensation.
Axmen.				
W. H. Fulton	Pennsylvania	Iowa	Missouri	p. m. $52 50
C. Gibson	Iowa	....do	....do	p. m. 52 50
J. A. Laird	Illinois	Illinois	....do	p. m. 52 50
D. T. Milner	Ohio	Missouri	....do	p. m. 52 50
J. B. Stamper	Iowa	Iowa	....do	p. m. 52 50
J. E. Oldham	Mississippi	Mississippi	Lake Providence reach, La	p. m. 35 00
C. Hamilton	Missouri	Louisiana	....do	p. m. 35 00
Thomas Lynch	Mississippi	Mississippi	....do	p. m. 30 00
Daniel J. O'Neil	Louisiana	Louisiana	Mouth of Red River, La	p. m. 30 00
Pipe-fitters.				
Frederick Onetto	Ohio	Tennessee	Plum Point reach, Tenn	p. m. 50 00
William Maratta	....do	Wisconsin	....do	p. m. 40 00
Janitor.				
William H. Fleming	Tennessee	Missouri	Saint Louis, Mo	p. m. 50 00
Messengers.				
George L. Kelly	Maryland	Tennessee	Plum Point reach, Tenn	p. m. 35 00
E. B. Oden	Tennessee	Missouri	Saint Louis, Mo	p. m. 50 00
Leadsmen.				
S. P. Adams	Pennsylvania	Louisiana	Lake Providence reach, La	p. m. 45 00
Charles Foster	Tennessee	Tennessee	Plum Point reach, Tenn	p. m. 45 00
S. P. Pugh	....do	....do	....do	p. m. 45 00
Chauncey Wilson	New York	Louisiana	Mouth Red River, La	p. m. 45 00
Charles D. Babbit	Virginia	Mississippi	Plaquemine, La	p. m. 30 00
Linesmen.				
Peter Zar	Austria	New York	Plum Point reach, Tenn	p. m. 40 00
John Brown	....do	....do	....do	p. m. 40 00
Jesse Franklin	Tennessee	Tennessee	....do	p. m. 35 00
Chainman.				
P. J. Russell	Georgia	Louisiana	Lake Providence reach, La	p. m. 40 00
Office attendant.				
George H. Tompkins, jr	Mississippi	Mississippi	Vicksburg, Miss	p. m. 35 00
Laborers.				
Paul Hensel	Germany	Louisiana	Lake Providence reach, La	p. m. 35 00
Hugh Devlin	Ireland	Missouri	Gold Dust, Tenn	p. d. 1 50
John Kiely	....do	....do	....do	p. d. 1 50
Richard Manion	....do	....do	....do	p. d. 1 50
Robert L. Moore	Kentucky	Kentucky	....do	p. d. 1 50
William Parmer	Canada	Missouri	....do	p. d. 1 50
Ben Johnson	Louisiana	Louisiana	Lake Providence reach, La	p. d. 90
Cumley Raven	Arkansas	Arkansas	....do	p. d. 1 25
James Snow	Mississippi	Mississippi	....do	p. d. 1 25
William Pauldow	....do	....do	....do	p. d. 1 25
Eph. Boyce	Louisiana	Louisiana	....do	p. d. 1 00
Ely Smith	....do	....do	....do	p. d. 1 00
Steve Johnson	....do	....do	....do	p. d. 1 00
Ely Maberry	....do	....do	....do	p. d. 1 00
Sam Johnson	....do	....do	....do	p. d. 1 00
King Raines	....do	....do	....do	p. d. 1 00
William Allen	Texas	Texas	Plum Point reach, Tenn	p. m. 30 00
John Acres	Louisiana	Missouri	....do	p. m. 30 00
J. Allenby	England	Arkansas	....do	p. m. 30 00
G. Allerr	Italy		....do	p. m. 30 00
F. Amend	Germany	New York	....do	p. m. 30 00
Augustino Angelo	Italy	....do	....do	p. m. 30 00
J. N. Anyan	Illinois	Tennessee	....do	p. m. 30 00
A. Babbs	Tennessee	....do	....do	p. m. 30 00
Jean Babtiste	France	Illinois	....do	p. m. 30 00
H. F. Barber	Illinois	....do	....do	p. m. 30 00
J. Barnes			....do	p. m. 30 00
Pietro Benone	Italy	New York	....do	p. m. 30 00
J. McCormack			....do	p. m. 30 00
Boles McCorkle	Tennessee	Tennessee	....do	p. m. 30 00
L. McDaniel	....do	....do	....do	p. m. 30 00
John McDonald	Ireland	....do	....do	p. m. 30 00
T. C. McGuire	Tennessee	....do	....do	p. m. 30 00
Michael McLaughlin	Indiana	Indiana	....do	p. m. 30 00
Thomas McNally	Ireland	New York	....do	p. m. 30 00
Peter McNeil	Ohio	Illinois	....do	p. m. 30 00
W. Mack	New York	Missouri	....do	p. m. 30 00
William Maginsky			....do	p. m. 30 00
William Manning	New York	Louisiana	....do	p. m. 30 00
G. W. Martin	Virginia	Indiana	....do	p. m. 30 00
John O'Donnell	Ireland	Missouri	....do	p. m. 30 00
James O'Dunn	Kentucky	Kentucky	....do	p. m. 30 00
George Oglesby			....do	p. m. 30 00
Fred. Oswald	Germany	Mississippi	....do	p. m. 30 00
E. Parhan	Arkansas	Arkansas	....do	p. m. 30 00
Dare Pares	Indiana	Illinois	....do	p. m. 30 00
S. Parker	Ohio	Missouri	....do	p. m. 30 00
W. M. Parmenter	Tennessee	Tennessee	....do	p. m. 30 00
J. Parmenter	....do	Arkansas	....do	p. m. 30 00
H. Phillips			....do	p. m. 30 00
W. Pickett			....do	p. m. 30 00
James Pierson	Missouri	Missouri	....do	p. m. 30 00
R. Prosser	West Virginia	Mississippi	....do	p. m. 30 00
John Reed			....do	p. m. 30 00
M. P. Remley			....do	p. m. 30 00
Henry Wehrly			....do	p. m. 30 00
G. D. Welsh			....do	p. m. 30 00
Michael Whealen	Ireland	Illinois	....do	p. m. 30 00
E. T. Wright	Kentucky	Kentucky	....do	p. m. 30 00
Nick Zar	Austria	Illinois	....do	p. m. 30 00
D. Zar	....do	....do	....do	p. m. 30 00
G. W. P. Close	Germany	Arkansas	....do	p. m. 30 00
Frank Cochran	Kentucky	Kentucky	....do	p. m. 30 00
James Colbert			....do	p. m. 30 00
William Freeman	North Carolina	Arkansas	....do	p. m. 30 00
Patrick Milin	Indiana	Indiana	....do	p. m. 30 00
J. B. Mills			....do	p. m. 30 00

Mississippi River Commission—Continued.

Name and office.	Where born.	Whence appointed.	Where employed.	Compensation.
W. Mills			Plum Point reach, Tenn	p. m. $30 00
C. D. Miller	Mississippi	Mississippi	do	p. m. 30 00
J. Miller			do	p. m. 30 00
J. F. Mitchell			do	p. m. 30 00
William Monroe			do	p. m. 30 00
H. H. Morgan			do	p. m. 30 00
W. A. Mullins			do	p. m. 30 00
Mike Murphy	Tennessee	Illinois	do	p. m. 30 00
M. S. Newton	Arkansas	Arkansas	do	p. m. 30 00
T. C. Nunlee	Kentucky	Tennessee	do	p. m. 30 00
Harry Nute	New Hampshire	Rhode Island	do	p. m. 30 00
Fred. Hagen	Germany	Missouri	do	p. m. 30 00
A. Hausmann	do	do	do	p. m. 30 00
James Heath	Pennsylvania	Pennsylvania	do	p. m. 30 00
M. T. Heiman	do	Missouri	do	p. m. 30 00
R. Henley	Tennessee	Tennessee	do	p. m. 30 00
John Hill	do	do	do	p. m. 30 00
Charles Hines			do	p. m. 30 00
L. Hoffman			do	p. m. 30 00
C. Holden			do	p. m. 30 00
James Hosea			do	p. m. 30 00
S. Howard	England	Alabama	do	p. m. 30 00
J. A. Howerton	Kentucky	Missouri	do	p. m. 30 00
J. Howerton	do	do	do	p. m. 30 00
P. G. Huckaby	Tennessee	Tennessee	do	p. m. 30 00
W. Hurst			do	p. m. 30 00
S. A. Huset	Wisconsin	Missouri	do	p. m. 30 00
L. Larssen	Norway	Tennessee	do	p. m. 30 00
William Lay			do	p. m. 30 00
Louis Lay			do	p. m. 30 00
Levi Lee			do	p. m. 30 00
Charles McCarty			do	p. m. 30 00
R. McLain	Nova Scotia	Mississippi	do	p. m. 30 00
E. Benton			do	p. m. 30 00
Victor Berancon	France	Kentucky	do	p. m. 30 00
C. Bergmann			do	p. m. 30 00
B. F. Billings			do	p. m. 30 00
G. Bockell	Germany	New York	do	p. m. 30 00
Catos Bonds	Tennessee	Tennessee	do	p. m. 30 00
D. C. Bonds	Arkansas	Arkansas	do	p. m. 30 00
Jacob Bonnett	Indiana	Indiana	do	p. m. 30 00
J. Boolquest	Sweden	Louisiana	do	p. m. 30 00
Patrick Brannon			do	p. m. 30 00
J. Branson	Missouri	Arkansas	do	p. m. 30 00
A. Brodie	do	Tennessee	do	p. m. 30 00
John Brown			do	p. m. 30 00
Jacob Brown			do	p. m. 30 00
J. Bryant	Kentucky	Tennessee	do	p. m. 30 00
George Burch	Kansas	Missouri	do	p. m. 30 00
T. D. Burchill	Kentucky	Tennessee	do	p. m. 30 00
C. Burgess			do	p. m. 30 00
J. Callahan	Vermont	Mississippi	do	p. m. 30 00
J. L. Carroll	Tennessee	Tennessee	do	p. m. 30 00
James Carroll			do	p. m. 30 00
James Cash	Germany	Tennessee	do	p. m. 30 00
James H. Clark	Ohio	Ohio	do	p. m. 30 00
John Doyle			do	p. m. 30 00
P. Drozia	Austria	Illinois	do	p. m. 30 00
J. M. Duncan			do	p. m. 30 00
J. Dwyer	Ireland	Tennessee	do	p. m. 30 00
James Dwyer			do	p. m. 30 00
B. J. Fair	Mississippi	Kentucky	do	p. m. 30 00
J. H. Feezor	North Carolina	Tennessee	do	p. m. 30 00
Joe Felloure	Italy	New York	do	p. m. 30 00
J. T. Ferguson	Tennessee	Tennessee	do	p. m. 30 00
Mike Fink	Maryland	Ohio	do	p. m. 30 00
C. Fisher			do	p. m. 30 00
D. M. Ford	Tennessee	Tennessee	do	p. m. 30 00
J. Foust	Missouri	Missouri	do	p. m. 30 00
J. Cook	Tennessee	Tennessee	do	p. m. 30 00
T. F. Cook	do	do	do	p. m. 30 00
John Cook			do	p. m. 30 00
Isaac Casey	Virginia	Illinois	do	p. m. 30 00
J. H. Cramer	Alabama	Alabama	do	p. m. 30 00
William Crawford	Indiana	Indiana	do	p. m. 30 00
John Curry	Alabama	Missouri	do	p. m. 30 00
J. S. Davis			do	p. m. 30 00
T. H. Dedmon	Virginia	Tennessee	do	p. m. 30 00
J. Denane	Ireland	Missouri	do	p. m. 30 00
Daniel Desmond	do	do	do	p. m. 30 00
J. Dietz	Germany	do	do	p. m. 30 00
Andrew Dixon	Massachusetts	Indiana	do	p. m. 30 00
Light-keeper.				
Joshua Gilmore	Mississippi	Mississippi	Lake Providence reach, La	p. m. 20 00
Chambermaids.				
Miss M. Estes	Missouri	Missouri	Steamer Mississippi	p. m. 15 00
Miss Carrie Powell	do	Illinois	Steamer Etheridge	p. m. 15 00
Laundresses.				
Miss Cherry Winchester	Tennessee	Tennessee	Plum Point reach, Tenn	p. m. 15 00
Mrs. Eliza Gray	Virginia	do	do	p. m. 15 00
Miss Hester Vaughan			do	p. m. 15 00
Mrs. Jennie Bodine	Mississippi	Missouri	do	p. m. 15 00
Mrs. M. L. Evans	Tennessee	Tennessee	do	p. m. 3 00
Messenger.				
John Soy	China	Arkansas	Plum Point reach, Tenn	p. m. 7 00
Laborers.				
Jassarro Domenico	Italy	New York	Plum Point reach, Tenn	p. m. 30 00
M. Dooley	Ireland	Tennessee	do	p. m. 30 00
J. Dougherty, No. 1	Arkansas	do	do	p. m. 30 00
J. Dougherty, No. 2			do	p. m. 30 00
J. Downard	Kentucky	Kentucky	do	p. m. 30 00
J. P. Hutchison	Tennessee	Missouri	do	p. m. 30 00

Mississippi River Commission—Continued.

Name and office.	Where born.	Whence appointed.	Where employed.	Compensation.
Charles Jackson	Missouri	Missouri	Plum Point reach, Tenn.	p. m. $30 00
W. James	do	do	do	p. m. 30 00
T. Jenkins	Illinois	Illinois	do	p. m. 30 00
Frank Johnson	Austria	New York	do	p. m. 30 00
J. T. Johnson	Indiana	Iowa	do	p. m. 30 00
J. Johnson	Illinois	Missouri	do	p. m. 30 00
James L. Jones			do	p. m. 30 00
W. J. Kellum	Arkansas	Tennessee	do	p. m. 30 00
Joseph Kelly	Ohio	Ohio	do	p. m. 30 00
Lewis Kennebrew	Mississippi	Arkansas	do	p. m. 30 00
R. W. Kerr			do	p. m. 30 00
Daniel Kincannon	Tennessee	Tennessee	do	p. m. 30 00
Bryan King			do	p. m. 30 00
—— Giovanni	Italy	New York	do	p. m. 30 00
W. Lamb	Arkansas	Arkansas	do	p. m. 30 00
J. Fry	Virginia	Tennessee	do	p. m. 30 00
D. W. Fry			do	p. m. 30 00
J. Gaiser	Austria	New York	do	p. m. 30 00
R. Gardner	Tennessee	Tennessee	do	p. m. 30 00
O. D. Gass	do	Missouri	do	p. m. 30 00
L. B. Gass			do	p. m. 30 00
D. B. Geer	Georgia	Louisiana	do	p. m. 30 00
A. Giacomo	Italy	New York	do	p. m. 30 00
John Gibbs			do	p. m. 30 00
J. F. Gordon	Missouri	Missouri	do	p. m. 30 00
L. Gordon	Alabama	do	do	p. m. 30 00
O. Gossewich	Delaware	Arkansas	do	p. m. 30 00
Henry Grabner	Illinois	Illinois	do	p. m. 30 00
John Grant	Ireland	do	do	p. m. 30 00
G. Gray	Canada	Arkansas	do	p. m. 30 00
J. Griffin	Kentucky	Missouri	do	p. m. 30 00
G. Guisseppi	Italy	New York	do	p. m. 30 00
J. Rollins			do	p. m. 30 00
B. F. Sanders	Missouri	Missouri	do	p. m. 30 00
John Schuh	Germany	Illinois	do	p. m. 30 00
James A. Segers	Illinois	Arkansas	do	p. m. 30 00
James D. Sellers	do	Illinois	do	p. m. 30 00
P. Shea			do	p. m. 30 00
T. J. Sheehy	Ireland	Illinois	do	p. m. 30 00
James Simpson			do	p. m. 30 00
P. Smith			do	p. m. 30 00
J. S. Smith	Pennsylvania	Arkansas	do	p. m. 30 00
Arthur Smith	Illinois	Illinois	do	p. m. 30 00
W. J. Sneede	do	do	do	p. m. 30 00
Watchmen.				
C. H. Smith	England	Tennessee	Mound City landing, Ark.	p. m. 75 00
John Gainey	Louisiana	do	do	p. m. 75 00
T. C. Hockridge	Canada	Illinois	Cairo, Ill.	p. m. 75 00
Henry Darragh	Indiana	do	Plum Point reach, Tenn.	p. m. 60 00
Harry Worsley	do	Arkansas	do	p. m. 60 00
William Sallen			Cairo, Ill.	p. m. 60 00
J. C. Johnson	Illinois	Illinois	Plum Point reach, Tenn.	p. m. 60 00
John Smith	Finland	Louisiana	Mouth Red River	p. m. 50 00
Julius Becker	Prussia	Tennessee	Natchez, Miss.	p. m. 50 00
F. King	Ohio	Arkansas	Plum Point reach, Tenn.	p. m. 45 00
William Gifford			Saint Louis, Mo	p. m. 45 00
Oby Newsome	Arkansas	Tennessee	Plum Point reach, Tenn.	p. m. 45 00
William Lyerly			do	p. m. 45 00
J. William Jehlin	Missouri	Tennessee	do	p. m. 45 00
J. Monroe Gregg	Alabama	Missouri	Saint Louis, Mo.	p. m. 25 00
C. A. Gilbert			Plum Point reach, Tenn	p. m. 45 00
John McGovern	Ireland	Louisiana	Mouth Red River	p. m. 45 00
John Ryan	New York	Missouri	Steamer Mississippi	p. m. 45 00
C. H. Wilson	Illinois	Tennessee	Mound City landing, Ark.	p. m. 40 00
A. Kennedy	do	do	do	p. m. 40 00
Robert M. Spicer	Tennessee	do	do	p. m. 40 00
Martin Christeson	Denmark	Louisiana	Lake Providence reach, La.	p. m. 40 00
James O. Dell	Connecticut	Mississippi	do	p. m. 40 00
Isham Hughes	Mississippi	do	do	p. m. 40 00
James Crossland	England	Illinois	Steamer Etheridge	p. m. 40 00
Frank Nugent	Illinois	do	Plum Point reach, Tenn.	p. m. 40 00
James Devarsey	do	Indiana	do	p. m. 40 00
Charles Kuppert	Germany	Illinois	do	p. m. 40 00
Thomas Murray	Tennessee	Missouri	do	p. m. 40 00
J. B. Hockridge	Canada	Illinois	Cairo	p. m. 45 00
George W. Davis	Louisiana	Louisiana	Carrollton, La.	p. m. 40 00
William Price		do	Lake Providence reach, La.	p. m. 35 00
James P. Eddington	Tennessee	Tennessee	do	p. m. 30 00
William Daws	Mississippi	Mississippi	do	p. m. 30 00
Herman Weters		do	do	p. m. 30 00
J. McLaughlin		Louisiana	do	p. d. 1 00
Arthur Hill	Mississippi	Mississippi	Vicksburg, Miss.	p. m. 37 50
William Carey	Missouri	Missouri	Plum Point reach	p. m. 35 00
Dennis Horrigan	Ireland	do	do	p. m. 30 00
Frank Lynch	Pennsylvania	Pennsylvania	do	p. m. 30 00
H. M. McKinney	Tennessee	Arkansas	do	p. m. 30 00
James McMahon	Mississippi	Mississippi	Natchez	p. m. 30 00
Michael J. McMahon	Ireland	do	do	p. m. 30 00
Jefferson Briscoe	Maryland	do	do	p. m. 30 00
L. A. Lezyuski		Louisiana	Lake Providence reach, La.	p. d. 1 00
C. Lyons	Ireland	Tennessee	Mound City landing, Ark.	p. m. 30 00
Firemen.				
A. Radford			Steamer Etheridge	p. m. 45 00
George Dwyer			do	p. m. 45 00
James Hunt		Louisiana	Lake Providence reach, La.	p. m. 45 00
Charles Madler		do	do	p. m. 45 00
James McCram			do	p. m. 45 00
Henry Cross	Germany	Pennsylvania	Plum Point reach, Tenn.	p. m. 40 00
James Seward	England	Missouri	do	p. m. 40 00
Thomas Shelton			do	p. m. 40 00
Robert Thompson	Kentucky	Kentucky	do	p. m. 40 00
John Blaetz	Nevada	Tennessee	do	p. m. 40 00
N. Cavanaugh	Ireland	Louisiana	do	p. m. 35 00
D. V. Champeney	New York	Indiana	do	p. m. 35 00
T. H. Ferrell	Indiana	do	do	p. m. 35 00

Mississippi River Commission—Continued.

Name and office.	Where born.	Whence appointed.	Where employed.	Compensation.
William Meigher	England	Montana Ter	Plum Point reach, Tenn	p. m. $35 00
Harry Morrison	Ohio	Indiana	do	p. m. 35 00
Pike Nash	Illinois	Illinois	do	p. m. 35 00
John Haverty	Massachusetts	Indiana	do	p. m. 35 00
J. McCrisaken	Indiana	do	do	p. m. 35 00
John Raymond	Illinois	Illinois	do	p. m. 35 00
George W. Read	England	Missouri	do	p. m. 35 00
J. B. Glover	Virginia	Mississippi	do	p. m. 35 00
R. Smallman			do	p. m. 35 00
A. J. Fry	Illinois	Illinois	do	p. m. 35 00
U. F. Givan			do	p. m. 35 00
P. Green	Georgia	Mississippi	do	p. m. 35 00
B. L. Sutton	Tennessee	Tennessee	do	p. m. 35 00
Bakers.				
John Arnold	Austria	Missouri	Plum Point reach, Tenn.	p. m. 40 00
Paul Delowin	Germany	do	do	p. m. 90 00
Master-mechanic.				
P. D. Sexton	New York	Louisiana	Plum Point reach, Tenn.	p. m. 150 00
Boarding-masters.				
Douglass Naples	Louisiana	Louisiana	Plum Point reach, Tenn.	p. m. 60 00
John Gregson		Illinois	do	p. m. 60 00
N. H. Morris	New York	New York	do	p. m. 60 00
John H. Kelly	do	do	do	p. m. 60 00
E. E. Butler	Indiana	Illinois	do	p. m. 60 00
T. C. Pottinger	Ohio	Arkansas	do	p. m. 60 00
Virgil C. Weir	Kentucky	Missouri	do	p. m. 60 00
Calkers.				
Henry B. Dings	New York	Tennessee	Mound City landing, Ark	p. d. 3 50
James Hoshier	Pennsylvania	Missouri	Plum Point reach, Tenn.	p. m. 75 00
Samuel O'Donnell	Ohio	Illinois	do	p. m. 72 00
Cabin-boys.				
Mata Moris	Mexico	Louisiana	Steamer Etheridge	p. m. 20 00
Robert Collins	Illinois	Missouri	Steamer Mississippi	p. m. 25 00
Benjamin Blackburn	Louisiana	Louisiana	Lake Providence reach, La	p. m. 25 00
William Boyce		do	do	p. m. 10 00
Henry Campbell		Mississippi	do	p. m. 7 50
Waiters.				
T. J. Bonner	Tennessee	Tennessee	Plum Point reach, Tenn.	p. m. 25 00
Weeden O'Finnell	Indiana	Missouri	do	p. m. 25 00
J. Menze			do	p. m. 25 00
John Light	Tennessee	Tennessee	do	p. m. 25 00
Ephraim Parks	Maryland	do	do	p. m. 25 00
J. L. Perry			do	p. m. 25 00
C. Reeder	Tennessee	Arkansas	do	p. m. 25 00
W. R. Rinks	do	Tennessee	do	p. m. 25 00
Nute White	Ohio	Illinois	do	p. m. 25 00
C. F. Williams	Rhode Island	Rhode Island	do	p. m. 25 00
A. Jackson	Kentucky	Arkansas	do	p. m. 25 00
John Saden	Tennessee	Illinois	do	p. m. 25 00
T. Cannavan	Ireland	do	do	p. m. 25 00
N. Schless	Germany	Missouri	do	p. m. 25 00
H. J. Settle	Tennessee	do	do	p. m. 25 00
John Smith	do	Tennessee	do	p. m. 25 00
Thomas Gill	Missouri	Missouri	do	p. m. 25 00
H. Ward	Scotland	Massachusetts	do	p. m. 25 00
Lewis Washington	Tennessee	Tennessee	do	p. m. 25 00
George Abrey	England	Missouri	do	p. m. 25 00
W. H. Bryant	Kentucky	Tennessee	do	p. m. 20 00
Thomas Dyson	Louisiana	Mississippi	Lake Providence reach, La	p. m. 20 00
Henry Woodson	do	Louisiana	do	p. m. 20 00
Steven Miles	do	do	do	p. m. 22 00
Dock Dobbins	do	Mississippi	do	p. m. 20 00
John Adams	Mississippi	do	do	p. m. 20 00
Charles White		Louisiana	do	p. m. 20 00
William Paul	Mississippi	Mississippi	do	p. m. 17 50
M. Jacobson	Germany	Alabama	Plum Point reach, Tenn.	p. m. 15 00
Peyton Gilmore	Mississippi	Mississippi	Lake Providence reach, La	p. m. 15 00
John Chew	Louisiana	Louisiana	do	p. m. 15 00
Henry Watson	Mississippi	Mississippi	do	p. m. 15 00
Ira Scott	Louisiana	do	do	p. m. 15 00
Beverly Harris	do	Louisiana	do	p. m. 15 00
John Cullins	do	Mississippi	do	p. m. 15 00
Creed Bryant	Mississippi	do	do	p. m. 15 00
John Moore	Louisiana	Louisiana	do	p. m. 15 00
Harvey Banks		do	do	p. m. 15 00
Price Korrser	Louisiana	do	do	p. m. 15 00
Fred. Goodrich		do	do	p. m. 10 00
George Reynolds		Mississippi	do	p. m. 10 00
Robert Hall		do	do	p. m. 10 00
Richard Virtus		Louisiana	do	p. m. 10 00
John Webb	Louisiana	do	do	p. m. 10 00
Deck-hands.				
Gottlieb Courn	Missouri	Illinois	Steamer Mississippi	p. m. 35 00
H. Borcher	do	Missouri	do	p. m. 35 00
Thornburgh			Steamer Etheridge	p. m. 35 00
Ed. Taylor			do	p. m. 35 00
John Haskins			do	p. m. 35 00
H. Diesman			do	p. m. 35 00
John Currens			do	p. m. 35 00
H. Breemen			do	p. m. 35 00
Ed. Hammond		Louisiana	Lake Providence reach, La	p. m. 35 00
John Bantler		do	do	p. m. 35 00
Alfred Obery		do	do	p. m. 35 00
John Johnson		do	do	p. m. 35 00
William Freeman		do	do	p. m. 35 00
George W. Kane		do	do	p. m. 35 00
C. H. Nicholson		do	do	p. m. 35 00
Henry Cole		do	do	p. m. 35 00
O. E. Edwards			Plum Point reach, Tenn.	p. m. 35 00
Andrew Zar	Hungary	New York	do	p. m. 35 00

Mississippi River Commission—Continued.

Name and office.	Where born.	Whence appointed.	Where employed.	Compensation.
A. Golightly	Illinois	Illinois	Plum Point reach, Tenn	p. m. $35 00
Lee Pollock	do	do	Steamer Mississippi	p. m. 35 00
James Powers	Tennessee	do	do	p. m. 35 00
Boatmen.				
G. K. Adsit			Plum Point reach, Tenn	p. m. 20 00
F. Duncan	Tennessee	Tennessee	do	p. m. 30 00
R. Horton	do	do	do	p. m. 30 00
George Stevenson		Louisiana	Mouth Red River	p. m. 30 00
Frank J. Mills	Louisiana	do	do	p. m. 30 00
William O. Hill	Missouri	Missouri	Carrollton, La	p. m. 45 00
Nathaniel Taylor	Louisiana	Louisiana	do	p. m. 45 00
J. H. Lanier	Arkansas	Tennessee	Plum Point reach, Tenn	p. m. 40 00
E. N. Evans	Wisconsin	Arkansas	do	p. m. 35 00
W. Mattingly	Missouri	Missouri	do	p. m. 35 00
James Starkey	Kentucky	Arkansas	do	p. m. 35 00
Laborers.				
Simon Allen	Louisiana	Louisiana	Lake Providence reach, La	p. d. 1 00
Felix Bivins		Mississippi	do	p. d. 90
Thaddeus Blakely		do	do	p. d. 1 00
John Vance		Louisiana	do	p. d. 1 00
Matthew Hines		Mississippi	do	p. d. 90
Thomas Larkin		Louisiana	do	p. d. 90
Evan Dorsey		Mississippi	do	p. d. 90
Armstead Jackson		Louisiana	do	p. d. 90
Calvin Jourdin		Mississippi	do	p. d. 90
Jesse Edwards		do	do	p. d. 90
Tom Douglas	Mississippi	do	do	p. d. 1 00
Ed. Harris	Arkansas	Arkansas	do	p. d. 1 25
James Fleming	Louisiana	Louisiana	do	p. d. 1 00
Morris Armstrong	Mississippi	Mississippi	do	p. d. 1 25
Paul Young	do	do	do	p. d. 1 25
Columbus King	do	do	do	p. d. 1 00
Joe Leas	do	do	do	p. d. 1 25
Charles Higgins	do	do	do	p. d. 1 25
Chesley Brown	Florida	Louisiana	do	p. d. 1 00
Benjamin Jones	Alabama	Alabama	do	p. d. 1 00
Wallace Scott	South Carolina	Louisiana	do	p. d. 1 00
Charles Deal	Louisiana	do	do	p. d. 1 00
Wesley Matthews	do	do	do	p. d. 1 00
Buck Kimball	do	do	do	p. d. 1 00
Ben. Chew	do	do	do	p. d. 1 00
Frank Kinney	Mississippi	Mississippi	do	p. d. 1 00
Nelson Dickson	do	do	do	p. d. 1 00
Milton Hamilton	do	do	do	p. d. 1 00
J. S. James	do	do	do	p. d. 1 25
C. J. Bland	Illinois	do	do	p. d. 1 00
Henry Edwards	Louisiana	do	do	p. d. 1 00
John Brown	do	do	do	p. d. 1 25
Levi Caldwell	Arkansas	Louisiana	do	p. d. 1 00
Linn Finley	Mississippi	Mississippi	do	p. d. 1 00
Michael Brannon	Ireland	do	do	p. d. 1 00
James Davis	Arkansas	do	do	p. d. 1 00
Dan. Perkins	Louisiana	Louisiana	do	p. d. 1 00
A. R. Parmer	Mississippi	do	do	p. d. 1 00
Major Brown	do	Mississippi	do	p. d. 1 00
Milton Lewis	do	do	do	p. d. 1 00
D. P. White	Louisiana	do	do	p. d. 1 00
William Spencer	England	Louisiana	do	p. d. 1 00
Dave Barton	Ohio	Mississippi	do	p. d. 1 00
Lee Dobyns	Louisiana	do	do	p. d. 1 00
Anderson Murray	do	do	do	p. d. 1 00
Poney Washington	do	do	do	p. d. 1 00
James Derys	New York	Tennessee	Mound City landing, Ark	p. m. 30 00
John J. Keenan	Ohio	do	do	p. m. 30 00
P. B. Jones	Kentucky	do	do	p. m. 30 00
William Meehan	Arkansas	Arkansas	do	p. m. 30 00
James Sullivan	Ireland	do	do	p. m. 30 00
Matthew Lawson	Sweden	do	do	p. m. 30 00
J. Suggs			Plum Point reach, Tenn	p. m. 30 00
J. E. Sutton	Tennessee	Arkansas	do	p. m. 30 00
C. Dunn	Pennsylvania	Missouri	do	p. m. 30 00
Dan. Tapp	South Carolina	do	do	p. m. 30 00
J. Thurgood	England	Tennessee	do	p. m. 30 00
Grosso Tomasso	Italy	New York	do	p. m. 30 00
James Tracy	Ireland	Indiana	do	p. m. 30 00
George A. Tresenriter	Indiana	Missouri	do	p. m. 30 00
W. R. Vaughan	Virginia	Kentucky	do	p. m. 30 00
J. R. Vaughan	Alabama	Alabama	do	p. m. 30 00
John Vernon	Missouri	Missouri	do	p. m. 30 00
Ed. Vien			do	p. m. 30 00
R. Wade			do	p. m. 30 00
J. Walsh	Ireland	Pennsylvania	do	p. m. 30 00
Donato Mathuiri	Italy	New York	do	p. m. 30 00
R. S. Ward	Ohio	Missouri	do	p. m. 30 00
Henry Mussman			do	p. m. 30 00
Isaac Brooks	Kentucky	Illinois	Cairo, Ill	p. d. 1 50
William Mawther	Illinois	do	do	p. d. 1 50
Thomas Hyder	Tennessee	do	do	p. d. 1 50
Merry A. Davis	North Carolina	Tennessee	Plaquemine, La	p. m. 30 00
Theodore Z. Hardee	Mississippi	Louisiana	do	p. m. 30 00
Louis Lamb	Missouri	do	do	p. m. 30 00
Douglas L. Rivers	Louisiana	do	do	p. m. 30 00
Sam. Isler	Tennessee	Tennessee	Memphis, Tenn	p. m. 50 00

Mr. WILLIS. I move that the committee rise, that I may ask the House to limit debate.

Mr. WHITE, of Kentucky. I move an amendment, that the committee rise and report the instructions which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the bill under consideration be reported back to the House with a recommendation that it be recommitted to the Committee on Rivers and Harbors, with instructions not to report it back until the Secretary of War shall furnish this House with an itemized account of the expenditures for the improvement of the Mississippi River and levees along its banks from July 1, 1879, to January 16, 1884; also, inform the House whether the urgency of the demand for this bill has not arisen from expenditures in excess of the sums heretofore appropriated by Congress for the purpose of the improvement of the Mississippi River.

Mr. BELFORD. I desire to inquire whether the proposition which has just been read is a debatable one.

The CHAIRMAN. It is not debatable. A motion to rise is not debatable.

Mr. ELLIS. I desire to make an inquiry of the Chair.

The CHAIRMAN. The gentleman will state it.

Mr. ELLIS. Can the propositions be separated? I mean the proposition to rise from the proposition to instruct.

The CHAIRMAN. A division of the question can be made.

Mr. ELLIS. Then I ask a separate vote on the proposition of the gentleman from Kentucky [Mr. WHITE].

The CHAIRMAN. The Chair will state that the question on the amendment of the gentleman from Kentucky on the left [Mr. WHITE]—no question being raised as to its admissibility—would naturally be taken separately from the question on the amendment of the gentleman from Kentucky [Mr. WILLIS] on the right.

Mr. ELLIS. That is what I wish to get at.

The CHAIRMAN. The question is first on the amendment of the gentleman from Kentucky [Mr. WHITE], that the committee rise and report back the bill with the recommendation which the Clerk has just read.

The question being taken on Mr. WHITE'S amendment, it was not agreed to; there being—ayes 36, noes 170.

The CHAIRMAN. The question recurs on the motion of the gentleman from Kentucky [Mr. WILLIS], that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (S. 1038) making an appropriation for continuing the improvement of the Mississippi River, and had come to no resolution thereon.

Mr. WILLIS. I move that the House again resolve itself into Committee of the Whole for the further consideration of the Mississippi River appropriation bill; and pending that motion, I move that all debate upon the pending amendment and all amendments to the bill be limited to five minutes.

Mr. HISCOCK. Why does the gentleman say "on all amendments?"

Mr. WILLIS. I do not know of any others.

Mr. HISCOCK. I desire to offer one other amendment to the bill.

Mr. WILLIS. Then I confine the motion to limiting debate on the pending amendment.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the Mississippi River appropriation bill; and pending that motion the gentleman moves that all debate upon the pending amendment be limited to five minutes. The question is first on the latter motion.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair, and resumed the consideration of the bill (S. 1038) making appropriations for continuing the improvement of the Mississippi River.

The CHAIRMAN. The Committee of the Whole House on the state of the Union resumes the consideration of the Mississippi River appropriation bill.

Mr. WILLIS. I yield five minutes to the gentleman from Connecticut [Mr. EATON].

Mr. EATON. It would give me great pleasure to have a little more time than five minutes, because I may be attacked elsewhere for the vote I give here in favor of the improvement of the Mississippi River.

I give my vote on constitutional grounds in favor of this improvement. I give my vote in favor of this measure, because I believe that it is for the improvement of the navigation of the river and not for the reclamation of the lands of the proprietors.

Whether this bill will operate as favorably as its friends suppose I am no more certain than the gentleman from Indiana. Possibly he and I will agree in that, yet we will hope that it will be successful. I have not voted—I never have voted when a member of the other branch of the Federal Government—to ask the money of the people, to "unlock the Treasury of the people," to use the words of my friend from Colorado, and squander it all over the little rivers and harbors of this country. I shall never vote to do that.

Now, as to the amendment of my friend from Indiana [Mr. HOLMAN], as an original proposition it would receive my vote, but as a proposition made to-day I can not vote for it. Last year it would have been proper. Last year was the time to confine this work to one great reach, and that would have been eminently proper. But as I understand it there are improvements upon two or more reaches of the river. There are plants of the Government in this place and that place and another place. Now, then, it would be in my judgment great folly—I say it with all deference and without meaning or intending to injure my friend's feelings—it would be great folly to undertake to expend this money upon one point alone; and therefore I oppose that amendment, and hope it will be voted down and all other amendments that may be offered that will tend to cripple this policy which we regard as important for the improvement of this great river.

Mr. WILLIS. I now call for a vote.

Mr. BELFORD. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BELFORD. Is it competent for me now to offer an amendment to this bill?

The CHAIRMAN. There is an amendment now pending, offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. BELFORD. Then if the gentleman will allow me I will move to strike out the last two words, because I wish to make some remarks in reference to speeches made here to-day. I ask the consent of the committee to occupy its time for five minutes on my amendment, for I can not get any in any other way.

The CHAIRMAN. By order of the House all debate has been closed on the pending amendment; but an amendment to the amendment will be in order.

Mr. WILLIS. I ask for a vote on the amendment.

Mr. HOLMAN. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. The five-minutes' debate allowed by order of the House upon the pending amendment has been exhausted.

The CHAIRMAN. It has.

Mr. HOLMAN. My point of order is that an amendment to the amendment is in order, and will be open to debate. I therefore move to strike out the last word, my object being merely to say one thing.

Mr. WILLIS. I ask for a ruling of the Chair on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Indiana [Mr. HOLMAN] on the point of order.

Mr. HOLMAN. I trust that I will be allowed to say (although not directly on the point of order) that while I did not answer my friend from Kentucky [Mr. WILLIS] when he asked a question which I did not think parliamentary as to how I would vote in the contingency named, still, not wishing to occupy a position of any uncertainty on this subject, I deem this proposition of so much moment, in view of the vast interests involved in the expenditures of the future and the general importance of the subject, that I should feel it my duty to vote for the bill if the pending amendment should be adopted. That is all I wish to say, and therefore I will not insist on the point of order.

The CHAIRMAN. The Chair understands the gentleman from Indiana [Mr. HOLMAN] to raise a point of order.

Mr. HOLMAN. I withdraw it, having said all I wanted to say.

The CHAIRMAN. The Chair was about to overrule the point of order.

Mr. WILLIS. It has required twenty minutes for my friend from Indiana [Mr. HOLMAN] to ascertain in his own mind whether he would vote for the pending bill if his amendment should be adopted.

The CHAIRMAN. Debate is not in order on the pending amendment.

The question was taken upon the amendment of Mr. HOLMAN; and upon a division there were—ayes 134, noes 150.

Before the result of the vote was announced,

Mr. HOLMAN and Mr. ANDERSON called for tellers.

Tellers were ordered; and Mr. WILLIS and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported that there were—ayes 100, noes 132.

So the amendment was not agreed to.

The CHAIRMAN. The Chair desires to call the attention of members of the committee to the rule of the House against smoking in the Hall. Many gentlemen have complained to the Chair that that rule is broken. The Chair will have the rule read for the information of members of the committee.

The Clerk read as follows:

While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause. (Rule XIV, clause 7.)

Mr. HISCOCK. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add to the bill the following:

"*Provided*, That said money appropriation be expended upon what are known as Plum Point and Lake Providence reaches, except so far as may be necessary to preserve the property of the United States and preserve other work already commenced, but not to further extend the same."

Mr. HISCOCK. I believe that the last House was unanimous, at least substantially so, in favor of the limitation upon the use of the money which might be appropriated to these two reaches. I have had occasion to allude to the report which was made by the special committee which investigated this subject, and I think I am right in saying that that committee was unanimous in recommending that the money appropriated should be expended on the two reaches named in my amendment. I believe that those members of the committee who dissented from the majority upon other matters concurred with the majority upon this proposition.

It seems to me that the friends of the Mississippi River, if we are

willing to give them this money, can not object to having it applied at the two points only to which the expenditures already made have in the main been made.

Mr. SKINNER, of New York. I move to amend by striking out the last word. Gentlemen who are so active in urging the passage of this bill throw out the insinuation that those who are opposed to it do not understand it. We certainly are very much obliged to them for giving us not only their understanding of the bill but also our understanding of it.

It may be true that an amendment embracing three lines came here from the Senate, but it does not appear in the printed bill upon our files. Nevertheless that does not alter the proposition which I laid down, that this bill in its purpose and its spirit has for its object the constructing of levees along the Mississippi River.

Mr. WILLIS. I hope my friend will permit me to say that we are now considering a Senate bill.

Mr. SKINNER, of New York. I understand that; but notwithstanding the amendment put upon that bill by the Senate, I claim that the ultimate object of the bill is what I have stated.

Now, the gentleman from Louisiana [Mr. KING] put this matter rightly when he asked, Shall we have improved levees as an adjunct of the improvement of the Mississippi River?

Mr. KING. I never made any such proposition as improved levees, but levees to improve the river and protect commerce.

Mr. SKINNER, of New York. If the object can be reached in no other way, why not say so frankly and stand there? The gentleman from Michigan tells the House that he has investigated this matter fully and that it is an experiment. The gentleman from Kentucky, the chairman of this Committee on Rivers and Harbors, says that the occasion is an emergency. The gentleman from Louisiana [Mr. KING] says, shall we have improved levees as an adjunct of the improvement of the Mississippi River? The gentleman from Arkansas says there is nothing in the bill except a provision for the improvement of the navigation of the Mississippi River. Remember, whatever sum we appropriate the Mississippi River Commission will have charge of it. Remember, moreover, that the commission considers that to improve the Mississippi you must raise the levees, not dredge the river. The President says the floods are coming. The preamble to the joint resolution which we are considering says the floods are coming. Nothing is said about the improvement of the navigation of the river. If the bill is intended for improvement solely, why not say so? If it is intended to provide for an emergency—the floods—why not say so? I would vote for it under either proposition. But if it is for the improvement of the river, with incidental protection of the levees along the river, why not say that? The resolution is drawn very much after the pattern, "Long enough for any man and short enough for any boy." You pay your money and take your choice.

Mr. BELFORD. Mr. Chairman, I move to amend the amendment by striking out the last word. I took occasion the other day to remark that the Treasury Department was under the domination of New York interests. I am beginning to believe to-day that the House is under the same domination, as we have my amiable friend from New York [Mr. COX] in the chair, the distinguished gentleman to my left [Mr. HISCOCK] addressing the House, and another gentleman from New York [Mr. SKINNER] availing himself of two occasions to do so.

I desire to say that this bill ought to pass, that this money ought to be appropriated. The policy of this Government with reference to appropriations for rivers and harbors began in 1802, when we appropriated $30,000. Then the Democratic party came into power and announced the great doctrine that this Government should not enter upon the work of internal improvements. In the last Congress we appropriated for the improvement of the Mississippi River $8,705,000. We went before the people as a broad, a liberal, a generous party, and the Democrats all over the country assailed us and attempted to prejudice the people against us. I hope it will be demonstrated to-day that the Democratic party, instead of being the friend of the West and the South, is their bitter and determined enemy, so far as regards the advancement of their prosperity.

What is this Mississippi Valley? In its very bosom are 14,000 miles of navigable rivers. In its bosom live thirty millions of the people of this great nation, the people who are contributing to its wealth and advancing its prosperity in every direction. There is not a railroad in the whole United States capable of transporting its commerce. As was remarked by the gentleman from Michigan in the last Congress, if we should build a railroad around the world and put a car on every hundred feet of it we could not transport the commerce of this Republic. And here with a locked-up Treasury, with a hundred millions of idle capital under the watchful care of the generous gentleman from New York, we have spent two days higgling over the question whether or not we will make an appropriation of $1,000,000 to secure the homes of the people in this great Mississippi Valley where thirty millions of them reside.

I say that since the beginning of this Government 95 per cent. of the appropriations made by Congress have gone for the benefit of Pennsylvania, New York, and New England. I call upon my Southern friends and my Western friends to demand that in the distribution of the money that we contribute to the Treasury we shall have our just and equal share.

[Here the hammer fell.]

Mr. POTTER. I rise to renew the amendment which was withdrawn, and to say that in my judgment it is time to heed the caution that comes from the chief engineer of a great work, by which it is proposed to enter upon a plan of improvement or to commit the country to a plan of improvement which may end in the loss of hundreds of millions of dollars and at last in injury to the very people and territory that it is sought to benefit.

If I understand the recommendation of the chief engineer it is that the money expended shall be upon such part of this work as shall test fairly and fully, not by some temporary and partial success, the great plan of improvement to which we are now by this amendment, at least in part, to commit the country.

In my judgment, sir, the amendment proposed by the gentleman from Massachusetts ought to prevail. I can not possibly see how the friends of this improvement, and I am one of the friends of this improvement, should not vote for that amendment.

Mr. HISCOCK. I object to my colleague sending me over into Massachusetts. [Laughter.]

Mr. POTTER. I beg my friend's pardon. I say, when the chief engineer of the work gives you caution it is time to heed that caution. I have never known an engineer—such is the love and the fascination of engineering—I have never known an engineer to give a caution such as comes from the chief engineer of this work that was not grounded in sound reason.

Mr. KING. Allow me to say to the gentleman——

Mr. POTTER. And I venture the prediction if this work shall go on——

Mr. KING. Allow me——

Mr. POTTER. Not now.

Mr. KING. The chief engineer has nothing to do with the work. It is under the commission exclusively, except the expenditure of money. All moneys are drawn in the usual way through the War Department. I should like to know where the gentleman gets that report of the Chief of Engineers. He has made no such report.

Mr. POTTER. I do not propose to be interrupted now.

Now, Mr. Chairman, I have heard from the friends of this improvement, from the beginning to the end, the argument that this is recommended by the unanimous engineering talent of the country. That has been so claimed from the beginning to the end, and I reply to that that the chief engineer of this work himself says that the improvement should be confined to a part of the work until the plan can be fully tested. I claim that is sensible, that it is reasonable, that it is a proper limitation to put upon this appropriation, and I call upon those who are friendly to this great improvement to accept that limitation. Let it be done, and let it appear this plan of improvement can be successful, and the entire country, every part of the country, will vote to carry on the work, and will not be appalled by one hundred millions or more.

But, sir, let us not commence this improvement, let us not commit ourselves to a plan of improvement against which the chief engineer of the work himself cautions us, and especially when we remember that in the nature of engineering—when from the very nature of engineering, such is the attraction to engineers, that it is impossible for them to enter a caution like this unless there is sound reason for it.

[Here the hammer fell.]

Mr. WILLIS. Mr. Chairman, I am satisfied that the House is already thoroughly informed on the subject-matter of this amendment and of all other amendments. My friend from New York who has just taken his seat has made a speech based on a misapprehension. The Chief of Engineers has no control over this appropriation. It is not expended under him. It is entirely within the control of the Mississippi River Commission, and I say to him that commission has unanimously reported in favor of this appropriation.

Mr. ELLIS. Will my friend from Kentucky allow me to say a word?

Mr. WILLIS. Yes, sir.

Mr. ELLIS. I call the attention of the honorable gentleman from New York to *all* of the testimony of General Wright, not to a garbled portion, not to the part which will suit the convenience of the opponents of this bill, but to *all* of it, and what is it?

Several MEMBERS. Read it.

A MEMBER. What has that to do with it?

Mr. ELLIS. It has much to do with it, as the gentleman will see.

Mr. BROWNE, of Indiana. It was alleged that the Chief Engineer had nothing to do with this.

Mr. ELLIS. Let me go on. Here is the way General Wright talks:

Question. Your observations, then, led you to believe that the work in progress by the commission is in the right direction, and so far justifies the object of its creation?

Answer. I certainly think so.

Q. Can you state any particular feature of the work at Plum Point or Providence reach where the object of the creation of the commission and its work seems to be answered—where the results seem to respond to it?

A. So far as these works intended for the contraction of the river have progressed they seem to be effecting their object. They are only partially carried out, and of course full results have not been obtained. The works for the protection of the banks are also in progress. These works are the same as those

applied at other points in the river above Cairo and in the Missouri River, where they have proved successful. Perhaps I should say further that one ground of my confidence in the character of the works for the contraction of the river, and for the protection of the banks that are now in progress, is that they are the same as have been applied notably on the river between Cairo and Saint Louis, where they have been entirely successful.

Q. They have been entirely successful there, have they?

A. They have been entirely successful.

Q. Has not this same system of works been applied to works on the Missouri, where the same feature of shifting channel and currents moving upon the banks and the sudden formation of bars presented themselves as in the Mississippi?

A. Yes, sir; the works are of the same character.

Q. Have these works stood, sir?

A. Wherever completed. In certain cases they have failed, where want of appropriations has prevented their being finished before a rise in the river.

Mr. WILLIS. Now, Mr. Chairman, I desire to say with reference to the amendment of the gentleman from New York that it is embraced in the existing law, is referred to in the very bill we are now discussing, and if we pass this bill the money appropriated under it is expended as the bill itself states, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, created by the act, &c., approved June 28, 1879.

I ask now that the committee rise for the purpose of limiting debate.

Mr. HISCOCK. Let me answer the gentleman by saying that if it is entirely clear that my amendment is embodied in the existing law to which he refers, and I am frank to say that I have grave doubts upon that subject, it will do no harm to attach to this bill the proviso which I have sent to the Clerk's desk. I have examined the law to which he refers, and I do not believe that that will limit the expenditure of this money in the manner I have suggested.

The CHAIRMAN. The gentleman from Kentucky moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 3531) making an appropriation for the improvement of the Mississippi River, had come to no resolution thereon.

Mr. WILLIS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill named; and pending that, I move that all debate upon the bill and amendments thereto be limited to five minutes.

Mr. HISCOCK. Mr. Speaker, I ask that the gentleman in charge of the bill will yield to us, in favor of the amendment which I have offered, ten minutes. Certainly we have not attempted to obstruct the passage of the bill.

Mr. WILLIS. I will say to the gentleman from New York that fully two hours to one in the debate on this bill have been consumed by the opponents of the bill as compared with the time taken up by its friends. Upon yesterday, when I made the motion to limit debate, some gentleman on that side suggested that several members desired to be heard in opposition to it, and in accordance with that request I withdrew my motion and allowed the debate to run. We have now been discussing it for two days, and I think the committee is fully informed upon the subject.

Mr. HISCOCK. But it is now half past 4 o'clock, and there is no intention of obstructing the passage of the bill. All that we ask is a fair and full discussion, and now we want ten minutes on this side upon the amendment which I have offered.

Mr. WILLIS. Then I will accept the proposition of the gentleman from New York to limit debate upon the bill and amendments to ten minutes.

Mr. ELLIS. How is that time to be apportioned?

Mr. HISCOCK. We have ten minutes in favor of the amendment.

Mr. HUNT. The time should be equally divided between the friends and opponents of the amendment.

Mr. HISCOCK. Gentlemen on that side can consume as much time as they please. We ask simply ten minutes on our part.

Mr. ELLIS. Let the time be divided equally, or let us give ten minutes to those opposed to the amendment.

Mr. WILLIS. We want only ten minutes altogether.

Mr. GIBSON. I understand the gentleman from New York to say that he does not propose to obstruct a vote upon the bill after ten minutes' discussion upon his amendment?

Mr. HISCOCK. Certainly.

Mr. WHITE, of Kentucky. Oh, no; ten minutes to discuss the amendment of the gentleman from New York. There may be other amendments.

Mr. GIBSON. Then I do not consent.

Mr. HISCOCK. I ask only ten minutes in favor of the amendment.

The SPEAKER. The Chair understood that to be conceded by the gentleman from Kentucky.

Mr. WILLIS. My motion was to limit the debate upon the bill and amendments to five minutes. The gentleman from New York suggested ten minutes, to be consumed in favor of his amendment. I accepted that proposition.

Mr. WASHBURN. Limiting debate upon all amendments to ten minutes.

Mr. WILLIS. Yes, sir.

The SPEAKER. The only motion that can now be made under the rule is to limit debate upon the pending amendment or paragraph. The gentleman from Kentucky moves that all debate upon the pending amendment or paragraph of the bill be limited to ten minutes, with the understanding that that time is to be controlled by the advocates of the pending amendment.

The motion to limit debate was agreed to.

The SPEAKER. The question now recurs upon the motion of the gentleman from Kentucky, that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. By order of the House all debate upon the pending amendment is limited to ten minutes.

Mr. HISCOCK. I now yield five minutes of the time to the gentleman from Michigan [Mr. HORR].

Mr. HORR. Mr. Chairman, I must say upon reflection, and I do it after careful consideration, that I think the friends of the Mississippi River improvement ought to accept the amendment of the gentleman from New York. This amendment is directly in the line of what I understand to be the object we are attempting to reach. In the bill framed by the committee in the last session of the last Congress, which passed the House but did not pass the Senate, we had substantially this same proposition. It was inserted, as I now recollect it, for this reason: many members of that House, and I find not a few of the same way of thinking here to-day, looked upon this great undertaking as a simple experiment, and some of them as a very doubtful experiment.

Now, it was thought best to subject two of the important reaches of the river to the test and apply the bulk of the appropriations to them until they should be completed, and then, if they proved a success, there would be no further objection to the other large improvements and appropriations that would follow. If they proved a failure, we would ascertain that fact before we had expended any more money than was absolutely necessary. The two reaches selected in that bill are the same ones named in the amendment now under discussion, and I understand that the commission for the past year has devoted most of its time and attention to those reaches.

I speak as a friend of the Mississippi River; I speak as one who is not afraid of the bugbear of levees. I believe that stream will never be improved, as I said yesterday, until it is perfectly leveed on its banks. But people doubt that; there is a great deal of feeling in the country upon that question. It is the real cause of objection to this bill here to-day. Why not, then, accept this amendment? It will not interfere in the least with the great work being carried forward to completion.

I opposed the amendment of my friend from Indiana [Mr. HOLMAN] because he sought to confine the work to simply one reach. I desire the commission to go on with their entire plan, and I thought his amendment tended to defeat the real object of this bill. I sometimes think my friend from Indiana makes and moves amendments simply as a congenital habit. I have sometimes thought that if he had had the power he would have moved to amend himself when he was created. [Laughter.] But knowing, as I now do, the gentleman's beauty and perfection of character, had it been in my power I would have opposed that amendment as strenuously as the one he offered to this bill. [Continued laughter.]

But this amendment of my friend from New York [Mr. HISCOCK] is in the line, I think, of good business common sense. It does not hamper this great work; it permits the commission to improve and take care of the Memphis Harbor, the New Orleans Harbor, the Vicksburg Harbor, or any other work on the river which requires attention and care during the time that this $1,000,000 is being expended. Now, I say to my friends who favor this great enterprise, is not that proposition a fair one? Accept it, and we can pass this bill, in my judgment, in five minutes. I hope that you understand my motive. I have been compelled to say this simply because I believe that it is in the interest of this great work, and believing that, I must express my earnest convictions; and let me simply add that I do hope the gentleman with whom I have worked so long and pleasantly in our endeavors to inaugurate this improvement will concede this much to many members here who really favor this appropriation but think this limitation necessary. Of course I shall vote for the bill in either event, but shall feel pleased to have the amendment carry, and shall vote accordingly.

Mr. HISCOCK. Remarks have been made upon the floor here at least by one gentleman—and I do not care to be more particular than that—to the effect that New York is opposed to internal improvements; that New York is in favor of locking up the Treasury. Now, sir, New York is in favor of internal improvements. New York votes millions of her own money for internal improvements, and New York is willing that money shall be taken from the Treasury for internal improvements; but she wants to know that this money is to be expended for internal improvements and is not to be expended for the benefit of private property. The proposition which is now tendered is to test the plan, to pick out the two places upon which the most money has been expended, to devote this money to completion of the work at those

places, and if it proves a success no New York member will stand in the way of liberal appropriations for the commerce and for the navigation of the Mississippi River.

But what we want, sir, is to have it demonstrated that this is not a great scheme for the benefit of the alluvial lands that are on either side of the Mississippi River. And I say to you gentlemen on the other side that when you oppose this amendment, when you leave it so there is a chance to have it said that this money may be scattered from one end of the Mississippi to the other to strengthen her weakened levees, you are affording reasons and grounds for our questioning the object of the bill and of the appropriation. As has been well said by the gentleman from Michigan [Mr. HORR], test the work, test the plan, and if the work and the plan prove a success, there will no longer be objection on this floor, either in this or in any future Congress, to give such money as may be needed for the improvement of the Mississippi River.

I say to you, on the other hand, if your object be the improvement of these alluvial lands, then defeat this amendment. It proves that you are unwilling to have the plan tested, that you are unwilling to have time enough elapse, if you please, to let the people fully understand whether this plan may be a success or not. It means that you propose to put through legislation and get money here, as I said at the outset, protection to lands being the main purpose and the improvement of navigation simply incidental to it.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. HISCOCK], which the Clerk will read.

The amendment was again read.

The question being taken on the amendment, there were—ayes 135, noes 152.

Mr. HISCOCK. I call for tellers.

Tellers were ordered; and Mr. HISCOCK and Mr. WILLIS were appointed.

The committee again divided; and the tellers reported—ayes 104, noes 110.

So the amendment was not agreed to.

Mr. WILLIS. I move that the committee rise and report the bill back to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 1038) making an appropriation for continuing the improvement of the Mississippi River, had directed him to report the same back to the House with a favorable recommendation.

Mr. COX, of New York, further reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 3531) making an appropriation for continuing the improvement of the Mississippi River, had directed him to report the same back to the House with a favorable recommendation.

The SPEAKER. If there be no objection the question will first be on the report of the Committee of the Whole House on the state of the Union on the Senate bill.

Mr. WILLIS. I demand the previous question on the third reading of the bill.

Mr. HISCOCK. I desire to make a parliamentary inquiry. Is it in order now to move to commit the bill with instructions to the committee to report it back with the amendment which I proposed in the Committee of the Whole?

The SPEAKER. Under the rules the gentleman from New York has the right to make that motion pending the motion for the previous question or after the previous question shall have been ordered on the passage of the bill.

Mr. HISCOCK. Then I move to commit the bill to the Committee on Rivers and Harbors, with instructions to insert the amendment which I send to the desk.

The Clerk read the proposed amendment, as follows:

Provided said money appropriation be expended on what are known as Plum Point and Lake Providence reaches, except so far as may be necessary to preserve the property of the United States and to preserve other work already commenced and not to further extend the same.

The SPEAKER. The question is upon adopting the resolution offered by the gentleman from New York.

The question being put, the Speaker stated that in the opinion of the Chair the "noes" had it.

Mr. HISCOCK. I call for the yeas and nays.

Mr. WILLIS. Pending that I move that the House adjourn. I understand the Hall is desired to-night for a caucus.

Mr. WHITE, of Kentucky. I make the point of order that the gentleman from Kentucky [Mr. WILLIS] can not make that motion while the House is voting.

The SPEAKER. The House was not voting. The gentleman from New York had demanded the yeas and nays, and then the gentleman from Kentucky [Mr. WILLIS] moved that the House adjourn. The demand for the yeas and nays will of course be pending if the House should now adjourn.

The motion of Mr. WILLIS was agreed to.

And accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: Papers relating to the claim of Charles M. Cunningham—to the Committee on War Claims.

Also, papers relating to the pension claim of Josiah Elkins—to the Committee on Invalid Pensions.

By Mr. T. M. BROWNE: The petition of Thomas F. Smith & Miller, and Charles M. Smith, for compensation for legal services performed by order of the supreme court of the District of Columbia—to the Committee on the Judiciary.

By Mr. BUCHANAN: Papers relating to the improvement of the Chattahoochee River below Columbus and between West Point and Bolton, in the State of Georgia—severally to the Committee on Rivers and Harbors.

Also, paper relating to the establishment of a post-route in Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. BUCKNER: Paper of Herman T. Hesse, relating to the reorganization of the Army—to the Committee on Military Affairs.

By Mr. CALDWELL: Papers relating to the claim of Stewart College, Clarksville, Tenn.—to the Committee on Ways and Means.

By Mr. CLARDY: Memorial of the Ladies' Seamen's Friend Society of the port of San Francisco, Cal., praying for the passage of a law requiring the masters of American ships to pay and discharge in foreign ports such sailors as desire to be paid and discharged—to the Committee on Commerce.

By Mr. COBB: The petition of Abraham Gimble and other citizens of Vincennes, Ind., for an appropriation to pay the tobacco rebate—to the Committee on Appropriations.

By Mr. DARGAN: The petition of citizens of South Carolina, for an appropriation to continue the improvement of the Great Pee Dee River—to the Committee on Rivers and Harbors.

By Mr. DUNN: The petition of W. F. Slemons and T. M. Whittington, in relation to alleged abuse and usurpation of power of the United States Army in the Indian Territory—to the Committee on Military Affairs.

Also, papers relating to the claim of Prairie County, Arkansas, for indemnity for the destruction of public buildings during the late war—to the Committee on War Claims.

By Mr. ERMENTROUT: The resolutions adopted at a mass-meeting of citizens of Utah, held at Salt Lake City December 22, 1883—to the Committee on the Judiciary.

By Mr. I. N. EVANS: The petition of citizens of Norristown, Pa., for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. FOLLETT: Papers relating to the claim of Joseph W. Parish—to the Committee on War Claims.

By Mr. J. T. JONES: The petition of C. Burke and others, for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. MILLARD: The petition of Capt. P. J. Bartle, for relief—to the Committee on Military Affairs.

Also, the petition of William R. Osborne and others, of A. G. Allen and others, of O. W. Chapman and others, of Thomas W. Whitney and others, of A. P. Smith and others, of A. A. Clark and others, and of Frank Beaman and others, members of the bar, bankers, and other leading business men residing in the southern tier of counties in the State of New York, asking that terms of the United States district court be held at Binghamton, N. Y.—severally to the Committee on the Judiciary.

Also, the petition of citizens of Binghamton, N. Y., for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. MCCORMICK: The petition of citizens of Portsmouth, Sciota County, Ohio, for a tobacco-rebate appropriation—to the same committee.

By Mr. MORRILL: Memorial of the Kansas State Horticultural Society, protesting against the repeal of the timber-culture act—to the Committee on the Public Lands.

By Mr. MORSE: The petition of Philip C. Rowe, for relief—to the Committee on Patents.

By Mr. MOULTON: Papers relating to the claim of Abraham Brafman—to the Committee on the Judiciary.

By Mr. PAYSON: Memorial of citizens of Oregon, and four petitions of citizens of Astoria, Oreg., for the forfeiture of the land grant to the Oregon Central Railroad Company—severally to the Committee on the Public Lands.

By Mr. PERKINS: Papers relating to the claim of James Riley—to the Commitee on Claims.

By Mr. RUSSELL: The petition of Henry C. Richardson, for relief—to the Committee on Indian Affairs.

Also, the petition of J. M. Carrier & Co. and 30 others, of Lawrence, and of Albert Wheeler and others, of Lowell, Mass., for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. REAGAN: The petition of E. D. Gaden and 30 others, citizens of Cherokee County, Texas, for an appropriation of $50,000,000 for the benefit of the public schools in all the States and Territories in the Union—to the Committee on Education.

By Mr. J. S. ROBINSON: Papers relating to the pension claim of Charles and Elizabeth Smith—to the Committee on Invalid Pensions.

By Mr. W. F. ROGERS: Paper relating to the claim of Topp & Vance—to the Committee on War Claims.

By Mr. ROSECRANS: Papers relating to the claim of General J. H. Carleton—to the Committee on Claims.

By Mr. SINGLETON: Papers relating to the claim of George C. Harper—to the Committee on War Claims.

By Mr. STEVENS: Papers relating to the claim of G. F. Jocknick—to the Committee on Indian Affairs.

By Mr. STRUBLE: Papers relating to the claim of the employés on the improvement of the Des Moines Rapids—to the Committee on Claims.

By Mr. THROCKMORTON: The petition of R. C. White, mayor of McKenney, Tex., the attorneys of that city, and others, praying that a branch of the United States court be established at Sherman, Tex.—to the Committee on the Judiciary.

By Mr. VANCE: The petition of the Sons of Temperance of North Carolina, for a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

Also, papers relating to the claim of Polly Tatham—to the Committee on Indian Affairs.

By Mr. WAIT: Papers relating to the claim of Reiknagel & Co., and of Weaver & Sterry—severally to the Committee on Ways and Means.

By Mr. WARD: The petition of John L. Smith and others, relative to the pension claim of Larkin F. Roberts—to the Committe on Invalid Pensions.

By Mr. WELLER: The petition of C. F. Myers and others, for the improvement of the Mississippi River and its navigable tributaries—to the Committee on Rivers and Harbors.

By Mr. WILLIS: Papers relating to the allowance of certain awards made by a board of claims under special order No. 110, July 14, 1865, headquarters Fourteenth Army Corps—to the Committee on War Claims.

SENATE.

THURSDAY, *January* 17, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. CLARK, its Clerk, announcing that the House had passed a joint resolution (H. Res. 113) authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, Antonio Barrios, of Guatemala, and José Victor Zavala, of Nicaragua; in which it requested the concurrence of the Senate.

ERIE MARINE HOSPITAL.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the secretary of state of the State of Pennsylvania, dated November 26, 1883, inclosing a duly authenticated copy of an act of the Legislature of the State entitled "An act to provide for the preservation, use, custody, and disposition of the marine hospital at Erie, and making an appropriation for the repair of the same," approved July 5, 1883, and tendering to the United States Government, on behalf of the governor, in pursuance of the provisions of the act, the said marine hospital for use as a soldiers and sailors' home.

The papers having upon their receipt been referred by me to the Secretary of War, I inclose also his letter of the 12th instant returning the same, together with a report of Capt. Edward Maguire, Corps of Engineers, dated the 10th ultimo, giving a description of the property referred to, and expressing his views as to its adaptability for a soldiers and sailors' home.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 16, 1884.

THE HOT SPRINGS RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a letter from the Scretary of the Interior, dated the 11th instant, suggesting further action by Congress in the matter of granting leases of bath-houses and bath-house sites at the Hot Springs reservation, Arkansas.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 16, 1884.

Mr. GARLAND. I move that the message and accompanying communication be referred to the Committee on Public Lands and printed. It relates to a matter in which the United States is particularly interested.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting reports from Col. G. Weitzel, Corps of Engineers, of the results of surveys, under his direction, of certain portions of the Delaware, Susquehanna, and Brandywine Rivers, made in compliance with the river and harbor act of August 2, 1882; which, with the accompanying documents, was referred to the Committee on Commerce, and ordered to be printed.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 113) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Antonio Barrios, of Guatemala, and José Victor Zavala, of Nicaragua, was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted at a meeting of the American Public Health Association in favor of an appropriation for a fire-proof building for the Army medical museum and library of the Surgeon-General's Office, located in Washington, D. C.; which were referred to the Committee on Public Buildings and Grounds.

He also presented three resolutions adopted at meetings of the American Public Health Association in favor of the enactment of a law prohibiting foreign defective and criminal people from coming into the United States, &c.; which was referred to the Select Committee to Investigate and Report the Best Means of Preventing the Introduction and Spread of Epidemic Diseases.

The PRESIDENT *pro tempore*. The Chair presents to the Senate the memorial of WILLIAM PITT KELLOGG, now a member of the House of Representatives, on the subject of statements contained in papers accompanying a report from the Secretary of the Interior of the date of the 13th of December, 1883, relating to the transfer by the Texas Pacific Railroad Company of its land grant to the Southern Pacific Railroad Company, in which the memorialist, referring to one of the papers connected with the transaction, denies all imputations contained in those letters, and asks that an investigation may be had. This memorial being in the nature of an answer to certain printed documents which were referred to the Committee on Public Lands, the Chair thinks it should properly be printed and referred to the Committee on Public Lands. That order will be made, if there be no objection.

Mr. DOLPH. I have this morning received a memorial from the Astoria Chamber of Commerce, of Astoria, Oreg., praying for an appropriation of $500,000 for the improvement of the entrance of the Columbia River.

The question of the improvement of the Columbia River is a matter of great importance, not only to the people of Oregon and of Washington and Idaho Territories, but to the commerce of the entire world. I have already introduced into the Senate a bill making an appropriation of the amount specified, $500,000, for the commencement of the work upon that improvement, and, if it shall be the pleasure of the Senate, at some future time I shall submit some statistics in regard to the commerce of the Columbia River and the Northwest, and some facts in regard to that most interesting portion of our country which, in my judgment, demand that the necessary appropriation for the commencement of that work should be immediately made.

The Columbia River in magnitude is the second river in the United States. It drains an area of 395,000 square miles, and with its tributaries extends for thirteen degrees in latitude and twelve degrees in longitude. It is navigable, with interruptions, for 725 miles, and its navigable waters extend to within 450 miles of the navigable waters of the Missouri. This vast empire, in extent, of 395,000 square miles has vast resources which have but begun to be developed, and yet, as this memorial will show, the commerce of the Columbia River is already great and is being rapidly increased. The memorial itself is brief, and I ask that it may be read.

The PRESIDENT *pro tempore*. The Senator from Oregon presents a memorial on the subject of the improvement of the Columbia River and asks that it may be read. Is there objection? The Chair hears none, and it will be reported.

The memorial was read, and referred to the Committee on Commerce, as follows:

To the honorable the Congress of the United States:

Your memorialists, the Astoria Chamber of Commerce, of the city of Astoria, State of Oregon, respectfully petition your honorable body to make an appropriation of $500,000 to improve the entrance to the Columbia River in accordance with the recommendations and plans embodied in the report of a special committee of the board of engineers of the United States.

In urging that this work may be undertaken as speedily as possible this chamber calls your attention to the following important facts:

The commerce of the Columbia River is now increasing at a ratio of 25 per cent. annually, with a probability of a still greater increase.

During the year 1883 the entrances and clearances at the custom-house at Astoria were as follows:

Deep-water vessels, under register in foreign trade, arriving (both foreign and United States vessels), 110; tonnage, 118,076. Departing, 81; tonnage, 82,608.

Entrances coastwise, 339; tonnage, 488,594. Clearances, 318; tonnage, 463,716.

Value of imports brought over Columbia River bar in 1883: Domestic, $27,668,787; foreign, $1,177,404.

Value of exports for same year: Domestic, $6,212,512; foreign, $6,178,869 (lumber exports not included).

Your memorialists respectfully submit to your honorable body that, in view of its present as well as future commercial importance, the improvement of the Columbia River bar is the most necessary work contemplated in the Northwest.

We would especially call attention to the fact that the present state of the Columbia River bar is detrimental to the interests of American ship-owners.

Nearly all foreign vessels are iron, and American, wood. To be profitable to the producer, the grain of this coast, in view of the length of the voyage, must be carried to a foreign market in large vessels.

No vessel can now cross the Columbia River bar under the most favorable circumstances drawing over 22 feet. The large American vessel drawing 23 feet to 26 feet feet can not, therefore, load to her full capacity, but is compelled to clear with no more freight than the British vessel drawing from 20 to 22 feet. Shippers are obliged, therefore, to employ foreign vessels to carry our produce to Europe.

Of the 81 vessels clearing from this port, foreign, with grain, in 1883, only 12 were American bottom. Most of the vessels leave outward bound in the winter months, when the bar is roughest, and frequently have to wait for weeks for a smooth bar. This delay is solely due to want of proper depth. No lightering can be done here outside the bar, as is done in some other ports.

Your memorialists deem the improvement of the mouth of the Columbia to be a work of national importance, not simply because during the year just ended 838 vessels, with cargoes aggregating over $41,000,000 (to say nothing of the value of the vessels), have crossed and recrossed its bar, but also on account of the vast area of tillable lands that surrounds the headwaters of its numerous tributaries, which are as yet almost unsettled, but which will be occupied in the near future.

A sufficient depth of water is wanted and can be obtained on the bar to allow vessels drawing 26 feet to cross without delay in order to meet the requirements of commerce.

In conclusion, your memorialists respectfully ask that this be made a special appropriation, as the appropriation made for the improvement of the Columbia and Willamette Rivers is not construed by the United States engineers to include or apply to the mouth of the river.

Passed the chamber December 28, 1883.

Attest:

E. C. HOLDERS, *Secretary.*

Mr. HOAR. In addition to the printing in the RECORD, which will be the result of the reading of the memorial at the desk, I move that it be printed as a document.

The motion was agreed to.

Mr. MORRILL. I present a petition of the Woman's Christian Temperance Union of Saint Albans, Vt., officially signed, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; and I ask that it be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Vermont that such petitions, he is informed at the desk, have hitherto been referred to the Committee on Education and Labor.

Mr. MORRILL. Very well; I have no objection to that reference.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Education and Labor.

Mr. INGALLS. I present a petition numerously signed by residents of the District of Columbia, praying that a woman deputy warden may be appointed at the jail of the District. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. INGALLS. I also present certain affidavits and other papers relating to the claim of Isaac A. Meyer, for whose relief a bill has been introduced and referred to the Committee on Claims. I move that these papers be referred to the same committee.

The motion was agreed to.

Mr. GORMAN presented the petition of William H. Gill, of Texas, praying compension for property taken by officers of the United States: which was referred to the Committee on Claims.

Mr. BAYARD. I present a petition of the Woman's Christian Temperance Union of Delaware, which was sent to me with a request that I should present it to the Senate, respecting the regulation of the liquor traffic. I ask that it be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Delaware that similar petitions have hitherto been referred to the Committee on Education and Labor.

Mr. BAYARD. I am content with that reference, although I consider that, as a question affecting the revenues of the country, the Committee on Finance is the proper committee to take charge of it.

The PRESIDENT *pro tempore*. The Chair will of course entertain a motion of the Senator from Delaware to refer the petition to the Committee on Finance. Does the Senator from Delaware desire the reference to the Committee on Finance?

Mr. BAYARD. I presume from the appearance of this petition that it is one of a circular nature, which is sent everywhere; it is in print, and seems to be filled in, in each case, with the same handwriting; and if the reference of similar petitions has been made to the Committee on Education and Labor, perhaps they, having taken consideration of it, can deal with it quite as well as the other committee named. It had been my judgment, not hearing that any other similar petitions had been so referred, that a matter which touched so seriously the revenues of the country ought to go to the Finance Committee; but if other petitions of a similar kind have been referred to the Committee on Education and Labor, I am content with that reference.

Mr. MORRILL. I desire to say that the bill which passed the Senate at the last Congress was reported by the Committee on Finance, and a bill in the same terms is now before that committee which I suppose will be reported at an early day. At the same time if there is any other committee that really desires this subject, I have no objection to their having it.

The PRESIDENT *pro tempore*. The petition will be referred, if there be no objection, to the Committee on Education and Labor. It is so referred.

Mr. BLAIR presented a petition of the Woman's Christian Temperance Union of New Hampshire, officially signed, representing 1,200 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. FRYE presented a petition of the Grand Lodge of Good Templars of Maine, officially signed, representing 20,000 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. MILLER, of New York, presented a petition of the Good Templars of the State of New York, officially signed, representing 27,000 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. MILLER, of California, from the Committee on Foreign Relations, to whom the subject was referred, reported a joint resolution (S. R. 42) authorizing certain officers of the Navy to accept presents from foreign powers; which was read twice by its title.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 1115) to amend section 4919 of the Revised Statutes relating to the recovery of damages for the infringement of patents, reported it without amendment.

BILLS INTRODUCED.

Mr. MORRILL asked and, by unanimous consent, obtained leave to introduce a bill (S. 1139) authorizing the construction of a building for the accommodation of the Congressional Library; which was read twice by its title, and referred to the Select Committee on Additional Accommodations for the Library of Congress.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1140) for the relief of Lieut. George W. Kingsbury; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Military Affairs.

Mr. BLAIR. At the request of the National Temperance Society I ask leave to introduce a bill.

By unanimous consent leave was granted to introduce a bill (S. 1141) to prohibit the manufacture, importation, and sale of intoxicating liquors as a beverage in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WILSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 1142) to establish a board of interstate commerce, prescribe its duties, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

Mr. SEWELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 1143) for the relief of Rebecca Burdsall; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. 1144) granting a pension to John W. Wright; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1145) to confirm the title of the residents thereof to the town or community grant of the town of Albuquerque, N. Mex., and for the allotment and disposition of the lands in said grant; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1146) to provide for the erection of a public building in the city of Annapolis, Md.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. 1147) to complete the military record of Alexander Fisher; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1148) for the relief of William B. Moses; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. RIDDLEBERGER asked and, by unanimous consent, obtained leave to introduce a bill (S. 1149) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. 1150) granting a pension to Julia A. Ross; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1151) to amend section 4400 of the Revised Statutes so that vessels under five tons burden and for private purposes and not carrying passengers for hire shall not be subject to license; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WALKER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1152) to incorporate the United States Gas, Electric Light and Fuel Company, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BUTLER asked and, by unanimous consent, obtained leave to introduce a bill (S. 1153) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War; which was read twice by its title.

Mr. BUTLER. Mr. President, I ask the reference of the bill with the accompanying papers to the Committee on Finance. I would state in connection with it that I introduced a similar bill in the last Congress for the purpose of restoring to certain parties in my State some articles of silverware and other articles that had been deposited by the Secretary of War in the vaults of the Treasury for safe-keeping soon after the war. In an examination of the boxes at that time I found quite a number of articles with the names of the owners on them, which are of no earthly value to anybody except to the owners themselves, among others some miniatures, photographs, and things of that kind. The Secretary of the Treasury did not think at that time that under the bill which passed the Senate he had the authority to deliver those boxes. This bill, I hope, is full enough to justify the Finance Committee to enable the Secretary of the Treasury to restore all those articles, and I will ask my friend the Senator from Vermont [Mr. MORRILL] if he will be kind enough to take charge of the bill, as he did the other bill, and have the articles restored to these poor people. I move that the bill with the accompanying papers be referred to the Committee on Finance.

The motion was agreed to.

Mr. MCPHERSON asked and, by unanimous consent, obtained leave to introduce a bill (S. 1154) to increase the pension of Anne S. Mellach; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1155) to provide for the issue of circulating notes to national banking associations; which was read the first time by its title.

Mr. MCPHERSON. I should like to have the bill read at length. It is very short.

The bill was read the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, &c., That upon a deposit of any United States bonds bearing interest in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations in blank, registered and countersigned, as provided by law, not exceeding in amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock; and that all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. 1156) to secure reasonable rates of transportation to the people over railroads aided by the issue of United States bonds and public lands; which was read twice by its title.

Mr. VAN WYCK. It may be proper that I should state that this should be considered as a substitute for a bill which I inadvertently introduced instead of it a few days ago. The House bill was presented for reference in this body, and upon examining it I preferred to make some amendments and incorporate them in a new bill, but in the haste I took the House bill instead of the one which I had prepared for that purpose. The House bill provided for the system of roads that had received United States bonds. I can see no reason why the same regulation should not extend to all railroads of that nature, whether they were aided by United States bonds or by public lands.

I do not say that this is the best bill that can be offered on this subject, but it is presented with a view of inaugurating some proceedings on behalf of Congress, which alone can reach this system of railroads, to meet the demand on the part of the people that they shall have some regulation of this kind. When Congress inaugurated and chartered these roads it supposed that it was providing for the very thing which we are seeking to do to-day: that in providing for a northern, a central, and a southern line to the Pacific it was establishing a system of roads which would form a natural competition. But the result has been that there is a combination on the part of the roads which has defeated what was supposed to be the wise purpose of Congress; and now, when the railroads year after year are partitioning, as they call it, their territory, when they divide it and make a partition of that great empire nearly as perfect as was the partition of Poland, it becomes the duty of Congress to interpose and protect the people, who are asking at this time that they shall be protected from the unjust, oppressive, and despotic extortion of this line of railroads. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1157) to appropriate $24,000 to complete the navigable channel through Romley Marsh, in the State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BOWEN, it was

Ordered, That the papers in the claim of H. A. W. Taber be taken from the files and referred to the Committee on Claims.

On motion of Mr. BAYARD, it was

Ordered, That the papers on file with the Secretary of the Senate relating to the Sopori land grant be taken from the files and referred to the Committee on Private Land Claims.

PRINTING OF TESTIMONY.

On moting of Mr. HALE, it was

Ordered, That the Committee on Naval Affairs be authorized to have printed for its use the testimony and views submitted on the subject of the bill (S. 698) to authorize the construction of additional steel vessels for the Navy.

THE NUESTRA SEÑORA DE REGLA.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no further concurrent or other resolutions, that order of business will be closed.

Mr. MILLER, of California, rose.

Mr. GARLAND. I should like to get the permission of the Senator from California to call up a bill that I do not think will excite any debate. It is the bill (S. 652) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla. It is an old matter that has been hanging now for some three or four years.

Mr. MILLER, of California. I shall not object if it does not lead to discussion. If it leads to discussion, I must interpose.

The PRESIDING OFFICER. The bill will be reported for information.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Is there any report with the bill?

The PRESIDING OFFICER. The committee reports, the Chair is informed, an amendment. Is there a written report?

Mr. GARLAND. There is no written report.

Mr. COCKRELL. Let there be an explanation made of the bill after the amendment is reported.

The CHIEF CLERK. In line 11, after the words "eighteen hundred and sixty-one," it is proposed to insert "to the claimant and appellee therein named or its legal representative;" so as to make the bill read:

Be it enacted &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to make proper payment to carry into effect the decree of the district court of the United States for the southern district of New York, bearing date December 10, 1883, in the case of the Spanish ferry-boat Nuestra Señora de Regla, her tackle, &c., illegally seized by forces of the United States in 1861, to the claimant and appellee therein named, or its legal representative, with interest from the date of said decree.

Mr. CONGER. I desire to inquire, if there is no report from the committee on that subject, what is the date of the judgment and whether the time for an appeal or taking the case up has passed?

Mr. GARLAND. Over twenty years ago this boat was seized and condemned in the district court of New York. The case was brought to the Supreme Court, and the decree of condemnation reversed in an opinion reported in 17 Wallace. In the proceedings there some further questions were raised, and the case was brought again to the Supreme Court of the United States, and at its last term preceding the present they finally disposed of the case in the following words, which I will read:

Upon the facts in this case there can be no doubt of the propriety of such an allowance for the extraordinary detention of the vessel before she was delivered up for adjudication, especially since she was detained for the express purpose of use by the United States. And as to the amount of the allowance, there is no opportunity for discussion. The United States are willing and actually contracted to pay $200 a day for her use, &c.

Going on and stating the facts and different dates—

Our conclusion is that damages should be allowed as follows:

For unnecessary and unusual delay in proceeding to adjudication, 175 days at $200	$35,000
For value of vessel	30,000
In all	65,000

To which add interest, at the rate of 6 per cent. per annum, from the time of the order of restitution, June 20, 1863, until the decree.

The decree of the district court is reversed and the cause remanded, with instructions to enter another decree in accordance with this opinion.

I hold in my hand the other decree entered by the court below based upon this decree of the Supreme Court.

Mr. CONGER. And from that the case has not been taken to a higher court again?

Mr. GARLAND. There was no further appeal, and in fact no ground for it, for the district court simply follows the decree of the Supreme Court in so many words. The bill was amended by the committee to conform to the precedents heretofore made in allowing payments of this character with the interest. There are three precedents.

Mr. CONGER. I would inquire whether it is customary to allow interest upon a claim of this kind for damages?

Mr. GARLAND. The Supreme Court say they are entitled to 6 per cent. from 1875, from the day of the seizure.

Mr. CONGER. The bill provides for paying interest since that time?

Mr. GARLAND. From that time on until the recovery, whenever that may be. The Senator will find the precedents in volume 16 of the Statutes at Large, the case of the Sybil, the case of the Volante, and the Dashing Wave.

Mr. CONGER. From what committee does the report come?

Mr. GARLAND. From the Judiciary Committee, unanimously.

Mr. CAMERON, of Wisconsin. I did not object to the consideration of the bill called up by the Senator from Arkansas at this time, although I was strongly tempted to do so. The Committee on Claims has reported twenty or thirty bills favorably that are now on the Calendar; and I think it is doing an injustice to those bills and the persons interested in them to pick up other bills on the Calendar and have them considered out of their order. I hope that we shall hereafter proceed regularly under the new rules and dispose of the business on the Calendar in accordance with those rules.

The PRESIDING OFFICER. The Chair will state that the new rules will not be in force until Monday next. The question is on agreeing to the amendment reported from the Committee on the Judiciary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE SERVICE.

Mr. PENDLETON. Mr. President, I hold in my hand a request from the Senator from California [Mr. FARLEY] to be presented to the Senate, that he be excused from further service upon the Committee on Commerce, and in accordance with his request I move that he be excused from further service upon that committee.

The PRESIDING OFFICER. Is there objection to excusing the Senator from California from further service upon the Committee on Commerce? The Chair hears none, and it is so ordered.

Mr. PENDLETON. I now move that the President of the Senate be authorized to fill the vacancy on that committee.

The motion was agreed to by unanimous consent.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1038) making an appropriation for continuing the improvement of the Mississippi River.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 686) to fix the time for holding the district court in the district of Maine at Bangor; and

A bill (S. 844) to authorize the increase of the capital stock of the First National Bank of Fort Worth, Tex.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore* appointed Mr. SLATER a member of the Committee on Commerce, in place of Mr. FARLEY, excused.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 4 hours and 36 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 17, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

A bill (H. R. 686) to fix the time for holding the district court in the district of Maine at Bangor.

MARINE HOSPITAL AT ERIE, PA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a copy of a letter from the secretary of state of the State of Pennsylvania, dated November 26, 1883, inclosing a duly authenticated copy of an act of the Legislature of that State, entitled "An act to provide for the preservation, use, custody, and disposition of the marine hospital at Erie, and making an appropriation for the repair of the same," approved July 5, 1883, and tendering to the United States Government on behalf of the governor, in pursuance of the provisions of the act, the said marine hospital for use as a soldiers and sailors' home.

The papers having, upon their receipt, been referred by me to the Secretary of War, I inclose also a copy of his letter of the 12th instant returning the same, together with a copy of the report of Capt. Edward Maguire, Corps of Engineers, dated the 10th ultimo, giving a description of the property referred to and expressing his views as to its adaptability for a soldiers and sailors' home.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 16, 1884.

HOT SPRINGS, ARK.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Public Buildings and Grounds, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, dated the 11th instant, suggesting further action by Congress in the matter of granting leases of bath-houses and bath-house sites at the Hot Springs reservation, Arkansas.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 16, 1884.

SUSPENDED PRE-EMPTION ENTRIES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior transmitting a list of suspended entries of public lands under the pre-emption laws; which was referred to the Committee on the Public Lands, and ordered to be printed.

LABOR STATISTICS.

The SPEAKER also laid before the House a communication from the Superintendent of the Census, in response to the resolution of the House asking him to submit the report of Joseph D. Weeks, special agent in charge of statistics on wages and manufacturing industries; which was referred to the Committee on Labor, and ordered to be printed.

GOLD AND SILVER CERTIFICATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury in response to the resolution of the House calling for information in relation to the use of gold and silver certificates; which was referred to the Committee on Banking and Currency, and ordered to be printed.

ALBUQUERQUE, N. MEX.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the report of the surveyor-general of New Mexico on the private land claim of the town of Albuquerque; which was referred to the Committee on Private Land Claims.

SAINT MARY'S CANAL, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, with inclosure, containing a draught of a bill for the government and control of Saint Mary's Canal, Michigan; which was referred to the Committee on Railroads and Canals, and ordered to be printed.

ELECTION CONTEST—POOL VS. SKINNER.

The SPEAKER also laid before the House papers in the contested-election case of C. C. Pool against T. G. Skinner, of the first Congressional district in North Carolina; which was referred to the Committee on Elections, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWNE, of Indiana, for to-morrow, on account of business of importance.

WITHDRAWAL OF PAPERS.

Mr. HEWITT, of New York, asked and obtained leave for the withdrawal from the files of the House papers relating to the claim of A. A. Low & Brother, for the payment of lost coupons on United States bonds; no adverse report.

NORTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. REAGAN, by unanimous consent, introduced a bill (H. R. 3547) to amend an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas and to change the eastern and western districts of said State, and to fix the time and places of holding courts in said districts;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TANNING EXTRACTS.

Mr. MORSE (by request) introduced a bill (H. R. 3548) repealing all duties on extract of hemlock and other barks used for tanning and placing the same upon the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

INDEX OF CLAIMS.

Mr. EVINS, of South Carolina, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House be directed to continue the preparation of a digested summary and alphabetical list of the private claims presented to the House of Representatives, so as to include the unfinished portion of the Forty-seventh Congress and the Forty-eighth Congress; and the expense of performing the said work shall, under the direction of the Committee on Accounts, be paid out of the contingent fund of the House.

STAR-ROUTE INVESTIGATIONS.

Mr. BEACH. I ask consent to submit for present consideration the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Postmaster-General be, and he hereby is, requested to transmit to this House all reports and papers of every kind and nature whatever referring to the star-route investigation made by special agents of the Post-Office Department to the Postmaster-General during the year 1881.

Mr. REED. Where does that resolution come from?

Mr. SKINNER, of New York. I think it should go to a committee.

Mr. BEACH. It can be referred to a committee; but I would like to have it go on record that the objection came from the other side of the House.

The SPEAKER. The resolution will be referred to the Committee on the Post-Office and Post-Roads.

Mr. SKINNER, of New York. I desire to say that I do not object to the purpose of the resolution, but think that, like other smaller matters, it should be considered by a committee before adoption by the House.

The SPEAKER. The resolution is disposed of.

BRIDGE OVER MISSOURI RIVER.

Mr. WEAVER, by unanimous consent, introduced a bill (H. R. 3549) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Decatur, in the county of Burt, in the State of Nebraska; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MEXICO.

Mr. COX, of North Carolina, from the Committee on Foreign Affairs, reported back without amendment the following resolution; which was considered and adopted:

Resolved, That the President be requested, if in his opinion not incompatible with the public interest, to communicate to this House any correspondence with the Mexican Government relative to the claims specified in the fifth section of the act of Congress approved June 18, 1878, and to inform the House if any payment or payments have been made on said claims; and, if so, at what date and of what amount.

2. Also, any letters from the Mexican minister at Washington or other correspondence or information in possession of the Department of State relating to the new condition of things created in Mexico since the railroads projected for communication with the United States, and all statistics and other data as to the present condition of our sister republic.

3. Also, any correspondence with the Governments of Mexico and Guatemala in reference to the boundary question between said republics, and any offer on the part of this Government to mediate on the same.

Mr. COX, of North Carolina, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLARENCE W. DE KNIGHT.

Mr. GREEN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House of Representatives be, and is hereby, directed to pay, out of the contingent fund of the House, to Clarence W. De Knight, for services rendered as page, the difference between the pay of a folder and that of a page from January 11 to June 30, 1882, the amount being $86.64.

CLERK FOR COMMITTEE ON EDUCATION.

Mr. AIKEN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Education be, and are hereby, authorized to employ a clerk.

REPORTS OF TENTH CENSUS.

Mr. KEIFER, by unanimous consent, introduced a joint resolution (H. Res. 114) providing for the printing and distribution of the reports of the Tenth Census; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SALE OF PUBLIC DOCUMENTS.

Mr. KEIFER also, by unanimous consent, introduced a joint resolution (H. Res. 115) providing for the sale of public documents; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PAY OF HOUSE EMPLOYÉS.

Mr. HATCH, of Missouri, by unanimous consent, introduced a joint resolution (H. Res. 116) fixing the time when the pay of certain clerks to committees and other employés of the House of Representatives shall begin; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

ORDER OF BUSINESS.

Mr. ELLIS. I call for the regular order.

The SPEAKER. The regular order being called for, the committees will be called for reports.

Mr. KEIFER. Unless there be some general wish to have the committees called this morning, I will move to dispense with the morning hour for the call of committees.

The SPEAKER. The Chair understands there are a few reports to be made.

Mr. KEIFER. I withdraw the suggestion.

REBATE OF TOBACCO TAX.

Mr. MORRISON. The Committee on Ways and Means, to which were referred certain resolutions calling for information as to the amount required to refund taxes on tobacco and cigars, have directed me to report the same back with a recommendation that they lie on the table, as the information proposed to be called for by the resolutions is already in the possession of the House in the report of the Commissioner of Internal Revenue.

The SPEAKER. The resolutions will be read, and, if there be no objection, laid on the table.

The following resolution, introduced on the 10th instant by Mr. FIEDLER, was read, and laid on the table:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to communicate to this House what amount of money is required to pay the rebate of taxes due to the dealers on unbroken packages of smoking and manufactured tobacco, cigars, &c., and when such information has been received the Committee on Appropriations be, and is hereby, instructed to provide by bill or otherwise an appropriation necessary to discharge the obligation of the United States Government.

The following resolution, introduced December 11, 1883, by Mr. DEUSTER, was also read, and laid on the table:

Whereas the Forty-seventh Congress passed a law revising the tariff-list, whereby it was provided that a rebate, amounting in the aggregate to several million dollars, should be paid by the United States Government to the manufacturers and dealers in certain articles, notably tobacco, cigars, &c.; and

Whereas no provision was made by the Forty-seventh Congress in the form of an appropriation to repay the taxes thus required to be repaid to the manufacturers and dealers in the articles aforesaid; and

Whereas it is charged that a syndicate exists that is taking advantage of this neglect on the part of the Forty-seventh Congress to appropriate money to pay the rebate aforesaid, charging an exorbitant commission therefor, knowing that the Government will repay the rebate in full: Therefore,

Be it resolved, That the Secretary of the Treasury be, and is hereby, requested to furnish the House of Representatives with information as to the amount of money necessary to be appropriated in order to meet the demands against the Government on account of the rebate aforesaid.

CHANGE OF REFERENCE.

Mr. AIKEN. Mr. Speaker, I hold in my hands several bills which were referred to the Committee on Education and Labor before the division of that committee. I am instructed by the Committee on Education to report them back and ask that they be referred to the Committee on Education.

There being no objection, bills and joint resolution of the following titles, heretofore referred to the Committee on Education and Labor, were referred to the Committee on Education:

A bill (H. R. 11) to donate, in trust, the net proceeds of the sales of the public lands to the States and Territories to aid in the support of common schools;

Bills (H. R. 25, 645, and 1454) to aid in the support of common schools;

A bill (H. R. 1087) to establish schools in Alaska;

A bill (H. R. 1625) to authorize the Secretary of War to convey, by deed, to the board of education of the district of Harper's Ferry, W. Va., a lot of ground (numbered two in block B), with the buildings thereon; and

Joint resolution (H. Res. 21) to donate one telescope, not in use, to Parson's College, Fairfield, Iowa, for scientific and educational purposes.

GRANDCHILD OF AUTHOR OF DECLARATION OF INDEPENDENCE.

Mr. ROBINSON, of New York, from the Committee on Pensions, reported back the bill (H. R. 999) granting a pension to the sole surviving grandchild of the author of the Declaration of Independence, with amendments; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. STOCKSLAGER submitted the views of the minority; which, by unanimous consent, were ordered to be printed with the report of the majority.

ADVERSE REPORTS.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back adversely the following cases; which were severally laid on the table, and the accompanying reports ordered to be printed:

The petition of James N. Hunter;

The petition of Allen J. Holliday; and

The petition of Philip R. Jones.

Mr. FERRELL, from the Committee on War Claims, reported back adversely the following cases; which were severally laid on the table, and the accompanying reports ordered to be printed:

The petition of Richard L. Andrews, administrator of M. H. Battle, deceased;

The petition of Simeon S. Barrett;

The petition of Ransom Thompson;

The petition of E. P. McNeal;

The bill (H. R. 862) for the relief of Sidney Ballard;

The petition of Reuben B. Bass;

The petition of Peyton S. and John T. Warren; and

The petition of Lizzie Hamilton, administratrix of Charles D. Hamilton, deceased.

GEORGE P. WEBSTER.

Mr. GEDDES, from the Committee on War Claims, reported back the

bill (H. R. 2011) for the relief of George P. Webster; and the same was referred to the Committee on Military Affairs.

OWNERS OF SCHOONER TWILIGHT.

Mr. GEDDES also, from the Committee on War Claims, reported back joint resolution (H. Res. 33) to correct clerical errors in the resolution referring the claim of the owners of the schooner Twilight to the Court of Claims; and the same was referred to the Committee on Claims.

The call of committees was then concluded.

STAR-ROUTE CORRESPONDENCE.

Mr. SPRINGER, from the Committee on Expenditures in the Department of Justice, reported back the following resolution, with the recommendation that it do pass.

Resolved, That the Postmaster-General be requested to furnish the House of Representatives with copies of all correspondence between the Department of Justice and the Post-Office Department touching the prosecution of persons charged with frauds in connection with the star-route mail service, and a statement of the names of individuals found to be indebted to the United States and the amount of the indebtedness of each in consequence of such frauds, and also an itemized statement of the expenditures in the Post-Office Department from the 4th day of March, 1881, to the 1st day of January, 1884, in the investigation and prosecution of such frauds.

Mr. CALKINS. Of course I have no objection to the resolution except that there is a committee for the investigation of expenditures in the Post-Office Department, and it would seem that the Committee on Expenditures in the Department of Justice are calling for expenditures in the Post-Office Department in connection, as I understand the resolution, with that committee. I suggest whether it does not trench on the ground of another committee.

Mr. SPRINGER. I will state to the gentleman from Indiana——

Mr. CALKINS. I have no objection to it myself, but only call the attention of the House to it.

Mr. SPRINGER. I will state in explanation that it is the duty of the Committee on Expenditures in the Department of Justice to examine into the accounts and expenditures of that Department and also as to the enforcement of the payment of moneys due to the United States, and this resolution relates to that branch of the public service which is required to be looked into, that is, the enforcement of payment of amounts due to the United States. It therefore is a subject properly coming under the jurisdiction of the Committee on Expenditures in the Department of Justice.

The resolution was adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DANIEL WOODIN.

Mr. SHELLEY, by unanimous consent, introduced a bill (H. R. 3550) for the relief of Daniel Woodin, of the District of Columbia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRINTING OF THE PRESIDENT'S MESSAGE.

Mr. SCALES, from the Committee on Printing, reported back the following resolution, with amendment:

Resolved, That there be printed —— copies of the President's annual message for the use of the House.

Mr. SCALES. The committee recommend that the resolution be amended by filling the blank with "25,000." The estimated cost of the work is $225.

The amendment was agreed to; and the resolution as amended was adopted.

Mr. SCALES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MICHAEL A. SMITH.

Mr. SMITH, by unanimous consent, introduced a bill (H. R. 3551) for the relief of Michael A. Smith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ESTATES OF JAMES AND WILLIAM VANCE.

Mr. HANCOCK (through Mr. THROCKMORTON), by unanimous consent, introduced a bill (H. R. 3552) for the relief of the estates of James Vance and William Vance; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REAR-ADMIRAL SAMUEL P. CARTER.

Mr. CALDWELL, by unanimous consent, introduced a bill (H. R. 3553) for the relief of Rear-Admiral Samuel P. Carter; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WILLIS. I demand the regular order.

The SPEAKER. The regular order is the further consideration of the report of the Committee of the Whole House on the state of the Union made on yesterday; and the question now is on the motion of the gentleman from New York [Mr. HISCOCK] to commit the bill to the Committee on Rivers and Harbors with certain instructions.

Mr. COX, of New York. I ask the gentleman from Kentucky to yield to me for a moment to offer a resolution.

Mr. WILLIS. I will yield for a moment.

UNION AND CONFEDERATE NAVAL RECORDS.

Mr. COX, of New York. I desire to offer a short resolution of inquiry and ask for its present consideration.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be directed to inform the House what progress has been made in the compilation of the Union and confederate naval records of the war of the rebellion and what steps are necessary to secure their speedy publication.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. COX, of New York, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMEDIATE APPROPRIATION FOR MISSISSIPPI RIVER IMPROVEMENT.

Mr. WILLIS. I now call up the regular order.

The SPEAKER. The regular order is the question upon the adoption of the resolution offered by the gentleman from New York [Mr. HISCOCK] to commit this bill to the Committee on Rivers and Harbors with the instructions contained in the resolution, upon which the yeas and nays have been demanded.

The yeas and nays were ordered; fifty members voting therefor.

The Clerk proceeded to call the roll.

Mr. KING. I do not think the House clearly understands the question.

Mr. BRECKINRIDGE. Will the Speaker please explain the exact condition of the pending question?

The SPEAKER. The Chair has already twice stated the question.

Mr. BRECKINRIDGE. Several members around me have not been able to hear the question, and ask for information upon it.

The SPEAKER. The roll is now being called upon the motion of the gentleman from New York, which is to commit this bill to the Committee on Rivers and Harbors with instructions to insert a proviso restricting the application of this appropriation to the improvement of Plum Point and Lake Providence reaches of the river.

Mr. GIBSON. But the resolution embraces still more, and I ask that it be read for the information of the House.

Mr. CALKINS. After the call of the roll has commenced it is too late to have the resolution read.

The SPEAKER. It is too late if objection is made.

Mr. CALKINS. I object.

The SPEAKER. The Clerk will proceed to call the roll.

The question was taken; and there were—yeas 117, nays 161, not voting 42; as follows:

YEAS—117.

Adams, G. E.	Deuster,	Lacey,	Post,
Anderson,	Dowd,	Laird,	Potter,
Arnot,	Duncan,	Lawrence,	Price,
Atkinson,	Dunham,	Long,	Ranney,
Barr,	Eldredge,	Lovering,	Ray, G. W.
Bayne,	Elliott,	Lowry,	Reed,
Bennett,	Ellwood,	Mackey,	Rice,
Bingham,	Ermentrout,	McAdoo,	Robinson, J. S.
Bisbee,	Everhart,	McCoid,	Rowell,
Boutelle,	Ferrell,	McComas,	Russell,
Bowen,	Fiedler,	McCormick,	Ryan,
Boyle,	Geddes,	McKinley,	Skinner, C. R.
Brainerd,	Hanback,	Millard,	Smith,
Breitung,	Hardy,	Miller, S. H.	Steele,
Brewer, F. B.	Hart,	Milliken,	Stewart, J. W.
Brewer, J. H.	Hatch, H. H.	Morey,	Stockslager,
Brown, W. W.	Haynes,	Morrill,	Storm,
Brumm,	Hepburn,	Morse,	Struble,
Calkins,	Hiscock,	Mutchler,	Taylor, J. D.
Campbell, F.	Holman,	Nutting,	Wait,
Campbell, J. M.	Holmes,	O'Hara,	Warner, A. J.
Cannon,	Hopkins,	O'Neill, Charles	Warner, Richard
Chace,	Horr,	Parker,	Weaver,
Cobb,	Howey,	Patton,	White, J. D.
Collins,	James,	Payne,	Whiting,
Connolly,	Johnson,	Payson,	Winans, John
Cox, W. R.	Kean,	Perkins,	York.
Cullen,	Keifer,	Peters,	
Dargan,	Kelley,	Phelps,	
Davis, G. R.	Ketcham,	Poland,	

NAYS—161.

Aiken,	Budd,	Cook,	Dibble,
Alexander,	Burnes,	Cosgrove,	Dockery,
Ballentine,	Caldwell,	Covington,	Dorsheimer,
Barksdale,	Candler,	Cox, S. S.	Dunn,
Beach,	Carleton,	Crisp,	Eaton,
Blanchard,	Cassidy,	Culberson, D. B.	Ellis,
Bland,	Clardy,	Culbertson, W. W.	Evins, J. H.
Blount,	Clay,	Curtin,	Findlay,
Breckinridge,	Clements,	Cutcheon,	Finerty,
Buckner,	Converse,	Davis, L. H.	Follett,

Foran,	Jones, J. T.	Pryor,	Throckmorton,
Forney,	Jordan,	Pusey,	Tillman,
Fyan,	Kellogg,	Randall,	Townshend,
George,	King,	Reagan,	Tully,
Gibson,	Kleiner,	Reese,	Turner, H. G.
Glascock,	Lanham,	Riggs,	Turner, Oscar
Goff,	Le Fevre,	Robertson,	Van Alstyne,
Green,	Lewis,	Rogers, J. H.	Vance,
Greenleaf,	Lore,	Rogers, W. F.	Van Eaton,
Guenther,	Lyman,	Rosecrans,	Wakefield,
Halsell,	McMillin,	Scales,	Ward,
Hardeman,	Matson,	Seney,	Washburn,
Hatch, W. H.	Maybury,	Seymour,	Wellborn,
Hemphill,	Mayo,	Shaw,	Weller,
Henderson, D. B.	Miller, J. F.	Shelley,	Wemple,
Henderson, T. J.	Mills,	Singleton,	White, Milo
Henley,	Mitchell,	Skinner, T. G.	Williams,
Herbert,	Morgan,	Slocum,	Willis,
Hewitt, A. S.	Morrison,	Snyder,	Wilson, James
Hewitt, G. W.	Moulton,	Spriggs,	Wilson, W. L.
Hill,	Muldrow,	Springer,	Winans, E. B.
Hoblitzell,	Murphy,	Stephenson,	Wise, J. S.
Hooper,	Murray,	Stevens,	Wolford,
Houseman,	Neece,	Stewart, Charles	Wood,
Hunt,	Nelson,	Stone,	Woodward,
Hurd,	Nicholls,	Strait,	Worthington,
Hutchins,	Oates,	Sumner, C. A.	Yaple,
Jeffords,	Ochiltree,	Sumner, D. H.	Young.
Jones, B. W.	O'Neill, J. J.	Taylor, E. B.	
Jones, J. H.	Pierce,	Taylor, J. M.	
Jones, J. K.	Peel, S. W.	Thomas,	

NOT VOTING—42.

Adams, J. J.	Davidson,	Houk,	Robinson, W. E.
Bagley,	Davis, R. T.	Kasson,	Spooner,
Barbour,	Dibrell,	Lamb,	Talbott,
Belford,	Dingley,	Libbey,	Thompson,
Belmont,	Evans, I. N.	Money,	Tucker,
Blackburn,	Graves,	Muller,	Valentine,
Broadhead,	Hammond,	Paige,	Wadsworth,
Browne, T. M.	Hancock,	Peelle, S. J.	Wilkins,
Buchanan,	Harmer,	Pettibone,	Wise, G. D.
Burleigh,	Hitt,	Rankin,	
Cabell,	Holton,	Ray, Ossian,	

Mr. WILLIS. I move to dispense with the reading of the names on this vote.

A MEMBER. I object.

The SPEAKER. Objection is made, and the Clerk will report the names.

The names of those voting were then read.

The following pairs were announced:

Mr. HITT and Mr. BELMONT, on all questions from January 16 to the 17th inclusive.

Mr. LAMB and Mr. HOLTON, on the vote on Senate bill 1038.

Mr. THOMPSON and Mr. HOUK, on this bill.

Mr. BROWNE of Indiana and Mr. DIBRELL, for this day.

Mr. TALBOTT, who would have voted "no" on the pending amendment, with Mr. HOLTON, who would vote "ay."

Mr. BROADHEAD and Mr. SPOONER, on the pending question.

Mr. CABELL with Mr. PETTIBONE.

Mr. MONEY with Mr. WADSWORTH, on all questions from January 17 until further notice.

Mr. BUCHANAN and Mr. RAY of New Hampshire, from January 15 to the 18th inclusive.

Mr. EVANS of Pennsylvania and Mr. TUCKER, until further notice.

Mr. DAVIDSON and Mr. VALENTINE, on all political questions until further notice.

Mr. WHITE, of Kentucky. I am paired on all political questions with my colleague Mr. BLACKBURN, and if I could feel assured by any gentleman on that side of the House that he would vote in favor of this bill, I should still let my pair stand and not vote upon it.

Mr. WILLIS. I have no authority for saying how my colleague would vote. I believe fully that he would vote "no" on the motion of the gentleman from New York if he were present, but I have no authority from him to make the statement.

Mr. CLARDY. I desire to announce that my colleague Mr. BROADHEAD is detained from the House on account of sickness.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is upon ordering the bill to be read a third time.

Mr. WHITE, of Kentucky. Pending that, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. My inquiry is whether it would be in order at this time to move to commit the bill with instructions; or if not now, whether that would be in order after the previous question shall have been ordered.

The SPEAKER. The Chair will state that under the rule of the House it is in order to move to commit with or without instructions pending the demand for the previous question or after the previous question has been ordered on the passage of the bill. The Chair so stated the rule yesterday evening. Thereupon the gentleman from New York [Mr. HISCOCK] moved to commit with instructions. No point of order was made upon the motion, and the Chair has submitted it to the House and the House has voted upon it. The Chair supposes the gentleman from New York was intending to make his motion under that rule which was stated; but as to that the Chair is not informed, and he can only administer the rules as he finds them. The question is now upon ordering the bill to be read a third time.

The question was decided in the affirmative; and the bill was accordingly read the third time.

Mr. WHITE, of Kentucky. I now move, the previous question having been ordered, to commit the bill with instructions.

The SPEAKER. The previous question has not been ordered nor has it been demanded on the passage of the bill.

Mr. WILLIS. I demand the previous question on the passage of the bill.

The previous question was ordered.

Mr. WHITE, of Kentucky. I now move that the bill be committed to the Committee on Rivers and Harbors with the instructions which I send to the desk.

Mr. WILLIS. I make the point of order against the motion of the gentleman from Kentucky that only one such motion is in order and that the House has exhausted its privilege in that direction.

Mr. KEIFER. Do I correctly understand the gentleman from Kentucky [Mr. WILLIS] as making the point of order that a motion to commit with or without instructions after the previous question has been ordered is not in order?

Mr. WILLIS. The point I make is that only one such motion is in order, and one such motion having been voted upon, the privilege is exhausted.

The SPEAKER. Only one such motion is in order after the previous question is ordered on the passage of the bill or while the demand for the previous question on the passage of the bill is pending. But the motion made by the gentleman from New York [Mr. HISCOCK] yesterday afternoon was made immediately after the bill was reported from the Committee of the Whole House on the state of the Union and while the question was on ordering it to a third reading, and that was a motion that might have been made before this rule was adopted. As the Chair understands the new rule, it was simply intended to enlarge the privileges of the members on the floor in this respect by giving to them the right to make this motion after the previous question had been demanded or had been ordered on the passage of a bill, members always having had the right under the parliamentary law to move to commit with or without instruction before the bill had reached that stage.

Mr. KEIFER. If the gentleman from Kentucky had made his point of order before, as against the motion of the gentleman from New York, I think it would have been well taken.

The SPEAKER. The Chair so intimated this morning.

Mr. WILLIS. At the time the motion of the gentleman from New York was made I had demanded the previous question.

Mr. DUNN. That is my recollection.

Mr. WILLIS. And the Speaker then stated that the motion of the gentleman from New York could be entertained at that time.

The SPEAKER. The Chair will cause to be read what was said yesterday in response to the gentleman from New York [Mr. HISCOCK]. The Speaker stated the rule to the gentleman from New York exactly as it is, as gentlemen will see by the reading of what took place yesterday.

The Clerk read as follows:

Mr. HISCOCK. I desire to make a parliamentary inquiry. Is it in order now to move to commit the bill with instructions to the committee to report it back with the amendment which I proposed in the Committee of the Whole?

The SPEAKER. Under the rules the gentleman from New York has the right to make that motion pending the motion for the previous question or after the previous question shall have been ordered on the passage of the bill.

The SPEAKER. "On the passage of the bill." But the gentleman from New York made his motion nevertheless, and no point of order was made against it.

Mr. TOWNSHEND. But the demand for the previous question had previously been made.

The SPEAKER. It was on the third reading of the bill, not on the passage of the bill. The Chair thinks that under the rule he is obliged to hold the motion of the gentleman from Kentucky [Mr. WHITE] as now in order, although there was probably a mistake made yesterday afternoon.

The Clerk will report the motion.

The Clerk read as follows:

Resolved, That the bill under consideration be referred to the Committee on Rivers and Harbors, with instructions not to report it back until the Secretary of War shall furnish this House with an itemized account of the expenditures for the improvement of the Mississippi River and levees along its banks from July 1, 1879, to January 16, 1884; also, inform the House whether the urgency of the demand for this bill has not arisen from expenditures in excess of the sums heretofore appropriated by Congress for the purpose of the improvement of the Mississippi River, and until the report of the Commission on the Mississippi River shall be distributed to the members of the House of Representatives.

The question being taken on agreeing to the motion of Mr. WHITE, of Kentucky, there were—ayes 26, noes 117.

Mr. WHITE. I call for tellers.

Tellers were not ordered, only 2 members voting therefor.

So the motion to commit with instructions was not agreed to.

The SPEAKER. The question now is upon the passage of the bill.

Mr. WILLIS. I believe that under the rule one hour is allowed for

debate. I do not propose to occupy any time myself at present, but will yield five minutes to the gentleman from Tennessee [Mr. YOUNG].

The SPEAKER. The Chair is in doubt whether under the rule there is an hour allowed for debate in this instance. This is not a bill reported by the Committee on Rivers and Harbors, of which the gentleman from Kentucky [Mr. WILLIS] is chairman; but it is a Senate bill, which has been taken from the Speaker's table by action of the House and referred to the Committee of the Whole on the state of the Union, and it was reported back to the House by the gentleman from New York [Mr. COX] as chairman of the Committee of the Whole on the state of the Union. The Chair thinks that under the rule there is not an hour for debate.

Mr. YOUNG. I supposed I would be allowed to say a few words.

The SPEAKER. The previous question has been ordered by the House.

Mr. YOUNG. I will ask permission of the House to have printed in the RECORD some remarks upon this subject.

Mr. ELLIS. And I will prefer a similar request.

The SPEAKER. The Chair will submit those requests to the House after the bill shall have been disposed of.

Mr. REED. I ask that the rule be read.

The SPEAKER. The Clerk will read the rule which has been referred to.

The Clerk read as follows:

3. The member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening. (Rule XIV, clause 3.)

Mr. REED. The point to which I referred was whether the yeas and nays must be taken on the passage of this bill. I would inquire what the Speaker decides on that point?

The SPEAKER. This is not a general river and harbor bill.

Mr. REED. The rule on page 179 of the Digest is this:

Upon all general appropriation and revenue bills, and bills for the improvement of rivers and harbors, the yeas and nays shall be taken on the passage of such bills in the House and entered upon the Journal.

That is clause 6 of Rule XXI, and seems in terms to cover the pending bill, unless the Chair should decide that it is necessary to have a bill appropriate for more than one river or for more than one harbor, or unless this bill shall escape the yeas and nays upon the ground that it is for the improvement of levees and not for the improvement of rivers. [Laughter.]

Mr. RANDALL. I quite concur with the gentleman from Maine [Mr. REED] that it is desirable to have the rule which he has read apply to such bills as this. I am the more anxious for that because I think this is a wise indication that hereafter we shall have the Mississippi River appropriation bill separated from the general river and harbor bill.

Mr. REED. I must not permit the gentleman from Pennsylvania [Mr. RANDALL] to commit me to the idea that I think it wise to call the yeas and nays on all appropriation bills. If I were to frame a rule upon the subject, I doubt if I should be willing to vote for this one; but it being in existence, it seems desirable that it shall be enforced.

Mr. WHITE, of Kentucky. In support of what the gentleman from Pennsylvania [Mr. RANDALL] has said, that the rule requires the yeas and nays to be taken on the passage of all bills of this character, I desire to read a clause in the Constitution from page 10 of the Digest.

Mr. ELLIS. I would inquire of the Chair what is before the House.

The SPEAKER. The gentleman from Maine [Mr. REED] makes the point that it is the duty of the Chair under the rule to direct the yeas and nays to be taken on the passage of the pending bill, or rather he propounds the inquiry whether it is the duty of the Chair to direct the yeas and nays to be taken.

Mr. WILLIS. I have no objection to the yeas and nays.

Mr. ELLIS. Then I will demand the yeas and nays on the passage of the bill.

Mr. RANDALL. I think we had better have the decision of the Chair on this point.

The SPEAKER. This is an important matter, because what is done now will perhaps be adhered to hereafter as a precedent. The Chair is willing to hear what gentlemen may have to say upon the subject.

Mr. WHITE, of Kentucky. In support of the proposition of the gentleman from Pennsylvania [Mr. RANDALL] I was about to quote from the Constitution:

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

The House having refused to wait until we can get the items of the account from the War Department, I think the best thing the country can have is a yea-and-nay vote on appropriating this million of money.

The SPEAKER. The Chair thinks there can be very little doubt as to the meaning of the language employed in the rule, although at the time the rule was adopted it may have contemplated only general bills appropriating money for rivers and harbors, because the custom has been heretofore general to pass such appropriations all in one bill. The language of the rule is very clear.

Upon all appropriation and revenue bills, and bills for the improvement of rivers and harbors, the yeas and nays shall be taken on the passage of such bills in the House and entered upon the Journal.

The Chair is therefore disposed to hold that under this rule it is his duty to direct that the yeas and nays shall be taken upon the passage of the pending bill. If any gentleman doubts the correctness of that ruling, the Chair would be very glad to have the question decided by the House itself.

Mr. RANDALL. I think there can be no difference of opinion on that subject, and unless some one does object the ruling of the Chair may as well be considered the unanimous opinion of the House.

The SPEAKER. The question is, Shall this bill pass? and upon that question, under the rule of the House, the yeas and nays will be taken.

The question was taken; and there were—yeas 216, nays 64, not voting 40; as follows:

YEAS—216.

Aiken,	Eaton,	Kleiner,	Scales,
Alexander,	Ellis,	Lanham,	Seney,
Bagley,	Ellwood,	Lewis,	Seymour,
Ballentine,	Evins, J. H.	Libbey,	Shaw,
Barbour,	Ferrell,	Lore,	Singleton,
Barksdale,	Findlay,	Lowry,	Skinner, T. G.
Bayne,	Finerty,	Lyman,	Slocum,
Beach,	Follett,	Mackey,	Snyder,
Belford,	Foran,	McAdoo,	Spriggs,
Bennett,	Forney,	McCoid,	Springer,
Bisbee,	Fyan,	McCormick,	Stephenson,
Blanchard,	George,	McMillin,	Stevens,
Bland,	Gibson,	Matson,	Stewart, Charles
Blount,	Glascock,	Maybury,	Stockslager,
Boyle,	Goff,	Mayo,	Stone,
Breckinridge,	Green,	Miller, J. F.	Strait,
Brainerd,	Greenleaf,	Mills,	Struble,
Breitung,	Guenther,	Mitchell,	Sumner, C. A.
Buckner,	Halsell,	Morgan,	Sumner, D. H.
Budd,	Hanback,	Morrill,	Talbott,
Burnes,	Hardeman,	Morrison,	Taylor, E. B.
Caldwell,	Hardy,	Moulton,	Taylor, J. M.
Calkins,	Hart,	Muldrow,	Thomas,
Campbell, Felix	Hatch, H. H.	Murphy,	Throckmorton,
Candler,	Hatch, W. H.	Murray,	Tillman,
Cannon,	Haynes,	Neece,	Townshend,
Carleton,	Hemphill,	Nelson,	Tully,
Clardy,	Henderson, D. B.	Nutting,	Turner, H. G.
Clay,	Henderson, T. J.	Oates,	Turner, Oscar
Clements,	Henley,	Ochiltree,	Van Alstyne,
Cobb,	Herbert,	O'Hara,	Vance,
Converse,	Hewitt, A. S.	O'Neill, J. J.	Van Eaton,
Cook,	Hewitt, G. W.	Payne,	Wakefield,
Cosgrove,	Hill,	Payson,	Ward,
Covington,	Hoblitzell,	Pierce,	Warner, Richard
Cox, S. S.	Holman,	Peel, S. W.	Washburn,
Cox, W. R.	Holmes,	Phelps,	Wellborn,
Crisp,	Hooper,	Post,	Weller,
Culberson, D. B.	Hopkins,	Potter,	Wemple,
Culbertson, W. W.	Horr,	Price,	White, Milo
Cullin,	Houseman,	Pryor,	Wilkins,
Curtin,	Hunt,	Pusey,	Williams,
Cutcheon,	Hurd,	Randall,	Willis,
Dargan,	Jeffords,	Rankin,	Wilson, James
Davis, G. R.	Jones, B. W.	Reagan,	Wilson, W. L.
Davis, L. H.	Jones, J. H.	Reese,	Winans, E. B.
Deuster,	Jones, J. K.	Riggs,	Winans, John
Dibble,	Jones, J. T.	Robertson,	Wise, J. S.
Dockery,	Jordan,	Robinson, W. E.	Wolford,
Dorsheimer,	Kean,	Rogers, J. H.	Wood,
Dowd,	Keifer,	Rogers, W. F.	Woodward,
Duncan,	Kellogg,	Rosecrans,	Worthington,
Dunham,	Ketcham,	Rowell,	Yaple,
Dunn,	King,	Ryan,	Young.

NAYS—64.

Adams, G. E.	Eldredge,	Lovering,	Ray, G. W.
Anderson,	Elliott,	McComas,	Reed,
Atkinson,	Ermentrout,	McKinley,	Rice,
Barr,	Everhart,	Millard,	Robinson, J. S.
Bingham,	Fiedler,	Miller, S. H.	Russell,
Boutelle,	Geddes,	Milliken,	Skinner, C. R.
Bowen,	Harmer,	Morey,	Smith,
Brewer, F. B.	Hiscock,	Morse,	Steele,
Brewer, J. H.	Howey,	Mutchler,	Storm,
Brown, W. W.	James,	O'Neill, Charles	Taylor, J. D.
Brumm,	Johnson,	Parker,	Wait,
Campbell, J. M.	Kelley,	Patton,	Warner, A. J.
Chace,	Lacey,	Perkins,	Weaver,
Collins,	Lawrence,	Peters,	White, J. D.
Connolly,	Le Fevre,	Poland,	Whiting,
Dingley,	Long,	Ranney,	York.

NOT VOTING—40.

Adams, J. J.	Davidson,	Houk,	Pettibone,
Arnot,	Davis, R. T.	Hutchins,	Ray, Ossian
Belmont,	Dibrell,	Kasson,	Shelley,
Blackburn,	Evans, I. N.	Laird,	Spooner,
Broadhead,	Graves,	Lamb,	Stewart, J. W.
Browne, T. M.	Hammond,	Money,	Thompson,
Buchanan,	Hancock,	Muller,	Tucker,
Burleigh,	Hepburn,	Nicholls,	Valentine,
Cabell,	Hitt,	Paige,	Wadsworth,
Cassidy,	Holton,	Peelle, S. J.	Wise, G. D.

So the bill was passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVES TO PRINT.

The SPEAKER. The gentleman from Tennessee [Mr. YOUNG] and the gentleman from Louisiana [Mr. ELLIS] desire leave to print in the RECORD some remarks on the bill just passed.

Mr. WELLER. I ask that the same courtesy be extended to me.

The SPEAKER. If there be no objection, the request of these three gentlemen will be granted. [See Appendix.]

There was no objection, and leave was granted accordingly.

The SPEAKER. Will the gentleman from Kentucky [Mr. WILLIS] indicate what disposition he desires to have made of the House bill reported on the same subject as the bill just disposed of?

Mr. WILLIS. I ask that it be laid on the table.

There being no objection, the bill (H. R. 3531) making an appropriation for continuing the improvement of the Mississippi River was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, communicated proposed joint rules for the two Houses adopted by the Senate, and in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon;

A bill (S. 353) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes; and

A bill (S. 652) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 844) to authorize the increase of the capital stock of the First National Bank of Fort Worth, Tex.

MYRON E. DUNLAP.

Mr. BAYNE, by unanimous consent, reported back from the Committee on Military Affairs without amendment the bill (H. R. 1389) for the relief of Myron E. Dunlap; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. In the absence of any motion of higher privilege, I move that the House now proceed to the consideration of business on the House Calendar.

The motion was agreed to.

PATENTS.

The first business on the Calendar was the bill (H. R. 1134) to amend section 4887 of the Revised Statutes, in relation to patents.

The bill was read, as follows:

Be it enacted, &c., That section 4887 of the Revised Statutes shall be, and hereby is, amended so as to read as follows:

"SEC. 4887. No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent hereafter granted be declared invalid, by reason of its having been first patented or caused to be patented in a foreign country, unless the same has been introduced into public use in the United States for more than two years prior to the application; but every patent hereafter granted for an invention which has, prior to the filing of the application for said patent, been patented in a foreign country, shall expire seventeen years from the date of the foreign patent, or if there be more than one, seventeen years from the date of the earliest foreign patent, and in no case shall it remain in force more than seventeen years; but all applications hereafter made for patents for inventions previously patented in a foreign country, upon the invention of the same person, shall be made within two years from and after the date of such foreign patent, or if there be more than one, from the date of the earliest foreign patent. No patent granted for an invention which had, prior to the grant of such patent, been first patented in a foreign country, and which has not expired at the date of the passage of this act, shall be declared to be invalid by reason of its not being so limited on its face or in its grant as to expire at the same time with the foreign patent, or if there be more than one, at the same time with the one having the shortest term; but this act shall in nowise renew, revive, prolong, or extend any patent heretofore granted."

Mr. VANCE. I ask that the report accompanying the bill be read.

The report was read, as follows:

The Committee on Patents, to whom was referred bill H. R. 1134, submitted the following report:

Section 4887, Revised Statutes, provides that all patents which have first been patented in foreign countries shall expire with the foreign patents, without regard to the life of the foreign patent. The bill seeks to remedy a wrong upon American inventors. In many foreign countries any one can take out a patent who gives information. An American inventor files his papers, in some instances files an application for a caveat, and then hastens to England to get ahead of any one there. His case may be in interference in the United States for two or three years. In the mean time his patent is running out abroad. The life of a patent abroad is, England, fourteen years; France, five, ten, or fifteen years, optional; Prussia, fifteen years; Russia, three, five, or ten years; Spain, five, ten, or fifteen years; Holland, five, ten, or fifteen years. It will thus be seen that an American patent may expire within from three to five years.

The effect of the bill will be to carry out the contract made with the inventor and give him a right to his patent for seventeen years, without regard to its life abroad.

We recommend the passage of the bill.

Mr. VANCE. Mr. Speaker, the report made by the committee correctly sets forth the facts in regard to section 4887 of the Revised Statutes. According to the law as in force at this time a patent first obtained in a foreign country expires in this country at the date of its expiration abroad. Our law on this subject is not uniform with that prevailing in other countries. As has been stated in the report, the effect of the law is unfriendly, unkind, and unfair to American inventors. In England, for instance, any one can take out a patent that gives information. I believe that is so in other foreign countries. In our country the inventor has to swear he is, or believes himself to be, the inventor. He applies to the United States for a patent, and goes abroad, to Canada, England, or other points, to obtain his patent in order to prevent any one else getting ahead of him.

The life of a patent, as has been already stated, is only fourteen years. In Austria a patent runs one year, with the privilege of extension to fifteen years. The courts have decided here that a patent first obtained abroad expires in this country on the short term; that is, if a patent has been taken out by an American citizen for one, three, five, or ten years, the American patent expires in one, three, five, or ten years, as the case may be. I have a case before me in which the patent absolutely expired in one year. The United States Government had made a contract with the inventor that his patent should extend for seventeen years, yet under the effect of this section of the statute the man had his patent only for one year, as the courts have decided that the American patent must expire with the first date of expiration in a foreign country, although the patent may be renewed there.

In the case I speak of the American inventor applied for a patent in Canada and received it, and the case went to interference and was delayed. The court decided his patent must expire with the remaining year that was left. According to the effect of the act as it is now the American citizen takes out a patent here and does not take out a patent in a foreign country, so that the whole world uses his patent free outside of America.

An objection has been made of this kind, that if the foreign patent is extended for ten years, then the American people would have to pay tribute on that patent during that extension of ten years when the world outside would have it free. On the other hand, if the inventor does not take out a patent the whole world would have it free for seventeen years outside of the United States. It works a hardship on the American inventors, and, as we all know, we owe much of our prosperity and success to the system of American patents. It is to the honor of this great country that it has protected men who had brains enough to bring forward inventions like the electric telegraph, the telephone, and a thousand other equally valuable improvements which might be mentioned. I speak in behalf of American inventors, therefore, when I ask the Congress of the United States to follow the recommendation of the Committee on Patents in the bill which is now pending, and which comes before the House with the unanimous sanction of that committee, to change this section of the law so that the American inventor may have his right to his patent as others, whether he has taken out a patent abroad or not.

But, Mr. Speaker, I do not wish to consume any more of the time of the House, as I presume the members thoroughly understand the question and are ready to vote upon it.

Mr. MAYO. Let me ask the gentleman from North Carolina whether this touches in any way books published in this country?

Mr. VANCE. It does not; but merely refers to patents, and has nothing whatever to do with books. It is not a copyright affair at all. It merely seeks to put every American inventor upon an equality, which I think is only right. I have letters from all over the country on this subject, but I think it is unnecessary to take up further time of the House on this subject.

Mr. ANDERSON. Mr. Speaker, the principle which underlies the patent system is undoubtedly right, namely, that an inventor is entitled to a reward for his genius and labor. I certainly would be among the last who would desire in any way to interfere with the just reward to the American inventor.

I have no doubt this bill will pass, and I rise not so much to oppose it as to call the attention of the House to the fact that perhaps three-quarters of the monopolies of this country are fortified behind the patent system of the United States. I wish to have it clearly understood that so far as I am concerned I am heartily in favor of giving to the American inventor such a period of time as shall give him a full and generous reward for his labor and genius, but on the other hand I am also in favor of drawing a line between that policy and a policy which would crystallize monopolies for which the consumer at last must pay.

I regret exceedingly that I have not had time to collect some information in regard, say, to Bessemer steel patents, or to patents on cotton machinery, or upon paper processes, or upon iron, or upon the manufacturing processes all the way through. There might be collected information which would challenge the attention of the gentlemen in this House, which would challenge the attention of the whole country to this great interrogation point: whether there be not in the abuse of the

patent system something to be looked after as there is in the altitudinous branch of the tariff system? And that is the only point I have in making these remarks to-day. And there occurs to my mind just a single case which I shall mention. Years ago there were patents taken out upon the instruments for transmitting telegraphic messages upon the Morse system. Just what the facts are I do not know and will not undertake to state; but my impression is that investigation will show that the ability of the Western Union Telegraph Company to wear out its opponents has rested upon the question of patent upon the Morse machines. And to-day you have in that company a monopoly which is controlling the transmission of the intelligence of this country to an extent that is simply alarming.

You perhaps noticed, as shown by a statement in yesterday's press, that a speech had been delivered on the floor of the United States Senate advocating the establishment of a postal telegraph by the United States Government; that the Inter-Ocean of Chicago, which for three years has leased a wire from the Western Union Telegraph Company, had transmitted that speech, and that the Inter-Ocean had published the speech; that thereupon the use of the wire was withdrawn from the Inter-Ocean by the Western Union. Why? Because it is alleged that there is a contract between papers receiving messages by the Associated Press, or at least over the Western Union, that they shall not advocate any measure which may be inimical to the monopolistic purpose of the Western Union Telegraph Company; and if this be true, there you have, in the nineteenth century, in a nation of 53,000,000 of Americans, demanding their intelligence fresh every morning from all about the globe—you have this whole nation in the grasp of one man owning the majority of the stock, so it is alleged, of the Western Union Telegraph Company, manipulating that intelligence, doling out precisely what he pleases that the country may read in the morning, and withholding that which is inimical to his interests. In other words, you have Mr. Jay Gould throttling the telegraph system of the United States, and when you come to look into it you will find that your patent system had something to do with it.

Mr. MAYO. I rise to a point of order, that no gentleman has the right on this floor in making a speech to turn his back to the Speaker. [Laughter.]

Mr. ANDERSON. Out of the abundant regard that I have for the Speaker, I apologize fully.

Now, Mr. Speaker, I only call attention to this as an illustration of this proposition, that it may be well for us to look at the effect which a too liberal system as to patents may have upon the prosperity of this country. I am willing to put American inventors upon a level and equality with each other, but I am frank to say that I would a good deal rather strike out "seventeen years" and insert "seven years" as to the length of time when any patent shall run; and I am afraid so far as this bill is concerned that its effect will simply be to raise higher that wall which some day must at least be reduced, if nothing more.

Mr. RICE. Mr. Speaker, the gentleman from Kansas has managed to make a very loud explosion with a very little powder. He admits that he has not spoken to this bill; that what he has said has nothing to do with the measure now pending before the House.

The term for which patents are issued by the United States Government is seventeen years. If an inventor—a United States inventor—desires to take out a patent for his invention in Canada, as well as in the United States, he makes his application at the same time perhaps in both countries. The granting of the letters patent is deferred for some reason in the United States until after the Canadian patent has been granted. The term in Canada for which patents are granted is originally five years; so that under the operation of the laws as they are now enforced with reference to patents, when his letters patent in the United States are taken out instead of getting them for seventeen years they expire at the end of the five years for which he has obtained them in Canada. It is, as the chairman of the committee observes, to remove this injustice that this bill has been unanimously reported from the Committee on Patents. Hereafter, Mr. Speaker, should occasion arise, the Committee on Patents will be happy to discuss the question of patent law as connected with monopolies with the gentleman from Kansas, but not now, as it is not necessary on this bill.

Mr. COX, of New York. I would like to ask my distinguished friend from North Carolina in charge of this bill some questions as to the effect of it, since it seems to have been somewhat inartificially drawn, if he will permit me.

Mr. VANCE. Yes, sir; I will be very glad to inform the gentleman.

Mr. COX, of New York. Does this have the effect of extending any existing patent?

Mr. VANCE. It does not, sir, extend any.

Mr. COX, of New York. Does it have that effect in any individual case within the knowledge of the gentleman from North Carolina?

Mr. VANCE. It does not. I do know of a case that is affected by it; but that has nothing to do with the bill further than any other patent that has been granted by the Government.

Mr. COX, of New York. I asked that question for the simple reason that I desire to enter my protest wherever I can against the extension of any patent beyond the term fixed originally by the Government.

Mr. VANCE. I am glad to say to the gentleman from New York that we carefully avoid doing that. The bill itself says that it shall not extend the life of any patent now in existence.

Mr. COX, of New York. Has the gentleman from North Carolina any objection to a proviso in the nature of an amendment to that effect providing that no existing patent and no patent hereafter shall be extended beyond the time fixed by law?

Mr. VANCE. That is already the law.

Mr. COX, of New York. Then there can be no objection to having it on the bill.

Mr. VANCE. Except that there is no necessity for re-enacting a statute already in existence.

Mr. TALBOTT. I would like to call the attention of the gentleman from North Carolina to one thing in this bill. It says:

> No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent hereafter granted be declared invalid by reason of its having been first patented or caused to be patented in a foreign country.

You do not qualify by saying "the inventor." Suppose the inventor obtains his patent first in a foreign country, you leave it for any person in this country to get the invention and patent it whether the inventor or not. I do not think that is the intention of the Committee on Patents. You should provide against that in this bill.

Mr. VANCE. The words the gentleman has quoted are exactly the words in the existing statute. We have not changed the statute except in the manner pointed out, the statute now saying that the patent shall expire at the same time with the patent obtained abroad.

Mr. TALBOTT. Then the statute is not clear.

Mr. VANCE. The gentleman can at any time introduce a bill to correct the statute in that regard.

Mr. WOOD. I should like to have the bill again read for the information of the House.

The SPEAKER. Did the gentleman from New York [Mr. COX] yield the floor?

Mr. COX, of New York. I wanted to propose to the gentleman from North Carolina an amendment, which I ask him to accept.

The SPEAKER. Meanwhile the gentleman from Indiana [Mr. WOOD] asks that the bill be again reported.

The bill was again read.

Mr. TALBOTT. Is the bill still open to amendment?

The SPEAKER. The gentleman from New York [Mr. COX] has proposed an amendment, which he has not yet sent to the desk. There can only be one amendment to that amendment while it is pending. The gentleman from New York will send up his amendment.

Mr. COX, of New York. I propose as an amendment, to come in at the end of the bill, what I send to the desk.

The Clerk read as follows:

> Add to the bill the following:
> "*Provided*, That this act shall not apply to any patent now in existence or application now pending, nor have the effect of extending the time of the duration of patents under the existing law."

Mr. VANCE. I think the gentleman from New York should omit the clause relating to applications now pending. Surely it looks like prejudging men to make a provision of that kind. I ask the gentleman to omit that from his amendment and let the law in that respect remain as it is now; or if the gentleman does not agree to modify his amendment, I move to amend it by striking out those words. I think it is wrong to exclude applications now pending.

Mr. COX, of New York. I want to avoid possible or probable litigation, and I offer the amendment, thinking that the bill ought to look to the future merely.

Mr. VANCE. That is what it does exactly.

Mr. COX, of New York. And that it shall not apply to patents now in existence or to applications now pending.

Mr. MCMILLIN. Without this proviso the bill will cover patents now applied for, and it is as important to avoid them as to avoid those already in existence. I quite agree with my friend from New York.

Mr. VANCE. We have no information that there are such cases now pending.

Mr. MCMILLIN. If there are none pending the proviso will hurt nobody.

Mr. VANCE. Still, if there be such an application, by passing a proviso of that kind you hurt the man's case.

Mr. COX, of New York. Pending cases should fall under existing statutes. Why not let applicants stand under the law as they found it when they filed their applications? I propose to have no *nunc pro tunc* proceedings.

The SPEAKER. The Chair will state the question. The gentleman from North Carolina [Mr. VANCE] proposes to amend the amendment offered by the gentleman from New York [Mr. COX] by striking from it these words, "or application now pending." The first question is on that amendment to the amendment.

The question being taken, the Speaker stated that in the opinion of the Chair the "noes" had it.

Mr. VANCE. I call for a division.

Mr. WARNER, of Ohio. Let the amendments be again reported.

The amendment offered by Mr. COX, of New York, and the amendment to the amendment offered by Mr. VANCE were again read.

The House again divided; and there were—ayes 33, noes 62.

So (further count not being called for) the amendment to the amendment was not agreed to.

Mr. COX, of New York. I propose my amendment shall go in on line 29, after the word "term." And then I propose to add at the end of the bill the words "or applied for;" so that it will read:

But this act shall in nowise renew, revive, prolong, or extend any patent heretofore granted or applied for.

The SPEAKER. That will be a separate amendment after this is disposed of.

Mr. RICE. It seems to me that the amendment moved by the gentleman from New York [Mr. COX] is unnecessary. As has been stated, the sole object of this bill is that the American inventor who applies for a patent on his invention in a foreign country as well as in this may have his invention patented in this country for the term provided by our laws, to wit, seventeen years; and that the patent shall not terminate, as the courts have held it now does, at the expiration of the term of the foreign patent, which, by reason of the long processes of our Patent Department, may chance to have been issued to him before the United States patent is issued to him.

As has been stated, the term of a patent in Canada is but five years; the term in the United States is seventeen years. Now, if the patent chances to be issued in Canada before it is issued in the United States, what reason is there that the life of the American patent should expire at the end of five years instead of at the end of seventeen years? That is all this bill seeks to provide, that the patent granted here shall live for the term which the laws of the United States provide and not expire at the end of the term of the foreign patent.

As to patents which have already been applied for, applications now pending, why should not the patents in those cases when granted continue for seventeen years as well as patents that may hereafter be applied for? I do not see that the amendment moved by the gentleman from New York [Mr. COX] is necessary at all. I do not see that any interests will be endangered by the passage of this bill, but on the contrary justice will be done and equality will be afforded to all.

If the gentleman from New York [Mr. COX] desires any amendment of the bill, it seems to me that all he desires would be accomplished by adding to the bill the words "or already applied for," and the remainder of his amendment might be omitted. I hope, however, that the gentleman will not insist upon his amendment, but allow the bill to pass as reported unanimously by the Committee on Patents of this House and as it was unanimously reported by the Committee on Patents of the last House.

Mr. WOOD. I desire to amend the amendment so it will read as follows:

That the provisions of this bill shall not apply to any pending case or litigation in the courts.

Mr. VANCE. That is totally unnecessary, because the amendment of the gentleman from New York [Mr. COX] provides that this act shall not apply to any case pending in the Patent Office, and it certainly could not apply to cases where the patents have already been granted, for the bill itself provides for that.

Mr. CALKINS. Does the gentleman make the point of order that the same amendment is already pending? If he does not, I make that point of order.

Mr. WOOD. It is not the same amendment as the one now pending.

The SPEAKER. The Chair thinks the amendment to the amendment is in order, it not being the province of the Chair to decide whether or not the same provision is substantially contained in the amendment already pending. The amendment of the gentleman from Indiana [Mr. WOOD] is not in the same language as the amendment of the gentleman from New York [Mr. COX] and is not so broad. If adopted as a substitute for that amendment, of course it would displace it.

The amendment of Mr. WOOD was not agreed to.

The amendment of Mr. COX, of New York, was then agreed to.

Mr. COX, of New York. The amendment just adopted is to come in after the word "term," in line 29 of the printed bill. I propose now to further amend the bill by adding to it these words "or applied for."

Mr. VANCE. Does not the amendment just adopted cover that?

Mr. COX, of New York. I do not know but it does, but this will make the language of the bill more homogeneous.

The question was then taken upon the amendment of Mr. COX, of New York, and it was agreed to.

Mr. CALKINS. Now let that portion of the bill which has been amended be read with the amendment.

The Clerk read as follows:

No patent granted for an invention which had, prior to the grant of such patent, been first patented in a foreign country, and which has not expired at the date of the passage of this act, shall be declared to be invalid by reason of its not being so limited on its face or in its grant as to expire at the same time with the foreign patent; or if there be more than one, at the same time with the one having the shortest term: *Provided*, That this act shall not apply to any patent now in existence or application now pending, nor have the effect of extending the time of the duration of any patent under existing law, but this act shall in nowise renew, revive, prolong, or extend any patent heretofore granted or applied for.

Mr. TALBOTT. I move to further amend the bill by inserting after the word "patented," in line 9 of the printed bill, where it occurs the second time, the words "by the applicant;" so that it will read:

No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent hereafter granted be declared invalid, by reason of its having been first patented or caused to be patented by the applicant in a foreign country, &c.

My amendment is intended simply to remove the uncertainty which may result from the present language of the bill; to prevent any person not the original inventor from taking out a patent for some invention patented in a foreign country.

Mr. VANCE. I do not know that I have any objection to that amendment; but the law already provides that a patent can not be taken out in this country by any one except the inventor, and the applicant must swear that he is the inventor.

The amendment of Mr. TALBOTT was then agreed to.

Mr. WARNER, of Ohio. After the first amendment, adopted on motion of the gentleman from New York [Mr. COX], the word "it" should be substituted for the words "this act" in line 30 of the printed bill. And I do not see the necessity of the phrase "prior to the grant of such patent," in lines 23 and 24 of the bill, in view of what follows, "been first patented in a foreign country."

Mr. VANCE. That is intended to reach another branch of the subject. The patent obtained abroad may not have upon its face the statement of the fact that it was first obtained abroad, and the Government may not be aware of that fact. This provision is to the effect that the patent in this country shall not be invalid on that account.

Mr. WARNER, of Ohio. Then I will move to amend the last clause of the bill by substituting the word "it" for the words "this act."

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, his Secretary.

PATENTS.

The House resumed the consideration of the bill (H. R. 1134) to amend section 4887 of the Revised Statutes, in relation to patents.

The SPEAKER. The question is on ordering the bill as amended to be engrossed and read a third time.

Mr. GIBSON. Mr. Speaker, this subject of patents has grown to be so important on account of the universal application of patents to almost everything in use from the cradle to the grave that in my judgment no step ought to be taken in this matter until the House has had due time to consider thoroughly the effect of any bill or amendment which may be offered. For the purpose of giving the House further time to consider this bill in all its bearings, I move that the bill be recommitted.

Mr. VANCE. The Committee on Patents examined and reported upon this question at the last session. It has been reported upon time and again to my personal knowledge, as I have been a member of the committee. If the House should now send this bill back to the committee we shall beyond doubt report it again just as we have already done. Hence this motion to recommit is utterly unnecessary.

Mr. HOLMAN. I move to amend the motion of the gentleman from West Virginia [Mr. GIBSON] by instructing the committee to consider the propriety of incorporating in the bill the provision which I send to the desk.

The Clerk read as follows:

Provided, however, That in an action against any person who shall have purchased in the open market and used any article covered by any such patent, and which shall have been manufactured in violation of the rights of the patentee or assignee thereof, the measure of damages, if it shall appear that the defendant purchased such article without notice that the same was manufactured in violation of the rights of the patentee or assignee, shall not exceed the cost in the open market of the article so purchased and used.

The SPEAKER. Does the gentleman from Indiana [Mr. HOLMAN] move that the committee be instructed to insert this provision in the bill or merely to consider it?

Mr. HOLMAN. I move that the committee be instructed to report this proposition as an amendment to the bill.

Mr. RICE. I rise to a parliamentary inquiry. A bill substantially the same in effect and language as this proposition of the gentleman from Indiana is now before the Committee on Patents. I think that bill is in exactly the same language. I desire to ask therefore whether this provision, which is the substance of a pending bill now before the committee, can be offered in this way.

Mr. VANCE. Does my colleague on the committee [Mr. RICE] make a point of order?

Mr. RICE. I do.

Mr. HOLMAN. I am not aware that there is not any such bill pending in the House. I drew this proposition while this bill was under consideration. There may be any number of bills containing the same idea.

Mr. CALKINS. The bill which the gentleman from Massachusetts [Mr. RICE] refers to is I presume the bill which was read here the other day, when I asked unanimous consent to have it considered and passed. I have no objection, of course, if the point of order be overruled, to having the amendment of my colleague [Mr. HOLMAN] made a part

of the bill now before the House, but I would prefer to have him adopt the language of my bill as originally drawn.

The SPEAKER. Will the gentleman from Indiana [Mr. CALKINS] send up the bill to which he refers?

Mr. HOLMAN. I submit, as a proposition of order, that when a point is made that a proposed amendment to a bill is the same in its provisions as another pending bill, the only way of determining that question of order is by an examination of the bill which is stated to be identical with the amendment.

Mr. CALKINS. I only ask my colleague to make his amendment cover the same ground as the bill which I have sent to the Clerk's desk.

Mr. HOLMAN. I have no doubt that my colleague has the matter in much better shape.

The SPEAKER. A point of order of this kind always involves a question of fact, which of course the Chair cannot decide until he is furnished with the information afforded by the bill with which the proposed amendment is stated to be identical in substance. The Chair has now before him the bill which, as he understands, is referred to by the gentleman making the point of order. The Chair thinks that the two propositions are not substantially the same. The bill introduced by the gentleman from Indiana on the left [Mr. CALKINS] provides that where the damages awarded in an action for infringement of a patent shall not exceed twenty dollars the plaintiff shall not recover his costs. The proposition now offered by the gentleman from Indiana on the right [Mr. HOLMAN] is simply to define what shall be the measure of damages in such an action.

Mr. RICE. If I recollect aright there are five bills on this subject which have been referred to the Committee on Patents.

The SPEAKER. But the Chair has been furnished with only one; and, as he stated a while ago, these questions of order always involve a question of fact, which the Chair cannot determine unless the necessary papers are furnished to him. Can the gentleman furnish any bill substantially the same as the proposition of the gentleman from Indiana?

Mr. RICE. I would if I had time.

Mr. VANCE. Mr. Speaker, I understand that you have decided the point of order?

The SPEAKER. The Chair has decided it so far as regards the bill which has been sent to the desk; but the gentleman from Massachusetts [Mr. RICE] now states that there are before the Committee on Patents four or five other bills on this subject.

Mr. VANCE. I believe we have before our committee a bill in the very words of this amendment. I am not certain, because I have not the bill with me.

The SPEAKER. The Chair will be compelled to overrule the point of order unless some bill containing substantially the same provision as the proposed amendment can be produced.

Mr. VANCE. I am in favor myself of protecting innocent purchasers of patented articles exposed for sale in the open market, and I have so voted. But I really think that the question is one which ought to be examined with the greatest care. On the one hand, we want to protect the innocent purchaser—the man who goes into a store and buys a plow or a harrow or anything of that kind; because he can not know whether the article is patented, or if it be marked patented, can not know that it is correctly marked. But at the same time we wish to carry out the good faith of the Government toward the inventor. I think it is better to let the Committee on Patents have charge of this subject. Next Monday we will have a meeting of two hours, to be devoted specially to it, and we would be glad to hear gentlemen on all the points they have indicated. As it is, they may tie us up in a way to do damage to some one. I ask that the committee be let alone to work out this problem after careful consideration.

The question recurred on Mr. HOLMAN'S amendment to Mr. GIBSON'S motion.

The House divided; and there were—ayes 50, noes 41.

Mr. RICE. I ask for a quorum.

The SPEAKER. A quorum not having voted, the Chair will appoint Mr. VANCE and Mr. HOLMAN as tellers.

The House again divided; and the tellers reported—ayes 91, noes 67.

So the amendment was agreed to.

Mr. GIBSON'S motion as amended was agreed to; and the bill was recommitted to the Committee on Patents with instructions.

IMPROPER GRANTS OF LETTERS PATENT.

The next business on the House Calendar was the bill (H. R. 3036) to enable the courts of the United States, in the case of the improper grant of letters patent by reason of fraud and misrepresentation, to declare a patent void on application of the Attorney-General.

The bill was read, as follows:

A bill to enable the courts of the United States, in the case of the improper grant of letters patent by reason of fraud and misrepresentation, to declare a patent void on application of the Attorney-General.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall be made to appear to the satisfaction of the Attorney-General that there is probable cause for impeaching the validity of any unexpired patent, whether original, reissued, or extended, which may have been or shall hereafter be granted, on the ground that the same has been procured by fraud and misrepresentation, it shall be his duty to take due proceedings, by a bill in equity in the United States circuit court for the district in which the said patentee resides, or in the case of his death or the assignment of his entire interest in said patent, then in the district in which his legal representatives or assigns reside, to have the said patent vacated and annulled; and the court, on notice to said adverse parties and in pursuance of such proceedings, shall have the power to adjudge and declare said patent void in whole or in part, and to annul and vacate the same.

SEC. 2. That if the party at whose complaint the Attorney-General shall take the proceedings provided for in this act shall fail to establish the invalidity of the patent, then the costs incurred by the Attorney-General in such litigation shall be chargeable to and be collected from such party complainant; otherwise said costs shall be chargeable to and collected from the defendant.

SEC. 3. That from the judgment and decree of any court rendered in the premises appeal shall lie, at the instance of either party, to the Supreme Court of the United States, in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of circuit courts in causes arising on letters patent relating to inventions.

The report of the committee was read, as follows:

The Committee on Patents, to whom was referred bill H. R. 1136, submit the following report, and beg to accompany it by a substitute bill which, more fully sets forth the object in view and the means of attaining it.

The title of the bill as originally reported read as follows: "To enable the courts of the United States in cases of fraud and misrepresentation to declare a patent void on application of the Attorney-General."

The law, as it now stands, and has stood since 1836, provides no way in which a patent can be declared void except upon the ground of interference with some other patent, and then only upon the suit of some rival patentee or of some person claiming under one of the interfering patents. And such adjudication affects only the rights of the parties to that particular suit and those subsequently deriving title under them. (See section 4918 Revised Statutes.)

For forty-six years prior to the act of July 4, 1836, provisions were in force whereby, upon proper complaint by any individual filed in any district court and other due proceedings had, a patent could be declared void on the ground that it was obtained surreptitiously and upon false suggestion; but at present the general public have no protection against harassment and vexation from invalid patents, and the Government no power to repeal the grant of the same, however strongly it may be convinced that a patent has thus been wrongly granted.

Interfering patentees, as stated before, and individual parties when sued as infringers, alone have the means of showing that a patent was improperly granted.

It was intimated, but intimated only, by the United States Supreme Court in the case of Mowry *vs.* Whitney (14 Wallace, 434), that the Attorney-General might maintain such a suit on the relation of some one who was interested adversely to the patent.

But, in a later decision, rendered in 1876, in just such a suit, brought by the Attorney-General on the relation of one Hecker *vs.* The Rumford Chemical Works (reported in 9 Patent Office Gazette, 1062), the United States circuit court for the district of Rhode Island dismissed such suit, and in a most elaborate decision reviewed the whole history of the law on the subject, and arrived at the conclusion that no patent could be repealed in this country except in a manner prescribed by statute, and that no statutory provision existed authorizing the Attorney-General, in his own name or in the name of the United States, on the relation of any one, or authorizing any other officer or individual, to bring suit for that purpose.

It having been well settled by numerous adjudications of our courts that a patent is in the nature of a contract which under the Constitution Congress authorizes to be entered into between the Government and the inventor, securing to him for a limited time the exclusive enjoyment of his invention in consideration of his disclosure of his invention to the public and his relinquishment of it to the public at the end of the term; it follows that there should be some way of abrogating such a contract when the Government becomes convinced through its proper officers that it was improperly entered into or was invalid by reason of fraud or false suggestion.

Fraudulent patents, your committee are convinced, are often used for the sole purpose of terrifying purchasers, extorting tribute, and disturbing trade, while suits thereon, by which their invalidity could alone be established, are carefully avoided.

The maintenance of such false and unjust grants is destructive to the principle on which patents are based by the Constitution, namely, to promote the progress of science and the useful arts, and they are simply odious monopolies.

Your committee, therefore, earnestly favor early action upon said bill and recommend its passage.

By the accompanying substitute bill we have added to the original provisions for maintaining such suit on other grounds than fraud and misrepresentation, for extending the application of the bill to patents granted before its passage as well as thereafter, for bringing the suit in the court for the district in which the patentee or the owners of the patent live, and for holding the complainant liable for costs when his suit fails, or when the patent is declared invalid for other reasons than fraud or misrepresentation.

We are of opinion that the suit should be brought by the Attorney-General and not by the individual alone, as the entire public, through the Government, should be properly represented in the repeal of its grant, which is the act of the Government and not of an individual.

Mr. VANCE. The courts having decided there are no means of declaring void patents obtained through fraud and misrepresentation, this bill is intended to cure that defect. I do not wish to consume time, as the report has fully stated all the facts involved, and I therefore demand the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VANCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALL PUBLIC HIGHWAYS POST-ROUTES.

The next business on the House Calendar was the bill (H. R. 1482) making all public roads and highways post-routes.

The bill was read, as follows:

Be it enacted, &c., That all public roads and highways kept up and maintained as such are hereby declared to be post-routes; and the Postmaster-General may establish postal service upon the same whenever in his judgment the public welfare requires it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FIRST NATIONAL BANK, FORT WORTH, TEX.

The next business on the House Calendar was the bill (H. R. 1574) to authorize an increase of the capital stock of the First National Bank of Fort Worth, Tex.

Mr. BUCKNER. The gentleman from Texas [Mr. MILLER], on the recommendation of the Committee on Banking and Currency, moved to take from the Speaker's table and pass the Senate bill on the same subject, and that bill has been passed. I therefore move this bill be laid upon the table.

The motion was agreed to.

Mr. BUCKNER moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The business on the House Calendar is exhausted.

CLERKS TO COMMITTEES.

Mr. COVINGTON. I rise to submit a privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Committee on Accounts be, and is hereby, authorized and directed to designate the committees which, in the judgment of the said Committee on Accounts, should be allowed clerks for the present Congress under the executive, legislative, and judicial appropriation act for the year ending June 30, 1884, and to report to the House without delay its action thereon.

Mr. COVINGTON. That is the resolution of the House referred to the committee. Now read the committee's report.

The Clerk read the report, as follows:

The Committee on Accounts, in obedience to the resolution passed by the House on the 8th instant, authorizing and directing "that the Committee on Accounts be, and it is, authorized and directed to designate the committees which, in the judgment of said Committee on Accounts, shall be allowed clerks for the present Congress under the legislative, executive, and judicial appropriation act for the year ending June 30, 1884, and report to the House without delay for its action thereon," respectfully submit the following report and ask its adoption by the House:

The thirty-two clerks provided for in the bill referred to in the above resolution are distributed according to the appended schedule, to wit: To the Committee on Elections, a clerk; to the Committee on Banking and Currency, a clerk; to the Committee on Coinage, Weights, and Measures, a clerk; to the Committee on Foreign Affairs, a clerk; to the Committee on Naval Affairs, a clerk; to the Committee on the Post-Office and Post-Roads, a clerk; to the Committee on the Territories, a clerk; to the Committee on Railways and Canals, a clerk; to the Committee on Mines and Mining, a clerk; to the Committee on Public Buildings and Grounds, a clerk, who shall also act as clerk to the Committee on Expenditures on Public Buildings; to the Committee on Pacific Railroads, a clerk; to the Committee on Levees and Improvements of the Mississippi River, a clerk; to the Committee on the Library, a clerk, who shall also act as clerk to the Committee on Education; to the Committee on Labor, a clerk; to the Committee on the Militia, a clerk, who shall also act as clerk to the Committee on Mileage; to the Committee on Patents, a clerk; to the Committee on Pensions, a clerk; to the Committee on Private Land Claims, a clerk; to the Committee on Revision of the Laws, a clerk, who shall also act as clerk to the Committee on Manufactures; to the Committee on Expenditures in the State Department, a clerk, who shall also act as clerk to the Committee on Expenditures in the Treasury Department; to the Committee on Expenditures in the War Department, a clerk, who shall also act as clerk to the Committee on Expenditures in the Navy Department; to the Committee on Expenditures in the Post-Office Department, a clerk, who shall also act as clerk to the Committee on Expenditures in the Interior Department; to the Committee on Expenditures in the Department of Justice, a clerk; to the Committee on Accounts, a clerk; to the Committee on Printing, a clerk; to the Committee on Enrolled Bills, a clerk; to the Committee on Reform in the Civil Service, a clerk; to the Committee on American Ship-building and Ship-owning Interests, a clerk; to the Committee on Law respecting Election of President and Vice-President, a clerk; to the Committee on Payment of Pensions, Bounty, and Back Pay, a clerk; to the Committee on Ventilation and Acoustics, a clerk, who shall also act as clerk to the Committee on the Public Health; and to the Committee on the Alcholic Liquor Traffic, a clerk.

Mr. HOLMAN. I trust the gentleman from Maryland who presents this report will explain as to the number of clerks provided for, and whether it is less or greater than the number already authorized by law.

Mr. COVINGTON. In reply to the gentleman from Indiana, I desire to state that the report is in obedience to a resolution passed by the House on the 8th instant tying us down to the number of clerks provided in the legislative bill, that is to say, thirty-two. These thirty-two clerks had to be assigned to forty-five different committees. That delicate and embarrassing duty we have endeavored to discharge with due deference to the public interests. I am happy to say that the report is a unanimous one, and comes from the committee with the indorsement of every member.

Mr. COSGROVE. Let me ask the gentleman from Maryland a question.

Mr. COVINGTON. Certainly.

Mr. COSGROVE. I wish to ask whether the number of clerks is greater under this apportionment of the committee than in the Forty-seventh Congress.

Mr. COVINGTON. It is far less.

Mr. RANDALL. I would say in that connection that the number is in accordance with the provisions contained in the appropriations made by the last Congress for this purpose.

Mr. COVINGTON. I will say also that the amount appropriated in the legislative, executive, and judicial appropriation act for this purpose was $40,896 for the payment of thiry-two clerks. We are simply carrying out the law in that respect by this report. If any more clerks are needed hereafter for the public service it will require that they shall be paid out of the contingent fund of the House.

I call for the previous question upon the adoption of the report.

Mr. MILLER, of Pennsylvania. There are some things in this report——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MILLER, of Pennsylvania. I wanted to state, for one thing, that I saw no necessity for providing a clerk for the Committee on Mileage. I am a member of that committee, and our work is already done.

The SPEAKER. The previous question having been demanded, debate is not in order.

Mr. COVINGTON. I demand the regular order.

Mr. WHITE, of Kentucky. I hope, Mr. Speaker, that this work will not be suffered to pass through the House without some expression of opinion on the part of the members.

Mr. COVINGTON. I will say to the gentleman——

Several MEMBERS. Regular order.

Mr. WHITE, of Kentucky. I hope the gentleman from Maryland will not attempt to make a speech without giving us an opportunity for a reply from this side.

Mr. COVINGTON. I have no desire to make a speech. I demand the regular order.

The SPEAKER. The regular order is the demand of the gentleman from Maryland for the previous question.

Mr. WHITE, of Kentucky. I move to recommit the report to the Committee on Accounts before the previous question is ordered, and I believe I can move again after it is ordered——

The SPEAKER. What is the motion of the gentleman from Kentucky?

Mr. WHITE, of Kentucky. My motion is to recommit the report to the Committee on Accounts with instructions that they make a new distribution of these clerks, leaving out the one for the Committee on the Law respecting the Election of the President and Vice-President, leaving out the one for the Committee on Labor, leaving out the one for the Pacific Railroads.

The SPEAKER. The gentleman will reduce his motion to writing.

Mr. COVINGTON. I wish to say that if the previous question is ordered there will be, I believe, under the rule, half an hour for debate, and I am perfectly willing that that shall be taken by the gentleman from Kentucky.

The SPEAKER. That would have been the case if there had been no debate prior to the demand for the previous question.

Mr. BELFORD. I rise to a point of order. It is utterly impossible for gentlemen occupying seats in the rear of the Hall to know anything of the business that is going on in this House on account of the confusion.

The SPEAKER. The Chair has frequently called the attention of the House to the fact that there is too much disorder on the floor. The remedy is with members themselves. All the Chair can do is to make an earnest effort to preserve order. The Chair hopes that members will cease conversation on the floor and in the rear of the seats, so that the public business may be transacted.

ORDER OF BUSINESS.

The SPEAKER. While the gentleman from Kentucky [Mr. WHITE] is reducing his motion to writing, the Chair asks unanimous consent to lay before the House a message from the President of the United States.

There was no objection.

GREELY RELIEF EXPEDITION.

The SPEAKER laid before the House a message from the President of the United States; which was read by the Clerk, as follows:

To the Senate and House of Representatives:

I transmit for the consideration of Congress a communication from the Secretary of War and the Secretary of the Navy on the subject of an expedition for the relief of Lieut. A. W. Greely and his party, composing what is known as the "Lady Franklin Bay Expedition," which was sent to the Arctic regions in 1881, under the provisions of the acts of Congress approved May 1, 1880, and March 3, 1881.

In the plans for the relief of this party, as arranged with Lieutenant Greely, it was contemplated that an effort would be made to communicate with him and furnish him any needed assistance in 1882 and again in 1883.

Subsequently, legislation was enacted which required the expedition of 1883 to bring the party home. It was a part of the arrangement that if communication should not be made with him on or before the 1st of September, 1883, he should, with his party, abandon his station at Lady Franklin Bay not later than the above-mentioned date and proceed southward, and would find a well-supplied relief station at the entrance to Smith's Sound, a point where it would no be difficult to reach him during a part of each year. The expeditions of 1882 and 1883 were sent, but neither one of them was able to communicate with Lieutenant Greely; and the last one failed to accomplish any part of its object beyond leaving a very small quantity of stores in the neighborhood of the entrance to Smith's Sound.

The situation of Lieutenant Greely and his party under these circumstances is one of great peril, and in presenting the preliminary views of the board appointed by me to take into consideration an expedition for their relief I am

gently recommend prompt action by Congress to enable the recommendations of the Secretary of War and the Secretary of the Navy to be carried out without delay.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 17, 1884.

Mr. RANDALL. I move that the message just read be printed and referred to the Committee on Appropriations.

The motion was agreed to.

ASSIGNMENT OF COMMITTEE CLERKS.

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] offers a resolution to recommit, which the Clerk will read.

The Clerk read as follows:

Resolved, That the report of the Committee on Accounts be recommitted to that committee, with instructions to omit the names of clerks for Committees on Pacific Railroads, Mississippi Levees, Labor, Law respecting Election of President and Vice-President, or to assign them to serve as assistants on committees where the work to be done will enable them to earn the $6 per diem.

The SPEAKER. The question is upon agreeing to the motion made by the gentleman from Kentucky.

Mr. WHITE, of Kentucky. Mr. Speaker——

The SPEAKER. The motion is not debatable. The demand for the previous question is pending.

Mr. WAIT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAIT. I wish to inquire whether an amendment can not now be offered to the proposition of the gentleman from Kentucky?

The SPEAKER. The Chair thinks not; because the motion of the gentleman from Kentucky is made under the special rule, which permits it to be made during the pending of the demand for the previous question or after the previous question is ordered. The demand for the previous question has been made.

Mr. WAIT. Does that prevent the offering of an amendment?

The SPEAKER. The Chair thinks it does.

Mr. WAIT. Then I shall be compelled to vote against the proposition of the gentleman from Kentucky, for it embraces features which should not be in it.

The question being taken on the motion of Mr. WHITE, of Kentucky, it was not agreed to.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the report of the Committee on Accounts.

Mr. WHITE, of Kentucky. Is not that question debatable?

The SPEAKER. The previous question cuts off all debate.

Mr. WHITE, of Kentucky. Do I understand the Speaker to decide that after the previous question has been ordered there is no hour for debate?

The SPEAKER. There has been debate on this proposition.

Mr. WHITE, of Kentucky. Not after the previous question was ordered.

The SPEAKER. There can be none after the previous question is ordered where there has been debate before it was ordered; and there was debate on this proposition before the previous question was ordered by the House.

Mr. REED. Was there debate on this proposition before the previous question was ordered?

The SPEAKER. The gentleman from Maryland [Mr. COVINGTON] and two or three other gentlemen addressed the House.

Mr. WHITE, of Kentucky. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. Is the explanation of the chairman of the Committee on Accounts when making the report to be considered in the nature of debate; and after that, is all other debate to be cut off?

The SPEAKER. The House cut off debate by ordering the previous question.

Mr. WHITE, of Kentucky. But who debated the report?

The SPEAKER. The Chair has stated that several gentlemen participated in the debate. It was very brief, but still the report was debated under the rules of the House.

The question being taken on the adoption of the report, there were—ayes 116, noes 10.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers.

Mr. WHITE, of Kentucky. I move that the House adjourn.

The motion to adjourn was not agreed to.

The SPEAKER. On the question of agreeing to the report the Chair appoints as tellers the gentleman from Kentucky [Mr. WHITE] and the gentleman from Maryland [Mr. COVINGTON].

The House again divided; and the tellers reported—ayes 168, noes 8.

So the report was adopted.

Mr. COVINGTON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING FOR FOREIGN AFFAIRS COMMITTEE.

Mr. CURTIN. I ask unanimous consent to offer a resolution for present consideration. It is in the language exactly of the resolution of last Congress.

The resolution was read, as follows:

Resolved, That the Committee on Foreign Affairs be authorized to have such printing done at the Government Printing Office as it may deem proper and may order.

There being no objection, the resolution was adopted.

Mr. CURTIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House do now adjourn.

Mr. BELFORD. Pending that, I ask the gentleman from Pennsylvania [Mr. RANDALL] to allow me to introduce a resolution for reference to the Committee on Accounts.

Mr. RANDALL. I yield for that purpose.

ALVIN H. PICKENS.

Mr. BELFORD, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay Alvin H. Pickens the difference between his pay as a laborer and that of a page, from January 17 to March 1, 1882, inclusive, and from April 1 to August 8, 1882, inclusive, in all one hundred and seventy-two days, $103.24, out of the contingent fund of the House.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GOFF, for four days.

WITHDRAWAL OF PAPERS.

Mr. ELLIS asked and obtained unanimous consent for the withdrawal from the files of the House of papers in the claims of Judith Perkins and Marie P. Evans; no adverse report.

The motion of Mr. RANDALL was then agreed to; and accordingly (at 4 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: The petition of Philip Thompson, for relief—to the Committee on the District of Columbia.

Also, papers relating to the claim of Arthur Ashton, of Mrs. A. Fant, of Duncan James, of James H. Shumate, of James Smith, and of the Washington and Ohio Railroad Company—severally to the Committee on War Claims.

By Mr. BLAND: Papers relating to the claim of Reinhart Breinneiss, John H. Moas, and others—to the same committee.

By Mr. COOK: The petition of members of the Phil Kearny Post, Grand Army of the Republic, and other citizens of Oskaloosa, Iowa, praying that a pension be granted to Ira McNair, late a private in Company D, Eighteenth Iowa Volunteers—to the Committee on Invalid Pensions.

By Mr. COLLINS: The petition of Sarah Winnemucca Hopkins and 1,500 others, for the restoration of the Piute Indians of the Malheur reservation—to the Committee on Indian Affairs.

By Mr. COVINGTON: The petition of citizens of Wicomico and Baltimore, Md., for the improvement of Wicomico River—to the Committee on Rivers and Harbors.

By Mr. COSGROVE: Papers relating to the claim of Joseph Diehl—to the Committee on War Claims.

By Mr. W. R. COX: Papers relating to the claim of Sophia B. Moore—to the same committee.

By Mr. CUTCHEON: The petition of Mrs. D. Johnson and others, for an amendment to the Constitution of the United States providing for woman suffrage—to the Committee on the Judiciary.

By Mr. CURTIN: The petition of a large number of Pennsylvania farmers, praying Congress to suitably reward Abraham Fultz for the discovery of the Fultz wheat—to the Committee on Agriculture.

Also, the petition of members of Robert M. Foster Post, Grand Army of the Republic, of Lemont, Pa., for the passage of a bill providing for the payment to soldiers the difference between the value of the currency in which they were paid and gold—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. DIBRELL: Papers relating to the payment of certain claims of citizens of Marion County and of James Scott and others—severally to the Committee on War Claims.

Also, papers relating to the claim of Henry Erne—to the Committee on Claims.

By Mr. DUNCAN: The petition of P. A. & S. Small and others, of York, Pa., for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. EATON: Papers relating to Agnes and Maria De Leon—to the Committee on War Claims.

By Mr. ERMENTROUT: The resolutions adopted by the Tobacco Board of Trade of Philadelphia, for an appropriation to pay the rebate on the tobacco tax—to the Committee on Appropriations.

By Mr. FERRELL: The petition of citizens of Cape May County, of citizens of Millville, of citizens of Pemberton, N. J.; of citizens of Philadelphia, Pa.; of citizens of Vineland, N. J.; of citizens of Wilmington, Del., and of citizens of Woodbury, N. J., for an appropriation to build jetties at Corson's Inlet and Townsend's Inlet, on the coast of New Jersey, adjacent to Ludlam Island—severally to the Committee on Rivers and Harbors.

By Mr. FORNEY: The petition of J. M. Smith and others, for equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. GEORGE: Paper relating to the establishment of a certain post-route—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Chamber of Commerce of Astoria, Oreg., for an appropriation for the improvement of the mouth of the Columbia River—to the Committee on Rivers and Harbors.

By Mr. JEFFORDS: Papers relating to the claim of Harper P. Hunt, of Vicksburg, Miss.—to the Committee on War Claims.

Also, the petition of citizens of Vicksburg, for the improvement and restoration of the Vicksburg Harbor—to the Committee on Rivers and Harbors.

By Mr. J. T. JONES: The petition of citizens of Alabama, for the establishment of a mail-route from Tompkinsville to De Sotoville, Ala.—to the Committee on the Post-Office and Post-Roads.

By Mr. JORDAN: Papers relating to the claim of David Hicks—to the Committee on Claims.

Also, papers relating to the claim of James M. Seeds—to the Committee on War Claims.

By Mr. KLEINER: Paper relating to the pension claim of Presly Hale—to the Committee on Invalid Pensions.

By Mr. LAMB: The petition of citizens of Terre Haute, Ind., for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. LAWRENCE: The petition of James E. and William Nourse, administrators, for relief—to the Committee on Claims.

By Mr. MACKEY: Papers relating to the claim of J. W. Collins and others—to the Committee on War Claims.

By Mr. MAYO: The petition of Stewart M. Lewis and Alex. Oglesby, for relief—to the Committee on Accounts.

By Mr. McADOO: The petition of citizens of Hudson County, New Jersey, for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. McCORMICK: The petition of tobacco dealers of Gallipolis, Ohio, for a tobacco-rebate appropriation—to the same committee.

Also, the petition of citizens of Scioto County, Ohio, for an act granting land-warrants to soldiers of the late war—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. MOREY: The petition of Col. T. Worthington, for relief—to the Committee on Military Affairs.

By Mr. MORSE: Papers relating to the claim of the officers and crew of the United States sloop-of-war Cumberland—to the Committee on Naval Affairs.

By Mr. MURRAY: Papers relating to the pension claim of Francis Curran and of John Wheatley—severally to the Committee on Invalid Pensions.

Also, the petition of Anthony McNally, for a pension—to the same committee.

By Mr. NELSON: The petition of citizens of the fifth Congressional district of Minnesota, for the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

Also, the petition of H. H. Russell and others, relative to the timber-culture act—to the Committee on the Public Lands.

By Mr. RANDALL: The petition of citizens of the District of Columbia, concerning the proposed prohibitory legislation for the government of the Potomac fisheries within the limits of the District of Columbia—to the Committee on the District of Columbia.

By Mr. G. W. RAY: The resolutions adopted by Fleming Post, Grand Army of the Republic, of Downsville, N. Y., relative to pensions—to the Committee on Invalid Pensions.

By Mr. REAGAN: Petitions of citizens of Anderson, Cherokee, Freestone, Henderson, Houston, Leon, Nacogdoches, Polk, Robertson, Robinson, Rusk, Shelby, and Trinity Counties, in the State of Texas, asking that the place for holding the United States circuit and district courts for the central portion of the eastern district of Texas be changed from Tyler to Palestine, a central locality—severally to the Committee on the Judiciary.

By Mr. REED: Papers relating to the claim of Victor Beauboucher—to the Committee on Foreign Affairs.

By Mr. ROSECRANS: Papers relating to the claim of Rear-Admiral D. McDougal—to the Committee on Naval Affairs.

By Mr. SMITH: The petition of W. D. Reitzel, relative to extending time in which to file claims for arrears of pension—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Papers relating to the claim of J. Lucas—to the Committee on Claims.

By Mr. VANCE: The petition of S. M. Medlin and 30 others, for a mail-route from Wayside to mouth of Bone Creek, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS: The petition of John S. Fluk and others, for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. WOODWARD: The resolutions adopted by the George W. Bell Post, and of the Matthew Hoyt Post, No. 89, Grand Army of the Republic, Department of Wisconsin, in favor of granting pensions to all soldiers—severally to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *January* 18, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

LADY FRANKLIN BAY EXPEDITION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit for the consideration of Congress a communication from the Secretary of War and the Secretary of the Navy on the subject of an expedition for the relief of Lieut. A. W. Greely and his party, composing what is known as the "Lady Franklin Bay Expedition," which was sent to the Arctic regions in 1881, under the provisions of the acts of Congress approved May 1, 1880, and March 3, 1881.

In the plans for the relief of this party, as arranged with Lieutenant Greely, it was contemplated that an effort would be made to communicate with him and furnish him any needed assistance in 1882 and again in 1883. Subsequently legislation was enacted which required the expedition of 1883 to bring the party home. It was a part of the arrangement that if communication should not be made with him on or before the 1st of September, 1883, he should, with his party, abandon his station at Lady Franklin Bay not later than the above-mentioned date and proceed southward, and would find a well-supplied relief station at the entrance to Smith's Sound, a point where it would not be difficult to reach him during a part of each year. The expeditions of 1882 and 1883 were sent, but neither one of them was able to communicate with Lieutenant Greely, and the last one failed to accomplish any part of its object beyond leaving a very small quantity of stores in the neighborhood of the entrance to Smith's Sound.

The situation of Lieutenant Greely and his party under these circumstances is one of great peril, and in presenting the preliminary views of the board appointed by me to take into consideration an expedition for their relief I urgently recommend prompt action by Congress to enable the recommendations of the Secretary of War and the Secretary of the Navy to be carried out without delay.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 17, 1884.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 7th instant, copies of all important papers in the Treasury Department bearing on the subject of the enforcement of the act of May 6, 1882, "to execute certain treaty stipulations relating to Chinese;" which, with the accompanying documents, was referred to the Committee on Foreign Relations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting reports from Engineer S. T. Abert of the results of surveys of certain creeks and rivers in Virginia and North Carolina, made under his direction in compliance with the requirements of the river and harbor act of August 2, 1882; which, with the accompanying reports, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting reports from Capt. James Mercer of the result of surveys made of Clubfoot Harbor, Newport River, and Edenton Bay, North Carolina, under his direction, in compliance with the requirements of the river and harbor act of August 2, 1882; which, with the accompanying reports, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting reports from Col. Q. A. Gillmore, containing plans and estimates for the improvement of the channel of Saint John's River and other localities in Florida, made in compliance with the river and harbor act of August 2, 1882; which, with the accompanying reports, was referred to the Committee on Commerce, and ordered to be printed.

ACCOUNTS OF ACTING SECRETARY SHOBER.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a report from Mr. F. E. Shober, late Acting Secretary of the Senate, concerning the state of his accounts, &c. The letter of transmittal will be read:

The Chief Clerk read as follows:

OFFICE OF SECRETARY OF THE UNITED STATES SENATE,
Washington, January —, 1884.

SIR: In obedience to the requirements of sections 60, 61, 63, and 72 of the Revised Statutes of the United States, I have the honor to submit a full and com-

plete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under the proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in my possession, from July 1, 1883, to December 18, 1883.

I submit also a full and complete account of all property belonging to the United States in my possession on the 18th ultimo.

Very respectfully, your obedient servant,

F. E. SHOBER, *Late Acting Secretary.*

Hon. GEORGE F. EDMUNDS,
President of the Senate pro tempore.

The PRESIDENT *pro tempore*. This letter, with the accompanying accounts, will be printed and laid upon the table, if there be no objection.

PETITIONS AND MEMORIALS.

Mr. HARRISON presented a petition of the Woman's Christian Temperance Union of Indiana, officially signed, representing 1,824 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquors for drinking purposes; which was referred to the Committee on Education and Labor.

Mr. PIKE presented the petitions of W. A. Leonard, Josiah Dent, and others, citizens of Washington, D. C., and the petition of William Gibson and others, citizens of Washington, D. C., praying for the passage of the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes; which were referred to the Committee on the District of Columbia.

Mr. MILLER, of New York, presented a petition of Fleming Post, No. 280, Grand Army of the Republic, New York, praying for the pensioning of the veterans of the late civil war; which was referred to the Committee on Pensions.

He also presented the memorial of H. Ten Eyck, of New York, remonstrating against the passage of the bill (S. 559) to quiet the title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes; which was referred to the Committee on Public Lands.

Mr. INGALLS. I present a petition numerously signed by colored citizens of the Cherokee Nation of Indians, alleging that they are deprived of their rights under the treaty of 1866; that school privileges are denied them; that they do not receive the pro rata share of the moneys of the tribe to which they are entitled by the terms of that treaty, and asking for appropriate legislation. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. MILLER, of California. I present a petition of about a thousand citizens of California, asking for the repeal of the law of 1820 and the acts supplemental thereto whereby the terms of certain officers of the Government are fixed at four years. Considering the respectability and large number of the petitioners, I trust that some action may be taken upon this matter. I move that the petition be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. MILLER, of California, presented a memorial of the Chamber of Commerce of Eureka, Cal., remonstrating against the consolidation of the Humboldt collection district with that of San Francisco; which was referred to the Committee on Commerce.

Mr. LAPHAM. I present the memorial of Mrs. Harriet D. Welles, widow of Lieutenant Welles of the Army, remonstrating against the passage of Senate bill No. 559. This is a bill relating to the Des Moines River lands, upon which the Judiciary Committee of this body in the Forty-sixth Congress unanimously reported adversely. I believe the bill is now in the hands of the Committee on Public Lands, to which committee I move the reference of this memorial.

The motion was agreed to.

Mr. LAPHAM presented a petition of Fleming Post, No. 280, Grand Army of the Republic, of Downsville, N. Y., praying for the passage of a bill granting additional pensions to those who served in the war of the rebellion; which was referred to the Committee on Pensions.

Mr. PLUMB presented a petition of citizens of Kansas and Nebraska, praying that the body of land known as Oklahoma, in the Indian Territory, be opened to settlement; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. LAPHAM, from the Committee on Patents, to whom was referred the bill (S. 420) for the relief of the Union Metallic Cartridge Company, reported it with an amendment, and submitted a report thereon.

Mr. MILLER, of California, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. 1158) to provide for the execution of the provisions of article 2 of the supplemental commercial treaty of November 17, 1880, between the United States and China for the repression of the opium traffic; which was read twice by its title.

BILLS INTRODUCED.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. 1159) for the relief of Mrs. S. Eunice Nichols; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of California (by request), asked and, by unanimous consent, obtained leave to introduce a bill (S. 1160) granting to Henry Anderson, his associates and assigns, a right of way for the construction of a submarine tunnel between San Francisco and Oakland, Cal.; which was read twice by its title, and referred to the Committee on Commerce.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1161) for the relief of Alfred Hedberg; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BOWEN asked and, by unanimous consent, obtained leave to introduce a bill (S. 1162) granting a pension to Francis A. Liebschutz; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL asked and, by unanimous consent, obtained leave to introduce a bill (S. 1163) for the relief of Anson Atwood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. 1164) to amend section 2325 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Mines and Mining.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 1165) granting a pension to Mathias Wondrak; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. 1166) for the relief of certain officers who have served a specified number of years as captains or as company and regimental staff officers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a bill (S. 1167) for the relief of the estate of Marcus Walker, deceased, late of Franklin, La.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the petition and papers of Jacob and Charles Schnider, of Knoxville, Tenn., be taken from the files of the Senate and referred to the Committee on Claims, there having been no report thereon.

On motion of Mr. VEST, it was

Ordered, That the papers in the case of Richard F. Barrett be taken from the files and referred to the Committee on Claims.

On motion of Mr. GEORGE, it was

Ordered, That the papers now on file in the Secretary's office with Senate bill 1902 of the first session of last Congress be referred to the Committee on Private Land Claims, to be considered in connection with Senate bill introduced this session to grant certain land titles in the State of Mississippi.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers in the claim of John Fraser be taken from the files of the Senate and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1482) making all public roads and highways post-routes;

A bill (H. R. 3036) to enable the courts of the United States in the case of the improper grant of letters patent by reason of fraud and misrepresentation to declare a patent void on application of the Attorney-General; and

A joint resolution (H. Res. 117) to correct an error in the enrollment of the "Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for other purposes," approved March 3, 1883.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1038) making an appropriation for continuing the improvement of the Mississippi River; and it was thereupon signed by the President *pro tempore*.

ELIJAH W. PENNY.

Mr. HARRISON. During my absence the bill (S. 544) granting an increase of pension to Elijah W. Penny was reported adversely from the Committee on Pensions and indefinitely postponed. I understand there was an agreement at the time that upon the request of any Senator that report and disposition of the bill might be set aside and the bill go upon the Calendar. I now make that request with reference to the bill.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that the bill indicated by him, which in his absence was reported adversely and indefinitely postponed, be placed upon the Calendar with the adverse report, the indefinite postponement being reconsidered. Is there objection? The Chair hears none, and that order will be entered.

SAMUEL P. BRONSON.

Mr. COCKRELL. Some days ago the Committee on Pensions reported adversely the bill (S. 359) granting a pension to Samuel P. Bron-

son, and at my instance it was placed upon the Calendar until I could examine the report. I have examined the report, and now ask that that bill be indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the bill (S. 359) granting a pension to Samuel P. Bronson, reported adversely on the 15th of January from the Committee on Pensions, be now indefinitely postponed. Is there objection? The Chair hears none, and that order will be entered.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 3 hours and 50 minutes spent in executive session the doors were reopened.

ADJOURNMENT TILL MONDAY.

Mr. HALE. I move that the Senate now adjourn until Monday next.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 18, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSENGER FOR CHIEF CLERK.

Mr. BLAND, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House be authorized to appoint a boy as messenger in the office of the Chief Clerk of the House, at a salary not to exceed $25 per month, to be paid out of the contingent fund of the House, until otherwise ordered.

ORDER OF BUSINESS.

Mr. SLOCUM. I ask the unanimous consent of the House that to-morrow's session be devoted to the consideration of the bill for the relief of Fitz-John Porter, for debate only.

Mr. BRUMM. I object.

Mr. SLOCUM. I hope no gentleman will object.

The SPEAKER. The gentleman from New York [Mr. SLOCUM] asks unanimous consent that the session of the House to-morrow be set apart for debate only upon the bill for the relief of Fitz-John Porter, no business to be transacted.

Mr. RANDALL. Immediately after the reading of the Journal?

The SPEAKER. Immediately after the reading of the Journal. Is there objection?

Mr. REED. I object.

The SPEAKER. Objection is made.

SICKNESS OF A MEMBER.

Mr. TURNER, of Georgia. I desire to state in behalf of my colleague [Mr. NICHOLLS] that he was detained from the House yesterday on account of sickness.

PUBLIC HEALTH.

Mr. BEACH. I ask unanimous consent to present for reference certain resolutions passed by the American Public Health Association.

The SPEAKER. The gentleman can present them as petitions, and have them referred through the petition-box.

Mr. BEACH. I desire to have them printed in the RECORD.

Mr. KEIFER. Are the resolutions long?

Mr. BEACH. They are not long.

There was no objection; and the resolutions were received, ordered to be printed in the RECORD, and referred to the Select Committee on the Public Health.

The resolutions are as follows:

To the Congress of the United States:

At a meeting of the American Public Health Association, held at Detroit, November 13, 14, 15, 1883, the following preambles and resolutions were adopted:

Whereas the American Public Health Association is the only body representing the sanitary interests of the whole country, and recognizing the fact that these interests require the establishment of sanitary science upon an exact scientific basis, which experience teaches can only be accomplished by pains-taking investigation made by trained experts, and feeling that both policy and proper national pride make it incumbent upon the United States to take an active part in the investigations relating to the cause and prevention of infectious and preventable diseases, which several European nations have promoted in a most liberal manner; and

Whereas the results of these investigations have been of incalculable benefit to the citizens of this country as well as to those of the enlightened nations under whose fostering care they have in great part been made: Therefore,

Be it resolved, That we most earnestly petition the Congress of the United States to make suitable annual appropriations, to be expended under the direction of the National Board of Health in experimental investigations relating to sanitary matters.

Resolved, That an official copy of these resolutions be transmitted to the Speaker of the House of Representatives and the President of the Senate, with the request that proper action be taken thereon.

ALBERT L. GIHON, *President*.
IRVING A. WATSON, *Secretary*.

To the Congress of the United States:

At a meeting of the American Public Health Association, held at Detroit, November 13, 14, 15, 1883, the following preambles and resolutions were adopted:

Whereas an act entitled "An act to prevent the introduction of contagious and infectious diseases into the United States," approved June 2, 1879, has expired, in conformity with the provision which limited its duration to four years; and

Whereas, by the testimony of the health authorities of the maritime ports and States and of the States and municipalities of the Mississippi Valley most exposed to the dangers of infectious and contagious diseases of foreign origin, the execution of the act in question by the National Board of Health was attended with most beneficial results in preventing the introduction of pestilences into the country and their spread from one State into another, by securing the best sanitary conditions of the commercial marine; by the creation of refuge stations for infected vessels coming to the ports of the United States; by organizing a system of steamboat and railroad inspections which controlled the spread of infection from State to State with the least possible interruption to travel and traffic; by the publication and dissemination of weekly information of the sanitary condition of ports and places in the United States and of the commercial nations; and by aiding and co-operating with State and local boards of health in their efforts to prevent and suppress epidemics: Therefore,

Resolved, That in the opinion of this association, representing the health authorities and sanitary organizations of the United States, the law of June 2, 1879, above referred to, was a wise and judicious measure, admirably adapted, as experience proves, to secure, within proper limits, the co-operation of the General Government with State and local boards of health in the prevention and control of pestilences, which by their tendency to wide diffusion and devastation always assume, on their appearance, a national importance.

Resolved, That this association hereby expresses its regret that the above-mentioned law was allowed to expire by limitation, and now respectfully, but earnestly, recommends that Congress, in view of the always impending danger from yellow fever and the possible near invasion of cholera, re-enact the law of June 2, 1879, or effect such legislation as will accomplish the results heretofore accomplished by it.

Resolved, That a copy of these resolutions, signed by the officers of the association, be transmitted to the President of the Senate of the United States and to the Speaker of the House of Representatives.

ALBERT L. GIHON, *President*.
IRVING A. WATSON, *Secretary*.

To the Congress of the United States:

At a meeting of the American Public Health Association, held at Detroit, November 13, 14, and 15, 1883, the following preambles and resolutions were adopted:

Whereas by the Constitution of the United States, as interpreted by the Supreme Court, the several States (having no jurisdiction) are unable to prevent or mitigate the evils caused by the introduction of unsound immigrants: Now, therefore,

Be it resolved by the American Public Health Association in annual session (at Detroit, Mich., November 15, 1883), That the attention of Congress is earnestly called to the various and many evils resulting to the American people from the large number and undue proportion, according to population, of insane, criminals, and paupers among our foreign-born population, and to the urgent necessity for the enactment by Congress of efficient laws and agencies to prevent, as far as possible, the coming of these foreign, defective, and criminal people to burden our resources, and to deprave, by the transmission of their defects to their children, the mental, moral, and physical qualities of our present and future people.

Resolved, That the president and secretary of this association be, and they are hereby, instructed to transmit a copy of this preamble and of these resolutions to the President of the Senate and one to the Speaker of the House of Representatives for presentation to the Congress of the United States.

ALBERT L. GIHON, *President*.
IRVING A. WATSON, *Secretary*.

To the Congress of the United States:

At a meeting of the American Public Health Association, held at Detroit, November 13, 14, 15, 1883, the following preambles and resolutions were adopted:

Whereas the collections known as the Army medical museum and library of the Surgeon-General's Office, located in Washington, D. C., and recognized as among the most complete and valuable of their kind in the world, and as their practical usefulness has been abundantly demonstrated by the interest with which they are regarded by the medical profession both at home and abroad; and

Whereas, by reason of the insecurity and unsuitability of the building in which they are now placed, they are in constant danger of damage or destruction, from which would ensue irreparable loss: Therefore,

Resolved, That in the opinion of the American Public Health Association the inestimable value of these collections demands from Congress such fair consideration of the merits involved as will secure an appropriation of sufficient amount to provide a fire-proof building of adequate size and suitable construction for the present and future uses of the museum and library.

Resolved, That the Army medical museum and library of the Surgeon-General's Office are inseparable in object and interest, and only capable of the greatest usefulness when under one control and management; that this association views with regret and disfavor any attempt to separate the two.

Resolved. That the work now in progress, under the direction of the Surgeon of the Army, entitled "An Index-Catalogue of the Library of the Surgeon-General's Office," is also one in which the sanitarians of the United States are greatly interested, and should receive the substantial aid and encouragement of Congress, with a view to its speedy and certain completion.

Resolved, That a copy of these preambles and resolutions be forwarded to the Speaker of the House of Representatives and also to the President of the Senate, requesting attention and legislation to effect the objects above set forth.

ALBERT L. GIHON, *President*.
IRVING A. WATSON, *Secretary*.

J. J. M'ELHONE.

Mr. CANNON, by unanimous consent, from the Committee on Appropriations, reported a joint resolution (H. Res. 117) to correct an error in the enrollment of the bill making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, approved March 3, 1883; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed for a third reading.

The joint resolution was read, as follows:

Resolved, &c., That the sum of $1,000 is hereby appropriated to pay J. J. McElhone, chief of the corps of official reporters of the House of Representatives, for extra services and for clerk-hire paid out by him during the second session of the Forty-seventh Congress.

The joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. CANNON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT ALLEGHENY, PA.

Mr. BAYNE, by unanimous consent, introduced a bill (H. R. 3554) for the construction of a public building for the accommodation of the post-office and other Government offices in the city of Allegheny, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

L. P. AND F. CHESTER.

Mr. BAYNE, by unanimous consent, also introduced a bill (H. R. 3555) for the relief of Luster P. Chester and Freeland Chester, and Luster P. Chester and Freeland Chester, executors of Thomas R. Chester; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCRETIA G. RIPLEY.

Mr. WAIT, by unanimous consent, introduced a bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. WILLIAM H. GILL.

Mr. BINGHAM, by unanimous consent, introduced a bill (H. R. 3557) for the relief of Capt. William H. Gill; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. VALENTINE. I ask consent to introduce a bill for reference.

Mr. TOWNSHEND and others called for the regular order.

Mr. BRUMM. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BRUMM. I have a resolution which I wish to offer.

The SPEAKER. The gentleman will state what is his question of privilege.

Mr. BRUMM. It is a resolution affecting the dignity and honor of members of this House.

FOREIGN RELATIONS.

The SPEAKER. The resolution will be read, and then the Chair will decide whether it is a question of privilege or not.

The Clerk read as follows:

Resolved, That the Committee on Foreign Affairs be instructed to make inquiry as to whether any foreign minister accredited to the Government of the United States has endeavored to nullify the effects of a unanimous resolution of this House by representations reflecting on the honor and integrity of its members.

Mr. RANDALL. Let that resolution be referred.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] objects to the resolution unless it is referred.

Mr. BRUMM. Let it be referred to the Committee on Foreign Affairs. That is all I ask at present.

There being no objection, the resolution was referred to the Committee on Foreign Affairs.

ORDER OF BUSINESS.

The SPEAKER. The regular order being called for, the Chair will proceed to call the committees for reports of a private nature.

Mr. SLOCUM. I move that the morning hour be dispensed with.

The SPEAKER. The motion requires a two-thirds vote.

The question being taken, there were—ayes 120, noes 50.

Mr. REED. I call for tellers.

Tellers were ordered; and Mr. REED and Mr. SLOCUM were appointed.

The House divided; and the tellers reported—ayes 158, noes 78.

So (two-thirds having voted in the affirmative) the motion to dispense with the morning hour was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. NICHOLLS, for to-day, on account of illness.

To Mr. FINERTY, until Monday next, on account of illness in his family.

To Mr. JAMES, for this day.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. 1038) making an appropriation for continuing the improvement of the Mississippi River.

SUSPENDED ENTRIES OF PUBLIC LANDS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a list of suspended entries of public lands acted on by the board of equitable adjudication; which was referred to the Committee on the Public Lands, and ordered to be printed.

ENGINE-HOUSE, GEORGETOWN, D. C.

The SPEAKER also laid before the House the following communication from the Commissioners of the District of Columbia; which was read, and referred to the Committee on Appropriations:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 15, 1884.

SIR: The commissioners have the honor to submit herewith the following, to be considered by the Committee on Appropriations:

"To enable the commissioners of the District of Columbia to pay the sums due upon contracts for the Georgetown fire-engine house the sum of $1,700, or so much thereof as may be necessary, is hereby appropriated out of the surplus revenues of the District of Columbia for the year ending June 30, 1883."

First. By act of April 1, 1882, sale of certain property was authorized and proceeds devoted to the erection of an engine-house in Georgetown.

Second. The property was sold, including the fish wharf—this piece was bid off to Walter Hawkes for $2,100, who paid $500 down.

Third. A contract was made and the building, upon completion, was occupied as designed, but Hawkes has not paid the remainder due by him.

Fourth. This amount needed includes the expense of sale, &c., and can be reimbursed to the District of Columbia by another sale as soon as an opportunity shall offer.

Fifth. No appropriation of the money of the United States is called for by this amendment.

All of which is respectfully submitted by your obedient servants,

J. B. EDMONDS,
J. R. WEST,
G. J. LYDECKER, *Maj. Engrs., U. S. A.*,
Commissioners.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives, U. S.

ORDER OF BUSINESS.

Mr. SLOCUM. I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House (Mr. SPRINGER in the chair), and proceeded to the consideration of business on the Private Calendar.

FITZ-JOHN PORTER.

The first business on the Calendar was the bill (H. R. 1015) for the relief of Fitz-John Porter.

The bill was read, as follows:

Whereas the board of Army officers convened by the President of the United States by special orders No. 78, headquarters of the Army, April 12, 1878, to examine into and report upon the case of Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, having by their report of March 19, 1879, stated that in their opinion "justice requires at his (the President's) hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz-John Porter, and to restore him to the positions of which the sentence deprived him, such restoration to take effect from the date of dismissal from the service;" and

Whereas the President, on the 4th day of May, 1882, remitted so much of the sentence of said court-martial remaining unexecuted as "forever disqualified the said Fitz-John Porter from holding any office of trust or profit under the Government of the United States:" Therefore, that justice may be done the said Fitz-John Porter, and to carry into effect the recommendation of said board,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank, together with all the rights, titles, and privileges held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863, and, in his discretion, to place him on the retired-list of the Army as of that grade, the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only; but this act shall not be construed as authorizing pay, compensation, or allowance prior to appointment under it.

Mr. SLOCUM. I call for the reading of the report of the committee.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill for the relief of Fitz-John Porter, late major-general United States volunteers, having carefully considered the subject, beg leave to submit the following report:

On the 27th day of November, 1862, a court-martial was convened at Washington, D. C., by order of Major-General Halleck, general-in-chief of the armies of the United States, for the trial of certain charges and specifications exhibited against Maj. Gen. Fitz-John Porter, United States Volunteers, by B. S. Roberts, inspector-general on the staff of General Pope, for violations of the ninth and fifty-second articles of war. Said Porter was by said court-martial found guilty of both charges and a part of the specifications, and was sentenced "to be cashiered and forever disqualified from holding any office of trust or profit under the Government of the United States," which finding and sentence were approved by the President of the United States January 21, 1863.

Upon the application of General Porter, President Hayes appointed Maj. Gen. John M. Schofield, Brig. Gen. A. H. Terry, and Col. G. W. Getty a board to examine the record of the trial of General Porter, together with such new evidence relating to the merits of the case as is on file in the War Department, and such other evidence as may be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion, justice requires should be taken by the President.

On the 19th of March, 1879, this board made a report, from which the following are extracts, namely:

NEW YORK CITY, *March* 19, 1879.

To the honorable the SECRETARY OF WAR, *Washington, D. C.:*

SIR: We, the board of officers appointed by order of the President to examine the evidence in the case of Fitz-John Porter, late major-general of volunteers,

and to report, with the reasons for our conclusions, what action (if any), in our opinion, justice requires should be taken by the President on the application for relief in that case, have the honor to make the following report. The recorder has been directed to forward to the Adjutant-General of the Army the printed record of our proceeding, including all the evidence examined and the arguments of counsel on either side.

We have made a very thorough examination of all the evidence presented and bearing in any manner upon the merits of the case. The recorder has, under instructions from the board, sought with great diligence for evidence in addition to that presented by the petitioner, especially such as might appear to have a bearing adverse to the claims urged by him.

Due care has been exercised not to inquire into the military operations of the Army of Virginia, or the conduct of officers thereof, any further than has seemed necessary to a full and fair elucidation of the subject submitted to us for investigation. On the other hand, we have not hesitated to examine fully into all the facts, accurate knowledge of which seemed to us to be necessary to the formation of a correct judgment upon the merits of the case, and to the determination of the action which justice requires should be taken by the President on the petitioner's application for relief.

We have had the benefit of the testimony of a large number of officers of the late confederate army, a kind of testimony which was not available at the time of General Porter's trial by court-martial. We have also availed ourselves of the testimony of many officers and soldiers of the Union forces who were present on the battle-field, and of much documentary evidence, to throw additional light upon points not made perfectly clear in the record of evidence taken before the court-martial, and we have had the use of accurate maps of the battle-field of Manassas, constructed from recent actual surveys made under the direction of the Chief of Engineers by a distinguished officer of that corps, who was himself a participant in that battle.

Without such a map neither the testimony upon which General Porter was convicted nor the additional testimony submitted to this board could have been correctly understood.

The evidence which we have thus been able to examine, in addition to that which was before the court-martial, has placed beyond question many important facts which were before the subjects of dispute, and in respect to some of which radically erroneous opinions were entertained by General Porter's accusers, and doubtless by the court-martial that pronounced him guilty.

The result has been, as we believe, to establish beyond reasonable doubt all the facts essential to the formation of a correct judgment upon the merits of the case of Fitz-John Porter. We are thus enabled to report, with entire unanimity, and without doubt in our minds, with the reasons for our conclusions, what action, in our opinion, justice required should be taken by the President on the petitioner's application for relief.

The report then discusses the evidence taken, and concludes as follows:

General Pope appears from his orders and from his testimony to have been at that time wholly ignorant of the true situation. He had disapproved of the sending of Ricketts to Thoroughfare Gap to meet Longstreet on the 28th, believing that the main body of Lee's army could not reach the field of Manassas before the night of the 30th. Hence, he sent the order to Porter, dated 4.30 p. m., to attack Jackson's right flank or rear. Fortunately that order did not reach Porter until about sunset, too late for any attack to be made. Any attack which Porter could have made at any time that afternoon must necessarily have been fruitless of any good result. Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union Army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration. The only seriously critical period of that campaign, viz, between 11 a. m. and sunset of August 29, was thus safely passed. Porter had understood and appreciated the military situation, and so far as he had acted upon his own judgment his action had been wise and judicious. For the disaster of the succeeding day he was in no degree responsible. Whoever else may have been responsible, it did not flow from any action or inaction of his.

The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted. Especially was this true in respect to the character of the battle of the 29th of August. That battle consisted of a number of sharp and gallant combats between small portions of the opposing forces. Those combats were of short duration and were separated by long intervals of simple skirmishing and artillery duels. Until after 6 o'clock only a small part of the troops on either side were engaged at any time during the afternoon. Then, about sunset, one additional division on each side was engaged near Groveton. The musketry of that last contest and the yells of the confederate troops about dark were distinctly heard by the officers of Porter's corps; but at no other time during all that afternoon was the volume of musketry such that it could be heard at the position of Porter's troops. No sound but that of artillery was heard by them during all those hours when Porter was understood by the court-martial to have been listening to the sounds of a furious battle raging immediately to his right. And those sounds of artillery were by no means such as to indicate a general battle.

The reports of the 29th and those of the 30th of August have somehow been strangely confounded with each other. Even the confederate reports have, since the termination of the war, been similarly misconstrued. Those of the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th. The fierce and gallant struggle of his own troops on the 30th has thus been used to sustain the original error under which he was condemned. General Porter was, in effect, condemned for not having taken any part in his own battle. Such was the error upon which General Porter was pronounced guilty of the most shameful crime known among soldiers. We believe not one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.

The evidence of bad animus in Porter's case ceases to be material in view of the evidence of his soldierly and faithful conduct. But it is our duty to say that the indiscreet and unkind terms in which General Porter expressed his distrust of the capacity of his superior commander can not be defended. And to that indiscretion was due, in very great measure, the misrepresentation of both his motives and his conduct and his consequent condemnation.

Having thus given the reasons for our conclusions, we have the honor to report, in accordance with the President's order, that, in our opinion, justice requires at his hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz-John Porter, and to restore him to the positions of which that sentence deprived him—such restoration to take effect from the date of his dismissal from service.

Very respectfully, your obedient servants,

J. M. SCHOFIELD,
Major-General, U. S. Army.
ALFRED H. TERRY,
Brigadier-General, U. S. Army.
GEO. W. GETTY,
Brevet Major-General, U. S. Army, Colonel 3d Artillery.

The following letter accompanied the bill which was referred to this committee. In view of the high positions held by General Grant in the civil as well as military history of our country, we have deemed it proper to make this letter a part of our report, viz:

NEW YORK, *November* 3, 1883.

DEAR GENERAL: As there is some discussion as to the probable reasons for my change of mind in regard to your case, now pending before the people of the United States, I deem it proper that I should give them myself.

In the first place I never believed you to be a traitor, as many affected to believe. I thought I knew you too well to believe for one moment that you would accept the pay, rank, and command you held for the purpose of betraying the cause you were professing to serve. Then, too, your services had been too conspicuous as a staff officer at the beginning of the war and as commander of troops later to support such a theory for a moment.

But I did believe that General Pope was so odious to some of the officers in the East that a cordial support was not given him by them. I was disposed, too, to accept the verdict of a court-martial composed as the one which tried you was. Some of the members of that court I knew personally, and had great confidence in their judgment and justice. I supposed you had shared in this feeling toward Pope, and while not more guilty than others, you were unfortunate in being placed in a position where specifications could be made showing this hostility.

After the close of the war, when I was requested to read your new defense, I read it with the feeling above described. At the same time I read the other side as prepared—or furnished—by General Pope. This gave maps showing the positions of the two armies substantially as shown by the first of the diagrams presented by Mr. Lord, of San Francisco, from whom I copied in the article in your case, and did not indicate the presence of any other force than Jackson's. Then, too, it appeared that you had actually received an order at about 5 or 5.30 in the afternoon of August 29 to attack the enemy's flank, and that, too, at a time when a fierce battle was raging in the front.

I was first shaken in my views, however, when such a man as General Terry, who unites the lawyer with the soldier—a man of high character and ability, and who had believed as I had, and possibly worse—after many weeks of investigation should entirely vindicate you, and be sustained too by men of the known ability of his colleagues on the board. Until in 1881, when I re-examined for myself, my belief was that on the 29th of August, 1862, a great battle was fought between General Pope, commanding the Union forces, and General Jackson, commanding the confederate forces; that you, with a corps of twelve or more thousand men, stood in a position across the right flank of Jackson and where you could easily get into his rear; that you received an order to do so about 5 or 5.30 o'clock, which you refused to obey because of clouds of dust in your front, which you contended indicated an enemy in superior force to you; that you allowed Pope to get beaten while you stood idly looking on, without raising an arm to help him. With this understanding, and without a doubt as to the correctness of it, I condemned you.

Now, on a full investigation of the facts, I find that the battle was fought on the 30th of August; that your corps, commanded directly by you in person, lost a greater percentage than any other corps engaged; that the 4.30 order of the day before did not reach you until nightfall; that your immediate superior had cautioned you early in the day that you were too far out to the front then; that General Pope had cautioned you against bringing on an engagement except under such circumstances as he described, and that in any event you must be prepared to fall back behind Bull Run that night, where it would be necessary for you to be to receive supplies; that from 11 o'clock of the 29th you were confronted by a force of twice your own number, of whose presence you had positive proof, while General Pope did not know of it.

This last fact is shown by the wording of the 4.30 order. It directed you to attack the enemy's right and to get into his rear. General Pope's circular of the morning of the 29th said that General Lee was advancing by way of Thoroughfare Gap. At the rate at which he was moving he would be up the night of the 30th or the morning of the 31st.

In his testimony before the court-martial which tried you he said, under oath, that he did not know of the arrival of Lee's command until 6 o'clock of the 29th, an hour and a half after he had dictated the order for your attack.

His circular and testimony prove conclusively that Jackson, and Jackson alone, was the enemy he intended you to attack. Your knowledge of this fact, as well as of the fact that you had another force quite double yours in addition in your front, would have been sufficient justification for your not attacking, even if the order had been received in time. Of course this would not apply if a battle had been raging between Jackson and Pope. At the hour you received the order all was quiet.

This very short, hastily written, and incomplete summary shows why and when my mind underwent a change. I have no doubt now but the change would have taken place in 1867 if I had then made an investigation. I regret now that I did not understand your case then as I do now. Your whole life since your trial, as well as your services before, disprove the great burden of the charges then sustained by a court-martial. As long as I have a voice it shall be raised in your support without any reference to the effect upon me or others. Your restoration to the Army simply I would regard as a very inadequate and unjust reparation. While men—one at least—have been restored to the Army because of their gallantry and wounds after conviction and sentence, and when there is no doubt of their guilt, are given all their pay for the years they were out of the service, I can see no reason for your having less.

I hope for you a thorough vindication, not only by Congress, but in the minds of your countrymen.

Faithfully, yours,

U. S. GRANT.

General F. J. PORTER, *Morristown.*

It appears from the proceedings of the court-martial which tried General Porter that during the progress of the trial the following letter was read in open court, namely:

WAR DEPARTMENT,
Washington City, D. C., January 5, 1863.

GENERAL: The state of the service imperatively demands that the proceedings in the court over which you are now presiding, having been pending more than four weeks, should be brought to a close without any unnecessary delay. You are therefore directed to sit without regard to hours, and close your proceedings as speedily as may be consistent with justice and the public service.

EDWIN M. STANTON,
Secretary of War.

Major-General HUNTER, *President, &c.*

One of the most important points involved in the trial of General Porter was as to the position of certain corps and divisions of the confederate army at particular hours during the battle. The evidence of the confederate officers commanding these corps and divisions could not be obtained at that time.

After the lapse of sixteen years, when the passions and prejudices existing during the original trial had abated, when the reports of the confederate officers as to the position of their commands could be obtained, and when these officers themselves could appear and give evidence, when the proceedings could be conducted without unseemly haste, a board, composed of the most distinguished officers of our Army, is convened by the President to review the case and take this additional evidence.

The conclusions of this board are presented to us in the extracts from their report above quoted. These conclusions are most earnestly indorsed and approved by General Grant, whose opinions upon a subject of this nature are certainly entitled to the consideration of his countrymen.

The question presented to Congress is: Shall the decision of a court held in the heat and excitement of a civil war, laboring under such disadvantages in securing important evidence, stand as the final verdict of our Government as against the later and more exhaustive researches of a board composed of the

most distinguished officers of our Army, possessing every means of securing evidence.

In considering this case it should not be forgotten that while we know the recent board was unanimous in its decision, no one outside the members of the original court knows, or ever can know, how the vote of that court stood. For aught that is known to the contrary the vote for the conviction of Porter may have been carried by a single member, and that member may have been the one who left his seat as a judge in the case and became the most important witness against the accused.

Under the circumstances your committee believe that the report of the board appointed by the President should have the greater weight; and we therefore respectfully recommend the passage of the bill herewith submitted.

W. S. ROSECRANS, *Chairman.*
H. W. SLOCUM.
G. G. DIBRELL.
JOHN C. NICHOLLS.
R. M. MURRAY.
THEODORE LYMAN.
W. A. DUNCAN.
MARTIN MAGINNIS.
FRANK L. WOLFORD
CHARLES H. MORGAN.
JAMES LAIRD.
THOS. M. BAYNE.

Mr. STEELE. I desire to have read in connection with the majority report the report of the minority.

The CHAIRMAN. If there be no objection the views of the minority of the Committee on Military Affairs upon this bill will now be read. The Chair hears no objection.

The Clerk read as follows:

The minority of the Committee on Military Affairs submit the following as among the reasons why it can not support the bill (H. R. 1015):

Should the bill as reported by the majority become a law it restores Fitz-John Porter, late a major-general of the United States volunteers, and a brevet brigadier-general of the Army, to a position as colonel in the Army, with the same grade and rank, together with all the *rights*, titles, and privileges held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863, and, in the discretion of the President, to place him on the retired-list of the Army of that grade, and especially increases the retired-list for that purpose, but says the act shall not be construed as authorizing pay, compensation, or allowance prior to appointment. This bill sets aside the judgment of the highest military tribunal ever organized in this country, thereby conflicting with the very spirit of our Constitution. It will say the judgment of that court was either corrupt, or founded upon mistaken or faulty evidence, although taken when the events were fresh in the minds of the witnesses, and that we have a higher regard for the evidence of the officers in the army we were fighting at that time than we have for that given by those fighting on our side.

The minority do not feel warranted in saying that it was the intention of the framers of the bill to give Mr. Porter pay from the date of his dismissal, but a careful reading of it, in the opinion of your minority, will leave it an open question whether or not he would not be authorized under it to receive such pay. It "authorizes his appointment as colonel, with the same grade and rank held by him at the date of his dismissal, with all the rights, titles, and privileges held by him at that time," and among his rights was the one to draw pay; so that while this bill may not give him pay directly, it gives him his original status in the Army, and would thereby give him the same right to draw pay as was and is vested in any colonel in the Army on the active-list until the President should see proper to retire him, when he would receive two-thirds pay as colonel with 40 per cent. service allowance, *i. e.*, $4,500 per annum as full pay, or $3,000 retired pay from any date he would hereafter be retired; so that the minority of your committee suggests that if it is not the intention of the bill to give pay under or by it, the words "appointment under it," at the last of the bill, be stricken out and the words the "passage of this act" be inserted.

The minority of your committee is pleased to adopt the able report of the minority of the Committee on Military Affairs of the Forty-sixth Congress on a similar bill for the relief of Mr. Porter, and to make it a part of this report so far as it applies to this bill under consideration, viz, as expressing in the main our views:

[House report, No. 129, Forty-sixth Congress, second session.]

VIEWS OF THE MINORITY.

The minority of the Committee on Military Affairs submit the following report, giving some of the reasons why they can not approve and support House bill 2976. That bill, which meets with the approval of the majority, sets aside and revokes the findings of the court-martial by which Fitz-John Porter was cashiered, on the grounds that the findings and sentence "were based in error and without due knowledge of the facts in the case." It also restores him to the service of the United States, with all the rank and privileges to which he would have been entitled had there been no court. It creates the new and, so far as we know, heretofore unknown position of supernumerary colonel for him, to be held by him until a vacancy occurs, when he is to be regularly assigned; and it gives him the retired pay of a major-general and colonel, amounting, in the aggregate, to the enormous sum of between fifty and sixty thousand dollars.

All this, as the majority say, because he has had a wrong done him; because he has been deprived of the rights of citizenship upon unfounded charges, and because he has been at great expense in vindicating his character and conduct as an officer and soldier from the disgrace and obloquy cast upon him. To each and every one of these assertions the minority of your committee object, and from the conclusions drawn and the bill itself they dissent.

It is with great regret and a very considerable degree of embarrassment that they find it necessary to do so. Regret, because no one can read unmoved the appeals of General Porter; and embarrassment, because the majority have adopted as the basis of their report the finding and recommendation of the board of officers convened by the President of the United States in June, 1878. That board was composed of three distinguished officers of the Army—two graduates of the Military Academy—and naturally, perhaps, its report is entitled to weight. Notwithstanding this, the minority of your committee, in the discharge of the duty imposed upon them, do not hesitate to antagonize the findings of the board, and to express the opinion that they were based largely upon evidence not fairly or properly applicable to a correct determination of the case.

At all events the record shows that although the board was convened by the President in order that "he might be fully informed of the facts of the case," the information given by it only satisfied him—to quote his language—"that he ought to lay the proceedings and conclusions before Congress." In this shape and in this manner it has reached the Committee on Military Affairs, and, with a clear understanding of the apparent presumption of the non-professional and ex-volunteer mind criticising the conclusions of a board of regular officers, we have the honor to submit the following:

In August, 1862, Fitz-John Porter was a major-general of volunteers, colonel and brevet brigadier-general in the regular Army, and in command of the Fifth Army Corps. For certain alleged offenses he was tried and convicted by a court-martial and sentenced to be cashiered, and on 21st of January, 1863, the sentence was approved by Abraham Lincoln, then President of the United States. In this connection it is proper to state that the appeal made by Porter to President Lincoln in August, 1863, for a reopening of the case was disregarded, as were the subsequent ones to President Johnson in 1867 and to President Grant in 1869. The charges upon which General Porter was tried were violation of the ninth and fifty-second articles of war, the punishment of which was death, or such other penalty as a court-martial might inflict. Generally speaking they provide for the punishment of any officer or soldier who disobeys the command of his superior officer or for the punishment of any officer or soldier who misbehaves himself in the presence of the enemy.

On these charges General Porter was found guilty, was cashiered, and forever disqualified from holding any office of profit or trust under the Government of the United States. His trial was held within a few months of the battle of Manassas, and when witnesses who were present on the side of the national forces were easily obtained. The movements of the armies were fresh in the minds of those interested; the court was composed of men eminent in their profession, six of them graduates of West Point, some intimate personal friends of the accused, and some have become equally eminent in civil life; and nothing has been shown to convince us that they were not honestly anxious to do justice in accordance with their oaths, without partiality, favor, or affection. Porter himself made no objection to the detail of the court, and, in addressing it, said: "Yourselves most, if not all, have known me well."

The proceedings lasted for forty-five days, and many witnesses appeared before it, including Generals Pope, McDowell, Heintzelman, Morell, Griffin, Reynolds, Sykes, Butterfield, and Buford, who commanded corps, divisions, and brigades on the days of the 27th, 28th, 29th, and 30th of August, 1862. In addition, the court had the benefit of the testimony of Generals McClellan, Burnside, Parke, and others, who were not present in the action, but were conversant with some of the facts connected with it, and the accused was represented by distinguished counsel. After a patient investigation the court reached its conclusions, and the minority of your committee, after as careful an examination of the proceedings as possible under the circumstances, do not hesitate to say that they fail to see how from the evidence the court could have determined otherwise. At the time, and perhaps since, efforts were made to make it appear that some scape-goat was necessary for the disasters of that most disastrous campaign. Then, and possibly since, suggestions were made that Porter's trial was a persecution, that it was partisan or political, and that perhaps some one else was aimed at through him. Assertions like these, to which more or less publicity was given by the press, attracted much attention to the case, and in consequence it has been loaded down by all sorts of criticisms reflecting upon many distinguished men, and, in our judgment, foreign to its merits.

The minority of your committee at the outset express no opinion in regard to the wisdom of many, or any, of General Pope's movements, from the time when he assumed command of the Army of Virginia until he relinquished it. Neither do they deem it at all necessary that they should express any opinion in regard to his competency for the place to which the President had called him. Competent or incompetent, he was there by proper authority, and he was General Porter's lawful superior from the time he reported to him for duty. The orders he issued to Porter he had the right to issue, and he also had the right to expect that they would receive unquestioning and cheerful obedience. Almost from the time when Porter disembarked at Aquia Creek and marched from there to the Rappahannock and until after the battle of Manassas, he kept up a correspondence with General Burnside then and until he reported to Pope, his superior officer.

Many, perhaps all, of these dispatches are published in part 1 of Senate Ex. Doc. 37, Forty-sixth Congress, and we invite attention to them to show the spirit in which General Porter marched to report for duty to General Pope, and the spirit in which he received orders, statements, and explanations from him. Complaining, doubting, fault-finding, and critical, they indicate very clearly an utter want of confidence in General Pope, and a determination to sit in judgment upon him, his orders, and his acts. Loyalty to his chief, in the sense that he was to give a cheerful if not an eager obedience and support to him, there was none; but, on the contrary, he manifested so querulous a disposition, that even the board which apologizes for him find him censurable in this respect (see paragraph III, page 25, Report of Board of Officers). That he disobeyed positive orders is undeniable; and that he rendered himself amenable to the same strict rule and letter of the law that he was constantly applying to his chief is, in our opinion, equally undeniable.

The excuse or justification for his disobedience is set forth fully in the report of the board, now adopted as the report of the majority of your committee; and its refutation in detail will require more time and space than can be given in this report. Largely, if not exclusively, the board relies for their conclusions, in regard to the second charge especially, upon testimony gathered from confederate sources since the suppression of the rebellion to show that on the 29th of August, 1862, Fitz-John Porter deserved well of the Republic by not attacking on or near the Gainesville road. Such an attack, they say, would have been not only a "great blunder," but a "great crime;" failure to attack "saved the Union Army from disaster on that day," and "his conduct was obedient, subordinate, faithful, and judicious."

With deference to this distinguished board, the minority report that those are questions for discussion; that they will be prepared to discuss them before the House and the country at the proper time; and that they believe they can establish by evidence that on that day (the 29th of August, 1862) Fitz-John Porter's conduct was not "obedient," was not "faithful," was not "judicious." They further say that they do not believe that the proper rule by which to judge Fitz-John Porter's conduct is the one that permits the subsequent testimony and statements of confederate officers to be used to establish his innocence. What he must be held responsible for, in our opinion, is what he knew at the time, not what he has discovered since from confederate sources. We do not question the right of General Porter to introduce this newly discovered evidence before the board of officers, because the terms of the order convening it authorizes him to do so; but we do emphatically dissent from the opinion that confederate testimony is not only to acquit Fitz-John Porter and restore him to his former rank in the Army, but to convict the court which tried him.

On the 29th of August he had no information, so far as we can discover, beyond what other Federal officers had of the character of the force confronting him. What he did know, however, was that he was ordered to "push toward Gainesville;" that subsequently he was ordered in express terms to attack; that he failed to do so, and he had the serious problem presented to him throughout the greater part of the day of remaining inactive within striking distance of the enemy, while the thunder of the guns near Groveton indicated serious work between the enemy and his comrades but three miles distant on his right. Even if it be admitted that the confederate testimony and confederate reports are to determine the right or the wrong of the action of a Union corps commander on the day of battle or in the presence of the enemy, and they are to be made the foundation for his restoration to the Army and the receipt of a large money award, we deny that those reports are so unanimous or so pertinent as to warrant the conclusions of the board and of the majority of your committee. (See reports of confederate generals Lee, Hill, Longstreet, Stuart, and others.)

The reference by the board of officers to the action of Porter and his command on the 30th of August, in order, as they state, "to fully understand the case," is, in the opinion of the minority, not only foreign to it, but wholly out of place. His presence on the battle-field on that day was in consequence of a peremptory order, issued in terms so direct and distrustful that it clearly expressed the opinion of his superior officer that he had signally failed in his duty on the 29th. No discretion was possible under it, but the board do not hesitate to say that at

first sight it would appear that in his prompt and unhesitating movement under this order General Porter committed a "grave fault." They assume that upon its receipt he was on what they are pleased to call the "field of battle," confronting the enemy "in force," and "holding a position of vital importance to the security of Pope's army." That he was not on the field of battle in the sense sought to be conveyed by the board is shown not only by testimony of witnesses, but by the absence of the usual results of a battle—the record of the killed and wounded in his command. That he was confronting the enemy is true, but the battle had been going on for the greater part of the day, some three miles from him on the right, while he remained inactive or substantially so, confronted by a force that, outside of confederate sources, we have no reason to believe was large or dangerous. Until the arrival of McDowell, at about 12 o'clock, communicating the dispatch of Buford that seventeen regiments and a battery had passed "through Gainesville up the pike toward Centreville," there was nothing to show the presence of anything but cavalry in Porter's vicinity, and it was not until 3 o'clock that the officer in command of the skirmishers announced the presence of a large force in the front. At no time during the day was a reconnaissance in force made or a vigorous effort to develop his strength, and it is mere guesswork to say that the forces reported by Buford passed down the road toward Manassas and in the direction of Porter.

Notwithstanding the conviction that forced itself upon the board that Porter very nearly committed a "grave fault" in obeying the order dated at 8.50 on the night of the 29th, they do, however, conclude that nothing remained but for him to obey. They also assert that the action of the Fifth Corps on the 30th of August amply vindicated the character of its chief, and showed to the world that "disobedience of orders" and "misbehavior in the presence of the enemy" could not possibly have found any place in the head or heart of its commander. To this view of the case the minority of your committee also dissent.

The gallant behavior of the Fifth Corps on the 30th did not "vindicate" either the head or the heart of its commander for his conduct on the previous day; but it did vindicate and illustrate the high qualities of the Union soldier, the patient rank and file of the army, who never failed their superiors, and whose patriotism, devotion, and courage are about the only redeeming features of those disastrous days. They fought, as they always had fought when the opportunity was given them, well. They died as their comrades had died in the Peninsula, without complaint or repining, and they neither critieised the order nor were "surprised" at the order, nor hesitated about the order that pushed them against the deadly rifles of the confederate soldier. They obeyed orders loyally.

For all the purposes of determining the guilt or innocence of Fitz-John Porter on the 29th, his conduct on the 30th has, in our opinion, no more pertinence than had his conduct at Mechanicsville or Malvern Hill. Indeed, it is more than probable that at last, realizing the awkwardness of the position in which he had placed himself by his singular conduct since reporting to Pope, he found it necessary to display more than ordinary zeal and energy when fighting under his immediate and personal command. Whatever his motives, he deserves credit for what he did on the 30th of August; for what he did, or rather did not, on the 29th of August, he deserved censure and punishment; but certainly his action on the second day can not be made to justify and explain away his conduct on the first, though a distinguished board says it should.

The board of officers also seem to be of the opinion that the actions of the 29th and 30th have been confounded by nearly every one but themselves. To use their own expression, "General Porter was in effect condemned for not having taken any part in his own battle." On this also the minority beg leave to report that they join issue with the board. No one who follows the movements of Porter's corps from the 27th to the night of the 30th can possibly mistake its positions on the important days of the 29th and 30th or confound it in any way with other troops. The statement made by the board, "that the reports referring to the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th," is, in our opinion, not sustained by the facts. In our opinion it is established by official reports made immediately after the battle, as well as by the testimony of witnesses, that a battle of serious proportions was in progress during the greater part of the 29th, the firing swelling and increasing in volume towards the middle of the afternoon.

Every Union official report which we have examined speaks of the early hour at which fighting began on the 29th, of its duration and its fierceness. Not one of the officers from whom we shall quote fails to distinguish between the two days, keeping them clearly separate and apart; and not one in speaking of the action on the 29th refers even indirectly to the presence of Porter either in their front, their rear, or on their flank. They all, however, or nearly all, mention the action of his corps on the 30th, and in every case the narrative of the two days is continuous, intelligent, and easily followed. We quote from volume VI, Official Military Reports of the Rebellion, Adjutant-General's Office, and we desire to call attention to the fact that some were written almost on the battle-field, and all, perhaps, within a month of the action.

General Sigel, commanding the First Corps, says, "In the course of about four hours, from 6½ to 10½ in the morning, our whole infantry force, and nearly all of our batteries, were engaged with the enemy." At the last hour the "enemy threw forward masses of troops which were driven back by troops of Milroy and Schurz." Schenck's division was then engaged and the enemy was trying to turn the left. "At this critical moment General Kearny arrived on the field and deployed on our right, while General Reno's troops came to our support." Scarcely were these troops in position when the contest began with renewed vigor and vehemence, the enemy attacking along our whole line from extreme right to extreme left." At 12 o'clock, he then speaks of Reynolds's troops taking position on his left, and at 2 o'clock of General Hooker's troops arriving on the field of battle, so that by 2 p. m., according to Sigel, his whole corps, with Kearny's, Reynolds's, Hooker's, and Reno's divisions, was engaged. General Schurz speaks of "the fire extending along his whole line and that it became lively." This was before 10 o'clock, for at that hour he speaks of Kearny's arrival on the field. Schenck, division commander, states "that before one or two o'clock all his brigades were engaged." General Heintzelman, corps commander, says: "At 10 a. m. reached field of battle; at 11 a. m. head of Hooker's division arrived, and General Reno an hour later; that at the request of Sigel he ordered Hooker to place one of his brigades at Sigel's disposition, then hard pressed."

Kearny, a division commander who was killed on the 1st of September at Chantilly, wrote his report of the battle at Centreville on the 31st, but had not time to sign it. It was forwarded by General Birney, who succeeded him. That report states substantially that on the 29th, on his arrival, he was assigned to the holding of the right wing, with his left on the Leesburg road; that during the first hours of combat, on some tired regiments falling back, General Birney, on his own accord, rapidly pushed across to give them a hand. "In the early afternoon" General Pope's order was received to send a strong force diagonally to the front to relieve the center in the woods from pressure. General Robinson's brigade, with some other regiments, drove forward several hundred yards, but the center of the main battle being shortly driven, my detachment was obliged to cease to advance. All this appears to have happened before five o'clock, for he says, "At five o'clock, thinking I might drive the enemy by an unexpected attack, I brought up the most of Birney's regiment, changed front to the left to sweep with a rush the line of the enemy. This was most successful. The enemy was rolled up on his right. We took no part in the fighting of the 30th."

General J. B. Carr, of the State of New York, says: "At 2 o'clock, 29th, Friday morning, received orders to march at 3 a. m., to support General Kearny. A march of ten miles brought us to Bull Run battle-field. About 11 a. m. was ordered into position to support a battery where the enemy was engaged with Sigel. Remaining in that position some time, was ordered to send two regiments to relieve Sigel's troops. Did so, and afterwards received orders to take balance of brigade into woods, which I did about 2 p. m., where I at once engaged the enemy and fought him for a space of two hours, holding my position until ammunition was expended, and about 4 p. m. was relieved." He was in Hooker's division, and the country knows that Hooker's command, before expending its ammunition, as a rule did some fighting that was more serious than a "sharp combat."

Grover, another brigade commander, says: "Arrived on the battle-field about 9 a. m. The battle had already commenced, and the brigade was temporarily placed under the orders of Sigel." At 3 he says he received the order to advance, which was immediately obeyed; to carry the embankment, which he did in a charge that was perhaps unequaled in the history of the war. The conflict was hand to hand with bayonets and clubbed muskets, and his brigade broke in succession two lines of the enemy, but the third line swept him back. In this fierce encounter he lost out of five small regiments 41 killed, 327 wounded, and 116 missing.

Even the authority referred to by the board (General Robert E. Lee's report, pages 519 and 520, record of board) speaks of "the battle raging with fury," and of its continuing until 9 p. m. He also says that Stuart (the cavalry officer on the right) reported the advance of a large force threatening Longstreet's right; that the brigades of Wilcox were sent to re-enforce Jones, but "no serious attack was made, and after firing a few shots the enemy withdrew." He also speaks of this demonstration as having been made on the right, while a large force advanced to assail the left, Jackson's position. The enemy which he speaks of as having made a demonstration and firing a few shots could have been no other command but that of Porter's, and Lee subsequently says that Wilcox was withdrawn from the right, where he had been sent.

From this and other evidence the minority of your committee report that in their opinion there was much and serious fighting on the 29th, except in Fitz-John Porter's front, where there appears to have been none. Serious as it was, and reaching the dignity of a battle, according to General Lee, as well as many officers on the Union side, the board of officers speak of it as a number of "sharp and gallant combats between small portions of the opposing forces." From the best evidence we can gather, Sigel, with his corps, was engaged on the 29th. Heintzelman, with Hooker's and Kearny's divisions, was engaged on the 29th. Reno's and Stevens's divisions were engaged on the 29th. Reynolds's and part of King's were engaged on the 29th; and, in fact, all the available forces were in action on that day except Porter's command and Ricketts's division. How long "intervals" there were between the fighting we can not say; but, judging from the reports of officers engaged, they were neither frequent nor prolonged; and unless those who made them are much mistaken, there was a long list of killed and wounded on the 29th.

When the board predicts the disastrous consequences that would have followed an attack by Porter at any time after the early afternoon, they enter the field of speculation. There we shall not follow them, but we simply call attention to the reports (page 519, board record, report of General Lee) from confederate sources, which show that the mere appearance of the head of Porter's column was so threatening that General Lee detached a division to meet it. Who can predict the result had a powerful and well-sustained attack been made by 8,000 or 10,000 men, at any time during the day, on the Gainesville road?

On this point we wish to call attention to the opinion of a careful military historian—the author of, perhaps, the best history of our civil war that has been written. With ample facilities to inform himself, and so situated that he can and does write without prejudice or passion, the Comte de Paris, in volume ii, page 292, of his history, says:

"His (Porter's) attack, therefore, could not have produced the results upon which the commander-in-chief had counted. But neither the impossibility of executing to the letter the order of the latter, nor even the instructions which McDowell may have given him during the day, afford any excuse for his having remained so long inactive in the presence of the enemy, with two fine divisions, while a great battle was being fought in his vicinity. In short, if the road he had to follow was barred against him—if, therefore, he could not cut the enemy's army in two and secure its defeat—it is equally certain that a vigorous attack made by him upon Longstreet's right would have drawn out all the forces of this general, and, by freeing the rest of the Union line, would probably have prevented the reverse which the latter sustained at the close of the day. We can not avoid, therefore, blaming his inaction at such time and under such circumstances.

"This indifference on the part of Porter to the cannon's appeal, the manner in which he interpreted the orders of superiors, and the tardiness with which these orders reached him, were the inevitable consequences of the confusion we have already referred to in the general movement of the army."

This is the deliberate opinion of a disinterested writer, who, while he accepts the board's theory that Longstreet was up within supporting distance of Jackson early in the day, still censures in distinct terms the inaction of Porter. Whatever may be the action of Congress on the bill now before it, that this will be the verdict of history the minority of your committee certainly believe.

The minority concede that if the Government does injustice to one of its citizens it should make reparation; but in this case, in their opinion, no injustice has been done. Notwithstanding this, they have concluded to recommend to the House the passage of a joint resolution removing so much of Fitz-John Porter's sentence as prohibits him from holding any office of profit or trust under the Government. Its passage will give him no claim, however, upon his former rank, or upon the Treasury of the United States. Logically, perhaps, the minority should not recommend it, but when we consider that amnesty and pardon have been given to those formerly in arms against the Government, and that the removal of disabilities for offenses certainly as dangerous as his to the perpetuity of the Union are of every day occurrence, the reasons for their action in Porter's case are obvious.

One of his complaints is that his sentence is a continuing one, and that he has been deprived of the rights of citizenship. The passage of the resolution will remove these disabilities, and enable him to remit the whole question to the people or to some other tribunal than Congress. It is, in our opinion, quite clear that he should not be restored to his former rank in the Army, and that he should not receive the retired pay, amounting to $50,000 or $60,000, provided in the bill for his relief; but his restoration to the rights of citizenship is an act of grace and clemency that the Government can do without in any way manifesting its disapproval of the findings and sentence of the court-martial that tried and convicted him. There were periods of his life when his services were of value to his country, and it is but fair, perhaps, that they should be considered now in determining his case; but that they should go to the extent of the relief proposed by the majority would be, in our opinion, unwise, inexpedient, and unjust.

ANSON G. McCOOK.
B. F. MARSH.
THOMAS M. BROWNE.

All of which is respectfully submitted.

GEO. W. STEELE.
B. W. CUTCHEON.

Before the reading of the views of the minority was concluded,

Mr. MAGINNIS said: I would like to interrupt the reading for a

moment. My colleague on the committee [Mr. STEELE] adopts as a part of his report a report heretofore made on a different bill. I presume he adopts only so much of that report as is applicable to the bill now before the House.

Mr. STEELE. The report itself states how far it is applicable to this bill. I wish to say further that in the opinion of the minority of the committee there is very little difference between the two bills.

Mr. MAGINNIS. I only wanted that there should be no misunderstanding.

The CHAIRMAN. Debate is not in order at this time. The Clerk is engaged in reading the views of the minority.

The Clerk resumed the reading, but was interrupted by

Mr. STEELE. Mr. Chairman, when I presented the minority report it was ordered by the House to be printed with the majority report. Yesterday I called on the printing clerk to ascertain where the minority reports were, why they were not in the House. Up to this time, although I have inquired of a great many gentlemen present, I have been unable to see a minority report on this floor. I would like to have an order made by the proper authority that the minority reports be immediately brought in here and distributed with the majority reports.

The CHAIRMAN. The Chair desires to state to the gentleman from Indiana that it is not the rule that reports of this kind be circulated in the House. They are to be found in the document-room, where gentlemen desiring them can apply for them.

Mr. REED. They are not there.

Mr. STEELE. My information is that they are not there.

The CHAIRMAN. The Chair is informed that the usual number required by the rules to be printed was printed and has been exhausted.

Mr. STEELE. Well, I am not surprised at that.

The CHAIRMAN. The Chair is also informed that under the rule requiring reports printed by the Public Printer to be forwarded to members of the House, these reports have been sent to each member.

Mr. REED. But they have not been received.

Mr. HENDERSON, of Illinois. I think, Mr. Chairman, if that be true the consideration of this case ought to be postponed until the minority of the committee can have an opportunity of having their report presented to the members of the House and read with the majority report.

The CHAIRMAN. The views of the minority in parliamentary law are no part of the report of the committee. They are simply the views of the minority on the committee.

Mr. STEELE. But have we not the right to have the report of the minority read?

The CHAIRMAN. The views of the minority can only be read by unanimous consent. They are simply in the nature of remarks by the gentlemen who submit them.

Mr. HENDERSON, of Illinois. But the majority report has been allowed to be read.

Mr. STEELE. Now, Mr. Chairman, it seems to me after the majority report has been distributed all over the House it is not a gracious thing the minority report should not also be laid before the House.

The CHAIRMAN. The rule requires that the reports of committees shall be distributed in the manner already indicated by the Chair. The present occupant of the chair knows of no rule providing for the distribution of the views of the minority. Whatever is done in reference to the views of the minority is necessarily done by unanimous consent.

Mr. REED. The House unanimously ordered the printing of the views of the minority.

The CHAIRMAN. The gentleman from Indiana has the floor.

Mr. STEELE. By order of the House the views of the minority were to accompany the majority report and to be printed with it.

Mr. REED. That was the order of the House.

The CHAIRMAN. This Committee of the Whole House can not determine these questions.

Mr. SLOCUM. The gentleman from Indiana [Mr. STEELE], who submitted the views of the minority, knows very well that the majority report was printed long before he presented the views of the minority. Now, the Speaker is not to blame, nor is anybody else in this House to blame. The majority of the committee, twelve out of fourteen, got their report in, and it was ordered to be printed, and when printed it was distributed and laid upon the desks of members. That was done before the gentleman presented his minority views. How could they be printed together when such was the case? Why, it is utterly absurd.

Mr. STEELE. It was the order of the House, as stated by the Speaker, that the views of the minority should be printed with the report of the majority.

The CHAIRMAN. This discussion is all out of order.

Mr. CALKINS. It may be all out of order, Mr. Chairman, but still the House has the right to any information it seeks. Now, when the order of the House was made that the reports of the majority and the minority should be printed together, it was simply the duty of the Public Printer to print them in that form, notwithstanding the report of the majority was handed in before the views of the minority. That was the duty of the Public Printer, and it is certainly the duty of this House to see to it that this order made on that occasion shall be carried out. That they have not been printed together and distributed in accordance with the order of the House is what my colleague complains of. He complains that the Public Printer, or some one else charged with that duty, has not carried out the order of the House.

The CHAIRMAN. This Committee of the Whole House can not take notice of the fact that the Public Printer or any other officer has failed to perform his duty. We are now in Committee of the Whole House on the Private Calendar, and the bill for the relief of Fitz-John Porter is under consideration. The report of the majority has been read, and, by unanimous consent, at the request of the gentleman from Indiana, the Clerk is now proceeding to read the views of the minority.

Mr. CURTIN. I call for the regular order.

The reading of the views of the minority was then concluded.

The CHAIRMAN. The bill is now open for general debate.

Mr. SLOCUM. Mr. Chairman, the bill under consideration simply proposes to restore Fitz-John Porter to the Army, placing his name on the retired-list, so that no one will be displaced by the action of Congress in case the bill passes. I notice in the minority report an allusion to the idea that the bill would give General Porter back pay. It is entirely a new idea to me, for the bill itself says that nothing in this act shall be construed as authorizing pay, compensation, or allowance prior to appointment under it. Now it is possible that the minority are right, and if they are, the bill should be amended so as to make it just what I believe it to be, not to give General Porter a dollar of pay.

The bill under consideration provides simply for the restoration of Fitz-John Porter to the Army with the rank held by him at the date of his dismissal. It places his name on the retired-list, so that no officer now on the active-list will be affected by his restoration.

In advocating the bill, which I propose to do very briefly, I shall not discuss the evidence taken by the court which condemned him nor that taken by the board which exculpated him. This has been done at great length in both Houses of Congress. Many pages of the CONGRESSIONAL RECORD for the last session are devoted to critical discussions of questions which it is difficult for any person not versed in military matters to fully understand. After all the speeches were delivered, I doubt if there were twenty gentlemen in either House who had any clearer idea of the merits of the case than they had before the subject was brought before Congress. In fact, this subject was so purely technical, so purely military in its character, that it is little else than an absurdity for Congress to sit as a court of appeal to review the evidence and decide on the merits of the case. The only proper court to perform this duty was the one selected by the President, composed, as it was, of the ablest, most intelligent, and most experienced officers in the Army. That was in every respect a competent court. It labored long and zealously, giving months of time to the faithful discharge of its duties. It had before it the proceedings of the court which condemned General Porter, and was brought face to face with many of the witnesses who had testified before that court, and many new witnesses, who brought to light important evidence, which could not be obtained on the original trial. It made repeated and earnest efforts to secure the presence of General Pope, but he peremptorily declined to appear.

This was the real court of appeal in this case, and its decision should be final.

The President could not have selected three officers whose opinions should have greater weight. The prejudices of at least two members of the board were strongly against the accused officer, so strongly that they thought seriously of declining to serve, believing that for them to do so would be unjust to Porter. If any member of this House desires to read an intelligent discussion of the merits of this case in all its details I commend him to the report of this board. The whole case has been reviewed by another authority, one entitled to as much consideration as the board selected for the purpose. The review to which I allude is terse, clear, and convincing. If any member desires a clear statement of the case he need not wade through hundreds of pages of the CONGRESSIONAL RECORD, but can find it in the few pointed and convincing sentences penned by General Grant.

In presenting this case to the House I do not intend to add one word to what has been said by Generals Grant, Schofield, Terry and Getty as to the conduct of General Porter.

I shall content myself with calling attention to a few circumstances, which I think should have great weight. The condition of our country at the time General Porter was brought to trial is well known. The general who organized the Army of the Potomac, and under whom that army had long served, had recently been removed from his command. A large portion of that army were attached to their old commander. His successor was a stranger to them. It required great skill on the part of the new commander to win the confidence and esteem of his command. That skill unfortunately was not exercised. The army suffered a great reverse under its new leader. A feeling of gloom and despondency prevailed throughout the land. Officers and soldiers, as well as civilians, were divided in sentiment. Every one had his own convictions as to the cause of our disasters.

The selection at that time of a court-martial from among the gen-

eral officers assembled in Washington which would be free from prejudice on a question involving the responsibility for these disasters was an utter impossibility. I doubt if a court of competent civilians which would have been entirely unbiased could then have been selected.

In this hour of excitement Fitz-John Porter was placed on trial on charges involving this question of responsibility. The court was selected by General Halleck, virtually one of Porter's accusers. I cast no aspersion upon the court. Under the circumstances, however, the result was a foregone conclusion. Porter was convicted. He had no appeal. The review of his case was made by those who ordered the court. He was not permitted to appear in person or by counsel before the reviewing officers, who were the military advisers of the President. Under these circumstances, an officer who had served his country with great distinction for seventeen years was deprived of that which was dearer to him than life itself, his hard-earned reputation.

General Porter had won two brevets for gallantry on the battlefields of Mexico. He had served with distinction in the civil war in every battle in which the Army of the Potomac had been engaged. Up to the hour of his arrest there was not a stain on his escutcheon. In this time of intense excitement, when the passions of men usurped the place of reason, his brilliant reputation was no shield for him. For twenty long years he has suffered as few men—even the worst criminals—have ever been condemned to suffer. During these years many men distinguished in all vocations of life have appealed to the Government in his behalf. Those making the appeals were not confined to one political party or to one State or section of our country. The appeals came from all classes—from soldiers and civilians—from the East and the West.

The first official act tending toward justice in this matter was the order appointing a board to investigate the case. And what was this order? It merely granted to General Porter the right of appeal—a right which, if the case had been tried before a civil court in any State in the Union, would have been granted by the laws of the State. If General Porter had been a party to a suit in the State of New York involving the sum of $50, and had believed that injustice had been done him, he would have been entitled to an appeal to the supreme court. If he had deemed that injustice had been done him by that court, he could have taken his case to the highest court of the State. But having been tried in an hour of intense excitement, in the very hot-bed of this excitement, and by a court which from the very nature of things could not be free from prejudice, he could only secure the right of appeal after fifteen years of suffering, and then only as a favor. Thank God, the privilege which our civil laws would have secured to him as a matter of right was finally granted, and Fitz-John Porter, after these long years of suffering, to-day stands before the world fully vindicated. No, not vindicated, but awarded the highest meed of praise by the most eminent military authority for his conduct on the very occasion on which he is charged with crime.

The result of the protracted investigation by the board of distinguished officers selected by the President to review this case is summed up in these words:

> Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union Army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration.
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> * * * * * * *
>
> We believe not one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.

In the recent letter of General Grant, reviewing this case, he concludes by assuring General Porter:

> As long as I have a voice it shall be raised in your support, without reference to its effect upon me or others. Your restoration to the Army simply I would regard as an inadequate and unjust reparation.

I urge the passage of this bill, not merely because I believe it due to Porter, but for the credit and honor of our country. We can not afford to have it said that the Government, with all this evidence before it, refused to right this terrible wrong.

There is one piece of evidence in this case, to which allusion has seldom been made, which, in my judgment, outweighs the opinion of General Grant or the findings of the board. It outweighs all the arguments of politicians or soldiers who were not on the ground. I allude to the evidence of the officers and soldiers of Porter's command—the men who were with him in all the operations under Pope. These men are the strongest witnesses in his behalf.

Year after year the Fifth Army Corps Association, composed of the men of his old command, has assembled and adopted, without a dissenting voice, resolutions earnestly entreating the Government to do justice to their old commander. Who are these officers who take so deep an interest in his behalf? Were they, too, insubordinate and disloyal to their country? Scores, yes hundreds, of them bear the scars of wounds received in battles fought under Porter. On the list will be found the names of many of the best and bravest men who ever served in the Union Army. I defy any man in the country to find even a single private soldier who served under Porter on the 29th and 30th of August who will not testify in his behalf. And who were these private soldiers? Were they, too, disloyal and seeking the defeat of our army? Or were they ignorant and likely to be deceived?

No class of men ever bore arms in any country who were more intelligent or quicker to discern faults and weaknesses of their officers than were the soldiers of either army during the late war.

I have seen a thousand brave men brought from my own State to the seat of war in command of a member of Congress who was better fitted to be a Congressman than a colonel, and the lack of soldierly qualities on the part of their commander so impressed the men that in less than three months the regiment became utterly worthless. I have seen the same regiment transferred to the command of a good officer and in three months become one of the best in the service.

On Sherman's great march from Atlanta to the sea, when all knew that he had left his base of supplies and burned his bridges behind him and all were in suspense as to his intentions, when few even of his own command knew the destination of the army in which they were serving, I have seen day after day private soldiers seated by the roadside on the line of march, with pocket maps in their hands, eagerly and intelligently discussing the probable plans of their commander.

In the midst of such soldiers Fitz-John Porter could not have a disloyal thought or dream without detection.

On the day after we left Raleigh on the march toward Richmond large packages of New York papers were brought to our camps for sale. Without orders from their officers, the soldiers speedily suppressed and destroyed them. An intelligent soldier of my command explained the acts of his associates. He said:

> These papers are teeming with abuse of General Sherman, charging him with insubordination, a violation of his orders, and some of them even insinuating that he is disloyal—all on account of his treaty with General Johnston. We do not intend to have these slanders against the man we have followed so many hundreds of miles circulated among the boys.

I felt that these men better appreciated the merits of their commander than did some of the authorities in Washington.

Just before we arrived at Richmond another batch of New York papers came to our camps, announcing that a new department had been created—the Department of the James; that General Halleck had been assigned to the command, and ordered Generals Meade, Sheridan, and Wright to invade that part of North Carolina occupied by Sherman, and disregard his truce with General Johnston and pay no attention to his (Sherman's) orders. In my presence Sherman declared that if an attempt had been made to execute that order he would have defended his truce if it had cost the lives of half his command. I was with him when he received a note from General Halleck asking to be allowed to review the army as it passed through the streets of Richmond, and I saw him write a reply saying that so far from giving him a review he deemed it his duty to say that it would be unsafe for General Halleck to be seen in the streets.

I stood beside General Sherman on the grand stand at the other end of this avenue when the armies of the Union, in the presence of all the chief civil officers of the Government and the representatives of all foreign countries with whom we have diplomatic relations, were being reviewed; and I saw General Sherman, in the face of this vast concourse, refuse the proffered hand of the officer of the Government who, in the closing days of brilliant services in the field, had brought so much undeserved reproach on him; and I honored him for it. A most cruel and defenseless attempt had been made to rob him of his hard-earned reputation.

But it may be said, why revert to these painful events now that some of the chief actors in them are in their graves? I have a purpose in it. First, I wish to make it apparent to every member of this House that in the heat and excitement of a civil war the purest and ablest officer is liable to be stricken down without cause.

At the close of the war one wing of Sherman's army was commanded by General Logan and the other by myself. I wish to remind the old soldiers of that army that the very weapons used to strike down Porter were wielded by the same hands against Sherman; and it is my firm conviction that had not the war been brought to a successful close immediately after Sherman's treaty with Johnston an attempt would have been made to place his name side by side with that of Fitz-John Porter, and instead of commanding the Army eighteen years after the war, and then retiring with the love and admiration of a grateful people, he might to-day have been vainly pleading at the doors of Congress for a rehearing of his case, pleading his previous good character, his great services to his country, and the heat and passion of the hour when the cruel verdict was rendered against him, precisely as Porter is now doing.

Every proceeding through which an attempt is made to ascertain the guilt or innocence of a person charged with crime—call the proceeding by whatever name you may—must, in order to command confidence, be conducted with deliberation and in a spirit of justice and impartiality. While I admit that in time of war, and in places where the powers of civil courts are suspended, courts-martial are a necessity, yet I regret to say that in no country and in no age have these courts been regarded either as safe or as worthy of confidence as civil tribunals. To the lack of confidence in such courts is due the hostility of our people to the extension of martial law over places where civil courts can be maintained. To the same cause must be attributed the course of one of our late Chief Magistrates, in habitually reversing the findings of these courts. Officers sentenced to dismissal for the most disgraceful

offenses were in many instances restored to the Army, greatly to the demoralization of the service.

If this case had been tried before a civil court, with all safeguards thrown around the accused which the civil law guarantees to him, and had been reviewed by a higher court, authorized to examine the evidence as well as the legal points involved, and had the case been entirely free from political prejudice, every lawyer on this floor would say at once that the decision of the higher court should be final. But the case was tried by a court-martial, where the accused had no safeguards. Why should men versed in the law pay more deference to the court which tried General Porter than they would pay to a civil tribunal?

Mr. BROWNE, of Indiana. If it will not interrupt the gentleman from New York, I would like to inquire how he distinguishes between the military character of the court-martial by which General Porter was convicted and the other by which he was acquitted?

Mr. SLOCUM. I think it requires no great explanation to show the difference between those two courts. One was held in the city of Washington in the hot-bed of excitement during the civil war; the other was held at West Point in peaceable times, with no one to hurry it. That is the difference between the courts.

Among semi-barbarous races the settlement of disputes among the people, and the decision as to the guilt or innocence of persons accused of crime, is left entirely with the king or chief of the people. But just in proportion as the people become enlightened the control of the courts has been removed from the power of the executive. The progress of a people in civilization has always been indicated by their demands for checks against the arbitrary power of their rulers. The changes in the law of England during the past two centuries have all been in this direction—so that to-day, both there and in our country, no man can be convicted of crime except after a fair trial before an impartial judge and jury.

But the practice in military courts has made no such progress. The court-martial of to-day is precisely what it was two centuries ago. The executive prefers the charges, selects the court, appoints the judge-advocate, and passes judgment upon the proceedings. If, in the progress of a court-martial, a question arises as to the admissibility of evidence, the accused, with his counsel, is ordered from the room, and the prosecuting attorney is left alone with the court. No arguments can be heard from either the accused or his counsel on the vital points on which the case may turn.

No better illustration of the wide difference in the practice in the civil and military courts of our country can be found than in the proceedings in two celebrated cases tried in this city. On the 2d day of July, 1881, a miserable wretch, whose whole life had been stained with crime, in the broad light of day shot the President of the United States. After a long delay he was brought to trial. Weeks were spent in securing a jury and months in the trial of the case. Day after day he was permitted to insult the court, counsel, and witnesses, because, it was said, it would be unlawful to remove him from the room. The widest latitude was granted his counsel, because public opinion as well as the law demanded it.

He was convicted, but was granted an appeal as a matter of right. It was not until the highest court in the District had passed upon his case that his sentence was executed.

The other case was one tried by court-martial. The accused, unlike the one tried by a civil court, was a man whose whole life had been devoted to the service of his country—one who stood in the front rank of an honorable profession. He was accused of disobedience of orders and misbehavior on the battlefield. The foundation for these charges was so slight that after the occasion which gave rise to them he was ordered to take charge of the defenses of Washington and was subsequently intrusted with the command of a corps at the battle of Antietam—one of the most critical and important battles of the war. After this battle had been fought and the confederate army had retired to Virginia it was determined to bring him to trial.

Over and over again during the trial of his case Porter and his counsel, Reverdy Johnson, were turned out of the court-room, and in their absence questions vital to ascertaining his guilt or innocence were decided. That was the case of General Fitz-John Porter.

Mr. BROWNE, of Indiana. I hope I do not interrupt the gentleman, but I desire to ask him, is not that the usual proceeding in a court-martial? Is it not the law of courts-martial in every civilized country in the world?

Mr. SLOCUM. I am very glad to answer the gentleman. That is the law of such courts in every country. All the point I make is that it is a very arbitrary law and that it is not a very proper means of ascertaining the guilt or innocence of any man. The gentleman from Indiana is a good lawyer. What would he think if he went into his court at home and when a question came up involving something vital to the defense of his client he was bundled out of the court-room and the opposing attorney left with the court? Is that a fair way? I admit it is law, but I say it is unfair. I say there is no justice in turning a man out of a court-room and leaving the prosecuting attorney to discuss with the court questions that are vital to the defense. That needs no argument. [Applause.]

Mr. BROWNE, of Indiana. My response to that, if the gentleman pleases, is that its injustice is certainly not so apparent, or the practice would have been long ago changed by some of the intelligent and civilized nations of the world.

Mr. SLOCUM. I am willing to leave my argument on that question to the common sense of the members of this House. I let it rest there.

Mr. KEIFER. I do not desire to interrupt the gentleman, but will he allow me to ask him a question?

Mr. SLOCUM. Yes, sir.

Mr. KEIFER. I understand the gentleman to contend that it is very objectionable for members of a court to decide questions of law relating to evidence in the absence of the party. I ask if that is not the universal rule in all civil courts where two or more judges preside, and whether it has not been the rule of all courts for hundreds of years?

Mr. SLOCUM. The gentleman from Ohio did not understand me at all. I say that in a court-martial where a question is raised as to the admissibility of evidence the accused is turned out of the court-room. I say that is not so in a civil court. I say questions as to the admissibility of evidence are vital always to a case in court.

Mr. KEIFER rose.

The CHAIRMAN. Does the gentleman from New York yield further to the gentleman from Ohio?

Mr. KEIFER. I desire to ask one more question.

Mr. SLOCUM. I yield for one question.

Mr. KEIFER. I want to know of the gentleman whether he does not know that judges of all civilized courts may decide these questions of law arising upon the admissibility of evidence in the absence of the counsel and of the parties in all cases, civil and criminal——

Mr. SLOCUM. It is very strange I can not make myself understood.

Mr. KEIFER. Without consulting with them?

Mr. SLOCUM. I can not make myself understood to gentlemen.

A MEMBER. They don't want to understand you.

Mr. SLOCUM. I would like the gentleman to tell me when a question comes up as to the admissibility of evidence whether the lawyers are not allowed to argue it before the court.

Mr. KEIFER. They are always argued.

Mr. SLOCUM. Certainly they are.

Mr. KEIFER. And then the judges consult and decide without consulting the counsel.

Mr. SLOCUM. My point is that the question is fairly argued in the presence of both parties.

Mr. KEIFER. I did not understand the gentleman to say——

Mr. SLOCUM. While in a military court it is not argued.

Mr. KEIFER. I did not understand the gentleman to say that no argument was had on these questions in a military court.

Mr. SLOCUM. Well, I will try to make myself understood by the gentleman.

Mr. MAYO. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. MAYO. I rose to the same point of order yesterday. My point of order is that gentlemen addressing the House have no right to turn their backs upon the Speaker or Chairman. [Laughter.]

The CHAIRMAN. The gentleman from New York [Mr. SLOCUM] will proceed.

Mr. SLOCUM. I have endeavored most earnestly to make myself understood as to the difference between a court-martial and a civil court in the way of treating parties; perhaps I have been unfortunate in my language. I will repeat now that in a court-martial if a question comes up as to the admissibility of evidence no argument is heard on the part of the counsel for the accused, but he is turned out of the room. I say that on more than twenty occasions during the proceedings of the court-martial which tried Fitz-John Porter, General Porter and his counsel, Reverdy Johnson, were turned out of doors, and the counsel of the Government alone left to argue the case with the court. And I say no such thing was ever heard of in a civil tribunal, and I hope to God it never will be. [Applause on the Democratic side.]

Mr. CALKINS. Will the gentleman from New York allow me to ask him a question, if it will not bother him?

Mr. SLOCUM. It will not bother me at all.

Mr. CALKINS. It is whether all military courts, as well as military discipline, are not arbitrary; and whether the jurisdiction of courts-martial does not extend to cases over which civil courts have no jurisdiction and can have no jurisdiction?

Mr. SLOCUM. I say "yes" to all you say.

Mr. CALKINS. Then I ask where or how the gentleman can draw an inference or draw a parallel between the proceedings of the two courts when they stand upon an entirely different basis?

Mr. SLOCUM. Between a civil and a military court, do you mean?

Mr. CALKINS. Yes; how can the one illustrate the other when they stand upon an entirely different ground?

Mr. SLOCUM. They do stand on entirely different grounds, certainly; but the only thing I am arguing is that a military court is an unfair court to ascertain the record or innocence of a man.

Mr. CALKINS. And yet I take it the gentleman will not dispute the proposition that wherever there has been an army these courts have universally existed.

Mr. SLOCUM. Of course I admit it.

Mr. CALKINS. And are necessary for the proper discipline of the Army.

Mr. SLOCUM. I admit that; but it does not militate a particle against my argument.

Mr. CALKINS. But I would like the gentleman also to say whether, if these military courts were based upon the mode of procedure in civil courts, there could ever be maintained any discipline in any army. Does he not know that to be the fact?

Mr. SLOCUM. If there never could be any discipline maintained it does not militate one particle against my argument.

Mr. JOSEPH D. TAYLOR. Will the gentleman permit me to ask him one question?

Mr. SLOCUM. Certainly.

Mr. JOSEPH D. TAYLOR. Is not one purpose of the judge-advocate in remaining in the court-room during the progress of the proceedings of the military court, is not the sole purpose, that of making up the record? Does he not remain in the court-room for that purpose and for no other? Is it not his duty, is it not his sworn duty, simply to call the roll, beginning with the junior officer and going up in the regular grade, as I have called the roll myself a hundred times when my friend Judge WARNER, who sits before me, was the president of the court? Is not that the reason he remains in the court, and is he not under oath to remain quiet and not tamper with or have anything to do with the deliberations of the military court? Is not that the purpose of the judge-advocate? [Applause on the Republican side.]

Mr. SLOCUM. Gentlemen, you are a little premature in your patting.

Mr. BROWNE, of Indiana. We did not commence it.

Mr. SLOCUM. You are a little premature. What is theoretically the duty of the judge-advocate and what he is in practice are two quite different things. Let me remind the gentleman that Judge Holt, who was appointed the prosecuting attorney in this case, had never been in military life until he was made judge-advocate to prosecute this very man.

Mr. CALKINS. Is that anything against him, if he was a good lawyer, appointed from civil life?

Mr. SLOCUM. If the theory is, as has been suggested by the gentleman, that the judge-advocate has nothing to do, I would like to know why Judge Holt was appointed to try this one case, and why he got on the retired-list of the Army as a general for trying the case, and stays there to-day as a general?

That was a pretty good fee for a man who had no prejudices. [Laughter.]

Mr. JOSEPH D. TAYLOR. Does not the gentleman know that it is very common in military law for a judge-advocate to be appointed from civil life? Was not that done in many cases during the war?

Mr. SLOCUM. Certainly. Now, gentlemen, I come to another very striking point or incident in this case. When Pope's army got back here to Washington—within three or four days after it had arrived here it began to be whispered around that Porter had not behaved well under Pope. Porter made immediate application to President Lincoln for a court of inquiry to investigate his case. I saw Porter a few days after he had made that application, and we all came to the conclusion that President Lincoln had ignored the application; that he had not granted Porter the court he asked for. Nobody ever dreamed anything to the contrary until fifteen years after Porter's conviction, when there turns up here in the War Department an order signed by President Lincoln at the time of the application, fifteen years before, and hidden away during all those years in the War Department.

A MEMBER. An order for what?

Mr. SLOCUM. An order giving Porter a court of inquiry. How do gentlemen account for that?

Mr. STEELE. A court of inquiry was ordered.

Mr. SLOCUM. Yes, a court of inquiry was ordered; the order was signed by President Lincoln; but it was never known by any man outside of the War Department until it was unearthed by the Schofield board.

Mr. STEELE. The proceedings show it.

Mr. SLOCUM. Show what?

Mr. STEELE. That a court of inquiry was ordered and dissolved.

Mr. SLOCUM. The gentleman is slightly mistaken. The proceedings show that there was a commission ordered, which was dissolved—a commission, not a court of inquiry.

Mr. CALKINS. But the whole country has understood for years, as I have understood, that the military commission was dissolved for the purpose of having the proceedings take place before the court-martial. That has been the general understanding throughout the country; and is not that the fact?

Mr. SLOCUM. What did the gentleman say?

Mr. CALKINS. That the military commission or court of inquiry was dissolved for the purpose of having the trial before the court-martial.

Mr. SLOCUM. Oh, no; I know what I am talking about.

Mr. CALKINS. I do not know whether the gentleman does or not.

Mr. SLOCUM. I know perfectly well. A military commission and a court of inquiry are entirely different things.

Mr. CALKINS. I understand that perfectly well.

Mr. SLOCUM. Porter applied for a court of inquiry, and the President of the United States granted the application; his name appears signed on Porter's application, but nobody ever knew it for fifteen years. A commission was also appointed for his trial, but for some reason, I do not know why, it was found that a court would be better, and then the court was ordered.

Mr. BAYNE. Will the gentleman state the date of the order for the court of inquiry?

Mr. SLOCUM. The 5th of September.

Mr. BAYNE. That was the date of the order organizing the court-martial?

Mr. SLOCUM. No; the court was ordered in November.

Mr. STEELE rose.

Mr. SLOCUM. I have submitted to interruptions enough.

The act of Congress of May 29, 1832, declares that when charges are preferred by a general commanding against an officer of his own command, the court shall be ordered by the President. It did not suit the purposes of those who were seeking the destruction of General Porter to have the court that was to try him appointed by Abraham Lincoln; but it did suit their purposes to have that court ordered by General Halleck. Resort was had, therefore, to a most contemptible subterfuge to avoid this law of 1832. The charges on which Porter was tried were preferred by one of Pope's staff; and in this way it was said, the charges not being preferred by Pope himself, that Halleck could order the court. But I think every fair-minded man will agree with me when I say that in this case the act of the staff officer was the act of the general, and that the court was illegal from its very inception.

During the progress of the trial the Secretary of War sent to the court this order:

> The state of the service imperatively demands that the proceedings of the court over which you are now presiding, having been pending more than four weeks, should be brought to a close without unnecessary delay. You are therefore directed to sit without regard to hours, and to close your proceedings as speedily as may be consistent with justice and the public service.

That is an illustration of the way they do in courts-martial. The officer who orders the court sends an order to hurry up, to proceed rapidly; and he might as well have told them to convict speedily.

And finally, as if to make the contrast between methods of trial in civil and military tribunals the more glaring, one of the members of the court—an officer who himself should have been on trial for his conduct on this very occasion—steps down from his seat as a judge, gives the most damaging evidence against the accused, and then resumes his seat as a judge to pass upon his own evidence.

In deciding this case I most earnestly implore the members of this House to try, if possible, to act on it free from political prejudice. There is no politics in it.

Mr. BROWNE, of Indiana. Certainly not.

Mr. SLOCUM. Why a man should allow anything of that kind to govern his vote in a case like this, which so deeply affects the honor of a man like General Porter, I can not conceive. I can not understand how men can do it. Now, it is a strange thing that those at both ends of the Capitol who are the most bitter in opposition to a bill for the relief of Porter are men who never saw him. If they are soldiers, they are soldiers who never served with him. I believe if I had never seen Porter in my life I should be deeply anxious to wipe out this foul stain from the military annals of our country; I know I should; but I have seen him many a time; I have known him intimately and personally for more than thirty years. He was my instructor at West Point. I fought by his side in every battle fought by the Army of the Potomac from the commencement of the war to the hour of his arrest. I know him well. I know he was as loyal, as brave, as intelligent in the discharge of his duty as ever I was, and I firmly believe that if he deserved this punishment which he has received I deserve the same. [Applause.]

Mr. STEELE. Mr. Chairman, I very much regret that I have not had the time to write out at length my views on this case. It had been my intention to do so, but on examining the documents I found them to be so voluminous as to render it impossible for any man short of six months to go down into them and give attention to everything presented by the friends of the bill, as well as those opposed to it. I will, therefore, confine myself to the questions directly at issue, and not what is said by the friends of General Porter.

I am not surprised the able gentleman from New York [Mr. SLOCUM] who has preceded me has neglected to mention the merits of this case. He appeals to the sympathies of the House. He does not allege that the original court did not pass a just sentence, that the sentence was not right according to the findings. Nor does he give any reasons why they should not have found as they did, except his great love for the man. But that has nothing to do with the case.

I come at once to the point as to the legality of this court. It has been said that Mr. Halleck preferred the charges. Look at the record of the court. Does it bear the gentleman from New York out in his statement? I have often heard it stated that charges were preferred by General Pope because his inspector-general signed the charges. But the record does not say "by command of General Pope." A court of inquiry was first ordered; and I am glad the gentleman reminded

me of the President's order on that subject. President Lincoln issued an order for a court of inquiry, over his own signature, as the gentleman has stated; but one who has lately departed, a good general and a just man, lately a Senator, with a great big heart in him, doubting (at that time) as to whether Mr. Porter was guilty of treachery or not, having been his personal friend, went to the President in a time of our dire distress and appealed to him personally, for his own sake and for the sake of the country, to release Mr. Porter from arrest and let him go on with the army.

A military commission, at the earnest request of General Pope, was afterward ordered. It was ordered after he had gone to the Department of the Northwest. He had made a report which was suppressed, as it was thought for the good of the country. But a military commission was finally ordered to investigate the charges made, and when it came to examine General Pope's report it concluded the sentence it could impose would be inadequate to the offense, should he be found guilty. So Brigadier-General of Volunteers B. S. Roberts, inspector-general on Pope's staff during the battles down in Virginia, preferred the charges after General Pope had ceased to command the army. If Pope had been in command of the army it would not have been competent for him to have preferred the charges, for the reason that no officer in command can prefer charges, organize a court, and pass upon its sentence. But General Pope was entirely removed from this department, and had nothing to do with this army. His inspector or himself would have been incompetent to prefer the charges while he commanded the Army of Virginia.

Now, the court was ordered and composed of the following gentlemen, and I wish to say here I hope members present are acquainted with each one of those whom I shall name. It was the highest military tribunal ever organized in this country. Maj. Gen. David Hunter, United States Volunteers, was the president of the court. He was a personal friend of Mr. Porter, a gentleman with whom Mr. Porter stopped just prior to the war, and with whom General Hunter stopped when he visited the city of New York, or where General Porter had his home. The next member is Mr. Hitchcock, who claimed General Porter as his protégé, having given him, I believe, his appointment. He was the second on the court. The third was General Rufus King, against whose unsullied name aspersions have been cast here to-day, saying, that "in all possibility it was a five-to-four court," and that this man got down off the judges' stand and went upon the witness-stand to testify, and then returned to the judges' stand in order to judge the case and make a sentence.

How unjust these aspersions. You are dealing in dreams, my friend; but since you are indulging in dreams, let me tell you of my own dreaming upon the subject. I dreamed that after all the evidence in this case had gone in and that jury of officers had retired there was solemnity in that body for a few moments which would be hard to describe, and finally this man (General Hitchcock) who claimed Porter as his protégé said: "Gentlemen, there can be but one verdict," and they all agreed to it; they all said the same thing. There could be but one verdict; but a milder-mannered man on the court than he said a sentence so severe would mean for this man to go scot free. "Within the limit of the law we are enabled to give a milder sentence," and a milder sentence was given. My dream, Mr. Chairman, is more reasonable than that of the gentleman who says the court is five to four, and if you do not believe me, then go on and constitute your civil tribunal and bring before it any member of the original court to say whether my dream is or is not true. General Hunter is living, General Ricketts is living, six of the members who constituted that court are living; ask any of them before a properly constituted court and see if they do not tell you my dream is true. The judge-advocate, against whom so much has been said on this floor, is living. Why, Reverdy Johnson said, "Whatever may be said about this case, Porter has had a fair and impartial trial." Mr. Porter twice, in the proceedings of this court, himself said, "I have no objection to any member of this court." He specifically says so. Generals Prentiss, Ricketts, Casey (who furnished us our tactics for that war), Garfield, *President* (and who had prepared a speech in opposition to this bill), Buford, and Slough, who can justly say aught against a man of them, and who of them living does not believe to-day as he did at the close of the trial?

Now, what was he tried for? Disobedience of orders and misbehavior in front of the enemy. I am not going to take pains to refer to the few notes which I have made in this connection, but I will tell you briefly what is a matter of record. I will state the facts exactly as they exist; and if you do not believe the recorded facts, or if you apprehend that I misstate the facts, then correct me, and I will apologize, for I do not intend to say a word upon the subject that is not strictly within the limits of the truth.

On the night of the 27th of August, 1862, General Pope, as commander of the Army of Virginia, issued an order to General Porter reciting facts that had transpired at the little town of Bristoe Station, near which the army was then stationed. He stated in substance: General Hooker has had a severe engagement here and lost three hundred men; he is out of ammunition, and there is every prospect of a severe fight in the early morning. The order then proceeded:

Move with your command to this point; start at 1 o'clock. It is necessary, on all accounts, that you be here by daylight. I do not attempt to give the exact language of the order, but that was the substance of it. That, Mr. Chairman, was a positive order. It gave him no discretion whatever in the matter. Where is the military man who will say that if an order is given to be at a certain fixed place at a certain time it does not mean just what it says, that you must use your utmost exertion to comply with the express terms of the order, and that nothing would excuse him from doing so except his own command is attacked by the enemy? Mr. Porter was in his tent when this order was handed to him by Captain De Kay, of the Fourteenth Infantry. Instead of directing the adjutant-general of his command to issue an order to move the army by 1 o'clock in the morning, or earlier, if necessary, in obedience to the command of his superior officer, he sends for Butterfield and Sykes and other of his officers and shows them the order. I give it here in full:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p. m.

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with the loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also, send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary on all accounts that you should be here by daylight. I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write to him to that effect.

By command of Major-General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

That this order was delivered to General Porter by Captain De Kay at 9.30 o'clock on the night of its date is not controverted.

Why did he send for these gentlemen? Could they help him to brace his back to obey the order of his superior officer? Did he not know when these officers came in that every one of them would protest against it? I have never known of a night march and have never been on one myself, unless it was going to the rear [laughter], where men did not protest against it, and in this case they did protest, and the result of it was that Mr. Porter modified his order and said: "Well, then, we will start at 3 o'clock." Instead of getting his officers to help him to move he merely got them to help raise an objection against it. It is true it has been stated that it was not possible for him to move because of the fact, as alleged, that the roads were cumbered with wagons. The evidence, I am frank to say, is very conflicting upon that subject. Some witnesses swear it was a starry night, others that it was a dark night and that there was a drizzling rain falling, but the chief quartermaster of that department swears the roads were in a good condition. General Pope swears they were in good condition, and other witnesses have testified to the same fact. Suppose, Mr. Chairman, that the wagons had been blocked on top of each other two deep and he had such an order, could any soldier excuse him for not using every means in his power to try to obey?

Why, sir, I have confederate soldiers before me. I do not think when they gave a man an order to be at a certain place at a certain time anything short of a heroic attempt on the part of the officer receiving the order would have been excused if he did not obey it. Could not General Porter when he received the order at 9.30 p. m.—an order to move at 1 o'clock a. m.—could he not have sent out men, two hundred or three hundred if necessary, and said, "I want to move on that road at 1 o'clock in the morning, and I want you to clear it and run your wagons into the woods if necessary;" and there is no evidence that there were woods. But no; he said, "I will move at 3 o'clock;" and his "three" meant "four." The evidence is conclusive. The chief quartermaster says there was not only the railroad the troops might have moved on, but a road on each side of the railroad on which they could have moved.

But he did not attempt to be at Bristoe at daylight next morning; and he had no means of knowing but what General Pope had said was true, and that General Pope believed what he said. Happily the necessity had disappeared. The troops that General Pope expected General Porter to fight had found it possible to move—Jackson's corps, scattered all over the woods no doubt that night, the night Porter was ordered to move. They found it possible to do so during the night. When people undertake to excuse General Porter they say he could not move his army. But the opposing general found it possible to do so, and did move twice as far as General Porter was ordered, getting away over to Centreville.

Another thing people talk about is the fatigue of Porter's troops. And I notice Mr. Lord's book that has been circulated around here, no doubt by the *consent* of General Porter, talks of the fatigue of those men in a way that would lead you to imagine their tongues were hanging out with thirst and hunger, and that they were ill clad. Why, sir, they had been laying down on the Peninsula for weeks. Everything went to them that soldiers had a right to expect. They had come down via Aquia Creek to Falmouth in transports, and had been four days marching thirty miles, including the day they arrived at Warrenton

Junction; so that his men could not have been very hungry or worn on the night of August 27. That is all I will say on this point, as any man knows Porter's soldiers would have marched had they been ordered to do so. There can be nothing plainer than this, that General Porter did not use his utmost exertions to move. He did not order out men to clear the road; but, instead of giving orders by which he could carry into effect the directions he had received from his commanding officer, utterly failed and neglected to do so, or to take such measures as would enable him to try to obey it. He reached Bristoe at 10 or 11 o'clock the next day.

Mr. HENDERSON, of Iowa. What was the distance marched?

Mr. STEELE. Between nine and ten miles. He started at 3 o'clock, and his force began to arrive between 10 and 11 o'clock next day, having marched a little over a mile an hour. But it is fair to say that when they finally reached the road in the morning they found it encumbered with wagons. There were some wagons on the road De Kay testifies, as he went down, though they were not closing the road. Those wagons were pulled in behind the regiments that night. De Kay swears, and other gentlemen swear, that Myers "parked" the train, and the next morning moved out at daylight and got ahead of this officer, who was ordered to start at 1 o'clock.

I come now to the orders of the 29th.

CENTREVILLE, August 29, 1862.

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious or we will lose much.

JOHN POPE,
Major-General Commanding.

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

You will please move forward with your joint command towards Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on Warrenton turnpike, and must now be not far from Gainesville. I desire that, as soon as communication is established between this force and your own, the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aide-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall on the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to join the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out. One thing must be held in view—that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or the next day. My own headquarters will for the present be with Heintzelman's corps or at this place.

JOHN POPE,
Major-General Commanding.

Generals MCDOWELL and PORTER.

This was the now famous 4.30 p. m. order, and is in these words:

AUGUST 29—4.30 p. m.

Major-General PORTER: Your line of march brings you on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

I want to show you right here why General Porter did not obey those nor the one of the 27th. McClellan had transferred the Army of the Potomac from here in front of Washington to around in front of Richmond, and my confederate friends over there had given them a drubbing and sent them back to Harrison's Landing.

Notwithstanding the President's great efforts to have the Army of the Potomac advance, McClellan failed to move it. A demand was made by him for fifty thousand men. He did not get them. They were not available. The evidence shows how Porter made great exertions in getting his men off, and that he went a day before McClellan expected him to move, although McClellan says Porter telegraphed him unless he received certain orders not to do so, he would move. He came down to Aquia Creek, and there found he had struck a hornet's nest. He found he was to be under the command of General Pope. Well, I have been at places like Harrison's Landing, and I wanted to get out of them as soon as possible.

Here is what General Porter says about General Pope from time to time. I only quote a synopsis of the dispatches. The whole dispatches are in the proceedings except one, which I will read; and that is in the history of the war now being compiled by order of the War Department. It is an official dispatch:

We are working now to get behind Bull Run, and I presume will be there in a few days, if strategy don't use us up.

He is speaking of his commanding officer's strategy.

The strategy is magnificent, and tactics in the inverse proportion. I was informed to-day on the best authority that in opposition to General Pope's views this army was pushed out to save the Army of the Potomac, an army that could take care of itself. Most of this is private, but if you can get me away please do so.

And at 2 p. m., on the 28th of August, he dispatches:

All that talk about bagging Jackson, &c., was bosh. That enormous gap, Manassas, was left open, and the enemy jumped through; and the story of McDowell having cut off Longstreet has no good foundation. * * * The enemy destroyed an immense amount of property at Manassas—cars and supplies. I expect the next thing will be a raid on our rear by Longstreet, who was cut off.

At 6 o'clock in the morning of August 29 he telegraphs to Burnside:

Heintzelman and Reno are at Centreville, where they marched yesterday, and Pope went to Centreville with the last two as a body guard, at the time not knowing where was the enemy, and when Sigel was fighting within eight miles of him and in sight. Comment is unnecessary.

These dispatches were sent while this officer was under the command of General Pope, and the criticisms are made about General Pope. I find I have here an official dispatch which he telegraphs to Morell, who was in front of his command:

General MORELL: I have all within reach of you. I wish you to give the enemy a good shelling without wasting ammunition, and push at the same time a party over to see what is going on. We can not retire while McDowell holds his own.

F. J. P.

He was praying to his God that he might get out; he was afraid that Pope was going to be successful and he wanted to get out, but says that as long as McDowell stays there he can not do it. Now, for all the good he did, he might as well have taken his corps and gone to Washington with it, where he hoped that "Mac" was looking upon him with a favoring eye.

It was not that he was afraid to fight; I do not accuse the man of that. It was not that he would not have been glad to serve his country under McClellan, but he loved McClellan more than he did his country.

On the 29th of August he was ordered to join the Army confronting the enemy. He was first ordered to go to Centreville; but General Pope found the situation had been changed, and very early in the morning gave an order to Porter to march in the direction of Gainesville on the Manassas and Gainesville road. Porter started and marched three miles from Manassas Junction, where he had been, and about that time General McDowell rode up to him and said, "How is this? You have taken one of my divisions, King's division." Porter said to him, "Well, under the sixty-second article of war you have the right to command King and me, too, and there will be no misunderstanding between us." And McDowell allowed him to go on.

A short time after which McDowell and Porter received a joint order. Porter had been objecting to certain orders and had sent a staff officer to General Pope asking an order in writing for certain things, and General Pope sent a joint order.

McDowell rode over to Porter to discuss it, and said that they were carrying out just what was within the order. It was only supplementary to the one from General Pope to General Porter.

When General McDowell arrived at the head of the column, which was at Dawkin's Branch, some officer said to Porter: "I think it would be well for you to put out a stronger line of skirmishers," or something to that effect. They had heard one man had been captured a few minutes before. The evidence shows. The leading officer of the brigade deployed skirmishers and the line was increased, and the skirmishers advanced across Dawkin's Branch.

McDowell rode up and said: "This order means this; there is no two understandings about it; we are to join on the left of Pope's army; Sigel is there on the left, and we are to make connection with him and attack the enemy on the flank." The order was discretionary, however, saying that if any military benefit would arise they might depart from it. McDowell was the commanding officer of his division and Porter's corps. He said to Porter: "I will go back and get Ricketts and King and go up on the right to join Sigel; and you put your men in here." Porter, looking at the dust raised by the enemy's cavalry, dragging bushes along the road tied to the tails of their horses, said: "You can not go in there any place except you get into a fight." McDowell said to him: "That is what we came here for."

McDowell further swore on the witness-stand that after talking with Porter and having a full understanding with him, when he left him he had no other idea but that Porter would go in there and attack the enemy. Instead of doing so he rode to the rear, and remained there all the balance of the day. A short time after he left there a rebel battery from a thousand to twelve hundred yards away fired a few shots and killed one man, when our batteries went in and knocked them out of position, and there was no further trouble or inconvenience during the whole of that day, except the trouble of the skirmishers at the front.

However, I ought not to say that, because long before night Porter's order was given to retreat, and they did retreat a mile and a half. Porter about this time received the order which is called the 4,30 order; an order issued by Pope at 4.30 p. m. for Porter to go in and press the enemy on the right flank, attacking him in front and rear, if possible.

The order was to make the attack. A colonel who had been on the picket line said: "My God, there are rebels up there; you will get into trouble." He did not want to make the attack. Now I will ask any of my friends who have been in the Army whether after the first battle they ever wanted to make an attack? [Laughter.] I have a record of nineteen battles, and I solemnly declare that I never wanted to go in any after the first; and I was not in the first more than two minutes and a half before I found that I did not want to be in that. [Laughter.] I am not surprised that he did not want to enter upon the attack. Morell said, "Oh, it is too late; I will not attack."

Here comes a delicate question as to when the 4.30 order was received. The officer who carried it and an orderly, who testified before

the court, swear that it was delivered at 5.30. On the other hand, it is stated that it came before sundown. Morell says that he received the order to attack just before or about sundown. Porter, instead of being where he could obey that order and lead the charge, was two and five-eighths miles to the rear. He was down at Bethlehem church. The evidence is that he was lying on the ground, and that he never got off his elbow to consider the important order. He sends for an officer and tells him, "You had better have Morell attack." Another officer swears that he moved back with his command and staid at Bethlehem church all that night and put his pickets on duty before dark. General Griffin, General Morell, every officer who testifies except the officer on the picket line, states that he did not believe there were any rebels in their immediate front. Morell and others testify that no reconnaissance was made to find out whether there was any in the front or not. There is no evidence that any attempt was made to connect on the right as ordered or to advance.

Gentlemen, you must not undertake to gauge the proceedings of the original court by what you can get sixteen years afterward from gentlemen on the other side, who were let alone on that day. The whole evidence is clear that Porter knew an important battle was going on. It is shown that his own skirmishers through the woods, which he claimed to be impenetrable, saw the battle going on. They saw the lines surging to and fro. One officer testifies that from his experience in the army he could always tell the victorious rebel yell. I am sorry the officer had so much experience; nevertheless he testified that they could see what was going on upon the right. One of the division commanders —General Griffin, I believe—was ordered to move with his command, turning to the right on the branch road, which would bring them in connection with the troops on his right. Just after crossing the railroad he comes to what was said to be an impassable barrier.

One of Porter's witnesses was asked on cross-examination what this barrier was. He answered, "A thick clump of pine brush." My heavens! think about soldiers undertaking to get through pine brush! But they did not attempt it; they moved back and went out of the line.

If Porter had had his country as much at heart as he had McClellan his conduct would have been different. He should have said to McClellan, "I will have to leave you this day to go to the assistance of my comrades;" but he did not do it. He remained there the rest of the day.

It would seem that McClellan was loyal to himself, if we may judge. him by a report made by General Halleck to the Secretary of War (page 739, volume 12, War Records):

WASHINGTON, *August* 30, 1862.

SIR: In reply to your note of last evening* I have to state:

First. That on the 30th of July I directed General McClellan to send away his sick as quickly as possible, preparatory to his moving in some direction. Receiving no answer, the order was repeated August 2. On the 3d of August I directed him to withdraw his entire army from Harrison's Landing and bring it to Aquia Creek.

Second. That the order was not obeyed with the promptness I expected and the national safety, in my opinion, required. It will be seen from my telegraphic correspondence that General McClellan protested against the movement, and that it was not actually commenced till the 14th instant. It is proper to remark that the reasons given for not moving earlier was the delay in getting off the sick. As shown in my correspondence, I was most earnestly pressing him to move quickly, for the reason that I felt very anxious for the safety of Washington. From all the information I could obtain I believe that the enemy intended to crush General Pope's army and attack this city. I also believed that our only safety was to unite the two armies as rapidly as possible between the enemy and Washington. The object of pushing General Pope forward to the Rapidan was simply to gain time for General McClellan's army to get into position somewhere in rear of the Rappahannock. This I at first hoped to accomplish by landing the troops of Generals Burnside and McClellan at Aquia Creek. But the time which elapsed between the arrival of these two armies compelled me to bring most of General McClellan's forces to Alexandria, as General Pope was then falling back from the Upper Rappahannock before the main body of the enemy. When General McClellan's movement was begun it was rapidly carried out, but there was an unexpected delay in commencing it. General McClellan reports the delay was unavoidable.

Third. That on the 26th of August, at 11.20, I telegraphed to Major-General Franklin, at Alexandria, to march his corps by Centreville toward Warrenton, and to report to General Pope. Finding that Franklin's corps had not left, I telegraphed to General McClellan on the 27th, at 10 a. m., to have it march in the direction of Manassas as soon as possible. On the same day, at 12 m., I again telegraphed to General McClellan that General Porter reported a general battle imminent, and that Franklin's corps should move out by forced marches, carrying three or four days' provisions; to be afterwards supplied, as far as possible, by railroad. I also gave him the positions of General Pope's troops as well as I could ascertain them, and suggested the possibility that the enemy would attempt to turn his right. At 9 p. m. General McClellan telegraphed that he should retain Cox with General Franklin till next morning, and would visit my headquarters immediately. He came to my quarters soon after midnight, and left about 2 o'clock in the morning of the 28th.

At our interview I urged on him the importance of pushing forward Franklin as early as possible. Hearing about noon that General McClellan had not reached Alexandria, I telegraphed at 12.40 p. m. (28th) to General Franklin if he had not acted on General McClellan's order to do so on mine, and move toward Manassas Junction. At 1 p. m. General McClellan telegraphed to me that the moment Franklin could be started with a reasonable amount of artillery he should go forward. At 2.45 he telegraphed some rumors he had heard about the enemy's movements, and expressed an opinion that the troops sent from Alexandria should be in force, and with cavalry and artillery, or we should be beaten in detail. I replied at 3.30 p. m. that not a moment must be lost in pushing as large a force as possible toward Manassas, so as to communicate with General Pope before the enemy could be re-enforced. He telegraphed back at 4.45 that Franklin's corps was not in condition to move and fight a battle. At 8.45 I telegraphed to him that there must be no further delay in moving Franklin's corps toward Manassas—that they must go to-morrow morning, ready or not ready. If we delay too long to get ready there will be no necessity of going at all, for Pope will either be defeated or victorious without our aid. If there is a want of wagons, the men must carry provisions with them till the wagons can come to their relief. At 10 he replied that he had ordered Franklin's corps to move at 6 o'clock.

On the morning of the 29th, at 10.30, he telegraphed to me that Franklin's corps had started at 6 a. m., and that he could give him but two squadrons of cavalry. At 12 m. he telegraphed that Franklin's corps was without proper ammunition and without transportation; and again at 1 p. m. he telegraphed that in his opinion Franklin ought not to advance beyond Annandale. At 3.10 p. m. I replied that I wanted Franklin's corps to go far enough to find out something about the enemy; that perhaps he might get such information at Annandale as to prevent his going farther; that otherwise he would push on to Fairfax. I added that "our people must move more actively and find out where the enemy is; I am tired of guesses." Late in the afternoon I heard that Franklin's corps had halted at Annandale, and that he himself had been seen in Alexandria in the afternoon. I immediately telegraphed to General McClellan at 7.50 p. m. that his (Franklin's) being in Alexandria and his corps halting in Annandale was contrary to my orders; that his corps must push forward as I directed, protect the railroad, and open our communication with Manassas. General McClellan replied at 8 p. m., referring to his previous telegrams, and said that he had not deemed it safe for Franklin to march beyond Annandale, and that he was responsible for his being in Alexandria and his corps halting at Annandale. Early on the morning of the 30th I made inquiries of the Quartermaster-General in regard to transportation, and telegraphed at 9.40 to General McClellan that I was by no means satisfied with General Franklin's march of yesterday (29th). Considering the circumstances of the case, he was very wrong in stopping in Annandale. I referred to the fact that he could have obtained transportation if he had applied for it to the quartermaster's department, and added: "He knew the importance of opening communication with General Pope's army, and should have acted more promptly."

The foregoing is, I believe, a correct summary of the orders and instructions given by me in regard to the movement of General Franklin's corps, my expressions of dissatisfaction, and the reasons alleged for the delays which in the result proved so unfortunate.

Fourth. Copies of letters, orders, &c., relative to your inquiries are sent herewith.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

Hon. E. M. STANTON,
Secretary of War.

*See Stanton to Halleck, August 28, page 706.

The only order Porter obeyed with alacrity during the whole day was one received at 8.50 that night. "Move with your command to-morrow morning on the battle-field, and report to me in person for orders." He moved, but not with his command. One of his divisions scattered and went around to Centreville. (Does that show great capability?) They remained there and were not in the engagement. Hyatt went forward; perhaps he did get in a little trouble, but Morell did not; he came up to where a small bridge had been broken, and did not attempt to go across.

The committee should not be governed by what an unauthorized board find might have been the situation sixteen years after the events, but did Porter behave well? The best he knew how. Either on the 27th, 29th or 30th of August, 1863, did he obey the orders he received from his lawful commanders. It is plain, too, that Porter had positive orders, and under his orders it was his duty to attempt to push his army against the right of the enemy; there is nothing to show that he might not have done so. General McDowell says that he firmly believes that if Porter had gone in as ordered by him and as ordered by Pope our victory would have been decisive. McDowell, Pope, and others swear that if Porter had done his duty our victory would have been decisive; it was a victory for us as it was. As our troops fought all day and came out victorious in the evening, is it not reasonable to suppose with the aid of the best corps in the army (as it was called at that time) on the flank and they had fought as they could have fought, the enemy would have been totally routed?

There was no evidence before the court to show that Porter did not know this fact.

The evidence shows that Longstreet was coming through Thoroughfare Gap. It also shows that Porter and his men saw great clouds of dust coming from that direction, but the evidence does not show that he at any time confronted Porter on the 29th. General Slocum and others have said there was no battle on the 29th. Now, my friends, I am not going to take up the time of the House by reading it all, but I would like to have you go to volume second, and especially to read from page 286 to 288 Comte de Paris. You have what an impartial historian has told you, and one whose subsequent writings have been pasted on paper and sent to the different members of the committee to read as an authority in the case. He says it was a great battle. He says that it was terrific from 6 o'clock and 30 minutes in the morning until after dark in the night, and that the losses on our side were over six thousand men killed and wounded

So, my friends, while you are letting your great hearts go out to Porter, think of those six thousand men who fell on the battle-field that day, and think of the chagrin felt by their comrades the next day because they were compelled to retire from a victorious field because of Porter's perfidy. Do not forget them, and do not forget the one-armed and one-legged men who fought on the 29th, and do not fail to call it a battle. As I have said, the official reports show it to have been a battle.

Ruggles, who testifies in this case in favor of Porter, says he did not hear much before 11 o'clock, but from then to nightfall it was a battle, and that the musketry firing was continuous until late at night. General Hooker, with Grover's brigade, charged onto a railroad bank, which was a natural fortification, and held it. Sigel and Reynolds also were hotly engaged in battle, and there is no question but Porter knew

what was going on. He said he heard the firing, and yet he turned not a hand to save his comrades. In proof of the fact that there was a battle I quote from an *impartial* historian.

The Comte de Paris remarks, concerning the battle of the 29th, page 288:

Heintzelman and Reno on the right, McDowell and Porter on the left, and a long road to travel. Sigel, therefore, who was almost touching the enemy, opened the fight single-handed at half past 6 in the morning. Schurz's division, which had deployed to the right of the turnpike, attacked Lawton vigorously, while Milroy, with his brigade and a battery in the center near the Stone house and Schenck on the left of the road, cannonaded Starke's troops. The battle soon raged along the whole line. The Federals were gaining ground, especially on their left; for, Longstreet not having arrived, Jackson's right was still exposed.

Also page 290, Hooker upon receiving orders to attack the enemy in front, Comte de Paris says:

This gallant officer remarked to him that such an attack would stand very little chance of success. Hill had actually found in the railroad embankments a real parapet, behind which he could resist many assaults. Pope insisted; Grover's brigade charged with the bayonet, and penetrating between the confederate brigades of Gregg and Thomas, set foot on the embankment. All Hill's troops were concentrated to dislodge them: the rest of Hooker's division hastened to their assistance; and, notwithstanding their numerical inferiority, the Federals maintained their position, when Early, throwing himself into the *mêlée*, put an end to the struggle and carried off the victory. Kearny, who had been notified too late, only attacked the enemy after Grover's repulse. Movements so badly combined could not succeed. Kearny experienced the same fate as Hooker. While the right of the Federals was sustaining considerable but fruitless losses in these partial engagements, Pope was wondering that he did not hear Porter's cannon thunder upon what he believed to be Jackson's flank.

He also says, on page 292:

His (Porter's) attack, therefore, could not have produced the results upon which the commander-in-chief had counted. But neither the impossibility of executing to the letter the order of the latter, nor even the instructions which McDowell may have given him during the day, afford any excuse for his having remained so long inactive in the presence of the enemy, with two fine divisions, while a great battle was being fought in his vicinity. In short, if the road he had to follow was barred against him—if, therefore, he coud not cut the enemy's army in two and secure its defeat—it is equally certain that a vigorous attack made by him upon Longstreet's right would have drawn out all the forces of this general, and, by freeing the rest of the Union line, would probably have prevented the reverse which the latter sustained at the close of the day. We can not avoid, therefore, blaming his inaction at such time and under such circumstances.

This indifference on the part of Porter to the cannon's appeal, the manner in which he interpreted the orders of superiors and the tardiness with which these orders reached him, were the inevitable consequences of the confusion we have already referred to in the general movement of the army.

Same authority, page 294, says:

When daylight came they had to concentrate, to reorganize, to pick up and care for the wounded. The Federals had from six to eight thousand men *hors de combat*.

I come now to the argument before the board. On March 15 the President was authorized to appoint a board of officers to examine into the case of William A. Hammond, late Surgeon-General of the Army. This was done by an act of Congress, and it was under the authority of an act of Congress that this board of officers was appointed in the case of Surgeon-General Hammond. But the very same day, (in order to lead the country to believe the President had the same authority from Congress in Porter's case), after issuing the order calling for a board of three officers for Hammond, an order was issued in relation to Porter. In the case of Hammond it had the act of Congress to back it, but in the Porter case no power was given the President to do anything he could not have done of his own motion. There is no authority of law for it, (and I defy any man, lawyer or not, to say to the contrary)—to revise or pass upon the sentence of the court-martial. You gentlemen who are to talk upon this question will show, I hope, by what authority this board of officers could pass upon that sentence of the court-martial. To be sure, the President by his prerogative could have done just what has been done by the present President—he could have mitigated the continuing portion of the sentence. But after looking over the proceedings he did not do anything of the kind.

This board of honorable gentlemen, so honorable they throw into insignificance such men as Hunter and Hitchcock and King and other gentlemen on the old court—those corrupt men who have been passed upon by these incorruptible men—that is as you would have us understand it, I suppose; for this board the President requested Sherman or the Secretary of War should name the officers who should compose it. The first name was Hancock and the second was Sheridan, but argument was used by gentlemen interested in pressing this case that neither one of those gentlemen would be exactly acceptable. For judge-advocate, Swaim's name was first proposed. It was said Swaim is serving with Pope. And then they talked about Winthrop and another officer in the judge-advocate's department here, but they would not do, because they had been in the War Department all the time. Gardner was named after a while, (and he was the judge-advocate). They said at first Gardner would not do, because he served on McDowell's staff. Butterfield spoke up and said, "He served on my staff, too." That made him solid.

I do not wish to reflect upon the gentlemen composing the board, and I am not going to do it, but what I have told you is true. Senator Randolph got the names of officers available and sent them down to Willard's Hotel to be submitted to gentlemen pressing the case, to know whether they would be satisfactory or not, and they agreed upon the gentlemen who did constitute the court.

Schofield was aspiring to be the President of this great country; Randolph carried the Democratic nominating vote of New York, New Jersey, and Pennsylvania in his breeches pocket——

Mr. ROSECRANS. Do I understand the gentleman from Indiana to say that General Schofield desired to be President?

Mr. STEELE. You understand me to say that nothing would have given his heart more gratitude to this people. [Laughter.]

Mr. ROSECRANS. I understood the honorable gentleman from Indiana to say that General Schofield was a candidate for the Presidency?

Mr. STEELE. I did not say so.

Mr. ROSECRANS. Then you said he was an aspirant, I believe?

Mr. STEELE. I stated that he was an aspirant, and I repeat that nothing would have given his heart greater satisfaction, and his friends understand it to be the fact that he would like to have been complimented with the nomination. The honorable gentleman from California so understood.

Mr. ROSECRANS. I beg to say, with all respect to this House, that I do not understand any such thing.

Mr. STEELE. Not now you do not understand it so; but then did you not understand it to be true?

But to come back to this board. They went to West Point and swore themselves into a tribunal to take cognizance of this matter. Was it a legally organized court? Had it authority under the laws of the State, or of the United States? But they met and assumed judicial functions for which, under the laws of the State of New York they were liable to trial for assuming unwarrantably these functions. Oh, the gentleman may laugh, but I defy him to resist the truth of the assertion or to controvert it successfully, and I am satisfied that he will not undertake to do it. They commenced an examination of the case. What were they to do under the law?

In order that the President may be fully informed of the facts of the case of Fitz-John Porter, late major-general of volunteers, and be enabled to act advisedly upon his application for relief in said case, a board is hereby convened, by order of the President, to examine, in connection with the record of the trial by court-martial of Major-General Porter, such new evidence relating to the merits of said case as is now on file in the War Department, together with such other evidence as may be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion justice requires should be taken on said application by the President.

This is the order under which the board acted. Under such an order could they have taken evidence, or was there any authority for taking evidence at all, except in the terms of the order itself? It was not a court of original jurisdiction.

What was their authority in the matter? Why, Mr. Chairman, the only thing that court could have done at all under the order creating it would have been to take up the proceedings of the original court-martial, and if they could find that any evidence of a material character had been left out in the proceedings of that court it was competent for them to say so, and make their report to that effect. But what power did they exercise? What power was given to them? Simply to enable the President to act understandingly in the matter. This board convened, and what do they find? That Longstreet was there with twenty-five thousand men, and that if Porter had gone in obedience to his orders he would have been devoured! Consider it, gentlemen, for a moment. Longstreet, with twenty-five thousand men—such men as he had in his command—was standing there in line of battle all day looking complacently down on Porter, with nine thousand five hundred men, saying, "Don't hurt me and I will not hurt you." Why, it is not even reasonable. The fact is, the evidence taken at the time they talk about—and I defy contradiction—the evidence shows that without Porter, and with Longstreet and his forces, our army came out victorious the night of the 29th, and that Longstreet formed on Jackson's right, extending his own right up to the railroad and going a little across the Manassas and Gainesville road.

I want to say further that under the orders he had received I do not believe there is a soldier here—I know there is not a good one—who, if he had received such an order or the three orders that Porter had received, would not have gone in and found out whether there were twenty-five thousand men with Longstreet or not.

Mr. ROSECRANS. May I ask the gentleman a question?

Mr. STEELE. Yes, sir.

Mr. ROSECRANS. What order is it to which you now refer?

Mr. STEELE. I refer now first to the order of August 27, issued in the evening, for Porter to march at 1 o'clock the next morning to Bristoe to support Hooker. I refer also to the joint order under which General McDowell, then in authority, said, "Put your force in here;" and the subsequent order of 4.30 o'clock, that McDowell said he saw himself in time for it to have reached Porter by 5:30. Porter says that order was not received until nearly sundown. McDowell left Porter at Dawkin's Branch and rides two and five-eighths miles back to Manassas Junction to join his own troops, the two divisions which he names. Shortly after leaving Porter, getting King and Ricketts started to the right, he met the 4.30 order going to Porter.

Mr. ROSECRANS. Do I understand the gentleman to say that when

General McDowell, at half past 11 in the morning, joined General Porter and assumed the command of Porter's division, his own division, and King's division, he then and there directed Porter to go into the fight?

Mr. STEELE. I say so most emphatically. I do not say half past 11 o'clock, because he says, "I can not state the hour positively;" but the evidence is very conclusive it was between 12 and 1 o'clock.

Mr. ROSECRANS. The gentleman says that McDowell ordered Porter to go into the fight?

Mr. STEELE. That he ordered Porter to go into the fight. He said, "Put your men in here."

Mr. ROSECRANS. And do I understand the gentleman to say that the order "Put your men in here" was the same as ordering Porter to go into the fight?

Mr. STEELE. I mean exactly that. It meant—to put his men into the fight. It meant to go in. It did not mean to wait on the railroad and to stay there all day.

Mr. ROSECRANS. The gentleman will excuse me a moment further, for I desire to get exact information. What I want of the gentleman is this, to state to this House what he means. Does he mean that when General McDowell said "put your men in here" he expected Porter then and there to commence the fighting, or does he mean General McDowell told him there would be the place he would operate, and when he had taken place on the left of General Reynolds and on the right of General Porter they would commence the battle when the line was complete? That is the idea I want to get to the House, whether Porter was told to commence fighting before McDowell had his place in the line or not.

Mr. STEELE. I do mean that, and will insert in the RECORD with my remarks General McDowell's testimony upon that point before the court-martial.

General McDowell's testimony, page 84:

The question with me was how, soonest, within the limit fixed by General Pope, this force of ours could be applied against the enemy. General Porter made a remark to me which showed me that he had no question but that the enemy was in his immediate front. I said to him: "You put your force in here, and I will take mine up the Sudley Springs road, on the left of the troops engaged at that point with the enemy," or words to that effect. I left General Porter with the belief and understanding that he would put his force in at that point. I moved back by the shortest road I could find to the head of my own troops, who were near Bethlehem church, and immediately turned them up north on the Sudley Springs road to join General Reynolds's division, which belonged to my command, and which I had directed to co-operate with General Sigel in the movements he (General Sigel) was making at the time I left him in the morning. After seeing the larger part of my troops on the Sudley Springs road I rode forward to the head of the column. I met a messenger from General Pope. I stopped him and saw that he had an order addressed to General Porter alone. I do not recollect more than the general purport or tenor of that order. It was to the effect that he should throw his corps upon the right flank or rear of the enemy from the position he then occupied. When I say right flank, I do so merely because of my knowledge of the position of the forces, not from any recollection of what that order contained on that point.

Question. You have said that the accused made an observation to you which showed that he was satisfied that the enemy was in his immediate front; will you state what that observation was?

Answer. I do not know that I can repeat it exactly, and I do not know that the accused meant exactly what the remark might seem to imply. The observation was to this effect—putting his hand in the direction of the dust rising above the tops of the trees—"we can not go in there anywhere without getting into a fight."

Q. What reply did you make to that remark?

A. I think to this effect: "That is what we came here for."

Q. Were there any obstacles in the way of the advance on the part of General Porter's command upon the flank of the enemy?

A. That depends upon what you would call obstacles. A wood is an obstacle.

Q. I mean insuperable obstacles, in a military sense?

A. I do not think we so regarded it at the time. I did not.

Mr. ROSECRANS. That is all I want to know.

Mr. STEELE. He did not say "Commence fighting;" but "Put your men in here," and Porter, looking "here," sees that he can not put his men "in here" without a fight, and that what McDowell means is, "We come here to fight; that is what we come here for." [Applause.]

Now, McDowell said he saw the 4.30 order, and that it was possible for it to have reached Porter at the time Captain Pope, (General Pope's brother), said it reached him. Captain Pope was sent for by Porter and came back, after he had delivered the order and was a mile or so on his way returning to Pope. And I have no doubt some of the officers who testified in the case saw Captain Pope when he had arrived back the second time. They say now that if Porter had gone in there it would have accomplished no result.

Mr. ROSECRANS. I will ask the gentleman himself to say whether if Porter had gone in there with a single division on Longstreet's corps it would not have accomplished results, and whether those results would have been likely to be favorable to us?

Mr. STEELE. From the evidence I have not the slightest doubt but our victory would have been glorious if Porter had taken his corps into the fight where he was directed.

Mr. CALKINS. You [General ROSECRANS] are assuming Longstreet was there. I claim Longstreet did not have but seventeen regiments and a few cavalry anywhere near General Pope until after 12 o'clock. That is what I infer from the evidence.

Mr. ROSECRANS. I will state for the information of my gallant young friend from Indiana [Mr. CALKINS] that General Longstreet himself told me——

Mr. MAGINNIS. Let me ask one question.

The CHAIRMAN (rapping to order). The gentleman from Indiana [Mr. STEELE] is entitled to the floor. Does he yield?

Mr. ROSECRANS. I ask the gentleman to allow me one moment to answer the gentleman from Indiana [Mr. CALKINS].

Mr. MAGINNIS. If General McDowell wanted to fight he had twenty-five thousand men. Why did he not put them in?

Mr. CALKINS. That is what he did do. He went around on the right and did put them in, marching to the sound of the cannon. And that is what Porter did not do, and everybody knows it.

Mr. MAGINNIS. Why did McDowell not go in and fight?

The CHAIRMAN. The committee will come to order.

Mr. BROWNE, of Indiana. Let the Chair send the sergeant of the guard. [Laughter.]

The CHAIRMAN (rapping to order). Gentlemen will resume their seats.

Mr. ROSECRANS. I ask a moment.

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. STEELE. I would be very glad to yield for a debate between myself and some other gentleman, but I do not wish it to be so general. I have seen several fights of this kind and do not like it. But I yield to the gentleman from California for a moment.

Mr. ROSECRANS. The gentleman from Indiana [Mr. STEELE,] I understand, consents to yield to me for one moment to answer the question put to me by my gallant young friend Colonel CALKINS. I want to say that General Longstreet told me on the ground last fall that he was in position with all his corps at half past 11 o'clock on that day.

Mr. CALKINS. I want to say to my gallant friend and commander of the Army of the Cumberland that if he will examine the evidence of General Longstreet before this commission which has been talked so much about, of which General Schofield was the president, he will find General Longstreet testifying that only the advance of his force were there at 11 o'clock, and that they got into line some time after that; the time he can not state, but he supposes about 1 or 2 o'clock. That is the substance of it.

Mr. MAYO. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MAYO. I wish to ask what has this House to do with that question? [Laughter.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HISCOCK. I ask that the gentleman's time be extended. He has been a good deal interrupted.

Mr. MAGINNIS. I hope the time of the gentleman from Indiana, my colleague on the committee, will be extended. If he desires so much time I move that it be extended for fifteen minutes.

Mr. STEELE. Fifteen minutes is all I ask.

The CHAIRMAN. Is there objection to the gentleman from Indiana being permitted to proceed? The Chair hears none.

Mr. STEELE, of Indiana. This board of review found that General Pope's army would have been annihilated if these twelve thousand men of Porter's had gone into that fight in addition to the few men who were in it. Such reasoning as that, to say that if our force had been increased by the addition of the best corps in the Army would have caused its extinction from the face of the earth! Who believes any such thing? Who believes that Porter should not, under the orders he had received, have gone in there and fought? And you will find in the proceedings of the original court that he did give a feeble order to advance from his position in the rear, nearly three miles, but quickly countermanded it.

I was coming to where McDowell had run his horse back from Dawkin's Branch, two and five-eighths miles. He had got King's and Rickett's divisions and started for the field, when he met an officer going to Porter with orders to go into the fight. He said to the officer that is an important order. McDowell himself marched with his troops six miles, after riding two and five-eighths miles, and put his two divisions into the fight, and it was such conduct as this that saved our Army. According to the showing of this board Porter could have found rebels in his immediate front, and the board does not say why he did not go in.

Can a board of three officers, without authority, revise or review or set aside the proceedings of a regularly constituted court-martial? They attempt to do it; they attempt to say that the finding of that court-martial was all wrong, and that the gentlemen composing the court were corrupted by promises of office.

During that trial a gentleman who is on this floor—I will not say that he is on the floor, but he is an officer of this House—heard Fitz-John Porter say while walking up and down his room the evening after McDowell had testified, "They accuse me of not being loyal to Pope; well, I was not." Now, being loyal to a commander of an army is being loyal to his country when that commander is consistently fighting his country's battles.

As I said before, I hope my friends on the other side will not be led away by political bias. Gentlemen here with whom I served during the war know that we had no such men in the Army of the West. When the officers of that army received orders they obeyed them. And I have no doubt that my friends on the other side, my gallant

friends, were in an army commanded by men who when they received an order held it to be law even unto death.

We do not want you here to be biased politically. We do not want you gentlemen who, though misguided, fought battles in that war on the other side, to say that you will set aside the decision of the highest military tribunal in the land.

The question is asked why General Pope did not appear before this board? Why should he appear? I will tell you why he did not. They were afraid to summon him. There was a talk about summoning him, and the question was asked: "Suppose we do summon Pope; whose witness is he? We do not want him." The judge-advocate appointed on the part of the Government says he was himself in favor of Porter when the proceedings of the board commenced.

Now, these men, who were friends of Porter, virtually said to General Pope: "Will you come here of your own sweet will, and let gentlemen who have been preparing this case from one to sixteen years have a whack at you? We will cross-question you to death; we will use you up; for there is nobody here except the judge-advocate to look after you?" and he is a friend of Porter (which he ceased to be at the close of the trial). That is what the lawyers of Porter said in their minds. If they had wanted Pope why did not they summon him? They did summon other witnesses and administered oaths to other witnesses.

Great stress is laid on what is said by General Grant, and well may the people of the country pay attention to what that great man says. But he said no to Porter's appeals three times during the time he was President and might have helped him (President Johnson had also refused him). The last time Grant says: "I have carefully examined the new matter presented to me in this case, and it only the more thoroughly convinces me of the justice of the sentence." Further comment is unnecessary. [Applause.]

Mr. LYMAN obtained the floor, and yielded to

Mr. SLOCUM, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX, of New York, having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the Private Calendar had had under consideration the bill (H. R. 1015) for the relief of Fitz-John Porter, and had come to no conclusion thereon.

Mr. SLOCUM. I desire to say to the House that I have a list of twenty-five members who desire to speak on the bill pending in Committee of the Whole, and most of them desire one hour each. The bill is now on the Private Calendar, and it will take up a great part of this session if the wishes of those gentlemen are gratified. I ask unanimous consent that the session of to-morrow be for debate only on the pending bill.

Mr. BROWNE, of Indiana. With the understanding, I suppose, that at the close of the discussion to-morrow the bill will go over until next private-bill day.

Mr. SLOCUM. Yes, with that understanding.

Mr. REED. For general debate?

Mr. SLOCUM. Certainly.

Mr. REED. And the general debate to be continued next Friday?

Mr. SLOCUM. Yes.

Mr. REED. Well, if no one else in the House objects I will not. My objection originally was that if that understanding was made about the session of to-morrow, we would simply have a few persons here, not for real debate, but only for the reading of speeches. I do not regard that as wise or desirable in a case like this.

But as the views of members of this House as already shown, and of the manager of the bill here, indicate a desire for such a session to-morrow, I do not feel like interposing an objection, although at the same time I think it an unwise course in a matter of this kind.

The SPEAKER *pro tempore*. The House has heard the proposition of the gentleman from New York [Mr. SLOCUM], that there be a session to-morrow for general debate only, no vote to be taken, the bill then to go over until the next private bill day.

Mr. KEIFER. For general debate?

The SPEAKER *pro tempore*. For general debate. Is there objection?

Mr. KEIFER. It is understood that there is to be no other business to-morrow than debate.

The SPEAKER *pro tempore*. That is the understanding of the Chair——

Mr. KEIFER. Except the reading of the Journal.

The SPEAKER *pro tempore*. Except the reading of the Journal. The Chair hears no objection.

DUTY ON WOOL.

Mr. CONVERSE. I hold in my hand, and desire to have printed in the RECORD for the information of the House, the resolutions of the National Wool-Growers' Association, adopted at its annual meeting in Chicago on the 26th day of September, 1883, asking the restoration of the tariff rates on imported wools to what they were prior to the late reduction; also, a memorial and petition to the same effect of the officers and executive committee of the Wool-Growers' Association in and for the State of Indiana; also, a petition on the same subject of John Robinson and 44 others, citizens of the State of Michigan. I ask unanimous consent that these papers may be printed in to-morrow morning's RECORD, excepting the forty-four names on the last-mentioned petition, which need not be printed, and that they be referred to the Committee on Ways and Means.

There being no objection, the following papers, submitted by Mr. CONVERSE, were referred to the Committee on Ways and Means, and ordered to be printed in the RECORD:

To Senators and Members of Congress:

The wisdom of the last Congress, prompted by the recommendation of the Tariff Commission, removed the ad valorem duty on foreign wools. By so doing, a great and manifest injustice has been done to the wool-grower and the agriculturist generally. The tariff act of 1867 gives to wool the only protection it had, and is the only law worthy of your consideration that gives any protection to any agricultural interest. We do assure you that under the present law such losses are incurred that wool growing ceases to be remunerative, and we will be compelled to abandon sheep husbandry and go into other pursuits. We beg your careful attention to this subject, and pray you to speedily restore the tariff of '67 on foreign wools, thereby guaranteeing to us that justice which our prominence as American citizens entitles us to.

We have thus earnestly appealed to the Forty-eighth Congress to restore that which we must have, or our honest toil goes unrequited; therefore we come to you, trusting that you will not fail to heed us in our humble petition.

(Signed by John Robinson and 44 others.)

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, wool-growers in the State of Indiana, respectfully and earnestly petition the Congress to restore the duties on foreign wools substantially as they were enacted by the act of 1867.

The flagrant injustice done to the wool-growers by abolishing the ad valorem duties provided by the wool tariff of 1867 demands your attention, and we venture briefly to state some reasons for this assertion:

Prior to that enactment no substantial protection had been given by Congress to the production of American wools, whereas the manufacturers of wool had been sufficiently protected against similar foreign fabrics. This well known fact led to a conference of wool-growers and manufacturers, who, after careful and laborious consideration, agreed upon the act of 1867, and this agreement became the law of that date.

At that time the number of sheep in the United States was about 22,000,000 and the annual product of wool was about 60,000,000 of pounds. Under the influence of this law sheep husbandry rapidly advanced, until the number of sheep is now over 50,000,000 and the annual product of wool is more than 300,000,000 of pounds. With this increase the price of wool has steadily receded from 51 cents a pound in 1867 to 42 cents prior to the tariff of the last Congress. The stability of the home market, secured by the act of 1867, accounts for this rapid increase of production and for the reduction in price. Let it be remembered that these facts carried sheep husbandry into every State in the Union, and in some of the States not a county is found without a portion of its wealth invested in wool production, so that there is to-day 1,000,000 flock-masters who are demanding the restoration of the late tariff.

Your petitioners further state that the abolition of ad valorem duties has reduced the price of wool during the current year to the producer not less than 5 cents per pound; which equals, on the entire product of 300,000,000 pounds, $15,000,000, and they ask: "Who has been benefited by the loss?"

The consumers of woolen goods certainly have not, for on many classes of such goods prices have advanced. In fact and in truth, the great loss has only augmented the profits of manufacturers, without any appreciable advantage to those who consume the fabric.

It must not be forgotten that the producers of wool have been compelled to submit to this reduction in order to compete with foreign wools.

There are 80,000,000 of sheep in Australia, and with her mild climate and perennial pastures she can multiply this number until she quadruples the present production of the United States, and finally destroy this industry. Great efforts are now being made by certain parties in the United States to assist Australia in this competition by improving the quality of her wool through the instrumentality of the best American merino blood. This effort seems to have been commenced simultaneously with the effort to modify the act of 1867.

The loss to the United States by destroying sheep husbandry will not be confined to the direct loss of the wool production. The value of sheep for fertilizing land, and thereby enabling it to sustain the drain incident to the production of the cereals, is an important factor in this problem, especially in the grain-producing States, and this incidental loss is of great magnitude, and is best understood by those who are practical agriculturists. Wool is the only production of those who till the soil that is directly and materially benefited by economic legislation.

We therefore urge upon Congress the duty of restoring the duties provided by the act of 1867.

Why should the manufacturers have free wool, or wool with a duty so low as to let in foreign wools, unless the consumer of their products have free goods, or goods with a duty so low as to admit foreign fabrics?

We are protectionists, and desire to see all American industries and American labor fairly and uniformly protected by just and equal economic legislation.

Wherefore we respectfully and earnestly pray for the relief herein requested.

FIELDING BEELER, *President Indiana W. G. A.*,
J. W. ROBE, *Secretary Indiana W. G. A.*,
S. W. DUNGAN, *Treasurer Indiana W. G. A.*,
And Executive Committee Indiana Wool-Growers' Association.

The National Wool-Growers' Association, at its last annual meeting, held at Chicago, September 26, 1883, passed the following resolutions by a unanimous vote:

Resolved, First. That in the opinion and judgment of the National Wool-Growers' Association the tariff rates on imported wools should at the earliest opportunity be restored to what they were at the time of the last reduction.

Second. The State, district, and county associations and wool-growers in all the States are requested to use every endeavor to secure the efforts of their respective Representatives and Senators in the restoration of the tariff on wools.

Third. That the officers of this association are instructed to use their best efforts to bring before Congress in the most effective possible manner the demands of the wool-growers of the United States through this national association for the restoration of the tariff on wool as above.

Attest: ALBERT CHAPMAN,
Secretary National Wool-Growers' Association.

ALEXANDER SWIFT & CO.

Mr. JORDAN. I ask unanimous consent to change the reference of a bill from one committee to another. House bill 1244, for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and Niles Works, was referred by a mistake of mine to the Committee on

War Claims; it should have been referred to the Committee on Claims. I ask unanimous consent that the reference be changed.

Mr. WARNER, of Ohio. I will ask what is the nature of the bill?

Mr. JORDAN. It is a bill relating to extra compensation for the building of three gunboats.

Mr. WARNER, of Ohio. I think that the bill properly belongs to the Committee on War Claims; but I will not object.

There being no objection, the Committee on War Claims was discharged from the further consideration of the bill, and it was referred to the Committee on Claims.

ORDER OF BUSINESS.

Mr. SLOCUM. I move that the House resolve itself into Committee of the Whole for the further consideration of the Private Calendar.

The motion was agreed to.

FITZ-JOHN PORTER.

The House accordingly resolved itself into Committee of the Whole, and resumed the consideration of the bill (H. R. 1015) for the relief of Fitz-John Porter.

Mr. LYMAN. Mr. Chairman, it is a pity that in discussing questions of this nature we can not have hung in a convenient position a map of the field of battle, for it is no slur on the intelligence of the members to say that nine-tenths of them can not carry the positions of the troops in their heads. Could such a map be hung opposite the lower portion of the Speaker's desk, the House would even consent to the temporary eclipse of our friends the nimble-fingered reporters and those whom we may in Homeric phrase call the loud-shouting reading clerks. But in the absence of such a convenience it may be possible to construct on the floor of this House a sufficiently accurate diagram. Let us call the Speaker's chair Centreville, not an inappropriate location, for from that center come the friendly rays of recognition; then this main aisle would be the Warrenton turnpike, and where I stand Gainesville. Let us call the side-door which is diagonally behind me Thoroughfore Gap. Then Manassas Junction would be diagonally in front of me, where sits my friend from New Jersey who formerly represented us at Vienna, but whom I will ask to represent for a few moments the railway interests. Bristoe Station, on the Alexandria Railroad, would be at the seat of the honorable gentleman from New York [Mr. SKINNER], and Warrenton Junction, on the same road, would be on the same aisle at the place of the honorable gentleman from Pennsylvania [Mr. EVERHART]. From Thoroughfare Gap to Gainesville, where I stand, is only some six miles, and from Gainesville to Groveton, which would be where this main aisle enters the open space in front of the Speaker, about three miles and a half. The confederate line of battle, when in position on the 29th of August, was about four and a half miles long; it extended from a point near Sudley Springs, which point will fall at the seat of my popular colleague the Representative from Harvard University, and trended in a southerly direction across the Warrenton pike, a little this side of Groveton, to a point south of the Manassas Gap Railroad. I shall ask my friend from Vermont, whose silver hair is his only mark of age, to represent the right of the confederate line, positively for this occasion only.

Let us confine ourselves strictly to those movements which concern the question under debate, and see how the troops got on the field. Jackson had flanked our army on the Rappahannock on the right. On the night of the 26th, having passed Thoroughfare Gap, he descended on Manassas Junction, and captured all our reserve supply-trains and sutlers' wagons. His men, remembering the wise precepts of Sir Dugald Dalgetty, fell on the pork and hard-tack, canned lobster, and brandy peaches, and not only satisfied the hunger of the past, but laid in an abundant supply for the future.

General Pope, like an astonished terrier, who, while defending his ears, suddenly finds his tail pinched, faced about and marched in all haste on Gainesville and on Manassas Junction. But Jackson had no idea of waiting his pleasure; he moved north from Manassas Junction and settled down in line of battle, with his left near Sudley Springs and his right on the Warrenton pike, along which he stretched a friendly hand toward Longstreet, who, with the other half of the Army of Northern Virginia, was preparing to pass Thoroughfare Gap.

Meanwhile, General Porter, being at Warrenton Junction, received on the evening of the 27th of August an order from General Pope to march to Bristoe Station, where he arrived on the morning of the 28th. Here he lay awaiting orders during that day. On the morning of the 29th he was ordered to march on Gainesville. At about 11.30 a. m. he arrived within three miles and a half of Gainesville, and found himself in the presence of the enemy. He halted, and, with some skirmishing and artillery fire, remained there during that day. These two days, from the evening of the 27th to the evening of the 29th, embrace the period during which General Porter committed his alleged military crimes. An analysis of the charges against him shows that they are reducible to two. The others are either implied in these two or were abandoned at the trial.

The first charge is, that being ordered on the night of the 27th to march at 1 o'clock the next morning from Warrenton Junction so as to be by daylight at Bristoe Station, he then and there disobeyed said order. In point of fact General Porter in no sense disobeyed the order. He only modified it by marching two hours later than the time set down. It is proved that his division commanders expostulated strongly against starting at 1 o'clock, saying that their troops were exhausted by hard marching, that the night was excessively dark, and that the narrow road was blocked by wagon-trains. General Porter, who at first replied that the order must be obeyed, was at last convinced of the wisdom of their views and postponed the start for two hours. On arriving next morning at Bristoe Station he found no enemy and no demand for his services. In other words, he, with the advice and assent of his division commanders, postponed his march for two hours, and on arriving at Bristoe Station found that his troops had not been needed. This act of his has been loudly proclaimed as a gross disobedience worthy of death. If there be one military principle better grounded than another, it is that the general rule of implicit and instant obedience may have modifications. When an officer is at a distance from his commander he is allowed a certain discretion in the interpretation of orders received, and the higher the rank of this subordinate officer and the farther removed he is from his commander, the wider is this discretion. But this safeguard is always maintained, that when a subordinate so situated does modify an order, he modifies it at his proper peril. Under this general principle the action of General Porter in postponing his march was entirely proper in the military sense. But even admitting what is not true, that he had no other choice than instant obedience, his arrival two hours late on a field where he was not needed was deserving of no heavier a penalty than a verbal reprimand.

The second charge is that being directed, in an order dated 4.30 p. m. of the 29th, to attack the enemy's flank, he did shamefully disobey the same.

This order reached General Porter when he was halted on the 29th, as before described, about three and a half miles south of the Warrenton pike. In issuing this order General Pope fell into two errors which destroyed its force. 1. He supposed that Jackson alone was on the field, and that Longstreet would not there arrive until the next day. 2. He supposed that Porter was a mile and a half nearer the Warrenton pike than he really was, and that he thus stood within striking distance of Jackson's unprotected right flank. The order read, "Your line of march brings you in on the enemy's right flank," and General Porter was ordered to attack that flank and get, if possible, in its rear. But the real state of the case was this: Longstreet, with a force over twice as great as that of General Porter, had passed Thoroughfare Gap, and by half past 11 on the 29th was in line of battle, with his left connected with Jackson's and his right some distance south of the Manassas Railroad. This so-called 4.30 order, then, was one impossible of execution; for Porter was not on the flank either of Jackson or of Longstreet, and any direct attack by him would have been met by an enemy of twice his strength and strongly posted. In such a direct attack his corps must have been repulsed and driven in confusion from the field, a disaster which would have exposed the right flank of the rest of the Union Army and insured a defeat far more crushing than the one that occurred on the following day.

The order was impossible of execution; but this is not all: although dated 4.30 p. m. it is proved by overwhelming evidence not to have been delivered till sunset. To have deployed the second line and made the attack would have taken one or two hours, when darkness would have prevented any effective assault. In one word, an order impossible of execution was delivered too late for any attempt to carry it out.

The much-concentrated statements I have made are carefully based on the decision of the West Point board which reviewed General Porter's case. It may be properly asked why did the original court-martial condemn him to be cashiered; and why did the West Point board not only exonerate him, but give him high praise for his soldierly conduct? The answer is a simple one. The West Point board had before it not only the entire evidence of the original court-martial, but a vast amount of new evidence which added much to the knowledge of the case and further gave a new interpretation to many portions of the old testimony. Thus the court-martial decided that General Porter was opposite the unprotected right flank of Jackson and had time and opportunity to attack it, while the West Point board demonstrated that he was in no such position, but was opposed by nearly the whole of Longstreet's corps; and further, that he received the 4.30 order too late to make any attack.

By the decision of one or the other of these courts we must be governed; for it is out of the power of any gentleman on this floor to give an opinion on evidence which was studied for months by the officers of those courts.

Nor can we hesitate for a moment which of the two to take as our guide. On the one hand we have a court-martial held at a time of wild public excitement and prejudice, and furnished with imperfect and one-sided evidence—a court two of whose members had been in the battle, and whose reputation was at stake; nay, one of whom descended to the floor, gave evidence against the prisoner, and then resumed his seat to pass judgment on him. On the other hand we behold a board of three eminent officers passing six months in the study of all the evidence, new and old. Of this board of three officers, two were at the outset so strong in their feeling against the accused that they wished to be re-

lieved, fearing they could not do him justice; and yet these two officers, Generals Terry and Schofield, were forced by the overwhelming testimony to change from hostility to admiration.

The gentlemen of this House who still hold to their old feelings against General Porter would act wisely were they to follow the distinguished example of those two officers.

Mr. MAYO. Mr. Chairman——

Mr. SLOCUM. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX, of New York, having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the Private Calendar, having had under consideration the bill (H. R. 1015) for the relief of Fitz-John Porter, had come to no resolution thereon.

Mr. SLOCUM. I move that the House adjourn.

Pending the motion to adjourn the following business was transacted by unanimous consent:

APPOINTMENT OF SPEAKER PRO TEMPORE.

The SPEAKER *pro tempore* laid before the House the following letter; which was read:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 18, 1884.

DEAR SIR: As I shall be absent from the city to-morrow, January 19, 1884, I hereby designate Hon. S. S. COX, of New York, to perform the duties of the chair in my place for that day.

Respectfully,

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk of the House of Representatives.

JOHN WALLER.

Mr. BEACH, by unanimous consent, introduced a bill (H. R. 3558) to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRINTING FOR COMMITTEE ON ELECTIONS.

Mr. TURNER, of Georgia, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Elections be authorized to have printed such documents and papers for the use of said committee as it may deem necessary in connection with subjects considered by the said committee during the present Congress.

CONTINGENT FUND OF INTERIOR DEPARTMENT.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting statements of the expenditures of the contingent fund of the several bureaus of the Interior Department for the fiscal year ending June 30, 1883; which was referred to the Committee on Expenditures in the Interior Department, and ordered to be printed.

TELEGRAPH COMPANIES RECEIVING SUBSIDIES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, in response to a resolution of the House, concerning telegraph companies receiving subsidies in bonds or lands who have transferred their rights to other companies; which was referred to the Committee on the Post-Office and Post-Roads.

COLLISIONS AT SEA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting certain petitions for legislation to lessen the peril of collisions at sea, &c.; which was referred to the Committee on Commerce.

IMPORTATION OF ADULTERATED TEAS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Navy, transmitting draught of a bill to amend the act to prevent the importation of adulterated and spurious teas; which was referred to the Committee on Ways and Means, and ordered to be printed.

NEW MEXICO PRIVATE LAND CLAIMS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting report of the surveyor-general of New Mexico on the private land claims of Felipe Tafoya and others, No. 99; which was referred to the Committee on Private Land Claims.

NEW REVENUE STEAMER.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a recommendation for a new revenue steamer; which was referred to the Committee on Commerce, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. PAYNE, by unanimous consent, obtained leave of absence for one week, on account of important business.

The motion of Mr. SLOCUM was then agreed to; and accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALEXANDER: Papers relating to the claim of Harriss & Hodge—to the Committee on Claims.

By Mr. BALLENTINE: Papers relating to the claim of Thomas Harville, of Samuel Sherrill, and of James S. Williams—severally to the Committee on War Claims.

By Mr. BAYNE: The petition of 500 business firms and citizens of the city of Allegheny, Pa., for a public building in that city for post-office and other Government purposes—to the Committee on Public Buildings and Grounds.

By Mr. BELFORD: Papers in relation to the resolution to pay A. H. Pickens difference in his pay as a laborer and that of a page—to the Committee on Accounts.

By Mr. BLANCHARD: Papers relating to the claim of Mary J. Cloud, assignee of John N. Smith—to the Committee on Claims.

By Mr. BREITUNG: Papers relating to the claim of Thomas Chambers—to the same committee.

By Mr. BRENTS: Papers relating to the claim of F. Prosh and T. F. McElroy—to the same committee.

By Mr. CURTIN: The petition of L. D. Bailey, of Philadelphia, Pa., for relief—to the Committee on Invalid Pensions.

By Mr. DUNN: The resolutions adopted by the Little Rock (Arkansas) Produce and Cotton Exchange, in relation to the Signal Service—to the Committee on Appropriations.

By Mr. FYAN: The petition of W. T. Patton and others, for a post-route from Galena to Gray Goose, via Cape Fair, in Stone County, Missouri—to the Committee on the Post-Office and Post-Roads.

By Mr. GEORGE: The petition of citizens of Wasco County, Oregon, and settlers within the indemnity limits of the Dalles Military Road Company, for relief—to the Committee on the Public Lands.

By Mr. D. B. HENDERSON: The petition of J. H. Collins and 88 others, for a change in the pension laws—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HOUSEMAN: The petition of N. A. Earle and 42 others, citizens of Michigan, for legislation to protect purchasers of certain Government lands lying within the Ontonagon Railway land grant—to the Committee on the Public Lands.

By Mr. HOUK: The petition of Zack C. Brooks, of William Burk, of William Johnson, of John W. Robinson, and of Michael Rowland, for relief—severally to the Committee on Military Affairs.

Also, paper relating to the pension claims of Richard G. Sharp and of Henry Weaver—severally to the Committee on Invalid Pensions.

By Mr. HUNT: Papers relating to the private land claim of John C. Cofield—to the Committee on Private Land Claims.

By Mr. McCOMAS: Papers relating to the claim of John Hefflebower, of Washington County, Maryland—to the Committee on War Claims.

By Mr. NELSON: The petition of P. C. Schmidt, jr., and others, relative to the Red Lake Indian reservation—to the Committee on Indian Affairs.

Also, the petition of citizens of Minnesota, for a mail-route—to the Committee on the Post-Office and Post-Roads.

Also, the resolutions adopted by the Saint Paul Chamber of Commerce, relative to American pork in foreign countries—to the Committee on Foreign Affairs.

By Mr. NUTTING: The petition of J. L. D. Kimball and others, for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. POTTER: Papers relating to the claim of Samuel Schiffor—to the Committee on War Claims.

By Mr. REESE: The petition of Thomas J. Miller and others, and of Smith & Crane and others, for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. RICE: The petition of Learned, Newton & Co. and others, for a tobacco-rebate appropriation—to the same committee.

By Mr. SCALES: The petition of Barclay D. Borden and others, for the payment of the French spoliation claims—to the Committee on Foreign Affairs.

By Mr. STOCKSLAGER: Paper of Capt. W. B. Carter, relating to the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. TOWNSHEND: The petition of 51 citizens of Illinois, praying that a pension be granted to Joseph Manis—to the Committee on Invalid Pensions.

By Mr. TUCKER: Papers relating to the claim of Martha Webb—to the Committee on War Claims.

By Mr. TULLY: The petition of citizens of California, for the establishment of a United States district court in the city of Los Angeles, Cal.—to the Committee on the Judiciary.

Also, the petition of citizens of Los Angeles, Cal., for the erection of a public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. VALENTINE: The petition of Teachers' Institute of Hall County, Nebraska, transmitting resolutions relative to the disposition of schools funds—to the Committee on Education.

By Mr. WHITING: The petition of G. L. Loomis and others, for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. JAMES WILSON: The petition of S. D. Redfield, for relief—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 19, 1884.

The House met at 12 o'clock m., and was called to order by Hon. S. S. COX, of New York, as Speaker *pro tempore*. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair will state that this day has been set apart for general debate only, no other business to be transacted.

FITZ-JOHN PORTER.

Mr. SLOCUM. I move that the House resolve itself into Committee of the Whole House on the Private Calendar, for the purpose of resuming the consideration of the bill (H. R. 1015) for the relief of Fitz-John Porter.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. SPRINGER in the chair, and proceeded to the consideration of the bill (H. R. 1015) for the relief of Fitz-John Porter.

The CHAIRMAN. This day has been set apart for general debate on the pending bill, and the Chair recognizes the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Chairman, I desire the attention of the House for a short time while I present, as briefly as I may, the reasons why, as a member of the Committee on Military Affairs, I have not felt that I could join in the majority report in this case, and the reasons why I feel impelled to join in the minority report. It would be much pleasanter, it would be much more soothing to one's feelings, to vote for this bill than to feel obliged to condemn the beneficiary in this case, Fitz-John Porter, to the longer continuance of the stigma which has been affixed to his name for now twenty-two years. But it often happens that the path of duty is not a pleasant one; it often happens that we are obliged by our convictions and sense of duty to do that which it would be pleasanter for us to leave undone. The old maxim, *tempora mutantur in illis mutamur*, applies in this case. The times have changed, and in them have we changed, since Fitz-John Porter stood at the bar of that court-martial which assembled in this city twenty-two years ago to receive at their hands the verdict of his countrymen. We have drifted away from the stern realities of that dreadful period of war into a period of profound peace, and it is a universal attribute of human nature that the further we get away from unpleasant affairs of this kind, the stronger becomes the sway of sympathy and the weaker become the dictates of reason; and such has been the fact in regard to this case.

The appeal which was made to us yesterday by the honorable gentleman from New York [Mr. SLOCUM] was most strongly based on sympathy for the condemned man, sympathy founded upon a life-long friendship for him, a friendship that had been earned and perpetuated in camp and field. But, Mr. Chairman, it is not for this House, sitting in this case at least as an august tribunal to try the merits of this case, to be swayed by the dictates of sympathy.

I feel, sir, that it is an embarrassing position to stand here in the face of this majority report, in the face of the opinions of military men so distinguished as those I find in the majority, the gentleman from California [Mr. ROSECRANS] and the gentleman from New York [Mr. SLOCUM], gentlemen who have commanded armies and army corps, to differ from them in regard to a military matter. But I remember, sir, that the principal question here is not a matter of military strategy; it is a quesion of the weighing and sifting of facts, and to that occupation for twenty years I have devoted my life. Therefore with the less embarrassment I stand here to argue this question.

But I remember, Mr. Chairman, when we sit as judges, as we do in this case, where a man stands before us on trial for his reputation, that we, each of us, must judge for himself and not for another, and we must each of us be governed by his own convictions, and not by the convictions of another.

The history of this case has been already sufficiently stated to the House—how that in the month of December, 1862, the court-martial was convened in this city for the trial of Fitz-John Porter on two charges: first, of insubordination in disobeying the legitimate orders of his superior officer; and second, misbehavior in the presence of the enemy by not coming to the succor of his comrades on the field, being at the time within the sound of battle at that time raging on his right. These two charges had each specifications, the first five and the second four; but as the last two specifications of the first charge were not sustained, and the fourth specification of the second charge was withdrawn, we may say there were but two charges, and three specifications under each. The specifications under the first charge were disobedience to three several and consecutive orders, issued by his commanding officer, General Pope. Upon each of these two charges he was found guilty, and upon each of these specifications under the first and second charges—I mean the first three under each charge—he was found guilty. It would have been sufficient if he had been found guilty of but one charge; it would have been sufficient if he had been found guilty of but one specification under each charge, it would have been sufficient if he had been found guilty of but one specification under one of the charges; but, Mr. Chairman, he was found guilty by that august tribunal under three specifications of the first charge and under three specifications of the second charge.

The findings of the court were approved by the President of the United States, and this memorable case passed into history as *res adjudicata;* and for twenty years—twenty-two years indeed—it has stood before the American people and the world as a settled fact upon the judgment of a regularly constituted court-martial, the most august that ever convened upon the American continent; it has stood, I say, as the deliberate judgment of the court that Fitz-John Porter was a guilty man.

After the lapse of fifteen years, when many of the men who had borne an active part in that era and in the transactions that then occurred had passed away from this life and their lips were sealed in the grave, when the memorable events of the 27th, 28th, and 29th of August, 1862, had become dimmed with the lapse of years, then a board of review is convened, to take into consideration the evidence presented before the court-martial in conjunction with such other evidence as might be presented before them, to advise the President as to what should be his proper course in regard to this case. This board, Mr. Chairman, was a mere advisory board. Their findings had no force in law. It could bind neither the President nor any one else, and when presented to the President, had so little effect upon his mind that he made no recommendation to the Congress then in session in regard to the disposal of the case, but simply submitted to them the evidence taken.

The report of the Committee upon Military Affairs now submitted to this House is based entirely and solely upon the findings of the Schofield board. The committee have neither undertaken to prosecute, nor have they in fact prosecuted inquiries upon their own behalf upon the merits of the case; but, on the contrary, at the first informal meeting of the committee a report which had been prepared before the committee was called together was presented to them, a report based entirely upon the report of the Schofield board, without investigation or thought or deliberation upon their own account. The report of the advisory board as I say is made the basis of this report for the action and consideration of this House, upon which we are asked to reverse and nullify the solemn judgment of the most august military court that ever convened upon this continent. And now, Mr. Chairman, this Congress, a purely legislative body under the Constitution, is asked to constitute itself a judicial tribunal, a court of last resort, a court of supreme review, to reverse, to nullify, to set aside the judgment and findings of the court-martial and the approval of the President of the United States who fell beneath the assassin's shot, and restore Fitz-John Porter to the rolls of the American Army from which he had been cashiered in disgrace. I say, Mr. Chairman, that this proposition is antagonistic to the very spirit of the Constitution and of our institutions.

When the fathers of this Republic laid the foundations of this Constitution they divided the powers of the Government into three separate and distinct departments. First, the legislative, to make the laws; second, the judicial, to interpret the laws; and third, the executive, to enforce the laws. To the judicial department alone belongs the power to determine the facts and the law in every case; and when the legislative branch of the Government shall pass over from its proper domain into that of the judicial and usurp the judicial functions, when it shall sit in review and judgment upon the findings of the highest military court that could be convened, I say the proposition is one of usurpation. It is a proposition which involves an absolute revolution in the character of the Government itself. The findings of judicial tribunals must be respected, or there is no safety whatever for our Government. How can you stand safely unless we stand securely within the limits of the Constitution and the powers that have been vested in the several branches of this Government?

Courts-martial, Mr. Chairman, have been recognized under our Government as a legitimate and necessary part of the judicial system. A court-martial has power over the reputation, over the liberty, ay, power over the very life of the individual. Their judgments and findings are binding and as irreversible as the judgment of the supreme judicial tribunal of this land. The legislature has the power in this case to pass this act, but the exercise of that power would be usurpation of the functions of the judicial branch of the Government.

Now, Mr. Chairman, the special point to which I desire to ask your attention for a few minutes is the character of these tribunals; first the court-martial, and second the Schofield board. There has been but one trial of this case. As admitted by my honorable friend from New York yesterday, there can be but one trial of it. From the judgment of that court-martial there is no appeal, because it is the highest court within its legitimate scope that the law provides.

That court-martial was composed of nine distinguished generals, edu-

cated in the military school, accustomed to arms and large operations upon the field; ample judges of the military situation, ample judges of the law and the facts of the case, and sitting as such tribunal, composed of such men as General Hunter and General Hitchcock, General Ricketts and General Rufus King, and General Prentiss and General James A. Garfield and General Slough; by the judgment and verdict of that court Fitz-John Porter was condemned.

It was a full trial. That court sat the longest of any court-martial, so far as my knowledge or reading goes, that ever assembled under the order of the President or the general-in-chief of the United States. For forty-five days they patiently investigated this case, and at the end of that period rendered their judgment. Every witness produced by the accused was examined. The time of the accused was in nowise curtailed. On yesterday the honorable gentleman from New York [Mr. SLOCUM] caused to be read in our hearing a letter from the Hon. Edwin M. Stanton, then Secretary of War, directing that the court should thereafter sit without regard to hours; and he asked us to draw from that the inference that Fitz-John Porter did not have an ample and full trial at the hands of that court. The gentleman from New York knows, or he ought to know, that that letter of Edwin M. Stanton was never read to the court until days after the evidence for the accused was all in and till the rebutting tesimony was nearly completed, and if it had any effect at all, it was simply to curtail the testimony against Fitz-John Porter and not to curtail that for his defense.

I say, then, it was a full trial; and I say furthermore it was a fair trial. When Fitz-John Porter was brought to the bar of the court and asked if he had any objection to the court, he replied most emphatically that he had none. And this leads me to remark upon another matter that was brought before us yesterday by the honorable gentleman from New York. That is, that one member of the court descended from the bench to become a witness on the stand, as he says, in a most material matter. It is true that at the request of the Judge-Advocate General, Judge Holt, of Kentucky, General Rufus King did take the stand and answer three questions as to the delivery of a certain order to him from General Porter on the 29th and any message he might have returned to General Porter thereupon. But when Fitz-John Porter declared he had no objection to the tribunal, he knew full well General Rufus King was a member of the court, and he knew well the relations of General King to the transactions of the 29th. And when in the beginning of the trial he saw fit to enter a protest against the calling of the court by the general-in-chief instead of the President, he said emphatically he had no objection to any single member of that court. Therefore I say this objection comes too late—after the testimony was all in and after the case was submitted to the court by his most able and eloquent counsel, Reverdy Johnson. In the very opening of his address Reverdy Johnson used the following language. I read from page 256 of the proceedings of the court-martial:

> Your eminent official law adviser, who has conducted this prosecution calmly and fairly so far as on him depended and with that vigilance and energy which his duty demanded, himself in the recent past, when momentous events hinged on the great sway which in his high post he bore, has trusted me, and has felt that his trust was in nowise betrayed.

Here, then, is an admission by the accused himself, in the first person singular, through the lips of his counsel, that he had received a calm and fair trial at the hands of the court.

It was therefore a full trial. It was also a fair trial. And, furthermore, it was a lawful trial, finding, and judgment. This judgment, as I before said, became *res adjudicata*, binding upon every department of this Government, legislative, executive, and judicial. *Per contra*, on the other hand, the Schofield board so called was a board created by no law. It had no legal status. It was known to no law. It was responsible to no law. If they took an oath, it was an extra-judicial oath. They had no authority to take an oath. They could take no binding oath. Their finding was an extra-judicial finding. It was merely personal advice of three amiable gentlemen to the President, which he did not see fit to adopt. The board had none of the power of a court. It could not compel the attendance of witnesses. It could not administer a valid oath. It could not enforce its processes by attachment for contempt. It could not prosecute a single witness for perjury if every word he uttered was a lie from beginning to end. It had not one single attribute of a court, either to compel the attendance of witnesses, to swear them, to examine them, or to punish them. This was the character of the tribunal, if we may call it a tribunal, upon whose report the Military Committee asks you to reverse the finding and the judgment of the court-martial.

The whole proceeding, then, was *coram non judice*. To place the conclusion of the board of review against the judgment of the court-martial is to put a personal opinion that can bind no one whatever against a solemn decree that binds the whole world.

The report of the board, furthermore—and I stand here to speak it advisedly—is the special plea of an advocate, and not a candid one at that. In a court of law it would be called a pettifogging report. It puts the worse for the better reason; it perverts facts, and it mistakes conclusions both of fact and of law.

It may be possible that at some remote period some of the gentlemen composing that board had been opposed to Fitz-John Porter; but if they ever had been, they had gotten bravely over it, in my opinion, before they ever looked into the evidence in the case. At all events, this report exhibits the zeal of converts to a cause, who resort to extravagance of statement perhaps to justify their change of opinion.

The next point in regard to which I wish to make a statement is the long letter which has been read to us from that most eminent military authority, that great statesman, General Grant. I permit no man in this House or elsewhere to go before me in my appreciation and recognition of that great leader of our armies.

But I can not forget that for eight long years General Grant sat in the Presidential chair at the other end of the Avenue; and I can not forget that during those eight long years Fitz-John Porter stood knocking, in season and out of season, at the door of the White House, asking General U. S. Grant to take his case under consideration and reopen it and permit him a new hearing. And I can not forget either that General Grant, both in 1869 and again in 1874, said that he had carefully considered the papers submitted to him by General Fitz-John Porter, and that he was not prepared, upon the papers submitted, to grant the review asked.

I know not what reasons may have actuated General Grant, three years after the report of the board of review was submitted to the whole American public, to reverse and change his decision, to which he had adhered for almost twenty years. But it would seem that in the performance of his duty as President, if he was ever to grant this rehearing at all, if he was ever to change his opinion, it should have been when called upon in his official capacity as the leading citizen of America to do justice to one of the most brilliant officers of the American Army. We must presume, or else hold General Grant recreant to the high trust reposed in him, that he did give the papers submitted to him the most careful and searching investigation. Under these circumstances the opinion of General Grant can not have that influence upon my mind that it otherwise would and should have. There is another thing. Soon after his conversion General Grant saw fit to write and print in the North American Review an article entitled, I believe, "An undeserved stigma." In that article, a copy of which I hold in my hand, he also saw fit to print a diagram of what he claimed to be the situation of affairs at Manassas on the 29th of August, 1862.

I ask gentlemen of this House, I ask every one, to take that diagram and lay it down side by side with any map of the battlefield of the 29th of August, 1862, that ever has been made or ever can be made, and then tell me whether or not this diagram is not false in fact and misleading in effect. There was no situation upon that battlefield from the beginning to the end of that dreadful contest which could by any possibility be represented by the diagram which General Grant published in the North American Review.

When the evidence was all in before the court-martial and the case closed upon both sides, and nothing remained but the summing up, Porter asked four days for his distinguished counsel to prepare his case, and the last minute he asked was granted him.

Reverdy Johnson took four days in which to prepare that masterly argument which never has been surpassed in the entire history of this case.

Again, it is urged in the report of the majority that the report of the Schofield board was a unanimous report, while we shall never be able to know how the court-martial stood or that it was not a five-to-four verdict or finding. Now, Mr. Chairman, if we are not able to say that it was a unanimous report (which we have every reason in the world to believe that it was), we certainly are not able to say that it was not a unanimous report. At all events it was the solemn decree of the court, and it carried with it the full weight and force of the entire tribunal.

This brings us back to consider the report of the board of review upon its merits and to state the reasons why the findings of the court should not be reversed. Let me recapitulate.

In the first place, the eminent character of the generals composing that court, their ability to comprehend the situation and to judge both of the facts and of the military law applicable to the facts.

Second. Its complete judicial powers, which the second board had not.

Third. Its superior means of investigation, being a court armed with all the panoply of a court, the power to compel the attendance of witnesses, to administer judicial oaths, to attach for contempt, and to prosecute for perjury.

The fourth reason why that finding ought not to be disturbed is, that at that time all these events were but three months old; the facts were all fresh in the memory of the witnesses.

The fifth reason is the danger of the legislative power usurping the functions and trespassing upon the domain of the judicial departments.

Mr. Chairman and gentlemen, on the 27th of August, 1862, Fitz-John Porter entered Warrenton Junction, Va., at the head of the most magnificent army corps in the American Army, composed of Sykes's regulars and Porter's old division under Morell. Porter himself was the "consummate flower" and pride of that army. On that 27th August no general of our Army had behind him a more brilliant record or before him more flattering prospects of a splendid future. Educated by the nation at its Military Academy, and graduating in 1845, he commenced

his active military career as lieutenant of artillery in the Mexican war, and on more than one field distinguished himself for his gallantry. Five years at West Point as instructor gave breadth to his military training, so that when the civil war broke out few men were better qualified to render greater service to his country.

I do not forget his distinguished service in organizing the Pennsylvania levies nor his success in bringing order out of confusion in front of this capital. This service was recognized by the Government in appointing him colonel in the regular Army and brigadier-general of volunteers. As such he went to the Peninsula. There again he demonstrated great capacity for service and great activity and zeal as a soldier. I permit no man to go before me in appreciation or in acknowledgment of his eminent abilities or his soldierly qualities in that Peninsular campaign. McClellan declared that Porter was "magnificent" at Hanover Court House; and history has not failed to record how valiantly he stemmed the tide of battle at Mechanicsville on the 26th of June nor how nobly his Fifth Corps responded to his command on the 27th at Gaines's Mill. At Malvern Hill, on July 1, he held the post of honor and of danger on the Federal left, and with his back to the river, together with the other Union generals, he stood like a rock, while wave after wave of living valor beat and broke and were hurled back from his front in rout and ruin.

For his services in this campaign President Lincoln, unsolicited, made him a major-general of volunteers and a brevet brigadier-general in the regular Army. But the Peninsular campaign was ended. McClellan, with a discouraged army, hovered on the banks of the James at Harrison's Landing, while a small army hastily gathered from various commands interposed between the victorious rebel army and the national capital.

To the command of this Army of Virginia was called Maj. Gen. John Pope, a graduate of West Point, a veteran of the Mexican war, where he distinguished himself for gallantry, and who had conducted the victorious campaign at Island 10, and rendered good service under Halleck at Corinth. Unfortunately he commenced his campaign with his famous "headquarters-in-the-saddle order," which was regarded as a taunt to the whole Army of the Potomac, a reflection upon McClellan, and an insult to the leading generals of that army, including General Porter. Pope was three years the senior of Porter at West Point, and seems to have been both *personally* and *officially* in the highest degree odious to Porter.

Unexpectedly the latter found himself transferred from the command of McClellan, whom he loved and in whose military genius he had implicit confidence, to the command of Pope, for whom he had contempt, if not actual hatred. Porter, beyond doubt, conceived himself to be Pope's superior in everything but rank.

It seems certain, too, that Porter's head was a little turned by his rapid and great promotion.

Every dispatch to Burnside shows how anxious was Porter to be away from Pope and once more with McClellan. It is only in the light of *this contempt* of Pope that Porter's acts from the 27th to the 30th of August can be truthfully interpreted.

It is claimed that this *animus* of Porter is *immaterial;* but the *animus* is the very essence of crime.

It makes all the difference between the bungling and incapable imbecile and the brilliant and capable but insubordinate leader.

And so it comes that we are to *judge Porter* by *himself;* and by so much as we know him to have been energetic, dashing, and brave before, by *so much* are we to measure the greatness of his crime, when for one long day he lay with his magnificent corps under the shade of the Manassas trees, two and one-half miles from the front of his columns, while the thunder of the guns of *Groveton* beat continuously in his ears, calling him to the field of danger and of glory, where his country's cause hung in the fluctuating scales of battle, almost without firing a single shot to check the advance of the columns of the enemy then pressing across his front to strike and crush his devoted comrades in arms. [Applause.]

There above the sulphurous smoke of that bloody field towered the majestic specter of America, calling through the bellowing of the guns "Fitz-John Porter, this way!" but Porter thought it was the voice of *John Pope* that called, and so he continued to lie in the shade at Bethlehem church, two and one-half miles from the front of his own column. [Applause.]

Now, what was the situation on this 27th day of August, 1862? McClellan beaten, driven back under the banks of the James River, Pope with the hastily gathered army of Banks and Sigel and McDowell, scarcely yet amalgamated, interposing between Washington and the victorious cohorts of the enemy. Jackson, the most dashing, enterprising, and brilliant of all the confederate leaders, was taken from the front of Richmond and hurled upon Pope's column. The Army of the Potomac divided, one half still at Fredericksburg or at Alexandria—thirty thousand under Franklin and the other half scattered between Alexandria and the Rappahannock. Lee with the rest of the body of the confederate armies hastening to throw himself upon Pope before he could be re-enforced by McClellan.

If there ever was a time, Mr. Chairman, when a man's country called to him; if there ever was a time when the life of this Republic hung trembling in the scales of destiny, it was when Fitz-John Porter joined the columns of Pope at Warrenton Junction on the 27th day of August, 1862. If there ever was a time when a military leader had need to feel the pulse of every subordinate officer beat in unison with his own; if there ever was a time when a military commander had need to feel that every general in his army would spring at his command as a charger in battle answers to the spur of his rider, that day was the 27th of August, 1862, when Jackson was already at Manassas with twenty-five thousand men between Pope and his base of supplies. That day Fitz-John Porter joined his new command. And what was his first act? What was his very first act? It was to write a sneering, depreciating dispatch to General Burnside at Falmouth, detracting not only from the military ability, but also from the personal character of his new commander. His very soul was impregnated with contempt for General Pope. He came under him reluctantly. He came regrettingly. He came under him insubordinately. His first act was to sit down and pen an insubordinate dispatch, which he sent by wire, to General Burnside.

The evening before—the evening of the 26th—Stonewall Jackson, marching more than thirty miles in a day, had thrown himself through Thoroughfare Gap and upon Pope's line of communication at Bristoe Station. At first Pope supposed it was a mere cavalry raid of a regiment or two, and he sent a regiment of infantry on flat cars to Bristoe Station. They found an army corps of infantry there, and came back. The next morning—the morning of the 27th—he sent "Fighting Joe Hooker," of Heintzelman's corps, with his division, to learn what the matter was. Hooker marched, as he always marched, with promptitude and with vigor [applause], and by noon was in the presence of the enemy at Bristoe Station. That afternoon along the banks of Kettle Run raged the battle for the Union. Hooker, with a single division, was pitted against an army corps of twenty-five thousand men, and he fought until three hundred of his number lay bleeding and dead on that field and until his men had not five rounds to the man in their cartridge-boxes. Hooker reported to Pope that his corps was out of ammunition, and then, at 8.30 on the night of the 27th of August, General Pope sent that order back to Fitz-John Porter at Warrenton to march at 1 o'clock in the morning and be at Bristoe Station at daylight. In order that there should be no mistake he repeated in that order, "It is important on all accounts that you should be here by daylight." He did not dare to say, when the woods were full of rebel soldiers—he did not dare to say, when Jackson's troopers were on every hand—"You must hasten to the front, because Hooker is out of ammunition," because if he had said that and his dispatch had fallen into the hands of Jackson's troopers Jackson would have turned on Hooker and in the morning Hooker's division would have ceased to be. It would have been annihilated then and there. Therefore, instead of saying to Porter in express words, "Hooker is out of ammunition," he repeats, "It is important on all accounts you should be here by daylight."

Mr. BAYNE. Will the gentleman permit me to interrupt him?

Mr. CUTCHEON. I beg not to be interrupted.

Mr. BAYNE. Very well.

Mr. CUTCHEON. I will yield to a question.

Mr. BAYNE. Did General Pope himself know the fact that Hooker was out of ammunition?

Mr. CUTCHEON. I think he did.

Mr. BAYNE. When he wrote that order?

Mr. CUTCHEON. He sent another dispatch to General Porter, he swears, at daylight in the morning, announcing that fact. He sent it by special messenger to General Porter.

Mr. BAYNE. I wish to ask another question. Did not General Pope himself swear before the original court-martial he was apprised of the fact that Hooker's ammunition was exhausted at dark?

Mr. CUTCHEON. I think not.

Mr. ROSECRANS. He did.

Mr. CUTCHEON. The order to Porter to advance was at 8.30, and Pope assigns that as the reason; and Heintzelman was put on the stand to verify it by swearing to it, that Hooker's division was practically out of ammunition.

Mr. BAYNE. I will show whether he was so informed or not.

Mr. CUTCHEON. When a general commanding an army sends an order to march at 1 o'clock at night it means something; and when he says further, "It is important on all accounts you should be here by daylight," it means something. When Porter received that order he had but one duty, and that was, the moment he received it, to put himself in the situation to obey it. There is a discretion vested in a corps commander out of the presence of the general commanding, but that discretion is ordinarily not to do less than he has been commanded, but to do more. It seems to me if I had stood there at Warrenton and had received an order to march at 1 o'clock at night I would have set myself at work at once to have fires built on the banks of the stream that there might be light for the crossing and to have cavalry distributed along the road to prevent intrusion. But what did he do?

Mr. ROSECRANS. I desire to ask the gentleman a question.

Mr. CUTCHEON. Yes, sir.

Mr. ROSECRANS. In order to impress this House fully with the value of your argument you insist that the animus of General Porter is exhibited by his failing to promptly move at 1 o'clock, the time specified in the order. Now will you state whether or not General Kearny

did not receive an order to march (two hours after the order to which you refer in General Porter's case was received to move) at the blush of dawn and to be there as soon in the morning as possible?

Mr. CUTCHEON. I apprehend, sir, that that has no possible bearing whatever upon this question of General Porter's disobedience.

Mr. ROSECRANS. My desire is that the committee may have the opportunity of judging clearly as to the value of your argument in its bearing in this case. I therefore ask you to answer my question.

Mr. CUTCHEON. I prefer not to be diverted from the course of my argument. I am commenting now, if the gentleman from California will permit me, upon one of these special orders and not the other.

Mr. ROSECRANS. You decline to answer my question?

Mr. CUTCHEON. The gentleman can answer the question which he propounds himself when he chooses to take the floor upon this question.

Mr. ROSECRANS. No; now is the time for the House to receive this information. It is necessary to the strength of your argument that General Porter's should be an exceptional case.

Mr. CUTCHEON. I decline to yield to the gentleman from California. I prefer not to be interrupted at this time.

Now, Mr. Chairman, the simple question with which we have to deal in this connection is whether General Porter did or did not obey the order. The first question is, did he receive the order; and secondly, did he obey it? The first question is, did he march? No, he did not. That he received the order is unquestioned. Was he justified in not obeying the order and not marching? The answer to that question depends upon circumstances. Two reasons have been alleged why he did not obey the order. The first reason given was that the night was very dark, and secondly that the roads were very bad.

Now, Mr. Chairman, I have observed throughout the length and breadth of this case a very singular fact, that one rule is laid down for the Union officers, and another and altogether different rule for the officers of the confederate army. General Porter could not march, it is alleged, because the night was too dark; but the facts of the case are that Stonewall Jackson marched with his forces from Manassas Junction to Centreville after dark that very night, his whole corps having moved from one point to the other. Not only was that the case, but General Reno marched that night; not only that, but General Lee marched that night. But, no, this most brilliant leader of the Union armies, Fitz-John Porter, could not march, notwithstanding other forces could march, beecaus it was too dark. Why, Mr. Chairman, I have had myself some little experience in night marching. Scarcely ninety days after these very occurrences it was my fortune to be in charge of the rear guard of the Army of the Potomac on its movement from White Sulphur Springs to Bealeton Station. We had been stationed at or near the White Sulphur Springs, and remained until 9 o'clock at night, as black a night as ever fell upon the continent, and in the night we marched from White Sulphur Springs to Bealeton Station, and went into camp in the midst of a drenching rain at 1 o'clock in the morning. There may be, and I know there are, on this floor gentlemen who are familiar with the movement of the army which took place from Bean Station in Tennessee to Blain's Cross-Roads during the winter of 1863. On as black a night as ever lowered over an army, the Twenty-third and the Ninth Army Corps fell back from Bean Station to Blain's Cross-Roads, marching through the midst of the darkness and crossing several deep fords. When we came to cross Flint Creek, we found that the bridges were gone, and fires were built on either bank of the river to light the army across in its movements. Did Fitz-John Porter make any effort to move his force in obedience to the order he received? Did he have fires built to light the fords, to enable him to cross the streams in his front? Did he make any effort whatever in this direction? None whatever. He built no fires; he sent no guides to point out the roads; but he remained passive until it was too late. He calls together Sykes and Morell and Griffin and the rest of his officers to confer with them upon the subject. "Well," says Sykes, "it is a very dark night." Says Morell, "I guess there are wagons in the road." "Very well," says Porter, "then we will postpone the movement until 3 o'clock. I shall not order the march at 1 in obedience to the orders, but I will wait until 3." Now, the board of review say that there is proof taken to demonstrate that it was absolutely and physically impossible for General Porter to march that night. I say it is not true. It is true that the testimony upon this point is conflicting. Some of the witnesses say it was a starlight night, but partly clouded over by midnight, and commenced to rain. But John Pope slept at Bristoe Station that night with nothing but his blanket to protect him from the rain.

There was not enough rain to lay the dust, because the next day when General Ricketts fell back from Thoroughfare Gap we are told his troops were smothered with the dust. He could have marched. Porter ought to have marched. He was informed it was important on all accounts he should march. And he did not march.

Now, I propose to concede that if this had been away from the presence of the enemy or in time of peace, there would have been vested in a corps commander, under such circumstances, a discretion to vary the order to a certain extent. But under these circumstances, in the very presence of the enemy, when he knew Hooker was fighting an unequal fight at Bristoe; when he knew that Pope's communications were interrupted with his base of supplies; when he knew a general engagement was imminent on the morrow, it was his duty rather to have exceeded than to have fallen short of the command.

But we are told there were wagons on the road. Why, sir, Fitz-John Porter's own witness, Captain Fifield, one of his own aids, swears that with one hundred and fifty men he could have cleared the road; and further than that, there is evidence by Colonel Clary, the chief quartermaster, that from 1 o'clock till daylight there were hardly any wagons on the road; that they were not on the road to exceed three miles. At all events, McDowell's wagons were going into park in rear of Warrenton and Hooker's wagons were going into park. If Fitz-John Porter had marched according to orders the road would have been cleared. He saw fit to wait till daylight. At daylight Hooker's and McDowell's wagons were on the road, and the road was obstructed to some extent. But if Porter had marched according to the order the wagons would not have been there.

But, Mr. Chairman, if this act had been an isolated act, unconnected with the manifest animus of General Porter, unconnected with the subsequent events which occurred on the 29th, it would have been much less significant, and perhaps the position taken by one of the honorable gentlemen yesterday that he would have been deserving scarcely more than a verbal reprimand might have some place; but it was not an isolated instance; it was not disconnected with an animus as against Pope. We must interpret this act in the light of all his proceedings. When Capt. Drake De Kay brought him the order to move at 1 o'clock, what was his conduct? Did he send for his orderlies? Did he send for his cavalry and direct them to mount and ride? No. He said, "We will turn in and march at 3 o'clock in the morning;" but, according to Sykes's testimony, as a matter of fact he did not get on the road till broad daylight.

I pass on now to speak of the events of the 29th; and the events of the 29th constitute the *gravamen* of this whole charge. There is alleged disobedience of three several and consecutive orders. But there is one order that is not counted upon in the charges, and yet in the light of which all the subsequent orders are to be interpreted. At half past 5 o'clock on the morning of the 29th August General Porter received the following order:

NEAR BULL RUN, *August* 29, 1862—3 a. m.

I read from page 145 of the proceedings of the court-martial—

Major-General PORTER:

GENERAL: McDowell has intercepted the retreat of Jackson—

That is, got between him and Thoroughfare Gap—

Sigel is immediately on the right of McDowell. Kearny and Hooker marched to attack the enemy's rear at early dawn. Major-General Pope directs you to move upon Centreville at the first dawn of day with your whole command, leaving your trains to follow. It is very important that you should be here at a very early hour in the morning. A severe engagement is likely to take place and your presence is necessary.

Mr. CALKINS. At what time did Porter receive that order?

Mr. CUTCHEON. He received that order at 5.30 in the morning, but he did not march to Centreville because it was countermanded; but this order is significant for the information it gives that a general engagement was imminent and it was exceedingly important that Porter should march with promptitude.

General Porter put his command in motion; he got on the road at half past 7. How did he occupy himself in the mean time? Did he inform General Pope of his circumstances? Did he inform him of his disposition to comply with the order, or, in view of the urgency, say, "With my whole command I will move immediately?" No, sir. At 6 o'clock we find him in his tent writing one of his sneering, fault-finding, insubordinate dispatches to General Burnside. We find him occupying his time, when he should have been on the road, writing these insubordinate dispatches.

A MEMBER. Was that order sent to General Porter?

Mr. CUTCHEON. It was sent and received and he commenced his march in pursuance of it. When the head of his column was nearing Bull Run, and had nearly reached Blackburn's Ford, and when the head of General Morell's division reached Manassas Junction, another order overtook him from his commanding officer.

Mr. HORR. This is all on the morning of the 29th?

Mr. CUTCHEON. Yes, sir.

This second order will be found on page 29 of the proceedings of the court-martial. It is as follows:

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious, or we will lose much.

The first order in the morning was of the same urgent character, saying that a general engagement was imminent and that he was needed early in the morning. The second order is to "push forward;" it did not say "drag along," it did not say "hobble along;" it said "push forward with your corps and King's division upon Gainesville, and *be expeditious.*"

When that order reached General Porter he was at Manassas Junction, where the head of Morell's division then rested. Morell put the head of his column up the Gainesville road, which branches immediately at Manassas Junction. Porter ought to have been upon the road at 9 o'clock, but we have no evidence, so far as I have been able to dis-

cover, in the record that he started precisely at that or any other hour, although he says he moved immediately.

Three miles from Manassas Junction is Dawkin's Branch. We do not know exactly at what time the head of Porter's column, Morell in advance and Sykes following, reached Dawkin's Branch, but it seems to me that under such an urgent order as this an hour ought to have been at least sufficient to have gone three miles over a good marching road. If an hour was the time, then he reached Dawkin's Branch at 10.30 at the latest.

Up to this hour General McDowell had assumed no command over General Porter. McDowell was in the rear with King's division; Ricketts's division, having fallen back during the night, lay between Manassas Junction and Bristoe Station, and were ordered to follow King.

As Morell's division descended the declivity of the hill to Dawkin's Branch, opposite Hampton Cole house hill, they met a single mounted horseman, a Union soldier. They halted him and asked him where he was from. He said he was from Gainesville direct. They asked him what news there was from the front. He said that the enemy's skirmishers to the number of about four hundred had entered Gainesville. This man had just come over the very road over which Porter was to march—had just come over the whole length of it. The road was then clear; a single unattended horseman had come over it from end to end unmolested. Gainesville was Porter's objective point, and all he had to do was simply to march right on. When they reached the flat below Dawkin's Branch they got a single shot from somebody in the woods.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAYNE. I hope unanimous consent will be given to the gentleman to proceed with his argument. I will ask the gentleman how much more time he wants?

Mr. CUTCHEON. I will finish as expeditiously as possible; I will abbreviate as much as possible.

Mr. CALKINS. Do not abbreviate too much.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Michigan?

Mr. COSGROVE. I object to an unlimited extension.

The CHAIRMAN. Will the gentleman state what additional time he desires?

Mr. CUTCHEON. I will try, if required, to close in fifteen minutes.

Mr. LONG. Say half an hour.

Mr. CUTCHEON. I would prefer to have thirty minutes.

The CHAIRMAN. The gentleman asks thirty minutes' additional time. Is there objection?

Mr. HENLEY. I do not know how many members desire to speak on this question. Of course if there is abundance of time during the day there will be no objection. How much time has the gentleman already had?

The CHAIRMAN. He has had one hour.

Mr. HENLEY. I think that is enough; I object.

Mr. CUTCHEON. As one of the members of the minority of the committee, making the minority report, I desire to read a portion of the testimony that forms the basis of that report. As this whole day is to be devoted to this subject, I desire to have thirty minutes more.

The CHAIRMAN. The Chair understands there is no objection to the gentleman having fifteen minutes more.

Mr. HENLEY. I withdraw the objection. I do not wish myself to speak on the subject, but there are others who desire to speak.

Mr. BAYNE. I understand that the objection to allowing thirty minutes more to the gentleman is withdrawn. I hope no objection will be made, especially as the gentleman now on the floor is a member of the Committee on Military Affairs, and one of the two who signed the views of the minority. I hope no objection will be made to his having thirty minutes more.

The CHAIRMAN. The Chair hears no objection, and the gentleman will proceed.

Mr. BAYNE. Now, with the leave of the gentleman, I desire to ask him one question.

Mr. CUTCHEON. Certainly.

Mr. BAYNE. Will the gentleman state in what consisted the violation of the joint order?

Mr. CALKINS. One moment at this point. I do not want the continuity of the argument of the gentleman spoiled. He is now at Dawkin's Branch, and the joint order does not come in there.

Mr. BAYNE. Yes; it comes in right there.

Mr. CUTCHEON. We are now at Dawkin's Branch, at 10.30 in the morning, with a single horseman riding unattended over the road from Gainesville. Then a single shot was heard from the front. The skirmishers were deployed, pushed up to the woods, and a little desultory skirmishing ensued.

How the time from half past 10 to 12 o'clock was employed we do not know; but then was the time of all times, it seems to me, the column should have been pushed forward to occupy Hampton Cole house hill, which was in a commanding position.

The evidence in this case is conclusive that at that time there was no enemy in front except Rosser's regiment of cavalry, belonging to Stuart's division. That is the conclusive evidence in the case. But no effort was made to push forward. At about half past 11 o'clock McDowell comes to the front, having before been back in the rear with King's division, bringing with him what is known as the joint order to Generals Porter and McDowell, a duplicate of which Porter himself had just before received. The joint order in no way varies the separate order which Porter had before received. It was simply to continue their march. McDowell rode to the head. He had some conference with General Porter. They rode off to the right into the woods. About a third of a mile or perhaps a quarter of a mile to the right was the Manassas Gap Railroad. Beyond the railroad was a cleared cornfield; beyond that an undergrowth of pines. They rode out there. By that time the skirmishers had advanced to the edge of the woods. They came back or part way back. They had some further conference. A cloud of dust was seen rising beyond the tops of the trees in the direction of the Warrenton pike. McDowell swears that Porter, standing there upon the crest of the hill, pointing with his hand above the tops of the trees, said: "McDowell, we cannot go in there anywhere without having a fight." Then McDowell made the reply referred to yesterday by the gentleman from Indiana [Mr. STEELE], "I understand that is what we are here for."

But what was the fact of the case as testified by General Rosser, who was then upon the ground, who was then commanding a regiment of General Stuart's cavalry? General Rosser, as will be found on page 1073 of the proceedings of the board of review, swears that that dust was made by his men attaching brush cut from the trees to the saddles of their horses and galloping up and down the road for four or five hours to raise a dust. That was the enemy that stopped General Porter's corps of ten thousand men and thirty-six pieces of artillery. [Applause.]

The very strategic position of that day, the key of that whole military situation, was Hampton Cole hill and Monroe hill, a third of a mile beyond, which lay directly in General Porter's front. All that he had to do was to move on. At that hour only Rosser was there, and once in position on the Cole hill or the Monroe hill his batteries could sweep the entire front.

But we are told that even then Longstreet was arriving with his advance. General Buford tells us that on that morning, at 9 o'clock, seventeen regiments of infantry passed through Gainesville on the pike to Groveton where the battle was then raging. If they were there then, they passed directly down the pike to the front of the Union troops, which were there then confronting Jackson. They never turned off from that pike.

But, Mr. Chairman, for one I do not believe in the faithfulness of that report. I think that Buford was mistaken as to the hour. Why do I believe it? We all know how difficult it is, after the lapse of time, to fix exact dates, as to the time of day, between sunrise and sundown. We can remember the dawning light; we can remember the gray of the morning; we can remember when the sun begins to set and shines with oblique rays in our eyes; but in that great arc between there is nothing to mark the status of the hour. We know that at 10 o'clock on that morning General O. M. Poe (now in this city) with his brigade of Kearny's division turned Jackson's left and fell upon his trains. We know that Stuart was there with his cavalry and beat Poe back. We know that, after beating Poe back, Stuart moved with his cavalry five miles to a point a mile and a half beyond Gainesville at Haymarket; that there he met Longstreet and Lee at the head of Longstreet's column hastening to the battle-ground at Groveton; and Rosser tells us that they came in marching very hurriedly and straggling very badly. And we can well believe it; for Longstreet was one of those fellows that could march on a dark night, and he had fought half the night and marched a part of the rest. We know that after Stuart met Longstreet at Haymarket he passed his whole cavalry division through that column, which had to halt while he passed. We know that then he came back by Gainesville and went out on the Manassas road, where he discovered the approach of Porter from Manassas Junction; and we know that he could not have passed from Jackson's left at Sudley Springs to Haymarket, had that conference with Lee and Longstreet, passed his division through, and got back again in anything less than three hours. If he did, then he did better marching than any that was done on the Union side during those three days.

We are able, therefore, to fix almost to an absolute certainty the hour of Longstreet's arrival. The head of his column arrived upon that field at about 12 o'clock noon; and General Lee, who knew something about armies and tactics, said that it took him two hours and a half to deploy; and every man who has been upon a battlefield knows that twenty-five thousand men marching rapidly and straggling badly can not deploy in less than two hours and a half.

It was then half past 2 o'clock before Longstreet's forces were in line. McDowell left Porter at Dawkin's Branch about 12 o'clock noon. McDowell's last words to Porter were, as they came back from their little excursion across the railroad, "Porter, you put your corps in there, and I will go to the right and connect with Reynolds." Did he put his corps in there? Did he attempt to put his corps in there? Did he make even the feeblest attempt to put his corps in there? I will tell you how much of an attempt he made. He deployed Griffin's brigade and Barnes's brigade; he brought up one battery on the right and

planted it on a crest, half a mile to the rear of the branch, and Waterman's battery in an open field on the left of the road, half a mile from the branch. He then ordered Morell to proceed to the right. Morell placed himself at the head of his division and moved on to the right through undergrowth. They came to the railroad, a distance of one-third of a mile. They crossed the cornfield beyond, a distance of a quarter of a mile. They entered a slight growth of pines which they there found, mere pine brush, and Griffin, who commanded the head brigade, says that it was reported to him they could not get through. He was asked if he went to the front to examine or reconnoiter. He said, "No." Porter was two miles and a half to the rear, back of Bethlehem church. Think of it! This most magnificent corps in the American Army, Sykes's regulars and Porter's volunteers equal to regulars, with thirty-six pieces of cannon, stopped in making a connection with their comrades in arms by a little undergrowth of pine bush! Did you ever hear the like of it? I remember when we went into the battle of the Wilderness, on the 6th day of May, 1864, we cut a road through and took our artillery in; and yet here Griffin never went to the head of his brigade, Morell never went to the head of his division, and Porter had gone back from the head of his corps and was not on that field.

A MEMBER. He was lying off in the shade.

Mr. CUTCHEON. Yes; he was lying in the shade of the trees back at Bethlehem church. Why, Mr. Chairman, it seems as though the very spirit of Bethlehem itself had fallen upon that corps and the chorus sung by the angels nineteen hundred years ago, "Peace on earth," good will to the men on the other side, had fallen upon it. [Applause and laughter on the Republican side.]

And there, sir, that corps lay all that long afternoon. McDowell, with King, had gone to the right on the Sudley road, had reached the Warrenton pike at 4.30, and at 5.30 King, who had lain in the rear of Porter at 12 o'clock, was hurling his battalions on the enemy on the Warrenton pike, and being crushed by the very divisions which had been withdrawn from Porter's front in order to do it. And this is the Chevalier Bayard of the American Army. This is the man who, at Gaines's Mill, on the Chickahominy, on that bloody 27th of June, stood like a rock and hurled back the armies of the enemy. I ask you, gentlemen—I ask you, Mr. Chairman—if George B. McClellan had sat in the saddle instead of General Pope that afternoon, and had sent those orders to Fitz-John Porter to fall upon the enemy, whether that sword that blazed at Gaines's Mill and which flashed in the sun of Malvern would not have been again drawn, and the old Fifth Corps would not have been again marched to victory and glory under their favorite leader? [Applause on the Republican side.] But Pope was in command, and not McClellan.

Mr. BAYNE. I do not wish to interrupt my friend, but I would like him to say how Porter violated the joint order. It was an instruction to push on to Gainesville; "push forward on Gainesville, and if by departing from this order any advantages may be gained you are at liberty to take them." That was the directory part of the joint order, and what the gentleman has been arguing, it seems to me, does not come at all within the spirit or the letter of the joint order.

Mr. CUTCHEON. There are two charges here: first disobedience of orders, and second misbehavior in the presence of the enemy. Now, General McDowell swears that his orders which he gave to Porter were not in contravention, but in furtherance of the joint order. He says, when he said, "Put your corps in there," he meant he should put the corps in there *then*, while he went to the right. It was his duty to push forward on Gainesville according to the spirit and letter of that order, and without any order, as he was there on the very battlefield. Colonel Marshall, who commanded his skirmishers, swears that from the opposite slope he could look away to the right, and he could see the wavering, fluctuating, battling lines of the Union and rebel armies.

Even their victorious cheers, the rebel yells, came across the intervening space to his ears then and there. The thunder of Pope's guns was in his ears all the afternoon and the musketry was crashing all that time, although he did not hear it, from 11 o'clock until 9 o'clock at night, as the testimony shows. General Lee, in his official report of the engagement (and I shall ask leave to print that report in my remarks), says that the battle raged all that time, that it was raging for long hours. Why, Porter could not put his command in because he did not get his order to attack until after half past 5, but King, Sigel, and Kearny, and the rest of the Union forces could fight there until 9 o'clock, as the testimony shows, if we can believe the testimony of General Lee, and I presume we can in that respect.

Again, Mr. Chairman, I call your attention to the fact that the confederate troops could do, according to what we are required to believe here, what the Union troops were utterly unable to accomplish. We find that Longstreet could march, with Hood and Kemper and the rest of his forces, in the dark, but that Porter could not. At the same time we find that King could go to the rear, march his command five miles to the right, and hurl his division upon the enemy in the evening and participate in the battle. Another thing; it is said the ground in General Porter's front was so broken that Porter could not maneuver his forces. That is probably so. He could not maneuver *his* forces, but the very next afternoon Longstreet, with his serried battalions, rushed down across the same ground and bore back the Union lines three-quarters of a mile, capturing one of our batteries.

The report of Lee and his officers, before referred to, is as follows:

[From Lee's official report.—Proceedings of Army officers, &c., page 225.]

Soon after, General Stuart reported the approach of a large force from the direction of Bristoe Station, threatening Longstreet's right.

The brigades under General Wilcox were sent to re-enforce General Jones, *but no serious attack was made, and after firing a few shots the enemy withdrew.*

While this demonstration was being made on our right a large force advanced to assail the left of Jackson's position, occupied by the division of A. P. Hill. The attack was received by his troops with their accustomed steadiness, and *the battle raged with great fury.* The enemy were repeatedly repulsed, but again pressed on the attack with fresh troops. Once he succeeded in penetrating an interval between General Gregg's brigade on the extreme left and that of General Thomas, but were quickly driven back with great slaughter by the Fourteenth South Carolina Regiment, then in reserve, and the Forty-ninth Georgia, of Thomas's brigade. The contest was close and obstinate; the combatants sometimes delivered their fire at ten paces.

General Gregg, who was most exposed, was re-enforced by Hays's brigade, under General Forno, and successfully and gallantly resisted the attack of the enemy until, the ammunition of his brigade being exhausted and all its field officers but two killed or wounded, it was relieved *after several hours of severe fighting* by Early's brigade and the Eighth Louisiana Regiment.

* * * * * * *

While the battle was raging on Jackson's left General Longstreet ordered Hood and Evans to advance; but before the order could be obeyed Hood was himself attacked and his command at once became warmly engaged.

General Wilcox was recalled from the right and ordered to advance on Hood's left, and one of Kemper's brigades, under Colonel Hunton, moved forward on his right. *The enemy was repulsed by Hood after a severe contest* and fell back, closely followed by our troops.

The battle continued until 9 p. m. * * * The darkness of the night put a stop to the engagement.

[From the official report of General James Longstreet, October 10, 1862.]

At a late hour in the day Major-General Stuart reported the approach of the enemy (Porter) in heavy columns against my extreme right.

I withdrew General Wilcox, with his three brigades, from the left, and placed his command in position to support Jones in case of an attack on my right. *After some few shots the enemy withdrew his forces,* moving them around toward his front, and about 4 o'clock in the afternoon began to press forward against Jackson's position. *Wilcox's brigades were moved back* to their former position, and Hood's two brigades, supported by Evans, were quickly pressed forward to the attack. *At the same time Wilcox's three brigades (withdrawn from Porter's front) made a like advance,* as also Hunton's brigade, of Kemper's command.

[From Major-General Stuart's official report, dated February 23, 1863.—Board of officers, page 529.]

* * * *Friday, August* 29.—As General Stuart rode forward toward Groveton, *about* 10 *a. m.*, he found that the enemy's sharpshooters had penetrated the woods, going toward the ambulances and trains.

This was Poe's brigade. Now follows the account of the sharp encounter on Jackson's extreme left, near Sudley, the death of Major Patrick, and the repulse of Poe, and then continues:

Having ordered Captain Pelham to report to General Jackson, General Stuart went toward Haymarket to establish communication with Generals Lee and Longstreet. * * * General Stuart met Generals Lee and Longstreet on the road between Haymarket and Gainesville, and informed them of what had happened and the situation of General Jackson's forces and those of the enemy.

General Lee inquired for some way to the Sudley road. General Stuart showed him that the best route for them was by the turnpike, *which they took,* and General Stuart *moved to General Longstreet's right flank.*

This must have been past noon, and Longstreet still three miles from the field.

[From General Stuart's second report, dated February 28, 1863.—Board of officers, page 531.]

I met with the head of Longstreet's column between Haymarket and Gainesville, and there communicated to the commanding general [Lee] General Jackson's position and that of the enemy.

I then passed the cavalry (a whole division) through the column, so as to place it on Longstreet's right flank, and advanced directly toward Manassas, while *the column kept* directly down the pike to join General Jackson's right. * * * General Robertson, who, with his command, was sent to reconnoiter farther down the road toward Manassas, reported the enemy [Porter] in his front. Upon repairing to that front I found *Rosser's regiment* was engaged with the enemy to the left of the road, and Robertson's vedettes had found the enemy approaching from the direction of Bristoe Station toward Sudley. * * * I waited his approach long enough to ascertain that there was at least an army corps [Porter's], *at the same time keeping detachments of cavalry dragging brush down the road from the direction of Gainesville, so as to deceive the enemy—*

A ruse which Porter's report shows was successful—

and notified the commanding general, then opposite me on the turnpike, that *Longstreet's flank and rear were* seriously threatened, and of the importance to us of the ridge I then held.

Immediately *upon receipt of that intelligence* Jenkins's, Kemper's, and D. R. Jones's brigades and several pieces of artillery were ordered to me by General Longstreet, and, being placed in position fronting Bristoe, awaited the enemy's advance.

After exchanging a few shots with rifled pieces this corps withdrew toward Manassas, leaving artillery and support to hold the position till night.

This shows how Porter "saved" the Union army that day.

[From the deposition of General Thomas L. Rosser.—Board of officers, part 3, page 1073.]

Longstreet's command was coming in *in a very forced and disorderly march* from the direction of Thoroughfare Gap, *moving rapidly and straggling* badly.

My position was taken up with reference to protecting them *from a gun* of the enemy who were in my front—

Porter.

When Stuart joined me he notified me that the enemy were moving on our right flank, and ordered me to move my command up and down the dusty road *and to drag brush, and thus create a heavy dust, as though troops were in motion.* I kept this up at least four or five hours.

I beg to say, Mr. Chairman, by way of conclusion, that the testimony in this case shows conclusively the following facts to be true:

First. That up to noon there was nothing but one cavalry regiment in Porter's front. (I know there is some testimony to the contrary; I know that Longstreet testifies to the contrary; that Lee was of the opinion that Longstreet came up as early as 10 o'clock and his forces

were deployed in line of battle by noon, but, as I have shown, this must be an error.)

Second. That Longstreet's men did not begin to arrive on the field until the afternoon and were then massed upon the Warrenton pike, Hood in advance, with Kemper and Wilcox in support.

Third. That except the troops that went directly down the pike, Longstreet's lines did not advance beyond Pageland lane until after 4 o'clock p. m. This part of the field was clear, and Porter could have occupied it and formed the junction on the right. There was nothing to prevent him from forming his troops in obedience to his orders. How do I know it to be true? Mr. Monroe lives upon the hill now, was living there then, and had lived there for years before the battle. He testifies that until 4 o'clock that afternoon no troops excepting a line of skirmishers advanced to the eastward of his house, and that house was upon the summit of Monroe hill, the key to the whole position. Whatever doubt, Mr. Chairman, there may be about the testimony of others, whatever mistake may have been made—Longstreet may be mistaken about hours and places—here is a man living upon the very spot, who was at home all of the afternoon, who swears that no line of battle passed to the eastward of his house until 4 o'clock that afternoon. Now I ask gentlemen to consider this testimony. Weigh it for what it is worth. Suppose that any of you, living amid the quiet walks of private life, saw for the first time the march of a line of battle, heard for the first time the roar of the artillery and the crash of the musketry, do you believe it would be possible for you to forget the place or the hour or the circumstances surrounding such a scene? It is a scene that would have impressed itself so indelibly upon the memory that you could never have forgotten it.

Again, I say, fourth, that Porter's command, so far from saving the Union army that day, were supposed by every confederate general to have gone back to Manassas and to have gone to the right, and were no longer taken into account. I appeal to the official report of General Longstreet in confirmation of this assertion. He says in that report: "The enemy withdrew his forces at 4 o'clock." This is also demonstrated by the testimony of Griffin, B. F. Smith, of Morell, and others that in the middle of the afternoon Porter withdrew all of his forces except only a single battery with a single line of infantry in support, a mile and a half to Bethlehem church, and remained there until the time of this 4.30 order, when he was ordered back again.

Then what did they do? Then they go back again and Porter sends up this order to attack. You will find it in the record:

General MORELL: I wish you to push up two regiments, supported by two others, preceded by skirmishers, the regiments at intervals of two hundred yards, and attack the party with the section of artillery opposed to you. The battle looks well on our right, and the enemy are said to be retiring up the pike. Give the enemy a good shelling when our troops advance.

F. J. PORTER.

That was just before dusk. What did General Porter understand then? He understood that in his front there was a party of the enemy with a section of the artillery, and he was to order up four regiments to attack it. And this was the compliance he was fain to make to the order of General Pope to attack the enemy's flank!

Fifth. That if Porter had advanced and attacked, or even made a vigorous demonstration, it would have rendered impossible the crushing concentration on our troops on our right (the enemy's left) which came near proving a disaster, and made possible the disaster of the next day.

Sixth. That there was a fierce battle on the 29th, which (according to Lee) "raged" till 9 o'clock p. m. Where was Porter then? Where was the hero of Gaines's Mill and Malvern? Reclining under a tree, two and a half miles from the front of his column. The officer who brought the dispatch says he lay there with his head resting on his hand. He handed him the order, and when he read it he never rose. He seemed not at all interested in it. And General Sykes, the commander of his principal division, swears that he was present when the order was delivered to Porter, but Porter never told him what the order was; he never disclosed to him its contents; he never read it to him; and he did not know Porter was ordered by that order, received while the guns were thundering in his ears, to attack the enemy's flank. The commander of his principal division being with him when he read the order, he never disclosed to him the order to attack, and General Sykes went into camp that night, put out his pickets, and never knew that General Porter had received an order to attack the enemy. Where was the finest corps of the Army of the Potomac? Gone into camp for the night near Bethlehem church.

Fitz-John Porter had not the poor excuse of a coward, for he had shown on many fields that he was a brave man. He had not the better excuse of ignorance, for he was a trained soldier, trained at his county's expense. He had not the excuse of not knowing the will of his commander, for his orders were explicit; and besides, the thunder of the cannon and the sound of the *victorious rebel yell* summoned him to the field of duty.

The nine able generals who tried him, with all the essential facts before them, said there could be but one verdict. Impartial history will declare the same.

Already clemency has been exercised. His disabilities have been removed. He stands to-day a free American citizen, eligible to any office in the gift of the people or of the Government. Mercy to him is cruelty to thousands.

Admiral Byng, of the English navy, more than a century ago, disobeyed the order to take his ship into action in the Mediterranean. Admiral Byng was tried, convicted, and shot to death for that disobedience, and from that day to this no English officer has refused to take his ship into action when he has been commanded by his superior. [Applause.]

Were Garfield alive this bill would not be here now. It never could receive his signature, as we know from the letter he wrote in the spring of 1880 with this report before him. But Garfield is dead, and this bill is here.

I expect this bill will pass, for with the aid of our late opponents in arms whom Porter so considerately spared that day you have the *power* to pass it. On the committee every gentleman on that side of the House, the moment it was read at the first informal meeting of the committee, voted in its favor.

But I here protest! In the name of the brave men who fell mangled and dying on that bloody field on that August evening, crushed by the very troops that Porter should have been engaging, *I protest!*

In the name of their widows and orphans, doomed to long years of woe and struggle by the insubordination of this man, *I protest!*

In the name of the wronged and betrayed country which had sent Pope to the field and clothed him with her own majesty and power, and which through him had the right to demand and receive the most perfect obedience and most transcendent effort to protect her and her soldiers, *I protest.*

I honor the gentleman from New York for his devotion to his lifelong friend. But this is the hour that should be given to law and justice, and not to sympathy or tears, except tears for those brave men who perished through his insubordination. [Loud applause.]

Mr. SLOCUM. I understood the gentleman from Michigan [Mr. CUTCHEON] to say that if General Garfield were living this bill would not be here. If the gentleman will refer to House report No. 144, of the second session of the Forty-third Congress, he will find that James A. Garfield is the father of this bill. [Applause.] Send for your report. This bill is brought here by James A. Garfield himself, and the official records of Congress show it.

Mr. CALKINS. I desire to ask the gentleman from New York [Mr. SLOCUM] a question: whether he refers to the commission which General Garfield moved.

Mr. SLOCUM. I say this: I say that James A. Garfield introduced into this House a resolution authorizing this board [cries on the Republican side of "Ah!" "Ah!" and laughter], and the board was appointed pursuant to his suggestion. And if he is going to refuse to recognize his own bantling or his friends are, then let them stand up here and say so.

Mr. CALKINS. I want the gentleman to understand that he does not aid his bill by traducing General Garfield.

Mr. SLOCUM. I do not traduce General Garfield at all. I say that he suggested that this investigation should be made.

Mr. CALKINS. Certainly.

Mr. REED. I think this is a fitting addendum to the speech which the gentleman from New York [Mr. SLOCUM] made yesterday.

Mr. CALKINS. Yes, very fitting.

Mr. CUTCHEON. In reply to my honorable friend from New York, I beg to read the following opinion of President Garfield, written in February, 1880, and published as an appendix to the work on the second battle of Bull Run by General J. D. Cox:

HOUSE OF REPRESENTATIVES,
Washington, D. C., *February* 18, 1880.

MY DEAR COX: In our twenty-five years of acquaintance and friendship you have never done a greater service to the truth or given me so valuable a help as in your letter of the 14th instant, which I have just received. I have been so stung by the decision of the Schofield board that it is very hard to trust my own mind to speak of it as it appeared to me. I have made a strong effort to separate myself from the case, and to look at it intellectually, as though it related only to the pieces on a chess-board, and not to living men, or men who had ever lived, and all my best efforts have brought me out precisely to the conclusions of your letter.

Still, I had not yet made, in the light of the new testimony, a careful strategic study of the field and map as you have done. But how curious it is that what you say now, with the new maps before you, is the exact picture of the field, and Porter's conduct upon it, which glowed in strong colors in my mind, and the mind of the court-martial, seventeen years ago.

With kindest regards, I am, as ever, yours,

J. A. GARFIELD.

[Great applause on the Republicann side.]

Mr. SLOCUM. I am no defender of James A. Garfield.

Mr. CALKINS. We know that.

Mr. MILLER, of Pennsylvania. He does not need it from you.

Mr. SLOCUM. I am no defender of General Grant.

Mr. CALKINS. We know that, too.

Mr. SLOCUM. For the first time in my life I stand here on this floor and hear Republicans attack the military reputation of General Grant.

Mr. CALKINS. Nobody does that.

Mr. SLOCUM. You have done it.

Mr. MILLER, of Pennsylvania. Nobody has done it.

Mr. SLOCUM. The gentleman who has just taken his seat [Mr. CUTCHEON] has done it in the most violent manner.

Mr. CUTCHEON. Oh, no. I beg to say in correction of the gentleman that no man, living or dead, in this world or any other, holds

General Grant's military ability in higher estimation than I do. I simply asked how it were possible that we might explain his sudden conversion three years after the filing of the report of the Schofield board.

Mr. SLOCUM. If I understood the gentleman's language correctly it was an impeachment of General Grant's integrity or his military ability, one or the other. Let the record speak for itself. The point I make is that in the Forty-third Congress General Garfield introduced a resolution into this House asking for the appointment of a board to investigate this case. The board was appointed——

Mr. REED. Was it appointed under that resolution?

Mr. SLOCUM. No, it was not; but in pursuance of it.

Mr. REED. In pursuance of a resolution that did not pass?

Mr. SLOCUM. The resolution did not pass, but General Garfield was the father of the whole movement.

Mr. REED. How could the board be appointed in pursuance of a resolution that never passed the House?

Mr. SLOCUM. There is no use talking about that.

Mr. REED. Then why are you talking about it?

Mr. SLOCUM. General Garfield introduced the resolution into this House, and it is on the record to-day, asking that just such a board——

Mr. REED. Ah! just such a board.

Mr. SLOCUM. That just such a board should be organized by the President to make a report to Congress. What I say is that the friends of Garfield should either accept that report or repudiate the whole thing.

Mr. CALKINS. On the contrary, we had such confidence in his judgment upon the court-martial that we had no doubt this commission would sustain it, as it would have done had it been properly constituted and had brought all the witnesses before it.

Mr. CUTCHEON. I was about to say, in reply to the remark of my distinguished friend from New York [Mr. SLOCUM], that General Garfield said that in view of the perpetual harping upon the idea that injustice had been done Fitz-John Porter it was in the nature of an aspersion upon his own conduct and character and judgment as a member of the court-martial. It was with a view that the whole matter might be thoroughly and fairly investigated that he was favorable to that investigation. He submitted that resolution, not as expressing any judgment, not as committing himself to the report of the board, only for the purpose of simply giving General Porter a fair chance; simply as an act of magnanimity on the part of General Garfield.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENLEAF. Mr. Chairman, I wish to say a few words upon the subject under consideration, and but a few words; for, as I understand the subject, the main questions involved in this discussion can be briefly stated, and a plain, business-like argument in support of the bill compressed into small compass.

After all that has been said, and so well said, upon both sides of the question, as I comprehend the situation the merits of the whole case as between General Porter and General Pope turn upon two simple, yet all-important historical facts—facts about which, in the light of our present knowledge of the events of the late war in my judgment, there should no longer remain a reasonable doubt, viz:

First. Did General Porter, or did he not, obey with reasonable promptness and zeal this now-famous order of General Pope, issued from his "headquarters in the saddle," at Bristoe Station, Va., at 6.30 p. m., August 27, 1862:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p. m.

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary on all accounts that you should be here by daylight. I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Maj. Gen. F. J. PORTER,
Warrenton Junction.

P. S. If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the junction, instruct Colonel Clary to run the trains back to this side of Cedar Run and post a regiment and section of artillery with it.

By command of Major-General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Secondly. Did General Porter, or did he not, find himself confronted by a greatly superior force, under Generals Lee and Longstreet, at the very moment he received Pope's 4.30 p. m. order of August 29, to strike Jackson's right flank and seek to get into his rear, as follows:

HEADQUARTERS IN THE FIELD,
August 29, 1862—4.30 p. m.

Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

Major-General PORTER.

Now, if it be a fact that General Porter did seek to obey with reasonable promptness and zeal the 6.30 p. m. order of August 27, then it is evident that the finding of the court-martial as to the alleged disobedience of that order, whether intended as such or not, was an unmitigated outrage on General Porter. And then again, if it be true, as I insist it is, that, probably, without General Pope even suspecting the fact, yet within the positive knowledge of Porter and other Union officers with him, Longstreet was actually in his front with a greatly superior force on the afternoon of August 29, then it inevitably follows that the finding of the court as to the alleged disobedience of the 4.30 p. m. order of that day was not only not warranted by the facts, but was, on the contrary, a most unjust and cruel verdict against a gallant soldier and innocent man.

My worthy colleague [Mr. SLOCUM], the distinguished gentleman and soldier from New York, who has charge of this bill, while making a most able and eloquent argument in support of the bill yesterday afternoon, improved the occasion to reflect somewhat severely upon the methods pursued in making the charges against General Porter on which he was tried, and also upon the proceedings of the court on those charges; and I will say that in the main I think those reflections just and to the point.

But to be perfectly fair to all parties in interest, suppose we concede that at the time General Pope preferred his charges against General Porter he was ignorant of the fact that the night was very dark, and that it was about 10 o'clock before his 6.30 p. m. order of August 27 was delivered to General Porter; and that he was also ignorant of the fact that the only available road between Warrenton Junction and Bristoe Station was at the time so obstructed by other troops, with from 2,000 to 3,000 army wagons, artillery included—was so narrow and crooked and filled with stumps, so bounded by wood and swamp, so cut up by a dozen running streams and railroad tracks and moving railroad trains, as to make it a physical impossibility for Porter to obey the order to reach Bristoe Station by daylight—facts which the general of an army, who had deliberately established his "headquarters in the saddle," might reasonably be expected to know; then suppose we concede that at the time these charges were preferred, as well as at the time the 4.30 p. m. order of August 29 was issued, Pope was oblivious of the all-important fact that Longstreet confronted Porter with twenty-five thousand men; and consequently, had no idea that if, in blind and unreasonable obedience to this order, Porter had undertaken to turn Jackson's right flank, his own left flank would necessarily have been exposed to Lee and Longstreet, and in all human probability his little army of ten thousand men crushed and destroyed by the combined hosts of Lee, Longstreet, and Jackson, between whose opposing forces he had thus, machine-like, placed himself; then suppose we concede, what Pope and his friends claim, that the court-martial that tried and condemned General Porter consisted of honorable, high-minded men; that the court was not, as has been charged, organized to convict; that it had no purpose, political or otherwise, either to mitigate the faults of Pope on the one hand, or to manufacture or magnify offenses of Porter on the other—concede all this—although I must say, in justice to myself and to the cause of truth and right, that my own honest convictions are at war with these concessions—but concede all this, and the facts still remain—as conclusively shown by the testimony of the confederate generals Lee, Longstreet, and Robertson, as well as by the testimony of some twenty or more Union officers who were called as witnesses before the court-martial and board of officers; as found by the board of officers, consisting of the distinguished generals Schofield, Terry, and Getty, convened by Mr. Hayes at West Point in June, 1878, for the express purpose of ascertaining the facts in the case; as found by General Grant, after a most careful and thorough investigation of all the testimony, and published in the December number of the North American Review, 1882—and as I hold can be found by any fair-minded, intelligent person in the land who may wish to inform himself on the subject—the facts as to the 6.30 p. m. order of August 27 are, that the night was so dark, the road from Warrenton Junction to Bristoe Station so obstructed, and the troops so exhausted from continuous marching, as to make it a physical impossibility for Porter to obey to the letter the order to reach Bristoe Station at daylight, and that he was just two hours late in moving.

Furthermore, as it proved, it was of no sort of consequence to General Pope, or to the Union cause, that Porter could not obey it, inasmuch as Porter's services were not required for twenty long hours after his arrival at Bristoe Station.

And as to the 4.30 p. m. order of August 29, the fact is, that, unbeknown to Pope, the forces of Longstreet and Jackson had actually been joined some three or four hours before the 4.30 p. m. order had been issued; so that, according to the highest military authority we have, con-

firmed by the dictates of common sense, Porter was not only justified in disobeying the order, but would have been justly liable to censure if he had obeyed.

Dow, jr.'s, statement, therefore, of his own theological dilemma, after wrestling with the old sectarian dogmas of free will, total depravity, foreordination, and an endless hell—

You can and you can't, you will and you won't,
You'll be damned if you do, and you'll be damned if you don't—

would seem to describe exactly the predicament in which General Porter found himself on that memorable afternoon of August 29, 1862. If he obeyed, death and destruction would inevitably follow; if he disobeyed, the unmerciful condemnation of an ill-advised court-martial would be his portion. But like a true soldier he took the responsibility, and saved his men from unnecessary slaughter. And I have the charity to think, and to say, that if General Pope himself would not have done the same thing, under the same circumstances, as I understand those circumstances, it would only be because he might not comprehend the situation until afterwards!

Now, in proof of what I have said in regard to the difficulties in the way of that night march of August 27, ordered by Pope, I will read from part 3 of Senate Document No. 37, first session Forty-sixth Congress, the testimony of a few of the Union officers who were called as witnesses before the court-martial and board of officers.

Lieutenant Weld, page 1158, said:

I went to bed about 10 o'clock, and then the night was very dark indeed. I heard some one, I think it was General Morell, who came into camp before I went to bed, say that he had been trying to find General Sykes's headquarters, but had lost his way. General Sykes's headquarters was very near ours.

Colonel Marston, of Hooker's command, a Government witness, being asked by the recorder (board record, page 860), said:

Do you recollect the character of the night of the 27th of August, 1862?

A. From 9 to 10, along there, it was misty and rainy a little, fine rain or heavy mist, and quite dark. I was out with the officer of picket line at the time, and lost my way, it was so dark.

General Patrick, who was at Buckland Mills, testifies:

At 10 o'clock my orderly and one or two members of my staff dismounted at different times to feel for the road. It was one of the darkest of nights, the one of the 27th. (Board record, page 183.)

General Warren testifies (page 42, board record), as follows:

I do not remember lying down at all that night or trying to sleep; and I recollect with great distinctness, because we could only see things around the camp-fires; there was a great deal of dust and smoke in the atmosphere besides.

General Warren testifies further (board record, 30, 45) as to the parking of wagons in the road. "No such thing as parking. It was more pell-mell; 'parked' like a lot of ice that jams in on the shore."

Lieutenant Weld says in his testimony, on page 260:

Captain Monteith and myself were sent by General Porter just after daylight, about the gray of the morning, to clear the road of the wagons and train that were in it between Warrenton Junction and Bristoe Station. We found the road completely blocked with wagons. I should think fully one-half the wagons had the horses unhitched or unharnessed and hitched either to the wheels or poles of the wagons. The wagons were in the road itself, and on both sides, wherever there was a road in the woods for a wagon to be stuck. That was the state of the case for about three miles at least. The road was completely blocked.

Lieutenant Randol, at page 390, testifies:

At 3 o'clock I was directed to take up the march, following Weed's battery. We marched a short distance, when we came to a halt. Riding to the front, I found that the ford across Owl Run, a branch of Cedar Run, was blocked by wagon-trains of, as I understood at that time, Sigel's corps. Captain Weed, myself, and other officers endeavored to make an opening by forcing the teams across, but we found it impossible. I remembered that I had seen a ford the day before higher up the creek which might be made practicable. I turned the head of my battery up the creek toward the railroad crossing. Arriving at the ford, I found it was blocked also; there was a part of a battery and some wagons in it. I then moved higher up, and put my horse in the stream and forded higher up until I found a place that I thought we could cross, and so reported to Captain Weed. We cut down brush and filled it in the stream and cut out a roadway, and then cut a roadway on the other side. The stream was wooded more upon the right bank than it was upon the left. After this was accomplished we crossed our batteries, my battery leading to the other side.

Q. About what time, according to your recollection, did you accomplish this passage of this stream?

A. It must have taken two hours or more. Our own teams stalled in crossing this ford. It was a new ford and very soft.

Then again the same witness testifies, page 91:

From Warrenton Junction to Cedar Run I should not think it was over a mile and a half or two miles. Here the approaches to the creek were abrupt, and the bank on the other side was very abrupt. Here we found the creek blocked again on both sides; the wagons going up were stalled in the creek four and five deep, and the drivers watering their teams, and it was almost impossible for us to get through.

And General Grant expresses this opinion of the stirring events of that night in an article published in the December number of the North American Review for 1882; and I presume, Mr. Chairman, it will be conceded generally by the honorable gentlemen who oppose this bill—even by those who may honestly believe in the infallibility of Pope, as well as in the depravity of Porter—that General Grant is very respectable authority in matters of this kind, notwithstanding the strong objections which the learned gentleman who preceded me has made to his testimony. General Grant says upon this point:

It is shown that a literal obedience to the order of the 27th of August was a physical impossibility. It is further shown that General Porter was desirous of obeying it literally so far as was practicable, but was prevailed upon by his leading generals, against whom a suspicion of disloyalty to their commander or to the cause has never been entertained, to do what his own judgment approved as the best thing to do—to make a later start, with a view of arriving at his destination as early as was possible for him to arrive there, and to give to his jaded and worn troops two hours more of needed rest. If the night had been clear, and the road an open one, there would not have been as much justification for the exercise of his discretion in the matter; but there is no doubt but that he would have arrived at Bristoe Station just as early, and with his troops in much better condition, if he had started at early dawn, instead of at the hour he did, and the intervening time had been used in clearing the road for his troops when they did march. Where there were open spaces along the line of the road, they were either marshy, filled with stumps of trees, and impossible to march over, or were crowded with army wagons, so that the track of his army was limited to the encumbered, narrow road between the two points designated in the order, which could be cleared only by the wagons being moved ahead, as requested of Pope.

* * * * * * *

I question very much whether there was an engagement during the war, or a series of engagements continuing over as much time as was consumed in the battles about Bull Run in August, 1862, when not only one, but a number of generals, did not exercise their discretion, as Porter did on this occasion, and with far less justification. The commanding general who gave the order desired to have the troops at a certain point by daylight, and he gave his orders so as to accomplish that result. Under the circumstances his order required of the troops an impossibility. That was as evident to Porter, and those with him, before the attempt was made as it was after.

This testimony of Army officers, supported by the opinion of General Grant, I regard as conclusive in General Porter's favor on the charge of disobedience to the 6.30 order. Now to substantiate what I have said to disprove the charge of disobedience of the 4.30 order of August 29 I read further from General Grant's article. Continuing, General Grant says of this order:

It is a little singular that any one high in rank connected with the Army of Virginia should be in ignorance of the arrival of at least a portion of Lee's army by the very route designated by Pope many hours before the 4.30 order was published. Porter was not in ignorance of that arrival. Between 12 and 1 o'clock, on arriving at his advanced position, Porter was shown by McDowell a dispatch from General Buford, sent at 9.30 on the morning of the 29th, stating that from seventeen to eighteen regiments of the enemy had passed through Gainesville three-quarters of an hour before, or at a quarter before 9 o'clock, on their way to re-enforce Jackson, so that the head of the column must have been not only in supporting distance of Jackson but at the place of deployment by 10 o'clock in the morning; and now it is known by others, as it was known by Porter at the time, that Longstreet, with some twenty-five thousand men, was in position confronting Porter by 12 o'clock on the 29th of August, four hours and a half before the 4.30 order was written.

Then, after referring briefly to what is known as the "joint order" to McDowell and Porter, to which little importance is attached, General Grant continues:

Thus Porter, without sacrifice of men, and without endangering any interests, did more for Pope's relief than if he had gone directly to that general's assistance. To have done so would probably have sacrificed his corps without any benefit, and jeopardied the safety of Pope's army.

And now, to answer the criticism that the gentleman from Michigan [Mr. CUTCHEON] has made upon the present well-known bias of General Grant in favor of General Porter, I will simply refer to the letter of General Grant to General Porter, which was read in this House yesterday morning, and published in the RECORD to-day. This letter will probably be accepted by all fair-minded men as a full and conclusive answer to the criticism the gentleman makes upon General Grant's published opinions on these matters.

So much for the testimony and opinion of Union officers. Now I quote from the highest Confederate authority on the subject. General Lee says:

Longstreet's command arrived within supporting distance of Jackson on 29th August, 1862, between 9 and 10 a. m. General Longstreet's command was formed by 12 m., August 29, in two lines on Jackson's right.

Mr. BROWNE, of Indiana. Will the gentleman give us the date when that statement was made?

Mr. GREENLEAF. I am unable to give the date.

And again General Lee says:

Porter could not take Jackson in *flank* while *he* was attacked in *front*. He could do nothing of that sort. * * * *We* flanked *him*. *He could not* flank Jackson. I suppose *we should have cut Porter to pieces if he had attacked to get at Jackson's flank.*

And General Longstreet says:

My command (twenty-five thousand in round numbers) was within supporting distance of General Jackson at 9 a. m., August 29, having passed Thoroughfare Gap at early dawn. My command was deployed in double line for attack between 10 a. m. and 12 m. on the 29th, extending from Jackson's right across turnpike and Manassas Gap Railroad. My command was ready to receive any attack after 11 o'clock a. m.

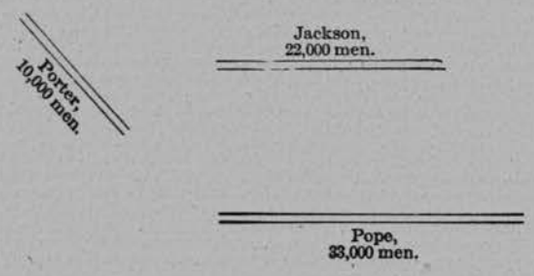
And General Beverly Robertson says:

My vedettes had reported your (Porter's) approach, and Longstreet's forces to meet yours were mainly posted before your arrival. Had you continued your march, or attacked at any time, you would have struck Longstreet's line of battle, over twenty-five thousand strong.

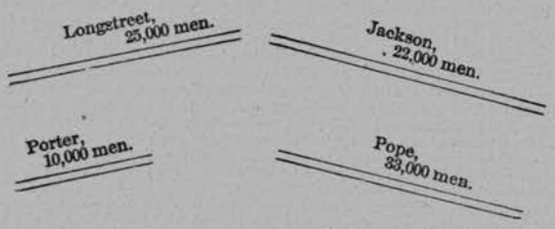
Mr. Chairman, this testimony of these distinguished Confederate officers with respect to the strength and disposition of their own forces on that afternoon, together with what was previously known of the disposition and strength of the Union armies, supplemented by this significant little diagram, which—with all due respect for the contrary opinion of the gentleman from Michigan—I confidently submit as showing, first, the disposition and strength of the opposing forces as assumed by General Pope; and, secondly, their actual position and strength as found by the West Point board of officers—as found by General Grant, as found by General Slocum, as found by General Rosecrans, and as

General Porter and many other Union officers who were in a position to know whereof they affirmed have always claimed—for which diagram, I may say, I am indebted to General Grant—should, in my opinion, forever settle the question of Porter's entire innocence of wrong, as charged, on the afternoon of August 29, 1862.

What Pope assumed to be the situation August 29:



What it actually was:



Why, then, in view of these clearly established facts, should we longer delay this simple act of justice to a most meritorious but much-abused soldier? Why wait till a more auspicious day? Why wait till this perfectly innocent man has gone down with his gray hairs in sorrow to the grave? Let us act, here and now.

And I appeal to gentlemen on both sides of the question to so vote on this, and all similar questions, that it can never be truly said of this House that it had ever hesitated to right, within its power, a grievous wrong to any man, white or black; and especially to a gallant soldier who, under the perverted forms of military law, for many long, anxious years had been made to atone for the faults and mistakes of others.

I know not, sir, how a majority of the members of this House may feel, or how act, with regard to this unparalleled wrong to General Porter, but for myself I can say that I support this bill for his relief with all my heart; and that if it went still further—if it went so far as to signify in some substantial manner—as to demonstrate, in fact, that the people of this great country would be neither unjust nor ungrateful to this brave son who has periled his life on so many hard-fought battlefields in support of the Constitution and Union of the United States, if possible, I would support the bill more heartily still.

Mr. BROWNE, of Indiana. Mr. Chairman, I knew the defense of General Porter would find it necessary to attack the living and defame the dead; but I did not suppose that a gentleman so deservedly distinguished for his service to the country as a soldier would assail courts-martial, a form of military tribunal that has been sustained for centuries by the intelligent judgment of all the civilized countries in the world.

What! Is it thought that resort can be had in times of war to the civil tribunals of the country? Sir, courts-martial constitute the strong right arm of military power, and without them military discipline would be at an end.

Oh, I remember well that when a poor soldier, wearied by the long day's march, went to sleep on his post, or when the heart-sick soldier took an abrupt leave of absence that he might visit the old homestead or maybe his sweetheart, courts-martial were good enough to be then convened to try him, and as a result have him shot to death. But it seems that when a gentleman who wears long boots, with spurs at his heels, has epaulets on his shoulders, and a commission in his pocket, has ignominiously misbehaved in the presence of the enemy, according to the opinion of some gentlemen here he ought to be turned over to the town constable, taken before a justice of the peace, that he might be rescued from the clutches of the law by the village lawyer under a writ of habeas corpus.

Why, sir, the gentlemen on the other side of the House do not think so, in the light of the history in other days. I remember that when Jackson concluded to execute Arbuthnot and Ambrister, he convened his drum-head court-martial, and having convicted them, he shot them. When certain gentlemen criticised his conduct, he said that he thought he would shoot them first and look up the law afterward. That might have been harsh, but it was justified by all those who recognized the fact that war was a reality.

But those very gentlemen here who assail the court-martial that convicted Fitz-John Porter insist that this relief ought to be given him by the reason of the consideration and judgment of another military court. The one was a court-martial consisting of nine distinguished officers. These gentlemen say now that we ought to reverse the opinion of that court-martial because of the judgment of three other officers who may be no less distinguished or certainly are no more so.

This may be said in favor of a court-martial proceeding: it is a recognized part of our jurisprudence. It has the power to administer oaths, to compel the attendance of witnesses, and for falsehood intentionally sworn to by witnesses before it there may be an arraignment and punishment for perjury.

But this commission, this West Point board, was convened without the authority of law. I assert it here that there can be found in no statute any place upon which that board can stand. The accused had frequently implored or importuned the pardoning board for relief. It had been denied frequently; Lincoln had refused to grant it, and the same had been the action of President Grant.

When the appeal was made to President Hayes, he, by a very polite order, requested three very distinguished gentlemen, as I concede them to be, to meet and examine the case and take such testimony as they might think best, and then to report their findings for the purpose of informing him of his duty; for at that time Fitz-John Porter was laboring under the disability imposed by the findings of the court-martial. He had by its judgment been rendered forever incapable of holding any office of trust or profit under the Government of the United States.

The President had the pardoning power, but President Hayes did not seem to know whether he should exercise it or not. He referred the case to this board, that they might take the evidence and report their findings, so that he might be informed as to his duty. When the board had reported, unwilling, I suppose, to assume the responsibility, President Hayes referred it to the Congress of the United States, and asked them to take such action upon it as under the circumstances they might think best.

Now, I have contrasted these two tribunals simply for the purpose of insisting that the judgment of the one is entitled to as much consideration as that of the other, and that is all.

I confess that I have no very great admiration for courts-martial and their summary method of proceeding; but yet it is impossible, or at least it has seemed to be impossible in all the centuries, to find a better tribunal or to make a more perfect system.

Now, Mr. Chairman and gentlemen, I desire to begin the discussion of this case. I am conscious at the beginning that it will be impossible for me to conclude my argument within the time limited by the rule. I shall claim the indulgence of the House just so long as members can endure to listen to me, and when time is called I shall as a matter of course submit, and ask permission to put upon the record what I have not then been able to say.

I enter upon this discussion, Mr. Speaker, with reluctance, as I am conscious it is not possible to present the facts of Fitz-John Porter's case as they are in the time allowed for debate, and that this tribunal cannot, in the nature of things, give the grave questions it involves that sober thought and thorough investigation they deserve. At the outset it is apparent that it must be passed upon by gentlemen who have had no opportunity for examining the 3,000 pages of printed evidence before us and applying it to the charges it is intended to support or refute. Here we are asked, after twenty years have passed, to overturn the solemn adjudications of a court, to annul its decree, censure its judgment, and go to the very verge of impugning its integrity by the vote of this House, when it is safe to say that not one in ten of those who will give expression of approval or disapproval of its action ever read or attempted to read and deliberate upon the voluminous record upon which its judgment was founded. For these and other reasons I think it clear that this is not a fit tribunal for a cause like this. If we try it, let the result be what it may, we subject ourselves to the suspicion that our action was not the outgrowth of the evidence, but was secured by influences unworthy the consideration of this honorable body.

Gentlemen, what is expected of us in this case? We are called on to pass upon questions of military ethics about which many of us know little or nothing, on the credibility of witnesses who were never before us, on supposed conflicts in evidence we have never examined or compared, and on what the evidence we have never analyzed tends to prove. We are asked to reverse the finding here upon testimony which the lapse of time and fading memory has made unreliable, and this, too, after public opinion has been influenced by a bombardment of pamphlet, magazine, and newspaper literature prepared by the defense, and when even history has been rewritten to aid the accused in his vindication. And moreover it is expected that honorable and chivalric gentlemen who championed the cause which profited by General Porter's perfidy—if he is guilty as found—will complacently take their seats on the bench and pass on the merits of this case as if there was nothing anomalous in the proceeding.

And again, Mr. Speaker, I regret to speak in this case, because I find myself differing, and differing widely, from gentlemen who have achieved merited distinction in the military service of the country, and to whose judgment I would bow without hesitation in any case where I had not

strong personal convictions leading me to opposite conclusions. Nor would I speak a harsh word of any man, and nothing now would be a more pleasurable duty, if it were the subject of the hour, than to pay a tribute to the courage and devotion to duty exhibited by Fitz-John Porter on occasions other than those which are the subject of this debate. But to-day we are to review only the occurrences of those ill-fated days in August, 1862, which brought disaster to our arms at Bull Run and General Porter's connection with them. And before proceeding to present my conclusions, permit me to say that it is simply impossible to go into this case in all its details. After all has been said that I care to say many points will remain untouched. It is quite certain also that I will submit nothing new, for although the case has not heretofore received consideration here, the argument has been going on for years in the press of the country and until it is exhausted.

Now, Mr. Speaker, what are the facts, how came the case here, and what is our duty in relation to it?

Twenty years ago Fitz-John Porter was arraigned for trial before a court-martial composed of officers distinguished alike for their learning, their patriotism, and their courage. Gentlemen could not have been found, perhaps, better fitted for that grave and important duty, and the record of their action shows that the trial was fair, that they gave the accused opportunity to produce every witness he thought material to his defense, that the hearing was impartial, the facts critically examined, and that in passing judgment they were moved by neither passion nor prejudice. The officers who sat in this now historic case were of high rank, six of them regularly educated in the profession of arms, and all of them had rendered conspicuous service to the Union in the war of the rebellion. Some of them had been with the accused through the eventful and disastrous campaign of August, 1862, while between himself and others there had been most intimate personal relations. The president of the court was his personal friend, and the venerable Hitchcock distrusted his ability to perform his duty impartially because of his personal regard. The members of the court were his friends, soldiers like himself, and we may rightfully conclude they entered upon his trial hoping the evidence might justify them in relieving a brother officer from the grave offense imputed to him. To the *personnel* of the court no exception whatever was taken at the time. There was nothing done hastily or rashly. The case was important to the accused, equally important to the country, and it received the deliberate and intelligent consideration of nine officers who were in all respects the peers of any in the service of the country. These gentlemen gave the facts a most thorough and searching examination.

The officers who sat on this court, though mercilessly assailed by the defenders of Fitz-John Porter, need no vindication, for their deeds and their fame are enshrined in history. Who were they? General Hunter, its president, was early in the service and one of the most highly respected officers in the Army. Need I speak of Garfield? Many of us personally knew him and can bear testimony to the clearness of his judgment and to his courageous impartiality. General Hitchcock, venerable in years, was honored and respected by all, while General Ricketts and Casey were equally honored and equally respected. General Buford was a graduate of West Point, and of acknowledged learning and fairness. General King was a gallant and an educated soldier, and Generals Slough and Prentiss were volunteer officers of high character for culture and integrity.

Mr. Speaker and gentlemen, I have thought it well to say this much of the court, because the accused, by his instrument, has wantonly assailed it and imputed to it a want of intelligence and of honesty, and has thought it necessary to his vindication to destroy the fame of the distinguished men who tried him. Of the court it is said:

> But in a critical study of the evidence it is difficult to see how with honesty and intelligence it could have made so many mistakes. It is to be regretted that the oath of secrecy prevents the disclosure of the vote by which its conclusions were reached. But for that we might discriminate between the majority and minority. * * * The court derives no authority from its personality. It consisted of nine officers of high rank, it is true, but rank affords no sanction where acts are contrary to justice and common sense. "By their fruits ye shall know them," not by their rank. * * * The verdict was not fairly derived from the evidence. * * * It is necessary to look for some influence outside of the evidence to account for such strained conclusions. * * * We can not escape the conclusion that the court-martial was organized to convict, and its proceedings were a mockery of justice.

The country will be slow to credit a defense that finds it necessary to attack the reputations of the dead, Hitchcock and King, Casey, Slough, and Garfield, and their living associates, by meanly insinuating that they lacked honesty and common sense. But not content with assailing the court, the accused seeks to strike down Halleck and Stanton, Pope and McDowell, King and Ricketts, and all those who have dared to testify to a material fact against him or challenge the propriety of his conduct on the days in question. This defense has been deliberately arranged so that an acquittal is to be heralded to the country as a censure of many of our most honored names, living and dead. The fame of these are as sacred to us as that of Fitz-John Porter, and whatever others may do, for one I can not sympathize with a cause that is upheld by such methods of defamation.

But, Mr. Speaker and gentlemen, let me say a word before passing for the finding of this court, now wantonly denounced as wanting honesty and common sense, and as being organized for the sole purpose of convicting the accused. In the light of the history of those days I assert, sir, that the judgment of the court-martial was accepted by an intelligent and loyal people as a just finding on the facts and as a fit retribution for the high crimes of which the accused was found guilty. It had the approval of the merciful and conservative Lincoln, and that the finding was abundantly supported by the facts was then controverted only by the accused and those who with him were hostile to General Pope and who sympathized with the deposed chief of the Army of the Potomac.

But now we have reached the important issue. Those who advocate the passage of this bill assume that the finding of the court-martial by which Fitz-John Porter was condemned was unsupported by the facts, or if supported by facts then before the court, that since then evidence has been discovered that removes all suspicion of his guilt. The burden of the proof is on those who assert these facts. Are they proven? To establish them we are confronted by the report of three distinguished officers who were appointed by President Hayes to inquire into the facts and who met at West Point in June, 1878. Generals Schofield and Terry and Colonel Getty, of the Army, constituted this board, and to criticise the work of men who stand so deservedly high in the esteem of the people is, I know, a most ungracious duty. However, the late General Burnside in commenting on the report of this board said:

> If action upon the bill recommended by the majority of this committee is to be insisted upon and taken by the Senate, it may be found to be the duty of individual Senators to enter into a full discussion of the proceedings of the court and the board, with a view to giving a conscientious and intelligent vote upon the case. I will say, however, that I think the board committed a very grave mistake when, in summing up its conclusions as to the resemblance which the charges and specifications before the original court bore to the facts of the case, it said:
>
> "We trust it is not necessary for us to submit in detail the results of this comparison, and that it will be sufficent for us to point out the fundamental errors, and to say that all the essential facts in every instance stand out in clear and absolute contrast to those supposed facts upon which General Porter was adjudged guilty."
>
> The undersigned thinks that it was very necessary for the board, if they desired to give their action weight with the President, Congress, or the country, that they should show in absolute detail the bearings which the facts of the case had upon the original charges. It seems very clear to the undersigned that some of the so-called "fundamental errors" of the court-martial which the board have summed up in a few words are not errors in fact. This statement is made after an examination of the four volumes of record in this most important case, but with no desire to make any charge detrimental to the military intelligence of the high officers who composed the board.

I indorse this and more. After a careful reading the report impresses me with the conviction that the evidence given by the Government was not given the weight due it. Important evidence seems not to have been considered at all. And yet, strange as it may seem, these three gentlemen, having no judicial powers, sit and review and reverse the finding of a regular court composed of nine officers in all respects their peers, and not only acquit Fitz-John Porter, but convert him into a hero and a martyr. Appointed to report the facts and their conclusions upon them, that the President may act advisedly on his application for relief, they avail themselves of the opportunity to pronounce a panegyric that reads more like the fulsome laudations of the advocate than the unadorned statement of a court. Is this criticism just?

Mr. ROSECRANS (in his seat). It is not.

Mr. BROWNE, of Indiana. My friend says it is not.

Mr. SLOCUM (in his seat). They are weak men, are they not?

Mr. BROWNE, of Indiana. The gentleman from New York [Mr. SLOCUM] says *sotto voce:* "They are weak men, are they not?" I said but a moment ago, if my distinguished friend had heard me, that they were men who stood deservedly high in the estimation of their country. But they were men, and I may say, not exactly in the language of Burns:

> But, oh! mankind are unco weak
> And little to be trusted,
> If self the wavering balance shake
> It's rarely right adjusted.

Mr. ROSECRANS. Was not that the case when they tried Porter, to excuse the Government for having put Pope in command?

Mr. BROWNE, of Indiana. If you will agree to give me time to answer all these questions I will do my very best in that direction.

Let us see. Speaking of the refusal of Porter to attack the enemy on the afternoon of August 29, they say:

> Such an attack under such circumstances would not only have been a great blunder, but on the part of an intelligent officer a great crime.

Again, and speaking of the same act of disobedience:

> It is not possible that any court-martial could have condemned such conduct had it been understood. On the contrary that conduct was obedient, subordinate, faithful, and judicious. It saved the Union army from disaster on the 29th of August.

The resources of the language are here severely taxed to find adjectives to strongly express their admiration for conduct which a court of nine intelligent officers thought, when the transaction was fresh in the memories of the actors in the conflict of that day, to be flagrantly disobedient and insubordinate. They acquit Porter upon every charge of disobedience of orders, but, judging by the report, they came very near censuring him for complying with one order of his superior officer and trying to render a tardy obedience to another. It seems that General Pope by a written order, dated at 8.50 p. m. of August 29, directed

Porter to immediately march to the field of the battle of that day. So far as I can see there was no charge, trial, or conviction for a disobedience of this order, but they avail themselves of the opportunity to say that "at first sight it would appear that in the prompt and unhesitating movement under this order"—that is, in obeying it—"General Porter committed a grave fault." However, upon a close examination, the board thought his conduct might be excused.

Again, when Porter was peremptorily ordered to move with his command from Warrenton Junction for Bristoe Station at 1 o'clock on the morning of the 28th of August, and he made, as the board found, some effort to get under way at 3 o'clock they thought him a little hasty, and that "it would have been wiser to have delayed the movement until 4." But I shall take occasion to call attention to the logic of this report as I proceed with the discussion. As it challenges the record of the court, the truth of the current history of the times, and severely reflects on the conduct of men who deserve well of the country, it ought to inspire no respect unless it is supported by facts in evidence. As I have said, the board was composed of officers of high character, but their judgment, I assert, is entitled to no more respect than that of the court whose action they review. It is my opinion, after a somewhat careful examination of this case, that it was impossible for the West Point board to reach its conclusions without discarding material evidence on the part of the Government and summarily rejecting the testimony of some of its most important witnesses.

Now, what are the facts and what the history of the Fitz-John Porter case? And here I must be brief. In the Peninsula campaign of the spring and summer of 1862 some one had blundered, and the Army of the Potomac not only failed to capture the confederate capital, but was compelled to retire from the James to the line of the Potomac. Richmond was no longer menaced nor the confederate army confronted by an opposing force, and early in August that army began to move northward through Virginia and in the direction of Washington. The war was being transferred from the front of Richmond to the vicinity of the national capital, and when the country realized that the siege of Richmond had been raised, that McClellan's campaign, from which so much had been expected, had proven a failure, a feeling something akin to despair took possession of the people.

It is no part of my duty to discuss the causes that led to this condition of affairs or to attempt to fix responsibility for it. The order removing the Army of the Potomac from the Peninsula had been issued, wisely or unwisely; the country was in peril; and it was the time of all times for cheerful obedience to lawful authority and unselfish devotion to duty. It was the time of all times to subordinate personal preferences to loyalty to the cause of the Republic; for the simple question was how to hurl back the tide of invasion and how to secure the triumph of our arms, and with it the suppression of the rebellion. We shall see after a while how Fitz-John Porter came up to this standard; certainly not too high a one for a major-general in the Army of the United States.

At this juncture General Pope was called from the West, where he had made a good military record, and assigned to the command of the Army of Virginia. This army, when he assumed its command, was distributed along the line of the Rappahannock and between Richmond and Washington. To give in detail the movements of the opposing armies during the month of August, 1862, is unnecessary, as we are now only concerned with the second battle of Bull Run and the events of the few days preceding it. If Porter be guilty, it is because of his conduct on the 27th, 28th, and 29th days of August. Let us come at once to those days. Let the events of those days be examined fairly, carefully, impartially. The country expects the inquiry to be made fearlessly.

Because of the alleged misconduct of Porter on those memorable days he was charged with having violated the ninth and fifty-second articles of war. His offense, as charged, was disobedience of the lawful commands of his superior officer and misbehavior in the presence of the enemy. Upon these he was brought to trial, found guilty, and sentenced "to be cashiered, and to be forever disqualified from holding any office of trust or profit under the Government of the United States."

The supporting specifications were numerous and may be condensed into these:

First. That he failed to obey the order of his superior officer directing him to move with his command at 1 o'clock a. m., August 28, from Warrenton Junction to Bristoe Station, and "on all accounts" to reach Bristoe by daylight on the morning of that day.

Second. That on the 29th day of August he disobeyed the order of Pope directing him to push forward upon Gainesville.

Third. That on the 29th day of August, being with his army corps between Manassas and the field of battle, within the sound of the guns and in the presence of the enemy and knowing that a battle was being fought and that the aid of his corps was needed, purposely failed all day to bring it on the field.

Fourth. That he disobeyed the order of General Pope dated 4.30 p. m., August 29, directing him to attack the enemy on the flank or rear.

These are not all the acts of alleged disobedience and unsoldierly conduct, but they are the essential ones and all I care to discuss, for if he is guilty of these, or any one act of flagrant and willful disobedience, he ought not to have the favor of this House.

Before proceeding further it is important to know what kind of obedience the soldier is required to yield his superior. The books tell us that the officer is to hold no counsel with fear. He must despise danger. Absolute obedience is the one leading and overshadowing demand of the military law.

The military system is essentially and necessarily despotic. It exacts prompt and unhesitating compliance with the lawful orders of those rightfully in command. The subaltern must not refuse, question, or hesitate when required by his chief to act—

> Not though the soldiers knew
> Some one had blundered;
> Theirs not to make reply,
> Theirs not to reason why,
> Theirs but to do or die.

These general rules are subject to this exception: If the subordinate knows the order was given under a mistake of facts and its execution bring disaster, he may disobey. Whether obedience shall be rendered is not left to the pleasure or caprice of the subaltern, for if it were so the army would be chaos and its discipline and efficiency at an end.

The necessity for exact obedience is apparent. The general movement, the plans of the attack or defense in all their details, are for the chief, and he commits the execution of the several parts to his lieutenants, and success depends upon the punctual and exact obedience of each officer to each order. Now, did Fitz-John Porter yield this prompt, this exact, this soldierly obedience to the orders of his superior? Did he respect General Pope's authority? Was he friendly or hostile to his commanding officer; and did he desire him to succeed or fail? Behind the conduct of every man is a purpose—a motive. If immediately before the events of these days, if while they were in progress, he was distrustful, manifested a spirit of insubordination, predicted failure, derided and sneered at his superior, he was certainly in a fit frame of mind to defy his orders and authority. That all this is true of him is conclusively proven.

The West Point board felt it to be its duty "to say that the indiscreet and unkind terms in which General Porter expressed his distrust of the capacity of his superior commander can not be defended." This puts it mildly, for from the very hour that Pope took command of the Army of Virginia Porter was snarling at him and belittling him. His letters to General Burnside prove this.

From the time Porter started to join Pope he furnished Burnside with all the information he could gather, including criticisms and comments of his own. These dispatches are of great importance, in my opinion, in judging of Porter's subsequent conduct, as they clearly show an utter want of confidence in Halleck, then directing operations from Washington, and not only a want of confidence in Pope, but a contempt for him and his ability. While on the march and before he reported to Pope he dispatched Burnside on the 25th as follows:

> I do not like to direct movements on such uncertain data as that furnished by General Halleck; I know he is misinformed of the location of some of the corps mentioned in his dispatches. * * * I have directed Sykes to go to Rappahannock Station, &c. * * * Does General McClellan approve?

The first order which Porter received from Pope was at once communicated to Burnside; but notwithstanding his report for duty and the receipt of a proper order from his lawful superior, he appears to have been unable or unwilling to recognize the fact that he was not under the command of General McClellan; for he says, after detailing the order:

> Inform McClellan, that I may know I am doing right.

On the morning of the 27th, while on the march to the vicinity of Warrenton village, he received another order from Pope, dated at Warrenton Junction (railway), August 27, 4 a. m., directing him to move direct to that point (Warrenton Junction)—to move "as rapidly as possible;" that the "enemy's cavalry have intercepted our railway communication near Manassas;" that "he [the enemy] seems to be advancing with a heavy force along the Manassas Gap Railway;" and that "we will probably move to attack him to-morrow in the neighborhood of Gainesville," &c. This order appears to have been at once forwarded to Burnside, for I find a dispatch, dated the afternoon of the 27th, which states:

> Everything here is at sixes and sevens, and I find I am to take care of myself in every respect. * * * Our line of communication has taken care of itself in compliance with orders. * * * The enemy captured all Pope's and other clothing, and from McDowell the same, including liquors. No guard accompanying the trains.

A sharp and caustic truth this; swift to censure, and not above giving sanction and publicity to the false and scandalous charges against General McDowell and his personal habits.

Again, he writes:

> We are working now to get behind Bull Run.

Again:

> All talk about bagging Jackson, &c., is bosh. That enormous gap was left open and the enemy jumped through.

And, once more:

> I expect the next thing will be a raid on our rear, by way of Warrenton pike, by Longstreet, who was cut off.
>
> * * * * * * *
>
> It would seem from proper statements of the enemy that he is wandering

around loose, but I expect they know what they are doing, which is more than any one here or anywhere knows.

I might multiply these statements indefinitely, but I need not. Can obedience and fidelity come from an officer who sneers at the courage and strategy of his superior? It is clearly disclosed in this correspondence that he wants to be out of Pope's command and away from the Army of Virginia. He looks hopefully toward McClellan, and is anxious to join him at Alexandria. The bitterness with which he alludes to Pope shows a frame of mind that was ready to connive at defeat and rejoice over a failure. In the light of these facts we should read the conduct of Porter. At sundown on the 26th of August Stonewall Jackson took and occupied Bristoe Station, on the line of the railroad, and immediately sent forward a detachment and captured Pope's depot of supplies at Manassas. Pope is now at Warrenton Junction and Jackson is between him and Washington.

Upon reaching Warrenton Junction on the morning of the 27th Porter had a personal interview with General Pope, the result of which he at once communicated to General Burnside in a dispatch. In that interview Pope communicated all the information he had, but it appears to have made no impression upon Porter, except to confirm him in the opinion that Pope was incompetent and that his own judgment was infallible. His dispatch to Burnside was dated Warrenton Junction, August 27, 4 p. m., nearly twenty-four hours after Jackson had placed himself in the rear of Pope's army, and when his commander had reiterated the belief that a general engagement could not long be delayed. I call especial attention to some of its features. He said:

Wagons are rolling along rapidly to the rear and * * * I see no cause for alarm, although this may cause it. Sigel got to Buckland bridge in time to put out the fire and kick the enemy who is pursuing his route unmolested to the Shenandoah or Loudoun County. * * * No enemy in our original front. * * * A letter of General Lee, seized when Stuart's aid was seized, directs Stuart to leave squadron only to watch in front of Hanover Junction. Everything has moved north. I found a vast difference between these troops and ours, but I suppose they are new, as to-day they burned their clothes when there was not the least cause. I hear they are much demoralized, and needed some good troops to give them heart, and I think head. We are working now to get behind Bull Run, and I presume will be there in a few days if strategy don't use us up. The strategy is magnificent and tactics in the inverse proportion. * * * I would like also to be ordered to return to Fredericksburg to push toward Hanover, &c. * * * I wish Sumner was at Washington, &c. * * * I do not doubt the enemy have large amount supplies, and I believe they have a contempt for the Army of Virginia. I wish myself away from it with all our old Army of the Potomac, and so do our companions. I was informed to-day, &c., that this army was pushed out to save the Army of the Potomac—an army that could take care of itself. * * * There is no fear of an enemy crossing the Rappahannock. * * * Most of this is private, but if you can get me away, please do so. Make what use of this you choose, so it does good.

On the same day this letter was written to Burnside, and at nearly the same hour, an engagement was going on at Bristoe. Hooker had moved up the railroad, attacked Ewell's command, and after a severe fight, in which the Union forces lost some three hundred in killed and wounded, drove it from Bristoe, when Ewell went forward and joined Jackson at Manassas. Here, after his interview with Porter on this day at Warrenton Junction, Pope joins Hooker at Bristoe. McDowell's and Sigel's corps, with Reynolds's division, were at Gainesville, and Reno's and Heintzelman's corps, with Kearny's division, at Greenwich. Jackson, with 20,000 to 25,000 troops, is four miles north from Bristoe, while Pope's main command, except Hooker's division, which was with him, is from eight to ten miles to the south and west. That the situation was critical is not denied. It was at this time General Pope sent Porter the following order:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p. m.

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night, and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is If Morell has not joined you, send word to him to push forward immediately; also, send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary on all accounts that you should be here by daylight. I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write to him to that effect.

By command of Major-General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

That this order was delivered to General Porter by Captain De Kay at 9.30 o'clock on the night of its date is not controverted. The order is certainly explicit. It commands Porter to move with his corps to Bristoe, to start at 1 o'clock the next morning, and to reach there at daylight. The order is urgent as well as explicit: "It is necessary on all accounts that you should be here at daylight." More than that, it tells him there had been a very severe action with the enemy that afternoon, in which our loss was about three hundred, and that the enemy was near by. Pope sends a guide to point out the way, and his messenger supplements the written order by informing Porter as follows:

The last thing General Pope said to me was that I should remain and guide the column to Bristoe, leaving at 1 o'clock, and that he expected you to be there certainly at daylight.

There could be no mistaking as to what was required. Obedience was then important, for Hooker's command had fought that day, was nearly out of ammunition, and Jackson's combined force only four miles away. Under the circumstances no soldier, it seems to me, who was proud of his profession, loyal to his superior, or inspired by a true devotion to the cause he had espoused, would have hesitated a moment in attempting to obey. But the order was not obeyed, nor was there an effort put forth in that direction. Fitz-John Porter did not put his corps or any part of it in motion at the hour named, nor did his command or any part of it join Pope at Bristoe at daylight. I do not insist that it was important under the order that the movement should commence at 1 o'clock; it was only important that it began in time to insure the arrival of the command at the point designated at daylight. It is admitted that the order was not obeyed, and Porter defends his action by asserting—

First, that his subordinate generals advised against it;

Second, that the night was too dark to march;

Third, that the road along which he was required to move was made impassable by a blockade of wagons; and

Fourth, that his troops were much fatigued by the long march of the previous day.

Mr. Speaker, Fitz-John Porter did hold a consultation with his subordinate generals, and they advised, it is said, against making an attempt to march. If that consultation meant anything more than the preparation of an excuse for a predetermined act of disobedience I am unable to correctly interpret human conduct or human testimony. Captain De Kay, who carried the order, swears that when Porter read it his first comment to some of his general officers present was: "*Gentlemen, there is something for you to sleep on.*" The fault-finding spirit, the want of confidence, the determination to sit in judgment on Pope's orders, culminated in a council of war. What made this consultation necessary? The question whether he would obey an order directing him to move his command was a very simple one. His failure to communicate to his council information of Hooker's engagement, the urgent and imperative character of the order, and his sneering remark to Captain De Kay convince me that he was more anxious to influence his subordinates than to be influenced by them. Had he informed them fully of the facts of Pope's surroundings, of the positive terms of the order, and then submitted the question to the deliberate judgment of his fellow-officers and acted upon their conclusions in good faith, it would have mitigated his offense. However, sir, I am not ready to admit that even under these circumstances his conduct would have been subordinate and soldierly. There are occasions of great peril when a conference should be had, and where the superior may act upon the advice of his inferior officers. This was not such an occasion. Here there was a plain order and a duty equally plain. He did not read the order to nor inform Generals Butterfield, Sykes, and Morell of its urgency or importance, but contented himself by explaining that it was "an order to march at 1 o'clock," and when it was said the night was dark and the troops fatigued, he accepted the statement without dissent, and immediately ordered the movement to be delayed. This is in brief the evidence of these generals upon that point.

Here is what they said:

General Sykes said:

General Porter informed me that he had received an order directing his corps to march at 1 o'clock.

Question by the judge-advocate. Do you remember whether you were made acquainted with the urgent language of the order, stating that by all means General Porter must be at Bristoe Station by daylight the next morning?

A. No, sir, I did not; for I am satisfied that if the urgency had been made known to us we would have moved at the hour prescribed.

General Sykes subsequently attempted to modify this opinion so far as to claim a certain discretion on the part of a corps commander; but I am content to let this—the opinion which as a soldier he gave at once when the matter was first clearly presented to him—answer.

General Butterfield said:

Question by the accused: Will you state what was said by General Porter in relation to that order and what the order was?

A. The order, I believe, was for General Porter to move his forces at 1 o'clock in the morning to Bristoe.

Question by the judge-advocate: Did you see the order the 27th from General Pope or know anything about the urgency of its terms?

A. I did not read it.

General Morell says, in answer to the question as to "what occurred:"

General Porter said to us that he had received this order to march at 1 o'clock that night. We immediately spoke of the condition of our troops, they being very much fatigued, and the darkness of the night, and said that we did not believe we could make any better progress attempting to start at that hour than had we waited until daylight. After some little conversation General Porter said, "Well, we will start at 3 o'clock; get ready." I immediately left his tent.

I need not notice this branch of the defense further. Had these subordinate officers known all the facts, that the order was issued from a field of battle, that a large force of the enemy was near by, that an officer had been sent to guide the command, that the terms of the order were most peremptory, I am sure they would have counseled unhesitating obedience.

But, Mr. Speaker, Porter was at least tardy to the point of unsoldierly indifference; he did not move at 1, nor indeed so early as 3 o'clock. And I call the attention of the House and of the country to the testi-

mony of Col. Jacob S. Buchanan in support of this assumption. This testimony has been the subject of some adverse criticism because, after sixteen years, he was mistaken in a date. He puts the march from Warrenton Junction as occurring on the 29th instead of the 28th of August—a mistake easily made and wholly immaterial to the merits of the question.

That he was with Porter's command on the night of the 27th and the morning of the 28th of August is not controverted, and that he speaks of what happened at this time is not denied. His testimony is not to be disregarded because of this trivial discrepancy. I have known Colonel Buchanan long and well. He is a distinguished citizen of my State, a lawyer of ability, a gentleman of high social position and of unquestioned integrity. No man of any party in the large circle of his acquaintance would hesitate for a moment to accept his statements.

On the 26th of August, Colonel Buchanan with a detachment of cavalry escorted some batteries of heavy artillery from General Burnside's command to Warrenton Junction and remained there until 7.30 o'clock on the morning of the 28th. As to what happened on that morning he testifies as follows:

Q. What conversation had you with General Porter before he started off to Bristoe Station?

A. On the evening before he started somebody gave me an order to be in readiness to move at 3 o'clock in the morning. I was in front of General Porter's headquarters at 3 o'clock in the morning, but saw no one until after the break of day. Then some one came to me and told me to let the men get their breakfasts and let their horses be fed. That was done, and I immediately went back to the place I occupied. Some time afterward, after sunrise, I saw General Porter. I wanted to go back to Fredericksburg to my regiment. I only had about ninety men with me, and I expected to go back the day before. I rode out with him in the woods where he was in camp until we got into an open field. He asked me to send a detachment of the command I had forward to clear the road toward Bristoe Station two or three miles; this was done. I waited some little time, and the infantry began to move. About that time he handed me a letter, and directed me to give it to General Burnside—I can not get his language, but the idea was that there was no disaster that was threatening as yet, and he hoped for the best.

Q. You did not accompany any of your detachment toward Bristoe?

A. No, sir; I believe I waited until four or five of the men came back.

Q. When did you get this order from General Porter to send a detachment down there?

A. After I got out of the open woods into the field.

Q. What time of day would you say it was, having reference to daybreak?

A. The sun was probably an hour high.

I fully believe the statements of Colonel Buchanan, and it shows that Porter did not begin to move even at 3 o'clock—indeed, was not in motion until the hour had passed when he was expected at Bristoe.

Was the character of the night such as to justify the disobedience of this order? Will it be contended that on a starlight August night, when there was neither rain nor storm nor bad roads to interrupt the march, troops could not be moved through a comparatively open country the short distance of nine miles? This movement was not to be over an unknown route, for a pilot was ready to guide the way. There was no enemy to oppose. Witness after witness testified that the night was a clear, starlight one, and the roads good. Captains Macy, Murray, and Campbell, and Privates Hill and Stine, of the Nineteenth Indiana Volunteers, so swear. These men were actors in this drama. For twenty years they have been my neighbors, and I know them to be intelligent and truthful.

But, sir, the following facts will force every intelligent mind to the conclusion that the darkness of the night did not occasion this extraordinary delay. The mere opinions of witnesses are worthless in their presence. It is an unquestionable and incontrovertible truth, I think, that on this notable night bodies of troops belonging to almost every brigade and division of both armies were marching both north and east of Porter, and at no great distance from him, without serious inconvenience. This was probably the only instance in either army where an order to march on that night was disobeyed.

Of the Union Army Gibbon's brigade, Duryea's brigade, parts of Ricketts's and Kearny's divisions marched portions of this night. On the confederate side Hill, Ewell, Lawton, and indeed all of Jackson's command, marched from Manassas either to Sudley Church, Centreville, or Groveton, each traversing a distance as great as was required of Fitz-John Porter's corps. It can not be doubted—indeed the fact is not challenged to my knowledge—that nearly all the troops on both sides that subsequently took part in the battles of the 29th and 30th of August were in motion on this night to secure new positions. I hope that I do not state the conclusion too strongly when I say, in view of this evidence, that the excuse of darkness is but a shallow and shadowless pretense.

Was the road obstructed by wagon trains so as to render the movement of troops over it that night impossible or impracticable? If this were true and Porter did not know it, it affords no apology for his disobedience. If he did know it, then, in view of the imperative order before him, he should have taken immediate and efficient measures to open the way or to find another by which to reach the point to which he was ordered. As I have said already, the essence of this order is that he should reach Bristoe at daylight. The time of starting was fixed in it at 1 o'clock, but "on all accounts" his command must arrive at daylight. Now, if Porter knew the way was obstructed and saw or apprehended that to delay the movement until 1 o'clock would prevent his making Bristoe at the time he was commanded to be there, he should have without hesitation put his troops in motion at an earlier hour. That he could not move by the usually traveled road was no excuse if there was another open to him, or if he could have reached his destination by avoiding roads altogether. I am safe in saying that the learned and experienced military gentlemen who present the defense will not deny the soundness of these propositions.

Was there a route other than the wagon-way? Parallel with the wagon-road there was a railroad track the whole distance to be marched. Infantry, if the opinions of the most intelligent military men are to be respected, could have been easily moved over this track, and in this emergency there should have been no hesitation in attempting it. The evidence shows there were wagon-trains on this road that night, but I assert there was no effort to clear the way, and that the obstruction was not sufficient to prevent the movement of Porter's command. If I am able to understand the evidence there were no obstructions at all for a considerable part of the way, and troops might have passed the trains at any point. Between Warrenton Junction and Kettle Run—a distance of some three miles—there was, I admit, what some of the witnesses term "a jam," but for the rest of the way wagons were only to be found at wide intervals. These facts are fully shown in the evidence of Captain De Kay, Colonel Clary, and Captain Fifield, and corroborated by General Sykes and Lieutenant Monteith.

By prompt and energetic action with a small force the road could have been cleared, but no action was taken.

Col. Robert E. Clary, called by the accused in 1862, answered, on cross-examination, as follows:

Question. In your opinion, could or could not General Porter, after the receipt of his order to move, which receipt was at 9.30 p. m. on the 27th of August, have cleared the road entirely of wagons by 1 or 2 o'clock that night, so that his march would not have been much impeded?

Answer. I think the troops could have passed over during the night had a sufficient force been sent in advance to have cleared that road of those obstructions, which, at the time I passed over it, extended only three miles, I think. When I passed over the road it was between 2 and 3 o'clock in the morning. What the obstructions had been previous to that time I am unable to say.

Q. Will you state whether at 1 o'clock the character of the night and the state of the road was such as, in your judgment, to render practicable the march of General Porter's troops to Bristoe Station, to arrive at or about daylight?

A. Not without the preliminary steps which I have previously stated ought to have been taken.

Q. Were or were not the first three or four miles of the road from Warrenton unobstructed.

A. They were, as I passed over them.

De Kay swears that the road was good, although he had difficulty in getting down by horseback, owing to the wagons; that he had passed the last wagon at Catlett's, two or three miles from Warrenton, and that he stated to Porter his infantry could take the railroad track, as many small squads of men had gone up that way. General Duval rode that night from Warrenton to Catlett's Station and Bristoe. He says:

I think troops could have marched; there were places where they could not have marched in regular order; they would have had to go around wagons in some way, but there would have been no difficulty in discovering the road; troops could not have moved in the regular order of marching, &c.

If any attempt was made that night to clear the way I have failed to find the evidence of it. After daylight Lieutenant Wild was sent forward with a half-dozen cavalry for that purpose and that was all until Porter's command was on the march. The evidence on the point as to the extent of the obstructions on the road to Bristoe is voluminous, and a careful examination of it will, I am sure, convince any candid inquirer that the wagon-trains interposed no insurmountable obstacle to a forward movement of troops that night.

But, sir, it is insisted that these troops of Porter's command were fatigued by long marches and were in no fit condition to march even in obedience to an imperative order from the general in command. What are the undisputed facts? General Morell's division, after a march of from seventeen to nineteen miles, arrived at Warrenton Junction at from the middle of the afternoon until sunset on August 27. General Sykes's division marched only fourteen miles, reaching camp at 1 o'clock in the afternoon. Is it possible that it will be seriously contended that to have marched these troops after a rest of from seven to fourteen hours was impracticable? They had but nine miles to make. Had they made Bristoe by daylight their entire march for the preceding twenty-four hours would have been but a fraction over a mile an hour. Would this have been extraordinary? This feat has been surpassed hundreds of times by our volunteer troops. It is a poor compliment to the endurance and patriotism of the American soldier to even doubt his capacity or his readiness to make such a march. Forced marches—long and fatiguing—are by no means an unusual occurrence in time of war, and the history of the world is replete with instances in which long and rapid marches through storm and mud or over rugged mountain sides were made without hesitation and without murmur from either officers or men.

Let us see how other soldiers judged of their duty in similar circumstances. I quote from General Jacob D. Cox:

In Georgia, on the 25th of May, 1864, the Twenty-third Corps was marching late in the evening, trying to reach Pumpkin Vine Creek, after crossing the Etowah River. Hooker was in advance, and his trains in this case also filled the road. The column was necessarily broken, the men picking their way among the wagons, straggling out by the roadside when it was possible to march there, and being wearied and worried to the last degree by the obstacles. Just before dark distant firing was heard. Schofield ordered that the column should close up and push on as fast as possible. A severe thunder-storm came up, followed

by pouring, drenching rain, in which the corps continued to march till midnight, and then went into bivouac by the roadside, not a wagon or tent of their own being near them. Instead of seeking shelter, General Schofield himself pushed forward to see what had been going on; and in trying to pass some wagons his horse fell with him into a gully which could not be seen in the darkness and he was severely hurt. But orders were sent for the corps to continue its march; after only a single hour of rest they marched again, and the gray in the east was just appearing when they reported to Sherman and asked for an assignment of their position on the field. Hooker had had, as in 1862, a very severe action, though it was at New Hope church this time. There was no council of division officers called to consider the propriety of marching, but orders were issued and the march was made, and every soldier knows that it is only in that way that campaigns are made successful.

Had the brave men of Sykes's and Morell's divisions been ordered forward that night they would have obeyed, as the American soldier always did, with alacrity.

The West Point board justify General Porter's conduct in failing to obey the order of August 27 by a logic somewhat surprising. After quoting the order the report says:

This order plainly contemplated an agressive movement against the enemy early on the 28th, and required the presence of General Porter's corps at Bristoe Station as early as possible in the morning to take part in the pursuit of and attack upon the enemy. The order did not indicate any anticipation of defensive action at Bristoe, but, on the contrary, it indicated continuous, active, aggressive operations during the entire day of the 28th, to drive the enemy from Manassas and clear the country.

Is it true the order contemplated a purely aggressive movement on the 28th, and that Porter's presence was required to take part in it and to take part in the pursuit of a retreating enemy? What part of the order justifies this construction? I suppose this language is relied on: "We must drive him [the enemy] from Manassas, and clear the country between that place and Gainesville, where McDowell is." This is tortured until it is made to notify Porter that an aggressive movement was to be made early in the morning; that his troops were to take part in the attack and pursuit, and that operations were to be continuous, active, and aggressive during the entire day. It was therefore—and this is the conclusion of the board—necessary that the troops should not be fatigued by a long march, but should arrive at Bristoe in condition for a long fight and pursuit.

With all due deference to these learned gentlemen, this logic seems strained and lamentably far-fetched. Pope simply expressed a purpose to drive the enemy from Manassas and to clear the country between that place and Gainesville, but as to when the movement is to be made, or the part Porter's corps is to take in it, the order is silent. Whether the movement was to be aggressive or defensive, it was none the less the duty of Porter to obey the order. "The order did not indicate any defensive action," it is said. It did not in terms, it is true, but it did inform Porter that a severe action had already taken place on that day, that a body of the enemy was then at Manassas, but four miles distant, and they were also in the country between Bristoe and Gainesville. For days before this the opposing forces had been at times in sight of each other. The enemy was not retreating, and Porter must have known, from the facts stated in the order and his own observation and experience, that the enemy might take the offensive.

Again, the report says:

It was a manifest physical impossibility to march over that road on that night or to remove the obstructions in the darkness.

A little further on we are told:

If the order had contemplated * * * an attack by the enemy at dawn of day, then it would have been General Porter's duty to start promptly, not at 1 o'clock, but at the moment he received the order, so as to have brought at least some fragments of his infantry to Bristoe in time to aid in repelling that attack.

It strikes me that these conclusions do not stand well together. It is asserted in unqualified terms that the march on that night was physically impossible, and then it is said quite as strongly that if an attack at Bristoe was anticipated it was Porter's duty to start at once—not at 1 o'clock, but immediately—so as to be at least able to give Pope the aid of some part of his command. I do not profess to understand the art of war nor the circumstances that will excuse a subordinate's disobedience of the order of his superior, but I never doubted that "a physical impossibility" of execution would be a defense whether the order contemplated aggressive or defensive operations. And it occurs to me that it was as possible to obey this order if Pope designed an attack as if he apprehended one. If it was a duty to promptly obey in the one case it was also in the other.

In time of actual war, when armies are confronting each other and fighting is imminent, cases are rare in which the orders of the officer supreme in command may be disregarded; and the mere fact that the order is difficult, that it requires great effort, or sacrifice of comfort or convenience, affords no defense whatever for non-compliance with its terms. I have dwelt too long already here. Porter refused obedience to the order of the 27th of August, did it clearly without justifiable cause, and that no disastrous consequences resulted does not relieve him from guilt. For this one act of willful disobedience he merited all the punishment the court awarded.

As the remaining charges depend for support upon the transactions of a single day, August 29, they will not be separately discussed.

Porter's command reached Bristoe at about 10 o'clock on the morning of the 28th. Here Pope detailed to Porter his plan of campaign. At 11 o'clock Pope left, Porter remaining. On this morning Porter sends Burnside another of his cynical dispatches. I have already alluded to it, but I give it now more fully:

My command will soon be up and go into position. Hooker drove Ewell some three miles, and Pope says McDowell has intercepted Longstreet. * * * I hope all goes well near Washington. I think there need be no cause of fear for us. I feel as if on my own way now. * * * More supplies than I supposed on hand. * * * I hope for the best, and my lucky star is always up about my birthday, the 31st, and hope Mac's is up also. You will hear of us soon by way of Alexandria.

Not content with this morning dispatch, at 2 in the afternoon of the same day he sent another, commencing in his usual incisive and critical way:

All that talk about bagging Jackson, &c., was bosh. That enormous gap, Manassas, was left open and the enemy jumped through, and the story of McDowell having cut off Longstreet had no good foundation.

Porter, perhaps, meant Thoroughfare Gap, as Manassas Gap is a gap through the Blue Ridge, distant from Thoroughfare Gap twenty or twenty-five miles, with a chain of mountains and a valley intervening, and no troops had "passed through" it either going or coming. This was, however, but a slight mistake for a man who had insisted that the enemy was on his way to the Shenandoah or Loudoun County.

There is a report—

he continues—

that Jackson is at Centreville, which you can believe or not. * * * I expect the next thing will be a raid on our rear by way of Warrenton pike by Longstreet, who was cut off.

Porter remained at Bristoe all of the 28th, and in what frame of mind we have seen. He feels for his superior a contempt which may be expected to culminate in disobedience. I leave him here to briefly review the situation. That we may understand the events of the 28th and 29th days of August, we must know something of topography, the country in which these movements are being made.

Manassas is at the junction of the Orange, Alexandria and Manassas Gap Railroad. Centreville is six miles to the northward, Bristoe four miles, and Warrenton Junction thirteen southwest. Gainesville is eight miles west from Manassas, on the Warrenton pike, which runs from Gainesville northeasterly to Centreville. Groveton is on this pike and about four miles northeast from Gainesville. It will seen from this statement that Groveton is nearly west from Manassas about seven miles. Greenwich is nearly west from Bristoe, distant four miles, and equally distant from the Orange and Alexandria Railroad and the Warrenton pike. It is therefore southwest some six or seven miles from Manassas. I do not pretend exactness, but I am substantially correct in this statement if the maps are reliable.

On August 28th Jackson is in the neighborhood of Groveton, having taken his position there on that morning and the preceding night. Pope is with Hooker's division at Bristoe, Porter at Warrenton Junction, and Banks with his corps to the south and between that and the Rappahannock; McDowell and Sigel are at Gainesville, and Heintzelman and Reno at Greenwich. During the forenoon of the 28th Porter, as I have said, arrived at Bristoe, and Banks took his place at Warrenton Junction. Heintzelman and Reno, leaving Greenwich, followed Jackson by the way of Centreville. McDowell and Sigel moved from Gainesville toward Manassas, and having marched some distance, by order of Pope changed their course toward Centreville. Ricketts's division had been sent to Thoroughfare Gap to intercept at that point Longstreet, who was moving to re-enforce Jackson. He failed to make his mission effective, and fell back to Gainesville. On the evening of this day King's division of McDowell's corps struck the right of Jackson's force on the Warrenton pike between Groveton and Gainesville. Now, on the evening of this day the situation was this: A portion of Pope's command and the troops under Jackson were confronting each other near Groveton; Longstreet was coming to re-enforce Jackson by the way of Thoroughfare Gap, Warrenton, and Gainesville. A battle was imminent.

Now we come to the 29th of August. Porter is still at Bristoe. At sunrise, he says, he received an order dated from headquarters near Bull Run, August 29, 3 a. m., in the following words:

General McDowell has anticipated the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearny and Hooker march to attack the enemy's rear at early dawn. Major-General Pope directs you to move on Centreville at the first dawn of day, &c. * * * It is very important that you should be here (near Bull Run) at a very early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.

This order, Porter says, "suprised him, for it carried him from the field of action;" but he overcame his "surprise" sufficiently to hurry off a dispatch to Burnside, which shows more clearly than ever, if that were possible, the estimate that this corps commander placed upon his commanding officer, who had just informed him that a severe engagement was imminent. He wrote to Burnside:

I shall be off in half an hour, &c. * * * Sigel had a severe fight last night, &c. * * * Banks is at Warrenton Junction, McDowell near Gainesville, Heintzelman and Reno at Centreville, where they marched yesterday, and Pope went to Centreville with the last two as a body-guard, at the time not knowing where was the enemy, when Sigel was fighting within eight miles of him and in sight. Comment is unnecessary. The enormous trains are still rolling on, &c. * * * I hope Mac's at work, and we will soon get ordered out of this. It would seem from proper statements of the enemy that he was wandering around loose, but

I expect they know what they are doing, which is more than any one here or anywhere knows.

Comment is unnecessary, for this language interprets itself. It shows in what mood he began the operations of a day on which a severe engagement was likely to take place. In the very presence of the enemy and under orders to march to the front he expresses his contempt for Pope and his hope that he would soon get out of his command. Under this order Porter moved with his command toward Centreville until it had reached Manassas, when the order was countermanded. During the night before King had fallen back from the Warrenton pike toward Manassas and Ricketts had retired from Gainesville to Bristoe. The situation was now a grave one, for Longstreet, by the withdrawal of these divisions, had a clear road, by way of the Warrenton pike, through Haymarket and Gainesville, to Jackson at Groveton. The necessity for prompt and vigorous measures to prevent Longstreet from effecting a junction with Jackson was apparent. At this point and under these circumstances Pope, by a verbal message, directed Porter to move immediately on Gainesville. This was followed soon after by an order in writing, as follows:

CENTREVILLE, *August* 29, 1862.

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious or we will lose much.

JOHN POPE,
Major-General Commanding.

This order was as explicit as it was simple. It was supplemented by Porter's knowledge of the importance of the movement. The thunder of the cannon admonished him that the battle was opening on the right. At early dawn his chief had written him that a severe engagement was probable. He knew that Pope was intending an aggressive movement, for Pope writes him, "I am following down the Warrenton pike. Be expeditious or we lose much." But the important question is, was the order obeyed in its letter or its spirit, and did Porter on this day, when in the sound of the guns and in the presence of the enemy and when a battle was being fought, fail to bring his command into action? Did he push forward? He moved at 9 in the morning, and at 11.30 reached Dawkin's Branch, a distance of near five miles and within three miles of Gainesville, and here he halted. His men were fresh. were then, as always, ready for the fray. He had a well-appointed command of near twelve thousand men of both regulars and volunteers. He was directed to make a movement from which great results were expected, but he did not "push forward." He halted; and why? Did he meet the enemy here and engage him? The halt was caused by information from a countryman, who told Griffin "to look out; that a trooper had been taken in front;" and in answer to a question as to what forces were there, he said, "None except a few mounted men."

General Morell met a mounted man (one of our own troopers, I suppose), who informed him that he had just left Gainesville, and that the skirmishers of the enemy to the number of four hundred were there, and that the main body was not far behind. It will not be seriously contended that Porter had knowledge of the contents of General Buford's dispatch at the time of halting. But there were clouds of dust in front and to the right, which he assumed was caused by a force of the enemy moving toward Jackson from Thoroughfare Gap. I take it that it was the duty of Porter to know whether the enemy was in his front, and to take prompt measures to ascertain the facts. General Thomas L. Rosser, of Stuart's Confederate cavalry, if his evidence is not a lie, was at this time engaged in manufacturing dust by dragging brush tied to horses' tails along the dusty road. His integrity is not assailed nor is the truthfulness of his statements challenged, so far as I can learn, by any witness. The very object of Rosser's work was to create the impression that troops were in motion. If Longstreet was then occupying the ground, why this ruse? But I will have occasion to call attention to this evidence hereafter. It is insisted that the forward movement was suspended in some way by the arrival of General McDowell; but General Griffin, who was in command of the leading brigade, says that before McDowell appeared the column was halted, and Porter said to the officers present that he had a communication to read them; that after it was read they went back about three hundred yards to a hill, where a battery had been posted, and "was there some time before McDowell rode up." The arrival of McDowell and the "joint order," therefore, had nothing to do with the halt. Here it was the joint order to McDowell and Porter was received about which so much has been said. I give the order entire. It reads:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

You will please move forward with your joint command towards Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on Warrenton turnpike, and must now be not far from Gainesville. I desire that, as soon as communication is established between this force and your own, the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aide-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall on the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to join the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order it will not be strictly carried out. One thing must be held in view—that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or the next day. My own headquarters will for the present be with Heintzelman's corps or at this place.

JOHN POPE,
Major-General Commanding.

Generals McDOWELL and PORTER.

It will be observed that this order directs the movement to continue towards Gainesville. I repeat its language:

You will please move forward with your command toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago.

The command was to halt only when communication was established between it and the force about Groveton. That communication could only be had by moving forward to the front and right.

The board of officers—the West Point board—assert that when McDowell appeared at the head of the column he arrested the forward movement of Porter by saying:

Porter, you are too far out; this is no place to fight a battle.

In order to establish McDowell's responsibility for doing so they appear to ignore entirely the testimony of that officer before the court-martial, which a most searching cross-examination was unable to shake.

McDowell, before the court-martial, swore that at that time a few dropping shots were fired in the front; that "the sound of battle seemed to be at its height on the right and toward Groveton;" that the question with him was "how soonest, within the limit fixed by General Pope," Porter's force "could be applied against the enemy;" that he saw the dust flying above the trees on the turnpike, indicating the passage of troops down toward Groveton; that he said to Porter, "You put your force in here and I will take mine (King's division) up the Sudley road;" that he left "with the understanding and belief that he (Porter) would put in his force at that point;" that during the conversation Porter said, "We cannot go in there anywhere without getting into a fight;" and that he (McDowell) replied, "That is what we came for." Before this conversation McDowell had communicated to Porter the Buford dispatch.

All this evidence, with the exception of the Buford dispatch, appears to have been considered of no importance by the board of officers; for they ignore it, and assert that McDowell said, "Porter, you are too far out; this is no place to fight a battle;" something that McDowell does not admit even under the ingenious cross-questioning of Porter's counsel. I do not question the veracity of those who swore that McDowell made use of the expression; but it will be difficult, I think, to make the country believe that General McDowell is not to be believed upon oath, or that he, too, should be added to the long list of victims necessary to be convicted of ignorance or perjury in order to acquit and vindicate Fitz-John Porter. Unless his testimony is absolutely worthless, he gave the distinct order to Porter to put his forces in; and he left with the belief that he would do so. To this order Porter responded by taking up a defensive position and ordering his men out of sight and under cover. Whatever may have been said by McDowell to Porter, the interview was of the shortest; for in a few minutes McDowell galloped back to his own command, directed King's division, with Ricketts's following, to the Sudley Springs road, and marched toward the sound of the battle near Groveton on the turnpike.

His absence left Porter still with his own command and Piatt's brigade, numbering certainly not less than ten thousand men, and amounting possibly to two or three thousand more. If the responsibility rested upon McDowell before his departure, I imagine that there can be no dispute about it resting upon Porter afterward. Porter, at all events, seems to have acted upon the assumption that he was solely responsible from that time, and all of his orders and his acts indictate very clearly that he so considered it. If McDowell swore to the truth before the court-martial he ordered Porter while he (McDowell) was in command to "put his forces in," and that he left believing that it would be done. This order was disobeyed. If after McDowell left Porter was solely responsible, the evidence shows that there was no effort worthy of the name to go to the aid of Pope, fighting on Porter's right front, and there was no attempt to develop the enemy in his own front. The movement upon Gainesville had come to a sudden and ignominious stand-still at the first sight of the enemy; the troops of the leading division were, to use the language of Porter's order, "put out of sight" and "in ambuscade," and from his headquarters at Bethlehem church, two miles from the front of his column, General Porter, with two orders to push forward, listened to the sound of cannon off toward Groveton, and contented himself with hiding his men away and making preparations to fall back to Manassas Junction.

Up to 2 o'clock, or for two hours after McDowell's departure and his order to "put your force in," Porter certainly had no evidence of any considerable force in his own immediate front; and during all that time the sound of the fighting on his right front was heavy and distinctly heard by his skirmishers; yet he remained inactive. We have already heard what Griffin said about the force; and Butterfield, who commanded the brigade that appears to have followed Griffin, stated before the court-martial that he had not the impression when he first arrived on the ground that the enemy in their front was in any con-

siderable force, but that "subsequently" they made demonstrations that led him to believe "they had a force there." Some of the officers and men on the skirmish line did not think much of the force in their front up to 2 o'clock at least; and it is the merest guesswork to say that even the force which Buford reported as having passed through Gainesville at 9 o'clock had moved down the Manassas road and was confronting Porter.

At 2 o'clock, however, Colonel Marshall, in command of Porter's skirmishers, reported the head of a large column, and an hour afterward he says they drove in his skirmishers, and they kept coming down until 10 o'clock at night. I do not question the accuracy of Marshall's testimony, but from all the evidence I can gather beyond his own statement, and excluding confederate testimony, there is nothing to justify the impression that a large force was in his front. I do not believe that his skirmishers could have been driven in without a sharp fight, for I have a high opinion of the men of the Fifth Corps. But there is nothing to show that any loss was incurred that day by Porter's command, except two men killed by one of the four shots fired at his column early in the day and his own dispatch to McDowell that he had "lost a few men by infantry firing." Other officers of Marshall's regiment differ with him, it seems to me, in his estimate of the forces; but so far as I can ascertain they all agree in regard to the severe fighting on their right front toward Groveton. Captain Bunell, Captain Gecke, Sergeant Mohle, and others, were on the skirmish line, and they are entitled to equal consideration with their field officers.

Whatever the force in Porter's front (and I do not think it at all material in judging his conduct), no effort was made to develop it, attack it, employ it in any way; but possessed with the idea of Pope's incompetency, he employed himself in making arrangements to withdraw and stand upon the defensive. The four cannon-shots and the skirmish fire of the rebel cavalry had evidently made a profound impression upon Porter's mind, and they paved the way for what he did afterward.

On this point the testimony of General Sturgis is of importance. He reported to Porter with Piatt's brigade in the forenoon, and halted his men in the rear of Sykes's division, whose men were in the road all the day, in column, waiting, and then naturally went to the front to see what was going on. He saw the skirmishers, saw the "glint" of a gun as it came into position, and saw four cannon-shots fired. (These shots can be none other than the "few shots" referred to in General Lee's report when he speaks of their causing the withdrawal of the enemy.) General Porter then beckoned Sturgis. He rode up; and then and there Porter ordered him to take Piatt's brigade back to Manassas Junction, some three miles, "and to take up a defensive position, inasmuch as the firing seemed to be receding on our right." This order Sturgis swears was issued to him at 1 o'clock, and it simply is cumulative proof to show that Porter, the moment he came into the presence of the enemy, had no thought or intention of acting aggressively. Sturgis moved to the rear with his brigade, and on the way back saw Ricketts's division moving on the Sudley Springs road, following King's division, which McDowell was guiding toward the sound of the cannon near Groveton, and, to use his own language—

It struck me as strange that we should be going back, while they were apparently going in the direction of the firing, off to their right.

Sturgis was a stranger to the ground, the troops, and the situation; but his soldierly instincts told him that it was "strange," at least to be marching to the rear while other troops were pushing toward the sound of the battle. His command went back to the junction, but late in the afternoon was ordered forward again, reaching Bethlehem church about dark, where it remained. This order, which Sturgis swears could not have been issued beyond 2 o'clock, the board of officers insist must have been issued after 5, because it was about that hour that Kearny attacked on Jackson's left; and the sound of the firing near Sudley suggested to Porter at Bethlehem church that Sigel was falling back or had been driven back. If this was true, the board say, Porter "must instantly do what he could to avert disaster;" and so they say he issued the order to Morell "to push over to the aid of Sigel and strike in his rear," and at the same time sent Sturgis to the rear with Piatt's brigade to take up a defensive position. This, of course, places Porter in the attitude of an alert and active officer, preparing for any emergency; but in order to get him this additional vindication it becomes necessary for them to question the intelligence and veracity of General Sturgis, which they do not hesitate to do. The court-martial and President Lincoln have been condemned by the board, General McDowell's testimony has been ignored as worthless, and of course General Sturgis must not stand in the way of the vindication of Porter. Unless the testimony of Sturgis, like that of McDowell, is stupidly ignorant or willfully false, he was ordered to the rear to take up a defensive position before 2 o'clock, when the battle was raging on the right and when King's and Ricketts's divisions were pushing to the front on the Sudley road under the direction of McDowell. This, too, was before Marshall had communicated the presence of any large force in his front and when Porter had no knowledge of such force save the presence of cavalry and the artillery that fired the four shots, which appeared to have made such an impression upon him that he hesitated no longer about taking the preliminary steps to falling back. This is what the board say was "saving the Union army from disaster."

Porter, having determined that no forward movement should be made by his command, went back to Bethlehem church, two miles from the head of his column, shortly after he had ordered Sturgis back; and from that point he received and issued his orders, judging, or attempting to judge, by the sound of the cannon whether the hard-pressed troops on his right were holding their own or falling back. He appears to have had but little difficulty in convincing himself that they were falling back, for he at once began sending dispatches to McDowell and King, preparing the way for his withdrawal, and making statements of what he had tried to do, that, in the light of the testimony, are simply absurd. He sent one dispatch to Morell "to push over to the aid of Sigel," but he at once countermanded it, and the board justify him in doing so on the ground that he might have encountered twenty thousand of the enemy. This discovery they make from confederate sources, for at that time even Marshall, upon whom Porter relied for his information, placed the force in the front at no larger than a brigade. He sent another dispatch, in which he said:

Generals McDOWELL and KING: I find it impossible to communicate by crossing the woods to Groveton. * * * The enemy are in great force on this road, and as they appear to have driven our forces back, that force of the enemy having advanced and ours retired, I have determined to withdraw to Manassas.

And again:

Generals McDOWELL and KING: I have been wandering over the woods, and failed to get a communication to you. * * * How goes the battle? It seems to go to our rear.

And again:

The firing on my right has so far retired that, as I cannot advance and have failed to get over to you except by the route taken by King, I shall withdraw to Manassas.

Judging from these dispatches, Porter at the head of the whole corps had been making repeated and vigorous efforts to reach the left of McDowell's or King's command or of Pope's left, and had failed. He asserts that he could not advance, when I have shown that he made no effort to do so; and the frequent repetition of his favorite expression about "wandering over the woods" had no existence save in his active imagination.

The only attempt, so far as I can ascertain, made to reach out to the right is described by Morell and Griffin as having occurred early in the afternoon; and an examination of their testimony will show that it was feebly attempted and speedily abandoned by Porter's order. At all events, during that long summer afternoon, with the infantry fighting between Pope's force and the enemy plainly visible from Porter's skirmish line and with the artillery booming all day long, the commander of the Fifth Corps permitted his men to remain inactive, except to order them to march to the rear or to prepare to do so.

It has been urged with zeal that long before Fitz-John Porter arrived within striking distance of Gainesville or the Warrenton pike Longstreet was on the ground and occupied a position in Porter's front; that Longstreet had a superior force, and that an attack or a forward movement by Porter could only have resulted in defeat. Great emphasis is laid on this point. I am not willing to admit that Longstreet was on the ground then, nor that his presence there with a superior force would excuse the "masterly inactivity of Porter."

Let us see when Longstreet did arrive. I quote from a carefully considered argument by General Cox on this point:

In view of the difficulties which surround the case, it is very desirable to fix some conclusive and satisfactory starting-point in determining the very important questions of time on the 29th. It would seem that it may best be found in the arrival of Heintzelman's corps on the field and in the movement of Poe's brigade around Jackson's left flank. The very fact that this was the opposite extreme of the field from Porter, and that the hours are fixed without reference to him, makes the testimony disinterested as well as trustworthy.

Heintzelman came on the field about 10 in the morning, and tells what was then going on, including the movement of Kearny's division, in which was Poe's brigade. This is fixed by the entry made at the very hour in Heintzelman's diary, and is accepted by everybody. Poe is thus shown to be right in his statement of the time of his effort to outflank Jackson's left. He deployed between the Mathews house and the Sudley road after 10 o'clock, and moved forward, crossing Bull Run, and so far succeeded in his purpose as to create confusion and dismay for a time in Jackson's rear.

This can not have been earlier than half past 10, considering the character of the movement, and Porter's counsel recognize this fact by dating Poe's position near Sudley church on the map accompanying their argument at 11 o'clock. Here, then, we have a fixed point, about which there is no dispute. Let us hold fast to it.

General J. E. B. Stuart, in the memorandum attached to his report, says he was there when this attack was made; that he gave the directions for some of his artillery and troops to resist it; names the officers of both arms, one of whom was mortally wounded; states the time as about 10, and tells us that after the flurry was over he started to find Longstreet. Mark that this was contemporaneous evidence, both Heintzelman's diary and Stuart's report, and made without the remotest reference to Porter. It is corroborated by witnesses from both the confederate and the national armies in the most abundant way, but it does not need corroboration. If we know anything about that field, we know that Stuart started from the scene of Poe's attack to find Longstreet not earlier than half past 10 o'clock, and probably as late as 11. He took with him a considerable body of cavalry, Robertson's brigade at least, and rode by way of Catharpin Valley around Jackson's rear, thence across the country to Gainesville and out toward Thoroughfare Gap, meeting the head of Longstreet's column between Gainesville and Haymarket. Adopting, therefore, the time fixed by Porter and his counsel as that of Poe's affair on our extreme right (11 o'clock), taking also into account the ordinary rate at which a large body of horse would move in marching as Stuart marched and looking to the distance they had to go,

it is quite within bounds to say it took Stuart an hour and a half to get to the point named, and that therefore the head of Longstreet's column was half-way between Haymarket and Gainesville at half past 12, certainly not earlier than noon. They were then two hours' ordinary march from Jackson's right at the Douglass house, and it would take forced marching to reach there in an hour and a half. It would seem proven, therefore, that they could not and did not make connection with Jackson before half past 1.

The simple chain of evidence which leads to this conclusion seems decisive, and it best harmonizes a host of other facts. It is also most in accord with the best contemporaneous evidence of other sorts on both sides.

Remember that Lee had no cavalry but what was with Jackson; that Longstreet had Ricketts's division in front of him, opposing his advance during the evening before, and had no reason to suppose his road was clear in the morning; that he must have skirmished, nay that he did skirmish, carefully forward, as Hood's report shows, and that Cadmus Wilcox, who came by the other gap, says in his official report that he reached the junction of the roads west of Haymarket at half past 9, and found Longstreet's column just passing there. This in itself makes absurd the Buford dispatch, on which so much has been built by Porter, and destroys it, except as evidence that Buford wrote it at half past 9 upon mistaken information. While Hood says that he himself got on the field earlier, he puts the time when the whole of Longstreet's column arrived at 2 o'clock. These and many other collateral things go to establish the fact as above stated.

This evidence ought to be considered conclusive. Here is the memorandum of Stuart made at the time. Here the time when a movement is begun is not fixed by the mere memory of a witness after lapse of years, but an unerring and living landmark. Heintzelman's diary—evidence equally certain—corroborates that of Stuart. Take the time now fixed with absolute certainty; take the movements unquestionably made after that time and before Longstreet appears, and his arrival could not have occurred before 2 o'clock. Add to the facts the indisputable one sworn to by Prosser, and all doubt is removed. If Longstreet was present by 10 o'clock in the morning, why is it that Stuart found it necessary to brush up a cloud of dust to deter a further advance of our troops. If Longstreet's twenty-five thousand men were marching on this road or on that quarter of the field, there was no need for additional means for raising dust. It is clear that this ruse was employed because Longstreet was not up, and to give Stuart time to hurry him forward. This evidence can neither be ignored nor laughed out of court. Stuart in his official report fully corroborates the statements of General Prosser, and Chaplain Landstreet swears he viewed the proceeding with interest because he knew its purpose. That 2 o'clock is as early as Longstreet could have arrived is a conclusion inevitable when all the evidence is fairly considered. There are differences of recollection on this point, I know; it could not be otherwise when witnesses have nothing, after years are passed, but unsupported memory upon which to depend.

But suppose I am mistaken as to the time, and Longstreet was actually in front of Porter, what then? Did Porter know it, and was his forward movement stopped because of it? All he could have known were the facts reported by the trooper and by General Buford's dispatch. If these were true, the seventeen regiments of infantry and five hundred cavalry passing through Gainesville made a force very little superior to his own. He was instructed by Pope to push to Gainesville; that Heintzelman and Reno were moving on the Warrenton pike and were then not far from Gainesville. McDowell pointed out the ground and commanded him "to go in there;" and, whether confronted by Longstreet or not, strict obedience under the circumstances was his duty. He did not obey, and for this act he was rightfully convicted.

But assuming that Porter was not under orders to advance, was it still his duty under the circumstances to have made an attack. The West Point board say that "there was nothing in the military situation that required him to attack without orders, and, in short, he had no choice as a faithful soldier but to do what he did."

This is high praise from so distinguished a board, but they seem to have forgotten that history is full of instances where officers situated substantially as Porter was have attacked with great results. It certainly is not necessary for me to call attention to the great Desaix on the field of Marengo to show what a single division can do when led by a man thoroughly in earnest and thoroughly devoted to his chief. Ordered the day before by Bonaparte to move in a direction that, as it happened, took him away from the battle-field, Desaix halted the next morning at the first sound of the cannon, and in disobedience of orders turned the head of his column in that direction. Courier after courier had been dispatched to direct him to the field that was to settle the fate of Italy for years, but long before they reached him he was rapidly marching in response to an appeal which no soldier disregards. At 3 o'clock, when he reached the field, the French were routed and Melas had sent dispatches over Europe announcing his victory. Some advised retreat, but Desaix said, "It is time to win another battle," and he charged at the head of his division, supported by the cavalry. He fell, but the battle was restored, the Austrians routed, and Bonaparte continued his great career unchecked.

At Waterloo, Grouchy, like Porter, failed to appreciate the situation, and the historian Thiers sums it up tersely and truly when he says of Desaix's action:

Happy inspiration of a lieutenant equally intelligent and attached! If fifteen years afterward the first consul had found a Desaix on the field of Waterloo he would have preserved the empire.

Mr. Speaker, suppose the gallant and distinguished Sheridan or the impetuous Custer had been here in command of ten thousand to twelve thousand as courageous troops as ever charged upon bayonet points or parks of artillery; that they had heard the roar of artillery and the unmistakable sound of battle in which their comrades were engaged and the cause of the Union was at stake, would either of these heroes, sir, have hesitated to attack the enemy? Would they have taken no part for a long and weary afternoon to help the battle in which their companions-in-arms were struggling with the enemy for victory? Let us reverse the positions, sir, and put "Stonewall" Jackson or the chivalric Stuart in the command of ten thousand confederates; does any living man suppose they would have parked their artillery or stacked their guns and remained inactive or would have failed to respond to the call to the field made by the bellowing artillery? Ah, Mr. Speaker, suppose McClellan had been in command instead of Pope, would Porter have hesitated, and doubted, and stood still? To be sure not.

After Porter had stood still from 11 o'clock until the evening of the day, after he had disobeyed the order directing him to move toward Gainesville, and after he had failed in every way to answer to the call to battle, he is given the following peremptory order. This order the West Point board, with some degree of reluctance, are constrained to admit required obedience. The admission, however, is qualified by the characteristic qualification that it was based "upon conditions essentially erroneous and upon expectations that could not possibly be realized." This was the now famous 4.30 p. m. order, and is in these words:

AUGUST 29—4.30 p. m.

Major-General PORTER: Your line of march brings you on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

This order the board of officers say did not reach Porter until 6.30 p. m.; that Porter, upon its receipt, at once sent Colonel Locke to General Morell with orders to make the attack, and then he rode to the front himself; that upon his arrival Morell was about ready to attack, but darkness had come on; that the contest at Groveton had spent its force, so that Morell's attack could give it no aid; and that "Porter wisely ordered the preparations to cease."

In order to establish the first proposition and still further vindicate Porter the board again sacrifice the reputation of several witnesses, asserting that one (Captain Pope, I suppose) had "made statements and admissions inconsistent with and contradictory of his former testimony;" that another had confessed (overawed, I suppose, by the august presence of the board) that "he had deliberately made false statements;" and that the attempt by another person to support these already discredited witnesses resulted in so complete a breaking down under cross-examination that his testimony was entitled to no weight. With this start but little difficulty is encountered in arriving at the conclusion of the board that the peremptory order to attack reached Porter as late as 6.30 p. m.

Captain Pope, who carried it, swore before the court-martial that it was placed in Porter's hands by 5 o'clock. But, admitting that it reached him an hour later, and admitting that Longstreet, with twenty-five thousand men, was there at that hour, which Porter could not have known at the time even if true, was he justified in not attacking; would the attack, as stated by the board, have been a "blunder" and a "crime," or had he by his own unauthorized or unsoldierly acts placed his command in such a position that the execution of the order would have been impossible?

Pope, when he issued it, believed and had a right to believe that Porter had so obeyed former peremptory orders that he was in a position to obey this one promptly; and the only reason why he could not do so was his own unauthorized action and unsoldierly conduct in marching his command to the rear and in abandoning his advanced position.

The sun set on the 29th of August, 1862, at 6 o'clock and 36 minutes, and the board, as will be seen, place the receipt of the order suspiciously near to that time, on the theory, I suppose, that sunset and darkness are synonymous terms. It was received by Porter at Bethlehem church, two miles from the front, and at once forwarded to Morell, with orders (so the board say) to attack; that Porter at once rode to the front; that Morell had about completed his preparations for a reconnaissance in force under a previous order, but that darkness had already come on. If this statement is true, and Porter displayed no more energy in riding the two miles to the front of his command than he had done during the day, it is possible that, as the board say, "darkness was coming on." The fact that he failed to communicate the purport of the order to Sykes, who was with him at the time of its receipt and had been with him all day, was so contrary to Porter's usual custom when he received orders from Pope, that the suspicion is at once aroused that he intended to delay its execution. If, however, he rode to the front rapidly, there can be no question but that there was ample time to convert the reconnaissance which Morell was ordered to make into a real, powerful, and well-sustained fact.

Lee, in speaking of the battle on his left (our right), said that it con-

tinued until 9 o'clock. Officers on our own side sustain this assertion, and the experience of every man in this House recalls the hour or two between sunset and dark on a summer evening that makes it possible to move about easily and readily. What the result would have been had an attack been made even at that late hour is, of course, speculation, and I shall not follow the board of officers into that limitless field. The mere presence of Porter's column early in the day had caused Lee to detach from his left and center to meet it; and no one, not even a distinguished board of officers, is authorized in predicting terrible disaster and defeat in the event of an attack.

Sykes, who was with Porter when the order was received, in response to a question before the court-martial as to how far his division had retired before its reception, replied, "I don't know the precise distance. I was in support of Morell's division that was under the fire of the enemy." Griffin, before the court-martial, in answer to a question as to "whether he knew of any orders having been given by Porter that day to attack the enemy," answered, "I know that Morell received one somewhere near sundown." He was then asked, "What took place?" and replied, "We had started back toward Manassas when the order came down the road. The orderly was stopped by Colonel Warren, who read the order. We faced our command about and immediately started back. We were probably a mile and a half or two miles from the position referred to in my previous testimony as occupied by the battery. After I faced my brigade about I rode ahead to General Morell, who had received the order, and asked him if he was going to attack. He replied, 'It was too late, and the order had been given under a wrong impression.'"

If this order spoken of by Griffin refers to the "reconnaissance" that the board say Porter ordered Morell to make, it shows that before sundown the brigade that was in advance in the morning had marched to the rear from one to two miles before its receipt, and that Morell did not make any preparation to carry it out, as the board say he did. If it refers to the 4.30 order, it shows that Porter in open daylight and while the fighting was the severest and the heaviest on his right, had carried out his threat to withdraw to Manassas and was in march for that point. In either event he had abandoned his position in the presence of the enemy without a fight and deliberately and designedly moved to the rear. If any troops, even skirmishers, were left in the front while this movement to the rear was in progress I cannot find the evidence for it, and the reoccupation of the abandoned places does not lessen or mitigate the offense.

The truth is there was no intent to attack at any time during the day, and there was the intent expressed and acted upon from 1 o'clock to fall back at the first opportunity or excuse. At 1 o'clock Sturgis had been sent as far to the rear as Manassas Junction, and between 5 and 6 o'clock Sykes was moving in the same direction, followed by Griffin, at all events, who, as he had the advance in the morning, doubtless had the rear in the afternoon, thus leaving nothing between him and the enemy. Porter had made up his mind that Pope was being defeated, judging from the sound of the artillery alone, and he ordered the retrograde movement; but the receipt of the 4.30 order and perhaps other information undeceived him, when he recalled Sturgis's and Piatt's brigades from Manassas Junction, faced Sykes and Griffin to the front, and reoccupied the positions which he had abandoned.

The board of officers, however, justify him—glorify him, indeed—for they say "he saved the Union army from disaster on that day," and "that it is perfectly clear that he had no thought whatever of retreating from the enemy."

What the result would have been had Porter done his duty no one can tell. A well-informed historian, Comte de Paris, in his first edition of his history of our civil war, says:

His (Porter's) attack, therefore, could not have produced the results upon which the commander-in-chief had counted. But neither the impossibility of executing to the letter the order of the latter, nor even the instructions which McDowell may have given him during the day, afford any excuse for his having remained so long inactive in the presence of the enemy with two fine divisions while a great battle was being fought in his vicinity. In short, if the road he had to follow was barred against him—if, therefore, he could not cut the enemy's army in two and secure its defeat—it is equally certain that a vigorous attack made by him upon Longstreet's right would have drawn out all the forces of this general, and, by freeing the rest of the Union line, would probably have prevented the reverse which the latter sustained at the close of the day. We can not avoid, therefore, blaming his inaction at such time and under such circumstances.

This indifference on the part of Porter to the cannon's appeal, the manner in which he interpreted the orders of superiors, and the tardiness with which these orders reached him, were the inevitable consequences of the confusion we have already referred to in the general movement of the army.

I am aware this statement has been materially modified in the later edition of this work, but what considerations induced the revision I do not know. I only know that I believe the original statement to be correct in matter of fact and of opinion.

But, sir, the West Point board attempt to belittle the engagements of the 29th of August; that there was in fact no battle on that day, but only an artillery duel and a little skirmishing. Pardon me for giving evidence to the contrary. Pope, in his official report, says:

About 8 p. m. the greater portion of the field of battle was occupied by our army. Nothing was heard of General Porter up to that time, and his forces took no part whatever in the action, but were suffered by him to lie idle on their arms within sight and sound of the battle during the whole day. So far as I know he made no effort whatever to comply with my orders or to take any part in the action. I do not hesitate to say that if he had discharged his duty as became a soldier under the circumstances, and had made a vigorous attack on the enemy, as he was expected and directed to do, at any time up to 8 o'clock that night, we should have utterly crushed or captured the larger portion of Jackson's force before he could have been by any possibility sufficiently re-enforced to have made an effective resistance. I did not myself feel for a moment that it was necessary for me, having given General Porter an order to march toward the enemy in a particular direction, to send him in addition specific orders to attack; it being his clear duty, and in accordance with every military precept, to have brought his forces into action wherever he encountered the enemy when a furious battle with that enemy was raging during the whole day in his immediate presence.

Sigel, who commanded the First Corps, says:

In the course of about four hours, from 6.30 to 10.30 in the morning, our whole infantry force was engaged. At the last hour the enemy threw forward masses of troops, which were driven back, &c. * * * Schenck's division was then engaged. At this critical moment Kearny arrived on the field and deployed to our right, while Reno came to our support. Scarcely were these troops in position when the contest began with renewed vigor and vehemence, &c. * * *

Generals Carr, Grover, Heintzelman, Schurz, and Kearny, all present with commands, speak of the "battle" of that day. Confederate officers and contemporaneous history confirm and render indisputable this fact. Greeley, in his "American Conflict," has Sigel, with Schurz and Schenck's and Milroy's commands, fully engaged by 7 o'clock on this morning, and the fight continues until 2 o'clock p. m. The author proceeds:

At 4.30 p. m., McDowell being announced, Pope sent a peremptory order for Porter to go into action on the enemy's right, turning it if possible; and an hour later, presuming his order obeyed, directed Reno and Heintzelman to attack the enemy, which was gallantly obeyed.

Here Grover's brigade, of Hooker's division, made a most admirable bayonet charge, breaking two of the enemy's lines and penetrating the third.

Pollard's Lost Cause, a standard confederate authority, says:

On August 29, at 10 o'clock a. m., the artillery of the Union forces upon the right of Jackson's line * * *. The Federal Army was evidently concentrating upon Jackson with the design of overwhelming him before the arrival of Longstreet.

It is not necessary to pursue this line of proofs further, for all contemporaneous history records a battle, and a severe one, on the 29th day of August. This Congress will not—it dare not—pronounce all this record either a lie or a mistake.

I feel that I have detained the House too long already, although I have given but a condensed and imperfect statement of this now celebrated case. I must leave the discussion of the details here. Whether the charges are sustained an intelligent public will judge, uninfluenced, I expect, by the action of this House. We may pass this bill, put General Porter on the retired-list and make him the pensioner of the nation, but we can not recast the history of those sad August days or the ideas of a loyal people. It will stand for all time as the judgment of the brave men who periled their lives on these battle-fields that Fitz-John Porter was fairly tried and justly condemned by a court of his peers for willful disobedience of orders and misbehavior in the presence of the enemies of his country. The question presents itself again, why these crimes? Was he a coward? No, he was a man of undoubted physical courage. In commenting upon his motives I do not wish to employ epithets nor speak harshly. I do not for a moment believe he wished the ultimate triumph of the rebellion. What then?

The answer, if not already given, has been foreshadowed. He idolized McClellan; he felt outraged by that general's humiliation; hated Pope, and was willing to stand by and see him crucified. He hoped Pope would prove a failure; he prayed for it and predicted it. By the discomfiture of Pope he believed his former chief and comrade would profit. Feeling thus, is it surprising that he stood sullenly by and let the battle go on without rendering aid? Is it surprising he refused to execute the orders of a superior of whose courage and capacity he spoke with contempt? That he was not supporting his new commander seemed to be within the knowledge of the great and good Lincoln before these charges were made.

In Draper's Civil War it is said General McClellan himself has told us what were Mr. Lincoln's impressions as to the Army at that time:

The President informed me that he had reason to believe that the Army of the Potomac was not cheerfully co-operating with and supporting General Pope, and now asked me, as a special favor, to use my influence in correcting this state of things. The President, who was much moved, asked me to telegraph to Fitz-John Porter or some other of my friends and try to do away with any feeling that might exist, adding that I could rectify the evil and that no one else could.

In consequence of this urgent appeal to him McClellan sent to Fitz-John Porter his dispatch of September 1:

I ask of you, for my sake, that of the country, and the old Army of the Potomac, that you and all of my friends will lend the fullest and most cordial co-operation to General Pope in all the operations now going on, &c.

This tells the whole story. Two days only after the events of the 29th of August he is implored by McClellan to give what his oath, his soldierly honor, and his manhood required him to yield without exhortation from any one—co-operation and cheerful support to his superior officer. That such a request was deemed necessary speaks volumes. He was disloyal to Pope. On the 15th of December he admitted it to William Blair Lord, a reporter of this House. He said: "I was not loyal to Pope; there is no denying that." This is the key to his whole conduct. This disloyalty bore its harvest of crime and blood. It prob-

ably brought disaster to our arms, protracted the war, increased the woe and agony of the loyal, and added many a name to the list of the dead.

Sir, I have now given the reasons why I believed it my duty to protest against the passage of this bill. My duty has been performed, uninfluenced, I hope, by passion or prejudice or ill-will, and here I leave the case.

Congress may restore Fitz-John Porter to the Army, but it can not vindicate him; for an enlightened, conscientious, and patriotic people have pronounced against him the irreversible decree of guilty.

During the delivery of the foregoing speech, at the conclusion of one hour,

The CHAIRMAN said: The time of the gentleman from Indiana [Mr. BROWNE] has expired.

Mr. MCADOO addressed the Chair.

Mr. CALKINS. I ask that my colleagne's time be extended.

A MEMBER. How long?

The CHAIRMAN. The Chair is informed by the gentleman from New Jersey [Mr. MCADOO], who will be next recognized, that he is willing to yield thirty minutes to the gentleman from Indiana.

Mr. BROWNE, of Indiana. I thank the gentleman very kindly. I certainly shall be pleased, if the opportunity should occur, to return the compliment.

The CHAIRMAN. The gentleman from New Jersey [Mr. MCADOO] is recognized, and yields thirty minutes to the gentleman from Indiana.

Mr. BROWNE, of Indiana, resumed and concluded his remarks.

The CHAIRMAN. The gentleman from New Jersey has thirty-five minutes remaining.

Mr. MCADOO. Mr. Chairman, as a representative of the State of New Jersey on the floor of this House I feel that I should be recreant to my duty if I did not on behalf of one of her honored citizens, General Fitz-John Porter, say a few words in advocacy of this bill. An humble civilian, and a young one at that, it may seem presumptuous for me to take part in this great warfare of words among the contending brigadiers and thunder-voiced sons of Mars.

In the first place I desire to take notice of some remarks made yesterday by the gentleman from Indiana [Mr. STEELE]. I read from the CONGRESSIONAL RECORD:

> I do not wish to reflect upon the gentlemen composing the board, and I am not going to do it; but what I have told you is true. Senator Randolph got the names of the men composing the court and sent them down to Willard's Hotel to be submitted to gentlemen pressing the case, to know whether they would be satisfactory or not, and they agreed upon the gentlemen who did constitute the court.
>
> Schofield was aspiring to be the President of this great country; Randolph carried New York, New Jersey, and Pennsylvania in his breeches pocket——

Sir, I have heard it said outside of this House that by the peculiar methods of "soap" the State of Indiana was at one time carried in the pockets of a particular gentleman; but I thank God that the State which I in part represent on this floor has never been carried in the breeches pocket or any other pocket of any man, living or dead. So far as Senator Randolph is concerned, in the State in which he was born, the State which he represented with so much honor on the floor of the adjoining Chamber, and among his neighbors and his friends he never was accused of doing by indirection what an honest, frank, open, honorable, and manly man would not do by direct methods. He has passed to join the illustrious dead, but his memory is still green and fragrant in the State which he loved and honored. I do not know and I can not conceive upon what evidence the gentleman makes the assertion; but I do not believe it to be true, and I am constrained in charity to believe that the gentleman has been misinformed in making it.

So far as this case is concerned I shall not enter into an argument as to military details. I prefer in a fair and manly way to take a general view of this case from the standpoint of a civilian, and endeavor to find out what is just and right in the matter. And when we come to review this court-martial, when we come to pass upon its judgment, I think it is pertinent to inquire as to the time when they made their decision. Was it a time when cold and exact justice was being done, or was it a time when passion sat upon the bench and prejudice was the advocate? At a time of civil strife, in the midst of warring factions, when partisanship ruled the day, on the very field of battle, as you might say, this decision was made which stamped an honorable man, an upright and conservative soldier, as a traitor to his country. We are not bound by the injustice of that decision. We are trying this case, as it were, *de novo*.

I think it is but right in these times of peace, when the passions of that unfortunate strife have cooled, when men's judgments are sober, that the finding of this court-martial should be reviewed by us, the representatives of the sovereign people. As to the finding itself, I ask attention in the first place to its severity in the light of after events. It can not be denied even by gentlemen on the other side of this House that had Fitz-John Porter carried out those orders the entire corps of the Federal army which he commanded would have been annihilated and destroyed, and therefore he was guilty, if guilty at all, of merely a technical disobedience of orders.

Mr. STEELE. I do deny it most emphatically; and I want to say that if our army was victorious on the night of that 29th of August without the aid of this corps, what logic is there in supposing they could not have made that victory a rout if this corps had come in?

Mr. MCADOO. I answer the gentleman from Indiana by saying that according to the testimony of General Longstreet and the testimony of others who commanded the confederate troops, had Porter advanced to carry out the preposterous order of General Pope he must have been annihilated.

I ask attention, as I said, to the severity of the sentence of the court. I will bring to bear upon the finding of that court the well-known maxim, "False in one, false in all." I say here to-day to gentlemen on the other side, that there are two findings of that court which were demonstrated then, as they are now, beyond peradventure or doubt, to have been false. One of the charges made against General Porter was misbehavior, under, I think, the fifty-second article of war—"shameful retreat!" This honorable court-martial—this court-martial whose finding we must not question or investigate even for the purpose of doing justice—this court-martial, without a particle of testimony, by a mere exercise of their imagination, as we must assume, found that General Porter had shamefully retreated, when the fact was that he had not moved from his position, but held it to the safety of General Pope himself.

I ask attention also to another finding. I submit to gentlemen on the other side that if they will coolly and impartially investigate the testimony they must conclude he was not guilty of misbehavior in not marching under that order to move from Warrenton Junction to Bristoe Station when we take into consideration the circumstances by which he was surrounded.

Why, sir, what were the conditions of General Porter's corps when that order was received? The last troops (Morell's division) which reached his camp after night had marched nineteen miles, hungry, tired, exhausted beyond endurance. These men did not reach their tents to sleep until 10 o'clock. He was asked to march, I think, a distance of from nine to ten miles, from Warrenton to Bristoe.

Mr. STEELE. Does not the gentleman know that Jackson marched thirty miles the day before?

Mr. MCADOO. Jackson is not on trial here, and we are now talking of the conditions of Pope's army and not the conditions of any other army. Why, sir, on the night on which he received this order the very elements were against him. By the evidence of all the witnesses, the night on which he received it was exceedingly dark, the gloom lighted occasionally by flashes of lightning, a drizzling rain falling the while. The road over which he was to make the march was rough, narrow, filled with stumps, crossed by streams, blocked by nearly three thousand wagons, and intersected by a railroad track on which trains were passing and repassing. It was almost impassable. To carry the order to him required the officer who brought it over three hours and twenty minutes. Troops could not move as fast as a single horseman. His officers protested that it was impossible to obey; yet he only partially yielded to their protest and ordered a prompt move to be made at 3 o'clock in the morning.

Besides this, what did the order which reached him at Warrenton Junction say to him? That General Pope was being attacked, that he was in danger, that he must come to the rescue of the Federal Army? Oh, no. It told him the enemy was in retreat. Why then should he not exercise his discretion? I think, sir, when it comes to the question of military rule the great Napoleon is superior to the little Pope, and the great Napoleon laid it down as a rule that when the man in the gap knows facts of which his superior officer is ignorant he has the right to act upon his discretion and save his men, and possibly the army. When Porter's troops moved in the morning his expectations were realized. The story of that march has been graphically told. Struggling teams, mired artillery, disheartened men, and distracted officers made up the picture of that unfortunate march in the early dawn between Warrenton Junction and Bristoe Station. Yet this most learned and just court-martial applies for this the almost indellible stain of traitor to an honorable and upright man.

Of his failure to attack Longstreet on the 29th a great deal has been said on the floor of this House. I speak, sir, from the standpoint of a man who was unfortunately too young to have taken a part in that great struggle—from the standpoint of a civilian, but I think as a lawyer and a man the evidence does show that he was not able to carry out the preposterous order of General Pope to outflank General Jackson. "Why," said General Longstreet, speaking of it, "outflank Jackson when he got the order! Jackson had outflanked him. It was impossible for him to outflank the man who had outflanked him."

As to the joint order, General McDowell when he joined forces was really the superior officer of Fitz-John Porter. General McDowell moved away and did not carry out that order. He did not ask General Fitz-John Porter to carry it out, but advised against carrying it out.

Mr. STEELE. He gave a positive order for him to go in.

Mr. MCADOO. The gentleman from Indiana is mistaken about that. General McDowell says, "Fitz-John Porter, you are in no position to fight a battle here."

Mr. STEELE. I find no such evidence in the record, but on the contrary I find the reverse.

Mr. MCADOO. The gentleman can read that when he has the floor,

but I decline to be interrupted at this time. I have already yielded half of my time to a gentleman on the other side.

Now, sir, this case hinges in the minds of men on what? On a motive. If there is no motive there is no case. There can be but one solution of this question. Either Fitz-John Porter was a coward and a traitor or a loyal man and a good soldier. That he was not a traitor I have the evidence of the illustrious general who led the Union forces. We have evidence of the most illustrious generals and soldiers that Fitz-John Porter was always loyal to his country. No one has been able to place upon him the stain of disloyalty. In the adjoining Senate Chamber the gentleman who represents my State, General Sewell, a Republican, has given his testimony that Fitz-John Porter was a loyal man.

Further, that he was a coward! I would scorn, Mr. Chairman, to undertake to defend him from the charge of cowardice. If his record as a soldier staring in the face gentlemen on the other side of this Chamber, if the very catalogue of his battles, if his actions prior to the date of this occurrence, if his whole record as a conservative soldier, an honorable man, and an able, a valorous officer were not sufficient to sustain his character, I would scorn to notice the charge of cowardice. He proved on many a bloody field from Mexico to Manassas to be not only a brave and loyal soldier, but a chivalrous and daring man.

There is but one thing left, and that is, they say, he had a great dislike and contempt for Pope. Mr. Chairman, I do not wonder that he had a contempt for Pope. I do not think he would be a good soldier if he did not burn with contempt of the vacillating and incapable Pope. They say that it was the boast of that vainglorious champion that his headquarters were in the saddle. That may be the case, but God only knows where his brains were. [Laughter.]

Mr. STEELE. Let me ask the gentleman with reference to his belief as to that order of Pope——

Mr. MCADOO. I have yielded all the time I intend to yield to gentlemen on that side.

I say, Mr. Chairman, this General Pope, in the face of the illustrious soldier and great captain of the confederate army Stonewall Jackson, played the part of an imbecile, and by his acts and tactics generally brought down defeat and disaster upon the armies of the Union. No military critic, as far as I am aware, has ever been able to sustain the tactics, the maneuvers, and the management of General Pope when he controlled the armies of the Union. Well, it is said because Fitz-John Porter had contempt for Pope that he sacrificed—what? That he sacrificed his own honor, his own character, his well-earned reputation to be revenged upon him. Why, Mr. Chairman, such a suggestion is preposterous, that this man would sacrifice his own good name, would sacrifice his own position, would sacrifice his reputation as a soldier simply because he had contempt for the imbecile who unfortunately commanded him. I do not believe, sir, that the motive was strong enough to impel him to such an act. But what more do they say? We find that although he had contempt for Pope, he yet obeyed orders from that officer, simply because they were the orders of a superior; although they were against the dictates of his own judgment, still he obeyed them. But, sir, they had to find a scapegoat somewhere for the disasters which followed. General Pope's mismanagement had brought defeat and discredit upon the Federal Army. His want of activity and skill had led good men to their graves in myriads, and they must find a scapegoat, and this alleged honorable, immaculate court-martial was convened to find it, and the unfortunate victim was found in General Fitz-John Porter. But it is vain for gentlemen upon the other side to try to put an obstacle in the way of slow-going justice. The eternal years belong to truth and justice. While she may travel with a leaden heel, she will yet strike down error with a strong iron hand.

I do not wonder, Mr. Chairman, that the gentleman from Indiana [Mr. STEELE], speaking of the court of inquiry and its composition and the men by whom it was formed, should criticise it in the manner in which he has done. It is a serious obstacle in his way. If that court of inquiry was right, then the gentleman from Indiana and those who follow him are wrong. If that court of inquiry was right, Fitz-John Porter has been grossly wronged. I am willing for my part to believe them right rather than the gentleman from Indiana.

Now, as the case stands to-day before the bar of public opinion and before this House, on the one side you have testimony from the man who was President of the United States and who led the Union armies, together with a galaxy of Union generals, jurists, statesmen, honest and able men, and on the other a few partisans, with nothing but the heat of partisanship, which has not yet had sufficient time to cool. Thus the conflict between passion and judgment rages. Where will the verdict of the House go? On what side will it cast its decision? On the side of this impartial testimony of the ablest men and leaders of the Army, or the side of the few partisans who can not forget the character of being partisans even on an occasion of this kind? It is, however, refreshing, it has been refreshing and stimulating to me, to see that there are glorious exceptions, as I have seen upon the other side gentlemen willing to forget their partisanship, to do justice to their sense of right, and advocating the doing of tardy justice to a wronged man.

Why, sir, in the State of New Jersey, where Fitz-John Porter lives, the Legislature of that sovereign State, without a division, time and again have petitioned for the redress of the wrongs done him. There, where he lives, where his character as a man, as a neighbor and friend is well known, they have unanimously asked that the Congress of the United States shall do him long-sought-for justice.

In conclusion, this unfortunate man, who has struggled with his burden through these bitter years of cloud and darkness, stands to-day without the doors of this House. I do not wish to appeal to the sentiment of gentlemen; I think the cold facts in this case justify Fitz-John Porter. I would scorn to ask mercy, but I demand justice for him. He stands to-day without the doors of this Chamber asking—what? Not your sentiment, stirred up by any flood of eloquence, not your mercy, but cold, even-handed justice. I say, sir, that we should have him go from these Halls back to his family and his friends restored to the confidence of his country, that he may be enabled to transmit to his children the most glorious of all inheritances—the heritage of an honorable, unstained, and noble name. [Applause.]

> The purest treasure mortal times afford,
> Is—spotless reputation; that away,
> Men are but gilded loam, or painted clay.

Mr. SLOCUM. I have no desire to cut off debate on this bill. It will probably continue on the Private Calendar for weeks unless the House chooses to take some other action. I shall make no movement in that direction myself. I like the debate; I like to have it go on. It was painful to me to read this morning in some of the newspapers of the day——

Mr. REED. Mr. Chairman, I rise to a question of order. Has the gentleman from New York [Mr. SLOCUM] the floor again for another speech? Is the gentleman next in order for a second speech?

The CHAIRMAN. There are ten minutes remaining of the time of the gentleman from New Jersey [Mr. MCADOO].

Mr. REED. I have no objection to the gentleman from New York [Mr. SLOCUM] making a speech; but I wished to know if he was going to do it.

Mr. MCADOO. I yield ten minutes to the gentleman from New York [Mr. SLOCUM].

The CHAIRMAN. The gentleman from New Jersey [Mr. MCADOO] was entitled to another ten minutes; and he yields that time to the gentleman from New York [Mr. SLOCUM].

Mr. REED. The ruling has been heretofore that unless any time remaining was claimed when the gentleman sat down it could not be claimed thereafter. I think the present ruling of the Chair is correct. I merely wish to know what we are to be governed by hereafter.

The CHAIRMAN. The Chair will decide hereafter when the question of order is presented to him. The gentleman from New York [Mr. SLOCUM] is entitled to the floor.

Mr. SLOCUM. I was about to say, when interrupted, that I was pained to read this morning in some of the papers of the day that this discussion was distasteful to the people, and was regarded as unprofitable. I think the newspapers in that respect are entirely mistaken.

The people of the United States for the last twenty years have been laboring under the impression that General Grant, General Schofield, General Terry, and others of that class knew something about military matters. It has become apparent to me in this discussion that the people are entirely mistaken; and that no more profitable thing can be done than for Congress to sit here and tell the world how much they know about military matters. If the members of Congress would only tell Grant and Sherman and Schofield and other such men all they know about military matters you could dispense with the military men and abolish the Army.

Mr. EZRA B. TAYLOR. I wish to ask the gentleman from New York if we do not know about this matter how can we decide it?

Mr. SLOCUM. No, sir; there are not ten men in this House who know any more about it to-day than they did yesterday morning.

Mr. EZRA B. TAYLOR. The gentleman does not understand me. I understood him to speak ironically as to the knowledge of members of this House. I ask him in good faith, if we do not know how can we decide?

Mr. SLOCUM. There was never such an absurdity perpetrated in any representative body as has been enacted here; for three hundred gentlemen knowing nothing about military matters to sit here and gravely discuss subjects about which they know nothing whatever and never can know. [Laughter and applause.]

Mr. EZRA B. TAYLOR. Well, sir, what do we come here for?

Mr. SLOCUM. I move that the committee rise.

Mr. KEIFER addressed the Chair.

The CHAIRMAN. The motion is not debatable.

Mr. REED. Is the gentleman from New York [Mr. SLOCUM] to be allowed to fling such imputations on the House and then close debate? Has he got tired of the discussion?

The CHAIRMAN. The gentleman from New York has moved that the committee rise, and that question is not debatable.

Mr. KEIFER. I desire to say that I have no objection to the committee rising, but I desire to be recognized for debate.

The CHAIRMAN. The Chair will hear the gentleman from Ohio for a parliamentary inquiry.

Mr. KEIFER. I desire to know who is entitled to recognition next in the course of the debate.

The CHAIRMAN. The gentleman from Ohio who has just addressed the inquiry to the Chair is the gentleman next entitled to recognition.

Mr. KEIFER. As I have said, personally I have no objection to the committee rising.

The CHAIRMAN. If the committee should now rise the Chair will recognize the gentleman from Ohio at the next sitting of the committee.

Mr. BAYNE. I wish to inquire whether there are other gentlemen present who are ready to speak to-day.

Mr. EZRA B. TAYLOR. I am ready to speak to-day.

Mr. BAYNE. Then I think those gentlemen who are ready to speak to-day should be heard.

The CHAIRMAN. The motion that the committee rise is not debatable. If the committee desires to remain longer in session it will determine that by its vote.

The question being taken on Mr. SLOCUM's motion, there were—ayes 44, noes 65.

So the committee refused to rise.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] is recognized.

Mr. KEIFER. If the debate is to go on I do not desire to occupy the floor at this time; but will withdraw and allow the gentleman from Ohio [Mr. EZRA B. TAYLOR] to be recognized in his own time.

The CHAIRMAN. The committee having refused to rise, the Chair will recognize the gentleman from Ohio [Mr. EZRA B. TAYLOR].

Mr. JOHN S. WISE. Will the gentleman from Ohio [Mr. EZRA B. TAYLOR] yield to me for one moment to allow me to ask the gentleman from New York a question?

Mr. EZRA B. TAYLOR. Will that take me from the floor?

The CHAIRMAN. It will not.

Mr. EZRA B. TAYLOR. Will the question and answer be taken from my time?

The CHAIRMAN. They will.

Mr. EZRA B. TAYLOR. Then I regret very much that I am obliged to decline.

Mr. JOHN S. WISE. It will only take a moment.

Mr. EZRA B. TAYLOR. I yield to the gentleman from Virginia for his question.

Mr. JOHN S. WISE. I ask the gentleman from New York [Mr. SLOCUM] in all sincerity whether his statement made a few minutes ago is in fact and in truth his view of this case? I am here as an utter stranger to the case, and supposed that we would be called upon to vote intelligently upon it. But if that gentleman is in earnest in saying that we do not know anything about it and never will know anything about it, then I am disposed to vote to let the judgment of the court-martial stand, because they were supposed to know something about such matters. [Laughter and applause on the Republican side.]

Mr. SLOCUM. What I meant by my statement was simply this: That this House of Representatives is composed of men who never made a study of military matters, and they are incompetent to understand these questions [renewed laughter]—utterly incompetent.

Mr. MILLER, of Pennsylvania. Oh, yes; nobody but a West-Pointer can understand anything about military affairs.

Mr. SLOCUM. The idea of a man standing here and talking about the effect of directing a brigade to move in on the left, or a division to go in on the right, when ninety-nine out of one hundred men that he is talking to do not know whether a brigade is larger or smaller than a division, is utterly absurd.

Mr. MILLER, of Pennsylvania. What did you bring the bill in here for, then?

Mr. HORR. Why bring the bill before such a set of ignoramuses?

Mr. SLOCUM. I will answer the gentleman.

Mr. EZRA B. TAYLOR. This is taking up considerable time.

Mr. SLOCUM. I appeal to the gentleman to give me an opportunity to say one word.

The CHAIRMAN. Does the gentleman from Ohio [Mr. EZRA B. TAYLOR] yield further?

Mr. EZRA B. TAYLOR. Certainly.

Mr. SLOCUM. This bill has been debated up to this hour more than three-quarters of the time by men who are opposed to it. When I stood on this floor I was interrupted constantly and persistently. The gentlemen opposed to the bill have not been treated in that manner, and their time has been generously extended. And it is now proposed to prohibit me from answering a question. That is not fair and not just, and I appeal to the manhood of the gentleman to stop it.

Mr. EZRA B. TAYLOR. I have yielded to you the time that you asked.

Mr. SLOCUM. One word more. The gentleman from Michigan [Mr. HORR] says, "Why did you bring the bill in here?" We did not bring the bill here. James A. Garfield, in the Forty-third Congress, introduced a resolution to bring this bill here. [Laughter on the Republican side and cries of "Oh, no!"] Look at your record. He is the author of that bill; it came from his own recommendation.

Mr. HORR. That is not so.

Mr. SLOCUM. That is the way the bill came here.

Many MEMBERS. "Oh, no!"

The CHAIRMAN. The committee will come to order.

Mr. BOUTELLE. Let him go on. If the gentleman from New York [Mr. SLOCUM] can not kill this bill we can not.

Mr. SLOCUM. General Garfield, while a member of this House, introduced a resolution for the appointment of this board upon whose report we are acting to-day.

Mr. HENDERSON, of Iowa. Let me ask the gentleman one question. [Cries of "Regular order!" "Regular order!"]

The CHAIRMAN. The Chair will not recognize any gentleman until the committee resumes order. [After a pause.] The gentleman from Ohio [Mr. EZRA B. TAYLOR] is entitled to the floor.

Mr. EZRA B. TAYLOR. Mr. Chairman, I can hardly conceive of a question solemnly brought before this House, referred to a competent committee, reported back by that committee, and the consideration of the House and of the Committee of the Whole asked upon it, that does not constitute a proper subject of debate. I never before heard it said in this House, I never thought that anybody could say it, that this House was not competent, in its individual members and in its aggregate capacity, to dispose of any and all business that was brought before it. Yet that is the statement now made by the author of this bill. I leave it for him and for the House to consider how much respect to the House and how much disrespect is involved in his statement.

I profess to say to this committee that upon the question involved here we have as fair opportunity of investigation and as good means of ascertaining the truth as any body of men belonging to any profession. Nay, more; I know of no collective body of men anywhere that could arrive more certainly at a just conclusion in reference to all the facts submitted to us in the discussion and consideration of the pending bill, in my opinion, than could this House.

The gentleman from New York [Mr. SLOCUM] is not the only soldier to be found in this body. There are men here on either side of the House besides him who have seen service. Though I do not approach the discussion of the question as a military man, I still think that I have a duty to perform in relation to it.

The first duty is to inform myself concerning the facts involved in this case. That I have tried to do, and I now propose to use a few minutes of the time of this committee in calling attention to facts about which I think I may properly decide.

Whether it is wise to send a brigade in here, or a division in there, in a military way, I will say frankly that I do not know. But I do know this: I can tell from this evidence whether or not the night of the 27th of August, 1862, was a dark night as well as can General Grant or the gentleman from New York [Mr. SLOCUM]. I can tell whether the road between Warrenton Junction and Bristoe Station, so far as the evidence shows, was encumbered with wagons as well as though I had been President of the United States.

I can tell whether Longstreet's forces were in front of Porter on that day as well as any other man, though I was not in the Army, except in that humble capacity filled by the private soldiers, that class of military men who were not regarded in the beginning nor long remembered, but out of whose fidelity and bravery grew upon other shoulders bars and stars. [Applause.] When it is suggested to me as a member of this House that I am incompetent to come to a conclusion on this question, I deny it. I am, as a member here, the peer of any other man. If I cannot decide this question, I will not make a mockery of myself and my action by voting upon it. [Applause.]

What are we asked to do? To take the opinion of a board—to take the opinion of a general. Sir, no man can make opinions for me. I respect the opinion of a man just as much as I respect the reasons which he gives for his opinion, and no more. As a lawyer I have been in the habit of hearing it said that even the decision of the highest court is worth only just so much as the reasons upon which it is founded. The opinion of any man is worth that much and no more. Upon a question merely military I would take the opinion of General Grant or the distinguished gentleman from New York in preference to my own judgment. But upon this question, which depends only upon evidence and evidence on the record, no man shall give me my opinion; I will form it for myself.

On the 27th day of August, 1862, the forces under the command of General Porter had gathered at nightfall at Bristoe Station. At 9 o'clock and 30 minutes, or between that time and 10 o'clock, an order came to General Porter to move at 1 o'clock on the next morning and be at Bristoe Station at daylight. The spirit of the order was not as to when he should start, but when he should be there. As a lawyer, as a man having some knowledge of the statutes, I deny that there is any rule of law declaring that a military order under particular circumstances is not to be obeyed; that circumstances may justify the disobedience of a military order. Turn to the statutes (for this is a matter of statutory provision in this country) and you will find no such condition, no such limitation. A military order must be obeyed, and if circumstances surrounding the party to whom the order is given are such as to prevent in any way its execution, that fact is merely ground for an ante-conviction pardon, so that the penalty may not attach. But the law is that there must be obedience to the order.

This order was brought to General Porter between half past 9 and

10 o'clock; and on all accounts he was notified that he should be at Bristoe Station the next morning by daylight.

Now remembering that no man who knows nothing about the evidence in this case should allow himself to vote upon it, knowing also that we can gather information all the time if we desire, because the record is before us and we can examine the statement of gentlemen arguing this case—I say that when this order was brought to General Porter he made no effort to obey it. He remarked, "Here is something for us to sleep upon," and while Morell and Sykes and Butterfield objected, he consented to defer the time of starting to an hour when, as he knew, he was expected at Bristoe Station.

One of the excuses is that his troops were tired. True, some of them were tired, but they were resting then; they had been resting for hours, and could yet rest for hours before the time designated for the execution of the order. What I know of military matters is very little; but I know that war is not a parade; that tired soldiers often have to march, and frequently they must march in the dark when a battle is impending, and they are not afraid to do so. It was a dark night, and yet Mr. Chairman, I state it as a fact that fourteen men, who were called as witnesses, marched that night and found no difficulty in doing so. Some of them scouted that road all night long for the purpose of seeing that there was nothing in the way. General Horace Boughton was one who, by order of Pope, scouted that road all that night long. More than that, almost the entire Union army was moving that night, dark as it was. There was no rain. A great portion of the confederate army marched that night on dirt roads. Tired out as they were, they marched farther than our troops. Why, sir, Jackson had marched in thirty-six hours over sixty miles. He could march for such a cause. And yet because the night was dark an accomplished Union soldier of brilliant record presents as his first excuse that the night was dark.

Again, it is said the road was filled with wagons. Yet the fact is shown by the testimony that a member of his staff said that with one hundred or one hundred and fifty soldiers he could clear that road the whole distance in preparation for the march. More than this, that very night the quartermaster-general of McDowell's command went on to have ready this identical road; removed all the wagons in anticipation of the march. They remained outside of the road until daylight came in the morning. Then they were put on the road again, and their presence obstructed the march of Porter. He arrived at Bristoe Station at 10.20 in the morning, when his order was to be there at daylight. He could have been there by daylight in the morning, but he declined to try to obey the order. He did not attempt to obey it. He arrived at 10.20 next morning.

As he was passing over the run at that point Surgeon Paxton, of the Thirty-second Massachusetts Regiment, standing near him, heard him say to somebody, "Go and tell General Morell to halt his division. I do not care a damn whether we get there or not." He started with that indifference, and with the same indifference substantially arrived at Bristoe Station, as is shown by the remark heard by Surgeon W. S. Paxton, of the Thirty-second Massachusetts Regiment.

Now, I will not stand here and say to this committee there is any defense in the proposition suggested by the gentleman from New Jersey [Mr. McADOO] that General Porter ought to hold General Pope in contempt. That he did do it is unquestioned. That it was a defense to excuse him has not heretofore been urged by any advocate of General Porter. That was the expression in his mouth at the moment of completing that order, and I leave this committee with that statement in its hand. I say to the gentleman from New York [Mr. SLOCUM] that there is no living man, with that evidence in regard to that night and the obstruction in the road, who can judge better than any member of this committee; and he has strangely misunderstood its organization and its members when he says we can know nothing about it. We are not idiots, although we never have had epaulets upon our shoulders.

Mr. McKINLEY. If my colleague will yield to me I will move that the committee rise.

Mr. EZRA B. TAYLOR. I will yield for that purpose, still holding the floor.

The CHAIRMAN. The gentleman has forty minutes of his hour remaining.

The motion was agreed to.

The committee accordingly rose; and Mr. COX, of New York, having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the Private Calendar, having had under consideration the bill (H. R. 1015) for the relief of Fitz-John Porter, had come to no resolution thereon.

And then, on motion of Mr. SLOCUM, the House (at 4 o'clock and 55 minutes) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. CAMPBELL: The petition of citizens of Bedford County, Pennsylvania, for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. S. S. COX: The petition of Dr. Peter J. Reass, for relief—to the Committee on Invalid Pensions.

By Mr. DARGAN: The petition of citizens of Conway, Horry County, South Carolina, for an immediate appropriation to continue the improvement of the Waccamaw River—to the Committee on Rivers and Harbors.

By Mr. DEUSTER: Papers relating to the claim of John Whitaker—to the Committee on Claims.

By Mr. DOCKERY: Papers relating to the claim of Lawson Moore—to the Committee on War Claims.

Also, papers relating to the claim of the heirs of J. J. Galtney—to the same committee.

By Mr. ELDREDGE: Papers relating to the claim of Mark Davis—to the same committee.

By Mr. FERRELL: The petition of James H. Nixon and others, for an appropriation to build jetties at Corson's and Townsend's Inlets, on the New Jersey coast—to the Committee on Rivers and Harbors.

By Mr. GUENTHER: The petition of Henry J. Colwell and others, citizens of Michigan, and of J. F. Shafer and others, citizens of Florence, Wis., who purchased lands within the Ontonagon Railroad land grant, for relief—severally to the Committee on the Public Lands.

Also, the petition of Andrew Frederickson and others, citizens of Winnebago County, Wisconsin, for an appropriation to pay certain awards for damages caused by overflow of the Fox River—to the Committee on Appropriations.

By Mr. H. H. HATCH: The petition of M. M. Andrews and others, members of the Ralph W. Cummings Post, No. 67, Grand Army of the Republic, Department of Michigan, praying that soldiers of the late war be allowed 160 acres of unoccupied Government lands—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. T. J. HENDERSON: The petition of O. A. Hempstead and 19 others, citizens of Galva, Henry County, Illinois, for increase of the pension of James S. Herbert—to the Committee on Invalid Pensions.

By Mr. HOPKINS: The petition of G. A. Douglas and others, of Braddock, Allegheny County, Pennsylvania, asking for compensation for Mrs. Sarah Clarke for services rendered as nurse—to the same committee.

By Mr. MORRILL: The petition of Levi Anderson, for increase of pension—to the same committee.

By Mr. MORSE: The petition of Catharine Callahan, for increase of pensions paid to the widows of soldiers and dependent relatives—to the same committee.

By Mr. PAYNE: The petition of Robert J. Dobson, for relief—to the Committee on Pensions.

By Mr. ROBERTSON: The petition of Mrs. Elizabeth Downs, in relation to pensions paid to soldiers' widows—to the Committee on Invalid Pensions.

By Mr. J. H. ROGERS. The resolutions adopted by the Little Rock (Ark.) Cotton and Produce Exchange in relation to the Signal Service—to the Committee on Agriculture.

By Mr. W. F. ROGERS. Papers relating to the claim of George C. Ellison for compensation for services rendered and expenses incurred while acting as chief engineer in the House of Representatives—to the Committee on Claims.

By Mr. VANCE. Papers relating to the claim of Bryan Tyson—to the same committee.

By Mr. WELLBORN: The petition of W. M. C. Heill and others, for the improvement of the Mississippi River and its tributaries—to the Committee on Levees and Improvements of the Mississippi River.

Also, the petition of B. B. Brock and others, relating to alleged abuses of the United States Army in the Indian Territory—to the Committee on Indian Affairs.

By Mr. WILLIS: The petition of Hines, Hadley & Co., of Wilson, Ky., for a tobacco-rebate appropriation—to the Committee on Appropriations.

SENATE.

MONDAY, *January* 21, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

THE NEW RULES.

The PRESIDENT *pro tempore*. The Chair will recall to the attention of the Senate the fact that the new rules go into force this morning, and the future proceedings of the Senate will be conducted under them.

COLUMBIA INSTITUTION FOR DEAF AND DUMB.

The PRESIDENT *pro tempore* laid before the Senate a communication from the president of the Columbia Institution for the Deaf and Dumb, transmitting, in compliance with the requirements of section 4867 of the Revised Statutes and of the act of Congress of March 3, 1883, a report of the disbursements and other affairs of that corporation; which was referred to the Committee on the District of Columbia, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 1482) making all public roads and highways post-routes was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 3036) to enable the courts of the United States in the case of the improper grant of letters patent by reason of fraud and misrepresentation to declare a patent void on application of the Attorney-General was read twice by its title, and referred to the Committee on Patents.

The joint resolution (H. Res. 117) to correct an error in the enrollment of the act "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for other years," approved March 3, 1883, was read twice by its title.

The PRESIDENT *pro tempore*. The joint resolution will be referred, if there be no objection, to the Committee on Enrolled Bills.

Mr. BECK. I think it should go to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Chair stated the reference he indicated on account of the title of the joint resolution, which says it is to correct an error in enrollment.

Mr. BECK. There was some error in a conference report, and the Committee on Appropriations is the proper committee to correct it, I think.

The PRESIDENT *pro tempore*. The Chair will then refer the joint resolution to the Committee on Appropriations. It is so referred.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Elisha Mulford and Samuel W. Dike, praying, as a basis of future legislation, for a thorough inquiry into matters connected with the divorce laws of the several States, and the collection of divorce statistics from their records and authorities; which was referred to the Committee on Education and Labor.

He also presented the petition of Patrick Furlong, late private Company G, Fourteenth Regiment Vermont Volunteers, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Malinda Brooks, of Russellville, Ky., praying for an increase of her widow's pension; which was referred to the Committee on Pensions.

He also presented the petition of the Philadelphia Board of Trade, praying for an inquiry into the subject-matter of a letter concerning the disposal of undelivered and dead letters addressed to the Postmaster-General by Oliver Evans Woods, of that city, July 6, 1883; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS presented the petition of A. W. Hicks, praying to be allowed pay, under a contract with Col. Charles Ellet, of the Mississippi ram fleet, for opening the Mississippi blockade June 3, 1862; which was referred to the Committee on Naval Affairs.

Mr. DAWES. I present a resolution of the National Educational Association, adopted at a meeting held at Saratoga Springs, N. Y.; a petition of teachers of the Mount Holyoke Seminary; a petition of the faculty of Amherst College; a petition of the students of Amherst College; and a petition from a large number of citizens of Massachusetts generally, all praying for an appropriation for schools in Alaska. I move that the petitions be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. COCKRELL presented a petition of O. P. Morton Post, No. 14, Department of Missouri, Grand Army of the Republic, representing 200 ex-Union soldiers, praying that Union soldiers who were prisoners of war be pensioned; which was referred to the Committee on Pensions.

Mr. HALE presented a memorial of the Board of Trade of Portland, Me., praying for such legislation as will check the rapid decline in our merchant marine; which was referred to the Committee on Commerce.

Mr. PALMER presented a petition of R. G. Peters and 3 others, citizens of Michigan, and a petition of the Republic Iron Company and 8 others, land owners of the Upper Peninsula of Michigan, praying for legislation to quiet their titles; which were referred to the Committee on Public Lands.

Mr. VANCE presented a petition of citizens of North Carolina, praying for indemnity for certain vessels destroyed by the French; which was referred to the Committee on Claims.

Mr. HARRIS. I present severally the petitions of Martha Fisher, of Elija Bray, of Hiram Johnson, of William Nuckalls, of Michael D. Deadrick, and of William A. Bryan, all praying for compensation for property taken and used by the Army of the United States. I move that the petitions be referred to the Committee on Claims.

The motion was agreed to.

Mr. WILSON presented the petition of Collier, Robertson & Hambleton and others, jobbers and dealers in manufactured tobacco, snuff, and cigars, of Keokuk, Iowa, praying for the enactment of a law providing for the payment of claims allowed for rebates under section 4 of the act of March 3, 1883; which was referred to the Committee on Appropriations.

He also presented a preamble and resolutions of the Iowa State Medical Association, in favor of appropriations by Congress for the erection of a fire-proof building for the medical library and museum; which were referred to the Committee on Public Buildings and Grounds.

Mr. WILSON. I present also resolutions (which were intended, as appears by the letter transmitting them, for presentation to Congress) of George Strong Post of the Grand Army of the Republic of Iowa, in favor of a readjustment of the pay of soldiers for the years 1862, 1863, 1864, and 1865, so as to equalize it with gold; also a letter of the committee of the post, inclosing the resolutions and asking that they be presented to Congress.

The PRESIDENT *pro tempore*. The Senator from Iowa asks leave to present certain papers connected with the subject he has stated, which are not technically, as the Chair understands, in the form of a memorial. If there be no objection, the papers will be received, and referred to the Committee on Military Affairs.

Mr. SAWYER presented the petition of Andrew Frederickson and 14 other citizens of Neenah, Wis., praying that an appropriation be made for flowage on the Fox River, in Wisconsin; which was referred to the Committee on Appropriations.

He also presented the petition of J. F. Shafer, James Loughrey, James Tobin, Peter Sheridan, Asa E. Kemp, and John Edwards, residents of Florence, Wis., praying that the titles to lands sold them inside the Ontonagon land grant in Michigan be protected by the passage of Senate bill No. 691; which was referred to the Committee on Public Lands.

He also presented the petition of Edward H. Merrill and 33 others, citizens of Ripon and Fond du Lac, Wis., praying for inquiry into the subject of divorce in the several States, as a basis of future legislation by Congress; which was referred to the Committee on Education and Labor.

Mr. VEST presented the petition of Hall & Beiler and other dealers in manufactures of tobacco, citizens of Missouri, praying for a tobacco-rebate appropriation; which was referred to the Committee on Appropriations.

Mr. PLUMB. I have in my hand resolutions passed at the annual meeting of the Kansas State board of agriculture, requesting that certain action be taken by the members of Congress from the State of Kansas in favor of such legislation as shall circumscribe the limits within which pleuro-pneumonia exists and finally exterminate that disease; also praying for legislation to prevent the spread of Texas fever, and certain other legislation authorizing the Secretary of the Treasury to exclude from the United States products of nations which exclude our products from their ports. These resolutions are intended for the Senate; and I ask permission to present them, and move that they be referred to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to present papers, the contents of which he has described, on the subject of pending legislation. Is there objection? The Chair hears none. The resolutions will be received, and referred to the Committee on Agriculture and Forestry.

Mr. CAMERON, of Wisconsin, presented a resolution adopted at a meeting of the James Comerford Post, No. 68, Grand Army of the Republic, at Chippewa Falls, Wis., in favor of granting additional pensions to soldiers of the late war; which was referred to the Committee on Pensions.

Mr. LOGAN presented the petition of Post No. 88, Department of Iowa, Grand Army of the Republic; the petition of Post No. 393, Department of New York, Grand Army of the Republic; the petition of John A. Rawlins Post, No. 61, Department of Iowa, Grand Army of the Republic; the petition of Post No. 28, Department of Dakota, Grand Army of the Republic, and the petition of Post No. 7, Department of Colorado, Grand Army of the Republic, praying for the opening to settlement of the Sioux reservation; which were referred to the Committee on Indian Affairs.

He also presented two petitions of ex-soldiers of Elkhart, Ind., praying for a donation to the soldiers of the late war in fee-simple by the Government of one hundred and sixty acres of land without restrictions of any kind whatever; which were referred to the Committee on Public Lands.

He also presented a petition of citizens and soldiers of Caldwell, Ohio, praying for the passage of what is known as the equalization-of-bounty bill; which was referred to the Committee on Military Affairs.

He also presented a petition of A. A. Carpenter, Jesse Spalding, J. B. Goodman, H. H. Porter, J. H. Whitbeck, J. G. Van Schaick, and others, residents of Chicago, praying for the passage of the bill (S. 691) to confirm and declare legal the acts of certain officers of the United States; which was referred to the Committee on Public Lands.

He also presented a petition of merchants of Chicago, Ill., praying for the future protection of mails on the postal cars from destruction by fire; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLER, of California. I present a petition of several thousand citizens of San Francisco, including, I believe, every business house in the city, and signed by a great many other people of influence, praying for an appropriation for the construction of a building for the post-office and the United States courts in that city. I move that it be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. MILLER, of California. I also present a paper, which is intended to be a memorial to Congress, but not technically so, from lumber manufacturers on the Pacific coast remonstrating against the abolition of the protective tariff on lumber, which I move be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent to present a paper on the subject of the duties on lumber which is not in the form of a memorial. If there be no objection, it will be received and referred to the Committee on Finance.

Mr. SHERMAN presented a petition of citizens of Cincinnati, Ohio, praying that Congress will take some measures to protect the commercial correspondence of the country while in transit in railway cars from destruction by fire; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL. I present a petition of citizens of Jacksonville, Fla., and of a committee of them, praying for the improvement of the Saint John's River. The petition states that the value of the vessels and cargoes arriving at and departing from the port of Jacksonville in 1882 amounted to $3,827,000; that the steamboat tonnage, inland and local, is $2,042,000. The petition also states an annual loss to commerce by delay and increase of insurance and increased freight charges of nearly $600,000. It also states that the improvement of the Saint John's River under the jetty system is an assured success; and in view of these facts the petitioners ask an appropriation by Congress for the continuance of the work. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PENDLETON. I present a petition of letter-carriers of Akron, Ohio, praying for the passage of a bill to provide for a leave of absence, without loss of pay, for thirty days in each year. The petition is indorsed by the postmaster and assistant postmaster of that city. I move that it be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLUMB. The Committee on Public Lands have had under consideration the petition of J. W. Niles, representing the association of colored people known as the "Indemnity Party," of Arkansas, and other colored citizens, asking for the equal protection of the laws in securing homesteads, &c., and have directed me to report the same back with a recommendation that the committee be discharged and that it be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. GARLAND. Having some knowledge of this matter, I do not know what the Committee on the Judiciary can do any more than the Committee on Public Lands can do with it. The Senator from Ohio [Mr. SHERMAN] presented the petition, and it was upon his motion that it was referred to the Committee on Public Lands; and I call his attention to it now inasmuch as it has been reported back from the Committee on Public Lands.

Mr. SHERMAN. What is the petition?

Mr. GARLAND. It is the petition of J. W. Niles which the Senator from Ohio presented very early in the session. It was referred to the Committee on Public Lands, and they now ask to be discharged from its further consideration and that it be referred to the Committee on the Judiciary.

Mr. SHERMAN. I have no objection at all.

Mr. GARLAND. It is a matter that relates, as I understand, to some complaint in reference to the entry of lands there, and I supposed the Committee on Public Lands was the appropriate committee; but as I have not the matter in charge I make this statement of it.

Mr. PLUMB. The petition relates to certain alleged acts of violence committed upon these people while they were, as they claim, taking steps to enter public land, and does not in any way relate to the acquisition of the title itself.

The PRESIDENT *pro tempore*. The question is, Will the Senate discharge the Committee on Public Lands from the further consideration of the petition? If there be no objection the committee will be discharged. The Senator from Kansas moves that the petition be referred to the Committee on the Judiciary. Is there objection? The Chair hears none, and it is so referred.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 355) to confirm the title to certain lands in Platte County, Missouri, and authorize patents to be issued therefor to Kinsey B. Cecil, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 289) to confirm the homestead entry of Hugh Foster, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 290) to confirm the homestead entry of John Waishkey, jr., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 639) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in the possession of the officers of the Government, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 42) for the relief of Joseph F. Wilson, reported it with an amendment.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 802) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 309) to amend section 673 of the Revised Statutes of the United States relating to the quorum of the Supreme Court of the United States, reported it without amendment.

Mr. GARLAND. The Committee on the Judiciary have also had under consideration the bill (S. 328) to authorize Allexey W. Von Schmidt to bring suit in the Court of Claims, and have instructed me to report it back and ask that the committee be discharged from its further consideration and that it be referred to the Committee on Patents. The bill proposes to permit Mr. Von Schmidt to bring suit against the Government for the use of an invention of his and to recover damages, and we think the proper committee to take charge of the matter is the Committee on Patents.

The report was agreed to.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 22) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 15) to provide for the further protection of citizens of the United States and others against the violation of certain rights secured to them by the Constitution of the United States, reported it with an amendment.

Mr. HOAR. I am also directed by the Committee on the Judiciary, to whom was referred the bill (S. 415) regulating maritime liens and remedies and to secure uniformity in the enforcement of the rights of material-men in courts of admiralty, to report adversely thereon.

The PRESIDENT *pro tempore*. Does the Senator desire the bill to be placed upon the Calendar or indefinitely postponed?

Mr. HOAR. I will call the attention of the Senator from New York [Mr. LAPHAM] to the bill, and ask him if he would like to have it placed on the Calendar.

Mr. LAPHAM. I am receiving daily communications in reference to the bill, and I should like to have it placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (S. 311) to refer the claim of Alice E. De Groot and Theodore R. B. De Groot, administrators of William H. De Groot, deceased, to the United States Court of Claims, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 310) to amend the law relating to the bonds of executors in the District of Columbia, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia; which was agreed to.

Mr. INGALLS. I am also instructed by the Committee on the Judiciary, to whom was referred the bill (S. 432) to disqualify justices of the Supreme Court from sitting in the trial of causes which have been previously heard before them in their circuits or otherwise, to report it back with a recommendation that the committee be discharged and the bill indefinitely postponed, as the matter which it incorporates has been included in another bill reported from that committee.

The report was agreed to; and the bill was postponed indefinitely.

Mr. SLATER, from the Committee on Public Lands, to whom was referred the bill (S. 265) for the relief of Alonzo Gesner, reported it without amendment.

Mr. MORGAN, from the Committee on Public Lands, to whom was referred the bill (S. 503) to increase the endowment of the University of Alabama from the public lands in said State, reported it without amendment and submitted a report thereon.

BILLS INTRODUCED.

Mr. BROWN introduced a bill (S. 1168) to appropriate $100,000 to erect a building for the accommodation of the post-office and internal-revenue department in the city of Columbus, Ga.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PALMER (by request) introduced a bill (S. 1169) for the relief of Mrs. Catherine E. Whitall; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1170) for the relief of Richard Hawley and sons; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1171) for the relief of Robert M. Flack; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM (by request) introduced a bill (S. 1172) for the relief of J. B. Cornell and others; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HARRISON introduced a bill (S. 1173) granting a pension to Catharine Bullard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1174) granting a pension to Clara Wible; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1175) granting a pension to Anna M. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1176) granting a pension to John K. Hummer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1177) granting an increase of pension to Georgetta Harp; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Pensions.

Mr. EDMUNDS (Mr. HARRIS in the chair) introduced a bill (S. 1178) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of said railroads, and to secure to the United States all indebtedness of the companies therein mentioned; which was read twice by its title.

Mr. EDMUNDS. I desire to say in connection with this bill that it has been prepared by the Commissioner of Railroads, and is a very important bill. The object of it is, if possible, to bring to a termination the controversy that appears to be perpetual between the United States and these railroad companies about what they shall pay in respect of their bonds and in respect of the security that we have for them, and provide for closing up the transaction by a new arrangement on a long bond to take the place of their obligation to repay the United States, and provide certain legal securities and other arrangements for carrying out the transaction.

It is quite clear to my mind that it would be well, if it is possible, to make some arrangement by which we shall provide for the United States being certainly reimbursed by these companies for the vast sums of money it has advanced. Whether the time that is provided for and the method is precisely what it ought to be, I am not sure. That deserves consideration. We ought also, I think, in the same connection (although it is not in the bill), to provide some authority in the President of the United States to secure the interests of the United States in case of an attempted foreclosure or sale or other disposition of this property under the mortgages that are prior to our lien.

This being in substance and effect a judicial bill to terminate this controversy that has hitherto been reported upon by the Committee on the Judiciary, I move that the bill be referred to that committee.

The motion was agreed to.

Mr. EDMUNDS. I ask leave to introduce, or I introduce without leave, as my friend from Massachusetts [Mr. HOAR] says I may under the new rules, though I am not quite sure of it, another bill.

The bill (S. 1179) to provide for a special jury in the supreme court of the District of Columbia in certain cases therein was read twice by its title.

The PRESIDING OFFICER (Mr. HARRIS in the chair.) The bill will be referred to the Committee on the Judiciary, if there be no objection.

Mr. EDMUNDS. Although it provides for enlarging the territorial district in the United States court, I thought at first this bill probably had better go to the Committee on the District of Columbia. My friend from Kansas [Mr. INGALLS] thinks it should go to the Committee on the District of Columbia. I have no objection to that reference.

The PRESIDING OFFICER. There being no objection, the bill will be referred to the Committee on the District of Columbia.

Mr. EDMUNDS introduced a bill (S. 1180) granting a pension to Mrs. Mary T. Barnes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR. I should like to call the attention of the Senator from Vermont, as his understanding of the rule is important to the whole Senate, to Rule VII of the new rules, which reads:

> The presiding officer shall then call for, in the following order:
> The presentation of petitions and memorials;
> Reports of standing and select committees;
> The introduction of bills and joint resolutions.

Then the first clause of Rule XIV of the new rules reads:

> 1. Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.

That is the whole existing rule on the subject. It is intended to prevent the necessity of a special asking for unanimous consent whenever a bill is introduced.

Mr. EDMUNDS. I am very glad the Senator from Massachusetts puts that construction upon the rule. I studied it with some care and was not quite able to convince myself what was the intention in that respect, but it being now stated, and nobody having any different view, it will certainly be a convenience, as it still leaves, I believe, the opportunity not to have a bill brought in unless the Senate is willing.

Mr. HOAR. I desire to say that that change of the rule was made on my motion, and that reason was fully stated in the Senate when it was made. It was made for that reason.

Mr. LOGAN introduced a bill (S. 1181) granting a pension to Ann Lally; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1182) for the relief of Capt. William H. Gill, military storekeeper, United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 1183) granting a pension to Hugh O'Neil; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1184) for the relief of William P. Reid; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1185) for the relief of Belva A. Lockwood; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 1186) for the relief of William H. Whiteside; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1187) to extend the benefits of the pension laws to the widows and minor children of soldiers, sailors, and members of the Marine Corps; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 1188) for the protection, promotion, preservation, and extension of the forests of the United States; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 1189) for the relief of the heirs at law of John Graham; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

Mr. BECK. I have been requested to introduce various bills, all for reference to the Committee on Claims. I think most of them were introduced in the last Congress by my colleague [Mr. WILLIAMS], who is now absent.

The bills were severally read twice by their titles, and referred to the Committee on Claims, as follows:

A bill (S. 1190) for the relief of Archibald White;

A bill (S. 1191) for the relief of A. C. P. Shoemaker;

A bill (S. 1192) for the relief of Alfred Ray and John W. Ray, executors of the estate of Enos Ray, deceased;

A bill (S. 1193) for the relief of A. C. Meadows;

A bill (S. 1194) for the relief of J. A. Hodges;

A bill (S. 1195) for the relief of Salmons Wooten & Co.;

A bill (S. 1196) for the relief of John W. Rowlett;

A bill (S. 1197) for the relief of Miles Kelly; and

A bill (S. 1198) for the relief of the owner of the land and his tenants on which the Camp Chase military prison was located.

Mr. ANTHONY introduced a bill (S. 1199) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. JACKSON (by request) introduced a bill (S. 1200) granting a pension to Mrs. E. G. C. Abbott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 1201) for the relief of William Gallick; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1202) to provide for and aid in the construction and to regulate the operation of a ship canal between Lakes Union and Washington and Puget Sound, in Washington Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLAIR introduced a bill (S. 1203) to provide for the preparation of a centennial history of the Government of the United States; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MAXEY introduced a bill (S. 1204) authorizing the construction of a public building for a post-office in the city of Houston, Tex.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. MILLER, of New York, introduced a bill (S. 1205) revising the postal laws; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. GARLAND introduced a bill (S. 1206) for the relief of the estate of William Wright, deceased; which was read twice by title, and referred to the Committee on Claims.

He also introduced a bill (S. 1207) for the relief of the estate of Moses S. McCord; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1208) for the relief of Wilson G. Gray; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 1209) to grant title to certain lands in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. PIKE introduced a bill (S. 1210) in amendment of an act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also (by request) introduced a bill (S. 1211) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. RIDDLEBERGER introduced a bill (S. 1212) to authorize the extension of the Chesapeake and Ohio Railway to a point on the military lands at Fortress Monroe, Va.; which was read twice by its title.

Mr. RIDDLEBERGER. One would suppose from the title that the bill should be referred to the Committee on Railroads, but it involves some land that belongs to Fortress Monroe. I therefore move the reference of the bill to the Committee on Military Affairs.

The motion was agreed to.

Mr. MILLER, of California (by request), introduced a bill (S. 1213) for the relief of Tully, Ochoa & Co., of Arizona; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1214) for the relief of H. S. Stevens, of Arizona, and Charles Dahlman, of California, late assignees of William B. Hooper & Co., of California; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 1215) for the relief of Bowers & Richards, assignees of James M. Barney, all of Arizona; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 1216) for the relief of Robert W. Dunbar; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS (by request) introduced a bill (S. 1217) for the relief of certain officers who have served a specified number of years as captains or as company and regimental staff officers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 1218) granting increase of pension to Samuel Baker, quartermaster of Col. James Fenton's regiment, war of 1812; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 1219) to donate condemned cast-iron cannon to the citizens of Waterville, Me.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1220) for the relief of the heirs of Michael O'Brien; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 1221) for the relief of Leonidas Russell and Martha L. Russell, his wife; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 1222) to place John Jones, late captain of the First Minnesota Battery, on the retired-list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LAPHAM (by request) introduced a joint resolution (S. R. 43) for the erection of a bronze equestrian statue to Simon Bolivar in Washington or New York; which was read twice by its title, and referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MORRILL, it was

Ordered, That all papers on the files of the Senate in regard to reappraisement of the steam-transport-boat Planter, and for a distribution of the proceeds thereof, be referred to the Committee on Finance.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers relating to the two claims of Mrs. Priscilla W. Burwell be withdrawn from the files and referred to the Committee on Claims.

RECIPROCITY TREATY WITH MEXICO.

Mr. VAN WYCK. I ask for the present consideration of the following resolution:

Resolved, That any further consideration of the reciprocity treaty between Mexico and the United States be had in open session of the Senate.

Mr. MILLER, of New York. Let that go over.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Nebraska asks unanimous consent that the resolution be considered. Is there objection?

Mr. ANTHONY. The resolution must be introduced in executive session. It is not in order here.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. CAMERON, of Wisconsin. Yes; I object.

The PRESIDING OFFICER. Objection is made, and the resolution goes over.

Mr. INGALLS. There is objection to its reception.

Mr. VAN WYCK. If the resolution goes over, I shall ask that it be printed.

Mr. COCKRELL. The point is made by the Senator from Rhode Island [Mr. ANTHONY] that it is not in order in open session to receive what belongs exclusively to executive session.

Mr. MILLER, of California. I object to the reception of the resolution.

Mr. EDMUNDS. It is not in order here; it is executive business

Mr. VAN WYCK. I desire to be heard on the question raised by the Senator from California.

The PRESIDING OFFICER. The Chair would hold that the resolution is not in order in legislative session.

Mr. VAN WYCK. Is a suggestion in regard to the resolution in order?

The PRESIDING OFFICER. The Chair thinks that the resolution is not in order, and any discussion of the question here would be equally out of order. The question of order having been raised, and having been disposed of by the Chair, no debate is in order unless there be an appeal from the decision of the Chair.

Mr. VAN WYCK. I take an appeal from the decision of the Chair for that purpose; no other.

Mr. EDMUNDS. Then I move that the doors be closed.

Mr. MORGAN. I second the motion.

Mr. EDMUNDS. I move that the doors be closed and that motion is seconded. It is the duty of the Chair, therefore, to clear the galleries and close the doors without putting any question.

The PRESIDING OFFICER. The Chair will order the Sergeant-at-Arms to clear the galleries and close the doors.

Mr. VAN WYCK. I suggest to the Senator that that would exclude——

Mr. EDMUNDS. No debate until the doors are closed.

The PRESIDING OFFICER. The order is being executed, and no debate is in order until it is executed.

The doors were therefore closed; and at the expiration of 12 minutes were reopened. While they were closed, after debate,

Mr. VAN WYCK withdrew his appeal; so that the decision refusing to receive the resolution was sustained.

DISCRIMINATIONS AGAINST AMERICAN PRODUCTS.

Mr. GIBSON. I offer the following resolution, and ask that it be printed and lie on the table, to be called up hereafter:

Resolved, That the Committee on Foreign Relations be instructed to ascertain and report to the Senate what discriminations, if any, have been made by foreign governments against the people of the United States by allowing drawbacks in favor of their own exportations that come in competition with ours in the open markets of the world, or by subsidies or special bounties in favor of their steamship lines, or that impose export duties upon commodities largely consumed in the United States, or that prohibit or restrain the importations of the productions of the United States by unusual laws and regulations, or by higher rates when on American vessels, or by special reciprocity treaties, or otherwise, and also the force and effect of "the most favored nation" clause as found in commercial or reciprocity treaties, with such recommendations as the Committee on Foreign Relations may deem necessary and proper.

The resolution was ordered to lie on the table and be printed.

FRAUDULENT IMPORTATIONS OF WOOL.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate copies of official reports from Treasury agents and collectors of customs tending to show fraudulent undervaluation or classification of wool imported into the United States, and such further information in the Treasury Department as may enable Congress to provide guards against such frauds.

PRINTING OF TESTIMONY.

Mr. LAPHAM. During the recess of Congress a subcommittee of the Committee on Foreign Relations have been engaged in the taking of testimony on the subject of fish and fisheries, and what legislation, if any, is deemed necessary for their protection. The subcommittee closed the testimony this morning. Considerable of this testimony has been already printed; but the Public Printer informs us that it is necessary to have a formal resolution for the convenience of his accounts. I ask leave, therefore, to introduce the following resolution for present consideration:

Resolved, That the testimony taken by the subcommittee of the Committee on Foreign Relations relative to the protection of fish and fisheries be printed for the use of the Committee on Foreign Relations and the Committee on Fish and Fisheries.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senate to Rule XXIX of the new rules on the subject of printing:

1. Every motion to print documents, reports, and other matter transmitted by either of the Executive Departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the Legislatures or conventions, lawfully called, of the respective States, and motions to print by order of the standing or select committees of the Senate, shall, unless the Senate otherwise order, be referred to the Committee on Printing.

The Senator from New York moves, if the Chair understands him aright, that this resolution be now considered.

Mr. LAPHAM. I supposed it came within the exception of the rule

The PRESIDENT *pro tempore*. It does not come within the excep-

tion, but it falls within the right of the Senator to have the Senate "otherwise order."

Mr. LAPHAM. It is a matter of form really.

The PRESIDENT *pro tempore*. The Chair only called attention to the matter in general.

Mr. LAPHAM. Nearly all the testimony has actually been printed, and this is only a matter of form.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the resolution?

Mr. HAWLEY. I should like to ask a question for information. There is a rule also that the Senate by itself can order not exceeding $500 worth of printing.

Mr. LAPHAM. This will not cost a quarter of that.

Mr. HAWLEY. I do not know how large this body of testimony is.

Mr. LAPHAM. About five hundred pages.

The PRESIDENT *pro tempore*. The restriction mentioned by the Senator from Connecticut relates to motions to print additional documents, which is not this case.

Mr. HAWLEY. I have no objection.

The resolution was considered by unanimous consent, and agreed to.

TRADING POSTS IN CONGO VALLEY.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the subject of the settlements and trading posts now being made and established in the valley of the Congo River in Africa, and report as to any action that may be properly taken by Congress or the Executive in the furtherance of our commerce in that quarter, and that said committee report by bill or otherwise.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 19th instant, approved and signed the act (S. 1038) making an appropriation for continuing the improvement of the Mississippi River.

LEWIS D. ALLEN.

Mr. COCKRELL. Some days ago, on the 16th of January, 1884, the Senator from Massachusetts [Mr. HOAR] made an adverse report on the bill (S. 307) for the relief of Lewis D. Allen, and I asked that it might be placed on the Calendar till I could examine it. I had some recollection, and have refreshed that recollection by hunting up the history of the case, and I find that I once reported the case adversely myself, and I think the report of the Senator from Massachusetts is entirely right. I ask now that the bill be indefinitely postponed, as was recommended by him.

Mr. HOAR. The gentleman interested in that bill called upon me this morning and thought that the report of the committee had omitted some important matter in his favor, and I told him that if he would make a communication in the proper way of his matter I would consider it and bring it to the attention of the committee if it seemed to deserve it. I think, therefore, under the circumstances it had better stand on the Calendar until we have that opportunity.

Mr. COCKRELL. As the bill was put on the Calendar at my instance, I felt it my duty to call it up and have it disposed of. I do not care what disposition is made of the case. It is not on the Calendar now by my request.

The PRESIDENT *pro tempore*. Objection being made, the bill remains on the Calendar.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the Chair, pursuant to the new rules——

Mr. COCKRELL. Under the rules we go to the Calendar, do we not?

The PRESIDENT *pro tempore*. Yes, sir. The Chair, pursuant to the new rules, lays before the Senate the Calendar of General Orders. The Calendar of Resolutions, as the Chair construes the rules, is disposed of. All resolutions, after having lain over one day under objection, being again presented to the Senate and not disposed of, go on the Calendar with other business. The first bill on the Calendar will be stated.

The CHIEF CLERK. A bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories.

Mr. COCKRELL. The bills before that bill, as I understand them, never have been referred.

The PRESIDENT *pro tempore*. The Chair must lay before the Senate the bills in their order on the Calendar. The only doubt the Chair had was that some of these bills had got on the Calendar that were really laid on the table, and in that case they would not properly be on the Calendar; but for safety the Chair will commence at the beginning and lay before the Senate the first bill on the Calendar, order of business No. 3, being the bill (S. 228) to appropriate and expend $50,000,000 derived from the internal-revenue taxes and sale of public lands for the education of all the children living in the United States.

Mr. MILLER, of California. That bill has not been reported from a committee.

The PRESIDENT *pro tempore*. If there be no objection, this bill is now before the Senate as in Committee of the Whole.

Mr. COCKRELL. That bill has never been referred to any committee. The Senator from Illinois [Mr. LOGAN], who introduced it, is not present. I move that it be passed by. As a matter of course, we shall not let it be acted upon when it has not been even referred or read.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the bill be passed over.

The motion was agreed to.

Mr. PLUMB. I should like to ask once for all whether the bill now retains its place on the Calendar.

The PRESIDENT *pro tempore*. It retains its place, but it will not be again taken up until the Calendar is all gone through with. The next bill on the Calendar will be stated.

The CHIEF CLERK. A bill (S. 404) to reorganize the legislative power of the Territory of Utah.

Mr. HOAR. I thought a single objection took a bill out of its place for that day only; that it required a motion to place it at the foot of the Calendar, to have a bill so situated that it does not come up until the whole Calendar has been gone through with.

The PRESIDENT *pro tempore*. The Chair is inclined to think that under Rule VIII, under which we proceed until 1 o'clock, we take up bills and resolutions on the Calendar under the five-minute or so-called Anthony rule, this being the substance of the rule offered by the Senator from Rhode Island [Mr. ANTHONY] on former occasions, and proceed with them, and we either pass them by or dispose of them. If they are passed by, the Chair does not understand the present rule to require the Chair to lay them again before the Senate on the next day or until the Calendar is entirely gone through with; but between the hours of 1 and 2 o'clock the Chair thinks it will be in order to move to take up such a bill.

Mr. HOAR. But, if the Chair please, at 2 o'clock is it not then the duty of the Chair, if there be no special order at that time, to lay what remains on the Calendar before the Senate, and does not that require the giving those cases which have not been by special order of the Senate placed at the foot their old place on the Calendar?

The PRESIDENT *pro tempore*. The Chair does not so understand it, the direction being to begin with the first subject on the Calendar next after the last subject disposed of in the previous proceeding, so that if a bill is passed over it is disposed of, as the Chair thinks, for the time being. The next bill on the Calendar has been reported, a bill to reorganize the legislative power of the Territory of Utah.

Mr. LAPHAM. May not a bill now, as formerly, be passed over, reserving its place on the Calendar?

The PRESIDENT *pro tempore*. It may be passed over by unanimous consent, reserving its place on the Calendar, to be taken up at any time.

Mr. HARRISON. I ask with reference to the bill just called that it may be passed over without prejudice.

The PRESIDENT *pro tempore*. Does the Senator by that mean to be again laid before the Senate to-morrow morning?

Mr. HARRISON. Yes, sir; to be again laid before the Senate.

Mr. COCKRELL. I object to that, and will state my reason. This bill has never been referred to any committee, and is not before the Senate. The Senator from Illinois [Mr. CULLOM] has made his speech upon it, though, and he can call it up at any moment. I object to its having to be called every time we go to the Calendar; therefore I move that it be passed over the same as the bill before it. If it had been reported from a committee, I would not object to proceeding with it.

Mr. HARRISON. I will say to the Senator from Missouri that there is nothing to be done in this case at all except to agree upon a reference. Neither the Senator from Illinois, who introduced the bill, nor myself, the chairman of the Committee on Territories, desires to debate the reference now, and it may be agreed upon. Then why not consent that the bill may stay just where it is?

Mr. COCKRELL. It does stay so that it can be called up any morning, except that when we go to the Calendar it will not be called again and the same thing gone over every day.

Mr. HARRISON. Our rules were devised, I think, to avoid just what we are getting into, and I withdraw the motion.

The PRESIDENT *pro tempore*. Debate only goes on by unanimous consent. Until 2 o'clock an objection carries a bill over unless a motion be made to continue its consideration. The Senator from Missouri objects in this case.

Mr. HOAR. I ask leave to say that the suggestion made by the Chair just now in regard to the place this bill will take upon the Calendar after 2 o'clock, being as I understand it not a ruling of the Chair but merely an impression, I should like to call the attention of the Chair to that subject again when it becomes a practical question, without acquiescing in that impression.

The PRESIDENT *pro tempore*. The Chair regards it as desirable that all points of discussion under the new rules should be settled to the satisfaction of everybody, if possible. The next bill on the Calendar, No. 5 in the order of business, will be stated.

The CHIEF CLERK. A bill (S. 405) to repeal the internal-revenue laws now of force, and abolish the Internal Revenue Bureau.

Mr. BUTLER. I ask that that lie on the table for the present, to be called up by me.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that this bill be laid on the table.

The motion was agreed to.

The PRESIDENT *pro tempore*. The next bill will be reported, being Order of Business No. 6.

The CHIEF CLERK. A bill (S. 406) to reduce revenue, promote domestic industry, and increase foreign commerce.

Mr. BLAIR. I move that that bill and the next order of business on the Calendar, being the joint resolution (S. R. 16) proposing an amendment to the Constitution in relation to alcoholic liquors and other poisonous beverages, be passed over.

The PRESIDENT *pro tempore*. The Senator from New Hampshire objects to the present consideration of the bill and joint resolution indicated, and they are accordingly passed over.

The PRESIDENT *pro tempore*. Order of Business No. 8 will now be reported.

The CHIEF CLERK. A bill (S. 572) authorizing the construction of a building for the accommodation of the Congressional Library.

Mr. HARRISON. I object to the present consideration of that.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over.

Mr. SHERMAN. This mode of treating bills that have been read a second time and have not been referred it seems to me is not fair and just. Whatever may be the technical and literal construction of the rule, it was never designed, I am free to say, to place bills in this particular category in the position of bills duly reported for consideration, because it is known that these bills are merely left on the Calendar for the convenience of Senators to speak upon probably at some convenient time, and then to be referred to an appropriate committee. I do not think the Senate should pass on any of the bills on this list until we come to No. 9 in the order of business, reported by the Senator from Delaware [Mr. BAYARD]. They are not there for the purpose of consideration, but merely for debate on reference. I hope, therefore, that by unanimous consent until we get these new rules in running order bills standing in this position may hold their place without objection until a motion is made to refer them. They should not be considered as bills on the Calendar for consideration. What I suggest may be done by unanimous consent. It may be necessary in order to make the meaning clear hereafter to modify and change the rule, which I suppose can be done by unanimous consent.

The PRESIDENT *pro tempore*. The Chair would state that he thinks these bills do hold their place; they stay in their present order on the Calendar, but the course of proceeding carries the Senate beyond them, so that in regular order they would not be again reached until the whole Calendar had been gone through with and we should again begin at the beginning. But the Chair thinks under the rules, between the hours of 1 and 2 o'clock each day it is in order to move to proceed to the consideration of any of these bills, under which motion they can be taken up and referred.

Mr. SHERMAN. That is all I desire.

The PRESIDENT *pro tempore*. Then after 2 o'clock it is in order, without any debate, to move to proceed to the consideration of any bill on the Calendar.

Mr. SHERMAN. That is all I desire. It would not be right now, in the absence of the Senator from Indiana [Mr. VOORHEES], to put his bill in such a position that he could not during the morning hour move to proceed to consider it and make his speech upon it, and then have it referred.

Mr. COCKRELL. Certainly not, and that is not desired at all.

Mr. SHERMAN. With that understanding I have no objection.

Mr. PLUMB. I should like to suggest whether or not a motion that these bills lie on the table would not put them all in the same category, take them off the Calendar, and put them within the reach of the parties who have introduced them, to do just exactly what the Senator from Ohio suggested, to wit, call them up at any time for the purpose of reference or for the purpose of speaking upon them, instead of having them repeated on our Calendar every day and submitted to us as part of the current pending business? To do that, when it is known that they will not be called for consideration in the ordinary category of bills on the Calendar, seems to me to be something of an incongruity.

The PRESIDENT *pro tempore*. The Chair is not able at this moment to express any opinion as to when a motion would be in order to take up a bill from the table unless it should be under the call of resolutions; but there may be some provision in the rules which provides a time when a motion of that kind may be made. The rule now under the eye of the Chair with respect to the order of business says that—

At the conclusion of the morning business—

Which is before described, being petitions, and reports, and bills, and concurrent and other resolutions—

the Senate will proceed to the consideration of the Calendar of bills and resolutions.

And that shall go on, without any motion to do anything else, until 1 o'clock. After 1 o'clock a motion to proceed to the consideration of any bill, resolution, report of committee, or other subject upon the Calendar shall not be entertained by the presiding officer unless by unanimous consent. That seems to describe bills and resolutions that are on the Calendar; but the Chair has never understood that a bill which had by vote of the Senate been laid upon the table was on its Calendar of general or of special orders.

Mr. HOAR. It seems to me, as was suggested just now, that this matter is not technically in order at this time, but as several Senators have said something about it and the Chair has, I perhaps may be indulged in stating my view of it.

The PRESIDENT *pro tempore*. The Chair has no doubt that no gentleman will object to the discussion of the question now.

Mr. HOAR. It seems to me that the mechanism of this rule is provided to carry out the intention and provide for the convenience of the Senate, as on examining it Senators I think will all see.

In the first place there is a provision for dealing with unobjected cases upon the Calendar. That is in Rule VIII. That is the old Anthony rule. We intended to incorporate the Anthony rule into the rules of the Senate, and that provides that until 2 o'clock, unless the Calendar of unobjected cases be sooner finished, the Calendar shall be called and cases not objected to shall be considered. There is no provision in that rule whatever for changing the place upon the Calendar of anything at all. It simply provides that if nobody objects these cases, one after another, shall be taken up. If objection be made, then you proceed with the next case, not because the old one has lost its place on the Calendar, but because it has ceased to be a case not objected to, and that is all.

Then not later than 2 o'clock, or when you get through the unobjected cases, the Calendar of general orders is taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar, not the last subject disposed of in proceeding with unobjected cases, and it never was intended that this single objection (which simply took the case from the consideration of the Senate during this little time before 2 o'clock) should be considered as a disposition of the case within the meaning of our rules. That means where the case has been laid on the table, or where it has been recommitted to a committee, or where it has been finally disposed of by an adverse vote. Then you take up the Calendar in its old order beginning at the head, and then the motions are in order as questions of privilege, which are provided for, to wit: first, a motion to proceed to the consideration of a revenue bill; second, a motion to proceed to the consideration of any other bill on the Calendar, and so on. That is a provision for dealing with questions under the general rules of the Senate. There is no five-minute rule about it; there is no limitation as to the right of debate about it, as to the number of times a Senator may speak, except the general rule of not speaking more than once on any one day until other Senators have got through.

That view, I respectfully suggest to the Chair—although the question will not arise until the Calendar comes up by and by—is what the Senate all meant when they adopted these rules, and is the only view which carries out the purpose of the Senate, and the only view which can possibly be taken; or otherwise we shall be compelled instantly to repeal or modify this rule if the other rule comes in play, that in the first hour, before 1 o'clock, it shall be in order for any single Senator objecting to declare that any measure to which he objects shall be put at the foot of the Calendar and not in order until every other bill on the Calendar, although it may be at the head now, shall have been reached by a separate motion which disposes of it in some of these ways. I think the Chair will see that I have given the only practical exposition of the rule.

Mr. CAMERON, of Wisconsin. Mr. President, when the bills now on the Calendar that appear to have been read twice and not referred were introduced, the several Senators who introduced them requested that they do lie on the table. I think by reference to the Journal that will be found to be the fact. I observed next morning after a number of these bills were introduced that they appeared on the Calendar. I was of the opinion that they ought not to appear on the Calendar at all. I called the attention of the proper clerk, as the gentleman now at the desk will remember, to the fact that they were on the Calendar, and stated to him that in my opinion they ought not to be there. He, however, informed me that the Calendar had always been made up in that way. These bills are now, as I understand it, all on the table, and I submit that they ought not to be upon the Calendar, and that the Clerk ought to be instructed not to place them upon the Calendar. If they were not on the Calendar we should have none of this difficulty.

The PRESIDENT *pro tempore*. The Chair has expressed to the Clerk, and the Calendar to-morrow will be made up accordingly, an opinion concurring with that of the Senator from Wisconsin. A bill laid on the table is not properly on the Calendar of general or special orders; but the Chair is not now advised whether all these bills fall under that category or not. The Journal will be examined, in order that to-morrow's Calendar may show only those bills which have not been laid on the table.

Mr. COCKRELL. I agree with the Senator from Massachusetts [Mr. HOAR] as to the interpretation of this rule, and after the inter-

pretation we shall not have two Calendars, but we shall have one Calendar with two places for beginning the calling of cases. One will be immediately after the conclusion of the morning hour, when unobjected cases will be called, and that call will be proceeded with until 2 o'clock. That will always be in advance of the other call, which begins at 2 o'clock. Now you take this morning for example: we commence with the first case and we go on, and before 2 o'clock we have reached the fiftieth case, say, on the Calendar. Then at 2 o'clock we go back to the beginning of the Calendar and take up the cases and dispose of them in their order, let it consume a longer or a shorter time. They are to be disposed of so that every case shall have an opportunity of being considered without objection, and then the regular call will be proceeding all the time.

Mr. CAMERON, of Wisconsin. Where is the authority under the rules to place these cases on the Calendar at all?

Mr. COCKRELL. I am not talking about these cases; they do not belong to the Calendar. I am talking about the reported cases. The cases to which the Senator refers do not belong upon the Calendar; he is right; but I am speaking of the construction of the rule as to how we shall proceed with business. I think there is no question but that before 2 o'clock we proceed to consider unobjected cases and go just as far as we can, and then after 2 o'clock we begin at the beginning of the Calendar and go on considering everything in its order and disposing of it.

Mr. CAMERON, of Wisconsin. I think that is right.

Mr. COCKRELL. We shall then have two places to begin the call of the Calendar, one as soon as the morning business is through and the other when 2 o'clock arrives.

Mr. CONGER. That would be the construction of the rule adopted here if we followed the practice of the other House, that in the new print of the Calendar from day to day it should be stated where under Rule VIII the call closed the previous day, so that every gentleman would know where the new call would commence for unobjected cases. That has been the practice there.

Mr. COCKRELL. Certainly, there will be one morning call of unobjected cases.

Mr. CONGER. Each Calendar printed by the other House shows where the call for unobjected cases closed and where it will begin, running through the whole Calendar, and being changed from time to time as the cases are changed under the call. That order can be given to the Secretary and that will dispose of all cases under the eighth rule, and the same might apply to all cases under the ninth rule, with a reference to the rules in each case.

PRIVATE LAND CLAIMS.

The PRESIDENT *pro tempore*. The next case on the Calendar will be reported, being No. 9 in the order of business.

The CHIEF CLERK. A bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories.

Mr. PLUMB. I wish to suggest that that bill is of great importance and probably can not be considered under the five-minute rule. I do not want to delay its consideration.

Mr. BAYARD. I will state to the Senator that the bill is in order now until 2 o'clock, and when 2 o'clock arrives this bill will be in order as the first bill on the Calender and not liable to be displaced except by a majority vote of the Senate. Therefore it will save time I think if the Senator will allow it to be read now and go on.

Mr. PLUMB. Very well.

The PRESIDENT *pro tempore*. The bill is in the Senate as in Committee of the Whole and will be read at length.

The Chief Clerk proceeded to read the bill, and having proceeded for some time,

Mr. CONGER. Is this proceeding under the eighth rule?

The PRESIDING OFFICER (Mr. HOAR in the chair). This is proceeding under the eighth rule.

Mr. CONGER. Then I object to its further consideration.

Mr. BAYARD. Will the Senator allow me to suggest to him that this bill will come up as in order at 2 o'clock. It will then be in order unless the Senate by a majority vote shall decide to order otherwise. Therefore it is really an economy of public time to allow the bill to be read now up to the time when it will under the general rules of the Senate be in order.

Mr. CONGER. I hope it may go over to-day. I have not had my attention called to the bill until its reading, and there are some provisions lacking in this bill and some contained in it which I think have not had full consideration, and I hope it will not be considered to-day. For that reason I object to it now so that it may go over.

Mr. BAYARD. Will the Senator allow me to say this to him: We all desire that each member of the Senate should properly understand the bill before it is voted upon; but the bill will be in order at 2 o'clock and it will be 2 o'clock two minutes hence. This is no new bill. It has already received the approval of the Senate in 1879 and again in 1881 after a very full and exhaustive debate and explanation. As the bill will be up in order at 2 o'clock, I trust the Senator will not raise the objection which will allow only two minutes to take up another bill and then lay it aside and take up this bill again.

Mr. CONGER. There are other bills before this on the Calendar.

Mr. CAMERON, of Wisconsin. No, this is the first bill.

Mr. BAYARD. There are no other bills before this. If he will examine the Calendar the Senator will find that it is the first bill in order.

The PRESIDING OFFICER. The Senator from Michigan objects and the bill goes over under the rule. The next bill on the Calendar will be read.

Mr. BAYARD. I wish to ask a question for information. It now lacks one minute of 2 o'clock. Being of a practical turn of mind I do not care to waste the time of the Senate even for a moment, but is it not in order to move notwithstanding the objection that this bill be considered?

The PRESIDING OFFICER. It is in order.

Mr. BAYARD. Then, sir, I make that motion, and I wish to say as my basis for it——

The PRESIDING OFFICER. The Senator from Delaware moves that the Senate proceed to the consideration of Senate bill No. 19, Order of Business No. 9.

Mr. BAYARD. Now, Mr. President, I will remark that under the rules of the Senate this bill is properly before this Senate as the regular order at this time.

The PRESIDING OFFICER. It is very clear, the Chair will observe to the Senator from Delaware, under either construction of the rule which has been suggested that this bill is not quite yet in order. If the construction of the rule intimated by the Senator from Vermont the President *pro tempore* of the Senate be the correct one, this bill has gone to the foot of the Calendar, and it is not in order under the ninth rule until all other cases on the Calendar have been disposed of. If, on the other hand, the construction of the rule suggested by the present occupant of the chair be the proper one, it will be necessary to dispose technically of the three or four matters preceding this on the Calendar.

Mr. BAYARD. But I would respectfully submit to the Chair that, according to the rule, in this one hour after the expiration of the regular morning business there is no regular order but this bill, and I ask that we proceed to the consideration of the regular order.

The PRESIDING OFFICER. The Chair will submit to the Senate this question under Rule IX: Is it requisite at 2 o'clock to proceed with the Calendar in its order without regard to objections which have been made when the Calendar was in order under the eighth rule?

Mr. HARRISON. Mr. President, if I understand the situation of this matter it is this: While the Senate was operating under the eighth rule this bill to provide for ascertaining and settling private land claims was reached in its order upon the Calendar. The Senator from Michigan [Mr. CONGER] interposed an objection. When that objection was interposed the Senator from Delaware [Mr. BAYARD] moved to proceed with the consideration of the bill notwithstanding the objection, and that is the shape in which the business was when the hour of 2 o'clock arrived. That being so, can it be possible that the objection to the bill made by the Senator from Michigan, which was staid in its effect by the motion of the Senator from Delaware to proceed notwithstanding the objection, shall now be given full effect because we have reached 2 o'clock? It seems to me, Mr. President, that the effect of the objection was destroyed by the motion to proceed notwithstanding.

The PRESIDING OFFICER. If the Senator from Indiana will pardon the Chair, that suggestion of his is a mere suggestion as to the form of putting the question, and not a matter of substance, because under the ninth rule the Chair is of opinion that when the hour of 2 o'clock arrives all the business provided for by the eighth rule terminates and the Calendar comes up under the ninth rule. If there then be a pending motion to take up a particular matter on the Calendar, that motion falls back under the execution of the eighth rule; but under the ninth rule, in the second clause, among the privileged motions is:

> Second. A motion to proceed to the consideration of any other bill on the Calendar.

So that the Senator from Delaware is instantly entitled to renew his motion, and it is a mere question of putting the same motion over twice.

Mr. HAWLEY. But I think it does make a difference whether the Chair takes that course or not. It happened as a matter of pure accident that Rule VIII and Rule IX strike the same bill. Whatever was pending before 2 o'clock under Rule VIII is dead. It is a pure accident that under Rule IX we happen to hit the same bill, which is entitled to the full privileges of any bill on the Calendar. It is not subject to the limitations of the Anthony rule. I hold that the bill under consideration is before the Senate under the rules of the Senate.

The PRESIDING OFFICER. That is the question which the Chair submits to the Senate. The question which the Senator from Indiana raises is that the motion made by the Senator from Delaware before 2 o'clock is now to be disposed of notwithstanding the arrival of 2 o'clock, and the Chair simply reminds that Senator that as whatever bill comes up on the Calendar a motion to proceed to the consideration of any other bill is in order after 2 o'clock, it is a simple question of the renewal of the motion.

Mr. HARRISON. It may be that there is not in this instance any

great practical difference as to how this matter is approached; but my point is this: This bill never was passed over by reason of an objection; the effect of an objection under Rule VIII never operated upon this bill, because when that objection was made there was a motion made, notwithstanding the objection, to proceed to the consideration of the bill. Now, how would this stand if the bill did not occupy this position? Would the Chair, in proceeding under Rule VIII, to-morrow call this bill again?

The PRESIDING OFFICER. The Chair will inform the Senator from Indiana that as the Chair understands it the six preceding bills upon the Calendar have all been disposed of by an objection. If that objection does not place them at the foot of the Calendar, which was the question the Chair proposed to submit to the Senate, then they must be disposed of under the ninth rule, either by some action of the Senate in various ways or by a motion to proceed with this bill No. 9 in the order of business.

Mr. HARRISON. I thought we had agreed that the preceding eight numbers which we find upon the Calendar were really not properly there at all, but were bills upon the table, which should not have gone upon the Calendar.

The PRESIDING OFFICER. The Senator then in the chair simply said that such of them as were upon the table were wrongly placed upon the Calendar, and that he would give directions to have the Journal examined for that purpose.

Mr. HARRISON. I did not have reference to all of these preceding eight numbers, and it may be that the Chair is right in saying that in proceeding now under Rule IX those preceding numbers, if they are properly on the Calendar, should be called before No. 9. As to that I think no one will interpose any objection. The objection was to giving the effect to Rule VIII of putting Order of Business No. 9 at the foot of the Calendar.

The PRESIDING OFFICER. The Secretary informs the Chair that he has examined the Journal, and that none of these bills are on the table. Therefore it is the opinion of the Chair, 2 o'clock having arrived, that the Calendar should be called in its order, under the ninth rule, beginning with Order of Business No. 3.

Mr. HARRISON. May I ask whether it would be in order by unanimous consent to pass over the first eight numbers upon the Calendar?

The PRESIDING OFFICER. It would be in order, undoubtedly.

Mr. HARRISON. I ask, then, unanimous consent of the Senate that we may unravel this knot by passing over these measures which have been placed in this shape for the convenience of Senators, and upon which nobody wants any action now.

The PRESIDING OFFICER. Is there objection to passing over the first eight numbers without prejudice to whatever rights they have on the Calendar?

Mr. CONGER. I have no objection myself to that proposition, but I have already stated my objection to taking up this bill to-day, and I make my objection for the purpose of carrying it over to-day. Now it stands in this way: Under the eighth rule this bill was under consideration, with an objection, and with a motion pending to proceed notwithstanding the objection. The hour of 2 arrived, and that leaves that bill with its objection and with its motion still pending, as I understand, because the next rule says that proceedings under the ninth rule shall commence not later than 2 o'clock. They must commence at 2. That stops all proceedings under the eighth rule. Then this bill under Rule VIII is not before the Senate, for it, with the motion appropriate to it, has gone over until the time is reached for that rule to operate again. The first thing under that rule, if we reach it to-morrow will be to take up this same bill with its pending motion to proceed to its consideration.

Mr. HARRISON. Do I understand the Senator to say that an objection under the eighth rule affects the status of the bill at all under Rule IX? It can not have any possible effect upon it.

Mr. CONGER. The gentleman may understand me to say that there is, under Rule VIII, a pending proposition to proceed to the consideration of that bill, which goes over, and when we proceed again under Rule VIII the question pending will be the motion of the Senator from Delaware to proceed to the consideration of the bill.

Mr. HARRISON. That may be true; but before we reach this number again under Rule VIII we have reached it under Rule IX, and that disposes of it.

Mr. CONGER. Ah, the gentleman, in order to be in the position he speaks of, has asked unanimous consent to take this up, which has not been granted.

The PRESIDING OFFICER. Is there objection to passing over the first eight numbers on the Calendar without prejudice to their rights on a future day? The Chair hears none, and it is so agreed. The Senator from Delaware now moves to proceed to the consideration of Order of Business No. 9.

Mr. BAYARD. That being the first bill on the Calendar.

Mr. EDMUNDS. That is in order under the present status.

Mr. CONGER. I rise to a point of order. Under the rule the motion is not in order, I submit. This is the first case by unanimous consent given, and it needs no motion. There is objection to proceeding with the bill.

The PRESIDING OFFICER. That depends on the question whether the proceedings which took place carried this bill to the foot of the Calendar. The Chair thinks they did not. The Chair is of opinion that this bill stands now entitled to the right of way as of right under the rule; but the Chair, in deference to the suggestion made by the honorable Senator from Vermont, the President *pro tempore*, received the motion.

Mr. CONGER. But under the new rule, if I may make the suggestion, no bill can go to the foot of the Calendar except under Rule IX and on motion. Although I am opposed to taking up this bill, I have no hesitation in saying that in my judgment, the previous bills having been set aside by unanimous consent as not being properly on the Calendar, this now comes in as the first business on the Calendar.

The PRESIDING OFFICER. The Chair will so direct.

Mr. CONGER. And it does not need any motion to take it up.

The PRESIDING OFFICER. The Chair will direct the Secretary to proceed with the reading of the bill in accordance with his own opinion unless some Senator raises the point, in which case the Chair will submit it to the Senate.

Mr. CONGER. That being so decided, and properly, I now move to pass over the bill for the present, and for the reasons which I have stated. There are many provisions which ought to be in the bill that are lacking, and there are some in it which are objectionable. The bill requires some consideration, and I have had no opportunity whatever to even examine it until I sent for it just now. I ask simply that it may be passed over without prejudice until another day.

Mr. BAYARD. Mr. President, may I ask whether Senate bill No. 19 is now before the Senate?

The PRESIDING OFFICER. Senate bill No. 19 is now before the Senate as in Committee of the Whole, and the reading of the bill has not yet been completed. While the bill is in the process of being read the Senator from Michigan proposes a motion to postpone. The Chair would consider that the Senate before voting on it has a right to have the reading of the bill completed for information.

Mr. COCKRELL. Let it be completed, then.

The PRESIDING OFFICER. The Secretary will finish the reading of the bill, and then the motion of the Senator from Michigan will be in order.

Mr. CONGER. We are starting under these rules, and I do not wish to cavil about them. In my judgment—and I ask the opinion of the Chair—if the reading of a bill, when a motion is made to pass it over, can be demanded under the rules, it may occupy the entire morning. I suppose the object of allowing, by the third clause of the ninth rule, a "motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar," was that the Senate might, by passing over a bill without being delayed by its reading or anything else, pass it over without prejudice and proceed to other business on the Calendar.

Mr. MILLER, of California. It is a privileged motion, too, under the ninth rule and in order at any time.

Mr. CONGER. It is a privileged motion.

Mr. MILLER, of California. I will read the rule:

> And in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn.

And it goes on to name three or four motions that may be made at any time under the rule.

The PRESIDING OFFICER. The Chair so holds. The Senator from Michigan moves to pass over the pending bill. Is the Senate ready for the question?

Mr. BAYARD. Is that in order pending the reading of the bill?

The PRESIDING OFFICER. The Chair will so hold under the phraseology of the rule.

Mr. BAYARD. I should like to say to the Senate that the question of its proceeding to consider any measure is entirely under its control; but at some time or other the bill on the Calendar must be read, and I submit to Senators that they allow the reading of the bill to be completed, and if they desire to postpone the bill let that motion be made; and when that motion is made then the Senate will decide it. Perhaps there may be something to be said upon it. Surely it is but proper to allow the reading of the bill to be completed; there will be no loss of economy of the Senate's time in permitting that to be done.

The PRESIDING OFFICER. The debate proceeds only by unanimous consent.

Mr. BAYARD. I ask the Senator from Michigan to withdraw his motion until the reading of the bill is completed.

Mr. CONGER. I must say for myself that to understand a bill of this character and have time to know what I would object to and what I would approve of, I must, and every Senator must himself, leisurely and with time examine it. It will be no advantage to me to have this bill read at the desk, only as it gives me time to look it over myself.

Mr. BAYARD. But the Senator is aware that the bill must be read at one time or another before even any motion is made connected with it or any amendment can be acted on. If the Senator will withdraw his objection to the reading of the bill, then after that he can make any motion he sees fit.

Mr. CONGER. I desire when we take up this bill for action that

it shall be read and be fresh in the minds of all, and I desire that we may proceed with it under the rule. If the Senate see fit to take up such a bill as this and act upon it without having had any opportunity to examine it, they will so order; but under the rule, as a privileged motion, I have the right to make one of either of the three or four motions specified in Rule IX. This is the third clause. There are two others that might be made. It is a privileged motion, and it takes away, as I understand, the reading of the bill and all other business, and must be decided without debate. My own remarks, as well as those of the Senator, are beyond the rule undoubtedly, and I should not have made any remark except that this is the first case under the new rules where this question has come up.

The PRESIDING OFFICER. The question is, Will the Senate pass over the pending bill? [Putting the question.] The Chair is in doubt.

Mr. BAYARD. I merely wish to submit——

The PRESIDING OFFICER. The Chair will remind the Senator that debate proceeds by unanimous consent only; the rule requires the question to be put without debate. If there be no objection the Senator from Delaware will proceed.

Mr. BAYARD. This bill has passed the Senate twice almost in the identical words in which it is now brought forward a third time. It has been fully debated on each occasion, in 1879 when it was brought here under the charge of the honorable Senator from Vermont [Mr. EDMUNDS], and in 1881 when under the charge of the late Senator from Ohio, Judge Thurman. It is brought here again under the unanimous report of the Committee on Private Land Claims. It relates to a general law, and is intended to supersede the necessity of a large body of separate acts upon individual cases. If it please the Senate with a knowledge of these facts to postpone a measure of this kind that is essential for the settlement of private rights in a manner approved by the continued and reiterated voice of the Senate after full understanding, of course it is in their power to do it.

Mr. CONGER. May I say one word in reply to the Senator, although contrary to the rules?

I do not like myself, and I think there are other new Senators here who do not like, to have it said that before we came into the Senate at all the Senate acted upon this and we are all agreed about it. Since the first discussion one-third of the Senators in number, and perhaps a large proportion of them in fact, have changed; since the second discussion another third have changed, bringing new Senators into this body, either the same men or others who have never been here before. I submit that it is not exactly courteous to say to new members that the Senate has decided this and they have nothing to do but follow the lead. I can not do that for myself, with all respect for these ancient Senators. It may not be a part of my duty that I should.

Mr. MILLER, of California. I ask unanimous consent to say one word in respect to this matter.

The PRESIDING OFFICER. The Senator will proceed, there being no objection.

Mr. MILLER, of California. This is an important measure and affects land claims to a very large extent in some of the Territories of the United States. Since the bill passed the Senate at the last Congress a very great opposition to it has been developed on the part of many people who are interested in land claims that are affected by it. I do not think it is well to undertake to force a bill of this importance upon the Senate at this time when Senators have not had an opportunity to investigate the matter. I was not aware of the great opposition to it until yesterday. I have not had time to examine it, and I should like to have time to look into it, because it is a matter of very great importance to many people in the Territories on the Pacific. I feel it my duty to make a thorough investigation of it, which I can not do if the bill is proceeded with now. I would appeal to the Senator from Delaware not to press this bill at this time, but let it go over without prejudice, and we can take it up some other day and dispose of it.

The PRESIDING OFFICER. Will the Senate pass over the pending bill?

Mr. BAYARD. Mr. President, may I say one word? The Senator from California and the Senator from Michigan must understand that nothing is more agreeable to me than to consider the convenience and personal courtesy due to my associates here; but this is a matter of public business; it is a bill which has been pressed on this committee for many years; as I said before it has met the approval of the Senate, and I am the mere organ of the committee to bring it before the Senate and ask for its earliest consideration. Having that fact before it and the Senate hearing the statements of the two Senators on the other side of the Chamber it can vote on the subject, but I do not feel at liberty to treat the matter as a personal one under my control to be brought up and postponed at will, and therefore the Senate at its own discretion will deal with the question.

The PRESIDING OFFICER. The question is, Will the Senate pass over the pending bill?

The question being put, there were on a division—ayes 15, noes 13; no quorum voting.

Mr. BAYARD. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. GARLAND. Before the vote is taken I wish to make a statement in reference to this matter.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent to be permitted to make a statement. Is there objection? The Chair hears none.

Mr. GARLAND. If I recollect aright, this bill has passed the Senate twice in the last four years.

Mr. BAYARD. I have stated that fact.

Mr. GARLAND. I was out when it was stated. I wish to say to the Senators from Michigan and California that this is an important bill, and we can take it up now as the first one on the Calendar and progress with it until we get to some point of difficulty, when the matter may go over. The danger is that if the bill is passed over now other legislation of importance may be taken up, and we shall not see this bill again. I know the fact that this bill is important. The last time it was before the Senate we stopped somewhere in section 12 on a question with reference to mining interests, some amendment being offered, I think, by Judge Davis, who is not now a member of this body. I would suggest to Senators that if they wish the bill to progress we had better go on with it now. There can not be much debate about it. If we settle on the general principle of the bill the details will not take much time, I apprehend, because the Senators who have been here three or four years are familiar with it, it having been debated pretty thoroughly.

There are one or two features of the bill to which I wish to call the attention of the Senator from Delaware who reported it when we get to them, but I suggest that we proceed with the bill and get as far as we can and let it stand as the regular order, if we adjourn to-day without completing it. I think we ought to make some progress with it. If we do not it will be left behind, and there will be great difficulty in getting at it again.

Mr. CONGER. As arguments have been permitted in this matter by consent, I suppose I may be allowed to say a word more.

The PRESIDING OFFICER. Is there objection to the Senator proceeding? The Chair hears none.

Mr. CONGER. There are provisions in this bill authorizing the issue of scrip equivalent to the Porterfield scrip and the Valentine scrip, which have met and will meet with the opposition of every right-minded man in the Western States. The right is given in this bill to have land scrip issued which may be located anywhere in the United States where the Government has public lands, as in the case of the Valentine scrip. The right is given to go with that scrip into any city and take Government land on which there has been a Government building that is not now used by the Government, for this kind of scrip can be located upon it in the heart of a city, as the Porterfield scrip and the Valentine scrip have been used. It may be located on the home and the land of a homesteader being a squatter and take it away, as has been done with these other kinds of scrip repeatedly.

There is no provision for saving the rights of minors and of persons disqualified mentally to manage their own concerns. There is a provision here which gives the first claimant, if he can go along into court and without anybody who has an equal right being heard at all, a right to proceed and get a patent from the United States good as against everybody but the United States.

If this bill has passed the Senate three or four or five times, I say it is time the people of this country knew what kind of bills pass the Senate. If I am right in my conjecture in regard to this bill, I charge it as being unjust and infamous, who ever passed it, wrong in principle, wrong in law, unjust and inequitable. Now, if it is to be taken up without one hour or one day to give an opportunity for examination to those who believe as I do that this bill will work wrong to individuals and to all the States and Territories in which Government lands lie by giving a precedence and a preference to those who can in an obscure court in some far-off Territory get some decree by which they shall be declared entitled to seven or eight leagues of land and if the land is occupied by somebody else they have the right to have scrip issued to them, which they can lay in forty or eighty acre lots or any subdivision under our land laws on any lands in any State or Territory belonging to the United States, if such a bill as that is to be forced through, and if it has the character and the qualities which I think it has from my hasty reading, then it is time the Senate did devote a little more consideration to it and a little more examination to it.

We have had enough of that kind of scrip. Homesteaders have been driven from their home, from the place upon which they had expended years of toil and of suffering; the man and his wife and his family have been driven off by those who hold just such scrip as is provided for these old Mexican claim-holders driven from home under the blazing sword of such laws as this.

I have said enough to call attention to the character of this bill as I find it, and I have said enough to indicate what it does contain that is wrong and what it does not contain that is right that it ought to contain. Some way of settling these claims that have been pending from fifty to one hundred years may be desirable; but unless there is some great job and steal lying behind this, there is no great necessity for pressing it this morning. It may lay over safely a day or a week. It has lain nearly twenty-five years since the commission was established to settle these

claims. The doors have been opened continually for those who held these claims to go before commissions three or four times and to come to Congress any day or any year with their claims. This bill covers the old remnants that are left, and now it is provided that a man may go to a court in any of the Territories, to a court in Utah, to settle rights against minors, against non-competents, against any class that may not have had their attention called to this, and this bill provides that patents may issue from the United States to the successful prosecutors of these claims before these courts. This bill needs something more; it needs some other restrictions; it needs some amendments. I can not tell now what, and in what order, and in what language those amendments for the safety of the people, even of the rights of the United States, and for the safety of the settlers upon these lands, ought to be made. It is not enough to tell me that such a bill as that with the provisions I find in it has passed or has been allowed to pass time after time. It may have been passed as it is proposed this shall be, without lying over, without waiting for examination.

Mr. HARRISON. I think——

The PRESIDING OFFICER. Is there unanimous consent that the Senator from Indiana shall proceed? The Chair hears no objection.

Mr. HARRISON. I am asking a privilege, Mr. President, which I was intending to deprecate. I think the abuse has been very apparent in the discussion to which we have just listened. It might be well enough in advance to state the reasons pro and con why time should be given in order to meet the convenience of Senators, that they might inform themselves as to the contents of this bill; but such a discussion as we have just listened to from the Senator from Michigan of the merits of the bill itself is hardly fair at this stage of the proceeding. I have not familiarized myself with the details of this bill. The only interest I have had in it has come from the complaints not of the owners of Mexican grants, not of men who are to acquire scrip or to establish titles under the vague and undefined grants of the Mexican Government or Spanish Government, but from honest citizens of the States who have gone to the Territories and who have been driven from places where they have located for the pursuit of legitimate business by the extension and swelling of these grants by local and natural boundaries. That is the interest I have felt in it. The bill, as I understand, was reported by the careful Senator from Vermont, and has several times met the sanction of the Committee on Private Land Claims of this body.

Now, I do not want it to go over; but it is hardly fair in this preliminary debate to cast such insinuations against those of us who have thought we should serve the public and serve the interests of settlers by providing some tribunal of law whereby the boundaries of these grants might be definitely established upon evidence.

But, Mr. President, enough of that. I desire to suggest to the Senator from Delaware whether, under the circumstances, the friends of the bill might not agree that this motion should prevail, with the understanding on the part of those who have expressed a desire to look into the details of this bill that further objection to its consideration will not be made after to-morrow.

Mr. BAYARD. Mr. President, I must crave leave to occupy the attention of the Senate for one moment in regard to this bill.

The PRESIDING OFFICER. Is there objection to the Senator proceeding? The Chair hears none.

Mr. BAYARD. Each man here, sir, is the guardian of his own reputation, and he must speak and act in such way as in his opinion will best protect it. Therefore the suggestions that have been thrown out, not in the regular order of debate, but so gratuitously thrown out in advance by the Senator from Michigan, are such as I propose to take no notice of whatever except to make the comment that this measure, if ever there was one carefully prepared in the Senate of the United States or in either House of Congress with a view to guard the public interest and also the rights of weak individual owners, to prevent that which he has termed "big steals" of the public property, this measure is that one. It is intended to prevent a multiplicity of bills in the interest of those who are strong enough to obtain influence for their passage, and vest unknown, unmeasured areas of land in single or in corporate hands to the absolute destruction of the smaller individuals and real holders. The interests of the United States have been sedulousy guarded by the careful and eminent jurists who have prepared and considered the measure now before this body. The former Senator from Illinois, Judge Davis, the former Senator from Ohio, Judge Thurman, and the Senator from Vermont [Mr. EDMUNDS], not to mention the Senator from Louisiana [Mr. JONAS], the Senator from Iowa [Mr. ALLISON], and every other member of the present Private Lands Committee, have scrutinized with care the provisions of this bill. They have presented it twice heretofore to the Senate, who have twice confirmed it by large majorities; and they bring it here again in the interest of public justice and of private right, in order to frame such a course of procedure and provide such a tribunal as shall execute our guarantees as a government and fairly be capable of ascertaining the individual rights and the duties of all claimants under the Spanish or Mexican grants.

That was the object of this bill. If a bill with such preparation, with such approval as I have stated, should be spoken of as the Senator from Michigan, apparently without examination of its contents, has seen fit to do, then it seems to me that no measure can be placed beyond assault. But as this bill I apprehend upon the examination of the Senate will meet its approval, and as they will see in it the most carefully prepared provisions to protect the United States and to protect individual holders in their rights and to prevent so far as we may those vast aggregations of property in single hands that to-day are straining republican institutions all over the land, I am loath to interpose any objection to delay if it is for the purpose of examination; and I would suggest that there may be an agreement to fix an early day for the consideration of this important bill.

It is proper the Senate should know that a dozen other bills are now pending before the Committee on Private Land Claims, the further consideration of which may be dispensed with if this bill shall receive the approval of the Senate. In other words, we have prepared a general measure to meet the whole class of cases instead of attempting to try *ex parte* individual cases in a committee-room. If I can have the assistance of Senators who have made this suggestion of passing over this bill to bring it up at an early day I shall feel that I have accomplished what is my duty and have done some public service in so doing. I will ask why it can not be agreed—to-day is Monday—that we may take this bill up on Friday morning next. I will ask whether that agreement may not be made? If so, I shall withdraw objection to postponing its present consideration until that time.

Mr. MILLER, of California. I can speak only for myself. I am willing so far as I am concerned to have such an understanding. I do not know how the Senator from Michigan feels.

Mr. BAYARD. That will give the time necessary for examination.

Mr. CONGER. I have no objection to its being taken up at any reasonable time hereafter if it does not contain provisions which I say render it an undesirable and improper bill to pass, which will appear from the discussion. The only thing I have desired and asked is time to look at the bill and examine its provisions.

The PRESIDING OFFICER. The Chair will inform the Senator from Delaware that the operation of the pending motion is merely to postpone the bill until to-morrow, until the Calendar is next taken up.

Mr. BAYARD. Would the effect of that be to allow this bill to come up to-morrow then?

The PRESIDING OFFICER. The bill will take its place without prejudice.

Mr. HARRISON. Yes, it comes up to-morrow.

Mr. HAWLEY. I would much rather we should assent to the proposition made by the Senator from Delaware. One day is not enough. I have no prejudices on this subject and no feeling about it, but I received certain information which led me to say that I should look out for this bill when it did come up, and I think it deserves serious consideration. I am as ready to give weight to the opinion of the eminent Senators the gentleman from Delaware has referred to as anybody, but I agree with the Senator from Michigan that I am to vote on my own judgment, giving all due weight to authority. I have serious doubts about some portions of this bill; and I should like a day or two to read it; I should like to be able to look at the Spanish and Mexican treaties; I should like to be able to look at the report on this subject, if one has ever been made. The bill stands on the Calendar now without any report from the committee.

Mr. BAYARD. May I ask the Senator whether Friday next will suit him?

Mr. HAWLEY. Certainly, I will agree to that.

Mr. CONGER. I ask the Senator to let it go until Monday next and then be considered.

Mr. BAYARD. Very well; I will ask that the bill be made the special order for Monday next at 2 o'clock.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Delaware, that this bill be made the special order for Monday next at 2 o'clock? The Chair hears none, and it is so ordered.

The Secretary will report the next bill on the Calendar.

RETIRED ARMY OFFICERS.

The bill (S. 346) to amend section 1860 of the Revised Statutes so as not to exclude retired Army officers from holding civil office in the Territories was announced as next in order; and the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. GARLAND. The bill was passed at the last session of Congress by unanimous consent. It is merely to give some relief, by allowing retired Army officers to act as officials in the Territories, that it is thought possibly may be of advantage to the people there.

Mr. PLUMB. I do not care to object to the consideration of this bill, but I want to say that I do not think it ought to pass. These men are on the retired-list of the Army, receiving a very considerable salary, which I think ought to satisfy them so far as official emolument is to go, and I am opposed to the theory or idea, which has been considered in various quarters, that we should use up certain Army officers by giving them civil employment. It was seriously recommended by a former Secretary of War *ad interim* that the heads of bureaus should be Army officers, and that in every way the surplus of officers——

Mr. HARRISON. I rise to a point of order. Will the Senator from Kansas wait until the bill is read?

Mr. PLUMB. The bill has been read, I understand.

Mr. HARRISON. Very well.

Mr. PLUMB. As I was saying, it has been recommended by a Secretary of War, or by a person who was afterwards Secretary of War, that the overflow from West Point should be accommodated by making the officers thus graduated the heads of bureaus in the various Departments of the Government, and so on in such a way that finally all the Army should find places in the civil employment of the Government. Now this is not going so far as that, but it is a step in that direction. It is, besides, violating the theory of another provision of the statutes which prevents a person from receiving the compensation of two offices.

I do not know what Territory the authors of this bill may have had specially in mind, but the limited experience I have had in Territories convinces me that no Territory can seriously be in lack of aspirants for all the offices to be filled by election or by appointment. There will be no necessity either to resort to a draft or to resort to the Army Register for the purpose of getting suitable men or men who are supposed to be suitable to fill all the offices which are required to be filled.

Mr. President, I propose to meet this question now. I never want to see the time when an Army officer will hold any civil position or be required by law to perform any civil duty. I do not want to see those instruments which we keep up for the destruction of human life ever put into that civil employment, which concerns itself with the productive power of the country, with the arts of peace, and with the performance of the peaceful functions of government. The Army, as I think, has no place, either in gross or in detail, in the administration of a republican government except in time of war and for the purposes of war, and, as I said, this is only a step now in the direction of pensioning, if I may use that term without offense, all the excess of Army officers upon the civil places of the Government, and thus closing the avenues to the ambition of the people of the country who have not been fortunate enough to be educated at West Point and to be in receipt of a salary at least sufficient to afford a decent living.

Mr. COCKRELL. Mr. President, I introduced this bill, and it is not amenable to the objection made by the Senator from Kansas. That Senator need never fear trusting the people. This bill gives the people the right to make their selection of officers, and I for one will always intrust the people with power.

Mr. PLUMB. Well, Mr. President, if that be it, why not go still further, and say they may elect persons who are not citizens and elect women and elect members of the regular military establishment in active duty? If the Senator is so willing to trust the people, why not go that far?

Mr. HAWLEY. There are reasons, Mr. President, that the country has always recognized why officers in the regular Army and upon the active-list should not hold certain appointments. We do not propose to interfere with them. There are a great many bad things we might do or might propose to do, but there are none of them in this bill. The case that gave origin to this suggestion, if I recollect correctly, was this: There is a disabled officer, who has been passed upon by the board as unfit for any active service, living, I think, in Washington Territory. His income is small, for his office was of a low grade. The people where he lives chose to elect him clerk of the county court. It was found upon looking at the statute that he could not hold the position. That poor fellow may work at anything else under the sun; if he is a shoemaker he can make shoes; he may get a clerkship in a railroad office, or be a clerk in a dry-goods store if he can hobble about and do the work; but the Government proposes to say that the danger to republican institutions is such that all the people of his county in a Territory may not make that man the clerk of the county court. I say with the Senator from Missouri, if we can not trust our fellow-citizens to give a broken-down, retired officer some little petty appointment, to elect him constable or clerk of the county court, the country is in great danger.

The bill was reported to the Senate without amendment.

The PRESIDENT *pro tempore*. Shall the bill be engrossed for a third reading?

Mr. PLUMB. I ask for the yeas and nays on that question.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

The roll-call was concluded.

Mr. VAN WYCK. I am requested to announce that the Senator from Massachusetts [Mr. HOAR] is paired with the Senator from Georgia [Mr. COLQUITT].

The result was announced—yeas 37, nays 12; as follows:

YEAS—37.

Anthony,	Fair,	Jonas,	Saulsbury,
Beck,	Frye,	Jones of Florida,	Sawyer,
Bowen,	Garland,	Lapham,	Sewell,
Butler,	George,	Manderson,	Sherman,
Call,	Harris,	Miller of Cal.,	Vance,
Cameron of Wis.,	Harrison,	Mitchell,	Vest,
Cockrell,	Hawley,	Morrill,	Walker.
Conger,	Hill,	Palmer,	
Cullom,	Ingalls,	Pike,	
Dolph,	Jackson,	Pugh,	

NAYS—12.

Allison,	Coke,	Maxey,	Plumb,
Blair,	Jones of Nevada,	Morgan,	Van Wyck,
Brown,	McMillan,	Pendleton,	Wilson.

ABSENT—27.

Aldrich,	Farley,	Kenna,	Ransom,
Bayard,	Gibson,	Lamar,	Riddleberger,
Camden,	Gorman,	Logan,	Sabin,
Cameron of Pa.,	Groome,	McPherson,	Slater,
Colquitt,	Hale,	Mahone,	Voorhees,
Dawes,	Hampton,	Miller of N. Y.,	Williams.
Edmunds,	Hoar,	Platt,	

So the bill was ordered to be engrossed for a third reading.

The bill was read the third time, and passed.

IMPROVEMENT ON OREGON COAST.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be stated.

The CHIEF CLERK. A bill (S. 701) making appropriation for the improvement of the mouth of the Columbia River, in the State of Oregon and Territory of Washington.

Mr. DOLPH. I ask that the bill be passed over without prejudice.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that this bill be passed over. The Chair will call the attention of the Senator from Oregon to the fact that there are two other bills introduced by him which have been read twice without reference.

Mr. DOLPH. They are of the same character and I desire the same order.

The PRESIDENT *pro tempore*. The Senator from Oregon asks that these three bills be passed over. If there be no objection that order will be entered. The next bill on the Calendar will be stated.

THOMAS B. SHANNON.

The bill (S. 332) for the relief of Thomas B. Shannon was considered as in Committee of the Whole. It proposes to authorize the accounting officers of the Treasury charged by law with the settlement of the accounts of Thomas B. Shannon, as collector of customs at the port of San Francisco, for the fiscal year ending June 30, 1876, to credit him with the sum of $4,777.36, the amount paid out of the subtreasury at San Francisco upon a draft erroneously signed by him in favor of Messrs. J. C. Merrill & Co. during that fiscal year, but it is to be shown to the satisfaction of the accounting officers and of the Secretary of the Treasury that the draft was signed by Shannon in due course of business and in good faith, without actual fault or neglect on his part, that diligent effort was made to recover the amount paid on the draft, and that the amount so paid is utterly lost to Shannon and to the United States.

Mr. MAXEY. Is there a report in that case? If there is I should like to hear it read.

Mr. MILLER, of California. There is a report. The bill has passed the Senate twice. The report explains the whole case.

The Chief Clerk read the report submitted by Mr. BAYARD December 18, 1883, as follows:

The Committee on Finance, to whom was referred the bill (S. 332) for the relief of Thomas B. Shannon, of San Francisco, Cal., beg leave to submit the following report, with an amendment to the bill:

Thomas B. Shannon became collector of customs at San Francisco in July, 1872, and at the time of his entry in service a system of rules and regulations issued from the Treasury Department was in force, which, contrary to his suggestions in certain important particulars, was continued until he left said office.

As collector of customs he was obliged, *ex officio*, to disburse public moneys by check; and all such checks were by these Treasury regulations made payable to bearer and not to order. The check-books, in blank, were furnished by the Department, and no others were to be used by the collector. Under the practice at the various custom-houses, where the amount of duties upon an invoice was not immediately and accurately ascertainable, a deposit was made by the importer, which deposit, upon a subsequent and definite calculation of duties, was either increased to meet the amount due to the Government, or diminished by the check of the collector, previously countersigned by the naval officer, for the amount of rebate to be paid the importer.

The house of J. C. Merrill & Co. was largely engaged in the importation of sugars, and as the deposit was generally so arranged as to be in excess of the probable amount of duties, it was a frequent occurrence to refund to them considerable amounts to balance their overdeposit for duties. One of the blank checks was furtively abstracted by some unknown person from the book of blanks kept by the refunding clerk, which abstraction was made from a page remote from that upon which the last check had been filled up and entered, so that its abstraction was not reasonably discoverable until the check was reached in the usual order of consumption of checks.

The check in question was made out for $4,777.84, dated September 13, 1875, and duly numbered. From the testimony before the committee, of the detectives and clerks, the signature of the naval officer was forged, and the check, thus apparently approved by the naval officer, was presented, in what appears to have been the regular course of business of the custom-house, to the collector for his signature, which was by him unsuspectingly attached. Upon the discovery of the fraud, a few days subsequently, the amount was promptly made good by the collector out of his private funds on September 21, 1875.

It is obvious to this committee that such an order of business was insecure and lacked the reasonable features of protection to the public interests and Treasury and the officers, but it also appears that the business was conducted under the rules and regulations of the Treasury Department, which the officers, including the collector, were not permitted to amend. Indeed, Mr. Shannon objected to the practice of drawing checks to bearer for these large amounts paid in rebate of duties, and drew the attention of the assistant treasurer of the United States, Mr. William Sherman, to the obvious danger of such practice, but the objection was not sustained, and the practice was continued.

Mr. Shannon, it seems, had suggested additional checks to accompany the refund of duties, such as the autograph initials of the auditor of the custom-house, and of the accountant of the naval office, and drawing the checks to the order of the person entitled to receive payment, but his suggestions were not suffered to prevail.

In September, 1875, a period of financial consternation in California followed upon the failure of the Bank of California, and a considerable amount of money, overdeposited by importers, was in the custom-house, rendering the early liquidation of duties especially necessary. The house of J. C. Merrill & Co. had been for a long time engaged in the importation of sugars, and large amounts had been paid them by way of refund of duties, the last payment having been made in July, 1875, and for an amount closely approximating the sum demanded upon the forged check. It was under these circumstances, and controlled by the regulations of the Treasury Department, using the blank checks prescribed by the Department, drawn to bearer, by the regulations of the Department, and countersigned only by the naval officer, that Collector Shannon, by reason of the ordinary and apparently regular routine of business in his office, signed the check for $4,777.84, to which the counter-signature of the naval officer had been forged.

It appears the collector made no demur as to his strict legal liability, and promptly paid over to the assistant treasurer the amount of the forged check, and has been without the use of the money from that time to this. He employed a detective to examine into the case, and the aid of all the officers of the United States of that district was also called into requisition.

Reports from J. F. Evans, the special agent of the Treasury; of J. F. Miller, auditor of the custom-house; of Henry Hook, refunding clerk; of J. C. Merrill & Co., the importers; of William Sherman assistant treasurer; and of J. W. Lees, captain of the detective force of San Francisco, which were before your committee, all combine to show the earnest and vigilant effort made to discover the guilty party in the transaction; that suspicion fell upon a person not connected with the custom-house, who is now dead. No suggestion of any personal dishonor or neglect upon the part of the collector has been made from any quarter.

Following the proposition laid down by the Court of Claims for the relief of honest officers who have been victimized in similar cases, your committee recommend the passage of the accompanying bill for the relief of Thomas B. Shannon.

Affirmative proof of his honesty and fidelity is attested by a letter from Hon. John Sherman, Secretary of the Treasury, dated February 19, 1881, to Mr. Shannon, which is in the hands of your committee.

This committee have also submitted the draught of the foregoing report with the accompanying papers to the Secretary of the Treasury, and have in their hands a letter to him from H. A. Lockwood, the Acting Commissioner of Customs, dated January 23, 1882, in which he states:

"The allegations of the claimant are not disputed by the accounting officers."

(See also report No. 126, Forty-seventh Congress, first session.)

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT FOR ALASKA.

The bill (S. 153) providing a civil government for the Territory of Alaska was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was read.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). There are various amendments to the bill reported from the Committee on Territories.

Mr. HARRISON. There are some amendments, most of them merely verbal, reported by the committee. I ask that they be taken up and disposed of, and afterward any other amendments received.

The PRESIDING OFFICER. The first amendment reported by the committee will be read.

The SECRETARY. In section 2, line 4, after the word "Government," the committee report to strike out the words "in all matters;" and in line 5, after the word "district," to strike out the words "wherein the same may be affected;" so as to read:

That there shall be appointed for the said district a governor, who shall reside therein during his term of office and be charged with the interests of the United States Government that may arise within said district.

The amendment was agreed to.

The next amendment was, in section 2, line 14, after the word "due," to strike out "enaction" and insert "execution;" so as to read:

He may also grant reprieves for offenses committed against the laws of the district or of the United States until the decision of the President thereon shall be made known. He shall be *ex officio* commander-in-chief of the militia of said district, and shall have power to call out the same when necessary to the due execution of the laws and to preserve the peace, and to cause all able-bodied citizens of the United States in said district to enroll and serve as such when the public exigency demands; and he shall perform generally in and over said district such acts as pertain to the office of governor of a Territory, so far as the same may be made or become applicable thereto.

The amendment was agreed to.

The next amendment was, in section 2, line 22, before the word "acts," to insert the word "official;" so as to read:

He shall make an annual report, on the 1st day of October in each year, to the President of the United States, of his official acts and doings, and of the condition of said district, with reference to its resources, industries, population, and the administration of the civil government thereof.

The amendment was agreed to.

The next amendment was, in section 3, line 2, before the word "jurisdiction," to insert "criminal," and after the word "jurisdiction" to strike out the words "civil and criminal;" and in line 3, after the words "United States," to insert "and the civil jurisdiction of district courts of the United States exercising the jurisdiction of circuit courts;" so as to make the section read:

SEC. 3. That there shall be, and hereby is, established a district court for said district, with the criminal jurisdiction of district courts of the United States, and the civil jurisdiction of district courts of the United States exercising the jurisdiction of circuit courts, and such other jurisdiction, not inconsistent with this act, as may be established by law; and a district judge shall be appointed for said district, who shall reside therein, and hold at least two terms of said court therein in each year, one at Sitka, beginning on the first Monday in May, and the other at Wrangel, beginning on the first Monday in November. He is also authorized and directed to hold such special sessions as may be necessary for the dispatch of the business of said court at such times and places in said district as he may deem expedient, and may adjourn such special session to any other time previous to a regular session. He shall have authority to employ interpreters, and to make allowances for the necessary expenses of his court.

Mr. MORGAN. I would inquire of the chairman of the committee whether it is the intention of the committee to give this court jurisdiction of capital felonies?

Mr. HARRISON. This is a United States district court, and it is intended to confer upon it the criminal jurisdiction which the district courts exercise in the States, and, in addition to that, the civil jurisdiction, I believe it is expressed, of the district courts when sitting as circuit courts. I am not sure since the Senator suggests it whether it would cover jurisdiction in capital cases.

Mr. MORGAN. I was going to suggest that if it was the object of the committee to give jurisdiction to this court of capital felonies it would be necessary to insert in line 3 the words "and circuit," so as to read "district and circuit courts of the United States;" because I do not understand that the district courts of the United States have jurisdiction in capital felonies.

Mr. HARRISON. I ask the Senator whether in his opinion the same purpose would not be better accomplished by putting in line 4, after the word "civil," the words "and criminal," so as to read, "and the civil and criminal jurisdiction of district courts of the United States exercising the jurisdiction of circuit courts."

Mr. MORGAN. That will meet the idea. An indictment can originate for a capital offense in a district court, but it must be transferred to the circuit court for trial.

Mr. HARRISON. I call the attention of the Senator from Arkansas [Mr. GARLAND] who was with me on the subcommittee, to the suggestion that the words "and criminal" be inserted after the word "civil" in line 4.

Mr. GARLAND. I think that is correct and would meet the point, which is one of some doubt as to phraseology, suggested by the Senator from Alabama.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana [Mr. HARRISON], to insert in line 4, after the word "civil," the words "and criminal;" so as to make the amendment of the committee read:

And the civil and criminal jurisdiction of district courts of the United States exercising the jurisdiction of circuit courts.

The amendment to the amendment was agreed to.

Mr. DOLPH. I should like to ask the Senator in charge of the bill if it is the intention in the amendment of section 3 to leave out the word "civil" where it applies to district courts.

Mr. HARRISON. I do not understand the question of the Senator.

Mr. DOLPH. In line 3 of section 3 the committee propose to amend by striking out the words "civil and criminal" where the reference is to district courts, inserting "criminal" before the word "jurisdiction" in line 2. Was it the intention of the committee to leave out the word "civil," so as not to confer in the section upon this court the civil jurisdiction of a district court?

Mr. HARRISON. That was the intention. I do not recall now—perhaps the Senator can suggest some branch of civil jurisdiction which under the general laws of the United States is vested in a district court that it would be important to embrace here.

Mr. DOLPH. The district courts have original jurisdiction of admiralty cases. I do not know whether it is the intention that all those controversies are to be settled in that court or whether they are to be still referred to the court in Oregon.

Mr. HARRISON. It was the intention of the committee to give this court to be constituted in the district of Alaska full jurisdiction of all matters arising within that Territory properly cognizable in the courts of the United States sitting either as circuit or district courts.

Mr. DOLPH. That being the case, I think the word "civil" should be restored, and inserted in line 2 of section 3 before the word "criminal."

Mr. HARRISON. I see no objection to that.

Mr. GARLAND. Let it be reported.

The PRESIDING OFFICER. The Senator from Oregon [Mr. DOLPH] proposes to amend the amendment of the committee, in line 2 of section 3, by inserting after the word "the" the words "civil and;" so as to read: "the civil and criminal jurisdiction of districts courts of the United States."

Mr. HARRISON. I will propose that amendment as a committee amendment, as the amendments of the committee are to be considered first.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the committee as amended.

Mr. HOAR. I should like to ask the Senator from Indiana whether the Oregon civil and criminal laws, which are declared to be in force in the Territory of Alaska by this bill, are to change with the changes made by that State, or whether they are the present civil and criminal laws only, not to be changed?

Mr. HARRISON. We have not yet reached the section to which the Senator refers. We are now upon the third section. I think, however,

that it was not the intention, nor would the language do so, to incorporate the changing legislation of Oregon, but the purpose was to accept the Oregon code as it is now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Territories was, in section 4, line 13, after the word "deeds," to insert "and mortgages and other contracts relating to real estate," and in line 19, after "hereinafter," to strike out the words "to be;" so as to read:

He (the clerk) shall be *ex officio* recorder of deeds and mortgages and other contracts relating to real estate and register of wills for said district, and shall establish secure offices in the towns of Sitka and Wrangel, in said district, for the safekeeping of all his official records and of records concerning the reformation and establishment of the present status of titles to lands, as hereinafter directed.

The amendment was agreed to.

The next amendment was, in section 4, line 23, before the word "instruments," to strike out the words "accounts and;" so as to make the proviso read:

That the district court hereby created may direct, if it shall deem it expedient, the establishment of separate offices at the settlements of Wrangel, Oonalashka, and Juneau City, respectively, for the recording of such instruments as may pertain to the several natural divisions of said district most convenient to said settlements, the limits of which shall, in the event of such direction, be defined by said court; and said offices shall be in charge of the commissioners, respectively, as hereinafter provided.

The amendment was agreed to.

The next amendment was, in section 5, line 4, before the word "courts," to strike out "district" and insert "circuit;" so as to read:

That there shall be appointed by the President four commissioners in and for the said district, who shall have the jurisdiction and powers of commissioners of the United States circuit courts in any part of said district, but who shall reside, one at Sitka, one at Wrangel, one at Oonalashka, and one at Juneau City.

The amendment was agreed to.

Mr. HARRISON. While we are upon section 5, it has been suggested to me that there might be some question whether the laws of Oregon, which are made applicable to the Territory, might not be subject to the changing legislation of that State. I will therefore move, in line 7, of section 5, after the word "criminal," to insert the word "now;" so as to read:

Such commissioners shall exercise all the duties and powers, civil and criminal, now conferred on justices of the peace under the general code of the State of Oregon, so far as the same may be applicable in said district, and may not be in conflict with this act or the laws of the United States.

The amendment was agreed to.

Mr. MILLER, of California. I call the attention of the Senator from Indiana to the words in the ninth line of the section, which relate to the laws of Oregon, "so far as the same may be applicable in said district," in conferring duties and powers, civil and criminal, upon such officers "under the general code of Oregon." Why is it necessary to leave it open to any question as to what is or is not applicable in the district? Who is going to decide what is applicable or what is not applicable? It appears to me that those words may lead to complications and difficulties.

Mr. HARRISON. I will say in response to the Senator that the courts before which the question shall be raised whether a certain law of Oregon was or was not in force in the Territory must decide. There may be, and always is, in the legislation of almost every State, some legislation that by its very terms and character is local; as, for instance, there might be in the legislation of Oregon, if they allow special legislation, something that was applicable to a particular district, and punished in a certain way, some offense in a particular county.

Mr. MILLER, of California. That would not be a general law of Oregon, however.

Mr. HARRISON. As the Senator from Massachusetts [Mr. HOAR] suggests, certain duties as to reporting fees and matters of that kind might be imposed by a State law. I do not think there will be any trouble in the practical administration of this question. All of those things that are not in their very nature local to the State of Oregon and that might be transplanted to another district or State would be included under this bill.

Mr. MILLER, of California. My object in making the suggestion has been attained. I only wanted the construction which the Senator from Indiana has placed upon it to go upon the record, so as to have it understood.

Mr. LAPHAM. I suggest that it is only the general laws of the code of Oregon that are made applicable. It seems to me that the words "so far as the same may be applicable in said district" will lead to embarrassment in the administration of this act and they ought to be dropped. I do not see the necessity of them. It is only the general laws that are made applicable in any event. Such local laws as the honorable Senator from Indiana refers to are not included.

Mr. HARRISON. But, if the Senator will allow me, such a law as I suggested would probably be published with the general laws.

The PRESIDING OFFICER. The next amendment of the committee will be reported.

Mr. DOLPH. Before leaving the fifth section I think what was intended would be better understood by striking out, in the eighth line of the section, the word "general," before "code," and inserting "civil and criminal;" so as to read, "under the civil and criminal code of the State of Oregon."

Mr. HARRISON. I defer to the Senator's better knowledge of the present state and form of the legislation of Oregon.

Mr. MILLER, of California. There is a civil and a criminal code in Oregon?

Mr. DOLPH. They are all embraced in the same volume.

Mr. MILLER, of California. The phraseology suggested by the Senator from Oregon would be better than that found in the text.

Mr. HARRISON. May I ask how comprehensive those codes are? Do they deal with the subjects generally?

Mr. DOLPH. The civil code codifies and embraces all the general laws relating to criminal proceedings.

Mr. HARRISON. If that be true, then the language suggested by the Senator from Oregon would embrace what the committee intended; yet it seems to me the terms used here are general enough to embrace what is in the mind of the Senator from Oregon as well as in my own, and that possibly the phrase he suggests instead might put some limitation that we would not either of us desire.

Mr. HOAR. Perhaps, as we have put in the word "now," it might be well to substitute for the word "code" the word "laws;" so as to read, "under the general laws of the State of Oregon."

Mr. HARRISON. I think that suggestion is good. I ask to substitute the word "laws" for "code."

Mr. LAPHAM. I suggest that the word "general" may be omitted in the eighth line, as in the ninth line the phrase occurs "so far as the same may be applicable."

Mr. HARRISON. It seems to me the word "general" has an important and an appropriate place there, and that when we make it read "now conferred on justices of the peace under the general laws of the State of Oregon" we have accomplished what we all intend.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana, in line 8 of section 5, after the word "general," to strike out the word "code" and insert the word "laws;" so as to read:

Now conferred on justices of the peace under the general laws of the State of Oregon.

The amendment was agreed to.

The next amendment of the Committee on Territories was, in section 6, before the word "duties," in line 12, to insert "discharge the;" so as to make the section read:

That the marshal for said district shall have the general authority and powers of the United States marshals of the States and Territories. He shall be the executive officer of said court, and charged with the execution of all process of said court and with the transportation and custody of prisoners, and he shall be *ex officio* keeper of the jail or penitentiary of said district. He shall appoint four deputies, who shall reside severally at the towns of Sitka, Wrangel, Oonalashka, and Juneau City, and they shall respectively be *ex officio* constables and executive officers of the commissioners' courts herein provided, and shall have the powers and discharge the duties of United States deputy marshals and those of constables under the laws of the State of Oregon.

The amendment was agreed to.

The next amendment was in section 7, line 6, after the word "act," to insert "or the laws of the United States;" so as to read:

That the general laws of the State of Oregon relating to civil actions and proceedings testamentary and of probate, and also in respect to crimes and punishments, are hereby declared to be the law in said district, so far as the same may be applicable and not in conflict with the provisions of this act or the laws of the United States.

The amendment was agreed to.

Mr. GARLAND. I wish to call the attention of the Senator from Indiana to the amendment that he has incorporated in section 5 by inserting the word "laws" in the place of "code." In section 7 "the general laws of the State" have a qualified meaning attached to them. Section 7 reads:

That the general laws of the State of Oregon relating to civil actions and proceedings testamentary and of probate, and also in respect to crimes and punishments, are hereby declared to be the law in said district, &c.

Does the Senator interpret that to qualify the general laws incorporated in section 5?

Mr. HARRISON. I would say to the Senator that section 5 simply confers jurisdiction, and refers to the laws of Oregon simply with a view of fixing the limits of the jurisdiction.

Mr. GARLAND. That is, it is independent of and not necessarily attached to what is expressed in section 7?

Mr. HARRISON. It seems to me not, because we might adopt a law that was broader than the jurisdiction conferred; but the jurisdiction can not be broader than the law adopted. I think, however, I will suggest to the Senator that perhaps we should make the first line of section 7 read, "the general laws of the State of Oregon now in force."

Mr. GARLAND. Yes; I was going to make that suggestion directly. I think that is a proper suggestion.

Mr. HOAR. That should also be in the last line of the preceding section.

The PRESIDING OFFICER. The Senator from Indiana moves, in section 7, line 2, after the word "Oregon," to insert the words "now in force;" so as to read:

That the general laws of the State of Oregon now in force relating to civil actions and proceedings, &c.

The amendment was agreed to.

Mr. HARRISON. Perhaps to make the measure uniform I should ask to go back to the last line of section 6, and after the words "under the laws of the State of Oregon" insert the words "now in force," so as to make that limitation applicable also to the constables and marshals. I move that amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. HOAR. I should like to ask the Senator from Indiana what will be, after this act goes into effect, the governing law as to the descent of estates? I do not speak of personal property, but of real property, the title to land—inheritance, I should rather say.

Mr. HARRISON. Except the lands the title to which is by this bill confirmed in the missionary stations there are no land titles that are recognized, unless it may be in connection with mines. The bill does not provide for extending the land laws of the United States to the Territory at present, for the reason that that subject is under consideration by the Committee on Public Lands, and a revision of the land laws is likely to be made. Therefore, we did not extend the land laws; but possibly the Senator's suggestion is right, that we should insert here something incorporating the laws of Oregon as to the descent of real estate, though practically it would have little application, for there is no land owned there.

Mr. HOAR. I see there are provisions authorizing the holding of land for some educational purposes. Land is to be confirmed at missionary stations in religious societies, and they would be unable to alienate such land unless there were some provision for it.

Mr. MILLER, of California. They ought not to do it.

Mr. HARRISON. Will the Senator make a suggestion of amendment to that effect?

Mr. HOAR. I did not rise to make a suggestion, but to put an inquiry. I think probably it would be wiser to leave it out of this bill, and put it in some other bill when the proper time comes.

Mr. MILLER, of California. I suggest to the Senator from Indiana to insert in the 8th line of section 6 the word "Kodiak," which is a town or village about midway between Sitka and Oonalashka, from five hundred to six hundred miles from Sitka. It is a town of more importance than Wrangel and of as much importance as Oonalashka. There should be a commissioner and justice of the peace at that place, and also a deputy marshal. I move to amend all the way through so as to insert "Kodiak."

Mr. HARRISON. Perhaps the Senator from California will allow us to go through with the committee amendments, and then he can move that amendment. I should be inclined to defer to his better knowledge of the geography of the coast there upon a matter of this kind, and if he will prepare and make those suggestions when we get through with the committee amendments, I would prefer that course.

Mr. MILLER, of California. Very well; but I think it would be better to do it as we go along.

Mr. DOLPH. I am not aware as to whether section 7 was discussed by the committee and what the intention of the committee really was in regard to extending the laws of Oregon over the Territory of Alaska. In section 5 as now amended it is provided that the commissioners to be appointed "shall exercise all the duties and powers, civil and criminal, now conferred on justices of the peace under the general laws of the State of Oregon;" but section 7 only extends certain laws of the State of Oregon over the Territory of Alaska. It extends the laws relating to civil actions and proceedings testamentary and of probate and the laws in respect to crimes and punishments; but unless I have overlooked some other provision it does not extend any of the laws that create or define public and private rights. While it provides a code of procedure for the conduct of civil actions, it does not define the rights which are to be adjudicated by the courts of justice. It seems to me that the whole of that limitation should be stricken out and instead of it a clause should be inserted that the general laws of the State of Oregon shall be in force so far as applicable to that Territory, the same as has been done in section 5.

The criticism I make is that it is attempted here to extend the code of procedure so far as it relates to the conduct of civil actions and the laws in respect to crime, but the general laws defining rights, among others the descent of real estate and the distribution of personal property, do not appear by the section as at present worded to be extended over the Territory of Alaska.

Mr. HARRISON. I am not sure whether the words used here are not broad enough. I think the intention of the committee was (and I speak in the hearing of the Senator from Arkansas) to extend to the district of Alaska all the laws relating to civil actions, to private rights, and to crimes, as they now exist in the State of Oregon, so far as they are applicable and not in conflict with the laws of the United States. I see no objection in the beginning of section 7 to strike out, commencing in line 2, the words "relating to civil actions and proceedings testamentary and of probate and also in respect to crimes and punishments;" so that the first part of section 7 would read:

That the general laws of the State of Oregon, now in force, are hereby declared to be the law in said district, so far as the same may be applicable and not in conflict with the provisions of this act or the laws of the United States.

I ask the Senator from Oregon whether the amendment I have indicated suggests any difficulty to his mind.

Mr. DOLPH. I can see none. The amendment would be the same provision substantially that has been adopted in section 5.

Mr. HARRISON. May I ask the Senator from Arkansas if he has noticed the proposed amendment, and whether it seems to him to be in the line of what he and I intended as the subcommittee on this bill?

Mr. GARLAND. The question I propounded a few moments ago had reference to this idea. It would be very difficult for Congress to sit down and make a special code for that Territory. I confess, on looking at the bill here again now for the third time, it is more limited than I intended as one of the committee it should be limited with reference to civil actions, proceedings testamentary, and of probate, &c. I think myself it is better to adopt the general code in so far as it is applicable and not inconsistent with the present laws of the United States. That is my impression, and it was the impression that I had upon the committee.

Mr. HARRISON. The amendment I proposed a short time since, inserting the words "now in force" after the word "Oregon," in line 2, having been adopted, I believe if I move to strike out the words "relating to civil actions and proceedings testamentary and of probate and also in respect to crimes and punishments," the clause will read as we all have agreed. I move that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

The next amendment of the Committee on Territories was, in section 7, line 16, after the word "court," to insert the words "where the amount involved is $200 or more;" in line 18, after the word "upon," to strike out the words "provision in civil cases for the costs thereof" and insert "the filing of a sufficient appeal bond;" and in line 19, after the word "appealing," to insert "to be approved by the court;" so as to read:

In all civil cases at common law any issue of fact shall be determined by a jury at the instance of either party; and an appeal shall lie in any case, civil or criminal, from the judgment of said commissioners to the said district court where the amount involved is $200 or more, upon the filing of a sufficient appeal bond by the party appealing, to be approved by the court.

The amendment was agreed to.

Mr. BECK. I should like to ask the chairman of the committee whether the bill, as now proposed to be amended, is the unanimous report of the committee?

Mr. HARRISON. The bill as reported was a unanimous report from the committee.

Mr. BECK. And the amendments?

Mr. HARRISON. Some of the amendments which have been made as we have progressed with the bill have simply been in the direction of meeting criticisms to the phraseology of the bill, and have not at all departed from the scope of the bill as it was agreed to by the committee.

Mr. BECK. Now, one other question: Why have the laws of the State of Oregon, which must be a good deal more complicated than those of the Territory of Washington, which lies nearer to Alaska, been selected in preference to the laws of Washington? There are very few white people, I understand, in Alaska, and the Territory of Washington being all under the authority of the United States, and its laws a good deal more simple than those that have grown out of the civilization of Oregon, why was Oregon selected in preference to Washington?

Mr. HARRISON. Not because the committee had made any careful study of the laws either of the State of Oregon or of the Territory of Washington, but because it was supposed that the Oregon code was in a more mature and satisfactory shape. I would rather apply to any Territory a code of laws adopted by the mature legislation of a State than the immature and imperfect legislation of an adjacent Territory. Alaska has, I may say, already been attached to Oregon for some judicial purposes. I suppose that was in the mind of the person who framed the original bill, and in presenting the bill, remodeling it, as I presented it to the Senate this session, I took it just as I found it in that respect.

The PRESIDING OFFICER. The next amendment reported from the Committee on Territories will be read.

The SECRETARY. In section 7, line 20, after the word "court," it is proposed to strike out the words "appeals and writs of error from the said district court shall lie to the United States circuit court for the district of Oregon;" and in line 22, after the word "said," to strike out "circuit" and insert "district;" so as to read:

And the final judgments or decrees of said district court may be reviewed by the Supreme Court of the United States, as in other cases.

Mr. LAPHAM. I hope the amendment of the committee in this respect will not be adopted. The Senate will perceive that an appeal is provided in both civil and criminal cases from the judgment of the commissioners to the district court where the amount involved is $200 or more. Then the amendment now proposed entirely wipes out any appeal from the judgment of the district court to the circuit court for the district of Oregon. It entirely wipes out any intermediate hearing of a case, civil or criminal, and leaves only the remedy by appeal to the Supreme Court. Of course it can be readily seen that a large class of cases tried in the district court can never be reviewed, and it will be

seen that, as in the case of a man who is tried for the crime of murder for a capital offense, it is provided in this section that the "district court shall have exclusive jurisdiction in all cases in equity or those involving a question of title to land, or mining rights, or the constitutionality of a law, and in all criminal offenses which are capital." A man may be tried for an offense involving his life under this bill in the district court, and there is no mode of review left to him. He can not get to the Supreme Court. There is no review of a criminal case in the Supreme Court of the United States, except upon a certificate of division, which is a rare occurrence.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question in that regard?

Mr. LAPHAM. Certainly.

Mr. JONES, of Florida. Is a citizen of the Territory of Alaska under this bill in any worse position than a citizen of a State? Is there any appeal now from the decision of a circuit court of the United States in a case of murder to the Supreme Court of the United States?

Mr. LAPHAM. Very clearly not, but bills are pending for that purpose.

Mr. HARRISON. Then I say to the Senator that whenever his bill passes it would be applicable here, and allow an appeal to the Supreme Court of the United States.

Mr. LAPHAM. That may or may not be so. That would depend upon the provision of the bill. We are here putting in a provision in this bill which, if adopted, will prevent an appeal from the district court to the circuit court of the district of Oregon, and will prevent any intermediate examination of either a civil or criminal case.

Mr. HARRISON. If the Senator will allow me, I will state that we are adopting here a practice not for the first time, that is, constituting a district court of the United States a circuit court for certain purposes and conferring upon it the jurisdiction of a circuit court. We have adopted that here. The district court of Alaska is to be under this proposed law a circuit court of the United States, and there being one judge exercising the functions of circuit and district judge both, an appeal can only be under the law as it is now to the Supreme Court of the United States in capital criminal cases such as those to which the Senator has referred. As the Senator from Florida has said, there is no such appeal under the general law. This bill leaves the jurisdiction of the courts and the rights of parties as to appeals precisely where they are left by the present law in all those cases where a district court of the United States is given the functions of a circuit court.

Whenever the amendments to the general law regulating the jurisdiction of courts to which the Senator from New York has referred are adopted, as I hope they may be, because I regard it as an extremely hard case that a man should be tried in any court upon a capital charge and not be allowed to bring the proceedings of his trial in review before another court—whenever we shall amend that defect in the law, which is applicable to all the States alike, the amendment will under the very terms of this bill apply to the district of Alaska.

Mr. LAPHAM. There is now a general law which allows a review in a criminal case tried before a district court in the circuit court. That law was passed while I was a member of the other House, and is now in force. The difficulty with this amendment is that it not only takes away that right, but it takes away all right of appeal in civil actions from a district to a circuit court in cases involving a less sum than justifies coming to the Supreme Court of the United States, which is now fixed, if I remember aright, at the sum of $5,000. So all the litigation in Alaska Territory in the district court below the sum of $5,000 must end with the trial in the district court; there can be no further examination of those cases.

Now, I submit that the first draught of this bill in that respect was far better than it is made by the amendment. The amendment is absolutely unjust to suitors. The great mass of litigation in that Territory will be for amounts that never would justify coming to the Supreme Court of the United States, and yet they will be cases which ought to be reviewed in a circuit court; and as we have adopted the code of Oregon for other purposes, a review in the circuit court of Oregon is the proper reference, as was first proposed in the bill.

Mr. HARRISON. There is one review allowed by this bill. The commissioners' courts are constituted courts of record for the trial of causes, and an appeal is allowed to the district court. There is one review allowed in all those cases, and it seemed to us that to allow appeals in these cases, especially civil cases below $5,000, from the district court in Alaska to the circuit court in Oregon, so remote from the place of trial, would be more likely to produce ill results than good results.

Mr. LAPHAM. The Senator will pardon me. If he will look back to section 7 he will find that it reads:

But the said district court shall have exclusive jurisdiction in all cases in equity or those involving a question of title to land, or mining rights, or the constitutionality of a law.

Mr. HARRISON. May I ask the Senator from New York whether under the laws of the United States this jurisdiction in equity is not exclusive in the circuit courts of the United States now?

Mr. LAPHAM. Suppose that be so?

Mr. HARRISON. Then we have left it here in this circuit court precisely as it is in New York and Indiana, and if the amount involved in the suit is less than $5,000 a citizen of New York or of Indiana, as of Alaska, has no appeal.

Mr. LAPHAM. Then why give a right of appeal in lesser cases?

Mr. HARRISON. A right of appeal where?

Mr. LAPHAM. What I do not understand in the philosophy of this bill is that a right of appeal is given from the commissioners' court, the inferior court, but when you come to the district court, where important rights are involved, no right of review whatever is given.

Mr. HARRISON. We give from this circuit court, called a district court, an appeal to the Supreme Court of the United States upon precisely the same terms and in the same classes of cases that appeals under the general laws of the United States may be prosecuted from any circuit court. In constituting these inferior courts with the jurisdiction of justices of the peace, the framers of the bill thought it right that there should be a review in the Territory in the district court, where it could conveniently be had.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

Mr. JONES, of Nevada. I move that the Senate proceed to the consideration of executive business.

Mr. HARRISON. I ask the Senator to allow us to finish the reading and disposition of the committee amendments. I understand the Senator himself desires to prepare an amendment. I shall make no objection to the bill going over as the unfinished business after we have got through with the committee amendments.

The PRESIDING OFFICER. Does the Senator from Nevada withdraw his motion?

Mr. JONES, of Nevada. Yes, sir.

The PRESIDING OFFICER. The motion is withdrawn. The next committee amendments will be reported.

Mr. HARRISON. Before we pass from section 8 I desire to propose an amendment to it in line 18. I believe it was the intention of the committee that as to the title to the lands occupied by the mission stations the limitation of six hundred and forty acres should apply to each station. In reading the bill it seems to me that as printed it probably would not be so construed. A proviso of section 8, beginning in line 17, reads:

That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said section, with the improvements theron erected by or for such societies, be confirmed and established in the several religious societies to which said missionary stations respectively belong.

It seems to me that might be subject to the construction that but six hundred and forty acres could be confirmed to the same religious society, no matter how many stations it might have. I therefore propose, after the word "acres," in line 18, to insert the words, "at any station;" so as to read:

That the title to the land, not exceeding six hundred and forty acres at any station now occupied as missionary stations, &c.

The amendment was agreed to.

Mr. CONGER. I propose for consideration, but I do not ask that it be acted upon to-night, to add at the end of section 8 the following additional proviso:

And provided also, That the Secretary of the Interior is hereby authorized and directed to cause such surveys as are necessary to carry out the provisions of this act to be made.

I understand the Senator from Nevada [Mr. JONES] is preparing a section which he would like to offer to-morrow. I merely propose this that it may be pending.

The PRESIDING OFFICER. The Senator from Michigan proposes an amendment for information.

Mr. HARRISON. Will the Senator from Michigan send it to the desk, and I may also make the same request of the Senator from Nevada when he prepares his amendment, so that these amendments may be printed and be on the table to-morrow?

Mr. PLUMB. I move, in section 8, line 9, to insert after the word "occupation" the words "or now claimed by them;" so as to make the proviso read:

Provided, That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them, but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.

I do not know by what tenure the Indians are there nor what ordinarily characterizes their claim of title, but it will be observed that the language of the proviso I propose to amend puts them into very small quarters. I think about 2 feet by 6 to each Indian would be the proper construction of the language "actually in their use or occupation." Under the general rule of occupation applied to an Indian by a white man, that would be a tolerably limited occupation and might possibly land them in the sea.

I do not want to make the condition of things up there any worse than it is now. There has been a good deal said about Indian schools and things necessary for the benefit of the Indians, concerning which I say nothing now, only I do not want to impose a government on several thousand Indians, for the purpose of assuming to consult the convenience of about four hundred white people, which shall do the In-

dians more hurt than it will do the white people good. Pending an investigation of this question I propose that the Indian shall at least have as many rights after the passage of this bill as he had before. I do not know that they have any rights at all; I only want to avoid the certain consequences which will result from the adoption of the bill with the language which I have quoted in it, and which of course would result in bringing to us the complaints of those innocent people, and of ultimately expending large sums of money in investigation, and finally in reimbursing them for their losses and otherwise compensating them and putting them in the condition of which they had been deprived.

Therefore I move to insert, after the word "occupation" the words "or now claimed by them," so that until we come to deal with this question in some permanent method, upon some system or plan, the bill shall leave the Indians exactly where it found them. I propose to add an amendment at the close of the section for the purpose of giving further effect to this idea.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. HARRISON. The intention of the committee was to save from all possible invasion the rights of the Indian residents of Alaska. We were urged by some to extend the land laws of the United States to that Territory. The committee thought it unwise to do so, particularly in view of the fact that the subject of a revision of the land laws is now under consideration by the committee over which the Senator from Kansas presides. It was, however, believed to be necessary, and it was thought it could be done without injury to any one, to extend the mining laws of the United States.

It is claimed by some that there are very rich deposits of precious metals in Alaska. Some persons have gone there and attempted to locate claims, and there has been up to this time no color of right by which the location or extent of these claims or the title to them could be settled. We have, therefore, by the section to which this amendment is proposed, extended the mining laws, but it was not thought by the committee that the extension of the mining laws could possibly absorb any great extent of territory in Alaska.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. HARRISON. Yes, sir.

Mr. JONES, of Florida. We have had a very extended discussion here lately with respect to the operation of the Constitution and laws of the United States over a Territory. I should like to know what opinion the Committee on Territories holds in regard to the question of the operative force of the Constitution and laws of the United States within a Territory when they have not been extended to it by positive legislation of this Government. Does the Senator think the Constitution of the United States would be in force in a Territory without an act of Congress to apply it?

Mr. HARRISON. The Committee on Territories were able to devise this simple frame of government for Alaska without meeting any constitutional stumps. We provided for the extension of such laws as we thought the few inhabitants, the scattered population, of that Territory needed. We did not meet at all in the course of our discussion the constitutional question which the Senator from Florida has suggested, and I do not feel now like going out of my way, though I should be glad to accommodate him, to introduce into the discussion here so wide a question as the one he has named.

To come back to the matter I was speaking about, I have no objection to the Senator from Kansas [Mr. PLUMB] putting in the bill any amendment to this section which shall accomplish the purpose which he says he has in mind. It was the object of the committee absolutely to save the rights of all occupying Indians in that Territory until the report which is provided for in another section of the bill could be made, when the Secretary of the Interior could ascertain what their claims were and could definitely define any reservations that were necessary to be set apart for their use. We did not intend to allow any invasion of the Territory by which private rights could be acquired by any person except in so far as it was necessary in order to establish title to mining claims in the Territory. Believing that that would occupy but the smallest portion of the territory here and there, isolated and detached and small quantities of ground, we thought the reservation of lands occupied by the Indians or by anybody else was a sufficient guard against any serious invasion of their rights. But if the Senator will call attention again to this section after the committee amendments have been acted upon, I have no doubt I can agree with him upon an amendment which will make the limitation here even closer than the committee have made it.

Mr. PLUMB. Is not my amendment in order now?

The PRESIDING OFFICER. The amendment is in order now.

Mr. HARRISON. I thought the understanding was, and therefore my remark, that we would go through the bill and consider the amendments of the committee first.

Mr. PLUMB. The bill has been otherwise amended in the progress so far.

Mr. HARRISON. Only as amendments have been suggested by the committee.

Mr. PLUMB. I am not tenacious about this matter. If the chairman of the committee who has reported this bill prefers that amendments shall be withheld until after the committee amendments have been acted upon I shall not now insist upon the amendment which I have proposed.

I want to say, however, in response to what the Senator from Indiana said about the provisions of section 12, which provides for an investigation as to the rights of the Indians, that it does not in any way preserve those rights pending that investigation or pending the action by Congress. The whole evil of which I speak, and damage and loss and wrong to the Indians, may have been accomplished long before Congress ever sees or hears of the report, and even before the report is made. When that section is reached, then, at the proper time, I shall propose to so amend it as to require the Secretary of the Interior, under the operations of the commission, to segregate temporarily reservations for the use of the Indians which shall not be invaded by anybody until such time as Congress shall give them more definite location, and which shall make the reservations just as much theirs for all the purposes for which they can use them as they would have if they had the fee title.

It will be borne in mind that we are legislating about a people in regard to whom we know very little. We are passing upon the rights and the duties of a people about whom we know practically nothing and a people who are entirely helpless. We can not, in legislating at this long range, be too careful not to substitute some other person's rights for the right of some one now on the soil and to whom we are bound, or ought to be bound, at least by ties of sympathy and by ties of justice.

So I hope that before the bill is passed it will be subjected to severe scrutiny, to ascertain if by any means anything has crept in which shall seem to give anybody not now there the privilege or power of trespassing upon the rights of any other person there, because a trespass of that kind once engaged in would be very hard indeed to remedy.

Alaska is a long way off, and a series of outrages and wrongs might be perpetrated there which could not be remedied or healed and which would ripen into something which could not be reached by legislation or remedied practically before anybody knew anything about it.

The PRESIDING OFFICER. The Senator from Kansas, the Chair understands, withdraws his amendment at present.

Mr. PLUMB. If that is the proper thing to do I withdraw the amendment, having practically given notice that I will offer it at a future time.

The PRESIDING OFFICER. The next committee amendment will be reported.

Mr. PLUMB. I think I shall venture to move now that we proceed to the consideration of executive business. There are several persons I know who are thinking of this bill with a view to amendments, and with doubts upon various points which have been suggested, and some which have not yet been suggested, and I think it will conduce to its proper consideration to let it go over now.

Mr. HARRISON. I shall not object. I should like to complete the committee amendments to-night, but as it is late and an executive session is wanted, I shall not interpose an objection. The bill will remain as the unfinished business, I believe.

The PRESIDING OFFICER. It will remain as the unfinished business. The question is on the motion of the Senator from Kansas, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 18 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 21, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday's proceedings was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order of business is the call of States and Territories for the introduction and reference of bills and joint resolutions.

Pending the call, the Chair desires to lay before the House, by consent, certain requests of members and some executive communications.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. MILLARD, for one week, on account of illness in his family.

To Mr. MAYBURY, for one week, on account of the death of a friend.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. MOREY to withdraw papers from the files relating to the claim for pension of Amanda Stokes.

TAX ON WHISKY.

The SPEAKER laid before the House a letter from the Secretary of

the Treasury, transmitting a report from the Commissioner of Internal Revenue in response to House resolution relating to the suspension of the tax on whisky, &c.; which was referred to the Committee on Ways and Means, and ordered to be printed.

REPORT OF THE COLUMBIAN INSTITUTION FOR DEAF AND DUMB.

The SPEAKER also laid before the House the report of the president of the Columbian Institution for the Deaf and Dumb and the Blind; which was ordered to be printed, and referred to the Committee on Appropriations.

A. J. SHELTON.

Mr. PRYOR introduced a bill (H. R. 3559) for the relief of A. J. Shelton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RE-ENACTMENT OF A STATUTE.

Mr. JONES, of Alabama, introduced a bill (H. R. 3560) to re-enact section 4596 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES A. SIBLEY.

Mr. JONES, of Alabama, also introduced a bill (H. R. 3561) for the relief of Charles A. Sibley, guardian of Lloyd M. Stevens; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LAND-GRANT RAILROAD.

Mr. DUNN introduced a bill (H. R. 3562) to compel the payment by certain railroad and railway companies of the cost of surveying, selecting, and conveying of land granted to them by the United States, and requiring the Secretary of the Interior to issue patents conveying title to all lands granted to railroads which have been legally earned by virtue of the completion of their roads, as provided by law; which was read a first and second time.

Mr. DUNN. On the subject of the reference of this bill I desire to make this brief statement: That bill is intended by me as a substitute for a number of bills of a similar character which have been introduced from time to time but which are special in their character, whereas this relates to the whole of the land-grant railroads. These bills are with the Committee on Pacific Railroads, which has been and is now considering the subject. For that reason I shall move the reference of this bill to the Committee on Pacific Railroads. I do not know whether the chairman of the Committee on Public Lands will wish to antagonize that motion or not. It is immaterial to me which committee it goes to, only for the reason as I have stated that the subject is now under consideration by the Committee on Pacific Railroads, and I informed them that I would move the adoption of this bill as a substitute for a number of special bills which are before the committee.

Mr. COBB. I do not know that I understand the gentleman.

The SPEAKER. Let the bill be read.

Mr. DUNN. I will explain very briefly the object of the bill. It is to provide by law for the collection of all sums due for surveying, selecting, and conveying lands granted to certain railroad companies, and to require the Secretary of the Interior to ascertain all lands which have been earned by the land-grant railroads by virtue of their having completed their roads within the time fixed by the law. The bill contemplates the restoration to the public domain of all unearned grants, and the issue of patents for lands which have been earned under the law. The subject being before the Committee on Pacific Railroads, as I have stated, I move the reference of this bill to that committee.

Mr. COBB. I do not know that I have any objection to the reference.

The SPEAKER. Without objection the bill will be referred to the Committee on Pacific Railroads.

There being no objection, the bill was referred to the Committee on Pacific Railroads, and ordered to be printed.

J. M. HOBBS.

Mr. PEEL, of Arkansas, introduced a bill (H. R. 3563) for the relief of J. M. Hobbs; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ORLANDO W. EASTON.

Mr. PEEL, of Arkansas (by request), also introduced a bill (H. R. 3564) for the relief of Orlando W. Easton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM EURELE.

Mr. MITCHELL introduced a bill (H. R. 3565) granting a pension to William Eurele; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY H. ALLING.

Mr. MITCHELL also introduced a bill (H. R. 3566) granting arrears of pension to Mary H. Alling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. WALKER.

Mr. BUDD (by request) introduced a bill (H. R. 3567) for the relief of A. Walker, of California; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SURVEY OF CERTAIN CALIFORNIA LANDS.

Mr. BUDD also introduced a bill (H. R. 3568) to provide for the survey of certain swamp and overflowed lands in the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MALINDA THURSTON AND NANCY LITTLETON.

Mr. BUDD also introduced a bill (H. R. 3569) for the relief of Malinda Thurston and Nancy Littleton; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LEWES A PORT OF ENTRY.

Mr. LORE introduced a bill (H. R. 3570) to constitute Lewes, in the State of Delaware, a port of entry, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. E. C. LONG AND MRS. M. K. BREVARD.

Mr. BISBEE introduced a bill (H. R. 3571) for the relief of Mrs. Ellen Call Long and Mrs. Mary K. Brevard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. CORNWELL.

Mr. CANDLER (by request) introduced a bill (H. R. 3572) for the relief of William H. Cornwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK H. NICHOLS.

Mr. CANDLER (by request) also introduced a bill (H. R. 3573) for the relief of Frank H. Nichols; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALBERT MOSELY.

Mr. CANDLER (by request) also introduced a bill (H. R. 3574) for the relief of Albert Mosely, Company B, First Regiment Georgia Infantry Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GREEN D. MULLINS.

Mr. CANDLER (by request) also introduced a bill (H. R. 3575) for the relief of Green D. Mullins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF WILLIAM D. ELLIS.

Mr. CANDLER (by request) also introduced a bill (H. R. 3576) for the relief of the heirs of William D. Ellis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY E. CHUMLY.

Mr. CANDLER (by request) also introduced a bill (H. R. 3577) for the relief of Mary E. Chumly, widow of John Chumly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WESLEY JONES.

Mr. CANDLER (by request) also introduced a bill (H. R. 3578) for the relief of Wesley Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM A. DARNELL.

Mr. CANDLER (by request) also introduced a bill (H. R. 3579) for the relief of Hiram A. Darnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY E. CHUMLY.

Mr. CANDLER (by request) also introduced a bill (H. R. 3580) for the relief of Mary E. Chumly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VALINA S. HUTCHINS.

Mr. CANDLER (by request) also introduced a bill (H. R. 3581) for the relief of Valina S. Hutchins; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JEREMIAH CLAXTON.

Mr. THOMAS introduced a bill (H. R. 3582) granting a pension to Jeremiah Claxton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK W. MILLER.

Mr. THOMAS also introduced a bill (H. R. 3583) granting a pension to Frederick W. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELISHA E. REYNOLDS.

Mr. THOMAS also introduced a bill (H. R. 3584) granting a pension

to Elisha E. Reynolds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. LOCKETT.

Mr. THOMAS also introduced a bill (H. R. 3585) granting a pension to John W. Lockett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. STAPLIN.

Mr. HITT introduced a bill (H. R. 3586) granting arrears of pension to George W. Staplin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OFFICERS DISTINGUISHED IN INDIAN WARFARE.

Mr. FINERTY introduced a bill (H. R. 3587) to confer brevet promotion on officers of the United States Army particularly distinguished by heroic action in Indian warfare, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM G. M'CONNELL AND EDWIN W. JORDON.

Mr. CANNON (by request) introduced a bill (H. R. 3588) for the relief of William G. McConnell and Edwin W. Jordon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZABETH A. ROBBINS.

Mr. NEECE introduced a bill (H. R. 3589) granting a pension to Elizabeth A. Robbins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS T. SMITHERS.

Mr. NEECE also introduced a bill (H. R. 3590) for the relief of Thomas T. Smithers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH A. BECKTEL.

Mr. NEECE also introduced a bill (H. R. 3591) for the relief of Sarah A. Becktel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HAZEL.

Mr. CULLEN introduced a bill (H. R. 3592) granting a pension to William Hazel; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUBLIC BUILDING AT CHICAGO, ILL.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 3593) for the erection of a public building at Chicago, Ill.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN A. DEAN.

Mr. STOCKSLAGER introduced a bill (H. R. 3594) granting a pension to John A. Dean; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

INTERNATIONAL COMMERCE.

Mr. WOOD introduced a bill (H. R. 3595) to authorize the Governor of each State of the United States to appoint commissioner to establish a system of international commerce and to decide the practicability of establishing a bureau of international commerce; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NELSON CAPRON.

Mr. WOOD also introduced a bill (H. R. 3596) to grant a pension to Nelson Capron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. DURAVIN.

Mr. WOOD also introduced a bill (H. R. 3597) to increase the pension of John A. Duravin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS F. MILLER AND CHARLES M. SMITH.

Mr. BROWNE, of Indiana (by request), introduced a bill (H. R. 3598) for the relief of Thomas F. Miller and Charles M. Smith; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HENRY H. NEFF.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 3599) for the relief of Henry H. Neff, of Winchester, Ind.; which was read a first and second time.

The question was upon the reference of the bill.

Mr. BROWNE, of Indiana. In my opinion this bill should go to the Committee on Military Affairs, although a similar bill last session was referred to the Committee on War Claims. It is a bill for the relief of an officer who claims pay for having served under his commission before he was sworn into the service. I think it clearly belongs to the Committee on Military Affairs.

Mr. MAGINNIS. We are reporting all that class of bills referred to us back to the House for reference to the Committee on War Claims.

Mr. BROWNE, of Indiana. The gentleman from Montana [Mr. MAGINNIS] informs me that the Committee on Military Affairs are reporting all bills of this character back to the House and asking that they be referred to the Committee on War Claims. That being the case, this bill should go to the Committee on War Claims also.

The SPEAKER. The Chair thinks it properly belongs to that committee.

The bill was accordingly referred to the Committee on War Claims, and ordered to be printed.

WALTER J. PLOWDEN.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 3600) giving a pension to Walter J. Plowden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COURTLAND L. MACK.

Mr. LAMB introduced a bill (H. R. 3601) for the relief of Courtland L. Mack; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY HOLLINGSWORTH.

Mr. LAMB also introduced a bill (H. R. 3602) to rerate the pension of Henry Hollingsworth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMANDA E. HOYT.

Mr. PEELLE, of Indiana, introduced a bill (H. R. 3603) granting a pension to Amanda E. Hoyt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. W. SCARCE.

Mr. PEELLE also introduced a bill (H. R. 3604) granting an increase of pension to Maj. W. W. Scarce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA V. BROWN.

Mr. PEELLE also introduced a joint resolution (H. Res. 118) for the relief of Maria V. Brown, assignee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZA SLUSS.

Mr. MATSON introduced a bill (H. R. 3605) granting a pension to Eliza Sluss, widow of John M. Sluss; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

IRENE BAKER.

Mr. MATSON also introduced a bill (H. R. 3606) granting a pension to Irene Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and order to be printed.

MRS. MARTHA L. BURCH.

Mr. MATSON (by request) also introduced a bill (H. R. 3607) for the relief of Mrs. Martha L. Burch; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LAND GRANTS OF RAILROADS.

Mr. HOLMAN submitted the following resolution; which was referred to the Committee on the Public Lands:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the House whether, since the 1st day of June, 1882, any patents have been issued or lists of land certified to any State, or patents issued to any railroad corporation, on account of any grant of public lands heretofore made by Congress to aid in the construction of any railroad, for lands to which such State or corporation was not entitled to patents, or other evidence of title, when the period expired within which by the terms of the grant the railroad was required to be completed; and if any such patents have been issued or lists of lands certified since the date above-named, that he communicate to the House a statement of the number of acres patented or certified to each State and to each corporation to which the same shall have been issued or certified, and also all correspondence, papers, and orders in his Department touching the issuing of such patents or certifying such lists, and all opinions of any officer of the United States which may have been filed in or communicated to his Department in relation thereto.

MRS. M. L. VAN DEVENTER.

Mr. STOCKSLAGER introduced a bill (H. R. 3608) for the relief of Mrs. M. L. Van Deventer; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

IMPROVED NAVAL MACHINERY.

Mr. CALKINS introduced a bill (H. R. 3609) to direct the Secretary of the Navy to purchase for the United States the right to make and use a certain improvement in machines for binding metal links and to provide for the payment therefor; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. HEPBURN introduced a bill (H. R. 3610) to authorize the Secretary of War to furnish one condemned iron cannon and carriage to Upton Post, No. 248, Grand Army of the Republic, at New Market, Iowa, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SIMON M. PRESTON.

Mr. COOK introduced a bill (H. R. 3611) for the relief of Simon M. Preston; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HAYDEN REYNOLDS.

Mr. COOK also introduced a bill (H. R. 3612) granting a pension to Hayden Reynolds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IRA M'NAIR.

Mr. COOK also introduced a bill (H. R. 3613) granting a pension to Ira McNair; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMANUAL SULSGROVE.

Mr. KASSON introduced a bill (H. R. 3614) for the relief of Emanual Sulsgrove; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FOURTH REGIMENT IOWA INFANTRY.

Mr. KASSON also introduced a bill (H. R. 3615) for the relief of the volunteers of the Fourth Regiment of Iowa Infantry; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

LAND GRANTS TO RAILROADS.

Mr. ANDERSON introduced a bill (H. R. 3616) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DURATION OF PATENTS.

Mr. ANDERSON also introduced a bill (H. R. 3617) to reduce the lifetime of a patent to five years; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

DONALD KNOX.

Mr. ANDERSON also introduced a bill (H. R. 3618) for the relief of Donald Knox; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. RENNER.

Mr. ANDERSON also introduced a bill (H. R. 3619) to rerate the pension of William H. Renner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF RULES.

Mr. ANDERSON also submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That Rule XXXIV be amended by adding the following words:

"*Provided*, That an ex-member of Congress, on and after the fifth day from his first admission to the floor of the House, shall only be admitted thereto during the remainder of that Congress by an order of the Speaker; nor shall the Speaker issue said order until such ex-member shall have certified upon his honor as a man that he is not personally, pecuniarily, or professionally interested, either directly or indirectly, in the passage or defeat of any claim, bill, or other measure pending before Congress or any of its committees; that he is not, either personally or professionally, in the employ, service, or interest, either directly or indirectly, of any railroad, telegraph, or other company, corporation, person, or combination of corporations or persons, having a pecuniary interest in the passage or defeat of any claim, bill, or measure pending before Congress or its committees; and pledging his word that, while the House is in session, he will in no way communicate with a member thereof respecting any claim, bill, measure, or action which may affect the welfare of any railroad, telegraph, or other company, corporation, person, or combination of corporations or persons, having an interest in legislation pending before Congress. The Committee on Rules, upon ascertainment of any violation of this proviso, shall immediately declare the offender forever deprived of the privilege of the floor as an ex-member of Congress."

Mr. REAGAN. I think a similar petition to this was referred to the Committee on the Judiciary. Let me ask whether this contemplates a rule or a law.

The SPEAKER. A rule.

The resolution was referred to the Committee on the Rules.

INTERSTATE COMMERCE.

Mr. PETERS introduced a bill (H. R. 3620) to regulate interstate commerce through a national court of arbitration; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, LEAVENWORTH, KANS.

Mr. MORRILL introduced a bill (H. R. 3621) in relation to the public building at Leavenworth, Kans.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PRAIRIE BAND OF POTTAWATOMIE INDIANS.

Mr. MORRILL also introduced a bill (H. R. 3622) to provide for the sale of the lands belonging to the Prairie band of Pottawatomie Indians in Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SARAH E. PRICE.

Mr. MORRILL also introduced a bill (H. R. 3623) granting a pension to Sarah E. Price, widow of Nathan Price; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. POWELL.

Mr. MORRILL also introduced a bill (H. R. 3624) for the relief of W. H. Powell; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LEVI ANDERSON.

Mr. MORRILL also introduced a bill (H. R. 3625) granting an increase of pension to Levi Anderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. T. J. JONES.

Mr. HALSELL introduced a bill (H. R. 3626) for the benefit of Dr. T. J. Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN E. RENO.

Mr. HALSELL also introduced a bill (H. R. 3627) for the benefit of John E. Reno; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES H. EWING.

Mr. HALSELL also introduced a bill (H. R. 3628) for the relief of James H. Ewing; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SILAS H. CLARK.

Mr. HALSELL also introduced a bill (H. R. 3629) for the relief of Silas H. Clark; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS B. GOSSOM.

Mr. HALSELL also introduced a bill (H. R. 3630) for the relief of Thomas B. Gossom, administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELLEN BALL.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 3631) for the relief of Ellen Ball, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER FRANCESCO, DECEASED.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 3632) giving a military record to Alexander Francesco, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES ARNOLD.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 3633) to remove the charge of desertion from James Arnold; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

B. MILLS PARRISH.

Mr. WOLFORD introduced a bill (H. R. 3634) for the relief of B. Mills Parrish; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANDREW J. VEATCH.

Mr. WOLFORD also introduced a bill (H. R. 3635) granting a pension to Andrew J. Veatch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. J. TAPP & CO.

Mr. WILLIS introduced a bill (H. R. 3636) for the relief of W. J. Tapp & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. MARY T. DUNCAN.

Mr. WILLIS also introduced a bill (H. R. 3637) for the benefit of Mrs. Mary T. Duncan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY DOORMAN.

Mr. WILLIS also introduced a bill (H. R. 3638) granting a pension to Henry Doorman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS P. MYRICK.

Mr. WILLIS also introduced a bill (H. R. 3639) granting a pension to Thomas P. Myrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SALLIE T. WARD.

Mr. WILLIS also introduced a bill (H. R. 3640) granting a pension to Mrs. Sallie T. Ward; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PATRICK CRANE.

Mr. WILLIS also introduced a bill (H. R. 3641) granting a pension

to Patrick Crane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. RAY.

Mr. WILLIS also introduced a bill (H. R. 3642) granting a pension to John D. Ray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDITH DEIG.

Mr. WILLIS also introduced a bill (H. R. 3643) granting a pension to Judith Deig; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. R. H. WILSON.

Mr. WILLIS also introduced a bill (H. R. 3644) granting relief to Dr. R. H. Wilson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MOORE & SERBE.

Mr. WILLIS also introduced a bill (H. R. 3645) for the relief of Moore & Serbe; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB KLOTTER.

Mr. WILLIS also introduced a bill (H. R. 3646) for the relief of Jacob Klotter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. S. SAUNDERS.

Mr. WILLIS also introduced a bill (H. R. 3647) for the relief of H. S. Saunders; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BATH COUNTY, KENTUCKY.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 3648) for the relief of Bath County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMANDA JACOBS.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 3649) for the relief of Amanda Jacobs; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LILBURN E. TABER.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 3650) for the relief of Lilburn E. Taber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. DUNCAN.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 3651) for the relief of James H. Duncan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN BURCHETT.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 3652) for the relief of Benjamin Burchett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC MARINE SCHOOLS.

Mr. HUNT introduced a bill (H. R. 3653) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, and the act amendatory of the same, approved March 3, 1881; which was read a first and second time, referred to the Committee an Naval Affairs, and ordered to be printed.

LEHMAN, HAYEM & TAYLOR.

Mr. HUNT also introduced a bill (H. R. 3654) for the relief of Lehman, Hayem & Taylor; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

BARK GRENADA.

Mr. DINGLEY introduced a bill (H. R. 3655) for the relief of the owners of the bark Grenada; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. ORRIN WALKER.

Mr. DINGLEY also introduced a bill (H. R. 3656) granting a pension to Mrs. Orrin Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY A. ARMSTRONG.

Mr. REED introduced a bill (H. R. 3657) granting a pension to Henry A. Armstrong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY B. HOOK.

Mr. HOBLITZELL introduced a bill (H. R. 3658) for the relief of Mary B. Hook; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

Mr. HOBLITZELL also introduced a bill (H. R. 3659) for the relief of Mary B. Hook; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SIGNAL LIGHTS ON SAIL VESSELS.

Mr. FINDLAY introduced a bill (H. R. 3660) to amend section 4234 of the Revised Statutes of the United States so as to require all sail vessels to provide themselves with signal-lights, under regulations to be prescribed by the board of inspectors, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. LUCY LE G. JEFFERS.

Mr. MORSE introduced a bill (H. R. 3661) granting an increase of pension to Lucy Le G. Jeffers; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LOAN AND TRUST COMPANY, DISTRICT OF COLUMBIA.

Mr. MORSE (by request) also introduced a bill (H. R. 3662) to incorporate the Collateral Loan and Trust Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN T. MARSHALL.

Mr. LOVERING introduced a bill (H. R. 3663) granting a pension to John T. Marshall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL NILAND.

Mr. LOVERING also introduced a bill (H. R. 3664) for the relief of Michael Niland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LUCY D. HOOPER.

Mr. COLLINS introduced a bill (H. R. 3665) for the relief of Lucy D. Hooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHESTER R. MERRILL.

Mr. COLLINS also introduced a bill (H. R. 3666) for the relief of Chester R. Merrill; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WORCESTER WILLEY.

Mr. RICE (by request) introduced a bill (H. R. 3667) for the relief of Worcester Willey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REBATES ON EXPORTS.

Mr. TALBOTT introduced a bill (H. R. 3668) to allow rebates on all articles exported under the provisions of sections 3019, 3020, and 3026 of the Revised Statutes of the United States and of section 10 of the act of Congress of February 8, 1875; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ROBERT M. FLACK.

Mr. YAPLE introduced a bill (H. R. 3669) granting a pension to Robert M. Flack; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BANNISTER.

Mr. YAPLE also introduced a bill (H. R. 3670) for the relief of John Bannister; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPT. EDMOND G. FECHÉT.

Mr. CUTCHEON (by request) introduced a bill (H. R. 3671) to correct the record of Capt. Edmond G. Fechét; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF OF LEGISLATIVE OFFICERS.

Mr. CUTCHEON also introduced a bill (H. R. 3672) to improve the civil service by relieving legislative officers from the performance of executive functions; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

SECTION 4492 REVISED STATUTES.

Mr. CARLETON introduced a bill (H. R. 3673) to amend section 4492, title 52, of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RELIEF OF SETTLERS.

Mr. STRAIT introduced a bill (H. R. 3674) for the relief of settlers under the provisions of the homestead and pre-emption laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RICHARD DEVITT.

Mr. STRAIT also introduced a bill (H. R. 3675) for the relief of Richard Devitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIOUX WAR OF 1862.

Mr. STRAIT also introduced a bill (H. R. 3676) for the relief of citizens who were engaged in the Sioux Indian war in Minnesota in 1862; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EDWARD P. JOHNSON.

Mr. STRAIT also introduced a bill (H. R. 3677) for the relief of Edward P. Johnson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAINT CLOUD WATER-POWER COMPANY.

Mr. NELSON introduced a bill (H. R. 3678) authorizing the Saint Cloud Water-Power Company to construct a dam across the Mississippi River at Saint Cloud, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SOLDIERS UNDER GENERAL TWIGGS'S COMMAND.

Mr. NELSON also introduced a bill (H. R. 3679) granting pensions to certain soldiers under Major-General Twiggs's command in the Department of Texas at the outbreak of the rebellion in 1861; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AGATE BAY, MINNESOTA.

Mr. NELSON also introduced a bill (H. R. 3680) providing for an examination and survey of Agate Bay, Minnesota, and appropriating a certain sum of money therefor; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

WILLIAM L. SLOAN.

Mr. NELSON also introduced a bill (H. R. 3681) granting a pension to William L. Sloan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. MULDROW introduced a bill (H. R. 3682) to provide for ascertaining and settling private land claims in certain States and Territories; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ANTHONY CONNOLLY.

Mr. BROADHEAD introduced a bill (H. R. 3683) allowing Anthony Connolly to receive back pension on account of wounds received in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STENOGRAPHERS FOR SUPREME COURT JUSTICES.

Mr. BROADHEAD also introduced a bill (H. R. 3684) authorizing the appointment of stenographers for the Justices of the Supreme Court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LOUIS LOE.

Mr. ALEXANDER introduced a bill (H. R. 3685) for the relief of Louis Loe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HAMILTON CREWS.

Mr. ALEXANDER also introduced a bill (H. R. 3686) for the relief of Hamilton Crews; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL SERIES OF SCHOOL-BOOKS.

Mr. BURNES introduced a bill (H. R. 3687) to encourage education and provide a national series of text-books within the jurisdiction of Congress; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

OSCAR EASTMOND AND JAMES W. ATWILL.

Mr. BURNES also introduced a bill (H. R. 3688) for the relief of Oscar Eastmond and James W. Atwill; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAWSON MOORE.

Mr. DOCKERY introduced a bill (H. R. 3689) for the relief of Lawson Moore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. S. ROBINSON.

Mr. FYAN introduced a bill (H. R. 3690) to restore S. S. Robinson, late of the Sixteenth United States Infantry, to the Army, and place him on the retired-list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSHUA SHEPARD.

Mr. FYAN also introduced a bill (H. R. 3691) for the relief of Joshua Shepard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. W. MARSTON.

Mr. COSGROVE introduced a bill (H. R. 3692) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FEES OF PENSION ATTORNEYS.

Mr. MORGAN introduced a bill (H. R. 3693) to regulate attorneys' fees in pension claims; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH BARBOUR.

Mr. SEYMOUR (by Mr. MORGAN) introduced a bill (H. R. 3694) granting a pension to Elizabeth Barbour; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC SMITH.

Mr. CLARDY introduced a bill (H. R. 3695) granting a pension to Isaac Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER KUMPF.

Mr. CLARDY also introduced a bill (H. R. 3696) for the relief of Peter Kumpf; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMPSON, HORN & CO.

Mr. BUCKNER (by request) introduced a bill (H. R. 3697) for the relief of Thompson, Horn & Co.; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. VALENTINE introduced a bill (H. R. 3698) to authorize the construction of a bridge across the Missouri River at or near Decatur, Burt County, Nebraska; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE W. IRA.

Mr. VALENTINE also introduced a bill (H. R. 3699) for the relief of George W. Ira; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BUILDING AT MANCHESTER, N. H.

Mr. HAYNES introduced a bill (H. R. 3700) to provide for the erection of a public building in the city of Manchester, in the State of New Hampshire; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES BRADFORD.

Mr. HAYNES also introduced a bill (H. R. 3701) granting a pension to James Bradford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEWELL F. TIBBETTS.

Mr. HAYNES also introduced a bill (H. R. 3702) granting an increase of pension to Sewell F. Tibbetts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. BROWN.

Mr. HAYNES also introduced a bill (H. R. 3703) granting a pension to James W. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA HOWARD POWERS.

Mr. RAY, of New Hampshire (by request), introduced a bill (H. R. 3704) for the relief of Eliza Howard Powers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REBECCA BURDSALL.

Mr. FERRELL introduced a bill (H. R. 3705) for the relief of Rebecca Burdsall; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM MUNION.

Mr. FERRELL also introduced a bill (H. R. 3706) for the relief of William Munion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES PIERSON.

Mr. FERRELL also introduced a bill (H. R. 3707) for the relief of Charles Pierson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN CASEY.

Mr. MCADOO introduced a bill (H. R. 3708) for the relief of Stephen Casey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY H. NOONAN.

Mr. MCADOO also introduced a bill (H. R. 3709) for the relief of Mary H. Noonan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANN LOCKWOOD.

Mr. McADOO also introduced a bill (H. R. 3710) for the relief of Ann Lockwood; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ANSON ATWOOD.

Mr. KEAN introduced a bill (H. R. 3711) for the relief of Anson Atwood; which was read a first and second time, referred to the Commitee on Claims, and ordered to be printed.

MARY E. HILL.

Mr. SKINNER, of New York, introduced a bill (H. R. 3712) granting a pension to Mary E. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POSTAL LAWS.

Mr. SKINNER, of New York, also introduced a bill (H. R. 3713) revising the postal laws; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. POTTER (by Mr. ROBINSON, of New York) introduced a bill (H. R. 3714) to amend section 1009 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SARATOGA MONUMENT ASSOCIATION.

Mr. WEMPLE introduced a bill (H. R. 3715) to authorize the Secretary of War to deliver certain cannon to the Saratoga Monument Association; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT SARATOGA SPRINGS, N. Y.

Mr. WEMPLE also introduced a bill (H. R. 3716) for the erection of a public building at Saratoga Springs, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SELECT COMMITTEE ON CENSUS.

Mr. COX, of New York, submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That a select committee to ascertain the results of the Tenth Census be appointed, to have the same number of members, duties, privileges, and power as the committee of the same name had in the last Congress; and that said committee be authorized to employ a clerk.

CLAIMS AGAINST THE UNITED STATES.

Mr. SLOCUM introduced a bill (H. R. 3717) limiting the time for the presentation and payment of claims against the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. BREWER, of New York, introduced a bill (H. R. 3718) to donate cannon for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. ROGERS, of New York, introduced a bill (H. R. 3719) to amend chapter 4, of title 28, of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

W. SCOTT WHITNEY.

Mr. JOHNSON introduced a bill (H. R. 3720) for the relief of W. Scott Whitney; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS SHANNON.

Mr. CAMPBELL, of New York, introduced a bill (H. R. 3721) granting a pension to Thomas Shannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS L. DALLON.

Mr. CAMPBELL, of New York, also introduced a bill (H. R. 3722) for the relief of Francis L. Dallon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REDUCTION OF INTERNAL REVENUE.

Mr. CAMPBELL, of New York, also introduced a bill (H. R. 3723) to amend schedule L of the act entitled "An act to reduce internal-revenue taxation, approved March 3, 1883; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EVAN EVANS.

Mr. SPRIGGS introduced a bill (H. R. 3724) granting a pension to Evan Evans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA ANN SHARER.

Mr. SPRIGGS also introduced a bill (H. R. 3725) granting a pension to Eliza Ann Sharer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILANDA CARRAN.

Mr. SPRIGGS also introduced a bill (H. R. 3726) granting a pension to Philanda Carran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYNTHIA SHAW.

Mr. SPRIGGS also introduced a bill (H. R. 3727) granting a pension to Cynthia Shaw, widow of James S. Shaw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES P. MAHAN.

Mr. SPRIGGS also introduced a bill (H. R. 3728) granting a pension to Charles Mahan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORNELIA A. BARNES.

Mr. SPRIGGS also introduced a bill (H. R. 3729) granting a pension to Cornelia A. Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY P. ABEEL.

Mr. SPRIGGS also introduced a bill (H. R. 3730) granting a pension to Mary P. Abeel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF ASA O. GALLUP.

Mr. SPRIGGS also introduced a bill (H. R. 3731) for the relief of the heirs of Asa O. Gallup; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT TRAVILLA.

Mr. SPRIGGS also introduced a bill (H. R. 3732) for the relief of Robert Travilla; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROBERT JOYCE.

Mr. SPRIGGS also introduced a bill (H. R. 3733) for the relief of Robert Joyce; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIGHTS ON HUDSON RIVER.

Mr. VAN ALSTYNE introduced a bill (H. R. 3734) to establish lights on the Hudson River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DISEASES OF CATTLE.

Mr. STEVENS presented a joint resolution of the Legislature of the State of New York on diseases of cattle; which was referred to the Committee on Agriculture, and ordered to be printed.

Mr. STEVENS. I would like to have that joint resolution printed in the RECORD.

The SPEAKER. That can not be done during this call.

MARY A. GRENNON.

Mr. PARKER introduced a bill (H. R. 3735) granting a pension to Mary A. Grennon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EFFIE E. GOODALE.

Mr. PARKER also introduced a bill (H. R. 3736) for the relief of Effie E. Goodale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN M'LAUGHLIN.

Mr. MULLER (by Mr. HARDY) introduced a bill (H. R. 3737) granting a pension to Ann McLaughlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. RAY.

Mr. VANCE introduced a bill (H. R. 3738) granting a pension to William S. Ray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

I. N. HAYS.

Mr. YORK introduced a bill (H. R. 3739) to place on the pension-roll the name of I. N. Hays; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MADISON PRUITT.

Mr. YORK also introduced a bill (H. R. 3740) to place the name of James Madison Pruitt on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS BRYAN.

Mr. YORK also introduced a bill (H. R. 3741) to pay Francis Bryan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES MAHONEY.

Mr. YORK also introduced a bill (H. R. 3742) for the relief of James

Mahoney; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, STATESVILLE, N. C.

Mr. YORK also introduced a bill (H. R. 3743) to erect a public building in the city of Statesville, N. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EASTERN BAND CHEROKEE INDIANS OF NORTH CAROLINA.

Mr. BENNETT (by request) introduced a bill (H. R. 3744) to pay certain expenses of the Eastern Band of the Cherokee Indians of North Carolina; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DOUBLE POSTAL CARDS AND ENVELOPES.

Mr. COX, of North Carolina, introduced a bill (H. R. 3745) to provide for the employment of double postal cards and double postal envelopes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

O. W. MINOR.

Mr. MURRAY introduced a bill (H. R. 3746) granting a pension to O. W. Minor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. QUINLAN.

Mr. MURRAY also introduced a bill (H. R. 3747) granting an increase of pension to James A. Quinlan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY HUNT.

Mr. MURRAY also introduced a bill (H. R. 3748) granting a pension to Henry Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BOLWORK.

Mr. MURRAY also introduced a bill (H. R. 3749) granting a pension to William Bolwork, which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LERON RECORDS.

Mr. MURRAY also introduced a bill (H. R. 3750) granting a pension to Leron Records; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS CURRAN.

Mr. MURRAY also introduced a bill (H. R. 3751) granting a pension to Francis Curran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WHEATLY.

Mr. MURRAY also introduced a bill (H. R. 3752) granting a pension to John Wheatly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTHONY M'NALLEY.

Mr. MURRAY also introduced a bill (H. R. 3753) granting a pension to Anthony McNalley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CIRCULATING NOTES TO NATIONAL BANKS.

Mr. WILKINS introduced a bill (H. R. 3754) to provide for the issue of circulating notes to national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

HEIRS OF MARY WOLCOTT.

Mr. HURD (by Mr. SENEY) introduced a bill (H. R. 3755) for the relief of the heirs of Mary Wolcott; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CONDEMNED CANNON, JEROMEVILLE, OHIO.

Mr. GEDDES introduced a bill (H. R. 3756) granting two condemned cannon and cannon-balls to Elliott Post, No. 255, Grand Army of the Republic, at Jeromeville, Ashland County, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JEREMIAH M. FITGER.

Mr. GEDDES also introduced a bill (H. R. 3757) granting a pension to Jeremiah M. Fitger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARION BROWN.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 3758) granting a pension to Marion Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH DENNICK.

Mr. HART (by request) introduced a bill (H. R. 3759) granting a pension to Elizabeth Dennick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. COMBS.

Mr. McCORMICK introduced a bill (H. R. 3760) granting a pension to J. Combs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIMIT OF APPLICATIONS FOR PENSIONS.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 3761) repealing all limitations as to the time within which meritorious applications for pensions may be filed; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

C. C. STOUFFER.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 3762) for the relief of C. C. Stouffer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARVEY SMITH.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 3763) for the relief of Harvey Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN MASSACRE IN OREGON IN 1847.

Mr. GEORGE submitted the following resolution; which was read, and referred to the Committee on Indian Affairs:

Resolved, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, be, and he is hereby, authorized and directed to make an examination and investigation into the massacre by Indians of Dr. Marcus Whitman and others in the Columbia River Valley, in Oregon, in 1847, and to report to this House the names, ages, and sexes of those massacred; and also of all those who survived or escaped said massacre (at said times and places) and now living, with their present places of abode; and what property, kind and value, was destroyed by said Indians, naming them; and to report any and all facts and circumstances relating to said massacre, and to make such recommendations in the premises as the facts by him ascertained may seem to justify.

MRS. SARAH CLARKE.

Mr. HOPKINS introduced a bill (H. R. 3764) granting a pension to Mrs. Sarah Clarke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER MONTGOMERY.

Mr. HOPKINS also introduced a bill (H. R. 3765) for the relief of Alexander Montgomery; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CALDERA CLAIMS.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 3766) supplementary to an act approved June 19, 1878, giving to the Court of Claims jurisdiction of the Caldera claims upon the Chinese indemnity fund; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MRS. H. W. HEDLEY.

Mr. KELLEY introduced a bill (H. R. 3767) for the relief of Mrs. H. W. Hedley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. KELLEY also introduced a bill (H. R. 3768) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JARED W. DILLMAN.

Mr. KELLEY also introduced a bill (H. R. 3769) for the relief of Jared W. Dillman; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DONATION OF CONDEMNED CANNON, ETC.

Mr. LAWRENCE introduced a bill (H. R. 3770) authorizing the Secretary of War to give to the Soldiers' Monument Association of Freedom and Saint Clair, Beaver County, Pennsylvania, four cannon and cannon-balls; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY E. NEOKE.

Mr. ATKINSON introduced a bill (H. R. 3771) granting a pension to Mary E. Neoke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OVERTON LOVE AND WYATT GILSCHRIST.

Mr. BRAINERD (by request) introduced a bill (H. R. 3772) for the relief of Overton Love and the administratrix of Wyatt Gilschrist; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ROBERT BRIGHAM.

Mr. BRAINERD also introduced a bill (H. R. 3773) for the relief of Robert Brigham; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM RICKARDS.

Mr. BRAINERD also introduced a bill (H. R. 3774) for the relief of

William Rickards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. NEWMAN.

Mr. STORM introduced a bill (H. R. 3775) for the relief of John B. Newman; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

THEODORE F. HALLOCK.

Mr. STORM also introduced a bill (H. R. 3776) for the relief of Theodore F. Hallock; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM ROMIG.

Mr. STORM also introduced a bill (H. R. No. 3777) for the relief of William Romig; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELI OGLINE.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. No. 3778) granting a pension to Eli Ogline; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. PRISCILLA W. BURWELL.

Mr. POST, of Pennsylvania, introduced a bill (H. R. No. 3779) for the relief of Mrs. Priscilla W. Burwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. POST, of Pennsylvania, also introduced a bill (H. R. No. 3780) for the relief of Mrs. Priscilla W. Burwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BELVA A. LOCKWOOD.

Mr. POST, of Pennsylvania (by request), also introduced a bill (H. R. 3781) for the relief of Belva A. Lockwood; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Z. AND S. A. CANTEY.

Mr. HEMPHILL introduced a bill (H. R. 3782) to restore certain articles of silverware to Zachariah Cantey and S. Amelia Cantey, his wife; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES M'GHEE.

Mr. DIBRELL introduced a bill (H. R. 3783) for the relief of James McGhee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ABRAHAM STAKELY.

Mr. DIBRELL also introduced a bill (H. R. 3784) for the relief of Abraham Stakely, of Monroe County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. C. DILLAHUNTY.

Mr. TAYLOR, of Tennessee (by request), introduced a bill (H. R. 3785) to pay W. C. Dillahunty for cotton seized by the United States authorities in 1863; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD NEIDERER.

Mr. YOUNG introduced a bill (H. R. 3786) for the relief of Edward Neiderer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. E. G. C. ABBOTT.

Mr. CALDWELL introduced a bill (H. R. 3787) for the relief of Mrs. E. G. C. Abbott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS CHADWELL.

Mr. CALDWELL also introduced a bill (H. R. 3788) for the relief of Thomas Chadwell, administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. H. BUCHANAN.

Mr. CALDWELL also introduced a bill (H. R. 3789) for the relief of A. H. Buchanan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA A. STEVENS.

Mr. CALDWELL also introduced a bill (H. R. 3790) for the relief of Martha A. Stevens; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CUMMINGS, DOYLE & CO.

Mr. CALDWELL also introduced a bill (H. R. 3791) for the relief of Cummings, Doyle & Co. and Doyle & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

B. B. TAYLOR.

Mr. CALDWELL also introduced a bill (H. R. 3792) for the relief of B. B. Taylor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DUNCAN MARR.

Mr. CALDWELL also introduced a bill (H. R. 3793) for the relief of Duncan Marr; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

D. W. AND M. H. GLASSIE AND JOSEPH C. NASH.

Mr. CALDWELL also introduced a bill (H. R. 3794) for the relief of D. W. and Minna H. Glassie and Joseph C. Nash; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. Y. GILES.

Mr. HOUK introduced a bill (H. R. 3795) for the relief of C. Y. Giles, administrator, &c.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. T. P. DAVIS AND J. HALL.

Mr. HOUK also introduced a bill (H. R. 3796) for the relief of C. T. P. Davis and John Hall; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ETHAN A. SAWYERS.

Mr. HOUK also introduced a bill (H. R. 3797) for the relief of Ethan A. Sawyers; which was read a first and second time.

The question was upon the reference of the bill.

The SPEAKER. The Chair thinks the bill should go to the Committee on War Claims.

Mr. HOUK. It involves certain military movements and operations of the Army which the Military Committee alone is capable of investigating.

The SPEAKER. The Chair thinks that under the rule it should go to the Committee on War Claims, but the Chair will entertain any motion the gentleman may submit.

Mr. HOUK. I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to; and accordingly the bill was referred to the Committee on Military Affairs, and ordered to be printed.

ANTHONY NORMAN.

Mr. HOUK also introduced a bill (H. R. 3798) granting a pension to Anthony Norman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMERICAN AGRICULTURAL PRODUCTS ABROAD.

Mr. WARNER, of Tennessee (by request), introduced a bill (H. R. 3799) to procure and publish certain information relative to the demand and price of American agricultural and other products in foreign countries; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. JONES, of Texas, introduced a bill (H. R. 3800) to amend section 914 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PACIFIC RAILROADS.

Mr. THROCKMORTON (by request) introduced a bill (H. R. 3801) in relation to the Union Pacific, Central Pacific, and Kansas Pacific Railroads, and to alter and amend certain acts entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; an act approved July 2, 1864, amendatory of said act; and finally an act approved May 7, 1878, in amendment of said above-mentioned acts, respectively; which was read a first and second time.

Mr. THROCKMORTON. I have been requested to introduce this bill and to have it referred to the Committee on the Judiciary, as it involves judicial questions. As bills affecting the same subject are now before the Committee on Public Lands, I make this announcement that the question of jurisdiction may be settled now.

The SPEAKER. In the opinion of the Chair the bill belongs, under the rules, to the Committee on the Pacific Railroads.

Mr. THROCKMORTON. I have no objection to that reference.

The SPEAKER. The bill will take that course.

The bill was accordingly referred to the Committee on the Pacific Railroads, and ordered to be printed.

JUDICIAL DISTRICTS IN TEXAS.

Mr. THROCKMORTON also introduced a bill (H. R. 3802) to amend the fourth, fifth, and ninth sections of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts," and to provide for holding terms of the court of the northern

district of Texas at Denison, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. LAURA HENTIG.

Mr. THROCKMORTON also introduced a bill (H. R. 3803) to increase the pension of Mrs. Laura Hentig; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM MIDKIFF.

Mr. THROCKMORTON also introduced a bill (H. R. 3804) for the relief of William Midkiff; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LIEUT. GEORGE W. KINGSBURY.

Mr. POLAND introduced a bill (H. R. 3805) for the relief of Lieut. George W. Kingsbury; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN SCARBO.

Mr. STEWART, of Vermont, introduced a bill (H. R. 3806) for the relief of John Scarbo; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELI B. PARKER.

Mr. STEWART, of Vermont, also introduced a bill (H. R. 3807) granting a pension to Eli B. Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ELLIS.

Mr. TUCKER introduced a bill (H. R. 3808) for the relief of John Ellis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANDERSON MERCHANT.

Mr. JOHN S. WISE (by request) introduced a bill (H. R. 3809) to remove the political disabilities of Anderson Merchant; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGE ACROSS POTOMAC RIVER.

Mr. BARBOUR introduced a bill (H. R. 3810) to authorize the construction of a bridge across the Potomac River at the "Three Sisters," near Georgetown, D. C.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STEPHEN CASEY.

Mr. BARBOUR also introduced a bill (H. R. 3811) for the relief of Stephen Casey; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ASSESSMENT OF REAL ESTATE IN DISTRICT OF COLUMBIA.

Mr. BARBOUR also introduced a bill (H. R. 3812) to defray the expense of the late assessment of real property in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BARBOUR also introduced a bill (H. R. 3813) to amend the Revised Statutes of the United States relating to the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SARAH E. ROSE.

Mr. BARBOUR also introduced a bill (H. R. 3814) for the relief of Sarah E. Rose; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EFFICIENCY OF THE ARMY.

Mr. BARBOUR (by request) also introduced a bill (H. R. 3815) to promote the efficiency of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF RULES.

Mr. BARBOUR submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Rule XXXIV be so amended as to admit to the Hall of the House or rooms leading thereto the commissioners of the District of Columbia.

HENRY SINON.

Mr. BOWEN (by request) introduced a bill (H. R. 3816) for the relief of Henry Sinon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SHIPMENT OF SEAMEN.

Mr. LIBBEY introduced a bill (H. R. 3817) relating to shipping commissioners and the shipment of seamen; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

CHESAPEAKE AND OHIO RAILWAY.

Mr. LIBBEY also introduced a bill (H. R. 3818) to authorize the extension of the Chesapeake and Ohio Railway to a point on the military lands at Fortress Monroe, Va.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. MATILDA M'PHAIL.

Mr. LIBBEY also introduced a bill (H. R. 3819) for the relief of Mrs. Matilda McPhail; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF J. C. BAILY, DECEASED.

Mr. HOOPER introduced a bill (H. R. 3820) for the relief of the heirs of J. C. Baily, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHRISTIAN M. SHAFFER.

Mr. SNYDER introduced a bill (H. R. 3821) for the relief of Christian M. Shaffer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL BROWNING.

Mr. SNYDER also introduced a bill (H. R. 3822) for the relief of Samuel Browning; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRINITY PROTESTANT EPISCOPAL CHURCH, WEST VIRGINIA.

Mr. SNYDER also introduced a bill (H. R. 3823) for the relief of the Trinity Protestant Episcopal church in Martinsburg, W. Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES M. MASON.

Mr. SNYDER also introduced a bill (H. R. 3824) for the relief of James M. Mason; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICHARD H. BRYARLY, DECEASED.

Mr. SNYDER also introduced a bill (H. R. 3825) for the relief of the personal representatives of Richard H. Bryarly, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL MARTIN.

Mr. SNYDER also introduced a bill (H. R. 3826) granting a pension to Samuel Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK CURTIN.

Mr. DEUSTER introduced a bill (H. R. 3827) granting a pension to Patrick Curtin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORNELIUS WESSELS.

Mr. DEUSTER also introduced a bill (H. R. 3828) granting a pension to Cornelius Wessels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BECK.

Mr. DEUSTER also introduced a bill (H. R. 3829) granting a pension to John Beck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES SHAAHAN.

Mr. DEUSTER also introduced a bill (H. R. 3830) granting a pension to James Shaahan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. GEORGE D. WISE introduced a bill (H. R. 3831) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FOURTH VIRGINIA COLLECTION DISTRICT.

Mr. GEORGE D. WISE also introduced a bill (H. R. 3832) to amend section 2552 of the Revised Statutes and to change the boundaries of the fourth collection district of Virginia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN W. ROBSON.

Mr. JONES, of Wisconsin, introduced a bill (H. R. 3833) granting a pension to John W. Robson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN A. LIMOND.

Mr. WINANS, of Wisconsin (by Mr. JONES, of Wisconsin), introduced a bill (H. R. 3834) to declare the title of ownership to military land-warrant No. 2750, issued to Theopilus H. Hardenback, to be in Susan A. Limond; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

C. B. BIRD.

Mr. WINANS, of Wisconsin (by Mr. JONES, of Wisconsin), also in-

troduced a bill H. R. 3835) for the relief of C. B. Bird; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOSPITAL STEWARDS.

Mr. WINANS, of Wisconsin (by request, by Mr. JONES, of Wisconsin), also introduced a bill (H. R. 3836) fixing the pay of hospital stewards of the first class in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES W. SCHAUMBURG.

Mr. RANKIN (by Mr. JONES, of Wisconsin) introduced a bill (H. R. 3837) to reinstate the name of James W. Schaumburg on the Army list, and for his relief; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THEODORE C. HAWKINS.

Mr. RANKIN (by Mr. JONES, of Wisconsin) also introduced a bill (H. R. 3838) granting a pension to Theodore C. Hawkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REVENUE-CUTTER ANDREW JOHNSON.

Mr. RANKIN (by Mr. JONES, of Wisconsin) also introduced a bill (H. R. 3839) authorizing the Secretary of the Treasury to settle an equitable claim of Jasper Hanson growing out of the rebuilding and repairs of the revenue-cutter Andrew Johnson on Lake Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EXTENSION OF PENSION LAWS.

Mr. PRICE introduced a bill (H. R. 3840) to extend the benefits of the pension laws to the widows and minor children of soldiers and sailors and members of the Marine Corps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETTLEMENT OF PRIVATE LAND CLAIMS.

Mr. OURY introduced a bill (H. R. 3841) to provide for ascertaining and settling private land claims in certain States and Territories; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

TULLY, OCHOA & CO.

Mr. OURY also introduced a bill (H. R. 3842) for the relief of Tully, Ochoa & Co.; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HIRAM S. WASHBURN.

Mr. OURY also introduced a bill (H. R. 3843) for the relief of Hiram S. Washburn, late captain Arizona volunteers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BOWERS & RICHARDS.

Mr. OURY also introduced a bill (H. R. 3844) for the relief of Bowers & Richards, assignees of James M. Barney; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

H. S. STEVENS AND CHARLES DAHLMAN.

Mr. OURY also introduced a bill (H. R. 3845) for the relief of H. S. Stevens, of Arizona, and Charles Dahlman, of California, both assignees of William B. Hooper & Co., of Arizona; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LA ARIBAC LAND GRANT.

Mr. OURY also introduced a bill (H. R. 3846) to confirm the title to La Aribac land grant, in the Territory of Arizona; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

TERRITORIAL LAND GRANTS FOR SCHOOL PURPOSES.

Mr. RAYMOND introduced a bill (H. R. 3847) to amend an act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes, approved February 18, 1881; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LAND GRANT TO DAKOTA TERRITORY.

Mr. RAYMOND also introduced a bill (H. R. 3848) granting to Dakota Territory section 16, township 103, range 64 west, in the county of Aurora, in said Territory, for the purposes of a reform school, and granting to said Territory one section of land in lieu thereof for school purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SALE OF CERTAIN LANDS, DAKOTA.

Mr. RAYMOND also introduced a bill (H. R. 3849) providing for the sale of the northeast quarter section 16, township 104, range 49, Territory of Dakota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DISTRICT JUDGES, DAKOTA.

Mr. RAYMOND also introduced a bill (H. R. 3850) to provide for the election of district judges in the Territory of Dakota and to apportion and define the powers of the judiciary therein; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

PAY OF TERRITORIAL LEGISLATURES.

Mr. RAYMOND also introduced a bill (H. R. 3851) to re-enact a part of section 1853 of the Revised Statutes of 1878, in relation to pay of Territorial Legislatures; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

MILEAGE OF JURORS, ETC., TERRITORY OF DAKOTA.

Mr. RAYMOND also introduced a bill (H. R. 3852) in relation to mileage of jurors and witnesses in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOSEPH B. WALTERS.

Mr. RAYMOND also introduced a bill (H. R. 3853) granting a pension to Joseph B. Walters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HENDERSON.

Mr. RAYMOND also introduced a bill (H. R. 3854) granting a pension to Samuel Henderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRANVILLE S. ARNOLD.

Mr. RAYMOND also introduced a bill (H. R. 3855) for the relief of Granville S. Arnold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOMESTEAD LAWS.

Mr. RAYMOND also introduced a bill (H. R. 3856) for the relief of settlers under the homestead laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BENJAMIN F. SLAUGHTER.

Mr. RAYMOND also introduced a bill (H. R. 3857) for the relief of Benjamin F. Slaughter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPRESENTATION IN THE TERRITORIES.

Mr. SINGISER introduced a bill (H. R. 3858) limiting the representation in the Legislative Assemblies of the several Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

PUBLIC BUILDING AT BOISE CITY, IDAHO.

Mr. SINGISER also introduced a bill (H. R. 3859) providing for the erection of a public building at Boise City, Idaho; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOSEPH K. VINCENT.

Mr. SINGISER also introduced a bill (H. R. 3860) for the relief of Joseph K. Vincent; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FORT MAGINNIS MILITARY RESERVATION.

Mr. MAGINNIS introduced a bill (H. R. 3861) to authorize the Secretary of War to change the boundaries of the military reservation at Fort Maginnis, Montana Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARTESIAN WELLS IN NEW MEXICO.

Mr. LUNA introduced a bill (H. R. 3862) to provide for artesian wells on the public lands in New Mexico; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories has been completed. The Chair is advised that several gentlemen were absent when their States were called. If there be no objection, the Chair will now give those gentlemen recognition.

There was no objection.

ALDERSON T. KEENE.

Mr. THOMPSON introduced a bill (H. R. 3863) for the relief of Alderson T. Keene; which was read a first and second time, referred to the Committe on War Claims, and ordered to be printed.

SILAS ADAMS.

Mr. THOMPSON also introduced a bill (H. R. 3864) for the relief of Silas Adams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES R. ALLEN.

Mr. THOMPSON also introduced a bill (H. R. 3865) for the relief of

Charles R. Allen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BAPTIST CHURCH, CRAB ORCHARD, KY.

Mr. THOMPSON also introduced a bill (H. R. 3866) for the benefit of the trustees of the Baptist church, of Crab Orchard, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. FLORA A. DARLING.

Mr. THOMPSON also introduced a bill (H. R. 3867) for the relief of Mrs. Flora A. Darling; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF AMANDA GOGGIN.

Mr. THOMPSON also introduced a bill (H. R. 3868) for the relief of the heirs of Amanda Goggin, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAJ. J. A. MORRISON.

Mr. THOMPSON also introduced a bill (H. R. 3869) for the benefit of Maj. John A. Morrison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. F. SCOTT.

Mr. THOMPSON also introduced a bill (H. R. 3870) for the benefit of W. F. Scott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BAPTIST CHURCH, SOMERSET, KY.

Mr. THOMPSON also introduced a bill (H. R. 3871) for the benefit of the Somerset Baptist church, of Somerset, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FOUNTAIN F. STIGALL.

Mr. THOMPSON also introduced a bill (H. R. 3872) for the relief of Fountain F. Stigall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. P. FLOYD.

Mr. THOMPSON also introduced a bill (H. R. 3873) for the relief of J. P. Floyd; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. M. VAUGHN AND MRS. L. JACKMAN.

Mr. THOMPSON also introduced a bill (H. R. 3874) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AUSTIN P. PROCTOR.

Mr. THOMPSON also introduced a bill (H. R. 3875) for the relief of Austin P. Proctor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHEW LANHAN.

Mr. THOMPSON also introduced a bill (H. R. 3876) granting a pension to Mathew Lanhan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. M'BRAYER.

Mr. THOMPSON also introduced a bill (H. R. 3877) granting a pension to John H. McBrayer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEAM-RAILROADS IN WASHINGTON CITY.

Mr. THOMPSON also introduced a bill (H. R. 3878) to define the routes of steam-railroads in the city of Washington, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ESTATE OF WILLIAM WRIGHT.

Mr. BRECKINRIDGE (by Mr. JONES, of Arkansas) introduced a bill (H. R. 3879) for the relief the estate of William Wright, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF MOSES S. M'CORD.

Mr. BRECKINRIDGE (by Mr. JONES, of Arkansas) also introduced a bill (H. R. 3880) for the relief of the estate of Moses S. McCord; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILSON G. GRAY.

Mr. BRECKINRIDGE (by Mr. JONES, of Arkansas) also introduced a bill (H. R. 3881) for the relief of Wilson G. Gray; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FEES OF PENSION ATTORNEYS.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 3882) to regulate attorneys' fees in pension claims; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES A. SUGG.

Mr. KLEINER introduced a bill (H. R. 3883) for the relief of Charles A. Sugg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM F. HARALSON.

Mr. SINGLETON introduced a bill (H. R. 3884) for the relief of William F. Haralson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENICIA ARSENAL, CALIFORNIA.

Mr. HENLEY introduced a bill (H. R. 3885) changing the arsenal at Benicia, Cal., into an arsenal of construction and manufacture; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALEXANDER S. BURNETT.

Mr. HENLEY also introduced a bill (H. R. 3886) to increase the pension of Alexander S. Burnett; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

AUGUST LESCHINSKY.

Mr. HENLEY also introduced a bill (H. R. 3887) for the relief of August Leschinsky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REFUGIO M. BOWLER.

Mr. TULLY (by request) introduced a bill (H. R. 3888) for the relief of Refugio M. Bowler, administratrix; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REV. ERASTUS LATHROP.

Mr. HOLMAN introduced a bill (H. R. 3889) for the relief of Rev. Erastus Lathrop; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIGNAL STATIONS ON NANTUCKET ISLAND, ETC.

Mr. DAVIS, of Massachusetts (by Mr. LYMAN), introduced a bill (H. R. 3890) to establish signal stations upon the island of Nantucket and submarine telegraph communication with the mainland; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SOPHIA WEST.

Mr. DAVIS, of Massachusetts (by Mr. LYMAN), also introduced a bill (H. R. 3891) granting a pension to Sophia West; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. KEITH.

Mr. RYAN introduced a bill (H. R. 3892) granting a pension to William B. Keith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL MOWRER.

Mr. LOWRY introduced a bill (H. R. 3893) granting a pension to Samuel Mowrer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. D. WILLIAMSON.

Mr. LOWRY also introduced a bill (H. R. 3894) granting a pension to J. D. Williamson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE ALCOTT.

Mr. LOWRY also introduced a bill (H. R. 3895) for the relief of George Alcott; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MAX LUCHS.

Mr. WAIT (by request) introduced a bill (H. R. 3896) to authorize the Court of Claims to ascertain the amount of special damages sustained by Max Luchs by the change of grade of a certain square in the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LEWIS BITLICK.

Mr. PEELLE, of Indiana, introduced a bill (H. R. 3897) for the relief of Lewis Bitlick; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN E. SAGE.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 3898) to remove the charge of desertion from John E. Sage; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANDREW W. BILLINGS.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 3899) granting an increase of pension to Andrew W. Billings; which was read a

first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. HOGAN.

Mr. MACKEY introduced a bill (H. R. 3900) for the relief of James F. Hogan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. OLIVE W. PARKER.

Mr. MILLIKEN introduced a bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. MILLIKEN also introduced a bill (H. R. 3902) to donate condemned cast-iron cannon to the citizens of Waterville, Me.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF WILLIAM PITCHER AND OTHERS.

Mr. MILLIKEN also introduced a bill (H. R. 3903) for the relief of the heirs of William Pitcher, Axel Hayford and Samuel Otis and George B. Fergusson; which was read a first and second time, referred to the Commiltee on Claims, and ordered to be printed.

REBECCA GARRETT.

Mr. SHAW introduced a bill (H. R. 3904) for the relief Rebecca Garrett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. SHAW also introduced a bill (H. R. 3905) amending the laws granting pensions to soldiers and sailors of the war of 1812, &c., so as to grant pensions to the soldiers of previous Indian wars and their widows; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE W. SAGER.

Mr. SHAW also introduced a bill (H. R. 3906) for the relief of George W. Sager; which was read a first and second time, referred to the Sclect Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. MILLER, of Pennsylvania, introduced a bill (H. R. 3907) directing the Secretary of War to donate four condemned cannon and eight cannon-balls to Marion Craig Post, Grand Army of the Republic, of Greece City, Pa.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPRESENTATIVE OF WILLIAM DUFOUR.

Mr. HOLMES (by request) introduced a bill (H. R. 3908) for the relief of the personal representative of William Dufour, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. WICKWIRE.

Mr. HOLMES also introduced a bill (H. R. 3909) granting a pension to George W. Wickwire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OVERTON LOVE AND OTHERS.

Mr. PERKINS introduced a bill (H. R. 3910) for the relief of Overton Love and the administratrix of the estate of Wyatt Gilschrist; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FRANCES M. LAMBERT.

Mr. McCOMAS introduced a bill (H. R. 3911) to grant a pension to Frances M. Lambert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH ROMISER.

Mr. McCOMAS also introduced a bill (H. R. 3912) to grant a pension to Joseph Romiser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. FITZHUGH.

Mr. JEFFORDS (by request) introduced a bill (H. R. 3913) for the relief of William H. Fitzhugh; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MANUEL TIBBS.

Mr. JEFFORDS also introduced a bill (H. R. 3914) granting a pension to Manuel Tibbs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH SMITH.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 3915) granting a pension to Elizabeth Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUT. JAMES S. GRUBB.

Mr. LAMB introduced a bill (H. R. 3916) to give difference of pay to Lieut. James S. Grubb; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PURCHASE OF FOREIGN VESSELS.

Mr. STONE introduced a bill (H. R. 3917) to amend section 4136 of the Revised Statutes of the United States relating to the purchase of foreign vessels; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

WILLIAM HEDGPETH.

Mr. CLEMENTS introduced a bill (H. R. 3918) for the relief of William Hedgpeth; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATE OF NEHEMIAH GARRISON.

Mr. CLEMENTS also introduced a bill (H. R. 3919) for the relief of the executor or administrator of the estate of Nehemiah Garrison, assignee of Moses Perkins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DISTILLATION OF FRUIT, ETC.

Mr. OATES introduced a bill (H. R. 3920) to authorize the distillation of fruit and sugar-cane-juice skimmings without payment of taxes or any license to the Federal Government, leaving the question of its taxation to the States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN PATTON.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 3921) for the relief of John Patton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZA J. A. TOMLIN.

Mr. SPRINGER introduced a bill (H. R. 3922) for the relief of Eliza J. A. Tomlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN M'NAMARA.

Mr. McADOO introduced a bill (H. R. 3923) for the relief of Martin McNamara, alias Martin Mack; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAROLINE T. BANCROFT.

Mr. KETCHAM (by request) introduced a bill (H. R. 3924) for the relief of Caroline T. Bancroft; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ELECTRICIAN OF THE HOUSE.

Mr. ROBINSON, of New York, by unanimous consent, submitted a resolution providing for the appointment of an electrician and assistant electrician of the House of Representatives; which was referred to the Committee on Public Buildings and Grounds.

MARSHALS IN WEST VIRGINIA.

Mr. HEMPHILL, from the Committee on Expenditures in the Department of Justice, reported back the following resolution, with the recommendation that it be adopted.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be requested to furnish this House with a complete list of the marshals and deputy marshals appointed and employed in the State of West Virginia for the fiscal years of 1882 and 1883, together with information in what service each was so employed and how much was paid from the Treasury to, or received in fees by, each of such persons; also a detailed statement of all moneys paid to employés and witnesses in behalf of the United States in criminal prosecutions in the Federal courts of that State for said years.

The resolution was adopted.

Mr. HEMPHILL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FITZ-JOHN PORTER.

Mr. BOUTELLE. I ask the unanimous consent of the House to present the following resolution for adoption at this time.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, requested to inform this House whether it be true, as stated in public print, that for several years past the maps, diagrams, &c., in the case of Fitz-John Porter have been submitted to the members of each graduating class of the pupils of the Military Academy at West Point, for the purpose of inviting their criticism of the proceedings and findings of a general court-martial held in pursuance of law and duly approved by the Secretary of War and the commander-in-chief.

And be it further resolved, That if said report be true, the Secretary be requested to inform this House by whose authority or instigation the minds of these successive graduating classes of youths, educated at public expense for the military service of the Government, were thus directed to the discussion and questioning of the official action of their lawful superiors.

And be it further resolved, That if it be true, as alleged, that these youths, just emerging from their course of study and just entering upon their service as subordinate officers of the United States Army, have been persuaded or encouraged or permitted to discredit the action of their superiors by expressing their opin-

ion "that the action of Fitz-John Porter was perfectly proper, and that had he done otherwise he would have committed a grave military error," the Secretary be requested to inform this House whether, in his opinion, the incitement to or the expression of such disregard for the judgment of the highest military tribunal is not "prejudicial to good order and military discipline," and calculated to foster a spirit of insubordination and to inspire among the officers thus educated for the United States Army a demoralizing and dangerous contempt for the authority of law.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GIBSON. I object to the present consideration of that resolution.

Mr. RAY, of New York. I object.

Mr. BELFORD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Colorado rise; to object to the resolution?

Mr. BELFORD No, sir.

Mr. BOUTELLE. I desire to inquire, Mr. Speaker, by whom objection has been made?

Mr. TOWNSHEND. An objection came from your own side.

Mr. GIBSON. I have objected to it.

Mr. MAGINNIS. I objected also to the resolution in its present form. If the gentleman will include in his resolution the maps of Washington's campaigns and those of Napoleon and others, I will not.

The SPEAKER. The Chair understands objection to be made.

Mr. BOUTELLE. Then I move its reference to the Committee on Military Affairs.

Mr. TOWNSHEND. Objection has been made to that by the gentleman who sits immediately behind me.

Mr. MAGINNIS. I object to it.

Mr. BOUTELLE. Again I ask by whom objection has been made?

The SPEAKER. Several gentlemen have objected; the gentleman from West Virginia, the gentleman from Montana——

Mr. MAGINNIS. I withdraw the objection.

Mr. GIBSON. I object.

Mr. KASSON. I call for the regular order.

Mr. HOLMAN. I believe that it is in order to move now to suspend the rules.

The SPEAKER. The regular order is the call of committees for motions to suspend the rules.

Mr. GIBSON. Before that I desire to withdraw my objection to the reference of the resolution just read to the Committee on Military Affairs.

The SPEAKER. The regular order has been demanded.

Mr. GIBSON. Then I ask a suspension of the regular order for that purpose.

Mr. BOUTELLE. I understand the gentleman who objected to the present consideration of the resolution introduced by me expresses a desire to withdraw it.

Mr. GIBSON. No, sir; but I withdraw the objection to its reference.

Mr. BOUTELLE. I rise to a parliamentary inquiry.

Mr. TOWNSHEND. Regular order.

Mr. BOUTELLE. I desire to be informed, Mr. Speaker, whether objection has been made to the passage of the resolution by unanimous consent; and if so, by whom such objection was made.

Mr. TOWNSHEND. That is not a parliamentary inquiry.

The SPEAKER. The Chair will again inform the gentleman that objection was made by the gentleman from West Virginia, by the gentleman from Montana, and several others, as the Chair understood.

Mr. TOWNSHEND. The objection came also from a gentleman on his side of the House.

Mr. BOUTELLE. I understood the gentleman to say that it had come from this side of the House. Now I want that fact to be established.

Mr. TOWNSHEND. It did come from the gentleman's own side of the House, and the gentleman who made that objection is too manly to deny it.

Mr. RAY, of New York. I desire to say that I objected to it myself.

The SPEAKER. Objection being made by several gentlemen, the resolution is not before the House for consideration or reference.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for motions to suspend the rules under instructions of committees.

Mr. REESE (when the Committee on the Post-Office and Post-Roads was called). I move to suspend the rules, under instructions from the Committee on the Post-Office and Post-Roads, and submit the following report.

Mr. KASSON. I would like to inquire if the motion of the gentleman from Georgia be made in accordance with the orders of the committee?

The SPEAKER. The Chair is endeavoring to ascertain. The gentleman from Georgia will state whether or not he is authorized by his committee to submit the motion.

Mr. REESE. I am directed by the Committee on the Post-Office and Post-Roads to ask a suspension of the rules to submit that report.

The SPEAKER. And to pass the bill?

Mr. REESE. My instructions are to ask that it be printed and put upon the Calendar.

The SPEAKER. The Chair will state that that is not in order under this call. This call is for motions to suspend the rules and pass bills or resolutions under instructions from the committees.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF JUSTICE.

Mr. SPRINGER (when the Committee on Expenditures in the Department of Justice was called). I am authorized and instructed by the Committee on Expenditures in the Department of Justice to move to suspend the rules and put upon its passage the resolution which I send to the desk.

Mr. HISCOCK. I suppose a second is demanded in that case?

The SPEAKER. The Chair will give the opportunity after the reading of the resolution.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Justice, in order to enable it to more efficiently discharge the duties imposed upon it by the rules of the House, be increased to nine members, and authorized to appoint subcommittees, to be composed of not less than three members, which subcommittees shall be committees of the House of Representatives. That said committee be authorized to send for persons and papers, to employ a stenographer, and such other assistance as may be necessary. That the Clerk of the House of Representatives be authorized and directed, upon vouchers to be approved by the chairman and one member of the minority of the said committee, to pay out of the appropriation for the contingent expenses of the House all the expenses incurred by said committee under this resolution. That a detailed account of all expenses of said committee be reported to the House of Representatives at the conclusion of each session.

The SPEAKER. Is a second demanded?

Mr. KASSON. I demand a second for the purpose of asking a question.

Mr. KEIFER. If there be no objection, I presume a second may be considered as ordered.

The SPEAKER. Without objection it will be so considered.

Mr. BELFORD. Mr. Speaker, it was utterly impossible for us in the rear of this House to hear the reading of that resolution, although we have a most excellent reading clerk.

The SPEAKER. The Chair has stated frequently that members have the remedy for this state of things in their own hands.

Mr. BELFORD. I desire to have the resolution read again, in order that we may know what is going on in the House.

The SPEAKER. The resolution will be read again, and the Chair will request members upon the floor and in the rear of the seats to cease conversation and preserve order that its members may be enabled to hear the resolution upon which they will be called to vote.

The resolution was again read.

The SPEAKER. A second having been demanded and ordered, there will be thirty minutes allowed for debate, one-half of this in favor of and the other half opposed to the resolution. The Chair will recognize the gentleman from Iowa as controlling the time in opposition.

Mr. REED. Without entering into the question of debate, I would like to suggest to the gentleman from Illinois that there is one clause in that resolution to which, perhaps, he did not intend to give its full force. That is to give this committee power to make any expenditure they may deem necessary. That seems to me to be unprecedented, and I desire to call his attention to it.

Mr. KASSON. My object, Mr. Chairman, in demanding a second was in part to call attention to the point referred to by the gentleman from Maine, and especially to the fact that this resolution authorizes each one of these subcommittees to employ any additional assistance that they may deem necessary. I think that is hardly in accordance with the precedents of the House. You authorize, in cases of investigation, a committee to employ a stenographer and a clerk; but I do not know whether any subcommittee or any general committee of the House has been authorized to employ all such assistance as they may deem necessary without limit. I thought, therefore, that the resolution required some explanation on the part of the gentleman from Illinois as to what remarkable condition of affairs has fallen under the jurisdiction of this committee which has required such an unusually large power to be conferred upon it.

Mr. SPRINGER. I will answer the gentleman. As is known to the gentleman from Iowa and to the House of Representatives, under the rules of the House it is the duty of the Committee on Expenditures in the Department of Justice to examine—

The accounts and expenditures of the Department of Justice and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless officers; the reduction or increase of the pay of officers.

The House will perceive that under the rules of this House this committee is charged with very important and extensive duties. It has to make an examination of the accounts of the United States marshals and their deputies and of clerks and other officers of courts which have been the subject of an investigation carried on through the Department of Justice. We find there has been a great looseness in these accounts. A great number of suits have been brought on frivolous pretexts for the purpose of increasing the fees of these officers, and the committee found themselves confronted with a condition of things that required a vast amount of time and labor for the purpose of making a thorough investigation of these matters.

I desire to say to the House that so far as the committee is concerned it is disposed and desires to make these investigations with the least possible expenditure of the public funds. The agents of the Department of Justice engaged in this work have had appropriated to them for the present fiscal year the sum of $25,000 for the purpose of carrying on just such investigations. Those agents, through the Attorney-General, have asked an increase of the appropriation from $25,000 a year to $50,000 a year and an increase of the number of persons engaged in the service of seven or eight.

We desire, if possible, to avoid the necessity of increasing this appropriation to the extent asked by the Department of Justice; and we believe that a thorough investigation of these matters during this session will avoid the necessity of making this increased appropriation now demanded by the Department of Justice of $25,000 above the sum appropriated for the current year.

Let me say further, that gentlemen need have no fear as to unnecessary expenses being heaped on the House and the country by this committee. It will not in the investigation of extravagance be guilty of the thing it is endeavoring to investigate and expose. It will not in showing the unnecessary and unusual and extraordinary expenditures that have been charged against the Government be guilty of any dereliction itself in calling upon the Government to expend one dollar more than is absolutely necessary for the ends of justice.

It was the opinion of the committee, unanimously, there being no dissenting opinion in the committee, that if this resolution was passed it would enable the committee to efficiently discharge its duty and save the Government the needless expenditure of large sums of money.

Mr. HISCOCK. I would like to ask the gentleman from Illinois a single question. Do I correctly understand that the passage of this resolution is recommended unanimously by that gentleman's committee?

Mr. SPRINGER. Yes, sir.

Mr. REED rose.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] has been recognized in opposition to the resolution.

Mr. KASSON. I think the explanation given by the gentleman from Illinois [Mr. SPRINGER] is inadequate to sustain the demands made by his resolution. There are various committees on expenditures in Departments that expend a million where this Department expends $20,000.

Mr. SPRINGER. The gentleman is mistaken; I beg his pardon.

Mr. KASSON. Take for example the Treasury Department. There is no question about it. All these committees have jurisdictions, and I commend any of them that so exercises its jurisdiction as honestly to improve the laws for the public service. I think that this one committee, basing its action upon the demands of a Department for additional service for detecting wrong, has made an error in the basis of this large recommendation of their own.

Every Department must have these agents in perpetual use to protect it and the Government against fraud; and in my experience in the House and in Executive Departments I have never known so useful an appropriation as that which gives to the Executive Department the right of special agents, who are the eyes and ears of the Department to report any abuse as early as it is discovered.

This committee, on the other hand, now comes and asks that the Department shall be refused the means for protecting itself against fraud, but that they themselves shall convert their committee into a great number of committees, each of them having the powers of whole committees and the power to appoint each one of them two employés upon salaries, and the further power to employ any additional assistance that they may require. I know nothing, and the gentleman from Illinois has failed to state anything, that justifies a demand for such a great increase of the patronage of the House in the payment of stenographers, clerks, and subordinates; and without such a justification it seems to me that it leaves the House in a bad condition to enlarge its own patronage. All the committee saw fit to demand for the purpose of investigating where there is just ground to believe this committee can do what is not in process of being done through the Executive Department all sides of the House would cheerfully concur in. But the committee by this resolution has power to send for persons and papers all over the United States. It has power to employ in every part of the United States additional counsel. Each of these subcommittees may employ additional counsel. Everything is open to the discretion of these subcommittees, and all the expenses are to be charged upon the contingent fund of the House. Now let the gentleman ask, what any facts he may state will show to be necessary, to re-enforce the powers of his committee. But do not let him ask, without some statement of facts, so large an increase of expenditures upon our contingent fund. That is the objection which I think many on both sides of the House would entertain to the unlimited power which it is proposed shall be given to this committee. To the other part of the resolution there is no objection on my part.

Mr. BELFORD. Mr. Speaker, I am disposed to vote for this resolution.

Mr. MILLER, of Pennsylvania. Then you ought to speak on the other side.

Mr. SPRINGER. As it has been suggested that the resolution as it now stands might meet with some objection, if there is unanimous consent——

Mr. BELFORD. I desire to speak in favor of this resolution.

Mr. SPRINGER. I will yield three minutes to the gentleman for that purpose.

Mr. BELFORD. Three minutes! I have no doubt, Mr. Speaker, that this resolution should pass. I want my friends on the other side to examine and inspect all the operations in the Department of Justice. I believe that the present Attorney-General has been wise, judicious, and honest in all his operations. But I do think that expenses have been incurred with reference to these star-route trials that should be investigated by this House. I believe that men have been paid exorbitant and unjustifiable fees. I think that all the facts connected with the transactions of the Department of Justice and the court should be fully examined.

At the last session of Congress, when my name was connected with this star-route investigation on the ground that I had received a check of $2,000, I demanded to have that matter investigated. And I desire that this committee in their general investigations shall take into consideration a check signed "J. B. B." and given to pay a gambling debt; not by me or to me or from me. I ask them to go into the bottom facts of the whole transaction.

Mr. SPRINGER. I will now yield three minutes to the gentleman from Kentucky [Mr. WHITE].

Mr. WHITE, of Kentucky. I shall cheerfully support the resolution of the gentleman from Illinois [Mr. SPRINGER]. I desire to call the attention of the House and of the country to the fact that at the last session of Congress I introduced the following resolution:

Resolved, That the Attorney-General be directed to investigate the accounts of the United States commissioners, clerks, marshals, and district attorney for the State of Kentucky from June 1, 1870, to January 1, 1882.

I did not then ask for an investigation as to the whole United States, but I am glad that the gentleman who has this subject in charge proposes now to ferret out the matter to the bottom. I believe that under the fee system thousands of dollars have been stolen from the United States Treasury by some Federal officials. I believe that a thorough investigation of the accounts of the Attorney-General or the records of the Treasury Department will show evidences of fraud resulting from the fee system. I do not think the last Congress did right to smother my resolution of inquiry, which was referred to the Judiciary Committee.

I hope and believe that the gentleman who has charge of this matter will thoroughly and honestly endeavor to get to the bottom of the whole subject. And I believe that if he does so in regard to my own State, he will find that men, notably the one to-day sitting as governor of Utah, and a man who was here last winter lobbying as a paid attorney of the whisky ring, late the United States marshal and United States district attorney for the State of Kentucky, will be shown to deserve the striped clothes of convicts in the penitentiary more than some who now wear them.

I hope that the Republicans of this House will join with the Democrats in investigating thoroughly every fraud that now stains the escutcheon of the Republican party.

Mr. REED. In the interest of what is just and fair all around, I suggest to gentlemen on the other side that there should be some limitation to this resolution, or it will grow into a precedent which may result in a great deal of harm. Nobody desires to interfere in any respect with the investigation proposed. All that we desire is that it shall be conducted in a proper fashion, with a due regard for the future.

Mr. SPRINGER. If unanimous consent is given——

Mr. KASSON. I hope unanimous consent will be given for a limitation upon the expenditures under this resolution.

Mr. SPRINGER. Will the gentleman suggest a sum?

Mr. KASSON. Will $5,000 be sufficient?

Mr. SPRINGER. I am willing to limit it to that.

Mr. KASSON. Very well; if you are willing to limit the amount of expenditures to that sum, then put that amount in the resolution.

Mr. SPRINGER. I ask unanimous consent to modify the resolution by adding to it these words:

Provided, That all such expenditures under this resolution shall not exceed $5,000.

Mr. RANDALL. Does that amount come out of the contingent fund of the House?

The SPEAKER. It does.

Mr. RANDALL. There had better be an appropriation made for the purpose.

Mr. KASSON. Say $5,000 for all purposes.

Mr. SPRINGER. It means that, of course; that is all the authority we have under this resolution. But I am willing to add the words "for all purposes."

The SPEAKER. Is there objection to the modification suggested.

There being no objection, the resolution was modified accordingly.

The resolution as modified was then adopted under the suspension of the rules (two-thirds voting in favor thereof).

The Speaker resumed and concluded the call of States for motions to suspend the rules.

GREELY RELIEF EXPEDITION.

Mr. RANDALL, from the Committee ou Appropriations, reported a joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions; which was read a first and second time.

The question was upon the third reading of the joint resolution.

Mr. RANDALL. I desire to ask that the joint resolution and accompanying report be printed in the RECORD; and I give notice that on to-morrow, if I have the ability, I will call up the joint resolution for consideration.

The SPEAKER. The joint resolution with the accompanying report will be referred to the Committee of the Whole on the state of the Union and ordered to be printed.

Mr. RANDALL. I desire that the resolution and report be printed in the RECORD, because if merely printed under the rule they may not get back in time for consideration to-morrow.

Mr. HISCOCK. I desire to inquire of the gentleman from Pennsylvania [Mr. RANDALL] whether he thinks there will be any objection to the immediate consideration of this resolution.

Mr. KASSON. The case is urgent.

Mr. RANDALL. I am willing.

Mr. KASSON. I do not believe there will be any objection on this side of the House.

Mr. REED. The only objection, and I presume the only reason for delay, arises from a suggestion which has been made that a ship of suitable character could be built better than bought.

A MEMBER. It could not be done in time.

Mr. TOWNSHEND. No such thing as that could be done with the necessary promptitude.

Mr. REED. I defer in this matter to my colleague [Mr. DINGLEY], who gives me the information that it can be done.

The SPEAKER. If there be no objection the resolution, with the accompanying report, will be printed in the RECORD.

Mr. DINGLEY. I desire to inquire of the gentleman from Pennsylvania [Mr. RANDALL] whether the committee has considered the possibility of obtaining a suitable American vessel or an American-built vessel under this resolution, and whether the committee would object to an amendment providing that if a suitable American vessel can be built or purchased within the time allowed, it may be done?

Mr. RANDALL. Under the rule I am not at liberty to state what has occurred in the committee.

The SPEAKER. This debate is not in order if objection is made.

Mr. RANDALL. I did not understand there was objection.

Mr. TOWNSHEND. I understand that there is unanimous consent for the present consideration of the resolution.

The SPEAKER. Under the rules of the House the resolution must be considered in Committee of the Whole.

Mr. TOWNSHEND. But there was no objection to the present consideration.

The SPEAKER. No gentleman has moved to go into Committee of the Whole for that purpose. The gentleman from Pennsylvania has charge of the resolution.

Mr. RANDALL. My understanding with the committee was that the resolution should go over till to-morrow morning. [Cries of "All right!"] I only expressed my individual opinion when I said, in answer to the inquiry of the gentleman from New York [Mr. HISCOCK], that I had no objection to the immediate consideration of the resolution.

The SPEAKER. The resolution and accompanying report, if there be no objection, will be printed in the RECORD, and referred to the Committee of the Whole on the state of the Union.

There was no objection. The report and joint resolution are as follows:

Mr. RANDALL, from the Committee on Appropriations, submitted the following report:

[To accompany House joint resolution No. 119.]

The Committee on Appropriations, to whom was referred Executive Document No. 56, being a message from the President of the United States, transmitting a communication from the Secretary of War and the Secretary of the Navy relative to the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, submit the accompanying joint resolution, making an appropriation to enable the President to prepare and dispatch an expedition for the purpose of relieving and bringing home Lieutenant Greely and party.

Joint resolution making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and is hereby, authorized to prepare and dispatch an expedition to the coast of Greenland, Smith's Sound, or Lady Franklin Bay for the purpose of relieving and bringing home Lieut. A. W. Greely and party, and that for this purpose the purchase of not exceeding three vessels is authorized, and all expenditures necessary for manning, equipping, and supplying them, and for any land journeys which may be required; and such sums as may be necessary to effect the object of this resolution are hereby appropriated out of any moneys in the Treasury not otherwise appropriated. The vessels purchased to be sold after their return and the money arising from such sale covered into the Treasury.

And the President shall submit to Congress on the first Monday of December, 1884, a full and detailed account of all expenditures and outlays made on account of this appropriation.

PUBLIC LANDS.

Mr. HOLMAN. I move to suspend the rules and adopt the resolutions which I send to the desk.

Mr. KASSON. Is that the report of a committee?

The SPEAKER. It is not.

Mr. KASSON. Then it is not in order; but I will not object in advance of the reading.

The SPEAKER. The rule simply provides that on the third Monday of each month preference as to motions to suspend the rules shall be given to committees; but when the call of committees has been completed, the Chair must recognize individual members for such motions. The Clerk will read the resolutions submitted by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

Resolved, That in the judgment of this House all the public lands heretofore granted to States and corporations to aid in the construction of railroads, so far as the same are now subject to forfeiture by reason of the non-fulfillment of the conditions on which the grants were made, ought to be declared forfeited to the United States and restored to the public domain.

Resolved, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens; and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed, and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

Resolved, That the Committee on the Public Lands is hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions; that said committee shall be authorized to report such bills at any time, subject only to revenue and appropriation bills, and the same shall in like order be entitled to consideration.

Mr. BELFORD. I demand the yeas and nays on that resolution.

The SPEAKER. As the Chair understands, there is a demand for a second on the motion to suspend the rules; and if there be no objection a second will be considered as ordered.

There was no objection.

The SPEAKER. Under the rule thirty minutes are allowed for debate on this question, one-half to those in favor of the resolution and the other half to those opposed to it. The Chair will recognize the gentleman from Indiana [Mr. HOLMAN] to control the time in support of the resolution, and the gentleman from Colorado [Mr. BELFORD] to control the time in opposition.

Mr. KASSON. For my own part, I wish to ask, with the permission of the gentleman who offers this resolution, only one question. The first declaration of policy touching the forfeiture of grants I welcome and hail, as the gentleman knows. The resolution goes on, however, to declare the disposition to be made of all the public lands of the country, stating that any large sales should be stopped by law. I wish to know whether there is now any law under which any man can enter large bodies of land; and secondly, I would like the gentleman to state whether it is wise to pledge the House against a policy which would allow large bodies of land to be taken where they can be useful only for pasturage, the occupation of land in such bodies being demanded by very large interests in the Western country for the promotion of the cattle business.

And the only points of criticism I perceive for myself in the resolution are those I have referred to, namely: I know of no law under which large bodies of land can be entered and of which he demands the repeal; and secondly, I am not clear we ought not to make provision by law in respect to present lands fit for grazing alone. That would not apply to lands fit for tillage, and which I believe with him ought to be confined to homestead entry.

Mr. HOLMAN. Mr. Speaker, reading the report of the Commissioner of the General Land Office and of the Secretary of the Interior, both unusually valuable reports, can leave no gentleman uninformed of the fact that under the present state of the laws large bodies of the public land are being secured by individual capitalists; and not by American citizens only, but by great capitalists of Europe. For that purpose mainly the pre-emption law is employed, and Congress has been urged repeatedly, both by the Commissioner of the General Land Office and the Secretary of the Interior, to repeal that law, upon the ground that through its instrumentality and the facilities for fraud it furnished countless frauds are being perpetrated, and capitalists are securing enormous tracts of the public domain to the detriment of the country and injury of actual settlers.

That law in former years, when capital was not seeking investments in public lands, was a wholesome provision, but now it is a shelter for fraud and an agent of land monopoly.

So, Mr. Speaker, without entering upon any general discussion, in the few moments at my disposal, of the public-land system of the country, I need only refer to the administration of that single law to answer the question I am asked. It is absolutely certain that under your land

system vast private estates are being carved out of your public lands by capitalists, many of whom are not even American citizens nor intending to become American citizens, and that, too, against our unquestioned policy for a hundred years, that our public-land laws should be so framed and so administered as to secure the largest ownership of public lands by the men whose labor would make them fruitful—a policy which has been held to be the only safe foundation for our American institutions by the wisest statesmen the Republic has produced. The safety of our institutions rests on the ownership of the lands by the people. Our free institutions can not survive a monopoly of lands. So far as we permit monopoly of the public lands we weaken the foundations of the Republic.

What might be deemed to be a large body of lands must, in some degree, have some reference to the purposes for which it is to be used; but let me ask my friend from Iowa [Mr. KASSON], even as to that great body of lands not strictly agricultural nor adapted to cultivation, is it possible that a few favored capitalists are to be permitted under the present provisions of law and through countless questionable agencies to purchase great bodies even of such lands at a mere nominal price to the exclusion of the large mass of our people?

Mr. KASSON. It is on that very point, if the gentleman will allow me, I should like to be heard.

Mr. HOLMAN. I will yield to the gentleman.

Mr. KASSON. I have been over all this country, and, as the gentleman knows, I have always agreed with him on certain land questions, and especially in this matter of giving the land grants back to public settlement. In getting them back I agree to the limitation to homestead settlement in the manner the gentleman suggests, but I know from my own eyesight there are thousands and hundreds of thousands of acres which can not be pre-empted by any process now known to human beings, and which are adapted to grazing alone. Now the grazing interest is an enormous one. The gentleman has spoken very properly of the obnoxious character of large acquisitions of public lands, but they do not result from existing laws. They result from the right of one man to sell to another. A man pre-empts often by fraud, and then the pre-emptions are gradually concentrated into one man's hands. They will enter a tract of forties to the extent of the entire entry along the only water there is, so that the rest of the land is not of any use except to those owning the water rights. It is in this way lands are accumulated in large bodies. They do not buy the land. They only buy certain rights, without which the land is useless. If there is any law—and I ask the gentleman very frankly to point it out—if there is any law which allows large bodies of lands to be sold except at private purchase——

Mr. HOLMAN. The gentleman is taking up the brief time allotted to me.

Mr. KASSON. I beg the gentleman's pardon.

Mr. HOLMAN. I still wish to know whether the gentleman from Iowa proposes to administer the public lands—this commonwealth—in such manner as to permit large landed estates to be secured by fortunate and favored parties.

Mr. KASSON. It is not a question of administration.

Mr. HOLMAN. When lands pass from the Government into the hands of the actual settler in spite of the wisest provisions of law, these lands may in process of time be concentrated in large landed estates. But shall the laws themselves in the very beginning encourage great estates? Shall we so frame and administer the laws touching public lands as that large estates upon the western plains shall be the natural result?

Mr. KASSON. My friend from Indiana fails to appreciate my point. If he says that he is in favor of repealing the pre-emption laws, then I can understand it and I will go with him in so doing. But it is under that law alone this evil exists, subject to the right you can not repeal, of one man to sell his property to another. If the gentleman will provide for repealing the pre-emption law and confine his resolution to that, I will consent.

Mr. HOLMAN. It is not through the instrumentality of the pre-emption law alone that these great estates are being secured, but even under the administration of the homestead law, and through the commutation clause of that otherwise admirable law, as has been shown in the report of the Secretary of the Interior, frauds on the actual and *bona fide* settler have been perpetrated. The Commissioner of the General Land Office has specially called attention to the facts. Under the administration of those laws and through the great grants to corporations imperial landed estates are being built up on the fertile western plains, and that, too, at a nominal cost, when the highest public policy demands that these lands should be held by the largest number of our people. The policy of the Government always has been and always must be to encourage small landed estates, for the purpose of securing ownership of freeholds in the largest number of citizens. A republic rests on its freeholding and independent people.

I reserve the balance of my time until I hear from other gentlemen.

The SPEAKER. The gentleman has four minutes of his time remaining.

Mr. BELFORD. How much time is there left for the debate?

The SPEAKER. Fifteen minutes in opposition to the resolution.

Mr. BELFORD. When this resolution was first submitted I desired to obtain a vote by "yeas and nays" upon it. Then it was suggested to me, since I am not acquainted with the remarkable rules of this House, that I could demand a second. This, however, does not quite accomplish what I sought. I am myself in favor of the resolution and intend to vote for it. I shall therefore yield the time to any gentleman who desires to oppose it.

Mr. REED. I would like to be heard for a few moments.

The SPEAKER. The Chair will recognize the gentleman from Maine to control the time in opposition.

Mr. REED. Mr. Speaker, anybody who speaks upon a great question like this without notice or timely warning necessarily takes some risks and is at considerable disadvantage in the debate. The public mind, and also the mind of this House, upon certain ideas is attracted by a large or broad statement, which, while it covers matters obnoxious perhaps to just reproach, is perceived to cover also a great many other things. I think it is very undesirable that a question of such magnitude as this should be treated in this hasty manner.

I had some occasion, in the course of my duties as a member of one of the committees of the last House, to investigate the subject of railroad land grants, and while I did not investigate them thoroughly on account of the enormous labor necessarily involved in the work, I investigated them for a long enough period to leave the impression upon my mind that there were some railroads yet unbuilt and some in process of construction where it would be an advantage to this country to continue the grants, because the same reasons exist to-day which existed when the original grants were made; and I apprehend that there is no surer way of getting the lands into the possession of the people in their most valuable shape and form than by building railroads, whereby the lands are made accessible and necessarily more valuable. But I can not go into the discussion of that question. The time allowed for this discussion is too short for that. All I can do at this time is to suggest that it is undesirable to deal with this question in this large way.

There are some cases where I should agree entirely with the gentleman from Indiana [Mr. HOLMAN]. The committee of which I was a member reported unanimously, or with a single exception, in favor of the forfeiture of a large amount of land, twelve millions of acres in one single case. I never had any hesitation or doubt about the propriety of that action. I have always had some hesitation or doubt as to whether it was right to that community to forfeit the lands of the Mississippi and Ship Island Railroad, which is in a country where there had not been the same opportunities for the earning of their lands as existed in more Northern States, and that such forfeiture might be a hardship upon the people. However, a full examination might bring me to another conclusion or deepen my present impression upon the subject. I merely mention this instance that occurs to me at the moment as one of those which is covered by this resolution.

Then the remarks of the gentleman from Iowa [Mr. KASSON] have started a new consideration involved in the subject. It is perfectly well known that since the subject was brought up for discussion in Congress there is a new industry which has sprung up and assumed a place side by side with the leading industries in the history of this country. I refer to the cattle industry. Men who have positions on the banks of the rivers have taken possession there of large tracts of country stretching into the interior, and have been making enormous sums of money out of the grass, which is the income of the public lands. Now, if you refuse to sell that property or make any arrangement with regard to it, you are going to meet with this difficulty: are you not liable to give these men the property which you will not sell to them? These two things show in my judgment that as wise men we ought to hesitate on the threshold of such a subject. I know it is a popular thing to go at these measures in a sweeping way on the part of impetuous people who do not take the trouble to examine, but I submit to the House whether it is desirable to commit ourselves without consideration to a proposition so sweeping as this. There are a great many things in it which we all favor. There are some things to which we are opposed and on which we differ.

Now, in saying this I need not remark that I speak for myself and myself alone.

Mr. BELFORD. Will the gentleman yield to me?

Mr. REED. I will yield five minutes to the gentleman from Colorado, unless some gentleman who opposes the resolution desires to be heard.

Mr. BELFORD. Mr. Speaker, I desire to call the attention of the House to a few facts, and I hope I will have the attention of the House to the end, that I may address myself to some points which have become matters of public history. First, I desire to say that the Commissioner of the General Land Office during the last six years has advised and recommended a change of our homestead and pre-emption laws. That is a fact which can be readily ascertained by examining the reports of that officer. It is a notable fact in our Western country that these railroads have done nothing to improve the lands which have been granted by

the Government except by the mere construction of their roads. It is also a notable fact connected with the suggestion made by the gentleman from Iowa that in New Mexico, in Nebraska, in Colorado thousands and thousands of acres have been appropriated by the cattle-men; thousands and thousands of acres have been fenced up and hedged in against personal occupation, until the Secretary of the Interior has been compelled to issue orders to cut down these fences and open up the lands to settlement.

Those are the facts. I do not propose that four or five cattle kings shall own the whole West, as four or five railroad monarchs own the whole East. And therefore I am in favor of forfeiting every acre of land that these railroads have not earned. I am in favor, however, of giving them every acre that they have earned. And such has been my conduct on the Committee on Public Lands, as can be avouched by every member of it. I do not propose to be the advocate of injustice, but at the same time I do not propose that the president of a great railroad corporation shall inform this House through the newspapers of the country that he is greater than the people.

Mr. REED. I yield now to the gentleman from Michigan [Mr. HORR].

The SPEAKER. There are six minutes of the time for opposition to the resolution yet remaining.

Mr. HORR. It does not seem to me that the members of this House are going to attempt to decide upon so important a question as the one before us without investigation. This resolution is so sweeping in its character, that it necessarily does wrong to every single road that is earnestly and honestly striving to earn its land and has done all in its power to do so.

I know there is a clamor about having given public lands to these corporations. But I stand here to-day and I say I believe it can be proven to the satisfaction of every man that that policy has done as much to develop this country as any policy that was ever adopted in the United States. Does the gentleman know that the West which he is talking about would not be worth owning to-day if it had not been for these railroads? Does he know that the Northern Pacific has opened up hundreds of millions of acres of land and made it worth to the Government $2.50 an acre, which if it had not been for that road would not be worth 10 cents an acre?

But this resolution asks you to step in and without investigation, without examination, without understanding the peculiarities of each case, without knowing anything about what we are doing, to vote a wholesale renunciation of a policy of this Government as practiced now for many years. There are roads, as my friend from Maine [Mr. REED] has said, that are trying to earn those lands.

Mr. HENDERSON, of Iowa. And it is a policy which was inaugurated by the gentleman from Indiana's own party.

Mr. HORR. Certainly. It is a policy, it is said, which is upheld by the gentleman's own party. It is not possible, is it, that this is a party measure? I had supposed it was a business proposition; something that affected the great landed interests of this nation. I did not suppose it was a political trick. If it is a political trick I have not anything to say; because my friend from Indiana [Mr. HOLMAN] has an advantage over me in that. He has been engaged in that way for twenty-five years and I am new in the political business. [Laughter.] I supposed it was a business proposition which affected the great business interests of the United States.

Now, while I believe some of these land grants should be forfeited, I believe they should be forfeited with intelligence, with examination, with care. I do not believe we should be called upon to violate the vested rights of people, and tie up lands, leading to litigation for thirty years in this country, which will damage this country more than all these corporations that we hear so much about can possibly do.

Let us proceed like business men. Let us understand each case, and see whether their failure to build up to this moment had a good and sufficient reason that would justify a delay. Let us treat it as we treat matters in our own business transactions, and not come here and without investigation, without knowledge, without discussion, pass a resolution which may cripple this country, destroy the building of its railroads through the West and the South, and bring ruin and disaster upon great interests that are entitled to fair treatment in this country. I do not believe this House is going to pass such a resolution as that. I do not believe that this House, without study, without examination, are going to commit themselves to this kind of a resolution.

Mr. KASSON rose.

The SPEAKER. There remains one minute of the time allotted to the opponents of the resolution.

Mr. KASSON. I will, with the permission of the gentleman controlling the time, use that minute to ask the gentleman from Indiana [Mr. HOLMAN], or the Speaker in the first instance, a question. Under this motion to suspend the rules my impression is that it is not in order to demand—at least it can not be granted if objection is made—a division of the three resolutions.

The SPEAKER. It is not.

Mr. KASSON. The first resolution, touching the forfeiture of lands, and the last, to give the committee the privilege to report promptly, are resolutions I desire to see passed; because we can discuss, on the bills afterward, the merit of the forfeiture. Therefore I have no objection to the first and last resolutions. It is the middle resolution, which declares an entirely new policy without discrimination touching the future disposition of the public lands, and instructs the committee to report the bills in accordance with that policy, which I think the gentleman ought not to ask upon this short debate.

Mr. COX, of New York. I would like to know on what principle the gentleman from Iowa can divide these propositions up. It is a motion to suspend the rules.

Mr. KASSON. There is no point made upon that. I said I supposed it could not be done without unanimous consent.

Mr. TOWNSHEND. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. The gentleman from Iowa [Mr. KASSON] consumed some five or six minutes of the fifteen minutes allowed in support of the bill while the gentleman from Indiana [Mr. HOLMAN] was speaking. I desire to know whether those five or six minutes should be charged to the friends of the bill or not?

The SPEAKER. The gentleman from Iowa occupied the time by consent of the gentleman from Indiana, as the gentleman from Colorado [Mr. BELFORD] occupied time on the other side with the consent of the gentleman from Maine [Mr. REED].

Mr. KASSON. The gentleman from Iowa was not in opposition to the general proposition of the resolution.

Mr. TOWNSHEND. But the gentleman from Iowa was in opposition to a portion of the resolution.

The SPEAKER. When a gentleman has the floor and control of the time for debate upon a pending measure and yields any portion of that time to others, there is no safe rule for the Chair to pursue except to charge the time so consumed to him.

Mr. TOWNSHEND. That is unjust to the friends of the measure.

The SPEAKER. That may be unjust to the friends of the measure in their opinion, but it is the only safe rule for the Chair to follow.

Mr. BROWNE, of Indiana. I would ask if under the rules there can be any division of the question on this resolution?

The SPEAKER. Only by unanimous consent.

Mr. BELFORD. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. Is it in order for me to submit a motion to refer this subject to the Committee on Public Lands, that committee now having all these land grants under consideration?

The SPEAKER. Such a motion would not be in order while a motion is pending for a suspension of the rules.

Mr. HOLMAN. I now yield to the gentleman from Arkansas [Mr. DUNN] for two minutes.

Mr. DUNN. For my part have no doubt of the correctness and wisdom of these resolutions. I am perfectly satisfied that the time has arrived when the policy of this Government should be reversed as to the administration of the land laws.

There was a time when there was a reason for the policy of granting Government aid to railroad construction. That was a time when we had a vast volume of products in the interior of the country which could not reach the markets of consumption for want of transportation. At that time there was a scarcity of money, and capital was shy of investment in railroads because it was then thought to be a questionable investment. Government aid was then perhaps wise; but the reason for it has now ceased. There is an old canon of the law, that "when the reason for the law ceases, the law itself shall cease." Now the reason for that policy having ceased, undoubtedly the policy itself ought to be suspended. The whole country is webbed over with railroads, and all, or nearly all, are making good earnings and paying dividends. Every field of production throughout the country is brought into communication with the markets of consumption.

Our public domain is rapidly being absorbed and passing beyond the reach of the pioneer settler, and our population is rapidly increasing. The public domain in the West has thus far been a land of refuge for the teeming tide of foreign immigration that has pressed upon our shores so steadily for many years and still continues in increasing volume, as well as for the surplus population of our own overcrowded States and cities on the Eastern seaboard. The time is not far distant when a homestead in the great West will not only cease to be free to the poor settler, but, sir, when it will no longer be possible at a price that he can pay.

For one I wish to postpone that day as far as may be possible, for, sir, when it comes, as come it will, we shall then witness in this now prosperous and happy country the commencement of that accursed system of tenantry which makes the poor laboring classes bond to the wealthy land-owner; a bondage more galling, more relentless, and more hopeless than the chattel slavery from which the negro has just been emancipated in this country. For him there was hope of emancipation, but for the poor tenantry of a landed aristocracy or proprietorship there is none, and their children and children's children will wear about their necks a collar with their doom inscribed upon it: "Born thrall," not indeed "to Cedric," but to the landlord.

According to an admirably compiled pamphlet that I have before me, the public domain of the United States consists of—

	Acres.
Cession from the original States	229,987,187
Louisiana purchase	756,961,280
Florida	37,931,520
Mexican treaty	334,443,520
Purchase from Texas	65,130,880
Gadsden purchase	29,142,400
Alaska purchase	369,529,600
Total	1,823,180,387

In this the State of Texas is not included, as by the treaty of annexation it reained the ownership of all public lands within its borders.

HOW THE DOMAIN HAS BEEN DISPOSED OF.

Of these lands up to June 30, 1880, there had been surveyed 752,557,194 acres, and of this there remained undisposed of 24,802,711 acres, making with the unsurveyed land the number of acres now owned by the Government 1,273,946,438.

The public lands (548,000,000 acres) which have been disposed of have been used in the following ways:

	Acres.
Sold	200,000,000
Given to States as swamp land	70,000,000
Given to States for internal improvement	8,000,000
Given to States, salt springs	1,000,000
Given to States, Florida, Oregon, and New Mexico	3,000,000
Given to States for schools and colleges	79,000,000
Land bounties for military and naval service	61,000,000
Homesteads	56,000,000
Timber culture	10,000,000
Canals and wagon-roads	6,000,000
Desert-land act	1,000,000
Given to States for railroads	36,000,000
Patented to railroad corporations	11,000,000
Total	542,000,000

This leaves only 6,000,000 acres of the public domain which has been disposed of unaccounted for, and this has been disposed of at various times in small bodies by Congress for different purposes.

The public domain not disposed of consists of, as before stated, 1,273,946,438 acres. For public use we must deduct from this the Indian and military reservations, 157,000,000 acres, and private land claims, 80,000,000, a total of 237,000,000; which would leave the available lands at 1,036,000,000 acres. In considering its disposition, from this we must deduct Alaska as totally unavailable for settlement and cultivation, which leaves 676,000,000 acres; 26,000,000 of this is in the Southern States, leaving 650,000,000 in the Territories and States of the West through which the land-grant railways are being built. Of this amount at least 400,000,000 acres are mountain lands, unsuitable for cultivation.

This leaves now in possession of the United States about 250,000,000 acres of available land, of which the various States to which grants were made claim about 5,000,000 acres; and the estimate of the Land Office is that it will require 125,000,000 acres to satisfy the claims of the corporations; and these claims are based upon grants demanding work to be done which has not been done; so the lands have not been earned, and are justly forfeited to the people of the United States.

Reports of various Secretaries of the Interior, letters and orders written by them, and opinions promulgated by the Attorney-General, which will be given, show that unless Congress takes definite action upon this subject titles will be made to a large portion of this 125,000,000 acres before the next meeting of Congress.

If the demands of the railroads are met, as they have been heretofore invariably met, by complaisant officials who retire from office under the Government to fat positions provided by the land-grant railways, there will be left to the United States but a small portion of the arable public domain.

Sir, there is a note of warning here that this Congress can not overlook or disregard. The situation is a grave one, and the eyes of a nation resolute in its purposes of reform are upon us, and its voice rises above the din and clamor of the jobbers and schemers who infest these precincts, seeking corruptly to possess themselves of this rich heritage which should be sacredly preserved for the homestead settler. Let us heed and obey that voice.

I believe that the time has come when the Government should ascertain every foot of land that has been honestly earned by railroads under the laws making grants to them, and should faithfully convey it to those corporations which have earned the grants by the completion of their roads within the time fixed by law. It should also promptly restore to the public domain all lands not earned by the railroads, there to be held subject to settlement by homestead alone. Every acre not legally and honestly earned should be declared forfeited at once. It is no longer needed to induce the building of railroads.

There is to-day abundance of money seeking investment in the construction of railroads. Wherever it can be shown that a railroad can be built with reasonable prospect of earning sufficient to give hope of dividends money is ready to build it and Government aid and Government land is no longer needed. The era of Government aid has passed and a new order of things has dawned upon us. The time has come for the Government to change its policy. Let us have a full, complete, and final settlement of this land-grant account and balance the books, and set out upon a homestead policy pure and simple; free homesteads; homesteads, as far as may be, inalienable; homesteads for "the horny-handed sons of toil."

I take from the same pamphlet the following statement of grants to States and directly to railroad corporations:

These are all the States that received land grants to aid in building railroads. Until after the first grant was made to a corporation, in 1862, the amount granted was never more than six sections, or 3,840 acres, to the mile, and compensation for land a ready sold was confined to a limit of fifteen miles on each side of the road. After 1862 the grants to some of the States were raised to ten sections per mile and the limit extended to twenty miles on each side. Original grants made to States after this date were always for ten sections, with the twenty-mile limit.

It was undoubtedly the building of the land-grant railways that stimulated and made possible and necessary the building of other roads and gave to the States their present railroad facilities; but to confine the benefits of these grants directly to the lines for which they were granted we find the following results:

States.	Land patented or certified to State.	Miles of railway by land grant.	Number of acres certified to each mile of railway built.	Miles of railway in State.
Illinois	2,595,053	1,320	1,960	7,780
Florida	1,760,548	247	7,000	600
Alabama	1,857,458	822	3,430	1,932
Louisiana	1,072,405	152	7,000	950
Mississippi	937,159	406	4,100	1,140
Arkansas	2,444,945	542	3,900	1,100
Iowa	4,544,332	2,250	2,090	4,898
Missouri	1,828,005	584	3,000	3,740
Michigan	3,356,937	1,005	2,600	2,692
Wisconsin	2,503,380	633	5,400	2,896
Minnesota	7,572,963	1,800	4,100	3,270
Kansas	3,880,993	1,210	3,430	3,101
	34,354,178	10,971	.....	34,099

Average number of acres of land to miles of railway, 3,131.

These twelve States, to whom has been given 36,000,000 acres of land, have, through the granted lands, built 11,000 miles of railroad. The average number of acres of land necessary to secure a mile of road, when the land was granted to the State, was only 3,273. We will see later on how much it takes to secure a mile of road when granted to a corporation, remarking *en passant* that the State of Texas, which owns its own lands, has given to corporations to secure roads 10,240 acres per mile.

THE UNION PACIFIC CHARTER.

On the 1st day of July, 1862, a new system was inaugurated as to land-grant railways by the passage of the act incorporating the Union Pacific Railroad Company.

As early as 1845 Senator Douglas had proposed a grant of land to aid in building a road from Lake Erie to the Pacific Ocean. In 1850 Eli Whitney petitioned Congress for the grant of 100,000,000 acres to enable him to construct a railroad from the Atlantic to the Pacific Ocean, and numerous bills were introduced into Congress looking to that end, several of the bills having been reported favorably.

The War Department organized and executed a series of transcontinental surveys from the Mississippi River to the Pacific Ocean. Its report reviewed the resources and prospects of the following routes, namely: The extreme northern route, between the forty-seventh and forty-ninth parallels of north latitude; the route of the forty-first parallel; that by the thirty-eighth parallel; that by the thirty-fifth; and that by the thirty-second, through the Gadsden purchase.

President Buchanan said that "the construction of this road ought to be committed to companies incorporated by the States. Congress might then assist them in the work by grants of land or money, or both."

Subsequent events have proven that President Buchanan was "wise in his generation."

On the 1st of July, 1862 (United States Statutes at Large, volume 12, page 489), the Union Pacific Railroad Company was incorporated. The charter was from the one-hundredth degree of west longitude to the western boundary of Nevada. In the first section of the charter is the following clause:

"*The capital* stock of said company shall consist of 100,000 shares of $1,000 each, which shall be subscribed for and held in not more than 200 shares by any one person."

Section 3 grants ten sections of land per mile; all lands not sold or disposed of in three years after the completion of the road to be subject to entry and preemption at $1.25 per acre, to be paid to the company.

Section 5 gives $16,000 United States bonds per mile.

Section 9 charters the Leavenworth, Pawnee and Western (now Kansas Pacific) road, to commence at the junction of the Kansas River with the Missouri River, and unite with the main line at the one-hundredth meridian, and giving it the same subsidies. It also confers the same privileges upon the Central Pacific, a corporation chartered by the State of California.

Section 10 authorizes this company to continue eastward from the eastern boundary line of California until it meets the Union Pacific.

Section 11 trebles the amount of aid for the mountainous district.

By the act of July 2, 1864 (volume 13, page 356), the land grant was increased to twenty sections per mile in the States and forty in the Territories, and is estimated at 41,000,000 acres. The clause restricting any one owner to not more than two hundred shares was repealed. A first mortgage to the amount of the Government loan was sanctioned. The Sioux City and Burlington and Missouri River were chartered, with the same privileges granted by the original and the amended charter. One of these roads is now part of the Union Pacific.

July 15, 1866 (volume 14, 94), the Placerville and Sacramento Valley road was chartered and given ten sections per mile. July 25 (volume 14, 239,) the California and Oregon and Oregon Central were chartered and given a subsidy. Both of these roads are now part of the Central Pacific.

July 27, 1866 (volume 14, 292), a much broader charter was given to the Atlantic and Pacific, giving twenty sections in the States and forty in the Territories, with many privileges as to branches. By section 18 of the same act the Southern Pacific was chartered, with the same rights given to the Atlantic and Pacific.

March 2 (volume 14,548) the Stockton and Copperopolis Road was started with a land grant. It is now a part of the Central Pacific.

July 3, 1869 (volume 15, 324), the Denver Pacific was authorized to take part of the grant formerly given to the Leavenworth, Pawnee and Western.

May 4, 1870 (volume 16, 94), the Oregon Central was chartered and given twenty sections of land to the mile. This land could not be sold at more than $2.50 per acre, and only to actual settlers, in amounts of not more than 160 acres. This road is now part of the Central Pacific.

March 3, 1871 (volume 16, 573), the Texas Pacific was chartered and given forty sections per mile.

LANDS EARNED AND LANDS FORFEITED.

We have now given a history of how the grants were made, and will next show by a tabulated statement the number of miles of railroad built, the number of acres of land conditionally granted, the number of miles earned by completion of the roads within the time required by law, and the number of acres forfeited even under a liberal and equitable construction of the granting acts, and then will give such extracts from the granting acts as will place before the eye at once the whole legal question to be determined.

Statement of lands earned and lands forfeited.

Name of corporation.	Land patented.	Land claimed.	Land earned.	Land forfeited.	Miles of railway called for by charter.	Miles of railway built within time required by charter.	Average price of land sold.
Union Pacific	1,859,475	7,190,525	.....	.....	1,042	1,042	$4.14
Kansas Pacific	841,780	5,159,220	.....	.....	676	676	.....
Central Branch Union Pacific	188,762	76,238	.....	.....	100	100	.....
Denver Pacific	None.	800,000	.....	.....	106	106	.....
Sioux City and Pacific	41,318	3,672	.....	.....	107	107	.....
Burlington and Missouri River	2,374,090	67,000	.....	.....	190	190	.....
Southern Pacific	1,037,910	4,223,090	.....	.....	1,150	1,150	4.30
Branch Line Southern Pacific	95,495	2,405,505	.....	.....	.....	.....	.....
Central Pacific	1,133,790	5,366,410	.....	.....	883	883	7.41
	7,572,620	25,291,660	.....	.....	4,254	4,254	.....
Oregon Branch Central Pacific*	2,125,314	7,000	1,064,000	1,062,526	288	150	7.41
Oregon and California	322,062	3,379,698	2,304,900	1,074,798	315	150	.....
Oregon Central	None.	1,130,880	380,000	750,880	144	47	.....
Texas Pacific	None.	14,309,760	None.	14,309,760	678	None.	.....
New Orleans Pacific	None.	1,492,000	None.	1,492,000	318	None.	.....
Northern Pacific†	749,525	47,476,115	10,726,400	37,490,240	2,270	531	.....
Atlantic and Pacific	526,990	40,163,510	2,070,800	38,619,700	2,426	125	5.00
	3,723,891	107,949,963	16,546,100	94,799,904	6,439	1,052	.....

* Has 1,061,314 acres of land patented more than it is entitled to. † Has sold several million acres of land.

The upper part of this table shows the completed land-grant railways; that is, those which were completed within the time designated in the charters.

The Union Pacific controls the Kansas Pacific, Central Branch Union Pacific, Denver Pacific, and Sioux City and Pacific, which were land-grant roads, besides several other branches which were not land-grant roads.

It will be seen that these corporations have received 7,572,620 acres of land, and are claiming and are entitled to 25,291,660 acres, making a total of 32,864,280 acres. They have built 4,264 miles of railroad, so that for each mile of railroad built they have been given 7,780 acres of land; while the States only secured 3,273 acres for each mile built—less than half the amount given to the corporations. To place it in another form, the States have been given 31,759,125 acres of land, and for this have built 10,971 miles of road; while these corporations have been given 32,864,280 acres of land more than the States received, and for it they have returned us but little more than a third of the number of miles of railway.

ACTION NEEDED AT ONCE.

To the States there has been patented 34,350,000 acres; to the corporations that have complied with the law, 7,572,000 acres; to the corporations that have not complied with the law, 3,723,000 acres; a total of 44,647,000 acres patented. The land-grant roads that have complied with the law are entitled to patents for 25,291,000 acres, which they refuse to take at present, because by so doing they evade the payment of State and county taxes, and also the costs of the survey due the United States.

But they have earned them, and have the right to demand them. They fail to do this, refuse to pay over the money due the United States for surveying, and by this means also evade the payment of State and county taxes, the title to the land remaining in the United States until the railroad makes a sale, when the patent is called for by the company and the deed made to the purchaser.

With the lands granted to corporations, 145,000,000 acres, and the 35,000,000 acres granted to the States, they make a total of 180,000,000 acres of land, or 280,000 square miles.

Such, sir, is an outline of the results of this policy, meager, indeed, for it would require volumes to tell its whole unsavory history. The people have done their duty. Their indignation at the hitherto reckless indifference of Congress is heard throughout the length and breadth of the land. Sampson has risen in his might and will burst asunder the flimsy withes that bind him. Sir, they mean to have those remaining lands saved for the uses of themselves and their children. I ask leave to print additional remarks and extracts.

[Here the hammer fell.]

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] has two minutes of his time remaining.

Mr. HOLMAN. I yield to my colleague [Mr. COBB] those two minutes.

Mr. COBB. I was not aware, Mr. Speaker, that this resolution was coming up to-day. I entered the Hall just a moment ago.

These resolutions cover the scope which the Committee on the Public Lands, of which I am a member, has laid down for its operation. We have been assiduously engaged in labor almost night and day, and we are complained of by railroad companies because we are so industrious as we have been. They say it is unheard-of that committees should act as early as we have been acting upon great questions like this.

We have already reported to the House a bill providing for the forfeiture of grants to seven railroad companies, amounting to 5,000,000 acres of land. We are now ready to report a bill for the forfeiture of 15,000,000 acres more; and we have also in process of completion other bills which we are considering, and will report as rapidly as we can.

If this resolution is intended, as I have no idea it was, to hurry up the Committee on Public Lands on this great question, I can only say that we need no effort to hurry us. We have lost no time in preparing bills and presenting them to this House. In the course of a very short time we will have reported bills to this House covering many millions of acres, and the House will be called upon to determine whether those millions of acres of railroad grants shall be forfeited or not.

These land grants are great frauds on this nation. In my judgment there are not less than 100,000,000 of acres of grants to these railroads to which they are no more entitled than are members of this House. We can show that frauds have been committed in efforts to corrupt legislative bodies in this country unheard-of before.

I have now before me a decision of the supreme court of the State of Oregon reciting the corrupt action of the Oregon Railroad Company in setting apart a million of money, proposed to be raised out of their land grants, to corrupt the Legislature of Oregon, and the judge in his place recites the facts in his decision. That is only one item. My time will not permit me to go further into the matter.

I want to suggest one other thing. I concur in this resolution in its spirit in regard to the public lands. The homestead settler ought to be protected. In my judgment, and I think that is the judgment of the Committee on Public Lands, the pre-emption law should be repealed.

The spirit of this resolution, so far as I have been able to gather its meaning, is in harmony with the sentiment of the Committee on Public Lands and its action thus far. I see no objection to its passage, except that we are going on now to do exactly what the resolution requires. It will give us facilities for accomplishing our work by authorizing us to report at any time. I had intended to present to the committee a resolution, sooner or later, for submission to the House.

[Here the hammer fell.]

The SPEAKER. The question is on the motion to suspend the rules and adopt the resolutions which have been read.

Several members called for the yeas and nays.

The SPEAKER. The yeas and nays have already been demanded by the gentleman from Colorado [Mr. BELFORD].

The yeas and nays were ordered.

Mr. VALENTINE. Before the yeas and nays are taken, I desire to ask consent of the gentleman from Indiana to change the phraseology of the second resolution.

The SPEAKER. The gentleman from Indiana can not give consent to such a change.

Mr. VALENTINE. I ask unanimous consent. I desire merely to change a part of the language which does not correctly state the facts.

Mr. HOLMAN. I think the resolutions are now in harmony with the gentleman's views.

The SPEAKER. The Clerk will again read the resolutions.

The resolutions were again read.

Mr. VALENTINE. I ask unanimous consent for a change of phraseology where the language is not in accordance with the facts. I think there will be no objection.

Mr. WELLER. I have been apprised beforehand of the purpose of the gentleman to offer his amendment changing the purport of the pending resolution, and I shall now object to any such action.

The question was taken; and there were—yeas 251, nays 17, not voting 52; as follows:

YEAS—251.

Adams, G. E.	Blanchard,	Browne, T. M.	Carleton,
Aiken,	Bland,	Brown, W. W.	Cassidy,
Alexander,	Blount,	Buchanan,	Clardy,
Anderson,	Boutelle,	Budd,	Clay,
Arnot,	Bowen,	Cabell,	Clements,
Atkinson,	Boyle,	Caldwell,	Cobb,
Bagley,	Breckinridge,	Calkins,	Collins,
Ballentine,	Breitung,	Campbell, F.	Connolly,
Bayne,	Brewer, F. B.	Campbell, J. M.	Converse,
Belford,	Brewer, J. H.	Candler,	Cook,
Bennett,	Broadhead,	Cannon,	Cosgrove,

Covington,	Herbert,	Morrill,	Springer,
Cox, S. S.	Hewitt, A. S.	Morrison,	Steele,
Cox, W. R.	Hewitt, G. W.	Moulton,	Stephenson,
Crisp,	Hill,	Murphy,	Stevens,
Culberson, D. B.	Hiscock,	Murray,	Stewart, Charles
Culbertson, W. W.	Hitt,	Mutchler,	Stockslager,
Cullen,	Holman,	Neece,	Storm,
Cutcheon,	Holmes,	Nelson,	Strait,
Dargan,	Holton,	Nutting,	Struble,
Davis, G. R.	Hooper,	Oates,	Sumner, C. A.
Davis, L. H.	Hopkins,	O'Hara,	Sumner, D. H.
Deuster,	Houseman,	O'Neill, Charles	Talbott,
Dibble,	Howey,	O'Neill, J. J.	Taylor, E. B.
Dibrell,	Hunt,	Parker,	Taylor, J. D.
Dingley,	Hurd,	Patton,	Taylor, J. M.
Dockery,	James,	Payson,	Thomas,
Dorsheimer,	Jeffords,	Pierce,	Throckmorton,
Dowd,	Johnson,	Peel, S. W.	Tillman,
Dunham,	Jones, B. W.	Peelle, S. J.	Townshend,
Duncan,	Jones, J. H.	Perkins,	Tully,
Dunn,	Jones, J. K.	Peters,	Turner, H. G.
Eldredge,	Jones, J. T.	Phelps,	Turner, Oscar
Elliott,	Kasson,	Post,	Valentine,
Ellwood,	Keifer,	Price,	Van Alstyne,
Ermentrout,	Ketcham,	Pryor,	Vance,
Everhart,	Kleiner,	Pusey,	Wait,
Ferrell,	Lacey,	Randall,	Wakefield,
Fiedler,	Lamb,	Ray, G. W.	Ward,
Findlay,	Lanham,	Ray, Ossian	Warner, A. J.
Finerty,	Lawrence,	Reagan,	Warner, Richard
Follett,	Le Fevre,	Reese,	Washburn,
Foran,	Lewis,	Riggs,	Wellborn,
Forney,	Long,	Robertson,	Weller,
Fyan,	Lore,	Robinson, W. E.	Wemple,
Geddes,	Lovering,	Rogers, J. H.	White, J. D.
Gibson,	Lowry,	Rogers, W. F.	White, Milo
Glascock,	Mackey,	Rosecrans,	Wilkins,
Goff,	McAdoo,	Rowell,	Williams,
Green,	McCoid,	Ryan,	Willis,
Greenleaf,	McComas,	Scales,	Wilson, James
Guenther,	McCormick,	Seney,	Winans, E. B.
Halsell,	McKinley,	Seymour,	Winans, John
Hanback,	McMillin,	Shaw,	Wise, G. D.
Hardeman,	Matson,	Shelley,	Wise, J. S.
Hardy,	Millard,	Singleton,	Wolford,
Hart,	Miller, J. F.	Skinner, C. R.	Wood,
Hatch, W. H.	Miller, S. H.	Skinner, T. G.	Woodward,
Haynes,	Milliken,	Slocum,	Worthington,
Hemphill,	Mills,	Smith,	Yaple,
Henderson, D. B.	Mitchell,	Snyder,	York,
Henley,	Morey,	Spooner,	Young.
Hepburn,	Morgan,	Spriggs,	

NAYS—17.

Barksdale,	Libbey,	Ranney,	Van Eaton,
Bisbee,	Lyman,	Reed,	Whiting.
George,	Morse,	Rice,	
Horr,	Muldrow,	Russell,	
Kean,	Poland,	Stone,	

NOT VOTING—52.

Adams, J. J.	Curtin,	Hoblitzell,	Ochiltree,
Barbour,	Davidson,	Houk,	Paige,
Barr,	Davis, R. T.	Hutchins,	Payne,
Beach,	Eaton,	Jordan,	Pettibone,
Belmont,	Ellis,	Kelley,	Potter,
Bingham,	Evans, I. N.	Kellogg,	Rankin,
Blackburn,	Evins, J. H.	King,	Robinson, J. S.
Brainerd,	Graves,	Laird,	Stewart, J. W.
Brumm,	Hammond,	Maybury,	Thompson,
Buckner,	Hancock,	Mayo,	Tucker,
Burleigh,	Harmer,	Money,	Wadsworth,
Burnes,	Hatch, H. H.	Muller,	Weaver,
Chace,	Henderson, T. J.	Nicholls,	Wilson, W. L.

So (two-thirds voting in favor thereof) the motion to suspend the rules and adopt the resolutions was agreed to.

Before the result of the vote was declared the following announcements were made:

Mr. MCMILLIN. I am paired with my colleague [Mr. HOUK] on political questions; but as I do not regard this as a political question, and do not believe he would vote contrary to me, I have voted "ay."

Mr. CANNON. My colleague from Illinois [Mr. HENDERSON] is confined to his room by sickness.

Mr. YOUNG. The gentleman from Mississippi [Mr. MONEY] is unable to be here to-day, being confined to his room by illness.

Mr. WHITE, of Kentucky. My colleague [Mr. BLACKBURN] is absent on important business, and I am paired with him on political questions; but not regarding this as a political question, and believing that if he were present he would vote "ay," I have voted "ay."

The following pairs were announced from the Clerk's desk:

Mr. EVANS, of Pennsylvania, and Mr. MAYBURY, on all political questions, for to-day.

Mr. NICHOLLS and Mr. HENDERSON, of Illinois, on all political questions for to-day.

Mr. HOUK and Mr. MCMILLIN, on all political questions for to-day.

Mr. KING and Mr. BURLEIGH, on all political questions for to-day.

Mr. EVINS, of South Carolina, and Mr. LAIRD, on all political questions for to-day.

Mr. BELMONT and Mr. CHASE, on all political questions for to-day.

Mr. ELLIS and Mr. HARMER, on all political questions for to-day.

Mr. DAVIDSON and Mr. WEAVER, on all political questions until further notice.

Mr. WHITE, of Kentucky, and Mr. BLACKBURN, on all political questions until further notice.

Mr. MONEY and Mr. WADSWORTH, on all political questions until further notice.

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 332) for the relief Thomas B. Shannon; and

A bill (S. 346) to amend section 1860 of the Revised Statutes so as not to exclude retired Army officers from holding civil office in the Territories.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House do now adjourn.

Mr. CALKINS. It is hardly fair not to hear from this side after a motion to suspend has been made on the other.

The House divided; and there were—ayes 106, noes 83.

Mr. CALKINS. Let us have tellers on the motion to adjourn.

Tellers were ordered.

Mr. CALKINS. It is only a little patent bill I ask to have passed. It will not take five minutes.

Mr. GIBSON. I hope the gentleman from Illinois will withdraw the motion to adjourn.

Mr. TOWNSHEND. I am willing to do so if that is the wish of gentlemen.

Mr. COX, of New York. Turn about is fair play.

Mr. TOWNSHEND. I withdraw the motion to adjourn.

PRACTICE IN PATENT SUITS.

Mr. CALKINS. I move to suspend the rules and pass the bill I send to the Clerk's desk.

The Clerk read as follows:

Be it enacted, &c., That in any suit hereafter brought in any court having jurisdiction in patent cases for an alleged use or infringement of any patented article, device, process, invention, or discovery, where it shall appear that the defendant in such suit purchased the same in good faith for his own personal use from the manufacturer thereof, or from a person or firm engaged in the open sale or practical application thereof, and applied the same for and to his own use, and did not purchase or hold the same for sale, or to be used in or for any manufacturing process, if the plaintiff shall not recover the sum of $20 or over, he shall recover no costs, unless it shall also appear that the defendant, at the time of such purchase or practical application, had actual knowledge or notice of the existence of such patent, or unless the defendant puts in issue the plaintiff's right to recover anything in the suit: *Provided*, That nothing herein contained shall apply to articles manufactured outside of the United States: *And provided further*, That said purchaser or user upon request by the owner of the letters patent alleged to be infringed by him shall make known the vendor, and time, and place of purchase of the article or articles for the use of which complaint is made.

SEC. 2. That in all suits hereafter brought as aforesaid against a defendant other than a manufacturer or seller of such patented article, device, process, invention, or discovery, the plaintiff shall, at the commencement of such suit, give a bond, to the approval of the clerk, with sufficient surety, to be conditioned that the plaintiff will pay all costs and attorneys' fees that may be adjudged against him; and if the defendant shall finally prevail in such suit, the court shall allow costs, and a reasonable sum, not exceeding $50, for counsel fees to the defendant, which shall be recoverable by suit, in the name of the clerk, upon said bond, or by fee-bill on execution. A failure by the plaintiff to give such bond shall, on motion, be ground for the dismissal of the suit.

The SPEAKER. Is a second demanded?

No second was demanded.

The rules were suspended (two-thirds voting in favor thereof), and the bill (H. R. 3925) to regulate practice in patent suits was passed.

REPEAL OF TEST-OATH.

Mr. COX, of New York. I move to suspend the rules and pass a bill to repeal the act of July 2, 1862, and such sections of the Revised Statutes of the United States as perpetuate the oath prescribed in said act.

The Clerk read as follows:

Be it enacted &c., That the act of Congress entitled "An act to prescribe an oath of office, and for other purposes," and so much of the provisions of section 1756 of the Revised Statutes of the United States and all other sections thereof which provide for the enforcement of the provisions of said act of July 2, 1862, be, and the same are hereby, repealed; and that no person hereafter shall be required to take the oath therein prescribed as a condition precedent to the holding of any office, or to serving as a juror, or to the acquirement of any right under the laws of the United States.

Mr. WHITE, of Kentucky. I move the House do now adjourn.

The House divided; and there were—ayes 50, noes 113.

Mr. WHITE, of Kentucky. I will withdraw the motion if we can have the same favor extended to this side in order to submit a proposition.

Mr. COX, of New York. I can make no bargains.

So the House refused to adjourn.

Mr. BOUTELLE. I ask for a second of the motion to suspend the rules.

The SPEAKER appointed Mr. COX, of New York, and Mr. BOUTELLE as tellers.

Mr. COX, of New York. By unanimous consent, let the motion to suspend the rules and pass the bill be considered as seconded.

There was no objection, and it was so ordered.

The SPEAKER. The rules allow thirty minutes of debate, fifteen for and fifteen against, and the gentleman from New York [Mr. COX] will be recognized as controlling the time in favor, and the gentleman

from Maine the time against. [After a pause.] If neither gentleman wishes to be heard the Chair will submit the question.

Mr. COX, of New York. I suppose the gentleman from Maine will first be heard.

Mr. TOWNSHEND. I ask whether we could not adjourn and let this come up to-morrow.

The SPEAKER. It will not come up to-morrow, but as unfinished business when we reach this class of business again.

Mr. COX, of New York. Does not the gentleman from Maine wish to proceed?

Mr. BOUTELLE. Is it not the intention of the gentleman from New York to explain his bill?

Mr. COX, of New York. As I understand the rule the gentleman having fifteen minutes is first to be heard. [Cries of "No!" on the Republican side.] I should like to hear what his objections are. I know what is the rule.

The SPEAKER. There is no rule on the subject, and it is not a subject for the decision of the Chair. The Chair will recognize either gentleman who wishes to address him. [Cries of "Vote!" on the Democratic side.]

Mr. COX, of New York. Mr. Speaker, I would like to ask whether, if I explain the bill in a few minutes, I can then reserve the remainder of the time to conclude the debate?

The SPEAKER. The gentleman from New York controls fifteen minutes of the time.

Mr. COX, of New York. Then, Mr. Speaker, I will say briefly that this bill is intended, as gentlemen will perceive, to repeal what is known as the test, or iron-clad, oath. It is the long oath that some of us take when we enter upon our duties. I have attempted time and again to have this repeal made by this House. I have explained it time and again. I argued it elaborately on the 3d of June, 1879. There seems to be some sort of incredulity in the public and Congressional mind as to the existence of such an absurdity, such an anomaly, such an anachronism upon our statute-book. This seems to have been the obstacle hitherto to its repeal.

I need not recite the language of that oath to gentlemen. When we stand in a semicircle before you, Mr. Speaker, to be sworn, there are two classes of members sworn. One class takes the oath prescribed by the Constitution—with a short addendum. The other takes the oath known as iron-clad. The latter is the disqualifying or test oath. It tests the fidelity of the affiant during the civil war, as to aiding, abetting, or giving countenance, counsel, encouragement, &c., to those engaged in armed hostility to the Government. It also tests the fidelity of the affiant as to the acceptance of office, or the exercise of the functions of any office whatever, &c.

With permission I place the oaths required of us, or what should be required, in juxtaposition, thus:

Good oath of bad rebel who did not support, &c., the Government.

I do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or evasion; and that I will faithfully perform all the duties which may be required of me by law: So help me God.

Constitutional oath, as it ought to be.

I swear to support the Constitution of the United States: So help me God.—*Article VI, section 3.*

Bad oath of good patriot who did support, &c., the Government.

I do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States hostile or inimical thereto.

And I do further swear that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

One of the ridiculous features of these two legalized oaths is that it forces a person to swear that while he is taking the oath he is not forswearing himself, that he has no mental reservations, that he is playing no sleights with his conscience, no thimble-rig with words. He swears that he is not lying; while the man who is yet supposed by some to be, or has once been, obnoxious to our laws, judged by this very test-oath, swears the lovely oath of loyalty.

The difference between these oaths is apparent. In my judgment the only constitutional oath that ought to be is: "I swear to support the Constitution of the United States. So help me God!" (Article VI, section 3.) Such an oath would be applicable to us all. There would then be no two classes of men, differently sworn, yet sitting side by side as equals.

All this bill proposes is to repeal the act of July 2, 1862, and such sections of the Revised Statutes of the United States as perpetuate the oath prescribed in said act, which is the "iron-clad" oath. It thus makes all the oaths taken in this Chamber like the one first referred to.

It may not be known, but it is true, that this long test-oath was repealed by the act of April 20, 1871. It was never re-enacted, except in the Revised Statutes and by indirection, though the act of June 22, 1874, makes this and all other revised acts the law of the land.

Why should we have these two diverse oaths for one class of officers? I ask members on both sides. Why do we distinguish now between members on this floor? Should they not be equal in the assumption of duty or in their method of qualification? The only reason possible to be given for such an anomaly is perhaps the reason which was given the other day in a newspaper which has been sent me from Maine, which bears the name of the gentleman from Maine [Mr. BOUTELLE] as editor. It said that the "Southern members did not demand this."

I doubt if there be one member South who desires the honorable distinction of having it forever recalled that he was confederate and others Federal, that he was a failure in revolt, and that his victors should be stigmatized by swearing to the recollection. We of the North demand it on account of good sense, equality of position, and fair dealing. I know neither North nor South on such a question. It is a question of honorable and decent parliamentary practice. In the newspaper edited by the gentleman from Maine [Mr. BOUTELLE], to which I refer, it is said that one objection to the repeal is that we should perpetuate the distinction between treason and loyalty. What! Twenty years after the war? After the line of force has been erased? After the men who participated in the struggle have been rehabilitated in all their rights of citizenship? After they who were disabled and disqualified because of rebellion have been enabled to become Federal Congressmen under other statutes? The reason for the oath exists no longer; therefore let the oath die.

But, Mr. Speaker, the comical part of the matter is that the men who were innocent of rebellion are compelled to take that test-oath, while the insurgents are required to take only the simple oath prescribed by the Constitution! What a comedy of errors! The loyal are tested; the disloyal are glorified! Could absurdity further go? Is it not the inversion of logic and the irony of history?

I reserve the remainder of my time.

Mr. KASSON. May I ask the gentleman from New York a question before he takes his seat?

Mr. COX, of New York. I can not yield for a question. I reserve the remainder of my time.

Mr. KASSON. I merely wish to ask the gentleman from New York as to the extent to which this goes, whether it is limited to members of Congress solely?

Mr. COX, of New York. I will explain that fully at the close of the discussion.

The SPEAKER. The gentleman from New York reserves the remainder of his time. He has exhausted five minutes of it.

Mr. BOUTELLE. Mr. Speaker, it is always a very pleasant and gratifying thing for a man to assume an attitude of generosity. Sometimes we find men generous with their own property, and sometimes we find gentlemen inclined to be generous with the property of other people. I have risen to object to the present consideration of this measure, not because I think I fall behind the gentleman from New York in magnanimity, or perhaps in chivalry, but because, Mr. Speaker, I am unable to recognize the exigency which calls for the introduction and passage of this measure at this time.

We hear a great deal said in deprecation of exciting sectional animosities and reviving sectional issues. I ask the gentleman from New York why he brings this sectional question in here to-day? We are living, sir, under a law in regard to our oaths which was adopted many years ago; a law which was supported by the gentleman from New York himself. I know of no reason whatever, I can understand no special cause for arresting the proceedings of this body to change the nature of the obligation which is assumed by the Representatives of the people upon entering on their duties here. The gentleman says we ought not to have two oaths here. I want to say to him that we are not responsible for the fact that two oaths are required. I want to say to him that the loyal people of this country are not responsible for the fact that gentlemen on the one side or the other of this House are unable, unfortunately, to take that oath which I believe men should under ordinary circumstances be required to take before entering upon the legislative duties of a body like this, an oath that they had never attempted to destroy the government of their country.

I understand perfectly well, Mr. Speaker, that we have had peculiar experience in this country. I understand perfectly well that we have modified the ordinary procedure. I do not undertake to question the validity of the seating of any member upon this floor. I do not undertake to cast any reflection upon any gentleman who is unable to take the iron-clad oath in this body. But when we are informed that there is an impropriety or a hardship or a lack of generosity in insisting that the oath of loyalty shall stand for those who choose to take it, I think we are going faster than the country calls for.

When the present law was enacted in January, 1871, the gentleman from New York [Mr. COX] expressed himself in its favor. He expressed himself in favor of the modification, which at that time per-

mitted gentlemen who had been engaged in hostilities against the Government to take a modified oath and become members of this body. He favored the proposition on the ground that it was extending a graceful and a useful act of clemency and magnanimity to our fellow-citizens from whom we had been estranged. I read his language from the RECORD:

Mr. COX. Why, Mr. Speaker, is it not time we should stop talking about outrages, when they are the very consequence of our lack of tranquillity, in the North and South, and among the people of the country? Good government brings tranquilization of the people. It is a sign of bad government if there be unkindness and want of comity between the States and the people, and every move we make in the direction of removing these oaths and disqualifications cultivates a better spirit. It is like intertrading; it is like intermixing; it is like love; it is like God's own law, and I congratulate the other side of the House that they are marching up to that duty.

Mr. Speaker, I wish that the history of this country might show that the prediction and the hope of the gentleman from New York had been more fully borne out. "Like love!" "Like God's own law!" The answer came within a short time after the action upon this question thus supported by the gentleman from New York in denials of the rights of loyal citizens, in repetitions of outrages the very mention of which he deprecates, and the long line of similar returns for this clemency and magnanimity has stretched down from the massacres of Grant Parish and Colfax and Coushatta and Hamburg, to Copiah and to Danville.

Now, sir, in the brief time at my disposal—and I wish to say it seems to me a peculiar proceeding to press a measure of this kind under a suspension of the rules upon fifteen minutes of discussion—I want to say that if the repeal of this test-oath would in fact have a tendency toward removing any estrangements existing between the people of our common country and of accelerating the approach of that era of good feeling and of good faith for which we have waited and prayed so long, it would heartily have my vote. But I am compelled in justice to myself to ask what has been the result and what has been the interpretation of these various acts of magnanimity on behalf of the American Congress? It is not so much that we do this technical thing as it is that there will be an interpretation put upon our act which I believe will be harmful to the true interests of the American Republic.

The gentleman from New York has asked me if I desire to perpetuate the distinction between treason and loyalty twenty years after the war. The words were used by the gentleman and not by myself. And when he puts that question to me I answer him that I believe the distinction between treason and loyalty should be as perpetual as eternity.

Now, Mr. Speaker, as I have said, if these acts of liberality and concession were tending to build up in the North as well as the South a feeling and a spirit beneficial to the present and future interests of this country, I should feel differently about it. But when every concession of this kind is interpreted as a retrogression from the standpoint of loyalty, is interpreted as a concession of the ground of patriotism, is interpreted as a sanction and approval or condonation of attempts to destroy the Government, I must enter my protest.

I want to ask gentlemen to consider for one moment with me how these various acts that received the approval of the gentleman from New York have been received in the South. I want to ask him what is thought and what is taught in that section of the country to-day on this question of treason and loyalty. I hold in my hand "A Compendium of the History of the United States, designed to answer the purpose of a text-book in schools and colleges, as well as to meet the wants of general readers," written by Mr. Alexander H. Stephens, and which has passed through repeated editions until this one of 1883, which I hold in my hand, and is to-day a manual for the instruction of the rising generation, white and black, in the Southern States of this country. I invite your attention to a few—and I can only call your attention to a few for want of time—of the indications of the spirit in which these concessions have been received. I will not take up your time with the earlier portion of the history of the American Republic as given in this remarkable book for the instruction of those people. I may say, in passing, that I find in it a most remarkable account of the repeated and incessant and almost uninterrupted triumphs of the confederate armies, which the historian has some difficulty in reconciling with the result of that great strife. But it is to the statements made in this book upon questions of principle going down to the very bedrock of government that I desire to call your attention. On page 474, article 13, we have this "magnanimous," this "conciliatory," lesson taught to the youth of the Southern States:

The administration of General Grant thus far has been thoroughly on the line of radical policy, and strongly marked by measures of very great importance, all tending directly to the centralization of power in the Federal head, and the destruction of the reserved rights of local self-government by the several States of the Union. Of this character may be named, among others of these measures, the fifteenth amendment to the Constitution of the United States, which was carried and declared to be part of the Constitution under his auspices; and in like manner was the fourteenth. His attempt to acquire St. Domingo without authority of law may also be especially mentioned. But the most notable of all these measures is the "exforcement act," so called, known as the "Kuklux act of 1871." This goes far beyond anything in the sedition act of 1798, under the elder Adams, in its direct attacks upon public liberty. But, without further specification, it may be stated that all the leading features of the present administration and its general policy point directly, and, if not arrested by the peoples of the several States at the ballot-box, will lead ultimately, to the entire overthrow of the Federal system, and the subversion of the free institutions thereby attempted to be secured on the American continent, and the history of which we have traced.

That is the conciliatory and patriotic doctrine being taught in the Southern States to-day.

The SPEAKER. The time of the gentleman has expired. The Chair now recognizes the gentleman from New York [Mr. COX] for the ten minutes remaining of his time.

Mr. BOUTELLE. I have some more very interesting extracts from this history which I should like to read. I think gentlemen would be very much interested in hearing them, and that the country would be interested.

Several MEMBERS. "Print!" "Print!"

Mr. BOUTELLE. Then I will ask the poor privilege of printing what I would like to have read.

Mr. COSGROVE and others objected.

The SPEAKER. Objection is made.

Mr. BOUTELLE. By whom is objection made?

Mr. COX, of New York. No matter who makes it; anybody can make the objection.

Mr. BOUTELLE. Yes; but I venture to make the inquiry without first obtaining the permission of the gentleman from New York [Mr. COX].

Mr. COX, of New York. After "the gentleman from New York" is recognized as entitled to the floor, the rules say that you must obtain my permission; but being a new member I excuse you. [Laughter.]

Mr. BOUTELLE. I desire to say, if the gentleman will allow me——

Mr. COX, of New York. I do not wish to be interrupted.

Mr. BOUTELLE. The gentleman will hardly deny me the courtesy of a response. Let me say just this——

Mr. COX, of New York. I do not wish to be interrupted. [Cries of "Order!" "Order!"]

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] is not in order.

Mr. COX, of New York. I will not argue this question from any sectional or party standpoint. This bill only affects officers who take the iron-clad oath. All the men who were engaged in the rebellion or in secession do not—because they can not—take the iron-clad oath; therefore it does not affect the Southern men who were in rebellion. It is a bill for the relief of the Northern Unionist who was heroic for the Union!

When the gentleman makes sectional issues he makes them against men in the North—men who were loyal. He does not make them against disloyalists in the South. They have already been enlarged by the very legislation which I voted for and which he commends by his quotation from my remarks.

Sir, this long iron-clad oath is but the rotten remnant of the clumsy buttresses of arbitrary power. It may have been necessary during the war, when I voted for it. It was then a test. But now, since we have enabled the men who fought against the Union by means of a short and simple oath peculiar to themselves to which they can swear, may we not ask that the same generous privilege of taking an oath to the Constitution, pure and simple, be extended to Union men which former disunionists enjoy? That is all. I plead for equality. May we of the North not be equal in oath-taking with the South? The gentleman would continue those faithful to the Union as "suspects;" I would banish all differences.

Mr. MILLER, of Pennsylvania. We do not ask it.

Mr. WHITE, of Kentucky. We do not ask it.

Mr. COX, of New York. And I do not ask you to interrupt me.

Mr. WHITE, of Kentucky. Of course not.

Mr. COX, of New York. This test-oath is of the same nature as the test-oaths of history. We know what they were. This test-oath of loyalty differs only in degree, though not in kind, from the whipping at the cart's tail, the thumbscrew, the rack, the disemboweling and quartering of the dead and the burning of the live body. What would you think of a law that would apply the thumbscrew to my gallant colleague [General SLOCUM] and allow the "rebel brigadiers" to go free? What would you think of a law which would fix upon the rack my patriotic and soldierly colleagues [Mr. ROGERS and Mr. GREENLEAF], who fought on the Union side, and leave the "Hotspurs" of 1861—now the sedate Solons of 1884—in better case than my gallant Unionist colleagues? The gentleman from Maine [Mr. BOUTELLE] should study the *reductio ad absurdum*. He may not intend it, but he does defend the Southern men here, and asks that the chaplet of honor be placed on their brows, while he would continue the stigma on the Northern men. Because they were loyal they may not take the simple oath of loyalty.

These tests as to opinion and fealty are evidences of incivism if not of barbarism. They have no association with civism, liberty, or justice. The only good, perhaps, they ever did was that they helped to people America. The revolution of 1640 turned upon an oath of conformity to the Established Church. It was not so long as our oath. It was known as "the *et cætera* oath." It bound men never to change opinions. It was so indefinite—like our own "iron-clad" oath—as to be the very essence of folly and despotism. It raised up Baxter in religion and Pym in Parliament. It lost to the English Church two thousand of its best ministers. Hallam calls it "cold-blooded persecution, worse than the

foment and fury of civil war." It led, as most oaths lead, to subterfuges and reservations, prevarications and perjury. It gave more strength to Quakerism than perhaps any other kind of persecution except martyrdom could have accomplished.

A MEMBER. What has that to do with this?

Mr. COX, of New York. I will show you before I am done. They are evidences of hateful policies.

The history of political oaths is the history of oath-breaking. They were as cheap as those of dicers or of the custom-house; they made the proverb in Spain that "he who made the law made also its evasion." Talleyrand swore thirteen times to his allegiance under various governments. Other men not so able made a merit of being forsworn; a white rose to-day; a red, to-morrow! Perhaps the most odious test-oath ever enacted in any country was that known as "the Missouri test-oath." It was decided unconstitutional in the case of Cummings *vs.* The State of Missouri (4 Wallace, page 277). The plaintiff was a Catholic priest. He was convicted of teaching and preaching without having first taken the oath presented by the constitution of April, 1865. He was sent to jail. The supreme court of Missouri affirmed the judgment, although the oath was divided into more than thirty distinct tests, some not against law and some not blameworthy, most of them charitable actions. Under the same law Sisters of Charity were imprisoned in Missouri, in Cape Girardeau County; and why? Simply because they taught in a convent, and had not taken the oath. They were dragged into court, indicted, and tried. These cases are evidences, of course, of extreme cruelty, and can not now be repeated, and yet we preserve upon our statutes this rare memory of the war, in the form of an invocation to God. Of all the oaths from the time of Abraham, who swore after a peculiar manner, down to our own statutory requirement, there is nothing so laughable, absurd, and yet nothing which so exemplifies hate and spite as this "iron-clad" oath.

There has been much metaphysics as to an oath. Is it a religious affirmation, or an invocation to God as a witness? Is it an imprecation for divine vengeance, or a mere promise? The original Greek word meant, "I adjure thee;" "I call on thee to witness." This is the Hebrew as well as the Greek. It is the sacred and majestic adjuration used by the high priest to evoke the truth. Is it not lessened by too much frequency, frivolity, and flippancy? Does it not then become an abuse of the name of God? Augustine summed up his creed: that false swearing is fatal, true swearing dangerous, swearing not at all is safe.

There is a history of oath-taking. Homer's heroes swore; the gods swore; the Romans swore by their swords and their Cæsars; the Egyptians by cats and onions; the East Indian by holding a cow by the tail, the cow being sacred to the Brahmin. However ludicrous these various oaths may be, there is not in all of them one so utterly ridiculous, repulsive, and undignified as the "iron-clad" oath as taken by the innocents of this House!

In view of the history of oath-taking, and with much admiration for the Moravian and the Quaker, and reverential awe of the Almighty Power which is so carelessly invoked, I hope that this relic of barbarism may be wiped from our statute-book. Other nations are progressing in this respect.

Why should not we also make progress? England in 1865 abolished eleven different statutes made since the time of Henry VIII. Why? In order to get rid of these test-oaths. No longer in England do they have such an abundance of oaths. No longer is the Jew, the Quaker, the Catholic, or Dissenter disqualified in the English Parliament. A better civilization exists under more liberal conditions.

The law of July 31, 1868, reduced the English oath of allegiance to a model of brevity and sense. It reads: "I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law: So help me God." The list of officers who take this oath are few in number compared with former days. Besides, in England wholesale swearing in custom-houses and elsewhere has been abolished. Simple declarations are the practice. In Spain, under the lead of Castellar, an effort is making to abolish all oaths.

It was Jeremy Bentham who said that "the oath neither implied faith given nor faith received. Why, then," he asked, "require it? Why take it? Why this farce?" I think it was the same great philosophic statesman who said that it was strange that the nations whose religion was based on the teachings of Jesus Christ should be the very nations who disowned his teaching as to oath-taking, and who discarded Him who prescribed "yea, yea" and "nay, nay," and whose best spirit was, "Swear not at all!"

We are now approaching an era of good feeling, if not of Democratic ascendency. This ascendency should inure to the interest of public liberty in its largest acceptation. We are here to exalt the Republic. We should remove every suspicion that poisons political integrity or embitters patriotic union. Neither oaths as a test of past patriotism nor flags of past battles should in their legends bring reproach or fire animosity. [Applause.] As civil wars are domestic calamities; we should be heedful of perpetuating their memories. Is there never to be reconciliation between the sections? Is the hatred to be continued by these sacred invocations? Why, even Cæsar wept for his great enemy. Rivals sleep together in the Walhalla of Bavaria. Even Russia permits a monument to her Polish foes at Cracow. The factions of Italy are entombed under one roof in Santa Croce.

Let us bridge over the abysses of civil strife as the Romans did, with a bridge of gold. [Applause.] Let us herald at the beginning of this Congress to all the people, North and South, in the spirit of the Sermon on the Mount, that the grace which has been growing in the hearts of our people since the war shall have no hateful trophy, no lesson save that which is patriotic and peaceful, rising above party passions and ignoble force; and especially let us practice that rational goodness which will deliver those of us who were faithful in the trials of the Republic from the reproach of taking an oath at once meaningless and sinister—detestable in the sight of men and God, and only welcome among those who cultivate the spirit of uncharitableness and diabolism.

Abolish this empty form, whose only service is to corrupt by familiarity, which calls down from the skies the holiest of religions into the muck of mortal depravity to vitiate the springs of truth and justice by its illogical and irreverent ribaldry.

It is not a question of party or patriotism. I would not carelessly and causelessly invoke for political duty that appalling and abiding sense of the Divine Majesty, nor suffer the effulgence which emanates from the Divine promise and the eternal verities to be contaminated by the imperfections and vices of men. [Loud applause.]

Mr. KASSON. If the gentleman from New York has any time remaining, I wish to ask him a practical question as to the last clause of his bill.

The SPEAKER. The gentleman has one minute remaining.

Mr. KASSON. Will the gentleman permit a question?

Mr. COX, of New York. Yes, sir.

Mr. KASSON. The last clause of the bill says "or to serving as a juror." Now the section to which the bill refers does not require for jurors this identical oath.

Mr. COX, of New York. I will strike that out if the gentleman pleases.

Mr. KASSON. If the gentleman will strike that out, so that the bill will only apply to members of Congress and civil officers——

The SPEAKER. That can only be done by unanimous consent.

Mr. COX, of New York. I hope no one will object.

Mr. HEWITT, of New York. I wish to ask my colleague [Mr. COX] whether he does not remember that Mr. FRYE, of Maine, now a Senator, reported this very bill in this House on the 4th of December, 1877, and that it was passed unanimously?

Mr. COX, of New York. I do; and Senator EDMUNDS, now President of the Senate, has repeatedly spoken in favor of the abolition of this test-oath.

Mr. KASSON. I have no wish to object to the bill so far as applicable to members of Congress and civil officers.

Mr. BOUTELLE. I ask the gentleman from New York to allow me one word in reply to a direct personal allusion. [Cries of "No, no!" "Regular order!"]

The SPEAKER. No further debate is in order. Is there objection to the modification suggested?

Mr. LOWRY. For the present I object, for this reason: I think——

The SPEAKER. The objection is sufficient without the reason. The time for debate has expired.

Mr. LOWRY. I desire to ask the gentleman from New York whether it may not be our duty to allow this provision to remain, in order to relieve a co-ordinate branch of the Congress of the United States from the embarrassment of having some of their newly-elected officers excused from taking the iron-clad oath? I now withdraw the objection.

The SPEAKER. Is there objection to allowing the gentleman from New York to modify the bill in the manner suggested?

Mr. MILLER, of Pennsylvania. Inasmuch as the gentleman would not allow a question from the gentleman from Maine [Mr. BOUTELLE], I object.

The SPEAKER. The question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

Mr. MILLER, of Pennsylvania (while the vote was being taken). At the urgent request of a great many of my associates, I withdraw my objection. [Cries of "Regular order!"]

The SPEAKER (having taken the vote). On this question the ayes are 185, the noes 14.

Mr. BOUTELLE. I call for the yeas and nays.

The yeas and nays were not ordered; 14 voting in favor thereof.

The SPEAKER. Two-thirds having voted in the affirmative, the rules are suspended, and the bill (H. R. 3926) is passed. [Loud applause.]

J. M. HOBBS.

On motion of Mr. PEEL, of Arkansas, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of J. M. Hobbs.

BATH COUNTY, KENTUCKY.

On motion of Mr. CULBERTSON, of Kentucky, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the claim of Bath County, Kentucky, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. ROBINSON, of New York, by unanimous consent, was granted leave of absence for three days.

And then, on motion of Mr. TOWNSHEND (at 5 o'clock and 2 minutes), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. AIKEN: The petition of the letter-carriers of Charleston, S. C., asking for an increase of privileges—to the Committee on the Post-Office and Post-Roads.

By Mr. BAGLEY: Paper relating to the claim of Jacob D. Hutton—to the Committee on Claims.

Also, the petition of bailiffs of the United States courts of New York, for increase of pay—to the Committee on Appropriations.

By Mr. BARBOUR: Papers relating to the claim of Andrew Burgess and others—to the Committee on Claims.

Also, the petition of the heirs of Richard S. Cole and of Theodore Teed, for relief—severally to the same committee.

Also, the petition of the National Fair Association of the District of Columbia, for relief from tax assessments and taxation—to the Committee on the District of Columbia.

Also, papers relating to the claim of Valorous G. Austin—to the Committee on War Claims.

By Mr. BAYNE: Paper relating to the pension claim of Col. J. R. Porter—to the Committee on Invalid Pensions.

By Mr. BLOUNT: Paper relating to the Freedman's Savings and Trust Company—to the Committee on Ways and Means.

By Mr. J. H. BREWER: Paper relating to the improvement of the Sandy Hook bar, and also for the creation of a deep and wide entrance to Barnegat Bay, New Jersey, for the purpose of forming a harbor of refuge—to the Committee on Rivers and Harbors.

By Mr. T. M. BROWNE: The petition of 560 ex-volunteer soldiers, praying Congress for an equalization of bounties; to give all honorably discharged soldiers 160 acres of land, and to amend section 1754 of the Revised Statutes—to the Committee on Military Affairs.

By Mr. CLEMENTS: Papers relating to the claim of Nehemiah Garrison, and of Wm. Hedgpeth—severally to the Committee on Claims.

Also, paper relating to an appropriation to build a road from the city of Marietta, Ga., to the national cemetery near that city—to the Committee on Military Affairs.

Also, paper relating to the claim of the Catholic church at Dalton, and of the trustees of the Presbyterian church at Marietta, Ga.—severally to the Committee on War Claims.

By Mr. S. S. COX: Memorial of Nathaniel McKay, alleging fraud against the United States consul at Demerara, South America—to the Committee on Foreign Affairs.

Also, paper relating to the pension claim of Patrick Haney—to the Committee on Pensions.

By Mr. CUTCHEON: The petition of Joseph Sayles, in regard to post-offices of the third class—to the Committee on the Post-Office and Post-Roads.

Also, the petition of W. A. Maize, in relation to a proposed bill for the relief of certain officers of the United States Army—to the Committee on Military Affairs.

Also, the resolutions of the Detroit Board of Trade, on the improvement of the Detroit River—to the Committee on Rivers and Harbors.

Also, memorial of R. M. Johnson Post, Grand Army of the Republic, No. 138, Department of Michigan, asking for a grant of land for honorably discharged soldiers—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. DARGAN: The petition of Lacon R. Tillman, for relief—to the Committee on Claims.

By Mr. DIBBLE: The petition of the letter-carriers of Charleston, S. C., concerning the free-delivery system—to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the claim of F. W. Claussen—to the Committee on the Judiciary.

By Mr. DOCKERY: Paper relating to the restoration to the pension-roll of John Allee—to the Committee on Invalid Pensions.

Also, the petition of Fernando Moreno, for relief—to the Committee on Military Affairs.

Also, the petition of citizens of Clay County, Missouri, for an appropriation to protect the city of Harlem from a threatened change in the the channel of the Missouri River at Kansas City, Mo.—to the Committee on Rivers and Harbors.

By Mr. DUNCAN: Memorial of D. McConaughy and the faculty of the Theological Seminary at Gettysburg, Pa., for an industrial training school at Sitka, Alaska—to the Committee on Education.

By Mr. FERRELL. The petition of citizens of New Jersey, for an appropriation for the building of jetties on Corson's and Townsend's Inlets, on the coast of New Jersey—to the Committee on Rivers and Harbors.

By Mr. FOLLETT: The petition of Scott & Co. and others, for the equalization of duties on all classes of sheet iron—to the Committee on Ways and Means.

Also, memorial of the Western Tract Society, of Cincinnati, Ohio, in relation to the modification of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GEDDES: Papers relating to the pension claim of Charlotte Bush, of Norwalk, Ohio—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Charles Gearing—to the Committee on War Claims.

By Mr. GEORGE: The petition of citizens of Oregon, for the forfeiture of the Oregon Central Railway land-grant—to the Committee on the Public Lands.

By Mr. GREEN: The petition of citizens of North Carolina, for the improvement of the northeast branch of the Cape Fear River—to the Committee on Rivers and Harbors.

By Mr. HALSELL: The petition of Noah Palmer and others, in relation to pensions—to the Committee on Invalid Pensions.

Also, the petition of W. N. Crewdson, for relief—to the Committee on Pensions.

Also, the petition of J. A. James, for the establishment of a post-route—to the Committee on the Post-Office and Post-Roads.

By Mr. A. S. HEWITT: The petition of the bailiffs of the district court of the United States for the southern district of New York, for an increase of pay—to the Committee on Appropriations.

By Mr. HOBLITZELL: Papers relating to the claim of Oliver Wood—to the Committee on Claims.

By Mr. HOPKINS: Papers relating to the claim of James Millinger—to the Committee on War Claims.

By Mr. HOUK: Paper relating to the claim of D. C. Ridenour—to the Committee on Naval Affairs.

By Mr. JEFFORDS: Paper relating to the claim of Miss Sarah M. Thomas—to the Committee on War Claims.

By Mr. J. T. JONES: The petition of J. W. Dercen, of Demopolis, Ala., for allowance for rent, fuel, and light for post-offices of the third class—to the Committee on Appropriations.

Also, papers relating to the claim of the Mobile Marine Dock Company—to the Committee on War Claims.

By Mr. LOVERING: Papers relating to the case of Michael Niland, Company I, Seventy-ninth Pennsylvania Volunteers—to the Committee on Military Affairs.

Also, papers relating to the pension claim of John T. Marshall—to the Committee on Invalid Pensions.

By Mr. MACKEY: The petition of James F. Hagan, for damages on account of injury received while at work on the City Hall of Washington, D. C.—to the Committee on Claims.

By Mr. MATSON: Paper relating to the pension claim of Irene Baker—to the Committee on Invalid Pensions.

By Mr. McCOMAS: The petition of Catharine E. Albert and of Mary Ainsworth, of Washington County, Maryland, for increased pensions to widows—severally to the same committee.

By Mr. McCORMICK: Paper relating to the establishment of a post-route in Adams County, Ohio—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLARD: The petition of the members of the bar of Tompkins County, New York, for an amendment to the Revised Statutes of the United States—to the Committee on the Judiciary.

Also, the petition of Ann J. Mackey, for relief—to the Committee on Invalid Pensions.

By Mr. S. H. MILLER: The petition of Marion Craig Post, Grand Army of the Republic, of Grove City, Pa., for a donation of condemned cannon for monumental purposes—to the Committee on Military Affairs.

By Mr. MITCHELL: Papers relating to the creation of a commission to inquire into and report upon the material, industrial, and intellectual progress of the colored people of this country since 1865—to the Committee on Labor.

By Mr. MORRILL: Memorial of Severance Post, Grand Army of the Republic, Department of Kansas, praying for legislation declaring that the mustering in of a soldier in the volunteer service of the Government is to all intents and purposes an acceptance of the soldier by the Government and shall be satisfactory evidence of his physical soundness at the time of muster—to the Committee on Invalid Pensions.

By Mr. MULDROW: Papers relating to the private land claim of Los Nogales de Elias, of San Juan de las Boquillas y Nogales, of San Rafael del Valle and of San José de Sonorita—severally to the Committee on Private Land Claims.

By Mr. MURRAY: The petition of O. W. Minor, and of Henry Hunt, for a pension—to the Committee on Invalid Pensions.

Also, papers relating to the claim of W. T. Alexander—to the Committee on War Claims.

By Mr. NELSON: The resolution of the Chamber of Commerce of St. Cloud, Minn., relating to the construction of a dam across the Mississippi River at that point—to the Committee on Levees and Improvements of the Mississippi River.

Also, the petition of O. Kittilsby and others, in relation to the Red Lake Indian reservation—to the Committee on Indian Affairs.

Also, the petition of J. H. Sheets, for the establishment of a post-route—to the Committee on the Post-Office and Post-Roads.

By Mr. PARKER: The petition of citizens of Waddington, N. Y., for an appropriation for the improvement of the harbor at that place—to the Committee on Rivers and Harbors.

By Mr. PEEL: The petition of the "Old Settlers," or Western Cherokee Indians, for relief—to the Committee on Indian Affairs.

By Mr. S. J. PEELLE: Paper relating to the pension claim of Andrew W. Billings—to the Committee on Invalid Pensions.

Also, the petition of Lewis Bittick, for relief—to the Committee on Military Affairs.

Also, the resolutions of the agricultural convention of Indiana, asking Congress to enact a law restricting importations from Germany and France in retaliation for their embargo against American pork—to the Committee on Commerce.

By Mr. PETERS: The petition of citizens of Kearney County, Kansas, asking for the relief of Benjamin M. Rondebush—to the Committee on Invalid Pensions.

Also, the resolutions of the Kansas State board of agriculture, relative to pleuro-pneumonia, Texas fever, and pork exportation to Germany and France—to the Committee on Commerce.

By Mr. POLAND: The petition of Mrs. Honora Willmarth, praying that the pensions of widows be increased to $15 a month—to the Committee on Invalid Pensions.

By Mr. REAGAN: The petition of citizens of San Augustine County, Texas, and of 20 members of the Texas senate, asking that the place for holding the United States courts for the central portion of the eastern district of Texas be changed from Tyler to Palestine—to the Committee on the Judiciary.

By Mr. RIGGS: The petition of Anthony Shafer, for a pension—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: The petition of John Reynolds, for relief—to the Committee on Claims.

Also, papers relating to the claim of Alexander Worrall—to the Committee on War Claims.

Also, the petition of many citizens of San Francisco, Cal., relative to a public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. RUSSELL: Memorial of the Orford Copper and Sulphur Company, for relief—to the Committee on Ways and Means.

By Mr. RYAN: The petition of citizens of Kansas, for an amendment to the Constitution granting the right of the ballot to the women of the country—to the Committee on the Judiciary.

Also, the petition of mail-carriers of Leavenworth, Kans., for relief—to the Committee on the Post-Office and Post-Roads.

Also, the resolutions of the Kansas board of agriculture, for legislation for the protection of cattle from infectious diseases, &c.—to the Committee on Agriculture.

By Mr. SHAW: The petition of citizens of Olney, Ill., praying that a pension be granted to Rebecca Garrett—to the Committee on Invalid Pensions.

By Mr. STEELE: The petition of Hon. A. T. Wright and 50 others, citizens of Marion, Ind., relative to alleged abuse and usurpation of power by the United States Army in the Indian Territory—to the Committee on Military Affairs.

By Mr. STRAIT: The petition of James A. Emmons and others, for the opening of the Fort Rice reservation—to the Committee on the Public Lands.

By Mr. THROCKMORTON: The petition of citizens of Cook County, Texas, and of citizens of Texas and of the Chickasaw Nation, for the establishment of post-routes—severally to the Committee on the Post-Office and Post-Roads.

By Mr. TILLMAN: The petition of citizens of Edgefield, S. C., for the establishment of industrial and other schools in Alaska—to the Committee on Education.

By Mr. WAIT: Papers relating to the purchase of certain historical paintings—to the same committee.

By Mr. RICHARD WARNER: The petition of J. C. Williams, for relief—to the Committee on War Claims.

By Mr. MILO WHITE: The petition of John Ball Post, Grand Army of the Republic, Department of Minnesota, praying that a pension be granted to all soldiers who served in the United States Army during the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WILLIS: The petition of H. V. Loving and 30 others, business firms of Louisville, Ky., for the improvement of the Mississippi River—to the Committee on Rivers and Harbors.

Also, the petition of Henry Dowman, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Thomas P. Myrick, for a pension—to the same committee.

By Mr. E. B. WINANS: The petition of A. Beers, H. H. Dakin, and others, members of Frank Hicks Post, No. 78, and of Rush J. Shank and others, members of Charles J. Foster Post, No. 42, Grand Army of the Republic, Department of Michigan, praying that soldiers of the late war be granted 160 acres of land—severally to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WOOD: Paper relating to the pension claim of John M. Dunavin—to the Committee on Invalid Pensions.

Also, the petition of citizens of New York, for reform in the tariff—to the Committee on Ways and Means.

Also, paper relating to the improvement of the navigation of the Calumet and of the Kankakee Rivers—severally to the Committee on Rivers and Harbors.

By Mr. YOUNG: The petition of C. O. Spencer, for relief—to the Committee on War Claims.

The following petitions, praying for an appropriation for the payment of the rebate of tax on unbroken packages of smoking and manufactured tobacco, cigars, &c., were presented, and severally referred to the Committee on Appropriations:

By Mr. CALDWELL: Of William Butler & Co. and others, of C. N. Ordaway & Co., and of McGuire, Scoggins & Co. and others, of Nashville, Tenn.

By Mr. CLEMENTS: Of J. J. Cohen's Sons and others, of Atlanta, Ga.

By Mr. CULLEN: Of tobacco dealers of Joliet, Ill.

By Mr. DIBBLE: Of jobbers and dealers in manufactured tobacco, &c., of Charleston, S. C.

By Mr. GREENLEAF: Of James Bros. and others, of Medina, N. Y.

By Mr. HENLEY: Of Cone & Kimball and others, of Red Bluff, Cal.

By Mr. McCOMAS: Of F. Laing and 12 others, of Cumberland, Md.

By Mr. S. J. PEELLE: Of Messrs. Conduit & Sons and others, of Indiana.

By Mr. SINGISER: Of dealers in tobacco of Idaho Territory.

By Mr. SPRIGGS: Of citizens of Utica and Rome, N. Y.

By Mr. SPRINGER: Of the dealers in tobacco in Pekin, Tazewell County, Illinois.

By Mr. H. G. TURNER: Of Allison & Simpson and others, merchants of Cuthbert, Ga.

SENATE.

TUESDAY, *January* 22, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Postmaster-General, transmitting, with a favorable indorsement, a letter of the postmaster at Washington, D. C., recommending the construction in this city of a building suitable for post-office purposes; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the 4th ultimo, a report of the Commissioner of the General Land Office regarding the issue of patents on certificates issued in satisfaction of the private land claim of Israel Dodge, sr., and stating that he has suspended further action connected therewith during the investigation of the matter by the Senate.

The PRESIDENT *pro tempore*. This communication, together with the accompanying papers, will be printed, if there be no objection, and referred to the Committee on Private Land Claims.

Mr. DOLPH. A resolution of inquiry relating to that matter was referred to the Committee on Public Lands, and by that committee to a subcommittee, which has it now under investigation. I think, therefore, the communication of the honorable Secretary of the Interior and the accompanying papers should go to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Chair had forgotten that circumstance and remembered that the original bill was reported from the Committee on Private Land Claims. The papers will be referred to the Committee on Public Lands on the motion of the Senator from Oregon.

PETITIONS AND MEMORIALS.

Mr. HAWLEY presented the petition of David A. Welles and others, citizens of Norwich, Conn., praying for the repeal of the act of May 15, 1820, and the act supplementary thereto, by which the constitutional term of many administrative officers was changed and fixed at four years; which was referred to the Committee on Civil Service and Retrenchment.

He also presented the petition of N. Shipman and others, citizens of Connecticut, praying for legislation providing for the collection of divorce statistics with reference to the extraterritorial effect to be given to decrees of divorce; which was referred to the Committee on Education and Labor.

Mr. MORRILL presented the petition of the Vermont State Teachers' Association, praying for an appropriation for schools in Alaska; which was referred to the Committee on Appropriations.

He also presented a petition of the Orford Copper and Sulphur Company, of Bayonne, N. J., praying for such amendment of the existing

laws as will enable them to import copper ores from Canada and other foreign countries; which was referred to the Committee on Finance.

Mr. MITCHELL presented ten petitions of citizens of Allegheny city, Pa., praying for an appropriation for the erection of a suitable building in that city to be used as a post-office and for revenue purposes; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Board of Trade, of Erie, Pa., praying for the re-establishment of the land light-house; which was referred to the Committee on Commerce.

He also presented a resolution adopted at a meeting of the common and select councils of Allentown, Pa., and a resolution adopted at a meeting of the councils of Pottsville, Pa., favoring legislation for the improvement of the condition of the Indians; which were referred to the Committee on Indian Affairs.

Mr. GARLAND presented the petition of E. W. Kimball, John McClure, U. M. Rose, and others, including the entire bar of Little Rock, Ark., praying for an increase of the salary of the judge of the United States court for the eastern district of Arkansas; which was referred to the Committee on the Judiciary.

Mr. SAWYER. I present the petition of N. A. Earle, T. J. O'Brien, Foster Stevens & Co., Edwin Hoyt, jr., and 40 others, citizens of Michigan, praying Congress to enact such legislation as will protect the titles of private purchasers to whom the United States sold lands found to lie within the Ontonagon and State Line Railroad grant in Northern Michigan, the petitioners declaring that they have no pecuniary interest in the matter, but only desire to see justice done. I move the reference of the petition to the Committee on Public Lands.

The motion was agreed to.

Mr. LAPHAM presented resolutions adopted at a meeting of Sherrill Post, Department of New York, No. 313, of the Grand Army of the Republic, in favor of granting a pension of $8 per month to every person who served thirty days in the war of the rebellion; which were referred to the Committee on Pensions.

He also presented resolutions adopted at a meeting of Tyler J. Snyder's Post, Department of New York, No. 72, of the Grand Army of the Republic, in favor of the Government pensioning the veterans of the late war; which were referred to the Committee on Pensions.

Mr. PALMER presented the petition of Henry J. Colwell, Charles L. Anderson, Joseph Schaller, Hugh McLaughlin, A. F. Wright, Michael H. Kern, Fred. L. Hirchman, and Charles B. Knowlton, of Michigan, praying legislation to confirm land titles to purchasers within the Ontonagon and State Line Railroad grant; which was referred to the Committee on Public Lands.

PRINTING OF TREASURER'S ACCOUNTS.

Mr. ANTHONY. The Committee on Printing, to which was referred a motion to print the quarterly accounts of the United States Treasurer, have instructed me to report back the same and ask to be discharged from its further consideration. These reports are very voluminous, as you see, and the printing of them would be expensive; they give no information whatever; they merely say, "John Brown, $10," "Peter Smith, $25," giving merely the name of the person to whom the money was paid and the amount.

The PRESIDENT *pro tempore*. Was there a resolution or a motion referred to the Committee on Printing?

Mr. ANTHONY. The letter of transmittal addressed to yourself was referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The Senator from Rhode Island, from the Committee on Printing, to which was referred a letter from the Treasurer of the United States, transmitting, in compliance with law, copies of the accounts rendered and settled by the First Comptroller, reports back the letter and the papers, and asks to be discharged from the further consideration of the question of printing the same. If there be no objection, that order will be entered.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin. Quite a number of petitions very numerously signed have been presented to the Senate during its present session praying that Congress take such action as may open the Oklahoma lands, so called, in the Indian Territory, to settlement under the land laws of the United States. Those petitions were referred to the Committee on Indian Affairs. I am instructed by that committee to report them back and to recommend that the prayer of the petitioners be not granted and ask that the committee be discharged from the further consideration of the petitions.

Mr. INGALLS. Is the report accompanied by a written statement of the reasons?

Mr. CAMERON, of Wisconsin. It is.

Mr. INGALLS. I am very glad to hear that, and hope it will be printed and widely disseminated, to put a long-vexed question at rest.

The PRESIDENT *pro tempore*. If there be no objection, the order will be entered in conformity with the report of the committee and the prayer of the petitioners denied.

Mr. CAMERON, of Wisconsin, from the Committee on Indian Affairs, to whom was referred the bill (S. 460) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin, reported it with amendments, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 242) to provide agricultural lands for the Southern band of Ute Indians in lieu of lands heretofore provided for allotment to them, reported it without amendment.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 195) granting a pension to Emily Munroe, submitted an adverse report thereon, and the bill was indefinitely postponed.

He also, from the same committee, to whom was referred the bill (S. 82) for the relief of George Frick, submitted an adverse report thereon, and the bill was indefinitely postponed.

Mr. VAN WYCK. I am directed by the Committee on Pensions to make a unanimous report in favor of the bill (S. 1056) granting an increase of pension to Sally Mallory. She is the widow of a Revolutionary soldier, and, as she is now over 90 years of age, whatever is done for her benefit of course must be done by this Congress and done soon. The committee, therefore, also authorize me to ask the consent of the Senate to put the bill upon its passage.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the bill reported by him be now considered. Is there objection?

Mr. COCKRELL. Let it be reported for information.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read the bill.

Mr. COCKRELL. I do not understand that that is an increase of pension. It is the granting of an original pension.

Mr. VAN WYCK. Oh, no; she is now pensioned at $8 a month as the widow of a Revolutionary soldier. Her husband served three years in the Revolutionary war and also during the war of 1812, and was with Scott at the battle of Lundy's Lane.

Mr. COCKRELL. I do not suppose there is any great difference between this applicant and nearly all others in the same situation, and I should like to see the reasons why there should be an increase in favor of one and not of others. Therefore I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 156) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms for the militia, reported it without amendment, and submitted a report thereon.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 363) for the relief of Edward P. Vollum, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 543) for the relief of Martin L. Bundy, reported it without amendment, and submitted a report thereon.

Mr. CULLOM. I am directed by the Committee on Pensions to report back the petition of Joseph Dawson, of Hartford, Conn., praying for a pension on account of a permanent disability incurred in the discharge of his duty in the internal-revenue service. The petition ought to properly go, we think, to the Committee on Claims, and I therefore report it back, and ask that the Committee on Pensions be discharged from its further consideration and that it be referred to the Committee on Claims.

Mr. HAWLEY. The original reference to the Committee on Pensions was a mistake. I intended that it should go to the Committee on Claims.

The PRESIDENT *pro tempore*. The change of reference will be made as requested, if there be no objection.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 473) for the relief of Francis Hall, submitted an adverse report thereon, and the bill was indefinitely postponed.

He also, from the same committee, to whom was referred the bill (S. 494) for the relief of Nancy Miller, reported it without amendment, and submitted a report thereon.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 667) for the relief of First Sergeant J. C. Jorgensen, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 472) for the relief of George P. Webster, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 113) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Antonio Barrios, of Guatemala, and José Victor Zavala, of Nicaragua, reported it without amendment.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1033) giving a military record to Alexander Francesco, deceased, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 361) granting a pension to John C. Hargrave, submitted an adverse report thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 465) for the relief of Mary L. Walker and Ella Walker, reported it without amendment, and submitted a report thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3925) to regulate practice in patent suits; and

A bill (H. R. 3926) to repeal the act of July 2, 1862, and such sections of the Revised Statutes of the United States as perpetuate the oath prescribed in said act.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 1223) to secure to the medical profession equal rights in the service of the United States; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. MORGAN introduced a bill (S. 1224) for the relief of Charles A. Sibley, guardian of Lloyd M. Stevens; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Military Affairs.

Mr. HOAR (by request) introduced a bill (S. 1225) granting a pension to Mary Hopperton, widow of Edward Hopperton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 1226) granting an increase of pension to Dr. Samuel Davis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1227) granting a pension to Capt. Israel Stough; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 1229) for the relief of Jacob H. Stark; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JACKSON introduced a bill (S. 1230) to compensate Frank M. Eastman for his "Digest of the Decisions of the Treasury Department;" which was read twice by its title, and referred to the Committee on Claims.

Mr. MAXEY introduced a bill (S. 1231) for the relief of William Franklin Grounds; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MILLER, of California, introduced a bill (S. 1232) authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title; which was read twice by its title, and referred to the Committee on Private Land Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers in the claim of the creditors of Norman Wiard be withdrawn from the office of the Secretary of the Senate and referred to the Committee on Claims.

On motion of Mr. HOAR, it was

Ordered, That the papers in the case of M. H. Collins be withdrawn from the files of the Senate and referred to the Committee on Patents.

On motion of Mr. LAPHAM, it was

Ordered, That the papers in the case of J. B. Cornell and others be taken from the files and referred to the Committee on Naval Affairs, there having been no adverse report thereon.

FOREIGN LOTTERY ADVERTISEMENTS.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to inquire into the expediency of additional legislation to prevent the circulation in the mails of this country of lottery advertisements coming from foreign countries; also into the expediency of providing by postal conventions or treaties for the prevention of said abuse.

MEAT EXPORTATIONS.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" that order is closed.

Mr. BECK. I desire to ask if now is the proper time to call up the resolution of the Senator from Rhode Island [Mr. ANTHONY] relative to the prohibition of the introduction of American pork into Germany and other countries, to which I offered an amendment the other day. I do not want to delay action on the resolution by the amendment; I want the Committee on Foreign Relations to have the subject before it.

The PRESIDENT *pro tempore*. The Chair thinks that under Rule VII no motion to proceed to the consideration of a resolution is in order until 1 o'clock. After 1 o'clock and before 2 o'clock the Chair thinks it will be in order.

Mr. BECK. I do not want to delay action, because I desire the committee to have the matter before it as soon as possible. I wish, however, my amendment to be acted on.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Kentucky that on looking at Rule VIII the Chair thinks after the conclusion of the strict morning business, which is now concluded, although it is not yet 1 o'clock, it is in order for the Senator from Kentucky to move to proceed to the consideration of the resolution he has named.

Mr. BECK. The amendment which I propose to the resolution of the Senator from Rhode Island I again send to the Secretary's desk.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate now proceed to the consideration of Order of Business 26 on the Calendar, being a resolution introduced by the Senator from Rhode Island [Mr. ANTHONY] on the 9th day of January. The question is on agreeing to the motion of the Senator from Kentucky.

Mr. HOAR. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be reported.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of such legislation as shall enable the Executive to protect our interests against those governments which have prohibited or restrained the importation of healthful meats from the United States.

The PRESIDENT *pro tempore*. The question is, Will the Senate agree to the motion of the Senator from Kentucky now to proceed to the consideration of this resolution?

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate, and the pending question is on the amendment proposed by the Senator from Illinois [Mr. LOGAN].

Mr. BECK. I gave notice the other day of an amendment, which the Secretary now has, and I should like to have it read as part of the remarks I now propose to make.

The PRESIDENT *pro tempore*. The amendment to be proposed by the Senator from Kentucky will be reported for information, if there be no objection.

The CHIEF CLERK. The proposed amendment is to add to the resolution the following:

And the committee is further instructed to report what discriminations are made against exports from the United States by the tariff laws of the principal countries of Europe and America, especially France, Germany, Mexico, and Brazil, by reason of commercial or other special treaties or agreements with more favored nations, and to report the causes which led to such discriminations, the efforts, if any, that have been made to remove them, and what legislation, if any, is necessary to place the United States on an equal footing with the most favored nations. This investigation is not, however, to delay the action of the committee on the first branch of this resolution.

Mr. BECK. Mr. President, I desire the resolution as first proposed to pass, but I desire also a fuller investigation into our commercial relations with other countries than that resolution calls for, because it is very important for us to learn the relations that we now hold to other countries in our trade with them. For example, the very intelligent consul-general of the United States to Portugal, whom I have the honor to know very well, the Hon. John M. Francis, of Troy, N. Y., has made a report to the Secretary of State in which he shows this state of facts to exist in regard to our trade with that country:

He says, among other things—

It will be observed that American pork and beef do not appear in this enumeration.

That is in the list of the articles he had given as imported from the United States into Portugal.

The former article—

That is, pork—

is prohibited from entry into this kingdom: it can not be stored while awaiting transshipment; it can not even be transferred from one vessel to another while lying in the harbor. Whatever supplies of this class reach this market arrive through English channels, and are, I am informed, duly certified to as being of English origin. Frequent and forcible representations have been made to the Portuguese Government, as the records of the legation of the United States here testify, on the subject of the prohibition of American pork and lard from entry into the kingdom; but the obnoxious law continues in full force, sustained by an erroneous judgment which the prohibitive action of Germany and France against the wholesome American food had induced and by the demand of the producers of swine in Portugal.

The consul-general proceeds to show that while our total imports into Portugal in 1881 was $5,188,132 in value, the value of food products, such as wheat, flour, and articles of that sort, constituted about $5,000,000 of it, and that we brought from Portugal during the year 1881 $658,476 worth, of which cork wood made up $502,763 and straw hats $33,206. In other words, he shows that we were selling to Portugal $5,188,006, and taking from her a fraction over half a million dollars, and therefore she did not propose to trade upon such terms, and refused to allow our pork to enter the ports of that country.

I desire the investigation to be carried to the fullest extent, because I believe it will be ascertained beyond doubt that the action of many foreign governments is more retaliatory than sanitary. This consul very properly says that it is done "by the demand of the producers of swine in Portugal."

The London Economist of December 29, 1883, speaking of the action of France, indicates very conclusively that the action of that country in its opinion is more retaliatory than sanitary. This is the language used by that very able journal:

The French protectionists have gained a success over the government in obtaining from the chamber the suspension of the decree, issued in November last, authorizing the importation of American salted pork. For the last three years the interdiction had been the subject of negotiations between the French

and American Governments and of scientific investigations in France as to the reality of the danger of trichinosis. The French academy of medicine had declared by a majority of 69 to 3 that pork even infected with trichinæ was innocuous when cooked, and it was shown that the worm was to be found not only in American pork but in pork from all countries. The decree removing the interdiction gave satisfaction not only to the United States Government but to the French public, and cargoes of pork were known to be on their way to France when, on Saturday last, M. Gaudin presented a bill to draw up regulations for the importation of salted pork, and M. Paul Bert obtained from the chamber a vote, by a majority of 272 to 153, to suspend the raising of the interdict until M. Gaudin's bill could be brought up, which may be months hence or never. The vote may be in a measure explained by the rivalry between the ports of Havre and Nantes. The former was formerly the seat of the trade in American pork, and received over 30,000 tons annually, while the latter has no trade with America, but has large manufactories of salted pork. The protectionists from principle, and the agriculturists from interest, voted for the suspension of the decree, and in spite of the efforts of the minister of commerce the decree has been abrogated, and the importation of American salted pork is again prohibited.

That is evidence to my mind of the fact that these measures are retaliatory. I have many evidences of the same sort in regard to other countries.

I hold in my hand the French tariff, which I have examined carefully. Up to May 8, 1881, when a modification of it was had, it is safe to say, without going into detail, that nearly every article of American manufacture was absolutely prohibited from entering the ports of France. The list of prohibitions extends all through cotton goods, woolen goods, cotton yarns, woolen yarns, and nearly every article of American manufacture. A modification of the old tariff was had on the 8th day of May, 1881, but it still leaves the United States of America trading under the general tariff substantially prohibited from the French market, while England and Germany by commercial treaties are dealing under a special tariff of about 10 per cent.

The discriminations in the tariff, as the Senator from Alabama [Mr. MORGAN] suggests, and I thank him for the suggestion, are still such that the prohibition is almost as absolute as if it were prohibited by law, because the advantages to the English and Germans are so great that we can not compete with them.

There are some very curious things in the French tariff that I hope the Committee on Foreign Relations will look at when they come to consider this matter, as I ask that they may be allowed to do. Take this, for example, leaving out the great variety of articles of manufacture: Fire-arms, muzzle-loaders, that nobody wants now, under the conventional tariff, £4 17*s.* 6*d.* Under the general tariff we can send to France muzzle-loaders upon the same terms they can. The next item is "*fire-arms, breech-loaders,*" in regard to which we are building up a large industry in Connecticut and elsewhere, and make guns equal to the very best in the world. The conventional tariff with England allows imports at £4 17*s.* 6*d.*, and the general tariff under which we trade is £7 6*s.* 3*d.*—nearly double. Fire-arms can be purchased in the rough from England at eight shillings and a penny, and the general tariff under which we have to trade, if we try to trade, is £1 4*s.* 4*d.*—three times as much as is paid under the conventional treaty; and so all through with cheese, butter, hogs, lard, cattle, and everything in which we are likely to compete discriminations of the most prohibitory character are still maintained. Their tariff was absolutely prohibitory before 1881. It is as practically prohibitory now by reason of the discriminations that are made.

I need hardly call attention to a matter which must be very well remembered. A year or two ago, when the distillers and dealers of the West were brought before a committee of the Senate as culprits charged with all sorts of fraud in regard to what was known as the whisky ring, Mr. Shufeldt, the president of that association, appeared before the committee of which Mr. Windom, of Minnesota, was then chairman, and was asked, "Why are you raising all this money?" He told them just what the Treasury Department tells us in a statement which I received day before yesterday, to which perhaps I had better first call attention. I wrote to the Secretary of the Treasury inquiring about these tariffs, and I received the information promptly which I hold in my hand, and which other gentlemen as well as the committee may desire to look at.

It is as follows:

TREASURY DEPARTMENT, *January* 15, 1884.

SIR: In compliance with the request contained in your note of this date for information in regard to the operations of the French tariff on American manufactures, and on English goods of like character, I inclose a statement compiled in this Department from the most recent tariffs procurable.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. J. B. BECK, *United States Senate.*

Information called for by Senator BECK *in regard to provisions of the French tariff.*

The French tariff now in force was promulgated on May 8, 1881.

It consists of two distinct parts, one of which is entitled "*tariff conventional,*" and the other "*tariff général.*"

The conventional tariff is applicable to merchandise imported from countries having commercial treaties with France, such as Great Britain and Germany; and the general tariff applies to importations from countries having no treaties of commerce with France, such as the United States.

The differences between the rates of duty imposed upon the same goods by the two tariffs are very numerous. In some instances the rates imposed upon goods coming from non-treaty countries are lower than upon the same goods from treaty countries; thus, refined whale-oil imported from Germany or Great Britain pays a duty of 52 francs per 100 kilos, while the oil imported from the United States (a non-treaty country) pays only 15 francs per 100 kilos.

In other instances goods imported from non-treaty countries are free, while the same goods from treaty countries are liable to duty; thus, wool imported from the United States or any other non-treaty country is free, while wool from Germany, Great Britain, or any other treaty country is liable to a duty of 25 francs per 100 kilos.

The most numerous discriminations between the two tariffs are, however, in favor of importation from treaty countries, as against those from non-treaty countries; thus, in the schedule of beverages the following items are found:

	Conventional tariff.	General tariff.
	Francs.	*Francs.*
Wines, per hectoliter	3.50	4.50
Alcohol and brandy, per hectoliter	15.00	30.00
In schedule "Yarns and threads:"		
Cotton yarn (according to fineness), per 100 kilos.	15.00 to 300.00	18.50 to 372.00
Woolen yarn, per 100 kilos	10.00 to 100.00	31.00 to 124.00
In schedule "Tissues:"		
Cotton, unbleached (according to weight), per 100 kilos	50.00 to 300.00	62.00 to 625.00
Woolen, per 100 kilos	(*)	75.00 to 620.00
In schedule "Animals:"		
Live oxen, each	2.60	15.00
Hogs, each	30	3.00

*10 per cent. ad valorem.

It will be seen from the above how it happens that German alcohol pays about $5 less per barrel than American.

When the committee of the Senate to which I referred saw fit to call before them the alcohol exporters, Mr. Shufeldt appeared, as I stated. The Senator from Missouri [Mr. COCKRELL] put the question and desired him to explain what all this trouble was about. Mr. Shufeldt said:

We have been exporters of alcohol very largely in the Northwest, as Mr. Miller said here, up to a great many million gallons heretofore, because the crops of Europe were short. Now, we can do that no more, because Germany has been a favored nation with France, and France has allowed her alcohol to come in there at fifteen francs per hectoliter; but France has charged us when we sent alcohols in there thirty francs per hectoliter, thus discriminating against us, while we had in this bill a clause that if the President of the United States found that France had accepted us as one of her most favored nations our Congress would reduce the import duty on imported spirits a half dollar a gallon. That, we thought, would appease France, and we had seen the French minister, and had had a delegation in the chambers of Paris regarding it, and they said they thought France would accept; but that was also stricken out of our bill. We did not get anything. Those were two important points for the commerce of our country.

That investigation developed the fact that our importation into France from about $15,000,000 fell off to $1,000,000, and the men of the West had to raise by subscription among themselves $700,000 to pay the losses and have their exports sold there rather than have them come home and break the home market.

But, Mr. President, I am not going to discuss this question elaborately now. I only desire to show why the amendment I propose ought to be accepted, and when the debate comes on the other propositions perhaps I shall wish to be further heard. I desire to say, however, that the suggestion of retaliation is precisely what foreign and home protectionists want. Retaliation will only have the effect of injuring our own people worse than they are injured now. The manufacturers of the United States have been prohibited under the French tariff system for fifteen years from selling any goods to France, and ship-loads of American goods have been confiscated because they were taken to England first and sent there. The volume I hold in my hand, the report to the British Parliament of 1881 on commercial treaties with France, shows that France is still complaining of these evasions, and that she had seized, as they show, a consignment of starch from Scotland because it was claimed to have come from the United States. She had seized also American lawn-mowers which were said to have been made somewhere in England, and she had seized quite a number of things. The way England had to operate to get around many of them was to state that they allowed Englishmen to establish American agencies, as Brown & Co. in London and elsewhere, and these agencies became the owners of the articles. France is still resisting that sort of evasion, under which some of our manufactures are got through their custom-houses.

I repeat, sir, that our manufacturers have been excluded from French markets for many years. Why did we not retaliate because of that wholesale prohibition? The answer is, because the manufacturer did not want a foreign market; he could get all the money he wanted for his goods from his own people, and he did not care to go abroad and sell in competition with other people in open market; but when it comes to hogs, then we hear the cry of retaliation. I will explain the effect of that. Take the case of an Illinois farmer. A man with a thousand acres of corn in Illinois can not sell the corn; he can not transport or ship it as corn; he builds a distillery in Peoria and makes alcohol; and he fattens a drove of hogs on the slop. He finds that Germany is the best market for his alcohol, and it is a good market for hogs. He charters a ship and takes his alcohol to Germany, and the hogs as well. He finds that the Germans have issued a decree, just as they did in France when they found the hogs were coming, saying, "You shall not land them;" but the market for the alcohol is still the best in Europe. Of course he is aggrieved at the hog order and he complains to Congress. Congress feels aggrieved and says, "We will not allow the importation

to this country of German wines." The Western farmer at once says, "That would break me; I want to sell my alcohol; I can make a sale by taking wine in exchange, and I can not sell otherwise. I am offered Rhine wines cheaper than I can buy them elsewhere, and I can have a return cargo and sell it in Chicago at a fine profit. For God's sake, because I can not sell my hogs do not prevent me from selling my alcohol and having a return cargo of wine. The effect of that would be to make me still worse off than I am now. In short, it is saying to men in Chicago and elsewhere, 'Double up your prices on domestic wines. You have no competition with Germany now;' they would of course sell their home-made wine for twice what they are selling it now, and it would be a worse article perhaps than would be brought from the Rhine."

Propositions are made now, seriously made, for Congress to abandon all its authority over this character of legislation and say to the President that during the session of Congress or during the recess of Congress he may select experts who shall say what articles of import are deleterious, and prohibit such articles from coming into the country by way of retaliation. If he will select the men who are making wine in this country (and I can name them), they will pronounce every drop of wine that comes from the Rhine deleterious. If he will select men engaged in the manufacture of blankets, they will prove that all of the dyestuffs used in the manufacture of blankets abroad are poisonous to the people. They will exclude anything that will put more money in their pockets and take it from the pockets of the people by forcing inferior home-made goods upon them; but the general consumer will suffer, everybody will suffer, except the men who make money by the retaliatory measures and by the increased price of the articles prohibited. We had experts, so called, on the tariff commission, and in making up the schedules on the tariff bill with which we are now afflicted we know what the effect was.

But I am not going to bring up that subject now. What I desire is a thorough investigation of the causes which have led to these discriminations against us. We have prohibited other people from trading with us, and they will not allow us to bring our goods to them if they can get them from people who trade with them. Do you think it is because of any love or affection on the part of France for Germany that induces the former to let German alcohol come into France for half the duty she puts on American alcohol going there, or is there any sentiment in her trading with England at a 10 per cent. tariff when she is prohibiting the goods of the United States? No. Why does she do it? These people take what she has, and trade with her. We will not, and she will not trade with us except to the extent that her necessities absolutely compel her, because we will not trade with her, will not swap, if you like to call it that, will not exchange articles. She had to pay a thousand millions of money to Germany. She does not want to part with her money; she does not propose to do it if she can avoid it; but she proposes to let us take what she has got and she will take what we have got. All she asks is fair reciprocity. There is no sentiment about it, and no feeling of national ill-will. So we need not lose our temper. Germany trades with her; and if there is a country in the world that she would rather not trade with it is Germany; but it is her interest to do it, and therefore she does it. It is not her interest to trade with us, and therefore she curtails her dealings with us all she can, having due regard to the wants and interests of her people.

I can instance country after country whose action for years has been prohibitory or retaliatory against our products, or some of them, because of our highly protective tariff, and we have never till now made any fuss about it. The theory of those who have been managing the affairs of this Government is, that every country ought to exclude foreign competition with home industries; keep out foreign paupers; make what you want at home; keep other people and their goods away from you. Now, when other people are doing what we tell them we intend to do, are doing, and ought to do, surely what is good for us must be good for them; at least the men who are advocating that doctrine can not retaliate because they follow the advice we give and the course we pursue. I think when the report of the Committee on Foreign Relations comes in it will show a condition of things built up by the action of this country, and it will prove that retaliation will aggravate all these evils and will be no remedy for any of them, but will simply further punish our own people. The ports of Germany and England and Portugal and all the other countries of the world will be as free to other people's goods as they were before, but our own people will be unable to sell what they export, because they must take what other people have or they can not sell to any large extent for any great length of time. Retaliation will double the cost of many things in our own market, and at the same time destroy the revenues of the Government; it will not punish any foreign government, only our own people. The German Government or the French Government is not a trader; nations do not trade with each other as such; individual men trade. The case I gave of the Peoria exporter of alcohol and hogs is the case of every other man, and the custom-house returns are made up of these individual cases.

I do not wish to take more time now. I seek official data for the purpose of showing just what our relations are with the people of the world, and then see if we can not find some remedy that will extend our trade rather than curtail it, see if we can not find some better way than to narrow down the very limited circle we have for our manufactures; and I trust that we shall find some remedy that will not deprive the men who have to export their unprotected goods—90 per cent. of them are agricultural goods, that are unprotected—of the right to trade for the goods they need on fair terms, and at the same time make it impossible for home consumers to buy what they want without paying double price to somebody here who is authorized by law to sell things not as good or more deleterious than those prohibited from abroad, under the delusion that we are thereby retaliating on some foreign government that has not treated us as we think it ought. That is all I care to say now.

Mr. LOGAN. Mr. President, I hope this resolution will pass with the amendment that I offered. I ask to have the amendment read.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Kentucky [Mr. BECK] has offered an amendment.

Mr. LOGAN. But I desire to have the amendment I offered, which is the pending question, reported. Let the resolution be read as it will stand if amended as I propose.

The CHIEF CLERK. The amendment is, in the second line of the resolution, after the word "into," to strike out "the expediency of" and insert in lieu thereof "and report to the Senate;" so as to make the resolution read:

Resolved, That the Committee on Foreign Relations be instructed to inquire into and report to the Senate such legislation as shall enable the Executive to protect our interests against those governments which have prohibited or restrained the importation of healthful meats from the United States.

Mr. LOGAN. I shall detain the Senate but a very few minutes in reply to what has been said by the Senator from Kentucky [Mr. BECK]. The resolution, if amended as I think it desirable that it should be, would be to the effect that the Committee on Foreign Relations shall report legislation to the Senate for their consideration that will authorize the President of the United States to take such action as will protect the people of our country. In other words, I shall be frank to say that it means that the President shall be authorized to exclude such articles from those countries from importation here as he may deem of an unhealthful character.

I do not understand the effect of legislation of this kind, as represented by the Senator from Kentucky, to be injurious to ourselves. Whether or not France and Germany have been authorized in their action announcing decrees that prohibit the exportation from this country of pork or any other kind of goods is not the question. The question is, have they done so, and have they done so for the purpose of retaliating on this country? The Senator from Kentucky admits that proposition. He admits that it is that character of legislation, but at the same time that he claims that it is that character of legislation he denies the justice of legislation of a similar character on our part, because, as I understand him, he thinks it would be injurious to the producers of wine or whisky or something of that kind in this country. I can not understand what injury would be done to the people of this country by excluding goods that had been adulterated so that they were not considered healthful, or goods of any character unfit for use on account of the fact that they might be adulterated in such a way as would produce disease or disorder in the systems of our people.

Let me state the legislation I am for. I am in favor of giving the President power to exclude wines or any other articles from any foreign country which after an inspection are shown to be injurious in their use to our people on the very principle that France and Germany have excluded our pork—not that they are justified in doing so from their statements, because they are not true. It is not true in fact that our meats are diseased as represented; it is not true in fact that they are any more so than their own pork, but they are less so than the pork produced in those countries, and ours is the most healthful meat produced in the world, according to the reports of experts who have made the examination.

But the Senator says that if the President of the United States should appoint wine-growers as inspectors they would prove that all the wines imported from those countries were adulterated wines. That is going upon the presumption that the President of the United States would select persons who were interested in making a false report. I do not suppose that any one can presume that the President of the United States would do an act of that character, nor will any legislation in the direction suggested by this resolution bear upon its face anything of that kind as a desire on the part of the legislators or those having the administration of these laws in their hands. No one would desire anything of that kind; no one would desire to exclude goods of a pure character for the purpose of encouraging the production of wines or enhancing the value of wines grown in our country in competition with foreign wines. I do not know of any one who would desire anything of that kind; and it is not for that purpose that I have offered the amendment; but it is to show—and I think we ought to do so—that we have in this country sufficient courage at least to say to foreign countries that we will act in a manner just to ourselves and at the same time just to them by a fair examination of their products, and excluding such as are infected or such as are adulterated. If our country has not courage enough to protect itself in this particular, my judgment is that we fail in doing our duty toward the country and toward our constituents.

This is all I desire to say. I hope the resolution, as thus amended, will pass, so that it may be fairly considered by the committee. I do not wish to discuss the proposition at length or to bring to bear facts that I have in my possession in relation to it, for I prefer to wait until a report is made from the committee to the Senate of the United States that it may then come up for general discussion, and at that time I hope to be able to make some suggestions in regard to it based upon facts that we have and reports that we have which will carry some information. I hope the resolution will pass, for the purpose of giving, as I said, this committee an opportunity of making a thorough investigation, but at the same time I hope that the amendment offered by the Senator from Kentucky will be separated, or in other words that the questions will be divided, that the two resolutions may be acted upon separately by the committee so as not to detain them in reference to the investigation of the important matter that is now before the Senate. The matter suggested by the Senator from Kentucky will require much more time to investigate than the matter suggested by the resolution of the Senator from Rhode Island, to which an amendment has been offered by myself. I hope that resolution will pass. I have no particular objection to the other, but I desire that they be passed separately, so that the questions involved will be investigated separately.

Mr. PLUMB. Mr. President, one of the principal exports of the United States has been, as we believe, unjustly attacked, interfering seriously with the business of a very large portion of the people of the United States. It is proper that we should take some steps to inquire into this matter; and if, on inquiry, we find that things have been improperly done, retaliation, if it become necessary, should be resorted to. The matter has excited much attention; it is the one thing which is most prominently before the public; and I hope that the action of the committee will not be embarrassed by directing an inquiry into other matters which are not of such immediate importance, which are not now exciting any particular attention, and are of no more consequence now than they have been at any time during the last twenty years.

Mr. BECK. Let the amendment I offered be read. I think there is no embarrassment about it. The committee can not make the first investigation without inquiry into the other things I suggest.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment of Mr. BECK.

Mr. BECK. I have guarded that as carefully as possible, and at the same time seek to show that this is not new action, on the part of those people, and that we must act by the general laws. I do not desire delay; I want prompt action. I do not think the amendment will hurt the original resolution.

Mr. LOGAN. I have no objection to both inquiries, but I want them provided for separately, so that one shall not delay the other.

Mr. MILLER, of New York. Mr. President, the resolution now before the Senate is one of great importance to all our people. The resolution, as originally worded by the Senator from Rhode Island, to my mind is entirely unobjectionable. It calls for a proper investigation by the proper committee and for a report to the Senate. The amendment offered by the Senator from Kentucky is one to which I have no objection. The information which will be laid before the Senate and before the country upon such an investigation will be very valuable, although I do not at all concur in the reasons which the honorable Senator from Kentucky gives for presenting his amendment. But the amendment offered by the honorable Senator from Illinois, if I understand it aright, goes very much too far at the present moment. I think it is committing the Senate to a proposition to which it is not yet ready to give its consent. Perhaps I am mistaken in the scope and object of the amendment, but if I understand it rightly it is equivalent, if it shall be adopted, to declaring at this time that we should enter upon retaliatory legislation, and it is directing the Committee on Foreign Relations to speedily report such retaliatory measures to this body.

I agree substantially with all that the Senator from Illinois has stated in regard to the present condition of our foreign trade and in regard to what is believed to be the unjust exclusion of our meat products from Germany and France. But the executive department of this Government, through the State Department, is now engaged in diplomatic correspondence with both those countries in regard to this matter; and it seems to me that we are not yet prepared as the Senate and as a part of the executive in the matter of treaties to state to the country that we should absolutely enter upon retaliatory legislation. I do not think that the Senate of the United States should act hastily and inconsiderately upon this great question.

If I understand the present condition of the diplomatic correspondence upon this subject, it is briefly this: The German Government disclaims all idea of retaliation in the matter of her excluding our meat products from her country. She claims that our meat products are unhealthy. She bases her judgment upon many wild reports which are published in American newspapers. She also objects that we have no sort of Government inspection of our meats, and therefore that she can not tell whether they are healthy or unhealthy, and for that reason she objects to their introduction into her country. It seems to me that at this stage of the proceedings the Senate of the United States is not prepared to say to Germany that she is not honest in the position which she takes, or to say to Germany that it is a mere pretense upon her part, and therefore that we are immediately to enter into retaliatory measures,

The condition in France to-day is somewhat different. The original prohibition of the introduction of our meat products into France was a measure of the executive government, but as a result of our diplomatic correspondence and of the course of our minister there the executive department withdrew from that position and withdrew the prohibition and issued an order for the free introduction of American meats into France, and immediately the legislative department took up the matter, and the legislative department of France, by a bill or by a resolution, has again prohibited the introduction of our meats. We see, therefore, that in France to-day the inhibition of our meats is the act of the legislature and not of the executive, and in that particular direction I have no doubt that our committee would find that it might be necessary for our legislative department to at once take the matter in hand.

There will be submitted to this body in a few days—I think it is not yet quite ready—the entire diplomatic correspondence between our Government and Germany on this question, and also the correspondence between this Government and France upon this question. That has been asked for, and it will soon be here; and I believe that this is a matter of too great importance to us to be able to express an opinion upon it to-day. We have not the matter before us. I have no doubt but what there may be something of a desire to protect the growers of meats in Germany and in France in this prohibition of our meat products, but I do not think that we are prepared to officially declare that, and therefore I hope that the Senator from Illinois will either modify his amendment or withdraw it entirely, so that the question may be left substantially where the original resolution places it, that is to say, in the hands of the Committee on Foreign Relations, for their examination and for their report. Under the original resolution they can immediately report whether or not there should be any legislative action in their judgment; but I do not think that we are prepared to-day to charge that committee with the drafting of retaliatory measures. If we do that, it is tantamount to the adoption of a resolution that the United States should at once enter upon a legislative course of retaliation with these countries. If after a thorough examination of the matter the Foreign Relations Committee shall be persuaded and shall be convinced that the continued prohibition of our meat products in both these countries is of such a nature that it requires what may be termed retaliatory legislation on our part, then let us enter upon it after full knowledge and full consideration. I have no doubt that that committee will do its duty fully and fairly in this matter without any further instruction than the mere instruction implied in committing the subject to its care. There is no doubt that we may, if we shall see fit, in our legislative capacity enter upon retaliatory legislation, but let us do it after due consideration and after full and careful investigation. Let us do it in such a way that it cannot be charged that we have been trifling on so great a matter.

Mr. President, I will not go into any sort of discussion of what such legislation should be, further than to state what is the present condition of the laws upon some of these matters. The present tariff law of the United States prohibits the importation of live animals into this country at all, but it provides that the Executive, whenever he is satisfied that there is no disease and no danger of disease being imported into this country, may for the time being suspend that law, and that the importation of live cattle may be permitted, and to day this prohibition of the law is suspended toward nearly all countries, though it is less than two years ago since the prohibition was absolutely in force upon our Canadian border, and no cattle could be brought over; but the executive department became satisfied that the disease of cattle had been crushed out in Canada, and the prohibition was raised. It has also been raised in regard to cattle from England and Germany and France, and they are to-day brought in freely, the only requirement being that they shall be quarantined for a period of sixty or ninety days.

Undoubtedly it may be desirable for us to go further, and it may be desirable that we should protect the lives and health of our citizens by prohibiting the importation of any adulterated liquors or wines, and I have no doubt that if any retaliatory measures are entered upon we are very likely to go in that direction first. The Senator from Kentucky seems to think that any such legislation would be absurd and objectionable, but the Senator should not forget, and probably does not forget, that at the last session of this body we passed a law for the inspection of all teas, and under that law all the teas imported into this country are inspected by experts, and since that bill went into operation last spring many thousands of chests of tea have been rejected at the port of New York, and have been taken out of the country, being rejected because experts found that they were unhealthy. Undoubtedly that law has done very much to bring about a condition of affairs where only absolutely pure teas are imported into this country. It might not be unwise that without any regard to retaliation we should establish an inspection of all kinds of food products coming into this country in order to protect the health of our people; and in the matter of the adulteration of liquors and wines, you have only to go to the official records in France to find that investigations made by experts there show that more than 50 per cent. of all the wines and liquors produced in France are adulterated to a very great extent. How far that may be true in

regard to the wines which are imported into this country I do not know, and therefore I am not prepared to speak in regard to it, but I simply have spoken of this prohibition of the importation of cattle as an illustration of how to proceed in this matter provided the Committee on Foreign Relations shall report to the Senate that some such retaliatory measures are necessary.

The amendment of the Senator from Illinois might be construed by the committee to go much further, and they might bring in under it bills of various kinds bills which should not properly come from that committee at all, and therefore I think it better that they should report what legislation is necessary, if they find any to be necessary, and that then the legislation of whatever character it may be should go to the proper committee. If it is to be a change of our tariff laws in regard to articles coming in from Germany and France, then of course it should go to the Committee on Finance; if it is to be legislation in regard to the examination of cattle and all our food products and their inspection, then certainly that should go to the Committee on Agriculture, which now has those two subjects under consideration, and will before long present bills to this body for carrying out those ideas.

The argument of the Senator from Kentucky, that this present action of Germany and France was retaliatory because we maintain a protective tariff against their industries, and that we could not hope for any trade with them unless we bought from them, unless, as he expressed it in common English, it was a matter of swap or exchange, is scarcely borne out by the figures, because we have a large trade with these countries now. The official records for the fiscal year ending June 30 last show that we are now buying of France more than we sell to her. The official figures are as follows: We exported to France last year of our domestic products of all kinds $55,965,191; we imported from France last year goods to the value of $97,989,164. In other words, we bought from France last year goods to the value of nearly or a little more than $40,000,000 worth beyond what we sold to France. So it seems to me that the cry that we can not expect to sell to a country unless we buy of her does not hold true in the case of France, because we are buying more from her than she buys from us, and that is to a certain extent due to the fact that she has during the past year excluded our meat products from her country. If she had admitted all our meat products into her country we should have sold to her perhaps very nearly as much in value as we have bought from her.

As to Germany, we exported domestic products to the value of $64,340,000; we bought from her of her products $57,377,000, there being very little difference in the trade of Germany and the United States; and as between France and ourselves we are buying much more than we sell to her; but I am entirely willing that all these differences should be brought out in this investigation which the Senator from Kentucky desires the Committee on Foreign Relations to make.

My point is simply this: that we are not prepared to-day, in my judgment, to say in a resolution that retaliatory measures are necessary. I think we have not sufficient information for that, and I think we should act wisely and considerately upon this question. Therefore I hope the Senator from Illinois, if his amendment bears the construction which I put upon it—and I think it is the right construction—will in some way modify it so that the resolution shall amount to an instruction to the Committee on Foreign Relations to inquire into this whole matter and to report to the Senate what, if any, legislation may be necessary, rather than instruct them to at once report bills to the Senate for the very purpose indicated. If the Senator from Illinois will consent to a modification of that amendment I shall be very glad to have him do so, and I do not see how any one in the Senate can object to it; but certainly, for one, I am not prepared to-day without the diplomatic correspondence before us, and without a careful consideration of the whole subject, to say that we should be justified in entering directly upon retaliatory legislation. Let us have the full facts, and I know of no committee which can give them to us so quickly as the Committee on Foreign Relations.

Mr. LOGAN. Mr. President, the trouble that there seems to be about this resolution is the failure on the part of Senators to understand what it means. The discussion against this resolution as I propose to amend it, by the Senator from New York, is wholly upon the ground that it requires the Committee on Foreign Relations to report retaliatory measures. The resolution requires no such thing, as I understand it.

Mr. CAMERON, of Wisconsin. Will the Senator read it?

Mr. LOGAN. I will, certainly, and I will give what I think it means. As I propose to amend it, it reads:

Resolved, That the Committee on Foreign Relations be instructed to inquire into and report to the Senate such legislation as shall enable the Executive to protect our interests against those governments which have prohibited or restrained the importation of healthful meats from the United States.

Under this resolution the committee may report retaliatory measures, it is true, but it does not require them to report measures of that character. They might report a bill authorizing the President to appoint inspectors, under the supervision of the Secretary of the Treasury, to inspect all meats exported from this country to foreign countries, and requiring that a certificate of such inspection should go along with the cargo or the meats. That is one character of legislation they might report. So it merely comes to the point that the President shall by law be authorized in some way to protect our country against the action of foreign countries. How? If in the diplomatic correspondence the Governments of France and Germany say to our Government through our Secretary of State that we have no inspection, that no certificate of a Government officer who has inspected our meats goes with them, and therefore that they have no evidence of their being pure and sound, then to provide for an inspection would be one way of protecting our country against the action of those governments, and that may be the best mode of doing it.

The idea has grown out of what I said in my remarks, that I hoped, at least if the necessity arose—and I say so now—our country would have the courage to protect itself in all respects against the wrongs that foreign governments enacted against our right to export. I said that substantially, and I repeat it. But that is not in the resolution. I so amended the resolution, or tried so to amend it, that this committee should report legislation to the Senate for their consideration; but the character of the legislation is not indicated in the resolution except that it is to be of such a character as that the President shall be empowered under it to give our people protection. That is all. It does not bear upon its face the idea that the committee must report retaliatory measures. That grows out of the remarks I made in discussing the resolution, and certainly entirely out of those remarks.

Mr. MILLER, of New York. I can only judge of what construction would be put upon this resolution by the construction which my mind puts upon it. To my mind the resolution as the Senator proposes to amend it is tantamount to declaring that retaliatory measures are now necessary with certain governments, and it instructs the Committee on Foreign Relations to determine what nations such retaliatory measures are necessary to protect ourselves against, and then to report that retaliatory legislation to this body. Now, in order to bring this before the Senate so that we may all understand it, I ask to have the original resolution read, and then that the substitute—because it amounts to a substitute—the amendment offered by the Senator from Illinois be read.

Mr. LOGAN. I have it right here. I can read it as it was originally offered and as it will read if amended as I propose.

The PRESIDING OFFICER. The Secretary will report the resolution.

Mr. MILLER, of New York. I hope the Chair will have the original resolution read and then the amendment.

The SECRETARY. The original resolution reads:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of such legislation as shall enable the Executive to protect our interests against those governments which have prohibited or restrained the importation of healthful meats from the United States.

In line 2, after the word "into," it is proposed to strike out "the expediency of" and insert "and report to the Senate;" so as to make the resolution read:

Resolved, That the Committee on Foreign Relations be instructed to inquire into and report to the Senate such legislation as shall enable the Executive to protect our interests against those governments which have prohibited or restrained the importation of healthful meats from the United States.

Mr. MILLER, of New York. I think I am amply borne out in my criticism by the reading. That amendment assumes another thing which the legislative department of this Government may not be willing to concede. It assumes that we are to pass such legislation as will put this whole matter into the hands of the Executive and give him power to say what goods or products of foreign countries shall be imported into the United States. It may be necessary to do that; we have already done it in the matter of the importation of live cattle. But what I object to is a decided expression at this time as to what shall be done. Let us have all the facts before us so that we can act intelligently and with due consideration, for certainly this is a very important matter, and we are all aware that it is already being treated diplomatically between the various governments; that there is constant correspondence going on between our State Department and France and Germany. Of course any action had here to-day, if it shall be unwise, may greatly complicate those negotiations.

Now I am prepared to say that I fully believe in and I shall be prepared to support any measure which may be called retaliatory or otherwise, if it shall be found before the end of this session that these objectionable prohibitions of our healthful meats are not removed by foreign governments. I am prepared to go as far as the Senator from Illinois in protecting our foreign trade in all those products; but I want it done in such a way that it can not be charged that we have shown undue haste or undue consideration of the dignity or the freedom of action of foreign governments with whom we have proper peace relations at the present time. We certainly at the present moment are not prepared to charge that all that Germany has said upon this matter in the way of her diplomatic correspondence is insincere. I believe that the prohibition of the German Government against the introduction of our meats is likely to be very much modified in a very short time, if not entirely removed; and I think I have good reason for saying as much as that. Therefore I think that when we commit this whole matter into the hands of the Committee on Foreign Relations

we shall have gone as far as we should go until we have had an investigation.

The Senator from Illinois has just intimated that the Foreign Relations Committee might not find it necessary to do anything more than to prepare bills providing for an inspection of all our products before they are exported abroad. As I have already stated, that entire subject is now under consideration by the Committee on Agriculture, where it properly belongs, and for one I should object to the Committee on Foreign Relations taking that measure out of the hands of the Committee on Agriculture, where it belongs, and I do not for a moment suppose that the Foreign Relations Committee desires to do anything of the kind. Therefore, if the Foreign Relations Committee shall find that legislation is necessary, let it report that fact to the Senate, and then let the legislation which may be necessary be prepared by the proper committee and presented to this body in the proper way.

For one I am not prepared to take any stronger ground upon that question to-day than such as I have indicated, and I believe that that is sufficient; I believe that will satisfy our people. I believe that the great mass of the farmers of this country do not expect that we are to make an exhibition of ourselves here by passing *instanter* and without consideration retaliatory measures upon Germany and France. Our treaty relations with both those countries are very important, and, as I have just shown you, the figures of our foreign commerce with them are very large, and for that reason I think it would be much better to leave the matter where the original resolution placed it. I still hope that the Senator from Illinois will agree with me upon that proposition, for I certainly do not desire to antagonize his views or the views of any of the Senators who represent the great meat-producing portions of our country, but I do not think that we ought to be called upon to-day to go any further than the resolution offered by the Senator from Rhode Island calls for. If, however, the Senators upon this floor who represent the great West, and represent that portion of the country which produces and which sends abroad all these meat products, are willing to-day to put the Senate upon record by declaring that we must at once have retaliatory legislation, then I hope some of them will say so, and as one of the representatives from the East I will try and make the best of it; but I do hope the Senator will agree with me and that the matter may go to the committee, as it was originally proposed it should.

Mr. LOGAN. I do not want to discuss this matter any further, but I certainly tried to make myself understood. I may have been unfortunate, however, in making that a success, but I do not want to be placed before the country in an improper light in reference to this subject. From what has been said it might be inferred at least that I was trying to force legislation of a particular form on the Senate now. I have no desire of that kind. The only desire I have is that the committee shall act and report something to the Senate for its action. We are not bound by the report that may be made by that committee; we are not compelled to vote for any bill they may report; nor is the character of the bill described or the character of the remedy described in the resolution; but I will say in reference to this question, in reply to one remark of the Senator from New York, that I do believe that the Congress of the United States ought to pass a general law authorizing the President of the United States when Congress is not in session to protect this country against embargoes laid on our exports to foreign countries. The power ought to rest somewhere at all times in this country to lay an embargo upon imports from other countries where they deal unfairly with us, and to treat them as they treat us. I do believe in that doctrine, and always have believed in it, and I believe in it now. The power should be given; whether it will be exercised or not is a different question; but when the necessity arises for the exercising of that power it should be exercised, and not at any other time except when the necessity does arise. I would not wish this country to impose an embargo upon products from foreign countries merely to show its power or authority, but only to protect our interests when our interests are involved and the power was required to be exercised for that particular purpose.

So far as I am concerned I differ with the Senator's constructions of this resolution as I have proposed to amend it. He honestly believes it means one thing, and I think it means a different thing; therefore I do not agree with him. If the Senator disagrees with my amendment, that is one thing. I only think it requires action, and no particular character of action is indicated except to report something to the Senate that we may act upon; therefore I do not think it is going to throw anything hastily upon the Senate or the Congress of the United States, for we certainly have the whole session of Congress to consider this with other matters. But I do think it is important enough to have it brought before the Senate and the House too at some convenient season and at some time very soon. For that reason I say to the Senator from New York that I do honestly believe he is mistaken in his construction of my amendment. If I thought as he does in reference to it I would agree to withdraw it, but I do not believe so, and therefore I would rather have the vote.

Mr. MILLER, of California. I have listened to this discussion with a great deal of interest, because when the matter goes to the Committee on Foreign Relations we shall have to examine the subject. I should like to ask a question. As I understand the Senator from Illinois the construction of the resolution as amended by him would be that the Committee on Foreign Relations would be expected to investigate the whole subject, and report what legislation is deemed necessary, either by bill or otherwise?

Mr. LOGAN. Yes, sir.

Mr. MILLER, of California. They are to report a bill if they find legislation necessary, which bill may be referred to another committee afterward if it is deemed necessary.

Mr. LOGAN. Certainly, that is exactly the meaning of my amendment; at least that is what I intended to mean by it. The committee will report after examining into this question such legislation as they think is competent and proper to give authority to the President to protect this country in the interest we have been speaking of, and that bill may be referred to any other committee, say the Agricultural Committee. I think in all probability that committee would be a very proper one for it to go to as it is examining this question, or it might be the Finance Committee that has to investigate the tariff question, and it would necessarily go there if that question was involved. It might go to any committee the Senate should designate, for consideration.

Mr. MILLER, of New York. I supposed that was the intention the Senator had, and that is one objection I had to it. I want the Foreign Relations Committee to report what it finds to be the facts, and then the proper deductions. If they find that legislation of a certain kind shall be necessary, if they find that all we need do to have foreign nations, Germany and France, remove this restriction is to pass a proper inspection law, they will so report, but not report a bill for an inspection. They will simply report to the Senate what, if any, legislation is necessary, and then the appropriate committee will take up the subject and report the legislation. That is my idea. I do not believe the Foreign Relations Committee desires to go into the question of pleuro-pneumonia and the preparing of proper bills for the limiting of that evil or stamping it out; neither do I believe the Foreign Relations Committee is prepared or desires to go into the matter of perfecting legislation for the inspection of all our food products which are sent abroad. Let it report, as the original resolution intended it should do, what it finds to be the facts and the proper deductions therefrom. When that is done, then the Senate will be prepared to take up the whole question, discuss it, and refer the matter to the appropriate committee and instruct the appropriate committee to report by bill the needed legislation. That is the difference, and if the Senator from Illinois would so modify his amendment, I should be glad.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Illinois [Mr. LOGAN].

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment is that offered by the Senator from Nebraska [Mr. VAN WYCK].

Mr. VAN WYCK. My amendment was withdrawn.

The PRESIDING OFFICER. Then the question will be on the amendment offered by the Senator from Kentucky [Mr. BECK], which will be read.

The SECRETARY. The amendment is to add to the resolution:

And the committee is further instructed to report what discriminations are made against exports from the United States by the tariff laws of the principal countries of Europe and America, especially France, Germany, Mexico, and Brazil, by reason of commercial or other special treaties or agreements with more favored nations, and to report the causes which led to such discriminations, the efforts, if any, that have been made to remove them, and what legislation, if any, is necessary to place the United States on an equal footing with the most favored nations. This investigation is not, however, to delay the action of the committee on the first branch of this resolution.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the adoption of the resolution offered by the Senator from Rhode Island [Mr. ANTHONY], as amended.

Mr. SAULSBURY. Mr. President, as the resolution has been amended it takes from the Committee on Foreign Relations the inquiry into the expediency of legislation on this subject, but requires of that committee to report appropriate legislation of a retaliatory nature, as I understand it.

Mr. LOGAN. Not at all.

Mr. SAULSBURY. How does it read?

Resolved, That the Committee on Foreign Relations be instructed to inquire into *and report to the Senate* such legislation as shall enable the Executive to protect our interests against those Governments which have prohibited or restrained the importation of healthful meats from the United States.

It vests the power in the President to adopt these measures, and it gives him full authority. The Committee on Foreign Relations is required to report a law giving to the President and vesting in the President a discretion which has been taken from the Committee on Foreign Relations in reference to the whole subject.

I am in favor of maintaining the proper relations of this Government with all foreign powers; but when retaliatory measures become absolutely necessary for the purpose of vindicating the rights of this country, such legislation is entirely justifiable and proper. But is it not a little dangerous for us to strike in the dark, to pass legislation that shall enable the Executive or any other officer of this Government at his discretion to adopt the measures which may be deemed necessary to vindicate the rights of the country against foreign powers?

Mr. LOGAN. The Senator will allow me a word. There is no such object in the resolution. It is in the discretion of the Committee on Foreign Relations to report such legislation as they think will enable the President to do this, not as the President may think but as the Senate shall think proper afterward in voting.

Mr. SAULSBURY. "Such legislation as shall enable the Executive."

Mr. LOGAN. Certainly.

Mr. SAULSBURY. If the committee reports that kind of legislation and it is adopted, will not the President of the United States have the whole matter in his control whether or not he will exercise the power which is conferred on him?

Mr. LOGAN. It depends entirely on the character of the legislation reported. The committee may report a bill to the Senate merely authorizing inspectors to inspect our meats before they go abroad, and authorizing the President to appoint those inspectors, which would put into his hands the appointing of them and the direction of them about the inspection. It may be that character of legislation. The resolution does not require retaliatory legislation. It is merely for the judgment of the committee to report such legislation as they deem proper to protect our people, and then the Senate take it into consideration, and they amend it or do what they please with it.

Mr. SAULSBURY. I differ somewhat with the Senator from Illinois in his construction of the resolution. Still I desire now only to say that while retaliatory measures may become necessary in order to vindicate the rights of this country in its relations with foreign governments, it is always legislation of a delicate character, and it ought to be cautiously and carefully examined before it is adopted. I am in favor myself of fair, equal justice between this Government and other governments, and I am willing to adopt any measure that may become necessary to vindicate the rights of this Government and of the people of this country; but we ought to deal with such a question cautiously and carefully before we adopt any measure that invests in the President of the United States such a discretion.

This is all I desire to say. I shall not oppose the resolution, but at the same time we ought to be cautious in the matter.

Mr. INGALLS. Mr. President——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, under the rules the Calendar of General Orders is in order. The unfinished business is the bill providing a civil government for the Territory of Alaska.

Mr. MAXEY. I believe this resolution has reached a point where we can dispose of it in fifteen or twenty minutes, and I think it is very important to dispose of it. I ask unanimous consent that the consideration of the resolution be proceeded with for twenty minutes.

Mr. HARRISON. I will not interpose an objection if the Senator will put a limitation on the extension.

Mr. MAXEY. I have put the limitation of twenty minutes. The proposition I made was to proceed for twenty minutes.

Mr. HARRISON. I will not object to that, though I understood the Senator to say that it would probably be completed within twenty minutes. If there is unanimous consent that it may proceed for twenty minutes, I shall make no objection.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that further consideration may be had of the resolution which has been under discussion, not exceeding twenty minutes. Is there objection? The Chair hears none. The resolution is before the Senate.

Mr. INGALLS. I move to amend the resolution by striking out the words "enable the Executive to," so that the committee will be instructed to report such legislation as shall be necessary to protect our interests. That I think will remove one objection that has been urged against the adoption of this resolution, and leave the whole subject to the legislation of Congress rather than to the discretion of the Executive. I understand that the Senator from Illinois has no objection to this amendment, and I hope it may be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas to strike out the words "enable the Executive to."

Mr. INGALLS. If the Senator from Texas desires to speak on this subject, I wish to give notice of one other amendment. After this shall have been acted upon I will move to strike out "healthful," before "meats," so that the whole subject may come before the committee.

Mr. MAXEY. That was the exact point I wanted to make, and I hope that amendment will be offered.

Mr. LOGAN. I have no objection to that either.

Mr. MAXEY. I only desire to make a very few observations. I approach with a great deal of caution and some timidity any resolution of a retaliatory character. All retaliatory legislation is in the nature of opposition to amity. This resolution, as it was originally presented, declares:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of such legislation as shall enable the Executive to protect our interests against those governments which have prohibited or restrained the importation of healthful meats from the United States.

That assumes upon its face that there are governments which do prohibit the importation of healthful meats. Right there we raise an issue of veracity with France and Germany, because they insist they do not prohibit the importation of healthful meats, but of unhealthful meats. We assume it to be true that healthful meats are excluded or prohibited from importation into certain countries. That is a question of fact, and upon that question of fact an issue is joined.

If the Governments of France and Germany exclude meats because they are unhealthy, they have an undoubted right to do it, and it is beyond all question their duty to do it if that be true. If that is not true and we believe there is a mistake about it, if we believe there is an error about it and that they have been misled, then we should not begin with an assumption that they are falsely placing restrictions upon the importation on a ground which they know does not exist; so that the amendment offered by the Senator from Kansas to strike out "healthful" I think is a very correct amendment.

When you put the doctrine of retaliation in action, that doctrine necessarily can bring back upon us as much retaliation as we send out. In the early Congresses, when the British Government was very oppressive, as we thought, especially in the matter of the shipping of American products to the West India Islands, it was deemed by our Congresses proper to pass retaliatory measures. There was a fact of the greatest importance that you could not ship certain products in vessels from your State, sir [Mr. FRYE in the chair], and exchange them for molasses or other West India products. That being the fact, our Congresses thought it proper to engage in retaliatory measures; but here, without any nation having assumed to keep healthful meats out of market or expressed a desire to keep out healthful meats, when the allegation is simply that they seek to protect the health of their people by excluding unhealthful meats, we assume that it is not true, and on the basis of that we start in upon retaliatory legislation. It occurs to me that that is an unwise proceeding.

All that I desired to say was that the Committee on Foreign Relations should go into this matter with great caution, with great deliberation, and know the ground on which they stand, because I say that if we start in with a retaliatory measure it may land on wheat, it may land on cotton, we cannot tell where it will land. While I would protect the exports of the United States as vigilantly as any man in this body, I want to know the ground on which I stand before I see proper to charge that a nation has been falsifying in its action in order to exclude American products.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas [Mr. INGALLS] to strike out the words "enable the Executive to."

The amendment was agreed to.

Mr. INGALLS. Now I move to strike out the word "healthful," before "meats."

The PRESIDING OFFICER. The question is on the second amendment offered by the Senator from Kansas, to strike out the word "healthful" before "meats."

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the resolution as amended.

Mr. INGALLS. Let it be reported as it stands.

The resolution as amended was read, as follows:

Resolved, That the Committee on Foreign Relations be instructed to inquire into and report to the Senate such legislation as shall protect our interests against those governments which have prohibited or restrained the importation of meats from the United States. And the committee is further instructed to report what discriminations are made against exports from the United States by the tariff laws of the principal countries of Europe and America, especially France, Germany, Mexico, and Brazil, by reason of commercial or other special treaties or agreements with more favored nations, and to report the causes which led to such discriminations, the efforts, if any, that have been made to remove them, and what legislation, if any, is necessary to place the United States on an equal footing with the most favored nations. This investigation is not, however, to delay the action of the committee on the first branch of this resolution.

The resolution as amended was agreed to.

GOVERNMENT FOR ALASKA.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business of yesterday, which is the bill (S. 153) providing a civil government for the Territory of Alaska. It is before the Senate as in Committee of the Whole. The amendment pending is the amendment offered by the Senator from Kansas [Mr. PLUMB], which will be read.

The CHIEF CLERK. On page 7, section 8, line 9, after the word "occupation," the amendment is to insert "or now claimed by them;" so as to read:

Provided, That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them, but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.

Mr. PLUMB. Are the committee amendments disposed of?

Mr. HARRISON. The agreement was that that amendment should be passed over until the committee amendments had been disposed of and we got through the bill.

Mr. PLUMB. That is the speech which I rose to make. I was about to inquire if the committee amendments had been disposed of.

Mr. HARRISON. They have not been. The Secretary should go on with the bill where we left off the reading yesterday.

The PRESIDING OFFICER. The amendments of the Committee on Territories will be proceeded with.

The CHIEF CLERK. The Committee on Territories propose, in section 9, line 12, to strike out "said;" in line 13, to strike out "said" and "five hundred;" in line 14, to strike out "said" and "five hundred;" in line 15, to strike out "said" where it occurs twice; in line 17, to strike out "said;" in line 19, after "Oregon," to insert "and such fees for recording instruments as are allowed by the laws of Oregon for similar services;" in line 22, to strike out "said;" in line 25, to strike out "said" and "of said deputies;" in line 35, to strike out "said" where it occurs twice; and in line 38, to strike out "aforesaid;" so that the section as amended will read:

SEC. 9. That the governor, attorney, judge, marshal, clerk, and commissioners provided for in this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall hold their respective offices for the term of four years, and until their successors are appointed and qualified. They shall severally receive the fees of office established by law for the several offices the duties of which have been hereby conferred upon them as the same are determined and allowed in respect of similar offices under the laws of the United States, and in addition thereto shall receive respectively the following salaries: The governor, the sum of $3,000; the attorney, the sum of $2,000; the marshal, the sum of $2,000; the judge, the sum of $3,000; and the clerk, the sum of $2,000, payable to them quarterly from the Treasury of the United States. The commissioners shall receive the usual fees of United States commissioners and of justices of the peace for Oregon, and such fees for recording instruments as are allowed by the laws of Oregon for similar services, and in addition a salary of $500 each. The deputy marshals, in addition to the usual fees as deputy United States marshals and of constables in Oregon, shall receive each a salary of $500, which salaries shall also be payable quarterly out of the Treasury of the United States. Each of said officials shall, before entering on the duties of his office, take and subscribe an oath that he will faithfully execute the same, which said oath may be taken before the judge of said district or any United States district or circuit judge. And the said clerk shall execute a bond, with sufficient sureties, in the penalty of $10,000 for the faithful performance of his duties, and file the same with the Secretary of the Treasury before entering on the duties of his office; and the commissioners shall each execute a bond, with sufficient sureties, in the penalty of $3,000 for the faithful performance of their duties, and file the same with the clerk before entering on the duties of their office.

The amendment was agreed to.

The next amendment of the Committee on Territories was, in section 10, to strike out "so many and so much of;" in line 4, to strike out "of the same;" in line 10, to strike out "hereby created;" and in line 12, to strike out "said;" so as to make the section read:

SEC. 10. That any of the public buildings in said district not required for the customs service or military purposes shall be used for court-rooms and offices of the civil government; and the Secretary of the Treasury is hereby directed to instruct and authorize the custodian of said buildings forthwith to make such repairs to the jail in the town of Sitka, in said district, as will render it suitable for a jail and penitentiary for the purposes of the civil government hereby provided, and to surrender to the marshal the custody of said jail and the other public buildings, or such parts of said buildings as may be selected for court-rooms, offices, and officials.

The amendment was agreed to.

The next amendment was, in section 11, after "district," in line 6, to strike out the following words:

And so much of the general laws of the State of Oregon as is applicable to justices of the peace, constables, jails, jailors, sheriffs, and keepers of jails, as also those of said State which relate to crimes and the punishment thereof, and the law and practice governing testamentary and probate proceedings, and the general practice in civil cases, appeals, writs of review, and bail, so far as the same are applicable, and deliver to the attorney of the United States for said district a sufficient number of the same for the purposes of this act.

And to insert in lieu thereof:

And shall furnish for the use of the officers of said Territory so many copies as may be needed of the laws of Oregon applicable to said district.

So as to make the section read:

SEC. 11. That the Attorney-General is directed forthwith to compile and cause to be printed in the English language, in pamphlet form, so much of the general laws of the United States as is applicable to the duties of the governor, attorney, judge, clerk, marshals, and commissioners appointed for said district, and shall furnish for the use of the officers of said Territory so many copies as may be needed of the laws of Oregon applicable to said district.

The amendment was agreed to.

The next amendment was to insert after section 12:

SEC. 13. That there shall be established in said Territory, at such places as may be designated by the Commissioner of Education, free public schools for the instruction of children and youths of proper age in the common elementary branches of study and in industrial pursuits. Such schools shall be open to all persons of the proper age, without regard to race, under such rules as may be prescribed by the Commissioner of Education. Where free schools have already been established by private benevolence or by any religious society the Commissioner of Education may, with the consent of such persons or society, adopt said schools as a part of the school system of said district, on such terms as may be agreed upon. The Commissioner of Education shall designate one of the best qualified teachers of said schools as superintendent of education, who shall have a general oversight and direction of all said schools, and shall annually report to the governor. All of the powers hereby given to the Commissioner of Education shall be executed subject to the approval of the Secretary of the Interior.

Mr. PLUMB. I should like to ask the Senator from Indiana who has charge of this bill whether, under the general provision extending the statutes of Oregon over the Territory of Alaska, it is intended to provide any means of collecting taxes or that any taxes shall be collected for any purpose whatever.

Mr. HARRISON. My response is in the negative. We have not provided any scheme for the assessment or collection of taxes within this district. We did not believe it was necessary in this preliminary bill to make such a provision. It will doubtless come in time with more settlements and the accumulation of property there; but as no legislature is given to the district we made no provision for the assessment and collection of taxes.

Mr. PLUMB. There are, as I understand, about four hundred people in Alaska other than Indians. They are there for purposes of profit, and in fact there is said to be some very profitable business carried on there. I understand they have provided schools at their own expense, as is entirely proper, and they are now being carried on; and I think it will be going a great way to select this community above all the other communities of the United States and educate their children at the expense of the general Treasury without imposing on them any taxes whatever. Not only is this done, but all the expense of the Government over them, that is to protect them in their acquisitions, is also borne out of the Federal Treasury.

If the Senator from Indiana will adapt his amendment to the Indians who are there and who are the proper subjects of national charity, I shall have no objection to it, but I should like to hear some reason why the people in the employ of the Alaska Seal Company, or people who are there for their gain, should, by reason of their having voluntarily gone there and become engaged in these profitable pursuits, have all the expenses of the Government over them paid by the General Government and their children educated in the same way besides.

Mr. HARRISON. Mr. President, the situation of this Territory or district is a peculiar one. The population there is so sparse and so scattered that the committee were of opinion that we ought not to attempt to give them a full Territorial organization. We have not provided for any legislative body in which they might be represented and which might provide for an assessment of the property of the citizens within the district and the levying and collection of taxes for any purpose.

Now, while it may be that there are some there who should in justice and strictness be required to contribute to the educational fund which is to be expended under this bill for the education of all children, without reference to race, in the Territory, while that may be true technically, yet there is no way that I can see or that the committee could see by which we could reach that end. We can not exclude them from the benefit of school privileges and limit the provisions of this bill to Indian children alone. That would practically be leaving them without any possibility of securing for the children of the American residents in this Territory any access to public schools unless they could combine among themselves and by voluntary contributions organize schools; and they are so scattered and in the main of such limited means that it would be impossible to secure education for their children by any such voluntary effort.

So, then, while the Senator from Kansas is strictly right in saying that the burden of the education of the children of the white people there who are residents should at least be contributed to by an assessment of taxes upon the property possessed in the Territory by the parents of such children, yet I submit that in this preliminary skeleton organization of the Territory and in the present condition of things there it is scarcely worth while on the one hand to exclude these people from the educational advantages of this bill, or on the other hand to introduce the necessary machinery in order to collect taxes from the white residents there to maintain schools for them.

Mr. PLUMB. It seems to me that the white people who are up there can be left to exercise their privilege of schooling their own children in their own way and out of their own money. I think it is entirely unnecessary to make this provision for the schooling of the children of the white people who are there. If they are scattered, as the Senator from Indiana says they are, then of course the expense of the education is just that much greater to be paid out of the public Treasury. I will venture this prophecy at all events, that if this section is literally carried out there will be a great many schools in a great many places in Alaska where they would not be considered necessary in any other portion of the habitable globe. This provision is a very wide one:

That there shall be established in said Territory, at such places as may be designated by the Commissioner of Education, free public schools for the instruction of children and youths of proper age in the common elementary branches of study and in industrial pursuits.

There is no limitation there that there shall be one school to so many children.

Mr. HARRISON. The Senator from Kansas will allow me to suggest that the limitation will be found in the appropriation.

Mr. PLUMB. I do not think there is any such limitation. Schools are to be established, and then we may be called upon to pay for them afterward. If the Senator had been observant during the last ten or fifteen years of his life I think he would have ascertained that that is a very common way of doing things.

In the next place these "schools shall be open to all persons of the proper age without regard to race," and the Senator says that includes the Indian children. Then we are providing for the education not only of all the white children in Alaska but the education of all the Indian children in Alaska. Mr. President, we have not done that with any other tribe of Indians under our jurisdiction. If we are to carry out the principle which is here established, what are we to do with the fifty

thousand Indian children this side of the Rocky Mountains, and who have been heretofore very imperfectly provided for if this is to be the scale the Government is to adopt with reference to their education?

It seems to me that this section opens up a door which it will require a great many hundreds of thousands of dollars to close, that we are setting up there, away from any reasonable control or supervision; a system which is going to be expensive, not only unjustly expensive, but which is going to be expensive beyond any chance that we have of results to flow from the expenditure. I have no objection to a reasonable appropriation for the purpose of establishing schools for the Indians. I do object, however, that the children of white people up there, who are not to be taxed, but for whose benefit this government is to be provided, shall also have their schools paid for out of the public Treasury.

In the next place this bill cuts off the exercise of benevolence in that Territory. Under the operation of the very motive which I have spoken of as applicable to the white people up there desirous of educating their children, schools have already been established which this bill recognizes, but instead of recognizing them for the purpose of keeping them there in the position in which they now are, it recognizes them for the purpose of extirpating them. They are to be free schools—no longer maintained by benevolence; no longer maintained by the contribution of those whose children have the advantage of them. But the Government steps in and says, "We will not have any of these free schools kept up any longer by the contributions of people who are making money by their residence there, but we propose to take them away from them nilly willy, without their consent;" or, if not without their consent, at all events it will be with a consent easily obtained, and put a burden, which now falls on the people of that Territory for the education of their own children, on the Treasury of the United States.

The people up there are satisfied. I venture to say there has not been a white resident of the Territory of Alaska who has ever asked for one dollar of appropriation to educate his children. They have gone there like sensible, prudent men, being relieved from all the other burdens of government, and have been perfectly willing to educate their own children at their own expense; and yet we come in here, according to the terms of this amendment, and propose to take away from them that obligation and to substitute for it the obligation of the Government of the United States to provide an education for their children; and in addition to that we provide that their schools shall be recognized and carried into the system of public schools provided for by this bill.

This provision, as I said, is too wide, it is too ample, too expensive, too loose, and will lead to nothing but expense and trouble and annoyance. I therefore hope that this amendment in its present terms will not be adopted.

Mr. INGALLS. Mr. President, if I were not in favor of the unification of this continent under American dominion, I should be willing to relinquish Alaska to any power that would undertake to carry on its government and provide for its future welfare. But the Monroe doctrine is written on the map; that is our first lesson in geography, and "manifest destiny" indicates that our northern shore is to be washed by the Polar Sea, and that our southern boundary will be the interoceanic canal that connects the Atlantic and Pacific.

Aside from this idea, Mr. President, I regard Alaska as the most worthless territorial acquisition with which any government was ever afflicted; and what compensation, other than the gratification of the American idea, we have received for the $7,000,000 that we paid for it I am as yet without information. Separated from us by a dangerous and stormy sea, over which a voyage of many days must be taken to reach its nearest port, its gloomy and inhospitable shores are secluded by the conditions of its climate for many months from approach. Its mountains are said to abound in the precious metals; but so far as examination has extended this claim is found to be utterly without foundation. It is alleged that its mountains are clothed with timber, that fur-bearing animals frequent the islands along its coast, and that fish are abundant in its streams; but hitherto these temptations have sufficed only to attract to that country a wandering and nomadic population of not to exceed four or five hundred adventurers, who remain there during the brief and hot summer, and then disappear when winter comes.

I suppose that if there are twenty-five children of school age in Alaska at this time of European descent it would be surprising to the enumerator of the census. It is claimed that the white population at this time is about four hundred, consisting, I suppose, very largely of the employés of the Seal Company and of the fisheries that carry on their enterprises there during two or three months of the year. That class of people, if they migrate, do so only temporarily, and do not carry their families with them; and it is very doubtful whether there are any native-born children in Alaska at the present time other than those of Indian ancestry; so that if there are four hundred white people in Alaska at this time, I should say that it would be surprising if there were twenty-five children of the school age. The Senator from Indiana who has reported this bill leaves us without information on this subject, and calls upon us, without advising us whether there is a single child of Caucasian blood within those limits who has not been carried there with the intention of being removed as soon as its parents go away, to vote to introduce at an enormous expense a system of education under governmental instruction that is to endure for all coming time.

He says that the limitation upon this system will be the appropriation that may be made to support it. But if the Commissioner of Education, under this amendment offered by the committee, in search of objects over which his sensibilities can weep and his philanthropy can expand, goes to Alaska and introduces this system of common schools, establishing one institution of learning at Kodiac, a seminary at Wrangel, an academy at Sitka, and a college at the other point that has been named, the title of which I forget, what will remain for Congress to do under this absolute authority conferred upon him by this act except to make the appropriations to carry them on?

I think we have gone far enough when we have provided for the extension of a system of laws over this wandering and nomadic population in Alaska, attracted there by the fisheries and by the fur trade, and enabled them to have a tribunal in which their wrongs can be redressed and their rights can be enforced. I am as much in favor of the education of the young as any man can be upon this floor; but it appears to me that this amendment of the Senator from Indiana is absolutely without foundation, as we are without information upon which to base our action upon it.

Mr. JONES, of Florida. Mr. President, I understood the Senator from Indiana to say a while ago that the reason why nothing was proposed by the committee for the collection of a revenue in this Territory was because it would necessarily involve the inauguration there of a legislative system of machinery. Now, for one, I do not think that that is a reasonable excuse. I am one of those who believe that the power of this Government over the Territories is precisely what it is over the District of Columbia, and that there is no necessity whatever for the institution of a legislative power in the Territory in order to inaugurate a system of reasonable revenue within it to meet some of these expenses. Why, sir, it is a remarkable anomaly under our system to find a single individual living anywhere within the jurisdiction of the United States who contributes nothing toward the support of the Government. I asked the Senator yesterday if the laws of the United States were extended into that country. He hesitated upon the subject, and well he might, because I find by this bill, which he reported, that, while an oath is required to be taken by the officers provided for in this bill, it violates the Constitution of the United States in the important particular of not requiring one of these officers to take an oath to support the fundamental law of the Union. It is a most marked omission. Each one of the officers, whose salaries are to be paid by this Government, appropriated by this body and the other House, when it comes to the oath of office he has to take, is not required to take an oath to support the Constitution or the laws of the United States. Why was this omission? Where is there any authority for the oath provided for in this bill—an oath simply to discharge the powers of the office, as I understand. Of course, if the Constitution and laws of the United States have no force or operation in the Territories, it would be a work of supererogation to require any officer there to take an oath to support the Constitution, but he ought to be required to support the laws of Oregon, as it is proposed to carry them into this Territory.

Now, sir, there is no difficulty in the world about providing a reasonable system of revenue under the authority of this Government if the people in this Territory are in a condition to bear it, because we have ample legislative power to establish a revenue system. If not, we have no authority to pass this bill. Therefore I think the argument of the Senator fails when he says it would involve the establishment of cumbrous machinery to provide any revenue system. I do not know what property is there, but this bill goes on to provide for a system of government that presupposes very extensive property interests. Here you have a district judge at a salary of $3,000 a year; a governor, a clerk, a marshal, four commissioners, and a lot of constables. I never heard of a constable under the authority of the United States before, but they are provided for in this bill. All this presupposes the existence of property there, and if there is property there and people capable of holding it, they ought to be made to contribute toward the expense, and there is authority in the legislative branch of the United States Government to impose it, without there being a Legislature there, which it seems it is not considered proper at this time to provide for.

This is a most remarkable bill, because I do not think there is anything like it in our annals. I am not sure but it would be just as well to leave the people of the Territory in the condition they are in than to institute a measure of this kind. In all the Territorial bills hitherto passed by Congress provision was made for a legislative establishment; that is always the chief want of a people in a territorial condition, to have some authority near by them capable and competent to look into their wants, so as to legislate for them. Mere executive officers are of no consequence unless they have something to execute. But I understand the laws of the United States are not in force in this Territory, nor the Constitution of the United States, but the whole code of Oregon is carried in there by the force of this bill, while the laws of the United States are carefully excluded. I think it would be wise—I make this suggestion to the Senator who has the bill in charge—to follow in this case the course that has been followed in nearly all analogous cases, that the Constitution and laws of the United States not locally inapplicable to this Territory should have full force and operation within its borders, and I think that what few people are there are entitled to that. I would call the Senator's attention to the provisions of the

treaty between the United States and Russia, under which Alaska was acquired. in support of that view. This treaty, following the example of other treaties under which territory was acquired by the United States, provides for the rights of the inhabitants of that Territory. The third article goes on to declare:

> The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes—

Mark you this language—

> they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.

I do not know how many of these Russian subjects remained there after the ratification of this treaty, but I say that every subject of Russia who made the election to remain in that territory after the ratification of this treaty is entitled to the protection and the benefits of the Constitution of the United States, because how can a person be in any respect a citizen of the United States when he has not a single security under the organic law, and still I will take it as admitted from the other side that the Constitution of the United States has no force or operation in that Territory whatever, and that the officers proposed to be created are not required even to take an oath to support the Constitution. They can carry on a despotic system there, do pretty much what they please, without regard to conscience or to law.

Mr. GARLAND. Mr. President, section 1891 of the Revised Statutes carries the Constitution and all the laws of the United States into organized Territories and Territories that shall be organized. The committee that had this bill in charge, in view of this section of the Statutes, did not deem it necessary to put in an express provision that "the Constitution and all laws of the United States which are not locally inapplicable" shall be carried into this Territory, because they are there under that section as soon as we organize the Territory. I believe that answers the statement made by the Senator from Florida.

Mr. JONES, of Florida. Will the Senator permit me to make a suggestion?

Mr. GARLAND. Certainly.

Mr. JONES, of Florida. I think this is a little evasion of that. I do not think it is plain that this is to be an organized Territory. It is a judicial district.

Mr. GARLAND. No, it is not an evasion at all. When the word "organized" is used there, it does not mean organized in a particular way, but it means organized in any way Congress shall think proper. There is no law making it obligatory on Congress to organize the government of a Territory with a governor and legislature. They can do it as they think proper. When Alaska becomes organized under this bill, or any other bill that Congress may pass, the Constitution and laws of the United States are carried by section 1891 into that Territory and become operative there. There can not be any doubt about that. So I think that is a response to the statement made by the Senator from Florida.

I have somewhat shared the same feelings which the Senator from Kansas [Mr. INGALLS] who last addressed the Senate expressed in reference to the abandonment of Alaska. I have never been satisfied in my mind exactly what we wanted with it and why the necessity of purchasing it, but we did buy it, and now the question is, what shall we do with it? This bill attempts to make some provision in the way of putting that Territory in some organized shape. The bill reported is not a usual bill; it is not a bill going the full length of the Territorial governments as we understand them, having a Delegate for instance in Congress; but it is a bill providing for the exigencies as they now exist there as the committee think, getting the Territory into some shape, looking to a better and more thorough and more perfect form of government after a while.

Now, to come to the question suggested by the Senator from Kansas [Mr. PLUMB] who first addressed the Senate, I agree with him that this section 13 is not a necessity to the bill. It was suggested to the committee and discussed by the committee in view of the anomalous condition of that country, and, in fact, the somewhat anomalous form of government we are compelled in the first instance to provide for it; and it was thought best to put in some provision in reference to education in that Territory. There is one restriction in this section that failed to attract the attention of the Senator from Kansas, I think, or at least he did not allude to it. Independent of the authority given to the Commissioner of Education, the orders, the regulations established by him are to be under the supervision and subject to the approval of the Secretary of the Interior, who has other very definite powers conferred upon him also in reference to this Territory.

Now, while I think the section is not an absolute necessity to this bill, yet it had better be incorporated here, because we have a restriction, and, as was said by the Senator from Indiana, the limit can be prescribed when we come to make the appropriation. Under that and under the restriction as to the Commissioner of Education and the Secretary of the Interior, it seems to me by all the analogies in cases of this sort we have thrown every restriction about it that we can. I am not afraid that this is going to be a precedent for the Government to educate the children of the country; and if it should become a precedent for that, so far as I am concerned I will not be opposed to it. A good deal can be said upon that subject.

I think, though I admit it is not an absolute necessity to the Territorial organization of that Territory, that we should establish these provisions, and they are under restrictions sufficient by being put under the Commissioner of Education and the Secretary of the Interior. It was thought best by the committee to do that, while of course the bill might be perfect so far as the Territorial government is concerned without the section.

Mr. DAWES. Mr. President, the question before the Senate is not the constitutional question raised by the Senator from Florida [Mr. JONES]. However weighty it might be in a proper forum, I do not think that we have occasion now to trouble ourselves with it. I think very much the same with the question raised by the distinguished Senator from Kansas [Mr. INGALLS]. Whether it was wise in the beginning for us to acquire that Territory is not the question for us to determine in considering this bill.

My views in reference to the original acquisition of the Territory were at the time it was acquired very much like those expressed by the Senator from Kansas to-day. I was in the House of Representatives and called upon to vote the money that purchased Alaska. For the reasons so much better urged to-day than any one urged them then I could not give my vote for it; but the constitutional majority of the Senate ratified that treaty, and the constitutional majority of both Houses of Congress appropriated the money, and Alaska became ours.

It was not the mere territory, which is covered with mists and clouds and uncertainty and indefiniteness, that we acquired by that treaty, but we accepted obligations, expressed as well as implied. The express obligations were that we should take upon us the care and protection not only of all the people then residing there but of all who should go there under our flag. We expressly stipulated that so far as they were civilized people and chose to remain there, they should be treated in all respects as citizens of the United States; and such measure as we meted out to our own citizens here, and had been meting out to them up to that time, we stipulated that we should mete out to those citizens; but as to the great body of them, larger or smaller (I do not know at this distance of time, twenty years, any more than I did then how large that body is), we stipulated that we should treat them as we do others in the United States of like character.

We have disregarded up to this time all our implied and expressed obligations to those people, all those obligations which we were bound to regard when we took that vast territory and made it a part of our domain on our western borders, and we have let it drift, content only to take into our Treasury from a single source of revenue annually an amount just about equal to the interest upon the original purchase, gathering into our Treasury that amount yearly and yet forgetting that there was this large body of territory open to all our people for the exercise of their enterprise and the investment of their capital, and that there were multiplying year by year in that section of country a body of uncivilized people upon our border coming upon us in some time to come, how near we could not tell, as an ignorant, uneducated mass of people whom we should perhaps be obliged to support as we are obliged to-day to support those of a kindred class here in our midst.

It is quite time that we considered what our duty to that Territory is, and enlightened, comprehensive, what are the considerations by which we should address ourselves to this subject, and not count it by a few dollars and cents. Underneath it all lies the question whether those people over whom we have extended the Constitution and laws and flag of the country shall be educated enough to understand the institutions under which they live and the laws they are called upon to obey. That is the question which we ought to answer, and which I believe the Senate are ready to answer and to furnish the means to answer, provided they can know that the money which they appropriate will be wisely and properly expended. Whether it will bring back fruit or whether it will be wasted and cast into the sea, is the only question in my mind.

For one, I am prepared to appropriate money just so far, and I will go no farther, as I can be convinced that it will be wisely and economically expended, bringing back in the effect it may have upon that people in elevating and making them better citizens of the United States, if I may not be permitted to use the word "subjects;" for every single one of them, who can be brought up in intellectual capacity to understand the value of the institutions under which we live is an actual donation of so much wealth to the nation itself. Otherwise, left to waste his intellect and his powers and his capacity, he becomes, instead of a useful citizen of the United States, more than a dead weight upon the body politic and an actual sore, a corrupting influence in our institutions. We should make haste to avail ourselves, if I may use the expression, of this raw material out of which it is possible for us to make valuable citizens of the United States.

I somewhat sympathize with the Senator from Kansas on my left [Mr. PLUMB] as to the phraseology with which this section is couched. I do not like to see, with my present information, just one fixed method established by law through which whatever money we shall expend is

to be expended. It is true that it is to be under the direction of the Secretary of the Interior, but in the phraseology of the section it is to be expended only in the establishment of a particular kind of free schools and the building of school-houses. That may be wise, but it may not be wise also. I have no information whether $25,000, or $50,000, or $10,000 can best and most wisely be expended as in the particular manner specified in the section. As these are, like the Indians of this country, under the Secretary of the Interior, who is carrying on with them what seems to me now to be a very wise and enlightened system of education, enlarging it from time to time and bringing within its influence more and more each year the children of the different tribes of Indians in this country with a wisdom which we do not even criticise here, why not extend the system he is thus carrying on to the Indians of Alaska and put in his hands what we may think a sufficient sum of money, and permit him to expend that as he does the $600,000 which we appropriate now each year for the education of the Indians within our borders? If after investigating all the facts and the coming interests, with the knowledge which we may not have, he may think it wise to inaugurate at once a system of free schools, as it is called in this proposed statute, or build school-houses upon any extensive plan, I am willing to furnish him with sufficient money for that purpose; but I would rather put a limited sum into his hands and leave it discretionary with him how to expend that money.

We appropriated some time since, I do not know now how many years ago, $25,000 for education in Alaska, and not a dollar of it has been expended. I am told it has not been expended because the Secretary of the Interior was unable to find wise methods at that time by which he could expend it. I think he knows more about that Territory now. We all know more about it to day, and are every day knowing more and more about it. A proper appropriation of money put in his hands for the general purposes of the education of those people would be wisely and economically expended, and better expended than if we tied it down to any particular mode of doing it.

Therefore, instead of the criticism made by the Senator from Kansas that this is too large and too broad I would make it more so. I would not impose upon the Secretary of the Interior the necessity which this proposed statute imposes, of expending whatever money we spend in free schools and free school-houses, but I would put a proper sum into his hands to expend in that way which seems to him most wise and expedient for the beneficent purposes for which it is appropriated.

EXECUTIVE SESSION.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 1 hour and 43 minutes spent in executive session the doors were reopened.

GOVERNMENT FOR ALASKA.

Mr. HARRISON. I give notice that to-morrow I shall ask the Senate to conclude the consideration of the bill providing a civil government for the Territory of Alaska.

AMENDMENT TO A BILL.

Mr. MILLER, of California, submitted an amendment intended to be proposed by him to the bill (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;" which was ordered to lie on the table and be printed.

Mr. HARRIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 53 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 22, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

READING OF THE JOURNAL.

Mr. RYAN. Mr. Speaker, I move, by unanimous consent, in the reading of the Journal that that portion which relates to the formal introduction of and reference of bills and joint resolutions be dispensed with.

There was no objection, and it was ordered accordingly.

The remaining portion of the Journal was then read and approved.

H. A. OLCOTT.

Mr. EATON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That Henry A. Olcott be paid out of the contingent fund of the House the sum of $3.60 per day for services as messenger in the office of the Clerk of the House, to be assigned to duty in the House library, until otherwise ordered by the House.

WILLIAM H. MILAM.

Mr. BROWNE, of Indiana, by unanimous consent, introduced a bill (H. R. 3927) granting a pension to William H. Milam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. GIBSON.

Mr. ROBERTSON, by unanimous consent, introduced a bill (H. R. 3928) for the relief of William R. Gibson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. BEACH. Mr. Speaker, I rise to a personal explanation. Yesterday, when the vote was taken on the resolution of the gentlemen from Indiana [Mr. HOLMAN] in relation to the public lands, I was unavoidably absent. If I had been present, I would have voted in favor of the resolution.

PRINTING OF DIGEST.

Mr. COX, of New York. Mr. Speaker, I ask unanimous consent for the adoption of the resolution which I send up to the Clerk's desk.

The Clerk read as follows:

Resolved, That there be printed and bound, under the direction of the Journal Clerk, 250 copies of the Digest for the present session, for the use of committees of the House and officers of the two Houses and heads of Departments and bureaus.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. I think all these measures should go the Committee on Printing.

Mr. COX, of New York. The Committee on Printing takes cognizance only of matters where the printing is over $500. This will cost $107. The work is already stereotyped, and there is a necessity members and officers should have the copies which are here provided for. It is the usual resolution, and I hope there will be no objection to it.

Mr. HOLMAN. I retain the motion to object. I wish simply to say that every gentleman must see how enormous this item of printing and binding has become, and I think the whole subject should be referred to that committee of the House having jurisdiction of it.

The SPEAKER. Does the gentleman consent to its reference?

Mr. COX, of New York. If the gentleman from Indiana objects, of course I can not help it. Let it be referred.

The resolution was received, and referred to the Committee on Printing.

OLEOMARGARINE.

Mr. PARKER. I ask unanimous consent to present the following preamble and resolution for action at this time.

The Clerk read as follows:

Whereas it is alleged that the interests of the American agriculturists and dairymen are greatly and unjustly injured by the manufacture, sale, and use of oleomargarine, butterine, suine, and imitation, artificial, and adulterated butters of different kinds, and of adulterated and imitation compounds and mixtures sold and consumed as dairy products; and

Whereas it is alleged that fat and oils of hogs and cattle and of other animals, and also that vegetable oils, are used in the making and compounding of suine, oleomargarine butter, butterine, and adulterated and imitation dairy products, and also that such fats and oils are used and are imported and are exported to be used for the making and compounding of such artificial, adulterated, and imitation dairy products, and that such adulterated imitation compounds are surreptitiously sold in this country and elsewhere in competition with genuine dairy products, greatly to the injury of the agriculturists and dairymen of the United States; and

Whereas it is alleged that the manufacture, sale, and exportation and disposition of said compounds, materials, and commodities is so conducted as to avoid general publicity and to prevent the obtaining of accurate or desirable statistics in relation thereto, and to mislead and deceive the consumer as to the actual character, composition, and ingredients thereof: Therefore,

Resolved, That the Committee on Agriculture be, and hereby is, instructed to inquire into and investigate the said allegations and ascertain the facts relating thereto, and the facts and statistics of the adulterated and imitation compounds and mixtures of dairy products, and of the materials composing the same.

Mr. RANDALL. This matter has heretofore been referred to the Committee on Ways and Means.

Mr. WHITE, of Kentucky. I think the resolution should be referred to the Committee on Ways and Means.

The SPEAKER. The Chair understands objection is made to the present consideration of the resolution.

Mr. PARKER. I ask unanimous consent, then, that the resolution be referred to the Committee on Agriculture.

The SPEAKER. The Chair thinks that the subject belongs under the rules to the Committee on Ways and Means, but the gentleman from New York has the right to submit his motion for its reference to the Committee on Agriculture.

Mr. KELLEY. The subject was before the Committee on Ways and Means during the last Congress, and, in my judgment, certainly belongs to that committee.

Mr. PARKER. If I may be permitted to say a word——

The SPEAKER. This is not debatable.

Mr. PARKER. I desire simply to answer a single suggestion of the gentleman from Pennsylvania. The bill of last year to which he refers provided for taxing oleomargarine. This rule provides for obtaining statistics and facts, not with reference to the effect upon revenue and

taxation, but with reference to its effects upon the interests of the farming community generally. Therefore it is a subject that should go properly to the Committee on Agriculture, relating, as it does, to that branch of our national industries.

Mr. RANDALL. There seems to be a clear distinction between the two, and I am willing on my part and ready to recognize that distinction. So far as my objection goes, therefore, I withdraw it.

Mr. KELLEY. If this is a mere inquiry, I withdraw the objection which I have made.

The SPEAKER. Without objection, the resolution will be referred to the Committee on Agriculture.

Mr. WILSON, of Iowa. That is the child the Committee on Agriculture takes the most pride in.

The SPEAKER. Is there objection to the reference requested?

There being no objection, the resolution was referred to the Committee on Agriculture.

DANIEL H. B. DAVIS.

Mr. HUTCHINS, by unanimous consent, introduced a bill (H. R. 3929) for the relief of Daniel H. B. Davis; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IRON MOUNTAIN RAILROAD.

Mr. DAVIS, of Missouri, by unanimous consent, introduced a bill (H. R. 3930) to repeal section 1 of the act entitled "An act making a grant of lands in alterate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RYAN addressed the Chair.

Mr. RANDALL. I must ask the regular order.

The SPEAKER. The Chair understands that the gentleman from Kansas desires to ask the House to fix a special order.

Mr. RANDALL. I will yield for that purpose.

EULOGIES ON THE LATE DUDLEY C. HASKELL.

Mr. RYAN. I ask consent of the House to present at this time and move the adoption of the order which I send to the desk.

The Clerk read as follows:

Ordered, That Thursday, the 28th of February next, at 2 o'clock p. m., be fixed as the time for delivering appropriate tributes to the memory of the late DUDLEY C. HASKELL, late a Representative from the State of Kansas.

The SPEAKER. Without objection, the order will be made.

There was no objection.

ORDER OF BUSINESS.

Mr. RANDALL. I now demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

NORTHERN JUDICIAL DISTRICT, ALABAMA.

Mr. CULBERSON, of Texas, from the Committee on the Judiciary, reported, as a substitute for H. R. 24, a bill (H. R. 3931) to create an additional United States judicial district and to establish circuit and district courts for the northern district of Alabama; which was read a first and second time, referred to the House Calendar, and ordered to be printed.

JUDICIAL DISTRICTS OF TEXAS.

Mr. CULBERSON, of Texas, from the Committee on the Judiciary, also reported back with favorable recommendation the bill (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts," and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SPANISH FERRY-BOAT NUESTRA SEÑORA DE REGLA.

Mr. DORSHEIMER, from the Committee on the Judiciary, reported back with favorable recommendation the bill (H. R. 2842) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NORTHERN JUDICIAL DISTRICT, NEW YORK.

Mr. DORSHEIMER, from the Committee on the Judiciary, also reported back with favorable recommendation the bill (H. R. 1090) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF BILLS.

Mr. TUCKER, from the Committee on the Judiciary, reported back the bill (H. R. 646) to reform the civil service, with the recommendation that said committee be discharged from its further consideration, and that the same be referred to the Committee on Reform in the Civil Service.

The change of reference was so ordered.

Mr. TUCKER, from the Committee on the Judiciary, also reported back the bill (H. R. 597) to aid in the support of common schools, with the recommendation that said committee be discharged from its further consideration, and that the same be referred to the Committee on Education.

The change of reference was so ordered.

Mr. TUCKER, from the Committee on the Judiciary, also reported back the bill (H. R. 946) to reorganize the legislative power of Utah Territory, with the recommendation that said committee be discharged from its further consideration, and that the same be referred to the Committee on the Territories.

The change of reference was so ordered.

Mr. TUCKER, from the Committee on the Judiciary, also reported back the bill (H. R. 596) to lessen crime and human suffering from alcoholism by restricting the use of distilled spirits to scientific, mechanical, and medicinal purposes, with the recommendation that the said committee be discharged from its further consideration, and that the same be referred to the Select Committee on the Alcoholic Liquor Traffic.

The change of reference was so ordered.

RAILROAD LAND-GRANTS.

Mr. TUCKER. Mr. Speaker, I am instructed by the Committee on the Judiciary to report back a number of bills which were referred to that committee in reference to railroad land-grants, and for other purposes, and ask to have read in this connection the report of the committee submitting to the House the question as to the proper reference of these bills.

The SPEAKER. Does the committee ask to be discharged from the further consideration of the bills to which reference is made?

Mr. TUCKER. The committee submit the question of reference to the House as to whether these bills are to be referred to the Committee on the Judiciary as well as to the Committee on the Public Lands. It is the desire of the committee that the House shall determine to which they should be referred.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on the Judiciary, to which have been referred House bills numbers 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, respectfully report:

It seems that all of these bills have been referred to the Commtttee on the Public Lands and are now under consideration by that committee.

That committee has preferred a request to this committee asking that consideration of these bills be referred to that committee.

It is not desirable that two committees of this House should be engaged in the consideration of the same subject, upon which contrary conclusions may be reached and thus present diverse views to the House for its action.

While, therefore, this committee does not desire to take jurisdiction of any question not clearly within its powers, it is not willing to decline a duty properly devolving upon it.

This committee, therefore, reports back all of the foregoing bills to the House, that it may decide upon the conflict of jurisdiction between the two committees arising out of the reference of them to both committees; and this committee submits to the action of the House the question of the duty of this committee in the premises.

All of which is respectfully submitted.

Mr. RANDALL. I would like to ask the gentleman from Virginia [Mr. TUCKER] what action he desires in reference to this matter.

Mr. TUCKER. I desire the action of the House upon the question whether the Committee on the Judiciary shall consider those bills or whether the consideration of them shall be left to the Committee on the Public Lands.

Mr. RANDALL. It is really a question of order and jurisdiction, and I think to that extent would be a privileged question. And I remember on a like occasion, if I am not mistaken, it was so held to be a question of privilege. In this instance the report might perhaps go to the House Calendar; or it might, to secure more speedy action, go to the Committee on Rules, which would have the right to report at any time thereon; or the report might be made after this hour and the House precipitated into a decision at once.

I have no feeling on the subject except to have an early and intelligent conclusion reached.

Mr. RYAN. I think there ought to be some action on this question by the House.

Mr. PAYSON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. Is it not in order now, in the present condition of this report, to move a reference of these bills to the Committee on the Public Lands?

The SPEAKER. That is not in order. Such a motion would have been in order if the Committee on the Judiciary had asked to be discharged from the further consideration of these bills, but the committee has not made such a request.

The Chair desires to say that while he has no doubt this is a matter

of privilege, yet it is like every other matter; the House can not act upon it unless some question is made, some motion is submitted; and up to the present time no motion whatever has been submitted; and this report would go to the Calendar, as other reports.

Mr. PAYSON. I desire to move that these bills be referred to the Committee on the Public Lands.

The SPEAKER. These bills are still before the Committee on the Judiciary, as the Chair understands, that committee not having asked to be discharged from their further consideration.

Mr. REED. As I understand it the attitude of the Judiciary Committee in regard to this subject is this: The House have referred a number of bills relating to this subject to the Judiciary Committee, having also referred a number of bills relating to this subject to the Committee on the Public Lands, and everybody will recollect the action of the House yesterday. It is very desirable that all these bills should be referred to one committee, that there may be no conflict of jurisdiction upon the subject; and while the Judiciary Committee regard this as clearly and plainly a question within their jurisdiction under the rules of the House, as it must result in a judicial proceeding, nevertheless they desire, under the peculiar circumstances of this case—and the House will see without further explanation how peculiar they are—that the House should take action on the subject without reference, as I understand it, to any formalities in regard to discharging the Committee on the Judiciary from the further consideration of these bills.

If the House desires, as the indications seem to be, that these matters should go to the Committee on the Public Lands, it is for the House to decide immediately and to relieve the situation from its embarrassment. I believe I am expressing the ideas of the committee on the subject. While they regard it as a matter plainly within their jurisdiction, the House not having indicated thus far a decided disposition on the subject, it was felt desirable it should be brought before the House in order that it might take ultimate action in regard to it undisturbed by any desire on our part, because we have no desire on the subject.

Mr. RANDALL. I would further remark that if this report goes to the House Calendar it can be reached to-day by a motion to proceed to the consideration of the House Calendar, and that suggestion is in harmony with the judgment of the Chair that it should go there.

Mr. REAGAN. I desire to inquire of the Chair whether it is in order now to move to discharge the Committee on the Judiciary from the further consideration of these bills.

The SPEAKER. The House can now only deal with the reports made by the committee.

Mr. RANDALL. And under the rule they go——

The SPEAKER. To the House Calendar. The report will be printed and referred to the House Calendar.

Mr. PAYSON. Does the Chair decide that the motion is not in order at this time to refer these bills?

The SPEAKER. The Chair decides it is not in order at this time to move to discharge the Committee on the Judiciary from the further consideration of these bills, because the committee itself has made no such recommendation.

Mr. RANDALL. It does not require a motion to send this report to the Calendar. It goes by force of the rule.

The SPEAKER. But the gentleman from Illinois [Mr. PAYSON] desires to have the bills referred to the Committee on Public Lands.

Mr. PAYSON. If I may be pardoned for one suggestion, is not the report of the Committee on the Judiciary tantamount to a request to be discharged from the further consideration of these bills? They report the bills back and ask the action of the House in reference to them. If that is not tantamount to a request to be discharged from their further consideration, then I do not know what it is.

The SPEAKER. The Chair understands this report to be in the nature of a request to the House to instruct the Committee on the Judiciary whether or not it shall exercise jurisdiction over the subject.

Mr. REED. That is it exactly.

The SPEAKER. The report will go the House Calendar, and when reached the House can take such action upon it as it may desire.

The report was accordingly placed on the House Calendar, and ordered to be printed.

MARINE HOSPITAL BUILDING AT NATCHEZ, MISS.

Mr. MOULTON, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 2334) to release the American Baptist Home Mission Society from the conditions of the sale of the marine hospital building and grounds at Natchez, Miss.; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

CLERKS FOR COURTS IN GEORGIA.

Mr. BISBEE, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 163) providing for the appointment of clerks in circuit and district courts in the southern district of Georgia; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

STATE NATIONAL BANK OF BOSTON.

Mr. ADAMS, of Illinois, from the Committee on Banking and Currency, reported back the bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass., and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on the Judiciary.

The motion was agreed to, and it was ordered accordingly.

BRIDGE OVER REPUBLICAN RIVER, KANSAS.

Mr. REAGAN, from the Committee on Commerce, reported back Executive Document No. 21, first session Forty-eighth Congress, being the message of the President of the United States, transmitting a communication from the Secretary of War relative to a reconstruction of the bridge over the Republican River at or near Fort Riley, Kans., and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Appropriations.

The motion was agreed to; and it was ordered accordingly.

HENRY Z. BLINN.

Mr. STEELE, of Indiana, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 351) authorizing the muster-in and discharge of Henry Z. Blinn; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BOUNTIES.

Mr. MAGINNIS, from the Committee on Military Affairs, reported back the following bills, and moved that the committee be discharged from their further consideration, and that the same be referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay:

A bill (H. R. 1252) for the relief of certain enlisted veteran volunteers;

A bill (H. R. 1418) authorizing the payment of bounty to Patterson T. Campbell;

A bill (H. R. 1050) directing the payment of a bounty to Thomas Casey; and

A bill (H. R. 1205) for the relief of William Elder.

Mr. WARNER, of Ohio. Is the motion of the gentleman to discharge the Committee on Military Affairs from the further consideration of these bills and to refer the same to the Select Committee on Payment of Pensions, Bounty, and Back Pay?

The SPEAKER. That is the report of the Committee on Military Affairs.

Mr. WARNER, of Ohio. Are they not simply claims?

The SPEAKER. The Chair does not know what the bills are. The report of the committee is that it be discharged from the further consideration of these bills, and that the same be referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Mr. MAGINNIS. The Committee on Military Affairs instructed me to make that report. Of course we have no choice as to the committee to which these bills shall be referred.

The SPEAKER. The Chair supposes, from the titles of the bills, that they relate in some manner to the payment of bounties.

Mr. MAGINNIS. They are all bounty bills.

The motion of Mr. MAGINNIS was agreed to, and it was ordered accordingly.

JAMES M. THOMAS.

Mr. DIBRELL, from the Committee on Military Affairs, reported a bill (H. R. 3932) directing the Adjutant-General of the United States Army to place the name of James M. Thomas on the muster-rolls of Company C, Second Regiment Tennessee Mounted Volunteers, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GENERAL WILLIAM W. AVERILL.

Mr. BAYNE, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 2487) authorizing the retirement of Bvt. Maj. Gen. William W. Averill, United States Army, with the rank and pay of brigadier-general; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. COX, of New York, from the Committee on Naval Affairs, reported back the following bills, and moved that the committee be discharged from their further consideration, and that the same be referred to the Committee on Claims:

A bill (H. R. 3226) for the relief of Davis W. Mullan; and

A bill (H. R. 3314) for the relief of John Jordan.

The motion was agreed to, and it was ordered accordingly.

Mr. COX, of New York, from the Committee on Naval Affairs, rereported back the bill (H. R. 3318) for the relief of J. B. Cornell and others, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on the Judiciary.

The motion was agreed to, and it was ordered accordingly.

Mr. THOMAS, from the Committee on Naval Affairs, reported back the bill (H. R. 2478) for the relief of Charles Perley, and moved that the

committee be discharged from its further consideration, and that the same be referred to the Committee on Claims.

The motion was agreed to, and it was ordered accordingly.

JOHN P. GREGSON.

Mr. THOMAS, from the Committee on Naval Affairs, also reported back with a favorable recommendation the bill (H. R. 257) for the relief of John P. Gregson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HEIRS OF LANGLEY B. CULLEY.

Mr. TALBOTT, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LEGAL REPRESENTATIVES OF CAPT. JOHN G. TOD.

Mr. BUCHANAN, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ASSISTANT ENGINEER JOHN W. SAVILLE.

Mr. BALLENTINE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 2240) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired-list of the Navy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

POSTAL CLERKS.

Mr. REESE, from the Committee on the Post-Office and Post-Roads, reported back with an amendment the bill (H. R. 1325) authorizing the Postmaster-General to pay railway postal clerks detailed as chief clerks of railway mail service actual expenses when traveling on the business of the Department; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

Mr. LEWIS, from the Committee on the Public Lands, reported back bills of the following titles; when the Committee on the Public Lands was discharged from the further consideration of the same, and they were referred to the Committee on Claims:

A bill (H. R. 115) for the relief of William Fowler, sr.;

A bill (H. R. 114) for the relief of Thomas Guineau; and

A bill (H. R. 76) for the relief of Jerome Madden, of California.

TEXAS PACIFIC LAND-GRANT.

Mr. PAYSON. The Committee on the Public Lands have directed me to report, as a substitute for sundry bills referred to them, the bill which I send to the desk.

The SPEAKER. One bill can not be reported as a substitute for several bills, for that would be an attempt to amend various bills in one proposition. The committee to whom this subject has been referred report this as an original bill.

Mr. PAYSON, from the Committee on the Public Lands, reported a bill (H. R. 3933) relative to the Texas Pacific land-grant; which was read a first and second time, referred to the House Calendar, and, with accompanying report, ordered to be printed.

BOUNDARY BETWEEN INDIAN TERRITORY AND TEXAS.

Mr. LANHAM, from the Committee on the Territories, reported back with amendments the bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas; which was referred to the Committee of the Whole House on the State of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT GREENVILLE, S. C.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back without amendment the bill (H. R. 1458) for a public building at Greenville, S. C.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT NEW ALBANY, IND.

Mr. STOCKSLAGER, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 337) to provide for the construction of a public building at New Albany, Ind.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RECOVERIES FOR INFRINGEMENT OF PATENTS.

Mr. VANCE, from the Committee on Patents, reported a bill (H. R. 3934) relating to recoveries for infringements of patents; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SEPTIMIA R. MEIKLEHAM.

Mr. STOCKSLAGER. I desire to present at this time the views of a minority of the Committee on Pensions upon the bill (H. R. 999) granting a pension to Septimia R. Meikleham.

The SPEAKER. The gentleman from Indiana, in accordance with the permission granted by the House, presents the views of a minority of the committee on the bill named by him, which will be printed with the report of the majority.

S. D. HOUSTON.

Mr. WOOD, from the Committee on Claims, reported back adversely the bill (H. R. 523) for the relief of S. D. Houston; which was laid on the table, and the accompanying report ordered to be printed.

DAMAGES BY CYCLONE.

Mr. WOOD, from the Committee on Claims, also reported back adversely the bill (H. R. 520) for the payment of damages to officers stationed at Fort Riley, Kans., for property destroyed by cyclone April 7, 1882; which was laid upon the table, and the accompanying report ordered to be printed.

JOSIAH H. PILLSBURY.

Mr. WOOD, from the Committee on Claims, also reported back adversely the bill (H. R. 524) for the relief of Josiah H. Pillsbury; which was laid upon the table, and the accompanying report ordered to be printed.

JAMES H. AYRES.

Mr. PRICE, from the Committee on Claims, reported back with amendments the bill (H. R. 723) for the relief of James H. Ayres; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. O. RAWLINS.

Mr. VAN ALSTYNE, from the Committee on Claims, reported back favorably the bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF FROM CHARGE OF DESERTION.

Mr. GEDDES, from the Committee on War Claims, reported, as a substitute for House bill 319, a bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN F. MILLARD.

Mr. GEDDES, from the Committee on War Claims, also reported, as a substitute for House bill 2604, a bill (H. R. 3936) for the relief of Benjamin F. Millard; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIS N. ARNOLD.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 3937) for the relief of Willis N. Arnold; which was read a first and second time, referred to the Committee on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. GEDDES, from the Committee on War Claims, also reported back adversely the following cases; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1477) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected;

A bill (H. R. 861) for the relief of Mrs. Jane E. Limes; and

Petition of Julian Bedford.

HIRAM JOHNSON.

Mr. TAYLOR, of Tennessee. I ask that the report on this case of the bill H. R. 1477 be referred to the Committee of the Whole House on the Private Calendar.

There was no objection, and it was ordered accordingly.

CHANGE OF REFERENCE.

On motion of Mr. GEDDES, the Committee on War Claims was discharged from the further considerations of the following cases, and they were referred to the Committee on Claims:

A bill (H. R. 1757) to empower Robert Adger to bring suit in the Court of Claims for rent alleged to be due him;

A bill (H. R. 1758) to empower Mitchell King, executor, to bring suit in the Court of Claims for rent alleged to be due him; and

A bill (H. R. 3480) for the relief of Bridget Leary.

ANNA ELLA CARROLL.

On motion of Mr. GEDDES, the Committee on War Claims was dis-

charged from the further consideration of the bill (H. R. 3225) for the relief of Anna Ella Carroll; and the same was referred to the Committee on Military Affairs.

ADVERSE REPORTS.

Mr. STORM, from the Committee on War Claims, reported back adversely the following cases; and the same were severally laid on the table, and the accompanying reports ordered to be printed:

Petition of Anna E. Connell;

Petition of A. H. Gardner, of Pike County, Missouri;

Petition of W. Ann Barnes, of Texas; and

Petition of James A. Bowling, of Haywood County, Tennessee.

ELIZABETH TOOP.

Mr. WELLER, from the Committee on War Claims, reported back adversely the petition of Mrs. Elizabeth Toop, of Shelby County, Tennessee; and the same was laid on the table, and the accompanying report ordered to be printed.

J. H. HAMMOND.

Mr. JONES, of Wisconsin, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 1327) for the relief of J. H. Hammond; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SANTIAGO DE LEON.

Mr. JONES, of Wisconsin, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 1724) for the relief of Santiago de Leon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. JONES, of Wisconsin, from the Committee on War Claims, also reported back with adverse recommendation a petition and bill of the following title; which were severally laid on the table, and the accompanying reports ordered to be printed:

Petition of H. J. Cansey, of Corinth, Alcorn County, Mississippi, for horses, cattle, bacon, sugar, and lumber, amounting to $5,012.50; and

A bill (H. R. 864) for the relief of Joseph A. Briley.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back with an adverse recommendation petitions of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

Petition of John O. Graves, of Fayette County, Tennessee;

Petition of John A. Gwin, of Marshall County, Mississippi, for quartermaster's stores; and

Petition of Indiana E. Hughes, of Colliersville, Tenn.

Mr. EVERHART, from the Committee on War Claims, reported back with adverse recommendations petitions of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

Petition of John M. Priddy, of Lexington, Tenn.;

Petition of W. W. R. Elliott, of Hardeman County, Tennessee, for quartermaster's stores;

Petition of John E. Lewis, of Haywood County, Tennessee;

Petition of John J. Hill, of Gibson County, Tennessee; and

Petition of James E. Wood, of Trenton, Tenn.

MRS. MYRA CLARK GAINES.

Mr. COSGROVE, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 1000) for the relief of Mrs. Myra Clark Gaines; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The call of committees was then resumed and concluded.

The SPEAKER. The call of committees for reports has now been concluded.

Mr. HOPKINS. I was not present when the Committee on Labor was called, and desire to ask consent of the House for the reference of certain bills which were referred to the Committee on Education and Labor before the division of the committee. I ask that they be referred to the Committee on Labor.

The SPEAKER. If there be no objection, the request of the gentleman from Pennsylvania will be complied with.

There was no objection.

CHANGE OF REFERENCE OF BILLS.

On motion of Mr. HOPKINS, by unanimous consent, the following bills and joint resolution, heretofore referred to the Committee on Education and Labor, were referred to the Committee on Labor:

A bill (H. R. 2550) to prohibit the importation and migration of foreigners or aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia;

A bill (H. R. 1340) to establish and maintain a department of labor statistics;

A bill (H. R. 1006) to settle accounts of laborers;

A bill (H. R. 995) to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of persons incarcerated for violating the laws of the Government of the United States of America;

A bill (H. R. 894) to establish a bureau of labor statistics;

A bill (H. R. 649) to establish a bureau of statistics of labor and industry; and

A joint resolution (H. Res. 34) proposing an amendment to the Constitution of the United States.

PRINTING FOR COMMITTEE ON COMMERCE.

Mr. REAGAN. I want to ask unanimous consent of the House to adopt a resolution which I am instructed to offer by the Committee on Commerce, asking authority to have in their discretion certain printing done by the Public Printer. The discussions before the committee on the interstate-commerce bill will be commenced on Thursday next, and it is desirable to have them printed for the use of the committee.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Committee on Commerce be authorized to have such printing done at the Government Printing Office as it may deem proper and may order.

Mr. RANDALL. Let it go to the Committee on Printing.

Mr. REAGAN. I am instructed by the Committee on Commerce to ask the immediate adoption of the resolution, in order that we may have the matter to which I have referred printed without delay. I will say to the gentleman from Pennsylvania that the discussion on the interstate-commerce bill in the committee will begin on Thursday, and it is the desire of the committee to have such portions of it printed as they may deem advisable.

Mr. RANDALL. Let the resolution be again reported.

The resolution was again read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RANDALL. I have no objection.

The resolution was agreed to.

Mr. REAGAN moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILKINS. I ask unanimous consent to make a report from the Committee on Banking and Currency for present consideration.

Several members called for the regular order.

GREELY RELIEF EXPEDITION.

Mr. RANDALL. I move that the House now resolve itself into Committee of the Whole House on the state of the Union. And I further desire to ask unanimous consent that when we are in Committee of the Whole House on the state of the Union we may proceed immediately to the consideration of the joint resolution making an appropriation for the Greely relief expedition.

The SPEAKER. That order can be made by unanimous consent. The gentleman from Pennsylvania asks unanimous consent that when the House is in Committee of the Whole House on the state of the Union prior orders shall be set aside, and that the committee shall proceed immediately to the consideration of the joint resolution making an appropriation for the Greely relief expedition. Is there objection?

There was no objection, and it was so ordered.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union. By order of the House all prior bills on the Calendar are passed over in order to reach the joint resolution which the Clerk will now report.

The Clerk read as follows:

Joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and is hereby, authorized to prepare and dispatch an expedition to the coast of Greenland, Smith's Sound, or Lady Franklin Bay, for the purpose of relieving and bringing home Lieut. A. W. Greely and party, and that for this purpose the purchase of not exceeding three vessels is authorized, and all expenditures necessary for manning, equipping, and supplying them, and for any land journeys which may be required, and such sums as may be necessary to effect the object of this resolution are hereby appropriated out of any moneys in the Treasury not otherwise appropriated; the vessels purchased to be sold after their return and the money arising from such sale covered into the Treasury.

And the President shall submit to Congress on the first Monday of December, 1884, a full and detailed account of all expenditures and outlays made on account of this appropriation.

Mr. RANDALL. Mr. Chairman, as other matters are pressing, I shall endeavor to be brief in explanation of the joint resolution just read, and shall ask the privilege of inserting in the RECORD quotations from the various reports of the Government officials in reference to this matter as they appear in the annual reports, and will also insert portions of the communications recently received from the President.

In 1881 a vessel was sent by authority of law to Lady Franklin Bay, and reached there without difficulty, finding an open sea, which was a

most unusual event. The vessel (Proteus) that took the party known as the Greely expedition, numbering in all twenty-two persons, left Lieutenant Greely and his men at that point and then returned to the United States, the theory of the expedition being to establish a station there and to establish stations farther north, reaching such points by land, and thus approach nearer to the North Pole.

They arrived at Lady Franklin Bay, I think, on the 11th day of August, 1881 The understanding between Lieutenant Greely and the Government officers was that a relief should be sent to him in 1882 and another in 1883. In the summer of 1882 a vessel called the Neptune was sent, but was unable, owing to the ice, to reach the point where they were ordered to go so as to supply the expedition with succor at some place on Grinnell Land; and not being able to reach that point, they took the precaution to leave a supply of provisions at Littleton Island and at Cape Sabine.

Last year, in harmony with the agreement made with Lieutenant Greely, the Proteus was again sent to his relief; and in addition the Secretary of the Navy was given the discretion to send a naval vessel to accompany the Proteus. The Yantic did accompany the Proteus. At some point north of the mouth of Smith's Sound the Proteus was enveloped in ice and destroyed. Then became apparent the wisdom of the Yantic accompanying the Proteus, afterward destroyed, for she brought back officers and crew who were on board the Proteus.

This appropriation is in obedience to humanity, to the agreement made with Lieutenant Greely; and it may result in promoting the objects of these North Pole expeditions.

[Extracts from annual report of Secretary of War.]

The report of the Chief Signal Officer shows, somewhat in detail, the measures taken in pursuance of a provision in the sundry civil act of 1883 to bring back to this country the two Arctic expeditions, one at Lady Franklin Bay, and the other at Point Barrow. The report of the Chief Signal Officer, being for the year ending June 30, 1883, does not include the subsequent history of the relief expeditions. The Point Barrow party has safely returned.

On June 29 last, a well-equipped relief party sailed on a hired steam-sealer, the Proteus, from St. John's, Newfoundland, with instructions to reach Lady Franklin Bay, if possible, and to bring back Lieutenant Greely and his party. Arrangements were here made with the Navy Department to have the United States steamer Yantic accompany the sealer as far north as it was safe for the Yantic to go, so that it might render any assistance in what it was not improbable would be a perilous voyage. It was contemplated that in case the Proteus should not be able to reach Lady Franklin Bay, a well-provided relief station was to be established at a point near the entrance to Smith's Sound, from which, as a base, Lieutenant Greely was to be sought for, with the expectation that both parties would easily be relieved and brought home in the year 1884.

The Proteus, with the relief party and supplies on board, parted from the Yantic at the beginning of the voyage, and penetrated a short distance into Smith's Sound; was there caught in the ice and destroyed, with nearly all its stores. The party on board made its way southward; was finally taken up by the steamer Yantic and brought home, arriving at so late a season that, after careful consideration, it was determined that there was little if any chance of success for another expedition sent north this season, and that the probability of disaster to such an expedition was very great. A copy of a memorandum of the views of the Secretary of the Navy and myself, made at the time, is appended. The general conduct of the relief expedition on the Proteus is being investigated by an Army court of inquiry now in session in the city of Washington.

It will be necessary that early provision should be made to fit out another expedition for the relief of Lieutenant Greely and his party. Their exact situation and condition is only a matter of conjecture. They have had with them at Lady Franklin Bay a supply of food, clothing, and other necessaries entirely sufficient to last them until next summer; and there would be no reasonable apprehension for their safety if it were known that they had remained and were now at Lady Franklin Bay. It is possible, however, that inasmuch as the relief expedition of the year 1882 did not succeed in connecting with Lieutenant Greely, he, in pursuance of prearranged plans, late in the summer of this year, left Lady Franklin Bay to come southward to the entrance of Smith's Sound, and that, relying upon finding there an abundant supply of the necessaries of life, he neglected to burden himself in the southward journey with a greater quantity of provisions and clothing than would be necessary to support his party on the journey. Even in this case his condition would be by no means desperate, for at this point and farther north there are supplies, and if they should prove not sufficient to support him and his party until a vessel can reach him in 1884, it is thought that it would not be impossible for him to retrace his steps and reach the supplies left at Lady Franklin Bay, although such a journey would be disheartening and very difficult, even if his party should be in good condition.

[Extracts from report of Chief Signal Officer of the Army for 1883.]

One of the most important events of the year was the fitting out of the expeditions for the relief of Lieutenant Greely and his party, who have been at Lady Franklin Bay, Grinnell Land, since August 11, 1881, and of another for the recall of Lieutenant Ray from Point Barrow, Alaska. The original purpose of the expeditions, which reached the Arctic a little more than two years ago, was to establish meteorological stations, at which observations should be taken for three years. These observations were to be made simultaneously at similar stations established by the Governments of the Argentine Republic, Austro-Hungary, Denmark, Finland, France, Germany, Great Britain and Canada, Holland, Italy, Norway, Russia, Sweden, and the United States.

These stations made a chain about the pole, and valuable discoveries, adding greatly to the world's knowledge of the laws that govern storms in the northern hemisphere, were anticipated from them by all meteorologists. No one yet knows what has already been accomplished, but Congress has cut short the time, and the officers and men who have been stationed at Lady Franklin Bay and at Point Barrow have been ordered to leave their stations and to return home.

The records of the efforts of last year to reach Lieutenant Greely's party and of the expedition to Point Barrow will be found in an appendix. The party on the Neptune did all that could be done for the accomplishment of the purpose for which they were sent out. They made a brave but unsuccessful struggle against the elements, but the ice-barrier of the summer of 1882 was too strong and heavy to be overcome. It was impossible to sail to the relief of the men at Lady Franklin Bay, and no provision had been made for wintering in the Arctic or for sledging northward. Lieutenant Greely was supplied with provisions for another year, unless some unforeseen accident had destroyed them. The Neptune party therefore cached supplies as near as possible to the points directed the year before by Lieutenant Greely. A cache was made at Littleton Island and another at Cape Sabine, while one established by Lieutenant Greely, and subsequently destroyed by bears, was rebuilt. Records and directions for finding the hidden provisions were left in prominent places, and signals were erected to point out the spots where the directions for finding the stores were concealed.

Point Barrow was reached after a stormy voyage in a small schooner, and Lieutenant Ray's party was supplied. Its records of observations taken during the year will be found in the appendix. The detailed reports of Lieutenants Ray and Powell, and the report made by Mr. Winslow Upton, computer, on the observations for the determination of the longitude of this station, have already been published in Signal Service Notes No. 5, and are omitted, therefore, from the appendices to this report.

On June 29 of this year Lieut. Earnest A. Garlington, of the Seventh Cavalry, sailed in the Proteus, the same vessel which carried Lieutenant Greely to his station, for Lady Franklin Bay. Through the courtesy of the Secretary of the Navy, the United States steamship Yantic accompanied the sealer which had been chartered by this service. Lieutenant Garlington had with him seven men; five from the line of the Army and two Signal Corps men. Lieutenant Garlington will make every effort to reach Lady Franklin Bay by steamer. If he shall fail, Lieutenant Greely and his party will doubtless start southward by boats as soon as the season permits, not later than September 1. At all events it is thoroughly understood that they must be reached. The instructions given to Lieutenant Garlington clearly and fully show him the necessity for doing everything possible to be done to reach Lady Franklin Bay with the Proteus.

When Lieutenant Greely reached his destination he sent back instructions as to how a relief expedition should proceed and where stores should be cached. As nearly as practicable these instructions were followed in 1882, and there was pointed out to Lieutenant Garlington, before he left Washington, the course he should take to insure communication with the Greely party conformably to this plan should it be making its way south as he proceeded north. To facilitate communication, the members of Lieutenant Garlington's command were instructed in signaling with flags and heliographs, and a supply of Very Signals were taken for use at night.

Necessary provision was made as far as possible for giving Lieutenant Greely notice of the efforts making for his relief, by leaving records at all points where the party may land. If Lieutenant Garlington finds it impossible to reach Lady Franklin Bay with his vessel, he is directed to send back the Proteus to St. John's, Newfoundland, and to land at Life Boat Cove. He has been provided with materials for a house, and with sledges, and he procured the necessary dogs at Godhaven, Greenland. The house is large enough for the combined parties, those of Lieutenants Greely and Garlington, who will remain in this shelter until they can be relieved next year. As soon as the landing is effected, Lieutenant Garlington will proceed north, taking his hardiest men as far as Cape Sabine, and if, by that time, he shall not have met Lieutenant Greely, he will, with a smaller number, sledge still farther north until the object of his expedition shall be accomplished.

No pains have been spared to make the outfit of the relieving party complete for the serious and hazardous work which they have volunteered to do. In addition to the force taken from the United States three experienced icemen were taken on board the Proteus at St. John's, for the selection of whom the service is indebted to Consul Malloy. Esquimaux, as many as may be needed, were secured in Greenland.

[Extract from the message of the President, recently communicated to Congress.]

In the plans for the relief of this party, as arranged with Lieutenant Greely, it was contemplated that an effort would be made to communicate with him and furnish him any needed assistance in 1882 and again in 1883. Subsequently legislation was enacted which required the expedition of 1883 to bring that party home. It was a part of the arrangement that if communication should not be made with him on or before the 1st of September, 1883, he should, with his party, abandon his station at Lady Franklin Bay not later than the above-mentioned date, and proceed southward, and would find a well-supplied relief station at the entrance to Smith's Sound, a point where it would not be difficult to reach him during a part of each year.

The expeditions of 1882 and 1833 were sent; but neither one of them was able to communicate with Lieutenant Greely, and the last one failed to accomplish any part of its object beyond leaving a very small quantity of stores in the neighborhood of the entrance to Smith's Sound.

The situation of Lieutenant Greely and his party, under these circumstances, is one of great peril, and in presenting the preliminary views of the board appointed by me to take into consideration an expedition for their relief, I urgently recommend prompt action by Congress to enable the recommendations of the Secretary of War and the Secretary of the Navy to be carried out without delay.

WAR DEPARTMENT,
Washington City, January 17, 1884.

SIR: The board of officers of the Army and Navy, convened by your order of the 17th of December, 1883, to consider an expedition to be sent for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition, of which order a copy is inclosed, has made a preliminary statement to the Secretary of War and the Secretary of the Navy, from which it appears that the board is of the opinion that the control of the expedition should be committed to the Navy Department, and that it is indispensable that it should be on the ground at the earliest possible time. There is no record of a vessel having passed Cape York, the northernmost point of Melville Bay, before the 1st of June, and therefore the expedition should arrive at Upernavik, the most northern Danish settlement in Greenland, not later than May 20, and should be fitted and in complete readiness to leave New York not later than May 1.

The board is also of opinion that the relief expedition should have such an equipment that in any event it will be able to reach Lady Franklin Bay, and that it should consist of at least two vessels, each having supplies for a period of two years, not only for its own crew, but for the crew of the other vessel and for the men composing Lieutenant Greely's party at Lady Franklin Bay.

The board recommends the immediate purchase of two full-powered steam-whalers or steam-sealers of from five hundred to six hundred tons displacement, and that these vessels should be thoroughly equipped with boats and sleds.

We have the honor to communicate these recommendations to you with our concurrence in them, and have further to express the opinion that it may also be deemed wise to dispatch a smaller and less completely equipped vessel as an advance ship, which may be able to take greater risks in early spring navigation than would be considered justifiable in the case of the two steam-sealers, upon which the ultimate success of the expedition may depend.

We have therefore to recommend that Congress be requested to authorize the President to prepare and dispatch an expedition to the coast of Greenland, Smith's Sound, or Lady Franklin Bay for the purpose of relieving and bringing home Lieut. A. W. Greely and party, and that for this purpose there be authorized the purchase of two or more steam vessels, and also all expenditures necessary for manning, equipping, and supplying them, and for any land journeys which may be required, the vessels to be sold, if deemed advisable, after their return, and that such sums as may be necessary to effect this object may be appropriated.

Very respectfully, your obedient servants,

ROBERT T. LINCOLN,
Secretary of War.
WM. E. CHANDLER,
Secretary of the Navy.

The PRESIDENT.

If there are any questions which gentlemen desire to address to me I shall be glad now to hear them, and thereafter I shall not further encroach upon the time of the committee.

Mr. DINGLEY. I desire to ask the gentleman from Pennsylvania a single question with reference to the construction of the joint resolution which has been reported. The resolution authorizes the President to purchase not exceeding three vessels. Is it understood by this language that the President is authorized not only to purchase three vessels that may be already built, but also, if he thinks it desirable, to enter into a contract to purchase vessels to be built? If the joint resolution grants full power in both cases, I am content with it; but if it does not, I desire to propose an amendment.

Mr. RANDALL. I am only able to answer that question for myself, and I will answer it in a few sentences. I believe the words "purchase of not exceeding three vessels" would embrace vessels built or vessels to be built.

Mr. DINGLEY. That is satisfactory.

Mr. MILLS. I wish to ask the gentleman from Pennsylvania if he can inform the committee about how much appropriation this joint resolution will cover?

Mr. RANDALL. In reply to the gentleman from Texas I desire to say we have thought best, after the fullest consideration in the Committee on Appropriations, to make this an exception to the general rule and not make any limitation as to the amount appropriated; because if we were to restrict the President of the United States, whom we can all I think safely trust in this particular, we might find that that restriction would be injurious and not in the direction of economy, in so far at least as the purchase of ships is concerned; and considering moreover the usual disposition of those fitting out these expeditions to go up to the maximum of a fixed appropriation, the committee concluded to trust it to the discretion of the President. We hope therefore we can rely upon the President in having these expenditures, in view of the past heavy outlays, brought to the most economical limits.

Mr. BLOUNT. I would like to ask the gentleman from Pennsylvania a question: Whether the sum desired by this bill is intended not only for the relief of Lieutenant Greely but for the continuation of the expedition?

Mr. RANDALL. We do not so understand it.

Mr. BLOUNT. I did not understand the resolution that way, but I did not know but it might be so construed.

Mr. RANDALL. I have no such information as would lead to any forced construction of that sort. We understand that the President of the United States, acting by and with the advice of the Secretary of War and the Secretary of the Navy, will confine this appropriation to the relief of the former expedition.

Mr. BLOUNT. I did not know but under the language of the resolution it might possibly be construed otherwise.

Mr. RANDALL. I think the language will not admit of that construction, because the joint resolution in its very language provides that these ships so long as they are in this relief service shall be owned by the Government, but on their return shall be immediately sold and the money covered into the Treasury. If the gentleman will read the language of the joint resolution he will see that those words are embraced in it.

Mr. BUDD. I desire to inquire of the gentleman from Pennsylvania [Mr. RANDALL] if it would not be well to prescribe what kind of sailor shall have charge of this expedition? I believe that the expedition (and men) under De Long was lost because of red tape and the fact that a drawing-room sailor was in charge of it. Nearly all the losses of this kind have been by reason of having these drawing-room sailors in place of old weather-beaten seamen who understand their business.

Mr. RANDALL. I know nothing about the matters the gentleman from California [Mr. BUDD] complains of. I think we can safely leave the selection to the President of the United States; and I will here say that the President should give due consideration to all suggestions made in this House in relation to the administration of laws.

If there is no further discussion desired, I move that the committee rise and report the joint resolution to the House with a recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, and had directed him to report the same back to the House without amendment and recommend its passage.

The joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COBB. If it be in order, I now move that the House proceed to the consideration of business on the House Calendar.

The SPEAKER. That motion is in order.

Mr. SPRINGER. Would it be in order to move to proceed to business on the Speaker's table?

The SPEAKER. Under the rules that motion would have precedence.

The motion of Mr. SPRINGER was not agreed to.

The motion of Mr. COBB was agreed to.

The SPEAKER. The Clerk will report the first business on the House Calendar.

Mr. ROSECRANS. I would like to ask unanimous consent to submit a resolution for reference to the Committee on Accounts.

The SPEAKER. The Chair thinks the present order can not be interrupted for such purpose.

JUDICIAL DISTRICTS OF ALABAMA.

The first business on the House Calendar was the bill (H. R. 24) in relation to the district and circuit courts for the northern district of Alabama, reported back from the Committee on the Judiciary with a substitute, to create an additional United States district and to establish circuit and district courts therein, in the State of Alabama.

The substitute was read, as follows:

Be it enacted, &c., That there shall be, and is hereby, created an additional judicial district in the State of Alabama, to include and embrace the following counties, to wit: Sumter, Greene, Pickens, Tuscaloosa, Bibb, Shelby, Talladega, Clay, Lamar, Fayette, Walker, Jefferson, Blount, Saint Clair, Etowah, Calhoun, Cleburne, Cherokee, and De Kalb, which judicial district shall be known and styled the "East and west judicial district of Alabama."

SEC. 2. That there shall be, and is hereby, established within said judicial district a circuit and district court of the United States, which said courts respectively shall have and exercise all such jurisdiction, original and appellate, within said judicial district, as are now conferred by law upon the circuit and district courts of the United States within and for the northern, southern, and middle judicial districts of the State of Alabama.

SEC. 3. That the circuit judge of the circuit which embraces the judicial district created by this act, and the judges of the district courts for the judicial district of Alabama, shall do and perform all the duties and exercise all the powers which pertain to the offices of circuit and district judges for said court hereby established in the judicial district created by this act.

SEC. 4. That a term of the circuit and district courts for the judicial district created by this act shall be held at the city of Birmingham, in the said county of Jefferson, twice in each year, on the first Mondays in March and September.

SEC. 5. That the district attorney of the northern and middle districts of Alabama shall perform all of his lawful and appropriate duties and functions as such district attorney of the circuit and district courts in and by this act created as by law he is required and authorized to do and perform for the northern and middle district, circuit, and district courts of Alabama.

SEC. 6. That the United States marshal of the northern district of Alabama shall do and perform all of his lawful and appropriate duties and functions for the judicial district, circuit, and district courts of the United States by this act created as by law he is authorized and required to do and perform for the northern district of Alabama. That the said United States marshal for the northern district of Alabama shall permanently reside and keep his office in the city of Huntsville, in the county of Madison, within the northern district of Alabama, and shall appoint a deputy marshal, who shall permanently reside and keep an office in the city of Birmingham, in the county of Jefferson, within the judicial district hereby created. The said deputy marshal, in the absence of the principal, shall do and perform all the duties appertaining to his office in the district created by this act.

SEC. 7. That there shall be appointed for the district court created by this act, by the district judge of Alabama, a clerk, who shall take the oath and give the bond required by law of clerks of the district courts, and who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by law for clerks of the district courts. And there shall also be appointed for the circuit court for said judicial district, by the circuit judge of the circuit which embraces said judicial district, a clerk, who shall take the oath and give the bond required by law of clerks of circuit courts, and who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by law for clerks of circuit courts.

SEC. 8. That this act shall not apply to or affect any suit, prosecution, or proceeding, civil or criminal, commenced or pending in any of the United States district or circuit courts of Alabama on or before the 1st day of August, 1884.

SEC. 9. That this act shall be in force from the 1st day of August, 1884; and all laws and parts of laws in conflict with this act are hereby repealed.

The question was upon agreeing to the substitute.

Mr. HOLMAN. I would like to inquire, before the vote is taken, inasmuch as the original bill has not been reported to the House——

The SPEAKER. The gentleman has the right to have it reported.

Mr. HOLMAN. I do not ask that. I desire to inquire what is the difference between this substitute and the original bill.

Mr. CULBERSON, of Texas. The only difference is that the original bill provided for a new division of the State for the existing districts, and this substitute provides for a new judicial district.

Mr. HOLMAN. I wish to inquire of the gentleman from Texas [Mr. CULBERSON] at how many points in the State of Alabama Federal courts are now held.

Mr. CULBERSON, of Texas. At three.

Mr. HOLMAN. Then this makes the fourth?

Mr. CULBERSON, of Texas. Yes, sir.

Mr. HOLMAN. Mr. Speaker, I do not indulge the remotest hope that this bill will not pass, although I feel very confident that it ought not to pass. But experience has demonstrated the fact that the creation of new Federal courts is a policy which will steadily proceed, greatly to the detriment, as I think, of the State tribunals and to the ultimate enlargement of the Federal judicial powers.

There are now in Alabama three points where Federal courts are held, and this bill proposes a fourth. In my own State the same condition of affairs exists; and yet there I know it to be against the public interest that the courts should be held at more than a single point. The additional expense is entirely unwarranted. The main object of legislation

of this kind has been to advance certain local interests and to create arguments in favor of additional Federal buildings.

But the ground upon which I object to this species of legislation increasing Federal tribunals all over the country is that its tendency is to dwarf your State judicial system and to enlarge the Federal judicial system beyond the necessities and wants of the country. The effect is to enlarge ultimately and steadily the jurisdiction of the Federal courts, there being a number of lawyers in each State interested in a large jurisdiction.

The country is demanding and has been demanding for years past that the jurisdiction of the Federal courts be diminished; and the most considerate men in this country, I think, are in favor of restricting the jurisdiction of the Federal courts to questions arising under the Constitution and laws of the United States. But instead of restriction, the tendency since the epoch of the war has been toward enlargement year by year.

Mr. CULBERSON, of Texas. This bill does not enlarge the jurisdiction of the Federal courts.

Mr. HOLMAN. I agree with my friend that it does not. But any gentleman can very well see that with the enlargement of the number of courts—six or eight in Iowa, four in Alabama, four in Indiana—every local interest is toward enlarging rather than restricting the jurisdiction of the Federal tribunals, thus subjecting the citizen to a jurisdiction beyond the loeation where he ought to be compelled to answer.

Mr. CULBERSON, of Texas. The effect of this bill is just the contrary; it brings the courts nearer the people.

Mr. HOLMAN. Not in view of the tendency to enlarged jurisdiction; for with the enlargement of jurisdiction the citizen is taken away from his county to a remote point, where the Federal court is to be held. In every State of this Union, so far as I know, it is an established principle in deference to the rights of the citizen that a defendant in a legal proceeding before the State court must be sued in his own county or vicinage; he is not compelled to answer elsewhere. One of the effects of the tendency toward an increase of Federal jurisdiction is to deprive the citizen of this right, and take him to some remote point where the Federal tribunal is held.

Now, my friend from Texas will permit me to say that if you are determined upon the policy of enlarging the Federal jurisdiction, if you are intending still further to increase the jurisdiction of the Federal courts, then of course the larger the number of courts the better; for as you increase the number of courts you come nearer the vicinage of the defendant. But if you propose at any time to restrict the Federal tribunals to that jurisdiction which was contemplated in the beginning, then instead of increasing the motive for enlarged jurisdiction you should diminish it.

Mr. HEWITT, of Alabama. Mr. Speaker, I agree with the gentleman from Indiana [Mr. HOLMAN] in his opposition to increasing the jurisdiction of the Federal courts. I think those courts have sufficient jurisdiction now. But this bill, as the gentleman admits, does not increase the jurisdiction of those courts at all. It only brings the court nearer to the litigant, nearer to the people. It enables a poor man, when required in one of these courts to make a defense, to defend himself at less inconvenience and expense.

The Federal courts in Alabama are now held at Huntsville, within about fifteen miles of the Tennessee line; at Mobile, in the extreme southern end of the State; and at Montgomery, over a hundred miles from Birmingham. Huntsville is one hundred miles north of this point, and Mobile over two hundred miles south. Now, if you establish this new district with a court at Birmingham, you do not increase the jurisdiction of the Federal courts, but bring the court nearer to the people and make it more convenient for them when they are litigants. Nor do you increase the expenditure one cent. In fact you save money by bringing the courts nearer to the people; because the Federal Government pays witnesses so much a mile for the distance they are compelled to travel, and the marshals receive mileage for serving writs. Thus by bringing the courts nearer to the litigants you decrease expenditures instead of increasing them.

Mr. OATES. Mr. Speaker, it seems to me that the objection interposed to this bill by the gentleman from Indiana [Mr. HOLMAN] would be an excellent argument if the bill before the House was one for the enlargement of the jurisdiction of the Federal courts. But such is not its character. It is simply a bill for promoting the convenience of the people—not for any enlargement of jurisdiction. If there were a Federal court in every county of Alabama or any other State, the jurisdiction would not thereby be enlarged, but the convenience of the people would be advanced. As every lawyer knows, no suit can be maintained in the Federal courts unless the law gives such courts jurisdiction. It is the law that confers jurisdiction, not the number of courts. Hence I submit there is no force in the gentleman's objection.

Mr. HUNT. Mr. Speaker, I think it clear that the objections made by the gentleman from Indiana [Mr. HOLMAN] will not hold for one moment. The old rule or policy seems to have been that the Congress of the United States would give to the Federal courts as little jurisdiction as the necessities of the times called for, and so that rule was proceeded upon by Congress for a long time in the history of the Government. But of late years the opposite rule has obtained, and now the jurisdiction of the courts of the United States is enforced by act of Congress in terms of the Constitution itself. In other words, sir, the jurisdictional power appears to have been exhausted.

How, then, will the gentleman from Indiana persuade the House that by passing the bill under debate it is going to increase jurisdiction in the Federal courts, when, proceeding under the Constitution, Congress has already made the jurisdiction commensurate with the judicial power of the Union?

It happens, then, that what Chancellor Kent insisted ought to be done has been actually accomplished; and not only is jurisdiction given to the courts of the United States in terms as found in the Constitution, but the grant extends apparently as far as the instrument will allow the Legislature to go. How, then, I ask again, can the gentleman from Indiana argue with success to the House that this is a bill to aggravate the tendency to enlarge jurisdiction in the Federal courts, since it would seem at the present time impossible, at least generally speaking, to enlarge this jurisdiction?

What, then, Mr. Speaker, is the bill before the House? It is a bill for the convenience of the citizens of the State of Alabama; to allow the citizen to be sued with facility at his domicile; to permit the process of the marshal to be served with small cost; to enable parties to attend the sessions of the court, and, if need be, to be put on trial without being dragged hundreds of miles, as was the case in the State of Louisiana in the recent memorable instance of the Grant Parish prisoners.

In the bill under consideration it is for the convenience of the citizen that he is to be sued at his domicile; in protection of his civil liberty and his civil rights; for the convenience of the people of Alabama, the security of their rights, their interests, their liberty, and, in the true sense, of their honor. I hope, therefore, there will be no objection whatever to the passage of the bill, for there can be none in law, none in reason, none in fact, and none growing out of the principles of public convenience and correct practice.

Mr. CULBERSON, of Texas. I demand the previous question on the bill.

Mr. HOLMAN. I trust the gentleman from Texas will permit me to put a question to the gentleman from Louisiana. I wish to ask the gentleman from Louisiana whether he indulges any hope that the jurisdiction of the Federal courts will be diminished so as to confine that jurisdiction to questions arising under the Constitution and laws of the United States——

Mr. CULBERSON, of Texas. I must insist on my demand for the previous question.

Mr. WHITE, of Kentucky. I ask the gentleman not to insist on his demand for the previous question, and to let us have some debate on this bill.

Mr. CULBERSON, of Texas. I demand the previous question on the adoption of the substitute.

Mr. WHITE, of Kentucky. I hope it will not be ordered until this bill has been fully debated.

The SPEAKER. The question is not debatable.

The previous question was ordered.

The substitute was adopted.

Mr. CULBERSON, of Texas. I now demand the previous question on ordering the bill as amended to be engrossed and read a third time.

Mr. WHITE, of Kentucky. I ask the gentleman from Texas whether he will not allow some debate on this proposition.

Mr. CULBERSON, of Texas. I can not yield.

Mr. WHITE, of Kentucky. The gentleman has not offered any explanation of the bill which could be heard on this side of the House.

Mr. CULBERSON, of Texas. I can not yield.

Mr. WHITE, of Kentucky. It is nothing but a proposition to assist in the erection of public buildings and to give away the public money unnecessarily.

The House divided; and there were—ayes 124, noes 2.

Mr. WHITE, of Kentucky. No quorum has voted.

The Speaker appointed as tellers Mr. CULBERSON, of Texas, and Mr. WHITE, of Kentucky.

The House again divided; and the tellers reported—ayes 156, noes 8.

Mr. WHITE, of Kentucky. As this is a prize for public buildings at Huntsville and Birmingham, Ala., I think we had better have the yeas and nays.

The yeas and nays were not ordered.

So the previous question was ordered.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. WHITE, of Kentucky. I move to amend the title of the bill.

The SPEAKER. That is not in order at this time.

Mr. WHITE, of Kentucky. I merely wish to add to this title that this is a prize for a public building at Birmingham.

The SPEAKER. The title is the last thing considered. The question now is on the passage of the bill.

Mr. CULBERSON, of Texas. I demand the previous question.

The previous question was ordered.

Mr. WHITE, of Kentucky. I move to amend the title of the bill.

The SPEAKER. The motion is not in order.

The previous question was ordered; and, under the operation thereof, the bill was passed.

Mr. WHITE, of Kentucky. I move, sir, to amend the title of the bill, so that it will read——

Mr. CULBERSON, of Texas. I move to reconsider the vote just taken, and move to lay that motion on the table.

The SPEAKER. The Chair will first dispose of the motion of the gentleman from Kentucky.

Mr. WHITE, of Kentucky. My motion is, Mr. Speaker, to amend the title of this bill, so that it shall conform to the facts in the case. This bill is entitled "A bill to create an additional United States judicial district and to establish circuit and district courts therein in the State of Alabama." Now I move to amend that title by adding, "and to secure an appropriation for a public building at Huntsville and Birmingham."

The SPEAKER. As many as are in favor of the motion——

Mr. WHITE, of Kentucky. But I desire to discuss my amendment.

The SPEAKER. The gentleman is entitled to that privilege.

Mr. WHITE, of Kentucky. Mr. Speaker, this House has refused but a short time ago, just before the holidays, to grant to one-half of the people of the United States a committee to which petitions on the political rights of women could be referred for a respectful hearing, and yet, sir, we are here hurrying bills through without due consideration. This bill is not intended to assist the Department of Justice in executing the United States laws.

It is a notorious fact that the laws of the United States are violated in the Southern States and no respect whatever is paid to them. Look at Danville, Va., and Hazlehurst, Copiah County, Miss., a short time ago, as an illustration of the fact. [Laughter.] Here is a bill reported from the Committee on the Judiciary, nominally to assist the people of the State of Alabama in being heard in the United States courts. I assert, sir, that the bill is for no such purpose. A few years ago a United States court was established at Huntsville, Ala., in the northern portion of that State, ostensibly for this same purpose; but if you read the Senate bill now on your desks, you will see that a Senator from that State has but recently introduced a bill to provide for the erection of a public building at that little town of less than 7,000 inhabitants. The object of getting a Federal court held there was not to see that the people of the United States exercised the immunities and privileges of citizens, as the right to vote and to have their ballots fairly counted; not to see that offenders against the laws of the United States were brought to justice, but to enable these men to put their fingers into the Treasury of the United States and take therefrom all the money that may be necessary to put up a public building in the little town of Huntsville, Ala.

Here is a report from the Committee on the Judiciary to be used as a prize to secure an appropriation for a public building at the growing town of Birmingham, of less than 17,000 inhabitants. Get your Federal court first established there for the ostensible purpose of having justice done to the people of the State, for the ostensible purpose of bringing offenders against your laws to justice, and, sir, before this Congress adjourns you will find that a bill has been introduced here or at the other end of the Capitol to erect a public building at Birmingham.

Look at my own State. In the other wing of this Capitol a Senator from my State introduced a bill which is here on your files, if you will examine them, to divide the State of Kentucky into two judicial districts. There are several things covered up in that bill. It is not only to divide the State into two separate districts, so that the President shall appoint, with the consent of our Democratic Senators, judges who may be the tools of the Democratic party to do justice in that State according to the rules of Democratic justice, but sir, it is to secure a public building at Lexington, Ky. You will find on your files in this House a bill introduced by my colleague [Mr. BLACKBURN] to put up a public building within the new district proposed at the town of Lexington, in the State of Kentucky. At the bottom of every one of these bills providing for the division of a State into separate judicial districts I believe you will find lurking another bill or bills for the erection of public buildings in one or more towns of that State.

Now, sir, I return to the first remark I made, that it seems to me where there is a proposition to put the fingers into the public Treasury and bring out the money for these little schemes the other side of the House arises in solemn phalanx and this side retreats as rapidly. [Laughter.] You either come up to the scratch and vote as our friends on the other side dictate, or else you march off into the cloak-rooms and avoid the issue. It is time, Mr. Speaker, that we should begin to understand the intentions and the policy which gain support to such bills as this. I wanted to see how the question stood in this House, and so I called for the yeas and nays. Only a few men rose up and supported me. The country will judge of this matter. Sir, before this session closes there will not be less than forty public buildings sought to be built in little towns at the public expense where the interest on the money invested would ten times over pay for the rent of a suitable building in the very centers of such towns. As a mere business transaction, following the same rule in reference to public affairs as I should follow with reference to my own private matters, I shall not indorse any such policy.

Mr. HEWITT, of Alabama. Mr. Speaker, permit me to ask leave for the gentleman from Kentucky to be allowed to print the remainder of his remarks.

Mr. WHITE, of Kentucky. The gentleman from Alabama can print his remarks if he desires. I have no such intention.

The SPEAKER. The Chair will state to the gentleman from Kentucky that no discussion of the merits of the bill is in order on his motion. The only question submitted by his amendment is whether or not the title of the bill shall be changed as he proposes.

Mr. WHITE, of Kentucky. I think I have been confining myself very closely to that.

The SPEAKER. The Chair understood the gentleman to be discussing the merits of the bill.

Mr. WHITE, of Kentucky. What I have been saying may not be in accordance with the wishes of the majority of the House; but the RECORD will show I have confined myself very closely to the proposition, which is that the title of the bill should be changed so as to show its real purpose. The intent is what makes the criminal, and not the act.

I have not had time, Mr. Speaker, to go through the files of the Senate bills and the files of the House bills introduced at this session to show just how many of these bills have been introduced to divide a State for the purpose given by the gentleman from Louisiana, that it would facilitate justice by bringing the court nearer to the people; nor have I had time to count up the bills that have been introduced for the purpose of giving an appropriation to put public buildings in some of the towns in these several districts. But I venture to make this prediction, without any fear of successful contradiction, that behind every one of those bills for dividing a State for the convenience of the people is another bill, either introduced by a member of the House or by a Senator, for the purpose of taking money out of the Treasury to put up a public building in a town that under no fair judgment of the House would be entitled to it. And if such a bill passes the House it will do so as a kind of log-rolling measure, because there are so many of those bills and so many friends around each that nobody cares to vote against one for fear he would lose friends for his bill.

I do not throw out any imputations of corruption on these men. Far be it from me to do so. I am willing to concede that the people in those towns want the public buildings; that they are willing to see the State divided if the post-offices or other public buildings can be had. And these members are perhaps doing the will of their constituents in urging such measures; but I claim that it is not such a policy as ought to receive our serious consideration or our votes.

I ask the gentleman to allow the bill to be recommitted; and I ask also that the title of the bill be so amended as to show exactly what it is. The gentleman from Texas, representing that great State with many growing towns, may have bills for public buildings in that State. If he has not, some of his friends have. They have many growing towns in that State which want post-offices and custom-houses. I know they want improvement of rivers and harbors, for I was on the Committee on Commerce last year and heard their appeals, which were many and grievous.

Let us amend the title of this bill so as to show exactly what it is; that it is a pivot; not a tribunal of justice for the people in your States, but a lever to prize money out of the Treasury of the United States. Label it as it should be—a bill to get money out of the United States Treasury to be spent in your district; to get money out of the Treasury to be spent in putting stone and mortar into public buildings where no such buildings are necessary.

This is not the first of such cases. They are numerous. In the last Congress I opposed many of them. I got tired. Perhaps this is the last time that I shall refer to this subject. I know you will not regret it. But I wish to place on record what, in my judgment, lies behind this class of bills. I believe my predictions to-day will come true before the close of the session.

Mr. CULBERSON, of Texas, rose.

Mr. WHITE, of Kentucky. I do not yield to the gentleman from Texas. I call for a vote.

Mr. CULBERSON, of Texas. I ask the previous question on the motion of the gentleman from Kentucky.

The previous question was seconded.

The question being taken on the amendment of Mr. WHITE, of Kentucky, to amend the title of the bill, it was not agreed to.

The SPEAKER. The title will stand as reported by the committee.

Mr. CULBERSON, of Texas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEXAS JUDICIAL DISTRICTS.

The next business on the House Calendar was the bill (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts," and to provide for holding terms of the court of the western

judicial district of Texas at the city of El Paso, and for other purposes, reported with a favorable recommendation by the Committee on the Judiciary.

The bill was read, as follows:

Be it enacted, &c., That the fourth section of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts," shall hereafter read as follows:

"SEC. 4. That the courts in the northern judicial district shall be held twice in each year at Waco and Dallas, and at Graham, in Young County; and the courts in the eastern judicial district shall be held twice in each year at Galveston, Tyler, and Jefferson; and the courts in the western judicial district shall be held twice in each year at Brownsville, San Antonio, the city of El Paso, and Austin. The courts shall be held at the city of Waco on the first Mondays in April and October; at the city of Dallas on the first Mondays in June and December; at the town of Graham, Young County, on the first Mondays in February and August; at the city of Galveston on the first Mondays in November and March; at the city of Tyler on the second Mondays in January and May; at the city of Jefferson on the second Mondays in February and September; at the city of Brownsville on the first Mondays in January and July; at San Antonio on the first Mondays in May and November; at the city of El Paso on the first Mondays in April and October; at Austin on the first Mondays in February and August. And the district judge of each of said districts shall have power to fix adjourned terms at all of said places, so as to dispose of the whole of the business of said courts."

SEC. 2. That section 5 of said act be so amended that all process issued against defendants residing in the counties of El Paso, Pecos, Presidio, Tom Green, Crockett, Andrews, Gaines, Yoakum, Cochran, Bailey, Parmer, Castro, Lamb, Hockley, Terry, Dawson, Martin, Swisher, Hale, Lubbock, Lynn, Floyd, Crosby, Garza, Borden, Howard, Scurry, and Mitchell shall be returned to the city of El Paso. That civil actions or proceedings now pending in the court at San Antonio against parties residing in the counties of El Paso, Pecos, Presidio, Tom Green, and Crockett, and now pending in the court at Graham against parties residing in the counties of Andrews, Gaines, Yoakum, Cochran, Bailey, Parmer, Castro, Lamb, Hockley, Terry, Dawson, Martin, Swisher, Hale, Lubbock, Lynn, Floyd, Crosby, Garza, Borden, Howard, Scurry, and Mitchell, as provided in the act to which this is amendatory, may, on the application of either party to such actions or proceedings, be transferred to the court at the city of El Paso; and in case of such transfer all papers and files therein, with copies of all journal entries, shall be transferred to the office of the deputy clerk of the court at the city of El Paso, and the same shall proceed in all respects as if originally commenced in said court.

SEC. 3. That the ninth section of said act be so amended as to authorize the clerk and marshal of the said western judicial district, respectively, to appoint a deputy clerk and deputy marshal, each of whom shall reside at El Paso, for said court at the city of El Paso.

SEC. 4. That this act shall take effect and be in force on the 1st day of January, A. D. 1885; and all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. CULBERSON, of Texas. I demand the previous question on the passage of the bill.

The previous question was ordered, and under the operation thereof the bill was passed.

The SPEAKER If there be no objection, the title will stand as reported by the committee.

There was no objection.

Mr. CULBERSON, of Texas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WHITE, of Kentucky. I would like to submit a motion to amend the title.

The SPEAKER. The title has already been agreed to.

NORTHERN JUDICIAL DISTRICT OF NEW YORK.

The next business on the House Calendar was the bill (H. R. 1090) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York, reported from the Committee on the Judiciary with a favorable recommendation.

The bill was read, as follows:

Be it enacted, &c., That that paragraph of section 572 of the Revised Statutes declaring the times and places and provisions providing terms of the district court in the northern district of New York be amended so as to read as follows:

"In the northern district of New York, at Albany, on the third Tuesday in January; at Utica, on the third Tuesday in March; at Rochester, on the second Tuesday in May; at Buffalo, on the third Tuesday in September; at Auburn, on the third Tuesday in November; at Binghamton, on the third Tuesday in December; and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Onondaga, Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by notice of at least twenty days, published in the State of New York, and one newspaper published at the place where said court is to be held."

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. DORSHEIMER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILROAD LAND-GRANTS.

The next business on the House Calendar was the bill (H. R. 174) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, &c., and to enforce the same by judicial proceedings, reported from the Committee on the Judiciary without recommendation.

The bill was read, as follows:

Be it enacted, etc., That all lands granted to the Texas Pacific Railroad Company under the act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and all acts amendatory thereof or supplemental thereto, be, and they are hereby, declared forfeited, and that all of said lands be restored to the public domain and made subject to sale and settlement under existing laws of the United States; and the Attorney-General is instructed to enforce the provisions hereof by proper judicial proceedings.

Mr. COBB. That I believe is one of the bills which was reported this morning from the Committee on the Judiciary without recommendation. I move that it be referred to the Committee on Public Lands.

Mr. POLAND. This bill and several others of like character were referred by the House to the Committee on the Judiciary; and several bills of like character were also referred to the Committee on Public Lands. The question was raised before the Committee on the Judiciary as to which of the committees should take jurisdiction of the subject; and I believe that a large majority at least of the members of the Committee on the Judiciary are of the same opinion. I think the proper jurisdiction of these bills is in the Committee on the Judiciary. It has already been held by the Supreme Court of the United States that these grants of land carry a title *in presenti;* that all the conditions in these grants are conditions subsequent, and therefore they can be forfeited only by judicial proceeding. Therefore, as it seems to me, the whole question resolves itself into a legal and judicial question.

Mr. TOWNSHEND. Judicial or legislative?

Mr. POLAND. It has been said that it would be entirely proper for the Committee on Public Lands to go so far as to report a bill declaring a forfeiture of these lands. That is a mere step, and whether that step should be taken depends upon considerations that are wholly legal and judicial in their character.

The question of time in these grants is only material like the question of time as to the law-day in a mortgage or a rent-day in a lease. I do not claim that the title which is given by these grants may not be forfeited.

If there be an entire abandonment on the part of the grantee or corporation to whom lands are granted, or if there be gross negligence to comply with the conditions of the grant, there may be very good grounds for a forfeiture. In relation to these grants, so far as I have any information, some of them are proper cases for a forfeiture, while in regard to others there ought not to be a forfeiture. I voted against the resolution which passed the House by so large a majority yesterday because it included all, both good and bad.

I hardly expect, after the vote of yesterday giving instructions to the Committee on Public Lands to report certain bills, with leave to that committee to report them at any time, that there will be any doubt felt by a majority of this House in relation to giving that committee jurisdiction over this whole subject. The only reason why I have arisen now is to say that for myself I do not entertain the slightest doubt that the proper jurisdiction for all these bills is in the Committee on the Judiciary, and although like many of my brethren on that committee I feel a very considerable joy——

Mr. COBB. I would like to propound a question to the gentleman from Vermont [Mr. POLAND] if he has no objection.

Mr. POLAND. I have none.

Mr. COBB. I would like to ask the gentleman whether or not the Committee on the Judiciary has taken any action with reference to the retention of the jurisdiction of this subject or the reporting to the House anything further than they reported this morning. Have they taken any action looking to any proposition for a settlement of this land-grant question?

Mr. POLAND. It is true that in the judicial committee we have not proceeded to any hearing of any one of these cases, for the very reason that if the House should determine that these measures should properly go to another committee and be considered there, we did not desire to enter upon the useless ceremony of having the same subject considered by two committees: nor, until we should ascertain what was the judgment of the House in relation to the question of jurisdiction between these two committees, did we deem it advisable to go into a hearing. Not that the Committee on the Judiciary desire to shirk any labor which the House may determine properly devolves upon them or to ask the House to bestow any jurisdiction upon them which does not properly belong to them.

As I was about saying when interrupted by the gentleman, the argument which I think prevailed with members of the Judiciary Committee that it was desirable for us, as we had so much to do, to get rid of this very considerable amount of labor, was, I confess, one that appealed with some force to myself. I am not any more anxious than other people to do more than properly belongs to me; but at the same time, considering that the jurisdiction of these bills belongs properly to that committee, I desire to have it understood by the House that as one member of the committee I should not shrink from any labor properly growing out of the consideration of these bills.

Mr. COBB. Inasmuch as the Judiciary Committee has reported these bills back without any recommendation, I take it that committee, or a majority at least of the committee, do not desire to take jurisdiction of this question. The Committee on the Public Lands has taken jurisdiction of it. If I understand the reading of this bill, it has reference to the Texas Pacific grant, upon which a very full and lengthy

report was presented this morning from the Committee on Public Lands by the gentleman from Illinois [Mr. PAYSON], and that report was accompanied with a bill providing for the forfeiture of this very grant. In view of these facts, and taking into consideration the resolution adopted in this House yesterday by so decided a majority, instructing the Committee on the Public Lands to report bills on this subject, it seems to me there is but one direction that these bills ought to take, and that is to the Committee on the Public Lands. Believing this must be the view of the House, I do not care to occupy further time on the question.

Mr. TUCKER. Mr. Speaker, a single word before this matter is disposed of. Questions have been asked as to the action of the Judiciary Committee on this subject and the opinions of the members of that committee. Of course it would be improper for me to refer to the opinion of any individual member. The committee found itself in this position: Bills of this character were referred to both committees. Each committee is the organ of the House. It was for the House to determine under its rules of proceeding which committee should take charge of these bills. But by the action of the House in referring them both committees were ordered to do so. We felt it improper that both committees should consider the same subject; that there should be hearings before each committee of the same parties, which would perhaps bring the two committees to diverse conclusions upon the subject-matter committed to each. In consequence of this, and owing to the request preferred to us by the Committee on Public Lands, the Committee on the Judiciary determined to report back the bills to the House for the purpose of submitting to the House the decision of a question which the Committee on the Judiciary did not desire to decide for itself. We mean, therefore, in the language of the report, to say that whatever may be our opinion as to the proper jurisdiction in this case, and while we are perfectly willing to perform any duty that the House may devolve upon us, we do not desire to assert a jurisdiction which the House seems to have left in doubt by making a double reference of these bills. Therefore we stand before the House neither asking to be discharged from their consideration nor asking the House to impose that duty on us to the exclusion of the Committee on Public Lands. We come before the House saying frankly that we are willing to submit to its decision as to the committee it desires shall consider these bills. We are willing to consider them and report upon them if the House so says; if the House says we are not to do so, but the Committee on Public Lands is to discharge that duty, we are willing to forego the jurisdiction.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. COBB] to refer the bill to the Committee on Public Lands.

The motion was agreed to; there being—ayes 111, noes 38.

FORFEITURE OF RAILROAD LAND GRANTS.

Bills of the following titles, relating to the forfeiture of railroad land grants, were taken from the Calendar and, on motion of Mr. COBB, referred to the Committee on the Public Lands:

A bill (H. R. 175) to declare forfeited certain lands granted to the State of Mississippi to aid in the construction of railroads, &c., and to enforce the same by judicial proceedings;

A bill (H. R. 176) to declare forfeiture of certain lands granted to the State of Alabama to aid in the construction of the Savannah and Albany Railroad, and to enforce the same by judicial proceedings;

A bill (H. R. 177) to declare forfeited certain lands granted to the State of Arkansas to aid in the construction of railroads, &c., and to enforce the same by judicial proceedings;

A bill (H. R. 178) to declare forfeited certain lands granted to the State of Mississippi to aid in the construction of railroads, &c., and to enforce the same by judicial proceedings;

A bill (H. R. 179) to declare forfeited certain lands granted to the State of Alabama to aid in the construction of railroads, &c., and to enforce the same by judicial proceedings;

A bill (H. R. 180) to declare forfeited certain lands in the State of Michigan granted to aid in the construction of railroads, and to enforce the same by judicial proceedings;

A bill (H. R. 181) to declare forfeited certain lands granted to aid in the construction of a railroad in Oregon, and to enforce the same by judicial proceedings;

A bill (H. R. 182) to declare forfeited certain lands granted to the State of Alabama, &c., and to enforce the same by judicial proceedings;

A bill (H. R. 183) to declare a forfeiture of certain lands granted in aid of certain railroads named, and to enforce the same by judicial proceedings;

A bill (H. R. 184) to declare a forfeiture of certain lands granted to aid in the construction of the Northern Pacific Railroad, and to enforce the same by judicial proceedings;

A bill (H. R. 185) to declare a forfeiture of certain lands granted to the State of Louisiana to aid in the construction of railroads, &c., and to enforce the same by judicial proceedings;

A bill (H. R. 186) to declare forfeited certain lands granted to the State of Missouri to aid in the construction of railroads, &c., and to enforce the same by proper judicial proceedings;

A bill (H. R. 187) to declare a forfeiture of certain of the lands granted to the Atlantic and Pacific Railroad Company, and to enforce the same by judicial proceedings; and

A bill (H. R. 188) to declare a forfeiture of certain lands granted to the State of Alabama in aid of the Memphis and Charleston Railroad, and to enforce the same by judicial proceedings.

TEXAS PACIFIC LAND GRANT.

The next business on the House Calendar was the bill (H. R. 3933) relative to the Texas Pacific land grant.

The bill was read.

Mr. PAYSON. The attitude of that bill is this: It was reported this morning from the Committee on the Public Lands, accompanied by a voluminous report which has not yet gone to the Public Printer. If not inconsistent with the practice I move its further consideration be postponed without prejudice until that report can be printed and laid on our desks.

The SPEAKER. If there be no objection it will be passed over for the present, not to lose its place on the Calendar.

There was no objection, and it was ordered accordingly.

INFRINGEMENT OF PATENTS.

The next business on the House Calendar was the bill (H. R. 3934) relating to recoveries for infringement of patents.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no damage or profits shall be recovered either in law or equity from any defendant for the infringement of a patent when it shall appear upon the trial that he was a mere user for his own benefit, and not in the manufacture of an article for sale, of any article or device purchased for a valuable consideration in open market without notice, and the same was subject to the patent sued on; but in all such cases the manufacturer or vendor only shall be liable for damages or profits: *Provided*, That any such user shall be liable for damages and profits for infringement of such patent from and after the time he shall have received notice that the article was subject to such patent if he continue to use the same.

SEC. 2. That when in any case the use complained of was an article or device made by the defendant, or his employé, for his own use and benefit, and not in the manufacture of an article for sale, the measure of recovery shall be a license fee. If in any such case a license fee shall not have been established under the patent or patents sued on, then in any action at law the jury, and in any action in equity the court, shall ascertain what, under all the circumstances of the case, would be a reasonable license fee: *Provided*, That nothing herein contained shall apply to articles manufactured outside of the United States: *Provided further*, That nothing herein contained shall apply to machinery held for sale or to be used for any manufacturing process whatever.

The report of the committee was read, as follows:

The Committee on Patents, to whom was referred sundry bills numbered 419, 1134, 311, 1956, 1250, report the following bill as a substitute for all:

Much complaint has grown up in the country from the practice of persons owning patents, or pretending to own them, allowing the use of an article, sometimes for years, and then sending an agent around and demanding damages from the holders of the article. Great annoyance has been the result. The committee have drawn the substitute so as to protect the innocent purchaser of a patented article, purchased in good faith in the open market, from such annoyance. The manufacturer and seller of a patented implement is the party that ought to be held liable, and not the user of the article who bought and used it innocently, or in other words who did not know he was infringing a patent.

The committee recommend the passage of the substitute.

Mr. VANCE. I demand the previous question.

Mr. TOWNSHEND. Is not this substantially the same as the bill we passed yesterday?

Mr. VANCE. It is not exactly the same bill.

Mr. TOWNSHEND. I hope the gentleman from North Carolina will make an explanation of the bill and state the difference between the two propositions.

Mr. VANCE. The other bill has been printed only in the RECORD. This proposition provides that no damages shall be recovered from innocent purchasers of patent-rights in good faith in open market and for their own use, and not for sale. In my judgment it is the better bill. I demand the previous question.

The previous question was ordered.

Mr. HOLMAN. Let the bill be again read, as there was some confusion when it was read before.

The bill was again read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. VANCE. I demand the previous question on the passage of the bill.

The previous question was ordered.

The House divided; and there were—ayes 81, noes 13.

Mr. KELLEY. No quorum.

The SPEAKER appointed as tellers Mr. VANCE and Mr. ANDERSON.

The House again divided; and the tellers reported—ayes 114, nays 6.

Mr. KELLEY. I withdraw the point of no quorum.

So the bill was passed.

Mr. VANCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERKS FOR UNITED STATES COURTS, GEORGIA.

Mr. BLOUNT. I ask, Mr. Speaker, that the Committee of the Whole on the state of the Union be discharged from the further consideration of

the bill (H. R. 163) providing for the appointment of clerks of the circuit and district courts in the southern district of Georgia, and that the same be placed on the House Calendar. It seems by some inadvertence that it had not been placed upon the calendar to which it belonged, but on some other calendar. It is of the same character as those that the House has already committed to the House Calendar.

The SPEAKER. The Chair will state that the bill had on it a memorandum from the committee, which indicated its reference. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, &c., That in the southern district of Georgia the circuit and district judges shall appoint two clerks, each of whom shall be clerk of the circuit and district courts for said southern district of Georgia. One of said clerks shall reside and keep his office at Savannah, and the other shall reside and keep his office at Macon. In case of a disagreement between said judges, the appointment of said clerks shall be made by the associate justice of the Supreme Court allotted to the circuit which includes said district.

SEC. 2. That all acts and parts of acts inconsistent herewith are hereby amended so far as is necessary to give effect to the provisions of this act.

The SPEAKER. The bill will be referred to the House Calendar.

Mr. BLOUNT. I ask the immediate consideration of the bill.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSIGNMENT OF COMMITTEE-ROOMS.

Mr. YOUNG. Mr. Speaker, I am instructed by the Committee on Public Buildings and Grounds to present the following report and resolution in reference to a subject referred to it a few days since, with reference to additional accommodations for the various committees of the House. I present the report, with the accompanying resolution, and ask that it be passed by the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution providing for the removal and safety of certain public documents, and for other purposes——

Mr. YOUNG. I desire the report to be read first.

The SPEAKER. The Clerk had better read the resolution first, which is the usual order.

The Clerk read as follows:

Resolved by the House of Representatives, That the Secretary of War be, and he is hereby, requested to remove to some safe and suitable place the public records now stored in the large room in the basement of the House side of the Capitol, and that said room, when vacated, be assigned to the House Committee on Rivers and Harbors.

The Committee on Public Buildings and Grounds, to which was referred House resolution in respect to securing suitable accommodations for the committees and officers of the House, having had the same under consideration, respectfully report:

That there is not a sufficient number of rooms in the Capitol building to give a separate one to each committee, and heretofore two or more committees have held their meetings in the same room, in pursuance of some agreement and understanding among themselves, and does not seem to have given rise to any very great inconvenience. The committee think that this method may be continued in respect to all committees of the House except that on Rivers and Harbors, but this being one of the largest and most important of the committees of the House, would require for its accommodation and the proper transaction of its business a large and commodious room. So that if they are assigned to any one of the present committee-rooms, in connection with another committee, one of the larger rooms would necessarily have to be taken, and the frequent meetings which the Committee on Rivers and Harbors will be compelled to hold, would render it extremely inconvenient if not wholly impracticable for it to use the same room with one of the more important committees.

It is deemed important that all the committees should, if possible, have rooms in the Capitol building, and that if it should be necessary to procure rooms outside they should be occupied as far as practicable for the use of the Doorkeeper and Clerk for folding and storage purposes. Conforming to this view, the committee have selected for the use and occupancy of the Committee on Rivers and Harbors a large room in the basement of the House side of the Capitol near the entrance from the west terrace, which is the only room the committee charged with the duty are able to obtain without appropriating for that purpose some other room already occupied, and which would entail very much inconvenience in the transaction of public business. But this room is at present used for storing valuable public records, which are by sections 1808 and 1809 of the Revised Statutes placed in the custody and under the charge of the Chief of Engineers, and should, in the judgment of the committee, be removed to such place of safety as the Secretary of War may select. The committee believe that the Secretary of War has ample power under the laws cited to remove these records to a more suitable place at his own discretion without any action of the House on the subject, and they have reason to believe that he would be entirely willing to do so upon the mere request of the committee. But it is deemed proper for the House to pass a resolution requesting such removal, and the committee have prepared the necessary one and submit it at the same time with this report, and ask that it be adopted by the House. If this recommendation of the committee should not be acceptable to the House then they have but one other alternative to submit, which is, to rent additional rooms somewhere outside of the Capitol building. General Butler and Mr. A. W. Fletcher, owners of property near the Capitol, have proposed to rent their buildings to the Government for the purpose indicated; but the committee have entered into no negotiations with them in respect to details upon that subject, and await future instructions of the House in that regard. The committee are of the opinion that the arrangements which they propose will, for the present, meet the wants of the House for the proper transaction of its business, with such disposition as they think can be made in respect to the remaining committees which are not already provided with rooms, and therefore recommend the adoption of this report and the accompanying resolution.

Mr. YOUNG. The committee have encountered no little difficulty in discharging the very delicate task assigned us by the House. We discovered in the outset of our investigations in this matter that all the committee-rooms in the House available for the purpose of committee meetings were already appropriated to some one of the different House committees, and that in some of the rooms two or more committees were holding their meetings. We conferred with the chairmen of many of the leading committees and with several officers and many members of the House, and we discovered that, however anxious we might be to accommodate the Committee on Rivers and Harbors with a suitable room convenient to the Hall of the House, to which members might at any and all times have access, if we did so we should seriously disturb committees already in the occupancy of the rooms and disarrange and retard very much the transaction of the business of the different officers.

We endeavored to compromise this vexed and delicate question by getting gentlemen who were already occupying rooms large enough for the accommodation of this important committee to vacate them and occupy other rooms, but we have been unable to accomplish that result. It was proposed at one time before our committee that some one of the rooms occupied at present by the Clerk of the House should be vacated by him and turned over for the use of this committee. Upon consultation, however, with that officer, his employés, and many members of the House, we discovered that to do this would most probably entail very serious inconvenience in the convenient transaction of the business which the members must necessarily have with the Clerk and his employés.

Another proposition was suggested, and to some extent discussed: that we should go outside of the Capitol and rent rooms in some contiguous building, if it were manifest that there was not sufficient accommodation within the building for the committees and the transaction of the official business of the House by its officers. The committee, upon full consultation on that aspect of the case, was of the opinion that it would be better if possible to retain all the committees inside of the Capitol building, and if it should become absolutely necessary in order to the proper dispatch of the public business to obtain additional rooms and additional accommodation outside of the Capitol, it would be better that we should appropriate it for the use of the Clerk and Doorkeeper, for storage and folding purposes, in view of the vast number of documents that are under their charge.

We consulted very fully with the Architect of the Capitol and the Superintendent of Public Buildings and Grounds, Colonel Rockwell; and under all the circumstances, desiring as far as possible to accommodate our recommendation to the convenience and wishes of all gentlemen interested, we found ourselves unable to make any better recommendation for the immediate accommodation of the Committee on Rivers and Harbors than is embraced in the recommendation and report I have just submitted.

We were aware of the fact, and we fully appreciated its importance, that this committee, one of the largest in the House, is charged with the conduct of the most important business that will probably come before us and the country for consideration. We are anxious to give them such room and such accommodation as would be fitting and becoming to a committee of its importance and dignity, and if we have failed in obtaining this end, it has not been for lack of a desire to do so.

Under the embarrassments with which we were surrounded, and in view of the various conflicting interests which we felt it our duty as far as possible to meet and reconcile, we found it impossible to arrive at any conclusion or to make any definite recommendation that in our judgment would give more general satisfaction to the House than the one embodied in the report I have submitted. If, in the language of the report, our recommendation does not meet the approval of the House, we submit but one further alternative, though our judgment is against its adoption if it can be avoided—that is, to go outside and rent rooms enough for all the committees and for all the officers of the House not already supplied. The committee do not believe that this course is desirable. They believe it is better, if possible, that all the committees should be retained within the Capitol building; and if it becomes absolutely necessary, as we are of the opinion it will be, to seek rooms and accommodations outside, to appropriate those to the use of the Doorkeeper and the Clerk of the House.

The committee have no pride or special interest in maintaining this report. They submit it with great deference to the judgment of the House. If that should be against us, we will certainly have no complaint to make.

One word further. We find that the room which we propose to appropriate to the use of this committee is at present, and has been for years, used for the storage of very important public records—records affecting the title of all the Government property in the District of Columbia, as well as a very large amount of that held by private individuals. These have been stored there for years under the direction of various officers of the Government; and by direction of a law carried into the Revised Statutes, to which I shall presently call attention, have for all this time been under the custody and control of the Secretary of War or his subordinate, the Chief of Engineers. While these records are stored away at this distance from the War Department and from the

subordinate officer charged with their care, very great inconvenience has resulted from carrying them into the different courts of the District to be used in determining questions of title. In every litigation that has sprung up with reference to titles in the District of Columbia it has been necessary to transfer to the court-room, in the custody of an officer of the Government, whatever of these records it was necessary to use in determining the question involved in such litigation.

We had before us this morning the representative of the Secretary of War, and it was his opinion that these records should be removed from the place of their present storage and transferred either to the Winder building or to such rooms as might be selected in the War Department building by the Secretary of War; and in that opinion the committee, I believe, unanimously concur. We have been unable to find any law upon the statute-book which forbids such action by the Secretary of War. The only provision we have been able to find that has any apparent application to the question is embraced in the two sections of the Revised Statutes to which we have called attention in our report. I send them up, and ask the Clerk to read, for the information of the House, sections 1808 and 1809 of the Revised Statutes.

The Clerk read as follows:

SEC. 1808. He [the Chief of Engineers] shall be furnished official apartments in one of the public buildings in the city of Washington, as may be directed by the President, and shall be supplied by the Government with the stationery, instruments, books, and furniture which may be required for the performance of his duties.

SEC. 1809. He shall keep in his office a complete record of all the lands and other property connected with or belonging to the Washington Aqueduct and other public works under his charge, together with accurate plans and surveys of the public grounds and reservations in the District of Columbia.

Mr. YOUNG. Being unable to find any other law upon this subject, the committee were of the opinion that under these sections of the Revised Statutes the Secretary of War had ample authority to remove these records to a place of safety without any action on the part of the House, but we deemed it safer and better to submit the question to the House, and if it should be of opinion that it is necessary to pass the resolution I have offered, then we ask that it shall be done. I have no doubt, from the information which we received this morning from his subordinate, that the Secretary of War, upon a mere request of the committee, would readily make this removal; but perhaps it may be better to pass the resolution.

Mr. BROWN, of Pennsylvania. Will the gentleman permit me to ask him a question?

Mr. YOUNG. Certainly.

Mr. BROWN, of Pennsylvania. I would like to ask the gentleman how the Clerk of the House would be so seriously inconvenienced by the occupation of any of the rooms now in his possession.

Mr. YOUNG. I will answer that question as best I can. We have taken the judgment of a number of members of the House on that subject, and we have consulted with the Clerk himself. The inconvenience which has been pointed out to us would consist in this, the only room now used by the Clerk in the transaction of his business that would be large enough to furnish adequate accommodations for this large committee of the House is the room now occupied by the enrolling clerks—three or four clerks, occupying as many desks, and who are almost constantly employed enrolling bills; a very responsible and important duty.

It may be asked, and I will answer the question in advance, why the enrolling clerks might not be removed to the room at present occupied by the Clerk himself. The answer to that is that if the Clerk should be removed from that room he would necessarily be obliged to transfer his office to an inconvenient distance from the Hall of the House. Now, at almost every hour of the day some one of the members of the House has business with the Clerk, and it would involve very serious inconvenience and considerable loss of time if members should have to search throughout the Capitol to find his room.

Mr. GIBSON. Will the gentleman permit me to ask a question?

Mr. YOUNG. Certainly.

Mr. GIBSON. Where did the Clerk have his office before the last session of Congress?

Mr. YOUNG. I will answer that question as far as I am able. At former sessions the Clerk had the room now occupied by the Speaker, and the Speaker had a room in the west end of what is now the open lobby back of the Speaker's chair. By a resolution of the Committee on Public Buildings and Grounds, which met the approval of the House, that lobby was thrown open, the partitions removed, and the room of the Speaker was transferred to its present location.

I think the Clerk then moved into the adjoining room, which had been occupied by his Chief Clerk and various other subordinates, though I believe he had a private room somewhere in the basement where he transacted that portion of his official business which should necessarily be transacted somewhat in private. The room now occupied by the Clerk was, up to the Forty-seventh Congress, I believe, occupied by the Committee on Naval Affairs. By some arrangement made at the beginning of that Congress, the nature of which I am not informed of, that room was then assigned to the Clerk of the House and has since been occupied by him.

Mr. TALBOTT. I have the impression that that was done by order of the Speaker before the Committee on Public Buildings and Grounds was appointed.

Mr. YOUNG. I do not know about that; it was done during the last Congress, when I was not here, and the room is now occupied by the Clerk of the House. He there keeps his private clerk, transacts his private business, and confers with his subordinates. It is the only place now about the Capitol where the Clerk can transact business of that character.

To remove the enrolling clerks from the room they now occupy to any great distance from the Hall of the House of Representatives would involve very serious consequences, which will be appreciated by every member of this House. Every one with any experience on this floor knows the haste with which business is transacted in the closing hours of the session, and the importance that bills should reach the enrolling clerks promptly and be returned to the Speaker for his signature. Bills have been lost which have passed both Houses, and failed to become laws because they could not be returned from the enrolling clerks in time to receive the signature of the Speaker.

I am myself of the opinion, and I think the majority of the committee concurs with me, that to remove the Clerk of the House and his subordinates in the enrolling-room from the rooms they now occupy would involve perhaps more inconvenience than to select rooms outside of the Capitol building for some of the less important committees.

The committee believe that if the House shall decide to go outside of the Capitol building to secure additional accommodations it would be better to send to such outside rooms some of the committees now occupying rooms in the Capitol building which would be large enough for the Committee on Rivers and Harbors, and appropriate some such room to that committee.

Mr. WARNER, of Ohio. I would like to ask the gentleman a question.

Mr. YOUNG. Very well.

Mr. WARNER, of Ohio. I understand that the Committee on Public Buildings and Grounds recommend that certain committee-rooms of the House be so assigned that there shall be two or more committees in a room.

Mr. YOUNG. That has already been done by action of former Congresses, and we found that arrangement in existence.

Mr. WARNER, of Ohio. That has been done?

Mr. YOUNG. That is the custom now. There are one or two, perhaps four, of the smaller committees that have not yet been accommodated with rooms. If our recommendations contained in this report should meet the approval of the House, I think we can dispose of all the remaining committees in a manner entirely satisfactory to them.

Mr. WARNER, of Ohio. Has the committee recommended such assignment?

Mr. YOUNG. We have not yet. We have made partial recommendations, but we do not think it will be necessary to report to the House our conclusions in that respect, because we think the chairmen of those committees not already provided with rooms will be content to occupy such rooms as we may be able to assign them.

I yield to the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. As a substitute for the resolution of the gentleman from Tennessee [Mr. YOUNG] I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the room now occupied as the enrolling-room of the House be set apart for the use of the Committee on Rivers and Harbors until the further order of the House.

Mr. WILLIS. Mr. Speaker, I appreciate the fact that a very difficult and delicate duty has rested upon the Committee on Public Buildings and Grounds, and I am not surprised, therefore, that they express in their report the conclusion that they have been unable satisfactorily to discharge that duty. I do not hesitate to say that no gentleman on this floor who is personally acquainted with the location of the room designated by the committee whose report has just been read would by his vote say that any committee of this House should be so assigned. There are questions of health and other questions which can not be discussed upon the floor of this House, but which are understood by all present, and which are conclusive upon the judgment of the committee. They have therefore simply reported the fact that, while that is not a proper or desirable room, it is the only vacant room obtainable.

Now, that brings us face to face with the necessity of making a judgment as to other rooms of the House; and while it would not be proper on a question of this kind for one committee to antagonize another, it is perfectly proper, as every gentleman will recognize, for us to look around and see what space may now be occupied by subordinate officers that can be utilized for the public necessities as existing in the demands of the committee named in my amendment.

I state what is known to all the members of this House when I say that two things are to be considered in locating a room for the Committee on Rivers and Harbors. The first and the lesser of these two considerations is the convenience of members of the committee. The character of the work which they have to discharge is such as to require their time night and day; and when the river and harbor bill is being prepared for the action of this House, that committee will be almost continuously in session, night and day. Now it is not right—and no gentleman on this floor will by his vote say it is right—to take

the members of this committee away from the Hall of the House so far that they can not be within easy call when important questions are pending here which demand their attention and their votes. The gentleman from Michigan [Mr. HORR] now before me, who has served for many years as a member of the committee that has had this bill in charge, will indorse what I say in this particular. That gentleman, as well as the former chairman of the committee and indeed every gentleman on the floor of the House, knows that it frequently becomes necessary to send for members of the committee, that they may vote here upon legislation affecting their constituents or affecting their common country; and it would not be right to place them in a remote part of this building, where they would be as ignorant of the proceedings going on here as if they were out of the Capitol altogether.

That, I say, is a minor consideration. A greater one is the convenience and comfort of members themselves. Nearly every member on this floor, I predict—I hope my prediction will not be verified—will have some bill pending before that committee upon which he will desire, at the proper time, to be heard in behalf of his constituents. It has been customary to send pages to notify gentlemen of different delegations when the committee could hear them for ten, fifteen, or twenty minutes. If they are compelled, when thus notified, to go from the floor of this House to where this hole or room designated by the Committee on Public Buildings and Grounds is located, most of the members of this House, unless they had a guide, would never be able to ascertain the whereabouts of the Committee on Rivers and Harbors; and all of them would consume from ten to fifteen minutes in going to and fro. I say, therefore, that for the convenience of members of the House it is essential that the room of the Committee on Rivers and Harbors should be accessible to them in a few moments, so that they can present their statements and return to the House to vote.

Now, as to the proposition embraced in this resolution, I understand that the corner room, now occupied by the Clerk of the House, was never assigned by any order whatever——

Mr. BROWNE, of Indiana. Will the gentleman allow me a question?

Mr. WILLIS. Certainly.

Mr. BROWNE, of Indiana. I understand that there are five clerks' desks in the room to which the gentleman's resolution refers, the enrolling-room. Now, what provision is made or contemplated for these if that room be appropriated to the Committee on Rivers and Harbors?

Mr. WILLIS. My reply is that according to my understanding the Clerk of the House, in addition to the enrolling-room and the file-room and the corner room, has five other rooms in this Capitol. That is my information.

Mr. BROWNE, of Indiana. But that does not answer my question.

Mr. WILLIS. As to the enrolling-room, which, as I recognize, should be in close proximity to the Hall of the House, it will be easy for the Clerk to remove the enrolling officers to the corner room to which I have referred, which was taken, as I understand, without any resolution and without any authority. It was formerly the room of the Committee on Naval Affairs, but during the last Congress was taken by the Clerk of the House, as I am informed, without any authority from this House to do so.

A MEMBER. In the Congress before the last.

Mr. WHITE, of Kentucky. I rise to a question of order. I find it provided in Rule I that the Speaker—

shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

He shall have general control, except as provided by rule or law, of the Hall of the House, and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House until further order.

Now, sir, I make the point of order that this question of rooms and which committee shall have a room is for the Speaker to decide. The gentleman's speech, therefore, would be more appropriate in the Democratic caucus than before this House.

The SPEAKER. The gentleman makes the point of order that it is the duty of the Speaker to assign appropriated rooms. The rule is as read, that the Speaker shall have control over unappropriated rooms.

Mr. WHITE, of Kentucky. The point I make is this: At the beginning of this session, when the Speaker was elected it became his duty to assign to these committees—but allow me a moment, as I wish to read further in reference to the Speaker. "Unless otherwise specially authorized by the House, the Speaker shall appoint at the commencement of each Congress the following standing committees," and so on. Now, in this list of committees is the Committee on the Pacific Railroad. What use have they for a room? Then we have the Committee on Labor. We also have the Committee on Mileage, which has already disposed of their work.

Mr. WILLIS. I call the gentleman to order.

The SPEAKER. The gentleman must confine himself to the point of order.

Mr. WHITE, of Kentucky. I am confining myself to the point of order. And my point is this: that it became the duty of the Speaker at the beginning of the session to appoint to each one of these committees, in accordance with its number and the proportion of work it had to do, such a room as is suited to it. This matter should have been settled in a caucus, and not brought here as an obstable to our proceeding with the consideration of the public business.

The SPEAKER. Whatever may have been the duty of the Speaker is not, of course, the question before the House. The point of order can not be sustained here, because the House itself, by resolution adopted only a few days ago, has referred this whole matter to the Committee on Public Buildings and Grounds, and directed it to make inquiry and report. And that committee has made inquiry, and its report is now under consideration by the House. The House itself referred this whole matter by resolution to the Committee on Public Buildings and Grounds.

Mr. WILLIS. Mr. Speaker, I have listened with, I hope, becoming Christian resignation to the rebuke of my colleague, and I now merely mean to say that upon no question of law or propriety or of right will this House ever be compelled to take his judgment on the subject.

Coming back, Mr. Speaker, to the point I was making as to the propriety of taking the enrolling-room, I ask gentlemen, then, if there is any question as to having that enrollment in close proximity to the House. It is easy to put the enrolling clerks into the room now occupied by the Clerk himself as a reading-room, and there are reasons why the enrolling clerk should be by himself. We know the necessity of his being accurate in the examination of bills, and we know grave errors have, through the rush of business and a crowding of men around the enrolling clerk, occurred in the legislation of this country, and it is for that reason I have changed the resolution so as to permit the Clerk of the House to put the enrolling clerk in a room where he can lock the door and see no one has a right to enter that room while he is engaged in examining laws.

Mr. YOUNG. But where will the gentleman put the Clerk of the House, who now occupies that room?

Mr. WILLIS. Where he was formerly; that is, before the last Congress.

Mr. RANDALL. I think a committee of this House should have the preference over the Clerk of the House, provided the public business is not in any way injured thereby.

Mr. HATCH, of Missouri. When did the Clerk of the House not have a room on this floor?

Mr. RANDALL. In the Forty-sixth Congress.

Mr. HATCH, of Missouri. Unless for a brief time, I understand that the Clerk of the House always had a room on this floor.

Mr. RANDALL. No, in the Forty-sixth Congress the Clerk was downstairs. The gentleman from Kentucky is correct in his statement that the room now occupied by the Clerk during the Forty-sixth Congress was the room which was occupied by the Committee on Naval Affairs; and that room was taken during the Forty-seventh Congress from that Committee on Naval Affairs and given to the Clerk, without any action on the part of the House.

Mr. STOCKSLAGER. Is not that room now occupied by some committee?

Mr. RANDALL. It may have been, but during the Forty-sixth Congress, as I have already stated, that room was occupied by the Committee on Naval Affairs, and the Clerk of the House did not then have the benefit of a room on this floor.

Mr. HATCH, of Missouri. As I understand it that was merely temporary.

Mr. WILLIS. I now yield the balance of my time to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. It is a matter of great importance to the House, and to the other members of the House as well as to the members of the Committee on Rivers and Harbors, that that committee should have a room convenient and accessible. There is no one committee of the House which sits so steadily as that committee. There is no one committee of the House that has so many delegations of citizens coming here to attend to the wants of their districts. At times there are delegations of twenty, thirty, and forty who come here desiring to appear before the Committee on Rivers and Harbors. That was formerly the case with the Committee on Commerce, and will be the case with the Committee on Rivers and Harbors. They come here for the purpose of presenting their claims or the claims of their districts to appropriations for rivers and harbors in their neighborhood. In consequence of that fact it is necessary the rooms should be commodious and large, so as to accommodate the members of the committee as well as these delegations.

It is also important to the members of the committee that it should be near the floor of the House. While the committee is in session it is frequently necessary they should come in to vote. And that is another reason why the room should be convenient and near the floor of the House.

Now, sir, with reference to the accommodations, there is not a doubt, and I venture to assert that there is not a gentleman who will examine the question and give it a personal inspection who will doubt, but that the enrolling clerks can be abundantly accommodated by the present reading-room. If any gentleman chooses while this debate is in progress to go into the enrolling-room and see the room now occupied by the clerks of the House, he will find abundant accommodations there for the enrolling clerks; and the question resolves itself simply into this, whether or not the Clerk of the House shall occupy a single room as a reading-room, with the files of the newspapers before him, or a committee of the House shall be denied all proper accommoda-

tions. It narrows itself right down to that simple question, and it strikes me that the natural order of things is that the committees of the House for the proper transaction of its work should receive first suitable accommodations, and that the Committee on Public Buildings and Grounds should provide a room convenient, and one that will not interfere in any way with the progress of the business of the House, for the Clerk.

I yield the remainder of the time to the gentleman from Michigan, [Mr. HORR].

Mr. HORR. Mr. Speaker, I wish to say simply to the members of this House that I am not advised as to the condition of the room now occupied by the Clerk, but I do know that the room selected by the Committee on Public Buildings and Grounds, if assigned as they propose, would be a simple outrage upon the Committee on Rivers and Harbors; and not only that, but it would be an outrage upon the members of this House; and not only that, Mr. Speaker, but upon the people of this country who present themselves before that committee for the purpose of having a hearing.

That committee, if it does its work, is compelled to sit for four long months on an average of from four to five days in the week, and towards the last part of the session they work from three to four evenings in the week, and also during the sessions of the House. I say, and I think the chairman of the Committee on Commerce of this present Congress will bear me out in the assertion, having had more experience than I have had, that of the old work of the Committee on Commerce more than four-fifths of it was in considering the river and harbor appropriation bill. It is not uncommon to have large delegations appear with maps, books, and illustrations, and they can not do the work of that committee without a large, well-lighted, properly arranged room.

This, as I understand it, the report of the committee to whom the duty of appropriating these rooms was assigned does not contemplate. They provide a room in the basement of this House. It is simply doing a thing which the people of this country and the members of this House ought not to permit. That committee should be, if there is any room in this building adapted to their purposes, supplied with the very best one possible. And let me say further, that in the consideration by the committee of this river and harbor bill members here will want to be heard before it. During the last Congress we heard at least three-fourths of all of the members on the floor who came in to make their explanations and applications in support of what they believed to be a proper distribution of the bill. They thought that the commerce of their people ought to be understood. Now, sir, there are committees who have commodious rooms that do not meet on an average once a week. These men here, if they do their duty, will be required to sit hour in and hour out for a long period of time, for the labor of that committee is simply enormous, and we should look to their health as well as their convenience, and not confine them to a basement room, where it is barbarous to expect and impossible for them to attend to their important duties.

I can not see how the Committee on Public Buildings and Grounds could have understood the enormous duties of this committee and confined them to such a room. I suppose they had great difficulty in finding vacant room which might be occupied by the committee; but certainly for the present it seems that no difficulty should arise from allowing the committee to occupy the room of the Clerk of the House to which reference has already been made, and make temporary provision for the Clerk. A committee performing the duties that this committee must perform, as I have said, under any circumstances should have the preference. It should have a committee-room near the House and in the most accessible part, and not a place where people can not find it, where members who have occasion to go will find difficulty in reaching it and objection to entering it.

Now I wish to yield the remainder of my time, without request, to the gentleman the chairman of the Committee on Commerce of this House, who has had considerable experience on this subject.

Mr. MILLIKIN. Will the gentleman permit me to ask him a question?

Mr. HORR. Certainly.

Mr. MILLIKEN. Will the gentleman from Michigan point out to the Committee on Public Buildings and Grounds some such room as he has described, which will accommodate the Committee on Rivers and Harbors? I wish to say to him that the committee has been as desirous as he himself seems to be to find a room that would accommodate that committee. I fully recognize the necessity of their having a large and commodious room; and the only reason why the committee have not provided such a room is the simple fact that they have not been able to find it. If the gentleman will point out such a room, or where it is to be found, to accommodate the committee in the way we wish and in the way we believe it should be accommodated, I have no doubt that the Committee on Public Buildings and Grounds, if they have any other duty to perform in that direction, will be exceedingly glad to do it.

Mr. HORR. I was about to yield to the chairman of the Committee on Commerce, the gentleman from Texas, but I want to say to the gentleman from Maine that I am not on the Committee on Public Buildings and Grounds, but that if I was I should have found some room adjacent to this Hall for that committee or else I would report none at all for them. I certainly should not recommend the putting of them in the basement of this building, in a room where they could not perform the duties safely. That is my idea.

Mr. CANNON. The question is now, I believe, on the proposition of the gentleman from Kentucky [Mr. WILLIS], to take the enrolling-room across the hallway. Does the gentleman think—the enrolling-room being for the convenience of the House, and it is a great convenience to members to have it near the Hall when they have their records there—does he think it proper the House should discommode itself in that way for the purpose of accommodating this committee? I agree the committee should be located in a good room, but I do not think it should be at the expense of the convenience of all the members of this House.

Mr. GIBSON. I desire to ask a question.

Mr. HORR. And I want to ask the gentleman from Illinois [Mr. CANNON] a question. Will you tell me that the enrolling clerk can not be accommodated where he used to be before the last Congress?

Mr. CANNON. That place is occupied, as I understand. And I do not want you to turn the enrolling clerk with his records, that nearly all of us have to inquire about daily, out of his quarters, unless you find some good quarters for him to remove to where he can be properly accommodated.

Mr. HORR. I yield to the gentleman from Texas [Mr. REAGAN].

Mr. HATCH, of Missouri. I make the point of order that the gentleman from Michigan [Mr. HORR] has no time to yield.

The SPEAKER. The gentleman from Tennessee [Mr. YOUNG] is entitled to the floor for one hour.

Mr. YOUNG. I yield first to the gentleman from Missouri [Mr. HATCH].

Mr. CALKINS. Before the gentleman from Tennessee yields I desire to get some information from him as to the number of clerks who now occupy the enrolling-room.

Mr. HATCH, of Missouri. I am about to furnish that information. I have here a letter from the Clerk of the House which I desire to have read.

Mr. YOUNG. I yield five minutes to the gentleman from Missouri [Mr. HATCH].

The SPEAKER. There are seventeen minutes still remaining of the hour under the control of the gentleman from Tennessee.

Mr. GIBSON. I desire to ask the Chair a question. I desire to know whether the members of the committee have a right to be heard or whether the hour of the gentleman from Tennessee closes debate.

The SPEAKER. The hour of the gentleman from Tennessee does not exhaust debate. Debate is not closed till the previous question is ordered.

Mr. GIBSON. I desire as a member of the Committee on Rivers and Harbors to be heard myself.

The SPEAKER. The letter sent up to the desk by the gentleman from Missouri [Mr. HATCH] will be read as a part of his remarks.

The Clerk read as follows:

SIR: Being advised that a resolution will be submitted in the House assigning one of the rooms now occupied by the Clerk's office for use as a committee-room, I deem it proper, in the interest of the prompt and proper dispatch of the public business, to submit to the House for its consideration, through you, the following statement: From the occupation of the present Hall in the Thirty-fifth Congress until the Forty-fifth Congress the Clerk's office, with the exception of the rooms used on the lower floor for store and document rooms, was in rooms adjacent to the Hall. In the Forty-fifth Congress the room in the southwest corner, which had been occupied since 1858 by the Clerk, was assigned to the Speaker, and the room adjoining, occupied by the Chief Clerk and disbursing clerk, was assigned to the Sergeant-at-Arms, the Chief Clerk and disbursing clerk being assigned their present rooms on the lower floor. That assignment subjected members to some inconvenience, but the Clerk's office, with its very considerable increase of business in the past twenty years, to more.

At present there are but three rooms on the floor adjacent to the Hall of the House occupied by the Clerk, viz: one occupied by the Clerk in the room formerly occupied by the Committee on Naval Affairs; one known as the file-room, occupied by the file, journal, bill, and printing clerks, and their assistants, tally and reading clerks; and one known as the enrolling-room, occupied by the enrolling clerk, assistant enrolling clerk, petition and resolution clerk, newspaper and document clerk, and distributing clerk, both of which last-named rooms are now fully occupied, and causing at times great inconvenience to the employés named.

The file-room is filled up with cases for files and records, and could not be taken for a committee-room without seriously disarranging the files, and would require a very considerable expenditure of money.

The enrolling-room is fully occupied by the clerks named, who are required to be in immediate proximity to the Hall in order to properly as well as promptly discharge their several duties, and a transfer of such clerks to the lower floor or to a distant part of the House wing of the Capitol would cause delays and inconvenience in the transaction of public business.

They could not be transferred to the file-room, for that is already overcrowded, and the small room known as the "file-room annex" could not be used for that purpose, being not only occupied by valuable files and records, but it is not warmed.

The only remaining room is that occupied by the Clerk, who, in the very nature of the case, is required to have an office adjacent to the Hall; and if that room be taken from him and he be assigned a room elsewhere, it will not only greatly inconvenience the members of the House and the public generally, but will seriously inconvenience the Clerk in the discharge of the duties devolving upon him by law and the rules and orders of the House.

It is not a matter of mere personal inconvenience, but the consideration of the proper discharge of my official duties, that induces me to address you this communication.

I am, very respectfully,

JOHN B. CLARK, JR.,
Clerk of the House of Representatives.

Hon. WILLIAM H. HATCH.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. YOUNG. I yield three minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I do not rise for the purpose of opposing the proposition to take the room occupied by the Clerk. I do not think it would be wise to interfere with any of the business rooms. I should only consent to the change suggested with reference to the Clerk's room on the ground that it is possible he might be able to get along with his desk somewhere else with less inconvenience than a whole committee such as the Committee on Rivers and Harbors can get along without a suitable room.

Something was said by the gentleman from Kentucky [Mr. WILLIS], and I suppose accurately said, about there having been a change of the Naval Committee from that room without authority of the House. But what the gentleman said may have left the impression on the minds of some that the change was made without authority. The statement was exactly accurate. That change was made before the organization of the last Congress, before any committees were appointed, before any assignment had taken place. The doubt that has arisen is not relative to the power of the Speaker under the rules to assign committees, but it has been relative to his power to reassign them after they have once gone to their rooms. And that I understand to be the doubt in the mind of the present Speaker and others. There was no doubt, I suppose, about the right to assign this room to the Clerk, and it was done on a theory of this kind, that it would accommodate not only the Clerk but all the members who wanted to communicate with the Clerk there. He proposed to keep, and during the Forty-seventh Congress did keep, a reading-room there with newspapers on file where members could go and read them if they chose, and also where members could go and consult with newspaper correspondents and others on any subject they desired to talk about. It was in one sense a private room, but only in the way that there was no other room where members could go for such conference, leaving them only the halls, where it would be very inconvenient and sometimes unpleasant.

Mr. YOUNG. I yield five minutes to the gentleman from West Virginia [Mr. GIBSON].

Mr. GIBSON. I fully concur with all that was said by the gentleman from Kentucky [Mr. WILLIS] in appreciation of the difficulty that the Committee on Public Buildings and Grounds had in making an allotment of rooms. I recognize the fact that a number of standing committees had heretofore been assigned the different rooms that were available in the Capitol; and I recognize the fact that however important or unimportant the business of a committee may be, yet the committee, having been appointed, is entitled to a room to meet in, and having had a room assigned them, they do not like to be turned out and ought not to be turned out. The Committee on Rivers and Harbors, being a new one, was left without a room, or rather was created without a room, and it became necessary for the Committee on Public Buildings and Grounds to give to us some room that had been formerly occupied for some other purpose. Like my friend from Michigan [Mr. HORR] I am surprised that the Committee on Public Buildings and Grounds did not report absolutely their inability to accommodate that committee, rather than report to this House a proposition to put a committee composed of members of this body in a room which they themselves say has not been occupied for years and that must be musty.

Mr. STOCKSLAGER. That room is occupied now, and has been for a number of years.

Mr. GIBSON. I understand that, but it is not occupied by people; it is a store-room for matters which render it unhealthful.

I desire to ask this House if they will permit a room in this Capitol building to be used as a loafing-room for the members of this House or for any officer of the House while an important committee has no room to go in? I would like the Clerk of the House to have every convenience; I would like that every member of this House could have every convenience; I would be glad if every member on this floor could have every convenience which this nation in its dignity and power can give them; but if some one must yield, we demand of this House, if they expect the River and Harbor Committee to discharge its onerous work, to consider intelligently and honestly the important propositions that may be brought before us, to deal intelligently and honestly with great questions of public interest, that they shall give us a decent room in which we can meet and investigate.

The gentleman from Illinois [Mr. CANNON] asked the gentleman from Michigan [Mr. HORR] whether the members of this House should not consult their own convenience, and whether in consulting that convenience it was not necessary that the room of the Clerk should be where they could conveniently go for consulting the records. I undertake to reply to that question by saying that this House will consult its own convenience when it provides means by which every committee shall be capable of discharging the duties devolved upon it. There is no other or higher convenience belonging to this body than to properly equip and locate its committees so that they may discharge their duties. In the proper discharge of the duties of each committee will be found the convenience and honor of this House.

I hope this House will have no hesitation in adopting the amendment of the gentleman from Kentucky [Mr. WILLIS]. It is not in the nature of an attack upon the committee submitting this report, for I understand that they frankly and generously say they have found themselves surrounded by these difficulties and do not desire to antagonize either a subordinate officer of the House or a committee of the House. They therefore come here to the House and represent the true facts of the case and ask the House to relieve them by deciding the question. We now ask the House to relieve them of the responsibility and to give to this important committee a room where it can meet and where every member of the House can go and consult them.

The SPEAKER. The gentleman from Tennessee [Mr. YOUNG] has three minutes of his time remaining.

Mr. YOUNG. I desire to occupy that time myself, though if other gentlemen desire to speak I have no wish to abridge debate.

Mr. RICE. I desire to offer an amendment to the amendment.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Add to the amendment the following:
"And that the Committee on Public Buildings and Grounds be instructed to inquire if other and additional accommodations can not be procured for the Library of Congress, by which the space in the Capitol now used for the Library can be utilized for committee-rooms, and report the same."

Mr. RANDALL. Is that in order?

The SPEAKER. The gentleman will state his point of order.

Mr. RANDALL. It is not germane to the original proposition.

Mr. RICE. The amendment of the gentleman from Kentucky [Mr. WILLIS] provides that this room shall be assigned to the committee named until otherwise directed by the House. I desire to offer an amendment, in order that other space and more convenient may be provided at an early day, not only for this committee but for other committees of the House which shall need that additional space.

Mr. TOWNSHEND. How does the gentleman from Massachusetts [Mr. RICE] take the gentleman from Tennessee [Mr. YOUNG] off the floor? He has three minutes left of his time.

The SPEAKER. The gentleman did not take it.

Mr. TOWNSHEND. He wants to take it.

The SPEAKER. The Chair understood the gentleman from Tennessee [Mr. YOUNG] to state that he did not desire to occupy the three minutes remaining of his time.

Mr. YOUNG. The Chair misunderstood me.

The SPEAKER. The gentleman did not proceed to address the House.

Mr. YOUNG. The gentleman from Massachusetts [Mr. RICE] said that he desired to offer an amendment, and I waited to hear it read.

The SPEAKER. The Chair will recognize the gentleman to occupy the three minutes of his time remaining.

Mr. YOUNG. The Committee on Public Buildings and Grounds have no disposition to combat the views expressed by any gentleman on this subject. They desire only to lay before the House the result of their investigation, and to allow the House to dispose of the matter as it may see proper.

But there is a part of the resolution reported by the committee which ought to be adopted, even though the amendment of the gentleman from Kentucky [Mr. WILLIS] shall prevail. Should the amendment be adopted by the House, the latter part of the resolution reported by the committee should be stricken out and the former part should be adopted, providing for the removal of these records to the War Department, in order that we may utilize that room for some other purpose. That room might be used by the Doorkeeper as a folding-room, and thus avoid the necessity of going outside of the Capitol building to procure additional accommodations for him. Therefore, if the amendment proposed by the gentleman from Kentucky should be adopted by the House, I shall ask that the first part of the resolution of the committee be also adopted.

The SPEAKER. The gentleman from Massachusetts [Mr. RICE] has been recognized, and has sent up an amendment against which the point of order is made that it is not germane to the subject upon which the committee has reported. Has the gentleman anything to say upon the point of order?

Mr. RICE. A word, Mr. Speaker. It appears that the Committee on Public Buildings and Grounds were only able to find an exceedingly inconvenient and ill-fitted room to assign to this important committee, and they made their report accordingly. It was stated that if they could have found a better room they would have gladly assigned it to this committee. Then the gentleman from Kentucky [Mr. WILLIS] moved his amendment assigning another room, thereby crowding out important officers of the House with important records from space which seems to be needed for the proper transactian of their business. That amendment of the gentleman from Kentucky only provides, however, that this room shall be assigned to this committee until otherwise ordered by the House. Now, therefore, my amendment proposes to instruct this committee to inquire whether the space now occupied by the public library—most inconveniently occupied by that library because the library has outgrown its present accommodations—may not be converted into convenient committee-rooms at an early day by providing accommodations elsewhere for the public library. Let that be done,

and there will be at least eight or ten additional committee-rooms provided for committees of this House from the space which would be thus obtained.

Mr. TOWNSHEND. How long would it take to make provision for the library?

Mr. RICE. It would take longer than I wish it would.

Mr. TOWNSHEND. And longer than this Congress will remain in session.

Mr. RICE. But this House can commence the relief, so that in the next Congress the House may find space for its committees, and not be confined to the small and poorly fitted rooms in which now many of our committees are compelled to transact their business.

Mr. RANDALL. Upon the point of order, I wish to say that the motion of the gentleman from Massachusetts [Mr. RICE] proposes to instruct this committee upon a subject not within the purview of the original resolution.

The SPEAKER. The matter now before the House is privileged, because it relates to the comfort and convenience of the committees of the House and to the transaction of the public business by the House. To attach to this proposition some matter which is not privileged, for instance, to instruct this committee, when the House has under consideration a privileged matter, to proceed to make inquiry as to the erection of a library building, would be in the opinion of the Chair a violation not only of the letter but the spirit of the rules of the House. The Chair therefore holds that the amendment is not in order.

Mr. KASSON. I will detain the House but a moment, for I think it time that we should come to a vote on this question. It seems to me there is one proposition which has not been discussed, and which might solve this difficulty if the question were recommitted. Near to the room occupied by the Committee on Coinage, Weights, and Measures is a room which is devoted merely to business about which there is never haste, the room known as the stationery-room. It is on this floor; it is convenient and large.

As to the proposition submitted by the gentleman from Kentucky [Mr. WILLIS], I feel, from some experience of the necessities of the business of the House near the close of a session, that it would be a very dangerous movement for us to remove any portion of the Clerk's office from the immediate vicinity of the Hall of this House. It does not matter now, when business is light, but when we approach the close of the session and business is hurried, when members of the House must trace their bills, and when upon a minute depends often whether a bill becomes a law or not, I feel it would be very dangerous if any portion of our Clerk's office, having charge of such important papers, should be out of the immediate reach of every member. All the committees are interested in this element of convenience and safety. I know of no legislative or deliberative body that puts the clerks in charge of its important papers away from its immediate vicinity.

I have myself been frequently obliged to go in great haste to these officers to refer to a bill or other paper while a debate was in progress here, and when every minute was important. I have seen clerks rushing to the other end of the Capitol at the close of a session, when the fate of important bills depended upon almost a moment. I believe these reasons to be important, and that every gentleman on the floor will feel their importance as the end of the session approaches.

Mr. BAYNE. Do not the considerations to which the gentleman refers apply to only a very brief period of the session?

Mr. KASSON. But that brief period determines the fate of important measures. Your very river and harbor bill itself might depend for its passage upon immediate access to these clerks for the correction of some error in the last stages of the session. Every old member of the House, I think, must have had this sort of experience, and must appreciate the importance of these considerations.

Without desiring to say at all what disposition should be made of the rooms already appropriated to committees (for that is not my province; I do not wish to interfere with that), I believe there are other arrangements which could be safely made—possibly the one I have suggested. I simply desire to call attention to the fact that there will soon come a time in the last days of the session when, I believe, members will regret the removal of the clerks out of immediate reach; and I hear no arrangement suggested which preserves them in so convenient a location as they are now.

Mr. YOUNG. I demand the previous question on the amendment of the gentleman from Kentucky.

Mr. JOHN S. WISE. I would like to offer an amendment.

The SPEAKER. It is not in order while the demand for the previous question is pending.

The previous question was ordered.

The SPEAKER. The question is upon agreeing to the amendment offered by the gentleman from Kentucky [Mr. WILLIS] as a substitute for the resolution reported by the committee.

The substitute of Mr. WILLIS was adopted; there being—ayes 120, noes 62.

The SPEAKER. The question is now upon agreeing to the resolution as amended by the adoption of the substitute.

Mr. YOUNG. I move to strike out so much of the resolution as directs the Committee on Rivers and Harbors to occupy this room, and I ask the passage of the remaining part of the resolution.

The SPEAKER. The substitute has been adopted.

Mr. YOUNG. I move to strike out so much of the resolution reported by the committee——

The SPEAKER. It has been disposed of, as the House has adopted the substitute.

Mr. YOUNG. I move an amendment to the substitute; to add so much of the resolution reported by the committee as relates to the removing of the records. Those records should be removed.

The SPEAKER. The Clerk will read the words the gentleman proposes to add to the substitute.

The Clerk read as follows:

And the Secretary of War be, and is hereby, requested to remove to some safe and suitable place the public records now stored in the large room in the basement on the House side of the Capitol.

Mr. SPRINGER. I move to add that this room be assigned by the Speaker to some committee of the House.

Mr. YOUNG. That can be done hereafter. It is needed for storage purposes.

Mr. SPRINGER. I withdraw the amendment to the amendment.

Mr. JOHN S. WISE. I wish to move an amendment to the amendment.

Mr. TOWNSHEND. Would that not be in the third degree?

The SPEAKER. There is but one amendment pending, and this would be in the second degree.

Mr. JOHN S. WISE. I ask that my amendment be read.

The Clerk read as follows:

Resolved, That the Committee on Rivers and Harbors having taken away all the business of the Committee on Levees and Improvements of the Mississippi River they take its committee-room also, and that the Committee on Levees and Improvements of the Mississippi River be abolished.

[Laughter.]

Several MEMBERS. All right; let us adopt that amendment.

The SPEAKER. The Chair decides the amendment is not in order.

Mr. YOUNG. I demand the previous question.

Mr. TALBOTT. I have an amendment to submit.

Mr. YOUNG. Is it in order to offer an amendment when I have called for the previous question?

The SPEAKER. The gentleman from Maryland has been recognized.

Mr. TALBOTT. I ask the Clerk to read my amendment.

The Clerk read as follows:

And the Committee on Naval Affairs shall occupy the room occupied by that committee in the Forty-sixth Congress, and the Clerk of the House shall occupy the room now occupied by the Committee on Naval Affairs in the Forty-eighth Congress.

Mr. WARNER, of Ohio. Is that amendment in order?

The SPEAKER. It is, as it is in relation to the assignment of committee-rooms.

Mr. WILLIS. Is it in order when the previous question has been called?

The SPEAKER. The amendment is before the House.

Mr. TALBOTT. Mr. Speaker, that room is opposite the room of the Committee on Military Affairs, and prior to the Forty-seventh Congress was occupied for more than ten years by the Committee on Naval Affairs. It was taken away from that committee and the committee was removed upstairs by an order of the Speaker in the Forty-seventh Congress before the appointment of the committees. The room should be restored to the committee as soon as it can be done. And if the Clerk wishes a room where the enrolling clerks can not be interrupted, where they can not be disturbed, that room upstairs is the very place for him to go. My amendment gives the room which belongs to the Committee on Naval Affairs to that committee, which occupied it for ten years before the Forty-seventh Congress.

Mr. KELLEY. Yes; for more than twenty years.

Mr. TALBOTT. Yes; for more than twenty years. It is opposite to the Military Committee room, where it ought to be.

Mr. YOUNG. I call for the previous question.

The previous question was ordered.

The question first recurred on Mr. TALBOTT'S amendment to the amendment.

The House divided; and there were—ayes 145, noes 29.

So the amendment to the amendment was agreed to.

Mr. HOLMAN. I move to recommit the subject to the Committee on Public Buildings and Grounds, as that committee can arrange the rooms better than it can be done here.

The House divided; and there were—ayes 80, noes 105.

Mr. O'NEILL, of Missouri. I ask for tellers.

Tellers were not ordered.

So Mr. HOLMAN'S motion was rejected.

Mr. YOUNG'S amendment as amended was then adopted.

The resolution as amended was then adopted.

Mr. YOUNG moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BAYNE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. J. ADAMS: The petition of Helen M. Fiedler, for relief—to the Committee on Foreign Affairs.

By Mr. BALLENTINE: The petition of J. B. Stacey, for relief—to the Committee on War Claims.

By Mr. BRAINERD: The petition of the Board of Trade of Erie, and of the resolutions of the select and common councils of Erie, Pa., relative to the land light-house at that place—severally to the Committee on Commerce.

By Mr. J. H. BREWER: The petition of the letter-carriers of Trenton, N. J., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. CALKINS: The petition of T. E. Howard, J. P. Creed, and 121 others, ex-soldiers of the late war, residents of South Bend, Ind., praying for the forfeiture of certain land grants and action by Congress to grant a portion of the public lands to soldiers of the late war—to the Committee on the Public Lands.

By Mr. CANDLER: Papers relating to the claim of Frank H. Nichols—to the Committee on War Claims.

By Mr. CLAY: The petition of James J. Lipscomb, for relief—to the same committee.

My Mr. COSGROVE: The petition of citizens of Arrow Rock, Saline County, Missouri, for an appropriation to protect the landing at that place—to the Committee on Rivers and Harbors.

By Mr. W. W. CULBERTSON: Papers relating to the claim of Bath County, Kentucky—to the Committee on War Claims.

By Mr. CUTCHEON: The petition of L. Jackman and 168 others, and of S. P. Kline, Edw. C. Armstrong, and 62 others, residents of Michigan, praying Congress to declare the titles of purchasers of lands inside the Ontonagon railway land grant valid—severally to the Committee on the Public Lands.

By Mr. G. R. DAVIS: The petitions of several thousand inventors, residents of forty-four States and Territories, for a reduction of patent fees as proposed in House bill 3104—severally to the Committee on Patents.

By Mr. DOCKERY: The petition of Stephen A. Hurlbut Post, No. 32, Grand Army of the Republic, of Hamilton, Mo., for equalization of pay to soldiers and bounty and back pay—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. ERMENTROUT: The petition of American shipmasters of San Francisco, Cal., relative to the American mercantile marine—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, the petition of citizens of Reading, Pa., for an appropriation for the rebate tax on tobacco—to the Committee on Appropriations.

By Mr. FIEDLER: The petition of Margaret Callanan, for a pension—to the Committee on Invalid Pensions.

By Mr. GOFF: Paper relating to the improvement of the Little Kanawha and Elk Rivers, in West Virginia—to the Committee on Rivers and Harbors.

By Mr. GREEN: The petition of citizens of North Carolina, in relation to the French spoliation claims—to the Committee on Foreign Affairs.

Also, the petition of citizens of Sampson, Pender, Duplin, and New Hanover Counties, North Carolina, for the improvement of Black River, in said State—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Paper relating to the pension claim of Henry B. Jay and of Melvin Pierce—severally to the Committee on Invalid Pensions.

Also, the resolutions adopted at the annual reunion of the Iowa Prisoners' of War Association, held at Des Moines September 5, 1883, in relation to pensions—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. J. T. JONES: Papers relating to bill (H. R. 3560) to re-enact section 4596 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. LOVERING: The petition of Thomas H. Berry, for the extension of a patent—to the Committee on Patents.

Also, the petition of William M. Jenks, of Chelsea, Mass., for relief—to the Committee on War Claims

By Mr. MAGINNIS: Papers relating to the claim of Paul McCormick—to the Committee on Claims.

By Mr. MAYO: The petition of Isaac D. Ward, for relief—to the Committee on Naval Affairs.

By Mr. McCOMAS: Papers relating to the claim of the heirs of Mrs. M. A. Dull—to the Committee on War Claims.

By Mr. MORSE: The petition of John C. Collins, for a pension—to the Committee on Invalid Pensions.

By Mr. MULLER: The petition of John H. Grimes and others, bailiffs of the United States courts for the southern district of New York, for increased compensation—to the Committee on Appropriations.

By Mr. MURRAY: The petition of William Bolwork and of James A. Quinlan, for a pension—severally to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Paper of Charity Robeson, of Philadelphia, Pa., suggesting the means of destroying pleuro-pneumonia and other infectious diseases among domestic animals—to the Committee on Agriculture.

Also, memorial of the Philadelphia Board of Trade, concerning the disposal of undelivered and dead letters—to the Committee on the Post-Office and Post-Roads.

By Mr. J. J. O'NEILL: Papers relating to the claim of G. B. Horner—to the Committee on Claims.

By Mr. PEELLE: The petition of Jesse Durnell, for pay as a pilot in the United States Navy during the late war—to the Committee on Naval Affairs.

By Mr. PRICE: The petition of Stephen Roncliff and 72 others, and of William J. Vincent and others, for the improvement of the navigation of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

Also, the resolutions adopted by the James Comfort Post, No. 68, Grand Army of the Republic, of Chippewa Falls, Wis., in favor of additional pensions to soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. J. H. ROGERS: The petition of Wolf & Bro. and others, for an appropriation for the improvement of the navigation of Petit Jean River—to the Committee on Rivers and Harbors.

By Mr. C. A. SUMNER: Two petitions of citizens of Sacramento, Cal., for a tobacco-rebate appropriation—severally to the Committee on Appropriations.

By Mr. J. M. TAYLOR: The petition of J. D. Askew, administrator of the estate of Alex. Askew, deceased, for relief—to the Committee on War Claims.

By Mr. TUCKER: The petition of citizens of Virginia, for an appropriation to pay the rebate tax on tobacco—to the Committee on Appropriations.

By Mr. WAIT: The resolutions adopted by the Westerly (R. I.) Business Men's Association, asking for an appropriation to improve the navigation of Pawtucket River and Narragansett Bay—to the Committee on Rivers and Harbors.

Also, the petition of L. A. Gallup, for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. WHITING: The petition of S. Nelson Trask, for relief—to the Committee on Claims.

By Mr. WOODWARD: The resolutions adopted by A. J. McNurlin Post, Grand Army of the Republic, of Loyd, Wis., in favor of granting pensions to all soldiers of the late war who were once exposed to fire—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *January* 23, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1090) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York; and

A joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

JOHN C. HARGRAVE.

Mr. COCKRELL. The bill (S. 361) granting a pension to John C. Hargrave was yesterday reported adversely by the Senator from Pennsylvania [Mr. MITCHELL] from the Committee on Pensions, and indefinitely postponed. I did not hear the name at the time, and I desire to move a reconsideration of the vote by which the bill was postponed indefinitely, so that it may be placed on the Calendar. The bill was favorably reported at one or two Congresses and passed this body, and I am at a loss to know why it was reported adversely at this session.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the vote of the Senate yesterday postponing indefinitely the bill indicated by him be reconsidered and that the bill be placed on the Calendar with the adverse report. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 16th instant, the opinion of the Attorney-General of June 22, 1883, on the so-called longevity clauses of the naval appropriation acts of August 5, 1882, and March 3, 1883; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the river and harbor act of August 2, 1882, a letter from the Chief of Engineers, submitting copies of reports from Maj. A. M. Miller of the results of examinations and surveys of D'Arbonne River and harbors at Monroe and Trenton, La., and a project and estimate for continuing the improvement of Ouachita River, made under his direction.

The PRESIDENT *pro tempore*. The letter will be printed. The Chair will call the attention of the Senate to the question whether the accompanying documents connected with a report from a Department in answer to a resolution of the Senate or in pursuance of law should be printed under the direction of the Chair or whether the Chair is to await a motion. The rule provides that every motion to print shall, unless the Senate otherwise order, be referred to the Committee on Printing. The Chair has been in the habit of directing, by general consent, as the Chair understands it, that accompanying official papers be printed, together with the letter transmitting them. The Chair desires to call the attention of the Senate to the matter, as it is occurring every day, so as to understand what is the wish of the Senate. Strictly and regularly the Chair should await a motion to print before he suggests the printing of anything besides the official communication, but the practice has been for the Chair, unless the documents were very voluminous or supposed to be unimportant, to direct that the accompanying official reports, with the main letter, be also printed. If there be no objection, the Chair will direct that the letter of the Chief of Engineers and the reports accompanying it be printed, together with the letter of transmittal, and referred to the Committee on Commerce. Is there objection? The Chair hears none.

Mr. COCKRELL. I was going to suggest that the practice heretofore adopted be acquiesced in, and that the Chair follow that until the Senate otherwise directs. I am sure there will be no objection.

["None."]

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of December 6, 1883, a report of the Commissioner of Indian Affairs, submitting copies of certain agreements with the Sioux Indians relating to cessions of land to the United States, with the correspondence connected therewith.

The PRESIDENT *pro tempore*. The Chair calls the attention of the chairman of the Committee on Indian Affairs [Mr. DAWES] to the volume of the package of papers accompanying the Sioux agreements, and inquires whether the chairman desires to suggest that they should be printed.

Mr. DAWES. I do not know how voluminous the report may be, but I think it should be printed and referred to the select committee that were instructed by the Senate at the last Congress to consider the subject-matter. It was in obedience to the instructions of that committee that the call was made for these papers.

The PRESIDENT *pro tempore*. Has that select committee made a report at this session?

Mr. DAWES. It has not made any report as yet. It has been awaiting these papers.

The PRESIDENT *pro tempore*. The select committee is still in existence, the Senator understands?

Mr. DAWES. I infer that it is still in existence. The members of the committee have acted upon that supposition themselves.

The PRESIDENT *pro tempore*. On motion of the Senator from Massachusetts, if there be no objection, the letter, with the accompanying papers, will be printed and referred to the select committee raised at the last Congress upon this subject, which has not yet reported.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, was read twice by its title.

The PRESIDENT *pro tempore*. If there be no objection, this joint resolution will be referred to the Committee on Naval Affairs, to which some other propositions relating to the subject have previously been referred.

The bill (H. R. 1090) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 3925) to regulate practice in patent suits was read twice by its title.

The PRESIDENT *pro tempore*. The Chair calls the attention of the chairman of the Committee on Patents [Mr. PLATT] to this House bill in respect to the question of its reference.

Mr. PLATT. The Committee on Patents is already considering bills of a similar nature. I think the bill ought to be referred to the Committee on Patents.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be referred to the Committee on Patents.

The bill (H. R. 3926) to repeal the act of July 2, 1862, and such sections of the Revised Statutes of the United States as perpetuate the oath prescribed in said act, was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Mrs. S. Loveland, of Vermont, praying for an increase of her pension; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Mariah W. Washburn, of Athol Center, Mass., praying for an increase of her pension; which was referred to the Committee on Pensions.

He also presented the petition of James H. A. Johnson, editor of the African Methodist, Baltimore, Md., praying for the passage of a bill which will secure to all citizens equal civil rights; which was referred to the Committee on the Judiciary.

Mr. HARRISON presented a petition of Association No. 318 of the Knights of Labor, of Knightsville, Clay County, Indiana, praying Congress to enact such legislation as will forever prevent the importation into this country of foreign laborers under contracts made abroad; which was referred to the Committee on Education and Labor.

Mr. HARRIS. On the 13th of December I introduced a bill (S. 695) for the relief of Rear-Admiral Carter, commodore in the Navy, which was referred to the Committee on Naval Affairs. I now present the petition of Rear-Admiral Carter, who was retired with the rank of commodore, but has since been promoted to the rank of rear-admiral. He asks that he may be allowed the pay of the rank that he now holds. I move that the petition and accompanying papers be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. BLAIR. I present a petition of the New Hampshire State Teachers' Association, signed by Elliot Whipple, president, and Josephine F. Prescott, secretary, in which they express the regret of the association that since the transfer of Alaska from Russia to the United States sixteen years have been allowed to pass without extending to the population educational privileges, and their shame as American citizens that any large section of our land should be worse off educationally than when under the control of Russia, we having failed to continue the schools which for many years were sustained by the Russian Government; and further expressing their approval of the recommendation of the President that there be an appropriation of $50,000 made for the establishment and maintenance of schools in that Territory, especially asking the attention of the Committee on Appropriations of this body to the subject-matter. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. JACKSON presented the petition of Felix G. Gibbs, of Madison County, Tennessee, the petition of George H. Hunt, of Madison County, Tennessee; and the petition of Allen K. Jones, of Henderson County, Tennessee, praying compensation for property taken and used by the United States Army during the late rebellion; which were referred to the Committee on Claims.

Mr. BUTLER presented a petition of letter-carriers of Charleston, S. C., praying for an increase of compensation; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of James H. Goss, postmaster at Union, S. C., praying for relief for certain injustice done him under the present law; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON. I present two petitions, one from citizens of Red Cloud, Webster County, Nebraska, and the other from citizens of Wapello, Iowa, praying for an appropriation for an industrial school at Sitka and for common schools at such points in Alaska as may be designated by the United States Commissioner of Education. These petitions seem to have a common origin, and at the head of each of them is a direction that it be filled up and sent to me. I move the reference of the petitions to the Committee on Appropriations.

The motion was agreed to.

Mr. BECK. I present a similar petition of citizens of Richmond, Ky., which I desire to have referred to the Committee on Appropriations. The petition which was sent to me does not contain the special request of that presented by the Senator from Iowa. I suppose my constituents did not deem it necessary.

Mr. ALLISON. Probably it was torn off.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Appropriations.

Mr. MILLER, of New York. I have in my hand a memorial from the Board of Marine Underwriters of the city of New York, and signed by a large number of the insurance companies of that city. They have made a request that the memorial be read to the Senate. It is only a page and a half in length, and will require not more than two minutes of time. I ask unanimous consent that it be read.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and it will be read.

The memorial was read, and referred to the Committee on Commerce, as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, marine underwriters of the city of New York, respectfully represent that, incurring responsibilities of many millions of dollars upon vessels and cargoes, they represent a very large interest in the safe pilotage of sea-going vessels, an interest oftentimes greater than that of the vessel-owners themselves; and by reason thereof they have sought to keep themselves advised respecting the means best adapted to insure this safety.

That experience enables them to commend the pilot system of the port of New York as in general safely and fairly conducted. The pilots have for a long course of years under the existing discipline proved themselves to be skillful, prompt, and attentive to their duties, and to be law-abiding citizens. The per centum of loss or disaster in anywise attributable to fault on their part is infinitesimally small when computed upon the vast commerce which yearly passes through the shifting and intricate channels of the harbor.

That the propriety and indeed necessity of special guidance of sea-going vessels into and out of harbors have been generally conceded in commercial communities. This guidance should be duly regulated and enforced. Each vessel has in charge cargo intrusted to it by various shippers, and the port channels are narrow highways over which other vessels must pass. Neither the cargo nor the highway should be left wholly at the mercy of a vessel owner or master.

That so far, at least, as concerns the laws of New York and New Jersey, the pilot system provided by these laws has worked well and with good results, and there seems to be no good reason for its abolition, or for changes which will impair its efficiency.

Your memorialists therefore respectfully ask that no material alteration of the system be enacted by Congress, and especially that the essential requirement of compensation for the offer of pilot service be not abrogated.

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Mr. MILLER, of New York, presented a petition of Snyder Post, No. 72, Grand Army of the Republic, of Waterloo, N. Y., praying that pensions be granted to the veterans of the late civil war; which was referred to the Committee on Pensions.

He also presented the memorial of Richard B. Chapman, an owner of land in Iowa, remonstrating against the passage of the bill (S. 559) to quiet the title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes; which was referred to the Committee on Public Lands.

Mr. SAWYER presented the petition of Messrs. Leopold & Austrian and 19 others, ship-owners and merchants of Chicago, Ill.; the petition of Ira H. Owen and 19 others, ship-owners and merchants of Chicago, Ill.; the petition of Alfred Chesebrough and 15 others, ship-owners of Detroit, Mich.; the petition of A. Bradley and 27 others, merchants and ship-owners of Cleveland, Ohio; the petition of Frank Prim and 13 others, ship-owners and merchants of Buffalo, N. Y.; and the petition of R. F. Goodman and 19 others, ship-owners and merchants of Buffalo, N. Y., praying for the passage of the bill (S. 730) to amend sections 4233 and 4234 of the Revised Statutes, relating to steam and sail vessels navigating the ocean; which were referred to the Committee on Commerce.

Mr. GROOME presented additional papers to accompany the bill (S. 578) for the relief of Dennis W. Mullan; which were referred to the Committee on Naval Affairs.

Mr. BROWN. I present the memorial of P. F. Lawshe; postmaster at Gainesville, Ga., in reference to accommodations for post-offices of the third class. It is addressed to me, but it was evidently intended for the Senate, as it is in the form of a memorial.

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent to present a paper in the nature of a memorial, relating to the subject of post-offices. If there be no objection it will be received and referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 830) for the relief of John Fraser, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 296) for the relief of Harriet W. Shacklett, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin. I am instructed by the Committee on Claims, to whom was referred the bill (S. 375) for the relief of George H. Carlyle, to report it adversely. I call the attention of the Senator from Missouri [Mr. COCKRELL] to the report.

Mr. COCKRELL. Let the bill be placed on the Calendar until I can examine it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CAMERON, of Wisconsin. I am instructed by the same committee, to whom was referred the petition of T. W. Tansill, praying for a readjustment of his accounts by the Treasury Department, to ask that the committee be discharged from the further consideration of the petition. The petitioner is desirous of withdrawing his claim from before Congress.

The report was agreed to; and the petitioner was granted leave to withdraw his petition and papers.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 87) for the relief of the heirs of Maurice Grivot, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 170) for the relief of Thomas M. Redd, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. KENNA, from the Committee on Claims, to whom was referred the bill (S. 8) for the relief of F. W. Peyton, administrator *de bonis non* of James D. Morton, deceased, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 690) for the relief of Mary A. Lewis, widow of Joseph N. Lewis, reported it with amendments, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 158) for the relief of Fitz-John Porter, reported it without amendment, and submitted a report thereon.

Mr. HARRISON. I notice the absence of the chairman of the Committee on Military Affairs [Mr. LOGAN] and I desire to make a statement. There is committed to his care a minority report from the Military Committee of the Senate on the bill just reported by the Senator from New Jersey [Mr. SEWELL]. I ask that when that report is submitted it may be printed with the majority report as the views of the minority.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that the views of the minority in respect of the bill for the relief of Fitz-John Porter, reported to-day from the Committee on Military Affairs, may, when presented, be printed. Is there objection? The Chair hears none, and that order is entered.

Mr. GEORGE, from the Committee on Claims, to whom was referred the petition of Ellen Call Long, praying payment of the claim of the heirs of the late Richard K. Call in accordance with the judgment rendered in the United States court for the district of Florida, January 18, 1847, submitted a report thereon, accompanied by a bill (S. No. 1233) for the relief of Ellen Call Long and Mary K. Brevard.

The bill was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 276) for the relief of Perez Dickinson, the surviving partner of James Cowan, deceased, heretofore trading and doing business under the firm-name and style of Cowan & Dickinson, of Knoxville, East Tenn., submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the bill (S. 88) to provide for the payment of the claim of Joseph R. Shannon, reported it without amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 539) for the relief of Francis B. Van Hoesen, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 643) for the relief of A. A. Thomas, reported it without amendment.

Mr. DAWES, from the Committee on Indian Affairs, to whom the subject was referred, reported the following bills; which were severally read twice by their titles, and, on his motion, recommitted to the Committee on Indian Affairs:

A bill (S. 1248) to provide for the issuance of patents for certain lands in the Indian Terrritory occupied by the Kickapoo, Iowa, and other Indians;

A bill (S. 1249) to confirm certain lands in the Indian Territory to the Cheyennes and Arapahoes, and the Wichitas and affiliated bands, to provide for the issuance of patents therefor, and for other purposes; and

A bill (S. 1250) for the relief of the Mission Indians in the State of California.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 1234) to confirm the title to certain lands in the Territory of Arizona to Charles P. Sykes and John Currey; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. MORRILL introduced a bill (S. 1235) to establish an educational fund, and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of colleges for the advancement of scientific and industrial education; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. WILSON introduced a bill (S. 1236) for the relief of Richard Middleton; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCPHERSON introduced a bill (S. 1237) for the relief of Betts, Nichols & Co.; which was read twice by its title, and referred to the Committee on Finance.

Mr. MILLER, of California, introduced a bill (S. 1238) providing for a survey of the Napa River, in California; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAWYER introduced a bill (S. 1239) to provide for a port of delivery at Sturgeon Bay, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MILLER, of New York, introduced a bill (S. 1240) for the relief of Sarah E. E. Perine, administratrix of the estate of William Perine, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 1241) to amend certain sections of the Revised Statutes of the United States relating to pensions and certain laws enacted since the revision of the Statutes, and for other purposes; which was read twice by its title.

Mr. MITCHELL. In relation to this bill I desire to say that it was prepared under the supervision of the Commissioner of Pensions. It is a very important bill, and I call the special attention of the Senate to it. I wish further to state that I do not by introducing it indorse the whole of it. However, I think it is an important measure. I move that it be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PLUMB introduced a bill (S. 1242) to reimburse Elizabeth Comstock customs dues paid by her on articles donated for the relief of colored refugees; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1243) for the relief of J. W. Patterson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER introduced a bill (S. 1244) for the relief of James W. Schaumberg; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1245) for the relief of Robert Brigham, late postmaster at Franklin, Pa.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. BECK introduced a bill (S. 1246) for the relief of Frank P. Gross; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 1247) to regulate bar-rooms in the District of Columbia; which was read twice by its title.

Mr. HOAR. I introduce the bill by request. I have not read it through. It was prepared by a lawyer in this District, and the parties interested in the matter desire to have presented a petition, drawing up in form what they desire. I move that the bill be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. RANSOM introduced a bill (S. 1251) to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ANTHONY introduced a joint resolution (S. R. 44) directing the Public Printer to forward a copy of the CONGRESSIONAL RECORD to each of the American legations abroad; which was read twice by its title, and referred to the Committee on Printing.

Mr. VANCE. I ask leave to introduce a joint resolution which I desire to have printed and lie on the table, and at an early day I shall ask the indulgence of the Senate to make a few remarks upon it.

The joint resolution (S. R. 45) to provide for the commemoration of the landing of Sir Walter Raleigh's colony on Roanoke Island, N. C., in 1584, was read twice by its title, and ordered to lie on the table.

Mr. SHERMAN introduced a joint resolution (S. R. 46) relative to a certain accepted draft in the Department of State; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENTS TO BILLS.

Mr. PENDLETON, from the Committee on Foreign Relations, reported certain amendments intended to be proposed to the bill (S. 343) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4083 to section 4130, inclusive; which were ordered to be printed.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the bill (S. 487) to regulate promotion in and to increase the efficiency of the Army of the United States; which was ordered to be printed, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers in the claim of W. C. Dodge be taken from the files of the Senate and referred to the Committee on Patents.

On motion of Mr. HOAR, it was

Ordered, That the papers in the claim of the State National Bank of Boston, Mass., be taken from the files and referred to the Committee on Claims.

On motion of Mr. BUTLER, it was

Ordered, That the papers in the case of Louisa H. Hasel be withdrawn from the files of the Senate and referred to the Committee on Claims.

Ordered, That the papers in the case of M. C. Mordecai be withdrawn from the files of the Senate and referred to the Committee on Post-Offices and Post-Roads.

Ordered, That the papers relating to the claim of Casimiro Ginesi be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. BECK, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of John B. Davies, there being no adverse report.

NAVY LIBRARY BINDING.

Mr. ANTHONY. The bill (S. 1199) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878, which I introduced on Monday last, was by mistake referred to the Committee on Appropriations. I ask that that committee be discharged from its consideration, and that it be referred to the Committee on Printing. It relates to the binding of books for the library of the Navy Department.

The PRESIDENT *pro tempore*. Is there objection to the change of reference? The Chair hears none, and the order is entered.

ALLEGED ELECTION OUTRAGES IN VIRGINIA AND MISSISSIPPI.

Mr. SHERMAN. I offer for adoption a preamble and resolutions, and ask for their present consideration.

The preamble and resolutions were read, as follows:

Whereas among the expressed objects for which the Constitution of the United States was established were those to establish justice and insure domestic tranquillity; and

Whereas the Constitution provides for the security to all citizens of equal civil rights, and to all citizens the privileges and immunities that belong to the condition of citizenship, and that the right of citizens of the United States to vote shall not be denied by the United States, or any State, on account of race, color, or previous condition of servitude, and further provides "that no State shall deny to any person within its jurisdiction the equal protection of the laws;" and

Whereas among the privileges and immunities inherent in citizenship are the right peaceably to assemble for the consideration of questions of State and national concern, and safely to discuss the same, and the right to exercise the elective franchise in every State freely and without molestation or intimidation; and

Whereas a general election was to occur, and did occur, in the State of Virginia on the 6th day of November, 1883; and

Whereas it is alleged and currently reported in the public press that on or about the 3d day of November, 1883, at Danville, in said State, a large number of peaceable citizens of the United States and of said State were violently assailed by an organized body of men and fired upon, and several of them killed, by said armed men conspiring to affect, and with the purpose of affecting, the result of said election so about to occur, by creating, by means of such unlawful violence and homicide, a state of alarm on the part of peaceable citizens throughout said State, which should induce them to refrain from voting or to vote differently from their previous intentions at said election; and

Whereas it is alleged that all the victims of said attack were of one race and of one political party, and all their assailants of another; and

Whereas it is alleged that the authorities of said State of Virginia have not brought any of the persons connected with said alleged conspiracies, violence, and homicides before the courts of justice for examination or trial, whereby the equal rights of citizenship and the equal protection of the laws have not been secured to all the people of said State; and

Whereas a general election was to occur, and did occur, in the State of Mississippi on the 6th day of November, 1883; and

Whereas it is alleged and currently reported in the public press that prior to said election, in the county of Copiah, State of Mississippi, there was an organized movement by members of one party to prevent members of another party from voting at that election, and to prevent the free and open discussion and expression of political opinions; that this purpose was carried into execution by organized plans of terror and violence; that the means used for that purpose were by lawless and organized mobs, moving by night and by day, assaulting, and in some cases killing, lawful voters, with a view, by terror and fear of violence, to deter others from voting; that this violence was committed by one party upon the members of another party with a view to deprive the latter of their constitutional rights, and extended throughout the said county of Copiah and into portions of other counties of that State; that, as a part of this general plan and conspiracy, one J. P. Matthews, a peaceable and law-abiding citizen of Copiah County, was warned not to vote, and upon his voting on the day of election was murdered at the place of election by a person selected for that purpose, and with the approval, express or implied, of the officers of election, and no effort was made to punish the murderers; that this killing was subsequently approved by a public meeting in said county, composed strictly of members of one party, and the following resolutions were adopted:

"Whereas certain rumors are current that the relatives of the late J. P. Matthews have threatened the peace of society, in order to avenge his death, by killing Democrats and destroying their property: Now, therefore,

"*Be it resolved by the people of Copiah County in mass meeting assembled this day at the court-house of said county*, That if any person shall be injured, or an attempt made to injure him, either in person or in property, in any manner, by the said relatives or friends of said J. P. Matthews, we hereby declare that we will hold his said relatives and friends who participate accountable for the same, and that we will regard them as without the pale and protection of the law and common enemies of society, and that we will visit upon them certain, swift retribution.

"*Be it further resolved*, That so long as the friends and relatives of the said J. P. Matthews obey the laws and become good citizens, we hereby pledge them the protection of the law.

"*Resolved further*, That in the opinion of this meeting it is necessary to the safety of society and the welfare of all races and classes in this county that the Matthews family shall keep out of politics in Copiah County.

"*Resolved further*. That from henceforth no man or set of men shall organize the negro race against the whites in this county, and if it shall be attempted in the future, we hereby give notice that it shall be at the peril of the person or persons attempting so to do.

"*Resolved*, That we do hereby pledge ourselves, each to the other, our lives and fortunes and our sacred honor, that we will, all and individually, from henceforth, hold ourselves in readiness to enforce the foregoing resolutions, and to meet at any time upon the call of the chairman of this meeting.

"*Resolved*, That a committee of twenty-four from each supervisor's district be appointed by the chair to present a copy of these resolutions to the brothers and sons of the late J. P. Matthews, and that the same be published in the Copiah Signal and the Crystal Springs Meteor.

"*Resolved by the citizens of Copiah County in mass meeting assembled*, That the honors heretofore worn, and worthily so, by beat No. 2 be, and the same are hereby, awarded to beat No. 3.

"*Be it further resolved*, That this resolution is by no means intended to reflect upon the past and present services of beat No. 2, but to show our appreciation of the result of the election of the ticket in beat No. 3.

"*It is also resolved*, That the clubs continue their organizations, and consider themselves not disbanded, subject to the call of the chairman of the Democratic executive committee.

"*Resolved*, That the thanks of this meeting be extended to the Hazlehurst brass band for their services on this occasion.

"J. L. MEADE, *Chairman*.

"JESSE THOMPSON, Jr.,
"C. J. ALLEN,
"*Secretaries*."

And whereas it is alleged that the authorities of the State of Mississippi have utterly failed and neglected to protect and preserve to the citizens of that State

the equal enjoyment of civil and political rights, but have in some cases contributed to their overthrow, and have failed to punish or bring to trial persons alleged to be guilty of the conspiracies, violence, and homicides above stated, in disregard of the equal rights of citizenship in the equal protection of the law guaranteed to all the people of that State: Therefore,

Resolved, That the Committee on Privileges and Elections be, and it is hereby, instructed to inquire into all the circumstances of, and connected with, the said alleged events, and into the condition of the constitutional rights and securities before named of the people of Virginia and Mississippi, and that it report, by bill or otherwise, as soon as may be; and that it have the power to send for persons and papers, and to sit during the sittings of the Senate, and that it may employ a stenographer or stenographers.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it be printed and lie over until to-morrow morning. I think the Senator from Ohio will want to add some more recitals to it; I do not think it contains quite enough.

The PRESIDENT *pro tempore*. Objection being made, the resolution lies over under Rule XIV.

INDIAN TERRITORY LANDS.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to advise the Senate of the present status of lands in the Indian Territory other than those claimed and occupied by the five civilized tribes; the extent of each tract separately; the necessity for or obligation to keep said lands in their present condition of occupancy or otherwise, and as to whether any portions of said lands, and, if so, what portions, are subject to entry under the land laws of the United States; and as to what portion, if any, could be made so subject to entry by the action of the Executive.

SPECIAL ATTORNEYS OF DEPARTMENT OF JUSTICE.

Mr. VAN WYCK. I offer the following resolution, and ask for its adoption:

Resolved, That the Attorney-General be directed to inform the Senate when and by whom the compensation for special attorneys in the star-route cases in the District of Columbia was fixed, and to furnish copies of any agreements or memoranda relating thereto; and if in his judgment the compensation is unreasonable, why he ratified and continued the same. Also, whether said attorneys, or any of them, are now in the employ of the Department of Justice, and at what compensation.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HOAR. I have no objection to its present consideration.

The PRESIDENT *pro tempore*. The Chair hears no objection to the present consideration of the resolution, and the question is on agreeing to it.

Mr. HOAR. It seems to me that that is hardly a respectful and proper form of direction to give to the head of a Department by the Senate. It is in the nature of a cross-examination, calling upon the Attorney-General to explain something which, as it is put, implies improper conduct on his part, asking the Department why if a thing is unreasonable he did it. I respectfully suggest to my friend that he should modify that phrase and ask for the facts.

Mr. VAN WYCK. I think the Senator will readily see that by the most far-fetched construction or the most vivid imagination there can be in the language here used no sort of reflection upon or catechising of the Attorney-General. It has been stated, I suppose by way of apology, though as to that I know naught, that the compensation of one or more of these special assistants was fixed by the predecessor of the present head of the Department. Therefore it is competent to inquire as to that fact. The inference from that partly would be that as the compensation was fixed by his predecessor he had not the power perhaps to change the terms of the compensation. If that be the case, if the inference is properly deducible that the compensation was too high, but was beyond his power to regulate and modify, then it is certainly competent for the Attorney-General to so inform this body, in order that when there shall be, as I trust there will at this session, some legislation restricting the power of the Attorney-General in the employment of special assistants and regulating the mode of compensation, if there be any defect in the old law and the Attorney-General will call our attention to it, the old law may be properly modified.

It is the only object and purpose of the resolution, as it has been the only object and purpose of previous resolutions on this subject, to see wherein the law is defective, as it is conceded to be, to ascertain wherein the administration of the law has been defective, so that any abuses may be corrected in the future. If it be that the Attorney-General feels that he is bound by an arrangement made in a previous administration by his predecessor that fact ought to be known, so that the legislation in the future may be such as to leave authority with the head of the Department to change a contract when, in his judgment, it is unreasonable. My object is that he shall state these facts, in order that we may more intelligently modify the law and meet that which I think is the sense of the Senate.

Mr. HOAR. I move to strike out from the resolution, at the end of the first paragraph, the words, "and if in his judgment the compensation is unreasonable, why he ratified and continued the same," and to insert, "and all facts relating to the reasonableness of such compensation and his reasons for paying the same."

Mr. VAN WYCK. That is almost the language, and it is precisely the idea incorporated in the resolution.

Mr. HOAR. It struck me, and I think it will strike the Senator on reflection, that the language he has employed is in the nature of a cross-examination and making a charge against the Attorney-General which would not be civil.

Mr. VAN WYCK. I think the language suggested by the Senator incorporates the idea and is just as much catechising the head of the Department and a reflection upon him, if you choose to call it a reflection when none is intended, precisely as the language I used; but if it is a matter of etiquette and whatever else one may choose to call it, I accept the amendment.

Mr. HOAR. An incivility on the part of this body to the head of a Department does not injure the person to whom it is directed; it only injures the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3931) to create an additional United States judicial district and to establish circuit and district courts therein in the State of Alabama;

A bill (H. R. 163) providing for the appointment of clerks of the circuit and district courts in the southern district of Georgia; and

A bill (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts," and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes.

ENSIGN L. K. REYNOLDS.

The PRESIDENT *pro tempore*. Are there further "concurrent or other resolutions?" If there be none, that order of business is closed. The Chair lays before the Senate under Rule VIII the business on the Calendar, commencing at the point where under Rule VIII proceedings terminated on the last occasion, being Order of Business No. 14, Senate joint resolution No. 26.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 26) granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria.

Mr. MORGAN. This joint resolution was examined and passed the Senate at the last session without any opposition. I do not care to repeat the facts, as they are already in the RECORD. They do great honor to this young gentleman, in whom the people of the State of Alabama feel very great pride, as the people of the United States must naturally do. I shall, therefore, unless some Senator desires an explanation of the case, say nothing further.

Mr. INGALLS. Is this an order of nobility, conferring a title?

Mr. MORGAN. I think not. The Senator from Kansas may remember that at the last session of the Senate he made an inquiry somewhat similar to that.

Mr. INGALLS. I had forgotten it.

Mr. MORGAN. I supposed at that time I had explained the subject entirely to the satisfaction of the Senate, so that there was no objection to the measure.

Mr. INGALLS. Is it merely a decoration?

Mr. MORGAN. Only a decoration.

Mr. HALE. Has this resolution been before any committee?

Mr. MORGAN. It has been twice before the Committee on Foreign Relations, and was reported at the last session by the Committee on Foreign Relation, and passed the Senate.

Mr. HALE. And is it now reported by the present Committee on Foreign Relations?

Mr. MORGAN. It is now reported by the present Committee on Foreign Relations.

Mr. HALE. That is satisfactory.

Mr. PLUMB. Perhaps it is not very gracious, but I want to say that I hope the resolution will not pass. I am rather of the opinion that a man who carries the commission of his own Government, especially so good a one as the American Government, ought to be satisfied with that. I think we have enough toadyism in all branches of our service that have contact with foreign people. I have observed something of that even in the diplomatic service. I think on the whole we have some men in the diplomatic service who are more proud of the distinctions they get at the hands of the governments to which they are accredited than they are of the commission by which they were accredited. I think it is a good time to inculcate a wholesome American sentiment, and have it understood that we shall not hereafter give permission to any one of our officials to be decorated by any foreign government whatsoever.

It seems to me, Mr. President, as though we are just getting as a nation into this condition, that the only things we import into this country are the vices, the frills, the furbelows, and the fashions from abroad,

and the only thing that we export is a class of people who are but too glad to get out of this country and spend their money disporting themselves among foreign peoples. I am told that we have consuls abroad who spend a good deal of their time in berating the country whose commission they bear and whose salary they regularly draw. In fact, they draw it with a regularity equal to that which the late Mr. Phœnix commended so highly in the still later George Washington of his imagination; and yet they pass the most of their time, as I am told, practically and actually, in berating the Government which accredits them, and in doing all they can to show that they are less American citizens and more citizens of Great Britain or of other countries in which they happen for the time being to be.

This may be a very little thing, but it is in this same line; it is a cultivation of the same idea that the American Government, the American commission, the American ideas are not good enough for all our people. I am a protectionist; I am in favor of protecting this country as much as I can against the importation of these ideas, against these un-American habits, and for inculcating in all branches of the public service a good, old-fashioned, wholesome love of American principles and American institutions. An American decoration is good enough any way, but it always palls on a certain class of people when it comes in competition with one which is conferred by some person who has had the kingly oil poured upon him. We ape the manners, the fashions, and the notions about rank that are prevalent abroad; and I think, Mr. President, it is high time this should end. I do not think it ought to have the sanction of law, of the resolution of either branch of Congress. I think it is puerile, I think it is un-American, and should be condemned rather than be commended.

Mr. CONGER. Let the resolution be read before there is further debate.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The resolution will be read.

The Chief Clerk read the joint resolution.

Mr. MAXEY. Mr. President, since I have been a member of the Senate a great many resolutions similar in purport to that which is now before us have been introduced and passed without formal opposition. I have during all that time had the feeling that such measures were un-American and anti-republican, and tended to the cultivation of a spirit which in my judgment bodes no good to our country; but living as I do in a State that does not make any very great account of distinctions and titles, my notions might be somewhat different from the rest of the Senate and I said nothing about the matter. I am very glad indeed to hear the Senator from Kansas, who lives in the same character of country I do, express the same opinion. In my judgment, in all that region of country matters of this kind would be laughed at, and I think they ought to be. It is true that in many of our cities some of the people are aping foreign manners; there are dudes and a class who want to pronounce like Englishmen, to ride like Englishmen, to hold their arms like Englishmen, and all that thing. The whole of this is wrong. Whenever an officer of the Government of the United States is not satisfied with the honors which his own country can confer upon him, he had better quit the service of his country and go into that of a country which is willing to confer its honors upon him. That is my judgment.

Mr. MORGAN. Mr. President——

The PRESIDING OFFICER. The Chair will remind the Senator that debate is proceeding under Rule VIII, and he has exhausted his privileges under that rule.

Mr. MORGAN. I ask unanimous leave to explain this resolution.

The PRESIDING OFFICER. Is there objection to the Senator from Alabama speaking a second time on this resolution for five minutes? The Chair hears none.

Mr. MORGAN. Mr. President, I will send—I suppose it will not come out of my time—to the Secretary's desk and ask to have read the correspondence on this subject, which is to be found on page 1002 of the CONGRESSIONAL RECORD, volume 14, part 1, Forty-seventh Congress, second session. I respectfully ask the Senate to listen to it.

The PRESIDING OFFICER. The Chair's interpretation of the rule would be that the Senator's time expires at the end of five minutes from the time he takes the floor, whether the matter occupying the time is read at the Clerk's desk or spoken by him in his place.

Mr. MORGAN. Then I am excluded from having this correspondence read unless out of my time.

The PRESIDING OFFICER. The Senator can ask unanimous consent. The Chair is obliged to enforce the rule.

Mr. MORGAN. I am glad the Chair is so punctilious about the rule; it is a good idea; and therefore I ask unanimous consent to add to my time enough of the valuable time of this body to allow the correspondence to be read.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Secretary will proceed with the reading.

The Chief Clerk read as follows:

UNITED STATES FLAGSHIP TRENTON,
Toulon, France, February 3, 1880.

SIR: I have the honor to make the following report, in order to render tardy justice to a deserving young officer:

In my report of the rescue of the crew of the Austro-Hungarian bark Olivo I neglected to mention the gallant conduct of Ensign L. K. Reynolds.

Ensign Reynolds had charge of the first whaleboat and was the only one who communicated with the bark.

The second whaleboat, owing to the heavy sea, failed to get within hail.

After making two trips and bringing to the Constellation nine of the crew of the Olivo, he (Mr. Reynolds) volunteered to return and bring off the three men remaining on the bark.

Before leaving the last boat I directed Mr. Reynolds either to scuttle or fire the bark to secure her sinking, as she was in the track of vessels and dangerous above water. Owing to the heavy sea running, Ensign Reynolds could not go alongside the bark, but jumped overboard, swam to the vessel, fired her in two places, swam to his boat again, and returned to the Constellation with the last of the crew of the Olivo.

To the good judgment and skillful handling of the boat by Ensign Reynolds is due the fact that no accident happened either to the rescued or rescuing party.

Very respectfully, your obedient servant,

HENRY WILSON,
Captain, Commanding.

Hon. R. W. THOMPSON,
Secretary of the Navy, Washington, D. C.

NAVY DEPARTMENT, *Washington, February 27, 1880.*

SIR: The Department has read with great satisfaction the report of Capt. Henry Wilson, detailing your gallant conduct in rescuing the crew of the Austro-Hungarian bark Olivo while *en route* to the European station.

Such heroic conduct commends itself not only to the consideration of the Department but of the country, and the Department cheerfully tenders its thanks for it.

The exhibition of such qualities by so young an officer gives assurance of a brilliant and useful future.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Ensign L. K. REYNOLDS, *United States Navy,*
United States Flagship Trenton.

TREASURY DEPARTMENT, *Washington, D. C., June 4, 1880.*

SIR: I have the honor to transmit herewith, in recognition of your heroism in saving, on the 24th of November, 1879, twelve persons from a vessel wrecked at sea, the gold life-saving medal authorized by the act of Congress approved June 21, 1874.

It appears that on the above date, while the United States steamer Constellation, to which you were attached, was lying hove-to in the vicinity of the Azores, on account of the violence of the gale then prevailing, a vessel was seen from her decks at daylight several miles astern with a signal of distress flying. This vessel proved to be the Austro-Hungarian bark Olivo. Two boats were sent from the Constellation to her relief, one of which failed to get within hail through the heavy sea then running, but the other, which was under your command, succeeded in getting near her and in two successive trips took off nine of the twelve persons on board. The day was consumed in these efforts, but although the danger of the enterprise was greatly increased by the setting in of darkness, it is shown that you volunteered to return to the sinking bark, and took off the remaining three men. On each occasion the sea was so rough that the men from the bark were obliged to jump overboard to be taken into the boat, which was unable, on the peril of being stove, to come up alongside; and after the last rescue was effected, as the bark was in the track of passing vessels, and dangerous to navigation so long as her hulk floated, you performed the dangerous feat of swimming to her through the violent sea, and getting on board, set her on fire in two places; you then swam back to your boat and returned to the Constellation late in the evening with the last of the crew of the Olivo.

It gives me particular pleasure to transmit to you the accompanying medal, the public recognition of a memorable day of hard labor and constant peril which you endured in the service of humanity.

I have the honor to be, very respectfully,

JOHN SHERMAN, *Secretary.*

Ensign L. C. REYNOLDS, *United States Navy.*

NAVY DEPARTMENT, *Washington, June 7, 1880.*

SIR: It gives me great pleasure to transmit herewith a gold medal of the first class, awarded to you by the Secretary of the Treasury, under an act of Congress approved June 20, 1874, in recognition of your heroism on the 24th of November last in rescuing the crew of the Austrian bark Olivo. The circumstances of the affair are minutely detailed in the letter addressed to you by the Secretary of the Treasury on the 4th instant, also herewith transmitted. The Department has already expressed to you its high appreciation of your gallantry, which secured to you so handsome a recognition by the Government of your services. And it is with satisfaction that it finds itself the medium of transmitting to you the gold medal and the appreciative letter from the honorable Secretary of the Treasury. You will please acknowledge to the Secretary of the Treasury the receipt of the medal.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Ensign L. K. REYNOLDS, *United States Navy,*
Flag-ship Trenton, European Station.

WASHINGTON, *June 20, 1882.*

SIR: Lieut. L. K. Reynolds, United States Navy, having displayed almost unexampled bravery, this gallant officer having succeeded in 1880, while on board the United States frigate Constellation, to save, at imminent peril to himself and during a furious gale, the whole crew of the Austrian bark Olivo (12 men), which heroic act has been reported by the Austrian naval board of Trieste to the I. R. ministry of commerce, a cabinet council had unanimously passed the resolution, subject to His Majesty's approval, that the I. R. Order of Francis Joseph be awarded to Lieut. L. K. Reynolds, as an acknowledgment of his gallantry and noble intrepidity.

In consequence thereof the I. and R. foreign office had instructed this legation in January last to ascertain whether the said officer would be allowed to accept that position.

Preliminary confidential and verbal application having been made concerning that question to the Secretary of the Navy, Hon. Mr. Hunt had declared that the United States Senate would have to grant that permission by special act; that such permission would undoubtedly be given considering the circumstances of the case, and that the Department saw no objection to Lieutenant Reynolds being made a Knight of the I. and R. Order aforesaid.

I have consequently the honor to forward you hereby the said decoration, with the diploma and the bond attached to it, requesting you to inform me in due time whether Lieut. L. K. Reynolds has been permitted to accept that decoration.

In that case he will have to sign the annexed bond, which you will be pleased to return to me for transmission to Vienna.

Accept sir, the renewed assurance of my highest consideration.

SCHAEFFER.

The honorable FREDERICK T. FRELINGHUYSEN,
Secretary of State, &c., Washington.

NAVY DEPARTMENT, *Washington, June* 30, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th instant and inclosure, and to request that application be made to Congress for permission for Ensign L. K. Reynolds, United States Navy, to accept the I. R. Order of Francis Joseph, proposed to be conferred by the Government of Austria.

I am, sir, very respectfully, your obedient servant,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. FREDERICK T. FRELINGHUYSEN,
Secretary of State.

THE LIFE-SAVING BENEVOLENT ASSOCIATION OF NEW YORK,
(51 Wall Street),
New York, March 19, 1880.

SIR: I take leave to send herewith the gold medal awarded by the Life-Saving Benevolent Association of New York to Mr. Lovell K. Reynolds, ensign, United States Navy, of the United States steamship Constellation, as a mark of appreciation of his skill and gallantry in rescuing the crew of the Austro-Hungarian bark Olivo, Captain Luciano Barbarovich, when in a sinking condition in mid-Atlantic Ocean, November 24, 1879.

This association will feel sincerely obliged if you will be pleased to forward the medal and accompanying letter to Mr. Reynolds in such manner and with such expression of your approval or consent as may seem to you proper.

I have the honor to be, respectfully, your obedient servant,

ROYAL PHELPS, *Vice-President.*

Hon. R. W. THOMPSON,
Secretary of the Navy, Washington, D. C.

NAVY DEPARTMENT, *Washington, March* 23, 1880.

SIR: I have the pleasure of transmitting herewith an open letter addressed to you by Royal Phelps, esq., vice-president of the Life-Saving Benevolent Association of New York, accompanied by the gold medal awarded to you by that association in appreciation of your gallant conduct in rescuing the crew of the Austro-Hungarian bark Olivo, at sea, November 24, 1879.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Ensign LOVELL K. REYNOLDS, U. S. N.,
United States Steamship Trenton, European Station.

BOSTON, 90 *Boylston Street, March* 31, 1880.

DEAR SIR: At a meeting of the Humane Society of Massachusetts holden March 5, 1880, it was voted that the gold medal of the society be awarded to Ensign Lovell K. Reynolds, U. S. N., for his courageous and successful efforts in saving the captain and crew of the Austro-Hungarian bark Olivo in a severe gale of wind, at sea, November 24, 1879.

In sending you this vote and the accompanying medal the trustees wish to express to you their high sense of your heroism, self-devotion, coolness, and courage, by which so much good was accomplished and so many lives were saved.

Yours, respectfully,

CHAS. D. HOMANS,
Corresponding Secretary Humane Society of Massachusetts.

LOVELL K. REYNOLDS, Esq.,
Ensign, U. S. Navy.

Mr. MORGAN. Now, Mr. President, it will be seen from the reading of these letters from our own Secretary of the Treasury, from our own Secretary of the Navy, from the officer in command of the Constellation, upon which this young ensign was, that no man in the naval history of the United States has ever performed acts of greater personal gallantry than these; and twelve men who were upon the high seas in the bark Olivo in the midst of a terrific storm, which lasted three days, owe their lives to this young officer. Thereupon his Government, under our own laws, ordered a gold medal for him, expressive of its thanks for his gallantry on that occasion. The Austrian Government seeks to participate in this expression relative to the young ensign, and Senators are found here who are so entirely democratic and represent such democratic constituencies in the West and Southwest that they can not afford to allow the Austrian Government to make this expression of its thanks to so gallant an American as this. Sir, indeed we are getting to be in the very drivel of democracy when we get to that low pitch of it.

I think the honorable Senators could not have considered for one moment the condition of this case. This young American did not come in contact with the Austrian Government on the carpeted floor of royalty or in the midst of scenes of revelry. He did not claim a golden snuff-box from somebody because he had attended at a coronation; but he met the Austrian ship upon the high seas in the midst of a most terrific storm, and when the hearts of other men failed them, he took his boat and went on board that ship and saved the lives of those on it, and he had to throw himself into the sea and swim from his boat to the side of the ship before he could reach the point where he could furnish them relief.

I, sir, feel proud of the young man, and especially proud that he is an Alabamian, and I think that I can claim from the Senate of the United States its co-operation with the Government of Austria in paying a deserved compliment to a man of such high merit.

Mr. BAYARD. Mr. President, I am very sure that it was not without a meaning that the framers of the Constitution provided that no officer of the United States should without the consent of Congress receive testimonials from foreign governments. It was intended that Congress should have the opportunity to accept for one of its citizens expressions of commendation from other governments or other peoples.

We do not confine our admiration for brave and gallant deeds to our own citizens. We take our examples of human virtue, of human excellence, from every clime and from every government and every race of mankind; and shall the American Congress by refusing to pass their assent to this complimentary action of a foreign government, bestowed because of the gallantry of one of our citizens, undertake to exclude our own citizens from that roll of world-wide honor that the citizens of any other government shall be entitled to. Why, Mr. President, far from it. If an American citizen by unworthy conduct, by such apish tricks as the Senator from Texas has very justly condemned, should seek to obtain foreign approval, undoubtedly we can refuse our commendation of any such conduct; but God forbid that when honor is paid by a foreign people to American gallantry the voice of the American Senate should be found in opposition to it.

Mr. PLUMB. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas has once spoken, and under the rule he can proceed again by unanimous consent only.

Mr. PLUMB. I am waiting for somebody to object.

The PRESIDING OFFICER. Is there objection to the Senator from Kansas proceeding? The Chair hears none.

Mr. PLUMB. I observe in the same line a number of bills pending before the Senate, one of them to permit the present minister to Russia to receive a snuff-box, I think it is, for the dangerous service which he performed in standing at the side of the czar on the occasion of his late coronation.

Mr. President, it is not the particular case that I object to, but it is this line of cases; and I believe now if there is any occasion for commending anybody in the United States Navy or the United States Army or in the diplomatic service of the United States for doing anything that is especially worthy of commendation, the American Government ought to do the commending and not leave it to some foreign nation. It is the running into that sort of thing which I object to more than to the particular case. I object to this because it is in a line with the request which has been preferred here in the name of our minister to Russia, and also with a request in regard to a gentleman who was recently abroad in some naval-commercial capacity—a commodore in the Navy, who was presented with certain Persian carpets and rugs and things of that kind while he was negotiating treaties of some sort. The trouble is, that we do not know where, and there is no proper line at which, to draw or enforce a rule of exclusion unless we adopt the rule, as I think we should, of excluding all of them. If we are to accept the judgment of the foreign countries tendering the decoration, then of course the testimony of the czar that our minister at his court stood in a very dangerous place and performed a heroic act in exposing himself to the volcanic difficulties and dangers with which royalty is attended in Russia ought to be recognized in the same manner.

The joint resolution was reported to the Senate without amendment.

Mr. HOAR. I wish simply to say that if an officer in a foreign navy had rendered a gallant service of that kind to one of our vessels I think we should like to express in some simple but honorable method our appreciation of the act, and we should regard it as a great discourtesy if any foreign government compelled its naval officer to fling in our faces our expression of gratitude. I think it would be almost a boorish act on the part of Congress to refuse this leave.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CLERKS FOR SENATORS.

The PRESIDING OFFICER. The Secretary will report the next bill on the Calendar.

Mr. BUTLER. Would it be in order to ask the Senate to consider now a resolution which I had the honor to offer some time ago, and which stands as Order of Business No. 9 on the Calendar?

The PRESIDING OFFICER. It would not be in order under the rule.

Mr. BUTLER. Then I ask unanimous consent.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent to consider the resolution, which will be read by the Secretary.

The Chief Clerk read the following resolution, submitted by Mr. BUTLER December 10, 1883:

Resolved, That each Senator, except the chairmen of standing or select committees of the Senate, shall be entitled to a clerk or secretary, at a salary of $1,000 annually, the same to be paid out of the contingent fund of the Senate.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent, out of order, to proceed at this time with the consideration of the resolution just read. Is there objection? The Chair hears none, and the resolution is before the Senate.

Mr. BUTLER. I shall not detain the Senate more than a moment, and simply to say that there are now forty-one Senators holding the position of chairmen of committees, standing or select, in the Senate, leaving thirty-five without clerical assistance; so that if the resolution pass it would involve the appointment of but thirty-five additional clerks for the Senate. In offering the resolution I had no design of increasing what are known as the personal perquisites of Senators. My object was simply to increase the clerical force of the Senate, and in my judgment increase the efficiency of the public service. I simply ask a vote upon the resolution without further remarks.

The PRESIDING OFFICER. The question is upon the adoption of the resolution.

The question being put, there were, on a division—ayes 16, noes 10—not a quorum voting.

Mr. BUTLER. Let us have the yeas and nays.

The yeas and nays were ordered and taken.

Mr. GARLAND. My colleague [Mr. WALKER] is paired with the Senator from Colorado [Mr. HILL]. I do not know how either would vote.

Mr. MILLER, of California. I am paired with my colleague [Mr. FARLEY].

The result was announced—yeas 30, nays 13; as follows:

YEAS—30.

Bowen,	Gibson,	Jones of Florida,	Morgan,
Brown,	Gorman,	Jones of Nevada,	Palmer,
Butler,	Hale,	Kenna,	Pugh,
Camden,	Hampton,	Lamar,	Ransom,
Cameron of Wis.,	Hawley,	Lapham,	Sewell,
Colquitt,	Hoar,	Mahone,	Vance.
Cullom,	Jackson,	Manderson,	
Fair,	Jonas,	Miller of N. Y.,	

NAYS—13.

Coke,	Garland,	McPherson,	Vest.
Conger,	George,	Platt,	
Edmunds,	Harris,	Plumb,	
Frye,	Ingalls,	Van Wyck,	

ABSENT—33.

Aldrich,	Dawes,	Miller of Cal.,	Sherman,
Allison,	Dolph,	Mitchell,	Slater,
Anthony,	Farley,	Morrill,	Voorhees,
Bayard,	Groome,	Pendleton,	Walker,
Beck,	Harrison,	Pike,	Williams,
Blair,	Hill,	Riddleberger,	Wilson.
Call,	Logan,	Sabin,	
Cameron of Pa.,	McMillan,	Saulsbury,	
Cockrell,	Maxey,	Sawyer,	

So the resolution was agreed to.

ELIZABETH CARSON.

The PRESIDING OFFICER. The bill regularly in order on the Calendar will be reported.

The bill (S. 12) for the relief of Elizabeth Carson was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to Elizabeth Carson, of Bourbon County, Kentucky, $2,630.42, in full satisfaction for subsistence, use of jail, fuel, fire, care, and attention furnished by her to conscripts, deserters, and rebel prisoners confined in the jail of Bourbon County, Kentucky, by order of the military authorities of the United States, in the years 1862, 1863, 1864, and 1865.

Mr. CONGER. Let the report in that case be read.

The Chief Clerk read the following report, submitted by Mr. MANDERSON December 19, 1883:

The Committee on Claims, to whom was referred the bill (S. 12) for the relief of Elizabeth Carson, having considered the same, beg leave to report:

That this committee had this case under consideration during the Fortieth, Forty-first, and Forty-fourth Congresses, and at each of said sessions made a favorable report thereon, which upon reconsideration they now adopt, as follows:

That Mrs. Carson is a widow, residing in Bourbon County, in the State of Kentucky, and was from August, 1862, to the latter part of the year 1865, the keeper of the jail in said county; that during that time the military authorities of the United States, then stationed in said county, took control of said jail as a military prison, and compelled her to furnish subsistence for conscripts and for deserters from the United States Army and prisoners taken from the rebel forces; that during said time she furnished subsistence, amounting in all to 4,384 days' subsistence for prisoners placed in said jail by said military authorities; that said authorities never paid a cent therefor; that said petitioner kept an accurate account of the number of days' subsistence thus furnished, which is filed with her petition, with evidence of the justice and truth thereof; that she also claims compensation for fire furnished in the prison for a portion of said time, and also for fuel furnished to the guards around the jail, and also for rent of said jail; and her charges for subsistence are at the rate of 75 cents per day, and for fire 35 cents per day, which were the rates allowed by law in that jail for keeping persons confined therein under the civil law. Her total claim, thus made out, amounts to the sum of $4,618.70.

Upon examination of the facts, and upon consideration of the case, the committee are of opinion to allow her 60 cents for each day's subsistence, making the sum of $2,630.40, in full discharge of her account. Accordingly they report the accompanying bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES E. STEWART.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 47) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased.

It proposes to direct the Secretary of the Treasury to pay to Frances E. Stewart, administratrix of Michael S. Stewart, deceased, $3,160.50, in full of all balances due the estate of Michael S. Stewart, growing out of a contract made on or about the 10th of December, 1864, between Stewart and Capt. George B. Hibbard, then assistant quartermaster at Nashville, Tenn., by which Stewart agreed to cut and deliver 10,000 cords of wood at the Cumberland River for the use of the Army.

Mr. GARLAND. Let us have the report read in that case.

Mr. CAMERON, of Wisconsin. The report is very long.

Mr. GARLAND. Then let there be an explanation of the case.

Mr. CAMERON, of Wisconsin. I think I can state in a moment the point in the claim. The bill was reported by the Senator from Oregon [Mr. DOLPH] who is now absent.

On the 10th of December, 1864, Michael S. Stewart entered into a verbal contract with a quartermaster named George B. Hibbard, by which he, Stewart, agreed to deliver to the United States 10,000 cords of wood on the banks of the Cumberland River at a point not exceeding twenty-five miles from the city of Nashville at $6 a cord. Mr. Stewart, for the purpose of carrying out the contract, purchased timber land adjacent to the river, hired choppers, and cut 2,000 cords of wood, which 2,000 cords of wood were delivered to the United States, received by the proper officer, and paid for. He also at that time, in addition to the 2,000 cords of wood, had cut 903 cords, but after the United States had received the 2,000 cords he was notified that they would not receive any more. Mr. Stewart, when he became satisfied that the United States would not receive any more wood, sold the 903 cords on the best terms he could. He sold that wood at $2.50 a cord. The occasion for the use of wood had passed, and consequently he could not obtain any more for the wood. This bill proposes to pay him for the actual expense that he was put to, less the amount that he received for the wood, in cutting and delivering on the banks of the river 903 cords. The amount is about $3,000.

Mr. MILLER, of California. When did this transaction take place?

Mr. CAMERON, of Wisconsin. The contract was entered into on the 10th of December, 1864.

Mr. MILLER, of California. When was the contractor notified that the wood would not be received?

Mr. CAMERON, of Wisconsin. I think it was in May, 1865, the next spring.

Mr. McPHERSON. I should like to ask the Senator from Wisconsin what evidence there is in this case. He speaks of the contract being a verbal contract. Does the contract call for a large number of cords?

Mr. CAMERON, of Wisconsin. Here is the statement of the quartermaster who entered into the contract:

ASSISTANT QUARTERMASTER'S OFFICE,
FUEL AND FORAGE DEPARTMENT,
Nashville, Tenn., November 2, 1864.

To whom it may concern:

Mr. M. S. Stewart has contracted to deliver me 10,000 cords of wood on the Cumberland River for the use of the Government. He will need all of his hay and grain to feed his teams used in delivering said wood; therefore I request all persons whomsoever to leave his crops unmolested.

GEO. B. HIBBARD,
Captain and Assistant Quartermaster.

There is no question that he entered into a verbal contract with this quartermaster, to whom he agreed to deliver that amount of wood.

Mr. CONGER. I desire to ask the chairman of the committee whether the amount they have reported is the difference between $2.50 on 903 cords of wood and the $6 a cord?

Mr. CAMERON, of Wisconsin. It is the difference between the actual cost of the wood to the contractor and the $2.50 a cord which he received—the actual damage that he suffered.

Mr. CONGER. Does that give the United States the land that he bought?

Mr. CAMERON, of Wisconsin. No, sir, it does not; it has nothing to do with the land.

Mr. CONGER. Then what is the amount per cord, less the $2.50 allowed by this bill? Is it more than the original contract price?

Mr. CAMERON, of Wisconsin. No, it is less than the original contract price of $6 a cord. The bill was reported favorably in the last Congress, and the report was concurred in by my distinguished friend from Michigan, who at that time was a member of the Committee on Claims.

Mr. CONGER. I suppose that simply means that there is no evidence of record that there was any dissent. I have no recollection about the case. I do not recollect that it was ever referred to me for examination.

Mr. CAMERON, of Wisconsin. It was not reported by the Senator, but by another member of the committee.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WRIGHT & FAHNESTOCK'S PATENT LINCHPIN.

The bill (S. 297) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock was considered as in Committee of the Whole. It provides for the payment to Mrs. S. A. Wright, widow of the late George Wright, deceased, and Mrs. C. Fahnestock, widow of the late S. S. Fahnestock, deceased, of $5,000, in full consideration for the entire past and future use by the Government of the United States of the patent linchpin of George Wright and S. S. Fahnestock, on condition that a full, sufficient, and legal transfer and license is executed and deposited with the War Department, for the Government purposes, free of all charges of royalty.

Mr. GARLAND. Let the report be read or an explanation be made of that bill.

Mr. PLATT. The report is somewhat lengthy, and it will take some time to read it. I have no objection to the reading of the report. This bill has passed the Senate twice and the House once after a full investigation, and I did not suppose it would be necessary to take up time in discussing it or reading the report.

The PRESIDING OFFICER. Does the Senator from Arkansas insist on the reading of the report?

Mr. GARLAND. I do not care about it. The bill has been reported and acted on once before, according to the statement of the Senator.

Mr. PLATT. It has been passed twice by the Senate and once by the House.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET CASSIDY.

The bill (S. 298) for the relief of Mrs. Maggie Cassidy was considered as in Committee of the Whole.

The bill was reported from the Committee on Patents with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Marguret Cassidy, widow of Peter A. Cassidy, deceased, $2,500, in full compensation for the past, present, and future use of the patent of said Peter A. Cassidy for his invention of machine for cutting vellum cloth.

The amendment was agreed to.

Mr. GARLAND. Let the bill be explained by some one. I see the Senator from Florida [Mr. CALL] made the report.

Mr. CALL. The bill is a very plain one. The Committee on Patents reported it favorably to the Senate and the Committee on Claims of the House have reported a similar bill. It is recommended by the Auditor of the Post-Office Department, and the amount of compensation named is recommended. The facts of the case are all certified by the Department. I apprehend there is no doubt about the propriety of the bill. The Government has had the use of the property, and the bill gives the Government a right to its future use.

The PRESIDING OFFICER. Does the Senator from Arkansas insist on the reading of the report?

Mr. GARLAND. No, sir.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill for the relief of Margaret Cassidy."

CLERKS FOR SENATORS.

The PRESIDING OFFICER. The Chair takes this occasion to call attention to Rule XXV, where the following language occurs:

A Committee to Audit and Control the Contingent Expenses of the Senate, to consist of three Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate, or creating a charge upon the same.

The resolution that was offered by the Senator from South Carolina [Mr. BUTLER] is in the following language:

Resolved, That each Senator, except the chairmen of standing or select committees of the Senate, shall be entitled to a clerk or secretary, at a salary of $1,000 annually, the same to be paid out of the contingent fund of the Senate.

The attention of the Chair was not called to the rule at the time when the resolution was before the Senate. Obviously the action of the Senate was out of order under the rule. The resolution should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. BUTLER. In reference to the point made by the presiding officer of the Senate, it strikes me that the Senate having considered the resolution by unanimous consent and having passed upon it by a yea-and-nay vote, its action has certainly cured whatever irregularity may have resulted from the resolution not having been referred to the committee. I was not aware of the existence of such a rule, or if I was aware of it it did not occur to me, and I had no purpose whatever of avoiding that committee in asking for the consideration of the resolution by the Senate. It seems to me that the Senate having considered it by unanimous consent and having passed it by a yea-and-nay vote, that action cures whatever defect may have occurred. I therefore think it is now the law of the Senate; it is indeed the law of Congress really, and it is too late to refer it to the committee now. I should not have the slightest objection to its going there, if that were desired; but I see no necessity for a reference. I shall, therefore, as far as I am concerned, allow it to remain as it is.

Mr. RANSOM. Mr. President, I voted with great pleasure for the resolution of the Senator from South Carolina, and I shall do so again, for I appreciate the absolute necessity of the relief which such action by the Senate would afford to members of this body. I am satisfied that in parliamentary law the rule just read from the Chair does not affect the validity of the action of the Senate, because the final vote upon the resolution after it was received and considered without objection cured all defects which might have been taken advantage of by entering an objection under the rule. But while that is my judgment, I still think it best under the circumstances that the vote by which the resolution was passed should be reconsidered. Such a resolution may be supposed by the public to affect Senators specially, and it may be regarded by persons who are too apt to criticise our actions as something of a personal favor to ourselves. In view of that I think it is decidedly best and most proper in every sense that it should go through every form which has been prescribed for such legislation. I shall continue to give it my support, and I have no doubt every other Senator who voted for it will; but for the present I move to reconsider the vote by which the resolution was passed, with a view to its reference to the committee.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. RANSOM] moves to reconsider the vote by which the resolution of the Senator from South Carolina [Mr. BUTLER] was agreed to.

The motion to reconsider was agreed to.

Mr. BUTLER. Now I move the reference of the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 153) providing a civil government for the Territory of Alaska, the pending question being on the amendment reported by the Committee on Territories to insert after section 12 the following additional section:

SEC. 13. That there shall be established in said Territory, at such places as may be designated by the Commissioner of Education, free public schools for the instruction of children and youths of proper age in the common elementary branches of study and in industrial pursuits. Such schools shall be open to all persons of the proper age, without regard to race, under such rules as may be prescribed by the Commissioner of Education. Where free schools have already been established by private benevolence or by any religious society the Commissioner of Education may, with the consent of such persons or society, adopt said schools as a part of the school system of said district, on such terms as may be agreed upon. The Commissioner of Education shall designate one of the best qualified teachers of said schools as superintendent of education, who shall have a general oversight and direction of all said schools, and shall annually report to the governor. All of the powers hereby given to the Commissioner of Education shall be executed subject to the approval of the Secretary of the Interior.

Mr. JONES, of Florida. Mr. President, I did not have an opportunity before the Senate adjourned yesterday to reply to what was said by the Senator from Arkansas [Mr. GARLAND] touching this bill. He contended that section 1891 of the Revised Statutes, title 23, was applicable to this Territory. I entirely disagree with the Senator in regard to that, and I take the position here that not one provision under this title relating to the Territories of the United States can be said to apply to the Territory embraced in this bill, and I say moreover that it was not intended that it should. There is, as I said to the Senate when I last had the floor on this subject, a special provision here requiring an exceptional oath to be taken by the officers who are to execute the laws in Alaska. It is in the following words:

Each of said officials—

Including the governor, the judge, the commissioners, the special constables, and all other officers in this Territory provided for in this bill—

Each of said officials shall before entering on the duties of his office take and subscribe an oath that he will faithfully execute the same, which said oath may be taken before the judge of said district or any United States district or circuit judge.

These officers are to be nominated by the President and confirmed by the Senate. They are to be paid out of the public Treasury like all officers of the United States. Article 6 of the Constitution of the United States declares:

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution.

Now, I say that title 23 of the Revised Statutes, relating to the Territories, will not operate within this Territory under this bill; and let me put a test to ascertain whether I am right or not in this position. If it be contended that section 1891 applies to this Territory, let me ask whether it is intended that section 1862 shall apply to this Territory. Both of these sections are to be found under the very same title. Section 1862 reads as follows:

Every Territory shall have the right to send a Delegate to the House of Representatives of the United States to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the Legislative Assembly thereof.

I could read a great many more provisions under this title relating to the Territories which are mandatory in their character, but which, in my judgment, have no application to this Territory, any more than the provision referred to by the Senator from Arkansas, or that other provision under the same title requiring all officials to take and subscribe an oath to support the Constitution of the United States.

It is very evident, Mr. President, that this bill does not intend to organize a Territory so as to bring it under the provisions of this title. I would ask the Senator from Indiana who has the bill in charge if in his opinion under the section I have read this Territory, after this bill passes, will be entitled to a Delegate in the other House?

Mr. HARRISON. Mr. President, I think I can answer in general terms the question of the Senator from Florida. I think the general laws of the United States contained in the chapter of the Revised Statutes to which he has referred would have application to the Territory or district of Alaska as organized under the pending bill, except where they were inconsistent with the pending bill itself.

Mr. JONES, of Florida. Anybody can readily see how far that au-

swer falls short of meeting the question addressed to the Senator. There is nothing in this bill inconsistent with the idea that a Delegate from the Territory should be in the other House. There is no provision made for an election whatever, no machinery looking to the carrying out of this provision of the Revised Statutes which I have read and which is just as obligatory as the one read by the Senator from Arkansas; and I say if that provision of the Revised Statutes which he read and the other relating to oaths and affirmations of officers in the Territory are operative, that relating to a Delegate must be operative too, because it says every Territory shall have the right to send a Delegate. Now the question is whether this Territory comes within the classifications embraced in the Revised Statutes as an organized Territory. I say that it does not, and this bill indicates upon its face that it was not intended to come within it; otherwise this special oath would not have been incorporated into this bill.

The question is whether anybody who receives a commission from this Government to discharge the functions of a judge, or a governor, or a clerk of a court, can be permitted to enter upon the duties of his office by taking the special oath provided for in this statute reported by the committee. I say that he can not. If there is any force in what was said by the Senator from Arkansas, then all the provisions of this title 23 apply to this Territory. There is no provision made in the bill under consideration for a legislative assembly, and still the Revised Statutes, title 23, declare that every Territory organized under the authority of the United States shall have a legislative body. There is no legislative body provided for in the bill now under consideration. Therefore there is nothing inconsistent between the bill and the Revised Statutes; and I again ask the Senator if he thinks that the provisions of the Revised Statutes relating to Territories which provide for legislative assemblies in the Territories of the United States and for a Delegate from each Territory will apply to the Territory of Alaska?

This is either an organized Territory or it is not. If it is to be an organized Territory, I do not suppose that anybody will deny that the Territory would have a right to claim Territorial representation by a Delegate in the other House; and if that be true, this bill is greatly defective in not providing for the election of a Delegate to represent the people the Territory in the other end of the Capitol.

I read yesterday from the treaty under which this Territory was acquired, the third article of which guarantees to the citizens of the Territory all the rights and privileges of citizens of the United States. I presume the proper construction of that would be that the people in the Territory would have all the rights and privileges of people similarly situated in the Territories. It is well for us to understand exactly what we are doing, because this Territorial question is looming up to be a very important one. We are brought face to face at the present time with this mammoth Mormon question, about which there is considerable difference of opinion as to how far our power goes over that Territory. As we go on, it is well, I say, for us to understand exactly what we are doing. I have no hesitation in restating and reasserting that if the provision read by the Senator from Arkansas is operative in this Territory every one of the provisions of title 23 of the Revised Statutes must operate there that is not inconsistent with this special law, and there is nothing inconsistent in setting up a legislative power there.

If it be true that the oath required from officers of Territories in title 23 of the Revised Statutes is the one to be administered, why did the Committee on Territories incorporate this special oath in this bill? What necessity was there for putting a special oath into this bill which the officers of this Territory are to be required to take? Does not everybody know that when it comes to the discharge of their duties under this act of organization they never will go beyond this bill? It clearly indicates, as I said yesterday, that nobody had any idea that the Constitution or the general laws found in the Revised Statutes would have any force or operation in this Territory; and there is another provision in this bill which clearly carries out that idea—that is the one relating to the mining laws. If the general laws of the United States by their own simple force and operation went into this Territory without any action on the part of Congress, why was it necessary to specify particularly in this bill that the mining laws of the United States should have force and effect there, while nothing is said about any other description of laws?

This shows what was in the mind of the committee when they were considering this measure, that the general laws of the United States do not operate within a Territory unless carried there by the authority of Congress, and that is the true position. That has been the position held by the best minds in this Government from the time the question was first agitated. The Constitution of the United States, as appears by its preamble, was made for the States, and not for the Territories. It declares upon its face that "we, the people of the United States," or, to put it more tersely, the States united, "do ordain and establish this Constitution for the United States of America." It is well known to every thinker in the land that it was not intended at the time of the ratification of the Constitution that it should have any force or operation beyond the States whose delegates created it and whose people ratified it in their conventions; and when any new territory was subsequently acquired under the treaty-making power it was well settled that if the people were to get any advantage from the Constitution of the United States, thus created and ratified by the people of the States, they could only get it through the action of Congress in its legislative capacity in extending over them the benefits of this great organic law.

Now I say that title 23 of the Revised Statutes does not extend the Constitution over this Territory; neither does the bill under consideration; and the question is whether under the provisions of the treaty to which I called attention yesterday the people there have a right to it or not. I think they have; and I think that the usual provision incorporated in the Territorial bills ought to be in this, that the Constitution and laws of the United States not locally inapplicable shall be extended to this Territory, and each of the officers there ought to be required to take the oath of office required from every officer of the United States, and the special oath provided for in this bill ought to be omitted from it, because it is calculated to deceive and delude. There is but one oath of office required of officers of the United States, and that is provided for by the Constitution. It does not leave it to Congress to say what oath shall be taken. The Constitution says that all officers of the United States shall take an oath to support the same, and it leaves nothing for Congress to do on the subject so far as that matter is concerned except possibly to regulate the details of reducing it to writing, or something of that kind.

This proposed statute brings up a special oath that the officers of this Territory shall be required to take inconsistent with the other, as I went on to say. If the provisions of the title relating to Territories apply to it, then I am free to say that my objection is not well taken; but the moment the friends of this bill, and I am not its enemy by any means, admit that the section referred to by the Senator from Arkansas extends to this Territory, then they must admit that every other provision in this title not inconsistent with the act under consideration will go there too.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment reported by the Committee on Territories as a thirteenth section.

Mr. HARRISON. Mr. President, I always listen with interest to the constitutional discussion in which the Senator from Florida engages, and I have listened to this impractical discussion of some supposed difficulties which he has found in this bill with interest. If the Senator has any doubts upon these questions which did not raise doubts in the minds of the members of the Committee on Territories, and is not an enemy to this bill, as he says——

Mr. JONES, of Florida. I am not.

Mr. HARRISON. Then I suggest that he endeavor to forward the purposes of the friends of the measure by some practical amendments which shall avoid the difficulties that he finds in this bill. To me they are very shadowy; they do not seem to be real at all. But if the Senator from Florida finds any difficulty in what is said in this bill as to the form of oath which shall be administered to the officers to be appointed under it, I suggest that he propose an amendment at the proper time, striking out the words which require an officer to swear to faithfully discharge the duties of his office and inserting that he shall take the oath required by law. To such an amendment there could be no possible objection. Indeed, the general statutes of the United States now specifically declare what oath every officer shall take, and there was no intention on the part of the committee of providing any special or peculiar oath to be taken by these officers, and if the phraseology is such as to be subject to the criticism of the Senator from Florida, that is a mere matter of phraseology which the committee would readily correct upon a suggestion.

Now, Mr. President, upon the other point. If the Senator has any trouble upon the question whether the inhabitants of this Territory, when this bill shall be passed, will be living under the Constitution and general laws of the United States not locally inapplicable, I suggest that when the proper time comes he endeavor to give force to that suggestion by some appropriate amendment which will show his friendliness to the bill and that this discussion was not one to embarrass its passage.

But, Mr. President, I want to say to the Senate that we are attempting here some legislation that is *sui generis* in some respects in the organization of this great Territory of Alaska. It was not believed that we should confer upon the few people residing there a full territorial organization. We have described this Territory as a civil district, and have organized for it a government simple in form, inexpensive in its character, and yet one that we believe will be efficient to bring to every resident of the Territory, and to every home that is established there, the reasonable protection of life, liberty, and the pursuit of happiness, and that will banish that reign of lawlessness which has existed there since the great Empire of Russia surrendered its control to the Government of the United States. We have made it simple and inexpensive because we supposed it would better meet the views of those who feel the necessity for some government for Alaska, but do not believe that we should go to the expense of a full Territorial organization.

That there are difficulties connected with framing such a government we all realize. We have given to this Territory an executive head; we have given to it a judicial officer, with four subordinate judicial officers in the form of United States court commissioners; we have given it a marshal and a clerk and an attorney, so that the Government may

properly be represented in those courts in the defense of its interests, and that each one of them may be accessible to every citizen of the Territory in the assertion of his own personal rights and in the defense of his person against aggressors and criminals.

Mr. President, I did not believe, I do not believe now, that it is necessary to address any argument to the United States Senate in favor of a civil government in Alaska. As the committee say in the brief report which was submitted, the duty is so obvious that it can not be made more forcible or plain by any discussion. We are under treaty obligation, as the Senator from Florida has said, to provide these people with such a government. If there were no treaty, I insist that as a Government we are under a duty on every foot of American territory to extend over every American home and over every American citizen the full protection of the laws, and to provide for every such citizen, however remote he may live from the great centers of population, a reasonably convenient access to a properly constituted court for the arbitrament of his differences. I did not suppose when this bill was brought to a hearing in the Senate that I should at all advance the interests of the cause of Alaska by introducing it by any elaborate defense of its provisions; and though there was here a not uninviting opportunity for an oration, one that had been availed of in earlier times by the distinguished Senator from Massachusetts in a most masterly and classical oration, one that had been availed of by the distinguished Senator and Secretary from the State of New York in speeches made out of the Senate, I supposed I should best advance the interests of this measure by allowing it to come at once to the attention of the Senate without any preliminary discussion at all.

I was surprised to hear yesterday from the Senator from Kansas [Mr. INGALLS] a reopening of the question whether we had done wisely in purchasing Alaska. I know that for years after the purchase it was called "Seward's Folly." I know there were many who regarded it as a great waste of public treasure that we should have procured this which was supposed to be an utterly barren and inhospitable and frozen region by the expenditure of $7,200,000 of the public money, but I had supposed that we had so far penetrated those misconceptions, the lack of knowledge and ignorance which invested Alaska at the time of its purchase to the common mind, that the question would not now be raised whether there might not be found better reasons for the purchase of Alaska than those of geographical symmetry and manifest destiny. I believe that as a mere commercial bargain this Government has rarely made a better one. We have already received from the Alaska Commercial Company, from a single source, the only one that has been laid under any tribute to the national Treasury, more than one-half of the original expenditure, and there are awaiting there now sources of Government revenue that, when they are brought in, will vastly add to this annual income which we are receiving from Alaska.

Mr. President, Alaska can hardly be described, either as to its climate or resources, in a phrase or two. The Territory is said to be 1,500 miles one way and 2,000 miles the other, and that gentleman who would undertake to describe it in a single phrase, in a single epigrammatic sentence, must have better facility even than the Senator from Kansas has in that direction to state correctly the climatic and agricultural and mineral resources of that great country.

Mr. President, I am not to be enticed now into any detailed discussion of the resources of Alaska. I am here putting the application for civil government for its people not upon the ground that we made a good bargain, not upon the ground that there are resources there to be developed which will add to the national wealth, but solely upon the ground that we owe it as a duty to the population that resides there. When we speak of that population as being only the four or five hundred white citizens who were resident there in 1880, when the census returns were made up, we are not taking a large enough view of the question. The Senator from Kansas supposed these to be those annual visitors for gain to the Territory of Alaska who return in the fall season to homes in a more pleasant clime.

Mr. President, these were enumerated four years ago as the actual white residents of the Territory, and I have been informed by those who know that the class the Senator describes amounts to several thousand annually, who go to that Territory into its mines, who go there into its lumber camps, who go there into its fisheries, and who spend the season that may be given to these pursuits and then return to their homes southward on the Pacific coast. But, in addition to these, there is a large Indian population there and, as the Secretary of the Interior says in his report, at least as to one class of these Indians, if they cannot be classed as civilized, neither are they savage. They are a peaceful, industrious, laboring population; they live upon the coast; they build houses; they are the laborers in the lumber camps that have been established there; they are not at all of the description of Indians that we are in the habit of dealing with in the central portions of this continent; they are not Sioux or Apaches, but they are a class of Indians who are ready to take hold of every opportunity that is offered for honest employment out of which they can earn a living. Now to these we owe a duty, the duty of giving them government.

Mr. President, when the Russian schools were established there, it is of record that several of the native boys were brought so far forward in the higher branches of study that one of them actually made the triangulation of the sea-coast and the coast of those islands upon which our present surveys are based. It is believed by those who have been brought in contact with them that they are capable of a speedy and rapid development if schools are established among them. And, Mr. President, they do not have to be dragged into the schools. I have seen it stated in a book upon Alaska, published by the Presbyterian Board of Home Missions, as having been said by a sailor who had lived at Sitka, speaking of these people, that they were a people mad after education. I have heard from a missionary who has been there several times that every school-house which has been built by private benevolence or the associated efforts of the churches has been filled immediately after it was completed, and has been found inadequate to contain those who pressed into it for instruction.

Mr. President, the assault here has been chiefly made, at least it has developed, upon that section of the bill which provides education for Alaska. I have been surprised that it should be so. I am sure the distinguished Senators from Kansas do not intend to put themselves in opposition to that which is certainly the most beneficent provision of the bill. I say to the Senator [Mr. PLUMB] that the committee are not at all wedded to the phraseology of this bill, that if the section now under discussion seems to him to be too broad, to involve too much the idea of a school system, the committee have no possible objection that it shall be simplified and limited in its terms. They only desire that there shall be here a suitable appropriation for education, and that its expenditure and use shall be committed to the Commissioner of Education under the supervision of the Secretary of the Interior. I understood the Senator from Massachusetts to suggest that possibly this should be coupled with the general appropriations for Indian education, and should be used as those appropriations are used. The Senator disaffirms my impression of his remarks.

Mr. DAWES. The Senator will allow me a word. I did not have in mind that this expenditure should be according to the method by which money is expended among the Indians in our own land here particularly, but under the same general supervision, so that there may not be two conflicting systems; that was all. I recognize as well as the Senator from Indiana the difference between these Aleutians and the Indians, those who go by that name in this country. I recognize the fact that they must be treated in a different manner; but to me the trouble is that I do not know what the best manner is, and I suggest to the Senator whether he and his committee are quite certain that they have got the best mode. I go hand and heart with the Senator and his committee as far as they desire to go in the expenditure of money to accomplish the very purposes the Senator desires. I am only troubled lest the Senator in undertaking to prescribe a cast-iron rule will find when he gets it there that it is inapplicable to the condition of things for which it was designed.

Mr. HARRISON. Mr. President, I fail to see what there is in this bill or in its provisions relating to education that can be aptly described as prescribing any iron rule. It is provided in the section under discussion that the Commissioner of Education, under the direction of the Secretary of the Interior, shall establish free public schools. As I have already said in addressing myself particularly to the Senator from Kansas, if it is thought best that all that shall be left out and that we shall have simply a provision making an appropriation of a given sum of money to be expended by the Commissioner of Education under the direction of the Secretary of the Interior, as one of the committee I see no objection whatever. I would not care to antagonize such an amendment, and it seems to me that perhaps that suggestion—I do not know how my associates on the committee may feel—may meet and obviate the objections which have been made by the Senator from Kansas to this section.

Mr. PLUMB. If the Senator will indulge me a moment I will say that I have drawn an amendment, which I will read now in order to ascertain whether it covers the point according to the opinion of the Senator from Indiana:

That the Secretary of the Interior shall make equal and proper provision for the education of the children of school age in the Territory of Alaska, without reference to race, until such time as permanent provision shall be made for the same; and the sum of $25,000 is hereby appropriated for that purpose.

Mr. HARRISON. I see no objection to that.

Mr. HOAR. Is that amendment a substitute for the thirteenth section?

Mr. PLUMB. A substitute for the thirteenth section.

Mr. HARRISON. It would be a substitute for the thirteenth and fourteenth sections.

Mr. PLUMB. It would take the place of both. It obviates the complaint I made yesterday in regard to this section as authorizing particular specific things to be done without reference to the existence of the knowledge which would enable those things to be done properly, or at all events enable Congress to know the fact those were the particular things proper to be done, besides uprooting, as I thought unnecessarily, the system of private schools existing in the Territory. In addition to that, the system of Indian education is now carried on under the direction of the Secretary of the Interior. The question as to how far we shall spend money in this direction ought to come up in the report provided for in section 12. Besides, the Commissioner of Edu-

cation has never yet had deposited with him any such function as to directly interfere with or concern himself about the teaching of anybody, the carrying on of schools; but it has been his duty to collect statistics, diffuse information, &c., and it is a question to my mind as to how far we ought in this way to depart from that general law.

Mr. HARRISON. Will the Senator either read or send his amendment to the desk to be reported, that I may understand it exactly.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will report the amendment for information.

The Secretary read as follows:

That the Secretary of the Interior shall make needful and proper provision for the education of the children of school age in the Territory of Alaska, without reference to race, until such time as permanent provision shall be made for the same; and the sum of $25,000 is hereby appropriated for this purpose.

Mr. DAWES. I ask the Senator to make that $40,000 instead of $25,000, so that it may be understood that no effort to change phraseology here is animated by a spirt of cramping at all the purposes of the committee.

Mr. HARRISON. What is the Senator's suggestion, that the amount be $40,000?

Mr. DAWES. Forty thousand dollars instead of $25,000.

Mr. BUTLER. The committee agreed on the sum of $25,000 after a full discussion on that point, and it seems to me that is quite enough to begin with. I think the amendment of the Senator from Kansas will meet the difficulties on all sides, and I trust, therefore, the chairman of the committee will accept it. As far as I am concerned as a member of the Committee on Territories I entirely concur with it.

Mr. PLUMB. I am glad to say in regard to the amount that I have no objection to any amount which anybody can show with any degree of reason will be necessary; but I do not believe it will be possible to prudently expend more than $25,000 in the time that will elapse until the matter can be brought before Congress, accompanied by the report which is provided to be made to enable us to go ahead. If it shall be, however, I have no objection to a larger sum than that named by me.

Mr. HARRISON. As the Senator from South Carolina has said, $25,000 was agreed on in the committee as the amount which I was instructed to move to fill this blank with.

Mr. DAWES. I do not desire to press an excessive sum. If the committee have determined that $25,000 is as far as can be prudently and wisely expended, I withdraw any suggestion of any increase of that sum. My own opinion is that in the hands of the Secretary of the Interior not a dollar will be expended beyond the limitations of wisdom and prudence in the administration of the fund.

Mr. HARRISON. Now, with reference to the amendment of the Senator from Kansas which has been read for our information, I make no objection to it except in one particular: The committee did believe that the control of these schools and the expenditure of this money should be in the hands of the Commissioner of Education rather than that the fund should be expended through the Indian Department. These Indians in Alaska have never yet become public charges. We have not been asked to make any appropriations in the way of annuities for them. If the question is wisely dealt with we shall never be asked to do so. Now as the management of Indian schools under the Indian Department has connected itself with the system of annuities, treaty annuities or annuities by special grants of Congress, I believe that it would be wiser to put the subject of education in Alaska in the hands of the Commissioner of Education, under the direction of the Secretary of the Interior; and if my friend from Kansas will make his amendment read that the Commissioner of Education, under the Secretary of the Interior, shall do so and so, I will cheerfully accept it.

Mr. PLUMB. I can not do that with my conviction as to the proper method of legislation, and for this reason, if for no other: I think it has been found by experience to be unwise to deposit discretion directly with a subordinate, as I have observed the increasing disposition of this body and of Congress to give directions to the heads of Departments, to put the responsibility directly on them for the exercise of power, and not name the Commissioner of Indian Affairs, the Commissioner of the General Land Office, or the Commissioner of Education for the performance of particular duties, but to deposit the responsibility along with the power in the Secretary of the Interior, and let him supervise the subordinate so as to make it affirmatively his business in the first instance, and not let the whole machinery be started and carried on in a certain way, and only come to his notice in the way of finding out whether he approves it or not.

Mr. HARRISON. As a general observation what the Senator from Kansas has said is well; but where can it be inappropriate that here, when there are two agencies in the Department of the Interior to which this may be committed, Congress should in this shape indicate its preference between the two? I think there is in what I have suggested a reason why it would be better that the control of these schools in Alaska should be separated from the general system of Indian schools connected with our annuities and should be under the management of the Bureau of Education.

Mr. PLUMB. In response to that I would call the attention of the Senator to the fact that the Bureau of Education has never yet had given to it the authority to carry on a school; it is entirely foreign to the purpose of its creation, and unless we are prepared now to begin to graft on to that system the particular management of individual schools, of individual children, the selection of teachers, and things of that kind, it seems to me we ought not to deposit that authority there in regard to this exceptional case. The Secretary of the Interior having both of these agencies under his control, and having besides both classes of scholars to provide for, to wit, Indian scholars and white scholars, can say which of these two he will use, or perhaps he may use both; but we certainly are not in as good condition to apportion that responsibility as he is. We can not tell, as I think, so well as he which side will be the preponderating one, whether that of the Indians or of the whites, and we can not very well apportion that ourselves and say so much for this purpose and so much for the other.

I think the most natural and proper disposition of the money is to give it to the Secretary of the Interior, and we then have got it in a place where we have some one directly responsible to us, who reports to us and who is amenable to our jurisdiction more particularly and perfectly, I think, than the Commissioner of Education is or can be.

Mr. HARRISON. Well, Mr. President, we have come so far toward an agreement upon this question and the sense of the Senate will be presently tested by a vote upon it. I have expressed my views, and I do not care to detain the Senate longer. I am glad that we have come so near to an agreement as to what should be done.

It is true, as the Senators from Kansas have said, that there are very few white children there, and they being so few and being so widely scattered, it seemed to me, as I said yesterday, that any limitation upon this educational provision that should exclude them from the benefit of the schools in this transition and temporary condition in which we place this Territory of Alaska would be unreasonable and unfair.

We provide in this bill for a report from some of these officers who are appointed, who are constituted a commission. When we have derived the information which their first report will give us it will doubtless then be in a condition where we can inaugurate such legislation as will bring under contribution in the Territory that class of property to which the Senator from Kansas yesterday referred as being appropriately subject to such burdens as a school tax. But as we are now, with no titles established in the Territory, and without any system of assessment or collection, it would be futile for us to attempt to inaugurate such a system. I hope, therefore, that the amendment proposed by the Senator from Kansas, with the amendment which I have suggested, may finally meet the concurrence of the Senate.

Mr. JONES, of Florida. Before the Senator takes his seat I should like to ask him a question as the chairman of the Committee on Territories. What is there of an exceptional character with respect to the population of this Territory that requires the intervention of this Government more than in any other Territory?

Mr. HARRISON. I do not know any other unorganized Territory that this country has.

Mr. JONES, of Florida. Well, this bill proposes to organize it. If the people there are in an exceptional condition so as to require this expenditure of money for their education we ought to understand it it it is not to be a general rule. We have a great many other Territories.

Mr. HARRISON. I respond to the Senator from Florida that I believe the Congress of the United States and the educated sentiment of this country has already, not only in thought, but in the legislation which has been adopted by Congress, come to the conclusion that there is a duty with reference to the Indian tribes, certainly on the part of the Government, to provide educational facilities; that instead of warring with them as savages, as a mere matter of economy it would be cheaper to educate them, and every year in our appropriation bills—the Senator from Massachusetts [Mr. DAWES] can correct me if I am wrong—I think in the last appropriation bill nearly half a million dollars was appropriated. I speak now outside of treaty stipulations; it seems to me it was $400,000, outside of any treaty obligations we were under, that we appropriated for the education of Indian children. This is directly in line with that legislation, and the only ground of exception at all is that it includes whatever white children there may be now resident in the Territory temporarily.

Mr. JONES, of Florida. Do I understand the Senator to speak then of the Indian children?

Mr. HARRISON. Undoubtedly. The Senator from Kansas [Mr. INGALLS] was right yesterday in saying that as to the white children there were few there; he may have been right in his guess that there were not more than twenty-five; but the smaller the number the smaller the occasion that we should so frame the bill as to exclude them.

Mr. HOAR. What is the number of Indian children?

Mr. HARRISON. The Senator from Massachusetts asks me the number of Indian children. I have been told that in the schools already established in southeastern Alaska by private benevolence and by the churches there are now 1,000 scholars, and that the limit of the schools is simply the limit of the buildings and the capacities of the teachers to take care of them.

Mr. HOAR. It seems to me, if that be true, the Senator should have insisted on the $40,000 suggested by my colleague rather than the $25,000, which must be an entirely inadequate provision, because we have not only to provide for instruction, but provide in the first in-

stance school buildings and apparatus, and this sum of $25,000 is not the cost of one of probably twenty school-houses that you can find in any of our populous towns or cities.

Mr. HARRISON. I agree that the appropriation is inadequate; indeed, I am willing to confess upon the challenge of almost any Senator here that all the provisions of the bill are inadequate. It is a mere shift; it is a mere expedient; it is a mere beginning in what we believe to be the right direction toward giving a civil government and education to Alaska. I hope more will follow, but the committee in considering this matter adjudged what they believed to be the probable limit of the generosity of the Senate. If we have undervalued their generosity, I regret it. For myself I would rather have seen $40,000 in the bill than $25,000.

Mr. HAWLEY. Mr. President, the condition of Alaska has occupied much attention, especially in the religious and educational press of the country, for several years, and there is no doubt among the best citizens of the United States a feeling that the Government has neglected its duty, not alone its ordinary duty to the people who are within our jurisdiction, but its covenanted duty under the treaty with Russia to the people of that region.

Since this bill came up for consideration there has been put in my hands a very interesting paper, with a request that I present it to the Senate, but it was useless to offer it and refer it to the committee, for the bill was before us. I therefore take this occasion to present it, and shall ask the Senate that I may, out of order, submit it now as a memorial and lay it on the table, and I hope it may be published in the RECORD. It is a memorial from the General Assembly of the Presbyterian Church in the United States of America. I need not say anything about the diginity of that body or its influence.

The General Assemby of the Presbyterian Church in the United States of America, in session at Saratoga Springs, May, 1883, appointed a special committee, consisting of Rev. Drs. Herrick Johnson, of Chicago; J. Addison Henry, of Philadelphia; Byron Sunderland, of Washington; George L. Spinning, of Cleveland; Henry Kendall, of New York; and William C. Roberts, of New Jersey; Justice William Strong, of Washington, and Hon. John Hill, of New Jersey, to wait on the President of the United States and the Secretary of the Interior in relation to civil government and industrial schools for Alaska.

These gentlemen were instructed to ask of the Government "the establishment of civil government among these people of Alaska, and pressing upon it the necessity of establishing industrial schools in that Territory."

They very briefly and compactly argue the question, submitting some facts upon the very points that have been discussed during the past half hour. Their resolution presses two considerations: first, the need of civil government; and, secondly, the need of industrial schools in Alaska.

Under the first head they say, and it may suffice as an answer to what the Senator from Florida [Mr. JONES] has just said, that we should establish a civil government in Alaska, because we promised Russia that we would do so in these words:

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

It need not be set forth here that we have totally neglected conferring upon those people the rights or allowing to them the privileges that citizens of the United States enjoy. Secondly, they ask for a government on the ground that the President of the United States has repeatedly recommended it, a fact with which the Senate is familiar, and on the ground that certain companies and enterprises "organized to develop the resources of Alaska have found it impossible to secure their rights without courts of justice." I have this very day heard from a citizen that certain would-be settlers in Alaska have been driven out from and been compelled to abandon certain mining operations, driven out by a lawless, disorganized body of men from British Columbia. They had no resource but to abandon their work or open fire upon their aggressors. There are no courts, no marshals. The mob came down after they had established their mills and their water-works in order to conduct what they believed would be a successful system of mining. There are no courts, no officers to maintain our own citizens in their rights in the Territory. The memorialists ask for this government also—

On the ground that large and influential bodies of Christians, besides those represented by this committee, feel the need of it.

These gentlemen do not urge it upon any ground chargeable to sentimentalism. It is because they have considered the subject, and because they have organized successful schools there and conducted them at very considerable expenditure of money, having partially redeemed the obligation of this Government through the contributions of private benevolence. They give an extract in this memorial from one of the reports of the Secretary of the Interior, which answers an inquiry just made by a Senator concerning the population of Alaska.

It appears that—

The total population of the Territory of Alaska is not far from 30,000. Of this number about 5,000 are Aleuts, who are not barbarians if they are not of the highest order of civilization.

The Senator from Indiana stated that—

Before the cession—

Mark this—

Before the cession by Russia good schools were maintained among them, but since the cession the schools have been discontinued, and the adult Aleut who received his education under the Russian Government, and at its expense, sees his children growing up without education.

The Commissioner of Indian Affairs in his very last report says:

If the published statements in reference to Alaska be true we are doing much less for the civilization of these people than was done before we took possession of that country. The Russian Government gave them laws, churches, and schools; the American Government has done nothing in that direction.

The Commissioner of Indian Affairs asks for $25,000 for the support of industrial schools there. Other considerations these gentlemen set forth. They say that it is a matter of justice that we should give these people a form of government and support these industrial schools, because we have obtained a very considerable revenue from that region.

The Senator from Indiana roughly estimated our receipts at half what we had given for the Territory. I understand, from those who know precisely, that over $4,000,000 have been paid into the Treasury by the Fur Seal Company. Of course there are no facilities for education there except such as the Government may provide, excepting a few schools established by missionary effort and by the Fur Seal Company.

Mr. President, I ask unanimous consent out of order to present this memorial and lay it upon the table, and that it may appear in the RECORD.

Mr. INGALLS. I should like to hear it read.

Mr. HAWLEY. I have summarized it sufficiently, I think.

The PRESIDING OFFICER. Does the Senator from Kansas insist on the reading?

Mr. INGALLS. I wanted to be more definitely advised than the Senator from Connecticut had been able to inform us as to the actual number of the white and Indian population in the Territory of Alaska, and I thought perhaps the reading of the petition *in extenso* might give us that enumeration.

Mr. HAWLEY. The memorial does not attempt to reproduce the census, but it quotes from the Secretary of the Interior that there are 30,000 inhabitants there, of whom 5,000 are Aleuts in a somewhat advanced state of civilization.

Mr. INGALLS. And are the other 25,000 whites?

Mr. HAWLEY. The other 25,000 are chiefly the so-called uncivilized tribes. None of them, however, I think, are in the condition of the extremely barbarous Indians.

The PRESIDING OFFICER. Is there objection to receiving the memorial at this time? The Chair hears none. It is received, and will lie on the table and be printed in the RECORD.

The memorial is as follows:

To the Senate and the House of Representatives:

GENTLEMEN: The General Assembly of the Presbyterian Church in the United States of America, in session at Saratoga Springs, May, 1883, appointed a special committee, consisting of Rev. Drs. Herrick Johnson of Chicago, J. Addison Henry of Philadelphia, Byron Sunderland of Washington, George L. Spinning of Cleveland, Henry Kendall of New York, and William C. Roberts of New Jersey, Justice William Strong of Washington, and the Hon. John Hill of New Jersey, to wait on the President of the United States and the Secretary of the Interior in relation to civil government and industrial schools for Alaska.

THE RESOLUTION OF THE ASSEMBLY.

The General Assembly of the Presbyterian Church in the United States of America, in session at Saratoga Springs, May, 1883, took the following action:

"In view of the pressing needs of Alaska, where our missions have been singularly successful, we recommend that the general assembly appoint a committee of eight persons, who shall wait upon the President of the United States and the Secretary of the Interior, asking of the Government through them the establishment of civil government among these people of Alaska, and pressing upon them the necessity of establishing industrial schools in that Territory."

The above resolution contains two items: First, the need of civil government; and, secondly, the need of industrial schools in Alaska.

The committee would urge upon the Government to grant the people of Alaska a government.

First. On the ground that it is promised them in the treaty existing between the United States and his majesty the Emperor of all the Russias, which is as follows:

"The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years, but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyments of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country."

Second. On the ground that his excellency the President of the United States, in the exercise of the functions of his office as the Chief Executive of the nation, thinks that Alaska should have a government, and has so stated in his messages to Congress December 4, 1882, and December 4, 1883.

President Arthur's message to Congress, December 4, 1882:

"Alaska is still without any form of civil government. If means were provided for the education of its people, and for the protection of their lives and property, the immense resources of the region would invite permanent settlements and open new fields for industry and enterprise."

President Arthur's message to Congress, December 4, 1883:

"I trust that Congress will not fail at the present session to put Alaska under the protection of law. Its people have repeatedly remonstrated against our neglect to afford them the maintenance and protection expressly guaranteed by the terms of the treaty whereby that Territory was ceded to the United States. For sixteen years they have pleaded in vain for that which they should have received without the asking. They have no law for the collection of debts, the support of education, the conveyance of property, the administration of estates, or the enforcement of contracts; none, indeed, for the punishment of criminals, except such as offend against certain customs, commerce, and navigation

acts. The resources of Alaska, especially in fur, mines, and lumber, are considerable in extent and capable of large development, while its geographical situation is one of political and commercial importance. The promptings of interest, therefore, as well as considerations of honor and good faith, demand the immediate establishment of civil government in that Territory."

Third. On the ground that certain companies organized to develop the resources of Alaska have found it impossible to secure their rights without courts of justice, and have petitioned the honorable Secretary of the Interior to protect them in the following words:

"Alaska has never been organized by Congress into a Territory. It has no government, no laws (excepting those pertaining to customs and to intercourse and with the Indians), no court, no judicial or executive officer; and therefore the undersigned have no means whatever of enforcing their rights, or protecting or developing their property, or of preventing its spoliation at the hands of unauthorized persons. Under the treaty with Russia, by which the Territory was ceded to the United States, the United States guaranteed, at least as far as the Russian subjects were concerned, protection to life, liberty, and property; and the undersigned are led to believe, and are so advised, that in the absence of any government, or any other method of redressing their wrongs, the Department of the Interior, with its general jurisdiction over the lands of the United States, has the jurisdiction to determine the rights of the undersigned as citizens of the United States, and to enforce these rights."

Fourth. On the ground that large and influential bodies of Christians besides those represented by this committee feel the need of it.

The Baptists, at their annual meeting in May, 1883, ordered the following to be sent to the President of the United States and the Secretary of the Interior:

"*Resolved*, That as Alaska is the only section of the United States where governmental or local aid has not been furnished for the education of the people;

"And as the establishment of schools will assist in civilizing the native population, prevent Indian wars, and prepare them for citizenship:

"Therefore the American Baptist Home Missionary Society, in session at Saratoga Springs, May, 1883, would respectfully petition you to renew your recommendation to Congress for an educational appropriation for Alaska."

The committee of the General Assembly urge, secondly, the need of industrial schools in Alaska:

First. On the ground that the people do not enjoy, as promised them by the Government, the advantages of education enjoyed under the Russian Government. (See extracts from the reports of the honorable Secretary of the Interior and the Commissioner of Indian Affairs.)

Extract from annual report for 1883 of Hon. H. M. Teller, Secretary of the Interior, pages 47 and 48:

"The total population of the Territory of Alaska is not far from 30,000. Of this number about 5,000 are Aleuts, who are not barbarians, if they are not of the highest order of civilization. Before the cession by Russia good schools were maintained among them, but since the cession the schools have been discontinued, and the adult Aleut who received his education under the Russian Government, and at its expense, sees his children growing up without education. Suitable provision should be made for the education of the children of the Aleuts, which can be done without great expense. Also an appropriation ought to be made for the maintenance of at least two manual-labor schools for the education of the children of the less civilized Indians."

The Commissioner of Indian Affairs, in his annual report, December, 1883, to Congress, says:

"Attention should be again called to the need of schools for the Indians in Alaska. From the best information that can be obtained the Indians of Alaska number about 20,000, and since that country came into possession of the United States these people have had no aid for schools from this Government. * * * If the published statements in reference to Alaska be true, we are doing much less for the civilization of these people than was done before we took possession of that country. The Russian Government gave them laws, churches, and schools; the American Government has done nothing in that direction.

"In my estimates for the next fiscal year I have asked for an appropriation of $25,000 for the support of industrial schools in Alaska. I earnestly hope that this very modest sum will be granted. These Indians need no subsistence, no clothing, no implements, no agencies, but they beg for an education and it is discreditable to an enlightened Government to longer deny their request."

Second. On the ground that the Indians of Alaska, like the Indians elsewhere, are the wards of the nation, as far as their education at least is concerned.

Extract from General Eaton's report:

"From the census of 1880 we learn that there are about 30,000 people in Alaska; and of these it is believed there are about 10,000 children or young people, who ought to have some school privileges.

"With regard to this people, it may be observed—

"(1) That they are docile, peaceful, and have here and there some knowledge of useful industries; are apt in the mechanical arts, and anxious for instruction.

"(2) They are a self-supporting people, needing no annuities, clothing, or rations from the Government, but do need teachers, that they can not procure for themselves. These teachers should instruct them not only in letters but in the arts of civilized life and the duties of American citizenship.

"(3) If given an opportunity for this kind of instruction for a few years they would, it is believed, make good progress in throwing off tribal relations and in preparation to become an integral portion of the American people, thus contributing to the common wealth and prosperity of the country.

"(4) It is well known that civilization in approaching an untutored people may be their destruction by sending its vices before its virtues. It is equally well known that various weeds spring up spontaneously where useful plants must be cultivated, and that not neglect but pains-taking care is necessary to the improvement of the human mind.

"The people of Alaska, having received some measure of aid from the Russian Government, have expected the same from the United States. The natives, already to a limited extent demoralized by the introduction of intemperance and disease, it is thought would, by the introduction of schools, be prepared better to resist these evils and stand a far better chance to be a permanent and prosperous race.

"(5.) The development of the fishing interests, the discovery of gold, and the increase of commerce in that region are now calling public attention to it, and the time seems to have arrived when school privileges should be immediately provided. In 1870 Congress appropriated $50,000 for educational purposes in Alaska, which, on account of difficulties of administration at that time, was not expended there. This amount could now be expended there, I am sure, with most satisfactory results.

"In accordance, therefore, with these considerations, and in order not to come short of any duty required of me by law, I have the honor to recommend that Congress be requested to appropriate $50,000 for the establishment and maintenance of schools for instruction in letters and industry at such points in Alaska as shall be designated by the honorable Secretary of the Interior."

Third. On the ground of justice, as a return for revenue received by the Government from that part of the country.

Extract from a letter by Mr. Wendell Phillips:

"Alaska has poured millions into the Treasury, and one-third of what we have annually received would suffice for the whole expense of a government and schools. If we were called upon to make a beginning and introduce law and education, there might be a shadow of an excuse in this delay. But Russia has provided for both, and when we bought the province we had but to continue what she had established. From every point of view the condition of Alaska is a disgrace to our Government, and calls for immediate action. Cease to receive revenue from Alaska, or give her an equivalent by protecting life and property, securing peace, and offering to every man, woman, and child the means of fitting themselves for citizenship and their duties."

Fourth. On the ground that there are no other schools near which they can attend.

Extract from Dr. Sheldon Jackson's address:

"The nearest school of the kind to Alaska is at Forest Grove, Oreg. But Forest Grove is 1,500 miles distant from southeastern Alaska and 2,500 miles away, by present routes of travel, from southwestern Alaska. Then the resources and character of the two countries are different. Oregon is largely agricultural, while Alaska has very little agricultural interests.

"As the object of an industrial training is to enable the boy, upon arriving at manhood, to earn a support that will sustain his family in a civilized way, it is important to train him to utilize the resources of his own country.

"The resources of Alaska, in addition to her fur-bearing animals, are her vast supply of fish and great forests.

"Therefore the training-school of her children should be on the coast, where they can be taught navigation and seamanship, the handling of boats and sails, improved methods of fishing and handling fish-nets, improved methods of salting, canning, and preparing fish for market; a saw-mill, a carpenter-shop, cooper-shop, boot and shoe shop, &c.—a school where they can be taught both the theory and practice under such conditions as they shall meet with when they shall be able to support themselves."

In view of the fact that the President and the Secretary of the Interior have already recommended a civil government and industrial schools for Alaska, this committee deem it within their province and the spirit of their appointment to present the matter to the legislative departments of the Government.

GEO. L. SPINNING.
J. ADDISON HENRY.
B. SUNDERLAND.
W. STRONG.
H. KENDALL.
JOHN HILL.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Territories as section 13.

Mr. PLUMB. I have offered a substitute for the thirteenth section.

The PRESIDING OFFICER. The Senator from Kansas sent to the desk an amendment that was read for information. Does the Senator now propose it?

Mr. PLUMB. I now move it.

Mr. EDMUNDS. Let it be reported.

Mr. HARRISON. I suggest to the Senator from Kansas that his amendment would cover the provisions both of sections 13 and 14.

Mr. PLUMB. I supposed that if my amendment was agreed to now, when we reached section 14 it simply would not be adopted, and would be dropped out.

Mr. HARRISON. I desire then to move an amendment to the amendment of the Senator from Kansas.

The PRESIDING OFFICER. The amendment of the Senator from Kansas will be reported, and then it will be in order to propose any amendment the Senator from Indiana desires.

The SECRETARY. It is proposed to strike out sections 13 and 14, as reported from the committee, and to insert:

That the Secretary of the Interior shall make needful and proper provision for the education of the children of school age in the Territory of Alaska, without reference to race, until such time, as permanent provision shall be made for the same; and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for this purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the amendment of the Committee on Territories.

Mr. HARRISON. In the first line of the amendment, after the word "the," I move to insert "Commissioner of Education, under the direction of the;" so as to read:

That the Commissioner of Education, under the direction of the Secretary of the Interior, shall make needful and proper provision, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. HARRISON] to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

The amendment of the Committee on Territories, proposed as section 13, as amended, was agreed to.

The next amendment of the Committee on Territories was to insert as an additional section:

SEC. 14. That the provisions of chapter 3, title 23, of the Revised Statutes of the United States, relating to the unorganized Territory of Alaska, shall remain in full force, except as herein specially otherwise provided; and the President of the United States shall also be authorized to restrict, regulate, or prohibit the manufacture and sale of intoxicating liquors in said district, under the penalties which are provided in section 1955 of the Revised Statutes for the wrongful importation of distilled spirits.

Mr. PLUMB. I think that is rather an onerous duty to be devolved upon the President, putting upon him the responsibility of regulating or prohibiting the manufacture and sale of intoxicating liquors in that Territory. I therefore move in line 5, after the word "the," to strike out down to and including the word "the" in line 6, in the following words: "President of the United States shall also be authorized to restrict, regulate, or prohibit the;" and after the word "district," in line 7, to insert the words "is hereby prohibited;" so as to read:

And the manufacture and sale of intoxicating liquors in said district is hereby prohibited, under the penalties which are provided in section 1955 of the Revised Statutes for the wrongful importation of distilled spirits.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. HARRISON. Chapter 3 of title 23 of the Revised Statutes, to which reference is made in the section under consideration, reads as follows:

SEC. 1955. The President shall have power to restrict and regulate or to prohibit the importation and use of fire-arms, ammunition, and distilled spirits into and within the Territory of Alaska.

This bill simply enlarges the powers which are conferred by section 1955 so as to provide for the regulation or prohibition under the same terms as the manufacture and sale of distilled spirits within the Territory. We thought that would accomplish practically all that we ought to undertake, and therefore placed the section in the condition in which it is found in the bill.

Mr. EDMUNDS. Would it not be better to prohibit it altogether?

Mr. HARRISON. If so, I suggest to the Senator from Kansas whether his amendment is not so framed that it takes from the President the discretion which he has here as to the importation? It would be vain to prohibit simply the manufacture within the Territory if the President's views as to importation should be in conflict with the law as to the manufacture and sale.

Mr. PLUMB. I will modify my amendment by inserting the word "importation" before "manufacture;" so as so read:

And the importation, manufacture, and sale of intoxicating liquors in said district is hereby prohibited.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. PLUMB. Now, I wish to say a few words in regard to this matter. The population is an Indian population. Of the 35,000 people in that Territory, according to the census of 1880, all except four hundred and thirty were Indians. The President has no discretion as to the introduction of intoxicating liquors into any Indian country anywhere. No matter how many white people may be there, the law absolutely prohibits the introduction of intoxicating liquors; and it seems to me that we can not do any less for this Indian population than we have assumed to do for the other Indian populations of the United States.

Mr. HARRISON. I desire to say that there is no question that the evils of the traffic in intoxicating liquors have been more conspicuous in Alaska than perhaps among any other Indian tribes. I believe those tribes have inherited by tradition or received from Russia the knowledge of a process by means of which they manufacture a very vile and intoxicating form of liquor. There have been several instances where the lives and property of residents at the mission stations were put in great peril by intoxication resulting from the use of those liquors. For one I shall vote for the amendment of the Senator from Kansas.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. PLUMB. I think perhaps it would be better to insert, after the word "the," in line 7, the words "provisions and," so as to carry the provisions and penalties of section 1955. I therefore move to insert those words, so as to read:

Under the provisions and penalties which are provided in section 1955 of the Revised Statutes for the wrongful importation of distilled spirits.

The PRESIDING OFFICER. The amendment will be reported.

The Secretary read the amendment.

Mr. PLUMB. On the suggestion of the Senator from Vermont [Mr. EDMUNDS], I ask permission to withdraw the amendment.

Mr. EDMUNDS. I think the section is safer as it is.

The PRESIDING OFFICER. The amendment is withdrawn. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. This concludes the amendments reported by the Committee on Territories to the bill.

Mr. HARRISON. It has been suggested to me by some of those who are familiar with the administration of the mining laws, which it was the intention of the committee to extend to the Territory by the bill, that the provisions of the bill are inadequate upon that subject, as no surveyor-general for the Territory is provided. I have prepared an amendment which in my judgment meets that objection. I move to insert, after the word "aforesaid," in line 17 of section 8, the following:

The Secretary of the Interior shall appoint suitable persons to make surveys of mining claims; and the commissioners provided for by this act shall discharge the duties now required by law of registers and receivers of public lands in relation to such claims.

Mr. EDMUNDS. Would it not be better to have them appointed by the President? It is a very extensive jurisdiction.

Mr. HARRISON. The Senator from Vermont suggests to me that if these powers are conferred upon the commissioners, as proposed by the amendment, they should be appointed by the President of the United States. The commissioners are to be land officers. The amendment constitutes them *ex officio* registers and receivers. Under section 2334 of the Revised Statutes it is now provided that the surveyor-general of a Territory may appoint persons to make surveys, the fees for the surveys being paid by the parties for whom the service is rendered. My amendment provides that the Secretary of the Interior, there being no surveyor-general, may designate those surveyors, and then it constitutes the commissioners named under this act *ex officio* registers and receivers of the land office, so that they may discharge those functions after the surveys have been made.

Mr. EDMUNDS. I wish the Senator would modify it and have them appointed under the direction of the commissioners, so that there may not be two conflicting jurisdictions.

Mr. HARRISON. These are the identical commissioners the Senator from Vermont will understand. I propose to make the four commissioners *ex officio* registers and receivers of public moneys. The bill provides that those commissioners shall be appointed by the President. The surveyors are not commissioners; they are private surveyors, designated and appointed by the Secretary of the Interior simply to make surveys, which are paid for by the persons for whom the service is rendered.

Mr. EDMUNDS. I think it is satisfactory on the whole

Mr. HARRISON. I propose, therefore, the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Indiana.

Mr. BOWEN. I wish to offer a substitute for the amendment of the Senator from Indiana, to cover the same ground, but in a different way.

The PRESIDING OFFICER. The substitute proposed by the Senator from Colorado [Mr. BOWEN] will be reported.

The CHIEF CLERK. It is proposed before the first word in section 8 to insert:

The said district of Alaska is hereby created a land district, and a United States land office for said district is hereby located at Sitka. The commissioner provided for by this act to reside at Sitka shall be *ex officio* register of said land office, and the clerk provided for by this act shall be *ex officio* receiver of public moneys. All orders for the survey of mining claims shall be issued by the Secretary of the Interior, who shall likewise appoint one deputy mineral surveyor for said district, who shall hold his office until removed by said Secretary; and all plats and field-notes of surveys of mining claims shall be transmitted to the Secretary of the Interior for approval, who shall, if he approve the same, certify to the fact in the same manner as is done by surveyors-general in districts or Territories having surveyors-general; and he shall likewise certify the amount expended in money or labor on each claim the plats and field-notes of the survey of which he approves, and shall transmit three certified copies of such plats and field-notes, together with one certificate of labor and improvements, to the register of said land office, who shall file and preserve in his office one copy of such plat and one copy of such field-notes, and shall deliver in each case the remaining copies of such plats and field-notes to the claimant of the mining claim, who may proceed to apply for and obtain patent from the Government of the United States in the same manner and with like effect as if such survey had been ordered and the plats and field-notes thereof had been approved, and the certificate of labor and improvements made by a surveyor-general; and.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Colorado [Mr. BOWEN] as a substitute for the amendment proposed by the Senator from Indiana [Mr. HARRISON].

Mr. BOWEN. Mr. President, if I can get the attention of the Senator from Indiana and of the members of the committee for a few moments I think I can explain my amendment to the satisfaction of those Senators.

Section 8 of the bill proposes to extend the mining laws of the United States to the district of Alaska, which is created by this act. That is right, and I am very much in favor of it, because I know from information derived from several Senators on this floor familiar with the subject that Alaska comprises one of the best mining Territories belonging to the United States. It is a fact not generally known, but it is nevertheless true, that in Siberia, just beyond that country, the annual product of gold from the mines is between $24,000,000 and $26,000,000 each year, and the methods of reducing their ores are very crude indeed.

The mere act of extending the mining laws of the United States to the Territory of Alaska will be of no earthly importance unless we furnish the machinery by which those laws can be carried into execution. The first thing that it is necessary to do is to get a title to a mining claim, a thing very much to be desired, because as a rule in all new mining countries when a person discovers a good mine it results either in a lawsuit or in a small war, usually the latter. It is very desirable, therefore, that a person who finds a mining claim in a Territory over which the mining laws of the United States have been extended should be furnished the machinery with which to make good his title.

The first thing to be done to procure a title to a mining claim is to get an order of survey from the surveyor-general of the Territory. Not one single step can be taken toward procuring a title until that order is received from the surveyor-general. In this measure by which there is an attempt to make a skeleton government, which is all right enough, there has been no provision inserted for a surveyor-general. Therefore, unless there is some one who can discharge his duties in the one regard which I have just presented, of course the claimant to a mining claim can not take the first step toward getting a patent for his property. After the order is issued by the surveyor-general it is transmitted to the deputy mineral surveyor, who makes the survey. After he has made the survey he makes out a copy of the plat and field-notes and forwards it to the surveyor-general of the Territory. If there is no surveyor-general, that can not be done.

All of the details I shall not attempt to enumerate, having enumerated enough to show the Senate that it is necessary to have some pro-

vision in this regard, because when a man attempts to procure a title under the statutes he must be able to pursue that title, he must have some mode and manner pointed out very clearly by which he can pursue the statute, or he will have no title.

My amendment proposes to let the Secretary of the Interior do the acts which a surveyor general in that Territory might do if there were one. There is no provision for one, and I am not inclined to offer such an amendment, because the theory of the committee has been to make this a skeleton government. If the Senate will adopt my substitute for the amendment of the Senator from Indiana there will be one officer who can do all the acts which are done under the law and the regulations of the Department by the surveyor-general.

The amendment of the Senator from Indiana, I submit, is not adequate to this emergency. It simply provides for the appointment of a surveyor to survey. There can be no survey until the claimant can get an order to survey. Nobody is provided in the amendment of the gentleman from Indiana to approve the plat and field-notes. Unless the survey is ordered in a regular way, unless the plat and field-notes are approved by a surveyor-general or by some competent authority which does not exist now, unless we give this authority to the Secretary of the Interior, the party who owns a mining claim can not even apply for a patent, he cannot get an order to publish his notice to the world in a newspaper.

Therefore, I say the amendment offered by the Senator from Indiana is wholly inadequate to meet the emergency of this case, and I believe upon consideration the committee will accept the amendment offered by me. I could explain the matter more fully, but I have mentioned just enough to show that there is no machinery furnished by this bill to carry into effect the mining law and extend it to the Territory of Alaska.

Mr. HARRISON. I ask that the amendment of the Senator from Colorado be read again for information.

The amendment was again read.

Mr. HARRISON. I noticed the remarks of the Senator from Colorado as to the methods under the law of procuring title to a mining claim. I understand that the officers whose functions are called into exercise in getting such a title are, first, the surveyor-general of the Territory, who is called upon either to make, by himself or deputy, or by some surveyor appointed by him, a survey of the claim. The next officers, I suppose, are the receivers and registers of the land office, and the third, the confirming power upon their acts, is the Secretary of the Interior.

In the amendment which I have proposed I have conferred upon the Secretary of the Interior the power that is given by section 2334 of the Revised Statutes to the surveyor-general to designate the persons upon applications to survey the claims. That section provides just how it shall be done, just what notice shall be given, and how the fees shall be paid by the persons for whom the service is done. Under my amendment an application is made to the Secretary of the Interior; and he designates a surveyor to survey the claim. These commissioners are constituted registers and receivers of the land office, and may discharge all the functions that would be discharged by those officers if they were constituted as such and no other functions given to them. The case comes then to the Secretary of the Interior precisely as it would do if there was a surveyor-general and a register and receiver in the Territory.

When the general laws of the United States prescribe the methods for doing this thing I can not see why all the machinery which the Senator has incorporated in his amendment can be necessary. I do not like the phraseology of "land district" as the amendment stands, and believing that the amendment which I have proposed meets all of the requirements under the mining law, I am not inclined to adopt or accept or to favor the amendment offered by the Senator from Colorado.

Mr. BOWEN. I submit that the argument of the Senator from Indiana does not meet the points which I made in the remarks I submitted. I ask for the reading of the amendment offered by the Senator from Indiana.

The CHIEF CLERK. It is proposed to insert in section 8, line 17, after the word "aforesaid:"

> The Secretary of the Interior shall appoint suitable persons to make surveys of mining claims; and the commissioners provided for by this act shall discharge the duties now required by law of registers and receivers of public lands in relation to such claims.

Mr. BOWEN. The amendment, it will be seen, provides that the Secretary of the Interior shall appoint the surveyor to make a survey of a mining claim. My amendment makes the same provision, but the Senator does not provide in his amendment for the procurement of the order by which the survey shall be made. His amendment, I submit, is wholly inadequate to meet the emergency of the case. You can not start the machinery unless some one is empowered to make the order, so that the amendment is utterly inadequate.

The amendment also provides that the commissioners shall act as registers and receivers of the land office. I should like to know which commissioners. A commissioner living in Sitka and a commissioner living at Wrangel cannot hold a land office; they cannot run around with the papers in their hats. There must be a land office established, and Alaska must be declared a land district. If you are going to extend the mining laws to that Territory you must create a land district. If you do not intend to do that, then do not attempt to do it. The amendment of the Senator from Indiana is utterly inadequate to meet the emergencies of this case. You will have no land office, nobody to order the survey, and nobody to approve the survey. The purport and extent of the amendment of the Senator from Indiana is simply to appoint deputy mineral surveyors to make the surveys. How are they going to make the surveys? Who will order them to make the surveys? Until such time as they get the orders, and the surveys are made, and the plats are furnished and approved, there can be no application under the mining laws for a patent.

Mr. HARRISON. I suggest to the Senator from Colorado that if there is anything in his point that under my amendment the Secretary of the Interior would not have authority to order a survey, he can simply put those words in the amendment. After the power conferred by it on the Secretary of the Interior to appoint surveyors he can insert the words "and to order surveys of mineral claims."

The PRESIDING OFFICER. Does the Senator from Indiana so modify his amendment?

Mr. HARRISON. I am willing to make that modification to meet the views of the Senator from Colorado. Let the words "and to order the survey of mineral claims" be inserted after the words "mining claims" in my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Indiana will be so modified.

Mr. HARRISON. The commissioners will have defined districts. It is made the duty of the judge to define the districts over which their jurisdiction extends. The sole objection, so far as I can see, is that the functions of receiver and register are committed to the same man. I know that that is anomalous, like everything else in the bill; we are trying to avoid too much machinery; but I can not but believe that it will be just as efficient as all the machinery that is provided for in detail in the amendment of the Senator from Colorado.

Mr. BOWEN. We have now one concession. The Senator proposes to amend his amendment by allowing the Secretary of the Interior to make the order for the surveys. Two of the points covered by my amendment have been conceded. Now, there is one more point: Who shall approve the surveys? I should like very much to have the Senator explain how a land office can be run by a commissioner. How are you going to make the register of a land office a receiver of public moneys? I can very readily see how the commissioner to be appointed under this act residing at Sitka could be *ex officio* register of the land office; I can readily understand how the clerk to be appointed under this act could be receiver of public moneys; but how are you going to let the commissioners act as a land office? Alaska is 1,500 miles long and 2,000 miles wide, and I do not see how you are going to do the business. These things can not be carried around in people's hats. As perfect a record of all the proceedings from beginning to end will have to be kept in these cases as in any case you can imagine, from the simple fact that it is the case of a man attempting to get a title to a piece of land under a statute. Every lawyer knows that when you attempt to get a title under a statute, the provisions of the statute must be followed strictly and absolutely and literally; nothing is taken by implication.

I submit to the Senator from Indiana that my amendment covers the very suggestion that he has now proposed to put in his amendment, and that it covers the whole case. What objection can there be to naming the commissioner at Sitka to be *ex officio* register of the land office? What objection can there be to designating the clerk to be appointed under this act as the man to be the receiver of public moneys? Then you virtually have a United States land office at Sitka; you have no additional officers besides those provided by the bill as reported from the Committee on Territories, and you have all the machinery to carry out what is intended to be done under the mining laws.

I say without this amendment you will run against obstacles which you can not overcome. You will not get to the fourth step in your attempt to get a title to these lands until you find yourself in a place where you can proceed no further legally. I undertake to say that you can not proceed to get a title under a statute unless you pursue the statute, and you can not pursue a statute which is vacant, so to speak, as to important and material details which go to the essence of the title itself.

I think the amendment to the amendment ought to be adopted.

Mr. PLUMB. It seems to me that the amendment of the Senator from Colorado does not go any too far, and that if we are to provide for the adjustment of rights on the mineral lands of Alaska we ought to have at least as much machinery and as much authority as is given in that amendment. If there is no way of making authentic surveys of the claims, of practically deciding between contesting claims for the same piece of property, there will be trouble there, and trouble liable to be of the most serious kind, which will go far toward preventing the accomplishment of the object which we have in view in this bill. Unless there is security of title there can be no social order. There is no form of property about which such serious contests arise, and contests which are so liable to lead to bloodshed, as mining claims.

After listening to the second reading of the amendment of the Senator from Colorado, I think it is admirably designed to accomplish the object which the Senator from Indiana has in view, and which I think should be the object also of the Senate.

Mr. HARRISON. I can not see why the detail that is provided for in the amendment of the Senator from Colorado in reference to the manner of securing title to a mining claim is necessary unless the present statutes of the United States are wholly inadequate on the subject. When we have a surveyor-general practically (for those duties are confided by the bill to the Secretary of the Interior, and it authorizes him to do what that officer does), and when we have a register and receiver of the land office, have we not all the machinery provided now by law for settling mining claims? For one, I wish, in the simplest and safest way we can, to put in a provision here that will allow proper surveys and proper records and the securing of proper and safe titles to mining claims in that Territory. If I did not believe that the amendment which I have proposed is ample to that end I would consent to something else; but it seems to me that it is.

Mr. MILLER, of California. I wish to call the attention of the Senator from Indiana to the fact that by his amendment he makes the Secretary of the Interior the surveyor-general of Alaska. The Secretary of the Interior is a long way from that Territory; it will take a month to communicate with him. Suppose a man has found a mining lode. He makes application for an order for a survey under the mining law. According to the amendment of the Senator from Indiana, to comply with the land laws, and to get that order from the Secretary of the Interior, the order will have to go back before it can be applied, and that would occupy not less than two months; and if the claimant should be unfortunate about reaching the first steamer it would take three months. In the mean time a great deal of confusion, jumping of claims, perhaps fighting, would take place, and the party who first discovered the lode might be deprived of his possession.

A mining claim, if worth anything at all, is worth a great deal. There is no other kind of property in regard to the title of which there should be so much care taken in the law. We want to make it so that the title can be procured speedily and perfectly, and that there may be no loop-hole, no difficulty, no chance for litigation. The vice of our whole mining region is the litigation over mining claims. That leads to more trouble and confusion in the mining regions than all else. Nearly all the personal conflicts and difficulties in new regions come from that source.

I really think the amendment of the Senator from Colorado meets the case exactly, and I shall vote for it.

Mr. HARRISON. In response to the suggestion of the Senator from California, I wish to make a suggestion to him. There is force in his statement that the Secretary of the Interior, who is to order the surveys, is very remote from the place where they are to be made. Would it not, then, meet all the requirements if the amendment should be put in this shape:

The marshals provided for by this act shall be *ex officio* surveyors-general of said district, and the commissioners provided for herein shall be *ex officio* registers and receivers of the land office within their several districts.

Mr. MILLER, of California. If you establish a land office there must be land districts.

Mr. HARRISON. The commissioners are located. They are not land districts, but their districts are to be designated by the judge, and they are to be assigned by districts.

Mr. HOAR. Each of them is to be a land officer?

Mr. HARRISON. Yes, each one is to be a register and receiver.

The PRESIDING OFFICER. Does the Senator from Indiana propose to modify his amendment?

Mr. HARRISON. No, sir; I do not; I was simply making a suggestion.

Mr. MILLER, of California. The land district must be defined by law in order to have a register and receiver.

Mr. HARRISON. I say to the Senator from California that the districts of these commissioners are defined by law, or are at least to be defined under law, because the bill provides that the district judge shall define the districts of the commissioners. The amendment which is offered by the Senator from Colorado may be without objection; I am willing that the Senate shall vote upon it; but it seemed to me that the amendment which I moved was sufficient.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado [Mr. BOWEN] in lieu of that proposed by the Senator from Indiana [Mr. HARRISON].

Mr. JONES, of Nevada. Mr. President, I suppose the object of giving to Alaska a civil government is to promote order there; it is to protect life and property. It is a fact that if any disorder shall arise there it will be by reason of a conflict over titles to mining grounds. Nine-tenths of the white population of Alaska are miners, bold prospectors, who have gone to that distant country in search of lodes of the precious metals.

I for one would have preferred that this bill should have followed the usual course, and have provided all the machinery which is provided for other Territories in the United States for the survey of mining titles, and have prescribed the methods and means of getting titles to mining grounds. That system has been long in vogue, and has proved not only the most efficient but the most economical. I have noticed that all legislation devolving the duties of one office upon another officer has proved not only expensive but inefficient, and has lacked celerity and precision, and done nothing but bring about confusion.

Although Alaska was charged yesterday with being the poorest country on the face of the earth and its purchase by the United States as one of the worst bargains ever made, it must be remembered that Alaska has already paid into the Treasury of the United States about $4,000,000 out of the $7,000,000 that it originally cost, and there are left to-day more fur-seal upon the Aleutian Islands than were there when the Territory was acquired by the United States. That source of revenue is not likely ever to be cut off if the United States shall wisely protect that industry and that enterprise as it has done heretofore. Why should there be any little cheese-paring business in setting up rules and regulations for governing a most important industry?

I have a case in mind of a dispute that has arisen there within the last year. Nearly three years ago a company formed in San Francisco entered upon mining ground on Douglas Island, one hundred miles north of Sitka. They discovered a quartz ledge whose proportions I think have never been seen in the United States. If the precious metals shall continue in depth on that lode as rich as they appear on the surface, it will be the greatest gold mine that ever was discovered on the face of the earth. After having erected a quartz-mill upon that ground, conducted water to it in iron pipes at great expense, and fitted out a ship to go there, prospectors from British Columbia went over there and made the excuse that the pulverized material on top of the lode, the decomposed quartz that was found there, made a placer mine, and they immediately passed resolutions in a town meeting that placer mining was more sacred than quartz mining; they took possession of the property, and according to the best of my information they have washed off about $180,000.

The first discoverers, the owners, those who had put a great deal of money in the enterprise, sat by, and there was no law to appeal to, no method of asserting or defending their rights except by violence and force. A short time after this invasion of their rights had taken place, a revenue-cutter steamed in and anchored close to the disputed possession, but the captain of the revenue-cutter had no judicial functions, and he simply declared that he would maintain the *statu quo*. The *statu quo* was that those people were in possession, and nothing could be done; and I believe that is the condition it is in to-day. On that island, with a quartz lode measuring between five and six hundred feet in width, a lode almost unprecedented in its extent and wealth and running from ten miles on the island, the ownership all along its line is subject to what are called "jumpers," people who without a shadow of title or law have passed resolutions in a town meeting that the property is theirs. The property promises to be one of very great value; and on the mainland, two or three miles from the shore, perhaps five miles from the island where this lode occurs, there is another great lode half a mile wide and some three or four miles long, upon which there are hundreds of locators.

It seems to me that in order to give civil government to Alaska, in order to give protection to this main business of that Territory—for there is no other being prosecuted there—the people should be protected by all the safeguards, by all the laws, and by all the precision given to any other Territory of the United States. What is the effect? If the land laws are not extended there and no man can acquire a title to land, and if you do not extend the machinery for perfecting title to mining claims, and if those who go there to establish fisheries can not get title to enough land to build their canneries upon, what is there for anybody to stay there for and what is this law about? There is nothing. What are your judges for? What are they to decide on? Nobody has any property; nobody owns a foot of land; no one has a title to anything; and yet we are here providing a magnificent government, with a governor, judges, commissioners, justices of the peace, &c., to decide about what?

Sir, I only have to repeat that nine-tenths of the white men who are there are there for the business of mining, and they are very liable to find in Alaska the greatest mines ever discovered in the United States. In proportion to their richness will be the disputes about them. For my part, I would much rather see that Territory organized with a surveyor-general, with a register and receiver, and all the safeguards that have been thrown about the prospectors in all the Territories of the United States heretofore.

If we can do no better I should prefer the amendment of the Senator from Colorado; but better than that, wiser than that, in my opinion, in order that the surveys there may conform to the surveys elsewhere in the United States, and in order to act in consonance with the dignity and wealth of this country, in making provision for that Territory we should not adopt a line of departure from the provisions made heretofore for all the other Territories of the United States.

Mr. GARLAND. This feature of the bill that we are now on is a very important matter. The amendment offered by the Senator from Colorado is one that goes considerably into detail on this particular subject of surveys, and it ought to be examined, I think, very carefully. It can not very well be examined in manuscript at this particular time, and I should like for this matter to go over in order that the amend-

ments may be printed. The Supreme Court has intimated several times in several very important cases in reference to surveys of mining lands generally very grave difficulties in dealing with that subject. In a quite recent case that came from California they made several suggestions which might very well be covered by any amendment that comes in now. I ask that this matter may go over and that the amendments may be printed so that we may have them before the Senate to-morrow, and then I will move an executive session. There is some executive business, I understand, that it is necessary to transact.

Mr. JONES, of Florida. I wish to offer an amendment that it may go over with the rest, to come in after the word "judge," in line 31 of section 9.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. SAULSBURY. I desire to offer an amendment to the bill in order that it may be printed.

Mr. GARLAND. I make the suggestion that all amendments so far as Senators have offered them be printed.

Mr. BOWEN. If that is to be the order I have several amendments to offer to other sections of the bill, and if amendments are to be printed I will offer them *in omnibus*.

Mr. SAULSBURY. My amendment is to be added to section 5 of the bill.

The PRESIDING OFFICER. The amendment of the Senator from Delaware will be printed and lie on the table.

Mr. BOWEN. I offer the amendments which I send to the Chair, to be printed.

The PRESIDING OFFICER. The amendments will lie on the table and be printed.

Mr. CULLOM. Do I understand that the proposition is that this order shall close out any further amendments?

The PRESIDING OFFICER. By no means.

Mr. HARRISON. I desire to offer an amendment that it may be printed. If the amendment of the Senator from Colorado should be adopted, I should want the amendment I now offer to come at the end of section 8.

The PRESIDING OFFICER. The amendment of the Senator from Indiana will lie on the table and be printed.

Mr. GARLAND. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

FITZ-JOHN PORTER.

Mr. LOGAN. While the doors are being closed, as I believe authority was given this morning to make a minority report on the bill (S. 158) for the relief of Fitz-John Porter, I ask now the privilege of submitting the views of the minority upon that bill.

The PRESIDING OFFICER. Is there objection to receiving the report at this time? The Chair hears none, and the views of the minority will be received and printed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 23, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

RESOLUTION OF THANKS.

Mr. LONG. Mr. Speaker, I ask unanimous consent to offer for immediate consideration a joint resolution which I send to the desk.

The SPEAKER. The joint resolution will be read, after which objection will be asked for.

The Clerk read as follows:

Joint resolution (H. Res. 120) giving the thanks of Congress to the men who rescued the survivors of the wrecked steamer City of Columbus.

Resolved, &c., That the thanks of Congress are given to Capt. Eric Gabrielson, commanding the United States steamer Dexter, and the officers and men under his command, and to the men who manned the life-boats from the shore, for their brave and humane conduct in saving the survivors of the wrecked steamer City of Columbus, in Vineyard Sound, off Gay Head, in Massachusetts, on the 18th of January, 1884; especially to Lieut. John U. Rhodes, who, at the imminent peril of his life, twice swam to the steamer through the heavy seas and floating wreckage and rescued the two men who were clinging to the rigging.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution (H. Res. 120) was read a second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LONG moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSENGER FOR COMMITTEE ON MILITARY AFFAIRS.

Mr. ROSECRANS. I ask now unanimous consent to present a resolution for reference.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Committee on Military Affairs be allowed a messenger at an annual salary not to exceed the sum of $1,440.

The SPEAKER. Is there objection to the introduction of the resolution for reference?

There was no objection.

The resolution was referred to the Committee on Accounts.

JACOB BOGERT.

Mr. VALENTINE, by unanimous consent, introduced a bill (H. R. 3938) for the relief of Jacob Bogert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INVESTIGATION BY COMMITTEE ON ACCOUNTS.

Mr. DOCKERY. Mr. Speaker, by the unanimous vote of the Committee on Accounts I am instructed to submit the following report, and recommend the adoption of the accompanying resolution, and also to ask its present consideration by the House.

The SPEAKER. The report and resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

The Committee on Accounts, to which was referred the joint resolution of the House (H. Res. —) giving one month's pay to certain employés of the House of Representatives, with instructions to inquire and report to the House whether there were persons turned out of their positions at the close of the last session of Congress and others put in their places who have performed no service, are of opinion that it is desirable that the House should be in possession of all the facts and circumstances connected with such removals or resignations, and to that end report the following resolution and recommend its adoption:

Resolved, That the Committee on Accounts or any subcommittee thereof be and are authorized and empowered to send for persons and papers, and that the chairman of said committee or of any subcommittee thereof be empowered to administer oaths to any person or persons who shall appear before said committee or its subcommittee to testify to any matter under investigation.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. CALKINS. Let me ask if this requires an appropriation or provides for it?

The SPEAKER. The Chair thinks not, although the Chair did not observe closely the reading of the report.

Mr. CALKINS. I ask that it be reported again.

The resolution was again read.

Mr. REED. Does not this necessarily involve an expenditure?

The SPEAKER. That is not a parliamentary question. It is a question that each member must determine for himself.

Mr. REED. Does it not involve an expenditure within the purview of the rule?

The SPEAKER. Unanimous consent is asked for its immediate consideration. Is there objection to its present consideration?

There was no objection.

The resolution was agreed to.

Mr. DOCKERY moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMEDIATE APPROPRIATIONS FOR CERTAIN INDIANS.

Mr. ELLIS. Mr. Speaker, under instructions from the Committee on Appropriations I am directed to report the following joint resolution and ask unanimous consent for its present consideration.

The joint resolution was read by its title a first and second time.

The SPEAKER. The resolution will be read at length, after which the Chair will ask for objections to its present consideration.

The Clerk read as follows:

Joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians.

Resolved, &c., That the sum of $50,000 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, the same to be immediately available, to be applied to the support and maintenance of the Indians at Crow agency, at Fort Belknap, Fort Peck, and Blackfeet agencies, in Montana Territory.

Mr. ELLIS. I ask unanimous consent that this resolution may now be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the report just made may be considered in the House as in Committee of the Whole at the present time. Is there objection?

Mr. WARNER, of Ohio. I hope there will be some explanation of the resolution.

Mr. ELLIS. I propose to give an explanation.

The SPEAKER. Is there objection to the present consideration of this report by the House as in Committee of the Whole?

There was no objection.

Mr. ELLIS. A deficiency, Mr. Speaker, is reported to the Committee on Appropriations by the Secretary of the Interior; and by his report, as also by the report of the Commissioner of Indian Affairs, based upon the reports of the Indian agents at these various places, and also of the Indian inspectors, it appears that these Indians are in a most de-

plorable and destitute condition, being absolutely in a state of starvation.

On the 16th day of November, for instance, the appropriation for their support had run so low that their rations were as follows: They were receiving at that date per week about one and a half pounds of beef and 2.42 pounds of flour, or one-fifth of a pound of beef and one-third of a pound of flour per day. The result was that the weak ones, the little ones, and the sick ones were actually dying of starvation and destitution.

For the first time in their history the buffalo have disappeared from the hunting grounds. There is no longer any of the game, upon which these Indians formerly subsisted, on their hunting-grounds. Their crops, owing to the drought and the frost, and owing to their being placed in a country and on soil that absolutely needs irrigation for purposes of agriculture, have utterly failed, and the result is their utter destitution.

There are 15,000 of these Indians at the four reservations named in the resolution. And we may soon expect to hear, if we do not act promptly, that these people have gone upon the war-path; and then, in addition to the reflection that we have not discharged our duty, we will have the comforting fact of an Indian war on our hands and the large expense of an Indian war as the penalty of our parsimony and niggardliness in this matter. If gentlemen desire further information, I am prepared to give it.

Mr. REAGAN. I would be glad if the gentleman from Louisiana would tell us what the amount appropriated last year was and how this deficiency comes at so early a period.

Mr. WARNER, of Ohio. Is this appropriation asked for by the Department?

Mr. ELLIS. It is asked for by the Interior Department.

Mr. ROBINSON, of Ohio. I sincerely hope, as an act of humanity, this resolution will be passed.

The SPEAKER. The Chair understands that the gentleman from Louisiana [Mr. ELLIS] has not yielded the floor.

Mr. ELLIS. In reply to the gentleman from Texas, I will state that in 1880, when there was plenty of game on the hunting-grounds of these people, we gave them 800,000 pounds of beef. In 1881, when there was also game, we gave them 632,000 pounds. In 1883 we gave them some 400,000 pounds. But this year, when there is no game at all and when the crops have entirely failed, we have given them but about 300,000 pounds of beef. The appropriation for the current year is within $5,000 of the appropriation for last year. But for some cause which is not explained, either the high price of beef, the scarcity of provisions, or something of that kind, the amount has not been found to be sufficient.

Mr. REAGAN. It appears from the statement of the gentleman from Louisiana [Mr. ELLIS] that the appropriation for the present year is within $5,000 of the appropriation for last year, and the deficiency occurs, it seems, when only half the year has expired. There is something in the statement made, it appears to me, which might very well arrest the attention of the House in connection with this Indian policy. Here we speak of issuing rations of meat and bread regularly to a number of Indians—will the gentleman from Louisiana state how many?

Mr. ELLIS. Fifteen thousand.

Mr. REAGAN. We have here the statement that regular rations of bread and meat are issued, besides, of course, blankets, clothing, appropriations for schools, for agricultural implements, workshops, tools, &c. Now, sir, it has all the time seemed to me that there ought to be some limitation placed upon the appropriations of Congress for this purpose.

I would not have any one think that I was influenced by any want of humanity or by any want of a sense of justice. But, sir, why is it? Here are about 15,000 Indians. Altogether there are some 300,000 Indians in the country, and we are supporting the most of them out of the public Treasury and by the labor of men as poor as they are. Why is it? You can pick out 300,000 white people as poor as these Indians are, white people who need help as much as these Indians, who are as little able to work for a living as these Indians are. But we appropriate no six or seven or eight millions of dollars for their relief. Why is it?

I heard a very distinguished gentleman, who occupied a position in the other end of the Capitol, say once that our policy of teaching the Indians to read and write as a means of civilization was all wrong; "for," said he, "when you teach the Indian to read and write you unfit him to be either an Indian or a white man. If you will commence at the basis of all civilization, and teach him patient labor and industry, teach him to support himself as other people have to support themselves, then you may add to that profitably instruction in learning at the schools. But, sir, to take up the wild savages, teach them eternal idleness, teach them to continue to despise labor by which all men are instructed that they shall earn their living, it seems to me that is a policy which is all wrong."

I think that the committee having charge of Indian affairs ought to show to this House why it is that we are called upon from year to year to spend from six to eight millions of dollars in carrying out the policy of feeding lazy vagabond Indians who ought to be made to go to work for their own support. Why should we do that? Who has a right to call upon me or upon my neighbors and constituents to contribute from the fruit of our labors to feed a parcel of idle, lazy vagabonds who will not work?

Now, if the Government will adopt a policy which will teach these Indians to work for a living I shall have no objection. But when it teaches them that they should live off of the fruits of the labor of other people while themselves in idleness, that is wrong to the people of the United States and to the Indians themselves.

It was said by a distinguished citizen of New York that as a matter of economy the Government could afford to board these Indians at the Fifth Avenue Hotel at $5 a day each, and the bill would not be near as great as the expense now of supporting these Indians in idleness and maintaining a horde of thieving Indian agents. It is time, I think, that some reform should take place in this matter.

I call attention to what appears here, that at the expiration of one-half of the fiscal year there comes in here a deficiency of $50,000 for the support of 15,000 of these Indians. There will have to be a very strong case made out before I will consent to vote for this appropriation.

Mr. ELLIS. I now yield five minutes to my colleague on the committee, the gentleman from Ohio [Mr KEIFER].

Mr. KEIFER. In the confusion prevailing here I was not able to hear all that was said by the gentleman from Texas [Mr. REAGAN] in opposition to this appropriation. But as nearly as I could understand him he is opposed to making this appropriation in midwinter because he would first begin the work of reform in the matter of training and taking care of these Indians.

I wish things were different in regard to these Indian tribes, but in the centuries that we have been acquainted with them we have failed to bring about that desirable state of affairs which the gentleman from Texas now thinks should be brought about before we appropriate any money for these starving Indians whom we have undertaken to provide for by furnishing them suitable supplies.

The United States has entered upon a well-defined policy, whether wise or not need not be discussed in the consideration of this appropriation. The fact is made clearly to appear to the Indian Department and to the Government that for want of the supplies which were solemnly promised to them by sacred treaty stipulations these Indians are now actually starving to death, that they are carrying their little children from their huts, if you can call them such, and laying them away in outhouses actually to die, while we are hesitating here whether or not we shall carry out the sacred obligations of the Government of the United States towards them. I do not think we will stop to enter upon a discussion of any great length in reference to a new policy before we at least try to do our duty toward these people.

I want to state one thing to the House, that members may understand how we have acted toward these Indians. A few weeks ago, when upon the Crow Indian reservation, I was told that the United States Government obtained from the Indians the right to sell to the Northern Pacific Railroad the right of way through and a certain portion of the lands of the Indian reservation. The United States, having obtained this right, sold it to the Northern Pacific Railroad, with the understanding that the money obtained therefor was to go to the Crow Indians. The Government obtained $25,000 of the Northern Pacific Railroad Company for that right, and then quietly and neatly put the money into the Treasury, and up to the present hour has never made a single motion toward paying it over to these Crow Indians who are starving out there to-day. And we are considering here now whether or not we will send them money or supplies to support them. That is the way we act toward these Indians. We persuaded those on this reservation to give the United States authority to sell a portion of their reservation and a right of way through it to a railroad company, and when we have made that sale we take the money and keep it, and have it yet.

I think a very proper reply was made on the part of the chiefs of the Indians on this Crow reservation when distinguished Senators of the United States went out there last summer to treat with them concerning ceding a portion of their reservation. The chiefs folded their arms and said that they would consult with no person upon the subject of selling any portion of their reservation until they obtained from the United States the money for the portion which they had consented already should be sold and had been sold. They took that position, and I hope they will always stand on it, until the Government of the United States through Congress shall deal justly and fairly with these people.

I wish things were as the gentleman from Texas [Mr. REAGAN] says they ought to be, but they are not. Because these people are feeble, because they are far away from us, because they are powerless even when they go to war, we at least ought to be careful in our dealings with them to keep faith with them and to carry out our treaty stipulations honestly and faithfully. I hope there will be no vote given against this appropriation.

Mr. ELLIS. I now yield to the gentleman from Ohio [Mr. ROBINSON] for five minutes.

Mr. ROBINSON, of Ohio. I sincerely trust this appropriation will be made, and that there will be not a single dissenting vote against it. It was my fortune last summer to spend some time on this reservation. I was there when that disastrous frost came which destroyed all the vegetation in that section of country. It is absolutely true, Mr. Speaker, that those people to-day are destitute. There is no game left upon the reservation. The annuities to those tribes amount to $14 per head. A thousand head of cattle purchased in Iowa by the agent for

the Crow Indians last year are now absolutely starving upon that reservation. It is an act of justice that this Congress should make this appropriation, and make it at once. The same kind of suffering exists among all those tribes in that northern latitude, owing to the severity of the winter and the short crops of last season.

Mr. BLANCHARD. Will the gentleman state what Indians these are, and where they are situated?

Mr. ROBINSON, of Ohio. They are the Crow Indians, situated in Montana.

A MEMBER. And the Blackfeet Indians.

Mr. ROBINSON, of Ohio. And the Blackfeet Indians, and I presume the Ute Indians.

The joint resolution was ordered to be engrossed for a third reading; and was accordingly read a third time.

The question being taken on the passage of the joint resolution, there were—ayes 128, noes 28.

So the joint resolution was passed.

Mr. ELLIS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENTS ON HOT SPRINGS RESERVATION, ARKANSAS.

Mr. ROGERS, of Arkansas. I ask unanimous consent to introduce for immediate consideration the resolution which I send to the desk.

The Clerk read as follows:

Whereas Congress at its last session appropriated the sum of $78,035.96, to be expended under the direction of the Secretary of the Interior, for the purpose of straightening, walling up with stone, and otherwise improving Hot Springs Creek along its course through the Hot Springs reservation, in the State of Arkansas, the said amount so appropriated having arisen from rents collected on property situated upon said reservation and sale of lands thereon; and

Whereas said work was commenced and prosecuted until the 15th day of the present month, when the appropriation became exhausted, leaving one-half of the work unfinished, and that already constructed, together with all the plant and appliances, in a condition to be greatly injured; and

Whereas it should be completed as early as possible, and can not be prosecuted during the summer months without endangering the health of those employed in its construction and that of visitors to and citizens of the town of Hot Springs: Therefore,

Be it resolved by the House of Representatives, That the Committee on Expenditures in the Interior Department be instructed to ascertain the present condition of the work, the amount expended in its prosecution up to the time of its suspension, how much will be required to complete it, and whether or not the public interest demands that the additional sum necessary to complete the work should be appropriated and made available before the regular appropriations take effect, and report the result of such inquiry to the House by bill or otherwise at as early a day as practicable.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. HOLMAN. I do not rise to make objection, but to suggest that, as a question has been raised whether the money already appropriated for this purpose has been wisely expended and doubts have been thrown on the integrity of some of the expenditures, it seems to me this inquiry should be made broad enough to ascertain whether there has been any improper expenditure of the money already appropriated.

Mr. ROGERS, of Arkansas. That is one of the objects of the resolution—that the Committee on Expenditures in the Interior Department may investigate that matter and furnish to the Appropriations Committee such data and statistics as will enable them to act intelligently when they come to act on this subject. If it be thought desirable to add an amendment of that kind to the resolution, I have no sort of objection, though I think the resolution in its present form embraces that subject-matter.

Mr. HOLMAN. If it does I have no objection to the resolution; but I think it does not.

Mr. CASSIDY. Will the gentleman from Arkansas allow a question?

Mr. ROGERS, of Arkansas. Certainly.

Mr. CASSIDY. Does this resolution call for information as to why there was a change in the plan of this improvement?

Mr. ROGERS, of Arkansas. On a former day of the present session I introduced a resolution calling for that specific information. That resolution was adopted, and will be answered to-day, as I understand, by furnishing the original contracts and all the modifications, with any suggestions upon the subject that the Secretary of the Interior may desire to make to the House.

That communication will be referred to the Committee on Appropriations. This resolution covers the whole of the remaining ground.

Mr. HOLMAN. I propose that the resolution be amended by inserting——

The SPEAKER. The first question is whether there is unanimous consent for the present consideration of the resolution. The Chair hears no objection, and the resolution is before the House.

Mr. HOLMAN. I desire to have the resolution amended by inserting near the close of it, after the words "take effect," the words "whether any part of the moneys appropriated have been improperly expended."

Mr. ROGERS, of Arkansas. I have no objection to accepting that amendment as a modification of the resolution.

The resolution, as amended, was adopted.

Mr. ROGERS, of Arkansas, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALLOWANCE TO UNION SOLDIERS AND SAILORS.

Mr. WELLER. I desire to present at this time the resolution and petition which I send to the desk.

The SPEAKER. This seems to be a resolution adopted by some post; it is not a subject of legislation.

Mr. WELLER. My desire, Mr. Speaker, is simply to have this resolution reported and put upon the record, in accordance with the request of soldiers of the late war. They desire to have this done in their interest. Papers of this character are coming to me by the hundred.

The SPEAKER. The gentleman did not state at first what he desired. As the Chair now understands, he asks unanimous consent to present these resolutions, that they may be printed in the RECORD.

Mr. TOWNSHEND. You do not want the names printed.

Mr. WELLER. No, sir.

The Clerk read the title of the resolution, as follows:

Preamble and resolutions of J. V. Carpenter Post, 104, Department of Iowa, Grand Army of the Republic, that all soldiers and sailors who served during the late war for the suppression of the rebellion and were honorably discharged shall receive $8 a month in lieu of any less allowance.

Mr. WARNER, of Ohio. Resolutions of this character are coming in, I suppose, to every member of the House; and if they were all printed in the RECORD we should have a voluminous RECORD. It seems to me that the proper place for them is the petition-box.

The SPEAKER. Objection is made.

Mr. WELLER. I hope the gentleman will withdraw his objection. The soldiers of the country desire to be heard. There is this way they can be heard by having these resolutions printed in the RECORD. It is a poor boon that they ask. I hope the gentleman will withdraw his objection and not slap the soldiers in the face.

Mr. WARNER, of Ohio. That is all buncombe. [Laughter.] There are hundreds of these resolutions. I have a great many myself, as I presume they are sent to all the other members of the House, and if it were desired to print a single resolution I should not object, but to print in the RECORD all such resolutions as they come in would unnecessarily lumber it up, and would do no good.

Mr. WELLER. I only ask that this resolution be printed in the RECORD.

Mr. WARNER, of Ohio. They will all reach the proper committee in the ordinary way.

The SPEAKER. Objection is made, and the resolution is not before the House, and further debate is not in order.

GOVERNMENT FOR ALASKA.

Mr. KELLEY. I ask unanimous consent to present the memorial of the Presbyterian General Assembly of the United States asking for a government for Alaska and to provide for schools, and that it be printed in the ROCORD.

Mr. RANDALL. Without knowing what this is it had better be objected to.

Mr. KELLEY. I ask that the title be read.

Mr. RANDALL. I do not wish to object, but all these things should take the regular course.

KANSAS RAILROAD GRANT.

Mr. ANDERSON, by unanimous consent, submitted the following preamble and resolution; which were referred to the Committee on the Public Lands:

Whereas by an act of Congress approved March 3, 1863, there was granted to the State of Kansas for the purpose of aiding in the construction—

First. Of a railroad and telegraph from the city of Leavenworth, by the way of the town of Lawrence, and via the Ohio City crossing of the Osage River, to the southern line of the State in the direction of Galveston Bay, in Texas, with a branch from Lawrence, by the valley of the Wakarusa River, to the point on the Atchison, Topeka and Santa Fé Railroad where said road intersects the Neosho River.

Second. Of a railroad from the city of Atchison, via Topeka, the capital of said State, to the western line of the State, in the direction of Fort Union and Santa Fé, N. Mex., with a branch from the point where this last-named road crosses the Neosho, down said Neosho Valley to the point where the said first-named road enters the said Neosho Valley, every alternate section of land designated by odd numbers for ten sections in width on each side of said roads and each of its branches; and

Whereas it was provided by said act as follows: "That if any part of said roads and branches is not completed within ten years from the passage of this act, no further sale shall be made, and the lands unsold shall revert to the United States;" and

Whereas it is alleged that the whole of said roads and branches were not completed within ten years from the passage of said act, to wit, that the road from the city of Leavenworth to the town of Lawrence, the branch from Lawrence, by the valley of the Wakarusa River, to the Neosho, and the branch from where the Atchison, Topeka and Santa Fé road crosses the Neosho, down said Neosho Valley to the point where the Leavenworth, Lawrence and Galveston road enters said valley, have never been constructed; and

Whereas it is alleged that the Secretary of the Interior, on or about October 6, 1883, certified to the State of Kansas a list of about 189,384 acres for the benefit of the said Atchison, Topeka and Santa Fé Railroad Company: Therefore,

Resolved, That the Secretary of the Interior be, and is hereby, requested to immediately inform the House of Representatives whether or not the roads and branches above mentioned were completed within ten years from the passage of said act; and if not so completed by what authority or under what law the list of lands above specified was certified to said State as aforesaid.

PUBLIC BUILDING, HELENA, ARK.

Mr. DUNN, by unanimous consent, introduced a bill (H. R. 3939) for the erection of a public building at Helena, Ark.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. WILSON, of West Virginia. Mr. Speaker, on Monday I was prevented by an accident on the railroad from being present in time to vote on the resolution of the gentleman from Indiana [Mr. HOLMAN] in reference to the public lands. I telegraphed to my colleague [Mr. SNYDER] to procure me a pair, but he found it impossible to do so. I wish to state now that if I had been present, I would have voted in favor of that resolution.

HEAD OF NAVIGATION, MINNESOTA RIVER.

Mr. WAKEFIELD, by unanimous consent, introduced a joint resolution (H. Res. 122) fixing the head of navigation of the Minnesota River, in the State of Minnesota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CAMPAIGNS OF MAJOR-GENERAL BUELL.

Mr. CLAY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 copies of the proceedings and finding of the commission appointed to investigate the campaigns of Maj. Don Carlos Buell in 1862 be printed for the use of the members of this House.

MARY M. BLECKEN.

Mr. WASHBURN, by unanimous consent, introduced a bill (H. R. 3940) for the relief of Mary M. Blecken; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REFUNDING OF DUTIES.

Mr. WASHBURN, by unanimous consent, also introduced a bill (H. R. 3941) authorizing the refunding of duties paid on six statues from Munich, Bavaria, by St. John's University, of Collegeville, Minn.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. SARAH E. B. SMITH.

Mr. HATCH, of Missouri, by unanimous consent, introduced a bill (H. R. 3942) for the relief of Mrs. Sarah E. B. Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE MAXWELL.

Mr. PERKINS (by request), by unanimous consent, introduced a bill (H. R. 3943) for the relief of George Maxwell; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ADAM STUBER.

Mr. PERKINS, by unanimous consent, also introduced a bill (H. R. 3944) granting a pension to Adam Stuber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. L. DICKERMAN AND OTHERS.

Mr. PERKINS, by unanimous consent, also introduced a bill (H. R. 3945) for the relief of A. L. Dickerman and others; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REPRINTING REPORT OF CHIEF SIGNAL OFFICER.

Mr. ROGERS, of New York. Mr. Speaker, I am instructed by the Committee on Printing to report back a joint resolution and ask unanimous consent for its present consideration.

The SPEAKER. The report will be read; after which the Chair will ask for objections.

The Clerk read as follows:

The Committee on Printing, to whom was referred the joint resolution (H. Res. —) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer, submit the following report:

That the estimated cost of printing the 5,000 additional copies of the report in question is $8,825. The joint resolution received the indorsement of the Committee on Printing in the Forty-seventh Congress, but was reported too late for action by the House of Representatives. We recommend the passage of the accompanying joint resolution.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Joint resolution (H. Res. 123) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer.

The joint resolution was read by its title a first and second time.

It is as follows:

Resolved, &c., That the Public Printer be, and he is hereby, authorized to print and bind, for the use of the Signal Office, 5,000 additional copies of the annual report of the Chief Signal Officer for the year 1882; and the Public Printer is hereby authorized to contract for the illustrations with the person now furnishing the illustrations for the Congressional edition.

Mr. RANDALL. Is that privileged?

The SPEAKER. The gentleman from New York asks unanimous consent to make the report for present consideration. Is there objection to the present consideration of the report?

There was no objection.

Mr. REED. I would like to have some explanation of this matter.

Mr. ROGERS, of New York. The report gives the explanation, and I ask the Clerk to read the executive document which accompanies the report.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a copy of a communication from the Secretary of War, dated the 8th instant, inclosing one from Capt. S. M. Mills, Fifth Artillery, indorsed by the Chief Signal Officer of the Army, recommending that Congress authorize the printing and binding, for the use of the Signal Office, of 5,000 copies of the annual report of the Chief Signal Officer for the fiscal year 1882, and inclosing a draught of a joint resolution for the purpose.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 13, 1883.

WAR DEPARTMENT,
Washington, December 8, 1883.

SIR: I have the honor to transmit herewith, with request for their transmission to Congress, a letter of the 26th ultimo from Capt. S. M. Mills, Fifth Artillery, bearing an indorsement of approval by the Chief Signal Officer of the Army, recommending that Congress authorize the printing and binding, for the use of the Signal Office, of 5,000 copies of the annual report of the Chief Signal Officer for the fiscal year ended June 30, 1882, together with a draught of a joint resolution for that purpose.

I am, sir, very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

The PRESIDENT.

WAR DEPARTMENT,
OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington, November 26, 1883.

SIR: I have the honor to recommend that the honorable Secretary of War may cause Congress to be requested to authorize the printing and binding of 5,000 copies of the annual report of the Chief Signal Officer for the fiscal year ending June 30, 1882.

Inclosed herewith please find duplicate copies of draught of resolution, that the Printing Committee of the House of Representatives and of the Senate may each be supplied with a copy, to enable simultaneous action to be taken by both.

A request was made December 22, 1882, for 10,000 copies of this report, and a joint resolution was introduced in the House of Representatives February 19, 1883, referred to the Committee on Printing, and died in committee; hence the necessity for this second request, which, however, is for one-half the number originally asked.

Very respectfully, your obedient servant,

S. M. MILLS,
Captain, Fifth United States Artillery,
Property and Disbursing Officer,
Signal Service, U. S. A., Acting Signal Officer.

The CHIEF SIGNAL OFFICER, UNITED STATES ARMY,
Washington, D. C.

[Indorsement.]

SIGNAL OFFICE,
Washington, D. C., November 30, 1883.

Respectfully forwarded to the honorable the Secretary of War, approved.

W. B. HAZEN,
Brig. and Bvt. Maj. Gen., Chief Signal Officer, U. S. A.

Mr. REED. That does not give any reasons why this should be done, nor does it give any explanation as to the reasons which prompted the committee. It simply shows that some gentleman wants it to be done.

Mr. MCMILLIN. I hope that some reason will be given by the gentleman from New York for this matter. We last year appropriated constantly for this and similar purposes, and in consultation with those persons who are acquainted with the facts it was ascertained that there was an amount of this fragmentary printing done during that Congress in excess of what was ever done before. I hope we will not enter upon that course during this Congress.

Mr. REED. I hope the gentleman from New York will at least give us an explanation of it.

Mr. MCMILLIN. I, like the gentleman from Maine, would wish to be informed as to the necessity for this printing. The report is by no means clear.

Mr. ROGERS, of New York. I only know, Mr. Speaker, that this request was submitted to the Committee on Printing by the War Department, and that the committee, having considered the matter, deemed that it was proper to grant the request, and have authorized me to make the report. As has been stated, this was reported favorably in the Forty-seventh Congress, at the heels of the session, but no action was taken upon it. It is reported here again for the action of the House. This printing is done for the use of the Chief Signal Officer, as he has expressed a wish to have it done, for distribution.

Mr. REED. I should think it would be wise for the gentleman from New York to withdraw the report until he is in a condition to furnish the House the information required. This expenditure may be entirely proper and a suitable thing to do, but I would like to have the information which I have asked upon the subject.

Mr. ROGERS, of New York. The Committee on Printing, in their consideration of such matters, have adopted the rule not to report to the House favorably upon any matter without first ascertaining the cost. They report that this will cost a little over $8,000.

Mr. MCMILLIN. Let me suggest to the gentleman reporting this measure that it would be better perhaps to permit it to remain in its present condition, or let it go over——

Mr. RANDALL. Let it go to the Committee of the Whole House on the state of the Union.

Mr. MCMILLIN. Yes, I think that would be proper, because if the

libraries have been already furnished I hardly see any necessity for printing a new edition of a work now almost two years old.

Mr. RANDALL. I make that suggestion to the gentleman from New York.

Mr. ROGERS, of New York. What is it?

Mr. RANDALL. Let it go to the Committee of the Whole House on the state of the Union.

Mr. ROGERS, of New York. Individually I have no objection to that. I have thus far, however, only obeyed instructions from the committee.

The SPEAKER. Is there objection to referring the report and joint resolution to the Committee of the Whole House on the state of the Union?

There was no objection, and it was ordered accordingly.

TRADE BETWEEN THE UNITED STATES AND MEXICO.

Mr. HEWITT, of New York, by unanimous consent, introduced the following resolution of inquiry; which was read, and referred to the Committee on Commerce:

Resolved, That the Secretary of the Treasury be requested to transmit to this House such information as he may be able to communicate, at an early day, in regard to the trade between the United States and Mexico and to the traffic over railroads connecting the two countries.

INDIAN-DEPREDATION CLAIMS.

Mr. GEORGE. I rise to make a privileged report from the Committee on Indian Affairs. I am directed to report back, with the recommendation that it be adopted, the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish this House with a list of all claims allowed in his Department for depredations committed by tribes of Indians who now have annuities or treaty or other funds due to them from the United States, with a statement of the names and addresses of the claimants and the amounts allowed.

The SPEAKER. The question is on the adoption of the resolution.

Mr. BROWNE, of Indiana. I wish to inquire if there is a report accompanying the resolution. I understand the rule requires a written report on all measures reported by committees.

The SPEAKER. The rule so requires. The Chair is informed the report is here. Does the gentleman from Indiana desire to have it read?

Mr. BROWNE, of Indiana. No, sir; I only wished to know if there was a report.

Mr. HOLMAN. The resolution was not distinctly heard. I desire that it may be reported again.

The resolution was again read.

The resolution was adopted.

Mr. GEORGE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMSON GOLIAH.

Mr. PEELLE, of Indiana, by unanimous consent, introduced a bill (H. R. 3946) for the relief of Samson Goliah; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH RAIBLE.

Mr. PEELLE, of Indiana, also, by unanimous consent, introduced a bill (H. R. 3947) granting a pension to Joseph Raible; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WARNER, of Tennessee. I desire to introduce a bill for reference.

Mr. WARNER, of Ohio. I do not wish to object to the introduction of bills, but we have a day set apart for that purpose, and I must demand the regular order.

The SPEAKER. The regular order is demanded, which is the call of committees for reports. Before the call is proceeded with the Chair asks consent to submit certain executive communications.

There was no objection.

EXPENDITURES FOR RIVERS AND HARBORS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Rivers and Harbors, and ordered to be printed:

To the House of Representatives:

I transmit herewith, in response to the resolution of the House dated January 11, 1883, a letter, dated the 21st instant, from the Secretary of War, together with a report submitted to him by the Chief of Engineers embodying the information so far as the same can be furnished from the records of his office, and a statement prepared in the Treasury Department respecting the expenditures for rivers and harbors, called for by the said resolution.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 22, 1884.

IMPROVEMENT OF HOT SPRINGS CREEK.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting a copy of the original contract and other papers touching the work of improving the Hot Springs Creek, in the town of Hot Springs, Ark.; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS UNDER ACT OF JULY 4, 1864.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting one hundred and seventy-one claims arising under the act of July 4, 1864; which was referred to the Committee on War Claims, and ordered to be printed.

COAST AND GEODETIC SURVEY.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a statement showing expenses incurred on account of coast and geodetic survey for the fiscal year ending June 30, 1883; which was referred to the Committee on Appropriations, and ordered to be printed.

E. J. PHILLIPS.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting papers filed in the claim of E. J. Phillips, postmaster at Oberlin, Ohio; which was referred to the Committee on Claims.

POST-OFFICE, WASHINGTON, D. C.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting a communication from the postmaster of Washington, D. C., suggesting a new building for the post-office for Washington, D. C.; which was referred to the Committee on Public Buildings and Grounds.

CIVIL EMPLOYÉS IN THE NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting a report of the civil employés of the Navy Department during the calendar year 1883; which was referred to the Committee on Expenditures in the Navy Department.

HARBOR OF REFUGE, JERRY'S POINT, NEW HAMPSHIRE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports relating to the improvement of the shoal in the channel of the harbor of refuge, near Jerry's Point, New Hampshire, in answer to a resolution of the House of Representatives; which was referred to the Committee on Rivers and Harbors.

LEAVE OF ABSENCE.

By unanimous consent, the leave of absence granted to Mr. BLACKBURN was extended indefinitely.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded.

Mr. RANDALL. I ask the gentleman from Ohio [Mr. WARNER] to withdraw the demand for the regular order to allow a report to be made from the Committee on Appropriations.

Mr. WARNER, of Ohio. I withhold the demand for the regular order for that purpose.

DEFICIENCY, REBATE ON TOBACCO TAX, ETC.

Mr. BURNES, from the Committee on Appropriations, reported a bill (H. R. 3948) making appropriations to supply deficiencies on account of appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

JUDICIAL DISTRICTS OF MISSOURI.

Mr. BROADHEAD, from the Committee on the Judiciary, reported, as a substitute for House bills 877 and 2359, a bill (H. R. 3949) to amend an act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, and to prescribe the times and places of holding courts therein, and for other purposes; which was read a first and second time, placed upon the House Calendar, and, with the accompanying report, ordered to be printed.

MAP OF TRANSPORTATION ROUTES.

Mr. WOODWARD, from the Committee on Commerce, reported adversely the joint resolution (H. Res. 19) to authorize and require the preparation of a map showing all rail and water transportation routes in the United States; which was laid on the table, and the accompanying report ordered to be printed.

DEPARTMENT OF AGRICULTURE.

Mr. AIKEN, from the Committee on Agriculture, reported back with amendments the bill (H. R. 1457) to establish a department of agriculture; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. AIKEN, from the Committee on Agriculture, also reported adversely the following; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 508) to enlarge the powers and duties of the Department of Agriculture;

A bill (H. R. 868) to enlarge the powers and duties of the Department of Agriculture;

A bill (H. R. 871) to enlarge the powers and duties of the Department of Agriculture;

A bill (H. R. 1224) to provide for the reorganization of the Department of Agriculture; and

A bill (H. R. 2218) to enlarge the jurisdiction of the Department of Agriculture.

POSTAGE ON SECOND-CLASS MAIL MATTER.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the following; which was placed upon the House Calendar, and the accompanying report ordered to be printed:

A bill (H. R. 1323) fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent.

MRS. MARGARET CASSIDY.

Mr. MOREY, from the Committee on Patents, reported, as a substitute for House bill 1370, a bill (H. R. 3950) for the relief Mrs. Margaret Cassidy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. STORM, from the Committee on War Claims, reported adversely upon the following; which were severally laid on the table, and the accompanying report ordered to be printed:

A bill (H. R. 863) for the relief of Sarah M. Thomas;

Petition of Elizabeth Higgins and others, for compensation for property used by the United States Army; and

Petition of Robert H. Cleer, for compensation.

Mr. ROWELL, from the Committee on War Claims, reported adversely the following; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 347) for the relief of Joseph Hole;

Petition of William D. Wilson for compensation for rent and occupation of building; and

Petition of Melchisadeck Robinson, for payment of stores taken by the United States Army during the war.

MARGARET CALLANAN.

Mr. FIEDLER, by unanimous consent, introduced a bill (H. R. 3951) for the relief of Margaret Callanan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF MISSISSIPPI RIVER COMMISSION.

Mr. WILLIS, by unanimous consent, submitted the following; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 1,000 additional copies of the last report of the Mississippi River Commission, and also 100 additional copies of said report with the plates bound separately, for the use of the said commission, to be done under the direction of its secretary.

LOOMIS'S AUTOMATIC FILTER.

Mr. FINDLAY, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Public Buildings and Grounds:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire whether a filter known as "B.T.Loomis's patent automatic filter" could not be advantageously introduced into the Capitol building for the purpose of filtering the water used therein, and that said committee report thereon at the earliest practicable moment what will be the cost of introducing the same.

DANIEL PARKER.

Mr. WARNER, of Tennessee, by unanimous consent, introduced a bill (H. R. 3952) for the relief of Daniel Parker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRIVATE CLAIMS.

Mr. OATES, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the rules of the House be so amended that no private bill shall be considered by any committee upon which a committee of any previous Congress has made an adverse report which was concurred in by the House, unless it be first shown to such committee that there is subsequently discovered evidence of a material character tending to show that such claim is just.

STANDARD TIME FOR THE DISTRICT OF COLUMBIA.

Mr. BARBOUR. I ask unanimous consent to take from the Speaker's table Senate bill No. 616 for reference or consideration.

The SPEAKER. Does the gentleman ask for the reference of the bill or its present consideration?

Mr. BARBOUR. I will ask for its present consideration, if there be no objection.

Mr. WHITE, of Kentucky. Let the bill be read.

The bill (S. 616) to establish a standard of time in the District of Columbia was read, as follows:

Be it enacted, &c., That the legal standard of time in the District of Columbia shall hereafter be the mean time of the seventy-fifth meridian of longitude west from Greenwich.

SEC. 2. That this act shall not be construed to affect existing contracts.

Mr. WHITE, of Kentucky. I object to the present consideration of that bill.

Mr. BARBOUR. Then I will ask that it be referred to the Committee on the District of Columbia.

Mr. WHITE, of Kentucky. I do not object to that.

The bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on the District of Columbia.

Mr. BARBOUR. I suppose it is not in order to say anything on that bill at this time.

The SPEAKER. It has gone to the Committee on the District of Columbia.

ACCOMMODATIONS FOR ENROLLING CLERKS, ETC.

The SPEAKER. The Chair has received an official communication from the Clerk of the House with regard to the accommodation of the enrolling clerks; and as the Chair is not aware of the existence of any unappropriated room about the Capitol he thinks it best to lay the communication before the House, that it may be referred to the Committee on Public Buildings and Grounds or take such other course as the House may decide. The communication will be read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 23, 1884.

SIR: In view of the action of the House on yesterday in relation to the assignment of committee-rooms, I deem it my duty to call your attention to the fact that the action taken leaves the enrolling and assistant enrolling clerk, the resolution and petition clerk, the newspaper and document clerk, and the distributing clerk without a room in which to perform their respective duties.

The room assigned the Clerk, now occupied by the Committee on Naval Affairs, is too small for occupation by the clerks above designated, there being in the enrolling-room six large desks, two large cases containing materials and records, including originals of all bills and joint resolutions passed and of all amendments thereto for the last twenty years, a table and a wardrobe which can not even be got in the room named.

It is impossible to assign more clerks to the file-room, it now being overcrowded, and in this connection I deem it proper to state that it is of the greatest importance that all of the clerks named should be in immediate proximity to the Journal Clerk and bill and printing clerk, whose desks are in the file-room, the work of the enrolling clerks, resolution and petition clerk, and newspaper and document clerk being entirely dependent on the Journal, and are required to be promptly dispatched.

I respectfully submit the matter for your consideration.

Very respectfully,

JNO. B. CLARK, JR., *Clerk.*

Hon. JOHN G. CARLISLE,
Speaker House of Representatives.

Mr. HATCH, of Missouri. In connection with the communication just read I submit the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the letter of the Clerk just read be referred to the Committee on Public Buildings and Grounds, with instructions to inquire and report what provisions are required to be made to furnish the Clerk with proper accommodations for the necessary transaction of the official business of the House.

Mr. KEIFER. Is this resolution broad enough to allow the committee to consider whether or not the room now occupied by the enrolling clerks shall continue to be so occupied?

Mr. HATCH, of Missouri. I think it is broad enough to cover the whole ground.

Mr. KEIFER. If the resolution is not broad enough for that purpose it should be made so.

Mr. YOUNG. Should not this matter be referred to the Committee on Rivers and Harbors or the Committee on Naval Affairs?

The resolution of Mr. HATCH, of Missouri, was adopted.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of business on the general Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CONVERSE in the chair.

AMERICAN MERCHANT MARINE.

The first bill on the Calendar was the bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade.

Mr. DINGLEY. In the absence of the gentleman from New York [Mr. SLOCUM] who reported this bill, I am requested by the committee to say that an understanding has been reached by which the bill is not to be taken up until to-morrow. In order that the bill may be laid aside in accordance with this arrangement, I object to its present consideration.

The CHAIRMAN. Objection being made to the consideration of the bill, the committee, under the rule, will rise and report the objection to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union, having had under consideration the public Calendar, had reached the bill (H. R. 2238) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, when objection was made to its consideration.

The SPEAKER. The question is, Shall the bill be passed over in the Committee of the Whole?

The question was decided in the affirmative.

The Committee of the Whole resumed its session.

FORFEITURE OF RAILROAD LAND GRANTS.

The next bill on the Calendar was the bill (H. R. 3520) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the several acts and parts of acts of Congress as are below recited be, and they are hereby, repealed, namely:

Chapter 83, eleventh Statutes at Large, page 30, approved August 11, 1856, entitled "An act granting public lands in alternate sections to the State of Mississippi to aid in the construction of railroads in said State, and for other purposes," except so much of said act as relates to a grant of land in aid of "a railroad from Jackson to the line between the State of Mississippi and the State of Alabama," which road was completed within the time prescribed by said act.

Also, so much of chapter 41, eleventh Statutes at Large, page 17, approved June 3, 1856, entitled "An act granting public lands in alternate sections to the State of Alabama, &c.," as relates to a grant of lands in aid of the construction of railroads from Elyton to the Tennessee River at or near Beard's Bluff, Alabama.

Also, to aid in the construction of the Memphis and Charleston Railroad, in section 6 of said act.

Also, section 7 of the act of March 3, 1857, chapter 99, eleventh Statutes at Large, page 197, making a grant to the State of Alabama in aid of the Savannah and Albany Railroad Company, as recited in said section.

Also, so much of chapter 42, eleventh Statutes at Large, page 18, entitled "An act making a grant of lands to the State of Louisiana to aid in the construction of railroads in said State," as relates to a railroad from New Orleans to the State line in the direction of Jackson, Miss.

Also, so much of chapter 165, fourteenth Statutes at Large, page 83, as makes a grant of lands to the State of Arkansas to aid in the construction and extension of a railroad from the point where the Iron Mountain Railroad intersects the southern boundary of Missouri to a point at or near the town of Helena, on the Mississippi River.

That all rights, titles, and privileges as to any of the public lands granted or conferred by, through, or under the said several provisions of law be, and they are hereby, declared forfeited and determined; that all the lands within the terms and scope of said several provisions of law be, and they are hereby, restored to the public domain, and subject to sale, disposition, and settlement under existing law as though said acts and parts of acts had never been enacted.

SEC. 2. That in any and all cases as to any lands embraced within the terms of any of the acts named in section 1 of this act, whenever the Department of the Interior, or its officers, or the local land officers have treated said lands as open to selection, purchase, or homestead entry, and have allowed purchases, selections, and entries of any of said lands under the general laws of the United States, the acts of the Department of the Interior and its officers, and the local land officers, in permitting such entries, selections, and purchases, in making such sales, and in issuing patents, certificates, and lists thereon, are hereby ratified and validated, and the rights and titles of parties or persons holding patents or claiming right or title under certificates or lists of lands issued or certified by the Secretary of the Interior, the Commissioner of the General Land Office, or certificates issued by the officers of the local land offices, or who have made homestead entries or pre-emption settlements or claims upon any of said lands in any way affected by said grants, are hereby confirmed and made valid to the same extent as though said grants had never been made.

Mr. COBB. I ask that the report of the committee be read.

The Clerk read as follows:

The Committee on Public Lands, to which was referred sundry bills relating to the forfeiture of lands granted to certain States and railroad companies to aid in the construction of railroads, desire to make the following report as to a part of said bills, and ask further time in which to report as to the remaining bills:

Your committee find, by act of Congress passed August 11, 1856 (11 Statutes at Large, page 30), that lands were granted to the State of Mississippi, to be disposed of by said State in aid of the construction of three railroads, one from Jackson to the line between the States of Mississippi and Alabama, one from Tuscaloosa to the Mobile Railroad in Mississippi, and one from Brandon to the Gulf of Mexico.

The first-named road was completed within the time prescribed by the act of Congress, as we are informed, and therefore we do not interfere with it in any way by this bill.

To aid in the construction of each of these roads every alternate section of public land, designated by even numbers, for six sections in width, on each side of the line of said roads, was granted to said State, with the right that in case of prior disposal of any of said sections or parts thereof by the United States to select other sections in lieu thereof within fifteen miles of said line of road. These grants were made available by the following section of said act of Congress:

"SEC. 4. That the lands hereby granted to the said State shall be disposed of by said State only in manner following, that is to say, that a quantity of land not exceeding one hundred and twenty sections for each of said roads, and included within a continuous length of twenty miles of each of said roads, may be sold; and when the governor of said State shall certify to the Secretary of the Interior that any continuous twenty miles of either of said roads is completed, then another like quantity of land hereby granted, not exceeding one hundred and twenty sections for such road, may be sold; and so from time to time until said roads are completed; and if said roads are not completed within ten years, no further sales shall be made, and the lands unsold shall revert to the United States."

Your committee find that no portion of these roads has been completed, and no work ever done thereon, and no land has been approved to the State of Mississippi on account of the same.

By the sixth section of said act of August 11, 1856, a like grant, on like conditions, was made to the States through which said road should pass, "for a railroad from Mobile to New Orleans."

The road contemplated by this section has never been built or begun.

The road from Brandon to the Gulf of Mexico was to be called the Gulf and Ship Island; that from Mobile to New Orleans, the Mobile and New Orleans; and that from Tuscaloosa to the Mobile Railroad was not named, it not having progressed far enough to require a name.

The sixth section of the act making these grants, which is set forth above, required the roads to be completed by August 11, 1866, more than seventeen years ago.

The last part of said section reads as follows:

"And if said roads are not completed within ten years, no further sales shall be made, and the lands unsold shall revert to the United States."

Under the true construction of this act, the sale of these lands had to stop at the expiration of the ten years, and the title revert to the United States and reinvest therein as fully as if the grant had never been made. But in October, 1874, the Supreme Court, in the case of Shulenburg *vs.* Harriman (21 Wallace, page 44), decided that an act of Congress precisely like this granted an estate upon condition subsequent; that the title to the lands embraced in the act passed to the State *in presenti*, and could only be regained by an act of legislation equivalent to a re-entry at common law.

Under this decision it becomes necessary for Congress to pass an act which shall assert ownership in the lands in question, in order to repossess and have them restored to the public domain.

The lands now can not be sold by the United States, as it has only a right of re-entry, a right which can not be sold or assigned, and can only be made available by the original grantor, as the United States can have no heirs, and, we trust, no successors.

If, therefore, we desire these lands placed in the reach of actual settlers, we must pass some act so declaring. No Department has the power to do it. The power rests in Congress alone, under the above-named decision. As a period of twenty-eight years has elapsed and no work has been done on either of these roads, and nearly nineteen years of that period has passed since the close of the civil war, your committee feel that the purpose which Congress had in view in the passage of the act of 1856 will not be subserved by keeping the lands in question longer separated from the public domain, thus preventing them from being occupied and possessed by actual purchasers and settlers.

One of the reasons most strongly urged for making these grants was that the United States could well afford to give one-half its lands on the line of a proposed railroad, because it would thereby not only double the price of the remaining land but greatly expedite the sale of it. Such has been the result where railroads have been actually built, but the sole effect of the grant in question has been to prevent the sale and settlement of these lands and that of the adjoining country.

In the case of Shulenburg *vs.* Harriman, above referred to, it is held that the title to the land may be reinvested in the Government after the expiration of ten years by an act of Congress to that effect; and it is intimated in this decision that the sales may go on until such action on the part of Congress is had. Yet, even if that intimation be accepted as a settled rule of law, Congress can interpose at any time and terminate the grant with the railroad half completed. The road can have only a limited advantage from this grant as it now stands. Capital will therefore be unwilling to invest to carry out the terms of a grant which, so far as these lands are concerned, is determinable at the pleasure of Congress. Especially is this true when there is such a growing sentiment in the minds of the people in favor of the forfeiture of all land granted to railroad companies where such companies have failed to comply with the terms of the grant, and a growing feeling in opposition to granting subsidies of lands, &c., to corporations generally.

Your committee state that the claim is made that under the act creating this grant sales of land must cease at the end of ten years, whether Congress passes an act equivalent to re-entry or not; or, if made, the conveyance is subject to the same right of forfeiture by the act of re-entry as if it had not been made.

If this view should prove to be correct, and those who favor it insist that anything to the contrary in Shulenburg *vs.* Harriman is *obiter dictum*, then this grant in its present shape is of such small value as to no longer justify its presence on the statute books, and the only business-like course for Congress to adopt is to repeal it.

ELYTON AND BEARD'S BLUFF.

On June 3, 1856, Congress passed an act similar to the one we have just been considering, by which lands were granted to the State of Alabama to aid in the construction, among others, of a railroad "from Elyton to the Tennessee River at or near Beard's Bluff, Ala." The Secretary of the Interior reports as to this road that no map of location has ever been filed and no part of the road has ever been constructed. So far as known no corporation or company has ever been organized under this act. The time fixed for the completion of this road by the terms of the act was June 3, 1866. What has been said in regard to the grants heretofore named is also applicable to this one.

MEMPHIS AND CHARLESTON.

The State of Alabama refused to accept the grant for this road, and the lands were restored to market February 19, 1858. Your committee deem it prudent, however, to repeal the granting act so far as it refers to this road, and have provided for it in the bill presented.

IRON MOUNTAIN RAILROAD IN ARKANSAS.

By act of July 4, 1866 (14 Statutes, page 83), this grant was made. The act provided that the road must be completed within five years from July 1, 1866, or by July 4, 1871. The road was to have run from the southern boundary of the State of Missouri, where it was to be intersected by the Iron Mountain Railroad, to a point at or near Helena, Ark. No portion of this road has ever been located or constructed.

NEW ORLEANS TO THE STATE LINE.

This grant was made by act of Congress June 3, 1856 (11 Statutes, page 18), and consisted of alternate odd-numbered sections for six sections in width on each side of the road, with the right to take in place of any lands which were disposed of by the Government by entry or pre-emption, within the said six miles, the alternate sections within fifteen miles of said road. This grant was made to the State of Louisiana to aid in the construction of a railroad from New Orleans to the State line, in the direction of Jackson, Miss. No part of this proposed road has ever been constructed, and the lands were restored to the public domain, so far as the Department could do it, July 27, 1857. Previous to such restoration, to-wit, on the 6th of February, 1857, the governor of Louisiana advised the Land Office by telegram that he did not think the grant would be accepted.

In face of the facts which surround this grant your committee deem it prudent to repeal so much of the act as made said grant, providing, as the second section of the bill does, for the protection of persons holding patents from the Government and *bona fide* settlers, &c.

Your committee, therefore, in view of the facts set forth in this report, recommend the forfeiture of all the lands named therein, and for that purpose report the accompanying bill as a substitute for all the bills relating to the forfeiture of said grants, and recommend its passage.

VIEWS OF THE MINORITY.

I dissent from the report of the majority of the committee, so far as relates to the grant to the State of Mississippi for the Gulf and Ship Island Railroad, for the following reasons, among others:

By act of August 11, 1856, a grant of six sections per mile was made to the State of Mississippi for a road from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad, with provision of sale by the State of the lands granted; it was also provided that if the road was not completed in ten years the lands unsold should revert to the United States.

It is admitted that the State has not sold any of said lands, and that no portion of the road has been constructed. The time expressed in the act for the unsold lands to revert in case the road was not completed of course expired August 11, 1866, more than seventeen years since, and now it is proposed by the majority report to forfeit the grant, and for the United States to resume title to these lands.

A map of definite location of the road was filed in the office of the Secretary of the Interior November 27, 1860, a little over four years after the passage of act; so it would appear that up to that time the proper steps were being taken to avail of the grant.

The condition of affairs in this country in November, 1860, and for the six years following is matter of history; it was not an era of railroad building, and in the South the construction of new roads was out of the question. After the grant,

and prior to November, 1860, it was not possible to make all arrangements and do all things necessary or requisite to perfect the grant, make surveys, locate the road, prepare and file maps and lists, and complete the road. It would probably require all that time to make all preliminary arrangements and get ready to commence building the road, and, as above remarked, after the latter date, and up to August 11, 1866, there was no possibility of doing any railroad work in that section, so that when the time came for the lands to revert under the act it was plainly no fault of the beneficiaries that the road had not been built. But we are told seventeen years have elapsed since August, 1866, and the road is neither completed nor commenced. True, and I contend that neither is that the fault of the State nor the incorporators of the road; and for this reason. After the ten years had elapsed in which the road was to be completed or the lands revert, they (the lands) could not be sold or mortgaged, or in any way availed of in the building of the road, for the obvious reason that purchasers and capitalists were afraid of the title. Let it be borne in mind all the time that the grant was not made to a corporation, but directly to the State of Mississippi; and it is a fact that the State and her people, in the seventeen years in which negligence is charged, have done all in their power to make the grant available; the people from time to time, in convention assembled, have called upon the Legislature to take all proper and possible means to have Congress renew or extend the grant, and the Legislature, time and again, have memorialized Congress accordingly. Nothing has been left undone on the part of the people or the State in the premises. And it is not venturing too far to say, had their petitions been granted the road would now be a fixed fact. So much on the subject of negligence.

Again, the line of the road, as surveyed, runs through vast bodies of finely timbered lands, the timber for the most part yellow or long-leaf pine, exceedingly valuable for lumber, but which can only be made available by means of railroads. The country for the most part is thinly settled; just such a country as presents the most serious obstacles to the construction of a road by private means, and where, if ever, a public grant is both requisite and proper.

The usual argument holds good in this case with unusual force, that the Government, so far from being a loser in any respect, would be greatly the gainer from the largely increased value of the public lands remaining. In addition to the vast timber resources, the lands when cleared would afford the best of pastures for unlimited stock, in addition to its great agricultural resources, and all in the most genial of climates.

The grant in the first instance was not only right but in every respect one eminently proper to be made, and all the reasons in its favor then exist in even greater force and abundance to-day. Other sections have been abundantly favored in this respect, ours in comparison but little. It is not a corporation struggling to retain its grant, but a State seeking to give her people an outlet to the sea.

The approximate estimate of the quantity of the land in the grant, as originally made, was 652,800 acres; since then much of it has been sold, and there are remaining in the grant at this time probably not over half a million acres. The line of the road, as surveyed and located, is 170 miles long, being less than 3,000 acres to the mile; a very moderate appropriation compared with many other roads which have profited by the bounty of Congress.

I am aware that great and serious abuses have grown out of and been connected with grants in aid of railroads, but in the case of the Gulf and Ship Island road no complaint or suspicion in this regard can be made or entertained; in almost every respect it stands apart from the great roads or corporations so much complained of in connection with their vast land grants. It should be judged by itself, and if it could be so judged with respect solely to its own merits, its friends could ask no more.

Knowing as I do how much the people of Mississippi have the construction of this road at heart, that there is no purpose or desire in connection with the grant foreign to the object for which it was made—the building of the road and the general good—I feel compelled to dissent from the report of the majority of the committee so far as relates to the Gulf and Ship Island Railroad.

H. S. VAN EATON.

Mr. COBB. I desire to say that a majority of the Committee on Public Lands are anxious to go on with the consideration of this bill; but the gentleman from Mississippi [Mr. VAN EATON] who made the minority report tells me that he is unable to-day, on account of some personal affliction, to discuss this question. It would be agreeable to the committee, if it be the wish of the House, that this bill be laid aside until the health of the gentleman is recovered. We desire to hear from him, as he is the only member of the committee who dissents from the views of the majority. That gentleman being unwell to-day, we are willing that the bill be passed over, so that he may be heard when it is taken up for consideration. This is our only reason for consenting that the bill be passed over.

The CHAIRMAN. Does the gentleman from Indiana [Mr. COBB] object to the present consideration of the bill?

Mr. COBB. I desire simply to have the bill laid aside, not losing its place.

The CHAIRMAN. The rule requires that objection be made. That is the only way in which the bill can be laid aside.

Mr. COBB. I will make the objection *pro forma*, though I might make the motion that the bill be laid aside.

The CHAIRMAN. That motion would not be in order.

Mr. RICE. Upon the statement which the gentleman makes I object to the present consideration of the bill.

Mr. TOWNSHEND. Why may not unanimous consent be given that the bill be laid aside? I have seen that done in Committee of the Whole time and again.

The CHAIRMAN. The Chair is of the opinion that it can not be done.

Mr. TOWNSHEND. It has been done.

The CHAIRMAN. Objection having been made to the present consideration of the bill, the committee will rise and report the objection to the House.

Mr. HOLMAN. I trust unanimous consent will be given that the bill be passed over informally.

Mr. TOWNSHEND. Nobody will object.

The CHAIRMAN. That cannot be done by unanimous consent.

The committee rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union, having had under consideration the Public Calendar, had reached the bill (H. R. 3520) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads, when objection was made to its consideration.

The SPEAKER. The question is, Shall the bill be passed over in Committee of the Whole?

The question was decided in the affirmative.

The Committee of the Whole House on the state of the Union resumed its session.

LEVEES OF MISSISSIPPI RIVER.

The next business on the Calendar was the bill (H. R. 3504) to close the gaps in the levees of the Mississippi River, and other structures for the improvement of the navigation and protection of the commerce of the said river.

The bill as amended by the Committee on Levees and Improvements of the Mississippi River was read, as follows:

Be it enacted, &c., That the sum of $1,000,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Mississippi River, which said sum shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission created by an act entitled "An act to provide for the appointment of a Mississippi River Commission for the improvement of said river from the head of the passes, near its mouth, to its headwaters," approved June 28, 1879.

Mr. WHITE, of Kentucky. I hope, Mr. Chairman, we will hear some explanation of this.

Mr. WARNER, of Ohio. I object to the present consideration of the bill.

The CHAIRMAN. Objection being made to the further consideration of the bill, under the rule the committee will rise and report the objection to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union having under consideration the bill (H. R. 3504) to close the gaps in the levees in the Mississippi River, and other structures for the improvement of the navigation and protection of the commerce of the said river, objection was made to its further consideration.

The SPEAKER. The chairman of the Committee of the Whole House on the state of the Union reports that when the bill which he has indicated was reached in its order objection was made, and under the rule that fact has been reported to the House.

Mr. HOLMAN. Is it now in order to move that the bill be laid on the table?

The SPEAKER. The bill is not before the House.

The objection was sustained, and the bill was passed over for the present.

SPEEDY DELIVERY OF LETTERS.

The committee resumed its session, Mr. CONVERSE in the chair.

The next business in order was the bill (H. R. 1071) to provide for the more speedy delivery of letters at free-delivery offices and a special stamp to secure said delivery.

The CHAIRMAN. The Clerk will now report the amendments recommended by the Committee on the Post-Office and Post-Roads.

The Clerk read as follows:

In section 1, line 3, before the word "cents," insert "10," and strike out "shall" and in lieu thereof insert "may;" so it will read: "that a special stamp of a face valuation of 10 cents may be provided," &c.

In section 2, line 2, strike out "10" and insert "12;" so it will read: "up to 12 o'clock p. m."

In section 3, line 4, insert "$15;" so it will read: "not to exceed $15 per month."

The CHAIRMAN. The bill will now be read as it is proposed to be amended by the committee.

The Clerk read as follows:

Be it enacted, &c., That a special stamp of a face valuation of 10 cents may be provided and issued, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the stamp required to be placed thereon to prepay the drop-letter rate of postage, or the rate required on letters mailed, and whose final delivery is to be at a free-delivery office, shall be regarded as entitling such letters to immediate delivery.

SEC. 2. That such extra-stamped letters shall be delivered up to 12 o'clock p. m.

SEC. 3. That to provide for the immediate delivery of letters which bear this special stamp in addition to the regular postage rates, parties shall be employed, at a salary not to exceed $15 per month, to such number as is absolutely required, at each free-delivery office, for such delivery, who, upon the delivery of such a letter, will procure a receipt from the party addressed, or some one authorized by him to receive such letter, in a book to be furnished for the purpose, which shall be kept in the post-office, and at all times subject to examination by an inspector of the Department.

Mr. WARNER, of Ohio. If it be in order, I will withdraw my objection in the case of the preceding bill, so it may be reported to the House and laid upon the table.

The CHAIRMAN. It is too late, as the House has already disposed of the case and the bill has been passed over.

Mr. COSGROVE. Let the report of the committee on the pending bill be read.

The Clerk read as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred bill H. R. 1071, having had the same under consideration, submit the following report:

The purpose of H. R. 1071, entitled "A bill to provide for the more speedy delivery of letters at free-delivery offices and a special stamp to insure said de-

livery," is to authorize the Postmaster-General to issue a special stamp, printed in such manner as to attract immediate attention, under such regulations as he may prescribe, the price thereof to be fixed at 10 cents each, which, when attached to a letter, in addition to the stamp required to be placed thereon to prepay the regular postage prescribed by law and the final delivery of which letter is to be at a free-delivery office, shall entitle said letter to immediate delivery up to 12 o'clock midnight.

The committee desire, in this connection, to call attention to the recommendation made by the First Assistant Postmaster-General upon this subject:

"In view of the large excess of postage on local matter alone over the entire cost of the service ($1,021,894.01), and in view of the fact that experience has demonstrated that local correspondence is increased in proportion, especially in the large cities, and hence the postage on local matter in proportion, to the facilities given, I have no hesitation in recommending its extension, nor in advising liberal appropriations to bring it up to the highest practicable standard in cities where it is now in operation.

"As stated in my last report, this service meets the general demands of business and social life, but fails to meet the dispatch required in the delivery of letters of exceptional importance.

"Letters are now delivered by carriers at stated hours during the day from about 7 a. m. to 6 p. m., the frequency of trips varying in different cities, and also in the same city, more frequent deliveries being made in the business and less frequent in the suburban districts. Between these deliveries two or three hours frequenty intervene in the larger cities, and a longer time in the smaller ones, where the deliveries are less frequent. Letters received, therefore, after the carriers go out on their trips, whatever their importance, must lie in the office till the next trip. After the close of the deliveries for the day carriers' letters must lie over till the next morning delivery, which delay in many instances fails to meet the wants of the writer or the object of the communication. Out of this want of a more speedy delivery have grown up in several of the large cities private enterprises which are now conducted in competition with this service, and are diverting from the legitimate revenues of the Department thousands of dollars yearly. The patronage bestowed on these enterprises evinces a public demand for a more speedy delivery of a certain class of correspondence. To meet this want and to secure the entire postal business of this country, which properly belongs to the Department, it is suggested that a special stamp be provided, which, when affixed to a letter, whether mail or local in addition to the ordinary postage-stamp, shall be reguarded by the office addressed as entitling the letter to immediate delivery up to 10 o'clock p. m.

"To provide for the instant delivery of letters bearing this special stamp it is suggested that boys be employed and required to procure receipts from the party addressed, or some one authorized by him to receive such letters, in a book to be furnished for the purpose, which shall be kept in the office, and at all times subject to examination by an inspector of the Department."

The advantages which would result from the adoption of this special-delivery stamp are fully set forth in the extract above given. That it would be a convenience to the public which would be fully appreciated and liberally patronized the committee fully believe; that when the people become fully acquainted with the system and its advantages it would yield a handsome surplus revenue to the Post-Office Department.

In view of the advantages believed to exist in the adoption of this stamp the committee recommend its passage.

Mr. COSGROVE. I move that the amendment be agreed to and the committee rise and report the bill to the House with the recommendation that it do pass. I do not know that I can add anything to what is contained in the report.

Mr. TOWNSHEND. I hope the gentleman will make some explanation of the matter.

Mr. COSGROVE. The explanation of the bill is fully set forth in the report which has been read in the hearing of the House. It provides that in addition to the ordinary postage-stamp put on every letter, in order to insure delivery up to 12 o'clock at night, there shall be affixed an additional stamp of 10 cents, which shall be regarded as entitling such letter to immediate delivery.

Mr. TOWNSHEND. To whom is that 10 cents to go?

Mr. COSGROVE. To the Government, as in the case of ordinary stamps.

Mr. TOWNSHEND. Will not such additional duty necessitate an increase of the free-delivery force?

Mr. COSGROVE. In some instances I presume it will. It has been suggested by the First Assistant Postmaster-General that, to provide for the instant delivery of letters bearing this special stamp, boys be employed at a salary of $15 a month.

Mr. TOWNSHEND. Has the gentleman any information from the Department as to the probable cost of this additional service?

Mr. COSGROVE. We have information that the income derived from this special stamp will be largely in excess of any cost which may be caused by this additional service. It is expected that it will afford a handsome revenue to the Government over the cost of carrying out the provisions of this bill.

Mr. TOWNSHEND. Upon what information is that opinion based?

Mr. COSGROVE. I suppose the officers of the Post-Office Department based their opinion upon their judgment and experience of the free-delivery system. We also are informed that the profits derived by private parties now engaged in various cities in transacting the very business which this bill provides for are very large.

Mr. TOWNSHEND. I wish to develop that fact, whether there are private parties now engaged in doing this very thing.

Mr. COSGROVE. My information from the Post-Office Department is that private parties, to a large extent, are engaged in this work, and derive from it handsome remuneration.

Mr. TOWNSHEND. Are they engaged in it in any other city than the city of New York?

Mr. COSGROVE. I understand that they are so engaged not only in the city of New York. but in the cities of Brooklyn, Philadelphia, Chicago, and Saint Louis, as well as in other places.

Mr. TOWNSHEND. This extends to a very large number of offices. It extends to every free-delivery office in the United States.

Mr. COSGROVE. The bill, as the gentleman will perceive, leaves it discretionary with the Postmaster-General, as I understand it. The word "shall," which appeared in the original bill, has been stricken out. The original bill provided that the Postmaster-General should do this, whereas the amended bill specifies that he *may*, leaving it of course discretionary with him to establish the service or not.

Mr. TOWNSHEND. Would it not be better to say, if the Postmaster-General "shall" deem it advisable, in place of using the word "may?"

Mr. COSGROVE. I think the word "may" is sufficiently discretionary.

Mr. TOWNSHEND. That is true, but some of the courts have decided that it means the same as "must" or "shall;" in other words, that in certain conditions it is peremptory.

Mr. COSGROVE. Under certain conditions, and under some statutes, I think so too; but evidently not in this case.

Mr. TOWNSHEND. I should much prefer, and I think it would meet the sense of the House, to have it so worded as to leave it discretionary with the Postmaster-General, by the insertion of the words "if he shall deem it advisable."

Mr. WHITE, of Kentucky. There can be no objection to that.

Mr. SKINNER, of New York. If the gentleman from Illinois will allow me for a moment I will answer the proposition which he makes to insert the words suggested by him instead of the word "may." The word employed in the bill carries with it a discretion on the part of the Post-Office Department. As an illustration of that fact let me state that a few Congresses ago the gentleman from Mississippi [Mr. MONEY], the present chairman of the Committee on the Post-Office and Post-Roads, introduced a bill providing that the Post-Office Department should issue double postal cards. The language of the bill was, "The Post-Office Department shall issue," &c. But the Post-Office Department has not used such a card. They certainly used discretion in that case where the word "shall" was employed. The reason that the word "may" is employed here was that the Post-Office Department might exercise discretion in the matter.

Mr. TOWNSHEND. In order, Mr. Chairman, to avoid any ambiguity on this point, which I regard as of considerable importance, I move to amend by striking out the word "may" and inserting the words "if deemed advisable by the Post-Office Department."

Mr. WARNER, of Ohio. There should be no objection to that amendment.

Mr. KEIFER. Let me ask, Mr. Chairman, if we have come to the time for considering this bill under the five-minute rule for debate and amendment?

The CHAIRMAN. The Chair supposed the bill to be open to amendment at this time, not understanding that it was desired to have general debate upon it, and in view of the fact that a motion had been made to report the bill to the House with a favorable recommendation. If it be desired to debate the bill under the five-minute rule the Chair will cause the bill to be read by sections.

Mr. KEIFER. That time, however, has not yet arrived until after the general debate has been concluded.

Mr. TOWNSHEND. My object in making the motion at the time I did was for the reason that a motion had been made, as the Chairman has suggested, to report the bill to the House with a favorable recommendation.

Mr. KEIFER. But that motion could not be entertained at this time.

Mr. TOWNSHEND. That is for the Chair to decide.

Mr. KEIFER. There will be a time of course when the gentleman will have an opportunity of offering his amendment or submitting his motion. But we desire to consider this bill under the rule. We have not understood that it is being considered now under the five minutes' debate.

The CHAIRMAN. The gentleman from Missouri made a motion that the bill be reported to the House favorably.

Mr. KEIFER. I make the point of order that the bill is before the committee for general debate; and if the Chair will recognize me I would like to be heard upon that subject.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio.

Mr. TOWNSHEND. Will my amendment be pending?

The CHAIRMAN. The Chair will recognize the gentleman at the proper time to offer his amendment.

Mr. KEIFER. There will be, of course, a time when the gentleman can submit his amendment.

It is difficult, Mr. Chairman, to hear what is being said, and was impossible to hear what was said by the gentleman who presented this bill. For my part, I doubt the policy of the measure, though I live in a city where there is a free-delivery office. I am not prepared to go so far as to favor a special delivery of letters by messengers in these offices alone, to the exclusion of all of the rest of the country. If it be a wise policy to enter upon at all, I would say that it ought to apply to all cities, whether they be free-delivery offices or not. I have now forgotten the number of free-delivery offices in the United States.

Mr. TOWNSHEND. It is quite large, over 150.

Mr. KEIFER. I am told by a gentleman sitting near me that it is 152. It has grown from 88, then, a few years ago, to 152 at the present time, and perhaps that number is not likely to be very largely increased for some time to come.

These 152 offices, each of them, must have either a population of 20,000 inhabitants or more, or else under the existing law must produce a gross revenue of at least $20,000. That is the double test under which free-delivery offices are established by the Post-Office Department. Then this bill would apply to those offices alone, and every other office in a city containing a population of less than 20,000, or which does not produce at least $20,000 of gross revenue, is to be left entirely outside and can by no possibility under this proposed measure obtain the benefit of this messenger system. That is what it amounts to. Is it wise, then, to undertake to do the business that is now done by special messengers in these large cities, for out of that mode of doing the business and delivering notes or letters has grown this policy? I think not. The regulation of the Post-Office Department will have to be changed as to all these free-delivery offices if this bill should become a law.

I think none of them are required to keep open for the transaction of business so late as 12 o'clock at night.

Mr. BLOUNT. I rise to a question of order. There is a great deal of confusion. I can not hear the gentleman from Ohio, and I should like to hear him.

The CHAIRMAN. The Chair requests gentlemen engaged in conversation to retire to the cloak-room. The gentleman from Ohio [Mr. KEIFER] will proceed.

Mr. KEIFER. The bill in its second section provides—

that such extra-stamped letters shall be delivered up to 12 o'clock post meridian.

This would require the expense of keeping open, with suitable and trustworthy clerks, each of the free-delivery offices up to the hour of midnight. That is not essential under the present system at all. And it is not wise; it is extending the privilege of these free-delivery offices further than I think it ought to go unless the same privilege is extended to other offices not free-delivery offices. Extra clerks would have to be employed for all the drop-mail that came there. All the letters of this kind would have to be carefully examined each day and each evening and on up to midnight. To be sure that this law was complied with in the matter of the delivery of the extra-stamped letter there would be involved a very considerable expense.

The enormous sum that is proposed by this bill to pay to the messengers or carriers of $15 a month seems to indicate that it is the policy of those advocating this measure to employ some small boys, some children, to carry these important messages about in the day or at night. Boys to be employed at the rate of $15 a month would have to be on duty, if they continued during the entire day, unless they were relieved, from 7 o'clock in the morning till 12 o'clock midnight. There would have to be a number of them, as a matter of fact, or they would be unable to perform this duty. There might be a single letter at the hour of 11.30 p. m. come in to be delivered at a remote part of the city, perhaps in a city like New York, Philadelphia, or Chicago, or other large city, many miles from the point where it was delivered in the post-office.

Upon the whole I think the measure is not a wise one. I think it is one that would be impracticable. And while I am always in favor of extending every facility that can be afforded to benefit the business interests of a large city and the convenience or comfort or pleasure of the people, I still think this is undertaking to do what people had better have done through private enterprise. Therefore at present I do not feel in favor of this bill.

Mr. WARNER, of Ohio. I question the wisdom of this measure. In the first place, the moment these stamps are issued and service begins under this act the Postmaster-General must provide for this special delivery in all the free-delivery offices of the whole country. The act does not require it, but the fact of issuing the stamps and authorizing such delivery would authorize me or any one else to place such stamp upon a letter going to a free-delivery office; and then it would become the duty of the Department to employ immediately at that free-delivery office a special messenger.

The salary provided by this bill for the messenger is $15 a month. Well, that we understand very well is not a salary that would long continue. Before this service had existed one year Congress would be asked to increase the salary to something near the salary of regular-delivery messengers. The benefit to be gained by this additional service it seems to me is not commensurate at all with the cost it would involve.

I would like to ask the gentleman from Missouri if this service has been recommended by the Postmaster-General?

Mr. COSGROVE. It is; and his recommendation is set forth in the report.

Mr. WARNER, of Ohio. Is it a unanimous report from the committee?

Mr. COSGROVE. I was instructed to make the report as a unanimous one from the committee.

Mr. WARNER, of Ohio. I still think it is not wise now to undertake this service in this way.

Mr. TOWNSHEND. The report of the Postmaster-General will show that out of one hundred and fifty four free-delivery offices—that is the number I think as stated by the gentleman from Ohio [Mr. KEIFER]——

Mr. SKINNER. Yes, sir; one hundred and fifty-four.

Mr. TOWNSHEND. There are only fourteen that are self-sustaining from local postage receipts, so that there are in reality one hundred and forty free-delivery offices heavily burdening the Treasury of the United States. Mr. Chairman, it strikes me that cities of 20,000 population and over to which free delivery is limited enjoy so much greater facilities than those of smaller cities and towns and of people who live in rural districts, that we ought to pause before we entail upon the people increased taxation to extend those facilities.

There are probably not more than four or five cities in which this increased service will be self-sustaining; in all others it will increase the already heavy burdens upon the tax-payers. New York, Brooklyn, Philadelphia, Chicago, Saint Louis, Boston, and possibly one or two other cities, may furnish sufficient employment for a service of this kind to make it self-sustaining, or rather the revenue from this new 10-cent stamp as provided in the bill may be sufficient to pay for the increased force employed in those cities.

But, Mr. Chairman, I fear this will be simply the entering-wedge to an enormous increase of the cost of our postal department. The time will soon come, no matter how much the Postmaster-General may restrain them, when every town or city in the land which enjoys the free-delivery system will be petitioning Congress to have this very privilege extended to them. And, as has been well said by the gentleman from Ohio on my left [Mr. WARNER], the salary of $15 per month will grow till it becomes as much as the salaries of the ordinary free-delivery messengers are to-day. As I have already indicated, it seems to me we are entering upon a course that will result in an enormous increase of the present immense expenditures of the postal service.

Why, sir, do gentlemen forget the fact that the expenditures of the Post-Office Department have in twenty years grown from about eleven millions of dollars to the vast sum of about fifty millions annually?

I am fully aware that the rapid increase of our population, area of settlement, and commerce has necessarily increasd the cost of the service in the past, as it will undoubtedly in the future. While I am one of those who do not believe that we ought to insist that the postal service shall yield a profit to the Treasury, yet at the same time I believe that its advantages to those who use it are such as to require of us that we shall endeavor to put it upon a basis where it shall at least be as nearly self-sustaining as possible.

I am opposed to this bill. I do not believe it is a wise measure. I believe it will result in an unnecessary and enormous increase of the expenditures of the postal service. If the bill is adopted at all, it seems to me that we should put a provision in it, in such plain terms that neither the Postmaster-General nor any one else can misunderstand, requiring that the privileges granted by this bill shall be limited alone to such cities as shall bring in a sufficient revenue from this service to pay for the expense to be incurred by it. Perhaps we had better leave the establishment of the service discretionary with the Postmaster-General, and for that reason I have offered the amendment I have indicated.

For many reasons not stated I do not believe this bill should be adopted. I believe the service at which it aims should be left, as heretofore, to private enterprise. But if the bill shall pass at all we should put in it the guard that I have already intimated, requiring the Postmaster-General to limit this service to such offices as will show that it can be self-sustaining.

Mr. SKINNER, of New York. Mr. Chairman, I will ask how much time I have.

The CHAIRMAN. The gentleman can have an hour.

Mr. SKINNER, of New York. I do not want that much.

The CHAIRMAN. The gentleman will proceed.

Mr. SKINNER. I do not object to the amendment offered by the gentleman from Illinois [Mr. TOWNSHEND]. I am perfectly willing that every safeguard shall be thrown around this bill.

I am a believer in the present postal service of the United States. I want that service to be self-sustaining, and to reach out and benefit every one of the 50,000,000 of people who live under our Government to the best of its ability.

The fact is that if the last Congress had not reduced the postage on letters from 3 cents to 2 cents (a great benefit to the people) the Post-Office Department to-day would have poured into the Treasury a surplus of $2,000,000 annually.

The gentleman from Illinois [Mr. TOWNSHEND] speaks of the enormous increase in the expense of running the Post-Office Department. That is true. But does he not remember that the amount of postal matter has increased in like proportion? Consult to-day the records in regard to any post-office in the nation, and compare the amount of mail matter now received and sent out from that office with the amount received and sent out twenty years ago. In one city alone during the last twenty years the increase I believe has been eighty-fold.

Now I will revert to some of the objections made to this bill by the gentleman from Ohio [Mr. KEIFER]. I disagree with him, because I believe it to be a wise measure. The Committee on the Post-Office and

Post-Roads disagree with him, because they recommend the passage of this bill as a wise measure.

It will not interfere with any class of business whatever. It is true that in the large cities there are companies for supplying messenger service, and it is also true that those messenger companies in the large cities are making independent fortunes out of this system of delivery. Why not, then, allow the Government of the United States, through its agents, to extend privileges of a like character, provided those who wish to enjoy them are willing to pay all the expense?

As has been stated, there are one hundred and fifty-four free-delivery offices in the United States. It is to be considered that those one hundred and fifty-four free-delivery offices comprise a very large share of the business interests of the country. Those one hundred and fifty-four offices receive and deliver a large amount of all mail matter received and delivered in the United States.

I say, further, that a free consultation has been had with the Post-Office Department, and that Department is willing to test the question and see whether this service will pay or not. The discretion was put in this bill that the Department might do so. I believe it will be the purpose of the Department to introduce this system whenever and wherever it can be assured that the receipts will cover the expenses.

Mr. TOWNSHEND. Will the gentleman permit me to ask him a question?

Mr. SKINNER, of New York. Certainly.

Mr. TOWNSHEND. Has the Postmaster-General recommended this measure in his annual report?

Mr. SKINNER, of New York. The report of the Postmaster-General includes the report of the First Assistant Postmaster-General, who does recommend this bill.

Mr. TOWNSHEND. But the Postmaster-General himself, as I understand, does not recommend it in his annual report.

Mr. SKINNER, of New York. I am not prepared to say about that.

Mr. TOWNSHEND. I do not recollect seeing any such recommendation in his report, and I have read it carefully.

Mr. SKINNER, of New York. Not perhaps in special terms, but by implication he does recommend it.

The objection has been urged by the gentleman from Ohio [Mr. KEIFER] that this bill will require the large post-offices to be kept open to a very late hour. Not any more than they are to-day. They are obliged to be kept open to receive the mails whenever they shall arrive, and a clerk or an agent is obliged to be present at that time. Now, what is to prevent him from opening the mails and if he finds a letter with a special-delivery stamp on it have it delivered at once?

If members will reflect a moment they will find that every one of us may have occasion to use a special-delivery stamp almost any time in the week. When we desire to send letters to our homes that may reach there at night or on a Sunday, if this special stamp is provided, which we buy ourselves and which will pay the expense of delivery, what is the objection to allowing the agents of the Government to send that letter at once to our doors?

It is a step in advance; it is one element of progress in postal facilities.

The objection is made that boys are to be used to make these deliveries, and we are in a certain sense censured indirectly for want of generosity, the allowance of $15 a month being urged as proof. Do not gentlemen remember that all these great delivery companies in the large cities use boys for the delivery of their messages? We employ boys to deliver our messages on this floor. The recommendation of the First Assistant Postmaster-General is that boys shall be employed for this service, because they can be obtained at reasonable expense in almost any city. I know that in the city in which I reside boys who will not be required to use their whole time in this business may be obtained; they can be readily reached when required to be sent upon these errands. In the larger cities they will have constant employment.

Now, Mr. Chairman, I would be in favor of extending this system, if it were practicable, to every post-office in the United States. The purpose of the introduction of the bill is to test its practicability; to put in the hands of the Postmaster-General this simple discretionary power.

Mr. WARNER, of Ohio. Would the gentleman permit an amendment extending this system to offices in towns of four or five thousand inhabitants? I see no reason why this special delivery should be limited to free-delivery offices. Why not extend it to towns of four or five thousand inhabitants?

Mr. SKINNER, of New York. So long as the provision is contained in the bill that the Postmaster-General may extend the system if he deems it advisable, I see no objection to the amendment suggested by the gentleman from Ohio. But the bill as presented embodies the views of the First Assistant Postmaster-General as well as the views of the Committee on the Post-Office and Post-Roads.

I now yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I am of opinion that the proposed legislation is in the right direction. In all free-delivery cities letters, drop-letters or others, are delivered by carriers for two cents postage. Of course these letters are delivered at stated times. It frequently happens that persons desire letters to be delivered at once, and to meet that demand private persons do a large business in making such deliveries, especially in New York. This bill enables the writer of a letter, who desires its immediate delivery through the post-office, to secure the same by the affixing of a 10-cent stamp thereto. I believe the revenues from the extra postage will more than pay the cost of the extra service.

Mr. REAGAN. Will the gentleman state whether this is intended to apply only to free-delivery offices?

Mr. CANNON. I understand it applies only to free-delivery offices.

Mr. REAGAN. Why is it that a 10-cent stamp must be placed on the letter?

Mr. CANNON. To secure its immediate delivery.

Mr. REAGAN. Those that have not a 10-cent stamp upon them——

Mr. CANNON. They will be delivered just as they are now delivered.

Mr. REAGAN. Would not this involve necessarily the deferring of the delivery of other letters until the delivery of these 10-cent letters?

Mr. CANNON. Not at all.

Mr. MILLS. Who would deliver these 10-cent letters?

Mr. CANNON. The persons spoken of in the bill.

Mr. MILLS. Would not the carriers be taken away from their regular work to attend to this business?

Mr. CANNON. No, sir; these special deliveries would not be made by the regular carriers. I did not report this bill, yet as I caught its provisions during the reading it provides that boys, at $15 per month, shall be employed to make these special deliveries.

Mr. REAGAN. I do not see anything about boys in the bill.

Mr. CANNON. At any rate it speaks of employés at $15 a month, and in the cities messenger service is generally performed by boys, and if this bill passes I have no doubt boys will do most of the special service.

[Here the hammer fell.]

Mr. CANNON. I would like a few moments longer.

Mr. SKINNER, of New York. I yield to the gentleman.

Mr. TOWNSHEND. The bill does not say anything about boys.

Mr. REAGAN. I would like to ask the gentleman from Illinois [Mr. CANNON], who is familiar with this subject, whether provision is not now made by which letters are delivered many times daily in these free-delivery cities?

Mr. CANNON. I understand that in the city of New York there are many deliveries of letters during the day; in other cities deliveries are not so frequent.

Mr. REAGAN. Are not letters delivered a dozen times every day in New York city?

Mr. CANNON. That may be, and from the efficiency of the service in New York there is a large surplus of revenue from the free-delivery service. The more efficient the service the larger the revenue. In other cities the delivery is not so frequent as in New York.

Mr. REAGAN. But in all of them there are deliveries more than once a day—several times a day?

Mr. CANNON. Certainly.

Mr. REAGAN. These special deliveries are to be made by a new corps of employés?

Mr. CANNON. Certainly, as I understand the bill, by additional employés; the carriers have their hands full with the present service.

Mr. WHITE, of Kentucky. No, if the gentleman will allow me, not by a new corps, but by assistants called in to secure a more speedy delivery after the other carriers have gone off duty for the night or perhaps in the morning before they come upon duty.

Mr. REAGAN. We now have telegraphs and telephones and messenger service in all the principal cities, which can be used for immediate service in case of necessity and at a cheap rate.

Mr. CANNON. This bill does not interfere with the telegraph or telephone. It is a matter of public notoriety, as the gentleman from Texas knows, that private persons in New York have heretofore successfully established private post-offices, with corps of messengers, to make immediate delivery of letters at times when the carriers of the post-office could not be utilized, thereby embarrassing the Department and seriously affecting its revenues. I think it wise for the Government, as long as it is in the post-office business, to furnish facilities to do that business, and I have no doubt it will be profitable, not only in convenience to the people, but in dollars and cents to the postal revenues.

Mr. SKINNER, of New York. I will yield for five minutes to the gentleman from New York [Mr. STEVENS].

Mr. STEVENS. Mr. Chairman, the intent of the provisions of this bill evidently is not to abolish any service now in use but is to afford additional service, and a service for which those who employ it are to pay out of their own pockets.

It is true there are now three daily mail deliveries in a large number of cities, but that free delivery is not of sufficient importance in many places to warrant deliveries at different hours from those when deliveries are now usually made. The purpose of the bill, as I understand it, is to provide more frequent, or at least later, deliveries of let-

ters. This matter of delivery is now done by private parties in several cities of the United States. If you are a resident of the city of New York, by giving the key to your box to a private corporation you can have your letters delivered up to 12 o'clock at night by the payment of the charge of 25 cents for each letter so delivered. The object of this bill is to provide for the same delivery at the same hour by the carriers of the Government, and that the Government shall be paid an additional sum of 10 cents for each letter. I see no objection to it. I believe it will be self-sustaining. If those who choose to avail themselves of this system are willing to pay the expense thereof, what objection can there be thereto?

It is said the Government will be necessitated to employ more men. Suppose it is. Is there any objection now to the employment of men to discharge the duties required by them in affording the postal facilities required by the citizens of the United States? It seems to me it is the duty of the Government to go on step by step, as they have gone in this post-office business, and from day to day and year to year afford such facilities in that line as shall be adequate to the business and social wants of every citizen.

It has been said that in but a few cities will it pay to any extent. Grant it. It is the cities which now pay a large proportion of the net revenue of the Government so far as the post-office is concerned. If only such places and States as are self sustaining so far as the Post-Office Department is concerned were to have mail facilities, I take it a large portion of the population of the United States would be deprived entirely of any such facilities.

This bill takes a step in the right direction. It enables the Government to afford to its citizens, to the business men of the country especially, such facilities as they demand and such facilities as their business requires. It is to allow the Government to do that which is now done by private individuals and corporations. The local express companies would be exceedingly glad to have the carrying of letters in New York, Philadelphia, and other large cities. Perhaps they would carry them cheaper and more promptly than the Government now does. But the whole business should be in the hands of the Government for obvious reasons. The intent of the bill is to save the people from the necessity of going to private corporations to have this service performed, and to enable the Government to do it to the extent which may be deemed necessary.

[Here the hammer fell.]

Mr. SKINNER, of New York. I yield now five minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Chairman, I feel a great interest in this measure, and had prepared an amendment to extend the provisions of the bill with the idea of making it applicable to certain cities in my own district in which I feel a personal interest; but after being informed by the gentleman from New York [Mr. SKINNER] that such a provision might somewhat jeopardize the passage of the bill, I decided to withhold it.

I believe that this measure is a step in the right direction. There are many persons upon this floor from the West who know that the Wells-Fargo Express Company in addition to carying packages of money also provide for carrying letters, and upon the payment of a small sum in addition to the cost of carriage will deliver letters immediately upon the arrival of the mails. Any person, for the small sum of 5 cents, can have his letter taken by the Wells-Fargo Company and delivered immediately in any of the small cities lying along the line of the railroads in the West. Now, it seems to me if the Wells-Fargo Express Company can for this small amount of 5 cents deliver a letter, that the United States postal agency for the sum of 10 cents could deliver a letter, especially in all of the free-delivery offices in the United States where the machinery is already partly supplied. The amendment that I had prepared contemplated the striking out of the words in line 9 of section 1, "a free-delivery office," and the insertion of the words "in any office in a city of four thousand or more inhabitants," thus carrying it to those cities that have now no free-delivery system. But I believe with the gentleman from New York that this is in the nature of an experiment and that the bill as proposed will demonstrate the practicability of the undertaking, and therefore I favor giving it a fair trial first.

Now when you come to the objection that has been urged that these boys of 15 years of age can not do this business——

Mr. TOWNSHEND. There is nothing in the bill about the employment of boys of 15 years of age.

Mr. PETERS. That these boys, for the sum of $15 a month——

Mr. TOWNSHEND. There is nothing in the bill about the employment of boys at all.

Mr. PETERS. The gentleman will understand, and the committee will understand, and the inference is plain from the bill itself and the arguments of the gentlemen which have already been made upon it, that this delivery will necessarily be made by boys who may be employed at the rate of $15 a month, for that is the limit fixed by the bill for their compensation, and it could scarcely be expected that any other than boys could be employed at any such rate. But the point I am going to make is this, and it is well known to all business men, that this system could be safely intrusted to boys of that age, because the bill itself provides, as I understand it, that when letters are delivered in accordance with this system a receipt shall be taken from the person who shall receive the letter showing that it has been delivered, and therefore it renders the delivery system perfectly safe and secure.

Everybody knows that in those cities where the free-delivery system prevails boys can be obtained for $15 per month who can deliver and do deliver promptly and safely messages and letters; and it is no objection to the messenger system that they are so employed. It is said that this will be an additional force. That is very true, and therefore it imposes no additional labor upon the present messengers of the Post-Office Department; and I do not believe that there is a man on this floor who will say that the revenues to be derived from this system will not be more than ample to pay the additional outlay. It therefore imposes no additional expense upon the Government. The number of persons employed for the service will be only the number actually required, and certainly the fee charged will provide an ample fund for their compensation.

For these reasons, Mr. Chairman, I certainly can see no objections to the bill; and as it has come to us recommended by the high authority of the First Assistant Postmaster-General, and recommended also by implication by the Postmaster-General himself, I think it is in the nature of such legislation as we should cordially indorse.

Mr. SKINNER, of New York. I yield now five minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. Mr. Chairman, I think the policy of this Government has been radically wrong and is radically wrong to-day. We go upon the theory that the Post-Office Department and all matters connected with the transmission of the mails and their delivery to the people should prove to be self-sustaining. Do we expect the Army to be self-supporting? Do we expect the Navy to be self-supporting? Or could you by any stretch of the imagination expect the Treasury Department to be self-sustaining? So far as regards these offices it ought to be. But what is the proposition here? To allow a citizen to pay 10 cents to the end that he may have his letter promptly delivered. Now, I am, for instance, a *dilettante* gentleman from the city of New York. Under the present system I get a love-letter from my sweet inamorata while I am sitting at the table at breakfast. That comes by a carrier. My business letter goes meanwhile to my office, all in the hands of a carrier. Out in the West are hundreds of thousands of men who have blazed the trail on which the path of empire has gone. Why should they not have the privileges and advantages of one of these elegant, effeminate, rich gentlemen of the city of New York or Philadelphia? [Laughter].

This is a general bill as I take it, and I have read it carefully through, a bill to accord Government privileges to the good people of this country.

The miner who rests at night in his cabin on the mountain side, with his tallow dip, is just as much entitled to receive by a carrier a letter sent by his wife as any gentleman living in any city in this Republic. And I say that whether the Post-Office Department is self-sustaining, or whether we have to contribute money to carry it on, it is our duty to do it. And I hope in the name of God that this House will have the sense to realize that fact that it is our duty to get out of the Treasury of the United States the hundred millions that are kept there in idleness.

A MEMBER. Put your four feet in. [Laughter].

Mr. BELFORD. You gentlemen may smile. But next year when you go before the people of this country, and are met with the fact that there are failures all over it, and that the Secretary of the Treasury is hoarding up the money in close vaults, you will have to struggle for some argument to defend the Republican party on a policy of that kind.

Mr. SKINNER, of New York. I yield five minutes to my colleague on the committee the gentleman from Kentucky [Mr. WHITE].

Mr. WHITE, of Kentucky. I shall not occupy half that time.

I do not know that I can add anything to what is stated by the report. If gentlemen listened carefully to the reading of the report they will have all the information they will need on this question. It is not denied that this is an experiment. The objection that it would take away part of the private messenger business, as seems to be apprehended by the gentleman from Ohio on my right [Mr. KEIFER], was not considered a serious objection by the committee. On the contrary, it was argued, as an advantage of the measure, that it would take a part of that business to the post-office, where it properly belongs. That it will be self-sustaining is the report of the Post-Office officials. Whether it will be so or not is a matter of experiment; but it is such an experiment as we are perfectly willing to try.

A record will be kept, and I suppose will be honestly kept, of just how much it costs to run this particular service; and at the next Congress if it is found this is an expensive luxury it will be done away with entirely.

The fact that it will be extended to all free-delivery offices ought not to alarm any gentleman on this floor. That same argument would cut off all mail service in remote localities in this nation. It is a well-known fact now that in large cities the regions densely inhabited pay for the service in localities which are sparsely populated. You may argue this is to be a luxury that may be paid for by New York, Philadel-

phia, Brooklyn, Chicago, Boston, and a few of the large cities, but that the rest of the cities where there is free delivery will enjoy this luxury without paying anything to keep it up. The same argument would do away with nine-tenths of the service that is now being enjoyed by this great nation.

The First Assistant Postmaster-General recommends this experiment. The bill provides for a 10-cent stamp. Perhaps 8 cents, perhaps 5 cents will be sufficient. The committee in agreeing upon 10 cents is quite sure that will pay more than all the expenses. But if it shall be found that 5 cents will pay this delivery, then the next Congress can direct that that rate shall be reduced to 5 cents, or that the privilege shall be extended to all first and second, and, if you please, third class post-offices.

There is not a single one of these free-delivery offices in the district which I represent. But, sir, I believe that my constituents remotely situated from these great centers I have named will enjoy the benefit of this free delivery as much as the cities in which it is located. As well might the fingers say to the lungs or to the heart, "I have no need of thee," as for the country offices to say "because New York, Brooklyn, Philadelphia, and a few other large cities are the cities that will sustain this system they alone are to be the beneficiaries; therefore we will not try it." This is a national work. And if you will hear the report of the First Assistant Postmaster-General again read I think without any doubt you will give the proposed system a fair trial. I ask the Clerk to occupy the remainder of my time in reading that portion of the report which is the recommendation of the First Assistant Postmaster-General.

The Clerk read as follows:

In view of the large excess of postage on local matter alone over the entire cost of the service ($1,021,894.01), and in view of the fact that experience has demonstrated that local correspondence is increased in proportion, especially in the large cities, and hence the postage on local matter in proportion to the facilities given, I have no hesitation in recommending its extension nor in advising liberal appropriations to bring it up to the highest practicable standard in cities where it is now in operation.

As stated in my last report, this service meets the general demands of business and social life, but fails to meet the dispatch required in the delivery of letters of exceptional importance.

[Here the hammer fell.]

Mr. SKINNER, of New York. I yield now five minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. This bill has only come under my eye since we took it up in the Committee of the Whole; but its provisions commend themselves to my mind with great force. In the first place, Mr. Chairman, I am glad we have before us a proposition that will not disturb in my judgment the hundred millions which so constantly attract the genius of my friend from Colorado. I am also glad we have a proposition which does not invite partisan debate. I believe we have before us a question which as American Representatives we can meet honestly, and fairly discuss from the standpoint of the interests of our common country.

Now, Mr. Chairman, one thing is settled by this Government, and that is that the United States shall carry the letters of the people. That proposition is settled and has been crystallized into legislation for years. Innovations are attempted, as has been developed by debate already on this floor; but the people want the mails carried by the Government, and I believe that this legislation is in that direction.

Mr. TOWNSHEND. Will the gentleman from Iowa permit me to ask him this question: Is there a single town or city in his district that would enjoy the privilege of this bill?

Mr. HENDERSON, of Iowa. My own city, the beautiful city of Dubuque, I will inform the gentleman from Illinois [Mr. TOWNSHEND] will enjoy the privilege.

Mr. TOWNSHEND. Are there any other cities——

Mr. HENDERSON, of Iowa. I had sincerely hoped that a gentleman of his learning, living in the adjoining State of Illinois, would have known more about the State of Iowa than he seems to do.

Mr. TOWNSHEND. This is the first time I ever knew the gentleman lived in Dubuque.

Mr. HENDERSON, of Iowa. There is the city of Dubuque, in my district, and in the State the cities of Davenport, Burlington, Keokuk, Muscatine, Des Moines, Council Bluffs, and I think Sioux City.

Mr TOWNSHEND. I was not aware, in the first place, that the gentleman lived in Dubuque; and I was certainly not aware that all the cities he has named were in his district.

Mr. HENDERSON, of Iowa. I did not say they were in my district. I mentioned the city of Dubuque, in my district, and then I mentioned other cities in the State. I am unfortunate in that the gentleman does not know where I live. I hope that during our future intercourse in this House we shall become better acquainted. [Laughter.]

Now, in the few minutes I have left I desire to say that Iowa is not like Illinois, or like New York, or like Massachusetts, with one great, grand, towering metropolis. Iowa is a State made up of a great many healthy, vigorous cities, and the one in my district which I have named is one of them. I believe that all those cities will be benefited by this legislation.

We are a commercial country, and this bill is to benefit the commercial interests of this country, and I believe the commercial interests will pay for it. If we can now carry letters for 2 cents, it seems to me that 10 cents additional will pay all the extra cost of their prompt delivery, and at the same time furnish employment to a great many boys who will be glad to discharge the duties under this bill faithfully and well for $15 a month.

This measure is needed. Right here in the capital city of the nation I have mailed letters that did not reach their destination in Washington within forty-eight hours, and I have been compelled to pay 20 or 25 cents to insure the prompt delivery of a letter in this city. Now, if right here within the sight of the Dome of this great Capitol I can not insure the delivery of a letter within forty-eight hours without being compelled to pay 20 or 25 cents for a special messenger, I certainly would be glad if some means were provided that would enable me to insure its prompt delivery for 10 cents.

I have no feeling on this subject. When I read the bill I was glad to observe its provisions. I believe it will be of service to the great living, throbbing, commercial interests of this country, who will have to pay for the expense of this benefit. I am heartily in favor of the bill.

Mr. REED. I desire to make a suggestion to the House. It seems to me that this bill has arguments all on one side. If it so be that letters can not be delivered under it in the small towns, it does happen, on the other hand, that if a man lives in a small town, no matter how unfriended or alone it may be, and he wants a letter delivered in New York or Chicago before midnight, this bill will facilitate his business as much as it will the business of the man in Chicago or New York who receives his letter. Consequently in giving this advantage to the man living in a large city we also give it to his correspondents all over the country.

We extend these facilities as we go along; we can not extend them except in proportion as population increases. It seems to me that it is a sort of dog-in-the-manger argument to say that because we can not have all the advantages of this thing therefore nobody else shall have them; especially when you consider that we will get at least half the advantage that the man gets who lives in a large city, because by means of the plan which this bill proposes we can communicate with him promptly. It seems to me that this bill ought to pass.

Mr. SKINNER, of New York. How much time have I remaining?

The CHAIRMAN. The gentlemen has fifteen minutes of his hour remaining.

Mr. SKINNER, of New York. I desire to reserve that time until later in this discussion.

The CHAIRMAN. The Chair will recognize the gentleman from Georgia [Mr. BLOUNT] as entitled to the floor.

Mr. BLOUNT. I will yield to the gentleman from Tennessee [Mr. MCMILLIN] five minutes of my time.

Mr. MCMILLIN. I think there are reasons, and sufficient reasons, why this bill should not become a law. It is admitted, even by the most enthusiastic advocates of the bill, by the author of the bill himself, who so far has had control of the time during which it has been discussed, that it is an experiment. I undertake to say that as an experiment it will prove a failure in the main.

What does the bill provide? It provides that you shall go out and employ parties to deliver this mail matter—at what cost? At $15 a month! Now, if any member upon this floor can show me a class of employés of the Government of the United States who are serving it at even $40 a month I will give up the question. There is no such class, and to expect that we can obtain them is altogether Utopian.

If we pass this bill we will start the entering-wedge, and next year they will come before us with the most pitiful pleas ever heard, stating that we ought to increase the compensation of these fifteen-dollar employés; that they have to serve the Government at late hours, until midnight, and therefore we ought to increase their pay.

Reference has been made to the fact that our pages here are nothing but messengers of this kind. Now, to illustrate what this will cost, let us consider what our messengers here cost us. We pay them $60 a month. I do not say that complainingly; they serve us faithfully and well. But I refer to that fact to illustrate that we can not obtain these services for $15 a month.

I can readily see, Mr. Chairman, how any man who desires to extend the office-holding class of this Government, the patronage of the party in power in this Government, be that party Republican or Democratic, can go enthusiastically to work for this measure. We have already had too much of that. The officers of the United States number to-day, I believe, 110,000. What is the consequence? They are as unwieldy as the Mississippi that pours its waters upon the Gulf. Already the clamor has come up from that innumerable host seeking to serve the Government at a price which can not be obtained in private employment. Already we have had one President shot down by a representative of the gang of office-seekers. What more? It has grown to be the case that the party which created the offices can not control them, and in order to get rid of this trouble you have had to call in the aid of a commission and provide that the recommendation of a member of Congress shall go for naught.

Now, the true theory of government is to protect the citizen in the enjoyment of life, liberty, and the pursuit of happiness, and let him do all else for himself. We shall violate that principle if we under-

take to do this work. New York already has a letter delivery eleven times daily. Let any man who wants his mail delivered more frequently than that pay the messenger.

Mr. COSGROVE. I would like to ask the gentleman from Tennessee one question. I understand the gentleman to say that these messengers can not be obtained at $15 a month. If that be the fact, will it not in effect defeat the operation of the bill?

Mr. MCMILLIN. Ah, you may start the system at that rate, but he who has watched the course of legislation here knows that a tempting bait in the way of low compensation is always held out until the office is created; and then all the power of Congress can not abolish the office.

One word in addition. The gentleman from New York complains that these messenger companies in the large cities are making fortunes out of their business. It is a legitimate business. It is a fair business enterprise; and we saw the gentleman complaining here last Congress because the Government was not lending aid enough to business men in enabling them to make fortunes. Now, I do not wish to interfere with the carrying of the mails; but I do say that when a man's business requires such expedition that from four to eleven mail deliveries daily will not satisfy him he ought to employ at his own expense messengers to do the work; and those who are engaged in meeting such demands in the way of the delivery of letters are not to be complained of because they are earning their legitimate wages.

Mr. BLOUNT. I now yield five minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. Chairman, what is the object of the bill as shown by the bill itself and the arguments offered in its favor? I take it that one of its objects is to create a new class of Government employés; and I have no doubt the gentleman from Iowa [Mr. HENDERSON] was right from his standpoint in suggesting that it would furnish employment to a great many people, to be paid by the Government. One of the objects of the measure, it seems, is to help to make this a great paternal government, that is to take care of the fortunes and interests of all classes, rich and poor, old and young. We have already Government employés numbering over a hundred thousand. That member of Congress who can devise a system which would reduce this number would be a patriot and a benefactor to his country. He who devises a system to fasten new classes of employés upon the Government—employés useless and unnecessary—is doing his country a detriment.

What is the object of this bill? Simply to organize a messenger service by the Government in competition with private messenger service. Why not have a Government service extending to the furnishing of hacks and drays, the men in charge of these vehicles being paid by the Government? Why take the messenger service away from private individuals?

As suggested by my friend from Tennessee [Mr. MCMILLIN], there are in the city of New York eleven daily deliveries of mails. That, it seems, is not enough. There would appear to be a fear that some letter might not reach its destination by midnight.

If this be so, then the service is inefficient and unequal to the object of its organization. But I take it, it is unjust to that service to assume that it does not deliver all the mails daily with necessary promptitude. The object of this bill must really be to create a new class of public officers. It is said that the employés under the bill are to receive only $15 a month; but what the compensation may be hereafter under another bill, if this measure be now adopted, no man in this House can tell. But, sir, if the salaries of these Government messengers at $15 a month, or $180 a year, are not paid out of the proceeds of these messenger stamps at 10 cents each, the deficiency is to be paid from the public Treasury. What does that mean? It means we are to organize a messenger service for cities of 20,000 inhabitants or more, that service not to be paid for by its beneficiaries, but to be paid for, in large part at least, out of the public Treasury. Why should we adopt such a measure? We seem to have forgotten that we in this country are not authorized to take money from one man to give it to another without consideration; that we are not authorized to enrich some at the expense of others; that the very object of our Government is to protect all alike and to give exclusive privileges to none.

Yet we must now have a paternal government to go one step further and add five or ten thousand more to the list of employés. I do not know how many it will take, but it must certainly take a great many messengers to carry these letters around in all free-delivery cities having a population of 20,000 inhabitants and over.

Where is there any limitation in the bill? None at all. Take the city of Washington, with its one hundred and seventy or one hundred and eighty thousand people. Under this bill how many messengers may he employ at $180 a year to do this service? Who can tell? It will depend on how many friends he has or how many cases of charity may appeal to his sympathies and whom he can aid at the Government expense.

I wish to protest against this character of legislation; against this paternal system which takes away from private individuals the business which properly belongs to them and puts it into the hands of the Government; against the system which taxes one part of the public for the exclusive benefit of another part of the public; against anything which indicates a disposition to make this a paternal Government; against anything which tends to show this is to be a Government not for the welfare of the whole people, but merely for the benefit of privileged classes.

The CHAIRMAN. The gentleman's time has expired.

Mr. REAGAN. I ask the gentleman to yield to me for a minute or two longer.

Mr. BLOUNT. I will yield to the gentleman the time he requests.

Mr. REAGAN. One word further, Mr. Chairman. Another thing to be suggested in the history of our Government is this: We started out with the idea that privileged classes and monopolies should not be permitted to exist within our limits. And yet what is our condition? To-day there is not a government beneath the sun, not excepting Italy, that is so monopoly-ridden, so class-ridden as the Government of the United States. Yet we go on step by step piling up burdens on the masses of the people for the benefit of classes. What made Italy recently a land of impoverished nobles, bandits and beggars? It was because that government undertook the paternal business of absorbing all the business into its own hands. And whenever we leave the safe mooring of the common law, where each individual man is left with his sterling manhood to protect his rights, and undertake to make a law which shall absorb all business of young and old, male and female, into the hands of the Government, we prepare to take away the spirit of independence, the spirit of reliance from our people—that spirit which has made us the energetic and prosperous people we are. I pray, sir, we may not go further in that line.

Mr. BLOUNT. I now yield five minutes to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. Mr. Chairman, the one hundred millions of surplus revenue in the Treasury of the United States is likely to work great evil to this country. It excites the cupidity of every man who has an itching palm. It breeds extravagance on every hand.

Now, Mr. Chairman, the gentleman from Colorado [Mr. BELFORD], it seems, never takes the floor during this session without clamoring for some sort of legislation which will distribute the surplus now in the Treasury. If that gentleman was as careful of the interests of the tax-payers as he seems to be of the tax-eaters of the country he would be in favor of inaugurating legislation which would not increase the tax-eaters, but would seek to reduce the surplus in the Treasury by the only way it can properly be accomplished, and that is by the reduction of taxation. The best blessing you can bestow upon the overburdened tax-payers of the country is to leave the surplus in their pockets, and not take it from the laborers who are working in the fields and mines. Instead of taking the money from them which forms this surplus you would confer a blessing upon them by lightening their taxes and cost of living. Let us inaugurate a new era in the country. Let us do away with the old policy of "addition, division, and silence." Let us enter upon a career of reduction of expenditures, reduction of taxation. Let us proceed at once to retrench by cutting off the sources from which this great surplus comes.

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman a question.

Mr. TOWNSHEND. I can not yield, as I have only five minutes. This bill is a step toward a very large system of extravagance. Take the free-delivery service as it is. It started in 1863. At the beginning there were but 685 carriers employed by it, at an annual expense of $317,000. What is it to-day? In twenty years it has grown until the carriers number 3,680, at a cost, last year, to the tax-payers, of $3,173,636. The Postmaster-General, in his annual report, certifies to us the fact that out of the 154 free-delivery offices in the country only 14 are self-sustaining. I say to you that if you now enter on this legislation you will put in an entering-wedge which will, in all probability, result in duplicating the present number of salaried employés of the free-delivery system. You will not only have to increase the number of carriers, but you will probably have to increase the clerical force in every free-delivery office.

I would be glad if every miner in camp in Colorado who, as the gentleman from Colorado has said, is lighted to his work by the aid of a tallow-dip, should have the privilege of enjoying the benefit of the free-delivery system. I would be glad if every farmer in my Congressional district could have his letters delivered to him daily or nightly at his door, as the gentleman from Colorado seems to desire. But what would be the expenditure for so furnishing such facilities to persons living remote from the centers of population? The immense cost can not now be conceived. This bill, which is apparently so harmless, will, if adopted, grow like the small beginning of a stream which has swollen into a large and lengthy current.

[Here the hammer fell.]

Mr. BRUMM. Does not the gentleman know that the free-delivery system pays over a million of dollars surplus into the Treasury every year? Why then talk of taxing the people for this thing?

Mr. BELFORD. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BELFORD. I want to know whether this bill is debatable under the five-minute rule, or whether members of this House have to go down on their knees and ask the consent of the gentleman from New York or the gentleman from Illinois or the gentleman from Georgia to discuss this measure?

The CHAIRMAN. The Chair will state that it will be debatable under the five-minute rule when we come to the proper point.

Mr. BLOUNT. Mr. Chairman, I am opposed to this bill for the reason that this committee is not fully informed, certainly not informed to such an extent as would justify it in acting upon this subject at all as it has undertaken to act. What have we, sir, upon the subject? The gentlemen who are advocating this bill and representing the Committee on the Post-Office and Post-Roads tell us that there has been an estimate made by somebody, and that it is thought it will pay expenses if the system be adopted. I have before me the report of the Postmaster-General made to the present Congress. I have examined that report very carefully, and I undertake to say that while the Postmaster-General has recommended many other suggestions to our consideration for legislative action and has pointed out certain needed improvements in the postal service, he has abstained from it in this respect, and certainly, has not thought it worth while to place it in his report. But, say the gentlemen representing this measure, and they are driven to the acknowledgment the First Assistant Postmaster-General says so and his views accompany those of the Postmaster-General himself, and therefore we understand that what is recommended by the First Assistant Postmaster-General bears also the indorsement of the Postmaster-General.

Now, if gentlemen will take the trouble to examine on page 104 of this report of the Postmaster-General, containing a portion of that report of the First Assistant Postmaster-General, it will be found that he, the First Assistant Postmaster-General, is insisting upon the reduction of postage on local letters, while if they will turn to page 27 of the Postmaster-General's report proper, they will find the Postmaster-General combating the views of the First Assistant in that respect. May that be called also an indorsement of the recommendation. How often does it happen that subordinates make recommendations in their reports to Congress which the heads of Departments find it necessary to antagonize? I remember once in the report of the Second Assistant Postmaster-General, who recommended certain changes which he proposed in the compensation allowed to railroads for carrying the mails, when the matter was taken up in the committee-room the Postmaster-General saw so much danger in it that he came to the room of the committee himself and protested against it as injurious to the great masses of the railroads in the country, as well as an increase in the expense of the service. Do gentlemen, in view of these facts, expect us, when the Postmaster-General omits to make recommendations on the subject, when there is nothing for our guidance except ten lines in the report of the First Assistant Postmaster-General—do they expect us to assume the responsibility of such legislation as this? Are we to adopt it without recommendation or estimates? There is not a word of discussion of estimates save one, and I beg leave to call attention to it. This is about all we have in the way of cost or of economy of the service or its importance; and I ask your attention to it while I read it:

Letters are now delivered by carriers at stated hours during the day, from about 7 a. m. to 6 p. m., the frequency of trips varying in different cities, and also in the same city more frequent deliveries being made in the business and less frequent in the suburban districts. Between these deliveries two or three hours frequently intervene in the larger cities, and a longer time in the smaller ones, where the deliveries are less frequent. Letters received, therefore, after the carriers go out on their trips, whatever their importance, must lie in the office till the next trip. After the close of the deliveries for the day carriers' letters must lie over till the next morning delivery, which delay, in many instances, fails to meet the wants of the writer or the object of the communication. Out of this want of a more speedy delivery have grown up in several of the large cities private enterprises, which are now conducted in competition with this service and are diverting from the legitimate revenues of the Department thousands of dollars yearly.

Mr. Chairman, that is all we have, absolutely all, touching the question of necessity or of economy; and when we look a little further to the discussion of the question of interfering with the revenues of the people of this country, let us see whether the people have been injured. On the next page, in considering the subject of the reduction of postage on local letters, we find:

Reports made by inspectors of the Department in their investigation of the unlawful dispatch companies, which have been doing business in New York for many years, show that the Department is losing thousands of dollars annually by the competition of these companies. It is true that the courts have decided the business being carried on by these companies to be illegal, and writs are now pending in the United States court against a number of such companies. The argument advanced by the proprietors of the private dispatch companies and some of their patrons that they give a better service than the Department is able to give us is not borne out by the facts. The private companies make but from two to three deliveries a day, while in one portion of New York city the Department makes nine deliveries, and in many parts of the city five, and in no portion of the city less than three deliveries per day. The only thing—

And I ask the committee to mark it well—

that can be gained by the patrons of the private dispatch companies is the saving of money, these companies charging but 1 cent, while the Government charges 2 cents local postage.

Will you take the position, to get hold of these revenues, of arguing that these companies shall be driven out of existence when the Postmaster-General declares that they are delivering the mails at one-half the price the Government itself charges?

Now, sir, I say that we have no information, no estimates, upon which we can act. The gentleman who seems to be the special advocate of this bill, the gentleman from New York [Mr. SKINNER], introduced it on December 11, before any of the committees had been created. We met after the holiday adjournment on the 7th January. This bill on the 16th was reported back to the House. And this extract from the report of the First Assistant Postmaster-General is all we have to act upon. I ask if it comports with the public interests that we should take this subject up with so little of the information necessary to enable us to determine intelligently upon a measure of this importance?

As the gentleman from Connecticut sitting near me [Mr. EATON] suggests, where is the Postmaster-General all this while, when it is his duty to make recommendations upon this subject? It is not the duty of the First Assistant Postmaster-General to make such a recommendation, or if he does it should simply go to the Postmaster-General himself.

These gentlemen, in the matter of estimates, have told you further that this experiment will pay, that it will not cost the Government any thing. Yet not one of them will undertake to tell you what will be the extent of the privilege, and how many cities it is to operate in. There are now, and I state this on the authority of the report of the Postmaster-General himself—there are now only fourteen offices where the local postage exceeds the cost of the free-delivery service. How many cities is this service to go into? Is it going simply to those cities? A gentleman on the other side of the House a few minutes ago complained we had not this service here in this city. What is to be the rule? Where is it to go? Is it to be confined to a few cities?

The city of New York has no right to complain. From this report it appears that that city is having nine deliveries of mail a day. The gentlemen who report this bill tell you, as a matter of cost, they do not propose to allow more than $15 a month to be paid to the persons who deliver the extra-stamped letters. And one of the gentlemen tells you that when they fixed it at this sum they did not calculate on getting men to do the work, but proposed to pick up little boys and give them charge of the delivery of these letters all over the city—these important letters, which have to be delivered instantly upon their receipt, because of their importance. You propose that this most important service shall be confined to those little boys, so far as regards the delivery.

I say, sir, such service as that will not be accepted by the business interests of the country; it will be repelled by the common sense of the country. And for one, if I had no other reason for opposing this bill, I would consider it a sufficient reason that these gentlemen propose to do this identical thing.

I trust, therefore, we are not at this time to pass this bill. I think, as the Postmaster-General himself says in discussing the matter of drop-letters, where he antagonizes the First Assistant, we may well reserve this suggestion for future consideration. The Postmaster-General says in his report:

It would seem to be prudent to wait until the deficiency—

Arising from the reduction of postage—

shall have been recovered, or at least more definitely ascertained, before making a further inroad upon the revenues through a reduction of the present rates of postage. The carrying of the mails should not be looked to as a source of revenue, but the service should be rendered as nearly self-sustaining as possible.

That is all the Postmaster-General says on this question. He says substantially, "You have taken a large step in reducing the postage from 3 cents to 2 cents, and my suggestion is to stand still till you see the effect of this reduction."

I trust the committee will heed the suggestions of the Department, and that especially this side of the House, which has for so many years declared itself in favor of economical expenditures, will see to it we shall not rapidly, as soon as we have assembled, before committees have had time for deliberate action, without recommendation from any Department, adopt measures of this sort which are to cost we know not what.

Mr. CHACE. I have listened with considerable care to the arguments adverse to this bill. I may be mistaken, but it seems to me that no argument has been advanced here that will not apply adversely to the existence of the Post-Office itself.

Gentlemen say this is making this Government a paternal government because you are giving to it private business. It might as well be said that carrying mails, delivering letters, is private business. Gentlemen say, again, this will cost more than the Department will collect for it. Why, sir, upon that ground you would have to set aside three-fourths of all the post-offices of this country.

Gentlemen say this is increasing the patronage of the Government. Every new post-office you establish increases the patronage of the Government.

This is a question whether we will avail ourselves of every possible agency to improve the methods of delivery, to facilitate intercommunication, to provide the means for the circulation of intelligence. That is the whole question in a nutshell. Our Government, great as it is, is the cheapest government among all the great nations of the earth. And it is the most liberal. But if we are to pursue the policy of gentlemen opposed to this bill we must go back step by step till we have relapsed into a state of almost barbarism.

Mr. KEIFER. I have been classed from what I have said as being opposed to this bill. The general principle and policy I am not so much opposed to as I am to its very loosely guarded character in de-

tails. There are a great many objections, that have not at all been stated, to the bill. Gentlemen talk about going into opposition to or driving out, by means of this system, private parties who are engaged in delivering letters. They say people desire to have this delivery in the cities; and they propose that the Government, as a business proposition, shall charge 12 cents on each letter, while the private parties have been long engaged in delivering them at 10. I suppose they will next ask for the legislative power of the Government to exclude the private parties from delivering these messages at a lower rate than the Government is doing under the postal system. I suppose we have the power to do that.

Now, I do not subscribe fully to the doctrine expressed by the gentleman from New York, who says that because certain private parties are making a large sum of money out of the business of delivering letters the United States Government ought necessarily to go into the business.

Then I suppose it is to be the policy of the Government, wherever you find that private parties have built up a business and an occupation, built it up before the Government had the foresight, either through its Legislature or otherwise, to undertake such business—you are then to seize upon it and overthrow the parties engaged in it and take it for the benefit of the Government. That rule as a general policy will not do. While I admit it is a prime duty of the Government to deliver all mail matter and with due promptness, I do not think any such principle as that should prevail.

Let me refer to another thing to show the loose manner in which this bill has been drawn. By the very terms of the bill, every letter that may go to a free-delivery office, having upon it this extra 10-cent stamp, must be delivered to any person within the bound of the delivery of that office, although he may live ten or fifteen miles from the office.

Mr. SKINNER, of New York. Will the gentleman permit me to ask him a question?

Mr. KEIFER. Certainly.

Mr. SKINNER, of New York. I wish to ask the gentleman if he knows of any post-office in the United States, excepting perhaps New York city, which has subpost-offices all over it, where the limit is ten or fifteen miles?

Mr. KEIFER. The gentleman asks a question that has no sort of application to my statement. I say that the limit of free-delivery offices in many cases is ten or fifteen miles. Some of the patrons of the post-office in the town in which I reside live more than that distance from the office. According to the loose terms of this bill all the patrons of all free-delivery offices are to have their letters delivered immediately up to the hour of midnight.

Mr. SKINNER, of New York. Allow me again——

Mr. KEIFER. The gentleman misunderstands the question. This bill is not drawn so as to provide that these letters shall be delivered to those who are entitled to the benefit of the free-delivery system. The gentleman who drafted the bill did not use language that would require that. These letters are to be delivered to all persons who receive mails at a free-delivery office; they are to be entitled to have delivered immediately such letters as are here indicated, although they may live a long distance in the country. I do not suppose the committee intended that, but that is the plain language of the bill.

Now, I may be brought to a point where I can vote for this bill if its advocates will place it upon a business basis, but as it stands now it is full of objections. It is only a signal for the Government to start upon a project that will fail.

If we are to have this at all, I would suggest that where a letter is a drop-letter there should be required only a 10-cent stamp upon it, so that the Government may deliver that letter as cheaply as it can be done under the messenger system. Then in the city of New York, or Philadelphia, or in any city having the free-delivery system, persons putting letters in the office to be delivered within the bounds of that office should not have to pay more than 10 cents. If that is done, you can then fairly compete with and drive out these private enterprises.

I would suggest that change at least, and some others. I am not prepared to say that we can require messengers to deliver these letters to be employed from 7 o'clock in the morning until 12 o'clock at midnight for $15 a month. The gentleman from New York [Mr. SKINNER] and others say that we have boys here to deliver our messages. True, but we pay them from sixty to seventy-five dollars a month to run about the floor here and deliver our messages.

It is proposed by this bill to select boys to travel through the streets and alleys at late hours at night and to take receipts for important messages and to be paid the enormous sum of $15 a month. We should put the pay high enough to be at least fair to the class of persons who are to be required to perform this duty in all kinds of weather and at all hours.

If the bill shall be amended and put in proper shape I am willing that the Department may try the experiment, as it seems desirous to undertake this duty.

The CHAIRMAN. The Committee on the Post-Office and Post-Roads, reporting this bill, have suggested certain amendments. If no further general debate is desired the bill will now be read by sections for amendment.

Mr. SKINNER, of New York. I have promised the gentleman from Missouri [Mr. O'NEILL] five minutes of my time.

Mr. PETTIBONE. He can get that in the five-minute debate.

Mr. SKINNER, of New York. I understand the gentleman can get the time he desires under the five-minute rule.

Mr. BROWNE, of Indiana. I do not know whether the Chair can hear anything, but we can not hear anything that is going on.

The CHAIRMAN. The committee will come to order. The Clerk will now proceed to read the bill by sections for consideration and amendment under the five-minute rule.

The first section was read, as follows:

Be it enacted, &c., That a special stamp of a face valuation of — cents shall be provided and issued, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the stamp required to be placed thereon to prepay the drop-letter rate of postage, or the rate required on letters mailed, and whose final delivery is to be at a free-delivery office, shall be regarded as entitling such letters to immediate delivery.

The Committee on the Post-Office and Post-Roads recommend that the section be amended by filling the blank before the word "cents" with the word "ten," and after the word "cents" strike out "shall" and insert "may;" so that it will read:

That a special stamp of a face valuation of 10 cents may be provided and issued, &c.

The CHAIRMAN. The question is upon the amendment reported by the committee.

Mr. WARNER, of Ohio. Is the bill now open to amendment?

The CHAIRMAN. There is an amendment pending, reported by the Committee on Post-Offices and Post-Roads.

Mr. TOWNSHEND. I desire to offer an amendment, to some extent an amendment to the amendment reported by the committee. It is to insert after the word "cents," in line 3, the words "whenever deemed advisable;" so that it will read:

That a special stamp of a face valuation of 10 cents, whenever deemed advisable, may be provided and issued, &c.

Mr. SKINNER, of New York. That is all right.

Mr. BELFORD. Mr. Chairman, the excitable and distinguished gentleman from Illinois [Mr. TOWNSHEND] has taken occasion to assail me on the floor of this House——

Mr. TOWNSHEND. The gentlemon is mistaken if he thinks I intended to assail him.

Mr. BELFORD. Because I had the honor to allude to the honest miners who have built up the Western States. I expect before this session of Congress is over that we shall see strange spectacles here. We shall see the distinguished gentleman from Pennsylvania [Mr. RANDALL] posing as an economist; and we shall see the distinguished gentleman from Indiana [Mr. HOLMAN] posing as the great objector; because they are rival candidates for the Presidential nomination next fall.

I do not know exactly what attitude or position my friend from Illinois will occupy when that time comes; but I desire to say to him that it was the miner in 1859 who blazed a pathway for the march of empire, and then enlarged it into a highway by which the commerce of the East is drifting to the West and by which the wealth of the West is coming to the East. It was in 1859 that the fires on the top of the Rocky Mountains were built in Colorado; and this year we have produced in silver alone over $26,000,000. Talk about "tallow dips!" The gentleman used to be a page in this House, and from that he has grown up to be a member of this council of the nation. What right has he to reflect upon honest men who build their cabins upon the tops of the mountains, who dig into the bowels of the earth, and who contribute to your Treasury over $26,000,000 yearly. The gentleman was out in that country; probably he was not successful in his mining operations [laughter]; probably because he did not happen to fall into the hands of honest men dealing honestly. But I do not believe he found a citizen of Colorado connected with any mine who ever cheated him out of one penny. God bless the honest miners! They have made that Western country to blossom and bloom. They have opened up the very bowels of the mountains. They have led the way for the construction of railroads, the building of churches and school-houses and towns, while the gentleman had not the courage to cross the plains except in a Pullman palace car. [Laughter and applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. TOWNSHEND. Mr. Chairman, I venture the assertion that no other gentleman who heard me to-day will say that I uttered a single word which could be construed as in the slightest degree a reflection upon the gentleman from Colorado or upon any citizen of Colorado, be he miner, lawyer, or anything else. I simply alluded to a figure that he himself had used; but I used it no more by way of criticism or reflection than did the gentleman himself. Hence there was no occasion for the gentleman to repeat a speech that I have heard him deliver on this floor every session since I have been a member with him. I have heard him tell in past Congresses how in years agone there were men in Colorado who had blazed a way for the path of empire. I have got that speech by heart.

Mr. Chairman, I entertain none but the kindest feelings toward the gentleman. I desire to disclaim any intention to reflect upon him or the people of his State. But as he has intimated that I may have had some speculations in his State, I will venture the assertion (without referring at all to any of my experiences or admitting that I have had any

in that direction) that if my friend will go upon the prairies of Illinois or elsewhere in this country and ask those who have invested in his State what has become of their investments among the "honest miners" of Colorado, he will learn that in nine cases out of ten they have put down ten dollars where they have taken up ten cents. [Laughter.]

Now, Mr. Chairman, in regard to my amendment. I have offered it simply for the purpose of giving the Postmaster-General the discretion to establish this delivery system in cities where he may deem it advisable. When the amendment has been voted on, I shall offer a proviso at the end of the section limiting the service to those cities only where it shall be found to be self-sustaining.

The question being taken on the amendment of Mr. TOWNSHEND, it was agreed to; there being—ayes 91, noes 25.

The CHAIRMAN. The question is now upon agreeing to the amendment of the committee as amended.

Mr. BROWNE, of Indiana. I desire to offer an amendment to come in at the end of the first section.

The CHAIRMAN. That is not in order now.

Mr. BLAND. I rise to a question of order. Is it in order to move to strike out the enacting clause of the bill? If it be in order, I make that motion.

Mr. BROWNE, of Indiana. I presume that motion is not in order until the bill has been perfected by amendments.

The CHAIRMAN. The motion properly stated would be that the bill be reported to the House with a recommendation that the enacting clause be struck out.

Mr. BLAND. I make that motion.

The CHAIRMAN. That motion, under the rules, takes precedence of the motion to amend.

Mr. BINGHAM. I had not thought, Mr. Chairman——

Mr. BLAND. Is this debatable?

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania under the five-minute rule.

Mr. KEIFER. Does the Chair rule it is not debatable?

The CHAIRMAN. There is no rule on the subject.

Mr. KEIFER. It has been ruled to be debatable in several instances during the past two or three Congresses.

Mr. HOLMAN. It has been held that the motion to strike out the enacting clause in the Committee of the Whole stands upon the same footing as the motion to lay upon the table in the House, which is not debatable. That was the old rule and the old practice.

Mr. BLAND. The motion to strike out the enacting clause should be decided without debate in accordance with the practice of the House.

The CHAIRMAN. The Chair has referred to the former decisions on this point, and finds debate has been allowed on the motion to strike out the enacting clause. He will therefore recognize the gentleman from Pennsylvania for five minutes.

Mr. BINGHAM. Mr. Chairman, I had not thought, as one of the members of the Committee on the Post-Office and Post-Roads of this House, there would be any question here as to the propriety and wisdom of this legislation. It was a bill fairly discussed in that committee and had met with the approval of the officials of the letter-carrier division of the Post-Office Department.

So far as the drawing and wording of the bill go, if any words of qualification are needed to confine the delivery to the free-delivery offices, there can be no question in my mind as to the wisdom of their insertion.

I desire, however, to answer several statements made in this debate. One was made by the gentleman from Georgia [Mr. BLOUNT], that the Postmaster-General had not made this recommendation. The gentleman is familiar with the fact that past legislation has been had without favorable recommendations on the part of the Postmaster-General and upon the counter recommendations made by his Assistant Postmaster-General and upon the counter recommendations of the President. You know that in reference to the reduction of postage to 2 cents the Postmaster-General made no recommendation. It was the President who recommended the reduction of postage to 2 cents. And on the telegraph question the Postmaster-General has declined to make any recommendations to the effect that all telegraphic communication should be under the Government. The President in his annual message has made a protest against it. Therefore I arose to answer the gentleman from Georgia, because the First Assistant Postmaster-General and the Postmaster-General differ on this question is no reason why the judgment of the House should be counter to the proposed legislation.

Mr. BLAND. Let me ask the gentleman——

Mr. BINGHAM. I will yield only on the condition it is not to be taken out of my time.

In reply to the gentleman's criticism about trusting the mails to boys of 15 or 16 years of age, I wish to say that now in most of the large cities the most important communications which go by the messenger service are intrusted to boys from 10 to 15 years of age, and they traverse the city in every direction, not only during the day but during the night. At any hour of the night you can get a messenger boy to go to any section of the city. Those boys receive a compensation of $3 or $4 a week.

Now, one word more. You have to-day in your postal service a register system. If I desire to transmit to any portion of the country a package containing valuables or papers of importance I will send it through the registered mail. How will I send it? I have to put on a special stamp of 10 cents to meet that additional protection afforded by the Government. If I desire to transmit money from one sction to another I go and get a money-order and pay for it, and by a system of debits and credits in the post-office system the one to whom I send it is able to go and collect it at the place where he resides. And this bill provides for precisely a similar special stamp. If I desire to communicate with a correspondent in Philadelphia and feel that my letter may reach there after the hour for delivery of letters, I may, by the payment myself, not to come out of the Treasury but out of my own pocket, for a special stamp, and by placing that stamp on the letter, have it delivered up to 12 o'clock at night. It is the same in principle as the registered letter. I have to put on a special stamp. So, too, I have to pay extra when I wish to transmit money through the money-order service. If I put a special stamp on my letter under this bill it will be immediately delivered by special messenger, although the regular hour has passed for the delivery of letters.

That will take nothing from your surplus revenues, and I venture the suggestion that in a very short time your service will be a paying service. Standing to the credit of the letter-carrier service to-day in the Post-Office Department is over a million of dollars surplus for the last fiscal year, and every estimate signifies the further assurance that this year it may run from $1,700,000 to $2,000,000.

Mr. Chairman, you have to commence this service of special delivery of important letters just as you commenced the delivery under the letter-carrier system, the same as you commenced the registered-letter system, and the system under which you established the money-order service, every one of which, as branches or additions to the Post-Office Department, to-day return a revenue to the Government, and which the gentleman refers to as a surplus.

[Here the hammer fell.]

Mr. BLAND. Mr. Chairman, I do not desire to occupy the time of the committee in further discussing the merits of this bill. I had supposed some time since that the subject was debated until it was fully understood by the committee, all the merit there was in it, if any.

The third section of the bill in my opinion contains the meat and all that there is in the whole measure. That provides for the employment of as many "parties" as may be deemed necessary by those in authority to perform this service. Who is to judge of the necessity of this number to be paid at the rate of $15 per month, and who will perform the service for $15 per month? It was suggested by the gentleman from Ohio that it would be necessary to increase that amount if the service is ever performed at all. But, sir, in the approaching election we can understand that a great many employés may be necessary under the provisions of this bill, and notwithstanding your civil service commission and laws, it may be found necessary in certain quarters to have quite a percentage of these employés for the purpose of carrying that election. This bill then, in my judgment, is simply a measure to increase the number of employés in this Government, when in fact they could be decreased in number, and when these cities already have ample facilities for the delivery of their local mail. It is unnecessary, therefore, at this time to go to further expense, increasing the employés of the Post-Office Department, and diverting the revenues of the Government for other purposes, and especially in consideration of the fact that we have reduced the postage on all letters from 3 cents to 2 cents, and there will be thereby created a deficiency, I have no doubt, in the revenues of the Post-Office Department for the current year.

I yield the remainder of my time to the gentleman from Georgia [Mr. BLOUNT].

The CHAIRMAN. The gentleman has three minutes of his time remaining.

Mr. BLOUNT. Mr. Chairman, I do not know that I care to employ half that amount of time. I wish to make a single remark in response to the gentleman from Pennsylvania [Mr. BINGHAM] who has just taken his seat. He commends this bill to the committee by a plausible statement that he, in Washington, if he wants to send a letter to Philadelphia and to insure its delivery after the regular delivery of the mails has closed for that day, has simply to pay an additional sum of 10 cents out of his own pocket, and not, as he claims, out of the Treasury of this Government. The statement made by the First Assistant Postmaster-General, to which I have before alluded, showing that the private companies are doing that very work cheaper than the Government can do it, in connection with the arguments which have been used in favor of this measure on this floor to-day, show to my mind that this is only an effort to stop it and to get hold of the revenues that flow from that class of business. That is the only argument that there is in it.

Mr. BINGHAM. The gentleman from Georgia understands that I can not through a private company send my letter from here to Philadelphia.

Mr. BLOUNT. I decline to be interrupted by the gentleman.

Mr. BINGHAM. The gentleman should state the argument clearly. I referred to the business as carried on only in the larger cities.

Mr. BLOUNT. I do not yield to the gentleman.

Furthermore the gentleman says, in the course of his argument, that I have argued that because the First Assistant Postmaster-General had recommended one thing and there had been a failure on the part of the Department to recommend another, it does not follow that it is wrong. I made no such argument; but the gentlemen favoring the bill themselves have argued that because the First Assistant Postmaster-General had recommended it, and that because his report is embodied in the report of the Postmaster-General, therefore it comes before Congress with the indorsement of the Postmaster-General and his recommendation. I say that that does not follow by any means. It does not follow that the Postmaster-General (because it is embodied in his report) must be understood as indorsing or recommending it.

[Here the hammer fell.]

The CHAIRMAN. The question is on the motion of the gentleman from Missouri to strike out the enacting clause.

The committee divided; and there were—ayes 90, noes 92.

Mr. REAGAN, Mr. BLAND, and others demanded tellers.

Tellers were ordered.

Mr. BLAND and Mr. BINGHAM were appointed tellers.

The committee again divided; and the tellers reported—ayes 108, noes 105.

So the motion to strike out the enacting clause was agreed to.

Mr. COBB. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 1071) to provide for the more speedy delivery of letters at free-delivery offices, and a special stamp to insure said delivery, had instructed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is, Will the House agree to the recommendation of the Committee of the Whole House on the state of the Union?

Mr. SKINNER, of New York, and Mr. DAVIS, of Illinois, demanded the yeas and nays.

Mr. WHITE, of Kentucky. I move to non-concur, and on that motion demand the yeas and nays.

Mr. WARNER, of Ohio. Pending that, I move that the House do now adjourn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 12) for the relief of Elizabeth Carson;

A bill (S. 47) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased;

A bill (S. 297) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock;

A bill (S. 298) for the relief of Margaret Cassidy; and

A joint resolution (S. R. 26) granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the royal and imperial order of Francis Joseph from the Government of Austria.

ORDER OF BUSINESS.

The motion of Mr. WARNER, of Ohio, was then agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. AIKEN: The petition of the National Grange, asking for a restoration of the tariff on wool—to the Committee on Ways and Means.

By Mr. BAGLEY: Memorial of Frank Foster and others, shipmaster, in port at San Francisco, relative to revision of the navigation laws—to the Committee on Commerce.

By Mr. BAYNE: The petition of Joseph S. Finch and 20 others, and of J. M. Davidson and 19 others, business firms of Pittsburgh, Pa., for the extension of the bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. BRAINERD: Three petitions of citizens of Pennsylvania, for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. J. H. BREWER: The petition of citizens of Trenton, N. J., for a tobacco-rebate appropriation—to the same committee.

By Mr. W. W. BROWN: The petition of citizens of Bradford, Pa., for an appropriation to pay the rebate on tobacco—to the same committee.

By Mr. CUTCHEON: Memorial of officers of the Second Regiment Michigan State Troops, proposing a national encampment of militia—to the Committee on the Militia.

By Mr. G. R. DAVIS: The petition of H. H. Shufeldt & Co. and others, of Chicago, Ill., for the extension of the bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. DEUSTER: Paper relating to the pension claim of Sophie F. Kampf and of Peter I. Reuss—severally to the Committee on Invalid Pensions.

By Mr. EATON: Memorial of the Connecticut State Teachers' Association, relative to an appropriation for the establishment of schools in Alaska—to the Committee on Appropriations.

By Mr. HART: Memorial of Joe Henley Post, No. 303, Grand Army of the Republic, Department of Ohio, in relation to the pension laws—to the Committee on Invalid Pensions.

Also, the petition of Gibson Post, Grand Army of the Republic, of Greenfield, Ohio, praying for passage of bill (H. R. 1190) granting pensions—to the same committee.

By Mr. HERBERT: The petition of Hobbie & Teague and others, for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. HITT: The petition of Peter S. Crawford, for reduction of patent fees and against abolition of oath—to the Committee on Patents.

By Mr. HOLTON: Papers relating to the claim of Kelita Suit—to the Committee on War Claims.

By Mr. HOUK: Papers relating to the claims of Thomas B. McElwee and of T. B. McElwee—severally to the Committee on Claims.

Also, papers in the case of the private land claim of the legal representatives of Lewis N. Shelton—to the Committee on Private Land Claims.

By Mr. KEAN: The petition of the Orford Copper and Sulphur Company, for relief—to the Committee on Ways and Means.

Also, the petition of the Orford Copper and Sulphur Company, for a reduction of duty on sulphur ore—to the same committee.

By Mr. KELLEY: Memorial of the General Assembly of the Presbyterian Church in the United States, praying Congress to establish civil government and industrial schools in Alaska—to the Committee on the Territories.

By Mr. LONG: The petition of J. H. Hamlin and 68 others, members of James B. Brainerd Post, Grand Army of the Republic, of Eaton Rapids, Mich., asking Congress to grant one hundred and sixty acres of land to each soldier, sailor, and marine who served in the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MCCOMAS: Paper relating to the claim of Henry Adams, of J. R. Adams, of Benjamin Amin Brown, of Samuel Emmert, of Thomas N. Heskett, of William Householder, of George Snyder, and of Jonathan Joste—severally to the Committee on War Claims.

By Mr. MULLER: The petition of Patrick Farrelly and of Marcus Julian and others, for a tobacco-rebate appropriation—severally to the Committee on Appropriations.

By Mr. MUTCHLER: The resolutions of the council of the city of Allentown, Pa., in relation to the proposed Indian policy—to the Committee on Indian Affairs.

By Mr. NELSON: The petition of Charles E. White, relative to the timber-culture act—to the Committee on the Public Lands.

By Mr. OURY: Papers relating to the claim of H. C. Hooker—to the Committee on Claims.

By Mr. PARKER: The petition of Marsh Post, Grand Army of the Republic, Potsdam, N. Y., for pensions to the soldiers of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. PEELLE: Papers relating to the pension claim of Emma Gierhart—to the Committee on Invalid Pensions.

By Mr. POTTER: The petition of Mary J. Baker, executrix, for relief—to the Committee on War Claims.

By Mr. RANDALL: The petition of the National Education Association, for an appropriation for an industrial school in Alaska—to the Committee on Appropriations.

By Mr. OSSIAN RAY: Memorial of the New Hampshire State Teachers' Association, praying that an appropriation be made for the establishment of common schools and an industrial training school in Alaska—to the same committee.

By Mr. ROBERTSON: The petition of Alexander Logsdon and others, for an appropriation for the improvement of the Green River—to the Committee on Rivers and Harbors.

By Mr. ROSECRANS: The petition of citizens of California, relative to the tariff on lumber—to the Committee on Ways and Means.

Also, papers relating to the claim of Reni E. De Russy—to the Committee on Claims.

By Mr. SINGLETON: Papers relating to the claim of J. D. Ryan & Co.—to the Committee on War Claims.

By Mr. STRAIT: The petition of Mrs. L. R. Wellman and 14 others, of Farmington, Minn., for the removal of their political disabilities—to the Committee on the Judiciary.

By Mr. TULLY: Papers relating to the claim of R. M. Bowler—to the Committee on Claims.

By Mr. VANCE: Papers relating to the claim of Polly Tatham, administratrix of Thomas C. Tatham, deceased—to the Committee on Indian Affairs.

Also, papers relating to the claims of George C. Hayne and of James Washington Brank—severally to the Committee on Military Affairs.

Also, papers relating to the claims of Newman & Tatham and of P. B. Tatham—severally to the Committee on Ways and Means.

Also, papers relating to the claims of Samuel H. Fleming and of Pinkney Rollins—severally to the Committee on Claims.

Also, the petition of William M. Moore, for relief—to the Committee on War Claims.

By Mr. RICHARD WARNER: Papers relating to the claim of Daniel Parker—to the Committee on Claims.

By Mr. WELLER: The petition of Hassendenful Post, No. 146, and of Sisco Post, No. 178, Grand Army of the Republic, Department of Iowa, in favor of granting pensions to all honorably discharged soldiers of the late war—severally to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WINANS: The petition of Edward E. Andrews and others, of Hebor Le Favour Post, No. 181, and of James M. Greenfield and others, of Ransom Post, No. 89, Grand Army of the Republic, Department of Michigan, praying Congress to equalize the bounties of soldiers of the late war and to grant them 160 acres of land—severally to the same committee.

SENATE.

THURSDAY, *January* 24, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the secretary of the Territory of New Mexico submitting an estimate for needed repairs of the legislative halls and committee-rooms in the Adobe Palace at Santa Fé, in that Territory; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 163) providing for the appointment of clerks of the circuit and district courts in the southern district of Georgia;

A bill (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts," and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes; and

A bill (H. R. 3931) to create an additional United States judicial district and to establish circuit and district courts therein, in the State of Alabama.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Frederick H. Wales and 15 others, citizens of Tulare City, Cal., praying for the repeal of the act of May 15, 1820, and acts supplemental thereto, now embodied in sections 769, 1864, 2217, 2244, 2613, and 3830 of the Revised Statutes, by which the constitutional term of many administrative officers was changed and fixed at four years; which was referred to the Committee on Civil Service and Retrenchment.

Mr. CONGER presented the petition of John Q. Adams and others, citizens of Negaunee, Mich., praying for the passage of the bill to quiet the titles to certain lands in the Upper Peninsula of Michigan; which was referred to the Committee on Public Lands.

Mr. WILSON presented a petition of the executive committee on behalf of the national convention of colored citizens of the United States, held at Louisville, Ky., September 24, 1883, praying for an amendment to the Constitution and such legislation as will protect citizens in their civil rights; which was referred to the Committee on the Judiciary.

Mr. SHERMAN. I present a petition signed by W. A. Pledger, chairman, and Jesse Lawson, secretary, for the committee appointed by the colored national convention held at Louisville, Ky., September 24, 1883, praying that provision be made for the due execution of the laws for the protection of the colored people of the United States, and for such additional laws as Congress may think proper for that purpose. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. BLAIR presented the petition of G. H. Wilkinson and others, citizens of Saint Louis County, Missouri, praying for national aid to the common schools; which was referred to the Committee on Education and Labor.

Mr. CULLOM. I present the petition of John McNellis, of Grundy County, Illinois, praying for the refunding of internal-revenue taxes. I move that the petition and the accompanying papers be referred to the Committee on Finance, to which has been referred a bill on the same subject.

The motion was agreed to.

Mr. FRYE. I present the memorial of Charles G. Lundborg, formerly of the royal Swedish navy, relating to his inventions and improvements in steamships. As it is a memorial setting forth some important facts, I move that it be printed and referred to the Committee on Commerce.

The motion was agreed to.

Mr. HAMPTON presented a petition of letter-carriers of Charleston, S. C., praying that they be allowed a leave of absence for thirty days in each year without loss of pay; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL presented the petition of Dalrymple, Bard & Co. and others, citizens of Port Allegheny, Pa., praying for a tobacco-rebate appropriation; which was referred to the Committee on Appropriations.

Mr. LAPHAM presented a petition of Jay Gould Post, No. 145, Department of New York, Grand Army of the Republic, praying that pensions be granted to all those who served in the war of the rebellion; which was referred to the Committee on Pensions.

LADY FRANKLIN BAY EXPEDITION.

Mr. HALE. Yesterday the House joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, was sent to the Committee on Naval Affairs, quite naturally, as other papers relating to that subject-matter had gone to that committee. I was not present at the time. Knowing what I did of the measure, that it was an appropriation bill reported by the Committee on Appropriations in the other House and sent here as such, I should have asked that it be referred to the Committee on Appropriations instead of the Committee on Naval Affairs, in order to save time and because such bills commonly go that way.

It was, however, as I have said, referred to the Committee on Naval Affairs, and this morning that committee considered it, having before it the Secretary of War and the Secretary of the Navy; and in view of the necessity for immediate action upon this subject-matter, so that if any expedition is sent out to relieve the men who have been there in northern cold and darkness for two years and more it may be done at once, the committee has directed me to report the joint resolution back, with the further direction that I take the suggestion and counsel of the chairman or any other members of the Committee on Appropriations as to the advisability of sending it to the Committee on Appropriations now, thereby making some little delay, or passing it at present.

I may only say here (the Senator from Iowa [Mr. ALLISON] the chairman of the Committee on Appropriations is present and listening to me) that it is very important that whatever is done in this case be done at once. If an expedition be fitted out, it ought to start from New York at no later day than the 1st of May. It ought to be at Upernavik by the 15th or 20th in order to enter upon what must be the final search for Lieutenant Greely and his party, for since the earlier part of 1881 no sound or token or sign has come from that party. Everything that has been sent out has failed. The objects in view in the last expedition of establishing a relief station at Littleton Island failed entirely, and there is the greatest danger that with the early summer, even if it has not taken place already, the party may have been scattered, not finding relief, so that every hour, I may say, is important.

Mr. ALLISON. I was present yesterday when the joint resolution was referred to the Committee on Naval Affairs by the presiding officer. I see no special reason why it should now be referred to the Committee on Appropriations. I think every member of the Senate is perfectly familiar with the situation of Lieutenant Greely and his party. I suppose there is no doubt of the necessity of an appropriation, and, for myself, I am perfectly willing that it shall be now reported from the Committee on Naval Affairs and acted upon.

The PRESIDENT *pro tempore*. The Chair will state, with the permission of the Senate, that the Chair referred the joint resolution to the Committee on Naval Affairs without having read it *in extenso*, under the impression that the chief point in the measure was not so much the appropriation of money, which was of course necessary, as the methods to be provided for sending out an expedition. The Chair, therefore, thought the Committee on Naval Affairs was the appropriate committee to consider it at first, at least.

Mr. HALE. I have said that I considered the reference quite natural. I will, then, under these circumstances, report, by direction of the Committee on Naval Affairs, the joint resolution, and under the peculiar and pressing conditions surrounding the subject-matter I ask that it may be considered now. I think it will take but very little time, and every day, as I have said, is precious.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the joint resolution be now considered. Is there objection?

Mr. INGALLS. Let it be read for information.

The PRESIDENT *pro tempore*. It will be reported for information.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the President be, and is hereby, authorized to prepare and dispatch an expedition to the coast of Greenland, Smith's Sound, or Lady Franklin Bay for the purpose of relieving and bringing home Lieut. A. W. Greely and party; and that for this purpose the purchase of not exceeding three vessels is authorized, and all expenditures necessary for manning, equipping, and supplying them, and for any land journeys which may be required; and such sums as may be necessary to effect the

object of this resolution are hereby appropriated out of any moneys in the Treasury not otherwise appropriated; the vessels purchased to be sold after their return, and the money arising from such sale covered into the Treasury. And the President shall submit to Congress, on the first Monday of December, 1884, a full and detailed account of all expenditures and outlays made on account of this appropriation.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. INGALLS. Does the joint resolution state what the amount of the appropriation is to be?

The PRESIDENT *pro tempore*. No; "such sums as may be necessary" is the phrase used.

Mr. HALE. The joint resolution does not name a specific amount for the reason that the service required is of that kind that it can not be told precisely how these vessels shall be fitted, where they shall be obtained. Everything, I will say to the Senator from Kansas, is done under stress of weather. It is a House appropriation measure, reported by the chairman of the Committee on Appropriations of the House. When the same question was very fittingly asked there that has been asked by the Senator from Kansas, if the Senator will look at the record of the debate he will see that it was stated, as I state here now, that it is impossible to fix the amount that will be required; and it was thought in view of the purchase of some vessels that will be required for this purpose it would be better not to state any sum, however large, as a limit, but that all that could be safely left to the President.

Mr. INGALLS. Can the Senator state what the probable expense will be?

Mr. HALE. No, I can not. This, all Senators must bear in mind, is the last expedition that can be sent. Unless Lieutenant Greely and his party are found this summer, they will doubtless pass away and we shall never hear more of them.

Mr. VEST. I could not catch the words of the Senator from Maine exactly. Does he say that this is the last expedition that will be sent to the North Pole or the last that will be sent to rescue the Greely expedition?

Mr. HALE. I was speaking directly upon the expedition for the relief of Lieutenant Greely and his party. The circumstances are such that I believe that if this does not succeed, everything relating to that party will be looked upon as hopeless and they must needs be abandoned.

As to the further question suggested by the Senator from Missouri, whether any more expeditions will be sent for adventures and scientific and semi-scientific purposes to the northern regions, I believe fully that this will be the last; that we shall never have for years to come any more of them. There is no disposition on the part of the War or Navy Department, I think, to send any more expeditions.

Mr. INGALLS. Mr. President, whatever secrets are secluded in that mysterious region that surrounds the North Pole, they are guarded by nature with the most zealous solicitude. The results of the disposition of man to penetrate every mystery upon the surface of this planet has been one uninterrupted succession of failures and disasters. Expedition after expedition has followed into that dangerous and tempting region with simply one result, and that is an absolute failure to discover any of the mysteries that are alleged there to exist, and with a loss of life that is appalling to contemplate.

It appears to me that the principle recognized in the joint resolution is one of very great danger and of doubtful propriety. I suppose no one will deny that under the provisions of the joint resolution if the Secretary of the Navy sees fit to expend $10,000,000 we shall be compelled to make the appropriation necessary to pay it.

Mr. COCKRELL. It ought to be amended.

Mr. INGALLS. The Senator from Missouri says it ought to be amended. I think it ought to be amended.

The Senator from Maine says that it is impossible to impose any limitation upon the discretion of the Secretary of the Navy that will not impair the efficiency of the measures that are called for by this humane and benevolent enterprise. I am unwilling as one member of this body to commit Congress to the declaration that any amount of money that may be thought necessary shall be spent by the executive officer of that Department without limitation upon an errand that is understood in advance to be fruitless and hopeless.

I should be very glad if there might be an expression of opinion on the part of the Senate and of both Houses of Congress that it is the belief of those who have charge of the finances and of the resources of this country that these expeditions should cease, and that if there are any adventurous spirits who desire to tempt the mysteries and dangers of that region hereafter, they shall do so at their peril. I do not think that humanity requires us to send men from the Navy or to permit volunteers to be allowed to go there year after year to know that the only result will be disaster and death.

Mr. HALE. There is no desire for secrecy with reference to this appropriation on the part of either of the Departments that have been intrusted with this search. If this joint resolution had been originally framed with a limitation I do not know that any serious mischief would have resulted; but it was considered, so imminent was the pressure, purchases of vessels needing to be made, an impossibility to tell what would be asked by owners of vessels required for this service if they knew the Government needs and knew the amount of money appropriated—all of those things considered, it was thought better not to limit or fix any sum. There is no danger of its ever going into any domain of extravagance that would be alarming.

Mr. INGALLS. Will the Senator allow me one interrogatory?

Mr. HALE. Certainly.

Mr. INGALLS. I should like to ask him, when he speaks about the expenditure that may be incurred, what guarantee there is that this expedition, disappearing in that profound abyss, not being heard of for two years, it may be, after they departed, is not to be followed by others upon which the same vast expenditure is to be entailed?

Mr. HALE. I will say to the Senator that I for one am prepared to meet that emergency. Here are these men confined in those northern regions, as I have said, with no sound or sign coming from them. It is a question whether the American Congress will abandon them now or seek once more to relieve them.

It is a wonderful story, the story of this Greely expedition, sent up there in the early part of the year 1881 for the purpose of making explorations and examinations for certain effects in science, and establishing or trying to establish meteorological results and stations, left there by the ship which took them, with abundant supplies to last for two years or more, at Lady Franklin Bay, with imperative orders on September, 1883, to come south as far as Littleton Island, at the mouth of Smith's Sound, and there await communication from the United States. From that day to this nothing has been heard from that little band. In 1882 an expedition was sent up to communicate with them, in the Neptune, which failed entirely of its purpose, blocked by ice as it was, finding the waters entirely different from what Lieutenant Greely did when he went up in 1881, for he had an almost clear passage up to Lady Franklin Bay. In 1882 another expedition was fitted out. The Proteus, the ship that had originally taken Lieutenant Greely and his party, was sent up amply supplied with provisions for a long time for the crew and for the relief of the Greely party, with instructions to establish a relief station at Littleton Island, in Smith's Sound; but the water was so clear that the commander of that expedition disregarded those instructions and pushed on for Lady Franklin Bay, hoping to meet and pick up the Greely party. Unfortunately, soon afterward he got into ice, the vessel was crushed and destroyed, with all its store of precious provisions sent there for the Greely party, and the crew of the Proteus, scattered and drifting in different directions, struck out in open boats, and at last, worn out almost, landed at Upernavik, on the coast, some hundreds of miles below.

The result is that Lieutenant Greely stands to-day under the orders left with him at the time when he was left there to come south in the late summer or early fall of 1883, fully expecting to find a relief station established at Littleton Island, where he would remain till succor reached him, if there succor can reach him; but owing to the failure of the Proteus there is little or nothing there; and what is the fate of that party, what has become of them, no man can conjecture. Whether they came out, and, finding no relief and no provisions, attempted to retrace their steps to Lady Franklin Bay, where they have provisions, or whether they scattered and attempted to get to the shore farther south, or whether they have been overcome by the rigors of the winter there and have ceased to be, no man can tell.

But while that uncertainty exists, and while there is a prospect, small or great, of relieving that party that we sent up there, I for one am not prepared to consume time in considering the question or to delay by considering the expenditure of money.

I will say further, in answer to the Senator from Kansas, that while I do not believe any more scientific or semi-scientific expeditions will be sent up there, that should it happen that the expedition we send now is crushed in the ice, and a doubt arises whether the men that we send now are there needing relief, I should then believe it was the duty of the American Congress to appropriate the money necessary to bring them back. Until it is established, so far as anything can be established about these expeditions, that the effort is hopeless and that the brave volunteers have gone and are dead and it is useless for us to attempt succor, I would be in favor of attempting it; but that is a question of the future; we are not confronted with it now. We are confronted with the other necessity of at once doing something for these men.

Now, as to the details—it is very proper that they should be explained—the Secretary of War and the Secretary of the Navy in a letter which is in the documents that go with this resolution, dated January 17, 1884, go into this whole subject-matter. They declare that the board which they provided for has reported to them and they indorse its report, and the opinion of the board is that the relief expedition should have such an equipment that in any event it will be able to reach Lady Franklin Bay, and that it should consist of at least two vessels, each having supplies for a period of two years, not only for its own crew but for the crew of the other vessel and for the men composing Lieutenant Greely's party at Lady Franklin Bay.

The board recommends the immediate purchase of two full-powered steam whalers or steam sealers of from 500 to 600 tons displacement, and that these vessels should be thoroughly equipped with boats and sleds.

There are only a few such ships in the world. There is only a small number from which these can be bought. They stand in value ranging

from $75,000 to $130,000 or $140,000 each. There is no time to build, because the expedition must start as early as May 1. With this moderate purpose in view of fitting out these two or three vessels at a cost something like what I have stated for each, although I appreciate the force of the point made by the Senator from Kansas and should be ordinarily the first to stand in indorsement of that point, I do not think here that we ought to delay or to send this resolution back amended to the House.

Mr. BUTLER. I wish to call the attention of my friend from Maine to the language of the joint resolution. The Senator from Kansas makes the point that this money is to be expended by the Secretary of the Navy. I do not so understand the joint resolution. The money is to be expended under the direction of the President. It says so in terms.

Mr. HALE. It has been heretofore a joint affair of the War and Navy Departments.

Mr. BUTLER. It reads:

That the President be, and is hereby, authorized to prepare and dispatch an expedition to the coast of Greenland, Smith's Sound, or Lady Franklin Bay for the purpose of relieving and bringing home Lieut. A. W. Greely and party; and that for this purpose the purchase of not exceeding three vessels is authorized, and all expenditures necessary for manning, equipping, and supplying them, and for any land journeys which may be required.

Further on it says:

And the President shall submit to Congress on the first Monday of December, 1884, a full and detailed account of all expenditures and outlays made on account of this appropriation.

The entire appropriation, as I understand, is to be expended under the immediate direction of the President.

Mr. HALE. Undoubtedly.

Mr. BUTLER. And it seems to me that we can trust the President of the United States in a matter of this kind when we consider the exigencies that are surrounding the Greely party, now isolated. Therefore upon the Committee on Naval Affairs I gave my assent to this resolution without any hesitation.

Mr. HALE. With the exception of the limitation in amount suggested by the Senator from Kansas, the joint resolution is as carefully guarded as it can be. Whatever comes back of stores or of these ships is to be sold at once and turned into the Treasury. I may say here that the expenses can not be enormous under any circumstances.

Mr. FRYE. I desire to ask my colleague a question in relation to to this matter. He speaks of the difficulty of finding vessels suitable for these voyages, and I do not think he underrates the difficulty at all. I desire to ask him whether or not the committee considered at all the question of building two or three vessels?

Mr. HALE. That question was asked the Secretaries, and the answer was that that was carefully considered, and it was hoped that it might be safe to provide for the construction of those ships here at our own shores, in our own yards, and get them out in time; but considering the necessity of starting the expedition at so early a date, it was at last concluded that that would not be by any means safe, and that ships already built must be purchased. I do not think myself it would be safe. I should be very glad to see one or two of these vessels built in my own State, as I know my colleague would, but I do not think it would be safe.

Mr. FRYE. I simply desire to say to the Senator that there is in his own State one ship-yard which could build all three in sixty days from the time the specifications were made and the contract entered into.

Mr. HALE. But if any accident should take place at the last and they should fail, then we should be entirely without ships and the season would be gone and the party dead. That is the trouble, Mr. President

Mr. INGALLS. Mr. President, I move to amend, by inserting after the word "necessary," in line 11, the words "not exceeding one million dollars."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. INGALLS].

Mr. HALE. I hope that will not be adopted; first, because it will send the resolution back to the House and make a delay; and secondly, because the sum put in there is very much larger than either Secretary contemplates that this will cost, probably more than double; and under the conditions I do not think it is necessary to make the limitation. I hope the Senate will not adopt the amendment.

Mr. COCKRELL. I should like to ask the Senator from Maine what amount was appropriated for the last expedition, that proved a failure?

Mr. HALE. I think it was thirty-odd thousand dollars.

Mr. ALLISON. Thirty-three thousand dollars.

Mr. COCKRELL. I move, then, to strike out of the amendment of the Senator from Kansas the words "one million" and insert "one hundred thousand."

Mr. HALE. That would be utterly inadequate to dispatch the expedition.

The PRESIDENT *pro tempore*. The Chair will state the question. The Senator from Kansas moves to limit this appropriation to $1,000,000. The Senator from Missouri moves to amend that amendment by limiting the appropriation to $100,000.

Mr. COCKRELL. If $100,000 will not do I should like the Senator to give us some idea as to whether $150,000 will do, or $200,000. Let us know something about what we are appropriating.

Mr. HALE. I do not think either $150,000 or $200,000 will do.

Mr. COCKRELL. Well, will $250,000 do?

Mr. HALE. I do not think so. I do not know but that there may be something like a half million dollars expended before we get through.

Mr. COCKRELL. Then I withdraw my amendment of $100,000 and move to put in $500,000.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to amend the amendment of the Senator from Kansas by striking out the words "one million" in the amendment and inserting the words "five hundred thousand." The question is on agreeing to the amendment to the amendment.

Mr. BUTLER. I have no idea that it will take $500,000, but the objection I have to designating that amount is that it is an invitation to expend that amount of money, when perhaps if it is left to the discretion of the President not more than $400,000 might be expended, or perhaps $350,000, or perhaps $450,000. Therefore it seems to me to be not wise to put in any limitation whatever, in view of all the circumstances surrounding this appropriation. I should prefer to see the joint resolution passed as it came from the House of Representatives.

Mr. HALE. I think we shall get these vessels a great deal cheaper if we do not put in a limit of $500,000 than we shall if we put in that limit. I do not think economy, a real limitation of the expenditure of money on this matter, will be reached by putting in the limit of half a million dollars. If we put that in the expense will be likely to go to it by the price of the vessels being raised. But that is for the Senate to choose. If it thinks it is advisable to put that limitation in, I think it is money enough.

Mr. FRYE. I am not going to move an amendment to this resolution; neither do I wish to criticise it to any extent; but I presume that the Secretary of War and the Secretary of the Navy can not find to-day a half-dozen whaling steamers or seal steamers carrying the United States flag that can be purchased for this purpose, and I do not know that they can find any fit vessels suitable for a successful voyage into these waters carrying the provisions and coal necessary.

Mr. HALE. They believe that they can. They have been investigating and searching, and have vessels now in mind—I would not like to state what they are because that would make it public—but they have been investigating, and believe that they can purchase.

Mr. FRYE. I believe if authority were given to purchase or to build, this expedition would cost a good many thousand dollars less than it will now. As to the building there is not the slightest difficulty on the face of the earth in doing it. There are a dozen ship-yards in the United States that would build all three vessels in sixty days after the contract was entered into.

Mr. HALE. They could do it if everything favored, but it is not a question for us to decide how that is to be done; the Departments have taken that upon themselves. Suppose contracts were made for the delivery of these ships all completed on the last day of April, and suppose anything should happen in the last two weeks or the last four weeks, as if a fire were to break out or there should be some failure to perform the contract, all would be gone. In view of that exigency neither the Departments nor I decide that these ships can not be built in Maine's ship-yards, for I agree fully with my colleague and I should like to see them built there, but both Secretaries concluded that it was not safe to run that risk.

Mr. FRYE. I do not believe in the risk. There is no more risk of accidents happening in the building of these vessels than there is of accidents in the purchase of the two or three vessels they can select under this resolution.

Mr. ALLISON. Mr. President, I think we are bound in honor to make whatever appropriation is necessary to rescue Greely and his comrades. Their expedition was sent out in 1880 in pursuance of an act of Congress which was passed on the 1st day of May, 1880, by which the expedition was directed to Lady Franklin Bay. That measure came into this body by a report from the Committee on Naval Affairs, and it was contemplated at the time that the expedition would last for three years, and when Lieutenant Greely went out there he went out with that purpose in view. In 1881 and 1882 appropriations were made for this purpose. Last year on investigation of the subject the Committee on Appropriations decided that this expedition should be brought home, it having first been sent out under the direction of the Signal Service Bureau.

Mr. HALE. That was put into the statute.

Mr. ALLISON. That was put into the appropriation bill of last year. An appropriation of $33,000 was made for the purpose of bringing this party home, and the Proteus, I believe, was sent out for that purpose, and was wrecked on the way. Now I think we are bound to make such appropriation and to provide such an expedition as will, if possible, secure the return of Lieutenant Greely and his comrades, and when that is done I think our duty ends. I am glad to see that this joint resolution is an appropriation for the purpose of bringing them home, and not continuing these explorations and scientific examinations at Lady Franklin Bay. My own impression is that the amount of expenditure will reach nearly a half million dollars if the plan be

carried out as suggested by the naval board. As I believe, this whole bill is in accordance with the recommendation made by the naval board.

Although it seems to be well guarded, giving the President discretion and requiring him to report in detail the amount expended under this expedition, yet I can see no great harm in limiting the amount to half a million dollars, if the Senate think that is a wise thing to do. I have no doubt it will cost very nearly that sum, and I think we ought not to appropriate a less sum than half a million; and yet, whether the sum is limited or not, I have no doubt the expenditures will be reasonably and economically made.

Mr. INGALLS. Mr. President, the suggestions of the Senator from Iowa recall the circumstances under which these previous expeditions have been sent forward. The testimony that has been taken and the investigations that have been made disclose in my judgment a blundering incapacity and want of comprehension of what was required and a stupidity that amounts almost to imbecility which do not hold out any very brilliant expectations of advantageous results if this expedition is to be continued under the auspices under which the former went forward.

The Senator from Iowa says that this is to be the end. I wish to inquire if in pursuance of the instructions that have hitherto been issued and the measures that have been hitherto adopted and the conflicts that have ensued, the want of harmony that has arisen is to follow this, and the expedition that is here authorized goes into those mysterious regions and is heard of no more, whether we shall not under the same aspect be called upon to appropriate another million or another half million to go in search of these who are now to be sent forward? Sir, it is useless to talk about this being the end of it. I have no doubt that this expedition that goes forward will be subject to exactly the same disasters and the same dangers as those that have preceded it, and I am unwilling in the present aspect of this situation to say that the President or any of his officers shall be allowed the absolute control of any sum of money they see fit to expend for this purpose.

What has hitherto been done does not encourage Congress, it does not excite any very warm anticipations in public opinion that great results will follow the expedition which is here to be authorized; and if the Senators from Missouri think that $500,000 will be sufficient, I am willing that my amendment shall be so modified. One object that I had in view was to ascertain from the Senator from Maine what amount he thought would be necessary, and I submit that the Committee on Naval Affairs were not justified in presenting a measure of this importance to the Senate without some inquiry, without some statistics, without some advice as to what was necessary, and the amount that would be required to render that necessity effectual.

Mr. HALE. Does the Senator bear in mind that I stated that I believed the expense of buying these ships at the rates which I mentioned and fitting them out and the cost of the expedition would come somewhere near a half million dollars.

Mr. INGALLS. Yes, sir; I remember that, but that statement was only made after I had offered my amendment. I interrogated the Senator very strictly in advance as to what he thought it would cost, and he said he was unable to give any estimate of what it would cost.

Mr. HALE. I should not want to give an estimate.

Mr. INGALLS. I then offered an amendment that it should not exceed $1,000,000. He said that was too large. The Senator from Missouri then said it might be $100,000. He said that was too small; and between the balancing of opinions we finally obtained from the Senator from Maine the statement that $500,000 would probably be the amount that would be required to render this expedition effectual.

Mr. HALE. And yet I would not pretend to make that as an estimate. I do not think anybody can do that. I do not think the Secretaries can. I believe that that limitation will cover it; but if I were going to make an estimate and look into it carefully, I might find that $100,000 less than that would cover it. I do not think anybody can make an estimate. It is only conjecture on my part that it will not reach over a half million dollars, but I think we are safe in leaving it with the President without limitation.

Mr. INGALLS. I have no hesitation in saying that humanity and patriotism require that an expedition shall be sent forward under proper auspices, reasonably manned and equipped, for the purpose of bringing back the Greely expedition; but I say that it is utterly in defiance of the principles that ought to regulate the expenditure of the public money to vest in the President or in any of his subordinate officers unlimited discretion for any purpose whatever. We are just as competent to decide what is necessary as the President is, and we are the guardians and custodians of the public resources. It is not in accordance with the rules that have always been observed here, it is not in accordance with the suggestion of business or of practical affairs to place in the hands of the President, subject as he may be to pressure from various humanitarian sources, to fit out an expedition that may involve us in an expenditure which, as the Senator himself has admitted, may be more than a million dollars without any limitations or guards whatever.

I therefore hope, sir, that whatever sum, and that shall be the largest sum, that the Senator from Maine or the committee think is requisite will be placed in this bill as the limit beyond which they are not to go.

Mr. HALE. Now let us have this matter, which has occupied so much time, out of the way. It was only by indulgence of the Senate that it came under the morning hour, and I would not have asked it had I supposed so much time would have been taken. I hope we may have a vote now and dispose of the matter.

Mr. BECK. Before the vote is taken I desire to know, as some hundreds of thousands of dollars will be necessary to carry out this purpose, whether the Committee on Naval Affairs has inquired of the Secretary of the Navy, or of the proper authorities, anything in regard to the probable cost, or as to the plan, or as to the manner in which this money is likely to be expended; and, if not, why not? If the committee has made that inquiry, why is not the information before us a good deal more accurate than we have it?

I should like to know also whether there can not be an estimate made, according to the best information the Navy Department now has, as to what this is going to cost us, to be furnished by to-morrow morning, so that somebody will be responsible for the action taken. Why should we be called upon as a matter of philanthropy to be spending money without estimates, without responsibility, and without any cause shown, when all this information can be had, and at least one Department of this Government can make itself responsible to Congress for the call which it now makes? I propose to vote all that is necessary, but no more.

Mr. HALE. Let me say, in answer to the Senator from Kentucky, that the Committee on Naval Affairs inquired fully into all these things. They had the Secretary of War and the Secretary of the Navy before them, and went into the subject fully.

The only thing that is sought here is a limitation in amount. That is the only thing upon which information can not be given closely. Neither the Secretary of War nor the Secretary of the Navy can tell perhaps within $50,000 what this expedition will cost. I can very well see how that is. They do not know, first, what the vessels will cost. That is impossible to be ascertained now, for they have no authority to buy until after an appropriation is made and they are furnished with the money.

It is not the fact that the Committee on Naval Affairs comes here without information. All the papers and documents, and they are quite numerous, are here in my hands or on my desk, and I propose to put them in, or if the Senate requires that more time be taken, they may be read from the desk. The Senator from Kansas [Mr. INGALLS] is now I think reading a communication from the two Secretaries jointly, in which they state how this is to be done. There is no desire to make it mysterious in any way. It is only, as I understand it, this question of limitation of amount that any one cares about. The responsibility that the Senator from Kentucky talks about would not be changed by putting in a limitation on the amount. They would have to go on just the same at the Departments, purchase ships, fit out the expedition, select officers to command it, send them off with a God-speed, and then trust to the winds and the waves and the ice of that undiscovered region as to what the result would be.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL] to the amendment proposed by the Senator from Kansas [Mr. INGALLS].

Mr. HALE. Was it not accepted?

The PRESIDENT *pro tempore*. Did the Chair understand the Senator from Kansas to accept the amendment to his?

Mr. INGALLS. No, sir.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to limit the appropriation to $1,000,000, and the amendment of the Senator from Missouri limits it to $500,000. The question is on the amendment to the amendment.

Mr. BAYARD. Mr. President, the amount of money proposed is serious; but there are other matters connected with this expedition and other considerations that I believe are even graver—I refer to the risk to human life and happiness which is involved in this continued sending forth of human lives for these objects and upon ill-considered journeys—which I hope this resolution may impress upon the Senate and upon Congress. I do not doubt that, whether this expedition cost half a million or several millions of dollars, it is the duty of the Government that ordered these officers and men to this scene of peril and disaster, to do all it can to protect their lives and to bring them in safety to their homes, if that be possible. But while this is done, it seems to me it should operate as a restraint upon expeditions which, although they may have science for their object and philanthropy in some degree for their basis, are both serious and disastrous in their effects upon human happiness.

I have read, as I suppose most members of this body have read, the dreadful journals of Captain De Long. The recital of his sufferings and of those of the men who died under him is enough to chill the hearts of men and should make them very careful how they shall give public assent to any further expenditure in such directions. It is true it may teach the great lesson of heroism, but it is done at enormous human suffering, anxiety, and sorrow to those who survive and almost untold suffering to those who perish.

We are compelled, I agree, by every consideration, to do all that money may fairly do to bring back the survivors of these expeditions,

but I say that they should teach us more caution in the future how we lend our assent to future expeditions of this disastrous kind.

Mr. CONGER. Mr. President, this Greely expedition did not originate with any of the Departments of the Government or from the recommendation of any particular Department. It was a measure originating in and passed through Congress. A small appropriation was made for the original expedition and the law required that such stores as could be furnished by the Navy and by the Army should be furnished for the expedition. It provided for sending a body of men to explore the northern regions of this continent and of the world, numbering twenty-two. They were to be volunteers. They were expected to go through a channel usually open in the summer season to Lady Franklin Bay; and to avoid the danger and the great risk to human life which had accompanied all these expeditions from the beginning down to the present time, the plan proposed that this band of men should be landed at the most northern point, where it was supposed in each year vessels could be sent without any great danger, and that the expedition from Lady Franklin Bay should be by land and not by water, on sledges and snow-shoes and not in boats, that it should proceed as far northward upon the land as possible; and for the safety of those engaged in the expedition a building was taken already constructed to be placed at Lady Franklin Bay as a home station, a starting-point for the exploration. It was intended that every ten, fifteen, or twenty miles as the party should proceed onward similar stations should be constructed, from point to point, with supplies passing along from one to another, so that there should be as little risk and as little danger of loss of life and of suffering as possible for the men engaged in the expedition.

Our Government was not alone in fitting out such an expedition. There were five different expeditions by five different governments contemplated and provided for and sent to different points around the circle of the unexplored regions toward the North Pole. These expeditions were sent by all these governments, and from that time to this have been engaged in the survey with more or less success.

These volunteers were called for by this Government and by its law to come and make these explorations for our Government. They expected to remain there three years. Provisions and materials were sent for their support during that time. At this location there is one of the finest coal-beds in the world, immediately adjoining the buildings that were sent and erected there, to supply fuel not only for that station but for the advancing stations of the northern survey. The faith of our Congress and of our Government is pledged to those men to send them supplies and at the end of three years to send proper provision for their return.

I desire in this connection to correct an error which was stated by one of the Senators, that in the expedition of last year the instructions were imperative to make a depot of provisions at Littleton Island. The records do not show that that was the order, and it is only fair to that gallant officer who commanded the expedition, Lieutenant Garlington, that such a statement should be contradicted here upon the floor of the Senate. Examination shows that he had no instructions to deposit at Littleton Island the provisions which were contemplated to be left there, but was to press forward to Lady Franklin Bay, and if they failed to reach that point, if the ice obstructed the passage of the vessel to that point, then the deposit was to be made at Littleton Island. It is due to the officer in command that that statement should be made here, for the testimony proves that to be the truth.

Now, sir, I submit to the Senators in this Chamber that the world will not permit these men to be unthought-for. This Government may fail to send a suitable expedition for their relief; but there are other governments that will send an expedition if we do fail, and fail to send a sufficient one, to the dishonor and disgrace of this Republic. Already preparations are being made in England to send such an expedition for the relief of these men, and, sir, we all can remember how often the Government of the United States at great expense has fitted out expeditions and expended money in the search for exploring parties for other nations lost in the wilds of the Arctic regions.

I am opposed to inserting any limitation in this resolution. Let it cost thousands or hundreds of thousands or millions of dollars, this nation cannot afford in the face of the whole civilized world to leave its volunteer explorers in the unknown seas and in the storms and tempests of an unknown land to perish there, until every effort has been exhausted to recover them and bring them back to their country and their homes. It is not one of those subjects about which economists and those desiring retrenchment can discuss very eagerly without reproach. The imperative duty rests upon the Congress who sent these men into that wild wilderness of ice and waters to return them if possible, to find out their condition and send them succor, and if this Government fails to do it, other governments, to the disgrace of our own, will do it for us.

Mr. HALE. Mr. President, I hope we may have a vote.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. COCKRELL] to the amendment of the Senator from Kansas [Mr. INGALLS].

Mr. HALE. Allow me to make a parliamentary inquiry. This is an amendment proposing a half million of dollars in place of a million dollars, is it not?

The PRESIDENT *pro tempore*. The amendment of the Senator from Missouri is to limit the appropriation to $500,000. That is the pending question.

The question being put, there were on a division—ayes 22, noes 22.

The PRESIDENT *pro tempore*. There being an equal division of the Senate, the noes have it. The question recurs on agreeing to the amendment proposed by the Senator from Kansas [Mr. INGALLS] to limit the appropriation to $1,000,000.

The question being put, there were on a division—ayes 8, noes 26; not a quorum voting.

Mr. HOAR. I hope the call for a division will be withdrawn.

The PRESIDENT *pro tempore*. The Chair will put the question again, as there is undoubtedly a quorum present, without going through the formality prescribed by the rule of calling the roll.

Mr. BROWN. If it be in order, I should like to amend the amendment by striking out "one million" and inserting "six hundred thousand dollars."

The PRESIDENT *pro tempore*. The Senator from Georgia moves to amend the amendment proposed by the Senator from Kansas, by striking out "one million," and inserting "six hundred thousand," as the limit of the appropriation. The question is on the amendment of the Senator from Georgia to the amendment of the Senator from Kansas.

The amendment to the amendment was rejected; there being on a division—ayes 24, noes 26.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Kansas [Mr. INGALLS].

Mr. MAXEY. I now move, in order to have a limitation, that the words "one million" be stricken out and "seven hundred thousand" inserted.

The PRESIDENT *pro tempore*. The Senator from Texas moves to amend the amendment of the Senator from Kansas by striking out "one million" and inserting "seven hundred thousand."

Mr. HOAR. I propose to vote against that amendment, because it seems to me that the fixing of that sum by Congress is an invitation to the persons concerned to work up to it. It will be more economical to leave it without limit than to put in an unnecessarily large sum.

Mr. MAXEY. My own judgment has always been that these expeditions have been an attempt to defy the laws of nature, and every one of them inaugurated by any government has proven a disastrous failure. This last one was, to a certain degree, encouraged by Congress. I remember very well one of the officers who was urging the action taken here was by the Senator from Kentucky [Mr. BECK] introduced to me. I opposed it. I thought it a very poor thing for a bright young officer, as he was, to pursue such an *ignis fatuus;* and the Senator from Kentucky took the same view. And yet these men were sent out. I admit that humanity demands that we shall send for them; but I believe, in view of the statement made by the Senator from Maine, from the Committee on Naval Affairs, and his estimate of half a million dollars, the putting forward the amount as I have put it to $700,000 will unquestionably be enough, and it leaves the appropriation restricted to what is fair and reasonable, taking the best testimony we have from the Naval Committee.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Texas to the amendment of the Senator from Kansas, limiting the amount to $700,000.

The question being put, there were on a division—ayes 18, noes 28.

Mr. MAXEY. I ask for the yeas and nays, so as to settle the question.

The yeas and nays were ordered; and being taken, resulted--yeas 30, nays 35; as follows:

YEAS—30.

Bayard,	Garland,	Jonas,	Saulsbury,
Beck,	Gibson,	Kenna,	Vance,
Brown,	Gorman,	Lamar,	Van Wyck,
Call,	Groome,	McPherson,	Vest,
Camden,	Hampton,	Maxey,	Voorhees,
Cockrell,	Harris,	Morgan,	Walker.
Coke,	Ingalls,	Pugh,	
Colquitt,	Jackson,	Ransom,	

NAYS—35.

Aldrich,	Edmunds,	Jones of Nevada,	Palmer,
Allison,	Fair,	Lapham,	Pike,
Anthony,	Frye,	Logan,	Platt,
Blair,	Hale,	McMillan,	Plumb,
Bowen,	Harrison,	Mahone,	Riddleberger,
Butler,	Hawley,	Manderson,	Sawyer,
Cameron of Wis.,	Hill,	Miller of Cal.,	Sewell,
Conger,	Hoar,	Miller of N. Y.,	Wilson.
Cullom,	Jones of Florida,	Morrill,	

ABSENT—11.

Cameron of Pa.,	Farley,	Pendleton,	Slater,
Dawes,	George,	Sabin,	Williams
Dolph,	Mitchell,	Sherman,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Kansas to limit the appropriation to $1,000,000.

The amendment was rejected.

Mr. SAULSBURY. I desire to offer an amendment, after the word "expedition," in line 4, to insert "to be composed of volunteers for the service."

As I understand the resolution, it gives the President power to dispatch an expedition, and it may be that he will order Army or Navy officers to go. I am unwilling to vote to give the President the power to assign to this service whom he pleases, without reference to their wishes in regard to it. Doubtless there may be individual men in the Navy ready to volunteer for the service, but I am unwilling to force any man, contrary to his will, when the great probability is that he will meet with the fate which the expeditions which have gone before have met. Though I think the amount of money appropriated is larger than is necessary, yet I shall cheerfully vote for the resolution provided the provision which I have suggested is incorporated in it; but I will not grant to the President the power to assign whom he may please to this dreadful service, so that he may select men who are unwilling to go, because of their connection with the Navy.

The PRESIDENT *pro tempore*. The Senator from Delaware proposes an amendment, which will be read.

The SECRETARY. In line 4, after the word "expedition," it is proposed to insert "to be composed of volunteers for the service."

Mr. HALE. I will not take any time, but ask for the vote of the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

HAWAIIAN RECIPROCITY TREATY.

The PRESIDENT *pro tempore*. Reports of standing and select committees are still in order.

Mr. MORGAN. I am instructed by the Committee on Foreign Relations to report back the joint resolution (S. R. 27) as to giving notice to terminate the convention of June 2, 1875, with his majesty the King of the Hawaiian Islands, adversely, and recommend that the resolution be indefinitely postponed. I submit the report of the committee and accompanying papers.

Mr. SHERMAN. The Senator from Georgia [Mr. BROWN] and myself not being able to concur with the views of the majority of the Committee on Foreign Relations, I desire to present the views of the minority, to be printed with the majority report.

The PRESIDENT *pro tempore*. The Senator from Ohio, from a minority of the same committee, asks leave to present the views of the minority, and that they be printed in connection with the report of the majority. That order will be entered if there be no objection, and the joint resolution will be placed on the Calendar with the majority and minority reports.

Mr. MORGAN. I report back, by the order of the same committee, the joint resolution (S. R. 33) as to giving notice to terminate the convention of June 3, 1875, with his majesty the King of the Hawaiian Islands, with the same recommendation, remarking that this resolution and the one just reported upon are in identical language throughout; and of course I suppose the Senator from Louisiana [Mr. GIBSON], who introduced this resolution in the same terms as the previous one offered by his colleague, will not desire to have both resolutions on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Alabama reports adversely Senate joint resolution No. 33. This joint resolution, if there be no objection, will be indefinitely postponed, it being identical with the one reported before and which was placed upon the Calendar.

CLERKS FOR SENATORS.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back the resolution providing for clerks to Senators, which was referred to it, with a substitute, and with the recommendation that the substitute pass.

Mr. BUTLER. I ask for the immediate consideration of that matter.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent that the resolution just reported be now considered.

Mr. INGALLS. Let it be read for information.

The PRESIDENT *pro tempore*. The resolution will be read and then the amendment.

The Chief Clerk read the resolution submitted by Mr. BUTLER, as follows:

Resolved, That each Senator, except the chairmen of standing or select committees of the Senate, shall be entitled to a clerk or secretary, at a salary of $1,000 annually, the same to be paid out of the contingent fund of the Senate.

The amendment of the committee was to strike out all after the word "resolved" and insert:

That each Senator, except the chairmen of standing or select committees, may appoint a clerk to serve during the sessions of Congress, who shall perform such clerical work as may be assigned by the Senator appointing him in aid of the discharge of his official duties, and shall be paid out of the contingent fund of the Senate at the rate of $6 a day.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution as amended? The Chair hears none, and the question is on agreeing to the amendment reported from the Committee to Audit and Control the Contingent Expenses of the Senate.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The resolution is still open to amendment.

Mr. SHERMAN. I ask for the yeas and nays on the passage of the resolution. I have no desire to debate it. I should like to have the committee who reported it state the number of additional clerks this will involve.

Mr. BUTLER. I stated yesterday, thirty-five.

Mr. SHERMAN. For the ordinary average session of Congress what would the compensation be? What is the amount per annum according to the average sessions of Congress?

Mr. BUTLER. As I originally introduced the resolution I provided for a salary of $1,000 a year; but the committee have recommended that these clerks receive $6 a day during the session of Congress, as clerks of committees are paid. I do not know exactly what that would amount to, but I suppose perhaps $1,000 a year or a little more.

Mr. SHERMAN. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. MILLER, of California. I am paired with my colleague [Mr. FARLEY]. He would vote "yea" if present, and I should vote "nay."

Mr. PLATT. Having been absent from the Chamber momentarily when this resolution was reported, I had no opportunity to say that as a member of the Committee on Contingent Expenses I did not concur in the report.

I say this in explanation of the vote I am about to give, being on the committee. I vote "nay."

The result was announced—yeas 35, nays 19; as follows:

YEAS—35.

Anthony,	Gibson,	Jones of Nevada,	Pike,
Blair,	Gorman,	Kenna,	Pugh,
Bowen,	Hale,	Lamar,	Ransom,
Brown,	Hampton,	Lapham,	Riddleberger,
Butler,	Hawley,	Mahone,	Sawyer,
Call,	Hoar,	Manderson,	Sewell,
Camden,	Jackson,	Mitchell,	Vance,
Colquitt,	Jonas,	Morgan,	Wilson.
Fair,	Jones of Florida,	Palmer,	

NAYS—19.

Coke,	George,	McPherson,	Sherman,
Conger,	Harris,	Maxey,	Van Wyck,
Edmunds,	Harrison,	Morrill,	Vest,
Frye,	Ingalls,	Platt,	Walker.
Garland,	McMillan,	Plumb,	

ABSENT—22.

Aldrich,	Cockrell,	Hill,	Saulsbury,
Allison,	Cullom,	Logan,	Slater,
Bayard,	Dawes,	Miller of Cal.,	Voorhees,
Beck,	Dolph,	Miller of N. Y.,	Williams.
Cameron of Pa.,	Farley,	Pendleton,	
Cameron of Wis.,	Groome,	Sabin,	

So the resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

A joint resolution (H. Res. 120) giving the thanks of Congress to the men who rescued the survivors of the wreck of the steamer City of Columbus; and

A joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians.

REPORTS OF COMMITTEES.

Mr. HILL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1482) making all public roads and highways post-routes, reported it without amendment.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 462) to provide for the removal of obstructions to the free navigation of the navigable waters of the United States, reported it with amendments.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 356) for the relief of Millie E. Hays, widow of John Hays, deceased, submitted a report thereon, accompanied by a bill (S. 1252) for the relief of Millie E. Hays, widow of John Hays, deceased; which was read twice by its title.

Mr. CAMDEN. I desire to return from the Committee on Military Affairs the bill (S. 143) for the relief of Willis N. Arnold, and ask its reference to the Committee on Claims. From the character of the bill it is proper that it should go to the Committee on Claims.

The report was agreed to.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res. 117) to correct an error in the enrollment of the act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for other years, approved March 3, 1883, to report it without amendment. As it is a matter of small moment I ask that it may be considered now.

Mr. SHERMAN. I think the joint resolution had better go over, at any rate until after the morning hour.

The PRESIDENT *pro tempore*. Objection being made, the joint resolution will be placed on the Calendar.

Mr. SHERMAN. There will be no objection to its consideration after the conclusion of the morning business.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 1253) to fix the salaries and prescribe certain duties of district judges of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 1254) referring the claim of Apollos Hale, administrator, to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. BROWN introduced a bill (S. 1255) to appropriate $10,000 for the improvement of the Oconee River, in the State of Georgia, between Skull Shoals and the Georgia Railroad bridge; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LOGAN introduced a bill (S. 1256) providing for the removal of the remains of the late Maj. Gen. Edward O. C. Ord, United States Army, from Havana, Cuba, to Washington, D. C.; which was read twice by its title.

Mr. LOGAN. I ask for immediate action on the bill. I will state by way of explanation that it requires no appropriation, being merely to authorize the Secretary of War to pay the expense out of the contingent fund that he has in his charge.

Mr. SHERMAN. Let it go over until to-morrow.

Mr. LOGAN. It will not take a minute. I do not think there will be any objection to it.

Mr. SHERMAN. If only a few minutes it stops business, and the time has been so much occupied already.

Mr. LOGAN. Very well.

The PRESIDENT *pro tempore*. To what committee does the Senator from Illinois wish to have the bill referred?

Mr. LOGAN. Let it lie on the table. I desire to call it up as soon as possible to have it acted upon. I do not think there will be any objection to it.

The PRESIDENT *pro tempore*. Some disposition must be made of the bill. It must be laid on the table, or referred, or placed on the Calendar.

Mr. LOGAN. I will ask that it lie on the table for the present.

The PRESIDENT *pro tempore*. The bill will lie on the table, if there be no objection.

Mr. GIBSON introduced a bill (S. 1257) referring to the Court of Claims the claim of Smith & Hine; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 1258) for the preservation of the woods and forests of the national domain adjacent to the sources of the navigable rivers and their affluents in the United States; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 1259) granting arrears of pension to W. N. Berkley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PUGH (by request) introduced a bill (S. 1260) granting a pension to William J. Duley; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1261) for the relief of William J. Duley; which was read twice by its title, and referred to the Committee on Claims.

Mr. VANCE introduced a bill (S. 1262) to provide for the sale of certain lands of the Eastern Band of Cherokees in North Carolina; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COKE introduced a bill (S. 1263) for the relief of Fred. Phillips; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 1264) for the relief of the heirs of Black Beaver; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 1265) to grant drawback on imported materials used in the manufacture of articles for exportation; which was read twice by its title.

Mr. BLAIR. I will state that this bill is similar in its subject-matter to a bill introduced by me early in the session, and which is pending upon the Calendar. I have obtained in connection with the bill a letter from one of the officers of the Government having special knowledge upon the subject, which I think contains information pertinent and which will be useful to the committee. I ask that the bill be referred to the Committee on Finance, and that the letter be printed in the RECORD. It will occupy perhaps twenty lines.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance. The Senator from New Hampshire asks that the paper which he has described upon the subject of the bill be printed in the RECORD. Is there objection?

Mr. HARRIS. I should like to know from anybody what the probable length of the paper is.

Mr. BLAIR. It will occupy probably twenty printed lines.

Mr. HARRIS. Very well.

The PRESIDENT *pro tempore*. The order to print in the RECORD will be entered, if there be no objection.

The letter is as follows:

CUSTOM-HOUSE, NEW YORK,
Collector's Office, January 15, 1884.

SIR: In compliance with your request, I have the honor to submit the following relative to drawback on articles of domestic manufacture. It would be impracticable to name the different articles upon which drawback rates have been established by the Treasury Department. For such information you are respectfully referred to the printed schedule of drawback rates, dated December 15, 1879, and to Department decisions since that date.

New articles are constantly being added to the list, but none are so admitted without act of Congress, unless made wholly from imported materials.

Upon all articles of domestic manufacture exported with benefit of drawback under existing law 10 per cent. of such drawback is retained for the use of the United States, with the exception of refined sugar, upon which article but 1 per cent. is retained. It is understood that this retention is intended to cover expenses of refunding, by way of drawback, the amount of duties paid on the imported materials used in making the exported articles.

In my opinion the amount so retained is largely in excess of the expenses incurred. It is impossible for me to determine what the actual expenses are, and I hesitate to express an opinion on the subject, but venture to say that such expenses are no greater on many of the articles of domestic manufacture than on manufactured articles imported from Canada and elsewhere and exported in bond, upon which this Government receives only the usual custom-house fees.

Very respectfully,

H. B. UHLEE,
Chief Clerk Drawback Department.

Hon. H. W. BLAIR, *Washington, D. C.*

Mr. JACKSON introduced a bill (S. 1266) for the relief of the farmers of the United States by extending to them the benefits of the Signal Service; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. GARLAND introduced a bill (S. 1267) for the relief of Alfred Huckaby; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1268) for the relief of Sydney L. Skaggs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1269) for the relief of Caroline T. Bancroft; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on the District of Columbia.

Mr. BECK introduced a bill (S. 1270) for the benefit of Mrs. Mary H. Chawning; which was read twice by its title, and referred to the Committee on Claims.

The PRESIDENT *pro tempore*. The morning hour has expired, and the Chair lays before the Senate the unfinished business of yesterday's sitting, being the bill (S. 153) providing a civil government for the Territory of Alaska.

Mr. MILLER, of New York. I ask unanimous consent at this time to introduce a bill.

The PRESIDENT *pro tempore*. By unanimous consent the bill may be received. Is there objection? The Chair hears none.

Mr. MILLER, of New York, introduced a bill (S. 1271) in relation to the Chinese indemnity fund; which was read the first time by its title.

Mr. MILLER, of New York. I ask that the bill be read at length.

The bill was read the second time at length, as follows:

Be it enacted, &c., That the President be, and he is hereby, authorized and directed to pay over to the Government of China the fund now under the control of the Secretary of State of the United States known as the Chinese indemnity fund.

Mr. MILLER, of New York. I simply desire to say in relation to the bill that it is in direct line with an act which was passed by Congress at its last session for the return of the Japanese indemnity fund. The present Chinese indemnity fund, which is in the keeping of the Secretary of State, grows out of a convention between China and the United States concluded November 8, 1858, under which China paid over three-quarters of a million dollars into our hands for the purpose of indemnifying citizens of the United States for losses which occurred during the war of Great Britain and France against China in 1856 and 1857. This money was given for the express purpose of liquidating specified claims. These claims have been liquidated, I understand, and there is still a large sum of money remaining in the hands of the Secretary of State for which there are no claimants. This money undoubtedly belongs to China, and should be returned. I move the reference of the bill to the Committee on Foreign Relations.

The motion was agreed to.

Mr. LOGAN introduced a joint resolution (S. R. 47) for printing the annual reports of the Bureau of Ethnology; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 48) for printing the annual reports of the United States Geological Survey; which was read twice by its title, and referred to the Committee on Printing.

ALLEGED ELECTION OUTRAGES IN VIRGINIA AND MISSISSIPPI.

The PRESIDENT *pro tempore*. The pending question on the unfinished business is the amendment proposed by the Senator from Colorado [Mr. BOWEN] to the amendment proposed by the Senator from Indiana [Mr. HARRISON].

Mr. SHERMAN. Before that is proceeded with I ask the Chair

whether it will not be in order now to proceed to the consideration of the resolution I offered yesterday?

The PRESIDENT *pro tempore*. It is in order under the ninth rule, the Chair believes, for any Senator to move to proceed to the consideration of anything on the Calendar. The resolution offered yesterday by the Senator from Ohio is not on the Calendar. If the morning hour had not been exhausted before the order of resolutions was reached it would have been the duty of the Chair, as the Chair thinks, to lay the resolution before the Senate (as a resolution objected to yesterday) for its action; but as the hour of 2 o'clock arrived before the order of resolutions was reached the Chair was unable under the rule to lay it before the Senate. He will therefore lay it before the Senate to-morrow, just as he would a House bill read the first time in a similar case.

Mr. SHERMAN. All right. I only desired for the information of myself and also of Senators on the other side to know when the resolution would come up in order.

The PRESIDENT *pro tempore*. It will come up in order when "resolutions" are reached to-morrow. It is the first thing under the head of "resolutions."

Mr. BAYARD. Will the Chair be good enough to repeat the disposition made of the resolution offered by the Senator from Ohio?

The PRESIDENT *pro tempore*. The Chair will state, that, on examining the rules, not in reference to that resolution, but all resolutions, though the rules are not very clear on the subject, the Chair came to the conclusion that a resolution objected to, like the second reading of a bill being objected to, would go over on the desk of the Chair until the next day, and then, like a bill having been read a first time, would be laid before the Senate when the order of resolutions was reached. But as the order of resolutions was not reached to-day at 2 o'clock when the rules require the Chair to lay the unfinished business before the Senate, the resolution still remains on the table of the Chair, and when the order of resolutions is reached to-morrow it will be laid before the Senate.

Mr. BAYARD. Will it be presented to the Senate before 2 o'clock under the ruling of the Chair?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. BAYARD. At what time?

The PRESIDENT *pro tempore*. After the introduction of bills and joint resolutions is ended and the order of resolutions is reached, the Chair, under his construction of the rules touching all resolutions, would lay it before the Senate, the Chair thinking that the theory and principle of the rules about bills and resolutions is that every Senator should have an opportunity to have a bill or resolution once presented to the Senate, and if not then disposed of it goes upon the Calendar.

Mr. BAYARD. I merely desired to know the order of business. It will be treated then as capable of being put on its passage when the call for resolutions is made?

The PRESIDENT *pro tempore*. It will be laid before the Senate for such disposition as the Senate chooses to make of it.

J. J. M'ELHONE.

Mr. ALLISON. Before the unfinished business is proceeded with, I ask unanimous consent to pass a little joint resolution (H. Res. 117) which I reported this morning. It relates to the convenience of the reporters of the House of Representatives and will take but a minute.

Mr. HARRISON. I shall not interpose an objection to that, but I am anxious to proceed with the unfinished business.

The PRESIDENT *pro tempore*. If there be no objection, the joint resolution indicated by the Senator from Iowa will be read for information.

The joint resolution (H. Res. 117) to correct an error in the enrollment of the act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for other years, approved March 3, 1883, was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It appropriates $1,000 to pay J. J. McElhone, chief of the corps of official reporters of the House of Representatives, for extra services and for clerk-hire paid out by him during the second session of the Forty-seventh Congress.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT FOR ALASKA.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. 153) providing a civil government for the Territory of Alaska, the pending question being on the amendment of Mr. BOWEN to the amendment of Mr. HARRISON.

The amendment proposed by Mr. HARRISON was, after the word "aforesaid," in line 17 of section 8, to insert:

> The Secretary of the Interior shall appoint suitable persons to make surveys of mining claims; and the commissioners provided for by this act shall discharge the duties now required by law of registers and receivers of public lands in relation to such claims.

The amendment to the amendment was, after the word "That," in line 1, section 8, to insert:

> The said district of Alaska is hereby created a land district, and a United States land office for said district is hereby located at Sitka. The commissioner provided for by this act to reside at Sitka shall be *ex officio* register of said land office, and the clerk provided for by this act shall be *ex officio* receiver of public moneys. All orders for the survey of mining claims shall be issued by the Secretary of the Interior, who shall likewise appoint one deputy mineral surveyor for said district, who shall hold his office until removed by said Secretary; and all plats and field-notes of surveys of mining claims shall be transmitted to the Secretary of the Interior for approval, who shall, if he approve the same, certify to the fact in the same manner as is done by surveyors-general in districts or Territories having surveyors-general; and he shall likewise certify the amount expended in money or labor on each claim the plats and field-notes of the survey of which he approves, and shall transmit three certified copies of such plats and field-notes, together with one certificate of labor and improvements, to the register of said land office, who shall file and preserve in his office one copy of such plat and one copy of such field-notes, and shall deliver in each case the remaining copies of such plats and field-notes to the claimant of the mining claim, who may proceed to apply for and obtain patent from the Government of the United States in the same manner and with like effect as if such survey had been ordered, and the plats and field-notes thereof had been approved, and the certificate of labor and improvements made by a surveyor-general; and.

Mr. HARRISON. I think I can save some time by suggesting to the Senate now a modification of these amendments which has been agreed upon between me and the Senator from Colorado [Mr. BOWEN]. I propose taking the amendment offered by the Senator from Colorado in relation to the establishment of a land district, to insert, after the word "moneys," in his amendment, in line 6, the words "and the marshal provided for by this act shall be *ex officio* surveyor-general of said district; and" and to strike out all the rest of the amendment of the Senator from Colorado.

The amendment as I now propose it provides a full complement of officers for the administration of the land laws by conferring upon the commissioner the duties of register, upon the clerk the duties of receiver, and upon the marshal the duties of surveyor-general of the Territory, and makes unnecessary all the detail which follows in the amendment as presented by the Senator from Colorado. This modification has been agreed upon between the Senator from Colorado and myself, and I suppose the record might show that my amendment was withdrawn.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Colorado withdraw his amendment to the amendment and does the Senator from Indiana withdraw his amendment?

Mr. BOWEN. The proper way I think would be for the Senator from Indiana to withdraw his amendment and accept my substitute with the amendment which he proposes to that. I suppose that would make the record read right.

The PRESIDING OFFICER. The Chair simply desired to know that the two pending amendments were withdrawn, and the Chair would then entertain the amendment suggested by the Senator from Indiana.

Mr. HARRISON. I see no objection to that course.

Mr. BOWEN. There being the office of surveyor-general provided for, it obviates the necessity for all the great detail that was embraced in the rest of my amendment. In fact there was no surveyor-general necessary if an existing officer could be made such *ex officio*. The general laws of the United States are ample; they point out the details.

Mr. HARRISON. The record may then show that the amendment I offered to section 8 is withdrawn and that the amendment offered by the Senator from Colorado to that amendment is withdrawn, and that I then proposed the amendment which I have just outlined.

The PRESIDING OFFICER. The two amendments heretofore offered, one by the Senator from Indiana and the other by the Senator from Colorado, being withdrawn, the Secretary will report the amendment now proposed by the Senator from Indiana.

The CHIEF CLERK. After the word "that," the first word in section 8, it is proposed to insert:

> The said district of Alaska is hereby created a land district, and a United States land office for said district is hereby located at Sitka. The commissioner provided for by this act to reside at Sitka shall be *ex officio* register of said land office, and the clerk provided for by this act shall be *ex officio* receiver of public moneys, and the marshal provided for by this act shall be *ex officio* surveyor-general of said district; and.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. HARRISON. I now ask that the amendment proposed by me a while age to come in at the end of section 8 may be adopted.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. At the end of line 22, section 8, it is proposed to add:

> But nothing contained in this act shall be construed to put in force in said district the general land laws of the United States.

The amendment was agreed to.

Mr. PLUMB. In section 8, line 9, after the word "occupation," I move to insert "or now claimed by them," being the amendment which I proposed day before yesterday; so as to make the proviso read:

> *Provided*, That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them, but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. HARRISON. As I said to the Senate yesterday, it was the intention of the committee to protect to the fullest extent all the rights

of the Indians in Alaska and of any residents who had settled there, but at the same time to allow the development of the mineral resources of that Territory, if there are such resources, as seems to be believed. As the amount of territory that could be taken up under the mining law would be very small, and as the prospectors or claimants under the law could not invade, under this bill, the actual territory occupied by any one, we supposed the provisions of the bill were sufficient; but I do not care to antagonize seriously the proposition of the Senator from Kansas.

The amendment was agreed to.

Mr. BOWEN. The first amendment which I proposed to offer after the one just disposed of is to section 1. At the end of section 1 I move to insert:

The temporary seat of government of said district is hereby established at Sitka.

No seat of government is fixed in the bill.

The amendment was agreed to.

Mr. PLUMB. In regard to the proviso in section 8 of the bill as reported from the committee, giving absolute title to 640 acres of land surrounding each missionary station, I am advised by those who claim to know, by reason of personal inspection, that that would work a very great injustice; that there are located near the missions not only Indians who claim title, but also white men, and that to spread out the mission reservation to the extent of a mile square would undoubtedly dispossess a great many people and lead to a great deal of trouble. As the bill is merely tentative, I suggest that instead of that the proviso be so amended as that those people may be permitted to occupy what they are now occupying until we get the report called for in section 12, instead of confirming to them absolutely 640 acres of land, which, as I am informed and believe, would result in dispossessing persons who are on the ground, and who are entitled to just as much consideration as the missionaries themselves.

I therefore move to amend the last proviso of section 8 by striking out in line 17 the words "title to the" before "land;" in line 20, inserting "shall" after "societies," and striking out the words "confirmed and established in," and inserting "continued in the occupancy of;" and adding at the close of the proviso the words "until action by Congress;" amending the proviso in such a way that the missionary stations shall remain with the precise boundaries and holdings that they have now temporarily confirmed to them until such time as Congress can be advised and determine exactly what they shall have permanently.

Mr. HARRISON. Do I understand the Senator from Kansas to move to substitute the word "possession" for "title?"

Mr. PLUMB. I propose to make the proviso read:

That the land, not exceeding 640 acres at any station now occupied as missionary stations among the Indian tribes in said section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which said missionary stations respectively belong until action by Congress.

That is to say, they shall simply be permitted to occupy the land as they are now occupying it until such time as we come with knowledge to settle their rights permanently.

Mr. HARRISON. I think the criticism of the Senator from Kansas is probably just. The provision which he seeks to amend is similar in kind to provisions inserted in the laws organizing both Oregon and Washington as Territories; yet as the theory of the bill is to keep open all matters of claims to land until the report can be received, it would perhaps be more in harmony with the general scope of the bill if the proviso were put in some such shape as the Senator suggests. I suggest to him, however, that the word "possession" be inserted instead of "title," and that it be made to read, "the possession of the land now occupied."

Mr. PLUMB. I have no objection to that or any other form of language which will carry out the idea.

Mr. HARRISON. Perhaps the Senator's amendment will be found to cover it if he will have it reported.

Mr. PLUMB. My amendment simply provides that the land shall be continued to them in their occupancy.

The PRESIDING OFFICER. The amendment of the Senator from Kansas as proposed to be modified will be reported.

The CHIEF CLERK. In section 8, line 17, it is proposed to strike out the words "title to" and insert "possession of;" in line 20, to insert "shall" after "societies;" in line 21, to strike out the words "confirmed and established in" and insert "continued in the occupancy of;" and in the last line of the proviso, after the word "belong," to insert "until action by Congress."

Mr. HARRISON. Excuse me; the clause would not read properly.

Mr. PLUMB. I will ask the Secretary to read the proviso as I originally proposed to amend it, and I think it will be seen that that will answer the purpose just as well.

The Chief Clerk read as follows:

And provided also, That the land, not exceeding 640 acres at any station, now occupied as missionary stations among the Indian tribes in said section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which said missionary stations respectively belong until action by Congress.

Mr. HARRISON. I see no objection to that in its present shape.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. BOWEN. I have several other amendments to propose, and I should like to keep the floor until all of them are placed before the Senate. In section 3, line 8, after the word "shall," I move to insert "during his term of office;" so as to read:

And a district judge shall be appointed for said district, who shall, during his term of office, reside therein.

Mr. HARRISON. I have no objection to that amendment.

The amendment was agreed to.

Mr. BOWEN. In section 4, line 3, after the word "shall," I move to insert "during their terms of office;" so as to read:

That a clerk shall be appointed for said court, who shall be *ex officio* secretary and treasurer of said district, a district attorney, and a marshal, all of whom shall, during their terms of office, reside therein.

Mr. HARRISON. I have no objection to that amendment.

The amendment was agreed to.

Mr. BOWEN. In section 4, line 14, after the word "mortgages," relating to the duties of the clerk of the court, I move to insert "and certificates of location of mining claims;" so as to read:

He shall be *ex officio* recorder of deeds and mortgages and certificates of location of mining claims, and other contracts relating to real estate.

The amendment was agreed to.

Mr. BOWEN. In section 7, line 20, after the word "court," I move to insert the words "or judge." That is where the section provides that a certain length of time shall be given for an appeal, and the appeal bond it seems by the bill is to be approved by the court. Of course there will be no court out of the Territory. I have proposed to add the words "or judge," so that the judge in vacation may approve an appeal bond.

Mr. HARRISON. The court referred to, from which the appeals are to be prosecuted, is the commissioner's court which is constituted. I do not think the term "judge" would perhaps correctly describe that officer. He is to discharge judicial functions, those of a justice of the peace and those of a commissioner under the laws of the United States. "Or the commissioner" would be more appropriate than "or judge," or perhaps "to be approved by the commissioner" would be still better.

The PRESIDING OFFICER. Does the Senator from Indiana propose an amendment?

Mr. HARRISON. I suggest to the Senator to substitute the word "commissioner" for "judge." The appeal referred to is an appeal from the commissioners. That part of section 7 reads:

In all civil cases, at common law, any issue of fact shall be determined by a jury at the instance of either party; and an appeal shall lie in any case, civil or criminal, from the judgment of said commissioners to the said district court, where the amount involved is $200 or more, upon the filing of a sufficient appeal bond by the party appealing, to be approved by the court.

Mr. BOWEN. Then let the words "or commissioner" be inserted after "court."

The PRESIDING OFFICER. The Senator from Colorado modifies his amendment by striking out the word "judge" and inserting the word "commissioner;" so as to read:

Upon the filing of a sufficient appeal bond by the party appealing, to be approved by the court or commissioner.

The question is on agreeing to the amendment so modified.

The amendment was agreed to.

Mr. SAULSBURY. I submitted an amendment yesterday intended to be proposed to the bill. I desire now to make a verbal change in the amendment. I used the term "Alaska Fur Seal Company." I am told that the name is the Alaska Seal Fur Company. I desire to make that modification in the amendment, and I desire also after the word "Congress," in the fourth line of my amendment, to add "the results of such inquiries and."

The PRESIDING OFFICER. The amendment of the Senator from Delaware will be reported as modified.

The CHIEF CLERK. In section 5, at the end of line 28, it is proposed to add:

The governor and commissioners to be appointed under the provisions of this act shall, from time to time, inquire into the operations of the Alaska Seal Fur Company, and shall annually report to Congress the results of such inquiries and any and all violations by said company of the agreement existing between the United States and said company.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

Mr. SAULSBURY. I understand that there is a contract between that company and the United States by which the company pay for certain privileges granted to them the sum of $300,000, or something over that. The operations of that company are principally at the islands on the coast of Alaska, several thousand miles from the seat of this government. I understand that the supervision of that contract is by a Treasury agent appointed by that Department; and it occurred to me that as we are providing officers adjacent to the scene of their operations we ought to confer upon those officers some supervising power to inquire into and ascertain the operations of the company, and whether

any violation of the contract existing between the Government and the company has taken place or does take place.

I have therefore offered this amendment. I do not know that it reaches the result I desire to reach, but I think the Government ought to have complete supervision over that company or any other company that is invested with remunerative privileges under any agreement with the Government, and I offer this amendment as the best I could.

Mr. HARRISON. I have no objection in the world to using any of the officers provided for by the bill for the purpose of exercising any just supervision over the relations of the Alaska Fur Seal Company to the Government of the United States. I suggest, however, to the Senator from Delaware that he has coupled here the governor and the commissioners, making a board of five. The commissioners and the governor will be residing—I hesitate to say how many miles apart, but certainly they will not be more convenient to each other for conference in relation to a matter of this kind than a person resident in New York would be to one resident in Saint Louis. I think I am not exaggerating perhaps as to the extremes of the stations that are fixed; at least they are very widely apart. That being so, and this amendment constituting five a sort of commission to make such an inquiry, it would involve an expense for which we have no appropriation in getting them together.

I suggest, therefore, to the Senator that he strike out the commissioners and devolve the duty upon the governor, and then we should have it devolved upon a single individual, who would be able to exercise some such supervision. That would be in harmony with the provisions of the bill, which require the governor to report through the President to Congress upon all subjects affecting the interests of the Territory. I do not think anybody can make an objection to that, but coupling the commissioners with the governor would make a very awkward commission for this purpose.

Mr. SAULSBURY. I have no doubt that there is wisdom in the suggestion of the Senator from Indiana. I did not know what might be the locations of the commissioners. I inquire of the Senator from Indiana whether it might not be proper to associate with the governor the district judge who is to be appointed for that district?

Mr. HARRISON. I should object to that, for the reason that the judge is designated to perform judicial functions and this would confer upon him a ministerial function. Cases might come before his own court to try as a judge which he would have already investigated as a commissioner under such a provision, and which would disqualify him for that sort of service.

Mr. SAULSBURY. I do not understand that anything in connection with that service would ever come before his court, for the amendment requires that the report shall be made to Congress. However, I will adopt the suggestion of the Senator from Indiana and so modify my amendment.

Mr. HARRISON. I think the Senator had better do that.

Mr. SAULSBURY. I will modify my amendment by striking out the words "and commissioners," so as to leave the matter with the governor.

Mr. HARRISON. I suggest then to strike out the words "and commissioners to be," so as to read simply "the governor appointed under the provisions of this act shall, from time to time, inquire into the operations," &c.

Mr. SAULSBURY. I accept that suggestion.

The PRESIDING OFFICER. The amendment will be so modified; and the question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. PLUMB. In section 12, line 6, after the word "use," I move to insert "what provision should be made for their education and support;" so as to make the section read:

That the Secretary of the Interior shall select two of the officers to be appointed under this act, who, together with the governor, shall constitute a commission to examine into and report upon the condition of the Indians residing in said Territory, what lands, if any, should be reserved for their use, what provision should be made for their education and support, what rights by occupation of settlers should be recognized, and all other facts that may be necessary to enable Congress to determine what limitations or conditions should be imposed when the land laws of the United States shall be extended to said district; and to defray the expenses of said commission the sum of $2,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

I want simply to enlarge the subject of the report to be made by the governor and the commissioners in regard to the Indians. The report called for by the section as it now stands refers simply to the land to be reserved for their use and occupancy; but in view of the action taken yesterday I desire that we shall have the report broad enough to enlighten us upon what our relations ought to be in other respects. I therefore move the amendment.

Mr. HARRISON. I ask the Senator from Kansas to strike out the words "and support."

Mr. PLUMB. I consent to that.

Mr. HARRISON. I do not think we ought to introduce that suggestion.

Mr. PLUMB. Probably not. I accept the modification.

The PRESIDING OFFICER. The amendment will be so modified, and so modified the question is on agreeing to the same.

The amendment was agreed to.

Mr. VEST. I should like to have the Secretary of the Senate read section 15 of the bill as now amended.

The PRESIDING OFFICER. The Secretary will report the fifteenth section of the bill. It is now section 14, the former fourteenth section having been stricken out.

Mr. VEST. I refer to the last section of the bill.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

SEC. 14. That the provisions of chapter 3, title 23, of the Revised Statutes of the United States, relating to the unorganized Territory of Alaska, shall remain in full force, except as herein specially otherwise provided; and the importation, manufacture, and sale of intoxicating liquors in said district is hereby prohibited, under the penalties which are provided in section 1955 of the Revised Statutes for the wrongful importation of distilled spirits.

Mr. VEST. Is that section now open for amendment?

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and is open to amendment, every section of it.

Mr. VEST. I move to strike out the words "and the importation, manufacture, and sale of intoxicating liquors in said district is hereby prohibited," and to insert:

And the commissioners appointed under this act shall be authorized to restrict, regulate, or prohibit the manufacture and sale of intoxicating liquors.

So as to read:

And the commissioners appointed under this act shall be authorized to restrict, regulate, or prohibit the manufacture and sale of intoxicating liquors in said district under the penalties which are provided in section 1955 of the Revised Statutes for the wrongful importation of distilled spirits.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. VEST].

Mr. VEST. Mr. President, I do not propose to go into the irritating question of prohibition or the temperance agitation, but I simply want to say that we ought to be consistent, and we ought not to practice a little hypocrisy here among ourselves. We have to-day a statute in regard to Indian reservations which prohibits the selling or giving of intoxicating liquors to any Indian, but the Secretary of War, I believe, in the language of the statute, is permitted to allow intoxicating liquors to be introduced into any reservation at his discretion. Section 2139 of the Revised Statutes reads:

SEC. 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person, except an Indian, in the Indian country, who sells, exchanges, gives, barters, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor or wine into the Indian country, shall be punishable by imprisonment for not more than two years, and by a fine of not more than $300. But it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country, that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department.

In the act referred to in the bill relating to the unorganized Territory of Alaska the provision is as follows:

The President shall have power to restrict and regulate or to prohibit the importation and use of fire-arms, ammunition, and distilled spirits into and within the Territory of Alaska.

In the first place, this is not an Indian reservation. This is a Territory; it is an inchoate State. If we propose now to establish the principle of prohibition, let us do it in a fair, just, and manly way. Do not let us sneak in the doctrine as to a country which is hibernated for eight months in the year and force the inhabitants, whether American citizens or not, in the midst of thick-ribbed ice to live on ice-water, while in the rest of the Territories the inhabitants are drinking any quantity of alcoholic stimulants at their own sweet will and pleasure.

We are now about to prepare these people for admission as a sovereign State; and the argument I presume for this extraordinary provision is that that country is populated almost entirely by Indians. I see upon my desk this morning, and I presume it is upon the desk of every other Senator, a statement of the native tribes of Alaska. This paper, coming from the superintendent of the Presbyterian missions in Alaska (and I take it that proceeding from so reverend and ecclesiastical a source the statement must be correct), states that—

The native population of Alaska is about 34,019, including 1,683 creoles or half-breeds. Of these, 19,698 are classed as Orarians and 12,698 as Indians.

Then it goes on with the subdivisions of the Orarians and the Indians.

More than that, this amendment is the most extraordinary that ever has prevailed upon this continent. While serving upon an Indian committee last summer it was my fortune to be found in the northwestern province of Canada, the other side of what is known as the Dominion. There the council has established a prohibition law the most stringent I believe ever enacted on the continent of North America or anywhere else. They prohibit the importation, the sale, the manufacture, the giving away, or the drinking of liquor except for medicinal purposes; and in order to get a drink you must have not only the certificate of a physician, but he must certify that he has physically examined the person and found that alcohol is absolutely necessary as a medicine. But this amendment goes further than that. This amendment prohibits the use of alcoholic stimulants even for medicinal purposes. It prohibits the importation or use for any purpose whatever. It takes away all discretion from the authorities of the United States or of the Territory of Alaska. I do not propose to say whether that is right or wrong. I have my opinion on prohibition,

which I have openly announced, and which I propose to announce at the proper time, but I do not choose to go into that now.

If the friends of this bill, and I am not inimical to it, propose to inaugurate this principle as to the Territories of the United States, in the name of fair play, consistency, and honest dealing with each other, let us apply it to all the Territories. Let us make it at once what I think the mover of this provision incorporated in the bill intended it to be, an affirmative approval of the doctrine of prohibition everywhere that the authority of the United States extends.

I shall vote against the bill with this provision in it. With my opinions in regard to the principle of prohibition I shall vote against it, although I am on the committee that reported the bill to the Senate. I shall vote against the doctrine wherever I find it to the extent that it is laid down in this bill. The attempt by legislation of the United States Congress or by any other tribunal to stamp out the existence of what is an article of commerce and to say that it shall not be used for medicinal or any other purposes is so foreign to my ideas of the rights of American citizenship and of the Constitution of the United States even, that I shall never be found in favor of it at any time or at any place.

For these reasons, sir, I have moved the amendment.

Mr. FRYE. I do not think that even with prohibition those Indians will suffer a great deal, for I find on page 120 of the tract which the Senator spoke about that the people of San Francisco are exceedingly hospitable to them. They have a gathering place at Noyatäg River, where they meet in force to sell skins, &c. It says:

> It is to these gatherings that the traders come in schooners fitted out at San Francisco or Sandwich Islands, with cargoes of whisky labeled "Florida water," "Bay rum," "Pain-killer," "Jamaica ginger," &c. The finest furs of Alaska are obtained at these fairs.

So that the medicines even with prohibition will get in as "Bay rum," "Florida water," and "Jamaica ginger." In regard to the frozen water, which seems to arouse the sensibility of the Senator from Missouri a little bit, my judgment is from what occurs on the next column that frozen water will not be quite so bad for those poor Indians as rum that is not frozen:

> Directly south of Behring Straits is the large island of Saint Lawrence. Formerly it had a population of eight hundred. They are the largest and finest-formed people of the Innuit race—but slaves to whisky.
>
> In the summer of 1878 they bartered their furs, ivory, and whalebone to the traders for rum. And as long as the rum lasted they spent their summer in idleness and drunkenness, instead of preparing for winter. The result was that over four hundred of them starved to death the next winter. In some villages not a single man, woman, or child was left to tell the horrible tale.

If under a prohibitory law they were deprived of their "Bay rum" and "Florida water," I do not believe they would suffer from disease any more than those poor Indians of Saint Lawrence suffered from the California whisky which they received in exchange for their furs.

Mr. PLUMB. I stated yesterday the theory upon which I proposed the amendment to the clause which the Senator from Missouri seeks to amend. We are legislating for a Territory in which a large majority of the people are Indians. I do not care whether you call them Aleuts or Sioux, or what you call them, they are still Indians according to a proper application of that generic phrase. They are subject especially to the vice of whisky-drinking, which has been so recognized from the time when the white man first came to deal with them. It is an offense now under the statutes of the United States (and I do not think it has ever aroused the sensibilities of anybody before) to take a drop of liquor into the Indian Territory. There are more white people to-day living under prohibition, whatever the effect of it may be, in the Indian Territory by ten to one (and when I say the Indian Territory I mean that Territory set apart and known as the Indian Territory lying west of the States of Missouri and Arkansas) than there are in the Territory of Alaska, or probably will be for years to come. I hope that when the bowels of compassion of the Senator from Missouri are moved for the people living under the shadow of the Arctic circle in Alaska, he will give some of his sympathy to the people who are living in the Indian Territory. If he appeals to me to know why we shall not make the same rule in regard to the other Territories of the United States, I hope that he will himself respond to the inquiry which I now propound: Why not extend the rule which he seeks to establish in Alaska also to the Indian Territory?

Mr. JONES, of Florida. Will the Senator permit me to put a question to him on that subject?

Mr. PLUMB. Certainly.

Mr. JONES, of Florida. I would ask him if there is any treaty stipulation between this and any other government in the world guaranteeing to the citizens in the Indian Territory the rights of citizens of the United States?

Mr. PLUMB. The Senator from Florida need not have asked me that question, because he could have answered it better than I. It answers itself. As a matter of course we have no treaty relations with any foreign power in regard to the people living in the Indian Territory; but the inference from the inquiry is that we are not permitted to deal with this question at all in Alaska; that we can not put any embargo upon anything which we regard as injurious to the Indians in the Territory of Alaska. If the Senator from Florida is willing to put himself upon that position, I am ready to meet him there.

It is in evidence not only from the testimony which the Senator from Maine has read but testimony which is in the mouth of every person who knows anything about that Territory, that there is no Indian population on the North American continent so susceptible to the bad influences of intoxicating liquors as the Indian population of Alaska. The entire danger that has arisen there to the white people by reason of their contact with them has grown out of the fact that they use intoxicating liquors, which madden them, which excite them to murder, which place human life and property and every other thing that is desirable under a system of social order in peril.

Therefore, following the example that I find put down under section 2139 of the Revised Statutes, to the effect that no ardent spirits shall be introduced under any pretense into the Indian country, I proposed the amendment which was adopted yesterday. If when we come to deal with this question at large the white people there shall find themselves deprived of some privilege which they regard as valuable they can make their wants known, but pending that I simply desire to establish the same rule in regard to the Indians in Alaska that we have established everywhere else on this continent where we had to deal with Indians by law.

I do not care now to be drawn into the general question of prohibition, which the Senator from Missouri seems to hanker after. He and I both will have occasion, no doubt, to talk about that question to people who are as fully enlightened and a great deal more cognizant of its practical effects than the people of Alaska. I welcome him to all he can make out of it here or elsewhere. This is not the time nor is it the occasion for the introduction of that question in its large aspects, but it is simply the question of our relations to the Indian population, as to whether in dealing with them we shall extend the same rule of humanity in the exclusion of intoxicating liquors from them that we have applied to all the other Indians elsewhere.

Mr. VEST. Using the euphonious and classic language of the Senator from Kansas, I am not "hankering" after a debate on prohibition; nothing of the sort. I simply called the attention of the Senate to the fact that for the first time in the legislative history of the United States we are applying a rule to the Territory of Alaska which we have never applied to any other.

The Senator from Maine [Mr. FRYE] was pleased to read some extracts from a Presbyterian tract to which I had referred, and with the usual facility of gentlemen who come from prohibition States, he assumed to put me, as that interesting class of people always do in regard to their opponents, in the category of those who are defending the ravages the use of alcohol has made in the human family, both savage and civilized. That is about as logical as the rest of the remarks made by him and the Senator from Kansas. The difference between those gentlemen and myself is that I plead for a little consistency and for honest and fair dealing on this question, without any discussion of the proper way to stop or diminish the evil effects of the use of alcoholic stimulants in the United States and its Territories, and I will go as far as any Senator in an honorable and legitimate and consistent attempt to legislate against that evil whenever and wherever I properly can. Do these Senators mean to say that they will vote for an amendment which prohibits the use of alcoholic liquors for medicinal purposes in any part of the Territories of this country? Find me the State where such extreme legislation has ever been had. Is it in Maine? Is it in Kansas, the youngest daughter? Even in those States alcoholic liquors for medicinal purposes are recognized as a portion of the pharmacopœia and used under the law.

The Senator from Kansas asks, why not apply this to Alaska as well as to the Indian Territory? Why, Mr. President, we must look to reason. The Senator ignores in the statutes of the United States the clause in regard to the Indian country, which provides that the Secretary of War may allow the introduction of alcoholic liquors into the Indian country. It is allowed under the statute. The Senator says why not apply the same rule? I ask him why do you not apply the same rule to Alaska? The Indian Territory is down at the lower extremity of the temperate zone, where cattle the year round graze on the natural grasses, and there the use of alcoholic stimulants is permitted; but by this section it is absolutely prohibited even for medicinal purposes in a country where the thermometer goes to 50 or 75 degrees below zero, and where men are hibernated like bears for eight months in the year.

The Senator from Maine has chosen to be facetious about ice-water and my choice of ice-water. Mr. President, I simply mean to say if you have ice-water in Alaska, have it in the other Territories. I do not want to make fish of one and flesh of the other. The Indian Territory, of which the Senator from Kansas speaks, has always had a liberal supply of alcoholic stimulants. There never has been a time when they could not be had in any portion of that Territory, notwithstanding the prohibitory law.

I oppose this amendment of the Senator from Kansas frankly because I will not be committed on this floor to a principle in which I do not believe. I will not be committed here to afflicting the peoples of any portion of the territory of the United States with legislation which I would not apply in every other portion of it and in my own State. I do not believe in the principle, and I shall not by my vote assent to it.

I am not hypocrite enough, thank God, or coward enough to sit here and vote for this bill with such a clause in it. The Senate of the United States has put its approval on this doctrine, because these people have no representative on this floor and are all under the shadow of the North Pole, as the Senator expressed it.

Mr. GARLAND. I wish to make a few remarks, but I want to hear the proposed amendment read along with the context before I proceed.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. It is proposed to amend the amendment agreed to as section 14 by striking out the words "importation"——

Mr. HARRISON. In order that the Senator from Arkansas may follow the reading, let me say that it is section 15, as he has the bill before him in print, section 14 having gone out.

Mr. GARLAND. Section 15?

Mr. HARRISON. Section 15 as printed.

Mr. GARLAND. That is what confused me. Now let the Secretary read.

The SECRETARY. It is proposed to strike out in line 6 the words "importation, manufacture, and sale of intoxicating liquors in said district is hereby prohibited," and to insert after the word "the," in line 5, the words:

Commissioners appointed under this act shall be authorized to restrict, regulate, or prohibit the importation, manufacture, and sale of intoxicating liquors in said district.

Mr. GARLAND. Mr. President, as I stated yesterday in reference to the features of this bill, commencing with section 13 and going to the end, I think they are not necessary elements of the bill to provide a Territorial government for Alaska, but it was thought proper to put them in so as to prevent a double labor and to accomplish everything we want there in the way of a Territorial government and the education of these people in one measure. In the committee I agreed to that, although at first I thought it was better to have the provisions separated.

I think in the minds of some Senators there is a misapprehension as to the purport of this bill. The bill does not undertake to provide what we call technically a Territorial government for Alaska, but under the power of Congress to make all needful rules and regulations for the government of the territory and the other property belonging to the United States we deemed that Congress had the power to provide just such a government as it saw proper there, anything short, if you please, of a regular Territorial government, as we understand it technically.

This is somewhat of a mixed form of government that we provide for the Territory under this bill. The argument of the Senator from Missouri would have some force in it if this bill were a bill providing the ordinary government of a Territory. We have now a kind of mixed government in the Indian Territory. We have a somewhat more mixed government under this bill for the Territory of Alaska. Therefore, I think the suggestion of the Senator from Kansas is perfectly correct that on account of the large number of Indians in this Territory we simply carry out and enforce there in reference to this matter of distilled spirits what we enforce in the Indian country proper by the non-intercourse act between the United States and the Indian country, which non-intercourse act has been in force for many years, is very stringent, very rigid, and is rigidly and strictly interpreted by the courts when that act comes before them.

Mr. VEST. Will the Senator allow me to ask him a question?

Mr. GARLAND. Yes, sir.

Mr. VEST. Does the intercourse act apply to Alaska?

Mr. GARLAND. No, sir; I did not say it applied to Alaska. I said that parallel with what is done in the Indian Territory we apply to this mixed government in the Territory of Alaska on this subject of ammunition and distilled spirits the same provisions. What provisions? The provisions that have been in force really for sixteen years in reference to the Territory of Alaska. We do not tell the President that he must prohibit the use of spirituous liquors there, but we permit him, as section 1955 permits him, to regulate or to prohibit as he sees proper. That is the statute which that country has been under for sixteen years, since July, 1868. If I understand the amendment offered by the Senator from Missouri; he simply changes it from the President to a commission. I do not see the importance of that difference, and I must beg the Senator's pardon if he says this is throwing before the country the somewhat troublesome question of prohibition in all its length and breadth. It is simply permitting what has been going on for sixteen years in that country, and as far as it is applicable is the same provision that we enforce in the Indian country under the non-intercourse or intercourse law, as you choose to term it.

When it comes to the matter of prohibition I concur with the Senator from Missouri to the fullest extent that it is all bosh; it does not prohibit, and it ought not to be undertaken. You might as well, in my judgment, talk about taking a defective eyelash out of a man's eye with a pair of tongs. You may put out the eye, but you will never get at the trouble with the tongs. I think the Senator has mistaken the purport of this bill on that proposition. It simply leaves the President where section 1955 does and where the intercourse or non-intercourse act between the United States and the Indian country leaves that. I think the amendment of the Senator from Missouri is not proper.

Mr. VEST. Allow me another question.

M. GARLAND. Certainly.

Mr. VEST. The Senator was on the subcommittee that prepared this bill for the Committee on Territories. Now, under the amendment of the Senator from Kansas which we have adopted can alcoholic stimulants be introduced into Alaska under any state of case whatever, even for medicinal purposes? I ask the Senator as a lawyer has he any doubt about that proposition?

Mr. GARLAND. I do not understand the question.

Mr. VEST. I ask the Senator as a lawyer whether under the amendment of the Senator from Kansas which we have adopted alcoholic stimulants can be introduced into the Territory of Alaska for any purpose, even for medicinal purposes?

Mr. GARLAND. Unless I have very much misunderstood the amendment, I believe they can.

Mr. VEST. Let it be read again.

The PRESIDING OFFICER. The Secretary will report that clause of the bill as it stands.

Mr. VEST. By that amendment I say they can not; not a drop can go there for any purpose whatever; no drug store can sell spirits. Let the amendment be read.

The PRESIDING OFFICER. The Secretary will report the bill as amended.

The Secretary read as follows:

SEC. 14. That the provisions of chapter 3, title 23, of the Revised Statutes of the United States, relating to the unorganized Territory of Alaska, shall remain in full force, except as herein specially otherwise provided; and the importation, manufacture, and sale of intoxicating liquors in said district is hereby prohibited, under the penalties which are provided in section 1955 of the Revised Statutes for the wrongful importation of distilled spirits.

Mr. GARLAND. I misunderstood the amendment.

Mr. VEST. I say that under that provision not a drop of any sort of alcoholic stimulants, intoxicating liquors, can be carried to Alaska, even to save human life.

Mr. GARLAND. I misunderstood the amendment of the Senator from Kansas. My impression was that it left the matter where section 1955 of the Revised Statutes leaves it.

Mr. JONES, of Florida. I think the Senator from Kansas has fallen into a grave error in classifying the Indians of Alaska with our Indians. The condition of the two classes is very different. It is the policy of the Government with respect to the one to keep the Indian Territory entirely for the benefit of the Indians, and it is its policy to exclude as far as possible white people from going among them. In the other case we have a Territory the dimensions of which almost baffle human calculation. It is being put down as being as large as six hundred thousand square miles, with a coast greater than the whole of the United States on the Atlantic and Pacific together, running close up to Asia, with a population variously estimated from fifty to seventy-odd thousand souls, who from the time of its discovery by the Russians, I think in 1741, up to the present have got along pretty well without governmental interference. The Russians, as we know, established trading-houses there and gave power to a great trading corporation, under whose authority the Territory was governed up to the time that we acquired it; and I believe from all I have heard or read about the Territory that those Indians in that severe climate have got along far better than the Indians that have been under the protection and guardianship and care of this Government.

There was a great deal of force in what was said the other day by somebody on the other side of the Chamber with respect to extending our Indian policy to those Indians. I say that if you study the interest of those Indians and of this Government you will let them alone. They have proved for years back that they are capable of taking care of themselves and their tribal relations, and this attempted interference on the part of the Government now to regulate them necessarily will prove unwise.

This Territory is not in the condition of the Territory known as the Indian Territory. Beside that we have a solemn treaty stipulation here, by which we guarantee to the Russian people there the rights of citizens, which provides for their continuance in the Territory. At the time the Territory was acquired the number of Russians and creoles in the Territory was estimated at about 3,000. The number of employés under the control of the Russian company was put at as high as 8,000, all civilized; and the pamphlet to which reference has been made by the Senator from Missouri, and which is on the desk of every Senator, speaking of the Indians in that Territory, says of them, on high authority, that they will compare favorably with any class of immigrants that are daily landed on these shores from European countries. If that be true, I say their condition is not like the condition of the wild Indians of America with whom we are accustomed to deal and for whom we are in the habit of legislating so severely. One high authority has said that the effect of the introduction of brandy into Alaska was to do away with the practice of using a drug there which was regarded as even worse than intoxicating drinks. I do not know how that may be; but I say I do not think it is wise to undertake to legislate on this high plane for these people, and that the amendment proposed by the Sena-

tor from Missouri is eminently wise to leave a discretionary power somewhere to regulate this matter and qualify the rule of prohibition as circumstances may warrant.

I think we are bound, Mr. President, to give to the people in this Territory some rights. This Government has delayed for sixteen years to do what it was bound to do after we acquired the Territory, to give them some kind of government. It has been delayed.

The Senator from Indiana the other day intimated that I was an enemy of this bill. I am not. I want to know exactly what we are doing, and I think now it would be wise to give some authority either to legislate for these people, to take into consideration their local wants, to adopt reasonable rules of conduct for their Indians, and not to carry into that Territory the entire code of Oregon, which is proposed by this bill, and put it in force and operation over a community to which it may be in no respect adapted. I think if there is anything in the wisdom of legislation it is in accommodating the laws to the condition of the people to whom they apply. There may be circumstances in Alaska that render the application of the Oregon law in many particulars eminently unfit. Still, without knowing what the Oregon law is—and I imagine there are very few Senators here who can tell the outlines of that code—by a few lines in this statute we just put it in force over the entire Territory of Alaska from the confines of Asia down to its southern parts. I do not think that is exactly wise, but still I am not going to antagonize the measure. It may be the best thing we can do just now.

Mr. HARRISON. Mr. President, the Committee on Territories intended in the provision which was reported as section 15 of the bill as it was reported, to avoid, if possible, the discussion of this question as a question of prohibition or license or whatever other phase it may take in the different communities of this country. The statute of the United States, that has been in force for a great many years, gave the President full authority to prohibit absolutely the importation into Alaska of any spirituous liquors. It also authorized him, in line with our legislation upon the Indian question, to prohibit the introduction of fire-arms and ammunition. That was the state of the statute as we found it relating to Alaska when we came to frame this bill, but that discretion did not extend at all to the question of the manufacture or sale of intoxicating liquors within the Territory, and such a manufacture of a debased and injurious liquor had grown up to some extent in the Territory itself. The committee, therefore, proposed in this fifteenth section to extend the powers of the President over this question so as to enable him to restrain or to regulate or to prohibit, if he pleased, within the Territory the manufacture and sale of spirituous liquors. I do not know what regulations, if any, the President of the United States has made under the power which has been lodged in his hands for some years. I do know upon report that there has been very grave and serious troubles originating from the use of intoxicating liquors in the Territory; and so yesterday, when the Senator from Kansas proposed his amendment, I explained somewhat less in detail, but still fully, what I have said to-day as to the position of the committee, and said also for myself that I did not care to antagonize the proposition if the Senate should, as applied to this Territory, as an expedient and temporarily make the prohibition itself. There was no objection, and that amendment was adopted.

Now, Mr. President, while it is true, as the Senator from Missouri says, that Alaska is not an Indian reservation, it is equally true, as the Senator from Arkansas has said, that it is not in the ordinary sense an organized Territory of the United States, even after we have passed this bill. We have no Indian reservations; they have not yet been set apart. If they are to be set apart, we have no provisions there by which we can give the white man any rights with reference to the use or importation or manufacture of spirituous liquors and at the same time save the native populations from the debasing effects of the use of them.

The legislation of this country has for years and from a very early period recognized the fact that it was unsafe for the Indians themselves, unsafe for their white neighbors, that fire-water in the form of any of the spirituous liquors should be introduced among them. We have said so. Now, here is a Territory that is in a condition where we can not discriminate between any white settlers that may temporarily be there and the Indians who reside there. There are no separate bounds as yet for their habitations; they are mingled in towns and villages along that coast; and whatever regulation we make as to the importation or manufacture and sale of intoxicating liquors there must be common to both races.

Now, Mr. President, without at all committing ourselves upon the question of prohibition or license as a general proposition applied to such communities as the Senator from Missouri represents or such as I represent here, may we not all agree that, temporarily, seeing the evils and dangers that result, seeing the mixture and intercommingling of these classes of people who inhabit that Territory—may we not agree that for the present and until the white settlements there shall be further developed and until we shall have had the report of the officers of the Territory as to what rules and regulations should be made for it—may we not agree until then at least, without putting at peril any serious interest of any citizen of the Territory of the white race or the Indian race, to prohibit the manufacture and sale of intoxicating liquors in the Territory.

Mr. VEST. May I be permitted to ask a question?

Mr. HARRISON. Certainly.

Mr. VEST. Does the Senator propose to amend this amendment prohibiting the importation or use of alcoholic stimulants so as to allow it for medicinal purposes?

Mr. HARRISON. I was coming to that in one moment, and I hope to make a suggestion upon which the Senator from Missouri will meet me. It is that that exception shall be incorporated in the amendment adopted on the motion of the Senator from Kansas, and that we shall also add the words "that the President of the United States is authorized to make such regulations as may be necessary for carrying out the provisions of this section." I think we can all agree without reference to the differences we may have as applied to such communities as we live in upon the temperance question, or the question of prohibition, that temporarily as applied to this community as it stands now, where nearly its entire population is Indian, which is being debased and destroyed by the use of intoxicating liquors—we may all agree, acting upon the basis of the legislative policy of this country, to keep these fire-waters away from the Indian temporarily. Let this bill stand as now amended with such an amendment as I have suggested, and leave to the President of the United States the formulation of such regulations as may be necessary to carry it out. I ask the Senator from Missouri if that will not meet his concurrence?

Mr. VEST. Why not leave that power to these commissioners?

Mr. HARRISON. I answer the Senator, simply because the commissioners are located in widely separated parts of the Territory, and it seems to me it were better that the power should be lodged in the hands of some one person, so that the regulations for the entire district may be uniform, rather than to lodge it in the hands of four commissioners, who might make different regulations for the different districts.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. HARRISON. Certainly.

Mr. JONES, of Florida. Has the Senator any information as to what regulations the Russian Government had on that subject?

Mr. HARRISON. I have not. I have no information upon that matter. I ask the Senator from Missouri if he will not propose, in the proper place, an amendment excepting the use of liquors for medicinal purposes. If he will not, I propose the amendment at the appropriate place in the amendment offered by the Senator from Kansas, "except for medicinal uses;" and at the end of the section to add the words:

And the President shall make such regulations as may be necessary to carry out the provision of this section.

Mr. CALL. Mr. President, I suggest to the Senator from Indiana who has charge of this bill whether or not this provision of the Constitution has not some relation to the prohibition which is proposed here. Section 8 of Article I provides that—

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, * * * but all duties, imposts, and excises shall be uniform throughout the United States.

It appears to me that the Territory of Alaska is already within the United States, and that a prohibition in one part of the territory of the United States of an impost or excise or duty while there is such a duty or excise or tax in another is not uniform; and in a Territory like Alaska, coming to us under a treaty, paying to us a revenue of $2,000,000 within a few years, with established commercial intercourse with different parts of the world, with a Russian population guaranteed under the treaty the same rights of commercial intercourse that the citizens of the States have, I do not perceive how you can have a uniform duty or impost upon the importation of liquors at one rate in one portion of the territory of the United States and prohibited in another.

The case of the Indian reservations has no relevancy to the one before us. The Government of the United States has always recognized the territorial sovereignty, to a limited extent, of the Indian tribes who inhabit this country. The theory of our sovereignty and that of the governments of the Old World, from which we derived it, has been recognized, but with a qualified recognition, and in the extinction of the Indian title, dating back to a period before the occupation and assertion of territorial sovereignty by European nations on this continent until the present time when that sovereignty was exercised by this country over the Indian tribes, there remained a recognition to them of a reserved right of occupation and a reserved right of government in their tribal capacity; there was the idea of reservations of country in which the Indian governments, by statute, were allowed to prevail. But I apprehend that the case of Alaska, coming to us under the provisions of a treaty guaranteeing to the inhabitants the same commercial rights that the people of this country have, is different. And, with a constitutional provision on our part that duties and imposts and excises shall be uniform throughout the territory of the United States, we may not establish a different rate of imposts or duties in Alaska from that existing in other parts of this country; and surely prohibition in one part and admission in another can not be uniformity.

Mr. HARRISON. Mr. President, I do not care to debate the constitutional question, but out of respect to the Senator who has proposed it, I can not see what application the constitutional provision he has cited has to this question. We are not laying duties or imposts here

Certainly the power of the Government over the Territories and over the District of Columbia and over the districts ceded to it for forts and arsenals is absolute upon the question of the manufacture and sale of liquors.

Mr. GARLAND. The question raised by the Senator from Florida [Mr. CALL] has been adjudicated by Judge Deady in the district court of Oregon on the constitutionality of section 1955 of the Revised Statutes in the case of the Louisa Simpson, in 2 Sawyer's Reports. He held that it was within the power of Congress to pass such an act and that it was in the power of the President to make the regulation contemplated by that act. I will not detain the Senate by reading the case, but the same point was made there that is now made by the Senator from Florida.

Mr. CALL. The proposition is a very plain one. The Senator from Indiana will not contend that in the District of Columbia or in the Territories of the United States there may be a different rate of imposts and duties and excises from those laid elsewhere. The language of the Constitution is plain and emphatic. A uniform excise, a uniform duty, is plainly demanded. It can not be different. Prohibition in one place and admission in another with a specific tax can not be uniform. There can be no question, I think, in regard to that.

Mr. PLUMB. I am surpised at the sympathy here for the people of Alaska in regard to the use of liquor. This power has been made use of in regard to the prohibition of the introduction of ammunition and fire-arms. There was no prohibition sentiment as such, no question of the application of prohibition in any unusual way, until it was brought into this debate by the Senator from Missouri. My remarks yesterday in regard to my amendment were simply to the effect that I sought to apply the same rule we had applied before to the Indian tribes. I believe now that rule is wise, and there is no exception practically except such as is necessary to enable the military establishment to carry into the Indian Territory the various medical supplies necessary for the use of the medical department of the Army. That is all the exception that section 2139 is meant to cover and all that ever is covered. I have in mind now an application that has been made recently to the Secretary of War for permission on the part of individuals to carry liquor into the Indian Territory, which has been denied, with the statement that so far as the present incumbent was concerned the power had never been exercised except for the purpose of enabling regular military supplies to go along with the military establishment.

If there is anything in the point the Senator from Florida makes, that these people have got some rights there by reason of the treaty, I think, on the whole, they inhere as fully in the matter of arms and ammunition as they do in regard to liquors. I do not think these people need any more the use of intoxicating liquors than they do in the Indian Territory, and my proposition was simply to put them upon the same footing with other Indians and other Indian tribes. But we are not letting them alone, as the Senator from Florida [Mr. JONES] implored us to do; we are interfering with them now in a most material way. If they were left to remain there as Indians freed from intercommunication with whites it would be a different thing, but we are opening the Territory now to the irruption of miners. Not a very large population probably will go there, but some will go, and the contact between the white race and the Indian race has always been followed by the introduction of vices of a certain character which it has been the policy of the law to prevent.

The question now is how much of that we shall do, in what form of words, by what provision of law; and the matter of sentiment which the Senator from Missouri brought in here I think is entirely unnecessary and has nothing to do with the case. It is simply a question of the proper adjustment of our relations with these people in view of the fact that we are establishing certain rules and regulations there which are calculated for the whites, who carry along with them the vices and the disturbances and the disorders which have accompanied heretofore the intermingling between the two races of people.

If the suggestion of the Senator from Indiana can be properly carried out and properly limited, I have no objection to that; but the Senator from Missouri will not find any comfort in that, because he means that there shall be no prohibition whatever, and yet he shelters himself behind a prohibition; he provides that somebody else may prohibit. After vaunting himself on his courage here on this question he is not willing himself to do it, but he says, "I will put up a board of commissioners or somebody else and they may do it, and I will hide behind their skirts while they are doing it!"

Mr. VEST. That is about as fair an argument as we can have on that side of the question. The Secretary of the Interior can permit the introduction of spirits in the Indian Territory, and I think it has been done.

Mr. PLUMB. I referred to the Secretary of War.

Mr. VEST. The Secretary of the Interior, on the part of this Government, has control over that Territory explicitly and positively by statute. The Senator from Kansas says he wants to put this Territory on the same footing with other portions of the territory of the United States occupied by Indians. I want that Senator now to point me to one single foot of the territory of the United States where any such prohibition as this ever obtained. He can not find it. Look at the Revised Statutes. I say the Secretary of War or any officer of the Army can give a permit to take intoxicating liquors into any Indian reservation, much less Territory. The Territories regulate that matter by their own Territorial laws; but the Secretary of War, like a second lieutenant of the Army, can send as much liquor as he chooses into any Indian reservation under the provisions of the statutes now.

Mr. PLUMB. The Senator has not read with his usual care the final clause of section 2139. It is only such officers as are expressly authorized by the Secretary of War who can do that thing.

Mr. VEST. I say the Secretary of War can give that power to a second lieutenant and does do it. He can give it to any officer of the Army if he pleases. But what does the Senator from Kansas do? He prohibits the importation or the use of alcoholic liquors in Alaska even to save human life. You can not sell them for medicinal purposes, you can not use them in the practice of the profession of medicine. A man may be at the point of death, *in articulo mortis*, but not one particle of alcohol can be used by any physician under any state of case whatever.

He says I am bringing in here the question of prohibition unnecessarily. Surely not. It was brought in by the Senator from Kansas. It was brought in by this most extraordinary provision, the most stringent ever introduced into the Senate of the United States or into any legislative assembly on this continent. Never in the most extravagant flights of fanaticism did anybody before propose such a provision as this striking at alcohol for medicinal uses, saying that no man should go into the Territory with a flask of brandy in his pocket, no physician, no clergyman even, should take it there in order to alleviate the pangs of that Arctic region. There never before was such an amendment offered, and yet the Senator says I brought in the prohibition question. He offered the most stringent prohibition ever known anywhere.

The Senator from Indiana appealed to me to know if I would not consent to a modification of the amendment permitting the introduction of alcoholic liquors into the Territory of Alaska under the regulations of the President, as I understood him.

Mr. HARRISON. I do not understand what the Senator says. I can not hear him.

Mr. VEST. I understood the Senator to ask me if I would consent to modify this amendment so that alcoholic liquors might be introduced into Alaska for medicinal purposes under such rules and regulations as the President might prescribe.

Mr. HARRISON. Yes, sir, that was the question.

Mr. VEST. I do not propose to be hypercritical in regard to this bill. I voted for the bill in the Committee on Territories with the section which the Senator from Indiana reported, but the Senator had left this power in the hands of the President, as the Revised Statutes had left it for sixteen years, and I was satisfied with that provision. I am not now convinced against that provision except that since the question has come up, I believe if we are going to establish a local government in any shape or form in the Territory of Alaska, we ought to give to that local government the power of regulating this essentially domestic matter. I believe that if we are about to make a board of commissioners there, that board of commissioners should have the power to say whether alcoholic stimulants should be introduced there for medicinal purposes or otherwise and under what rules and regulations. If the purpose of the committee in reporting this bill is not to give that people local self-government, I am at a loss to know what was the purpose for which the bill was reported from the Committee on Territories.

Mr. HARRISON. If the Senator from Missouri will allow me, the bill as reported from the Committee on Territories did not confide to any officer of this civil district discretion in reference to this question of intoxicating liquors.

Mr. VEST. I know that.

Mr. HARRISON. It confided it to the President, where we propose to confide it now.

Mr. VEST. And I was satisfied with that provision; but that was stricken out, and the amendment of the Senator from Kansas put in. Now I believe upon reflection and after this debate that this power should be given to the commissioners. I presume they meet as a board.

Mr. HARRISON. The Senator misconceives the scope of the bill. They do not meet as a board; they only have the function of commissioners of the circuit court of the United States and of justices of the State of Oregon. They may exercise judicial functions, but there is no provision in the bill for their assembling or meeting as a board on any question.

Mr. VEST. Then, Mr. President, let them regulate this matter as to the respective districts with which they are officially connected. They are the best judges; they are sent there for that purpose. They are given these powers with the distinct design to enable them to judge of the condition of that people and to carry out the laws that we enact.

Mr. INGALLS. I move to amend the amendment by inserting, after the word "district," the words "except for medicinal, mechanical, and scientific purposes."

Mr. HARRISON. I accept that amendment.

The PRESIDING OFFICER (Mr. HALE in the chair). The Senator from Kansas [Mr. INGALLS] moves to amend the amendment.

Mr. HARRISON. I accept the amendment without a vote, if the

Senate will consent that it may be so, as an amendment to my amendment.

Mr. INGALLS. Let it be reported.

The SECRETARY. In line 7, section 14, after the word "district," it is proposed to insert:

Except for medicinal, mechanical, and scientific purposes.

Mr. JONES, of Florida. I ask the Senator from Kansas who is to determine the question?

Mr. INGALLS. I would allow the Senator from Florida to determine it.

Mr. JONES, of Florida. Oh, that will not do.

Mr. HARRISON. If the Senator from Florida will allow me to give another answer besides the very satisfactory one which the Senator from Kansas has made, I would say that I have added a provision that the President shall have power to make such regulations as are needed to carry out the section.

Mr. JONES, of Florida. Now, if you are attempting to legislate for these people, why not go into the subject of polygamy?

Mr. INGALLS. And slavery, which also exists there.

Mr. JONES, of Florida. Slavery and polygamy I believe exist in this Territory under existing usage, I will not say law. I should like to see some wise provision adopted that would have the effect of preserving the morals of the people, although I am free to say that everything that I have read about them is in their favor, and it shows that the Indian population of Alaska to-day, without any Congressional legislation, is in a better position than the Indian population that has been commanding for years the special attention of Congress. Now it is said the whites are going in there to demoralize them. Well, "sufficient unto the day is the evil thereof."

What I complain of is that the Indian population of Alaska are to be regarded as in the same situation as the wild Indians with whom we have been in the habit of dealing. Every information on that subject shows that they are entirely a different class. The great majority of the Indians so called in Alaska have an Asiatic origin. They are known as Eskimo. A copper-colored face, black eyes, and shining ivory teeth are qualities of the Indians in Alaska. They are not to be compared with the wild Indians of the Everglades or of the regions of the West. In looking into their history it will be found that they have given the Government of Russia no trouble; that while she ruled that Territory, from 1741 down to 1867, when we acquired it, that Indian population gave to her as little trouble as any other kind of people of the class in the world ever gave to a government.

I am not one of those who believe that it is always wise to keep in motion the legislative power of this Government. I believe with the celebrated Chief-Justice Marshall, as he expressed in his opinion in the great case of Gibbons *vs.* Ogden, that some subjects are best regulated when they are let alone, and I see very clearly from the indications given out here that we are about to enter upon a policy which after a few years will bring within the jurisdiction of this Government the sixty or seventy thousand Indians of Alaska, hunting Federal corncribs, houses of refuge, stores of supply, and blankets all over that country, and millions of dollars will be called for annually from this Government to meet their wants; a people who up to this time have never asked the Russian Government for a dollar, living in a climate tenfold more severe, where the struggle for life is tenfold harder and more difficult than any region of country occupied by a similar class of people on this continent. And yet that people, thus situated in the ice and snow almost summer and winter, have never had a want provided for by the authority of the government that preceded us in its jurisdiction over them. The authority in that Territory was left to the control of a hard-hearted trading corporation organized at St. Petersburg, that planted itself there and made many of the people slaves in reality; but they toiled and they labored, they wore the skins of wild animals for clothing, they lived on the fish of the seacoast and the berries of the mountain, but they asked no supplies from government. But now, in the very incipiency of the exercise of our authority over that country, the first step that is proposed to be taken is to pass a law on the subject of prohibition under the authority of Congress. It may be wise; it may be that the miners, to the introduction of whom this bill looks, may demoralize these people; but I say that the history of the Indians of Alaska is an instructive one to this Government, and that it ought not to be ignored. It shows that nature, even in so barren regions as that, does not absolutely disinherit her children.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS].

The amendment was agreed to.

Mr. HARRISON. In that same connection, and as part of the original amendment as I offered it, there is another clause, to come at the end of the section. I do not know whether the Secretary has it.

The SECRETARY. It is proposed to insert at the end of the section:

And the President of the United States shall make such regulations as are necessary to carry out the provisions of this section.

The amendment was agreed to.

Mr. BOWEN. I offer the following amendment: After the word "dollars," in the fourteenth line of section 9, insert:

And in addition the sum of $1,000 per annum during the time he may perform the duties of surveyor-general.

So as to read:

The marshal the sum of $2,000, and in addition, the sum of $1,000 per annum during the time he may perform the duties of surveyor-general.

Mr. HARRISON. I do not think this addition to the salary is justified. This officer has fees, and will have some, I suppose, in the new duties which are *ex officio* devolved upon him; and it seems to me the increase is not necessary. After all, the work of surveying is not to be done by him, but there is submitted to him simply the duty under the statute of designating a mineral surveyor, who makes the survey at the expense of the parties for whom the work is done.

Mr. BOWEN. I will simply say that the surveyor-general's duties, whatever they are, are devolved upon the marshal.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado [Mr. BOWEN].

The amendment was rejected.

Mr. HARRISON. There are one or two other amendments pending, which I hope the Secretary will report.

The PRESIDING OFFICER. The Secretary will report the amendment offered by the Senator from Michigan [Mr. CONGER].

The CHIEF CLERK. At the close of section 8 it is proposed to add:

And provided also, That the Secretary of the Interior is hereby authorized and directed to cause such surveys as are necessary to carry out the provisions of this section to be made.

Mr. HARRISON. I do not think that amendment ought to be adopted. We ought to have no surveys at all of any lands in the Territory with a view of establishing the rights of any individuals there until we have first had from the officers who are to be appointed under the bill the preliminary report which they are to make. I do not think we ought to adopt this amendment.

The amendment was rejected.

Mr. JONES, of Florida. I offer the following amendment. Section 9, line 31, after the word "judge," insert:

That all officers appointed for said Territory, before entering upon the duties of their offices, shall take an oath to support the Constitution of the United States; and the Constitution and laws of the United States not locally inapplicable to said Territory are hereby extended thereto.

Mr. HARRISON. I wish to ask the Senator from Florida to accept a change or two in that amendment which he has proposed, and the first is that the word "Territory," in the first line of his amendment, be changed to "district," as this geographical subdivision is called throughout the bill a civil district. The second is that instead of saying they "shall take an oath to support the Constitution of the United States" he shall say they "shall take the oath required by law." The third is in the next clause, "and the Constitution and laws of the United States not locally inapplicable to said district and not inconsistent with the provisions of this act are hereby extended thereto," to add:

But there shall be no legislative assembly in said district, nor shall any Delegate in Congress be sent therefrom.

I think that covers all the Senator wants.

Mr. JONES, of Florida. My amendment does not provide anything about a Delegate.

Mr. HARRISON. I know.

Mr. HOAR. May I ask the Senator from Florida whether he supposes he can extend the Constitution of the United States to a Territory by act of Congress?

Mr. JONES, of Florida. Yes, it is the only way it can be done.

Mr. HOAR. I thought it extended itself.

Mr. JONES, of Florida. No, it does not. I beg leave to differ from the Senator from Massachusetts.

Mr. HARRISON. I will say to the Senator from Massachusetts that I was trying to avoid a controversy which I thought would be somewhat wide if we entered upon it. I hope the Senator from Florida will accept the modifications I have suggested.

Mr. JONES, of Florida. I see no substantial difference, and I accept the Senator's amendments.

Mr. HARRISON. I will state them so that the Secretary can get them. In the first line of the Senator's amendment I propose to strike out "Territory" and insert "district;" then, in line 5, to strike out the word "Territory" and insert "district;" and after the word "district" to insert these words, "and not inconsistent with the provisions of this act;" and then at the end of the amendment to add, "but there shall be no legislative assembly in said district, nor shall any Delegate in Congress be sent therefrom."

Mr. INGALLS. Now may we hear the amendment read as amended?

The PRESIDING OFFICER. The Secretary will report the amendment as amended.

Mr. JONES, of Florida. I presume the Senator means to refer to "the oath required by law."

Mr. HARRISON. I should have added that.

Mr. JONES, of Florida. Being the oath prescribed in the Revised Statutes of the United States.

Mr. HARRISON. Instead of saying "take an oath to support the Constitution of the United States," say "take the oaths required by law."

The PRESIDING OFFICER. The Secretary will report the amendment as modified.

The Chief Clerk read as follows:

That all officers appointed for said district, before entering upon the duties of their offices, shall take the oaths required by law; and the Constitution and laws of the United States not locally inapplicable to said district, and not inconsistent with the provisions of this act, are hereby extended thereto; but there shall be no legislative assembly in said district, nor shall any Delegate be sent to Congress therefrom.

Mr. HOAR. I move to strike out the words "the Constitution and."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts to the amendment.

Mr. HOAR. It does not seem to me that we could put into language a more absurd provision than to say that the Constitution of the United States not locally inapplicable is extended by an act of Congress to a portion of the territory of the United States, which the present amendment as it is phrased does.

Mr. JONES, of Florida. Well, Mr. President, it only shows that great minds will differ. I do not speak of myself, but of the mind of the Senator from Massachusetts and the mind of Mr. Webster. I would remind the Senator that in the great controversy——

Mr. HOAR. On the contrary, Mr. Webster declined even to extend the laws of God to a Territory.

Mr. JONES, of Florida. I remember the debate on that subject, and I think I have authority for saying almost in the language of my amendment that there is no way in which the Constitution of the United States or the general laws thereof can find their way into a Territory except by the action of Congress. That is just what this amendment proposes to do so far as it can do it consistently with the provisions of this bill.

As I said in the debate yesterday, the Constitution was not made for the Territories, it was made for the States of this Union, and it is upon that ground that I have found myself at full liberty to support the measures hitherto reported by the distinguished Senator from Vermont [Mr. EDMUNDS] with regard to Utah, and I never felt myself in the least embarrassed by any argument made by the distinguished Senator from Georgia before me [Mr. BROWN] on that subject, because I feel that when this Congressional authority was legislating for a Territory it had all the power over it that the people in their organic capacity possess in a State, and that the Constitution of the United States does not operate in the Territories unless expressly extended there by the positive provisions of an act of Congress. The distinction between the Territories and the States is plain on this point. A citizen of a Territory, as we know, can not sue in a court of the United States under that clause giving jurisdiction to a citizen of one State to sue a citizen of another in the United States courts. He has no such constitutional right. The Constitution of the United States allows a citizen of one State to sue a citizen of another State in a United States court; but a citizen of a Territory can not do it. This has been the accepted theory as I understand. I want as far as I can to give to these people under the provisions of the treaty the benefit of our organic law.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Florida [Mr. JONES].

Mr. HOAR. The amendment of the Senator from Florida provides that the Constitution of the United States so far as the same is not locally inapplicable shall extend to this Territory. I move to strike that out. That is the whole of it.

Mr. JONES, of Florida. I say "the Constitution and laws of the United States."

The amendment to the amendment was agreed to—ayes 28, noes not counted.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Florida [Mr. JONES] as amended.

Mr. JONES, of Florida. Let it be read as it now stands.

The PRESIDING OFFICER. The amendment will be reported as it now stands.

The CHIEF CLERK. As amended the amendment reads:

That all officers appointed for said district, before entering upon the duties of their offices, shall take the oaths required by law; and the laws of the United States not locally inapplicable to said district, and not inconsistent with the provisions of this act, are hereby extended thereto; but there shall be no legislative assembly in said district, nor shall any Delegate be sent to Congress therefrom.

Mr. JONES, of Florida. Now, we can understand exactly the purpose of the Senator from Massachusetts in moving to strike out that portion of my amendment relating to the Constitution of the United States. I would say to him that the language I adopted was the language that has been adopted in nearly all the organic laws of the Territories of the Union. As to Florida, I can cite the law—I copied it—that the Constitution and laws of the United States not locally inapplicable to the Territory were to be thereby extended. That was the purport of my amendment; and whether the Senator made a mere technical objection whether the Constitution could be severed or not is for him to say. My amendment related to the laws of the United States not locally inapplicable, and not to the Constitution in that regard. It was not open to his mere grammatical criticism. If he thought there was any point in that, the language of my amendment was clearly and distinctly written, and written in the way that has been usual in such cases. In adopting a sentence of that kind I could not see any objection to the language that the Constitution and laws of the United States not locally inapplicable should be in force in that Territory. Now the Senator by his amendment has stricken out the Constitution; he can have it that way.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida as amended.

The amendment as amended was agreed to.

Mr. HARRISON. There are no further pending amendments, I think.

The PRESIDING OFFICER. The bill is still open to amendment.

Mr. VAN WYCK. I offer an amendment in section 9, to strike out, in lines 10 and 11, the words "and in addition thereto," and to insert "which fees shall be reported to the Attorney-General and paid into the Treasury of the United States."

Mr. HARRISON. Let the Senator read it as it will appear.

Mr. VAN WYCK. Yes, sir. The compensation is fixed for the officers mentioned here, to be appointed by the President, and who are to hold their respective offices for the term of four years.

They shall severally receive the fees of office established by law for the several offices the duties of which have been hereby conferred upon them, as the same are determined and allowed in respect of similar offices under the laws of the United States, and in addition thereto—

I propose to leave out "in addition thereto" and insert:

which fees shall be reported to the Attorney-General and paid into the Treasury of the United States.

Then in line 11, before the word "shall," to insert "they." The purpose of the amendment is that here on the very outskirts we shall seek to do that which, if the Senate have not intended to do, a very large proportion of them have been very strongly in favor of doing, and which the Attorney-General recommends shall be done throughout the United States. He recommends that marshals and that class of officers shall not be allowed to receive fees, but shall receive a salary. That has been recognized and acknowledged, and by examinations made by the Attorney-General into the marshals' offices in the different States in this Union he has been led to denounce the fee system most bitterly. If the Senate will indulge me a moment, I will read from the report of the Attorney-General a few lines which show the injustice of the course of officers of this kind far more strongly than I can put it:

The practice of compensating the United States marshal by fees is an expensive one. Examiners of the Department of Justice who have been detailed to examine their accounts report that, in order to make the maximum fees of the office $6,000 per annum, unscrupulous marshals in some instances, through their deputies, have encouraged frivolous prosecutions, outraging the rights of citizens, and involving the United States in unnecessary and excessive expenses. It is estimated that it costs the Government ten dollars expenses for every dollar's emoluments of the marshal. Thus it will appear that it would be to the interest of the Government to give the marshal a fixed compensation, so as to remove all inducements to practice frauds upon the Government on the one hand or wrongs upon the citizen on the other. If the deputy were to be paid fees for executing process, it would insure the same efficiency as the present fee system, and at the same time relieve the Department of the extraordinary expense complained of, as the marshal would have no interest in encouraging such practices.

If that be true in the older States, and it is entirely proved from an examination by the inspectors of the Attorney-General, and it is probably true within the knowledge of nearly every Senator on this floor, it will be far worse in Alaska, a Territory so distant from us as to be outside of the personal inspection, to a very great extent, of the inspecting officers of this Department. To place three or four officers in command of that Territory and give them a license which will be unchecked and uncontrolled to a very great extent to collect fees for themselves will lead to greater abuse than has been reported to us by the Attorney-General. If they are to go there with this power they will encourage litigation unjustly, as it is said such officers do in many of the States. They may greatly encourage litigation, to the annoyance of the people and make the execution of the law odious, as they have done in very many of the States of the Union, not only South but North and not only North but West. In that way they will do an injustice to the people, because here is proof of it, and they will do great injustice to the Government. If the salary fixed here be not enough for the officers named, let it be increased; but I desire that part of the section which allows the receiving of fees as part of their compensation to be dispensed with.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. VAN WYCK].

Mr. JONES, of Florida. Mr. President, I have nothing to say about this amendment, but I want to say just a word in reply to what was said by the Senator from Massachusetts not now in his seat.

Mr. HARRISON. I raise the point of relevancy.

Mr. JONES, of Florida. I am not confined to any particular question.

Mr. HARRISON. I believe the Senator is right.

Mr. JONES, of Florida. It was obvious from the tone and manner of the Senator from Massachusetts that he characterized my amendment as little less than absurd—the idea of carrying the Constitution into the Territories by an act of Congress. I said to him that that was the language usually adopted in all the organic laws of the Territories, and that it could be found in the body of laws known as the Revised Statutes. The little play that he made upon the words was not up to

the standard that he ought to pursue. He thought that my language contemplated the provisions of the Constitution and that it was grammatically incorrect, and he brought forth his amendment and it was carried by his friends on that side of the Chamber, and I imagine that his purpose was to prevent the Constitution of the United States from having any operation in this Territory.

I said in my place in the Senate yesterday that it was no part of the purpose of this bill to give effect to the organic law of the United States. Now I will read that provision of the Revised Statutes relating to the Territories, almost in the very words I employed in my amendment, and it can be found in nearly all the organic laws providing for the organization of the Territories of the Union. Section 1891 reads as follows:

> The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized, as elsewhere within the United States.

Now, I do not suppose that the compilers of this great code contemplated the use of any surplusage, as we lawyers term it; and if the Constitution, as the Senator suggests, operates within the Territories without any legislation, this provision was entirely unnecessary; but, finding this provision in the Revised Statutes, and finding a like provision in the organic law of nearly every Territory that has been organized under the authority of this Government, and knowing, as I knew, that it was not anything that this title relating to the Territories should operate in Alaska, I felt justified in bringing up the amendment and proposing to extend the Constitution and the laws of the United States to that Territory as far as those laws could apply. The language was clear; the purpose was obvious; there was no disguise about it. But the Senator from Massachusetts got up in his place and deliberately moved, in the face of this provision of the Revised Statutes showing that my amendment was necessary to accomplish the end, to have the word "Constitution" stricken out, so that the people of that Territory, notwithstanding the treaty made with Russia, which stipulates in their behalf that they shall enjoy the privileges of American citizens in their property, their lives, and their liberty, are not to have the benefit of the Constitution in that Territory.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. VAN WYCK].

Mr. HARRISON. I agree with the recommendation of the Attorney-General and with the remarks of the Senator from Nebraska that it would be much better if all these officers were put upon the basis of a fixed annual salary; but we have not yet adopted that as the law in relation to similar officers to those constituted by this bill, and I do not think this is a good place to inaugurate it. I am free to say to the Senate that the committee were very much at a loss to know what salaries to fix for these offices which are created in the Territory of Alaska. It will be very expensive to get there; the cost of traveling from any place in this country to the place where one's official functions are to be discharged will be very expensive. We do not know what the expense of living there may be; so it was very difficult to agree in advance what would be a reasonable compensation for these several officers. We have fixed $2,000 for the marshal, striking off $500 which was provided as the bill was introduced, and allowed fees under the laws as they exist in relation to similar officers in the States. I suggest to the Senator from Nebraska that we leave this bill as it is until these matters now in doubt shall have been demonstrated as to what is a fair compensation for the officers who are to serve us in these capacities in that Territory, and that he limit his amendment, if that is needed at all, to a provision requiring them to report under oath to the Attorney-General the amount of fees received by them. Then when the first report comes in at the end of the first year we shall be advised of the amount of fees thus received, and will have that intelligent information which will enable us to fix their salaries with relation to their fees or to abolish fees altogether and give them a stated salary.

I suggest, therefore, that this amendment be not agreed to, as this bill is experimental, and as it is to be developed by the experience of a year there what can be done under it? I hope the Senator will defer this provision until we have general legislation upon the subject or at least until the end of one year.

Mr. VAN WYCK. Mr. President, there would seem in the suggestion of the Senator to be no reasonable difficulty in the way of establishing the compensation by a fixed salary. The governor is to receive no fees which he can appropriate to himself, I take it, but the bill fixes the governor's salary, and there seems to be no difficulty in making a calculation as to the expense of reaching Alaska, and the expense of subsistence after he reaches there, because he is not to receive any fees, and it is as easy to fix the compensation of the marshal and of the district attorney at a stated salary as to fix it for the governor of the Territory.

I knew that the Senator would concede the necessity of making this reformation; it is demanded all over this broad land that this reformation should be made. There are cases in the different States where citizens have been subjected to outrages by reason of the cupidity of men clothed with a little brief authority who wanted to add to the amount of their compensation. It has, as I said before, reached all sections of this Union, and honest homesteaders in the West have been dragged from their homes under the pretense of cutting a stick of timber which they needed for firewood, in order that a marshal might have fees for serving process and an attorney for commencing suit. Under the internal-revenue laws outrages have been perpetrated and committed upon citizens who were not intending to violate, and did not violate the law, solely that gentlemen clothed with authority might be able to wring from honest citizens a compensation which did not properly belong to them. That has become a growing and a crying outrage in this land, so much so that the Attorney-General has thrown all the possible force of the administration of his office, first, into the examination of these outrages, and then into a brief and elegant recital as to the necessity of a reform, not only to protect the citizen but to protect the Government, for he says that every dollar that is added to the compensation of an officer costs the Government ten. When you submit the 400 whites and the 1,500 half-breeds and the 30,000 Indians in the Territory of Alaska who are living now comparatively peacefully and indulging in the rites of Christianity, as this report says—when you put them in the hands of a Federal ring of six or eight men, with nothing to hold them in check but their avarice and cupidity, which even in the surroundings of the law's strong arms can not be held in check, we are doing that people an injustice. If this system be wrong, and it is impossible for the United States to correct it in all the States, at least we have power to protect that handful of whites and those Indians there from introducing upon them a mess—although it may be small—of office-holders who may fasten their clutches upon them, either to wring out the subsistence of their honest earnings or to arraign one citizen against another.

I am glad to see that the chairman of this committee is really in favor of this proposition, and I again repeat that it is as competent and as easy to fix the salary of the marshal and the district attorney as it is to fix the salary of the governor of the Territory.

Mr. HARRIS. Mr. President, I do not think it is probable the Senate will complete the consideration of this bill this evening, and I move that the Senate proceed to the consideration of executive business.

Mr. HARRISON. I hope the Senator will withdraw that motion. I think it is entirely practicable for us to complete the consideration of this bill within a few minutes.

Mr. HARRIS. If the Senator insists on it, I withdraw the motion.

Mr. HARRISON. I shall be obliged to the Senator if he will do so. This amendment and one more are all I know of.

Mr. MORGAN. I concur in the proposition made by the Senator from Nebraska about the necessity of changing our judicial system so as to compensate the clerks, marshals, and commissioners by salaries rather than by fees, and I am afraid we shall not possibly reach the bill to which the Senator from Indiana refers, providing a general system for the control of these officers in the particulars to which I allude. The evils are visited upon every part of this country, and they are very serious. They have provoked the people in some parts of the United States almost beyond measure. The Attorney-General has made a very diligent research through his special agents and other employés into this abuse, and has made representations to Congress which ought to demand our immediate attention, for we find that these officers who are put among the people for the administration of justice are not only abusing that administration, but are scandalizing the administration of justice itself and the very name of the law itself and of courts of justice by their procedure in the matter of charging up fees against the people and making occasion to get a chance to charge fees.

As long as I am a member of this body I will never vote for any bill of this kind that does not contain this provision. I intend by my vote to meet it every time it comes up, and I hope that the chairman of this committee will find himself entirely authorized to accept the amendment of the Senator from Nebraska. It is a sensible amendment, and it is just as easy, as he remarked, to fix the salary of a marshal or of any other officer in the Territory of Alaska as it is to fix the salary or compensation of the governor. Let us remove this temptation away from these men; let us begin now and at least set to ourselves a good example that we shall follow hereafter when a general bill comes up. Let us dispose of this matter as we go along with it, and so provide in this bill as that the officers connected with the administration of justice shall have a fixed salary, and shall not any longer be tempted to commit the abuses and outrages of which the whole country is complaining.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. FRYE. What does that leave the salary?

Mr. VAN WYCK. The governor $3,000, and the other officers at $2,000.

Mr. FRYE. That can not be sufficient.

Mr. VAN WYCK. It is competent for the committee to amend by increasing the salaries. I only want the salaries fixed.

The question being put on the amendment, there were on a division—ayes 29, noes 9; no quorum voting.

Mr. HARRISON. I am satisfied we have a quorum of Senators present, either here or in the cloak-rooms.

Mr. HARRIS. I suggest that the Chair count the Senators present, without the necessity of calling the roll.

The PRESIDING OFFICER. The Chair has no doubt a quorum is present.

Mr. MORRILL. I ask that by unanimous consent there may be a recount.

Mr. INGALLS. Let the vote be taken again.

The PRESIDING OFFICER. If there be no objection, the vote will be retaken.

The question being again put, the ayes were 32.

Mr. HARRISON. I believe a majority of the Senate is in favor of the proposition; I will not contend further about it. It makes necessary at once some amendment which I shall propose.

The PRESIDING OFFICER. The amendment is adopted.

Mr. HARRISON. I suppose, Mr. President—I do not know whether we can get at it in an orderly fashion, the committee having reduced the salaries proposed by the original bill——

Mr. VAN WYCK. I would suggest to the Senator that if my amendment disarranges the ideas of the committee as to the amount of the salary it will be competent for the committee to give that matter consideration.

Mr. HARRISON. It would only be competent for the committee to do it by recommitting the bill, which we desire to avoid. It is not advisable at this stage of it to do that.

Mr. HARRIS. I suggest to the Senator from Indiana, as it becomes necessary for him to prepare an amendment fixing the salaries, that the Senate proceed to the consideration of executive business, and we can finish this matter to-morrow.

Mr. HARRISON. I have been afraid, as the consideration of this bill has protracted itself for some days, that the Senate would become impatient of its consideration. It is not a matter of my own convenience at all, and I am willing to defer, in this respect, to the wishes of the Senate; but I do not like to be holding the attention of the Senate so long upon this bill if it can be avoided. I think by restoring the salary of these officers to $2,500, as proposed by the original bill, that would be sufficient to start with; but in that event we should have to increase largely the salaries of the commissioners, who are given a very small salary, whose compensation was to be largely from fees, and also to make some provision as to whether the fees which are earned under the State law of Oregon, which is put in force, are also to be included or whether these officers are only to report such fees as accrue to them under the laws of the United States. These questions are involved. As to a motion to adjourn or to go into executive session, I am willing to defer to the wishes of the Senate in regard to it.

Mr. HARRIS. With that conditional assent of the Senator from Indiana, I move that the Senate proceed to the consideration of executive business.

Mr. LAPHAM. I desire to offer an amendment, that it may be printed, to come up for consideration to-morrow.

The PRESIDING OFFICER. The Senator from New York asks consent to offer an amendment.

Mr. HARRISON. It is to be printed merely, I understand.

Mr. HARRIS. Let it be printed and lie on the table.

The PRESIDING OFFICER. It will be printed and lie on the table.

Mr. HARRISON. Now, with the permission of the Senator from Tennessee, I simply desire to say that I hope no Senator will feel that I have been neglectful about pressing this bill to consideration and we shall have no complaints if it occupies another day.

Mr. HARRIS. I am sure no Senator can so feel in view of the energy the Senator from Indiana has exhibited on the floor.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate now proceed to the consideration of executive business.

REMAINS OF GENERAL ORD.

Mr. LOGAN. Before the motion is put I ask—if there is any objection to it I shall withdraw the request—to have the bill, which was laid on the table this morning, to remove the remains of Major-General Ord from Cuba to Washington city taken up and passed. I think there will be no objection to it whatever.

Mr. HARRISON. If business intervenes between the consideration of the bill that we have had up and the adjournment, I ask that before there is an executive session it may be again laid before the Senate, so that it shall not lose its place by any technical rule.

The PRESIDING OFFICER. The Chair understands the unfinished business is not to lose its place. The Senator from Illinois asks unanimous consent to take up the bill indicated by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1256) providing for the removal of the remains of the late Maj. Gen. Edward O. C. Ord, United States Army, from Havana, Cuba, to Washington, D. C. It directs the Secretary of War to cause the remains of the late Major-General Ord to be transported from Havana to Washington, and to pay the necessary expense of the transportation and interment of the remains out of the appropriation for contingencies of the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. HARRISON. I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Senate bill 153, in relation to Alaska, is now before the Senate. The question is upon the motion of the Senator from Tennessee [Mr. HARRIS] that the Senate proceed to the consideration of executive business.

Mr. HAWLEY. Pending which I move that when the Senate adjourns to-day it adjourn until Monday next.

Mr. HARRISON. I hope not.

Mr. HAWLEY. I hope we shall agree to this motion, and I will give my reasons. The Senate has been in session a much greater number of hours I think than usual since the holidays, and I am sure that many Senators feel as I do that their committee work is being neglected. I should like a day or two in order to catch up. I say that for myself, and I believe there are others in the same condition. I therefore make the motion that when the Senate adjourns to-day it be to meet on Monday next.

Mr. HOAR. We have nearly completed one-third, as it is now the 24th of January, of the proper time for a long session of Congress, and we have made very little progress. There are plenty of measures upon the Calendar which are ready and matured for the consideration of the Senate on which the country expects action; and now anything reported from a committee by my friend from Connecticut to-day would not be reached in the order of the Calendar for a great many weeks. There is no hurry, therefore, whether such measures come in on Monday or Tuesday. It does seem to me that to give two of the legislative days of every week to committee work when we have so much legislative work ready is a great waste, and we shall have to pay for it after midsummer. I hope we shall finish this Alaska bill to-morrow.

Mr. HARRISON. I unite in that hope. I trust the Senate will be in session to-morrow and finish the Alaska bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut that when the Senate adjourns to-day it be to meet on Monday next.

The motion was not agreed to; there being on a division—ayes 23, noes 24.

EXECUTIVE SESSION.

Mr. HARRIS. I insist on my motion.

Mr. HARRISON. I would ask the Senator from Tennessee to yield for a moment. I desire to ask that the bill pending be printed as amended, so that it may be upon our desks in the morning.

The PRESIDING OFFICER. Is there objection to that order? The Chair hears none, and it is so ordered. The question is on the motion of the Senator from Tennessee that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 11 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 24, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BRAINERD, for to-day.

LEGISLATIVE HALLS, ETC., NEW MEXICO.

The SPEAKER, by unanimous consent, laid before the House a letter from Hon. M. W. Joslyn, Acting Secretary of the Interior, transmitting a copy of a letter from the secretary of New Mexico, submitting an estimate for repairs to legislative halls and committee-rooms, &c.; which was referred to the Committee on Appropriations.

ASSIGNMENT OF ROOMS.

Mr. STOCKSLAGER. I submit a privileged report from the Committee on Public Buildings and Grounds, which I ask the Clerk to read.

The Clerk read as follows:

Your Committee on Public Buildings and Grounds, to whom was referred the letter of the Clerk of the House of January 23, instant, in relation to the necessity for supplying rooms to the enrolling and other clerks now occupying a room which has been assigned by the House to the Committee on Rivers and Harbors, beg leave to report:

That your committee, after a full examination and personal inspection of every available space in the south wing of the Capitol, have unanimously arrived at the conclusion that the only solution of the difficulty consists in the following arrangements:

That the enrolling and other clerks in above-named room be assigned to the rooms now occupied by the stationery clerks and that department; that the stationery clerk and assistants, and property in their charge, be removed to the rooms now occupied by the superintendent of the clerks' document-room, and that the room opposite the room of the Committee on Agriculture, now occupied as a lumber-room by the Doorkeeper, be assigned as a store-room for stationery; and that the superintendent of the clerks' document-room and clerks therein be removed to the room now occupied by the Doorkeeper as an office; and that the room occupied by the War Department records, ordered vacated by the House, be assigned to the Clerk of the House for filing and storage of documents, which will have to be removed to make room for the stationery department.

Your committee therefore recommend the adoption of the following resolution:

Resolved, That the Clerk of the House be directed to carry out the above arrangement; and that all necessary expenses incurred in making these changes and removals and for constructing shelving and cases and caring for the public property and for furnishing the new offices be paid out of the contingent fund of the House under the direction of the Committee on Accounts.

Mr. STOCKSLAGER. I desire to say to the House that we found considerable difficulty in making a suitable arrangement such as would furnish sufficient accommodations for the enrolling clerk and other clerks now in the enrolling-room, and at the same time have them in close proximity to the members of the House. That was deemed important by all the members we consulted and by the Clerk himself.

The arrangement recommended by the committee seems to be entirely satisfactory to the Clerk of the House, to the Doorkeeper, and to all the persons who are affected in any way by the changes. It will furnish, we think, sufficient accommodations for the enrolling clerk and other clerks in his room in the room that is now occupied by the stationery department, which is adjoining to the room of the Committee on Enrolled Bills.

The stationery department will be removed to the rooms now occupied by the superintendent of the clerks' document-room at the west entrance on the floor below. The superintendent of the clerks' document-room will remove his office to the room near the elevator, now occupied by the Doorkeeper as an office.

Mr. TOWNSHEND. Downstairs?

Mr. STOCKSLAGER. Yes, sir. The Doorkeeper will remove his office to the office of the superintendent of the folding department.

The room below in the basement, which will be vacated under the resolution passed by the House requesting the Secretary of War to transfer the records now kept there to the War Department or other safe place, will be used by the Doorkeeper for storage purposes. The small room just opposite the room occupied by the Committee on Agriculture, now occupied as a storage-room by the Doorkeeper, will be used by the stationery department.

This arrangement, the committee think, will give sufficient accommodations to the Doorkeeper, to the Clerk, and to all the other employés.

Mr. TOWNSHEND. It is satisfactory to all the departments of the House?

Mr. STOCKSLAGER. It is satisfactory, as I understand, to the Clerk, the Doorkeeper, and all concerned.

Mr. KASSON. I wish to inquire if I correctly understand the report as respects the room for the enrolling clerks, which is the point that seems to me the most important. Are those clerks to have the room on this floor that is now occupied by the stationery department?

Mr. STOCKSLAGER. Yes, sir.

Mr. KASSON. Just off the old Hall of the House of Representatives?

Mr. STOCKSLAGER. Yes, sir, that is the arrangement; and the Committee on Enrolled Bills have the adjoining room, which will be very convenient, as everybody must know.

Mr. TOWNSHEND. There was so much confusion in the Hall while the resolution was being read that I think few members heard it in its entirety. I ask that it be again read.

The SPEAKER. The resolution itself does not explain the matter sufficiently. If there be no objection the whole report with the accompanying resolution will be again read.

There was no objection, and the report and the resolution were again read.

Mr. RANDALL. I ask the gentleman from Indiana what will be the probable expense of these changes? Has any estimate been made?

Mr. STOCKSLAGER. I will say to the gentleman from Pennsylvania it was impossible to make any precise estimate. There will have to be some shelving transferred perhaps to the present stationery-room and the shelving of that department will have to be transferred to another room.

Mr. YOUNG. I understand the changes will cost in all about $200.

Mr. TOWNSHEND. I trust as it will not cost much to make this arrangement, and as it seems to be satisfactory to everybody concerned, the House will agree to the resolution.

The resolution was adopted.

Mr. STOCKSLAGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COUNTING ELECTORAL VOTES FOR PRESIDENT, ETC.

Mr. EATON. I ask unanimous consent to take from the Speaker's table Senate bill No. 25, to fix the day for the meeting of electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, for reference to the Select Committee on the Law respecting Election of President and Vice-President.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred accordingly.

PENSIONS.

Mr. COOK, by unanimous consent, introduced a bill (H. R. 3953) to abolish all distinctions in the pension laws on account of rank in the service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARDIE HOGAN HELFER.

Mr. YORK, by unanimous consent, introduced a bill (H. R. 3954) for the relief of Hardie Hogan Helfer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FOLEY.

Mr. PEELLE, of Indiana, by unanimous consent, introduced a bill (H. R. 3955) for the relief of John Foley; which was read a first and second time.

The question was upon the reference of the bill.

The SPEAKER. The Chair thinks the bill should be referred to the Committee on Claims.

Mr. PEELLE, of Indiana. This bill requires no appropriation; it simply authorizes the Postmaster-General to credit the applicant with certain moneys overpaid.

The SPEAKER. The Chair thinks that under the rules it should go to the Committee on Claims.

Mr. PEELLE, of Indiana. I desire that it shall go to the Committee on the Post-Office and Post-Roads, and will make that motion.

The motion was agreed to; and the bill was referred accordingly, and ordered to be printed.

GLOUCESTER CUSTOMS DISTRICT.

Mr. STONE, by unanimous consent, introduced a bill (H. R. 3956) to amend section 2527 of the Revised Statutes, relating to the district of Gloucester; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

L. R. WORTHAM.

Mr. HEMPHILL, by unanimous consent, introduced a bill (H. R. 3957) to vest the Court of Claims with jurisdiction to consider and determine the claim of the personal representatives of L. R. Wortham, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY BULLOCK.

Mr. HARDEMAN, by unanimous consent, introduced a bill (H. R. 3958) for the relief of Mary Bullock; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BETSEY CRANDALL.

Mr. HISCOCK, by unanimous consent, introduced a bill (H. R. 3959) granting an increase of pension to Betsey Crandall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIGNAL SERVICE.

Mr. SUMNER, of California, by unanimous consent, introduced a bill (H. R. 3960) to increase the efficiency of the Signal Service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADMISSION TO THE HALL.

Mr. BEACH. I ask consent for the present consideration of a privileged resolution which I send to the Clerk's desk.

Mr. WHITE, of Kentucky. I reserve the right to object.

The SPEAKER. The gentleman from New York [Mr. BEACH] states that it is a privileged resolution. It will be read, and the Chair will then determine that question, and if it be not a privileged resolution, will ask for objections to its present consideration.

The Clerk read as follows:

Resolved, That the Doorkeeper be directed to keep the doors closed to those not entitled to the privilege of the floor for ten minutes after each adjournment.

The SPEAKER. The Chair thinks this is a privileged matter, as it relates to the proper conduct of the business of the House.

Mr. BEACH. I will state briefly the object of the resolution. It is to prevent the confusion, annoyance, and discomfort to which members are now subjected upon every adjournment of this House. The moment that the doors are open outsiders rush in here, choking up the entrances and aisles and passage ways so that it is almost impossible for members to get out of this Chamber.

The resolution simply provides that the doors shall be kept closed for ten minutes, until members have an opportunity to get out of the Hall. I trust it will be adopted.

Mr. NUTTING. I move to amend the resolution so as to make the time twenty minutes instead of ten; ten minutes is too short a time.

Mr. BUCKNER. The resolution should provide that the doors be closed to the entrance of outsiders, not that they should be kept closed.

Mr. BEACH. If the gentleman had heard the resolution read, he would have seen that it provides that the doors shall be closed for ten minutes after each adjournment to those not entitled to the privileges of the floor.

Mr. BUCKNER. That is right.

Mr. TOWNSHEND. I move to make the time five minutes. I sympathize with the object of the resolution of the gentleman from New

York, but as it seems to be designed to enable members to escape from the Hall before the outside public can get at them, I think five minutes is enough. That will enable any member to put on his overcoat and leave the Hall.

Mr. KASSON. Do not quarrel about five minutes.

Mr. TOWNSHEND. There may be persons outside the Hall or in the galleries whom we may want to see at once.

Mr. BEACH. My answer to that is that it will be much easier for any member to go outside and see his visitors than it will be to allow all the visitors to come in here immediately upon adjournment and block up the doors and passage ways of the Hall.

Mr. KASSON. That is so.

The SPEAKER. The question is upon the amendment of the gentleman from Illinois [Mr. TOWNSHEND] to the amendment of the gentleman from New York [Mr. NUTTING], to insert "five minutes" instead of "twenty minutes."

The amendment was not agreed to.

The amendment of Mr. NUTTING, to insert "twenty minutes" instead of "five minutes," was not agreed to.

The resolution of Mr. BEACH was then adopted.

Mr. BEACH moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIVER AND HARBOR IMPROVEMENTS.

Mr. BLANCHARD, from the Committee on Rivers and Harbors, reported back with a favorable recommendation the following resolution:

Resolved, That the Secretary of War be requested to report as early as practicable on the necessity of making immediate appropriations for continuing work on important river and harbor improvements until the appropriation for the next fiscal year becomes available, and to make such recommendations as may be deemed necessary to protect the interests of the Government.

The resolution was adopted.

Mr. BLANCHARD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The regular order being called for, the Chair will proceed to call the committees for reports.

Mr. TOWNSHEND. Does not the unfinished business coming over from yesterday take precedence?

The SPEAKER. That will come up after the morning hour. The regular order now is the call of committees.

FRENCH SPOLIATIONS.

Mr. COX, of North Carolina, from the Committee on Foreign Affairs, reported back with amendments the bill (H. R. 745) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GULF, COLORADO AND SANTA FÉ RAILWAY COMPANY.

Mr. WELLBORN, from the Committee on Indian Affairs, reported, as a substitute for House bill 1576, a bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT PITTSBURGH, PA.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 1339) to enlarge the appropriation for the public building at Pittsburgh; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT CHATTANOOGA, TENN.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 1484) for the erection of a public building at Chattanooga, Tenn.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT AUGUSTA, ME.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 702) for the erection of a public building in the city of Augusta, Me.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JURORS IN UNITED STATES COURTS.

Mr. OATES, from the Committee on Revision of the Laws, reported back with a favorable recommendation the bill (H. R. 3346) to amend section 819 of the Revised Statutes of the United States and regulate the standing of jurors to the foot of the panel; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PENSIONS TO SOLDIERS OF MEXICAN WAR, ETC.

Mr. HEWITT, of Alabama, from the Committee on Pensions, reported, as a substitute for House bill 26, a bill (H. R. 3962) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SERGT. A. B. VAN HEUSEN.

Mr. KASSON, from the Committee on Ways and Means, reported, as a substitute for joint resolution 90, a joint resolution (H. Res. 124) authorizing the collector at the port of New York to deliver, free of duty, a silver cup won by Sergt. A. B. Van Heusen, as a member of the American rifle team at Wimbledon, in July, 1883; which was read a first and second time.

Mr. KASSON. I ask that this resolution be placed on the House Calendar and ordered to be printed.

The SPEAKER. The resolution proposes to remit duties, and in the opinion of the Chair should go to the Committee of the Whole on the state of the Union.

Mr. KASSON. It does not propose to refund anything.

The SPEAKER. But to remit.

Mr. KASSON. To deliver a certain article free of duty.

Mr. KELLEY. It should go to the Committee of the Whole.

The SPEAKER. The Chair thinks so.

Mr. KASSON. Very well.

The joint resolution was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SPEEDY DELIVERY OF LETTERS.

The SPEAKER. The call of committees being concluded, the regular order is the unfinished business under consideration at the adjournment yesterday. The question is, Will the House agree to the recommendation to the Committee of the Whole on the state of the Union to strike out the enacting clause of the bill (H. R. 1071) to provide for the more speedy delivery of letters at free-delivery offices and a special stamp to secure said delivery?

Mr. COSGROVE. I move that the bill with the amendments be recommitted to the Committee on the Post-Office and Post-Roads.

The motion of Mr. COSGROVE was agreed to; there being—ayes 134, noes 24.

STATISTICS RELATING TO CUSTOMS DISTRICTS, ETC.

Mr. BLOUNT. I desire to make a privileged report from the Committee on Ways and Means; and in this connection I wish to submit a parliamentary inquiry. The matter which I propose to report back is a resolution of inquiry, and the question has been raised in the committee whether or not it is necessary to accompany such a resolution with a report in writing, as is usual in other cases.

The SPEAKER. The Chair remembers the rule does require resolutions of inquiry when reported back shall be accompanied by reports in writing. The Chair will cause the rule to be read and the gentleman from Georgia will see it is very comprehensive.

The Clerk read as follows:

2. No bill, petition, memorial, or resolution referred to a committee, or reported therefrom, for printing and recommitment, shall be brought back into the House on a motion to reconsider; and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

Mr. BLOUNT. I have so thought, and merely raise the question so as to have a ruling of the Chair and to have the matter settled.

The SPEAKER. The gentleman from Georgia has the floor to submit a privileged report.

Mr. BLOUNT, from the Committee on Ways and Means, reported back the following resolution, with the recommendation that it be adopted:

Resolved, That the Secretary of the Treasury be requested to furnish this House a tabulated statement showing the number of customs collection districts in each State and Territory of the United States and in the District of Columbia, the number of officers and employés in each district, their rank and pay, the amount of revenue collected in each district and the amount of fees and perquisites, the number of custom-houses and their cost of construction, and the cost of collection in each district of the revenue from such customs duties. Also, the number of internal-revenue districts in each State and Territory and the District of Columbia, the number of officers and employés in each district, with their respective rank and pay, the amount of revenue collected in each district from each source, the amount paid out for rents for buildings, and the costs of collecting the internal-revenue tax in each district.

The resolution was adopted.

Mr. BLOUNT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONGRESSIONAL RECORD FOR AMERICAN LEGATIONS.

Mr. SCALES, by unanimous consent, introduced a joint resolution (H. Res. 125) to provide each of the American legations abroad with one copy of the CONGRESSIONAL RECORD; which was read a first and

second time, referred to the Committee on Printing, and ordered to be printed.

PRINTING ADDITIONAL NUMBERS.

Mr. SCALES, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That the rules be amended by the adoption of the following:

"Motions to print additional numbers of any bill, report, resolution or other public document shall be referred to the Committee on Printing, and when the committee shall report in favor of printing additional numbers, the report shall be accompanied by an estimate of the probable cost thereof, and when the cost of printing such additional numbers shall exceed the sum of $500, the concurrence of the Senate shall be necessary for the order to print the same."

SPEECHES NOT DELIVERED.

Mr. SCALES also, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That the rules of the House be amended by the adoption of the following rule:

"That no speech printed by consent of the House in the RECORD, but not delivered, shall exceed one column in the RECORD."

ENCOURAGEMENT OF AMERICAN MERCHANT MARINE.

Mr. O'NEILL, of Pennsylvania, by unanimous consent, introduced a bill (H. R. 3963) for the encouragement of the American merchant marine; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

DEFICIENCY TO PAY TOBACCO-TAX REBATE, ETC.

Mr. BURNES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes; and I further move that all other bills be passed over for the purpose of reaching that appropriation bill.

The SPEAKER. The gentleman from Missouri moves that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the bill which he has indicated.

Mr. BURNES. I also moved that all other bills be passed over for the purpose of reaching that deficiency appropriation bill.

The SPEAKER. The Chair has stated the question, that the gentleman moves to go into committee for the purpose of proceeding to the consideration of the bill which he has indicated.

Under the practice of the House heretofore established these deficiency bills have been treated as though they were general appropriation bills. The Chair perhaps would not so decide if it were an original question, but conforming to the practice the Chair states the question, Will the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill indicated?

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The bill was read.

Mr. BURNES. I ask that the Clerk read the report of the committee.

The Clerk read as follows:

The Committee on Appropriations, in presenting the bill making appropriations supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes, submit the following report in explanation thereof:

The total amount recommended to be appropriated by the bill being $3,771,965. Of this sum, $3,750,000 is to pay audited claims for rebate of tax on tobacco, as provided by section 4 of the act of March 3, 1883, entitled "An act to reduce internal revenue taxation, and for other purposes." The sum recommended being the amount that it is estimated by the Commissioner of Internal Revenue as necessary to pay these claims.

The letter of the Commissioner of Internal Revenue is printed herewith.

The sum of $21,965 is recommended to meet the expenses of a session of the Legislature of New Mexico to be held on the third Monday in February, 1884.

A letter from the Secretary of the Interior and telegram from the governor of New Mexico are printed herewith in explanation of this appropriation.

TREASURY DEPARTMENT, *January* 5, 1884.

SIR: In reply to your communication of the 2d instant, requesting an examination and report on House bills 650 and 733 for the appropriation of money for the payment of the rebate of taxes on tobacco allowed by the act of March 3, 1883, I have the honor to transmit herewith a report made by the Commissioner of Internal Revenue, on the 28th ultimo, upon the subject, which receives my approval.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, December 28, 1883.

SIR: I have the honor to transmit herewith a copy of House bill No. 650, entitled "A bill to carry out the provisions of section 4 of the act of March 3, 1883, in regard to rebate of tax on tobacco;" also copies of House bill No. 733, and Senate bill No. 771, all introduced, it appears, for the same purpose.

I would suggest the propriety of calling the attention of the respective Committees on Appropriations to the following points:

The amount—$3,586,549.55—named in these bills and in my annual report will not suffice for payment of all the claims. Additional claims have been received since my annual report was made up and others may be received. I would therefore suggest that the appropriation be fixed at a round sum of $3,750,000.

With the substitution of that sum in House bill No. 650, or in Senate bill No. 771, those bills would appear to be well calculated to give the designed effect to the provisions of section 4, act of March 3, 1883.

* * * * * * *

WALTER EVANS, *Commissioner.*

Hon. CHAS. J. FOLGER,
Secretary of the Treasury.

DEPARTMENT OF THE INTERIOR,
Washington, January 8, 1884.

SIR: I inclose a telegram from the Governor of New Mexico, stating that the members-elect of the Territorial Legislature are assembled and ready to commence a session, but that no provision has been made for the payment of their expenses, and urging that an appropriation for the purpose be made immediately. I beg the attention of your committee to the matter.

Very respectfully,

H. M. TELLER, *Secretary.*

CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

SANTA FÉ, N. MEX., *January* 7, 1884.

Hon. H. M. TELLER,
Secretary of the Interior, Washington, D. C.:

The members-elect of the Legislature are here ready to commence a session, but no appropriation has been made for expenses. I respectfully urge that Congress make the appropriation immediately.

L. A. SHELDON, *Governor.*

Mr. HISCOCK. I would like to have some explanation in reference to a provision in this bill declaring who are the legal members of the Legislative Assembly of one of the Territories. I notice there is such a provision in this bill, and would be glad to have some explanation of its purport.

Mr. BURNES. Mr. Chairman, it has not escaped the attention of members on this floor that the bill reported by the Committee on Appropriations is a substitute for several other bills which have been introduced from time to time during the present session to supply deficiencies caused by the failure of the last Congress to make appropriations for obligations payable during the fiscal year. This bill, following the fourth section of the act of March 3, 1883, provides that the reduction in the tax upon tobacco, cigars, cigarettes, and the like shall inure to the benefit of the holder of such commodities who, having paid the tax under the provisions of the internal-revenue laws, were placed in competition with those who on the 1st day of May had paid one-half of the tax. That was doubtless a wise provision of the law; but whether it was wise or not, it was an obligation created by the Government, and one that must be provided for as deficiences are ordinarily provided for. The Committee on Appropriations have therefore unanimously, in accordance with the request of the Secretary of the Treasury and the Commissioner of Internal Revenue, reported this bill, and have instructed me to ask that the House will give it favorable consideration.

In so far as the appropriation for the payment of the Territorial Legislature of the Territory of New Mexico is concerned, and in further consideration of the question with regard to the rebate of the tax upon tobacco, cigars, snuff, &c., I now yield the floor to my esteemed colleague on the committee, Mr. CALKINS, of Indiana, who will explain the subject fully.

Mr. CALKINS. Mr. Chairman, it is not my intention or my desire to speak upon the first appropriation provided for in this bill, namely, the appropriation for the purpose of paying the rebate upon tobacco, snuff, cigars, &c., to the holders of such commodities. I shall confine my remarks entirely to that part of the bill having reference to the meeting of the Legislature of the Territory of New Mexico and providing compensation for its members.

By the organic act of Congress, the act organizing this Territory, among other things it was provided that a Legislature should be elected by the people of the Territory, whose session should not exceed forty legislative days in any one year. The compensation of the members of the Territorial Legislature was also fixed by that act. Afterward the Legislature of that Territory fixed by Territorial enactment the sessions of the Legislature, providing that they should be biennial. This remained the law up to the year 1882, the legislative sessions occurring in the even years, that is to say, 1876, 1878, &c.

In 1882 the Territorial Legislature attempted to change the time from even to odd years for the meeting of the Legislature. They therefore passed a law providing that the next legislative session should be in February, 1883.

That would be one year from its previous meeting in 1882. Congress for some reason—certain reasons have been expressed both to the committee and in the public press—failed to make the appropriation to carry out the Territorial law.

I may stop here to say that from time immemorial—if you can use that term in reference to a country existing for so short a period of time as ours has existed—it has been the recognized doctrine of the country that where there is no adverse or affirmative legislation by Congress setting aside the laws passed by the Territorial Legislature such laws are assumed to be in force and binding upon the people. Now, here was a failure to make an appropriation by the last Congress——

Mr. CANNON. Will my friend permit me just there a suggestion?

Mr. CALKINS. Certainly.

Mr. CANNON. The failure of the last Congress to make an appro-

priation for this Legislature, it is but just to the Committee on Appropriations as well as to the last House to say, was for the reason that no estimates were submitted for the expense of the Legislature of the Territory of New Mexico. The reason is obvious: they had attempted themselves to change the time of holding the sessions of the Legislature without any ratification of the time by Congress, and now for the first time that change is to be recognized and an appropriation made.

Mr. CALKINS. Mr. Chairman, I did not intend, in the remark I made that the last Congress refused to make the appropriation for reasons that had been stated in the committee and in the public press, to cast any reflection upon the committee or to criticise the action of that Congress, because that is immaterial to the present question. It is not necessary in the construction of this bill to inquire what were the reasons that influenced the failure of Congress to make the appropriation. The fact alone remains that there was a failure, and that is enough for our present purposes.

Under the law as it existed before it was attempted to be changed by the Territorial Legislature this month would be the regular time for holding the session of that Legislature. Congress having failed to make an appropriation for the holding of that session last year, this would be the biennial session of the Legislature under the old law. But this curious question of law intervenes, namely, What effect did the law of 1882 of the Territory have upon the meeting, convening, calling together, or assembling of the Legislature without some affirmative action by Congress? It would be worse than useless for Congress to appropriate $25,000 to pay the members of the Territorial Legislature for this session if it should turn out by judicial decision that the Legislature was illegally convened. To save any question, therefore, and give them their regular biennial session, the Committee on Appropriations have reported to this House a proviso in effect setting aside the legislation of 1882 providing that the Legislature should meet in 1883 and biennially thereafter, and fixing the time of meeting on the third Monday in February of this year, and thenceforth biennially.

As to the wisdom of that action I have nothing to say. The fact, however, is that if this bill passes in its present shape it gives to the Legislature its biennial sessions in the even years, but provides that at the next session of that Legislature it shall fix the time for holding its session in 1886.

I may say here that if the Legislature that convenes under this act shall again fix the odd years for the meeting of the Territorial Legislature it will depend upon the next Congress to ratify that action by making the appropriation for their meeting. It is enough now to say that two years have elapsed since they had a legislature. The Territory is new. There is a great influx of immigration to the Territory. Needful laws are required and prompt action on the part of the Legislature to meet certain emergencies is necessary. And I think every gentleman will agree with me that in these Territories where immigration is flowing in, and which are being settled up rapidly, legislation once in two years is certainly required and necessary.

Therefore, Mr. Chairman, I may end what I have to say by remarking that Congress makes a provision in this bill saying that the members of the Legislature elected in 1882 shall be valid and legal members of the Legislature of New Mexico subject to all just and rightful contests. I think that would be so any way. But it was to save any question with reference to this Territorial law which was passed in 1882, ordering the sessions in 1883, 1885, 1887, and thereafter. That is the reason and the purpose of it.

Mr. MAGINNIS. I would suggest to the gentleman that he might also state that similar action has been taken in relation to other Territories.

Mr. CALKINS. Oh, yes; this is not new at all. Though I have not had time to hunt up any of the precedents, still as a matter of history I know that generally Congress has taken this action or like action in regard to Territorial legislation heretofore.

I had designed to yield to the Delegate from New Mexico. But he informs me he will engage in the five-minute discussion, which will meet his views. I yield to the gentleman from Colorado [Mr. BELFORD] five minutes.

Mr. BELFORD. Mr. Chairman, I want to call the attention of the House to one fact, and that is that while in the East they are manufacturing baskets and boots, we are trying to make commonwealths in the West. We are building up great States that will constitute an important portion of this Republic in a few years.

I understand from reliable and authoritative sources that there has been no meeting of the Legislature of New Mexico during the past three years for want of an appropriation made by this Government. I think that such a proceeding upon our part is absolutely shameful. I think we should recognize to the broadest extent and in the largest terms the people of the West; and we should enable them when they are incapable of enacting laws through Congress to enact their own laws, to secure the promotion of their own welfare, and to advance their own interests. I sincerely hope the House will pass this bill.

Mr. CALKINS. I now yield the floor. I presume the chairman of the committee, the gentleman from Pennsylvania [Mr. RANDALL], will probably desire to make some further explanation with reference to this rebate matter, which I have not gone into, and as to which I might simply say that the law passed by the last Congress provided for this rebate and did not make any appropriation to carry it out. I do not want to go into the discussion of that matter, but yield the floor for that purpose to the gentleman from Pennsylvania.

Mr. RANDALL. The gentleman from Missouri [Mr. BURNES] will explain as to that.

Mr. BURNES. I yield five minutes to the Delegate from New Mexico [Mr. LUNA].

The CHAIRMAN. The Chair was informed by the gentleman from Indiana that the Delegate from New Mexico did not desire to speak now but proposed to speak under the five-minute rule.

Mr. BURNES. Then I yield to my friend from Maryland [Mr. FINDLAY].

Mr. HISCOCK. I hope the gentleman from Missouri will allow me to suggest to him that the true reason and probably the only reason why this rebate upon tobacco was not appropriated for in the last Congress was because the bill which provided for the rebate was only passed the 3d day of March; and the sundry civil bill had passed both Houses at that time and was in committee of conference, and there was no time to make the appropriate legislation.

The CHAIRMAN. The gentleman from Maryland is entitled to the floor.

Mr. RANDALL. I want to say that the law was passed during the past fiscal year, and that the indebtedness accrued during the past fiscal year. The claims had to be presented within sixty days following the 3d of March.

Mr. HISCOCK. The law which created this indebtedness was passed in the last Congress, beyond question.

Mr. FINDLAY. It is a matter of little moment how the bill was passed in its present shape. What we want is relief in this case; and it does not make any difference why there was not an appropriation made at that time in so far as the persons who wish this relief are concerned.

By act of Congress approved March 3, 1883, there was provision made for a reduction in the tax on tobacco, on cigars, on cigarettes, and cheroots. It is not necessary to state the precise amount of the reduction on those articles; but it was made, and then there was a provision made that a rebate or a drawback equal to the amount of the reduction should be allowed. It was clearly the intention that both the manufacturers and dealers of the country should get the benefit of that rebate on tobacco. But by some omission, brought about by what cause it does not now make any difference, while there was provision made to pay the manufacturers in stamps there was no provision made to pay the dealers, who could not get the stamps. The provision in the act was that the manufacturers should get the benefit of the rebate in stamps; but inasmuch as dealers do not get stamps and can not use stamps under the law, they were therefore bound to get the benefit of the act in money if they got it at all, and as there was no provision in the act to pay them money they failed to get the relief intended. That is the meaning of the provision. It simply makes an appropriation which should have been made by the last Congress.

Mr. BURNES. I now yield to the gentleman from Kentucky [Mr. WILLIS] for five minutes.

Mr. WILLIS. As my constituents are very largely interested in this bill, and as the bill reported back by the committee is in the main one which was introduced by myself in this Congress, I trust that I may be permitted to make one or two remarks.

And first, as to this bill, I would suggest to the gentleman having it in charge whether it would not be well to insert the words "or so much thereof as may be necessary." I do not know that that is needed, but my understanding from the Commissioner of Internal Revenue is that there will not be needed the full amount here named of $3,750,000, but that that amount will cover all that will be needed. I suggest to the gentleman the propriety of inserting those words, which were in the original bill when introduced by myself.

Mr. BURNES. I have no objection to inserting those words.

Mr. WILLIS. Now, as to the question of the propriety or necessity of this appropriation I do not think there is any doubt. There is no question but that the law was intended to include and did include dealers in as well as manufacturers of tobacco. The reason why the appropriation was not made in the last Congress has not yet been given.

The gentleman from New York [Mr. HISCOCK] undertakes upon that point, to which I desire to call the attention of the House for a moment, to explain the omission by reference to the fact that this bill was passed in the concluding days of the last session of Congress. It is true, as he states, that the law was passed in the hurry and confusion of the last few days of the last Congress.

But will the gentleman state whether there is any reason why provision could not have been made in the law for the dealers in tobacco as well as for the manufacturers of tobacco? Why could not the law have provided for the payment of the rebate to dealers as we are now called upon to provide?

What has been the result? In my own district and in many other districts throughout the country hundreds of poor men, dealers in unbroken packages, who come within the provisions of the law, not being familiar with the law, have been compelled to employ attorneys; and circulars were sent out from this city informing them that they

must send their claims to attorneys here, and that from the amount of their just claims a deduction must be made. Even should this bill pass they will get their money with a loss in the aggregate of $40,000, $50,000, or perhaps $100,000, because of the failure of the last Congress to discharge its duty.

I call attention to this matter now as an injustice, one that we should avoid in the future, for these men have been compelled to wait this long time for their money, and many of them will get it only through the agency of paid attorneys.

Mr. CANNON. Will my friend permit me to ask him a question?

Mr. WILLIS. Certainly.

Mr. CANNON. My friend was a member of the last Congress?

Mr. WILLIS. I was.

Mr. CANNON. Did my friend make any effort or motion to have such an appropriation made?

Mr. WILLIS. It was the misfortune of my friends and myself to be in the minority in the last Congress. And it was your fortune to bring in this bill as a conference report, affecting all these great interests, during the very last hours of the last Congress, which prevented amendment or debate; otherwise the bill never would have passed. That is my answer.

Mr. CANNON. My friend says he was in the minority; still, as I understand it, he was a member of the House.

Mr. WILLIS. Does the gentleman say that I had any right to offer an amendment to the conference report?

Mr. CANNON. If the gentleman will allow me I will state what I intend. The gentleman was in the last Congress. I agree with him that this appropriation ought to have been then made. The gentleman from New York [Mr. HISCOCK], then the chairman of the Committee on Appropriations, has explained why it was not made.

The bill passed on the 3d day of March, after the sundry civil appropriation bill had been acted upon by both Houses. The Committee on Appropriations, therefore, had no authority under the rules of the House to make this appropriation. The Committee on Ways and Means reported this bill and submitted the conference report upon it. I will admit, if the gentleman chooses, that practically neither he nor I nor any other member of the House, owing to the lateness of the session at the time the bill was passed, had power to move this appropriation.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. WILLIS] has expired.

Mr. WILLIS. The gentleman from Illinois [Mr. CANNON] has asked me a question and leaves me no time to answer.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] is entitled to the floor.

Mr. WILLIS. The law provided for paying the rebate to manufacturers.

Mr. KELLEY. And would have included the dealers if the gentleman from Kentucky [Mr. WILLIS] had suggested it to the chairman of the committee reporting the bill, because it was intended to cover all.

Mr. WILLIS. The gentleman knows that we were put under the iron-clad rule of a conference report.

Mr. BURNES. I take great pleasure in yielding now to the distinguished gentleman from New York [Mr. HISCOCK], because I do not desire that in this debate anybody shall be censured or wronged. We all comprehend that there was no wrong intended and no wrong done. We simply state the fact that this Congress is providing for deficiencies created by the last; that is all.

Mr. KELLEY. I ask the gentleman from New York [Mr. HISCOCK] to yield to me for a moment.

Mr. HISCOCK. I will do so.

Mr. KELLEY. I wish to say that while it is true that no suggestion of amendment could be made to the report of a committee of conference, that conference sat for two days, and its chairman and the gentleman from Kentucky [Mr. WILLIS] were not strangers to each other, and the kindest relations existed between them. If he had suggested an amendment it would unquestionably have been adopted, for it was the desire of the committee to make the rebate absolute and full.

Mr. WILLIS. The gentleman knows that neither I nor any other member of the House was aware what the report of the committee of conference would be until that committee entered this Hall.

Mr. HISCOCK. The gentleman from Kentucky will allow me to say that the omission to provide for the payment of this rebate was not the fault of the committee of conference. Does he undertake to say that the bill went from the House into the conference with that provision in it? The bill was considered here in the House; and no gentleman on the other side suggested that it should carry an appropriation to pay this rebate. No one noticed the omission. Am I not right in this? I ask the chairman of the Ways and Means Committee of the last House.

Mr. KELLEY. Entirely so.

Mr. HISCOCK. The provision never was considered in the House. If such a provision had gone upon the bill into the conference it would never have been struck out. The bill was also considered in the Senate; and it went from the Senate into the conference without any provision of the kind. The committee of conference had no jurisdiction over the subject whatever. There was no disagreement in the committee of conference upon this question. The distinguished gentleman who now presides over this House as its Speaker was at that time a member of the Committee on Ways and Means. The distinguished gentleman from Pennsylvania [Mr. RANDALL] now chairman of the Committee on Appropriations was then a member of the Committee on Ways and Means. There were also members on this floor taking great interest in this question. And yet it never occurred to any of them that there was an omission of this kind in the bill. It is one of those matters for which no one is to blame. So far as the Committee on Appropriations of the last House was concerned, I have explained that the committee did not consider it. The general appropriation bills were all in conference before this bill had passed; it was utterly impossible for the Committee on Appropriations to make any provision of this kind. But they did not think of it; no one thought of it.

Now, a single word in reference to the second provision of this bill.

As I understand, the last House adopted a provision for the payment of this sum of money for the legislative government of the Territory of New Mexico. The Legislature of that Territory had changed its time of meeting. A bill making provision to carry that change into effect went to the Senate of the United States. But that body did not indorse the change of the time of the meeting of that Territorial Legislature, and struck it out. In conference the provision went out of the bill.

Mr. CALKINS. That is correct. I had forgotten the fact.

Mr. HISCOCK. These are the facts with reference to that matter.

I have only desired, Mr. Chairman, to speak of this question because I have thought there was undue interest manifested on the other side of the House upon very small matters in reference to these deficiencies which have been presented here, and as to which there certainly was no intention on the part of the last Congress to omit full and ample provision.

Mr. BURNES resumed the floor.

Mr. BLOUNT. I desire to ask the gentleman in charge of this bill a question, if he will yield.

Mr. BURNES. I have no objection to yielding for a question.

Mr. BLOUNT. I presume it is a matter of regulation in the Department, but I want to ask the gentleman, for my own information and that of my constituents, as to the mode in which these claims will be paid after the appropriation shall be made. Will parties be paid by draft?

Mr. BURNES. The Secretary of the Treasury has made rules and regulations for the proving of these claims and the payment of the money. Various claims have been filed and approved or rejected. Where they have been approved, they will be paid to the party entitled by draft upon the Treasury of the United States.

Mr. BLOUNT. When this appropriation shall have been made?

Mr. BURNES. Undoubtedly.

Mr. MILLS. But we ought to provide that the Secretary of the Treasury shall mail the draft directly to the claimant.

Mr. BURNES. I apprehend, Mr. Chairman, that we are all of one mind on this question; that there is no difference between us upon it. Whatever may have been the question in the Forty-seventh Congress, we find these obligations now due by the Government. The money is in the Treasury to pay them; the people to whom the money is due need it; and the people at large need to have the money in circulation rather than in the Treasury. This is an indebtedness which must be paid; and no doubt we are all in favor of paying it at once and being done with it. Under these circumstances and apprehending that the Committee of the Whole is now ready to rise, I move that the committee rise and report the bill to the House.

Mr. WHITE, of Kentucky. Before that is done I wish to ask a question. In reference to claims reported by the Quartermaster's Department to the Secretary of the Treasury, and by him submitted to the House, has it not been the custom to have a list of such claims printed and laid on our desks? I ask the gentleman whether any list of these rebate claims can be had by members?

Mr. BURNES. No such list by name has been furnished.

Mr. HISCOCK. The gentleman from Kentucky [Mr. WHITE] ought to bear in mind that this is not technically paying a debt of the Government; it is virtually returning to these parties money which belongs to them; and there is no reason why they should be delayed until the Department can submit a list of the parties, with the amounts due them.

Mr. CALKINS. My friend from Kentucky, if he will reflect a moment, must see that to prepare and print a list of all these retail dealers who have small claims upon the Government would entail an expense which would not be compensated by the information afforded.

Mr. RANDALL. I wish to say further, Mr. Chairman——

Mr. WHITE, of Kentucky. I hope the gentleman from Pennsylvania will yield to me for one moment.

Mr. RANDALL. Certainly.

Mr. WHITE, of Kentucky. The gentleman from Indiana must see his argument is an appeal to me personally and not founded in reason. These war claims to which I allude, after twenty years' investigation by the War Department, must be reported to the Treasury and by the

Treasury to us. They are printed and considered in the committee and by the House with just such a list of them before the members. Now, does the gentleman from Indiana mean to say a list of the men, an itemized list, who present these claims, will be such an enormous volume we can not have it laid on our desks?

Mr. CALKINS. I will say to my friend from Kentucky that there can be no difference between us at all in reference to this matter. Of course Congress has a right to the list if it so desires, but if the gentleman will look at the provision adopted at the last session of Congress he will see we gave to the Secretary of the Treasury certain directions in reference to paying these claims under rules and regulations to be established by himself. He did establish rules and regulations, but of course whatever his action may be is subject to review by this House at any time.

Mr. WHITE, of Kentucky. I wish to make a further statement to my friend from Indiana, if I have the permission of the gentleman from Missouri.

The CHAIRMAN. The gentleman from Missouri is entitled to the floor.

Mr. BURNES. Now, Mr. Chairman, there is no limit to my endurance, and I trust I may never find a limit to my courtesy and kindness. But I will say to the gentleman from Kentucky that in reference to this plain matter of business I do not wish to see the House wander off to collateral and disconnected questions. I hope, therefore, he will waive the further consideration of the questions to which he alludes. The Secretary of the Treasury and the Commissioner of Internal Revenue have furnished the Committee on Appropriations with a full and complete report of the number of these claims and the amount of all which have been approved and rejected. Every sort of information has been furnished to the committee which could be deemed of any sort of interest in this connection.

Mr. WHITE, of Kentucky. Allow me to say in regard to the ex-Commissioner of Internal Revenue—— [Cries of "Order!"]

The CHAIRMAN. The gentleman from Missouri is entitled to the floor.

Mr. WHITE, of Kentucky. I wish to ask the gentleman to yield to me for one moment.

Mr. BURNES. Certainly.

Mr. WHITE, of Kentucky. I wish to say that gentlemen should bear in mind the bill under which these rebate claims come in here was prepared under the recommendation of the Commissioner of Internal Revenue, who has since resigned to become a claim agent, and that the fact he was to resign for that purpose was published all over the country before he sent in his resignation to the President and before the President fell upon his neck and wept, and that another Commissioner of Internal Revenue has since been appointed to do that which the ex-Commissioner of Internal Revenue recommended should be done. These claims, therefore, come in here in a very suspicious manner, and I should like to see a printed list of them and their amounts laid upon the table. I thank the gentleman for his courtesy in yielding to me.

Mr. BURNES. It would afford me pleasure to hear the gentleman from Kentucky speak on the matter to which he has alluded, but it is not my duty at this time to go into that subject, and I trust the House therefore will pardon me if I refer it to other gentlemen and to a more appropriate occasion. I now move that the committee rise and report the bill to the House with the recommendation that it do pass.

The CHAIRMAN. The bill is now before the Committee of the Whole House under general debate. If the gentleman desires to close general debate he can ask unanimous consent for that purpose.

Mr. BURNES. I ask unanimous consent that general debate be closed on the pending bill.

Mr. WHITE, of Kentucky. I object.

Mr. BURNES. I move the committee rise for the purpose of going into the House to close general debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes, and had come to no resolution thereon.

Mr. BURNES. I move that all general debate on the deficiency bill in the Committee of the Whole House on the state of the Union be closed in five minutes after its consideration shall be resumed.

Mr. WHITE, of Kentucky. Do I understand the gentleman to propose that general debate on the entire bill shall be limited to five minutes?

Mr. BURNES. I do.

Mr. SPRINGER. After that the debate will proceed under the five-minute rule.

Mr. BURNES's motion was agreed to.

Mr. BURNES. I move that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. SPRINGER in the chair).

The CHAIRMAN. The committee resumes the consideration of the deficiency bill, and, by order of the House, all general debate has been limited to five minutes.

Mr. BURNES. I now yield the floor to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Chairman, I simply want to have read in this connection, from the regulations concerning the rebate on tobacco, snuff, cigars, and cigarettes under section 4 of the act of March 3, 1883, a passage which I have marked and which I will send to the Clerk's desk. This paper was handed to me by the gentleman from Pennsylvania [Mr. RANDALL], and as it is of interest to each of us on this floor as well as to our constituents, and as it verifies a statement made by the gentleman from Missouri [Mr. BURNES], I ask that it be read.

The CHAIRMAN. The Clerk will read the extract indicated.

The Clerk read as follows:

On receipt of the claims by the Commissioner, they will be recorded and examined, and when found to be satisfactorily established will be forwarded directly to the Fifth Auditor of the Treasury, who will audit and send them to the First Comptroller. When an appropriation has been made by Congress for the payment of the claims, the Comptroller will, if they be found correct, certify them to the Secretary of the Treasury for the issue of warrants for payment. The draft drawn upon such warrants will be sent by the Commissioner to the collectors, who will deliver them to the claimants in the usual manner of payment of refunding claims.

The rebate on tobacco, snuff, cigars, and cigarettes held by the manufacturer thereof may be paid in stamps, but on such goods held by a dealer the rebate will be paid in money whenever Congress shall make an appropriation therefor.

Mr. TURNER, of Georgia. Is the bill now open for amendment?

The CHAIRMAN. There remain four minutes of the time allowed for general debate. If any gentleman desires to be heard, the Chair will recognize him to occupy that time. If not, the Chair will direct the Clerk to read the first clause of the bill for debate and amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter stated, namely:

For the purpose of paying the rebate claims as provided by section 4 of the act of March 3, 1883, entitled "An act to reduce internal-revenue taxation, and for other purposes," $3,750,000.

Mr. TURNER, of Georgia. I wish to offer the amendment to this section which I send to the desk.

The Clerk read as follows:

Amend by adding, at the end of the tenth line of the bill, the following words: "Which shall be paid to the various claimants whose claims are approved by Treasury warrant, sent directly to the claimant at his place of residence or business."

Mr. HISCOCK. I make the point of order against that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. HISCOCK. My point of order is that it is new legislation and does not tend to retrench expenditures.

Mr. RANDALL. Reserve the point of order, so that the gentleman from Georgia may be heard.

Mr. HISCOCK. I have no objection to that.

Mr. TURNER, of Georgia. I do not desire, Mr. Chairman, particularly to be heard upon the point of order. I feel sure, however, that the amendment I have suggested, if adopted, may tend to reduce expenditures on the part of the claimants to this fund. It is no part of the proposed amendment to increase expenditures. The purpose is simply to secure to these claimants, under the very regulations which the Secretary of the Treasury or the Commissioner of Internal Revenue prescribes, the amounts to which they are severally entitled under the operation of the law providing for this rebate; and instead of having the revenue office regulate the manner in which this money shall be distributed among the claimants, I propose to embody into the statute the very recommendation the Commissioner of Internal Revenue himself proposes. At present we would be dependent entirely upon such regulations as that officer may prescribe. My amendment is intended to make it a part of the existing law.

Mr. HISCOCK. Mr. Chairman, certainly the amendment which the gentleman from Georgia proposes is new legislation, and there is nothing in it which would necessarily decrease the amount covered by the bill. It is therefore, within the terms of the rule, subject to the point of order.

The Committee on Ways and Means of the last Congress when this question of rebate was before them considered carefully the manner in which this money should be paid out, and I may be pardoned now for diverging from the point of order and addressing myself for a moment to the merits of the proposition the gentleman submits when I say that the Committee on Ways and Means of the last Congress considered the manner in which this rebate should be made, and considered it carefully, certainly, for the members of that committee whose constituents were specially interested in the measure, then in the minority, now in the majority, were prompt and careful men and looked thoroughly into the operations of the law then proposed to be enacted. I am opposed, therefore, to changing that regulation, since up to the present time we have acted under it; the claims have been filed and they have been already examined and allowed under its provisions.

I am not afraid to allow parties in this day and generation to make contracts with their agents or attorneys for the collection of their claims; and the circumstances surrounding the application for rebate in these cases is entirely different from those cases where an old claim is revived or dug up to be again presented. There is not a man in the United States interested in this matter, I presume, who does not know just what he wants to do in this connection; who knows what he is to expect from the operation of the law, and is fully aware of the circumstances surrounding the matter. Hasty legislation may embarrass them. These claims have already been audited, I understand, under the regulations of the Treasury Department itself, and the money is ready to be paid out. No doubt in many cases powers of attorney have been given for its collection.

I say this much as to the merits of the amendment; but I insist upon the point of order.

The CHAIRMAN. The Chair desires to inquire of the gentleman from New York what would be the manner of payment of these claims under existing law?

Mr. HISCOCK. Under the existing law, under the revenue bill which passed last year, provision was made as to the manner in which this rebate should be refunded to the parties under certain rules and regulations to be made by the Treasury Department. Now, here by an affirmative provision we are providing something new, and adding a new regulation, which is an addition to the law of last Congress.

Mr. TURNER, of Georgia. The gentleman from New York [Mr. HISCOCK], as I understand, insists this is already provided for. Then if it be already provided for, how is it new legislation to put it again in this bill?

Mr. HISCOCK. I said the manner in which the money is to be paid out is provided for. The regulations of the Treasury Department have already been made and promulgated to the country and these claims have been acted upon under those regulations up to the present time. What effect it might have on these regulations I do not know. It might be to make a halt in the payment and defeat the very object the gentleman from Georgia has in view; that is, prompt payment.

Mr. RANDALL. I will say to the gentleman from Georgia that the adjustments are going on smoothly, and there will be no delay I think in the immediate payment. I think it will be perhaps better to leave the matter to the regulations rather than to attempt a change of law which may be subject to the point of order. I have myself no objection to the amendment, but the committee have not, of course, authorized the acceptance of any such amendment. I do not think the object the gentleman from Georgia has in view will at all suffer if the amendment is not adopted.

Mr. TURNER, of Georgia. I yield with great deference to the suggestion of the gentleman from Pennsylvania, of course; but I would like to ask him if his attention has been called to the statement of the gentleman from New York [Mr. HISCOCK] that the matter of my amendment is already provided for by existing law?

Mr. RANDALL. I would not say that. I would say on the point of order that this changes existing law, because it makes new law.

Mr. HISCOCK. It has been frequently held by the distinguished gentleman from Pennsylvania, and by all the authorities which I have been compelled to recognize as a member of this House, that the making of new law, affirmative legislation, is a change of law.

Mr. RANDALL. I have not said anything to the contrary of that. That is, in effect, what I did say.

Mr. WILLIS. Here is the law, if the Chair will allow me to read it.

The CHAIRMAN. Does the gentleman from Kentucky desire to speak on the point of order?

Mr. WILLIS. Yes, sir; on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WILLIS. This is the law:

It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

That is section 4, which has reference to these rebate claims.

Mr. CALKINS. So that any rules and regulations made under that law have the effect of positive law.

Mr. TURNER, of Georgia. As I understand the statute just read by my friend from Kentucky certain regulations which have been read by my colleague [Mr. BLOUNT] are all part of the existing system and the existing law. And I make the point that my amendment simply carries into this appropriation bill that portion of the existing law which I desire to be put there, and, so there may be no mistake about it, takes away from the Commissioner of Internal Revenue the power to alter these regulations which have been read in the hearing of the committee.

The CHAIRMAN. The Chair is of the opinion that this amendment would change the law as it now stands with regard to the payment of amounts appropriated by Congress to individuals, and in so far as it changes the existing law in that respect is new legislation which does not retrench expenses. Therefore the Chair holds the point of order is well taken.

Mr. WHITE, of Kentucky. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 9, strike out the words "three millions;" so that it will read:
For the purpose of paying the rebate claims as provided for by section 4 of the act of March 3, 1883, entitled "An act to reduce internal-revenue taxation, and for other purposes," $750,000.

Mr. WHITE, of Kentucky. Mr. Chairman, in the last Congress a bill was passed to take certain taxes off banks and off tobacco dealers, match manufacturers, and manufacturers of proprietary medicines, perfumery, &c. I called attention at that time to the fact that that would not give relief to the growers of tobacco; that at that time we had over one hundred millions of dollars in the Treasury; that the tax on tobacco, which was a part of a war necessity, was bringing in more money than there was present necessity for; that it could all be taken off, and that any effort to resist the removal of all tax on tobacco was an effort that was being made by certain manufacturers in certain cities and their agents here in Washington.

I desire to call the attention of this House to the fact that this bill is a verification of the words I uttered on that occasion, and of what was stated not only by myself, but by other gentlemen on both sides of the House. Here we have a proposition to appropriate $3,750,000—for what? To give relief to the farmer? No, sir; but to aid the monopolists and manufacturers, who still control the tobacco markets and the price of tobacco raised on the farm. The reduced tax on leaf-tobacco has not helped the farmer much. This is a proposition to put money into the hands of the clients of the late Commissioner of Internal Revenue, on whose recommendation a Republican House passed the bill that produced the enormity presented to us to-day.

I suppose I need not appeal to this House to wait until we get a report of the items which make up this $3,750,000. There is a disposition to rush things so, and the larger the appropriation the more speedily it is rushed.

Mr. RANDALL. Will the gentleman from Kentucky allow me to direct his attention to the fact that while this is in the nature of a rebate, yet it grows out of reduction of tax on tobacco of every description?

Mr. WHITE, of Kentucky. Exactly; it is a reduction of tax to the amount of one-half.

Mr. RANDALL. If you will introduce a bill for taking off the other half I will go for it.

Mr. WHITE, of Kentucky. But Congress did not do it last session when I urged total abolition of the tobacco tax, and it will not do it this session.

Mr. RANDALL rose.

Mr. WHITE, of Kentucky. The gentleman from Pennsylvania will allow me. What I am now trying to say is that the reduction of one-half of the tax on tobacco, which we made at the last session of Congress, was not for the benefit of the people who most deserve it, of the farmers and the growers of tobacco, but it was for the benefit of the manufacturers who held these unbroken packages, and who come here to-day for the payment of this rebate. The farmer will receive not one farthing benefit from that rebate legislation. The same influence that reduced the tax on tobacco to 8 cents a pound can reduce it again to 4 cents a pound, and it may be again reduced to 2 cents a pound. But the farmer will not be benefited until the entire tobacco tax is wiped out.

What relief has the abolition of the tax on patent medicines given to any one who buys patent medicines? Has it cheapened the article at all? Not one cent. What relief has the reduction of the tax on banks given to the men who borrow money? None at all.

This is a practical question, in which are interested the people who live in the mountains of Tennessee, Virginia, North Carolina, Georgia, and Kentucky, people in remote localities who can do nothing but submit to the dictation of these large manufacturers.

The law of the last session was passed to please the manufacturers. It was recommended by the then Commissioner of Internal Revenue, who afterward resigned his place to take the position of lobbyist, of log-roller, of claim agent for the very men who are interested in this bill. Now, I want to see their names on paper; I want to see the amount of each claim put down opposite each name. I want to know in what city or what town each claimant lives.

The poor man who in the last war lost a pair of bed blankets or a horse, or whose cattle or corn was taken for the use of the Federal Army, must prove up his claim and must prove his loyalty.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE, of Kentucky. The gentleman from Pennsylvania [Mr. RANDALL] agreed to give me a part of his time.

The CHAIRMAN. The Chair allowed for the interruption of the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I thank the Chair for doing so.

Mr. JOSEPH D. TAYLOR. I desire to say that there are a large number of tobacco manufacturers in my district, and I am daily receiving letters urging the speedy passage of this bill. The most of these men are poor men; and they have felt very severely the want of this money. They are very impatient and are importuning me constantly to do something to aid the passage of this bill. They feel that they have been wronged.

It seems to me that it is trifling with this class of people to delay any longer the passage of this bill. I hope, therefore, that it will be passed in its present shape, and passed promptly. I see no need whatever of any delay.

I am unable to comprehend the remarks made by the gentleman from Kentucky [Mr. WHITE]. They seem to me to be wholly inapplicable to this bill. The law was passed last year, and in it there was an omission by mistake. This bill proposes to rectify that mistake, and to make up to these people the money to which they were then entitled. I hope there will be no further delay.

Mr. RANDALL. I want to say that this appropriation bill is compulsory by reason of existing law. I am sorry that the law did not go further. But I do not agree with the logic of the gentleman from Kentucky [Mr. WHITE] that objects to taking off one-half of the tax, because all that he wants taken off has not been repealed. I am willing that one-half shall be taken off, so that I may more easily and speedily secure the abolition of the other half.

Mr. WHITE, of Kentucky. Will the gentleman allow me?

Mr. RANDALL. Certainly.

Mr. WHITE, of Kentucky. I desire to say simply that the system of espionage that is now enforced is fostered and maintained and will continue until the tobacco tax is entirely wiped out. To leave the tax at 8 cents a pound is no relief to the farmer, and is as great a protection to the manufacturer as a tax of 16 or 24 cents a pound.

[Here the hammer fell.]

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted.

The question was taken upon the amendment of Mr. WHITE, of Kentucky; and it was not agreed to.

Mr. HEWITT, of Alabama. I desire to move an amendment, to come in after the word "dollars," in line 10; to insert what I send to the Clerk's desk.

The Clerk read as follows:

Provided, That all proper claims for rebate under said act which were deposited in the mail within sixty days following the date of the reduction, addressed to the proper officer, shall be allowed and paid as if presented within the time allowed by law.

Mr. BURNES. I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. BURNES. It comes under the decision made by the Chair a moment ago.

Mr. HEWITT, of Alabama. Will the gentleman from Missouri [Mr. BURNES] withhold that point of order so that I may make a very brief statement?

Mr. BURNES. I have no objection.

The CHAIRMAN. That can be done by unanimous consent.

Mr. HEWITT, of Alabama. Of course reserving the right to make the point of order.

Mr. BURNES. I will do so.

Mr. HEWITT, of Alabama. The law as passed last Congress reducing internal taxes and giving this rebate required that claims for the rebate should be presented within sixty days from the passage of the act.

Now, in portions of Alabama and elsewhere in the United States the mails were very irregular, particularly the country mails. In many cases merchants made out their claims and put them in the mail in time to have reached the proper officers within the sixty days; but through the fault of the Government, or the agents of the Government engaged in carrying the mails, these claims did not reach the proper officer within the sixty days, so that without any fault on their part these parties are deprived of the benefits of this rebate.

Now, it seems to me that the claims of these men are just as meritorious as any others. All that my amendment provides is that if persons having proper claims for rebate deposited those claims in the mails, addressed to the proper officer, within the sixty days, such parties shall be permitted to enjoy the benefit of this rebate. It seems to me the gentleman from Missouri ought to admit the amendment.

Mr. BURNES. It would afford me great pleasure, indeed, to accommodate the gentleman from Alabama; and he will allow me to say that the legislation proposed is not by any means such as I should feel inclined to oppose if it should come to this House from the Committee on Ways and Means. I trust he will present the cases of grievance of this sort to the House in another form. I must insist upon the point of order.

The CHAIRMAN. The Chair is of opinion that the amendment is subject to the point of order.

The Clerk read the remainder of the bill, as follows:

For the legislative expenses of the Territory of New Mexico, namely:

For per diem of members and officers of the Legislative Assembly, mileage of members, printing, incidental expenses, including secretary's office, and $800 for translating bills, laws, and journals of the Legislative Assembly, $21,965.

That the members elected to the Territorial Legislature of New Mexico in November, A. D. 1882, and all vacancies legally filled since that time, if any, are hereby declared to be the legal members of the Legislature hereby authorized, subject to all valid contests. The said Territorial Legislature shall convene on the third Monday in February, 1884, and shall not continue in session exceeding forty legislative days. The next Territorial Legislature of New Mexico shall convene in the year 1886, at such time as may be fixed by the Legislature at the session hereby authorized.

Mr. BLAND. I move to amend by adding to the bill the provision which I send to the desk.

The Clerk read as follows:

For the transportation of silver coin, as required by law, $5,000.

Mr. CALKINS. I make the point of order that this amendment is not germane to the bill——

Mr. BLAND. This is a deficiency bill.

Mr. CALKINS. And that it is new legislation.

Mr. BLAND. Not at all.

The CHAIRMAN. The gentleman from Missouri [Mr. BLAND] will be heard upon the point of order.

Mr. BLAND. Mr. Chairman, at the last session of Congress we appropriated, for the purpose of transporting minor coins, the sum of $10,000. This amendment is simply for the purpose of carrying out that existing law. The amendment proposes to provide for a deficiency; and this is a deficiency bill. As will be remembered, a law was enacted in the Forty-fifth Congress by which provision was made for the redemption of the subsidiary coinage. Under that law railroad companies and others receiving large amounts of these coins have the privilege of presenting them in amounts of $100 at any Government depository and obtaining for them legal-tender money. Deposits of these minor coins have been made under that law; and the effect has been to accumulate in the various subtreasuries and in the Government vaults here in Washington various sums, reaching now $27,000,000. In order to distribute the accumulations of fractional coins in the various subtreasuries, appropriations have been made from time to time by Congress. The amendment I now submit is for a deficiency occurring under the law passed at the last session.

When I first came to Washington this winter I met Mr. Wyman, the Treasurer of the United States, and I spoke of the great difficulty experienced in my section in obtaining for purposes of business these smaller coins; and he remarked that the difficulty arose from the fact that last October the appropriation for distributing these coins throughout the country had become exhausted. I have here a telegram from Mr. Wyman to the effect that $5,000 is the amount estimated as necessary to distribute these coins until the beginning of the next fiscal year.

It seems to me there can be no objection to this proposition. Twenty-seven million dollars of these coins are now locked up here in the Treasury. The people want them, the law requires that they shall be sent out. My amendment merely provides the necessary appropriation for this purpose. This being a small matter, and the Committee on Appropriations having other measures under consideration, I suppose they have not taken up this subject; but certainly no gentleman on this floor can object to this small appropriation of $5,000 which is asked for to meet the necessity of sending out these subsidiary coins, in accordance with the demand of the business interests everywhere throughout the land.

Mr. RANDALL. The Committee on Appropriations have not forgotten this matter. They have had it under consideration. They have received a communication in relation to it from a subordinate officer of the Treasury Department, but have had no communication in reference to it from the Secretary of the Treasury. In the absence of any estimate for this object we have desired to know what is his judgment. The committee will give the matter due consideration, and an appropriation of this kind will probably be inserted in the smaller deficiency bill.

Mr. BLAND. The general deficiency bill does not take effect until July next.

Mr. RANDALL. Appropriations for deficiencies take effect immediately.

Mr. BLAND. If the gentleman will allow me, I will have a telegram from the Treasurer read.

Mr. RANDALL. We have a letter from him.

The CHAIRMAN. The Chair reminds gentlemen that discussion is not in order except upon the point of order.

Mr. RANDALL. I thought the point of order was waived, so as to allow the merits of the proposition to be discussed.

The CHAIRMAN. The Chair understands that the point of order is insisted upon.

Mr. CALKINS. It is.

Mr. BLAND. If the gentleman from Pennsylvania can assure us that an appropriation of this kind will be reported by the Committee——

Mr. RANDALL. We have taken the matter into consideration.

The CHAIRMAN. Does the gentleman from Missouri [Mr. BLAND] withdraw his amendment?

Mr. BLAND. If it be in order I should like to have a vote on my amendment. It is a matter of public interest, and it has been delayed too long already.

The CHAIRMAN. The Chair thinks it does not change existing law.

Mr. WARNER, of Ohio. I appeal to the gentleman from Missouri to let it come in regular order on the report of the Committee on Appropriations.

Mr. RANDALL. Do not let us embarrass this bill with anything not in order.

The CHAIRMAN. The Chair is of opinion the amendment is in order. It is as much in order as the other parts of the bill. It provides for supplying a deficiency in an appropriation made at the last session which was inadequate in amount.

Mr. RANDALL. Let us have a vote.

Mr. BLAND. I should like to ask the chairman of the Committee on Appropriations the necessity for deferring it.

Mr. RANDALL. We wish to consider it at the proper time with similar matters. We have not yet heard from the Secretary of the Treasury and whether he approves of it or not.

Mr. BLAND. Let it go, then, to the Committee on Appropriations.

Mr. RANDALL. An additional reason is we do not wish to see this bill embarrassed in that way.

Mr. BLAND. I withdraw the amendment.

Mr. BURNES. I move the committee rise and report the bill to the House with the recommendation it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. RANDALL. In accordance with the suggestion made in the committee, I move to insert the words, in line 10, "or so much thereof as may be necessary;" so it will read:

For the purpose of paying the rebate claims as provided by section 4 of the act of March 3, 1883, entitled "An act to reduce internal-revenue taxation, and for other purposes," $3,750,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. BURNES. I demand the previous question.

The previous question was ordered, and under the operation thereof the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. On the passage of the bill, in accordance with the practice, the Chair will direct the yeas and nays to be taken.

The question was taken; and it was decided in the affirmative—yeas 271, nays 1, not voting 48; as follows:

YEAS—271.

Adams, G. E.	Davis, R. T.	Hutchins,	Parker,
Adams, J. J.	Deuster,	James,	Patton,
Aiken,	Dibrell,	Jeffords,	Payne,
Alexander,	Dockery,	Johnson,	Payson,
Arnot,	Dorsheimer,	Jones, B. W.	Pierce,
Atkinson,	Dowd,	Jones, J. H.	Peel, S. W.
Bagley,	Dunham,	Jones, J. T.	Peelle, S. J.
Ballentine,	Eaton,	Kasson,	Perkins,
Barksdale,	Eldredge,	Kean,	Peters,
Barr,	Elliott,	Keifer,	Pettibone,
Beach,	Ellis,	Kelley,	Phelps,
Belford,	Ellwood,	Kellogg,	Poland,
Belmont,	Evans, I. N.	King,	Post,
Bennett,	Everhart,	Kleiner,	Potter,
Bisbee,	Evins, J. H.	Lacey,	Price,
Blanchard,	Ferrell,	Laird,	Pryor,
Bland,	Fiedler,	Lamb,	Pusey,
Blount,	Findlay,	Lanham,	Randall,
Boutelle,	Finerty,	Lawrence,	Rankin,
Boyle,	Follett,	Le Fevre,	Ranney,
Breckinridge,	Foran,	Lewis,	Ray, G. W.
Breitung,	Forney,	Long,	Ray, Ossian
Brewer, F. B.	Fyan,	Lore,	Reagan,
Brewer, J. H.	Geddes,	Lovering,	Reed,
Broadhead,	George,	Lowry,	Reese,
Browne, T. M.	Gibson,	Lyman,	Rice,
Brown, W. W.	Glascock,	McCoid,	Riggs,
Brumm,	Goff,	McComas,	Robinson, J. S.
Buchanan,	Green,	McCormick,	Rogers, J. H.
Buckner,	Greenleaf,	McKinley,	Rogers, W. F.
Budd,	Guenther,	McMillin,	Rosecrans,
Burleigh,	Halsell,	Matson,	Rowell,
Burnes,	Hanback,	Millard,	Scales,
Cabell,	Hardeman,	Miller, J. F.	Seney,
Caldwell,	Hardy,	Miller, S. H.	Seymour,
Calkins,	Harmer,	Milliken,	Shaw,
Campbell, Felix	Hart,	Mills,	Shelley,
Campbell, J. M.	Hatch, H. H.	Mitchell,	Singleton,
Candler,	Hatch, W. H.	Money,	Skinner, C. R.
Cannon,	Haynes,	Morey,	Skinner, T. G.
Chace,	Hemphill,	Morgan,	Slocum,
Clardy,	Henderson, D. B.	Morrill,	Smith,
Clements,	Henley,	Morrison,	Spooner,
Cobb,	Hepburn,	Morse,	Spriggs,
Collins,	Hewitt, A. S.	Moulton,	Steele,
Connolly,	Hill,	Muldrow,	Stephenson,
Converse,	Hiscock,	Muller,	Stevens,
Cosgrove,	Hitt,	Murphy,	Stewart, Charles
Covington,	Hoblitzell,	Murray,	Stewart, J. W.
Cox, W. R.	Holman,	Mutchler,	Stockslager,
Crisp,	Holmes,	Neece,	Stone,
Culberson, D. B.	Hooper,	Nelson,	Storm,
Culbertson, W. W.	Hopkins,	Nicholls,	Strait,
Cullen,	Horr,	Nutting,	Struble,
Curtin,	Houk,	Oates,	Sumner, C. A.
Cutcheon,	Howey,	O'Hara,	Sumner, D. H.
Davis, G. R.	Hunt,	O'Neill, Charles	Talbott,
Davis, L. H.	Hurd,	O'Neill, J. J.	Taylor, E. B.
Taylor, J. D.	Turner, Oscar	Washburn,	Wilson, W. L.
Taylor, J. M.	Valentine,	Weaver,	Winans, E. B.
Thomas,	Van Alstyne,	Wellborn,	Wise, G. D.
Thompson,	Vance,	Weller,	Woolford,
Throckmorton,	Van Eaton,	Wemple,	Woodward,
Tillman,	Wait,	White, Milo	Worthington,
Townshend,	Wakefield,	Wilkins,	Yaple,
Tucker,	Ward,	Williams,	York,
Tully,	Warner, A. J.	Willis,	Young.
Turner, H. G.	Warner, Richard	Wilson, James	

NAYS—1.

White, J. D.

NOT VOTING—48.

Anderson,	Dargan,	Hewitt, G. W.	Paige,
Barbour,	Davidson,	Holton,	Robertson,
Bayne,	Dibble,	Houseman,	Robinson, W. E.
Bingham,	Dingley,	Jones, J. K.	Russell,
Blackburn,	Duncan,	Jordan,	Ryan,
Bowen,	Dunn,	Ketcham,	Snyder,
Brainerd,	Ermentrout,	Libbey,	Springer,
Carleton,	Graves,	Mackey,	Wadsworth,
Cassidy,	Hammond,	McAdoo,	Whiting,
Clay,	Hancock,	Maybury,	Winans, John
Cook,	Henderson, T. J.	Mayo,	Wise, J. S.
Cox, S. S.	Herbert,	Ochiltree,	Wood.

So the bill was passed.

The following pairs were announced:

Mr. COX, of New York, with Mr. RUSSELL.

Mr. WARNER, of Ohio, with Mr. KETCHAM.

Mr. BLACKBURN with Mr. WILSON, of Iowa.

Mr. HEWITT, of Alabama, with Mr. MAYO.

Mr. MONEY with Mr. WADSWORTH.

Mr. DAVIDSON with Mr. VALENTINE.

Mr. ERMENTROUT with Mr. BINGHAM.

Mr. PAIGE with Mr. PETTIBONE.

Mr. CLAY with Mr. MOREY.

Mr. JORDAN with Mr. ROBINSON, of Ohio.

Mr. DARGAN with Mr. JAMES.

Mr. DIBBLE with Mr. HENDERSON, of Illinois.

Mr. WARNER, of Ohio. I am announced as being paired with the gentleman from New York [Mr. KETCHAM]; but as I assume that my vote on this question is not in violation of that pair, I shall let it stand.

Mr. MILLER, of Pennsylvania. I am paired with the gentleman from Kentucky [Mr. ROBERTSON]; but believing that he would vote "ay" on this question, I have also voted.

Mr. MOREY. I am paired with the gentleman from Kentucky [Mr. CLAY] on all political questions; but not considering this a question of that character, I have voted.

Mr. MORGAN. I desire, Mr. Speaker, to have my name recorded as voting on this bill.

The SPEAKER. Did the gentleman answer when his name was called?

Mr. MORGAN. I was in my seat, but did not hear my name called.

The SPEAKER. Under the rules of the House no member is permitted to vote after the second call of the roll unless his name was omitted from the call by accident.

Mr. MORGAN. Then I will ask unanimous consent to record my name.

The SPEAKER. That has been sometimes allowed where the Chair understands the gentleman to say that he was in his seat giving attention. The Chair will therefore ask unanimous consent of the House that the gentleman's name be recorded.

Mr. RANDALL. What is the rule on the subject?

The SPEAKER. The rule is very clear that after the completion of the second roll-call no member's vote can be recorded.

Is there objection to the request of the gentleman from Missouri?

There was no objection.

On motion of Mr. HOLMAN, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above stated.

Mr. BURNES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move to proceed to business on the Speaker's table with a view of referring the bills there to appropriate committees.

The motion was agreed to.

SAMUEL H. LOCKETT.

The first business on the Speaker's table was the bill (S. 713) to remove the political disabilities of Samuel H. Lockett, of Alabama; which was read by its title a first and second time.

Mr. RANDALL. If there be no objection we might as well dispose of that bill at once by putting it upon its passage.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed by the fourteenth amendment to the Constitution of the

United States be, and the same are hereby, removed from Samuel H. Lockett, of Alabama.

There being no objection, the bill was ordered to be read a third time; and being read the third time, was passed (two-thirds voting in favor thereof).

IRON MOUNTAIN RAILROAD.

The next business on the Speaker's table was the bill (S. 353) to repeal section 1 of the act entitled "An act making a grant of land in alternate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, Ark.," approved July 4, 1866, and for other purposes; which was read by its title a first and second time.

The SPEAKER. Without objection the bill will be referred to the Committee on the Public Lands.

There was no objection, and it was ordered accordingly.

SPANISH FERRY-BOAT NUESTRA SEÑORA DE REGLA.

The next business on the Speaker's table was the bill (S. 652) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla; which was read by its title a first and second time.

Mr. POLAND. I desire to say, Mr. Speaker, that a bill of a similar character has been before the Committee on the Judiciary and was reported to the House unanimously by the committee, and therefore I move that this bill be put upon its passage. The bill to which I refer was reported by the gentleman from New York [Mr. DORSHEIMER], but he is not present, and I therefore move that the bill be put upon its passage.

Mr. RANDALL. The report accompanying the bill had better be read, so that it may go into the RECORD.

Mr. McMILLIN. Let us have the bill and report both read.

The SPEAKER. The Chair will state that there is no report accompanying the Senate bill. Does the gentleman desire to have the report upon the House bill read?

Mr. McMILLIN. Let that be read.

Mr. POLAND. I will state that the substance of the bill is to carry into effect a judgment of the United States court.

The SPEAKER. The Chair will first ascertain whether the report accompanying the House bill is here or at the Printing Office.

Mr. RANDALL. The report ought to be read.

The SPEAKER. The Chair is advised that the report has not yet been returned from the Printing Office.

Mr. McMILLIN. I suggest to the gentleman from Vermont, then, to let the bill remain in its present condition until the report has been printed.

Mr. POLAND. Then I move that it be laid aside informally.

The SPEAKER. If there be no objections, it will be so ordered.

There was no objection, and it was ordered accordingly.

THOMAS B. SHANNON.

The next business on the Speaker's table was the bill (S. 332) for the relief of Thomas B. Shannon; which was read a first and second time, and referred to the Committee on Ways and Means.

RETIRED ARMY OFFICERS.

The next business on the Speaker's table was the bill (S. 346) to amend section 1860 of the Revised Statutes so as not to exclude retired Army officers from holding civil offices in the Territories; which was read a first and second time.

Mr. REED. I would inquire if there has not been some such bill as that reported here in the House.

The SPEAKER. The Chair is not advised.

Mr. McMILLIN. What was the gentleman's question?

Mr. REED. Has not some such bill been reported by a committee of the House?

Mr. McMILLIN. I will say to the gentleman that we had that question up during the last Congress.

The SPEAKER. The Chair is informed there is such a bill now pending in committee.

The bill was referred to the Committee on Military Affairs.

ENSIGN L. K. REYNOLDS.

The next business on the Speaker's table was the joint resolution (S. R. 26) granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria; which was read a first and second time, and referred to the Committee on Naval Affairs.

MARGARET CASSIDY.

The next business on the Speaker's table was the bill (S. 298) for the relief of Margaret Cassidy; which was read a first and second time, and referred to the Committee on Patents.

MRS. S. A. WRIGHT AND MRS. C. FAHNESTOCK.

The next business on the Speaker's table was the bill (S. 297) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock; which was read a first and second time.

Mr. VANCE. Let that bill also go to the Committee on Patents.

The bill was referred to the Committee on Patents.

FRANCES E. STEWART.

The next business on the Speaker's table was the bill (S. 47) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased; which was read a first and second time, and referred to the Committee on War Claims.

ELIZABETH CARSON.

The next business on the Speaker's table was the bill (S. 12) for the relief of Elizabeth Carson; which was read a first and second time, and referred to the Committee on War Claims.

JOINT RULES.

The SPEAKER. There are also on the Speaker's table joint rules of the Senate and House of Representatives adopted by the Senate and communicated to the House.

Mr. RANDALL. I move that they be referred to the Committee on Rules.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. This completes the business on the Speaker's table.

Mr. RANDALL. If no one objects, I would like now to move that the House adjourn.

MEETINGS OF COMMITTEE ON COMMERCE.

Mr. REAGAN. I ask the gentleman to withhold the motion to adjourn for one moment. I have been instructed by the Committee on Commerce to ask that that committee have the permission of the House to sit to-morrow and next day during the sittings of the House.

There was no objection, and it was so ordered.

AMENDMENT OF RULES.

Mr. HOLMAN, by unanimons consent, submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the first paragraph of clause 7 of Rule XXIII be amended so as to read as follows:

"A motion in a Committee of the Whole House to strike out the enacting clause of a bill shall have precedence of a motion to amend, and shall not be debatable, and if carried shall be considered equivalent to its rejection."

ORDER OF BUSINESS.

Mr. WELLER. I ask unanimous consent to present the resolutions and petition which I send to the desk. And I wish to say that I have fully apprised the gentleman from Ohio [Mr. WARNER] of the nature and contents of these resolutions and the desire of the parties represented by them, and that gentleman has signified his assent.

The SPEAKER. For what purpose does the gentleman send up these papers?

Mr. WELLER. For the purpose of having them read at the desk, printed, and referred to the appropriate committee.

The SPEAKER. The gentleman from Iowa [Mr. WELLER] asks unanimous consent to present certain resolutions; and also asks that they be printed in the RECORD and referred.

Mr. BROWNE, of Indiana. I would like to know what they are?

The SPEAKER. The Clerk will report the resolutions.

Mr. STEELE. I object. Those petitions can reach the committees in the regular way through the petition-box.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senase had passed without amendment the joint resolution (H. Res. 117) to correct an error in the enrollment of the act "making appropriations for supplying deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for other years," approved March 3, 1883.

The message further informed the House that the Senate had passed, with an amendment in which the concurrence of the House was requested, the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Franklin Bay expedition to the Arctic regions.

GREELY RELIEF EXPEDITION.

Mr. RANDALL. I ask consent to take from the Speaker's table the joint resolution of the House making an appropriation for the Greely relief expedition, which has been returned from the Senate with an amendment.

There was no objection; and accordingly the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, was taken from the Speaker's table.

The amendment of the Senate was read, as follows:

In line 2, after the word "expedition," insert the words "to be composed of volunteers for the service;" so that it will read:

"That the President be, and is hereby, authorized to prepare and dispatch an expedition, to be composed of volunteers for the service, to the coast of Greenland, Smith's Sound, or Lady Franklin Bay, for the purpose of relieving and bringing home Lieut. A. W. Greely and party," &c.

Mr. RANDALL. I move to non-concur in the amendment of the

Senate, having been requested so to do by such members of the Committee on Appropriations as I have been able to confer with. It is not clear to my mind what the effect of that amendment will be. I am advised that it may embarrass the officials of the Government in the management of the expedition, and I have been asked that the House be allowed opportunity to understand the subject fully before it acts upon this amendment. I therefore move to non-concur in the amendment of the Senate.

Mr. BELFORD. I desire to state now, what I have stated many times already, that we who sit out here in the rear can not hear what is going on in the House.

Mr. RANDALL. If the remark of the gentleman from Colorado [Mr. BELFORD] is in relation to this joint resolution, I can only say that I was unable to hear it.

The SPEAKER. The Chair thinks that the difficulty under which the gentleman labors is occasioned in a great part by conversation immediately in rear of the outer seats of the Hall. The Chair appeals to gentlemen on both sides of the House, and especially in the rear of the seats, to stop conversation, as it interferes with members, especially those who are unfortunately located far from the Clerk's desk.

The motion of Mr. RANDALL to non-concur in the Senate amendment was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT OF COMMITTEE CLERKS.

Mr. THOMPSON, by unanimous consent, introduced a joint resolution (H. Res. 126) fixing the date on which the payment of the thirty-two clerks of committees of the House of Representatives, who are paid during the session only, shall begin; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

PUBLIC LANDS IN ALABAMA.

Mr. HENLEY, from the Committee on the Public Lands, by unanimous consent, reported back with a favorable recommendation the bill (H. R. 27) to amend an act entitled "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

FRAUDULENT CLAIMANTS OF PATENTS, ETC.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. 3964) to make fraudulent claimants of patents and fraudulent vendors of patented articles guilty of a misdemeanor; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ALONZO GESNER.

Mr. LEWIS, by unanimous consent, reported from the Committee on the Public Lands with a favorable recommendation the bill (H. R. 1299) for the relief of Alonzo Gesner; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CIVIL-SERVICE COMMISSIONERS ON THE FLOOR.

Mr. HOPKINS. I ask unanimous consent to submit for present consideration the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Commissioners of the Civil Service be admitted to the privileges of the floor of the House of Representatives.

Mr. RANDALL. If that resolution is for reference, I will not object to it.

Mr. HOPKINS. If there is objection to its immediate consideration, I will ask that it be referred to the Committee on Rules.

The resolution was accordingly referred to the Committee on the Rules.

STANDARD TIME FOR SEAPORT TOWNS, ETC.

Mr. KING, by unanimous consent, introduced a bill (H. R. 3965) to provide for transmitting standard time from the Naval Observatory at Washington to ports of entry and other cities, and for placing time-balls on custom-houses for the protection of commerce, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REV. ANDREW W. GREY.

Mr. PEELLE, of Indiana, by unanimous consent, introduced a bill (H. R. 3966) for the relief of Rev. Andrew W. Grey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DETAIL OF PENSION CLERKS FOR HOUSE COMMITTEES.

Mr. MATSON, by unanimous consent, introduced a joint resolution (H. R. 127) authorizing the Secretary of the Interior to detail from that Department two clerks to act as assistant clerks to certain House committees; which was read a first and second time.

The question was upon the reference of the joint resolution.

Mr. MATSON. I ask unanimous consent that the joint resolution be now considered.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of the Interior be, and he is hereby, authorized, if in his opinion the public interest will not suffer thereby, upon request of either of the Committees hereinafter named, to detail from that Department one clerk to act as assistant clerk to the House Committee on Pensions, and one clerk to act as assistant clerk to the House Committee on Invalid Pensions.

Mr. WHITE, of Kentucky. I do not object to the immediate consideration of the joint resolution just read, but I would like to hear some explanation of it.

Mr. MATSON. I will explain it in a moment. The object and purpose of the joint resolution is to authorize the Commissioner of Pensions to detail from his office one person to act as assistant clerk to the Committee on Pensions of this House and one person to act as assistant clerk to the Committee on Invalid Pensions, who are to take charge of the important papers brought from the Pension Office for the consideration of those two committees.

Mr. WHITE, of Kentucky. Is the proposition to employ additional clerks or to detail clerks from the Pension Office?

Mr. MATSON. To detail them from the Pension Office, if in the opinion of the Secretary of the Interior it can be done without injury to the service. The whole matter is left to his discretion, and the detail is not to be made except on the request of the committee. There certainly can be no objection to it.

Mr. MCMILLIN. Is it not the fact that during the last Congress, without a resolution of this kind, there was a man detailed for this purpose?

Mr. MATSON. My friend is mistaken.

Mr. MCMILLIN. I know that during the last Congress Mr. Vangruder was detailed and served.

Mr. MATSON. He served as a regularly employed clerk of the committee, being furloughed from the Pension Office.

Mr. MCMILLIN. Furloughed without pay?

Mr. MATSON. Furloughed without pay.

Mr. MCMILLIN. Why can not that be done now? The manner in which he discharged the duty there was very satisfactory.

Mr. MATSON. That might be done now, but the better way is to authorize the detail of a clerk from the bureau. The pay of a man as clerk of the committee is greater than the pay of one as clerk in the Pension Office. The joint resolution is preferable on account of economy.

Mr. BELFORD. Mr. Speaker, I shall vote for this resolution; but I take this occasion to call attention to the peanut manner of conducting the public business of this nation. I think that every member of this House ought to be provided with a clerk.

A MEMBER. At the public expense?

Mr. BELFORD. At the public expense, because each member is here charged with the transaction of public business. Every day of my life I receive a hundred letters from my constituents, which I am compelled to answer; and it takes my entire salary to pay my clerk-hire. If I had not an independent income, I should be a pauper or out of this House. [Laughter.] You have had the heroic courage to take away from us the franking privilege; yet it costs me a dollar a day, or more, to pay my postage. Why do you not have the courage to act as the representatives of a heroic, a magnificent, and a generous nation?

Now, Mr. Speaker, instead of detailing two clerks from the Pension Office, why does not this House appoint these two clerks and pay their salaries out of the contingent fund provided by law? Why go to the Secretary of the Interior and ask him to diminish the clerical force of his Department in order that he may send clerks to this House? Are you going to pose as economists? Are you going to play the rôle of parsimonists? Or are you going to be generous in the use of the money that is in the Treasury of this nation? [Laughter and applause.]

The SPEAKER. The question is on ordering the joint resolution to be engrossed for a third reading.

The question was decided in the affirmative; there being—ayes 146, noes 3.

The joint resolution was then passed.

Mr. MATSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. NEECE. I move that the House adjourn.

Pending the motion the following business was transacted by unanimous consent.

WITHDRAWAL OF PAPERS.

On motion of Mr. DORSHEIMER, by unanimous consent, it was ordered that the documents relating to the bill (H. R. 5839) of the last Congress to refund excessive duties caused by overvaluation of the Austrian paper florin be withdrawn from the files of the Committee on Ways and Means of the last Congress and referred to the Committee on Ways and Means, there having been no adverse report.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FINDLAY, for to-morrow, on account of important business;

To Mr. DARGAN, for one week, on account of important business; and

To Mr. DORSHEIMER, until next Monday, on account of important business.

The motion of Mr. NEECE that the House adjourn was then agreed to; and accordingly (at 3 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Papers relating to the claim of Thomas Ayre—to the Committee on War Claims.

By Mr. BRENTS: The petitions of citizens of Seattle and of Walla Walla, Wash., for a tobacco-rebate appropriation—severally to the Committee on Appropriations.

By Mr. BOUTELLE: The petition of Joel A. Haycock Post, No. 34, Grand Army of the Republic, Department of Maine, on behalf of a pension for Robert L. Willey—to the Committee on Invalid Pensions.

By Mr. BUDD: The petition of citizens of Stockton, Cal., for an appropriation to pay the rebate tobacco tax—to the Committee on Appropriations.

Also, the petition of citizens of San Joaquin Valley, California, and Stockton Board of Trade, for the improvement of the San Joaquin River—to the Committee on Rivers and Harbors.

By Mr. CONVERSE: The petition of J. W. Merrill and 54 others, citizens of Ohio, praying restoration of tariff of 1867 on wool—to the Committee on Ways and Means.

By Mr. COSGROVE: The petition of 45 wool-growers of Pettis and Cooper Counties, Missouri, for restoration of the tariff on wool—to the same committee.

By Mr. G. R. DAVIS: Memorial of shipmasters of the port of San Francisco, Cal., for a change of existing navigation laws—to the Committee on Commerce.

Also, the petitions of Hon. T. M. Bradley and others, of Hon. Calvin De Wolf and others, of A. C. Heesing and others, and of A. H. Robinson and others, for passage of bill (H. R. 3105) for the relief of Peter Swanson—severally to the Committee on War Claims.

By Mr. FORNEY: Papers relating to the claim of Richard L. Kirby—to the same committee.

By Mr. GEORGE: Memorial of the Board of Trade of Portland, Oreg., for the improvement of Cowlitz River, Washington Territory—to the Committee on Rivers and Harbors.

Also, the petition of citizens of Oregon, for a tobacco-rebate appropriation—to the Committee on Appropriations.

Also, the petition of citizens of Oregon, for the forfeiture of the Astoria land grant—to the Committee on the Public Lands.

By Mr. HALSELL: The petition of John A. Dicker, for the establishment of a post-route—to the Committee on the Post-Office and Post-Roads.

By Mr. W. H. HATCH: Papers relating to the claim of Mrs. Sarah E. B. Smith—to the Committee on War Claims.

By Mr. HISCOCK: Paper relating to the pension claim of Betsey Crandall—to the Committee on Invalid Pensions.

By Mr. HOUK: Papers relating to the pension claim of William Robinson—to the same committee.

By Mr. LACEY: The petition of Mrs. E. A. Caine and 14 other ladies of North Waterloo, Mich., for an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. LOWRY: The petition of Catharine Gifford, to increase the pension of soldiers' widows—to the Committee on Invalid Pensions.

Also, the petition of A. C. Trentman and 39 others, tobacco dealers of Fort Wayne, Ind., for tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. LYMAN: The petition of the Associated Charities of Dedham, Mass., for the establishment of a postal savings depository—to the Committee on the Post-Office and Post-Roads.

By Mr. McCOID: The petition of Todd Post, No. 115, Grand Army of the Republic, of Columbus Junction, Iowa, for an amendment of the pension laws—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Papers relating to the claim of John H. King, and of William Matthews—severally to the Committee on War Claims.

By Mr. MORGAN: The petition of Henry P. Harding Post, No. 107, Grand Army of the Republic, of Saint Louis, Mo., in relation to pensions, equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. NICHOLLS: Paper relating to the improvement of Darien River, and harbor of Darien and of Romley Marsh—severally to the Committee on Rivers and Harbors.

By Mr. PAYNE: The resolutions adopted by the Grand Army of the Republic post at Waterloo, N. Y., in favor of pensions to all veterans of the late war—to the Committee on Invalid Pensions.

By Mr. PEELLE: Paper relating to the claim of Andrew W. Greeg—to the Committee on War Claims.

By Mr. RANNEY: The petition of William H. Carson and others, of William K. Hall and others, of J. T. Headly and others, of S. J. Holton and others, of William L. Morse and others, of John B. Odom and others, of F. B. Savage and others, and of William H. Welch and others, in relation to the Piute Indians—severally to the Committee on Indian Affairs.

By Mr. ROSECRANS: The petition of General P. V. Hagner, for relief—to the Committee on Military Affairs.

By Mr. THOMAS: Papers relating to the claim of John R. Bigelow—to the Committee on War Claims.

By Mr. THROCKMORTON: The petition of citizens of Denton County, Texas, for a change in a mail-route in that county—to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE: Papers relating to the claim of P. B. Tatham—to the Committee on Ways and Means.

Also, papers relating to the pension claim of Sarah A. Burchfield, of Daniel Lucas and others, and of A. B. Sams—severally to the Committee on Invalid Pensions.

Also, papers relating to the claim of Ephraim J. Ammons, of James N. Davis, of Wesley Henseley, and of H. R. Rhea—severally to the Committee on Military Affairs.

Also, papers relating to the claim of Julia A. Duncan and of William D. Whetted—severally to the Committee on War Claims.

By Mr. VAN ALSTYNE: Papers relating to the claim of Mrs. Margaret Faber, of Thomas G. Markie and the heirs at law of William A. Hyde, of H. J. Phelps, and of G. Alexander Ramsay—severally to the Committee on Claims.

Also, papers relating to the claim of Henry Ware and of G. P. Work—severally to the same committee.

By Mr. WELLER: Papers relating to the claim of Mrs. Anne Lucas, of David Miller, and of Matilda Shields—severally to the Committee on Military Affairs.

By Mr. WILLIS: The petition of George H. Thomas Post, No. 6, Grand Army of the Republic, of Louisville, Ky., in relation to pensions, equalization of bounties, &c.—to the Committee on Invalid Pensions.

By Mr. W. L. WILSON: The petition of Mrs. Henrietta B. Lee, for relief—to the Committee on War Claims.

By Mr. YOUNG: Papers relating to the claim of Henry S. French—to the same committee.

SENATE.

FRIDAY, *January* 25, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, showing, in compliance with the requirements of a resolution of the 14th instant, the amounts of gold coin and bullion and silver dollars deposited in the Treasury, subtreasuries, and designated depositories of the United States in exchange for silver certificates during the years 1880, 1881, 1882, and 1883, and the portions of said period such exchanges were refused, with reasons therefor; which, on motion of Mr. COCKRELL, was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 120) giving the thanks of Congress to the men who rescued the survivors of the wreck of the steamer City of Columbus was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians was read twice by its title, and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. COKE. I present a concurrent resolution of the Legislature of Texas, now in session, requesting the Senators and Representatives from Texas to urge the passage of a bill now pending before Congress that has for its object the granting of the right of way through the Indian Territory to the Gulf, Colorado and Santa Fé Railway Company. I move that the resolution be referred to the Committee on Railroads, that committee having charge of the right-of-way bill to which it refers.

The motion was agreed to.

Mr. CAMERON, of Wisconsin. I present resolutions adopted by the Merchants' Association of Milwaukee, Wis., in which they resolve—

That it is the immediate duty of the American Government to retaliate against the French, German, and other nations that refuse to receive sound and wholesome American meats, especially to prohibit the importation of their wines and liquors, that are known and acknowledged to be so extensively adulterated, &c.

I move that the resolutions be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CAMERON, of Wisconsin. I present a memorial to Congress adopted by the board of supervisors of Saint Croix County, Wisconsin, in which that body respectfully request that Congress will enact a law providing that railroads engaged in carrying commodities from one State to another shall not charge more by the car-load for a shorter

distance than the same company charges for a longer distance. I move that the memorial be referred to the Committee on Railroads.

The motion was agreed to.

Mr. PLUMB. I present the petition of a large number of citizens of the State of Kansas, praying that that portion of the Indian Territory known as Oklahoma may be opened to settlement.

I have observed that the Committee on Indian Affairs have reported back similar petitions heretofore referred to them with a recommendation that the prayer of the petitioners be not granted; but I will venture to ask that this petition be referred to the same committee, and to say that if that committee will give to this subject in all the aspects of it which are suggested by this petition that attention which I think it is entitled to, they will find that, whether the prayer of the petition should be granted or not, something at least should be done to limit the Indian holdings in the Indian Territory and prepare for the inevitable extension of white settlement into that Territory, and which if it do not come under the authority of law within a reasonable period of time will undoubtedly come, as it has heretofore on Indian reservations, by the irruption of men who, hungering for homes, will not longer be denied.

I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. SHERMAN presented the petition of Electa W. Jacobs, of Mount Airy, Ohio, praying to be granted a pension on account of her son Nathan Jacobs, late first lieutenant Twelfth Kentucky Volunteer Infantry; which was referred to the Committee on Pensions.

Mr. JACKSON presented the petition of Moses Smith, of Henderson County, Tennessee, the petition of John A. Greer, administrator of William Daniell, deceased, of Madison County, Tennessee, and the petition of Galen G. Green, attorney for the legal representatives of John W. Robinson, deceased, of Madison County, Tennessee, asking compensation for property taken and used by the United States Army during the late rebellion; which were referred to the Committee on Claims.

He also presented the petition of Robert I. Chester, of Tiptonville, Tenn., praying that a portion of the fund appropriated for improving the Mississippi River be set apart for the construction of a levee from Hickman, Ky., to Island No. 10, Tennessee; which was referred to the Committee on the Improvement of the Mississippi River and Tributaries.

Mr. MILLER, of California. I present a memorial of the Chamber of Commerce of San Francisco, Cal., relating to an increase of the naval force of the United States. It is a matter of importance, and the case is stated here in very vigorous language. I have been requested to ask that this memorial be read to the Senate.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from California? The Chair hears no objection, and the memorial will be read.

The memorial was read, and referred to the Committee on Naval Affairs, as follows:

THE CHAMBER OF COMMERCE OF SAN FRANCISCO.

Memorial to the honorable Senate and House of Representatives in Congress assembled:

Your memorialists, the Chamber of Commerce of San Francisco, desire respectfully but urgently to call your attention to the absolute necessity for a prompt and large increase in the naval forces of the United States by the addition thereto of heavy and full-powered armored vessels, as well as iron cruisers developing the highest speed; both classes to be armed with the heavy rifled ordnance, now accepted among maritime powers as a necessity for effective service.

With a coast line of thousands of miles on the Atlantic and Pacific Oceans everywhere exposed to the attack of a naval force, with fortifications armed with useless smooth-bore guns, with rich and prosperous cities defenseless against any power possessed of a few first-class modern war vessels, our country has for years done comparatively nothing for the national defense afloat, and at the initiation of a maritime war would be at the mercy of the enemy.

We respectfully submit that such a condition of affairs is disgraceful to our country, wanting in patriotism, and devoid of the prudence which should characterize nations as well as individuals.

With an overflowing Treasury and a patriotic people, our Government has depended upon the good-will of foreign nations, without a respectable naval force either to protect its citizens abroad or to enforce a national policy in case of necessity.

We respectfully urge upon our fellow-citizens in Congress that an adherence to such a policy is a crime against our country. This Chamber of Commerce, representing a community on the western extreme of the Republic, defenseless and inviting attack, respectfully enters its solemn protest against a policy dangerous to our safety and mortifying to our patriotism. We respectfully represent that the American people will not fail to approve of an honest expenditure of millions for defense against aggression. Permit us, then, to entreat you to inaugurate a policy of preparation for maritime war, remembering always that therein rests the greatest security for peace.

Earnestly requesting your attention to the considerations herein set forth, we subscribe ourselves, with great respect,

Your fellow-citizens,

THE CHAMBER OF COMMERCE OF SAN FRANCISCO.
HIRAM JERVIS, *President.*
D. J. STAPLES, *First Vice-President.*
ANDREW WELCH, *Second Vice-President.*

Adopted January 15, 1884.

Mr. HARRIS. I present severally the petitions of W. E. Matthews, executor of the estate of William Clements, deceased, of Gibson County, Tennessee; of George T. Taylor, of Tipton County, Tennessee; of Altha Thomas, administrator of John B. Thomas, deceased, of Madison County, Tennessee; and of Wiard W. Wilkinson, of Haywood, Tenn., all praying compensation for property taken and used by the United States Army. I move that the petitions be referred to the Committee on Claims.

The motion was agreed to

Mr. CALL presented an affidavit of Caroline Clarke in support of the application of Jane Latham Donelly, only surviving child of Amos Latham, a soldier of the Revolutionary war, for a bounty land-warrant, claimed to be due said Latham; which was referred to the Committee on Revolutionary Claims, to accompany Senate bill No. 965.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 352) for the relief of Thomas H. Reeves, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BAYARD. I am instructed by the Committee on Finance to report back favorably the bill (S. 1155) to provide for the issue of circulating notes to national banking associations; and as it is a short bill and relates to a matter of interest and importance before the country, I ask that it be read and placed upon the Calendar.

The PRESIDENT *pro tempore*. The Senator from Delaware asks that the bill be read at length. If there be no objection, it will be read.

The bill was read at length, as follows:

Be it enacted, &c., That upon a deposit of any United States bonds bearing interest, in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock. And that all laws and parts of law inconsistent with the provisions of this act be, and the same are hereby, repealed.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. LAPHAM, from the Committee on Patents, to whom was referred the bill (S. 638) for the relief of George Milsom, Henry Spendelow, and George V. Watson, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. CONGER introduced a bill (S. 1272) granting a pension to Mrs. Sarah E. Canfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of California, introduced a bill (S. 1273) for the relief of the State University of California; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FRYE (by request) introduced a bill (S. 1274) for the relief of Reuben B. Clark and Sayles J. Bowen; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 1275) to provide for the free circulation of newspapers and other periodical publications within the State where the same are published; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST (by request) introduced a bill (S. 1276) authorizing the construction of a bridge across the Mississippi River at or near the Chain of Rocks, in the northern part of the city of Saint Louis, State of Missouri; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PIKE introduced a bill (S. 1277) granting a pension to Harriet P. Dame; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 1278) to facilitate the reform of the civil service; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. RANSOM introduced a bill (S. 1279) to provide for the erection of a public building at Asheville, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 1280) to extend the provisions of an act approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CALL introduced a bill (S. 1281) for continuing work on improvement of the harbor of Tampa, Fla.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MAHONE introduced a bill (S. 1282) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

ANTONIO BARRIOS AND JOSÉ VICTOR ZAVALA.

Mr. LOGAN. I ask leave at this time to call up the joint resolution (H. Res. 113) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Antonio Barrios, of Guatemala, and José Victor Zavala, of Nicaragua. It will take but a moment. I think there will be no objection to it. I had a request from

the Secretary of State yesterday in reference to it, it being a matter in relation to citizens of a foreign government.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. INGALLS. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read.

Mr. SHERMAN. I do not want that to stand in the way of the resolution which is to come up this morning.

Mr. LOGAN. Not at all. If it creates debate I will let it go over. There is nothing in it to cause debate.

The joint resolution was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 713) to remove the political disabilities of Samuel H. Lockett, of Alabama.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes; and

A joint resolution (H. Res. 127) authorizing the Secretary of the Interior to detail from that Department two clerks to act as assistant clerks to certain House committees.

LADY FRANKLIN BAY EXPEDITION.

The message further announced that the House had disagreed to the amendment of the Senate to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

Mr. HALE. I ask that the action of the House of Representatives be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

On motion of Mr. HALE, it was

Resolved, That the Senate insist on its amendment to the said joint resolution disagreed to by the House of Representatives, and ask a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. MILLER of California, and Mr. SAULSBURY the conferees on the part of the Senate.

ALLEGED ELECTION OUTRAGES IN VIRGINIA AND MISSISSIPPI.

Mr. BECK and Mr. SHERMAN addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Kentucky.

Mr. BECK. I rose a little while ago, but gave way to other matters, intending to call up a bill which I had laid on the table for the purpose of referring it to the Committee on Finance after saying a few words in regard to it.

Mr. SHERMAN. I call for the regular order of business for the present. I have no doubt that I shall be able to give way after a little while. I call for the regular order of business now reached under the morning hour.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from Kentucky.

Mr. SHERMAN. I shall not delay the Senator long.

The PRESIDENT *pro tempore*. The Chair lays before the Senate under the head of "concurrent and other resolutions" the resolution offered by the Senator from Ohio [Mr. SHERMAN] on the 23d instant, relating to alleged election outrages in the States of Virginia and Mississippi; which was laid over for consideration under the rules.

Mr. LAMAR. I would respectfully inquire of the Senator from Ohio if he desires to press the consideration of that resolution this morning. If not, there are Senators around me who would prefer to have it postponed until Monday by unanimous consent.

Mr. SHERMAN. I have no objection at all to postponing it until Monday if that is the desire of the Senate or the general desire of the Senators on the other side of the Chamber, because when it is called up I propose to have a vote upon it. In order that every one may have an opportunity to consider it, I am perfectly willing that by unanimous consent the resolution shall be postponed until Monday, provided it does not leave its present position in the order of business.

Mr. HARRIS. I desire to ask the Senator from Ohio if it would not be quite as well, in view of the fact that there is already a special order for Monday, that at some later day in next week the resolution be by unanimous consent, or by any other method, taken up?

Mr. SHERMAN. I did not hear the Senator quite.

Mr. HARRIS. I simply inquired if it would not be better to fix some later day in the week than Monday, as there is already a special order for that day.

Mr. SHERMAN. I will ask what that special order is?

The PRESIDENT *pro tempore*. Senate bill No. 19, reported by the Senator from Delaware [Mr. BAYARD] from the Committee on Private Land Claims, to ascertain and settle certain private land claims, was made the special order for Monday next at 2 o'clock.

Mr. SHERMAN. This is a resolution directing a committee of this body to proceed with a certain investigation, and I think it would be better to let it come up in the morning hour on Monday and to proceed with it. I hope we can get a vote on it in a short time. I do not desire to debate it myself, and I hope that we shall be able to dispose of it without interfering with other business.

Mr. BAYARD. I hope that no action will be taken by the Senate tending to displace the consideration specially ordered by the Senate at 2 o'clock on Monday for the general bill relating to the settlement of private land claims. It is a bill of public importance, and I trust that whatever may be the action of the Senate now in respect to the present resolution it will not be allowed to disturb in the least the disposition already made by the Senate in assigning as the special order Senate bill No. 19 for Monday.

Mr. SHERMAN. I am disposed to accede to the request of the Senator from Mississippi [Mr. LAMAR] to postpone this resolution until Monday, without a displacement of its present position, to be taken up then in its order when resolutions are reached; and I hope the Senate will then adhere to it and consider it until it is disposed of, although, as a matter of course, it is at any time within the power of the Senate by a majority vote to take up the special order; or perhaps it would come up at 2 o'clock, and the Senate could then choose as to whether it would proceed to dispose of the resolution or not. With that understanding I will agree to have the resolution go over.

The PRESIDENT *pro tempore*. Is there objection to the suggestion of the Senator from Ohio?

Mr. BAYARD. Will the Chair be kind enough to state it?

The PRESIDENT *pro tempore*. It is that the resolution lie over in its present order on the Calendar, to be laid before the Senate on Monday morning at the beginning of the call for resolutions, which is its present position.

Mr. BAYARD. Does the Senator by that mean to displace the special order made for Monday?

The PRESIDENT *pro tempore*. It would not have that effect.

Mr. SHERMAN. It would not have that effect. The special order comes up at 2 o'clock on Monday, but I give the Senate notice that unless the resolution is disposed of at 2 o'clock I shall seek to have it continued under consideration till a vote is reached. But the bill which the Senator from Delaware has in charge is the special order and will come up on Monday.

Mr. BAYARD. I trust sincerely that whatever notice may be given the Senate will not revoke its action upon a bill of so important a character as the one which has already been assigned as the special order for Monday. I will further ask the Chair for information: Does the present suggested arrangement bring the resolution under the five-minute rule?

The PRESIDENT *pro tempore*. It does not, in the opinion of the Chair.

Mr. BAYARD. I made the inquiry because as none but unobjected cases can be considered under that rule it would be scarcely worth while to place the resolution in that category.

Mr. SHERMAN. It will follow the ordinary course of such resolutions.

The PRESIDENT *pro tempore*. Is there objection to the suggestion of the Senator from Ohio [Mr. SHERMAN] that the resolution lie over until Monday in its present position on the table of the President, to be laid before the Senate with the same rights it has to-day? The Chair hears none.

Mr. BAYARD. With the distinct understanding that it in no way affects the action of the Senate in regard to the bill which has been intrusted to me by the Committee on Private Land Claims, I make no objection; otherwise, I do.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and it is so ordered.

PURCHASE OF UNITED STATES BONDS.

Mr. BECK. I desire to call up the bill (S. 1070) to prohibit the Secretary of the Treasury from purchasing the bonds of the United States above their par value, and for other purposes, which is now on the table, in order to have it referred to the Committee on Finance, desiring, however, to say a few words about it, not occupying over five minutes.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks unanimous consent that the bill indicated by him be now taken up for reference, with some remarks to be submitted by the Senator now. Is there objection? The Chair hears no objection. The bill is before the Senate, and will be read for information.

The bill was read, as follows:

Be it enacted, &c., That section 2 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes," approved March 3, 1881, which provides "that the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled," shall not be so construed as to authorize the Secretary of the Treasury to purchase at a premium any of the outstanding bonds of the United States in advance of the time when they become redeemable at the option of the United States under existing law.

Mr. BECK. Mr. President, the object I have in calling the attention of the Senate to this bill now is, first, because the Committee on Finance this morning has reported a bill which will pass, in some form or other, I presume, for the purpose of settling what the rights of national banks shall be in the future as to their bonds and circulation. Supplementing that, and I think as a necessary part of it, the Senate ought to determine what is the true construction of the act of March 3, 1881, relative to the right of the Secretary of the Treasury to purchase bonds not payable at the option of the Government at any premium he sees fit to pay beyond such bonds as are required for the wants of the sinking fund, if that thing is to be perpetuated. If our rate of taxation is to be kept up to $80,000,000 or $100,000,000 in excess of our needs, and purchases of bonds are to be made by the Secretary in his discretion at any premium he pleases, there will be quite as much instability in the bonds of the United States and the circulation of banks based upon these bonds as exists now. Indeed, all our efforts to secure a stable basis for bank circulation is destroyed by the construction now given to the act of March 3, 1881.

My bill assumes that the purpose of Congress in passing the act of March 3, 1881, was simply to provide for a then existing exigency and not to give to the Secretary authority to go into the market for all time and buy bonds of the United States not due nor payable at our option at 20, 22, 24, or any other per cent. premium that the holders of them might ask, when we are seeking to secure stability and certainty in those outstanding obligations and asking banking corporations to buy them because most of them are permanent until the year 1907.

I hold in my hand the RECORD containing what occurred in relation to the passage of that bill. It was an amendment or section added to the sundry civil bill of that year, which I had in charge, and I consented to that section being added to the bill because of the then pressing exigency for that particular action. The Senator from Delaware [Mr. BAYARD], who was then chairman of the Finance Committee, presented it. I, as a member of the Finance Committee, had agreed to it and thought it was right upon a very urgent letter sent us by the then Secretary of the Treasury, now the Senator from Ohio [Mr. SHERMAN]. The RECORD shows this:

Mr. BAYARD. I am instructed by the Committee on Finance to offer the following as an additional section to the bill——

The PRESIDING OFFICER. Does the Senator from Kentucky consent to the amendment being acted on now?

Mr. BAYARD. The amendment has been submitted to the Senator in charge of the bill.

Mr. BECK. This may as well be acted on now.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert as an additional section:

"SEC. —. That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled."

Mr. LOGAN. I desire to inquire of the Senator if that applies to all the different character of bonds, the fours, four-and-a-halfs, fives, and sixes?

Mr. BAYARD. It will apply to any bonds which it is optional with the Government to pay.

These were the only bonds that the mover of the amendment thought it would apply to or ought to apply to. Some other remarks were made, and Mr. McDonald, then a Senator from Indiana, asked:

Ought it not be limited to the purchasing of those bonds?

After having been assured by the Senator in charge of the amendment that that was what he intended and what I, who was in charge of the sundry civil bill, believed, no objection was made and it became a law. The then Secretary of the Treasury had written to the Committee on Finance this letter:

TREASURY DEPARTMENT,
March 2, 1881.

SIR: If there is any possibility of the defeat of the refunding act it is of vital importance that the Secretary of the Treasury be authorized by law at the present session to apply the surplus revenue to the purchase or payment of bonds. Inclosed I send you a statement of the sinking-fund account for the year ending June 30, 1881, from which it appears that the deficiency in that fund will probably be made good by the 1st of July next.

There are grave doubts whether the Secretary of the Treasury will be authorized to apply the surplus revenue in excess of the sinking fund to the payment of either the fives or sixes of 1881, because they are not due in the legal sense of that word, but are only payable "at the pleasure of the United States," a discretion which the Secretary could not exercise except by express authority of law.

I have the honor to request, therefore, that, if consistent with the rules of the Senate, an amendment be made to an appropriation bill authorizing the application of all surplus revenue to the purchase of bonds. The inclosed provision copied from the pending refunding bill will answer the purpose. In the absence of such provision a dangerous and unnecessary accumulation of money in the Treasury may occur during the next fiscal year.

Very respectfully,

JOHN SHERMAN, *Secretary.*

HON. THOMAS F. BAYARD,
Chairman Committee on Finance, United States Senate.

While the language is broad enough to entitle that section to the construction which is now given to it of conferring absolute power and authority on the Secretary of the Treasury to purchase any bonds anywhere, the words of the then Secretary of the Treasury that "in the absence of such provision a dangerous and unnecessary accumulation of money in the Treasury may occur during the next fiscal year," show beyond doubt that his intention was only to authorize the purchase of such bonds as it was optional with the Government to pay.

Mr. BAYARD. May I state to my friend from Kentucky as an element of further certainty in that direction, that the Secretary who writes this letter states that the amendment suggested by him was copied from the refunding bill. The refunding bill of course had relation only to those bonds which were subject to the option of the Government, and none others.

Mr. BECK. It is plain that when this bill was passed it was not intended by the mover of the amendment nor by the Senate to vest the Secretary of the Treasury with any other power than he then had over bonds not payable at our option, especially not to extend the power to go into the open market and purchase bonds not payable at any premium he pleased. It was simply to allow the surplus revenue that would be in his hands to be applied beyond the necessities of the sinking fund to the purchase of any bonds of the United States then outstanding and payable, so as to prevent a contraction of the currency and loss of interest by an accumulation of surplus revenue before Congress could again meet. The language, however, is now construed to mean that he shall have a right beyond the necessities of the sinking fund, and, going beyond the bonds which are payable at the pleasure of the Government and without further authority from Congress, to purchase any outstanding bonds, whether due in 1891 or 1907, with surplus revenue at any premium he sees fit to give. In verification of that I desire to call attention to a few facts. One is this: We had a discussion on the 13th of December, 1883. When I was disputing the power to purchase bonds and arguing against the policy of allowing the Secretary, unless authorized by law, to go into the market and buy bonds, the Senator from Ohio, who had been the Secretary of the Treasury from whom we received the letter I have just read, said:

There is now no question about his power to purchase bonds. A law passed at a time when this Senate was Democratic, a law that was properly passed, upon the motion of the Senator from Delaware [Mr. BAYARD], authorized the Secretary of the Treasury to apply the surplus revenue to the purchase and payment of bonds whenever he has any surplus so to apply. So there is no question of power; and it is no doubt his duty, whenever there is a surplus of revenue in the Treasury more than sufficient to meet the funds required by the resumption act and to pay off the silver certificates and the gold certificates and the other demand liabilities of the Government, to apply that surplus revenue to the purchase of the public debt, and he must make the best terms he can; he must buy in open market. If the debt bears but 3 per cent. interest he must pay it off. He has no option. He must go on and carry out that policy.

I repeat that latitude of power was not intended to be conferred by that act, even if the words taken literally do confer it, and such power never would have been given if it had been asked for. The Secretary of the Treasury in his annual report to this Congress said:

The only authority possessed by the Treasury whereby it can restore to business the surplus moneys thus accumulated is that given to the Secretary by the act of March 3, 1881, by which he may at any time apply the surplus money in the Treasury not otherwise appropriated to the purchase or redemption of United States bonds. This can now be done to other than the 3 percents only by the payment of a large and increasing premium thereupon. And when it is considered that nearly one-half of the interest-bearing debt of the United States is held by national banks, State banks, savings-banks, and trust companies, and much other of it by private trustees and other persons acting in fiduciary capacity, who have no wish to surrender these securities, the difficulty of acting under the provision cited is manifest. Moreover, it cannot be assumed that the estimated surplus for the current and next years, under existing laws, will remain at the same rate in succeeding years. The increasing population and swelling business of the country will add to rather than take from the amount of the surplus as now estimated, while the decrease of interest on the public debt, and probably on the amount disbursed by the Pension Bureau as arrears of pensions are paid off, should diminish expenditures.

As a general principle, the good of the people requires that a public debt should be paid as soon as it may be without greatly onerous taxation or disturbance of business interests which have been fostered, perhaps stimulated, by provisions of law once expedient; though of the public debt resting upon us it is to be considered that the object for which it was in the main incurred was the good of coming generations as well as of that which incurred it, and that it is not unjust to them that, reaping a measure of the benefits it purchased, they should bear their share of the burden of payment. But as our interest-bearing public debt is over one billion and a quarter of dollars ($1,312,446,950 in exact figures), and about $250,000,000 and about $740,000,000 of it beyond our reach for payment for about eight years and twenty-four years, respectively, and may not be brought in by purchase, save at heavy rates of premium, even if it can by paying those rates, there is forced upon our attention the question, how shall a heaped-up surplus of public money be avoided? The discussion of this question in former reports of this Department admits of but one consistent answer from it now; the views therein expressed have not been given up. There ought to be a reduction of taxation.

I desire while calling attention to this bill to indorse what the Secretary of the Treasury has here said, that instead of keeping up taxation for the purpose of buying up these bonds at a premium, the duty of this Congress ought to be first to reduce taxation down to the wants of the Government; and in the next place I desire Congress to give the construction the law of 1881 was intended to have by those who aided in the passage of it, that is, to confine the power of the Secretary of the Treasury to the purchase of bonds that are payable at the option of the Government, and not authorize him to go into the market and buy those not due at any premium he pleases to pay. As there are still about $275,000,000 of 3 per cent. bonds which can be so paid off, there

is ample time for further legislation by this or future Congresses if necessary to give the Secretary of the Treasury such power as it may see fit to confer when any exigency may arise that requires the application of the surplus that he can not get rid of otherwise than by buying bonds at a premium.

The law of 1881 was passed to meet the then existing exigency of want of power, even to buy beyond the necessities of the sinking fund bonds that were payable at the option of the Government, and was not intended for any other purpose; but a broader construction is given to it. I think its language warrants it, both by the present Secretary and the preceding Secretary. I have introduced this bill and seek to refer it to the Finance Committee, to confine the Secretary's power to the bonds now payable, as was intended by all of us at the time the law was passed, hoping that we may be able then to address ourselves to the problem before us of reducing taxation, with the understanding that we are securing the stability of the national currency by making the bonds on which it is based permanent, and we will advise the taxpayers of the country that we will not merely for the purpose of keeping up unnecessary taxation draw in these bonds at any premium the holders may see fit to ask. We should doubtless increase the present high premium the very moment it is found that we have a surplus which must be applied in this way.

The 4 percents have gone from 21 to 24 per cent. premium in the last forty days by the hope that the banks were going to get more advantageous terms even than the bill reported to-day will give them. The moment we go into the market to buy them before maturity the holders will ask more, especially if provision is made that any Secretary we may chance to have shall buy them at any price he sees fit.

I have thought it proper to make these remarks, explanatory of the object I seek to accomplish. I now ask that the bill be referred to the Committee on Finance.

Mr. MORRILL. Before the bill is referred I desire to say a single word. It seems to me that the Senator from Kentucky is leaping before he comes to the stile. As long as we have any surplus, clearly it will be more economical for the Government to reduce its public debt than it will be to hold its funds on hand. For instance, it might be profitable for the Government to pay even a premium of 17 or 18 per cent. and redeem the 4 per cent. bonds and issue bonds instead at 3 per cent. If we have bonds out that are payable twenty-four years hence, we are not only compelled to pay the principal, but at 4 per cent. interest we have to pay 96 per cent. in addition. Therefore it will be much more economical, as it seems to me, for us to pay even a premium on our bonds whenever we have a surplus than to let the surplus lie idle in the Treasury. It strikes me therefore that the measure of the Senator from Kentucky is not one that he will approve of himself. The only thing is to wait and see whether we have or have not a surplus, and if we have it ought to be expended in the way that will be of most benefit to the Government of the United States. It is certainly a great compliment to the United States that our bonds, bearing as they do so small a rate of interest, are now sold in all markets for a high premium. I do not think that fact ought to be a subject of reproach or of regret.

Mr. BECK. I only desire that the law shall be construed as we all intended it, and that whatever power to buy bonds may be given hereafter shall be such as in the wisdom of Congress it is thought best to give. Instead of keeping up a surplus for the purpose of buying bonds at a premium when money is worth to the people 8 or 10 per cent. in their hands, I agree with the present Secretary of the Treasury that we ought to address ourselves to the reduction of taxation and allow the 4½ and 4 per cent. bonds, because we are going to pay all the threes in three and a half years, to be as permanent as the interests of the country require that they should, and not be agitating the market constantly through our Secretary offering enormous premiums for bonds.

Mr. BAYARD. Mr. President, it seems to me that the suggestion of my friend from Vermont would lead to this necessary result: If as long as there is a surplus of revenue there is a power and a duty with the Secretary of the Treasury to buy in the bonds not due at any rate of premium, no matter how high it may be, we are obviously making it the interest of the bond-holding class of this country to keep up the taxation as high as it may be kept up in order that the surplus may be applied for their benefit in the enhanced premium. That will not do, Mr. President. There must be no such interest to keep up taxation in order that part of it may go into the pockets of those who enhance the premium upon Government obligations not for the purpose of sustaining the public credit but for the purpose of making money out of the Government obligations. It would be a very dangerous doctrine.

The bill was referred to the Committee on Finance.

WILLIAM L. WHITE.

The PRESIDING OFFICER. If there be no further "concurrent or other resolutions," the Calendar is in order; and the first bill will be reported.

The bill (S. 621) for the relief of William L. White was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it.

The bill is a direction to the Secretary of the Interior to audit and allow the claim of William L. White for actual services performed by him as a clerk in the land office at Oregon City, Oreg., under contract with the register and the receiver thereof, to the amount of $1,333.33⅓, the balance due on the contract.

Mr. GARLAND. Is there a report with that bill?

The PRESIDING OFFICER. The bill is reported by the Senator from Oregon [Mr. SLATER] from the Committee on Public Lands.

Mr. PLUMB. That is a bill which has been reported twice from the Committee on Public Lands, and I think it passed the Senate at the last session. No written report accompanies the bill this time; but I have in my hand the report made on the 30th day of January, 1882, which if the reading is called for I shall ask to have read.

The PRESIDING OFFICER. Is the reading of the report called for?

Mr. PLUMB. Perhaps the report had better be read, as it is as brief as any statement I can make.

The Chief Clerk read the following report, submitted by Mr. GROVER, January 30, 1882:

The Committee on Public Lands, to whom was referred the bill (S. 146) for the relief of William L. White, have had the same under consideration, and beg leave to submit the following report:

That the said William L. White was duly employed by the register of the land office at Oregon City, Oreg., from September 1, 1859, to 31st day of December, 1860, a period of sixteen months, at the rate of $1,500 per annum, amounting in all for said service to the sum of $2,000, on account of which there was paid by said office the sum of $666.66⅔, leaving a balance due said White for said services the sum of $1,333.33⅓, as appears by the certified copy of voucher and receipt furnished by the Commissioner of the General Land Office to the committee.

By the seventh section of the act of Congress approved August 18, 1856 (vol. 11, p. 91), the Secretary of the Interior "is authorized to allow, subject to the approval of Congress, such reasonable compensation for additional clerical services and extraordinary expenses incidental to said offices (registers and receivers) as he shall think just and proper, and report to Congress all such cases of allowance at each succeeding session, with estimate of the sum or sums required to pay the same. On August 16, 1860, the Commissioner of the General Land Office issued a circular to all the local land offices in which he recited the above-quoted provision of law, and in reference thereto gave the following instructions to the registers and receivers of said offices, to wit:

"You will send on a statement showing the amount actually expended by you as a reasonable compensation for additional clerical services and extraordinary expenses over and above the allowance by said act of 1818 (the same simply referring to the salaries of the registers and receivers).

"You will prepare a statement in tabular form, showing the whole amount paid by you for this additional class of services, when and to whom, designating in each item the name of the party to whom paid and kind of service rendered, sending on the vouchers with your affidavit verifying the statement.

"Such data will enable this office to place the matter on just and favorable basis for the consideration of Congress."

Pursuant to said instructions under said act of Congress, on December 15, 1859, said register duly reported the services of said William L. White, and forwarded to the Commissioner of the General Land Office a certified statement of his account as herein set forth.

The occasion "for additional clerical service and extraordinary expenses" in the Oregon City land office appears to have been necessary work upon donation land certificates preparatory to patenting lands to settlers under the donation land law of Oregon of September 27, 1850, and the amendments thereto, a large number of which remained unissued for many years on account of the want of clerical force in said office.

It appears by a letter of May 18, 1880, from the Commissioner of the General Land Office, addressed to the Secretary of the Interior, and by him communicated to your committee at a former consideration of this claim, "that by act of Congress June 5, 1858, the sum of $7,000 was appropriated to reimburse the land offices at Oregon City and Winchester, Oreg., for expenses incurred by them in the employment of clerks necessary for the transaction of business of their respective offices, &c., but that the expenses actually incurred by them for this purpose exceeded the sum appropriated, and by direction of the honorable Secretary of the Interior, of date January 14, 1859, the amount appropriated was paid out to the clerks employed *pro rata*.

This accounts for the partial payment of this claim. No objection has been interposed by the Land Department to favorable action on this bill.

A similar bill has twice been favorably reported to the Senate by your committee heretofore, and twice passed the Senate without dissenting vote.

This is a case in which experienced and valuable clerical labor has been employed in the service of the United States by a public officer under authority of law and never compensated.

Senate bill 146 is therefore reported back, with recommendation that it pass with an amendment as stated in the bill.

The bill was reported to the Senate without amendment.

Mr. SAULSBURY. I desire to inquire of the Senator from Kansas why this claim has not been paid before. I understand it is a claim originating in 1860.

Mr. PLUMB. Yes, sir, it originated in 1860. I will state to the Senator that this claim has been pending before Congress since nearly that time, and has passed this body two or three times. Oregon has been until very recently a long way off; communication has been more or less interrupted, and I have no doubt for the time being the party may have considered the settlement made with him as all he could get. But the policy of the Government in regard to these matters changed. The service was rendered under a contract, which was regarded at that time as valid until the instruction of the Interior Department. As soon as he could in the ordinary way prefer his claim he did so, and it has been pending for twelve or fifteen years in Congress.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT SMITH MILITARY RESERVATION.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 258) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith, for the use and benefit of the free public schools thereof, and for other purposes.

Mr. WALKER. I ask that the report accompanying the bill be read

The Secretary read the following report, submitted by Mr. WALKER on the 7th instant:

The Committee on Public Lands, to whom was referred the bill (S. 258) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith, for the use and benefit of the free public schools thereof, and for other purposes, report the same back, and recommend that the bill be passed.

The military reservation at Fort Smith has long since been abandoned for military purposes, there being no need of a fort or garrison at or near that location. This fact appearing, Congress, by act of February 24, 1874, entitled "An act to provide for the disposition of useless military reservations," directed its transfer from the War Department to the Interior Department, which was done on the 25th of March, 1871.

By executive order dated May 22, 1871, so much of the reservation as was occupied by a national cemetery was reserved from sale and restored to the custody of the War Department, and by executive order dated December 3, 1875, additional land was reserved for said cemetery. The garrison buildings remaining within the walls of the fort are now serving the Government a useful purpose, the courts for the western district of Arkansas being held therein.

Ample grounds are within these walls for any other and far more extended buildings than the Government will ever consent to construct or need at that point, no matter what progress may be made in the adjacent country. This and also the land reserved as a national cemetery are excepted from the grant provided by this bill.

The city of Fort Smith lies alongside this reservation, and one of its streets—Garrison avenue—where it nears the Arkansas River, encroaches upon the reservation, so that a small portion thereof is within it and a part of the wharf is upon it.

The bill provides that so much of the reservation as is occupied by Garrison avenue and by the wharf of the city of Fort Smith be donated to said city, to be used as an avenue and wharf; that an amount of said reservation not exceeding 9 acres be granted to the city, to be used for public buildings and county courthouse for the Fort Smith district of Sebastian County and for a public park; and the city of Fort Smith is required to lay off, and for all time keep in repair, a street or avenue 60 feet wide leading to the front gate of the national cemetery, or the 9 acres of land so granted is to revert to the United States.

That the city shall as soon as may be after the passage of the act cause the reservation granted to be divided into lots and blocks corresponding as near as possible with the plat of said city; that all streets, avenues, and alleys laid out on such part of the avenue as is granted by this bill be granted to the city, to be held for the use of the public; that the remainder of such reservation be granted to the city of Fort Smith, to be held in trust for the benefit of the free public schools of the school district of said city, the city being required within ten years after the grant to cause the land to be sold in single lots at public sale for cash to the highest bidder, the purchase price to be paid from time to time as sales are made to the treasurer of the school board of such school district, to be used by the board in the erection of school-houses, for the pay of teachers, and the maintenance of public schools in said district.

It is provided also that persons having fractional lots fronting on Garrison avenue in said city shall have the right to purchase, within two years from the passage of the act, at private sale, so much of the reservation as shall be necessary to extend their respective fractional lots back a distance of 140 feet, at the rate per square foot that the lots on the reservation nearest such fractional lot may sell for at public sale. In making disposition of the reservation this appears to be just, inasmuch as the reservation line for a time had been uncertain and purchases were made and buildings erected when it was believed to be elsewhere. This is evidenced by the fact that the principal street of the city is located upon a part of it.

The Government derives no benefit whatever from said reservation or any part thereof, except that portion withheld by the provisions of this bill. The reservation remaining in its present condition, undisposed of, is an obstruction to the growth and prosperity of the city of Fort Smith, by the capital and industry of whose citizens in erecting buildings and making improvements near the reservation its value has been mostly enhanced.

From the memorial presented by the committee appointed by the board of school directors of the school district referred to it appears that by a census taken in August, 1881, there are in such district children between the ages of 6 and 20 years, white and colored, 1,221; that since that time there has been an increase of 100, making 1,321 of scholastic age; that the amount derived from city and State taxation is inadequate to afford means for the education of more than one-third of this number.

As the Government derives no benefit from the land embraced in the grant, and the proceeds arising from the sale thereof in the manner and for the use and benefit proposed will greatly aid in the education of the children of said school district, the committee are of opinion that the bill proposes just and proper legislation.

Mr. HOAR. I should like the attention of some member of the committee that reported this bill. The Senator from Arkansas [Mr. WALKER] has it in charge. I see that this bill, in the second section, requires the city of Fort Smith forever to keep in repair certain streets and avenues which it is to lay out, and upon a failure to do that the whole land grant is forfeited to the United States. It also requires the city to sell the land to purchasers who probably will be householders, so that these people will take their title, erect their dwellings or stores or whatever else they erect upon the land upon a perpetual condition subsequent, that their title shall be forfeited if the city fails to perform a certain provision of the bill. It seems to me that that would be a very unjust arrangement.

Mr. WALKER. Mr. President, the title once vested remains in the party purchasing. It is only in regard to the unsold lands that the reversion is to take place. The title once vested will not be divested by a subsequent failure.

Mr. HOAR. Will the Senator please read for himself lines 14 and 15 of section 2? Does the Senator understand that the nine acres do not include the portion of the reservation to be sold? I should like to have the Senator or some member of the committee also state why this is given; whether if the Boston navy-yard shall be abandoned for naval purposes it is also the purpose to convey that to the city of Boston.

Mr. PLUMB. The committee did not have under consideration the Boston navy-yard, and consequently I can not answer as to that particular tract of land; but I can state briefly the theory upon which the committee proceeded.

Fort Smith is located upon the boundaries of the State of Arkansas and the Indian reservation. It is a reservoir, so to speak, of a large floating population, ignorant and vicious to an extreme degree, half-breeds, Indians of various degrees of intermixture with white blood, and Indians of full blood. This town has had the burden of the control of this class of people for many years. It has also had the burden of educating a more than usually large number of this class of people by reason of its proximity to a section of country where educational facilities were limited, and which therefore voided upon it, so to speak, a large number of persons to be educated in excess of that which applies to communities otherwise located.

In addition to that, whatever value this piece of land has beyond its value for agricultural purposes is due to the energy, to the enterprise, to the investment of the people of Fort Smith. They have given it value, and for many years the proper and legitimate growth of the town has been interrupted and hindered seriously by reason of the fact that this reservation lay close up against it in such a way that it could not extend itself accordingly as it would have done if this land had been subject to sale.

Besides, the committee was to some extent responsive to the opinion expressed here and elsewhere in regard to the unsettled condition of things existing in the Southern States which has evoked so much attention from Congress in the way of appropriations for educational purposes to the States in which a large black population exists, a population which is of necessity very ignorant.

These were the considerations which moved the committee to report this bill. The reservation is not needed for military purposes. If it were exposed to sale and the Government was compelled to pay out of the proceeds the sum of money which would represent the increase in value which the labor and the investment of the people of Forth Smith has heretofore put upon this particular piece of land, there would be but a small amount to go into the Treasury of the United States. It was thought, considering the exceptional condition of things surrounding that community, it were better to be generous and fair, and not to cut a small pattern or to deal with them in a close way, but, inasmuch as the situation was exceptional, to give them the full benefit to grow out of the donation to them of this tract of land.

Mr. HOAR. I know I am violating the rule, and if I have spoken part of five minutes once, I ask for enough of time to make up that.

The PRESIDENT *pro tempore*. The Senator is not entitled to be recognized unless by unanimous consent, he having spoken once. Is there objection to the Senator from Massachusetts speaking again on this question? The Chair hears none.

Mr. HOAR. I am obliged to the Senate for its consent, but I do not conceive that I am violating the spirit of the rule, as I rose first to ask a question, and did not occupy more than half a minute in doing it. The Chair is right in saying that I am violating the letter of the rule without consent.

It does not seem to me that the consideration that value has been added to this land by these people is of very great force, because that is true of all Government land situated in the neighborhood of any growing community. The other reasons stated by the Senator from Kansas seem to me forcible. I move to amend the bill by adding at the end of the first section—

And to be applied to the benefit of all children of school age, without distinction of race.

The Senator states that this is intended largely for the benefit of Indian and colored children.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to amend the bill.

Mr. HOAR. I do not enter into the question whether they are educated at separate schools or together, but I want to provide in some way that each race shall have its equal share of the benefits.

Mr. WALKER. I am willing to accept the amendment.

The PRESIDENT *pro tempore*. The Senator from Arkansas can not accept the amendment, as the bill is before the Senate. It is the duty of the Chair to put the question on the amendment.

Mr. MORGAN. That is a very appropriate amendment to this enactment, for we have there a colony of negroes and a colony of Indians who have assembled in the vicinity of Fort Smith and occupy part of this reservation as squatters, as I understand, and that is one of the main reasons why the citizens of that community desire that this land be passed into private ownership.

My impressions about the bill have been derived almost entirely from correspondence with the citizens, amongst others with the judge of the United States court there, who seems to be a philanthropic and public-spirited man, and he desires that this area of reserved land shall go into the city limits, and that the city shall have an opportunity of extending itself over this plain.

Fort Smith is an important town in a great many particulars, and has a good commerce and fine prospects for the future, and it is of great service, I think, to the Government and the people of the United States as an outpost of civilization on the border of the Indian Territory; and so I consider are all the towns around the Indian Territory. Good influences ought to pass from those towns into that Territory, and really we are doing more to civilize and improve the Indians than we are aware of. We established courts there on the southern border of Kansas; we have a court also at Fort Smith for the trial of criminals and for the investigation of offenses and crimes in the Indian Territory.

These people have gone on and expended their money and improved the property in the vicinity of this reservation, as the Government has been holding it without having any actual necessity for it as a military reservation. It seems to me that it is an act of public justice as well as of public benefaction to allow this land to pass into private ownership, and the proceeds to go into a school fund for the use of all persons, without distinction of race or color.

Mr. INGALLS. Mr. President, the report is silent as to the area of this reservation. It would be interesting to know how many acres it contains. It appears from the bill that nine acres are to be reserved for the erection of public buildings and for the use of a park for the inhabitants of the city, and that the remainder is to be disposed of for the benefit of the public schools of Fort Smith. Can the Senator advise us how many acres there are in the entire reservation?

Mr. WALKER. Two hundred and ninety-odd.

Mr. INGALLS. Two hundred and ninety acres.

Mr. GARLAND. The amendment offered by the Senator from Massachusetts is proper enough, but I suppose the committee who reported the bill considered that the present constitution and school laws of Arkansas are ample on that question. Still, for one, I am willing to let that go in.

Now, I would suggest a verbal amendment in section 2, line 28, which reads, "for the pay of teachers and the maintenance of the public schools." I would insert "free" after the word "the," so as to read, "the free public schools in said district;" so as to carry out the purpose.

I would state, in addition to what the Senator from Kansas [Mr. PLUMB] and the Senator from Alabama [Mr. MORGAN] have stated, that this bill was passed by the Senate some two years ago identically in the form it is now with the same report. There was no opposition to it except that the Senator from Minnesota [Mr. MCMILLAN] asked that it go over one day until he could look into it. He examined it and the next day withdrew the objection. The act of Congress reserving this reservation specifies the number of acres and the area by metes and bounds. I offer the amendment which I indicated in order to carry out to the fullest extent the purport of the bill.

The PRESIDENT *pro tempore*. That will not be in order until the amendment of the Senator from Massachusetts shall have been disposed of. The question now is on the amendment of the Senator from Massachusetts.

Mr. SAULSBURY. I have no objection to the amendment of the Senator from Massachusetts being adopted if the Senators from Arkansas do not object to it; but I do not see how that amendment can be carried into effect. It provides that the proceeds of this land shall be applied to the education of all children of school age without distinction as to race or color. Suppose all those children do not desire to avail themselves of the advantages of a school education, how is it to be applied? I think the Senator ought to amend his amendment by saying "such of the children as shall see proper to avail themselves of an education." I do not see how this fund can be diverted from a strict application to all the children of school age under the amendment of the Senator from Massachusetts.

Mr. HOAR. The Senator will allow me to point out to him that the language which I used is qualified by what already is in the bill. Perhaps he did not observe that it is to be held for the use and benefit of the free public schools in the school district of Fort Smith, to be applied without distinction of race. I suppose of course that means only such children as are in the free public schools. They make their own regulations about that.

Mr. SAULSBURY. Then, I again say, I have no objection to the amendment, as the Senators from Arkansas do not object. Still I do think it is unnecessary on all occasions to be attempting to regulate here the local concerns of every community. I should be perfectly willing to trust the management of this fund to the people of the town of Fort Smith without the interference of Congress or the Senator from Massachusetts or any other Senator as to the manner in which they shall apply the money. I would trust the people of New England or of Kansas or of any other State, and I think we had as well leave the management of their local affairs entirely to the people of the different sections of this country and not undertake to impose our own particular views upon the people of every section of the Union.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Arkansas [Mr. GARLAND] moves an amendment in section 2, line 28, after the word "the," where it occurs in the second place, to insert "free;" so as to read, "the free public schools."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUDICIAL RETIRED LIST.

The bill (S. 178) to repeal section 714 of the Revised Statutes, allowing pensions to judges in certain cases, was announced as next in order.

Mr. PUGH. There is an adverse report from the Committee on the Judiciary on that bill. I am requested by the Senator from Mississippi [Mr. GEORGE] who introduced the bill to ask that it lie on the table, and he will call it up at a future day.

The PRESIDENT *pro tempore*. It is moved by the Senator from Alabama that this bill lie on the table.

The motion was agreed to.

COLORADO SCHOOL LANDS.

The next bill on the Calendar was the bill (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;" which was considered as in Committee of the Whole.

Mr. COCKRELL. Is there any report with that bill?

The PRESIDENT *pro tempore*. There is a report.

Mr. HILL. I will state that this bill has passed the Senate in the Forty-sixth and Forty-seventh Congresses. It has been examined by the committee very carefully. There is no report filed now. There was a report made on the bill at the last session, which I suppose will answer the purpose, if the Senator desires to have it read.

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Colorado that there is a report at this session.

Mr. HILL. The same report that was made last year was adopted by the committee.

The PRESIDENT *pro tempore*. The report will be read, if there be no objection.

The Chief Clerk read the following report, submitted by Mr. HILL January 7, 1884:

The Committee on Public Lands, to whom was referred S. 74, "to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,'" has had the same under consideration, and reports it back to the Senate with the recommendation that it do pass.

Mr. MILLER, of California. I offer the amendment which I submitted a few days ago, and which is simply to admit California to the provisions of this bill as respects indemnity for the sixteenth and thirty-sixth sections taken as mineral lands.

Mr. HOAR. Has that been before the committee?

Mr. MILLER, of California. The amendment has been submitted to the members of the committee.

Mr. HOAR. Have the committee passed upon it?

Mr. MILLER, of California. They have passed upon it individually. There can not possibly be any objection to it, because California is in the same position as Colorado.

Mr. HOAR. But it seems to me that a provision of this character conferring a new right to public lands, however proper it may seem on its face, ought not to be coupled with a provision of even a similar character relating to another State by mere amendment, unless it has in some way substantially received the same consideration of the committee. If the Senator says he has submitted it to the members of this committee and has their approbation without the formality of a meeting, I shall not object; but I should object otherwise.

Mr. MILLER, of California. I understand it has been submitted to the chairman and other members of the committee, and there is a bill introduced by me for the benefit of California, which is before the committee. I desire to put these States on an equal footing in this respect and have them both in one bill. I ask the chairman of the committee whether there is any objection to my amendment? I do not think there can possibly be any objection to it.

The PRESIDENT *pro tempore*. The Senator from California proposes an amendment, which will be read.

The CHIEF CLERK. The proposed amendment is to strike out all after the enacting clause of the bill and insert:

That an act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States," approved March 3, 1875, and an act entitled "An act to provide for the survey of the public lands in California, the granting of pre-emption rights therein, and for other purposes," approved March 3, 1853, shall be construed as giving to the States of Colorado and California, respectively, the right to select for school purposes other lands in lieu of such sixteenth and thirty-sixth sections as may have been or shall be found to be mineral lands: *Provided*, That such selections shall be made from lands anywhere within the States of Colorado and California, respectively, returned as agricultural, and upon which at the date of selection no valuable mineral discoveries have been made; and all such selections shall be reported to the Secretary of the Interior, who shall, if he is satisfied such lands so selected are not mineral, so certify, and thereupon the right of said States to such selected lands shall finally attach; and the Secretary of the Interior shall also ascertain whether any of such sixteenth and thirty-sixth sections are mineral lands, and shall certify their character, which certificate shall determine the matter.

SEC. 2. That it shall be the duty of the deputy surveyor, at the time of executing the survey of any township, to make a critical examination of the character of sections 16 and 36, and to embrace in his field-notes a full report of any and all mineral discoveries found to the surveyor-general, who shall report to the Secretary of the Interior whether the whole or any part of either of said sections is mineral in character.

SEC. 3. That the State of Colorado, in selecting lands for agricultural-college purposes under the acts of July 2, 1864, and July 23, 1866, may select an amount of land equal to 30,000 acres for each Senator and Representative which said State is entitled to in Congress, from any public land in said State not double-minimum

priced land, or selections may be made from said double-minimum lands; but in the latter case the lands are to be computed at the maximum price and the number of acres proportionally diminished; but no mineral lands shall be selected.

SEC. 4. That whenever there shall exist a deficiency of school lands in any township for which the State of California may be entitled to select indemnity lands under the provisions of this or of any previous act, such indemnity lands may be selected in any land district in the State.

Mr. CONGER. Let me inquire whether there is any restriction upon taking lands on which settlers or occupants, under any title or claim of title, may have settled and made improvements.

Mr. MILLER, of California. The previous acts determine how the land shall be taken. The States cannot take lands that belong to settlers.

Mr. HILL. They are obliged to take lands subject to entry.

Mr. CONGER. My inquiry was whether there was sufficient protection in this bill against States taking under this bill any lands upon which settlers or even squatters might have made improvements, without guarding the rights of such settlers? I think that provision should accompany all new grants of land or new selections to be made.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from California.

Mr. COCKRELL. I should like to hear some explanation of that amendment and its scope, and to know whether California has not already received land, and if this is not an additional gratuity. Let there be some explanation of the reason why the amendment should prevail.

Mr. MILLER, of California. This is not an additional gratuity.

The PRESIDENT *pro tempore*. The Senator from California has once addressed the Senate; he asks unanimous consent to address it again on this bill. Is there objection? The Chair hears none.

Mr. MILLER, of California. This is not an additional grant of land to the State of California. The amendment refers to sections set apart as mineral lands which were the sixteenth and thirty-sixth sections heretofore granted to the State for school purposes, and this only provides that where the school sections have been set apart as mineral lands the State shall have the right to select other lands under the provisions of the act donating those lands; that is to say, any lands that are open to entry and that have not been pre-empted or homesteaded or settled upon may be taken in any part of the State to make up the quantity of lands which the State has been deprived of by reason of these reservations for mineral purposes. That is all there is of it. It is certainly just and proper that these States should have the full amount of the sixteenth and thirty-sixth sections within their limits for schooling purposes.

Mr. CAMERON, of Wisconsin. Suppose a settler has merely squatted upon land, and has not attempted to perfect his title under any of the land laws of the United States, could the land so occupied by this squatter be taken under the provisions of the amendment?

Mr. MILLER, of California. I suppose not. A *bona fide* settler on the public lands is protected by the land laws of the United States in his possession, I understand. This does not change the land system at all. It only permits the State to make selections of land open to settlement under the land laws of the United States.

Mr. COCKRELL. I should like to ask if California has not already heretofore had this deficiency made up to her.

Mr. MILLER, of California. She has not.

Mr. COCKRELL. Has there been no legislation of that kind?

Mr. MILLER, of California. There has been legislation of one sort and another in regard to school lands, but none, as I understand it, to give the State the right of selection in place of the sixteenth and thirty-sixth sections reserved as mineral lands.

Mr. COCKRELL. I will say to the Senator that my understanding has been that the loss of the sixteenth and thirty-sixth sections to California has substantially been made up by subsequent legislation.

Mr. MILLER, of California. If it has been then the State would get nothing under this legislation. It is only to give her that to which she would be entitled; and if she has not been deprived of any of her lands for school purposes she takes nothing under this act. It is only to make up the amount she has been deprived of. The same is true of Colorado.

Mr. HARRISON. I dislike to oppose anything that the Senator from California advocates here specially unless I know some good reason to urge against it; but it seems to me that this ought not to come in in the form of an amendment to a bill which has been considered by a committee and reported; that the right course to take to give the relief to California which the Senator thinks she is entitled to in reference to her school lands would be to introduce an independent bill, let it go to a committee and have consideration there, and come back to us with what information the committee can give upon the subject.

Mr. MILLER, of California. I stated that that had been done already; such a bill is before the Committee on Public Lands, but this bill coming up, and the case being similar to that of Colorado, I could see no impropriety in moving the amendment. I consulted members of the committee about it and no objection was made, but on the contrary it was thought to be eminently proper that California should be admitted into this bill, and have the same rights and privileges as Colorado.

Mr. HARRISON. If, then, the question is before the committee for consideration now on a bill which the Senator has introduced, it seems to me he will not be put at a disadvantage, and the rest of us will feel a little more comfortable in supporting what I have no doubt he will be able to demonstrate to us is a correct measure when it has formally received the sanction of the committee that has it in charge.

Mr. MILLER, of California. Mr. President——

The PRESIDENT *pro tempore*. The Senator from California has already twice addressed the Senate.

Mr. MILLER, of California. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent to proceed again. The Chair hears no objection.

Mr. MILLER, of California. If there is any danger of the bill of the Senator from Colorado being imperiled by my amendment, I shall withdraw it.

Mr. HOAR. I ask leave to make a suggestion.

The PRESIDENT *pro tempore*. Does the Senator from California yield?

Mr. MILLER, of California. Yes, sir.

Mr. HOAR. This bill will go over of its own motion in two minutes. It will hold its place then on the Calendar and come up, no objection being made to it, on Monday morning, and meantime the committee will be able to say formally whether they approve this amendment. They meet on Monday morning, and if they do approve it that will remove the objection and make it all right.

Mr. HILL. If the bill will go over without prejudice, I have no objection to its going over to Monday morning.

Mr. COCKRELL. Would it not be better to have it printed with the proposed amendment?

Mr. HILL. The proposed amendment is in the nature of a substitute. It has been printed.

Mr. COCKRELL. All right.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will take it, although it lacks one minute of 2 o'clock, that the hour of 2 o'clock has arrived. That leaves this bill for consideration to-morrow, and the Chair will lay before the Senate the unfinished business of yesterday.

PRINTING OF FINANCIAL STATEMENTS.

Mr. MORRILL. I ask the Senator from Indiana to allow me to have an order made to print a document that is useful and necessary for the Committee on Finance, and it should be printed to-day.

Mr. HARRISON. Very well.

Mr. MORRILL. I submit the following order:

Ordered, That 500 copies of the interview of the Committee on Finance with Hon. John Jay Knox, Comptroller of the Currency, on Senate bills 20, 1050, and 1155 be printed for the use of the committee.

Mr. GARLAND. Has that interview been reported to the Senate?

Mr. MORRILL. No; we ask to have it printed for the use of the Committee on Finance.

The PRESIDENT *pro tempore*. The question is on agreeing to the order.

The order was agreed to.

GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 153) providing a civil government for the Territory of Alaska.

Mr. HARRISON. In the reprint of the bill with the amendments which have been adopted the Secretary has called my attention to the fact that in section 5, line 29, the words "and commisioners to be" are printed as though that phrase had been adopted as part of the amendment of the Senator from Delaware [Mr. SAULSBURY]. That is a mistake simply in the print. It does not appear in the official copy at the desk.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Indiana to say that in line 29, section 5, of the reprint, the words "and commissioners to be" are an error?

Mr. HARRISON. They are an error. They were not in the amendment.

The PRESIDENT *pro tempore*. The Chair is so informed at the desk. In the official paper those words do not occur.

Mr. HARRISON. I ask leave to propose several amendments, with a view of conforming the bill in some of its provisions to the amendment which was adopted yesterday on the motion of the Senator from Nebraska [Mr. VAN WYCK]. In section 7, line 15, after the word "involved," I move to insert "in any civil case;" so as to read:

When the amount involved in any civil case is $200 or more.

As the clause reads now line 15 relates to both civil and criminal cases, and it is not of course a right description of a criminal case to speak of an amount of money as being involved. I will follow that amendment with another in the next line, which will make it conform.

The PRESIDENT *pro tempore*. As this is an amendment already agreed to, the Senator from Indiana asks unanimous consent to move an amendment in line 15, section 7. Is there objection to the consideration of the amendment? The Chair hears none, and the question is on agreeing to it.

The amendment was agreed to.

Mr. HARRISON. At the end of line 15, of section 7, after the word "more," I move to insert "and in any criminal case where a fine of more than $100 or imprisonment is imposed."

The PRESIDENT *pro tempore*. Is there objection to the consideration of this amendment? The Chair hears none, and the question is on agreeing to it.

The amendment was agreed to.

Mr. HARRISON. Section 9 of the bill was amended, as I have already said, on motion of the Senator from Nebraska, so as to require the fees received by these officers to be turned into the Treasury of the United States. That amendment will make it necessary to increase somewhat the salaries, and I will propose in a moment some amendments in that direction.

It is impossible that the committee could now determine upon the salary which the marshal of such a district as this should be entitled to provided he has to pay out of his salary all his traveling expenses. In executing writs of the court it will no doubt be necessary for the marshal to make long journeys, to hire a canoe and a crew of Indians to paddle him some hundreds of miles along the coast, and if we allow him a salary and make no provision for fees or mileage for such a trip it is not likely that the sum named in the bill will more than defray the expenses of his office, leaving him absolutely nothing for his own services.

The committee therefore have suggested increasing some of the salaries. They have determined to report to the Senate an amendment allowing actual traveling expenses, to be reported under oath by these officers, to be approved as to the marshal and district attorney by the judge of the court, and as to the judge's own traveling expenses an account of them is to be rendered to the Attorney-General and approved by him. We think this establishes as good guards about these expenditures as we could make.

I shall have to ask unanimous consent to offer some of these amendments, as amendments of the committee are to be amended which have already been adopted. The first amendment is in section 9, line 14, after the word "thousand," to insert "five hundred dollars;" so as to read:

The attorney, the sum of $2,500.

The PRESIDING OFFICER (Mr. FRYE in the chair). That is an amendment to the text and is in order.

Mr. HARRISON. It appears so in the reprinted bill, but in the original bill it was "$2,500" and the amendment proposed by the committee to reduce the amount $500 was adopted. This is a proposition to reinstate it, so that of course it requires unanimous consent.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent to offer the amendment. Is there objection? The Chair hears none, and the question is upon agreeing to it.

The amendment was agreed to.

Mr. HARRISON. In line 15 of section 9, after the word "thousand," I ask leave to insert the words "five hundred dollars;" so as to read:

The marshal, the sum of $2,500.

The PRESIDING OFFICER. Is there objection to this amendment? The Chair hears none, and it is adopted without objection.

Mr. HARRISON. In section 9, line 17, after the word "thousand," I move to insert the words "five hundred;" so as to read:

And the clerk, the sum of $2,500.

The PRESIDING OFFICER. Is there objection to this amendment? The Chair hears none, and it is adopted without objection.

Mr. HARRISON. In section 9, line 18, after the word "States," I move to insert:

The said district judge, marshal, and district attorney shall be paid their actual necessary expenses when traveling in the discharge of their official duties. A detailed account shall be rendered of such expenses under oath, and as to the marshal and district attorney such account shall be approved by the judge, and as to his expenses by the Atttorney-General.

The amendment was agreed to.

Mr. HARRISON. At the beginning of line 23 I move to strike out "$500" and insert "$1,000." That is the provision for the salaries of the commissioners, upon whom very important judicial functions are devolved. Under the bill we gave them $500 apiece. Under the amendment of the Senator from Nebraska the fees have been taken from them, and upon a conference in the committee we have agreed to recommend that the salaries be increased to $1,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana to increase the salary of the commissioners from $500 to $1,000.

The amendment was agreed to.

Mr. HARRISON. In section 9, line 24, in order to make the bill harmonious, I move to strike out, after the word "fees," the words "as deputy United States marshals and;" so as to read:

The deputy marshals, in addition to the usual fees of constables in Oregon, shall receive each a salary of $500.

The amendment was agreed to.

Mr. HARRISON. In section 9, line 25, I move to strike out $500 and insert $750. This is the salary of the deputy marshals, who are to be the constables and executive officers of the commissioners' courts. We increase it $250.

The amendment was agreed to.

Mr. HARRISON. I desired to propose an amendment to the amendment adopted on the motion of the Senator from Delaware [Mr. SAULSBURY], but I see that the correction has already been made. The correction I desired to make was to strike off the letter "s" in "commissioners," in line 17 of section 7. It relates to the approval of the appeal bonds; it should read "to be approved by the court or commissioner." Of course it is not intended that all of the commissioners should approve an appeal bond, but that any one of them might do so.

The PRESIDING OFFICER. That amendment will be adopted without objection.

Mr. HARRISON. That, I believe, completes any amendments that have been suggested by the committee.

Mr. LAPHAM. After the word "commissioner," in line 17 of section 7, in the reprint of the bill, I move to add:

Writs of error in criminal cases shall issue to the said district court from the United States circuit court for the district of Oregon in the cases provided in chapter 176 of the laws of 1879; and the jurisdiction thereby conferred upon circuit courts is hereby given to the circuit court of Oregon.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. LAPHAM.]

Mr. LAPHAM. My object in offering the amendment is to apply the provisions of an act, framed, as I said the other day, when I was a member of the other House, providing for a rehearing on a writ of error of criminal cases tried in the district court where the sentence is imprisonment, or if a fine only, where the fine shall exceed the sum of $300, in the circuit court of the district where the trial is had. That act was very carefully prepared. It provides for the settlement of the bill of exceptions at the trial, the presentation of the bill of exceptions to the circuit judge or circuit justice in term or vacation, who on consideration of the importance and difficulty of the questions presented in the record may allow a writ of error. It does not give a writ of error as a matter of right. It vests in the circuit court simply a discretion in important cases where manifest error has been committed to allow a review in the circuit court.

The bill provides that the district court in this Territory may exercise a power which is not given to the district courts of the United States in any other instance that I know of, and that is to try in the first instance capital cases. It may try a man and send him to execution, and there is no mode, whatever error or errors may have been committed in the trial, by which the accused can have any rehearing of his case.

In minor criminal cases which are triable in the district court grave questions may arise, questions of constitutional law, and there is no mode of reviewing them provided in this bill unless we make, as I propose in the amendment, the provisions of the law of 1879 applicable to this case. I am unable to see any possible objection to doing this. This a far-off Territory, where trials may be conducted in haste, where wrongs to individuals may result in criminal trials for which there ought to be some mode of redress. By the terms of this measure they are denied any redress whatever unless the provisions of the law of 1879 are made applicable to the case.

I do not desire to say anything in reference to the matter unless there shall be objection to the amendment. I can hardly conceive that there is any ground for objection. I hope the Senator from Indiana will assent to its being adopted. It will not in all probability result in many if any cases going to the circuit court in Oregon, but if a flagrant case should occur where gross injustice is being done to an individual that remedy would be left to him and a review could be had.

I select the circuit court of Oregon for the reason that in all the other provisions of this bill the laws of Oregon are made applicable to the trials in the district court and in the commissioners' courts, so that the circuit court of Oregon is the proper tribunal to grant a writ of error in the case presented to it, and to hear the case upon the merits if the writ of error is allowed.

My amendment also, as will be seen, provides for adding the words "and circuit" in the middle of line 18 of the seventh section. It now reads:

And the final judgments or decrees of said district court may be reviewed by the Supreme Court of the United States.

I ask to add the words "and circuit;" so as to read:

And the final judgments or decrees of said circuit and district court.

I do that simply to provide for one class of cases. Suppose in the circuit court there should be a certificate of division upon a question of constitutional law.

Mr. HARRISON. A certificate of division in what circuit court?

Mr. LAPHAM. In the circuit court of Oregon. Then the case is one which ought to go to the Supreme Court and would go by law to the Supreme Court. Therefore I ask to make it read that the final judgments or decrees of said circuit and district court may be reviewed by the Supreme Court of the United States in such cases. That simply provides for the exceptional case of a certificate of division upon a constitutional question, which necessarily, if properly provided for, would bring the case up.

Mr. GARLAND. The statute of 1879, as stated by the Senator from New York, changed the practice in reference to a good many districts. Take for example the western district of Arkansas.

Mr. LAPHAM. It changed the practice as to all district courts, did it not?

Mr. GARLAND. The law simply gave them the general jurisdiction of a circuit court, but no provision was made until the act of 1879, to which attention has been called by the Senator from New York, to have a review of criminal cases. In reading his amendment, although I believe it comports, as far as I am able to judge at this instant, with the law of 1879 and the general law, it resolves itself purely into a question of convenience. As one representing the committee in part, I have no objection to the amendment, since it tallies with the law of 1879 and gives the party a review, if in the discretion of the circuit judge of Oregon he thinks he is entitled to it, upon such terms as the law prescribes.

Mr. LAPHAM. It is left entirely in his discretion.

Mr. GARLAND. I have no particular objection, for one, to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. LAPHAM].

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from New York also moves in section 7, line 18, of the amended bill, after the word "said," to insert the words "circuit and;" so as to read:

And the final judgments or decrees of said circuit and district court may be reviewed by the Supreme Court of the United States as in other cases.

The question is on agreeing to that amendment.

The amendment was agreed to.

Mr. INGALLS. The second section declares "that there shall be appointed for the said district a governor, who shall reside therein during his term of office." The bill nowhere provides for a term of office. I suggest to the Senator from Indiana that there should be a term provided for the governor and all the other officers named in the bill.

Mr. MORGAN. A Territorial office is fixed at four years by the general law.

Mr. MILLER, of California. In section 9, lines 4, 5, and 6, it is provided that these officers "shall hold their respective offices for the term of four years and until their successors are appointed and qualified."

Mr. INGALLS. I had overlooked that. I suggest the insertion of the word "annual" before the word "salary" in line 13, section 9; so as to read:

They shall receive respectively the following annual salaries.

As the bill now reads, these officers would be entitled to receive the entire amount every three months.

The amendment was agreed to.

Mr. CALL. I move to amend the bill, if in order, by striking out the fourteenth section.

Mr. HARRISON. What is the amendment proposed?

Mr. CALL. I want to raise the question of the power of Congress to pass an act prohibiting the importation into the Territory of Alaska of any commercial article which is admitted by law into other parts of the United States.

The PRESIDING OFFICER. The Chair will state to the Senator from Florida that the amendment is not in order now as in Committee of the Whole, section 14 having been adopted as an entirety. It will be in order after the bill shall have been reported to the Senate.

Mr. CALL. Very well; I will then reserve the question on that amendment.

The bill was reported to the Senate as amended.

Mr. HARRISON. I suppose we had better act upon the amendments made as in Committee of the Whole, and if any one amendment is reserved the question may be taken upon the others together.

The PRESIDING OFFICER. The bill is in the Senate with certain amendments reported from the Committee of the Whole, and the question now is on concurring in the amendments as reported. Is a separate vote required? ["No."]

Mr. CALL. I understood that the question upon concurring in section 14 would be reserved for a separate vote.

Mr. HARRISON. Let all the other amendments be acted upon in gross. ["Agreed."]

Mr. HARRIS. I suggest to the Senator from Florida that he simply reserve that particular section for a separate vote in the Senate.

Mr. CALL. That is all I desire.

The PRESIDING OFFICER. What is the wish of the Senate as to the other amendments? Shall there be separate votes or shall they be adopted as an entirety? ["In bulk."] Is it the pleasure of the Senate that the amendments reported by the Committee of the Whole with the exception of section 14 be now concurred in?

The amendments were concurred in.

The PRESIDING OFFICER. The next question is on concurring in the amendment adding as an additional section section 14 to the bill.

Mr. CALL. Mr. President, the fourteenth section as agreed upon by the Senate as in Committee of the Whole provides:

That the provisions of chapter 3, title 23, of the Revised Statutes of the United States, relating to the unorganized Territory of Alaska, shall remain in full force, except as herein specially otherwise provided; and the importation, manufacture, and sale of intoxicating liquors in said district, except for medicinal, mechanical, and scientific purposes, is hereby prohibited, under the penalties which are provided in section 1955 of the Revised Statutes for the wrongful importation of distilled spirits; and the President of the United States shall make such regulations as are necessary to carry out the provisions of this section.

I am entirely willing to support any proper measures of a police nature, as it is termed, for the purpose of subjecting the traffic in spirituous liquors to such conditions and regulations as will limit or prevent its injurious effects in the Territories, but our action here must be kept within the limit of our constitutional authority and power. To accomplish this end we have no right to violate our oaths and our constitutional duty.

My objection to that section is that it is not within our constitutional power to adopt it. The Constitution of the United States, as I submitted yesterday to the Senate, provides that all duties and imposts shall be uniform throughout the United States. Upon a very slight inquiry and examination into the subject this morning I find, as I supposed was the case, that has been well settled in the previous judicial construction of the Constitution throughout the country. It has been decided both by the Supreme Court of the United States and by the State courts always that there can not be any imposition of a prohibitory tax or a prohibition upon the exports in the interstate commerce from one State into another State under the Constitution. Both in regard to foreign importations and the exports or commerce from one State to another State the Constitution is clear and unmistakable.

The construction of the Constitution which has been placed upon it both by commentators and courts leaves no doubt upon that subject. There is not a single decision of the Supreme Court to the contrary. The Senator from Arkansas cited yesterday a decision of a district court in Oregon (Judge Deady presiding) affirming the constitutionality of a law similar to this. That would be no authority to govern the reason and conscience of the Senate; but it is not sustained by reason or argument or authority. The counsel for the defense in the case submitted to the court the proposition that Congress could not abdicate its legislative power and confer it on the President, and the judge says that this is a most extraordinary proposition and one for which no authority is cited. The authority is abundant, but it ought not to have needed authority for a self-evident proposition. Where does Congress derive the authority to prohibit commerce between the States? Where to prohibit commerce between foreign nations and the United States? Where to declare that shall not be property which the States make property, excepting only slaves?

There is not a single authority nor can there be a reasonable argument made in support of this proposition. I am aware that there has been a statute declaring this to be the law for many years in relation to this Territory, but the Constitution is supreme and the statute of no force.

Mr. BAYARD. While the Senator from Florida is looking for his authority I should like to ask the Senator from Indiana is there a port of entry in Alaska?

Mr. HARRISON. I am not able to answer the Senator certainly. I think the port of Sitka was made a port of entry. Whether it is continued as such I do not know.

Mr. MILLER, of California. Alaska is a collection district with Sitka as a port of entry with a collector of customs, and there are three ports of delivery, I think.

Mr. BAYARD. Sitka is a port of entry by law?

Mr. MILLER, of California. Yes, sir.

Mr. CALL. Story, in his Commentaries on the Constitution, volume 2, page 463, section 966, writes as follows:

SEC. 996. The eighth section of the first article gives to Congress "power to lay and collect taxes, duties, imposts, and excises," for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It, consequently, extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are "but all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised and must be throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

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This language is perfectly clear, and the reasons which sustained it equally so. The commentator further on cites and reviews a leading case in the Supreme Court from Maryland where a law of this State sought to evade this provision of the Constitution, and the court at great length examines all the reasoning on the subject, both the reasons which sustain the objects of the power granted to Congress and the limitation of it, and the conditions imposed that duties or imposts shall be uniform or the same in all the States and Territories. I will not detain the Senate by reading the case. The question is too plain for argument. You can not have duties uniform and in one place have a duty and in another have none. You cannot admit articles in one place and prohibit them in another.

SEC. 1010. The next clause in the Constitution is:

"No tax or duty shall be laid on articles exported from any State. No prefer-

ence shall be given by any regulation of commerce, or revenue, to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another."

SEC. 1011. The obvious object of those provisions is to prevent any possibility of applying the power to lay taxes or regulate commerce injuriously to the interests of any one State, so as to favor or aid another. If Congress were allowed to lay a duty on exports from any one State, it might unreasonably injure, or even destroy, the staple productions or common articles of that State. The inequality of such a tax would be extreme. In some of the States the whole of their means result from agricultural exports. In others, a great portion is derived from other sources; from external fisheries, from freights, and from the profits of commerce in its largest extent. The burden of such a tax would, of course, be very unequally distributed. The power is, therefore, wholly taken away to intermeddle with the subject of exports. On the other hand preferences might be given to the ports of one State by regulations either of commerce or revenue, which might confer on them local facilities or privileges in regard to commerce or revenue.

Does not the case of an importation by act of Congress of certain articles in one place and their prohibition in another confer a preference—a special privilege on the citizens of the place where the articles are admitted over the citizens of the place where it is prohibited? Surely this is too plain for argument. This is a regulation of commerce—a preference of one port over another. It can not be called a police regulation.

It would seem, therefore, that under these two clauses of the Constitution there could be no provision of law enacted by which a preference shall be made between the citizens of one State or Territory and those of another. Unquestionably if there be a duty and an admission of an imported article in New York under a rate of tax and in California or Alaska (which under this decision is the same) it be admitted free or prohibited altogether, there is a preference; there can not be uniformity. Either the prohibition must be uniform or the tax or duty must be uniform.

In this case the general law provides for an admission of the importation upon the payment of a duty everywhere except in Alaska. This bill provides that in that portion of the territory of the United States contained within the unorganized Territory of Alaska there shall be no admission of this importation; that the importation of spirits shall be altogether prohibited; and it provides that there shall be no export (using the word in the sense of the transit of the productions of one State into another) from any State of the United States into the Territory of Alaska of this article of commerce.

The question is whether on the principle of uniformity required in the Constitution this act which makes an absolute prohibition and confers a preference of one State or Territory over another would be constitutional and its exercise of power valid.

Upon the question of the right of property the Supreme Court in the much-discussed and somewhat criticised case known as the Dred Scott case decided that a citizen going into a Territory carried with him whatever constitutional rights or inhibitions against the exercise of unconstitutional power affecting him in his personal property which existed in any other part of the United States, and that the citizen of the Territory possessed all the rights in regard to his person and his property, or his commercial rights, which he had when he was under the protection of State law; that the Constitution entered the Territory with him and protected him in all his rights. Nothing can be clearer than the proposition that Territorial sovereignty carries with it all other attributes of sovereignty belonging to a government, according to the form of its government and the limitations imposed on the exercise of its powers. It can not change the nature of its powers because of the locality in which they are exercised.

If these propositions are true, it can not be that we have a right to prohibit any commerce which would be a lawful commerce or the transportation of any property which would be a lawful property, under our Constitution and laws, from one State into another.

As I said yesterday, the provision in regard to the Indian Territory is an exceptional one and is not related to nor does it in any respect resemble that of the Territory of Alaska. It rests upon its own peculiar and admitted ground, being the reservation of a Territory the Indian title to which was extinguished upon certain conditions. It is reserved from the operation of our laws and from settlement by our people.

Mr. BAYARD. Mr. President, I would submit to the honorable Senator from Indiana who has charge of this measure, whether as Sitka has been made by act of Congress a port of entry it is competent in this bill to prohibit importation or to destroy the absolute uniformity that the Constitution requires for the imposition of all taxes, excises, and imposts. It is true that the language of the Constitution prevents a preference to ports of one State over the ports of another State. All that, however, is but in accord with the great doctrine that was decided in the case of Gibbons *vs.* Ogden, that the commerce of the United States is one commerce and that our people are a unit as to their commerce. It was, as I have always understood, the great result reached by that decision of the Supreme Court, that there was but one commerce, and that of the United States.

As it has pleased the Government of the United States to make Sitka, a port within Alaska Territory, a port of entry, it seems to me very questionable whether you can apply a different feature of revenue laws to that port over any other port of the United States. It is true that Alaska is not a State; it is as yet a part of the unorganized territory of the United States; but the question is also new to me as to the application of that feature of the Constitution which prohibits preferences being given. I submit that if you can exclude importation, which creates an inequality, you can vary duties, which would create an inequality, and so in that way, as there is free trade absolutely between all portions of the United States interiorly, you might force all trade into one port, or completely exclude it, and in either way you would produce the inequality which the Constitution prohibits.

If the Congress of the United States can prohibit, they can facilitate. As Sitka is a port of the United States, I apprehend the same regulations as to commerce, that is to say as to revenues, must exist there in order to procure that uniformity in the laying of taxes, excises, and impost duties that is plainly demanded and required by the letter of the Constitution.

I understand that by a clause under one of the sections of the revised code a vessel is liable to forfeiture. Will the Senator from Florida give me the number of that section?

Mr. CALL. Section 1955 of the Revised Statutes prohibits the wrongful importation of distilled spirits into Alaska.

Mr. BAYARD. Section 1954 of the Revised Statutes provides that—

The laws of the United States relating to customs, commerce, and navigation are extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the 30th day of March, A. D. 1867, so far as the same may be applicable thereto.

Mr. HARRISON. As the Senator from Delaware has the statute before him, if he will refer to the very next section after the one he has read he will find that the existing state of the law is precisely what it is made by this section of the bill, except that instead of conferring upon the President power to prohibit the importation Congress does it itself.

Mr. BAYARD. I do not know that the question has been raised. I can see that you do create hereby a discrimination between ports not in different States but ports of the United States, and the moment you do that you destroy that uniformity of excise and of imposts that I think the Constitution requires.

I do not know that this has been the subject of criticism or debate before, and my desire simply is to prevent the matter from giving rise to litigation or difficulty on the part of citizens of the United States. I am disposed to believe that if a vessel arriving at Sitka should have a cargo, an invoice of brandy from a foreign country in the way of spirituous liquors, it would be dutiable according to the same rate that it is elsewhere, and as long as it was kept in the condition of importation it would be lawful to have it there; and yet it would be in conflict with the letter of this proposed statute.

It is for the purpose simply of preserving due and constant regard for the limitations of the Constitution that I was disposed to give my assent to the suggestion of the Senator from Florida that you do by this section of the bill invade the principle of absolute equality and unity which must exist in the commerce of the United States, for there is but one commerce, and the laws affecting that commerce must be uniform all over the United States. Different rates of duties can not be imposed, nor can preferences be given to one port over another, nor can you prohibit importation at one port and allow it at another.

If this be so, then I submit this question may arise, probably will arise, and I think there ought to be legislation that would prevent embarrassment to any citizen of the United States who follows one law and yet may find himself in conflict with another. I do not think it ought to be subject to the discretion of the officers of revenue at the different ports of the country. There ought to be one law for all.

Mr. GARLAND. I was of the opinion yesterday that if there was a question connected with this bill that was plain it was this. Section 1955 of the Revised Statutes, referring to the President, gives him power "to restrict and regulate or to prohibit the importation and use of firearms, ammunition, and distilled spirits into and within the Territory of Alaska." The bill changes that so far as to prohibit it absolutely "except for medicinal, mechanical, and scientific purposes," and then declares that the President "shall make such regulations as are necessary to carry out the provisions of this section."

Senators seem to misunderstand all the time the purpose of this bill. This bill intends simply to provide a temporary government for the Territory of Alaska. It is not a general revenue bill; it is not a tariff bill; nor is it a bill making the Territory of Alaska a State. Being a bill of that sort, it comes within the power of Congress under that clause of the Constitution which says Congress shall have authority to make all needful rules and regulations for the government of the territory and other property of the United States, and it does not conflict with any other clause.

It was long since determined, as far back as 14 Peters, in the celebrated Gratiot case, that the "other property" mentioned in that clause of the Constitution was simply the land of the United States. Now Congress is dealing with other matters, and attempts, so far as this bill speaks, to say that these limitations shall exist in reference to arms, ammunition, and spirits. The section of the statutes virtually like this bill has stood for sixteen years, since 1868. Substantially this section of the bill has been in the Revised Statutes as section 1955 since that time.

The question is not a new one; it is not a new one in itself; it is

not a new one as applicable to this particular Territory, because the very point has been adjudicated by Judge Deady, and the distinguished lawyers who raised it did not think enough of it to bring it to the Supreme Court. The Louisa Simpson was seized and her cargo forfeited for a violation of section 4 of the act of July 27, 1868 (15 Statutes at Large, 241). Among other things the counsel for the claimant said: "The executive order of February 4, 1870, is void, because Congress cannot confer power on the President to make such a regulation."

There was the question raised by the distinguished counsel, Mr. Strong. The Senator from Oregon who sits farthest from me [Mr. DOLPH] opposed him in that.

No authority was cited—

Says the judge—

in support of this extraordinary proposition, and the argument in support of it was little else than the assertion of counsel to that effect. I see no reason to doubt the power of Congress to authorize the President to make this regulation prohibiting the importation of pure spirits into the district of Alaska under such penalties as Congress may have prescribed. In fact, it is simply authorizing the President to determine and declare when and how far section 4 of the act of July 27, 1868, should go into effect. It is believed that an examination of the legislation of Congress will disclose many instances of like authority and duty imposed on the President, and that the power to do so has never been seriously questioned. (Sawyer's Circuit Court Reports, volume 2, page 71.)

By the act here referred to, which is section 1955 of the Revised Statutes, we allowed the President to impose a prohibition. By this bill we make it ourselves subject to three exceptions, and authorize the President to make the necessary regulation. The case of the Louisa Simpson is a stronger one than section 14 of this bill as now amended, so far as it raises a constitutional question, because now Congress makes the prohibition subject to the exception of three things, and simply leaves the President to prescribe the rules and regulations. The case of the Louisa Simpson, which is directly in point, decides even more than is claimed by section 14, which is under consideration.

Mr. JONES, of Florida. Mr. President, I have no difficulty in my mind about this question, because I do not think that this provision to which reference has been made comes under the exercise of the commercial power. I think it is the exercise of the police power in a Territory more properly speaking. The Supreme Court of the United States, in the case of Canter *vs.* The American Insurance Company (1 Peters), speaking of the power of Congress over the Territories, said that the Government of the United States exercised a twofold power, the power of the general and of a local Legislature. We are not exercising the power of general legislation in respect to this matter, but we are exercising a power that appertains to local authority alone.

Now, I do not suppose that anybody would question the power of a State to prohibit the introduction of intoxicating drinks within its borders, notwithstanding the power has been given to Congress to regulate commerce, as stated by my colleague and by the Senator from Delaware. Each State in this Union to-day in the exercise of its police power may exclude from its limits, I think, by the action of its people forming its constitution, and prohibit absolutely, the introduction of such things as might be considered detrimental to the morals of the people. I am not in love with such a provision, I will say candidly; but I am speaking of the power, and I want to keep my own record as straight as I can upon it. I say therefore this is not the exercise of the commercial power, but it is the exercise of the police power with which Congress is undoubtedly possessed with respect to the Territories.

Mr. President, while I am on my feet, as I do not wish to say anything more about this bill, I want to say a few words to the Senator from Indiana, who has it in charge. While he might have thought, as he indicated the other day, that I antagonized it from mere capriciousness, I was anxious to understand the real character of this measure, and I can say to him in all candor that, if my amendments have had no other effect, they have had the effect of bringing to light the true character of this bill, which was involved in great doubt and obscurity before.

It will be remembered that at the outset of my argument the other day upon a provision herein the Senator from Arkansas [Mr. GARLAND], a member of the Territorial Committee, stated in the Senate that a certain provision of the Revised Statutes under Title XXIII, relating to Territories, would be in operation in this Territory, and that this Territory would fall within that language of the Revised Statutes which speaks of "Territories hereafter to be organized." I took the ground that it was not intended that this Territory should fall within that category at all, that there was no intention on the part of the Committee on Territories to organize this as a Territory, to give to the people in it any Territorial rights; and the purpose of my amendment really was to test it, and when the Senator from Indiana [Mr. HARRISON] yesterday came forward and expressly incorporated a provision into my amendment excluding Territorial representation from the Territory he indicated the character of this measure, that it is not a Territorial organization, but, as he says, that it is a judicial district.

If this is the character of government intended to be given to the people, and it is the best that can be done, let us have it, but let it not go out to those people that they have a Territorial government like other Territories of the Union, an idea that may lead to very great confusion there, because they are not as well adapted to the consideration of our laws as people who have been longer accustomed to them.

I was very sorry that the Senator from Massachusetts [Mr. HOAR] should have thought it necessary to use the very harsh word "absurd" in what he said in regard to my amendment yesterday in reference to the Constitution of the United States being extended to this Territory.

Mr. HOAR. If my friend will pardon me, I am very sorry, too. I did not know that I used that word, and I will withdraw it with great pleasure.

Mr. JONES, of Florida. Because I am sure that in addressing myself to the Senate, while I do not profess to be as well informed upon subjects of this kind as all others, I am not in the habit of giving expression to opinions that can properly be denominated as "very absurd." I said then candidly that in the view which I expressed I was supported by some of the best authority on this continent, and I indicated at the time that I was only putting forth the opinion entertained by no less a man than Mr. Webster. It is true I had not read the debate in which he gave expression to that view for many years, but it was distinctly upon my mind, and I knew that I could not be very far in error when I made the statement that I did. I now read from Benton's Thirty Years' View, page 731, where Mr. Benton says:

Mr. Webster replied with showing that the Constitution was made for States, not Territories—that no part of it went to a Territory unless specifically extended to it by act of Congress—that the Territories from first to last were governed as Congress chose to govern them independently of the Constitution and often contrary to it, as in denying them representatives in Congress, a vote for President and Vice-President, the protection of the Supreme Court—that Congress was constantly doing things in the Territories without constitutional objection (as making mere local roads and bridges) which could not be attempted in a State.

Then he cites Mr. Webster's own language:

The Constitution—

Says Mr. Webster—

as the gentleman contends, extends over the Territories. How does it get there? I am surprised to hear a gentleman so distinguished as a strict constructionist affirming that the Constitution of the United States extends to the Territories, without showing us any clause in the Constitution in any way leading to that result; and to hear the gentleman maintaining that position without showing us any way in which such a result could be inferred increases my surprise.

One idea further upon this branch of the subject. The Constitution of the United States extending over the Territories, and no other law existing there!

Then he goes on to speak of Louisiana:

Will the gentleman say that in any court established in the Territories the judge holds his office in that way? He holds it for a term of years and is removable at executive discretion. How did we govern Louisiana before it was a State? Did the writ of habeas corpus exist in Louisiana during its Territorial existence? Or the right to trial by jury? Who ever heard of trial by jury there before the law creating the Territorial government gave the right to trial by jury? No one. And I do not believe that there is any new light now to be thrown upon the history of the proceedings of this Government in relation to that matter. When new territory has been acquired it has always been subject to the laws of Congress—to such laws as Congress thought proper to pass for its immediate government, for its government during its Territorial existence, during the preparatory state in which it was to remain until it was ready to come into the Union as one of the family of States.

That is not my opinion, but it is the opinion of "the great expounder," as he was called in his day. I did not know much about this Territory when the debate began and I can not say that I know much about it now, but there is one thing of which I feel assured, that it is worthy of all the attention that has been given to it here. I do not agree with the Senator from Kansas [Mr. INGALLS], who is always very correct in what he says about things of this kind, that it is a valueless acquisition. I think that the acquisition of the Territory was one of the wisest acts of statesmanship that ever was exercised by this Government. I think that its value is very great, almost immeasurable. Up to this time we have little or no knowledge of its resources beyond the fur trade. We have had it here from high authority that that trade itself was highly remunerative; but there are resources in that Territory which have not been touched, and I was in hopes that a system of government might be inaugurated which would result in bringing into full play the energies of the people with reference to that Territory. Its fisheries alone constitute a mine of wealth that can not well be calculated. Its timber resources, its capacious harbors on the Pacific, where harbors are very scarce—for it may be remembered that from Panama to Puget Sound, with the exception of San Francisco, there is not a safe or commodious harbor until you get up to the country of Alaska—these open up an avenue for traffic to that region of wealth, the East, which has been coveted by all the nations of the earth—Japan and China. It places you nearer that great center of wealth than any other nation in the world of consequence. I think it is understood that the passage from Sitka to China and Japan is nearer than from San Francisco, and I have no doubt that a very large and a very extended commerce will spring up between the ports of this Territory and the great empires of China and Japan. It has coal; it has iron; it has lead; it has gold and silver; it has fish in such innumerable quantities that one German writer says that it is impossible to navigate its streams without meeting with obstructions from the swarms of fish that infest its rivers. This country is valuable beyond description; and in all that I have said with reference to this form of government proposed to be established there I was anxious to promote the interest of the people there and bring forth a full discussion in regard to the character of this Territory.

Mr. President, it has gone out to the people of the United States that it is a country in which a white man can not live unless he consents to

become a Laplander. There is a very great misapprehension prevailing in the public mind touching the climate of the Territory. The climate of Sitka is as mild as that of Washington. It is true they have not got quite as much sunshine there as we have here, but the winters are not any colder in Sitka than they are in Washington, and not near as cold as they are in New York. It is far warmer there in winter time than in many of the leading European capitals. Stockholm, St. Petersburg, and all those places are infinitely colder than Sitka and the country around it in this Territory. There is no difficulty there because of the cold, although if you were to make this statement in some parts of this country you would be laughed at and told that it was impossible to live there.

I have here a statement which I desire shall be incorporated into the RECORD, showing the mean temperature of that climate in comparison with others, which was prepared at one time by the Smithsonian Institute at the request of Mr. Sumner. I ask that it be printed in the RECORD.

The PRESIDING OFFICER. That order will be made without objection.

The statement is as follows:

	Mean temperature in degrees Fahrenheit.					Precipitation in rain or snow; depth in inches.				
	Spring.	Summer.	Autumn.	Winter.	Year.	Spring.	Summer.	Autumn.	Winter.	Year.
St. Michael's, Russian America, latitude 63° 28′ 45″	28.75	52.25	27.00	7.00	27.48	.....	.....	.....	.....	.....
Fort Yukon, Russian America, latitude (near) 67°	14.22	59.67	17.37	23.80	16.92	.....	.....	.....	.....	.....
Ikogmut, Russian America, latitude 61° 47′	19.62	49.32	36.05	0.95	24.57	.....	.....	.....	.....	.....
Sitka, Russian America, latitude 57° 03′	39.65	53.37	43.80	32.30	42.12	18.32	15.75	32.10	23.77	89.94
Puget Sound, Washington Territory, latitude 47° 07′	48.88	63.44	51.30	39.38	50.75	7.52	3.68	15.13	20.65	46.98
Astoria, Oreg., latitude 40° 11′	51.16	61.36	53.55	42.43	52.13	16.43	4.85	21.77	44.15	87.20
San Francisco, Cal., latitude 37° 48′	55.39	58.98	58.29	50.25	55.73	6.65	0.09	2.69	13.49	22.92
Nain, Labrador, latitude 57° 10′	23.67	48.57	33.65	0.40	26.40	.....	.....	.....	.....	.....
Montreal, Canada East, latitude 45° 30′	41.20	68.53	44.93	16.40	42.77	7.66	11.20	7.42	.72	27.00
Portland, Me., latitude 43° 39′	40.12	63.75	45.75	21.52	42.78	.....	.....	.....	.....	.....
Fort Hamilton, N. Y., latitude 40° 37′	47.84	71.35	55.79	32.32	51.82	11.69	11.64	9.88	10.31	43.22
Washington, D. C	54.19	73.07	53.91	33.57	53.69	10.48	10.53	10.16	10.06	41.24

Mr. HARRISON. I only rise to ask that the vote may be taken upon this amendment.

The PRESIDING OFFICER. The question is on concurring in the amendment of the Committee of the Whole embodied in section 14.

The amendment was concurred in.

The PRESIDING OFFICER. The amendments of the Committee of the Whole are now all disposed of. The bill is still open to amendment.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARRISON. I suggest that the words "Territory of" in the title be stricken out, so that the title shall read: "A bill providing a civil government for Alaska."

The amendment was agreed to.

PRESIDENTIAL SUCCESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of Order of Business No. 75, being the bill (S. 22) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Privileges and Elections with an amendment in section 1, line 16, after the word "disability," to insert "of the President or Vice-President;" so as to read:

Then the Secretary of the Interior shall act as President until the disability of the President or Vice-President is removed or a President shall be elected.

Mr. HOAR. The amendment is merely verbal. It does not change the sense of the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. INGALLS. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. Res. 127) authorizing the Secretary of the Interior to detail from that Department two clerks to act as assistant clerks to certain House committees was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. BOWEN submitted an amendment intended to be proposed by him to the bill (H. R. 3948) making oppropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BOWEN presented a letter from the Acting Secretary of the Treasury, addressed to him, in relation to the audited claim of the Denver and Rio Grande Railroad Company for Army transportation; which was referred to the Committee on Appropriations, to accompany the amendment submitted by Mr. BOWEN to House bill 3948.

CALIFORNIA INDIAN WAR EXPENSES.

Mr. MAXEY. Since the morning hour this morning I have received a communication from the Secretary of War respecting a bill in my hands from the Committee on Military Affairs. He suggests the importance of printing the letter of the Third Auditor of the Treasury Department in connection with the bill, and on behalf of the Committee on Military Affairs I move that the bill (S. 809) to indemnify the State of California for balances paid and remaining due on account of indebtedness incurred in the Indian wars, for the payment of which said State issued bonds in 1851 and 1852, a part of which remain unpaid owing to delays occasioned by War Department rulings under the act of Congress of August 5, 1854, and the documents connected with it be printed, and recommitted to the committee. I want the letter of the Secretary of War and the report of the Third Auditor printed.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 7 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 25, 1884.

The House met at 12 o'clock m. Prayer by Bishop LYMAN, of North Carolina.

The Journal of yesterday's proceedings was read and approved.

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires to state that yesterday, when the gentleman from North Carolina [Mr. COX] reported from the Committee on Foreign Affairs the bill (H. R. 745) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801, the Chair supposed that the bill related only to private claims. Upon an examination, however, of the provisions of the bill it appears that it proposes general legislation, and the Chair thinks that instead of going to the Private Calendar it ought to have been referred to the Committee of the Whole on the state of the Union. If there be no objection, the change of reference will be made.

There was no objection, and it was ordered accordingly.

Mr. SUMNER, of California. I ask unanimous consent to change the reference of a bill. The bill which I introduced yesterday (H. R. 3960) to increase the efficiency of the Signal Service was naturally by its title referred to the Committee on Commerce. But it is a bill providing for promotions in the Army, and should have gone to the Committee on Military Affairs. I ask that change of reference.

The SPEAKER. As the Chair is advised, the Journal shows that the bill was referred to the Committee on Military Affairs.

IMPROVEMENT OF HARLEM RIVER.

Mr. HUTCHINS, by unanimous consent, presented the petition of Judge J. R. Angel, N. K. Freeman, and others, citizens of New York, praying that an act of Congress be passed authorizing the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York, for a sum not exceeding $1,295,000, including the furnishing of the right of way free of cost to the United States, the work to be completed in 1885; which was referred to the Committee on Rivers and Harbors.

DUTY ON WOOL.

Mr. CONVERSE. I ask unanimous consent to present and have printed in the RECORD resolutions of wool-growers of Fairfield County, Ohio, and of the Columbiana County Sheep-Breeders and Wool-Growers' Association, asking a restoration of the duty on wool.

The SPEAKER. Is there unanimous consent for the printing of these resolutions in the RECORD?

Mr. WELLER. I object.

Mr. TOWNSHEND. Hereafter I hope these memorials will be presented through the petition-box.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, notified the House that it insisted on its amendment, disagreed to by the House, to joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, asked for a conference on the disagreeing votes between the two Houses, and had appointed as conferees on its part Mr. HALE, Mr. MILLER of California, and Mr. SAULSBURY.

It further announced the passage without amendment of joint resolution (H. Res. 113) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Antonio Barrios, of Guatemala, and José Victor Zavala, of Nicaragua.

It further announced the passage of a bill (S. 1256) providing for the removal of the remains of the late Maj. Gen. Edward O. C. Ord, United States Army, from Havana, Cuba, to Washington, D. C.; in which concurrence was requested.

GREELY RELIEF EXPEDITION.

The SPEAKER. The joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, has been returned from the Senate with the message that that body insisted on its amendment disagreed to by the House, and requested a conference on the disagreeing votes of the two Houses.

Mr. RANDALL. I move that the House agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER appointed as managers of said conference on the part of the House Mr. RANDALL, Mr. HUTCHINS, and Mr. CALKINS.

ORDER OF BUSINESS.

Mr. BELMONT. I ask for the present consideration of the following——

Mr. HORR. I demand the regular order.

The SPEAKER. This being Friday, the regular order is the call of committees for reports of a private nature.

Mr. ROGERS, of Arkansas. I wish to submit a privileged report.

The SPEAKER. The gentleman will state it.

Mr. ROGERS, of Arkansas. I am directed by the Committee on the Post-Office and Post-Roads to report what I send to the Clerk's desk to be read as a substitute for the resolution referred to that committee on motion of the gentleman from New York [Mr. BEACH] on the 19th instant.

The SPEAKER. Is it of a public or a private nature?

Mr. ROGERS, of Arkansas. It is a resolution of inquiry for information from one of the Departments.

The SPEAKER. The gentleman will withhold it for the present, as this is private-bill day.

Mr. SLOCUM. I move to dispense with the morning hour for the call of committees for reports of a private nature.

The SPEAKER. That requires a two-thirds vote.

The morning hour was dispensed with (two-thirds agreeing thereto).

Mr. SLOCUM. I now move that the House resolve itself into Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. SPRINGER in the chair.

FITZ-JOHN PORTER.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 1015) for the relief of Fitz-John Porter, and the gentleman from Ohio [Mr. EZRA B. TAYLOR] is entitled to the floor.

Mr. EZRA B. TAYLOR. Mr. Chairman, on last Saturday I alluded, in the remarks I made in the Committee of the Whole House, to the evidence tending to show, as I claimed, that the order to move from Warrenton Junction to Bristoe Station might have been obeyed. I did not enter into the detail of that evidence, but I told where it might be found. In those remarks as reported in the RECORD I find two mistakes to which I wish to call attention, both made through my fault, probably—one surely. I referred to Bristoe Station as being the place where the order to move reached General Porter. I intended to say Warrenton Junction. The name of the witness who testified to hearing the conversation or the statement of Gen. Fitz-John Porter on his arrival at Bristoe Station was reported as W. S. Paxton. I intended to say W. C. Faxon.

Now, Mr. Chairman, there is left for me only to discuss the facts connected with the transaction of the 29th day of August. But, before I go directly to that, I may be allowed, properly, here to refer to the alleged change of opinion of General Garfield in relation to this matter. It was said in debate in Committee of the Whole that General Garfield was himself the author of this bill. By what strange reasoning that conclusion was arrived at is not for me to say, but he did introduce a bill, or perhaps a resolution, looking to an inquiry in reference to an alleged discovery of important evidence. What his opinion would have been on the evidence that might have been produced does not appear from the proceedings or the resolution; but that resolution was defeated. I stand here to-day, Mr. Chairman, to say that I know what his opinion was up to the 7th day of March, 1881. It then was what mine is now. It then was what it was when he wrote the letter to General Cox.

In this connection I may also refer to the statement made in argument that there was necessarily injustice in the action of the court-martial, because it sat at a time when prejudice was rife. I am not acquainted with many of the gentlemen composing that tribunal, but I think I may say, and be justified by those who know him, that so far as General Garfield was concerned as a member of that court-martial, prejudice had no power to govern his actions. His own prejudice would not swerve him a hair. The prejudice of others would have no control over him.

I need not say, Mr. Chairman, that, in my judgment, it is a matter of little consequence what General Garfield thought at one time or another, so far as our action is concerned. If I had known that General Garfield, sitting on that court-martial once, had changed his opinion on a rehearing at another time, it would not have changed my mind, as much as I respected him and his judgment. It would only have caused me to re-examine the evidence, the only source of information or judgment that can come to this committee. But to gentlemen who only seek to know the opinion of Grant or Garfield or of this board, I have shown sufficient respect to say what I understand to have been the position of General Garfield. But, sir, if he were in this House to-day, or out of this House as a constituent of mine, as once he was, I would be representing his views in the vote I shall give; and if he were here, occupying the place in which I stand, this committee would listen to the reasons which actuated him in his original judgment and those which remained with him until he died.

I now proceed to the discussion of the question connected with the charges before the court-martial and the country against Fitz-John Porter for his action, or want of action, on the 29th day of August, 1862. I may say here I do not like this bill on account of the possible construction which may be given to it.

While it says that nothing in this bill shall be so construed as to give this applicant pay for the time that he has been out of the Army, I still am not certain that the bill does not in effect accomplish that result; because, sir, while it shall not be construed under one of its provisions to give him pay, it does restore him to all the rights which he had on the day of the approval of the sentence of the court-martial, and another law exists under which he can make claim for his compensation, and which claim may be established as a good and a valid one; besides, if this bill becomes a law, his pay surely follows by some means.

But, Mr. Chairman, I do not stop here. I would not make any opposition to the bill simply on that account at this time. My reason for expressing opposition to its features and to its intent lies deeper. My objection to the bill is more emphatic than that.

In order to know and judge clearly with regard to the question involved in this debate and act upon it with understanding, though in the estimation of some our knowledge appertaining to it may be very little at best, still it will be necessary for us to keep in our own minds certain conditions in regard to the location of the scenes and transactions of that memorable day. If, sir, you stand at Warrenton Junction looking somewhat north of east, you will see a pike extending in that direction, known, I believe, as the Warrenton and Centreville pike or possibly the Warrenton pike. Following that pike in a direction east of north for twenty miles, about, you pass the town of Gainesville and the hamlet of Groveton and arrive at Centreville. The main movements of the forces on both sides were toward the pike which I have named on this memorable 29th of August, 1862. Gainesville lies about midway between Warrenton and Centreville. Groveton, the chief scene of the conflict, lies about midway between Gainesville and Centreville. It is ten miles from Warrenton to Gainesville and ten miles from Gainesville to Centreville, and about four miles to Groveton from Gainesville. Going from Warrenton in a southwestern direction you will follow the Warrenton

Railroad until you reach its junction with the Orange and Alexandria Railroad at Warrenton Junction. From Warrenton Junction, bearing north of east, you pass through Bristoe Station and come to Manassas and Manassas Junction and a little beyond to Bull Run, a line of about fifteen miles. Prolonging that line from Bull Run eastwardly so far as to make this line as long as the first one, a point nearly south of Centreville will be reached, and these lines will form an outline map of the country which embraces the scene of the movements of the two armies on the 27th, 28th, and 29th days of August. From Gainesville northwest (more west than north) lies Thoroughfare Gap, eight or nine miles distant. The Manassas Gap Railroad, running from Manassas Junction, passes through Thoroughfare Gap and northwestwardly from that point.

On the morning of the 29th of August Fitz-John Porter and his forces lay between Bristoe Station and Manassas Junction. Early in the morning, at 3 o'clock as the testimony shows, an order was sent him by General Pope, which reached him about daylight in the morning, to march his force toward Centreville. Later, when new information had reached the commander-in-chief and had changed his view as to the situation of affairs, another order was issued, which reached Porter between 8 and 9 a. m., directing him to move toward Gainesville. Gainesville is north and west of Bristoe Station. His troops were then in marching order, and they were soon turned in the direction indicated. He arrived at about half past 10 at Bethlehem church, a point where the road separates, one branch leading to Gainesville, the other to Sudley Springs; Bethlehem church being about two miles from Manassas Junction. In that neighborhood, the head of his column having reached beyond and toward Dawkin's Branch, which is about two and one-half miles from Bethlehem church, he was overtaken between 12 and 1 o'clock by General McDowell with the order known as the joint order. Under that order he received not only direction as to his movements, but the reasons for that direction. He was to march on the Gainesville road, and it was expected that in the neighborhood of Gainesville Jackson would be found, and that Heintzelman, Sigel, and Reno, who had been at Centreville, would meet Porter at that point and form a junction with him. Generals McDowell and Porter discussed this joint order, General McDowell being the ranking officer. They both knew that the scope and meaning of the order was to march upon Gainesville, not as a holiday sport, but for the purpose of throwing their forces into the impending battle. The matter was talked over between them. McDowell said to Porter, "You go in here with your forces, and I will march my troops by the Sudley road and place them on the left of the forces engaged;" and thus he would have filled up the gap between Porter, had he taken his assigned place, and Reynolds, who was upon the left of the Union forces then engaged.

"You go in here with your force." That Porter understood this remark of McDowell to be an order to engage, is evident from a dispatch he sent to McDowell at 6 p. m. of the 29th, in which he says, "Failed in getting Morell to you," and by another of about the same date, directed to McDowell or King, in which he says, "I have been wandering over the woods and failed to get a connection with you," and by a third, written about the same time, perhaps a little later, in which he says:

> The firing on my right has so far retired that I can not advance, and have failed to get over to you, except by the route taken by King, and shall withdraw to Manassas.

It may as well be stated here as further on, that he did not try to get Morell to McDowell, he did not wander over the woods, nor did he try to advance. He did not even know the force of the enemy in his front, nor did he try to develop that force; and he so swears in his testimony in the McDowell court-martial.

McDowell left Porter at that point, and with those instructions, and went up the Sudley Springs road, and his troops afterwards got into the engagement, the division under King notably.

By all accounts—I speak now, Mr. Chairman, of the evidence—by all accounts when McDowell left Porter he no longer did or could undertake to command him. While there, he was his superior officer, and did tell him to "put his troops in there." Porter, in reply, pointing toward a cloud of dust rising above the trees, said: "If we go in here anywhere we will get into a fight." McDowell replied: "That is what we are here for."

McDowell went off on the Sudley road under this same joint order in pursuit of the common enemy, and found him.

But I am premature. It is now said that McDowell at this time said: "Porter, this is no place for a fight; you are too far out already." Bethlehem church too far out! Too far out; in what way? Three miles and more from the enemy, he was too far off! And the position would have been corrected by obedience to McDowell's order: "You go in here." But the testimony as to that remark is mostly from witnesses who testify as to the conversation, first, sixteen years after the words were said to have been spoken. McDowell says he made no such remark. He says he did tell Porter to go in there, and left him.

On that morning Jackson's position was about Groveton; his left extending up toward Sudley Springs, which is nearly north of Groveton, and that part of his army would be at right angles to this turnpike of which I have been speaking; his left wing extended west of Groveton toward Gainesville, but not reaching Gainesville.

Porter about 12 o'clock was told by McDowell to "go in there." It is disputed now whether at this time Longstreet had reached the scene of operations or not. I will not discuss that, Mr. Chairman, for I have not time. I will take as my statement the statement of the distinguished gentleman from Michigan [Mr. CUTCHEON], who spoke upon that point. Longstreet came through Thoroughfare Gap that morning at sunrise; so he says. He had eight or nine miles to go to reach Gainesville. When he reached Gainesville he turned to the left on the pike toward Jackson's right, which reached out from Groveton toward Gainesville. Longstreet says that soon after passing the gap they heard the booming of cannon; that his troops were marching rapidly then; but he says "naturally the soldiers accelerated their pace at every discharge of the guns." So I say, Mr. Chairman, soldiers accelerate their pace at every discharge of the enemy's guns. It was in his army as in Napoleon's and in Moltke's, the business to go where the guns were booming, and his soldiers without orders marched rapidly toward that point. He arrived according to his present recollection and deployed his troops by 11 o'clock. In passing, I will say it is impossible that his memory is correct. But admit it. Does this committee care where Longstreet was? For some purposes this is immaterial, for others it is material. Where was Longstreet's force and how much of force had he? Letters regarded more important than evidence, opinions regarded more weighty than testimony on which they are founded, unite in saying that Longstreet had twenty-five thousand troops. Mr. Chairman, he had on that day but twenty thousand troops. Turn to the evidence of Longstreet himself, and he will tell you that Anderson, with a full division, came in that day from Warrenton and only reached him that night, and that that division was five thousand strong, and that he included that force in his estimate of twenty-five thousand for his command. Then, with his twenty thousand, where was he? Wilcox's brigade of six thousand men was in advance; and it was deployed upon the immediate right of Jackson, with three or four hundred yards of intervening space occupied by artillery.

Hood and Evans were deployed next to Wilcox, and only Jones, with one brigade, was in position, even after Longstreet was fully deployed where he could be opposed to the point where Porter ought to have been under this order; and Jones only had under his command six thousand men, and a small command of cavalry passing hither and thither, now and then drawing brush in the road to raise a dust to make Porter, or whoever was there, think a force was present. D. R. Jones's division of Longstreet's corps alone occupied the extreme right of the confederate army on that day.

At 2 o'clock Lee heard that there was a force approaching on his right—he says threatening his right—and by his order Longstreet removed Wilcox's force and changed it over to the support of Jones. Then there were twelve thousand men who remained there until, as Longstreet says, the force which had threatened him retired, when he, at 4 o'clock, and before the main infantry fight, ordered Wilcox back again to the assistance of Jackson, and Wilcox remained with Jackson's force until midnight. Hood and Evans were engaged there all day whenever there was an engagement.

Now, Mr. Chairman, I see I can not proceed at this rate and get through with what I desire to say, and I must get hastily along. Porter did not advance. He never deployed his corps, except two regiments as skirmishers and two more as supports, during that long day; but, on the contrary, they remained in the road and by its side with stacked arms, the head of the column near Dawkin's Branch, within less than a mile of the enemy, and the rear at Bethlehem church, three miles away; and all day long he staid there, he personally being at Bethlehem church, and only twice—once about 1 and once later—going toward Dawkin's Branch. At 4.30 another order was sent to him by Pope. That order was to attack the enemy on his right flank in the direction of which his line of march was taking him. The bearer of this order found Porter under a tree near Bethlehem church, lying on the ground as he (Capt. Douglas Pope) says, at 5 o'clock. Charles Duffee says he was with Pope when the order was delivered, which he says was as early as 5.30. Others say it was later; but whenever it was, he was found there under that tree, and as Pope was recalled to Porter after he had left him and was detained an hour and a half, it was doubtless this later visit that the witnesses, who speak of seeing him at about sundown, refer to. His troops had stacked arms and were resting. At that moment the cheers of the Union troops and the yells of the confederate soldiers engaged in desperate and doubtful battle sounded in his ears; but he never raised himself from his recumbent position, showed not the least interest in the matter, and gave no orders except one that was immediately countermanded.

Now, to make the matter as brief as I can, I say that if he had no order, it was the duty of Fitz-John Porter to advance where his comrades were engaged. All along that line there were Heintzelman and Reno and Sigel and Reynolds desperately fighting and sorely needing aid. Yet the left wing, under Porter, within sound of that cannonading and that fighting all the day, advanced not. The Union loss on that day in killed and wounded was between six and eight thousand men, and the sound of cannonading and musketry firing was in the ears of that force. I aver that Porter's duty, without orders or with orders, was to advance. If Longstreet's corps opposed him, then it

could not fight in two places. It could not fight against Pope and at the same time fight against Porter. It did fight against Pope alone while ten thousand to twelve thousand of the best and freshest troops of the Army, within striking distance, were spectators of the fray.

Now for the animus of this non-action on the part of Porter. I refer you to the dispatches of the 27th, 28th, and 29th of August sent by Porter to Burnside. I can not stop to read them now, but will ask permission to print them, and also the orders to which I have alluded, in my remarks. I must hurry on.

One thing more. Mr. Ormsby testifies that during the court-martial he was present with another gentleman and heard Fitz-John Porter say, referring to the orders and to the testimony given before the court-martial that day and the day before, "I was not loyal to Pope; I was loyal to McClellan." And on the same day a gentleman whom I now see before me, an officer of this House, William Blair Lord, testifies that he heard in the same conversation Fitz-John Porter say, "I was not loyal to Pope; I can not deny that." That is in the evidence, and not a living being denies that those statements are true.

Mr. LAIRD. Where is that evidence?

Mr. EZRA B. TAYLOR. It was given before the board of review.

Mr. LAIRD. Will the gentleman cite it.

Mr. EZRA B. TAYLOR. I could do so in a few minutes, but I have no time to be more particular now. Nobody denies it. I will give you the papers when I close my remarks.

Now, what is that confession? It is a plea of guilty. Not to be loyal to Pope was to be disloyal to the flag, was to be disloyal to the Union; and gentlemen who vote to reinstate him, or to pension him, vote so knowing that by his own confession he was disloyal to his commander-in-chief, undisputedly disloyal, admittedly disloyal. Mr. Porter has been tried and convicted. He has been pardoned, so far as the President's pardon can go. But this House ought not to restore him to the rights he once had, those rights which he himself forfeited.

This Congress can not restore him to the position that he once held. No boards of advice, no congress in the world, can make those laurels green and live again that died upon his brow as he lay under that tree refusing to obey the order of his commander-in-chief and admitting his disloyalty to that commander.

We may remove his disabilities, if they have not already been removed, but it is a case of suicide; and we can not revive the glory that once clustered around his brow, and that might again be there except by his own confessed acts of disloyalty.

It is said that an advance would have been unfortunate if he had gone forward. In civil life the unexpected occurs, and the more so in military affairs. Tell me if it is not true that if in regard to everything important that was done or attempted during the whole history of the war you could not find some man who beforehand said it could not be done in a case that was successful, or who beforehand said it could be done in those cases that turned out not to be successful.

Longstreet swears that he would have beaten Porter had he advanced. The confederates were in the habit of thinking that they could defeat us on every occasion. Porter was a good general, with the best troops in the service under his command, ten or twelve thousand strong. Their vigorous assault would have been felt; in the even-balanced contest might have been successful.

Suppose that General Hooker had refused to make the advance on Lookout Mountain, and had been court-martialed for that disobedience. How many able generals would have said that he was justified in refusing because he never could have scaled those heights! And Bragg would have given testimony here that he could have crushed him had he attempted it. Yet Hooker made the attempt and succeeded.

Suppose Farragut's subordinates, ordered to pass Fort Jackson and Fort Saint Philip, had declined to go. How many able officers of the Navy would have testified that it could not have been done! And General Duncan would have sworn that if Farragut had attempted it with his wooden hulks he would have blown him out of water.

Now, as I understand it, not being a soldier, but using my reason, when an order is given to a subordinate officer it is the business of that officer to try to obey it, and let the responsibility be elsewhere. Porter neglected every one of these orders, tried to obey none, refused every one of them, sneered at his commander, and confessed that he did not intend to obey his orders; but his duty remained the same, and his disobedience was his crime. How would Grant or Sherman, in Pope's place, have accepted his excuses? Imagine Grant in command and Sherman, Thomas, Sheridan, or Logan in Porter's place, and all things else as they were on that day, would they have remained idle, waiting for night, that they might bivouac at Bethlehem church as Porter did? Impossible. Nay, put McClellan where Pope was and what would Porter have done? The same flag, the same sacred cause were in the keeping of Pope, the same duty on Porter, as though another commander led. Again, suppose Lee had ordered Jackson to be at Bristoe by daylight on the morning of the 28th "on all accounts," he (Jackson) being at Warrenton Junction, would he have waited till daylight before he started, and given for his excuse a dark night, a sprinkle, and wagons in the road, or on the 29th would he have lain within hearing of the fighting "yell" of his comrades in arms and given no aid, received his commander's orders to engage without rising from the ground or moving to obey because the order came late? All these officers would have done their duty, and what they would have done Porter ought to have done.

Restore him if you please, but do not understand that in doing so you are giving to us the olive branch of peace. Do not vote to restore him with the understanding that you are allaying irritation. You are creating it in a way of which you have no present idea. I have tried to make no allusion that would be offensive, and I make none now in an offensive sense. I put a case not as a parallel but only as an illustration of the feelings of our soldiers in this case. If the British Government had had the power after the war of the Revolution to force Benedict Arnold back into our Army it would not have pleased the American soldiers who had fought that war.

Mr. Chairman, does the Old Flag need the support of a man who stops upon the field of battle in sight and hearing of the enemy because he dislikes his commander? Would the stars of that flag be any brighter by reason of the restoration of such a man? Would our Government be any more stable or strong with such a man's hand on its standard?

Mr. Chairman, as Washington once said, "Put none but Americans on guard to-night," so I say let no man but a loyal, true soldier take hold of that flag which is the admiration of so many of us, and which floats to-day over all the States of this Union. Let no man but a true man, let no man who thought more of one commander than he did of his country, who disliked another more than he loved his country, and therefore stood palsied in the presence of the enemy, be recognized as a loyal soldier. I wonder if Fitz-John Porter hears the booming of those cannon to-day? I wonder if he hears the shout of victory that came to his ears on that fearful day? I wonder if his eye goes over that battlefield, and he thinks he sees some victims there that his own right hand might have rescued? I know not what he thinks, but all those things are in my vision and hearing, Mr. Chairman; and with them in my vision, with my understanding of this testimony, and asking no man to form an opinion for me, I have reached the conviction that my protection as an American citizen is not best secured with the Army in the control of or under the influence of such men as I think Fitz-John Porter to be. [Applause.]

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p. m.

Major-General F. J. PORTER, *Warrenton Junction:*

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas, and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send him word to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary on all accounts that you should be here by daylight. I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks also that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately upon his doing so. If Banks is not at the Junction, instruct Colonel Clary to run the trains back to this side of Cedar Run, and post a regiment and a section of artillery with it.

By command of General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

HEADQUARTERS ARMY OF VIRGINIA,
Near Bull Run, August 29, 1862—3 a. m.

GENERAL: McDowell has intercepted the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearny and Hooker march to attack the enemy's rear at early dawn. Major-General Pope directs you to move upon Centreville at the first dawn of day with your whole command, leaving your trains to follow. It is very important that you should be here at a very early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.

I am, general, very respectfully, your obedient servant,

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Major-General PORTER.

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

Generals McDOWELL and PORTER:

You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run at Centreville to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall upon the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to rejoin the other divisions of his corps as soon as practicable.

If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out. One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this

direction at a pace that will bring them here by to-morrow night or next day. My own headquarters will be, for the present, with Heintzelman's corps or at this place.

JOHN POPE,
Major-General Commanding.

HEADQUARTERS IN THE FIELD, *August* 29—4.30 p. m.

MAJOR-GENERAL PORTER: Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and if possible on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

WARRENTON, 27—p. m.

To General BURNSIDE:

Morell left his medicine, ammunition, and baggage at Kelly's Ford. Can you have it hauled to Fredericksburg and stored? His wagons were all sent to you for grain and ammunition. I have sent back to you every man of the First and Sixth New York Cavalry except what has been sent to Gainesville. I will get them to you after a while. Everything here is at sixes and sevens, and I find I am to take care of myself in every respect. Our line of communication has taken care of itself, in compliance with orders. The army has not three days' provision. The enemy captured all *Pope's and other clothing; and from McDowell the same, including liquors.* No guards accompanying the trains, and small ones guard bridges. The wagons are rolling on, and I shall be here to-morrow. Good night!

F. J. PORTER, *Major-General.*

The statement as to the captures is wholly false.

WARRENTON JUNCTION, *August* 27, 1862—4 p. m.

General BURNSIDE, *Falmouth:*

I send you the last order from General Pope, which indicates the future as well as the present. Wagons are rolling along rapidly to the rear as if a mighty power was propelling them. I see no cause for alarm, though I think this order may cause it. McDowell moves on Gainesville, where Sigel now is. The latter got to Buckland Bridge in time to put out the fire and kick the enemy, who is pursuing his route unmolested to Shenandoah or Loudoun County. The forces are Longstreet's, A. P. Hill's, Jackson's, Whiting's, Ewell's, and Anderson's (late Huger's) divisions. Longstreet is said by a deserter to be very strong. They have much artillery and long wagon trains.

The raid on the railroad was near Cedar Run, and made by a regiment of infantry, two squadrons of cavalry, and a section of artillery. The place was guarded by nearly three regiments of infantry and some cavalry. They routed the guard, captured a train and many men, destroyed the bridge, and retired leisurely down the road toward Manassas. It can be easily repaired. No troops are coming up, except new troops, that I can hear of. Sturgis is here with two regiments. Four were cut off by the raid. The positions of the troops are given in the order. No enemy in our original front. A letter of General Lee, seized when Stuart's assistant adjutant-general was taken, directs Stuart to leave a squadron only to watch in front of Hanover Junction, &c. Everything has moved up north. I find a vast difference between these troops and ours. But I suppose they were new, as they to-day burnt their clothes, &c., when there was no the least cause.

I hear that they are much disorganized, and needed some good troops to give them heart, and, I think, head. We are working now to get behind Bull Run, and, I presume, will be there in a few days, *if strategy don't use us up.* The *strategy is magnificent, and tactics in the inverse proportion.* I would like some of my ambulances. I would like, also, to be ordered to return to Fredericksburg and to push toward Hanover, or, with a large force, to strike at Orange Court-House. I wish Sumner was at Washington, and up near the Monocacy with good batteries. I do not doubt the enemy have large amounts of supplies provided for them, and I believe they have a contempt for this Army of Virginia. I wish myself away from it, with all our old Army of the Potomac, and so do our companions.

I was informed to-day by the best authority that, in opposition to General Pope's views, this army was pushed out to save the Army of the Potomac, an army that could take the best care of itself. Pope says he long since wanted to go behind the Occoquan. I am in great need of ambulances, and the officers need medicines, which, for want of transportation, were left behind. I hear many of the sick of my corps are in houses on the road, very sick. I think there is no fear of the enemy crossing the Rappahannock. The cavalry are all in the advance of the rebel army. At Kelly's and Barnett's fords much property was left, in consequence of the wagons going down for grain, &c. If you can push up the grain to-night please do so, direct to this place. There is no grain here to-day, or anywhere, and this army is wretchedly supplied in that line. Pope says he never could get enough. Most of this is private.

F. J. PORTER.

But if you can get me away, please do so. Make what use of this you choose, so it does good.

F. J. P.

BRISTOE, *August* 28, 1862—9.30 a. m.

General BURNSIDE, *Falmouth:*

My command will soon be up, and will at once go into position. Hooker drove Ewell some three miles, and Pope says McDowell intercepted Longstreet, so that without a long detour he can not join Ewell, Jackson, and A. P. Hill, who are, or supposed to be, at Manassas. Ewell's train, he says, took the road to Gainesville, where McDowell is coming from. We shall be to-day as follows: On the right of railroad, Heintzelman on left, then Reno, then McDowell. He hops to get Ewell, and push to Manassas to-day.

I hope all goes well near Washington. I think there need be no cause of fear for us. I feel as if on my own way now, and thus far have kept my command and trains well up. More supplies than I supposed on hand have been brought, but none to spare, and we must make connection soon. I hope for the best, and my lucky star is always up about my birthday, the 31st, and hope Mc's is up also. You will hear of us soon by way of Alexandria.

Ever yours,

F. J. P.

BRISTOE, 29*th*—6 a. m.

General BURNSIDE:

Shall be off in half an hour. The messenger who brought this says the enemy had ben at Centreville, and pickets were found there last night. Sigel had a severe fight last night, &c.

Pope went to Centreville with the last two as a body-guard, at the time not knowing where was the enemy and where Sigel was fighting—within eight miles of him and in sight.

The enormous trains are still rolling on. Many arrivals, not having been watched for fifty hours. I shall be out of provision to-morrow night. Your train of forty wagons cannot be found. But I expect they know what they are doing, which is more than any one here or anywhere knows.

F. J. P.

Mr. BAYNE. Mr. Chairman, this bill has been discussed from various standpoints. One position taken by its opponents is that Congress can not undo the work that was done by the court-martial; that the court-martial was a tribunal having jurisdiction over this cause; and that its decision of the cause is final; binding upon the country, binding upon Congress. Without entering into a discussion of that proposition at length I plant myself simply upon the principle that Congress can undo anything it has done, unless the undoing of it shall violate some prohibition of the Constitution. For instance, if Congress enacts a law and contracts are made under or by reason of that law, Congress can not revoke the law so far as it applies to those contracts, because there is a prohibition in the Constitution against any legislation impairing the obligation of contracts. But Congress may make a law defining a crime, and may the next day repeal that law. The repeal of the law obliterates the crime; it stops the punishment imposed under the law. In the case of Fitz-John Porter this bill, if it becomes a law, will relieve him from the conviction and sentence of the court-martial, and restore him to the position he would now hold if he had not been convicted, sentenced, and cashiered.

There is another aspect of this case which has become more or less prominent, and that is its political aspect. No man can make this a political question for me. I do not propose to be bound by political considerations in making my decision upon this bill. I care not what the politics or the religion or the color or the riches or the poverty of this man may be, the question with me is, is it our duty to restore him because an injustice was done him?

Another aspect of this case is the effort that has been and is being made to place the friends of this bill in the position of attacking the court-martial and General Grant and others. I have no unkind thought or word for any member of that court-martial or for General Grant or for the gentlemen of the West Point board. I believe that the court-martial, under the pressure of the necessities of that time, under the public influences that permeated the whole atmosphere, under the passions and excitements incident to a state of war, under the disasters that had befallen the Union Army, especially the great disaster of Fredericksburg, which occurred while the court-martial was sitting; under the charge, which was spread broadcast, that there was insubordination on the part of prominent officers of the Army which was leading to defeat—under all these circumstances I believe the court-martial felt impelled conscientiously to find this man guilty, and so convicted him of these charges under the law of military necessity as the members of that court-martial then understood the situation. In other words, I believe that if that identical court-martial had tried this case in a time of peace and after the passions of the war had subsided it would not have convicted him on the evidence produced before it.

I have the very highest respect for the members of that court-martial. They were Union soldiers who did their duty to their country, and no man can make me antagonize men of that sort on any occasion or in behalf of any measure. They deserve the homage, love, and respect of their countrymen, and no word or thought of mine shall ever tarnish their fair fame or dim the luster of their noble achievements.

The first charge against Fitz-John Porter is that he violated an order to march at 1 o'clock on the morning of the 28th of August from Warrenton Junction and arrive at Bristoe Station at daylight. By the arguments of gentlemen Fitz-John Porter is placed in a Procrustean bed, from which it would be difficult to extricate him, if the arguments be sound. The gentleman from Indiana [Mr. STEELE] and the gentleman from Michigan [Mr. CUTCHEON] have argued that it was the duty of Porter to start at 1 o'clock, whatever his success might have been. My friend General BROWNE, of Indiana, has argued that the essence of that order was that he should have arrived at Bristoe Station at daylight. There is one plain difference of opinion between gentlemen in construing that order. In my opinion neither one of these constructions is the correct one. In my judgment Fitz-John Porter, as the commander of a corps separated by nine or ten miles from his commander-in-chief, had the right, and it was his duty, to exercise a wise discretion in reference to the circumstances and conditions of the situation.

Now, what was the condition of things that night of the 27th of August? The best reply to that inquiry is the testimony of the witnesses who were there on the ground. I ask a careful and candid consideration of that testimony. I ask that because I hope this cause will be judged in the light of the evidence, and not according to sentiment, however elevated; and I trust that passion and prejudice will have no influence in determining the fate of this bill.

Now, hear what the witnesses say about the situation of Porter and his corps, and what was said and done. Of these witnesses Generals Griffin, Morell, Butterfield, and Sykes, Colonel Locke, Captains Monteith and Martin, and Lieutenant Weld were with Porter's corps at Warrenton Junction. General Myers had charge of one of the wagon-trains—there was evidently more than one from General Myers's evidence—and Colonel Clary and Captain Fifield the railroad trains. Seven of the witnesses passed over the road beside the railroad that night.

The other witnesses were not immediately on the ground or over the road that night, but were only a few miles away, and most of them knew the road from Warrenton Junction to Bristoe.

Now, listen to what these witnesses say. Nearly all this testimony, I should have said, was given before the court-martial.

General Griffin says:

Question. What was the condition of the troops under your command on the evening of the 27th with respect to fatigue?

Answer. They were much broken down. I mean by that that they were very weary. We had a great many stragglers that day.

Q. State what was the character of the night between the 27th and 28th of August.

A. The night of the 27th and the morning of the 28th was very dark. It rained a little about 10 o'clock that night, I should think; very little, just sprinkled.

Lieutenant Weld says:

Question. What kind of a night was the 27th of August last?

Answer. It was very dark, indeed. I went to bed about 10 o'clock, and then the night was very dark. I heard some one, I think it was General Morell, who came into camp before I went to bed, saying he had been trying to find General Sykes's headquarters and had lost his way. General Sykes's headquarters were very near ours. In the morning about 3 o'clock I got up and it was drizzling.

General Sykes testifies:

Question. State the character of the night and any reports made to you by your aids as to the difficulties in starting before daylight, if any such were made.

Answer. The night was unusually dark. Before I directed the advance to be sounded I sent an aid-de-camp to find the road so as to lead the column upon it. He returned in a short time and told me the darkness was so great that he could not distinguish the road. He also told me that he was assisted in the search by several soldiers.

Q. State what you recollect of any difficulties which you met with in the road which impeded your march that morning and what steps were taken to remove such difficulties, if any existed.

A. As I anticipated, we ran upon this train of wagons within two miles of my camp. They encumbered the road for miles. Myself and staff officers were constantly engaged in opening the way for the head of my column. On several occasions I had to take my mounted escort and place them on the road with drawn sabers to prevent wagons from closing up in intervals that occurred. I do not think that in my military life I ever had such trouble as I had that day. The wagon-masters and teamsters were alike insubordinate.

Again, he says, in giving reasons for suggesting the delay in the march:

They were, first, that a night march is always fatiguing and injurious to troops; that my command had already marched from twelve to fourteen miles that day; that I thought the darkness would cause confusion; that the constant stream of wagons had passed ahead of us from the time my command reached Warrenton Junction until dusk. And above all, I thought that as but two hours or three hours at most would elapse between 1 o'clock and daylight, we could make the march in much better order and march more rapidly by starting at dawn than by starting at the hour prescribed.

General Morell says:

Question. State what occurred at the time of the receipt of the order, or immediately afterward, between the accused and yourself and the other generals?

Answer. General Porter said to us that he had received this order to march at 1 o'clock that night. We immediately spoke of the condition of our troops—they being very much fatigued—and the darkness of the night, and said that we didn't believe we could make any better progress by attempting to start at that hour than if we waited until daylight. After some little conversation General Porter said: "Well, we'll start at 3 o'clock; get ready." I immediately left his tent and went back to my division and made my preparations for moving.

Q. Did not the generals then present, yourself included, express in strong terms the difficulty of moving as early as 1 o'clock or earlier than 3 o'clock?

A. Yes; on account of the difficulty of marching at night. It was a very dark night; it was cloudy, trying to rain, and did rain before morning.

General Reynolds says, in reference to the night of the 27th:

Question. What was the character of the night?

Answer. It was a very dark night, as was the succeeding night. I recollect both of them distinctly for having been about a good deal after 12 o'clock on each night.

Q. Did you consider it too dark a night to march troops over an unfamiliar country?

A. I should think so, certainly, without a guide or marching on roads. I don't think it possible to march troops in such a night without having a good guide or marching on a road.

Q. If the road over which you were to pass were to some considerable extent obstructed in several places, would you have regarded the march of large masses of troops on that night as practicable?

A. I should not. I should have considered it as a very precarious undertaking.

General Heintzelman says of that night:

Question. Do you remember now what the character of the night was? Was it light, or dark and rainy?

Answer. It was very dark. In the course of the night we had a drizzling rain. Our tents were not pitched; we laid out in the rain. We had difficulty in getting our wagons up.

General Roberts, Porter's accuser, says of that night:

It was cloudy at times so as to be quite dark, and threatened about 2 o'clock to rain, so that I got up from where I was sleeping on the ground, found my wagon and got into it, believing it would rain.

General Butterfield says:

The order, I believe, was for General Porter to move his forces at 1 o'clock in the morning to Bristoe Station. He handed the order to General Morell or to General Sykes, who were present, and said there was a chance for a short nap, or something of that sort, I don't remember the exact words, indicating that there was but little time for preparation. General Sykes or General Morell, I don't remember which (one or both of them), spoke with regard to the fatigue our troops had endured, the darkness of the night, and the fact that in their judgment the troops would be of more service to start at a later hour than they would be to start at the hour named. In reply to these remarks General Porter spoke rather decidedly that there was the order; that it must be obeyed; that those who gave the order knew whether the necessities of the case would warrant the exertions that had to be made to comply with it. I do not state that as the exact words, but as the substance of what he said. Captain De Kay, who brought the order, was then present and was asked some questions about the road. He stated that it was very dark, and that the road was full of teams. General Sykes, I think, suggested that it would be impossible for us to move at the hour named, or if the road was full of teams that they couldn't find the way. General Porter called two aids and sent them off to investigate the condition of the road, or ask General Pope to have the road cleared so that we could come up. When we got outside the darkness was so apparent (to use such an expression) and it seemed to be such a matter of impossibility to move, that General Porter said: "In consideration of all the circumstances I will fix the hour at 3 o'clock instead of 1; you will be ready to move promptly;" and I subsequently wrote an order in General Porter's tent for my command to be in line to march at 3 o'clock.

Colonel Clary says, in reply to a question as to whether he had passed over the road that night:

I think there were ten or twelve persons composing the party. We didn't pass over the whole journey that night; I lost the road and laid by for about 2 hours until daylight.

Q. How did you travel?

A. On horseback.

Q. What was the character of the night?

A. It was dark and cloudy.

Colonel Clary also says:

I was at Warrenton Junction on the 27th of August last. At 10 o'clock that night I received a note from General Porter to move the trains east on the railroad beyond and east of Cedar Run toward Bristoe Station. I gave the orders to the proper persons connected with the trains and they commenced immediately to move. * * * The removal of the trains occupied me from 10 o'clock until about 2 o'clock in the morning, at which time, or perhaps a little later, I myself left that point for Bristoe Station.

Colonel Locke testifies:

The order was received very nearly 10 o'clock in the evening. I was present that evening when a report was made to the accused of the condition of the road.

Q. Do you remember what the report was? If so, state it.

A. The report was that the road was very much blocked and that there were several bad places in the road.

* * * * * * *

Q. Did the corps march at 3 o'clock a. m. on the 28th of August?

A. Yes, sir.

Q. What difficulties, if any, did they encounter, and what was the cause of those difficulties?

A. One great difficulty was the darkness of the night. The next was the nearly impassable condition of the roads by reason of wagon-trains.

Q. Was the night very dark?

A. Extremely dark.

Captain Fifield, who was instructed by Colonel Clary to clear the railroad of trains, says:

Question. Where did you go after leaving the trains?

Answer. I attempted to go to Bristoe Station, but didn't reach there until after daylight in the morning, having lost my way, in connection with the party I was with.

Q. How did you travel?

A. On horseback.

Q. Were there any wagons on the country road?

A. There were.

Q. What distance were the wagons stretched along the road, if they were stretched?

A. I should think from between three and four miles from where we first struck the wagons until we got past the main body of the wagons—they were scattered farther along.

* * * * * * *

Q. What was the character of the night; was it light or dark?

A. The early part of the night was a bright starry night of summer without any moon, but about half past 11 o'clock it commenced overcasting and threatened rain. Very black clouds came up, and it did sprinkle a little. It was very dark from that time until toward morning.

Captain Monteith, who, with Captain McQuade, had been sent by General Porter to look out the road to Greenwich, says:

Question. What sort of a night was it?

Answer. Very dark. We had trouble in getting back, but a part of the way we didn't come back the same road that we took going out. * * * We found wagon-trains on the road from Warrenton Junction going by Catlett's Station. We also found wagon-trains coming in on the Warrenton road intersecting the road that runs by the railroad just below Catlett's Station.

Q. In what condition did you find the wagons when you were returning to General Porter?

A. Some of them were stopped and some of them were moving along. * * * The next morning, the 28th of August, when the march was taken up down the railroad, General Porter sent Lieutenant Weld and myself forward to use our efforts in making the way for the infantry. The road was blocked up with wagons as far as we could see.

Q. What efforts were actually made, and how long were you in removing the wagons, if you removed them at all?

A. When we first came to the wagons, the woods on both sides of the road were so thick, and the road was so narrow, that it was impossible to turn the wagons out of the road, and we continued on until we came to a place where the wagons could be doubled or turned out of the road. We were also assisted by some cavalry sent with us. * * * After, General Porter sent us with some cavalrymen; he also sent Colonel Locke with either a company or squadron of cavalry to labor in the same way.

Captain Drake De Kay, who bore the order to Porter, says:

Question. What was the character of the night of the 27th of August?

Answer. To the best of my recollection it was a cloudy night, but not rainy.

* * * * * * *

Q. Had General Porter's command marched at 1 o'clock in the morning would he, or would he not, have passed those wagons in camp?

A. He would have passed them in camp, probably.

Captain Martin says:

We moved at between 3 and 4 o'clock across the run, less than a mile from camp, and halted there, and remained there until daylight. * * * We encountered a difficulty in getting out of camp in the darkness, and got many of our carriages stuck in the run near the edge of the camp; some of them were not got out until near daylight; especially one battery wagon.

Colonel Brinton, who went that night to find General Porter about 12 o'clock, testifies:

Question. What was the character of the night?

Answer. The night was very dark and overcast.

* * * * * * *

Q. Did the darkness materially impede you in your efforts to find your way to General Porter?
A. It did.
Q. And delayed you?
A. Yes, sir.
Q. Did you see any wagons on the road over which you traveled?
A. Yes; the road from Catlett's Station for half a mile westward was blocked up with wagons. We ran into them constantly. The road is there a narrow one leading through a wood, and it was difficult for us to get along on that account. We ran into a tree on the one hand or a wagon on the other without being able to distinguish until we were upon it.

* * * * * * *

Q. When you reached General Porter did you speak to him of the condition in which you had found the road?
A. Yes, sir, I did; and in answer to his inquiry concerning the state of the road.

Generals Warren, Buchanan, McKeever, Ruggles, Patrick, and Mindil, Colonels Thompson, Marston, and Smith, Majors Hyland and Earle, Lieutenants Randol, Baker, and Davis testified before the West Point board to substantially the same facts.

General Patrick said:

My orderlies and one if not two members of the staff dismounted at different times to feel of the road. It was one of the darkest nights, that night of the 25th. [This is evidently a misprint; it refers to the 27th, as will clearly appear from his evidence on page 183, second part, executive document 37, Forty-sixth Congress.] When I came in with McDowell I got lost on account of the darkness. It was a very dark night, so much so that we stretched men across the road quite a distance each side lest they should pass by the bivouac, as it was so dark that the opening at the side of the road where the men were could not be seen.

Colonel Marston says:

Question. Do you recollect the character of the night of the 27th of August, 1862?
Answer. Part of it I do. It was dark, I should say, until 12 o'clock. After that I don't know how it was. From 9 to 10 o'clock, along there, it was misty and raining a little—fine rain or heavy mist and quite dark. I was out with the officer of the picket line and lost my way, and it was so dark we could hardly find the way.

General Warren said before the West Point board that the wagons—referring to the wagons on the road from Warrenton Junction to Bristoe that night—were pell-mell, parked like the ice that jams on the shore. A contemporaneous corroboration will be found in Porter's dispatch to Burnside from Warrenton Junction on the evening of the 27th. In that dispatch he says: "Wagons are rolling along the road as if a mighty power were propelling them." Those in the habit of construing evidence will appreciate the force and trustworthiness of that kind of evidence.

Now let me call attention to the testimony of General Myers, whom the Government relied on before the court-martial, and who knew whether wagons blocked the road or not. General Myers, in answer to interrogatories, said:

Question. Do you remember the character of that night—the night of the 27th of August; if so, will you please state it?
Answer. I was up nearly all that night. It was quite dark; there was no moon.

* * * * * * *

Q. Did all wagons go into park or did some continue on the road?
A. I think all my train went into park.

He says:

I think all my train went into park. The wagons were coming in all night, and I could hear the wagons rolling nearly all night. No trains—

Referring to railroad trains—

passed me that night.
Question. You have been understood to say that the wagons were rolling all night?
Answer. Yes, going into park as they got along all night; the rear wagons taking a long time to come up in a long train of two thousand or three thousand wagons.
Q. Then they were going into park all night from the road?
A. Yes, wherever they could find a place to park they parked.

* * * * * * *

Mr. STEELE. Whose evidence is the gentleman reading from?

Mr. BAYNE. The testimony of General Myers.

Mr. STEELE. If the gentleman will allow me, I would like to read in that connection the latter part of that testimony.

Mr. BAYNE. If I am permitted to have as much time as is necessary to answer the interrogatories of the gentleman or other gentlemen I will yield cheerfully to interruption, otherwise I must decline to yield. Unless time be given me beyond the hour I believe it will be impossible for me to get through if I permit any interruptions, and therefore I cannot yield.

Mr. STEELE. I would say to the gentleman that General Myers himself testifies that he could have moved that night.

Mr. BAYNE. He says in connection with it, however, that he may be mistaken, if the gentleman will examine.

Mr. STEELE. The very last response to a question addressed to General Myers was that he could have moved that night.

Mr. BAYNE. But in that very connection he says, "In that, however, I may be mistaken." That is the very language he uses. Any way, if General Myers said so it was a mere expression of opinion.

Mr. STEELE. But the gentleman has quoted his testimony, and I want to read from a portion of the same testimony.

Mr. BAYNE. I quoted his testimony as to the fact of the wagons being on the road all that night. He recites that as a matter of fact and not as a matter of opinion.

Now, I can not and indeed need not call attention to all that is shown by the testimony of these witnesses. But the salient facts developed are that the night of the 27th of August was dark and cloudy; the road from Warrenton Junction to Bristoe was blocked with an immense number of wagons; that the road at points at least was narrow; that it was impracticable and dangerous to march troops on the railroad; that the troops were fatigued, some of them having marched seventeen to nineteen miles that day and others twelve to fourteen miles; that by starting at 3 o'clock it was found to be impracticable to march; and that even the daylight march was difficult in consequence of the obstruction, and it required great exertions on the part of General Porter and others to clear the way.

But there is another salient fact developed by that evidence which is more cogent and persuasive than all the others taken together. The evidence shows that when Porter received the order to move at 1 o'clock and be at Bristoe by daylight—a distance of nine or ten miles his corps was required to traverse in about three hours—he at once consulted with Generals Morell, Sykes, and Butterfield, two of these gentlemen being present, the third perhaps coming in afterward. He read the order, and handed it to one of them with the remark, "There is something for a short nap." They then conferred together with reference to the execution of the order, and General Morell, General Sykes, and General Butterfield all testified before the court-martial that they advised General Porter not to move at 1 o'clock that night. They give their reasons for so advising in their testimony.

Now it never has been disputed yet by anybody that General Sykes, General Morell, and General Butterfield were loyal to the core to the Union cause. That fact has never been questioned. If General Butterfield, General Sykes, and General Morell were honest in their judgment, if they expressed to General Porter a conviction of their own as to the impolicy of the movement, why should they be held to be honest and loyal to the cause and Porter dishonest and a traitor? Why were they not tried as accessories before the fact?

Mr. STEELE. I would like to ask the gentleman a question here.

Mr. BAYNE. I have been compelled to decline interruptions. If I can have time to answer those given to me I shall be very glad, otherwise I cannot yield.

Mr. WELLER. I ask unanimous consent of the House that the gentleman have his time extended to enable him to answer all interruptions.

Mr. COSGROVE. I was about to make the same request in behalf of my colleague.

Mr. MAGINNIS. I would suggest to the gentleman that he finish his speech first, and answer the interruptions afterward. That is the more orderly way, and his time can be then extended for that purpose.

The CHAIRMAN. The Chair would suggest that the gentleman occupy his time for the hour, after which, if necessary, the Chair will entertain a request for an extension.

Mr. BAYNE. It is beyond all dispute, Mr. Chairman, that the officers to whom I have referred so advised Porter on that occasion, and it is a well-known principle with lawyers, it is a reasonable proposition to every mind, that the jury that sits at the time and on the spot and knows all the circumstances is better qualified to judge of such matters than men far away, and who know nothing of the surrounding circumstances except such knowledge as they glean from hearsay or more or less disjointed evidence. There was not, I believe, in that whole Fifth Corps a single man who would have said or who has testified that it would be prudent to march that night. Not a single witness from that corps is produced who says it would have been proper to do so. There were many produced who said it would have been impracticable to move. And now I repeat that this testimony shows, much that I have not cited as well as that which I have, that it would have been impracticable for General Porter to have rendered implicit obedience to that order. The spirit of that order was that he should go to Bristoe Station as early as it was practicable for him to go; and I say by starting at 3 o'clock in the morning he obeyed the spirit of that order, and if he had not done so he would have failed in the intelligent discharge of his duty.

But my friend from Michigan [Mr. CUTCHEON] said in his speech that it was all-important that Porter should have moved to Bristoe at 1 o'clock, because Hooker had had an engagement with the enemy and was out of ammunition; and when he is confronted with this order, which makes no mention of the fact that Hooker was out of ammunition, he says that General Pope would not probably have noted the fact in his order, because the rebels might have captured it and have thus received information which would have been of great danger to the Union cause.

But mark you how plain a tale will put that down. General Pope sent another order to Porter early in the morning of the 28th, in which, and for the first time, he mentioned the fact that Hooker was almost out of ammunition.

If the reason were good that it should not have gone into the order because the rebels might have captured it in the one instance, why was not the reason good in the other instance? But it shows what logic is resorted to by the opponents of this bill to make the worse appear the better side of the case.

The directory part of the order of the 27th is in these words:

The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, * * * so as to be here by daylight to-morrow morning.

The reasons given are these:

Hooker has had a severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. * * * We must drive him from Manassas and clear the country between that and Gainesville, where McDowell is. * * * It is necessary on all accounts that you should be here by daylight.

The whole disobedience covers but two hours of time in making a start to pursue a retiring enemy. Compliance with the letter of the order was a physical impossibility. Troops in open day and on a good road can not march three miles an hour. This order required the Fifth Army Corps, consisting of about 9,000 men, to march between nine and ten miles, in the darkness of that night, over that road in three hours.

TWENTY-NINTH OF AUGUST.

The order of the 27th to my mind, however, is by no means the important aspect of this case. In my opinion if the charge of having violated that order had stood alone before the court-martial there would have been no conviction. The *gravamen* of the charges against General Porter relates to the 29th; and I therefore will go from this first proposition to that one.

Now, what are the circumstances relating to the 29th? Porter was at Bristoe Station. He received an order from General Pope to march his corps to Centreville. Centreville we will say is here [pointing to the left], and in that order there was the allegation that a severe engagement was expected. I will show the improper use that was made of that presently. While he was executing that order another came to him to march toward Gainesville, which is in that direction [pointing to the front]. He, therefore, had to countermarch; and when he had marched toward Gainesville up to Dawkin's Branch, as it is called, he there became aware of the presence of the enemy in his front.

Before I go to the evidence relating to the fact that the enemy was encountered at Dawkin's Branch, I want to say one word about this Centreville order. It has been said by different gentlemen on the floor, notably by my friend from Indiana [Mr. BROWNE], that Porter was apprised of the fact that a severe engagement was likely to occur. It is true that when he was ordered to march to Centreville he was notified in the order that a severe engagement was likely to take place. But I leave it to the common sense of anybody and everybody if, when he received the orders I am about to read, he could imagine or believe that an engagement was probable. I will read the order requiring him to countermarch:

CENTREVILLE, *August* 29, 1862.

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious or we will lose much.

JOHN POPE,
Major-General Commanding.

Shortly after receiving the order I have just read Dr. Abbott brought him what is called the "joint order." Here is the joint order:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

You will please move forward with your joint command toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall on the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to join the other divisions of his corps as soon as practicable.

If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out. One thing must be held in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or the next day. My own headquarters will for the present be with Heintzelman's corps or at this place.

JOHN POPE,
Major-General Commanding.

Generals MCDOWELL and PORTER.

Now, is there anything in either of these orders intimating the likelihood of a severe engagement? On the contrary, is not the intimation that Longstreet would not arrive until the evening of the 30th or the morning of the 31st? No prospect of a severe engagement in either of these orders; and yet for some purpose, for what I do not know, the statement in the Centreville order is lugged into the arguments against Porter to show what his anticipation should have been.

That kind of argument results from the weakness of the cause, and should have no place or force in the discussion of this bill.

The gist of this inquiry with reference to Fitz-John Porter on the afternoon of the 29th is, did he know that the enemy was in his front? Was the enemy there, and did he know it? The joint order indicated that the enemy had not come into his front, because the joint order alleged that the enemy would not be there until the evening of the 30th or the morning of the 31st. Now one thing must be assumed as within the knowledge of General Porter, and that is he knew that Longstreet commanded the one wing of the rebel army and that Jackson commanded the other wing. He had been through the Peninsula campaign. He had been acquainted with its history from day to day, and he knew beyond all doubt that Longstreet commanded one wing of that army and Jackson the other. What did Porter say with reference to the prospect on the 28th? Porter on the 28th telegraphed General Burnside:

I expect the next thing will be a raid on our rear by way of Warrenton by Longstreet, who was cut off.

Is it not evident that Porter then anticipated the coming of Longstreet through Thoroughfare Gap? Did he not apprehend that fact on the 28th? That was the day before the 29th. What then? With this in his mind—and this shows the way he viewed the situation, and it shows moreover that he might not have given full credit to the views of General Pope as expressed in the joint order that the enemy would come on the evening of the 30th or the morning of the 31st—he was riding with General Morell at the head of his division when they came in contact with the enemy. Now, let General Morell state the facts.

General Morell says:

As we countermarched to go there (Gainesville) my division was thrown in front, General Sykes having already passed on toward Centreville. We had gone up the road toward Gainesville perhaps about three miles when I met a mounted man coming toward us. I stopped him and asked him the road to Gainesville, and also the news from the front. He said he had come from Gainesville, and that the enemy's skirmishers were there to the number of four hundred and the main body was not far behind. I then moved on up the road, and in a short time our own skirmishers reported that they had discovered the enemy's skirmishers in their front. The column was then halted by General Porter, who was with me. After a little consultation he directed the batteries to be posted on the crest of the ridge we had just passed and the men to be placed in position.

Why should Porter have directed the batteries to be placed in position on the crest and the men in position if he had not entertained the idea at that time that the enemy was there? That would have been a pure work of supererogation if he had not believed the enemy was there. General Griffin says:

Question. Did you on the 29th make a reconnaissance to the front, or rather cause one to be made, to ascertain the forces of the enemy that opened their artillery upon your troops?

Answer. In fact, no artillery opened that I know of. Before that I had a whole regiment to the front as skirmishers. I took three mounted prisoners, I know.

You will discover the importance of these three mounted prisoners presently.

Q. Do you believe you had in front of you any considerable force of the enemy?

A. Yes; I believe that in the course of the day I had the larger part of Lee's army.

Q. Immediately in front of you, I mean; I don't mean in the remote distance.

A. According to my recollection at the time they formed a line a little obliquely to our front, extending back to Thoroughfare Gap. They were coming from Thoroughfare Gap toward us.

Now, there is the impression derived by General Griffin on that occasion. His belief was that the main body of Lee's army was in their front during that afternoon. Then there was something else. When General McDowell came to General Porter, about 12 or between 12 and 1 o'clock, he showed him a dispatch from General Buford, and what was that dispatch?

HEADQUARTERS CAVALRY BRIGADE—9.30 a. m.

Seventeen regiments, one battery, and five hundred cavalry passed through Gainesville three-quarters of an hour ago on the Centreville road. I think this division should join our forces now and engage at once.

JOHN BUFORD,
Brigadier-General.

To General RICKETTS.

Porter was thus advised that the rebels had passed through Gainesville, which was, I think, from two to two and a half miles from where Porter was; had passed there at a quarter before 9 o'clock. General Morell testifies before the West Point board as follows:

Question. What was it that caused the halting of the head of your division where it did halt, in the neighborhood of Dawkin's Branch?

Answer. There we were met by a man coming in from the front, who reported that Longstreet was at Gainesville, and pretty soon after that the skirmishers of my division met Longstreet's and the report came in immediately.

Q. Report to what effect?

A. That they had encountered the enemy's skirmishers.

Q. Where were you personally when the head of your column reached the point where it halted?

A. I was at the head of column. We were marching by the flank. I had just about got to the crest of the descent to the stream called Dawkin's Branch when General Porter immediately ordered us to form line on crest.

Q. How soon after you reached that point yourself that you got information that Longstreet's troops were in your front?

A. Immediately. * * *

Q. Were not three men captured there and sent in by you?

A. There were two or three men there.

Q. Was not that the first intimation you had that the enemy were in your front?

A. That may have been the first intimation. There were two or three men sent in as prisoners. I merely questioned them a few words and sent them to General Porter.

Major Earle testifies as follows, after alleging that the enemy was closing in on the front of Porter:

I also said to the general (Porter) that we were perfectly satisfied that they were Longstreet's men. I knew that fact from the fact that there were some skirmishers captured when we first went in, and General Morell told me that they were Longstreet's men. I was satisfied from the direction they came that they were Longstreet's men coming up from Thoroughfare Gap. General Porter said

he was satisfied of that. Then he says, "Get on your horse and take this order back to General Morell;" and he gave me an order.

Which order was to put his troops in position and place them for the expected battle.

Colonel Lake also testified as follows:

Question. Were you present when two or three rebel scouts were brought in in the morning, when you got up to Dawkin's Branch?
Answer. I was.
Q. Did you know or hear at that time whose men they were?
A. I know what one of them said.
Q. What was it?
A. He said they were Longstreet's men.

Lieutenant Weld says:

Question. How soon was this after the head of the column had reached this ridge?
Answer. I don't know. My impression is very strong that they were halted when we got there.
Q. Was it when you were first at the ridge with General Porter that these prisoners were brought in?
A. Yes, it was within a few minutes.
Q. How many prisoners were there?
A. Two, and I think three.
Q. Were they in uniform?
A. As much of a uniform as they ever had—a butternut suit.
Q. Did you know what they were?
A. Yes, confederate soldiers.
Q. What happened when they were brought up to where you and General Porter were?
A. General Porter had a long conversation with them. My impression is that they were sent to the rear. I am not sure about that.

Now, I can not read all this testimony.

Is it not clear from this evidence that Porter when he arrived at Dawkin's Branch knew that the enemy was in his front and that that enemy was Longstreet's wing of the rebel army? Is it not convincing? There is not one tittle of evidence to confute it; not one tittle.

Now, whether their suspicions were well founded or not has not yet been fully ascertained. Allow me to show you how well founded their suspicions were that Longstreet's wing of the army was in their front. Colonel Marshall, commanding a New York regiment, testifies as follows:

Question. Will you now locate on the map where General Morell was when you had the conversation with him about dusk; this was about dusk you say: "General Morell told me that he had just received orders from General Porter to attack the enemy, and he commenced the attack with four regiments."
Answer. This force I speak of on the left was deployed perhaps about 3 o'clock; it might have been about 3.30 or 4 that I went out there. Between 3 and 4 I sent the first dispatch. It must have been about 4 o'clock, if not later, when I sent my second dispatch.
* * * * * * *
Q. How far back from Dawkin's Branch?
A. Down to just where the timber commenced.
Q. On the ridge?
A. Yes, not very far up on the ridge; far enough up, where the timber ends, so that he could have a view of everything going on as much as possible.
Q. You say that you told him that it was certain destruction to make any attack. Will you state the reason on which you formed that opinion?
A. The reasons were that there was a large enemy in my front. I can not tell what they were; they were mostly hidden in the timber. Then, also, this new development of troops on my left—that fretted me. And also prior to going upon picket I myself went off on my own hook. And when General Porter accompanied General McDowell, and made a reconnaissance of that same timber, I saw them go into the timber, and saw them returning. * * * In my observations that I made of that point to my left I saw a long line of dust, and I concluded there was a large army, at least a corps, moving down toward our front. The consequence was, when I went upon picket I was prepared in my mind to be received by a large force, and I was not mistaken. I found it just where I expected it to be from these observations made on this hill.

Major Hyland testifies, as follows:

Question. What is the character of the country there?
Answer. The country in front of us was quite heavily timbered. Between us and General Morell's division the country was an open country, with a deep ravine there and a stream running through it. In front of us it was heavily timbered, and there was also some scrub pine.
Q. Can you state about what force of the enemy took position in front and right of your regiment, as deployed in advance of General Morell's division, on the 29th?
A. I could not state the number, but it appeared to be a very large force indeed.
Q. Can you state how many thousands, or divisions, or regiments?
A. I could not state the number of thousands or divisions. I judged from the movements and from the commands given that there was a very large force indeed, probably a larger force than we had.
Q. Did you report this force to General Porter or to General Morell?
A. I reported it to Colonel Marshall, my commanding officer.

I read from the testimony of Lieutenant Stevenson:

Question. When you arrived at the location of the regiment could you see the enemy?
Answer. Yes, sir.
Q. What was the impression you then formed as to his force?
A. I judged him to be between twelve and fifteen thousand.
Q. Did you see his force of different arms, infantry and artillery?
A. Yes, sir.
Q. Did you hear anything to make you think he was receiving re-enforcements?
A. Yes, sir; I could see the dust rising in the rear of his force; it seemed as though they were moving toward the front.

There was the evidence of Lieutenant Stevenson, Lieutenant Davis, and Lieutenant Wilson to substantiate the same facts. So Major Williams, of the confederate service, General Early, General Robertson, and General Longstreet all testify to the presence of Longstreet's men in that position in front of General Porter and in line ready for action between 11 and 12 o'clock. I wish to call attention to the testimony of General Longstreet particularly:

Question. What force had you with you there?
Answer. I had, as near as I can recollect, twenty-five thousand men.
Q. Was General Lee there with you?
A. Yes, sir.
Q. How was this force of twenty-five thousand men divided; under what commanders—subordinate generals?
A. Divided into divisions organized by myself, three brigades each; one under General Jones, one under General Kemper, and two brigades, called a division, under Hood, which was organized into another division, really under General Evans, making three brigades. The command under General Hood, however, retained the name of Hood's division. There was a division under General Wilcox, composed of three brigades.
* * * * * * *
Q. How early did you come within supporting distance of Jackson?

Now it will be remembered, assuming this point [illustrating] to be Dawkin's Branch, Jackson was at that point [illustrating], Pope at that point in front of Jackson, and Porter over here at this point; and if this evidence is true, Longstreet had formed along here. The map prepared by General Grant does not represent quite correctly the situation; but, although the lines were not parallel with each other, Longstreet was substantially in front, occupying a somewhat oblique position with reference to Porter, but substantially in front.

Mr. CUTCHEON. The gentleman will allow me to ask whether General Longstreet does not state in his report that Porter was threatening his right flank; and does not General J. E. B. Stuart in his official report state that Porter's column was threatening General Longstreet's right flank and rear?

Mr. BAYNE. I believe General Longstreet does so state in his report, but I want to say one word about reports since that question has been raised. If you take the reports of the generals commanding the armies in the late war you will find them as full of errors as they can well be. If you take for instance the reports of the generals of the two sides with reference to the transactions of the 29th of August, you will find that victory was claimed on both sides. That was of course impossible. Reports were drawn in the hurry of military operations and are often far from accurate. They do not represent that strict statement of facts which we know to be elicited by examination and cross-examination. I say that General Longstreet's testimony before the West Point board, where he was subjected to a rigorous cross-examination by the recorder, who showed not only great skill but great zeal in endeavoring to sustain the position taken by the court-martial—General Longstreet's examination-in-chief and his cross-examination by the recorder were infinitely better calculated to develop the truth than any reports made by anybody at the time of the events in question. I read further from General Longstreet's testimony:

Question. How early did you come within supporting distance of Jackson?
Answer. I think by 9 o'clock we were in supporting distance, if he called for us particularly. We could have made a move right across the country, instead of going down to Gainesville and then down the pike. If he had made any pressing call, I think we could have supported him by moving across. I never have been across that country since, however, and can not say positively.
Q. State how, as you came up to where Jackson's force was, you arranged and distributed your forces.
A. Hood's and Evans's troops were deployed at once, as well as I recollect; one brigade with Hood on one side of the turnpike and the other brigade on the other side, and Evans's brigade in the rear, probably one hundred yards—easy supporting distance; three brigades under General Wilcox were thrown to the left of the pike; the three brigades under General D. R. Jones to the right and extending up a little beyond the Manassas Gap Railroad; three brigades under General Kemper were thrown out in that direction, so as to be in easy supporting distance in case of need by General Jones; all arranged in double line, two brigades in front and one in the rear.
Q. Did you thus bring forward and distribute, on the line and in the manner you have stated, the whole of your force of twenty-five thousand men?
A. Yes; twelve brigades.
Q. How early in the day of the 29th had they thus been stationed by you?
A. I think they had been deployed by 11 o'clock in the day.

Now, in the face of this convincing evidence of General Longstreet, corroborated as he is by his chief of staff, Colonel Marshall, by General Robertson, now a reputable lawyer of Richmond, Va., by General Early, by Major Williams, corroborated and sustained as he is by the experience which Morell had when he made that advance at Dawkin's Branch, corroborated and sustained as he is by the three prisoners who were captured and taken to General Porter's headquarters, how can any man refuse to believe that Longstreet's wing of the rebel army was in Porter's front on that occasion, ready for battle?

Mr. CUTCHEON. I wish to ask the gentleman another question. Is there any evidence that when General Porter received the order to attack he knew that fact except from certain dust in his front?

Mr. BAYNE. I have not yet come to consider the order to attack.

Mr. CUTCHEON. Well, when he received the joint order?

Mr. BAYNE. When he received the joint order he knew it; there is abundance of evidence that he knew it. When he received that order he had marched up to Dawkin's Branch. When McDowell came there he was at Dawkin's Branch. They halted there because they knew that Longstreet was in their front.

Mr. HERBERT. Will the gentleman yield to me a moment that I may make a statement of facts? I was on that field myself.

Mr. BAYNE. I do not wish to yield much time, as I have so much matter to go over; but I yield to the gentleman.

Mr. HERBERT. Mr. Chairman, I should not have said a word on this occasion except that in a conversation a moment ago with a Re-

publican friend who believes that Fitz-John Porter was innocent I told him where I was on that day, and he said he wished I would state the fact to the House.

I belonged to Longstreet's corps.

Mr. KEIFER. What division?

Mr. HERBERT. Wilcox's division. I was under General Wilcox at that time. I know that we were deployed and in line before 12 o'clock. My impression was it was much earlier, but certainly it was before 12 o'clock. While we were in line there we waited, not knowing why it was we were not carried into the fight. On our left the battle was raging, and we could not understand it and I have never understood the reason for our idleness that day until I examined the testimony in this case.

Mr. STEELE. Was there not a battle on the 29th?

Mr. HERBERT. Yes, on the left.

Mr. CALKINS. A very heavy one, too, colonel.

Mr. HERBERT. Yes. Now, then, we were not engaged in any battle on that day.

Mr. CALKINS. Wilcox's brigade went first to the left, as I understand General Longstreet's testimony—first, to your left, and then taken back to your right—is that so?

Mr. HERBERT. I do not understand the back movements we made. I only know the army was in line, and we were not engaged in any fight on that day.

I wish to say in addition just this one single thing. I do not believe, and thank God for it, that the Union Army or the confederate army during the late war furnished a Benedict Arnold. I do not believe that Fitz-John Porter was a traitor to his cause. If I did believe it I would be the very last man to excuse him from the consequences of his treason. [Applause.]

Mr. BAYNE. I think any honorable soldier would say the same.

Now, Mr. Chairman, I have more matter from Longstreet's testimony I would like to read, but I have not time to do it. Really, in one hour it is impossible to go over the facts in this case in such a manner as they should be properly presented.

We have ascertained the fact, Mr. Chairman, that Longstreet's wing of the army was in Porter's front. What more? The order to Porter to attack, if he was ordered to attack there, came from some other source than the joint order, leaving out the 4.30 order, which I will come to if I have time. Now, was Porter ordered at that time to attack? General McDowell is the only witness who pretends to say he was. He alleges he said to Porter "Put your force in here." Subsequently, he said he meant by that that Porter should apply his force at that place. General McDowell, however, is the only person who testifies to that fact. Before the West Point board General McDowell testified that his order was very "vague." "I confess to you," he said before the West Point board, "my order was very vague;" and in another place in his evidence, "I do not know how General Porter may have understood it, but I meant Porter should apply his force there." Five witnesses testify, and they are not contradicted, and General McDowell does not contradict them, that General McDowell said to Porter when he came there, "Porter, you are too far out; this is no place to fight a battle." Five witnesses testify to that fact, and when General McDowell is asked whether he said that or not he replies he did not recollect whether he did or not.

Now, if General McDowell said that, is it possible, under the circumstances, he could have issued an order to attack when he said to Porter "You are too far out; this is no place to fight a battle;" that is, away from the enemy, could he have ordered Porter to apply his force there, that is, toward the enemy? These propositions are absolutely irreconcilable, and no logic, or reason, or ingenuity, or finesse can bring them together.

Mr. CUTCHEON. I would like to ask the gentleman another question, if he will permit me.

Mr. BAYNE. If time is given me I have no sort of objection. I have much matter yet to go over, and indeed I have really only begun the case. I can assure the gentleman from Michigan I do not wish to decline any courtesy toward him within the limit of the time allowed me under the rules.

I can show by the logic of facts, more trustworthy than what comes from the lips of any man, that General McDowell never intended to attack until he should come in on Reynolds's left and form a junction with Porter.

Mr. STEELE. He swore he did.

Mr. BAYNE. I have given you the benefit of all he said.

Mr. CUTCHEON. My question, if the gentleman will allow me, is on this point, and I hope the committee will indulge him if I take any of his time. It is this: Was not the entire object of the movement for Porter to press through and connect with our right wing, and would not an advance accomplish that, and would not a retreat retard it, and would not the logic of the facts be that McDowell would require an advance rather than a retreat?

Mr. BAYNE. The joint order did not say anything about going over to our right.

Mr. MAGINNIS. This kind of debate goes for nothing, but I undertake to say, Mr. Chairman, that there was no such movement contemplated on the part of our troops. The only movement which was contemplated by our various corps at that time was an uninterrupted march on Gainesville.

Mr. BAYNE. That is true. And now another thing. Let me call your attention to another point, Mr. Chairman. McDowell himself swears that he did not know where he was going when he left Dawkin's Branch with his command on that morning, but that his intention and his idea was that he should fall in on the left of Reynolds with a view to forming a junction with Porter, and thus complete the continuous lines of our forces in front of the enemy. McDowell himself swears, mark you, that he did not know that he was going to the right of Pope's army. General Porter did not know it. There is not a word in any order alluding to it, and if there was an earlier order which might have contemplated such a condition of affairs the joint order of a later date superseded it, because that contemplated, as soon as the junction was formed, that the troops should be held in a condition to fall back behind Bull Run.

Mr. CUTCHEON. Now, that is the very point to which I wished to refer, that the troops were directed to form a junction at that point, the whole Army to assemble there, with the view, if necessary, of falling back behind Bull Run.

Mr. BAYNE. But does not the gentleman see that if McDowell had gone in between Reynolds and Porter the junction would then have been completed and a continuous line formed? Is not that the fact?

Mr. CUTCHEON. Not in the sense to which I refer.

Mr. BAYNE. If there would not have been a junction when this force came between the two wings of the army and joined them one to the other, let me ask what the gentleman would call it? It would have formed a continuous line; it was decidedly a junction, and such a junction as was contemplated. Nothing but a junction was mentioned. Where would Porter's force have been put if it had gone in there? Would you have had it doubled up on McDowell's force, and have Longstreet with his troops on the flank and nobody in force in his front? Would you have left Longstreet at liberty to fall on the flank of Pope's army and crush it?

Mr. CALKINS. Since my friend from Pennsylvania has stated that he will yield to interruptions if additional time is granted to him (which extension of time I sincerely hope will be granted), I wish to say to my friend just here, if he will permit me, that the difficulty I find with his argument is that Porter was then two miles from General Reynolds's left. His order was to march to Gainesville. His order was, as he understood it, and about which there is no question, that he was to take the flank of Jackson's force. If he found in his front a body of troops, I ask my friend from Pennsylvania to state to the committee what there was to prevent him from joining his corps to the left of Reynolds, and thus make the continuous line of battle he speaks of in front of the enemy?

Mr. BAYNE. The reasons have been fully stated in the testimony. In the first place, he tried to get across the country, but found that there was no other method of reacking the position than by the Sudley Springs road. He could not get his artillery over, though, as it is testified, he could have taken his infantry possibly. In the second place, it was certainly the view of General McDowell that his order was to fall in on Reynolds's left, so as to form this complete junction and continuous line; and that is as clear as can be, for General McDowell swears to it, and that testimony has not been refuted. Now, if he had fallen in there and formed a junction, the continuous line contemplated by the order—the very gist and meaning of that order—would have been adhered to, the result sought to be accomplished would have been gained, and no court-martial would have been convened. General Dowell shows that he marched and countermarched his force through the country, and that if he had had his own way there would have been the continuous line formed which was contemplated by the order.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOPKINS. I move that my colleague's time be extended.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] is entitled to the floor.

Mr. CALKINS. I ask unanimous consent that the time of the gentleman from Pennsylvania be extended.

The CHAIRMAN. How much time does the gentleman desire?

Mr. BAYNE. About a half hour longer.

Mr. STEELE. I think I shall be compelled to object, for the reason that the gentleman has declined to answer any questions which were propounded to him on the ground that his time must be first extended.

Mr. ROSECRANS. I hope the gentleman from Indiana will not object, since the courtesy of an extension was given to him.

Mr. STEELE. I shall not insist upon the objection.

Mr. BAYNE. I told the gentleman at the time that I would cheerfully yield for questions if I could have time.

Mr. CUTCHEON. I desire that an understanding should be arrived at with reference to this matter. This courtesy was extended to this side of the House in my own case, and also during the remarks of the gentleman from Indiana; but as General KEIFER is to follow in this discussion, I trust when that time comes if he shall want an extension it will be accorded to him, so that there may be full and free debate upon this subject and ample opportunity to express our opinions upon it.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Pennsylvania be extended for thirty minutes. Is there objection?

Mr. CUTCHEON. With that understanding, I trust there will be no objection.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Indiana.

Mr. MAYO. There will be no objection if the gentleman from Pennsylvania will consent to answer a question.

The CHAIRMAN. This is not debatable.

Mr. MAYO. I insist on it that the question shall be answered, otherwise I shall object.

Mr. BAYNE. I will answer the gentleman's question if I can.

The CHAIRMAN. The gentleman from Indiana [Mr. CALKINS] asks unanimous consent that the time of the gentleman from Pennsylvania be extended for thirty minutes. Is there objection?

Mr. CUTCHEON. I desire the two matters shall be coupled, so that the same consent shall be given hereafter.

Mr. RANNEY. You can not do that now.

The CHAIRMAN. The Chair will again put the question. Is there objection to the request of the gentleman from Indiana? The Chair hears none.

Mr. MAYO. I object.

Several MEMBERS. Too late.

Mr. BAYNE. I will answer the gentleman's question.

Mr. MAYO. I will withdraw my objection if the gentleman will answer my question.

The CHAIRMAN. The Chair will again put the question. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania [Mr. BAYNE] will proceed for thirty minutes.

Mr. MAYO. I did not intend to address the question so much to the gentleman on the floor as to other gentlemen. I understood him to say something about "party;" and I want to know if this is to be made a party question?

Mr. BAYNE. I hope not.

Mr. MAYO. I hope not also.

Mr. BAYNE. Now, Mr. Chairman, as I have said, if General McDowell's idea had been carried out of going in on Reynolds's left with his corps and forming a junction with Porter, which that movement would have necessitated, it is probable no court-martial would have taken place as to Porter. It is not likely as we now know the facts that any signal advantage would have resulted to our forces, but it would have carried out the letter of the joint order and so have obviated all criticism. I can not doubt but that the movement and conversation of McDowell led Porter to believe that he was going to do that. Indeed, this proposition is made clear by the evidence. General McDowell says in his testimony before the West Point board, in reply to a question:

Question. In that hour or hour and a half, whichever it was, your purpose was to be going around with your troops on the Sudley Springs road to General Reynolds, on the left, was it?

Answer. Yes; but I wish to say here that this judgment of mine was not only concurred in but anticipated by the petitioner himself. He says that it was at his suggestion that I should do this very thing.

Q. Do you recollect whose suggestion it was?

A. He says it was his own.

Q. Do you recollect whose it was?

A. I do not, because I intended to do it.

Now couple with this evidence the word sent by McDowell to Porter when the latter sent for King's division: "Give my compliments," said General McDowell, as I recollect it, "to General Porter, and tell him he had better remain where he is. I will take King with me. It it be necessary for him (Porter) to fall back, he can do so on my left," and you have almost a demonstration that McDowell and Porter understood each other at the time they conferred about the joint order, and that Porter carried out that understanding with entire fidelity. McDowell, too, would have carried out his part if he had not been ordered to do otherwise.

Independently, however, of all this, nobody has pointed out, and nobody can point out, any disobedience of Porter to the joint order. Such disobedience has simply no lodgment anywhere in the facts of this case.

4.30 ORDER.

Then, Mr. Chairman, we have what is called the 4.30 order; and General Porter is charged with having violated that order. Now, let me say that that order was the only one Porter had received from the time he joined the Army of Virginia commanding him to attack the enemy.

Mr. CALKINS. Direct order.

Mr. BAYNE. The only direct order. He was not required by anything before to attack unless he was commanded by the principles of military law, which I will come to hereafter. Here is the order:

HEADQUARTERS IN THE FIELD,
August 29, 1862—4.30 p. m.

Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

Major-General PORTER.

When this case was brought before the court-martial there were two witnesses examined with reference to the delivery of the order, Douglas Pope, a relation of General Pope, and Charles Duffee, his orderly.

Pope testified that order was delivered at 5 o'clock; not five minutes before or five minutes after. Duffee testified that order was delivered as he believed about half past 5 o'clock. Those were the only witnesses that swore to the delivery of that order. If you will examine their testimony you will find marked discrepancies between them besides the time of arrival, Douglas Pope swearing that they went at a fast gait all the way. Charles Duffee swears they walked a good part of the way, because the roads were so bad they could not ride faster.

Now, as controverting that evidence, hear what General Sykes and other witnesses say about the time the order was brought to Porter.

General Sykes testified before the court-martial:

I was with General Porter nearly throughout that whole day; that officer—

Officer bringing written order—

arrived as near sunset as I can remember; certainly within a little before sunset or about sunset.

Colonel Locke testified:

Question. At what time was that message from General Pope delivered to General Porter?

Answer. Between sundown and dusk.

Captain Monteith:

Question. Did you on the afternoon of the 29th see a messenger from General Pope at General Porter's headquarters?

Answer. Yes, sir; Captain Pope.

Q. According to your recollection, what was the time when that messenger reached General Porter?

A. It was about sundown.

Lieutenant Ingham:

Question. Did you see a messenger arrive bearing a message from General Pope to General Porter?

Answer. I did.

Q. Would you recognize that messenger now should you see him?

A. Yes, sir; I think I should. (The witness indicated Douglas Pope, who was present, as the person who bore the message referred to.)

Lieutenant Weld:

Question. At what time did you get back?

Answer. I got back after sundown. I think it was a quarter to 7 o'clock when I got back, as near as I can recollect.

Q. Did you see Captain Pope that evening, or do you know him?

A. I do not know him.

Q. Did you see that evening one who professed to be a messenger from General Pope?

A. Yes, sir.

Q. Was he there when you got back, or did he come afterward?

A. He came afterward.

These witnesses all swore before the original court-martial. Captain Randol, who was examined before the West Point board, says:

Question. About what time in the afternoon was it that you went to Porter's headquarters and saw this officer arrive with an orderly?

Answer. It was growing dark; must have been between 6 and 7 o'clock; it grew dark immediately afterward and was dark when I got back to my position.

Q. Did you recognize the officer who brought that dispatch?

A. I did not know him at that time.

Q. Did you ever see him afterward?

A. I did, at Centreville and other places; he was introduced to me and stated to be Captain Pope, of General Pope's staff.

There are all those witnesses who testify that that order was not delivered until about sundown. Now the question comes, did Porter violate that order? Well, if you will read the testimony of General Morell and the testimony of Colonel Locke and the testimony of General Griffin and others you will find that General Porter went to the front immediately on the receipt of that order; that he did not lie still with his head on his hand; that he sent Colonel Locke first, and immediately followed him, and directed an attack to be made; that forces were deployed and an advance made for the purpose of making an attack in obedience to that order; and that when these forces advanced, and when the officers in command, Colonel Marshall and others, discovered more fully the strong position of the enemy, who occupied an elevated piece of ground with an open space of several hundred yards in his front, which our troops would have been compelled to go over, they protested that it would be certain death.

When the gentleman from Indiana [Mr. STEELE] says that he sympathizes with those who suffered and died on that unfortunate day I join him in full measure. But will he not rejoice with me because others were not needlessly compelled to mingle their dying groans with the groans of those who had fallen?

If Porter had advanced that evening it would have only added many more names to the death-roll of that day. It is apparent to any man who will read the evidence in this case that not a solitary life would have been saved by an attack on the part of Porter, while many would have been lost.

Mr. STEELE. I want to know what advance was made by Porter, then. I undertake to say that there was no advance; that he made no advance whatever. On the contrary, he was going to the rear when this

order for an attack was given; he had marched some distance to the rear.

Mr. BAYNE. I have cited the testimony of General Morell, but have not time to read it all. Colonel Locke testifies that they went in there, that Colonel Marshall advanced, and General Morell got his troops in position and was about to make the attack, but under the protestation of Colonel Marshall and others that it was too dark, and that the enemy were in a too strong position, they concluded to withdraw.

Nobody can read that evidence without coming to that conclusion. I have told you who the witnesses were, and if you will examine their testimony you will find that it is exactly what I say.

Mr. STEELE. Morell says that he would not attack because it was too late; that is all.

Mr. BAYNE. Another thing; the 4.30 order contemplated an attack on the rear or flank of Jackson's army. General Pope did not know that Longstreet had arrived when he wrote that 4.30 order; he had not seen Buford's dispatch when he wrote that order. He did not know that Longstreet had arrived in front; he assumed that it was within the power of Porter to attack the right wing of Jackson's army.

He swore before the court-martial that that was his impression. He swore before the court-martial that he did not believe at the time, nor did he believe then, when he was testifying, that Longstreet had arrived in Porter's front or on the field of battle. Now, if upon that testimony Porter was convicted by the court-martial, and if the testimony now produced, of Longstreet and Marshall, of his staff, and other witnesses, is proof that Longstreet was there with his twenty-five thousand men, and if according to their evidence we know, for it has become clear, that Porter knew that he was there, how can anybody hold Porter responsible for having violated an order the obvious purpose of which it was impossible for him to carry out? Could he have attacked Jackson's flank or rear at that hour, between sundown and dark? Could he have attacked Longstreet's flank or rear?

General Smith, who was a witness before the court-martial for the Government, testified before the West Point board that it would have taken at least two hours to have got into a position to attack the enemy's flank or rear. That would have made it nearly 9 o'clock before Porter could have attacked as directed by the 4.30 order.

What conclusion can be drawn from the state of facts which is now so obvious and clear? It is that General Porter knew better what the situation was than did General Pope, and that owing to the lateness of the hour, night having come on, the strength of the rebel position, and the impracticability of a flank or rear attack, it would have been a piece of insanity, as one witness stated, for him to have made an attack.

Mr. CUTCHEON. Will the gentleman yield for a question?

Mr. BAYNE. How much time have I remaining?

The CHAIRMAN. The gentleman has twelve minutes.

Mr. BAYNE. I beg my friend's pardon; I would yield to him if I had time, but I have only twelve minutes.

Mr. CUTCHEON. Then will the gentleman consent to read the order of attack which General Porter gave to General Morell? I lay it before him.

The CHAIRMAN. The gentleman declines to be interrupted.

Mr. BAYNE. I do not know what order the gentleman refers to just now.

Mr. CUTCHEON. The order of attack.

Mr. BAYNE. I have the floor and decline to be interrupted, as I have not time.

Colonel Locke was sent by General Porter immediately to the front with an order to General Morell to attack in pursuance of the 4.30 order. General Porter followed Colonel Locke immediately to the front to execute that 4.30 order. He delivered an order to Morell in person to attack, and not a written order at all.

COMMAND OF MILITARY LAW.

What is the other point remaining? I have no doubt the fact will be dwelt upon, as it has been heretofore, that Porter was bound to march to the sound of the enemy's guns. Now, it is in evidence by more than twenty witnesses that General Porter could not hear and did not hear that day the sound of musketry except an occasional shot. Generals Morell, Sykes, Butterfield, and Warren, Colonels Buchanan, Locke, and Marshall, Majors Earle and Hyland, and indeed everybody connected with the Fifth Corps who was examined on the subject, testified that they heard no musketry firing except an occasional shot. General Reynolds, who was at least two miles nearer the scene of action than General Porter, testified that he heard no musketry firing that day until about 5 o'clock. Therefore it is as clear as anything can be made that there was nothing heard that day by Porter except cannonading.

Mr. STEELE. Did not Colonel Marshall testify that he could see our armies swaying to and fro, could see the battle going on? Does not McDowell swear that he and Porter discussed the battle that was going on? Why, sir, there is plenty of evidence that he knew a battle was going on.

Mr. BAYNE. I quote the names of these witnesses who swear that they did not hear musketry firing that afternoon except an occasional shot, and I pit that against the gentleman's citation.

Mr. STEELE rose.

Mr. BAYNE. I decline to yield further. I am arguing my side of the case. I say General Reynolds swears he did not hear musketry firing until about 5 o'clock in the evening. The only thing left was the cannonading. There was cannonading, and that they heard. Porter heard it; the whole Fifth Corps heard it. General Porter sent out inquiries time and again until all his messengers were exhausted—he sent to McDowell, he sent to King, he sent to Sigel, to know what was going on and what the designs were. One of these dispatches was produced, and in that dispatch Porter said, "I shall fall back on Manassas; from the sound of the cannonading our forces are retiring." That was his idea, that our forces were retiring; yet he retained his position, doubtless awaiting definite information or an order as to what he should do. What is the meaning of cannonading? You hear the general statement of military law that a force is bound to march to the sound of the enemy's guns. Now, I believe there are more than a hundred men on this floor who participated in the late war of the rebellion on one side or the other. I ask any gentleman on this floor who took part in that war whether he does not know that cannonading is frequently unaccompanied by musketry firing——

Mr. MAGINNIS. Almost constantly.

Mr. BAYNE. Whether cannonading means anything like a battle in the sense of a close conflict with muskets and bayonets?

Mr. STEELE. Will the gentleman allow me right there?

Mr. BAYNE. No, sir, I decline to yield; my time is nearly gone. I say that Porter knew and that every man who participated in the late war on one side or the other knows that cannonading is frequently carried on between contending forces without advancing upon each other, and without anything in the nature of a battle that would require an attack with musketry or bayonets.

But General Porter had sent messenger after messenger to ascertain what he should do. He had inquired until all his messengers were gone. He wanted to hear from McDowell. He sought information diligently that he might act intelligently. No word came to him. Suppose that battle between Pope's and Jackson's forces had been a mere cannonading contest; suppose it had been that and nothing more; under these circumstances would Porter have been justified in precipitating a battle with Longstreet? Suppose he had precipitated a battle and the result had been disastrous, as Longstreet and others say it would have been; would not Porter have been liable to be court-martialed for having advanced and engaged the enemy without an order so to do? Obviously to Porter's mind it was the intention of General Pope to get his forces joined together before making an attack. That was the evident purpose of all the orders he had received excepting the 4:30 order. It was conspicuously the purpose of the joint order; it was carried out on the 30th, when Porter with the Fifth Corps valiantly did their whole duty.

Now I wish to say one word in conclusion. General Porter's case is covered by two hours on the 27th of August and by six or seven hours on the 29th. Before that time he bore the reputation of being a brave and gallant soldier. He had participated in battle after battle. A number of them by name were cited by the gentleman from Michigan [Mr. CUTCHEON]. He had distinguished himself as a soldier. He had the confidence of his corps from the highest in rank down to the orderly and private; the loyalty of his corps, the loyalty of those under him, has never for one moment been questioned. Why, having the loyalty of that corps; why, having the approval of nearly every man in it as to how he did his duty; why, having the approval of those men who were upon the ground to see what he did, to know what he did, and appreciated what he did; why, having that jury of ten thousand intelligent American citizens applauding and approving his conduct—why shall we, who were outside and far away, collect disjointed facts, select him out and condemn him in face of a verdict of that kind? [Loud applause.]

[Here the hammer fell.]

Mr. KEIFER obtained the floor.

Mr. CUTCHEON. Before the gentleman from Ohio commences his remarks, I ask as a matter of privilege that, by unanimous consent of the committee, in case he should find at the end of his hour he can not complete his argument, his time be extended for thirty minutes.

A MEMBER. Say fifteen.

Mr. CUTCHEON. I make this request now for the reason we all understand that if we can proceed fifteen or thirty minutes longer we will make a different argument to the House from what we would if we could not have that privilege. This privilege has not been denied to any speaker on this floor during the discussion of this bill. I ask, therefore, on behalf of the gentleman from Ohio that, by unanimous consent, if at the expiration of his hour he has not completed his remarks, his time shall be extended not to exceed fifteen minutes.

There was no objection, and it was ordered accordingly.

Mr. KEIFER. I yield for one minute to the gentleman from Virginia.

Mr. MAYO. A while ago I understood the gentleman who was speaking was a Democrat and that a Republican interrupted him, and that something was said about party. I simply asked if it was meant to make it a party question. He said not. I apologize, of course.

Mr. KEIFER. Mr. Chairman, it is always a noble and gracious thing to do an act even of tardy justice to a fellow-man. There are, however,

duties paramount to this where public safety is concerned. Where to vindicate an individual who claims to have been wronged involves the public weal it becomes important that no mistakes are made. General Porter seeks legislative action here to relieve him from a sentence of a legally constituted court-martial.

During this long debate it has seemed to me we were talking about a great many irrelevant things, forgetting the cardinal and real questions involved in this bill.

Let us first see of what he was charged and convicted. The charges on which General Porter was tried were two.

First. Violation of the ninth article of war. The part of that article applicable to his case is as follows:

Any officer or soldier * * * who shall disobey any lawful command of his superior officer shall suffer death or such other punishment as shall * * * be inflicted upon him by the sentence of a court-martial.

The first specification to this charge relates to the violation of the 6.30 p. m. order of August 27, 1862, given by his commanding general, to march at 1 a. m. of the following morning from Warrenton Junction to Bristoe Station, so as to be at the latter place by daylight the following morning.

The second specification to the same charge relates to the disobedience of the joint order of General Pope to him and General McDowell, dated August 29, 1862, and delivered to him (Porter) on the morning of that day.

The third specification to this charge relates to the failure to obey the order of his commanding officer, dated 4.30 p. m., August 29, 1862, and delivered to him shortly after its date, which order, among other things, commanded him to "*push forward into action at once on the enemy's flank and if possible on his rear.*"

Charge 2. Violation of the fifty-second article of war, which reads, omitting parts not material to Porter's case:

Any officer or soldier who shall misbehave himself before the enemy, run away, * * * or speak words inducing others to do the like, * * * every such offender, being duly convicted thereof, shall suffer death or such other punishment as shall be ordered by a sentence of a general court-martial.

The first specification supporting this charge alleges a disobedience of the 4.30 p. m. order of August 29, 1862, and that he (Porter) "*did retreat from advancing forces of the enemy without any attempt to engage them or to aid the troops who were already fighting greatly superior numbers,*" &c.

Specification 2 to this charge is:

That the said Maj. Gen. Fitz-John Porter, being with his army corps on Friday, the 29th of August, 1862, between Manassas Station and the field of a battle then pending between the forces of the United States and those of the rebels, and within sound of the guns, and in the presence of the enemy, and knowing that a severe action of great consequence was being fought and that the aid of his corps was greatly needed, did fail all day to bring it on to the field, and did shamefully fall back and retreat from the advance of the enemy without any attempt to give them battle, and without knowing the forces from which he shamefully retreated. This near Manassas Station, in the State of Virginia, on the 29th of August, 1862.

Specification third to this charge is:

That the said Maj. Gen. Fitz-John Porter, being with his army corps near the field of battle of Manassas, on the 29th of August, 1862, while a severe action was being fought by the troops of Major-General Pope's command, and being in the belief that the troops of the said General Pope were sustaining defeat and retiring from the field, did shamefully fail to go to the aid of the said troops and general, and did shamefully retreat away and fall back with his army to the Manassas Junction, and leave to the disasters of a presumed defeat the said army, and did fail, by any attempt to attack the enemy, to aid in averting the misfortunes of a disaster that would have endangered the safety of the capital of the country. This at or near Manassas station, in the State of Virginia, on the 29th day of August, 1862.

General Porter was, on January 10, 1863, by a lawfully constituted court-martial, found guilty on the three specifications to the first charge; and, with the exception of some unimportant words, he was found by such court guilty on the three specifications stated to the second charge. The court thereupon found him guilty on both the charges.

The sentence of the court was as follows:

And the court do therefore sentence him, Maj. Gen. Fitz-John Porter, of United States volunteers, to be cashiered, and to be forever disqualified from holding any office of trust or profit under the Government of the United States.

After a careful review of the case the President of the United States approved and confirmed the proceedings in language following:

JANUARY 21, 1863.

The foregoing proceedings, findings, and sentence in the foregoing case of Maj. Gen. Fitz-John Porter are approved and confirmed, and it is ordered that the said Fitz-John Porter be, and he hereby is, cashiered and dismissed from the service of the United States as major-general of volunteers and as colonel and brevet brigadier-general in the regular service of the United States, and forever disqualified from holding any office of trust or profit under the Government of the United States.

ABRAHAM LINCOLN.

The court-martial that tried General Porter was composed of the distinguished officers, namely:

Maj. Gen. D. Hunter; Maj. Gen. E. A. Hitchcock; Brig. Gen. Rufus King; Brig. Gen. B. M. Prentiss; Brig. Gen. James B. Ricketts; Brig. Gen. Silas Casey; Brig. Gen. James A. Garfield; Brig. Gen. N. B. Buford, and Brig. Gen. J. P. Slough. Joseph Holt, Judge-Advocate-General of the United States Army, was the judge-advocate and recorder of the court. Reverdy Johnson, a most eminent attorney, with other counsel, represented the defense.

Of the men, the distinguished officers who composed this court, two alone are living, the president of the court and General James B. Ricketts.

Mr. CALKINS (from his seat). Also General Prentiss.

Mr. KEIFER. And I am informed that General Prentiss is also living. My information was otherwise.

But all the others have gone to render their final account to their God, and we are here to-day, as I shall show before I close, trying in the most singular, unjustifiable, and strange way to heap condemnation on all of those gallant men, and for the purpose of vindicating, as it is called here upon the floor, a man who was condemned after having had a trial which was fairly conducted, as was said not only by the Judge-Advocate-General of the United States, but by that most distinguished of counsel who represented the defense Reverdy Johnson.

It is a singular and strange fact that during all that long trial there was no serious exception taken to any ruling of that court.

The gentleman from New York [Mr. SLOCUM], in the course of the remarks made by him in the opening of this debate a few days ago, assailed this court, and went aside to say that General Rufus King went down from his high position as a member of the court and became a principal witness in the case. I was curious to know how much of truth there was in that assertion, and I find among the hundreds and hundreds of pages of testimony that the testimony of Rufus King is comprised in a space of less than one-quarter of a page of the printed report, and that, too, of a comparatively immaterial character. It is not unusual or irregular for a judge in a civil court to give testimony to a jury. But this was the only thing that could be magnified into an attack upon that honorable court. These men were distinguished for conservatism; they were not politicians. Many of them were graduates of West Point. Some of them were men of mature years, and all were careful and jealous of the rights of their fellow-officers. All of them were men certainly the peers, and, if we are to test them by what we see in the record, more than the peers, of the distinguished men who assume, it is claimed, to overrule the result of their calm, deliberate action.

It is proposed to overturn the whole action of this high court, the members of which were solemnly sworn to discharge their duty impartially and fairly, and this on the report of an unauthorized board of inquiry convened sixteen years after General Porter was legally tried and convicted. It is proposed now to condemn the members of the court and the action of President Lincoln in approving its sentence by adopting a report of such board made partly upon unsworn statements laid before it and on statements made by selected witnesses friendly to General Porter, to whom in no case was more than an extrajudicial oath administered. Many of the material witnesses before the court were not summoned before this board to testify, others whose testimony was of the most important character were in their graves, and yet this board of three officers assumed to find that the court-martial and the President of the United States, acting under the law and charged with the grave responsibility of giving General Porter a fair trial, did not do so. The witnesses, many of them coached by the accused and his friends for years, had forgotten much and imagined things to exist that when their memories were fresh they would not have stated. Matters alleged to have existed at the time of the battle of the second Bull Run, and which could by no possibility have been known to General Porter at the time of his disobedience of his commanding officer's orders, were accepted by the board as excusing him from obeying orders. These matters could only be shown by the reports, letters, and other statements of confederate officers who could not be reached at the trial. Porter was ignorant of such alleged facts when he disobeyed General Pope's order, and hence they could not excuse his conduct. Fortunately the record of the proceedings of the board of inquiry tells us how its members understood and discharged their supposed duty.

I beg your special attention now for a moment or two while I show you what is most extraordinary, in view of the claim that this board is to be given great weight, and its proceedings regarded with peculiar sanctity, so much as to warrant you upon its recommendation in overturning the findings of that court-martial which was organized under the laws of the United States, and also in reversing the action of the immortal Lincoln in approving the sentence of the court.

After the board of inquiry had time and again ruled out testimony that was most clearly competent as against General Porter, and time and again ruled in testimony that no court of any kind would have ever dreamed was competent, General Terry, who, I presume, had some of the glimmerings about him yet of a lawyer, which he was once, thought it was about time for him, for his future honor at least, to state why the board outraged every rule of law relating to the admission of testimony in the conduct of the case. And I beg now to read it, that it may be understood before we give the report of this board of inquiry any weight at all. Terry says, reading it—he seems to have prepared it; it was not a mere outgush from the man's mind. He says:

In the opinion of the board there is one feature of this case which should be kept constantly in mind and which is of great importance in determining questions of evidence, which is that the application of the petitioner is made to the pardoning power; his application is for executive action. *The board was not appointed to retry the original case. There is no authority for such a proceeding.* But its duty is after-hearing all the evidence presented to it to advise the President what justice may require to be done.

Then he says:

Now, it seems to the board that it should admit any evidence which it would be proper for the President to listen to, were he personally examining the case with a view to determining whether or not he should exercise his constitutional power of pardon. On the application for the exercise of the pardoning power, nothing can be more pertinent than evidence that one of the witnesses declares contrary to or inconsistent with the testimony given by him at the trial. No authority vested with the power to pardon should refuse to listen to such evidence.

Skipping along, he says:

These facts in the opinion of the board amply justify a departure from the rule which requires that a cross-examination should precede the proof of inconsistent declarations.—*Senate Document* 2008, pages 1054, 1055.

General Terry had in his mind that if General Porter had been imprisoned they might have proved, as tending to vindicate him, his good conduct while a convict in a cell. He looked at it as though they must try him by things that took place after the conviction more than those before. And so they admitted testimony in that view.

But the president of the board, not a good lawyer, not a lawyer at all, was not patient under this more careful statement of General Terry, and he burst out at that point to tell us how he viewed it; and let me read that:

The board desire to add to that also that the military code under which we are acting, whether it be the common law of the military service or the Articles of War as interpreted by uniform decisions of courts, impartially forbids any distinction in our action or in our minds between any testimony given by an officer of the Army under oath before a court-martial and his deliberate statements—

Meaning out of court—

either in the form of official reports or other declarations.

He proceeds:

The obligation is held universally to be the same in both cases. The penalty for falsehood in military estimation is the same in both.

Whether a man had indulged in loose talk on the streets or elsewhere or had written a letter or had sworn to it before a court, this president of the board of inquiry thought the same solemnity should be attached to all alike. All the members of that board acted, in that rehearing as they call it of that case, on that theory. And what does he say about accepting the evidence?

Therefore we did not and can not in this case recognize any difference between the sworn testimony presented here of record in the trial of Fitz-John Porter before a court-martial and deliberate statements in reference to that important case designed to affect either public interest or personal rights. We therefore admitted all printed published declarations of witnesses before that court to be considered here in that light.

So that anything, everything was regarded as testimony; and when they got through they summed up and say "in the light of the evidence we find certain facts."

I give this, Mr. Chairman, in order to fix particularly the assumed nature and character of this illegal and illegally constituted board. Of the individual members of the board as soldiers I have nothing to say but the kindliest things. General Schofield as well as General Terry were distinguished officers; and General George W. Getty, the other member of the board, less spoken of here on the floor, is the peer of either of them as I believe, and I think I know from long personal contact with him in the field. But when the board assumed a grave duty and acted as though it rested upon it thus lightly; when they took no lawful oath to try the case, and were under no obligations to do anything more than perhaps what Generals Terry and Schofield say, as I have read—that is, in effect, to find an excuse for the pardoning power—then its action should not be cited to control or govern this body when it undertakes to review the case.

As an illustration, the Schofield board reached the conclusion that evidence—using their language—"of bad animus" on Porter's part is immaterial. Such a conclusion stamps the whole proceedings with condemnation. In all prosecutions for crime, the animus with which the act is committed is of the first importance. Certain acts of a criminal character imply bad purpose and guilty knowledge. Bad intention on the part of the accused must in some cases be proved to enable the court or jury to find guilt. If it can be shown by the words or acts of General Porter prior to his alleged disobedience of orders that he was disloyal to his commanding officer and had an aversion to being in his command and had a settled purpose to go with his own command away from him and from the scene of the impending battle, it will be easy to understand his delays and failures to obey positive orders or to move into battle when the angry roar of cannon and the rattle of musketry summoned him there and to duty.

Mr. ROSECRANS. I would like the general to answer me a question.

Mr. KEIFER. Be brief.

Mr. ROSECRANS. Does not the general know that the Army is full of grumblers always, and that the people who grumble at their superior officers can not justly be accused of a liability to fail their country because they are ill-natured about their officers? Is not that the experience of all?

Mr. KEIFER. My distinguished friend may know more about grumbling in the Army than I do. But when I served with him and under him I never grumbled at him. [Applause on the Republican side.]

Mr. ROSECRANS. Thank you.

Mr. KEIFER. I had the honor to be near the gentleman in about the first battle (Rich Mountain) of the war, if not with him.

Mr. HORR. And you obeyed his orders, I suppose.

Mr. KEIFER. General Porter reported to General Pope in person the morning of the 27th of August, 1862, at Warrenton Junction, having been ordered to do so at Aquia Creek on his return from Harrison's Landing. At 4 p. m. of that same day he sent a dispatch to General Burnside using the following among other expressions, which my distinguished friend from California [Mr. ROSECRANS] would call grumbling. Let us listen for a moment or two to the grumbling:

We are working now to get behind Bull Run, and I presume will get there in a few days if strategy don't use us up. The strategy is magnificent and tactics in the inverse proportion. I was informed to-day by the best authority that in opposition to General Pope's views this army was pushed out to save the Army of the Potomac, an army that could take care of itself. *Most of this is private, but if you can get me away do so.*

The confederate army was around him and he was telegraphing to be gotten away. On the same day he sent the same officer another dispatch, using this language:

Please hasten back the wagons I sent down, and inform McClellan, that I may know that I am doing right.

The significance of this will appear a little further on. Again, on August 28, he dispatched to the same officer:

All that talk about bagging Jackson is bosh. That enormous gap, Manassas, was left open, and the enemy jumped through. The story of McDowell having cut off Longstreet had no foundation. The enemy destroyed an immense amount of property at Manassas—wagons and supplies. I expect the next thing will be a raid on our rear by Longstreet, who was cut off.

Another dispatch to the same officer, by General Porter, dated Bristoe, August 28, 9.30 in the morning, closes as follows:

I hope for the best. My lucky star is always up about my birthday, the 31st, and I hope McClellan's is up also. You will hear of us soon by way of Alexandria.

That is, we will have retreated there in a short time.

Mr. ROSECRANS. Was he not pretty near right in all these things?

Mr. KEIFER. By his conduct it became a fulfilled prophecy. To the same officer he telegraphed again from Bristoe at 6 in the morning of August 29:

Heintzelman and Reno are at Centreville, where they marched yesterday. Pope went to Centreville with the last two as a body-guard, at the time not knowing where was the enemy, and when Sigel was fighting within eight miles of him and in sight. Comment is unnecessary. I hope Mac's at work, and we will soon be ordered out of this. It would seem from proper statements of the enemy that he was wandering around loose, but I expect they know what they are doing; it is more than any one here or anywhere knows.

The foregoing and other language like it enables us to see the then state of Porter's mind, and to discern his purpose of future bad action so far as loyalty to his commanding general was concerned. These dispatches need no critical analysis to enable us to know, first, that he did not want or intend to fight under Pope; second, that while he regarded the enemy in great strength around him, he wanted at once to get away and to be ordered out; third, that his disloyalty to General Pope was so great that he wanted General McClellan to be informed of it, that he might know that he was "doing right," and that is the interpretation General McClellan put on it; fourth, that in advance of a battle he prophesied what by his subsequent action was fulfilled: "You will hear of us soon by way of Alexandria." That indicated a settled purpose on his part to so behave as to ultimately retreat to that place.

Other significant deductions might be drawn from these dispatches. His dispatch from Bristoe Station, dated 6 a. m. August 29, was written while he was delaying obedience to the order to move to the battlefield at the first dawn of day that same morning. Instead of moving by the dawn of day of the morning of the 29th to the battlefield, where he had been summoned by an order dated 3 o'clock of that same morning, we find him at 6 o'clock at Bristoe Station, writing a dispatch to General Burnside, away off somewhere, asking to be taken away from there. Afterward he offers excuses about not being able to obey the order, although at 6 o'clock in the morning the sun was shining high in the heavens.

It was a matter more important to him to write a dispatch, disloyal to General Pope, than to hasten with his troops to the scene of the engagement; and the dispatch to Burnside that Pope had gone to Centreville with two corps as a body-guard was not only shamefully disrespectful to his commanding general but it was absolutely false, for he had no knowledge of that kind and it never was the fact.

After this clear insight into the motives, purposes, designs, and unmilitary conduct of General Porter, we hardly need to expect less than flagrant disobedience of any important orders General Pope might issue to him. It is easy to believe General McDowell's statement, made under oath before the court-martial, that he told General Porter, "*You put your forces in here*" (pointing in the direction of the enemy); and thereupon Porter (putting his hand in the direction of the dust rising above the tops of the trees) answered: "*We cannot go in there anywhere without getting into a fight.*" Poor fellow! He was not there to fight; but to be heard from "by way of Alexandria," as he was shortly after. The reply of General McDowell to that unmanly and cowardly remark of General Porter was good and soldierly: "*That is what we came here for, General Porter.*" But the reply had no effect on Porter. He ad-

hered persistently throughout the day to his purpose not to engage the enemy.

Before dismissing the question of the animus of Porter, I wish to give the judgment of his best friend on his conduct during those momentous days, including the second Bull Run—the friend to whom he appealed through his dispatches to know whether he was doing right. This friend may be assumed to have known him and his motives, and no doubt interpreted his actions better than could any other person living. He had his anxious eyes upon him, and not disinterestedly either. Promptly on learning of his bad conduct this officer was alarmed, and fearing it would be repeated, he wrote him from the War Department at Washington a letter such as only a guilty man could complacently receive without regarding it as a gross assault upon his honor as a soldier. Here is the convincing letter:

WAR DEPARTMENT, *September* 1, 1862—5.30 p. m.

This was two days after the close of the battle in and around Manassas. Listen!

I ask you, for my sake, that of the country, and of the old Army of the Potomac, that you and all friends will lend the fullest and most cordial co-operation to General Pope in all the operations now going on. The distresses of our country, the honor of our arms, are at stake, and all depends upon the cheerful co-operation of all in the field. This week is the crisis of our fate. Say the same thing to all my friends in the Army of the Potomac, and that the last request I have to make of them is that for their country's sake they will extend to General Pope the same support they ever have to me.

I am in charge of the defenses of Washington and doing all I can to render your retreat safe, should that become necessary.

GEO. B. McCLELLAN,
Major-General.

Major-General PORTER,
Centreville, commanding Fifth Corps.

Listen to the opening sentence again:

I ask of you for my sake—

To do what? To do what you have not been doing—to be loyal to your commanding officer. No; General McClellan would have cut his right arm off before he would have addressed such a note as that to General Rosecrans, General Sheridan, General Phil. Kearny, or any other of the host of loyal generals of this country who were always ready to bound to the place of duty whenever duty called. [Applause.] Nothing but a settled conviction on the part of General McClellan that Porter had been a traitor to Pope ever induced him to write that letter. [Applause.]

Mr. MAGINNIS. Will the gentleman allow me one word?

Mr. KEIFER. If the gentleman will not draw me away from the line of my argument.

Mr. MAGINNIS. Did not General McClellan write that letter at the request of President Lincoln, assuring President Lincoln that in his belief no such letter was necessary?

Mr. KEIFER. Then General McClellan had the concurrence of President Lincoln that Porter was disobeying orders. [Applause.] I do not know whether General McClellan was requested to write that letter or not, but if he was, that is the answer.

I want to go back for a moment to the report of the board of inquiry. I want to refer to one matter which will perhaps come in here as well as anywhere else. I suppose I am at liberty to conclusively presume that Porter and his friends here on this floor and elsewhere believe that this board of inquiry was right on this point. Let me read it:

Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration. The only seriously critical period of that campaign, namely, between 11 a. m. and sunset of August 29, was thus safely passed.

Now this board finds that General Porter, by his "masterly inactivity," by his retiring when the enemy showed himself in his front, by his refusal to go into battle that day when on his right there raged a great battle, as we shall presently show—General Porter, it would seem (the board concluded) by absolutely refusing to fight at all saved a great disaster; that is, those already engaged succeeded better without him than they would with him, although he had under his command on that field at that time about one-half of the regular troops then in the United States service.

This I give simply as a sample. The members of the board found by not fighting, by not going into battle at the sound of musketry and the cannon's roar, he saved the army from getting whipped.

Mr. ROSECRANS. Was not the finding of the court that he did not retreat?

Mr. KEIFER. I will state there are some portions of the language of one of the specifications in reference to which they found him not guilty. I think the particular language was not that he did not retreat, but that he did not retreat when the enemy was pressing him.

Mr. ROSECRANS. You read in a very loud voice the charge that he was retreating. Now, I wish to ask the gentleman whether it was not the finding of the court-martial that of that charge he was not guilty? Did not the court except that from its finding?

Mr. KEIFER. No; the court found him guilty of the specification, but it excepted that part of the specification which related to his retreating while the enemy was pressing him; he got off before they got near him. [Laughter.]

It was alleged before the court of inquiry that General Fitz-John Porter did right in not literally obeying the order to march to the battlefield, and they set forth in support of that view that there is a discretion to be exercised by a subordinate officer in obeying orders. General Grant's letter, which makes up a large part of the brains in the report of the majority of the military committee—for the author of the report must have supposed he belonged to that same three hundred characterized by him the other day as know-nothings—General Grant's letter, I repeat, says: "*It is never true that a subordinate has a right to exercise discretion on the subject of obeying his superior officer's order if a battle is raging.*"

Now, we will soon see whether there was not a battle raging. A discretion is only exercised when the conditions under which the order was issued are changed and when the changed condition could not have been known to the officer giving it. The discretion of an officer relates to means, not ends. It relates to his doing more than his order requires, not less. He is to interpret his order when a battle is raging to do everything within his power with all his command. The soldier's mission is to fight. War is without affection; it means devastation, destruction, death. It never justifies a subordinate officer in so interpreting an order as not to require him to go into battle with his command on account of his own personal safety or that of his troops.

I need not in this presence discuss the question of discretion on the subject of obeying an order. Almost one-half, if not quite one-half, of the members of this House have been officers or soldiers on one side or the other in the most memorable, sanguinary, and destructive of all modern wars, and to either side may I confidently appeal to support the point I make, that it is never the duty of an officer to retreat in the presence of an enemy when any of his fellow-soldiers are in the conflict.

The military authorities lay down the only safe and wise rule. De Hart, in his admirable work, has collected the experience and judgment of all the ages in the rule he lays down when he says:

Hesitancy in the execution of a military order is clearly, under any circumstances, a serious offense, and would subject one to a severe penalty, but actual disobedience is a crime which the law has stigmatized as of the highest degree, and against which is denounced the severe penalty of death.

Now, did Porter disobey orders? I will spend but a little time, for I have not much to spare, on this subject. It is admitted—and I have tried to keep on undisputed ground—it is admitted, Mr. Chairman, that General Porter received an order prior to 1 o'clock on the morning of the 28th of August, when he was at Warrenton Junction, ordering him to move at 1 o'clock a. m. to Bristoe Station, and which order commanded him to reach there by daylight. Nobody disputes that. He was nine miles away from Bristoe Station. He called his officers about him and showed the order to them late at night, not 1 o'clock at night; but he told them there was something *to sleep on*; not to execute, but to sleep on. One o'clock came and he had not moved. It is said that the head of his column moved at 3 o'clock, and he executed that great march of nine miles with his command, reaching Bristoe Station after 10 o'clock next day. He could have marched it, reaching there at the time he did, after 7 o'clock in the morning, and not marched more than three miles an hour. Two and a half miles an hour is ordinary and easy marching, including rests, for large bodies of troops.

I take nobody's testimony on that question. I stand here in the presence of a score and more of men who know the road from Warrenton Junction to Bristoe Station, who, as well as myself, at different times have marched over it by night and by day with infantry troops in much less than three hours. They say the road was blocked that night by wagons. Instead of being a narrow gorge or defile and being difficult to go through, it was a double road (one either side of the railroad), and on each side for a full mile you could march a command with artillery anywhere you pleased on that summer night. Troops could better march outside of the road than in the dust in it.

Then he disobeyed that order. But we are told it made no difference, because Pope was mistaken, and no battle was fought at daylight in the morning, and Porter for this reason was justified in disobeying it. Now, that is not an excuse for disobeying an order to be given by any officer or which should be considered for a moment. A single deserter from the Army might be arrested and taken back and when tried truthfully say: "Why, I deserted, but before you arrested me and while I was absent there was no fighting for me to do. Now, do not shoot me for that act, for I have done no harm in trying to escape and I am now here."

It is said it was too dark to march troops before the break of day on the morning of the 28th of August. It did not rain, and there could have been no extraordinary darkness. Longstreet could easily march his confederate troops all night, and the brave, faithful General Ricketts, who found himself with his division at Thoroughfare Gap, between Longstreet's and Jackson's corps, marched all night to extricate his soldiers and be ready in the early morning to obey his commanding general's orders to engage in the fight.

But it was Porter's duty to be where his commanding general apprehended danger. That sort of an excuse is not one that should come ever from anybody, let alone from a trained soldier.

I do not stop, Mr. Chairman, to read the testimony in this connec-

tion to prove that he disobeyed the joint order to McDowell and himself to move to the field of battle early on the morning of the 29th. I do not care enough about it. I do not think that a soldier fit to command a corps in the armies of the United States needs to have an express order to move to the battlefield when the thunder of cannon was sounding in his ears. [Applause.] General Porter also excuses himself because he says (in one of his petitions, I believe) he gave a double construction to that order. The double construction which he gave was always such that he had one alternative, not to go into the fight, and that is the alternative he always adopted. But he was commanded by that order to move to the battlefield, and he did move in that direction; but as he approached it and found the enemy (Stuart's cavalry dragging brush) in sight, he did not proceed to attack or reconnoiter, but he veered off from the proper field, retreated toward Manassas, and settled himself down like a Christian gentleman, I suppose, under the eaves of Bethlehem church. [Laughter.] He said he could not obey the order delivered to him, dated 4.30 p. m. on the afternoon of the 29th, because it was received too late. But on his own statement it was still not too late to have gone into the engagement, for he pretends to have attempted the execution of the order. But give him even to the hour of 6 o'clock, which is after the time the order was received. We find by the official reports of Union officers and confederate officers, from commanding generals down, that they were able to fight until 9 o'clock that night within easy hearing of the ears of General Porter. Then he had three hours in which he could have gone to the relief of his comrades, already at death grips in that bloody conflict. I will not stop to weigh that testimony, but give you another circumstance, which is, to my mind, most significant.

General Sykes, loyal to General Porter then, was willing to swear and did swear before the court that when the 4.30 p. m. order was delivered to Porter he concealed its contents, and although he spent that evening and all the coming night with him he never learned that Porter had that order to go into battle, although he was a division commander and waiting to receive orders from him. Nay, he did not tell his officer next in rank to him that he was ordered to move his whole corps into the battle. Sykes did not hear of the order until the next day. It is true that Porter, after receiving and concealing the order, dispatched Morell, whose division was in front of Sykes's, directing him to take four regiments and deploy skirmishers in there and make an attack, looking out meanwhile well for his rear. And that is all that we learn of the attempt made by him to comply with this order. Some officer had reported to Morell that the enemy were advancing, and said they seemed to be in great force. "A whole brigade" was the language used. That report went to Porter at almost the very moment he received the 4.30 p. m. order to go into the battle. He thus had notice from Morell that there was a whole brigade advancing in his front, but he sent out four regiments and had them soon after withdrawn, and now his friends claim that he did the best he could to execute the order.

But Porter is excused by the board and by others. They claim that if he had gone into the battle at that time he would have encountered a superior force and met with a disaster. I do not shrink, Mr. Chairman, from wrestling with this question also, for it is capable of complete and perfect demonstration that such is not the case. But what if it had been? Suppose it to be true. Suppose as a matter of fact that Porter had Longstreet's whole corps before him. He did not know it. Some of these men pretend to say that he knew more than anybody else knew in reference to the matter. But Morell, who was in front, did not so report; and there is that grand, gallant soldier, Col. B. F. Smith, gone to his long account years ago, who says that during the whole of that day he was all the time on the advance line, and so swears in the testimony before the court-martial; that he was all day sending the latest news as to the presence and force of the enemy, and he was not able to discover a considerable force before them; and yet it was through Smith that Porter got his information. Porter did not know Longstreet was before him, if it was true that he was there. But was it true that there was an overwhelming force in his front?

Mr. ROSECRANS. I would like to ask the gentleman a question.

Mr. KEIFER. I have no objection, if I have sufficient time.

Mr. ROSECRANS. How far is it from Thoroughfare Gap to the field of battle?

Mr. KEIFER. The exact distance I can not state.

Mr. ROSECRANS. It is about nine miles.

Mr. KEIFER. I think that is about the distance.

Mr. ROSECRANS. Do we not know Ricketts had left Thoroughfare Gap before Longstreet occupied it on the 29th?

Mr. KEIFER. We know Ricketts retired from it in the night, but we did not know Longstreet was coming to the position he took on the field any more than to any other.

Mr. ROSECRANS. Had not Ricketts got out of the gap because he was afraid of being overwhelmed?

Mr. KEIFER. Yes. Ricketts was of the court-martial; and he knew all that country and the distances better than General ROSECRANS or myself can know them. He was seriously wounded in the first Bull Run, and he fought his division through the whole of the second.

Mr. ROSECRANS. It would be a fair thing for the House to hear the gentleman say in his argument whether or no General Ricketts left that gap early in the day because he was overwhelmed?

Mr. KEIFER. He left that gap at night because Stonewall Jackson's troops were between him and Pope's main force.

Mr. ROSECRANS rose.

Mr. KEIFER. The gentleman will pardon me. I can not be diverted from my present line of argument unless my time is extended further. I want to read from the report of the confederate general J. E. B. Stuart on the subject of troops in front of Porter. Referring to the approach of an enemy from the direction of Bristoe Station, he says:

The prolongation of his line of march would have passed through my position, which was a very fine one for artillery as well as for observation, and struck Longstreet in flank. I waited his approach long enough to ascertain that there was at least an army corps—

That was Porter's—

at the same time keeping detachments of cavalry dragging brush down the road in the direction of Gainesville so as to deceive the enemy—a ruse which General Porter's report shows now was successful. And I notified the commanding general, then opposite me on the turnpike, that Longstreet's flank and rear was seriously threatened, &c.

It seems Longstreet was there with some of his troops, but Stuart, commanding only cavalry, seeing a whole corps of infantry was coming on his flank, deceived Porter by dragging brush along the Gainesville road and raising dust. And this dust was enough to turn this now-claimed-to-be great hero off with his entire corps in search of a church under the shadow of which he might lie in peace.

The same thing will be found in General Lee's letter to Porter dated the 31st of October, 1867. I come now to the question as to whether Longstreet's whole corps was there; and some very singular things crop out. I admit there is a letter here dated in 1870, signed by General R. E. Lee, stating in general terms that Longstreet's whole corps was up in the afternoon of the 29th. But before me is a letter of General Lee bearing date the 31st of October, 1867, in which he says, speaking of the troops which had come up:

Longstreet's whole force, except Anderson's division, was up, and that arrived next morning.

Then Anderson's division, according to Lee, did not get up till next morning. Now, I state here upon the authority of men within the sound of my voice that General D. H. Hill's division of Longstreet's corps did not arrive until after the battles of Bull Run were fought and ended, including the 30th of August. If there is any man here who belonged to that division he will not deny it, and of course if D. H. Hill's division of Longstreet's corps, as he reports—and there is abundant other testimony to same effect—did not reach the battle-field of Bull Run or Manassas, then we have got, according to General Lee's letter as to Anderson's division, the fact established that two divisions of that corps were not there on the 29th.

Instead of having that corps of Longstreet's, twenty-five thousand strong, there, we have two divisions away; and I will presently show what is still worse for Porter's case. The battle was raging, and I will show you in a moment or two that there was a great battle raging, and the critical hour of the battle had come, when General Pope, discerning, as a great general ought to discern, that the supreme moment had come, sent that 4.30 order to Porter to attack at once, and Porter should have obeyed it, because Pope had put in all his other available troops. General T. J. Jackson—Stonewall Jackson—says the attack was so impetuous, so persistent, and so overwhelming, that he appealed to the commanding general, Robert E. Lee, for assistance; and he says but for the timely arrival upon his right of Longstreet's forces the issue of the battle might have been different. Who came there? Who went there? General Hood's division of Longstreet's corps left Porter's front and went in on Jackson's right, and attacked the troops under Pope on his left at the critical moment. At this juncture Porter should have certainly been in the fight. Not Hood's division alone, but the brigade of Evans from the corps of Longstreet joined Hood's division and also went into the fight, and turned the battle against the Union forces, when poor, cringing Porter was laying off on his elbow, resting his head upon his hand, waiting for some excuse to move his troops farther to the rear. I see before me one who wears the insignia of war, an empty sleeve—Colonel OATES, of Alabama—and he was there under Lee, and knows whether Hood's division and Evans's brigade of Longstreet's corps went in and decided that conflict at a critical moment.

Now we have three divisions away from Longstreet's corps, and yet Porter says he could not safely attack. Wilcox's division is left, out of which Evans's brigade may have come. Of course there was cavalry there; Porter could not go in; he might get whipped!

But he has written letters since to find what the situation and number of the troops were in his front. He put the question and asked for a categorical answer from General Robert E. Lee to know what would have been his fate if he had fought, and Lee, a judicious, careful, and prudent soldier, said:

The probable result of an attack on Longstreet after 12 m., with less than twelve thousand men, would have been a repulse.

"The probable result." Then we find this officer of our Army protecting himself behind the probability that he would have been repulsed if he had fought, and hence he claims to have been justified in disobeying the orders of General Pope. Had he attacked, Lee could not possibly have used Hood's division and Evans's brigade of Longstreet's corps to support Jackson in his battle with other troops under

General Pope. If the effect had been by Porter's attack on Longstreet, as ordered, to have kept Hood and Evans there, then Pope would have overwhelmed Jackson's forces, as Jackson in his report says he apprehended, and we would still have had a complete victory, still have had success; and if there had been no other object on the part of General Pope in ordering Porter into this battle than to keep Longstreet's forces employed, whatever were there, it would have been a sufficient reason for his issuing that order.

I do not care to stop and read all these reports; I do not care to get into these questions. I have stated the main features and the main facts.

It is said that there was no great battle raging. I do not know how far it is proper to use the testimony of others on this floor which I would like to use. There is certainly one gentleman [Mr. OATES] who rode to that battlefield after the battle was over, after the troops had marched off. He went back there to view the sad scenes of death and destruction. He tells me that when he reached the scene of this conflict of the evening of the 29th of August, 1862, he was obliged to dismount from his horse and tie him, so that he might get along among the dead; that there were so many dead there that he could not ride without his horse trampling on them.

Stonewall Jackson was not mistaken when he said that there was a a battle there. Speaking of the conflict of the evening of the 29th, he says:

As one line was repulsed another took its place and pressed forward, as if determined by force of numbers and fury of assault to drive us from our position. So impetuous and well sustained were these onsets as to induce me to send to the commanding general for re-enforcements; but the timely and gallant advance of General Longstreet on the right relieved my troops from the pressure of overwhelming numbers and gave to those brave men the chances of a more equal conflict.

Jackson referred in his report to the attack of Hood's division and Evans's brigade of Longstreet's corps.

I am warned that my time is very brief. Longstreet and others speak of the great conflict that was going on that day, and that he had to send troops by direction of General Lee to the aid of General Jackson. This is shown by the official reports of Longstreet, Hood, and others, including General R. E. Lee.

General Lee, referring to the movements and battle of the 29th of August, in his report says:

The cavalry guarded our right and left flanks, that on the right being under General Stuart in person. After the arrival of Longstreet the enemy changed his position and began to concentrate opposite Jackson's left, opening a brisk artillery fire, which was responded to with effect by some of General A. P. Hill's batteries. Colonel Walton placed a part of his artillery upon a commanding position between Generals Jackson and Longstreet by order of the latter, and engaged the enemy vigorously for several hours. Soon afterward General Stuart reported the approach of a large force from the direction of Bristoe Station threatening Longstreet's right. The brigades under General Wilcox were sent to re-enforce General Jones, but no serious attack was made, and after firing a few shots the enemy withdrew. While this demonstration was being made on our right a large force advanced to assail the left of Jackson's position occupied by the division of General A. P. Hill. The attack was received by his troops with their accustomed steadiness, and the battle raged with great fury. The enemy was repeatedly repulsed but again pressed on the attack with fresh troops. Once he succeeded in penetrating an interval between General Gregg's brigade on the extreme left and that of General Thomas, but was quickly driven back with great slaughter by the Fourteenth South Carolina Regiment, then in reserve, and the Forty-ninth Georgia, of Thomas's brigade. The contest was close and obstinate; the combatants sometimes delivered their fire at ten paces. General Gregg, who was most exposed, was re-enforced by Hays's brigade under General Forno, and successfully and gallantly resisted the attack of the enemy until, the ammunition of his brigade being exhausted and all its field officers but two killed or wounded, it was relieved, after several hours of severe fighting, by Early's brigade and the Eighth Louisiana Regiment. General Early drove the enemy back with heavy loss and pursued about two hundred yards beyond the line of battle, when he was recalled to the position on the railroad where Thomas, Pender, and Archer had firmly held their ground against every attack. While the battle was raging on Jackson's left General Longstreet ordered Hood and Evans to advance, but before the order could be obeyed Hood was himself attacked and his command at once became warmly engaged. General Wilcox was recalled from the right and ordered to advance on Hood's left, and one of Kemper's brigades, under Colonel Hunton, moved forward on his right. The enemy was repulsed by Hood after a severe contest, and fell back, closely followed by our troops. The battle continued until 9 p. m., the enemy retreating until he had reached a strong position, which he held with a large force. The darkness of the night put a stop to the engagement.

With these official reports and other indubitable evidence it can not longer be contended that no battle was fought on the 29th of August.

General Grant's whole opinion is based on the erroneous impression that the only battle fought was on the 30th of August. He says in his letter, "I find that the battle was fought on the 30th of August." It is then fair to him to say that with the real facts before him he would have reached the opposite conclusion.

Was Porter justified in failing to obey the order to go into the fight if he had known all that General Lee knew as to the strength of the forces in front of him? The answer certainly must be that he was not justified. I do not think General Porter would have been blameless even if he had had no order to go into that battle. If he had known only what was open and known to every one there, that a great battle was pending, it was his duty to have marched into the conflict with his fellow officers and soldiers.

I might give examples to show that although an officer might probably be repulsed, it would constitute no excuse for his refusal to obey an order. The history of other wars might be referred to to prove this. Marshal McDonald, at Wagram, moved under orders with his devoted fifteen thousand French soldiers upon the Austrian center when it was understood that the battle would turn upon the result, and he came out of it with only fifteen hundred men. But Napoleon won a great victory. He did not say to the great warrior of that day, "I will probably meet with a repulse," and then refuse to obey orders.

In that memorable winter battle in the forest in and around Hohenlinden there was a general officer who had an indefinite order to move by night upon the Austrian flank and rear. He had no summer night to move his troops in; he had no plain road to move upon. He had a dark December night, with a dense forest about him and a driving storm of snow enveloping him, and only a timber road to march upon. He was ordered to move to a position to strike the enemy in the rear, as was Porter on this occasion at Bull Run.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. If I can be allowed ten minutes more I will be through.

Mr. BROWNE, of Indiana. I presume there will hardly be another speech to-night; it is now 4 o'clock. I hope the gentleman from Ohio [Mr. KEIFER] will be allowed to conclude.

Mr. KEIFER. I am very nearly through.

Mr. BROWNE, of Indiana. I am sure there will be no objection to extending the time on the other side when desired. We have been very liberal up to this time, and I hope that liberality will be continued on both sides.

The CHAIRMAN. Consent is asked for the gentleman from Ohio [Mr. KEIFER] to proceed for ten minutes longer.

There was no objection, and leave was granted accordingly.

Mr. KEIFER. This officer received from Marshal Moreau an order to move to the enemy's rear. He struggled on, through darkness and storm, although he was out of reach of his commanding officer.

He knew nothing of his purposes, or whether he was assailing the Archduke John with his then apparently victorious Austrian hosts in his front or flank or rear. He, however, knew a soldier's duty was to obey. This officer met suddenly at St. Christoph village with a great obstacle, General Riesch's corps of the Austrian army, and he said, "My orders are not to stop to fight here or to fight that corps, but to strike in the rear of the Austrian main army in the defile behind Hohenlinden at Mattenboett." He left a single brigade behind him to engage the whole corps of the Austrians and pushed on through that driving storm, overthrowing the Hungarian horse that appeared in his front, and finally plunged among the artillery and baggage wagons of the enemy and overthrew his rear guard, causing the complete overthrow of that great army and bringing victory again to the French standard. That man was Richepanse. He was no Porter. He did not think that he would probably be repulsed. He had no idea of duty but to obey the orders of his superior officers.

Others have shown as great examples, though differing in circumstances. When the battle of the 14th of June, 1800, on the plains of Marengo, in Italy, was lost, when Napoleon, with many of his best generals and marshals under him, was overthrown and in full retreat, he looked anxiously for the coming of one who had no orders to move to that field, but to another. There was one of his marshals who had been dispatched to a distant point (Novi), away off from the field of battle, as it turned out. But that man was a brave soldier. He had fought upon the sandy plains and under the burning sun of Egypt. He had but recently returned from that theater of war. When the first distant sound of battle came to his ear he halted his column and listened. He put his ear to the earth to catch the sound more clearly; and then without orders he reversed his whole command and moved in hot haste where the sound of battle summoned him. He came up at 3 o'clock in the afternoon and found the French army in full retreat, beaten and overthrown. When consulted by Napoleon as to what should be done in the crisis, casting his eye over the field, he said: "Yes, the battle is lost; but it is only 3 o'clock. There is yet time to gain another." [Applause.] He had not waited for orders, and he now put himself at the head of his devoted six thousand. General Porter had twelve thousand men, according to his own admission and as others say; over thirteen thousand as shown by the reports. But there was Marshal Desaix at the head of his six thousand moving into battle against an army flushed with victory. At 5 o'clock the battle was won; the sun again shone upon the victorious eagles of France [applause]; a victory that produced a vast influence on the destinies of France and the whole world. It gave peace to then republican France, and, a little later, an emperor's crown to Bonaparte. But the great marshal who moved to the sound of the music of battle, who took his orders from the booming echoes of the cannon, was dead! It might have been better for others in history if they had imitated his example and met the same fate. [Applause.]

What was the example of the heroic confederate General Pickett when he went with his devoted division into that charge at Gettysburg? Though unfortunate as to success, it proved the heroism and devotedness of the general who commanded and the troops under him. I might give other illustrations; and they are abundant. Other countries have believed, as our Government did in this case, in having orders obeyed. It has been stated here that the British Government shot Admiral Byng for disobedience of orders; and since that time there have been few in the English navy to disobey the orders of a

superior officer. Another memorable case occurred about a century ago in the English navy. Captain Sutton, who was commanding a vessel in the Mediterranean, failed, as was claimed, to obey an order to cut cables and pursue on the high sea a retreating enemy. He was arrested and put in prison, where he was confined two years and seven months before trial. I do not believe the delay in trying him was right. But he brought suit to recover damages for false imprisonment; and I desire to read a single paragraph from a report of the final hearing of the case, giving the well-stated opinion of Lords Mansfield and Loughborough as to what the duty of an English officer is. Certainly an American officer ought to stand upon the same plane. The court in that case said:

A subordinate officer must not judge of the danger, propriety, expediency, or consequences of the order he receives; he must obey. Nothing can excuse him but a physical impossibility. A forlorn hope is devoted—many gallant officers have been devoted. Fleets have been saved and victories obtained by ordering particular ships upon desperate services, with almost a certainty of death or capture. (Sutton *vs.* Johnston, 1 Durnford & East, 546.)

And for all we know it might have been the opinion of General Pope, rightfully assumed from a soldierly standpoint, that in order to secure victory to the Army as a whole he should put Porter's forces into the conflict even though they were all devoted to death and destruction.

It is pretended by some that it was impossible for Porter, who had fought gallantly on other fields, to have been untrue to his country. Other brave men—a few only, thank God!—have deserted under like circumstances duty and country.

Even after Benedict Arnold had formed the purpose to desert to the English in our Revolution he fought, as he had before, bravely for his country.

Moreau, who reached the high rank, by his valor, of a marshal of France, and who commanded the French at Hohenlinden, died at Dresden fighting with the combined despots of Europe against France.

Now a word as to the bill. It proposes to relieve Fitz-John Porter from the odium of a crime which he justly wears, by authorizing him to be appointed by the President to the position he held "in the Army of the United States of the same grade and rank, together with all the rights, titles, and privileges held by him at the time of his dismissal from the Army; and in his (the President's) discretion to place him on the retired-list of the Army as of that grade." The President has already, as an act of pardon in the exercise of his clemency, relieved him from the disability to hold office as fixed in the sentence.

Pardon, which implies guilt and conviction, may often be properly exercised where repentance and contrition have come and future good conduct may be fairly implied. I do not believe we can, in our legislative capacity, reverse any part of the sentence of the court that found Porter guilty. Only the President under the Constitution of the United States can grant pardons after sentences for crimes against United States law. In so far as the sentence is executed it must stand forever.

We may authorize Porter's reappointment to the Army and give him pay out of the United States Treasury, but we can not wipe out his heinous guilt. The blood of the needlessly slain will forever cry out against him from the ground, and he will be branded with the guilty mark of Cain forever.

Some excuse him because they think he was not disloyal to his country, but only to General Pope. There is no distinction. He could not betray his commanding officer without betraying his country. Others say he should be rehabilitated with the right again to hold office with the thousands and tens of thousands of others who once fought against the Union and who are now clothed with full citizenship under the Constitution. There is a marked distinction between him and them. He then assumed loyalty to his country on the field of battle; they did not. He was duly convicted upon lawful trial; they were not. They petitioned for legislative pardon; he for legislative vindication. Such a plea would throw wide open the prison doors all over the land.

Our country has been the most magnanimous of any known in the world's annals toward those who have openly offended against its flag. But it is not, I hope, ready to honor, glorify, and compensate him who failed to do his duty in the supreme hour of battle.

It is said this is a political question. I hope not; though it seems nearly so from indications. The friends of General Porter openly boast of a vindication he is to have at the hands of those who were lately in rebellion. Do they understand military justice better than those who were on the side of the Union? I do not wish to believe the brave men on the other side of this Chamber have more regard for a man who disobeyed the orders of his superior officer on the battlefield than those on this. We shall soon know.

The gentleman from New York [Mr. SLOCUM] in charge of this bill has in advance of any favorable action by this House made it impossible for there to be any semblance of vindication by the use of the language following:

There was never such an absurdity perpetrated in any representative body as has been enacted here; for three hundred gentlemen, knowing nothing about military matters, to sit here and *gravely discuss subjects about which they know nothing whatever and never can know.*

If his opinion of the mental measure of his colleagues is right, then the decision about to be made can command no respect now or hereafter, and the judgment of the court which tried him will be and should be forever looked to by the present and future generations as a just and righteous one. [Loud applause.]

Mr. SLOCUM. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 1015) for the relief of Fitz-John Porter, and had come to no resolution thereon.

Mr. SLOCUM. At the request of several members of the House, I ask unanimous consent there may be a reprint of the bill for the relief of Fitz-John Porter and of the majority report and the views of the minority.

The SPEAKER. The Chair hears no objection.

Mr. KEIFER. Let the two reports be printed together.

The SPEAKER. The Chair hears no objection, and the order will be so made.

Mr. SLOCUM. I think the time has now arrived when there should be some understanding in the House about the disposition to be made of this bill. It has been debated for three days. I propose to ask, by unanimous consent, that to-morrow's session be given up to debate only on this question, with the understanding that a week from to-day the previous question shall be ordered and the vote taken.

Mr. CALKINS. In the arrangement do not say no vote shall be taken to-morrow.

Mr. SLOCUM. Very well.

Mr. CALKINS. Members do not wish to address empty benches, and any such understanding will send members off from the House.

Mr. SLOCUM. I will modify my motion, that by unanimous consent to-morrow shall be devoted to debate, and that the vote shall be taken next Friday or sooner, if it be so desired.

Mr. HATCH, of Missouri. Say after the morning hour to-morrow, so as to allow reports from committees to be made.

Mr. SLOCUM. I agree to that.

Mr. HORR. Will the gentleman from New York consent to this? That debate shall go on to-morrow is satisfactory to us; that on next Friday there shall be one speech on either side, and that then the previous question shall be ordered and the vote taken.

Mr. SLOCUM. I should be glad to do that; and if the House will so order it will relieve me from great embarrassment.

Mr. HORR. We are satisfied.

Mr. SLOCUM. I have a list of twenty gentlemen who desire to speak on this question. I do not wish to be accused of discourtesy to any member. I do not wish to cut off debate. I do not wish that charge brought to my door. Whatever the House will agree to will be acceptable to me. If the matter be disposed of now it will relieve me of great embarrassment.

Mr. HORR. Mr. Speaker, I find that there are some gentlemen here who do not consent to my suggestion to limit this debate to the time I named. For my own part I was willing to fix a time for closing the debate. But gentlemen should remember that this very same bill was debated twice in the Senate, once for five solid weeks, and a few days' debate in the House on a measure of this importance would not be unusual. I am willing for one to make some arrangement, but I can not speak for my colleagues.

Mr. STEELE. Suppose at 5 o'clock this evening we take a recess until 12 o'clock to-morrow, and then toward the afternoon, when the debate shall have run for some time, we may be able to arrive at some suggestion or conclusion as to the length of debate. I suggest that to the gentleman from New York.

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

Mr. BAYNE. Mr. Speaker, it has been suggested to me by a number of gentlemen that this bill is somewhat equivocal in its terms respecting back pay. I ask, therefore, that unanimous consent may be given for the following amendment to the bill:

I move to strike out of the bill the last three words, "appointment under it," and insert "the passage of this act."

The SPEAKER. The bill is not yet in the House.

Mr. BAYNE. Could not this be allowed by unanimous consent?

The SPEAKER. Only in Committee of the Whole; this bill is yet in the committee.

Mr. BAYNE. My object was, as this bill is to be reprinted, I understand, to have it printed with the amendment.

The SPEAKER. The gentleman can ask unanimous consent to have any proposed amendment printed with the bill.

Mr. BAYNE. Then I ask consent to have the amendment which I have suggested printed with the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection, and it was ordered accordingly.

Mr. SLOCUM. Mr. Speaker, it is evident that no arrangement can be made at this time with reference to length of debate. I ask, therefore, unanimous consent of the House that a session be held to-morrow for the consideration of this bill, to be debated only, no further action to be taken.

Mr. HATCH, of Missouri. I suggest to the gentleman from New York that we should have a morning hour.

Mr. SLOCUM. I think I can not yield to that suggestion.

Several MEMBERS. No, no.

Mr. HATCH, of Missouri. Then I ask leave, as the chairman of the Committee on Agriculture, to report a bill to the House from that committee simply for the purpose of having it printed and recommitted to the committee.

Mr. SLOCUM. I have no objection to that.

The SPEAKER. Is there objection to the request of the gentleman from New York for unanimous consent that to-morrow, immediately after the reading of the Journal, the House shall resume the consideration of the bill for the relief of Fitz-John Porter for debate only, no other business to be transacted, except a report from the Committee on Agriculture for printing and recommittal to the committee?

There was no objection, and it was ordered accordingly.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 117) to correct an error in the enrollment of the act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for other years, approved March 3, 1883; and

A bill (S. 713) to remove the political disabilities of Samuel H. Lockett, of Alabama.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 113) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Antonio Barrios, of Gautemala, and José Victor Zavala, of Nicaragua.

FITZ-JOHN PORTER.

Mr. SLOCUM. I move that the House now resolve itself into Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. SPRINGER in the chair.

The CHAIRMAN. The gentleman from Ohio [Mr. EZRA B. TAYLOR] asks unanimous consent to be permitted to print in the RECORD some additional remarks.

There was no objection, and it was ordered accordingly.

Mr. RAY, of New York Mr. Chairman, as a new member of this House I should feel somewhat reluctant to engage in this discussion were it not for the fact that I performed some little service as a private soldier. It will be proper in my judgment for this House to consult the privates as well as the brigadiers. There are several reasons which induce and compel me, acting here as a judge and juror, to support this bill restoring Fitz-John Porter to the Army. They are:

First. The trial of Fitz-John Porter was had at a time when men were more or less moved by passion and prejudice, and when deliberate judgment upon such a subject was not fully exercised.

Second. Most material evidence explanatory of the acts of General Porter, offered in his behalf, was excluded, and illegal evidence damaging in its nature was admitted.

Third. Newly discovered evidence has been placed upon the record, coming from the lips of disinterested witnesses, which in my judgment clearly and satisfactorily shows the absolute innocence of General Porter.

Fourth. This, when taken in connection with the previous record, shows clearly that the court-martial acted under the erroneous impression that no enemy in force was in front of General Porter on the 29th of August, 1862, while it now appears that Longstreet's whole force was there; so that an attack by Porter at that time would have been a "great blunder" and a "great crime."

Fifth. It is also evident that the court acted under the erroneous impression that General Porter not only refused and neglected to fight that day, when he had orders to do so, but that he actually retreated without attacking or being attacked, and at a time when the rest of the Army was engaged in a furious battle two miles to his right; while it now appears beyond any controversy, beyond any possible dispute, that all these assumptions were incorrect, and that his conduct "was subordinate, was judicious," and was loyal and most wise.

Sixth. A military board of inquiry, composed of most loyal and eminent generals of our Army, Generals Schofield, Getty, and Terry, have fully examined into this matter, and while their judgment is not conclusive upon us, yet it is entitled to great weight, and ought to control us. Many of the most eminent and skilled military men of the world, after a careful and patient investigation, have fully concurred in the opinion of that board, as does General U. S. Grant, whose military opinion on this question ought to be regarded. This report fully exonerates General Porter.

Again, it is a rule of law which appeals alike to our judgment and to our love of justice, that in all cases where a reasonable doubt exists an accused party is entitled to the benefit of that doubt. Therefore when we come to consider the questions that are involved in this case we should look at them candidly, fairly, and honestly, throwing aside our preconceived notions, throwing aside all passion, throwing aside all partisanship, and approaching their consideration, ready if a reasonable doubt exists in our minds to give the accused the benefit of that doubt. We are to act on this question, not as Republicans or as Democrats, but as fair, intelligent judges of law and fact.

I would call attention to one or two questions that have been asked by the gentleman from Ohio [Mr. KEIFER]. I desire to answer them. It seems to me that the record in this case furnishes the most ample and the most conclusive answer. If the record before this House furnishes no answer, if the gentleman will turn to any military history or any military record of the war of the rebellion he will find those questions answered beyond all cavil.

The gentleman asks us why it was that McClellan wrote the letter to General Porter asking him to give every aid to General Pope? I can tell him, and he knows full well why it was. It is a matter of history that for twenty long years has not been contradicted. General McClellan wrote that letter at the request of Lincoln, and because General Pope, in order to excuse his own blunders, his own ignorance, and his own incompetency, after having been guilty of a series of the most egregious blunders that ever disgraced the military annals of this or any other country, had aimed the shafts of slander at General Porter, and had thus sought to evade the responsibility of the failures of that campaign. That is the verdict of history, and it is the verdict of the people of this country with very few exceptions.

I desire to answer another proposition that was advanced by the gentleman from Ohio. He read from the report of the proceedings of this board of inquiry what was said when the subject was under discussion as to what evidence should be taken into consideration. He said in substance and charged that this board of inquiry admitted anything, admitted everything in the shape of evidence. He said in substance that they took into consideration not only legal evidence but all that had been said on the street-corners, in the byways, and among the hedges. uch is not the record. As the gentleman went along he said, "Now we will skip." When he reads the record my gallant friend from Ohio should not "*skip*" the material parts of it. If he reads a part, he should read the whole relating to the point he criticises.

I call the attention of the House to the question that was under consideration when the members of the board made use of the language which the gentleman read. Colonel Smith, Captain Pope, and Duffee had been called as witnesses before the court-martial. All of them had given evidence more or less to the disadvantage of General Porter. After that trial had closed, after the court-martial had shut its doors, after that most unjust and most unrighteous verdict had been pronounced, this Colonel Smith, this Captain Pope, and this man Duffee, each of them, had made declarations and statements in contradiction of what they testified to before that court, and Captain Pope confessed he lost his way when he went to deliver the 4.30 order and did not deliver it till about dusk. When the question came up before this board of inquiry as to whether or not those declarations should be admitted, this board of inquiry made use of the language that the gentleman read. I appeal to the conscience, to the common sense, to the legal knowledge of every lawyer upon the floor of this House and ask them to say whether or not that ruling was not most just, most wise and proper, and whether it was not in strict accordance with the rules of law and evidence? I pause for an answer.

Mr. BROWNE, of Indiana. Without having called the witnesses and examined them in regard to the conversations and the time and place? I do not know how the law is in New York.

Mr. RAY, of New York. Yes, sir, under the circumstances. [Laughter on the Republican side.]

Mr. BROWNE, of Indiana. I will simply say that I have been practicing law for some years in Indiana, and that is not the law there.

Mr. RAY, of New York. The witnesses had been sworn; they had given their testimony before the court-martial; it had been reduced to writing, and was a matter of record in the War Department of this great country, and was then before the board. And when this board of inquiry was appointed to ascertain the truth, the whole truth, and nothing but the truth, they had the right to ascertain whether or not the witnesses upon whose testimony General Porter had been convicted were false or true, were perjurers or truthful men.

But I will give you another answer. Each and every one of these witnesses was called and sworn before the board of inquiry. Attention was called to the contradictions, &c., and they were called in to explain, admit, or deny, and if you will take the trouble to read the record you will find that I am correct.

Mr. STEELE. Can you show any authority by which that board was clothed with the power to administer an oath?

Mr. RAY, of New York. Yes, sir; to cause it to be done.

Mr. STEELE. I defy you to do it. I defy you to show that they were clothed with judicial functions, or that they had any right whatever under the law to administer an oath.

Mr. RAY, of New York. The board did not administer oaths or assume to. An officer authorized by law to administer oaths was called in to perform that duty, and it imposed all the obligations of an oath and the penalties for perjury.

I desire to say, Mr. Chairman, that if I stop to answer the questions of these gentlemen, which I shall be most pleased to do, the question of each and every one of them, any question which any person can ask in regard to this case, I must have an extension of time.

I have read every word of the evidence in this case over and over again. I have studied all the orders, because ten years ago, like many others, I was groping in the dark, I was blind and would not see. When the truth began to come out and I got a little glimmering of light ten years ago (having then lived ten years in the dark, believing that General Porter was guilty), I began to investigate the matter. As I began to read I began to see my error. It is with the greater pleasure, therefore, that I stand here to defend General Porter and to ask justice for him at the hands of this House. [Applause.]

Perhaps I may transcend some of the rules of debate, but that makes no difference. I think I have the case in my head, and I know that I have it in my heart. [Renewed applause.]

I therefore say again that if the gentlemen will agree to have my time extended to-morrow, when I shall again take the floor, it will be with the greatest pleasure that I shall answer every question that they may ask me.

Mr. BROWNE, of Indiana. I desire to say to my distinguished friend that I would not have interrupted him had I not understood that he invited an interruption.

Mr. RAY, of New York. I did yours, but I did not invite the question of the other gentleman.

When the gentleman asks me if this board had any right to take a judicial oath and to impose upon its witnesses any judicial responsibility, I say no. Neither did the originial court-martial act judicially. A court-martial is no part of the judicial system of this Government.

Mr. BROWNE, of Indiana. That is a mistake.

Mr. RAY, of New York. It is a mistake, you say. I invite your attention to the Constitution of the United States where the length and breadth of the judicial powers of this Government are fully described and pointed out, and if anywhere therein you can find that the proceedings of a court-martial come within those powers, then I will yield to the argument.

Mr. HORR. I beg the gentleman's pardon, but will he tell us what body acts judicially in the Army?

Mr. RAY, of New York. A court-martial.

Mr. HORR. Oh?

Mr. RAY, of New York. But I say it is no part of the judicial system of this Government.

Mr. HORR. You say they do not act judicially. How do they act?

Mr. RAY, of New York. A court-martial acts in the same way that this House acts when it lays down its rules for its government; in the same way that this House acts when through its Speaker or its chairman it enforces those rules. I ask the gentleman if he will tell me that our chairman in enforcing the rules of this House acts as a judge? Does this House in saying whether or not the Speaker decides correctly or incorrectly act in a judicial capacity? I ask him that question.

Mr. CUTCHEON. Will the gentleman permit me to interrupt him one moment?

Mr. RAY, of New York. I will.

Mr. CUTCHEON. The gentleman says that courts-martial are no part of the constitutional judicial system of this country. Article 3, section 1, of the Constitution reads as follows:

"The judicial power of the United States shall be vested in one Supreme Corut, and in such inferior courts as Congress may from time to time ordain and establish.

Now, courts-martial have been established by the Congress of the United States, and they are the only courts that are known to the land and naval forces of the United States.

Mr. RAY, of New York. If the gentleman will read right along he will find that the same Constitution says that the proceedings of every court within that definition shall be subject to the appellate powers of the court, and may be reviewed in the higher courts. I ask the gentleman, in answer to his proposition, whether or not he ever heard of there being any appellate power applicable to a court-martial?

Mr. CUTCHEON. Because a general court-martial, when its sentence is approved by the President of the United States, is itself a supreme court so far as the land and naval forces are concerned, and there is no superior to it.

Mr. RAY, of New York. Well, I have no time to stop to argue that question with the gentleman.

Mr. TOWNSHEND. Now, I hope the gentleman from New York will be permitted to proceed with his argument without being interrupted with questions which he is not willing to have put.

Mr. CUTCHEON. Then the gentleman should not invite questions.

Mr. RAY, of New York. And he has not invited but one.

Mr. BROWNE, of Indiana. I rise to a question of order. The gentleman from Illinois [Mr. TOWNSHEND] is interrupting the gentleman occupying the floor.

Mr. CUTCHEON. I would like to call the attention of the gentleman from New York to a recent decision of the Supreme Court in Mason's case, where they sustained the position that such a court is a part of the judicial system.

Mr. RAY, of New York. They sustained the legality of the court, because it was ordained by an act of Congress; but that is very far from establishing the position that it is a part of the judicial system of the Government. That is the point.

Mr. CUTCHEON. Let me ask the gentleman this question: If such a court is not a part of the judicial system, what judicial system is there for the entire land and naval forces of the United States? That is what I want to know.

Mr. RAY, of New York. I suppose the gentleman would contend that because we have an Army in times of war——

Mr. CUTCHEON. And in times of peace.

Mr. RAY, of New York. And in times of peace, that therefore the rules and regulations controlling the Army are a part of the judicial system. I deny it. I say there are no decisions to that effect. But I can not stop here to dispute with the gentleman, and I do not care to do so.

There is one other thing to which I desire to call the gentleman's attention. He asked the question why it was that when McDowell and Porter were there in front of the rebel army on the road to Gainesville Porter did not extend by the right flank and thus connect with Reynolds away over on the left of Pope's army? If the gentleman had read history, if he had studied military law, if he had advised with military men, I think he would have found his own answer. Here is the answer to which I call the gentleman's attention: General McDowell and General Porter that morning rode out in that direction as far as and across the railroad, and after proceeding some distance over the railroad some one came to them and said: "You can not get through there." They then turned back; and McDowell took fifteen thousand of those troops and marched to the rear by a circuitous route, and did not reach the front again with his troops—did not reach Pope—until 4 or 5 o'clock. Will any gentleman dispute that? Now I ask the gentleman whether it was not as feasible and proper for McDowell with his fifteen thousand men to march up through the woods to his right, and thus connect with Reynolds, as it would have been for Porter to have done so two or three hours later in the face of the enemy?

I will ask the gentleman another question. Is it not a well established rule of military law that a military commander, with a force under him, should never attempt to make a flank march within reach of the enemy's guns on broken ground and in their immediate front? I ask him whether it has not been laid down that such a movement as that always has been and always must be destructive to the army?

A MEMBER. Oh, no.

Mr. RAY, of New York. Well, I will say it is.

Mr. MILLER, of Pennsylvania. That settles it!

Mr. RAY, of New York. The gentleman may say "that settles it;" but if he will read the best military authorities, he will find that I am right and he is wrong, and that settled law "settles it." He will find himself in the same position occupied by the gentleman from the State of Ohio [Mr. EZRA B. TAYLOR], who stated to us that all these questions of obedience or disobedience to military orders are regulated by statute, and that there is no statute saying that a military commander, when not under the eye of his superior, may exercise a discretion as to the time and mode of executing an order, and that, therefore, no such rule exists. I will meet that further on.

But I must hasten on to the consideration of the questions in this case more directly.

> Truth crushed to earth shall rise again:
> The eternal years of God are hers;
> But error, wounded, writhes in pain,
> And dies among his worshipers.

In the case of Fitz-John Porter for nearly seventeen years the truth lay crushed, although gradually dawning upon the public mind. At last there came an investigation, a report, and a vindication.

Now to come to the history of this case. You will recollect, Mr. Chairman, that the charges were preferred against General Porter on the 28th day of November, 1862, nearly three months after the scenes of the 29th and 30th days of August, 1862. And I desire to ask the gentlemen, some of them, and they can answer the inquiry at some future time, not now, why it was that for three long months the Department at Washington was idle and said nothing about these charges? Why was it after the Union army fell back from Bull Run, after that disastrous campaign had ended, that they placed General Porter in supreme command of the defenses of Washington? Why was it that they ordered him with his corps to Antietam? Why was it that for nearly three long months no charges were preferred and no action taken? And why was it he was not removed until after the removal of General McClellan? I ask gentlemen to tell me at some other time than now whether there was any connection between those two acts?

Mr. CUTCHEON. I ask the gentleman from New York——

Mr. RAY, of New York. I decline to be interrupted.

Mr. HORR. Charges were preferred within six days.

Mr. RAY, of New York. No.

Mr. CUTCHEON. Let me say——

Mr. RAY, of New York. When I am asked a question let me answer it.

A MEMBER. Charges were preferred on the 6th of September, 1862.

Mr. RAY, of New York. I say that the charges were not preferred on the 6th day of September, nor on any other day in the month of September.

When General Pope by his letters from the field filled the public mind with the whisperings of scandal and falsehood, General Porter, like the soldier he was—noble, true, brave, patriotic; a man who from his very boyhood had fearlessly faced the enemy on the battle-fields of Mexico and at Gaines's Mill and in the sanguinary battles before Richmond, still begrimed with the smoke of the enemy's guns—went to the President of the United States and begged and implored of him that a board of inquiry should be appointed and examine into his conduct and enable him to show whether or not he was guilty. Was it granted? No.

Mr. HORR. Yes.

Mr. RAY, of New York. No.

Mr. HORR. Yes.

Mr. RAY, of New York. No. [Applause and laughter.] A military commission was appointed, but dissolved. While Porter clamored for a hearing, while he clamored to make his defense, General Pope and his satellites were trying to conceal their own blunders by poisoning the mind of the Secretary of War and by poisoning the mind of the President of the United States. And the result was that when they thought they had sufficiently poisoned their minds, when they found the Government had determined to remove General McClellan, when they found that was done, then it was, and not till then, this court-martial was ordered, November 25, 1862; then it was that the charges were preferred, and then it was that the court-martial was ordered.

Mr. BROWN, of Pennsylvania. Will the gentleman yield for a question?

Mr. RAY, of New York. Yes, sir; if it be a brief one.

Mr. BROWN, of Pennsylvania. Will you please state where you got the evidence that General Pope was poisoning the mind of the President?

Mr. HENDERSON, of Illinois. That is what I would like to know.

Mr. PETTIBONE. Yes, give him time to tell us.

Mr. RAY, of New York. Gentlemen, I presume you assume that I am asserting but not proving it. Well, if you will give me time I will read from the records of this Congress—from the records of the Senate and of this House—to prove it beyond all controversy.

Mr. BROWN, of Pennsylvania. Not from speeches?

Mr. RAY, of New York. Not from any speeches, sir, but from the official records I have here before me as contained in your reports and public documents.

Take the report that he (General Pope) sent down from the front, and in which he undertook to censure General Porter; and I ask you if there is not evidence there of an effort on his part to poison the public mind?

Mr. MILLER, of Pennsylvania. I say, no.

Mr. RAY, of New York. And I say there is.

Mr. MILLER, of Pennsylvania. I ask that he have as much time as he wants to read that report, then.

The CHAIRMAN. The gentleman from Pennsylvania is not in order.

Mr. RAY, of New York. I think I will read it to you, but not now. In the morning I will do so if you will be here to hear it read.

Mr. MILLER, of Pennsylvania. The gentleman shall have ample opportunity, and I hope his time will be extended for that purpose.

Mr. VAN ALSTYNE. I move that the committee now rise

Mr. TOWNSHEND. The gentleman from New York has the floor.

The CHAIRMAN. The gentleman from New York is entitled to the floor.

Mr. SLOCUM. If the gentleman will yield, I will move that the committee now rise.

Mr. RAY, of New York. Very well.

Mr. TOWNSHEND. The gentleman from New York of course retaining the floor.

Tne CHAIRMAN. Certainly; the gentleman from New York is entitled to twenty-three minutes longer.

Mr. SLOCUM. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the Private Calendar, having had under consideration the bill (H. R. 1015) for the relief of Fitz-John Porter, had come to no resolusion thereon.

ORDER OF BUSINESS.

Mr. CASSIDY. I move that the House do now adjourn.

Pending the motion to adjourn, the following business was transacted:

STAR-ROUTE PROSECUTIONS.

The SPEAKER laid before the House a letter from the Postmaster-General, acknowledging the receipt of the resolution of the House of Representatives of January 17, requesting copies of all correspondence with the Department of Justice touching the prosecution of persons charged with fraud in connection with the star-route mail service; which was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

REPORT OF POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting the following reports; which were referred to the Committee on the Post-Office and Post-Roads:

1. Offers accepted and contracts awarded for carrying the mails under advertisements of October 16, 1882, January 15 and March 1, 1883;

2. Report showing the land and water mails established during the year ending June 30, 1883, other than those let by contract at the annual letting;

3. All allowances made to contractors during the fiscal year 1883 above the sums originally stipulated; and

4. Report of curtailments in the service and pay of contractors.

PRESENTS, ETC., TO NAVAL OFFICERS BY FOREIGN GOVERNMENTS.

The SPEAKER also laid before the House a communication from the Secretary of the Navy, in answer to House resolution of January 15, 1884, in regard to presents, decorations, &c., to officers of the Navy by foreign governments; which was referred to the Committee on Naval Affairs, and ordered to be printed.

REMAINS OF GENERAL ORD.

Mr. ROSECRANS. I ask unanimous consent to take from the Speaker's table the Senate bill No. 1256, authorizing the Secretary of War to bring home the body of the late General Ord, for present consideration.

Mr. STEELE. I hope there will be no objection.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (S. 1256) providing for the removal of the remains of the late Maj. Gen. Edward O. C. Ord, of the United States Army, from Havana, Cuba, to Washington, D. C.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was taken from the Speaker's table and read a first and second time.

It is as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause the remains of the late Maj. Gen. Edward O. C. Ord, United States Army, to be transported from Havana, Cuba, to Washington, D. C., and to pay the necessary expense of such transportation and of the interment of the remains out of the appropriation for contingencies of the Army.

The bill was ordered to a third reading, read the third time, and passed.

Mr. ROSECRANS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then the motion of Mr. CASSIDY was agreed to; and accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rules, and referred as follows:

By Mr. BARBOUR: The petition of the heirs of Richard S. Coxe—to the Committee on the Judiciary.

By Mr. BRENTS: The petition of citizens of California, for an appropriation for the erection of a public building at Port Townsend, Wash.—to the Committee on Public Buildings and Grounds.

By Mr. CALDWELL: Memorial of the national agricultural congress of the United States, urging an extension of the benefits of the Signal Service to agricultural operations—to the Committee on Agriculture.

By Mr. CANNON: Papers relating to the claim of J. S. Dill, of Paris, Ill., for relief—to the Committee on Claims.

By Mr. S. S. COX: Papers relating to the contested-election case of Smith *vs.* Robertson—to the Committee on Elections.

By Mr. DORSHEIMER: Papers relating to excessive duties levied by overvaluation of the Austrian paper florin—to the Committee on Ways and Means.

By Mr. EATON: The petition of Richard Jobes, for increase of pension—to the Committee on Invalid Pensions.

By Mr. FORAN: The petition of the marine engineers of Seattle, Wash., for the amendment of the alien laws relating to licensed engineers and pilots—to the Committee on Commerce.

By Mr. GUENTHER: The petition of Edward H. Merrill and others, citizens of Wisconsin, in relation to the wide differences between the laws of the several States as to the causes of divorce—to the Committee on the Judiciary.

By Mr. MORSE: Papers relating to the claim of Charles G. Kerr, Fitzhugh Lee, and George W. C. Lee, executors of the estate of Anna M.

Fitzhugh, of Alexandria County, Virginia—to the Committee on War Claims.

By Mr. PATTON: The petition of W. H. Kenter, postmaster at Cookport, Indiana County, Pennsylvania, and others, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTSON: Papers relating to the pension claim of Nannie J. Graves—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: Memorial of the Chamber of Commerce of San Francisco, Cal., urging the necessity of providing additional naval force—to the Committee on Naval Affairs.

By Mr. SMITH: The petition of Bair & Shenk, J. D. Connelly and 38 others; of F. H. Breneman and 275 others; of H. C. Harmer and 97 others; and of Jacob S. Keller and 66 others, citizens of Lancaster County, Pennsylvania, for the redemption of the trade-dollar and suspension of the coinage of the silver dollar—severally to the Committee on Coinage, Weights, and Measures.

By Mr. C. A. SUMNER: Paper relating to the United States Signal Service—to the Committee on Military Affairs.

By Mr. THOMPSON: Papers relating to the claim of W. G. Collier, of J. H. Fish, of James Gann, of L. D. Hutchinson, and of D. M. Yocum—severally to the Committee on Claims.

Also, papers relating to the pension claim of Tabitha Ball, of Robert Blain, of Samuel M. Boone, of Charlotte T. Brown, of John R. Collett, of William Huffman, of Elizabeth Mason, of Sarah A. Murphy, of Jane Prewitt, of Mary Riley, of John C. Sayers, of George W. Waddell, and of Thomas J. Wethington—severally to the Committee on Invalid Pensions.

Also, the petition of A. Brown, of Milton Bunch, of Lieut. L. W. Cooke, of George H. Dobyns, of William H. Gregory, of Patrick Hill, of Andrews Meaddows, of Lieut. M. O'Brien, of Capt. J. B. Sinclair, and of Nathaniel Warford, for relief—severally to the Committee on Military Affairs.

Also, papers relating to the claim of W. R. Boice, of J. A. Briggs, executor of Charles M. Briggs; of James P. Carroll, of C. R. Coffey, of George Denny, sr., of Joseph Falconer, of W. F. Coggin, of the heirs of Amanda Goggin, of John Huffman, of Alderson T. Keene, of John S. Kendrick, executor of Amanda F. Goggin, deceased; of Andrew C. Meadows, of John Owens, of Edmond Penn, of T. M. Pennington, of Julia A. Reed, of Archibald B. Rue, of A. L. Shotwell, of Benjamin W. Sloan, of George W. Sweeney, of G. W. Sweeney, of Susan P. Vance, of Mrs. Martha Vaughn and Mrs. Louisa Jackman, of Sarah Wells, and of William D. Wolford—severally to the Committee on War Claims.

Also, the petition of Rebecca Robinson, for a pension—to the Committee on Pensions.

Also, the petition of Beaufort N. Sampson, for a pension—to the Committee on Invalid Pensions.

Also, the petition of W. D. James, for a pension—to the same committee.

By Mr. TOWNSHEND: The petition of citizens of Franklin County, Illinois, asking that a pension be granted to Drusilla Swett—to the same committee.

By Mr. VAN ALSTYNE: Papers relating to the claim of John F. Severance—to the Committee on Claims.

By Mr. WASHBURN: The resolutions of the board of directors of the Chamber of Commerce of Saint Paul, Minn., requesting Senators and Members of Congress from Minnesota to propose an amendment to Senate bill 200—to the Committee on Commerce.

By Mr. W. L. WILSON: The petition of Mary Martin, for increase of widows and dependent relatives' pensions to $12 per month, and for other purposes—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 26, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

BUREAU OF ANIMAL INDUSTRY, ETC.

Mr. HATCH, of Missouri, from the Committee on Agriculture, reported, as a substitute for the bill H. R. 876, a bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals; which was read a first and second time, recommitted to the Committee on Agriculture, and ordered to be printed.

ORDER OF BUSINESS.

Mr. ROBERTSON. I desire to introduce a bill for reference.

The SPEAKER. The House ordered yesterday that immediately after the reading of the Journal to-day the House in Committee of the Whole shall resume the consideration of the bill for the relief of Fitz-John Porter, for debate only, no other business to be transacted except a report from the Committee on Agriculture for printing and recommittal to the committee.

Mr. ROGERS, of Arkansas. If not in violation of the order of the House, I should like to make a privileged report.

The SPEAKER. Under the order of the House no business can be transacted except that which the Chair has just stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 22) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President;

A bill (S. 153) providing a civil government for Alaska;

A bill (S. 258) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith, for the use and benefit of the free public schools thereof, and for other purposes; and

A bill (S. 621) for the relief of William L. White.

MEMBER SWORN IN.

The SPEAKER. The Chair presents to the House the certificate of election of Francis W. Rockwell, Representative-elect from the State of Massachusetts, which will be read.

The Clerk read as follows:

THE COMMONWEALTH OF MASSACHUSETTS.

To the House of Representatives of the United States of America, and to all persons to whom these presents shall come, greeting:

Know ye, that on the 17th day of January, in the year one thousand eight hundred and eighty-four, Francis W. Rockwell, of Pittsfield, in Congressional district No. 12, was regularly and duly chosen by the qualified voters of said district to be a Representative of this Commonwealth therefor in the House of Representatives of the Congress of the United States for the remainder of the term of two years beginning on the 4th day of March, in the year one thousand eight hundred and eighty-three, being the Forty-eighth Federal Congress, in accordance with the constitution and laws of the Commonwealth of Massachusetts and of the United States, to fill the trust made vacant by the resignation of George D. Robinson, of Chicopee, thereto duly chosen; and that he, the said Francis W. Rockwell, has been for said district only so elected.

In witness whereof I, George D. Robinson, governor, have hereto set my hand and caused the seal of the Commonwealth to be affixed on this 23d day of January, in the year of our Lord one thousand eight hundred and eighty-four, and of the independence of the United States of America the one hundred and eighth.

[SEAL.] GEO. D. ROBINSON.

By his excellency the governor:
HENRY B. PIERCE,
Secretary of the Commonwealth.

Mr. ROCKWELL (presented by Mr. RICE) appeared and qualified by taking the oath prescribed by section 1756 of the Revised Statutes.

FITZ-JOHN PORTER.

Mr. SLOCUM. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. SPRINGER in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 1015) for the relief of Fitz-John Porter, and the gentleman from New York [Mr. RAY] is entitled to the floor. There remain of the gentleman's time twenty-three minutes.

Mr. CALKINS. Before the gentleman from New York resumes his remarks this morning I would like to have the House extend to him the courtesy which was extended to other gentlemen yesterday, and let him complete his remarks, as he was interrupted yesterday a good deal. How much additional time does the gentleman want?

Mr. RAY, of New York. I should like to have about an hour this morning.

Mr. CALKINS. I ask unanimous consent that the time of the gentleman be extended so as to cover a full hour this morning.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from New York [Mr. RAY] be entitled to one hour this morning.

There was no objection.

Mr. RAY, of New York. Mr. Chairman, I promised yesterday at the close of the remarks I was then making to read to-day something that should show that soon after the close of the battle of the 30th of August General Pope poisoned the mind of the War Department against General Porter. In pursuance of that promise I now desire to read the following from the dispatch of General Pope, written to General Halleck at the close of the battle of the 29th, so far as there was a battle, and also others following on the 30th and 31st, and leave the gentlemen to consider them:

HEADQUARTERS,
Battle near Groveton, Va., 30th—5 a. m.

We fought a terrific battle here yesterday with the combined forces of the enemy, which lasted with continuous fury from daylight until dark, by which time the enemy was driven from the field, which we now occupy. * * * The news just reaches me from the front that the enemy is retiring toward the mountains. I go forward at once to see. We have made great captures, but I am not able yet to form an idea of their extent. Our troops behaved splendidly. * * *

JOHN POPE, *Major-General.*

Major-General HALLECK, *General-in-Chief.*

This was written early in the morning after the battle of the 29th,

and in it we search in vain for any complaint against Porter. Pope then supposed himself victorious. Porter arrived on the ground in pursuance of orders early that morning (30th), and then Pope issued an order for the pursuit of the enemy. The order was dated at 12 o'clock noon, and contains the following:

The following forces will be immediately thrown forward in pursuit of the enemy and press him vigorously during the whole day. Major-General McDowell is assigned to the command of the pursuit.

Major-General Porter's corps will push forward on the Warrenton turnpike, followed by the divisions of Brigadier-Generals King and Reynolds.

It will be seen that at noon of the 30th General Pope, with full knowledge of the facts of the day before, assigned Porter to the post of honor, the advance in the pursuit of the enemy, who he supposed were retreating. And in his dispatches to the Government you will search in vain for any criticism on the conduct of Porter.

The enemy, instead of being in full retreat, were ready for an attack, and when our troops moved forward in what Pope supposed was to be the pursuit of a defeated and fleeing enemy, this enemy met them, repulsed them, and drove them from the field.

Of the heroic conduct of General Porter on that day (30th) I need not speak. He attacked the enemy again and again, only to be hurled back, but never in disorder. When the enemy advanced, it was Porter and his brave troops that met the onset and checked the wild attack, and hurled back a confident foe as the granite sea-beat rocks hurl back and break the insweeping billows.

Now, after this brave and heroic conduct of General Porter that day, but after the boast of Pope had been shown false by a defeat of the army, what did Pope do? Commend Porter for his gallant conduct on that day? No, sir; but he penned and sent to Washington the following malicious and false statement, and as I believe for the express purpose of covering and distracting attention from his own errors:

CENTREVILLE, *September* 1—8.50 p. m.

* * * One commander of a corps who was ordered to march from Manassas Junction to join me near Groveton, although he was only five miles distant, failed to get up at all; worse still, fell back to Manassas without a fight, and in plain hearing, at less than three miles' distance, of a furious battle which raged all day. It was only in consequence of peremptory orders that he joined me the next day. One of his brigades, the brigadier-general of which professed to be looking for his division, absolutely remained all day at Centreville in plain view of the battle, and made no attempt to join. What renders the whole matter worse, these are both officers of the regular Army, who do not hold back from ignorance or fear. Their constant talk, indulged in publicly and in promiscuous company, is that the Army of the Potomac will not fight; that they are demoralized by the withdrawal from the Peninsula, &c.

Now, sir, Porter did get up that afternoon on his route to Gainesville, to which place the joint order directed him to march. It did not direct him to march to Groveton or to join Pope near there. He met the enemy and engaged him, and only desisted from battle at the command of his superior officer, McDowell, who told him he was too far out, and that that was no place to fight a battle. He did not fall back to Manassas, but remained all night in the face of Longstreet, and marched to Groveton pursuant to orders. And, sir, where is the proof that in public and promiscuous company he ever said that the Army of the Potomac would not fight or that they were demoralized? The evidence is the other way. And, sir, no man of the Army of the Potomac ever refused to fight.

The thousands of the slain who repose on the yonder heights of Arlington and the legions whose bones strew the fields on every rod of ground from the Potomac to the James give the lie to the assertion. No braver, no truer, no more devoted army ever marched to the field or braved the perils of death. This that I have read was but the beginning of the series of slanders and aspersions to which I have referred.

The object and the animus is found when we peruse General Pope's evidence given before the Committee on the Conduct of the War. Here it is:

In the last of January, 1863, when the trial of Fitz-John Porter had closed and his guilt had been established, I intimated to the President that it seemed a proper time for some acknowledgment of my services in Virginia.

Ah, gentlemen, having done his work, he sought his reward. To the credit and praise of the noble and immortal Lincoln be it said there was no reward given. Sir, we may safely say that in the mind of that noble man there dawned a bright light when Pope so far forgot himself as to make the degradation of a fellow-soldier the occasion for demanding a reward at the hands of this great Government.

Gentlemen having sought to make a point that the decision of the board of inquiry ought not to be regarded because the board itself was not authorized to administer oaths, I desire to call attention to the fact that the board did have power to cause oaths to be administered by an officer duly commissioned and authorized so to do, thereby imposing on the witness all the obligations of an oath and all the pains and penalties of perjury. By turning to pages 5 and 6 of the record of that board gentlemen will find that course was decided upon and pursued. I regard it a complete answer to the point taken. It is eminently satisfactory to my own mind. The President had power under the law to appoint the board, being commander-in-chief of the land and naval forces of the United States, and it then became a proceeding under and by authority of law.

These witnesses having taken an oath in that proceeding, which was administered by a proper officer, duly authorized to administer oaths, it seems hardly worth while to argue that the witnesses were not obligated to tell the truth. But inasmuch as the only witnesses before that board who were suspected of perjury were Dyer, Pope, and Smith, and General Porter did not see fit to prosecute them in the criminal courts, it is hardly a practical question.

But, sir, let me resume, or rather commence, the consideration of this case in some regular order, and if possible let me proceed without so much interruption. After four years of war and anxiety, of bloodshed and tears, there came a final victory, and the boys came tramping home again, and when gentle peace once more smiled all over this broad land, and the cannon's roar, musketry's crash, and the bugle's blast no longer troubled the air, there came hours for thought, deliberation, and meditation. Removed from these scenes by twenty years of time, truth appears.

The eternal years of God are hers!

I regret exceedingly that an attempt should be made to draw party lines on this question. There is no party or politics in it. It is a personal matter, relating solely to the question of the guilt or innocence of Fitz-John Porter. Upon the determination of that question, and that alone, should the vote of the members of this House depend. Under our oaths, the Constitution, and in the eye of the Supreme Judge of the Universe, to whom we should all pray for guidance and wisdom, we are bound to approach the investigation of this case dispassionately, seriously, and without bias. We must forget party and remember that we are acting as judges. To my conscience and my God, loving my country and her honor, proud of her past and confident of her future, shall I answer for my decision.

Until a few days since, in this House, I never saw Fitz-John Porter. During the war, and for several years, I supposed him guilty; then the study of history, a reading of the case, and the appeals of the soldiers in his behalf changed my opinion, and that has ripened into a settled conviction Sitting in the galleries of the United States Senate I listened with the deepest interest to the argument of the brave and sturdy Senator from Illinois. He failed to shake my opinion; he chained my conviction of the innocence of Fitz-John Porter to the rock of eternal faith.

The charges against General Porter, then a major-general, recently appointed by President Lincoln without any solicitation on his part for most marked and distinguished services before Richmond, were preferred by General B. S. Roberts, a member of General Pope's staff, in November, 1862. The order convening the court was made November 25, 1862. His trial commenced in December following. The trial closed by the presentation of the argument for the defense on the 10th day of January, 1863.

The judge-advocate declined to present any argument in reply, having been present at all the deliberations of the court, and immediately the court was cleared, and within three hours the accused was pronounced "guilty."

January 13 the proceedings were transmitted to the Secretary of War. As to whether or not they were ever transmitted to the President of the United States, and if so when, the record fails to show, but they were approved and confirmed under date of January 21, 1863.

The review of the case presented to the President was most prejudiced and unfair, in my judgment. It suppressed evidence for the accused and colored that against him.

In the midst of the trial, in the dead of winter, and when no military operations were on foot, the following order was sent to the court:

WAR DEPARTMENT, *Washington City, January* 5, 1863.

GENERAL: The state of the service imperatively demands that the proceedings in the court over which you are now presiding, having been pending more than four weeks, should be brought to a close without unnecessary delay.

You are, therefore, directed to sit without regard to hours, and close your proceedings as speedily as may be consistent with justice and the public service.

Yours truly,

EDWIN M. STANTON,
Secretary of War.

Major-General HUNTER,
President, &c.

Comment is unnecessary. It was a court acting under orders. From that time forward General Porter constantly knocked at the doors of this Government for a rehearing, the presentation of new evidence, a full and complete examination.

Joining with him in this demand for such a rehearing were many distinguished citizens.

April 12, 1878, President Hayes appointed a board of inquiry, consisting of Generals J. M. Schofield, A. H. Terry, and G. W. Getty, all of whom had served with honor and distinction in the war of the rebellion. Excluding Generals Grant, Sherman, and Sheridan, they constitute the highest and best military authority in the country. Two of them had expressed themselves as violently prejudiced against General Porter. Yet, after a full and careful hearing and a patient examination, in which the Government was most ably represented, a unanimous report was made by that board fully exonerating General Porter, and in conclusion they say:

In our opinion justice requires at his hands (the President's) such action as may be necessary to *annul* and *set aside* the *findings* and *sentence* of the court-martial in the case of Maj. Gen. Fitz-John Porter, *and to restore him to the position of which that sentence deprived him.*

The President, being without power to act, remitted the proceedings to Congress.

General James A. Garfield, lately the loved and honored President of the United States, introduced the first measure into Congress looking to the relief of Major-General Porter. While it has been asserted that he was still convinced of his guilt, I for one too much respect and love and honor his memory for one moment to entertain that or any such belief.

General Grant after a full and patient investigation fully concurred with the board of inquiry. Of his military skill and judgment no person entertains a doubt, unless it be the vainglorious demagogue whose vanity blinds his mental vision. If any argument against General Porter shall be claimed based on the fact that the court-martial proceedings were confirmed by President Lincoln, I desire to call the attention of the House to the fact that Governor Newell, of New Jersey (page 294), testified:

Mr. Lincoln stated that he had not been able to give the personal attention to the case which its merits required; that he had accepted the opinion of the Judge-Advocate-General and of the War Department as the basis of his action; that if any new evidence exculpatory of General Porter could be introduced he would be very glad to give him an opportunity to have it presented; that he had had a high regard for General Porter personally and as a soldier; and that he hoped he would be able to vindicate himself in that way.

Sir, the fact that the decision of President Lincoln was based upon an error and a misconception of the facts as they existed is most fully shown by the testimony of his son, now Secretary of War. He says in substance that his father was strong in his condemnation of General Porter, and said that the case would have justified a sentence of death; that his father read to him the letter written by General Porter on the evening of the 29th of August, in which he stated that he was "going to retire," and was very strong in his condemnation of it.

Question. I ask you whether you inferred from his language at that time that your father believed that General Porter had done what is intimated in that letter as his intention?

Answer. I should say yes.

It will be remembered that the *gravamen* of the charge of which General Porter was found guilty was that he "did fail all day to bring it (his corps) on the field, and did shamefully fall back and retreat from the advance of the enemy without any attempt to give them battle;" also, "and did shamefully retreat away and fall back with his army," &c. Now, sir, when it is proved beyond all controversy that General Porter took his army into the immediate presence of a largely superior force and held it there all day; that he advanced his skirmishers, posted his artillery, and commenced a battle, and desisted at the command of his lawful superior, who told him he was "too far out," and that that was "no place to fight a battle;" that the same superior officer took from him at that time King's division, which Pope had ordered to his command for the day, and also took away in all fifteen thousand men ordered to act in conjunction and concert with Porter that day on that same road; that General Porter did not retreat or fall back at all, but on the other hand twice ordered an attack, and was only prevented by the darkness from engaging in battle as soon as ordered so to do; and that he remained in the immediate presence of the enemy all that night and until ordered away by General Pope, we see clearly the error not only of the court-martial but of the President, and we must see as clearly the monstrous wrong done General Porter. That our courts-martial in time of war were not so near to perfection as gentlemen would have us think is well attested by the unanimous report of this same committee in the case of Myron E. Dunlap (Report No. 50, to accompany H. R. 1389), and to which report I refer. They adopt the report of the Forty-seventh Congress, which says, speaking of the judgment of the court-martial in that case:

It lacks such a judgment, lacks all the essentials of validity, and amounts to little more than a stain upon the military record of the party convicted.

They unanimously say that Congress has the power and the right to remove such a judgment.

Of General Marshall, who was a principal witness for General Porter on his trial, and whose evidence was then utterly ignored, they say: "General Marshall, whose brilliant military record and high character entitle whatever he may say to the highest consideration," &c.

Ah, gentlemen of the minority, it comes with poor grace to stand here and defend the alleged justice and infallibility of that court-martial system which you yourselves impeach.

Sir, the same judgment that was unanimously pronounced in the Dunlap case by our respected committee should have been pronounced in the Fitz-John Porter case:

It lacks all the essentials of validity, and amounts to little more than a stain upon the military record of the party convicted.

Mr. BROWN, of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. RAY, of New York. Yes, sir; although I would rather proceed without interruption.

Mr. BROWN, of Pennsylvania. Does not the gentleman know that in the case of Myron E. Dunlap the whole examination was *ex parte*, and that the defendant never appeared to vindicate himself at all?

Mr. RAY, of New York. I know it was a trial before a court-martial; and I know this committee unanimously say a most flagrant wrong and outrage were committed, and therefore I say it is with poor grace the committee come here and say, some of them, on the floor of this House, that the judgment of the court-martial in the Fitz-John Porter case should not be corrected or questioned by this Congress.

Mr. BRUMM. Was that the same court-martial that tried Fitz-John Porter?

Mr. RAY, of New York. No, sir; I am speaking of the court-martial system. I say all courts-martial are presumed to be honest and fair and to proceed justly.

The gentleman from Michigan talked long and very loud of the legislative, judicial, and executive branches of our Government and of the untold dangers of allowing the legislative body to trespass upon the prerogatives of the judicial. He argues that the court-martial is a part of the judicial branch of our Government. Sir, I was in the war. It was my fortune to march under the gallant and dashing Sheridan, in Emory's corps, Dwight's division, and the brigade finally commanded by the old veteran General Beale, of Maine; for nine months I shared his tents, was under his eye, drew his orders; and from service under those men I gained some knowledge of military life; I gained some knowledge of military law; I became familiar with courts-martial. Since that time I have been actively engaged in the practice of the law in the civil and criminal courts of the State and of the United States. Sir, I have both prosecuted and defended men for every crime known to man; I have studied the Constitution and the statutes, but now for the first time I am told that a court-martial is a part of the judicial system of our country. I now for the first time learn that the rights and liberties of the people are in danger because the Congress of the United States, the immediate representatives of the people, seeks to reverse the finding of a court-martial, the most arbitrary body of men that ever has assembled or ever can assemble.

The point that I was making yesterday in regard to the judicial status of a court-martial was not that it does not perform quasi-judicial functions authorized by Congress, but that they are not courts named in the Constitution. They are authorized by the act establishing the Army Regulations, and hence, being created by Congress, are subject to the control of Congress, which has the right to annul their proceedings, while I contend that in the case of the Supreme Court it would be unconstitutional for Congress to pass any act setting aside its judgment or decree. In this sense and to this extent I assert that courts-martial form no part of the constitutional judicial system of this country. Their jurisdiction extends simply to violations of the military law.

Sir, I suppose a court-martial to be a necessary adjunct of the army, a means provided for the enforcement of military discipline, but I assert that it forms no part of the judicial system of the government of this or of any other country. From its decision there is no appeal, and for its errors there is no court of correction. In it and about it there is no law but the arbitrary will of its members.

Sir, I have no fear for the future of this country as long as Congress may protect its citizens against the arbitrary judgments and decrees of military courts; but if the day ever comes when it is denied that right, farewell to life, liberty, or the pursuit of happiness.

Sir, when this Congress shall be deprived of the power to protect and relieve its citizens from outrage and wrong perpetrated by military tribunals, whether "august," as the gentleman from Michigan terms them, or December and January, acting under orders from the Secretary of War, as was the court that tried and most unjustly convicted Fitz-John Porter, then farewell to the boasted pride and glory of free institutions.

If the civil is to surrender to the military, if nine of our brigadier-generals are superior to the decrees of the fifty millions of our people directly represented in Congress, then haul down the Stars and Stripes, tear up the Constitution, and proclaim the cannon king. Sir, our army courts-martial derive their power directly from Congress; to Congress must they respond.

Sir, the gentleman forgot himself, as he did when he proclaimed that Fitz-John Porter was "guilty" because, forsooth, he obeyed not the mandate of a specter. Still more was I surprised when I learned from the gentleman from Ohio that Napoleon knew nothing of military law, when I learned that all these questions are regulated by statute, and that because, forsooth, there is no statute giving a general in the field a discretion as to the time and mode of obeying an order when not under the eye of his superior, therefore no such law exists.

Sir, there is the statute law and the common law, and there is the military code and the common law of military life; and there is no statute that is in derogation of the great rule practiced by Alexander and Cæsar, laid down by Bonaparte, and followed by Grant, Sherman, Sheridan, Thomas, Rosecrans, Slocum, and Fitz-John Porter. That rule is:

A military order requires passive obedience only when it is given by a superior who is present on the spot at the moment when he gives it. Having then knowledge of the state of things, he can listen to objections and give the necessary explanations to him who is to execute the order.

Says the Duke of Wellington:

It may frequently happen that an officer receives an order which, through circumstances unknown at the moment of giving it by him who gave it, is impossible to execute, or the execution of which would be so difficult or so dangerous that there would be a moral impossibility to conform to it. In a case of this nature Major-General Wellesley would be very far from wishing to prevent detached officers from acting freely.

ARTHUR WELLESLEY.
(*Depuis Duc de Wellington.*)

Says the Archduke Charles, in speaking of such a situation:

Wartensleben had the right not to execute it; the Archduke Charles, then near Pforzheim, did not know his situation when he gave him the order.

More than twenty years have passed since Maj. Gen. Fitz-John Porter was thus court-martialed, dismissed the service of the United States, and forever disqualified from holding any office thereunder.

The country was then laboring under a high degree of excitement; the one-half was arrayed in arms against the other half, and the reputation of no man, whether in or out of the military service, was safe from the breath of suspicion. Men of character and ability were put in high place the one day only to be removed and disgraced the next. That general was fortunate indeed who was spared the command of an army during the first year of the war of the rebellion. Even Grant and Sherman, who afterward led our armies to final and complete victory, were traduced in public and private circles and through the public press. Grant was published as a drunkard, and, almost with the sanction of the Government, Sherman was proclaimed "a lunatic." We are told that the South would not, could not, dare not fight. The rebellion was to be crushed in thirty days, and the cry "On to Richmond" rang through the land.

The Bull Run disaster in July, 1861, was charged as the result of cowardice and mismanagement, and it was openly stated that the Union army ran away from a beaten and discomfited confederate army.

The army headquarters were surrounded with eager correspondents, who published to the world the anticipated movement of troops, and every country editor resolved himself into a commanding general or a committee on the conduct of the war. Brilliant and successful battles were fought in the newspapers and the public bar-rooms, and advice and counsel flowed freely from men who never saw a battle even "afar off." All this criticism and distrust was intensified when, in the spring of 1862, the army of General McClellan was repulsed before Richmond and that brave general, instead of being upheld by the strong arm of the Government, was left with the best army of the nineteenth century unsupported on the banks of the James.

On the 26th of June, 1862, Major-General John Pope, an officer who had won distinction in the Mexican war and at Island No. 10, on the Mississippi River, was assigned to the command of the Army of Virginia, an army of about 43,000 men, and late in July he took the field and advanced toward Richmond.

On the 14th of July it had been the misfortune of General Pope to issue an address to his army, in which, after contrasting the armies of the East with those of the West, and to the disadvantage of the former, he proceeded as follows:

Meantime I desire you to dismiss from your minds certain phrases which I am sorry to find much in vogue among you. * * * I hear constantly of taking strong positions and holding them, of lines of retreat and of bases of supplies. Let us discard such ideas. * * * Let us study the probable lines of retreat of our opponents, and leave our own to take care of themselves. Let us look before us, and not behind. Success and glory are in the advance. Disaster and shame lurk in the rear.

This sounded well on paper, but it worked badly in practice. Within the next forty days General Pope found not only "shame and disaster" lurking in the "rear," but Stonewall Jackson, with the flower of the confederate army. He had no base of supplies to hear about, for Jackson held the "base" and his army was in full possession and enjoyment of the "supplies."

Pope must have been astounded when he learned on the morning of the 27th of August that Jackson was in his rear, and that the supplies of his army had been captured or destroyed. But he did what he could to retrieve the disaster, and the active and wily Jackson having slipped away, the army was concentrated, or ordered to concentrate, at Bristoe.

Porter, with his corps, was at Warrenton Junction, and on the evening of the 27th General Pope sent him a written order to move that night, or rather at 1 a. m. on the morning of the 28th, to Bristoe Station, so as to be there by daylight of the 28th. He announced in the order that Hooker had had a severe action with the enemy, who had been driven back, and that the enemy was retiring along the railroad. Haste was urged, not on the ground that the army was in any danger, nor that a battle was imminent, but for the purpose of following a retreating enemy and clearing the country between Manassas and Gainesville.

ORDER FOR NIGHT MARCH.

HEADQUARTERS ARMY OF VIRGINIA.
Bristoe Station, August 27, 1862—6.30 p. m.

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night, and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Maj. Gen. F. J. PORTER,
Warrenton Junction.

This order reached Porter about 10 o'clock the night of the 27th, the messenger having been over three hours on the way, a distance of ten or twelve miles. Porter's army was worn out with constant and hard marching and want of supplies. The night was dark, moonless, and the sky overcast. It rained some during the night. The road to Bristoe was narrow, choked with the trains of the army, cut with narrow streams, unbridged, and upon the railroad track, along which the army might have moved, trains were running all night, making it impossible to move in that way. The evidence shows beyond the shadow of dispute that the narrow dirt roads were full of moving wagons all night, and even the next morning it was impossible to move with any celerity on account of these obstructions.

Upon the receipt of that order Porter showed it or read it to his generals, and said that it "must be obeyed." They (Generals Morell, Sykes, and Butterfield) urged the impossibility of carrying out the order at the hour specified, and pointed out the reasons that made a delay not only judicious but wise and necessary. Influenced by their judgment, and at their solicitation, Porter postponed the execution of the order for two hours, and directed that the army move at 3 o'clock in the morning instead of at 1. He at once sent notice of this action to General Pope.

Mr. STEELE. Will the gentleman from New York allow me to ask, who gives that testimony?

Mr. RAY, of New York. Who gives that testimony? It comes directly, sir, from the mouths of General Morell, General Sykes, and General Butterfield; and I will call your attention to it in a minute so that you can not dispute it.

This delay, under these circumstances, constituted the basis for the first specification under the first charge made against General Porter. It will not be necessary to spend much time in the consideration of this specification. It was charged that, being in the face of the enemy, General Porter then and there disobeyed the said order. The court-martial pronounced him guilty, and we are called upon in effect to pass a bill that shall pronounce him "not guilty." A board of officers, known and honored alike for their impartiality, skill, bravery, and devotion to their country, and consisting of Generals Schofield, Terry, and Getty, have fully examined the record and heard all the evidence over, with such new and additional evidence as could be produced on both sides, at a time when the angry passions and prejudices of men had subsided, and have pronounced a verdict of "not guilty." In that verdict the Senate of the United States at its last session concurred. General Grant, the best military authority on the continent, and probably in the world, has passed his judgment to the same effect.

It is true that men, actuated either by base motives, or a hatred of General Porter, or lingering passion or prejudice, have intimated that General Grant gave his opinion in exoneration of General Porter as a bid for the passage of a measure to place him on the retired-list of the Army.

For such base insinuations I have but scorn; for their authors, pity. Can men have the conscience to charge Grant, lately General of our armies and President, with bribery; with selling his opinion?

Sir, I refer to these things, not that they are conclusive upon us, nor that they ought to move us to action on this bill in opposition to our judgment, but that we may duly consider them and give them such weight as they are entitled to; that we may be led to read and investigate; that we may proceed in the light of the facts, and not be controlled or hampered by our preconceived notions of the case, or by any false notions that because the court-martial that convicted Porter was respectable, that because the immortal Lincoln approved the sentence, that because the loved and lamented Garfield constituted one of the court and was supposed to adhere to that sentence, that therefore we ought to oppose this bill. Such considerations are unworthy of fair and honest men. We have no right to assume that Garfield if living would oppose this measure, nor that Lincoln if he had survived the pistol of the assassin would do other than justice to a brave man in the light of the new evidence that came from witnesses not attainable on the original trial.

Mr. STEELE. Will the gentleman allow me one question?

Mr. RAY, of New York. I have not time enough to stop to answer questions. When I occupied the floor last evening, as I see by looking at the minutes taken, nine-tenths of my time was occupied in answering questions of gentlemen and listening to their remarks instead of their listening to mine. I must therefore decline to be further interrupted. [Applause.] I think I ought to have the right to talk just a little when I am given an hour to address the House.

Mr. STEELE. I will say to the gentleman that I was interrupted a number of times when I was addressing the committee, and the gentleman has had his time extended.

Mr. RAY, of New York. At 3 o'clock in the morning, and long before it was light enough to see, Porter's corps was put under arms and took up the line of march; but in the darkness it was found impossible to make much if any headway, and much confusion ensued. Two officers who passed over the road that night testified that they found it impossible to keep the road, and that they stumbled upon obstructions which they could not see until they were upon them. It is, therefore, apparent to any candid man that Porter's army could not have

been moved to Bristoe during the night without such straggling, confusion, and exhaustion that it would have been worthless upon its arrival. These things were known to and appreciated by Porter, Morell, Sykes, and Butterfield; they were unknown to Pope.

It has been asserted here that when that order was received General Porter sent for his generals and held with them a council of war as to whether or not the order should be obeyed. The injustice and the folly of such a charge is fully exposed when we turn to the evidence of Capt. Drake De Kay, who said: "I arrived, as I have stated, about half past 9 o'clock at his tent, and found General Porter and two or three generals there—General Sykes and General Morell, and, I think, General Butterfield, though I am not sure whether he came in afterward or not. I handed General Porter the order, which he read and then handed to one of his generals." And yet gentlemen say he concealed it.

Mr. HORR. Not that order.

Mr. KEIFER. Will the gentleman allow me?

Mr. RAY, of New York. I can not stop now for interruptions. You come down here like bees after honey. I have not time.

Mr. KEIFER. The gentleman does not want to say that I said that order was concealed. What I said was that the 4.30 order was concealed.

Mr. RAY, of New York. I said no such thing. I said that had been asserted on this floor. I did not refer to the gentleman from Ohio [Mr. KEIFER].

Mr. STEELE. Allow me to ask the gentleman——

Mr. RAY, of New York. If these interruptions continue I can only repeat what I said yesterday:

> Truth crushed to earth shall rise again:
> The eternal years of God are hers;
> But error, wounded, writhes in pain,
> And dies among his worshipers.

Mr. STEELE. We will give you all the time we take up in interruptions.

Mr. RAY, of New York. On the march that morning Porter used great personal exertions to get the obstructions out of the way, and riding on in advance reported to Pope two hours (8 o'clock) before the arrival of his column. Pope made no complaint at the delay, nor did he seem to entertain the slightest idea that his order had been disobeyed. If he did, it was his duty as a loyal soldier and a faithful general to have removed Porter from the command. Indeed, he says that he made no complaint, and "the necessity had passed away." It is a conceded rule of military law that a corps, division, or brigade commander at a distance from his superior is clothed with a discretion as to the time and mode of obeying an order, provided he is in possession of facts which make a literal compliance with the order impracticable or impossible. This discretion was used by Porter on this occasion, and it worked no disadvantage to the success of Pope or of the Union Army. Let me ask, if the campaign had terminated in success would complaint have been made?

General Sykes, whose subsequent military career was so brilliant, said:

> We talked it over among ourselves and thought nothing was to be gained by moving at midnight or 1 a. m. rather than at dawn. I was very positive in my opinion, and gave General Porter my reasons. They were, first, that a night march is always exceedingly fatiguing and injurious to troops; that my command had already marched from twelve to fourteen miles that day; that I thought the darkness would cause confusion; that a constant stream of wagons had passed ahead of us from the time my command reached Warrenton Junction until dusk; and, above all, I thought that as but two hours, or three hours at most, would elapse between 1 o'clock and daylight we could make the march in much better order, and march more rapidly by starting at dawn than if we started at the hour prescribed. I might add that General Porter made his decision not to move until daylight, and I took it that his decision was based upon his own experience and upon the opinions of the three general officers in his corps next in rank to himself.

He also says that in the morning—

> Before I directed the advance to be sounded I sent an aid-de-camp to find the road, so as to lead the column upon it. He returned in a short time and told me that the darkness was so great that he could not distinguish the road. He also told me that he was assisted in that search by several soldiers. As I anticipated, we ran upon this train of wagons within two miles of my camp. They encumbered the road for miles. Myself and staff officers were constantly engaged in opening the way for the head of my column. On several occasions I had to take my mounted escort and place them on the road with drawn sabers to prevent the wagons from closing up any intervals that occurred. I do not think that in my military life I ever had so much trouble with a train as I had that day. About two miles from Bristoe Station a stream crossed the road. On the Bristoe side of the stream General Porter and his staff officers directed and compelled all their wagons to be parked so that none of them should precede my troops. That order was carried out. I was compelled to halt the head of my command on the Bristoe side of that stream for fully an hour in order that my rear brigades might be united with the brigade in advance, and the cause of this separation was the train or trains on the road.

He then says that "nothing whatever" would have been gained by starting at 1 o'clock in the morning, and that he had been in continual intercourse with General Porter during the month of August, and that he never saw in him any slackness to do his duty nor any evidence of a disposition to fail his commanding officer or his country, and that he pushed his command vigorously from Falmouth to the scenes of the actions of the 29th and 30th. To the same effect, only more positive, is the evidence of General Butterfield and General Morell, as well as of a large number of officers of lesser rank. In the face of this evidence from officers of the highest character and standing, how shallow, unjust, and unfounded the charge that General Porter was guilty of any violation of military law by this exercise of discretion, urged and approved as it was by the generals of his corps and acquiesced in by General Pope himself.

It has been claimed during this discussion that Porter might have marched that night; that Sigel and Ricketts marched that night and found no difficulty. How unjust such statements on the floor of this House are is fully shown when we glance at the testimony of General McDowell given before his board of inquiry. He says:

> To make sure of this I ordered the troops (Ricketts's) to march at 2 a. m.; * * * and notwithstanding I had seen him on the morning of the 28th before he left, and had urged on him personally to march immediately and rapidly, and had shown him General Pope's order to me requiring this to be done, yet his advance was so slow that the note written to me by Captain Leski at Thoroughfare Gap at 10.45 a. m. and received by me near Gainesville and then sent to General Ricketts, reached him just this side of Buckland Mills, a distance of about three miles from his bivouac of the night before. His division had been on their feet since 2 a. m., over nine hours, and in that time had not gone twice the length of the division front from where they started.

He was speaking of General Ricketts, one of the generals who sat on the court-martial that tried Porter, and who was one of the court that pronounced Porter guilty of disobedience of the order to march that same night at 1 a. m. General Ricketts had only about two hundred wagons on the road, a fine turnpike, while there was on the narrow road in front of General Porter two thousand or three thousand wagons. In the face of this testimony, coming as it does from the lips of General McDowell, may I not ask this House to say that General Porter and his division commanders adopted the wisest and most judicious course?

It is the duty of a general ever to keep his command in condition to meet the enemy when he has reason to think that an enemy is near, and to knowingly wear them out and disintegrate the command would be deserving of most severe censure. Every person who has marched with a fatigued army in the night knows the utter impossibility of preventing straggling. Porter's corps was under arms and attempting to move at 3 a. m., and had the obstructions not prevented he would have been at Bristoe shortly after daylight. As the enemy had gone, as the order to move stated it was retreating, there was no necessity for the presence of Porter.

But the gentleman said that it was the order to be at Bristoe at daylight, and that that was the essence of the order; that it was the duty of Porter to have started immediately, if necessary, to reach Bristoe at daylight.

I assert that it was the duty of Porter to act judiciously and wisely, promptly and obediently, but to take care of his command, and see that it was at Bristoe with its commander in a condition for service. Gentlemen have entirely ignored the fact that when it was determined to delay the march until 3 o'clock, information of the determination was at once sent to General Pope by two or three of Pope's staff officers, who started at once, and that they were seven hours on the road, and were so delayed by the obstructions that, mounted as they were, it was 7 o'clock in the morning when they reached Bristoe. This shows how futile would have been the effort to move the army. It should also be remembered that Porter had no cavalry whatever, and the impossibility of infantry clearing a narrow road of an army train in the night is so plain that argument is unnecessary. When the gentlemen reflect they must acknowledge their error.

The evidence of the surgeon, who says that at noon, or just after noon, as the corps of Porter was entering Bristoe, he heard Porter say, "Go tell Morell to halt his division; I don't care a damn if we don't get there," has no weight with me. Faxon says they were then at Bristoe. It was the very place to which they were ordered to march, and the only place. Porter had reported to Pope two hours before that and had received orders to remain there that day. The remark, if made, had no reference to getting to Bristoe. They were "there," and under orders to remain "there."

Pope having said to Porter that he had beaten Jackson, who was retreating up the railroad, and only intimating that haste was required for the purpose of following a retreating enemy, at once sent a dispatch to McDowell directing him to march at daylight upon Manassas Junction, in which he said: "We had a severe fight with them to-day, driving them back several miles along the railroad. If you will march promptly and rapidly at the earliest dawn of day upon Manassas Junction we shall bag the whole crowd." Is there any intimation here that Hooker was in danger or that any peril was impending? To both McDowell and Porter he asserts that the enemy is "retreating," but to Porter he does not even intimate that if he will hurry up the enemy can be bagged. He clearly left Porter to infer that he wanted his corps in the morning for the purpose of following a retreating enemy and no other, and it justified Porter in obeying the order in such a manner as should bring the troops on the ground in condition to be of some service if he was satisfied that the arrival would not be delayed by the postponement of the hour of departure.

On the court-martial General Pope testified that his main reason for ordering Porter to march at 1 o'clock in the morning and be at Bristoe at daylight was that Hooker was substantially out of ammunition, leaving the court to infer that a mighty peril was impending over that army when the night order was sent Porter, and that his presence at daylight was supposed to be necessary for the salvation of that army. This has been urged as a reason why this bill should fail and Porter stand condemned.

Now, sir, it turned out on inquiry that Pope did not learn of Hooker's need until about three hours after the order to Porter was sent.

Sir, I ask, was his evidence honest and truthful? Was it just to Porter? Can we, as honorable men, regard it? The star of Pope has set forever; Porter's is emerging from the cloud of perjury and calumny that obscured it, and shall guide him to higher fields of glory.

In point of fact there was no necessity for the order when it was given, or if there was, such necessity had passed away long before daylight. No move of consequence was made by Pope on the 28th except to move the main portion of his army to Manassas; and this move, it is now conceded, resulted in no good, but ultimately worked much harm. Porter remained all day at Bristoe. The only act upon which was based a charge of disobedience of this order was the delay of two hours in marching. In the light of the facts that Porter was allowed to remain in the command of his corps until the termination of Pope's campaign, and thereafter until after the battle of Antietam and the removal of McClellan in November, during all of which time no charge had been preferred and no court-martial convened, and that it was proved by Colonel Ruggles, Pope's chief of staff, that Pope told Porter that his explanations of the transactions between August 26 and August 31 were satisfactory, no fair mind can conclude otherwise, in my judgment, than that the charge was made to cover the defects of Pope's campaign and transfer the responsibility for its failure from his shoulders to those of the person he was determined to sacrifice in order to justify in the eyes of the country his failure in that most ill-managed and disastrous campaign, while at the same time he should revenge the criticisms of Porter on his military capacity. Otherwise I can not conceive why the charges should have been delayed until McClellan's removal.

Nothing had been discovered in the mean time that threw any new light upon Porter's conduct. These charges were made and signed by a member of General Pope's staff, General Roberts, who hated Porter and was an active defender and partisan of General Pope. His malice was shown in his evidence. If General Pope believed the charges, why did he not make them? Why were they deferred? The answer is plain; if they failed he was not answerable; if they were sustained his object was gained, his revenge satisfied. While McClellan and Porter were in command he knew it would be useless to prefer them. But when McClellan had been superseded he embraced his opportunity.

On the trial at the court-martial Pope swore in substance that he had nothing to do with the charges or the prosecution; "I do not know who made the charges." After the conviction he wrote:

I considered it a duty I owed to the country to bring Fitz-John Porter to justice. * * * With his conviction and punishment ended all official connection I have since had with anything that related to the operations I conducted in Virginia.

If this charge stood by itself it would fall of its own weight to the disgrace of its author. On the trial before the court-martial significance to that delay was attempted to be given by the evidence of Lieutenant-Colonel Smith, who, after stating certain expressions which he claimed General Porter made to him on the 28th of August, while at Bristoe, was allowed, contrary to and in violation of all rules of evidence, to characterize the remarks and state what they appeared to him to express. The witness said:

Those remarks were made in a sneering manner and appeared to me to express a great indifference.

He was then allowed to state what he told General Pope thereafter, not in the presence of General Porter, and he testified as follows:

After my tent was pitched and I had something to eat I went over to General Pope and reported to him briefly what I had done in regard to the ammunition. I then said to him, "General, I saw General Porter on my way here." Said he, "Well, sir." I said, "General, he will fail you." "Fail me," said he, "what do you mean? What did he say?" Said I, "It is not so much what he said, though he said enough; he is going to fail you." The witness then goes on to state that he told Pope he was certain that Fitz-John Porter was a traitor, and that he would shoot him that night so far as any crime before God was concerned if the law would allow him to do it.

The admission of this conversation, the truth of which I deny, should of itself reverse Porter's conviction. The admission of such testimony, contrary to all sense, reason, and law, would reverse the conviction of a chicken-thief in any of the courts of this country, and I am frank to say would lead me to support this bill irrespective of all other questions. A man charged with crime should be convicted, if convicted at all, upon legal evidence and because of some act done by him with guilty intent, and that intent should be shown by acts or declarations of the accused and not by declarations of other persons not in his presence. And it is contrary to the rules of evidence to allow a witness to characterize even the acts and declarations of the accused; much less may he be allowed to state the impression made upon him by those acts or declarations. Colonel Smith may have been a man of the most tender susceptibilities and of the highest patriotism and entitled to the highest credit, but I am frank to say that a man who will carry the spirit of murder in his bosom and announce that he would execute his base design were it not for fear of the law, and that simply because another man had sneered in a manner that appeared to him to "express a great indifference," has no credit with me when I come to consider his evidence.

The judge-advocate, in reviewing the case and in speaking of the evidence of this man Smith, said:

It was physically impossible for the witness to produce the manner, the tone of voice, and the expression of the eye, and the play of the features which may have so much influenced his judgment; yet these often afford a language much more to be relied upon than that of the lips. He could not hold up before the court for its inspection and appreciation the sneer of which he spoke, and yet we know that a sneer is as palpable to the mental as a smile is to the natural vision. It is a life-long experience that souls read each other, and there are intercommunings of spirits through instrumentalities which, while defying all human analysis, nevertheless completely command the homage of human faith. Great crimes, too, like great virtues, often reveal themselves to close observers of character and conduct as unmistakably as a flower garden announces its presence by the odors it breathes upon the air.

All of this was fine and poetical, but nonsense as applied to this case notwithstanding. I know not what kind of nor how much "spirits" this man Smith had communed with on the occasion when he went to Pope with murder in his heart, but this I do know, that his soul had not read Fitz-John Porter's soul, and that while the sneer may have been palpable to the mental vision of Smith, we have no evidence of the number of spirits nor of the kind, good or bad, ethereal or liquid, that may have been dancing through the focus of that vision. The true character and revengful spirit of this man Smith may have and probably did reveal themselves unmistakably to General Fitz-John Porter by the odors he breathed upon the air, thereby producing the sneer of which he spoke.

In my judgment the whole evidence of Thomas C. H. Smith, aid-de-camp on the staff of General Pope, was a "vision" without substance, and of the most evanescent character. Striking this evidence out of the case, as we ought, and we have nothing that by the most strained construction can be tortured into a spirit of insubordination.

I deny that any expression in any of the letters and dispatches indicate any animus or intent to disobey. That service under Pope was distasteful to Porter no man can question. That he distrusted Pope's military capacity—a feeling that was shared by the army, and which subsequent events justified—I am not to dispute. That he had a "contempt for Pope" I do deny. It is disputed by Porter's every act and deed. There is nothing in the record that shows disrespect for the man as a man. He was not tried for disrespect to his superior officer.

After that campaign Pope was retired from active service at the front. The Government itself fully justified Porter's estimate of the man—Pope was brave, energetic, self-confident, but incapable of managing an army. Such is the verdict of history.

Porter saw that the Army of Virginia was "wandering around loose," its whereabouts unknown to Pope; that it was being marched to death; and he incautiously, indiscreetly expressed his distrust.

General Burnside saw nothing in these dispatches to censure or incite distrust, and he so testified; and he also said that during all the friendly and extremely intimate relations he held with Porter he never heard him speak an unkind word of General Pope, and so testified all of Porter's intimate friends. Is it conceivable that General Porter would have unbosomed and expressed a hatred, disrespect, and disloyalty to General Pope to Smith and Roberts, members of Pope's military household, who would have been sure to expose him, while to his own military family and friends he always spoke of him kindly and respectfully? Such a course of conduct is not probable nor reasonable, and the evidence of Smith and Roberts taxes our credulity to the point of disbelief.

Men do not become great criminals all at at once, and the military training, long-devoted service, conspicuous bravery, and devotion of Porter give the lie to the insinuation. He was fresh from fields of fame, suffering from debility contracted among the swamps of the Chickahominy and in the service of his country, and still begrimed with the smoke and flame of the enemy's guns. Is it to be supposed for a moment that Sykes and Morell and Butterfield had imbibed the same spirit of insubordination? If so, they too should have been summarily dealt with, for they were *particeps criminis*. They urged and advised and approved the actions of their chief.

On this question of animus I should be unjust to myself, to Fitz-John Porter, and to the country were I not to invite attention to the most flagrant violation of the rules of evidence on that trial. The Government put in evidence the dispatches of the 27th, written before any alleged disobedience of orders, for the avowed purpose of showing animus. General Porter offered other letters and also acts immediately preceding and following the alleged disobedience and misbehavior, showing great zeal and activity in behalf of General Pope, to show want of animus, claiming, justly and legally, that his whole conduct and declarations should be considered on that question as part of the *res gestæ*. This was ruled out. What! Prove the conversations between Generals Pope and Smith, not in the presence of Porter, nor of any one, as showing animus, and not allow him the poor privilege of proving his own concurrent acts and orders, which were a part of the movement, to rebut such presumptions!

There is not a lawyer upon the floor of this House but knows the error would reverse the finding in any criminal court on the face of the globe. No wonder a storm of indignation burst over the country that produced a partial reversal of that ruling, but the court disregarded the evidence nevertheless. I refer the House to the official record and the protest filed by General Porter on the trial.

We come now to the consideration of the next specification contained in the charges, and which is more serious in its nature, if true. It charges in substance that on the 29th of August, Porter, having been ordered to move with the joint commands of himself and McDowell

from Manassas towards Gainesville, until communication was established between the forces of Pope and those of McDowell and Porter, that then the whole command should halt, did then and there disobey the said order. The next specification charges in substance that Porter disobeyed an order to attack the right flank of the enemy, and which was issued at 4.30 p. m. of the same day, and that he retreated away and fell back from the enemy shamefully, &c. The orders are as follows:

JOINT ORDER.

[General Orders, No. 5.]

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

Generals McDOWELL and PORTER:

You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run at Centreville to-night. I presume it will be so on account of our supplies.

I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall upon the enemy's flank and rear. I do not even know Ricketts's position, as I had not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to rejoin the other divisions of the corps as soon as practicable. If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out.

One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day. My own headquarters will be for the present with Heintzelman's corps or at this place (Centreville).

JOHN POPE,
Major-General Commanding.

4.30 ORDER.

HEADQUARTERS IN THE FIELD, *August* 29—4.30 p. m.

Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so on your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

Major-General PORTER.

On the morning of the 29th Porter had moved, pursuant to orders from General Pope, from Bristoe on Centreville, and while on the march early in the morning of the 29th to that point Porter received the order first quoted, and known as the joint order. He immediately countermarched, having passed Manassas, and took the road from Manassas to Gainesville.

On reading the joint order, we find three things, controlling ideas, that strike us with peculiar force:

First. It indicates that a battle against the combined forces of Jackson and Longstreet is to be avoided south of Bull Run.

Second. There is nothing said about any anticipated battle, but it seems to contemplate a concentration of the army only.

Third. It plainly implies that the army is to fall back that night (29th) or in the night behind Bull Run.

The order says:

I desire that as soon as communication is established between this force and your own the whole command shall halt. * * * It may be necessary to fall back behind Bull Run or Centreville to-night. I presume it will be so on account of supplies. * * * One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here (Centreville) by to-morrow night (30th) or next day.

In his orders, issued that same morning to Generals Heintzelman, Reno, and Sigel, who were to move on the Warrenton pike, he said:

If you find yourselves heavily pressed by superior numbers of the enemy you will not push matters further. * * * The command must return to this place (Centreville) to-night or by morning, on account of subsistence and forage.

It is to be presumed that Porter knew the desires and the intentions of his chief so plainly expressed, and it is equally plain that on the morning of the 29th Pope did not intend to bring on a general engagement with the combined forces of Jackson and Longstreet. When they should combine, it is the plainly expressed intention to fall back behind Bull Run. It is also his determination to fall back behind Bull Run that night, or by morning, in any event.

In the light of these facts, which were partially concealed or wholly lost sight of on the court-martial, and which were never brought to the notice or knowledge of President Lincoln, we see how unjust was any criticism on the letter written by Porter expressing a determination to fall back on the evening of the 29th, and which was written before the 4.30 order was received. But as I stated, on receiving the joint order Porter at once moved for Gainesville. McDowell with his command was immediately behind Porter.

This move was made promptly upon receipt of the order, and the advance was continued until Dawkin's Branch, a small stream about two miles beyond Bethlehem church, was reached. Beyond this stream the enemy was discovered, apparently in force. Porter threw out skirmishers, deployed his advance, and made all preparations for carrying the hills beyond. That the army would have been engaged in a fierce and sanguinary contest within a short time had not General McDowell at this time arrived upon the ground is beyond question and has never been disputed. General Porter was carrying out the order in its spirit and letter. General McDowell was the senior of Porter, and at once took the command. He at once, on viewing the situation, said to Porter: "Porter, you are too far out. This is no place to fight a battle." (See evidence of Colonel Locke, page 135, O. R.; of Captain Martin, page 141; of F. S. Earle, pages 417, 426.)

And this General McDowell does not deny.

Question. Try to recollect if upon that occasion you did not say to him in substance that he was too far in the front, and that the position in which he was was not a position in which to fight a battle, or anything to that effect?

Answer. I do not recollect.

Q. Will you say whether in consequence of a message or otherwise you sent a message to the accused with your compliments, telling him that you were going to the right and should take King with you, and that he, the accused, should remain where he was for the present, and if he had to fall back to do so on your left?

A. I do not recollect. (O. R. 87 and 88.)

They then rode over the ground together, and decided that it was impossible by extending to the right to connect with the forces of General Reynolds, who was upon the left of Pope and two miles or more away, and by nearest road four or five miles, and the intervening woods were impassable. McDowell's forces, fifteen thousand men, were then up with Porter's, about ten thousand or twelve thousand more, so that McDowell had on the ground and on the road along which he and Porter were ordered to move a force of at least twenty-five thousand men. It will be observed that this order was addressed to both, and that McDowell, being in command while on the ground, was in duty bound to see the order carried out. If the time had come when the command was to halt, as directed by the order, then a halt was proper. If circumstances had arisen that made a farther advance at that time impossible, impracticable, or unwise, it was within the province of General McDowell to suspend a farther advance and report the situation.

If such circumstances had not arisen, then it was the duty of McDowell to remain with Porter and press the whole force forward toward Gainesville. If such circumstances had not arisen, he had no right to divide the forces and march away with the larger portion. If it was the duty of Porter at any time that day before the 4.30 order was received to advance farther along that road in the face of the enemy, it was equally and more the duty of McDowell to advance along the same road. They both knew that the enemy was in their front. They both knew that the joint order contemplated an attack by their combined force on the flank of the enemy if it should be reached. They both knew that Pope's command was then engaged with the enemy on the Warrenton pike, two miles north of them. McDowell knew that if they were on the flank of the enemy and it was proper to attack, the larger the assaulting force the better—the more promise of success; and he must have known that if none but Jackson's command was in front of Pope that Pope had force enough to hold him in check, and that a force of twenty-five thousand men hurled upon Jackson's right flank must inevitably have resulted in his entire overthrow and probable capture.

It is plain to my mind that if any one disobeyed the joint order it was McDowell and not Porter. The order directed both, not one, to advance along that road, and when McDowell assumed the responsibility of taking fifteen thousand men, including King's division, which had been ordered to act that day under the command of Porter, and marched away, he relieved Porter from any further duty or responsibility under that order. He left Porter in a position and situation not contemplated by the order, that is, unsupported by the forces of McDowell.

But it is plain to my mind that the attack at Dawkin's Branch was suspended by the order of McDowell, because he knew of the arrival upon the ground of Longstreet's forces, and because he knew that they were facing the united forces of Longstreet and Jackson, the arrival of fifteen thousand men of Longstreet's corps having been reported some hours before. And he knew that if fifteen thousand of Longstreets's men had passed through Gainesville at 9.30 o'clock that morning on their way to Jackson that the balance of Lee's army was not far behind. He therefore knew that the joint order of Pope, in which he had assumed that Lee's army could not arrive on the ground before the night of the 30th or the morning of the 31st, was based upon a misconception, and that it was not wise for him to bring on an engagement in that exposed situation with the whole of Lee's army.

At any rate he knew that fifteen thousand fresh confederate troops were on the ground, and that their arrival was unknown to Pope when the joint order was issued, and that probably an attack by the divided Union Army upon the united confederates was not intended. In fact the order directed that nothing should be done that should operate to prevent the Army from falling back that night beyond Bull Run, where it was evidently the intention of Pope to meet the enemy when they should unite.

The orders for the 29th show on their face that a pursuit of Jackson, who was supposed to be retreating, was the only move contemplated for the day.

I am satisfied that McDowell left with the intention of passing up the Sudley Springs road and until he could connect with Reynolds's left;

that he intended then to deploy to his left, while Porter should extend on his right, and thus connect the whole line; that he intended that Porter should remain where he was until that movement was completed, and that he so said. That Porter so understood and acted upon that understanding is beyond question. All that afternoon Porter's skirmish line was in the woods beyond Dawkin's Branch, and Colonel Marshall, an officer of unquestioned integrity, was observing the enemy. So near was he to the enemy that he could hear the tramp of the men and the commands of the confederate officers and the rumble of the artillery.

Now, when McDowell left, he left Porter free to act as the circumstances dictated he should act. McDowell had the right to remain on the ground and command the whole force; but he had no right to give orders to Porter that should control his action after he left. Therefore it is entirely immaterial whether, as McDowell put spurs to his horse and galloped away, taking King's division with him, in all 15,000 men, he said, "Put your forces in here," or as Porter says, and as two good reliable witnesses say, he said, "Stay where you are." Porter was tried and adjudged guilty of disobeying the joint order, not some disputed and vague order that McDowell may or may not have given.

Evidently McDowell thought that a battle ought not to be fought at Dawkin's Branch; evidently he did not expect that Porter would fight when he left him, at least until he should have connected with the left of Reynolds and closed the gap of two miles between the army of Pope and Porter's corps. If it were otherwise, is it not passing strange that McDowell passed on his four-mile march to join Pope and expressed no surprise that he heard not the guns of Porter on the flank of Jackson? Is it not strange that when he met Captain Pope with the order from Pope directing Porter to move forward and attack Jackson on the flank at once he did not say, "Why, I gave Porter that order two or three hours ago," instead of saying "That it was an important order," as Captain Pope testified he did say?

No blame can be attached to Porter for not engaging the enemy up to the time that McDowell left. Up to that time McDowell was on the ground and had supreme command. I now repeat, that if it was not prudent and proper for McDowell and Porter to attack at Dawkin's Branch with twenty-five thousand men; it was not prudent and proper for Porter to attack with only ten thousand or twelve thousand men after McDowell left. There has been considerable dispute as to what occurred at the time McDowell left. It has been claimed that McDowell left imperative orders to attack at once. McDowell himself makes no such claim; all he claimed was that Porter was to attack at the proper time. All it is claimed that he said was, "You put your men in here." I assert that that time never arrived. McDowell did not come in on the left of Reynolds at all, but on reaching a point near the Warrenton pike he was ordered by Pope to another part of the field.

We now come to the great and important question involved in this case. All enemies and opponents of General Porter have substantially abandoned any claim that any great blame attaches to General Porter up to the time of the receipt by him of the 4.30 order, so called. It is claimed that he willfully and deliberately disobeyed that order, and that instead of attacking as ordered, or at all, he retreated.

That order is as follows:

HEADQUARTERS IN THE FIELD,
August 29—4.30 p. m.

Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds.

The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank.

Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back do so on your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

Major-General PORTER.

It will be seen at a glance that if at the time of the receipt of that order General Longstreet with his corps, or any considerable part of it, was confronting Porter, the conditions provided by the order did not exist, and could not be complied with. If Longstreet was there with his army fronting Porter, then Porter's line of march did not bring him "on the enemy's right flank," nor anywhere near it. It brought him in the immediate front of a largely superior force of the enemy, posted upon a ridge, with thick woods intervening. By that order Porter was to do not one thing, but two things: "Push forward into action at once on the enemy's flank, and if possible his rear, keeping your right in communication with General Reynolds."

To attack on the flank or in the rear was absolutely impossible, and to keep in communication with Reynolds was also impossible. He had no communication to keep; all the afternoon he had been sending men to his right towards Reynolds, trying as faithfully as possible to establish communication, but he had failed. The men had either been driven back by the enemy or captured. It is a very important question when that order was received. While it is clear to my mind that Porter would have been fully justified in not attempting to obey it, inasmuch as to attack on the right flank and rear was impossible without making a long détour to the left in the presence of a superior force of the enemy advantageously posted, a movement condemned by all military men as well as by common sense; and also inasmuch as Porter knew what Pope did not, that Longstreet and Lee were there on the ground, yet we will waive the point, and see whether any attack could be made. A night attack upon an unknown enemy, and upon broken, wooded, and unknown ground, would be condemned by the school-boy. Yet such was the only attack Porter could have made if the order was received at the time he and his witnesses state, namely, sundown or after.

General Sykes, whose veracity no man has ever questioned, said that he was present when Pope delivered the order; the order was received as near sundown as he could remember. (Page 177, O. R.): "Certainly within a little before sunset or after." Colonel Locke says that it was delivered "between sundown and dusk" (page 136, O. R.). Captain Monteith says "it was about sundown" (page 127, O. R.). Lieutenant Weld says it was "after sundown" (page 130–132, O. R.). Lieutenant Ingham says it was "after sunset" (page 199, O. R.). Captain Randol: "It was growing dark. It was between 6 and 7" (page 93.). Six disinterested witnesses, all to the same point and all unimpeached and unimpeachable, say that this order was received at so late an hour that an attack was not only impracticable but impossible.

These witnesses were contradicted before the court-martial by two witnesses only, one Captain Pope, a relative of General Pope, the other his orderly, Duffee. Pope and Duffee think they delivered that order by 5 o'clock on the 29th. They had no watch; they made no memorandum; and they both confess they only guess at the time from the time they think it took them to go to Porter's headquarters, and they fix the date of starting by the date of the order (4.30) and by an estimate of the distance traveled. Pope said he had no recollection of the time it took him to deliver the order (567, O. R.).

There is no evidence that the writing of the order was completed at 4.30, nor that it was delivered to Captain Pope immediately after it was written. The distance was four or five miles, over a rough, broken, and to them unknown road. After the court-martial, as was proved by two reputable witnesses, Pope confesses that he got lost on the way and did not deliver the order until nearly dark.

It is proved beyond dispute that he had to be shown the way back. On the hearing before the board of inquiry a new witness was produced, Archelaus Dyer, who claimed that he accompanied Pope and Duffee on that occasion. He had been recently over the road with Smith, the soul-reader, and he testified that when he went with them to deliver that order he passed a certain house with a peculiar roof, and that he passed in the road on a certain side of that house; that they went to Bethlehem church, where they found Porter in his tent, and that he saw Porter go behind his tent; that this church was of brick, with a steeple, &c.

It was proved that the house he described was not built until the year after the second battle of Manassas, that the road then passed on the other side of that house, that the church never had a steeple or belfry, and that at the time described it was a tumbled ruin. It was also proved that on that day Porter did not have a tent; that he lay under a tree when the order was delivered; a fact that Captain Pope himself had testified to. I am also informed by a gentleman, whose word I shall never question, that on the hearing before the board of inquiry two other men were then produced by this Thomas C. H. Smith, the soul-reader and sweet communer with spirits (the nature of which we are not informed), who, after the cross-examination of Dyer, said to Smith, "You know he was not there and that we were not there, and we are not going to swear to any such thing."

To be mild, I will only say that if the testimony of Captain Pope is half as wild, unreliable, and bombastic as were the reports of General Pope, it is not entitled to a feather's weight. And as to the witness Dyer, he stands upon his own evidence a self-convicted perjurer. Every circumstance supports the claim that this 4.30 order was not delivered until sundown or after. And if there were any doubt on the question, it is our duty to give General Fitz-John Porter the benefit of that doubt, as in the law I am bound to do.

It is true that witnesses are to be weighed and not counted; that it is what satisfies the mind and conscience and convinces the judgment that should guide our conclusions in giving our votes in this case; and it is because of these rules that I am convinced that duty to myself, my country, and my God demands that I support this bill.

We sit here as the court of appeals in this case, the only court that can right the great wrong done, reverse the unlawful judgment of the court-martial, and set aside the mistaken verdict. If we honestly, faithfully, and conscientiously discharge that duty, relying upon the evidence, and hesitate not to reverse the action of that court if any of its material proceedings were unjust and unlawful, or if upon newly discovered evidence we are convinced that the court arrived at a wrong conclusion or one it would not have reached if the whole evidence had been produced, we shall have done honor to ourselves and this Government, and we should not by such action cast any reflection upon that court or any member of it.

If in this spirit we approach the vital question in this case, divesting ourselves of all passion, prejudice, and preconceived erroneous impressions, it seems to me that the verdict of this House must be unanimous.

It is undisputed that on the receipt of the 4.30 order General Porter immediately ordered an attack. Colonel Locke says (page 136, O. R.):

He [referring to General Pope's messenger with the 4.30 order] handed the general a note, which I afterward ascertained was an order for him to attack the enemy at once. He (General Porter) very soon afterward ordered me to ride up to General Morell and direct him to move forward and attack the enemy immediately, and to say that he would be up himself right after me.

This he did. But before Colonel Locke went up Porter had sent Morell a written order to attack, as General Morell testifies (page 147, O. R.):

A little while before sunset, just about sunset, I received an order in pencil from General Porter to make disposition to attack the enemy. That order spoke of the enemy as retiring. I knew that could not be the case from the reports I had received and also from the sounds of the firing. I immediately sent back word to General Porter that the order must have been given under a misapprehension, but at the same time I began to make dispositions to make the attack in case it was to be made. Colonel Locke soon after came to me with an order from General Porter to make the attack. (Page 150, O. R.)

General Morell produced the written order to attack, and which preceded the one given by Colonel Locke; and it is as follows:

General MORELL: I wish you to push up two regiments, supported by two others, preceded by skirmishers, the regiments at intervals of two hundred yards, and attack the party with a section of a battery opposed to you. The battle works well on our right, and the enemy are said to be retiring up the pike. Give the enemy a good shelling when our troops advance.

F. J. PORTER,
Major-General Commanding.

Now, if you will read the evidence of Lieutenant-Colonel Earle and of General Morell you will see that this written order from Porter to attack was given even before the 4.30 order was received, and that when Captain Pope arrived orders were out to begin an attack.

Now, can any sane person say that Porter did not intend to fight, that he disobeyed the order? I also quote from a note from Colonel (since General) G. K. Warren, dated 5.45 p. m., August 29, 1862 (see page 427, O. R.). It says:

I then met an orderly from General Porter to General Morell, saying he must push on and press the enemy.

And yet gentlemen stand here and say that General Porter did not intend to fight, that he gave no orders to fight, and that he disobeyed and intended to disobey the order. We have not only the written but the verbal orders of General Porter, issued after the receipt of Pope's order, directing an immediate attack, and we have the note written on the field that night saying that Porter had given the orders to attack. In the face of this evidence, which cannot be controverted, I insist that such assertions are unfounded and unjust.

But gentlemen say that no fighting followed, that the order was afterward countermanded, and that no attack was made. True. But General Morell says that it was too late, that it was just between daylight and dark, and that no attack could be made. The enemy was in front in large force, and the ground was rough and heavily timbered. The enemy were posted on a ridge in a position that was admirably adapted to defense, a very stronghold.

Major Hyland was in front of Morell on the skirmish line, and could hear the commands plainly as if the enemy was forming in line and the movements of the artillery coming into position. He says:

I judge from the movements and the commands given that there was a very large force indeed, probably a larger force than we had. * * * From what information I had, and from what I could get from the other officers, I thought their force was very heavy indeed.

Lieutenant Stevenson says that between 1 and 4 o'clock he joined his regiment on the skirmish line—"could see the enemy; judge him to be between twelve thousand and fifteen thousand; could see his forces of different arms, infantry and artillery; he was receiving re-enforcements."

Col. E. G. Marshall was in command of the skirmish line. Says there was "a very large force, and they were drawn up in line of battle as they came down."

All these facts were reported to Morell at the time and to Porter, still Porter ordered the attack to be made and repeated the order after the remonstrance of Morell.

Colonel Marshall, whom this committee who made this report say is entitled to the highest credit, knew all the facts, and he says that General Morell asked his advice as to making the attack.

Says Colonel Marshall:

I told him by all means not to attack; that it was certain destruction for us to do so; that I for one did not wish to go into that timber and attack the enemy. Their position was a very strong one and they certainly were in force at that time; twice as large as our own force—all of General Porter's corps. If we had attacked them I felt that it was certain destruction. Afterward, at dark, I was sent for by General Porter and questioned very stringently with reference to the enemy, and my remarks to him were the same I am now making and as I made to General Morell.

How it is possible for the gentlemen to contend that General Porter was guilty of disobedience of that order under these circumstances I am unable to see; the witnesses all agree that a flank attack was out of the question, and that an attack in front was all that could be made.

Common sense unaided by military skill tells us that to have moved a force of ten thousand men against such a position in the face of such trained soldiers as Longstreet commanded, and in the gray of the evening when the darkening woods would have rendered every move uncertain and obscure, would have been suicidal. About noon that day McDowell had suspended an attack already begun on that position, as has been proved by five witnesses, and it must have been on the ground that an attack was unwise and injudicious.

If any gentleman disputes the assertion that Porter was in the very act of assaulting the enemy beyond Dawkin's Branch when McDowell arrived on the ground, I desire to call his attention and read for his information the written orders and the evidence of the witnesses. It is undisputed that Morell deployed, formed a line of battle, and that there was skirmishing and artillery firing. Early in the afternoon General Porter sent General Morell this order:

General MORELL: Push over to the aid of Sigel and strike in his rear. If you reach a road up which King is moving and he has got ahead of you, let him pass, but see if you can not give help to Sigel.

* * * * * * *

F. J. PORTER, *Major-General.*

General Morell attempted to do this, but failed because of the thick woods and rough ground. It will be remembered that Sigel was on the turnpike with Pope. I searched the evidence in vain for any proof that Porter hesitated to do any act that should bring on a battle at any proper moment. In vain do I search for evidence that he had a desire to do other than his duty, his whole duty, and nothing but his duty—not only his duty to his commander, General Pope, but his duty to his country and his God. His whole career gives the lie to any other assumption. In the Mexican war, at Cerro Gordo, Contreras, Molino del Rey, the siege of Vera Cruz, Chapultepec, and the capture of the city of Mexico he had fought and shed his blood and never flinched.

At Gaines's Mill and Malvern Hill he had been particularly conspicuous for his gallantry and zeal and courage. Accomplished and brave, he was loved by his soldiers, who under his leadership had won for themselves laurels that will never fade. On the 30th of August he led his corps into the thickest of the fight, making assault after assault that General Lee characterized as most desperate and determined. How well he fought on that day is attested by the fact that his corps lost more men in killed and wounded than any other. If on the 30th General Pope had entertained the idea that Porter had been disloyal or derelict in his duty on the 29th, is it conceivable that he would have been retained in the command and given the post of honor and highest confidence and trust on the 30th? Impossible.

If at the close of Pope's campaign the Government had supposed that Porter had been guilty of any disobedience or neglect of duty, would he have been placed in command of the defenses of Washington as he was? Would he have been ordered with his corps to the field of Antietam? Would he have been allowed to remain in the command of his corps until the 12th of November, more than two months after the battle of Manassas? Did it take two months for Pope and the Government to ascertain that Porter had been guilty of crimes that merited death?

Is it not a significant fact that the removal of McClellan and the arrest of Porter were almost concurrent acts? Has it been forgotten that General Halleck did General Grant great injustice after the capture of Forts Donelson and Henry, the first great successes of the war? Need you be reminded of his sharp and insulting dispatches to that general, and that after the battle of Pittsburg Landing he went up and took command of the Army himself, and spent six weeks in besieging the vacant hills and fields between that place and Cornith, while the enemy reposed and refreshed themselves at that place? Have you forgotten that for two months or more Grant was without a command, and heralded as a drunkard and an incompetent? Is it not remembered that even the brave and gallant and devoted Thomas had been, in fact, superseded when he fought and won the battle of Nashville and destroyed the army of Hood?

Injustice was done these men and accidents saved them. It was only the personal entreaty of Sherman that kept Grant with the Army, smarting as he was under his undeserved and unjust treatment by Halleck. It was the slow train that preserved the command to Thomas and enabled him to win the laurels of Nashville. In the light of history let us be guarded in our action, that we may not add another mistake to the long list already recorded. Great stress has been laid upon the fact that General Porter was deceived by the dragging of brush up and down the road in his front by General Rosser's troops. That they did so drag brush to give the appearance of a large force moving in front is unquestioned.

General Rosser testified before the board of inquiry that such dragging of brush commenced in the forenoon and was stopped as early as 1 o'clock p. m. By that time Longstreet's men were well in position and hungry for an attack. All the time from 12 until 1 o'clock McDowell was on the ground, and if Porter was deceived so was McDowell; if the one deserves criticism for being deceived by the enemy, so does the other. But I can not see what that has to do with this question. If Porter was deceived by the great dust kicked up by Rosser's cavalry, honestly deceived, we may censure him for want of keen penetration, but we can not pronounce it a crime. Other generals have been deceived, other commanders misled by the ruse of the enemy.

If Halleck had known the condition of things at Corinth that place

would have been taken in six days instead of six weeks. Yet he was not court-martialed. If the advance of Grant's army had been pushed rapidly to Petersburg in strict obedience to orders, and the generals leading had not been deceived and misled by the enemy and by wrong assumptions and conclusions, Petersburg would have fallen the next day instead of a year or more later. Yet no one was court-martialed or dismissed the service.

On the files among the archives of the Army is a paper indorsed by General Meade in these words:

> Had General Hancock or myself known that Petersburg was to be attacked Petersburg would have fallen.

To capture that city cost the lives of thousands of the bravest and best, yet I have never heard that any general of our Army was censured, court-martialed, or dismissed the service for that mistake.

Something has been said here about the mode of conducting courts-martial and about the organization of the court that tried Fitz-John Porter. It is conceded that during such a trial the accused and his counsel are always excluded from the room during its deliberation upon all questions, while the judge-advocate remains with the court. Such is the law of courts-martial, but is it justice? Should the prosecuting officer be thus in the room, when, even if he takes no part, he may hear all the court say, and thus ascertain their feelings and views of the evidence? Let me ask the gentleman from Ohio what would be his feelings were he on trial for his life to find the court and the jury shut up with the prosecuting attorney, deliberating upon and discussing the legal points of the case only, but in doing which they must of necessity discuss the evidence and its weight and bearings as against the accused?

Judge Holt, the judge-advocate on this trial, was a good lawyer and a patriotic citizen, but no man ever has or ever can prosecute a case of any kind without having his judgment warped by a constant study of and association with one side of the case only. It may be that the court did not seek or ask or have his advice during those deliberations so frequent on this trial, and where so much evidence that was prejudicial to General Porter was illegally admitted and so much that was favorable was illegally ruled out. This may be, but I am not prepared to so believe. I think that his advice and his judgment on legal points, at least, controlled the court.

I do not reflect upon that court, nor upon any single member of it. I am willing to concede that every member was honest in intent, but I do not forget that two of its members were actors in the scenes of August 28, 29, and 30, 1862. I do not forget that if Ricketts and King had not fallen back from Thoroughfare Gap on the 28th, contrary to orders, Longstreet could not have come through that night or on the 29th and that Jackson must have been captured or his force scattered. Their conduct was in question; they were interested, as events proved and as the trial demonstrated. Can any member of this House say, therefore, that they were impartial judges?

I think no man on the floor of this House has intended to attack the character of Lincoln or Garfield or Stanton. In the heat of debate many expressions may escape the lips which are liable to misconception and misconstruction. I am second to no man in my love and admiration of the murdered Garfield. When the stars fade from heaven forever and the sun shall no longer give its light, when countless ages shall have rolled away, there shall yet remain the fame and glory that make radiant the memory of Lincoln and Garfield. How much we owe to the toil and patriotism of Stanton, rugged and severe as it was, history will never tell. In doing his stern duty if he sometimes erred it would create no surprise, nor should it cause any reflections on his memory; neither should we allow any sentimentality to blind our judgments or prevent our correction of all errors when opportunity presents.

It is not immaterial to me what Garfield thought. Having sat as one of the court in the Fitz-John Porter case, if he concurred in that verdict I will give weight to his opinion. If any gentleman can tell me how any member of that court voted I ask for the information. I await an answer. Every member of that court was sworn to secrecy. If any member has made known his vote, either directly or indirectly, he has demonstrated his absolute unfitness for the position and violated that most sacred oath.

If the gentleman from Indiana can present no more forcible argument in this case than a dream of his, he has no place in the argument of this question, for if dreams supply his argument they will control his judgment, and necessarily his vote on this bill will be good or bad according to the kind and quality of his dinner. As he delivered his speech I suppose he thought of the lines of the poet:

> I sing the sweets I know, the charms I feel,
> My morning incense, and my evening meal,
> The sweets of hasty-pudding.

But great stress has been laid upon the fact that General Porter said he had no objection to any member of the court. Could he have changed the court by objection? Hardly. This court-martial was ordered on the 25th of November, 1862, nearly three months after the events of August. In the mean time Porter had invited investigation, had clamored for a military court of inquiry, that his conduct might be fully examined. That was not granted. The loved and ever-lamented President made the order, but I assume that the stern and rugged Stanton had prejudged the case; that he induced its suppression and the substitution of an order for a court-martial. But Porter did not object. Feeling secure in his innocence, he went before the court confident of a triumphant vindication. "Innocence is ever simple and credulous; conscious of no designs in itself, it suspects none in others." He knew not that Pope was in possession of his private correspondence, and he little thought of the misconstruction that was placed upon it. He little knew of the hatred burning in the bosom of Pope. He little suspected that witnesses would come into that court and be allowed to characterize the expressions of his face as evidence of treason to Pope and disobedience of orders. I am fully aware that many of my Republican friends upon this floor are disposed to pay but little heed to the new evidence produced before the court of inquiry at West Point. It is said that it comes from confederate sources. Pause, gentlemen, and reflect. Can you for one moment suspect that any confederate officer would misstate a fact to aid General Porter? We knew they were misled and mistaken, but yet our brothers. They were children of the Union of the States who had loved and defended and who still love and defend the old starry flag, and I then thought, although wearing the blue while they wore the grey and fought under the stars the bars, and I still believe, that there was no time when they felt not a glow of pride as they caught sight of the Stars and Stripes of their fathers.

Buford, a general in the Union army, reported at least fourteen thousand confederates passing through Gainesville at 9.30 of the morning of the 29th. Longstreet says his corps was up by 11 and in position by noon, or soon after; many others say the same.

The testimony of every confederate officer shows that the forces of Longstreet—twenty-five thousand or more—were on or near the Warrenton pike in Porter's front all the afternoon of the 29th. They were formed on the right of Jackson, to the south of the pike, across the railroad, and in the immediate front of Porter. The reports of the confederate officers, made at the time, show conclusively how this was.

General D. R. Jones commanded the rear division of Longstreet's forces. He said in his report made then:

> Early on the morning of the 29th I took up the march in the direction of the old battle-ground of Manassas, whence heavy firing was heard. Arriving on the ground about noon, my command was stationed on the extreme right of our line.

This was in front of Porter.

Says Longstreet:

> Hood's division was deployed on the right and left of the Warrenton turnpike at right angles with it. General D. R. Jones's division was placed upon the Manassas Gap Railroad to the right, and in echelon with regard to the three last brigades.

This is the railroad across which Morell deployed about noon and where he was cannonaded, his horse being struck and several men being killed by infantry firing. It is evident, then, that the whole force of Longstreet, except one brigade, was in Porter's front, and that any advance would have struck that overwhelming force, not the flank of Jackson. The sworn testimony of General Longstreet, given before the board (page 59, &c.), shows twenty-five thousand confederates within easy call and several thousand in Porter's immediate front. The report of General Stuart (at page 70) shows the same. Beverly H. Robinson testifies that long before noon heavy forces were in front of Porter's, and he says if Porter had advanced on that road he would have struck the confederates about their center.

I now, sir, desire to call the attention of the gentlemen who oppose this bill to new evidence on these important questions that does not come from confederate sources. It comes from Union officers and soldiers who took an important part in the scenes of August 29. At the time of the court-martial, remember, General Porter was under arrest; these men were at the front; General Porter was not permitted to visit them, and every door of information was closed against him.

General M. R. Patrick (page 184) says that he was in command of a brigade of King's division, and on the 29th of August was halted with the command above Bethlehem church just in rear of Porter's corps; that McDowell had told him that morning that he and King's division were to go with Porter; that about 1 o'clock McDowell came down from the front and said that Sigel was in a bad way. "I am going to take you away from Porter; Porter has gone as far as he can go," or "Porter is as far as he can go;" and at page 198 he says McDowell said: "He has got as far as he can go," or "as far as he ought to go." The idea was Porter has got to stop where he is, and I want you to go around on the other road.

This evidence coming from the lips of General Patrick of my own State convinces me that when McDowell took King and fifteen thousand men and marched away, leaving Porter with only ten thousand men, saying "Porter has got as far as he can go," or "Porter has got as far as he ought to go," that he meant what he said and said what he meant; and that Porter and Colonel Locke and the others are correct when they say McDowell ordered Porter to stay where he was and told him it was "no place to fight a battle."

McDowell may swear till doomsday that he told Porter, "Put your forces in here," and that he expected that Porter would fight there; I shall not believe him. If it was the time and place for General Porter to fight, it was the time and place for General McDowell and General

King to fight. Either McDowell was a craven when he marched away at 1 p. m. that day, or he was wofully mistaken when he testified before that court-martial.

Fisher A. Baker, adjutant of the Eighteenth Massachusetts, was in Morell's division in the advance on the 29th of August. He says skirmishers were thrown out and there was firing all the afternoon, also artillery firing, and some men were killed; that he saw a heavy force in front all the afternoon.

General W. M. Graham was with Kearny the night of August 27; was ordered to march that night; it was so dark they could not, and at 10 o'clock halted for the night.

It will also be borne in mind that Generals Pope and McDowell, and officers of lesser rank than General Porter, were allowed to give their opinion that if Porter had moved forward and attacked that night the result would have been a complete victory for the Union army, and it was largely upon these opinions, based upon the assumption that Longstreet was not in the front of Porter, that the conviction was had. It will also be borne in mind that Porter was contending that a large force of the enemy was in his front at the time the 4.30 order was received and that a flank attack was impossible. Under these circumstances the following question was put to General Pope on his cross-examination:

Q. Bearing in mind the terms and tenor of the order of 4.30 p. m. of the 29th of August and its direction to the accused to attack the enemy's flank, and if possible his rear, and at the same time to keep up communication with General Reynolds on the right of the accused, please to inform the court whether, if it could have been foreseen at 4.30 p. m. that at the time when the accused should receive that order he would find himself in front of the enemy in large force in such a position that he could not outflank the enemy without severing his connection with General Reynolds on his right, would you, if that state of facts had been foreseen at the date of the reception of the order, have expected or anticipated obedience from the accused to the order according to its terms?

An objection was made, and the court ruled that the witness should not answer the question. The same ruling was made on this vital and all-important question all through the trial, so that while the prosecution was showing by opinions that if Porter had attacked a complete victory would have been won, assuming that Longstreet was not there, General Porter was refused the right to show that if Longstreet was there, as he claimed, not only would an attack have been suicidal, but that even Pope himself would not have expected an attempt to obey the order. The ruling was wrong, unjust, illegal, prejudicial.

Sir, gentlemen should keep in mind that on the trial of Fitz-John Porter it was charged and insisted that Jackson's force, twenty-two thousand, was the only enemy on the field, and that Fitz-John Porter, being on the flank of that force, was in duty bound to attack, "to march to the sound of the cannon," to the aid of Pope, who, it is claimed, was being defeated, and that therefore he was guilty. They should remember that on that trial it was insisted on and sworn to by Pope himself that Longstreet was not up and could not have been there. And there sat Porter insisting that Longstreet was there, and that his presence with twenty-five thousand men made an attack by him ruinous and a criminal waste of blood. On the assumption that Pope was correct, and on that alone, was Porter pronounced guilty. Now it is proved beyond question that Longstreet was there, that Porter was right and Pope all wrong. If justice has not fled to brutish beasts, let her now resume her seat.

Said the gentleman from Michigan:

There above the sulphurous smoke of that bloody field towered the majestic specter of America—

Which, being interpreted, means the majestic ghost of America—

calling through the bellowing of the guns "Fitz-John Porter, this way!"

I admire the beauty of the gentleman's language, the power of his eloquence, and the magic of his presence, but I deny that Fitz-John Porter was to respond to the call of any ghostly apparition. Battles are real and practical, and demand cool commanders, who are neither visionary nor controlled by specters. Had Fitz-John Porter that day listened to any voice other than that of judgment, wisdom, and duty, the specters of thousands of uselessly sacrificed soldiers would have risen from the bloody ground and, with skeleton fingers, dripping blood, pointing at him, would have cried, "Recreant to duty, regardless of life, you are our murderer!" and that vision would have haunted him down to his grave. It was his duty to save, not knowingly and uselessly to sacrifice life.

The same gentleman from Michigan says that—

McDowell swears that Porter, standing there upon the crest of the hill, pointing with his hand above the tops of the trees, said, "McDowell, we can not go in there anywhere without having a fight;" and that McDowell replied, "I understand that is what we are here for."

He would have us imply that McDowell was ready and willing to fight then and there and that Porter is responsible that no fight occurred.

How frivolous, how misleading the statement, how destitute of point or force, is demonstrated by the fact that almost immediately after that McDowell, burning and glowing, restless and raging for a combat with the enemy, as the gentleman would have us think, did what—attack that enemy in their immediate front? Get into a fight, which was what they were there for, as he would have us think? No, sir; but he took fifteen thousand of the twenty-five thousand men on that field and marched to the rear, and upon a circuitous route, that occupied the remainder of the day. There is no disputing this; and yet the gentleman would have us think and find that the subordinate was disobedient, while the superior officer who fled the field (if it was a duty incumbent on any one to fight there) is lauded as a hero and made a witness to degrade Porter for not doing what he himself declined to do; for not doing what McDowell thought not wise to do; for not doing that which General Porter subsequently discovered would have been perfectly ruinous to do; for not doing that which this board of inquiry say would not only have been "a great blunder" but "a great crime."

But the gentleman in his zeal and blind grasping for some straw upon which to found an argument against General Porter, quite unexpectedly stumbled upon the dispatch of General John Buford, and which, having been sent to Ricketts and forwarded to McDowell, was by him shown to General Porter between 12 and 1 o'clock. It is as follows:

HEADQUARTERS CAVALRY BRIGADE—9.30 a. m.

General RICKETTS: Seventeen regiments, one battery, and five hundred cavalry passed through Gainesville three-quarters of an hour ago on the Centreville road. I think this division should join our forces now engaged at once. Please forward this.

JOHN BUFORD,
Brigadier-General.

That dispatch made it perfectly plain to General Porter that Pope had once more blundered and miscalculated. It proved beyond all question that the falling back of Ricketts from Thoroughfare Gap the night before had allowed Longstreet to come through, and that notwithstanding the announcement in the joint order that Longstreet would be up by the night of the 30th or the morning of the 31st, Lee's army was there united and in the immediate front. The trouble was, not that Porter was slow, but that Lee and Longstreet were two whole days ahead of Pope's time.

And yet the gentleman from Michigan says that he does "not believe in the faithfulness of that report."

"I think that Buford was mistaken as to the hour," says the gentleman. Why, sir, the Buford dispatch was in writing, dated at 9.30 that morning, and unless borne on the wings of the hurricane direct to McDowell must have been written not later than 9.30 or 10 o'clock that morning. But as that dispatch, like a double-edged dagger, punctured the gentleman's argument, he was compelled to argue that Buford was false in his written dispatches. So he makes the assertion, and then goes off on a wild-goose chase after the person of General Longstreet riding on the saddle behind Stuart, who was looking him up.

Sir, even if Longstreet had not passed Gainesville in person at 9.30 a. m., it is no indication that his advanced divisions were not even then in front of Porter. But, sir, argument is not necessary in the face of this report signed by Generals Schofield, Terry, and Getty, all Republicans, in which they say, among other things:

Such an attack under such circumstances would have been not only a great blunder, but, on the part of an intelligent officer, would have been a great crime.

And—

It is not possible that any court-martial could have condemned such conduct if it had been correctly understood. On the contrary, that conduct was obedient, subordinate, faithful, and judicious. It saved the Union army from disaster on the 29th of August.

We can but reach one conclusion if we will lay aside our prejudice and partisanship and act the part of the unbiased judge.

Sir, I am deeply pained to see such strained efforts to find arguments against General Porter. If none exist in the record, let us not travel outside and into the realms of guess or speculation, where we shall find ourselves groping in ignorance and doing great wrong. If it be possible that General Buford was mistaken one or two hours in the date of his 9.30 dispatch, it is more than probable that Pope was more than an hour out of the way in dating his 4.30 order. Such an error would be in "sweet accord" with his numerous egregious errors and contradictions.

I have, sir, but one word more. My love and admiration for the soldiers of this Republic are unbounded and beyond expression. There are more than a hundred thousand of them who are encamped in the bivouac of the dead whose silent voices come to us amid the busy cares of the day and appeal for justice to every soldier and plead for Fitz-John Porter. In the silent hours of the night do they come, and as we securely repose, relying on the care and infinite justice of God, they appeal to us to right this great wrong, and remove the undeserved stain that for twenty years has darkened the record of Fitz-John Porter and stained the military annals of the Republic.

Sir, I am aware how impossible it is to fully review this case in the brief time allowed me. But I repose confidence in this House and in its integrity and intelligence. In the name of justice, for the honor of our country, and in behalf of the thousands of soldiers who appeal to us for justice to their old comrade in arms, and whose confidence in his integrity, loyalty, and devotion has never been shaken, I ask for that most righteous verdict in this case which will have been rendered when this bill becomes a law.

Mr. THOMAS. I will yield a minute or two of my time to the gentleman from Indiana, Major STEELE.

Mr. STEELE. I merely want to call attention to the question which I wished to ask the gentleman from New York [Mr. RAY]. He takes exceptions to my saying that these officers were sent for by General Porter. I want to quote from the testimony of General Sykes, one of those officers. It will be found on page 170 of the record in this case. He says:

About 10 p. m. on the 27th of August General Porter sent for me; we were then encamped at Warrenton Junction. In his tent I met General Morell, General Butterfield, and Capt. Drake De Kay. General Porter informed me that he had received an order by the hands of Capt. Drake De Kay directing his corps to march at 1 o'clock a. m. on the 28th.

On page 179 of the same record will be found the testimony of General Butterfield to the same effect in substance. The gentleman from New York [Mr. RAY] states that an order was sent back to General Pope by Pope's own officers that he (Porter) could not move. I find no such record. There may be such, but I do not think there is. On the contrary, I find that General Butterfield testifies, as will be found on page 179 of the record, that General Porter sent two of his own officers to General Pope.

I will also read what General Sykes says about the possibility of moving on the night of the 27th of August. A large part of the remarks of the gentleman from New York [Mr. RAY] has been directed to what General Sykes said. On page 173 of the record I find the following as the testimony of General Sykes:

Q. Are you to be understood as saying that had you received an order from General Porter to march at 1 o'clock a. m. on the 28th, with the knowledge you then had of the road and of the obstructions on it and the condition of the troops, you would not have obeyed it?

A. If I had received such an order from General Porter of course I would have obeyed it.

It makes a difference whose ox is gored.

Mr. LAIRD. Yes; but General Sykes says afterward in the same testimony that it would have been impossible for him to have obeyed such an order.

The CHAIRMAN. The gentleman from Illinois [Mr. THOMAS] is entitled to the floor.

Mr. RAY, of New York. I was not aware that the gentleman from Indiana [Mr. STEELE] asked me a question.

Mr. THOMAS. The gentleman from New York [Mr. RAY] had an hour and a half, and he repeatedly and persistently refused to allow himself to be interrupted.

Mr. STEELE. Of course I do not say there is no such testimony that Porter sent word by Pope's aids that he could not move. I would like very much for any gentleman to show any such testimony, and I do not think it can be done.

Now, in regard to the statement of the gentleman from New York [Mr. RAY] that McDowell made a retrograde movement, I will say that there is no evidence at all to show it. On the contrary, under the discretion of the joint order McDowell distinctly says that "in order to facilitate and to carry out the intentions of General Pope, under the discretion given me, I will facilitate matters by moving King and Ricketts up to Sudley Springs," &c.

Mr. ROSECRANS. That is, to make the retrograde movement of which the gentleman speaks.

Mr. STEELE. It was no retrograde movement; it was a movement against the enemy.

Mr. LAIRD. That is to say, you will promote McDowell for running away from the enemy, and say that Porter should be shot for doing the same thing.

Mr. STEELE. I say that there is no evidence of a retrograde movement.

Mr. RAY, of New York. I will ask the gentleman to read the evidence of Judge Patrick before the board of inquiry.

Mr. STEELE. I do not care one cent for what he said before the board of inquiry.

Mr. THOMAS. Mr. Chairman, I have to request now that members will not interrupt me during the course of my remarks. With the material I have on hand I hardly think I shall consume the whole of the hour allotted to me under the rule. Therefore, at the conclusion of my remarks there will be sufficient time for me to make answer to any questions which gentlemen may see fit to propound to me.

If in the course of my remarks any gentleman may desire to question any of my statements or propositions, for the convenience of others as well as myself I request those gentlemen to bear such statements in mind or to make note of them, and when I shall have finished my regular remarks they may then ask me the questions that have occurred to them. I promise in advance to answer them as fully and fairly and as dispassionately as I may be able.

I approach the discussion of this case, Mr. Chairman, with many misgivings. It is a great and important question. There is a vast volume of evidence in the case—evidence taken before the court-martial as well as that taken before the commission appointed by President Hayes. I approach its consideration with greater hesitation in view of the statement made the other day by the gentleman from New York having charge of this bill [Mr. SLOCUM] when he said:

It has become apparent to me in this discussion that the people are entirely mistaken; and that no more profitable thing can be done than for Congress to sit here and tell the world how much they know about military matters. If the members of Congress would only tell Grant and Sherman and Schofield and other such men all they know about military matters you could dispense with the military men and abolish the Army.

Further on he said:

There was never such an absurdity perpetrated in any representative body as has been enacted here; for three hundred gentlemen knowing nothing about military matters to sit here and gravely discuss subjects about which they know nothing whatever and never can know.

If this *ipse dixit* of the gentleman represents the fact, then I repeat that I approach the consideration of this case with many misgivings. But I feel encouraged, Mr. Chairman, to offer a few desultory remarks on this bill since the same gentleman, in the course of his regular speech, said:

On Sherman's great march from Atlanta to the sea, when all knew that he had left his base of supplies and burned his bridges behind him, and all were in suspense as to his intentions, when few even of his own command knew the destination of the army in which they were serving, I have seen day after day private soldiers seated by the roadside on the line of march, with pocket-maps in their hands, eagerly and intelligently discussing the probable plans of their commander.

I feel the more encouraged to proceed with the discussion of this case in view of the remarks of the gentleman from New York [Mr. RAY] who has just completed his speech, for he informed us in the beginning that he, as a private soldier, proposed to enlighten the House with reference to this matter. True, that statement as to his rank was, but a few moments since, somewhat neutralized by his stating that he had issued thousands of orders. I do not question either of these statements. I simply present his own paradox, and let gentlemen take his statements for what they are worth. I do not think it follows because a man was a private soldier that he is not able to discuss this case fairly, conscientiously, and intelligently; and I am borne out in that conclusion by the very able argument in the interest of Fitz-John Porter made by the gentleman who announced himself in the beginning as a private soldier.

Mr. RAY, of New York. I repeat it now.

Mr. THOMAS. And it is—

Greatly to your credit,
For you yourself have said it.

[Laughter.]

We are admonished here by the friends of Fitz-John Porter and of this bill that it is not properly a political question, and that political considerations should not enter into it. I grant you that that ought to be true; that in theory it is true, while in practice this has been, and is to-day, one of the most prominent political questions that has come before the American people since the close of the rebellion——

Mr. ROSECRANS. True.

Mr. THOMAS. And it is made expressly so by the friends and followers of Fitz-John Porter.

Mr. ROSECRANS. No.

Mr. THOMAS. Ah! the gentleman's exclamation of "no" proves nothing. Look at the history of the past; look at the history of the present. Follow up the political lives and convictions of the men, with a few individual exceptions, who support Fitz-John Porter and this bill, and see what their political affiliations were and have always been. I say that if we put our feet on the Constitution of our country, turn our backs upon the legally constituted authorities, and determine in spite of the Constitution itself, in spite of our form of government, to invade the province of the judicial department of this Government, then I say we should free ourselves from all political bias, assume that we can properly and legitimately investigate the question, and then act on it as judges and not as politicians.

I do not care, in the discussion of this case, to go over all the evidence for or against Fitz-John Porter. Other gentlemen have taken it up and analyzed it most thoroughly; have discussed it elaborately; and therefore I shall content myself with a discussion of only admitted facts in this case—facts admitted on both sides.

In the first place, then, I deny the right of Congress, under the Constitution, to investigate this case or to pass upon it at all; and this attempt to override the decision of one of the constitutional tribunals of this country is in my opinion an absolute violation of the Constitution of the United States.

We have three co-ordinate branches of government—the legislative, the executive, and the judicial. It is for Congress to enact laws; for the courts to pass upon their constitutionality and punish the violations thereof; and for the Executive to execute the law as it is enacted and declared.

But we are gravely informed here by one gentleman advocating the passage of this bill that courts-martial are not courts in any proper sense; that they are not mentioned in the Constitution as a part of the judicial system of the United States. Let us see whether that is true; for the gentleman's statement, if it goes uncontradicted, will doubtless have some weight. Let us see whether that is true; and, in order that we may reach the matter properly, let us go to the Constitution itself. I read from Article III:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime,

unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger. * * *

Then Congress has the right to establish inferior courts. It has the right under the law to establish courts-martial by statute, and courts-martial are authorized by the Articles of War, which have the force and effect of statutes. Therefore, inferior courts—inferior, I mean, to the Supreme Court of the United States—in conformity with the provisions of the Constitution of the United States, have been established. That civil courts shall have no jurisdiction of offenses arising in time of war in the military and naval forces of the United States is expressly provided, as I have shown, in the Constitution. Therefore it negatively affirms that they may be prosecuted without indictment in the inferior or subordinate courts established by Congress. I suppose no one will deny the soundness of that proposition or the truth of my statement in reference to the matter.

Now, courts have been established and courts-martial have been authorized under the Constitution by Congress and have existed from the beginning of the Government. Fitz-John Porter was an officer in the United States Army, and was charged with violating the Articles of War, in being guilty of neglecting and refusing to obey the lawful commands of his superior officer. Those charges were preferred against him, and he was brought before a duly and constitutionally organized court-martial—was fully, fairly, and justly tried and convicted, and in compliance with the laws of the United States the finding of that court-martial was examined by the Secretary of War and approved by him. Ay, more than that, it was examined as the law required—for it is always the presumption of law that an officer charged with the performance of a duty discharges that duty—by Abraham Lincoln, President of the United States, and approved by him. It was, therefore, a finished fact, and the case had been tried as the Constitution and law required it should be. It had reached a final resting-place, had been rounded and completed by that co-ordinate branch of the Government to which it belonged.

I say, then, that since the Constitution of the United States in terms expressly prohibits the enactment of *ex post facto* laws, it must at least in principle prohibit Congress from passing retroactive laws having the effect of annulling the decision of a case by a co-ordinate branch of the Government equally powerful with itself. On that ground, therefore, I protest against the proposed action of the House in passing this bill.

But, sir, if it is to be discussed, and we see that it not only has been, but is to be still further, let us look at the case in the character of judges, which, in theory at least, we are. Let us for a moment free ourselves from political influences and sit clothed in ermine as spotless as that worn by any judges of the land.

Now, what are the admitted facts in this case? For it is proper that we should have them all before us, so that we may be able to determine the right or the wrong of the matter. First, there was a war of the rebellion, and during the war of the rebellion one subdivision of the armies of the United States was called the Army of Virginia. It is admitted on all hands that at the time in question Maj. Gen. John Pope was properly and legally in command of that army. It is admitted that the Fifth Corps was a part of the Army of Virginia, and that Fitz-John Porter, then a major-general of United States volunteers, was in command of that corps. It is admitted on both sides that Fitz-John Porter, then a major-general of United States volunteers, and while in command of the Fifth Army Corps, was ordered by Maj. Gen. John Pope, then in command of the Army of Virginia, to move his command at a certain time and to be at a certain place mentioned in the order by a certain hour. It is further admitted that Fitz-John Porter there and then failed to comply with that order. It is admitted that for this disobedience of orders and his conduct at the time charges and specifications were filed against him by a party authorized by law to file such charges. It is also admitted that a general court-martial was ordered and convened by proper constitutional authority to try Fitz-John Porter on the charges and specifications then filed. It is further admitted that said court-martial was a lawful and constitutional tribunal; that their proceedings were legal and constitutional. That court-martial was composed of the following distinguished officers of the United States Army: Maj. Gen. David Hunter, United States volunteers, president of the court; Maj. Gen. E. A. Hitchcock, United States volunteers; Brig. Gen. Rufus King, United States volunteers; Brig. Gen. B. M. Prentiss, United States volunteers; Brig. Gen. James B. Ricketts, United States volunteers; Brig. Gen. Silas Casey, United States volunteers; Brig. Gen. James A. Garfield, United States volunteers; Brig. Gen. N. B. Buford, United States volunteers; Brig. Gen. J. P. Slough, United States volunteers; and Col. J. Holt, Judge-Advocate-General.

It is shown by the evidence taken before the court-martial, as well as by that taken before the famous Schofield commission, that Fitz-John Porter was at the time of the trial entirely satisfied with the *personnel* of the court, as is shown by his own statements and admissions. It is admitted that Fitz-John Porter was fully heard by, and ably defended before, the court-martial, as shown by the fact that the trial lasted forty-five days. It is admitted that the case was fully examined both by the Secretary of War, who approved the findings and verdict of the court-martial, and by the President of the United States, who also approved its verdict and findings, and that, too, when all of the facts and circumstances of the case were fresh in their minds, and when their official lungs were full of the very air by which the case was surrounded. And this is the first time, Mr. Chairman, this morning is the first time, I have ever heard it questioned that the President failed to examine or had not examined fully the case, and that statement comes now as second-hand evidence, and not as evidence that would be considered in any court, and has not strength, solidity, or pungency enough to overturn that legal presumption that an officer always discharges his lawful and constitutional duty.

These, then, sir, are the admitted facts in the case in favor of the Government and against Fitz-John Porter. Now, what reasons are presented for offering this bill, having as its object the setting aside of the findings and sentence of the court-martial? These are important questions, and afford an appropriate field of inquiry. It is claimed that a corps commander has certain discretion in the execution of the orders of his superior officer, and that Fitz-John Porter only exercised a proper discretion in refusing or neglecting to execute the orders of General Pope, his superior officer. This, then, is the first reason offered why we should set aside the proceedings of the court-martial.

The second reason is that a commission appointed by President Hayes reported that injustice had been done to Fitz-John Porter by the court-martial; that the findings and verdict were wrong, and that the approval thereof by the Secretary of War and the President of the United States was erroneous, and therefore that the whole proceedings ought to be set aside, and Fitz-John Porter reinstated to his position in the Army, clothed with all the rank and power of an officer of the United States Army.

It is further claimed that this position is strengthened by the fact that General Grant has written a letter stating that he believes injustice was done to Porter; and fourth, and finally, it is urged by the gentleman from New York, General SLOCUM, as a reason why this bill ought to pass that General Garfield, a member of the court-martial and subsequently President of the United States, was the author of the movement for the restoration of Fitz-John Porter.

I believe, sir, that this is a fair statement of the grounds and of the reasons urged by the friends of Fitz-John Porter, happily not a general now, why the bill should pass. We are sitting here now as a court of appeals, as a court of last resort, and it behooves us to consider the case fairly, fully, and dispassionately, and it is right and proper that the rights and interests of our Government should be considered as well as the rights and interests of Fitz-John Porter.

The presumption of law is always that courts constitutionally authorized, courts having jurisdiction of certain classes of cases, in trying and deciding a cause have jurisdiction both of the subject-matter and the person; and the presumption is also that the proceedings and judgments of the court are regular, lawful, and just. I presume that no gentleman having any care for his reputation as a lawyer or for his word will question the soundness of these legal propositions. These being admitted and applied to this case, the friends of the bill are compelled to produce sufficient reasons to show affirmatively that the judgment of the court-martial was erroneous, unlawful, and unjust.

Let us examine their case as they have presented it, and see whether their reasons are well founded and whether they have shown affirmatively either that the court was not properly organized, that it did not have jurisdiction of the subject-matter and person, or that the evidence did not warrant their findings.

First, and as a part of the *res gestæ*, it must be remembered that there was a great rebellion raging against the constituted authorities of the Government at the time of the commission of the crimes alleged against Fitz-John Porter. That the Army of the United States was confronted at the very time by the organized army of the insurgents. That in order to make the United States Army effective it was absolutely necessary to maintain discipline—not discipline alone, but *military* discipline. The neglect and refusal of a subordinate officer to obey implicitly the commands of a superior officer in the face of the enemy is an infraction of discipline and a violation of military law. Friends of Fitz-John Porter having admitted that General Pope's orders to Porter were not obeyed, have they shown any exercise of that proper, legitimate discretion claimed for Fitz-John Porter as a sufficient excuse? I claim that they have not. And upon what ground do I make the statement? It is urged upon the part of the friends of this measure that it was a dark night, some of the witnesses testifying that it rained, that the road was crowded with wagons, that it was impossible for him to move along that road, and therefore that he exercised only a proper discretion in neglecting and refusing to obey the order as it was given to him.

An investigation of the facts shows, however, that the order was received at 9.40 o'clock p. m. The order itself shows he was to move at 1 o'clock a. m., and that he must be at a point mentioned in the order at daylight. Now, there was from 9.40 p. m. until 1 o'clock a. m. in which he had an opportunity to clear the road of the wagon-train that stood in the way and prevented, as he claimed, the movement of his troops. Three hours and twenty minutes to get a wagon-train off the road. Is there a soldier here who does not know from his own experience that an hour, ay, half an hour, was enough to put every one of

those wagons into park, and if not into park, into the woods, to have removed them from that road? But was he driven to that necessity? Not by any means. It is a fact that very near the camp, and running very nearly parallel to the road, was the railroad track. True it was, there were trains passing occasionally on that track. But most of the time the railroad track was free and clear. And it is not claimed that Porter attempted to move his troops along that railroad track and thereby obey the order.

Is that all? The evidence shows further there was a road on either side of this railroad track. And no one claims there was any obstruction on those roads; and it is not claimed he attempted to move on either side of the railroad track.

Then how can it be claimed here that he was exercising a proper discretion in failing to comply with the order of his superior officer, when the order on its face admonished him of the fact that it was very important he should be at that point by daylight?

Then, sir, that part of the case has not been made out by Fitz-John Porter. Then, how can we with propriety discuss, as applied to this case, the question as to what a legitimate, lawful, and proper discretion of a military officer is in disobeying or modifying the orders of his superior officer? I will guarantee there can not be produced a military authority of any standing in the world that authorizes a subordinate military officer to either modify or refuse to obey a lawful, pointed, positive, explicit order of his superior officer?

Ah! but they say if it is physically impossible for him to perform it then he is excused. That is true; but it is not shown that there was any physical impossibility about it at all. For the evidence discloses the fact that at the very time when Fitz-John Porter moved, starting at 3 o'clock, wagons were on the road then, and that in spite of those wagons he did move down there and reached the place about 10 o'clock. Then that part of the case has not been made out. Let us see then whether the other reasons urged are enough to influence this body to set aside this legal constitutional judgment of a court of competent jurisdiction.

It is claimed that a commission appointed by the President of the United States investigated this case fully in time of peace and when the sound and tumult of war were not ringing in their ears; when the passions of men were cool; when their judgments were clear, and when they were able to decide upon the case without fear, favor, or prejudice. And we were informed by the gentleman from New York having charge of this bill [Mr. SLOCUM] that it is folly for us to attempt to try this case; that it has already been tried by a military commission, and that our duty, and all we have to do, is to comply with the recommendations of that commission.

What kind of a commission was this? In describing it I shall do myself the pleasure, with his permission, of quoting the language of the distinguished lawyer and soldier from Michigan [Mr. CUTCHEON], who so happily pointed out the features and described the form and complexion of this same commission:

> The Schofield board, so called, was a board created by no law. It had no legal status. It was known to no law. It was responsible to no law. If they took an oath it was an extrajudicial oath. They had no authority to take an oath. They could take no binding oath. Their finding was an extrajudicial finding. It was merely personal advice of three amiable gentlemen to the President, which he did not see fit to adopt. The board had none of the power of a court. It could not compel the attendance of witnesses. It could not administer a valid oath. It could not enforce its processes by attachment for contempt. It could not prosecute a single witness for perjury if every word he uttered was a lie from beginning to end. It had not one single attribute of a court, either to compel the attendance of witnesses, to swear them, to examine them, or to punish them. This was the character of the tribunal, if we may call it a tribunal, upon whose report the Military Committee asks you to reverse the finding and the judgment of the court-martial.

It is made manifest by the majority report of the Military Committee that this commission, this late Schofield investigation, was held at West Point, and it is urged as a reason why we should adopt that in preference to a judgment found here in the city of Washington, the seat of government, that it is peaceful, quiet, and pleasant, and that no jarring influences surrounded the court. That brings to my mind a question which has entered very largely into this case, the question of West Point and its influences. From some of the speeches delivered here one would suppose that Maj. Gen. John Pope was the defendant, and that it devolved upon the Congress of the United States to vindicate him. I want to say one word in reply to the vile slings that have been hurled at a man whose reputation for valor, for gallantry, and ability stands above that of any man who has assailed him here. Who is General Pope? He was born at the seat of government of the Territory of Illinois, at Kaskaskia. I am proud of the fact that he was born and brought up in my district. His father was the first Delegate in Congress from the Territory of Illinois, and the first United States judge of the Territory and of the State of Illinois. He sat and presided with wisdom, patriotism, and judgment over the United States court of that State for thirty years.

Ay, who is John Pope? He was educated at the Military Academy at West Point and graduated with honor. He was appointed an officer in the Army of the United States in 1846. He was three times brevetted for gallantry on the field in the war with Mexico. He has never turned his back upon the foe, whether foreign or domestic. He has never quailed in the face of the enemy. Although he has sometimes met with defeat, it was because of the insubordination and treachery and to my mind the unqualified treason of just such officers as Fitz-John Porter.

And yet gentlemen come here and claim that he ought to be blamed because he did not succeed, when the very man in whose interest they are pleading was the man who sulked in his tent like the Grecian warrior of old before the walls of Troy, because forsooth a man who graduated at West Point before he did and was higher in rank than was he had been made his superior officer.

That is not the only case where men sulked in their tents during the war because they were not promoted to important commands in preference to some other men to whom they claimed to be superior.

Let me refer to an event in history. I filled but a humble position in the United States Army during the last war, but in the positions filled by me, beginning with that of private soldier, I tried to do my duty. I remember some of the facts that occurred within my own experience. I sometimes studied maps, as described by the gentleman from New York [Mr. SLOCUM] in his speech.

I remember the 22d of July, 1864, when the Army of the Tennessee was driven back by the wild untamable forces of Hood's army before Atlanta, when the brave James B. McPherson fell as he was gallantly leading his forces. I remember when the Seventeenth Army Corps was being driven back, its field hospital and army trains having been captured, and consternation had taken possession of the whole corps, and defeat was staring in the face every soldier in that army, and a tremor went through the frame of every man for fear that all the ground gained in the one hundred and one days of our march from Buzzard Roost to Atlanta would be lost. At that moment, at that awful and critical moment, there was a soldier who was born in the county adjoining that in which John Pope was born, who had been a friend of his boyhood, who had served with him in the Mexican war and also in that war, came down as the Assyrian came down, with his coal-black hair and his flaming eyes blazing with the patriotism and heroism of his soul, and took command of the Army of the Tennessee and hurled back the forces of Hood and turned defeat into victory. That man was John A. Logan. [Applause on the Republican side.]

Then there was sulking in the tents of some other men. Although General Logan had saved the army from defeat, although he had taken command of it when our troops were in full retreat, and although he had rescued it and had gained a most magnificent victory by the force of his own genius, still there was sulking in tents, for he had the bar-sinister across his escutcheon of not having graduated at West Point. In the face of that grand service, in the face of his service in Mexico, in the face of the fact that he had been wounded at Shiloh and at Fort Donelson, and in the face of the fact that he had led his corps to victory and had saved that army, a West Pointer was put over his head and he was deprived of the golden spurs he had won on that field.

Did John A. Logan sulk in his tent? No, sir.

Mr. BELFORD. I would like to ask——

Mr. THOMAS. I decline to be interrupted. I will tell you why General Logan did not sulk in his tent when another was placed in command over him; I will tell you why he did not send fault-finding, quibbling, disloyal dispatches to another officer. John A. Logan was a volunteer soldier who entered the service to endeavor to save his country from the hands of traitors, and he was ready to fight wherever he might be placed. And this was proven by the fact that on the 28th day of July, just afterward, he led his own corps into the fight on the right of Atlanta and there won another magnificent victory.

Not so with Fitz-John Porter, who had been educated at West Point and under its influence had been led to think and believe that fidelity to one of their own number, fidelity to one of the graduates of that institution, was a higher, broader, greater, and more binding duty than fidelity to his commanding officer and to his country. Every one who has studied the question knows the influence of educational establishments.

The CHAIRMAN [Mr. TOWNSHEND]. The time of the gentleman has expired.

Mr. THOMAS. I ask that my time be extended, as has been done in the case of every other man who has requested it.

Mr. PETTIBONE. I hope it may be done by unanimous consent.

The CHAIRMAN. How much additional time does the gentleman desire?

Mr. THOMAS. I will ask for thirty minutes.

There was no objection, and the additional time was accordingly granted.

Mr. THOMAS. I thank the committee for its courtesy.

To follow out the idea I had in my mind, I will say that educational establishments have ever regarded their graduates as their children. They stand up for them from the time they enter to their death. There is always a community of interest as well on the part of the institution in its corporate capacity as on the part of the men who graduate from it.

And so you will find that West-Pointers come back to the fidelity of other years and to the support of Fitz-John Porter. They are the men who fear now that the high character of that institution is being damaged by this record against one of its graduates, and therefore they want to wipe it out.

Ah, do they ever come to the front in trying to wipe any stain from the record of a volunteer soldier? I have yet to hear of the first case of that kind. But who is it that urges the passage of this bill? Who are the men? What are their political affiliations? For in spite of all we can do, we find there are political considerations.

But before speaking of that I will refer to another matter to which my notes call my attention. They say that General Grant has recently written a letter in which he says that he has investigated the case and changed his mind; and they therefore urge that by reason of his great position, his admitted military genius, and the fact of his having been the President of the United States, his having changed his mind ought to be a sufficient excuse for other people changing theirs. When General Grant voluntarily comes in and puts himself in the place of a witness in this case, he must be measured by the same rules and gauges by which other witnesses are measured. His evidence is only entitled to the consideration to which his reasons may show it to be entitled. Now, the letter written by General Grant, and introduced in the majority report, is not the only one he has ever written; and by way of answering this charge of malignity on the part of Major-General Pope against Fitz-John Porter I will call attention to the following letter, dated Washington, April 18, 1874, when, mark you, U. S. Grant was President:

WASHINGTON, *April* 18, 1874.

MR. PRESIDENT: It is no doubt known to you that General Fitz-John Porter claims to have procured evidence since his trial, not attainable at the time, which would either acquit him of the crime of which he stands convicted or greatly modify the findings and sentence of the court-martial before which he was tried, and that he has embodied in a printed pamphlet the kind and character of this evidence and what he expects to establish by it, together with an appeal for a rehearing of his case.

It is widely asserted by those who sympathize with him, and probably believed by many who have no personal interest in his case, that influences hostile to him have restrained you from examining this statement of his case, and have thus worked great injustice by preventing the Executive from considering statements or evidence which might vindicate his character.

It is needless to say to you that I have never used any influence with you, personal or other, to prevent the investigation of his statements, nor even intimated to you in any manner that I objected to any action you might think proper to take in the matter.

Nevertheless, as I do not wish even to seem to consent to any additional misconceptions concerning me or my action in this case, I beg (if you have not already done so) that you will yourself, Mr. President, examine as fully into the question as you think justice or mercy demands; or that you will order a board of competent officers of high rank, unconnected with the armies or transactions involved, to investigate fully the statements of this new evidence made by General Porter, and report to you what, if any, bearing it would have upon the findings and sentence of his court-martial, even if it could be fully established.

I am, sir, very respectfully, your obedient servant,

JOHN POPE, *Brigadier-General, U. S. A.*

General U. S. GRANT,
President of the United States.

Does that show that General Pope was pursuing this man; that there was any malignity in his heart; that he was not willing that justice should be done to Fitz-John Porter? I think every fair-minded man must answer that the contrary appears; that General Pope begged that the case might be investigated, so that justice might be done. Let us see what General Grant says in answer to that letter, for General Grant wrote another letter than the one presented here by Fitz-John Porter in his own behalf:

EXECUTIVE MANSION, *Washington, D. C., May* 9, 1874.

MY DEAR GENERAL: Your letter of the 18th of April, in regard to your position in the matter of a rehearing of the Fitz-John Porter court-martial, was duly received. You are under the apprehension that I had not fully examined the case, or rather that the public so thought, and that you had used means to prevent me from giving the subject fair consideration.

In reply I will make two emphatic statements: First, to the best of my recollection I have never had but one letter from you on this subject prior to the one I am now answering, and that simply contained the request that if I contemplated reopening the case I examine both sides. I read during the trial the evidence and the final findings of the court, looking upon the whole trial as one of great importance, and particularly so to the Army and Navy. When General Porter's subsequent defense was published, I received a copy of it and read it with care and attention, determined if he had been wronged and I could right him I would do so. *My conclusion was that no new facts were developed that could be fairly considered, and that it was of doubtful legality whether by the mere authority of the Executive a rehearing could be given.*

Yours, truly,

U. S. GRANT.

General JOHN POPE, *U. S. A.*

True copies:

C. S. ILSLEY,
Captain and Aid-de-Camp.

A MEMBER. What is the date of that letter?

Mr. THOMAS. "Executive Mansion, Washington, D. C., May 9, 1874."

Mr. BELFORD. I would like to ask the gentleman a question, not to be taken out of his time.

Mr. THOMAS. I can not yield. I have only a few moments remaining.

Mr. BELFORD. This is not be be taken out of the gentleman's time.

Mr. THOMAS. But it must come out of my time; and I object to being interrupted.

It was claimed here by the gentleman in charge of this bill [Mr. SLOCUM] that Garfield had put this movement on foot, was the author of this bill. The gentleman said substantially, if not emphatically, that if Garfield were living he would doubtless support this bill. That was the inference. Let us see whether that is true or not. Out of his own mouth shall he be judged:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., July 21, 1880.

MY DEAR SIR: Accept my thanks for your very interesting letter of the 2d instant in reference to the Fitz-John Porter case. The facts you relate are so entirely in accordance with my own understanding of the case that I shall be glad to make use of them in case I speak on that subject. It would add force to the case if you are willing that your name should be used, but of course I would not do this without your consent. Any other memoranda you may have or are pleased to make will be received with thanks. The Schofield board have recommended and the House Committee on Military Affairs have adopted the astounding proposition to pass a law annulling and setting aside as void the lawful sentence of a court-martial executed more than sixteen years ago. Of course they thereby virtually condemn the court and President Lincoln. It seems to me the very extreme to which party passion can go. They will never pass the bill without such a review of history as will enlighten the people afresh on the most disgraceful portion of our military history. Thanking you again for your letter,

I am, very truly, yours,

J. A. GARFIELD.

Hon. ALFRED E. LEE,
United States Consul-General, Frankfort-on-the-Main.

Here is an answer to the charge of the gentleman from New York that Garfield would have supported this measure. There was also a letter from General Garfield read by the gentleman from Michigan [Mr. CUTCHEON], addressed to the late Major-General Cox, which is a complete and perfect answer to the charge that Garfield favored or would favor this bill.

But let us see who are supporting this bill and urging the re-appointment of Fitz-John Porter. It is the followers of McClellan, whose removal filled the heart of Fitz-John Porter with venom and hatred. Who was McClellan? He was the man who, after he was displaced, was taken up by the "Copperheads" and the "Sons of Liberty" and the men who were opposed to putting down the rebellion, and run as a candidate for President against Abraham Lincoln.

Mr. BRUMM. Put up by the men in favor of an armistice with the enemy.

Mr. THOMAS. Who else are supporting this bill? A great number of the men who come up here now and propose by their votes to sustain Fitz-John Porter, who propose to cast a shadow of disgrace on the memory of Abraham Lincoln, who propose thereby to dishonor Edwin M. Stanton and the members of the court-martial, are the men who stood in the rebel ranks, arrayed against their country and their country's flag, shouting, "Hurrah for McClellan."

As then, so now, we find the same men following Little Mac and Fitz-John Porter. And I ask whether it is fair for these men who had no part or parcel in maintaining the discipline of the United States Army, and did nothing to maintain the Government which was saved by the efforts of the good Union people of the country, to come here and champion Fitz-John Porter's cause. It comes with poor grace from those men who were opposed to the war, whether south or north of Mason and Dixon's line—I mean the Sons of Liberty and the cowardly Copperheads of the North, who were infamously and infinitely worse than the men who stood before us fighting for what they believed to be right. I repeat, it comes with poor grace from them now to come in here and try to turn back the pages of history and wipe out the records of the gallant men who passed this judgment at the time, with all the facts and all the circumstances and all the necessities of the case fully upon them. [Applause on the Republican side.]

In the name of Abraham Lincoln, in the name of that court, in the name of the great war Secretary, Edwin M. Stanton, in the name of the men who fell in battle on the 29th, as shown by the evidence taken by this military commission itself, I protest against the passage of this bill. I protest in the name of the men who fell because Fitz-John Porter failed to come to their rescue while they were fighting during the livelong day and bleeding and dying. I protest against the passage of this bill in the name of the widows whose homes were made desolate because of the treachery of Fitz-John Porter. In the name of the orphan children who still mourn the fathers who fell on that field, I protest against the passage of this bill. I protest against it in the name of our country and her history. I protest against it in the name of patriotism and loyalty. I protest against it for the further reason that it is making treason, disobedience of orders, and insubordination in the Army honorable, and while it makes them honorable it puts the brand of condemnation upon the record of the men who saved and preserved this a nation. [Applause on the Republican side.]

Mr. BELFORD. I desire to ask the gentleman one question. I want to know for my own guidance whether his judgment in the Fitz-John Porter case is better than the judgment of the greatest soldier this world has seen from the time of Julius Cæsar.

Mr. THOMAS. Does the gentleman refer to Fitz-John Porter or to Ulysses S. Grant?

Mr. BELFORD. I say that General Grant is the greatest general this world has seen from the time of Julius Cæsar, and he has certified to the country that this judgment is unjust and ought to be reversed.

Mr. THOMAS. It is admitted that General Grant is the greatest general since that time.

Mr. FOLLETT. Mr. Chairman, I had hoped and believed when we entered on the discussion of this case that it was not a political question. In the progress of the discussion I had hoped the fact would be demon-

strated that this was not a political question, and that the Representatives of the people would sit in their judicial capacity, entirely free of all prejudice and bias resulting from political association. But the gentleman who has just preceded me has disclosed the animus of the opposition to the pending measure. It is that it is not treason against the Government with which Fitz-John Porter is charged, but treason alleged against Pope, and therefore this House is to divide upon a question involving the character, involving the rights, of an American citizen as partisans between Porter and Pope. If that is the attitude the case assumes, then I say we, as Representatives of the people, should let them fight out their personal battle between themselves, while we should look simply to the reputation of a man whose character up to the 27th day of August, 1862, as has been admitted by every man who has spoken on this subject, was without stain and without blemish.

Mr. MILLIKEN. Will the gentleman permit me to ask him one question?

Mr. FOLLETT. I want to say simply this, that while the Representatives on the side of the question which I propose to discuss have scarcely interrupted any gentleman speaking on the other side, there have been almost continuous speeches of gentlemen of the other side interjected into the remarks of those who have been speaking on the side which I advocate.

Mr. MILLIKEN. I wish to ask the gentleman one question on the point which he is now discussing. Will he permit me to ask it?

Mr. FOLLETT. Certainly.

Mr. MILLIKEN. Has not General Pope been unnecessarily attacked by the other side in this debate, and has not his defense in this debate been caused by the fact that gentlemen who are defending Fitz-John Porter on this floor could not seem to do it without attempting to asperse the character of other men who, whatever may have been their ability in war, fought faithfully under the flag of our country, and who have never had the stain of treason cast on them? [Applause on the Republican side.]

Mr. TOWNSHEND. That is not the question.

Mr. FOLLETT. Mr. Chairman, I want to say again that under the guise of asking a question gentlemen upon the other side are continually interjecting their speeches into the debate when gentlemen favoring this bill are upon the floor.

I will now answer the question, in so far as it was a question. I for one shall not attack the character of General Pope. I do not propose to say of Pope anything that he has not said of himself. On the contrary, I propose to confine myself in this discussion to the record, for I know nothing about this controversy, and I want to know nothing about it outside of the record that was made before the court-martial.

When I became a member of this body, knowing that this question must come before it, and believing that it was a question of vital importance to the people of the United States, I investigated this case as carefully as I could from my training and habits, and also from my ability, such as it is, to scrutinize testimony; and I reached just the conclusion that has been reached by most men, at least those who have impartially examined the testimony, that upon that testimony no man should have been convicted of any crime whatever. And further than that, sir, if General Porter was guilty as alleged, he ought not to be living to-day to be asking at the hands of the American Congress the redress which, if he was not guilty, it is our right and duty to give.

Mr. Chairman, it has been said that we have no power to act in this case. If there is any line of party demarkation upon this question, I have simply this to say: that the party to which I have the honor to belong has always believed that the military should be subordinate to the civil power. [Applause on the Democratic side.] And especially is that so when one occupying the position which Fitz-John Porter has once occupied has performed the services for the Government which Fitz-John Porter once performed, did the duties required of him, not simply efficiently and with ability, but with a zeal and alacrity almost unknown in the Army up to that hour. I say that when a man of that kind and of that character has been tried and convicted it is not simply the right but it is the duty of every member of Congress to scan that record with close scrutiny and ascertain whether that conviction was predicated upon such testimony as ought to impeach the character of a citizen once occupying the high position which he occupied. Why, Mr. Chairman, at the very outset of this session of Congress, when word came that an American citizen had been tried in an English court, and that having been tried he had been convicted, and there was doubt in the public mind of his having been granted a fair and impartial trial, the American Congress without a dissenting voice passed a resolution asking the executive department of the Government to urge a suspension of that sentence until we had an opportunity to investigate the character of the trial and ascertain whether or not that American citizen had been condemned unjustly. To-day, Mr. Chairman, when Fitz-John Porter, with the bright record conceded to him, knocks at the door of this Congress and asks us to do just what we asked might be done in the case of O'Donnell, the convicted American citizen under English law, we find men objecting, and that, too, notwithstanding the fact that he had done those services and performed those duties which wrote his name upon American history in indelible letters, not merely as a general of ability and of courage, but as a patriot without spot and without blemish.

Now, Mr. Chairman, we find in the discussions which have taken place by gentlemen who oppose this measure that their claim is that the court that re-examined this case was not an authorized tribunal; that it was not in fact a court judicially constituted. We are told that the men who testified before that court could not have been prosecuted for perjury. What do we care how it was constituted, so they present us with the facts upon which we can act? A complete answer to the claim that no witness could be prosecuted for perjury for testimony given before the re-examining board is found in the fact that no prosecution for perjury was ever instituted against any witness who testified in the trial before the original court-martial. Yet it is apparent from the great conflict in the testimony that some of the witnesses must have perjured themselves upon that trial. Who doubts it? I think, Mr. Chairman, that a man who will lie at all will lie whether he be under oath or not under oath, and there is not in this country a court in which you can not impeach the character of a witness on the ground that he is a constitutional liar and therefore can not be believed on oath.

Prosecutions for perjury, forsooth, to determine the character of testimony submitted upon a hearing or investigation of any question! I am totally indifferent as to whether or not Generals Schofield, Terry, and Getty were the three men that the gentleman who has preceded me refers to as constituting exactly the court that he says General Pope wanted organized for the purpose of reinvestigating this matter. I care not whether the men that they called were under oath or not under oath. They took an abundance of testimony; the Government was represented; both sides brought all the witnesses they desired to bring before that court. They reinvestigated the question at issue; having done so and made their report, that report is to me of as much validity and importance as a guide for my action here as a member of this House as it would be if it had been a court organized under all the forms of law and with all the solemnities of the woolsack accompanying it. What we want to know here is simply what are the facts, and knowing them, our duty as members of this Congress is clearly defined and marked out.

Now, Mr. Chairman, what was the character of the testimony upon which Fitz-John Porter was convicted? Where was the weight of testimony? Gentlemen say that it is our duty to sustain the action of that court-martial unless satisfied that that action was clearly wrong. So it is. But in ascertaining whether that action was right or wrong what is our duty? We are to make an investigation of that testimony; for we have all of it that was before the court-martial. And I have yet to learn that there is a sacredness and a solemnity about a court-martial that its proceedings are to be binding and conclusive upon us so that we cannot investigate them.

I say that the members of that court-martial were bound, if regardful of the duties which they had to perform, to convict Fitz-John Porter only in case the testimony against him admitted of no reasonable doubt of his guilt. That is the rule, sir, that applies in every case of a criminal character; and Fitz-John Porter was charged with the highest crime. Applying this rule, applying the rule applicable in every case of a judicial character unless it be a court-martial—about them I know very little, and I do not want to know very much—but applying these rules, how stands his case? Now, Mr. Chairman, I want to examine a few of the facts. I have said I wanted to call your attention to the character of the testimony that was permitted to be given upon this trial. Allusion has been made to the testimony of a witness, T. C. H. Smith, a gentleman whom I know very well, who was evidently carried off his feet and off the position which he naturally and properly should have assumed as simply a witness. He gives this testimony before that court, and its very admission shows, as it seems to me, the animus of the prosecution of this case:

> After my tent was pitched and I had had something to eat, I went over to General Pope and reported to him briefly what I had done in regard to the ammunition. I then said to him: "General, I saw General Porter on my way here." Said he, "Well, sir." I said, "General, he will fail you." "Fail me," said he; "what do you mean? What did he say?" Said I, "It is not so much what he said, though he said enough; he is going to fail you." These expressions I repeat. I think I remember them with exactness, for I was excited at the time from the impression that had been made upon me. Said General Pope, "How can he fail me? He will fight where I put him; he will fight where I put him;" or, "He must fight where I put him; he must fight where I put him"—one of these expressions. This General Pope said with a great deal of feeling and impetuously, and perhaps overbearingly, and in an excited manner. I replied in the same way, saying that I was certain that Fitz-John Porter was a traitor; that I would shoot him that night, so far as any crime before God was concerned, if the law would allow me to do it.
>
> I speak of this to show the conviction that I received from General Porter's manner and expressions in that interview.

A court-martial trying a man upon a charge of crime admitting conversation between third parties away from the case without the hearing of the accused; and then not what he said but the manner of saying it! A court-martial receiving such testimony is something so high that the American Congress can not reach it to rectify the wrong it has done! Who ever heard upon a trial of a civil suit, where the rules of law were administered, of conversations between third parties being admitted as testimony upon which a verdict could be rendered? And further than that, who ever heard of a man being convicted upon the manner of his expression and not upon what he had said? This is a great mind-reader, who gets into the thoughts of a man's heart not

only by what he says but simply by the manner of saying it. And conviction is had not upon what a man did but upon his manner of speech. The thing for Fitz-John Porter to do is perhaps to rid himself of a feeling that I should imagine might be natural when he encounters a man of that character, and avoid being convicted of treason because he might forget to speak with all the deference of a suppliant to a man who chances for the time being to come from his superior officer.

One thing further. After that court-martial had repeatedly admitted the testimony of witnesses as to what was their opinion of orders on behalf of the prosecution, the same questions when they were repeated by the defence were ruled out, the court deciding against their admissibility. That same court-martial had one of its members come down—the gentleman from Ohio [Mr. KEIFER] said yesterday his testimony extended only to a half page or the third of a page—come down from his seat as a member of that court and testify on behalf of the Government; and that too in rebuttal, where there was no opportunity to reply to the testimony that he had given. Rebuttal upon a point of great significance and vital importance. It was simply the question of what occurred upon the eventful 29th day of August. If there is any rule of law known to the administration of justice in this country and in every State, it is that the judge that tries a case shall not only be impartial, but that he shall not be a witness in the case he sits upon. [Applause.]

Why, Mr. Chairman, there are very few lawyers, in my section of the country at least, who, when it is necessary that they should testify in a case of which they have charge, will afterwards have anything to do with the conduct of the case. But here is a judge, an honorable man—I hope so, I do not know him, neither do I know Fitz-John Porter—and I say there is not in all these charges that have been made against Fitz-John Porter anything to compare so far as the sense of American justice is concerned with a judge coming down to testify in a case that is being tried before him. [Applause.]

Ah, but we are told that this is a matter of frequent occurrence in courts-martial. If that be so, then all the more reason for standing by the doctrine of the fathers, that the military shall be subordinate to the civil power, and we will teach them justice, right, and the proper administration of the law.

Mr. MILLIKEN. I do not wish to interrupt the gentleman, but being a new member and not knowing much about the subject, I would like to ask him if the gentleman who opened this case and laid out the ground on which he expects to sustain his position in favor of relieving Fitz-John Porter did not in the most emphatic language tell us that we, being civilians, did not know anything about the case, that we did not have the capability of knowing anything about it, and that it was the most sublime humbug for this House to attempt to determine it?

Mr. FOLLETT. And I agree entirely with what the gentleman said, and I want to say that I thank God that we do not know about it, if that is the character of it.

Mr. MILLIKEN. If you and I do not know anything about it, how can we consistently vote to set aside the verdict of a court-martial which, being composed of military men according to the standard laid down by the gentleman who opened this case, did know something about it and did decide it?

Mr. FOLLETT. I have undertaken to say just exactly how I do know something about it. I have read the testimony.

Mr. MILLIKEN. So have many of us here.

Mr. FOLLETT. And when I read the testimony in a trial of a case it is not necessary for me to ask anybody what in my opinion should be the proper judgment to be rendered upon it, especially when I know that the testimony I have before me is all the testimony that there is in the case. But I say again, as I have before said, that when the rights of an American citizen who had stood high and made a fair and honorable name are to be assailed and trampled down by such a trial and such testimony, I at least, as one of the Representatives in the American Congress, will by my voice and by my vote interpose against that wrong and that injustice. [Applause on the Democratic side.]

Mr. STEELE. Will the gentleman allow me a question?

Mr. GIBSON. I hope my friend from Ohio [Mr. FOLLETT] will not allow these interruptions.

Mr. FOLLETT. I want to say a word or two more right here. The gentleman who preceded me [Mr. THOMAS] has taken special pains to denounce West Point, to denounce the men who have received a military education, to denounce men whose training has been in the line of military science and duty, to denounce the men, I assert here and now, who led to victory in the last war the forces upon the part of the Union. I do not mean to say that there were not gallant volunteer officers. I do not mean to say that there were not gallant men in that contest who never had received a military education. But the men who stood at the front, whose judgment was relied upon, who led the forces of the North to victory, were men who graduated at West Point. And if we had not had them there would not be to-day the rejoicing over the victories of our armies that it is our pride to be enabled to participate in.

Mr. MILLIKEN. I would like to ask the gentleman one question.

Many MEMBERS. Order! Order!

Mr. MILLIKEN. Were not the majority of the members of that court-martial graduates of West Point?

Mr. FOLLETT. I should be glad, Mr. Chairman, to be interrupted all the time if it were not for the fact that we are understood to be dividing the time upon this discussion. We on this side of the House are entitled to only one-half of the time, and to permit gentlemen on the other side to occupy half of our time and all of their own in this discussion would be hardly fair.

I want to allude to another thing which was stated by the gentleman from Ohio [Mr. KEIFER] in this discussion yesterday. He read a telegram from General McClellan to General Porter, and said that that telegram upon its face showed just the opinion that McClellan had of General Porter at the time the telegram was sent. Now, I want to say just what General McClellan said about that when he was under oath, when there was all the sanctity and solemnity of an oath, upon which they say he could have been prosecuted for perjury. But I happen to be one who believes that General McClellan, under oath or not under oath, could never speak anything but the truth. [Applause on the Democratic side.] Here is what he said, the reason he gave for sending any dispatch:

I sent it in accordance with a request of the President of the United States, who sent for me on that day and told me that he had understood that there was an unkind feeling on the part of the Army of the Potomac toward General Pope, and requested me to use my personal influence to correct it by telegraphing either to General Porter or to any other of my friends there. I told him—

Now, mark what General McClellan said—

I told him that I did not consider it necessary, but was perfectly willing to do it. I had no doubt then in my own mind that the Army of the Potomac and all connected with it would do their duty, without there being any necessity for any action on my part.

Yet we have an argument here, predicated upon that dispatch, that McClellan knew, that the President knew in advance, that Fitz-John Porter intended treason, and did not intend to obey the orders of his commanding officer.

I say now and here that the spirit of every order sent to General Porter was obeyed, if not in the letter, in a way to be more effective and do more for the service and to accomplish the result sought in a better manner than it would have been had it been obeyed to the letter.

It is said that after the order of the 27th of August was received General Porter sent for his subordinate officers for the purpose of conferring with them as to what should be done in compliance with that order. The testimony shows that the officers were already there, and that the communication made by General Porter to them was that the order had been received and they must be ready to march at 1 o'clock in the morning.

General Porter was not the man to suggest any modification of the order. The subordinate officers, those who had been at the head of the forces marching through the heat and dust on that day; those who commanded privates that marched from fifteen to twenty miles that day and had just gone into camp, some of them not yet in camp; privates who had not yet received their rations, who had had but one meal that day and had not then had their suppers; the men who would require at least two hours to be properly fed and rested ready to resume the march—those officers said the order can be better obeyed by starting at 3 o'clock in the morning than by starting at 1 at night.

Further than that, gentlemen say there was a good road to travel over. What was the information brought that night by the messenger sent with that order from Pope? Let us see what General Butterfield says. Here is his version of it, and I want to read the whole of it:

He handed the order to General Morell or to General Sykes, who were present, and said there was a chance for a short nap, or something of that sort (I do not remember the exact words), indicating that there was but little time for preparation. General Sykes or General Morell, I do not remember which (one or both of them), spoke in regard to the fatigue our troops had endured, the darkness of the night, and the fact that in their judgment the troops would be of more service to start at a later hour than they would by starting at the hour named. In reply to these remarks General Porter spoke rather decidedly; that there was the order, it must be obeyed; that those who gave the order knew whether the necessities of the case would warrant the exertions that had to be made to comply with it.

Treason in Porter!

I do not state that as his exact words, but as the substance of what he said. Captain De Kay—

He was the man that brought the order—

Captain De Kay, who brought the order, was then present, and was asked some questions about the road. He stated that it was very dark, and that the road was full of teams. General Sykes, I think, suggested that it would be impossible for us to move at the hour named if the road was full of teams; that they could not find the way. General Porter called two aids, and sent them off to investigate the condition of the road, and to ask General Pope to have the road cleared so that we could come up. When we got outside the darkness was so apparent (to use such an expression) and it seemed to be such a matter of impossibility to move, that General Porter said: "In consideration of all the circumstances I will fix the hour at 3 o'clock instead of 1. You will be ready to move promptly."

There is General Porter's connection with that order of August 27 as detailed by an officer unimpeached and unimpeachable.

Now, Mr. Chairman, I want to allude to the other order of August 29. I am not going to repeat the testimony that has been given here, but General Pope himself on the morning of the 30th of August declared that he had fought the combined forces of the enemy. What did the expression mean? What was it intended to be understood as meaning by Pope's superior officers to whom that report was made? Not merely that he fought Jackson's forces; not merely that he had a part of the rebel forces opposed to him, but that he had all combined. Yet

when he went before the military court he testified that no considerable part of Longstreet's forces were there.

Now let us see how that report reads. It is the report made on the 30th of August, 1862:

NEAR GROVETON, VIRGINIA, 5 a. m.
Headquarters, Field of Battle.

We fought a terrific battle here yesterday with the combined forces of the enemy, which lasted with continuous fury from daylight until after dark, by which time the enemy was driven from the field, which we now occupy.

Does any man doubt that Pope was a man of truth? He was there upon the battlefield. He knew where the enemy had been. He was writing at 5 o'clock in the morning, and he wrote that he had fought—not a part of them, but he had them all against him—"the combined forces of the enemy." Yet in the face of that gentlemen who have argued this question on the other side still insist that Longstreet was not there. Pope said all the enemy's force was there. Where is the lawyer within the sound of my voice who ever hesitated to believe the statement a man had deliberately put upon paper before a controversy arose in connection with a transaction rather than believe him even on oath after a controversy had arisen and interests had become involved?

I want to read a little more of this, for it is interesting:

Our troops are too much exhausted yet to push matters, though I shall do so in the course of the morning, as soon as General Fitz-John Porter comes up from Manassas.

The traitor! the man who was to be tried for disobedience of an order at the critical juncture of a battle only the day before!

The enemy is still in our front but badly used up. We have lost not less than eight thousand men killed and wounded, but from appearances on the field the enemy lost not less than two to one. We stood strictly on the defensive, and every assault was made by ourselves.

[Laughter.]

If that is not as near what we denominate an Irish bull as ever appeared in the report of a battle, I do not know what would be one. But I think perhaps the next sentence explains why it occurred.

The battle was fought on the identical battlefield of Bull Run, which greatly increased the enthusiasm of the men.

Of course we are to expect an Irish bull in a report made under such circumstances; and I do not charge it as a fault to Pope that he did formulate a bull at that time and place.

The news just reaches me from the front that the enemy is retiring toward the mountain. I go forward at once to see. We have made great captures; but I am not able yet to form an idea of their extent. Our troops behaved splendidly.

Part of them? A division? Two divisions? No; all of them "behaved splendidly." Yet the most splendid corps of the Army, conceded by all to have been such, made such by its gallant leader, was only a short time after that to be charged, in the person of that leader, with not having been at the post of duty upon that day!

But I want to follow that a little further. It is said that General Porter's reports to General Burnside, made at the request of Burnside himself—because it seemed to be the only means of obtaining communication between the two divisions of the Army—in some instances commented on the conduct of the campaign. Let us see what Pope assumed to do in this identical report from which I have been reading:

I received a note this morning from General Franklin, written by order of General McClellan, saying that wagons and cars would be loaded and sent to Fairfax Station as soon as I could send a cavalry escort to Alexandria to bring them out.

Such a request when Alexandria is full of troops and we fighting the enemy needs no comment!

And that is the man always careful in all he did and said! He was the man who, say his champions on this floor, did not comment on the conduct of other officers!

Now, Mr. Chairman, I have agreed to give ten minutes of my time to another gentleman, and I must hasten on.

I wish to say here that so far as my action on this case is concerned I prefer to take the deliberate judgment of men like General Grant; of men who, after occupying a position where they could have done the service to Porter he now admits ought to have been done, that he now says would have been done had they given the matter that investigation which the importance of the case demanded—I say I prefer to take the judgment of General Grant when, upon investigation of the case, he not only says the former conviction against a gallant officer had been not only overcome, but when he is ready to come out and in a public letter declare his former prejudices have been wiped away by an investigation of the case: "I have reached the judgment which I now have, the conviction which I now have of your innocence, and your innocence from the beginning, in spite of my prejudice, in spite of the feeling I had against you, in spite of the convictions I had of your guilt, and now I am ready to bring my power, the power of my name, my military experience, all that has given me fame, all that has given me character, that has given me reputation before the American people, I am ready to lay it as a sacrifice, if need be, upon the altar of the vindication of a brave man, a gallant soldier worthy of vindication, which he asks at the hands of the present Congress." [Applause.]

And he stands not alone. The men who went into the reinvestigation are not simply men of military character and experience, but two of them at least entered upon the investigation of this case with all their prejudices against Fitz-John Porter. We had a gallant soldier of the war here this morning, and last night also, who had this prejudice, believing in Porter's guilt, until he, as an honorable man, having a duty to perform, entered on the investigation of this case, and that investigation led him just where, as I believe it will lead every honest, fair-minded man, to the conviction that Porter had been wronged, and it was the duty of the American Congress to right that wrong. [Applause.]

Now, Mr. Chairman, one word more and I shall stop. It has been charged, and it has been charged solely for the purpose of accomplishing an object that I pray God may soon cease to be the desire of any American citizen of this Government, that Fitz-John Porter comes into this House to present his claim to a Congress composed in part of men who were once in rebellion against the laws and Government of the United States. Those men are here entitled to the same rights, the same privileges, the same immunities that every other citizen of the United States is entitled to; and when the time comes that I as an American, sitting in the American Congress, shall seek every opportunity I can find to slap in the face the men who are to-day as loyal and true as any man over whom the flag of the Government flies, I shall go out of it. [Applause.] I believe if this Government is to last, it can not last by perpetuating hatred between the sections. [Applause.]

Mr. MILLIKEN. I would like to ask the gentleman a question. [Cries of "Order!"] I will not ask the question unless the gentleman gives me permission to interrupt him.

Mr. GIBSON. I submit when the gentleman is insubordinate he should be called to order.

Mr. MILLIKEN. I will not ask the question unless I have the gentleman's permission.

Mr. FOLLETT. Then I wish to say further——

Mr. MILLIKEN. Will the gentleman yield to me?

Mr. FOLLETT. I want to say, Mr. Chairman, still further, that if there are any men upon the floor of this House who can pass impartially upon the merits of this controversy it is the men who have had their prejudices and their passions or their feelings aroused in no way whatever by the personal antagonism between two men each of whom occupied a conspicuous position in the Army of the United States.

Those passions and prejudices, existing, as claimed to-day upon this floor, between the graduates of West Point and the volunteer soldiers, they do not share, and in them they have no participation. Therefore, if there is anybody having at heart the interest of the American nation and the welfare of our American citizens, who can decide upon this question fairly and impartially, without bias, without passion, or without prejudice, it is the men against whom these bitter flings have been constantly made on this floor.

But, sir, I shall be sorry if the vote upon this proposition does not show that the people of the North have now got so far away from the prejudices and the passions which at the time the court-martial sat that tried General Porter prevailed, that they can not calmly and deliberately sit upon and decide a question of this character. I should be sorry to believe that any considerable number of our citizens or a majority of those sitting upon the floor of this Congress could fail to recognize the fact that an American general, an American citizen, an officer of credit to his Government, one who has written his name in characters of light by his deeds upon the escutcheon of his country, could not receive at their hands the vindication he deserves. [Applause.]

I believe five minutes of my time remain, which I yield to the gentleman from Colorada [Mr. BELFORD].

Mr. BELFORD. Mr. Chairman, I intend to vote for this bill, and I have the courage of my convictions, and the boldness to do what is justice, without regard to the popular prejudices that may exist with reference to this matter.

During the course of the debate upon this bill, a few moments since, I took occasion to say that General Grant was, in my judgment, the greatest, the ablest soldier who had appeared since the time of Julius Cæsar. I said it advisedly. I now repeat the assertion—that, in my judgment, General Grant is not only the greatest of living soldiers, but the greatest who has appeared on the face of this earth since the time of Julius Cæsar. Pompey was conquered, Hannibal was conquered, Napoleon Bonaparte was conquered, but Grant never lost a battle in his magnificent career as a general of the armies of the United States. And General Grant, after a full and thorough examination of this case, says that injustice has been done to General Porter; and upon the judgment of this great and wonderful soldier I propose to predicate my vote and give my support to this bill. I believe in doing justice to all men. It is the sweetest attribute of humanity. It is the grandest attribute of Almighty God himself. I propose to bury the prejudices of the past, and I have entertained some of them myself, to do justice to a man whom the greatest general on the face of this earth says has been wronged and outraged. His judgment I will follow in support of this measure against all of the captains and colonels of the militia. [Laughter and applause.]

[Here the hammer fell.]

Mr. HORR. Mr. Chairman, from the beginning of this debate down to the present time we have been enlightened by generals, colonels, majors, captains, privates, military men all, who have given us their theories of this case from a purely military standpoint; and now for a few moments I desire the attention of the committee while I give you the

theories and opinions of one who staid at home. [Laughter.] In doing this I have a right to demand your attention, because in this debate we men who did not enter the service have been assailed as being the authors of the trial of Fitz-John Porter and the cause of his final conviction and disgrace.

One gentleman went so far as to say that the first court-martial, or rather the only court-martial, convicted General Porter because of the clamor of the people. He said the people demanded a victim, and that in looking around for one in their frenzy they happened to fall upon Fitz-John Porter. Now, Mr. Chairman, being one of the people, having been among them during the entire contest, I want thus early to enter my protest against any such charge made against the loyal citizens of this country. No people in this world were ever more ready to give credit to any man who did anything or showed that he wanted to do anything to put down that rebellion than did the people of the North. They never clamored for any victims. True, Mr. Chairman, about the time of General Porter's trial there was some excitement in the North. There was some feeling among the people. Why? Because, as we all well know, at that time large numbers of women were walking our streets dressed in mourning; orphaned children were increasing in our midst; empty sleeves could be seen upon every corner; men on crutches were getting numerous; new-made graves filled by soldiers who had gone down to death at the front were to be seen in every graveyard of the North, and the question came to be asked, have we the right men leading our armies? Are the generals in command in earnest? Are they sufficiently indued with the importance of the great work on their hands, and are they ready to sacrifice everything to the doing of that work? The people did demand fair play, did demand that these generals should do their whole duty, but more than that they never asked. That much they had a right to require. At no time were any victims demanded. All the people ever claimed was that if any of these leaders were derelict in performing their sacred duty, were grumbling and dissatisfied because of their fancied wrongs; if any of them were determined to fight only when they could do it in their own way and under superiors of their own selection—if any such cases existed the people did demand that an example should be made, that there should be a weeding out of such officers, and that our armies should be led by generals who were fighting without any qualifications. Was this an unreasonable demand? No man can say that it was.

Now, Mr. Chairman, I can not discuss this case as a military man. In my argument I shall deploy no regiments, shall send out no skirmishers, attack no battlements, discourse upon no tactics, simply for the reason that I know nothing about such things, nor do I care anything about them so far as the justice and equity of this case is concerned.

Mr. ROBINSON, of Ohio. Will the gentleman yield to me, that I may ask him a question?

Mr. HORR. Certainly. And I wish to say if anybody else wants to ask me a question I hope he will do it. If any one desires even to inject a speech into this one of mine, if it is not too long and is a good one, I will let him do that also, since I have plenty of time. [Laughter.]

Mr. ROBINSON, of Ohio. Does the gentleman know the difference between a brigade and a division?

Mr. HORR. I supposed I did. But since my friend from New York [Mr. SLOCUM] put the whole House so low down in military knowledge, and knowing as I do that I am way below the majority of you in that respect, it is fair to presume that I do not know the difference. [Laughter.] Let me again say that in discussing this question all I claim to know of military affairs is what I have learned from observation, what I have gathered from the reading of history, and the mere memory of events at the time when these transactions occurred. You must not forget that we were then in a peculiar situation. Our President was looking around in the dark, feeling to see if in any way he could find some one to lead our forces. It was a hunt after ability; a search for fitness; lantern in hand he was looking for a man. He may have made some mistakes. The task was not an easy one. He was compelled to try experiments. In doing this he fell upon General Pope to take command of the Army of Virginia. The gentleman from Illinois [Mr. THOMAS] has told you that in choosing him he selected a man that had been three times brevetted for gallantry in the Mexican war; he selected a man who had done good service in the Army of Tennessee and had been promoted for that service; a man who had made a good record in the West, especially in Missouri; and let me say to you gentlemen, you men who feel so glorified at the very mention of McClellan's name—let me say to you that General Pope at the time he was selected to command the Army of Virginia had seen three times the service and won three times as many battles as McClellan had when he was placed at the head of the Army of the Potomac. Mr. Lincoln did the best he could; he selected this man because he had seen service, because he had been successful. Now, what was the duty of every officer under Pope?

Mr. PETTIBONE. To obey him.

Mr. HORR. Yes, to give attention to and obey his orders. There is not any doubt about it. Every man, whether he be soldier or civilian, knows that. But Pope was no sooner appointed than the trouble began. General Porter disliked Pope, felt himself to be the better officer, became dissatisfied, disgruntled, and finally neglected to give General Pope that hearty support which he ought to have given him, and which was due to General Pope simply because he had been legally placed in command.

We hear a great deal about treason and traitors, and there has been an effort made by several gentlemen on the other side to prove that before they could have convicted General Porter the court-martial should have found him guilty of treason, should have made out that he was as mean as Benedict Arnold. Why, sir, he was not tried for the same thing Arnold would have been tried for if we could have captured him. He was never accused of treason, never tried for that crime. He was tried for simply two things, disobedience of orders and bad conduct in the presence of the enemy.

To begin with, General Porter's letters and dispatches which he sent to Burnside and others show that he was in an improper state of mind towards the general in command. "In what way?" you may ask. First, that he despised General Pope; and the gentleman from New Jersey [Mr. MCADOO]—I do not now see him in his seat—told us a week ago that Porter had a right to despise Pope. "Why," said he, "I despise Pope myself." You recollect his language. He then referred to that well-known dispatch of Pope's where he said his headquarters were in the saddle, and then exclaimed, "Where his brains were God only knows." [Laughter.] Now, I wish to say to my friend from New Jersey that while it may take Divine wisdom to find that out, ordinary human wisdom can tell him one thing, and that is where his brains were not. General Pope's brains were not two and a half miles in the rear of his army, sulking, disobeying orders, lolling in the shade, within the sound of the enemy's cannon, and devising no means of going to the aid of his comrades in arms. [Applause.]

Why talk to me about General Pope not being as good an officer as General Porter? That does not make any difference. His duty was to obey Pope, because he was his superior in command. The question of ability could not be raised. But gentlemen tell us that there was such a delay in making these charges. Do they forget that General Pope charged General Porter with not having done his duty in the first report made of the battle of the 29th and 30th? Is not that true? Now, it does not require any military skill to tell from the testimony whether when the order from Pope to Porter which reached Porter at 9.30 in the evening of the 27th, and commanded him to start at 1 o'clock the next morning, and to be at a certain place by daylight—I say it does not require any military skill to tell whether he obeyed that order or not. A jury of ordinary farmers or mechanics can answer that as well as anybody else. General Pope issued that order to him, and it reached him, as I have said, on the night of the 27th at 9.30, and directed him to leave with his command at 1 o'clock, but without fail to be at Bristoe Station at daylight the next morning. Now, whether he did it or not is a question that any man, though he may know as little of military affairs as General SLOCUM says we do, can find out conclusively from the testimony in this case.

Mr. PETTIBONE. It is a pure question of fact.

Mr. HORR. Certainly. But did he go? Now, I do not blame him for not being there the next morning at daylight. But did he try to go? Did he make the first move to start at 1 o'clock? Oh, do not talk to common people about there being some wagons in the road; about its being a dark night! Every reader of history knows that on the days previous to the battles of the world more than half the marches of each and every army have been made in the darkness of the night. The wagon trouble is still more nonsensical.

Stopped by a few wagons! Why, think of Napoleon at the battle of Jena! After he had got ready to form his lines, knowing or expecting that the fight would come on the next day, he went out alone and wandered in the darkness along the front of his troops. He heard something in the distance that he did not understand. He worked his way to it, and found that a hundred artillery wagons were wedged in between the rocks. They had in the darkness of the night mistaken a ravine for the road, and they could neither go backward nor forward. Did Napoleon go to bed because it was dark? Did the stalled wagons retard his operations? By no means. With a lantern in his own hands he hurried about, collected a force of men with picks and gads, mining tools, attacked those rocks, and about 3 o'clock in the morning moved his wagon-train out, got his artillery into position, and on the following day won the battle of Jena, and added one more victory to the long list that so terrified the crowned heads of Europe and astonished the world.

What did Porter do when this order reached him? He said, "Boys, here is something to sleep on;" and he immediately tumbled in and slept on it. [Laughter.] That is the simple truth. He did not even try to execute the order. His actions said plainer than words, "That is only an order from Pope. I know more than Pope; I will go when I get ready." But you gentlemen say that did not make any difference, because it was found out the next day that he was not needed there where he was ordered to go. Is there a man here who thinks that is a fair, decent answer to that question? When he turned in that night he did not know how it was going to turn out the next morning, did he? He did not know that the army in front would not need him early the next morning. Now, honestly, did he? How could he tell? His duty as a subordinate officer was simply to execute that order if it was

in the power of human skill and exertion to execute it. He did not even attempt to execute it.

That is all I desire to say as to the order of the 27th. One word now about his lying quiet all day on the 29th. I do not care whether he had any orders or not. I say he acted in a manner unbecoming a soldier, knowing as he did that his comrades were in a hard fight and he within sound of the guns and all day long never attempting to go to their relief.

Now, it was not because he did not know how to get into a fight. He had been in a great many fights before that time. There had been no man in our Army up to that day who seemed able to get into one quicker than he could when he wanted to. He knew just the precise way to get into a fight. But never during that whole long day did he move to the front or attempt to get into that battle. Is there a man here who believes if McClellan had been in command that Porter would have acted in that way?

Now, right here will some of you military geniuses tell me what every order that Porter received during those three days clearly indicated? If they did not show anything else, if they were not clear on any other point, were they not certainly clear on this, that he (Porter), with his command, was to form a part of the attacking force? Is not that so? There was not a syllable in either of all those orders that indicated that he was to act as a reserve, that he was to remain in the rear. During those entire three days Porter never got a word to show that he was not expected to be at the front and to do his part of the work as a portion of the attacking line. Can any one deny this position?

Mr. BAYNE. Will the gentleman permit an interruption?

Mr. HORR. Certainly.

Mr. BAYNE. Will the gentleman point to a single order commanding General Porter to attack until the 4.30 order?

Mr. HORR. Now, that compels me to go into a long military discussion. [Laughter.] I remember, however, that McDowell swore that he told him, "Go in there," and he says that Porter's reply was: "If I go in there I will get into a fight."

Mr. BAYNE. But you were speaking of General Pope's orders.

Mr. HORR. I beg the gentleman's pardon. I was speaking of the orders of all his superiors. I was saying that only one interpretation could be placed upon all the orders he received taken as a whole. I do remember that General Pope sent him an order that, according to your own statement, reached him at 6.30 in the evening, directing him to attack the enemy. He sent one or two little brigades or pieces of brigades—I do not know what you call them; that is my trouble [laughter]—sent them a little way in, and then turned around and brought them back without firing a gun or getting anywhere near the enemy. And yet the rest of the army that day fought three long hours after Porter received that order, until the dead lay piled up on the field of battle, slaughtered by forces that should have been held in check by Porter's corps of veterans, and would have been had he done his duty that day.

You need not shake your heads, for I can tell you there were many men killed on that 29th day. Yes, there were.

There is a man here, on your own side, a confederate officer, who says that in attempting to cross that field after the battle he had to dismount from his horse and hitch him and go on foot that he might wind his way among the dead and not be compelled to clamber over the bodies that lay piled up on that bloody field. He knows about that. He saw these things with his own eyes. How can any one defend General Porter's conduct all through the 29th? What answer is made to all these charges? First we are told that Fitz-John Porter had no motive to do what we claim he did. Some one in this debate has said that he would not have blasted his former good reputation without some good reason, some motive. That seems plausible; but do you not know, gentlemen of the committee, that over three-fourths of all the disobedience of orders in military life that we read of in history has been brought about simply because somebody has been put in some place that somebody else wanted; because somebody has been put over somebody else, when he himself thought he ought to have been put over the other man? That is the history of military cases all over the world. Jealousy, envy, pride, all combine to make men see things strangely and do things that are inexplicable.

Why, sir, this exhibition of character is often seen, even in civil life. Take this House, and we will all admit that no higher type of civilization, no more exalted collection of humanity can be found on the face of the broad earth than we have right here in this Congress. [Laughter.] And yet, organize this House, let the Speaker arrange the committees, and put your men at the head of them, and in so doing let him skip some old member who has seen service, and grown gray in work for his party, and put some youngster in his place, some man whose political pin-feathers have hardly started, some man who has done little if any work for his party, and there will not be any kicking, eh!—no trouble? [Laughter.]

In a former Congress I served with one of the able men of this nation; and because he did not get the position which he thought he ought to have he did little work for that entire Congress.

There is now and then a man who rises above all such petty things; who says, "Put me where you will; I will try and do my duty." Such men are an honor to civil and military life both, but I am sorry to say there are too few of them.

Do you know that even Benedict Arnold, who afterward turned traitor to his country, was removed from his command before the battle of Saratoga because of the jealousy of General Gates? And yet, when the English guns began to resound in his ears, he left his tent, mounted his horse, rode into the fight on his own hook, and staid there until he was carried from the battlefield on a lfter. Yes, he did, and he did it because at that time he believed in his country and believed that it was his duty to fight the enemy wherever and whenever he could get a chance to do so.

Now, if General Porter when he found that General Pope was put in command over him thought Pope was not as good a general as himself, and if he had written to General Burnside and other generals that he distrusted Pope's ability and was fearful of the result, was afraid that he had not experience enough for the place, nobody would have blamed him if he had only added at the end, "No matter how that is, I am going to stand by my country and by my corps and fight to the end." Did he do that? No; he criticised and growled and complained, and showed that his heart was over at Alexandria with McClellan, and that he was determined that Pope should not succeed by anything he might do. He did what so many men have done before him—followed the promptings of his injured feelings and forgot the higher demands of duty.

The next answer they make us is, that Porter was a brave man. Certainly he had been as brave a man up to that time as we had perhaps in the Army. And so was Arnold brave before he betrayed his country. Why, do you know that he went into the Army or tried to get in at fifteen years of age? He was one of the first to go to the front after Lexington. He went to the capture of Ticonderoga the highest in command; but when he got among the "Green Mountain Boys" and found that their leader, Ethan Allen, had possession of the hearts of all of them, and when Allen said to him, "My men want to fight under me," "They want me for their leader," what did Arnold do? He surrendered his position as commander, and marched side by side with Ethan Allen as a private soldier, and helped to capture that fort. Afterwards he went to Quebec and on the heights of Abraham he fell wounded in making an assault. Afterwards he led our naval battle at Valcour Island in Lake Champlain, one of the bravest battles ever fought on land or sea; and when the boat upon which he was, the Congress, was disabled, and he found that it was necessary to sacrifice her to save his fleet, he fought her for hours against that entire British fleet, and then ran her ashore, sunk her, and with the few men left escaped to the wilderness, and found his way through the forests to our forces at the fort below. Afterward in Connecticut he led a battle in which he had his horse shot down under him, pierced with seven bullets. His career up to the surrender of Burgoyne was as brave as that of any man who ever lived. Yet in an unguarded moment he fell. And he fell forever. No man ever questioned his bravery, but bravery alone will not save men from acts of insubordination.

Now, I do not use this illustration for the purpose of comparing General Porter with Benedict Arnold; I would not do that. I simply use it for the purpose of showing that a man can be as brave as any man on the face of the earth and yet not do his duty. Fitz-John Porter was not tried for cowardice; he was tried for disobedience of orders and for bad behavior as a commanding officer in the face of the enemy.

They tell us next as an answer that the court-martial that tried Porter was not an impartial tribunal. I wish to say to the members of this House that if that was not a fair court, you could not by any possible means have selected one from the whole Army of the United States. Six of those men had graduated at West Point—the same school that graduated General Porter. All of them had seen honorable service; not a man on the list who did not possess an excellent reputation; all men of ability and integrity. Each member of that court was liable to be tried by just such a tribunal. Each one of them was sensitive as to the honor of his fellow-officers, and the reputation of the Army was sacred in the eyes of each of those men. They tried the case when the facts were new and fresh in the minds of the witnesses. They gave forty-five days of severe labor to the examination of it, and then unanimously found this man guilty as charged. If their decision is not entitled to respect, then let us never in the future attempt to hold another court-martial. Let the system be abandoned now and forever.

But I must hurry on. I wish now to call attention to another fact. This second court, the board of inquiry, was convened simply for the purpose of getting up a plea on which General Porter could be pardoned. The remarks of the gentleman from Indiana [Mr. BROWNE] clearly show that. I wonder how many governors of States there are in this body. If there are any I would like to ask them one question: Did you ever receive a petition for the pardon of a criminal when the papers filed with it did not show conclusively, if you believed their statements, that it was the jury that ought to have been sent to the penitentiary instead of the criminal? [Laughter.] It is the history of pardons all over the country that the *ex parte* case made for the purpose of securing the pardon invariably shows that the prisoner ought never to have been convicted. More than one governor has assured me that such is the case.

Mr. BELFORD. Will the gentleman allow me a question?

Mr. HORR. Certainly, if you will be brief.

Mr. BELFORD. Does not General Grant say, in the letter which he has written on this case, that occasions arise when a corps commander should disobey the order of the general of the army? Does not General Grant say so?

Mr. HORR. I wish my friend would not anticipate me; that is the very next topic on my notes. [Laughter.] The next reason we are told why General Porter should be reinstated and put back into the Army is because General Grant has written a letter saying so. I wish my friend from Colorado [Mr. BELFORD] was over here [pointing to the Democratic side], because I want to talk a minute or two about General Grant to the gentlemen on the Democratic side of the House [laughter], and I would like to have the gentleman from Colorado receive any benefit that may arise therefrom. I have believed in General Grant a good many years. It has been my pleasure to come as near worshiping him as I have any man that this country has lately produced. For twenty years I have heard you gentlemen slander him, vilify him, call him hard names. [Mr. ROSECRANS shook his head.] I will acquit my friend from California [Mr. ROSECRANS] of this charge; for I do not know that I have ever heard of his intimating a syllable of the kind; but it was because he was not up to the tactics of his party and did not sympathize with their methods. That must have been the reason he did not agree with his brethren. Still I repeat what every one of you knows to be true, that if you could think of any vile name to apply to a man, some of you have applied it to General Grant. Yes, you have. [Laughter.] You have belittled his intellect; you have abused his private character; you have assailed him as a soldier; you have called him a "butcher;" you have heaped upon him such coarse and abusive epithets as would not be polite to repeat here in the presence of the ladies in the gallery. For that reason I will not attempt to tell all the things you have said about him. [Laughter.]

Now, you are the men who come in and say to me, "What are you going to do with General Grant's letter? How are you going to get over that?" Well, I would like to know why that should so much concern you gentlemen? [Laughter.] How many hours is it since his opinions became so sacred in the eyes of the entire Democratic party? [Laughter.] Still, if it will please you I will tell you what I am going to do about him and his letter. I am going to say that that grand old man has in my opinion made a mistake in this one case; and as long as it is almost the only mistake of his life I am going to differ with him on this case, and still stand by him longer, stick to him closer, and believe in him more implicitly in the future than any man of you dare promise to do. [Laughter.] Is that full and satisfactory? [Laughter.] You understand me. Here and now I will agree to take his advice and respect his memory longer than any one of you will. Ah, for these long years you have agreed with him only in this one case where he happens to agree with you. [Applause.]

Now, then, I wish to say to my friend from Colorado [Mr. BELFORD]—where is he? I do not see him in his seat. [Laughter.]

Several MEMBERS. He is over here.

Mr. HORR. Ah, yes; he is right here, is he? I wish to say to my friend from Colorado just this: I beg of you, do not allow these men to mislead you. [Laughter and applause.] They know and I know you are loyal to Grant, and they, having tackled you on every corner and having failed to reach you, all of a sudden it occurred to them as a final resort that you were tender on the Grant question and then they put Grant at you. [Laughter.] Do you not see it is all a trick on their part? They are not the men to quote Grant to you and me. They are not for Grant. They were always against him. They only happen to be for Grant in this one case because Grant happens to be with them. [Laughter and applause.] To carry their point you would think, to hear them talk, that General Grant is a political saint; not only a great military chieftain but a statesman. You and I found that out years ago, but it is new with these gentlemen. It never struck them until since we opened this case. [Applause.] So much for General Grant.

But I must hurry on. The next thing they tell us as a reason why this man should be cleared is that General Garfield once moved for a court of inquiry about this when he was in Congress. And my gallant friend from New York [Mr. SLOCUM] mistook that and called him the author of this bill. Now, my acquaintance with General Garfield has been of thirty years' standing. We were boys in almost adjoining counties. I say to you, and I do not stand alone in my knowledge of these facts when I tell you, that when we expected in one of the last Congresses that this bill was to be up for debate General Garfield prepared to make an argument against it.

Mr. PETTIBONE. That is so.

Mr. HORR. There are more than myself who know he said he felt more keenly the assaults made in the report of the West Point board upon the findings of the court-martial than anything that had occurred to him in his long public life.

Mr. BELFORD. Allow me to ask you whether General ROSECRANS and General SLOCUM, both in favor of this bill, were not loyal soldiers? Are not those loyal soldiers to the Union, Generals Grant, ROSECRANS, and SLOCUM, in favor of this bill? [Applause.]

Mr. HORR. Yes, they were all good, loyal soldiers.

Mr. BELFORD. Is there any doubt about that fact? [Laughter.]

Mr. HORR. None in the least, and to offset them there are three thousand other officers just as good, just as loyal, who are against it. [Applause.] The trouble is, these military men do not agree; they differ as to what is proven, what is the law, and what ought to have been done, both on the field and in the court-martial.

Mr. ROSECRANS. Generals Schofield, Getty, and Terry, after careful examination, are also in favor of it, and the whole Fifth Corps have petitioned for its passage. Does not the gentleman know that?

Mr. HORR. Certainly.

Mr. ROSECRANS. Republicans, every one of them.

Mr. SLOCUM. Will the gentleman allow me to interrupt him?

Mr. HORR. Certainly, general, I would like to please you.

Mr. SLOCUM. For the first time in my life I have interrupted a gentleman while he was speaking on this floor. I wish to say to the gentleman from Michigan I have in my possession the original letters of General Garfield saying he was in favor of this commission.

Mr. HORR. Of what?

Mr. SLOCUM. Of this commission—the Schofield board.

Mr. HORR. There is not any doubt about it. This far, that he was in favor of a commission. He moved for one:

Mr. SLOCUM. I have those letters. They will be produced before this House by a gentleman on your own side and one whom you have confidence in.

Mr. HORR. I said he had——

Mr. SLOCUM. Well, one word more. If General Garfield did not propose to abide by the decision of his board why did he order it?

Mr. HORR. I will tell you why. That is a fair question. Because your men were claiming all over the country that he had been unjust, partial.

Mr. PETTIBONE. As a judge.

Mr. HORR. Yes, as a judge. He said select any good men and give them all the facts and they will decide just as we did, and he had the courage to ask it to be done. When this other board came in and filed what to me is a mere pettifogging plea, he stood back and washed his hands of it, and declared that he considered it an outrage on the facts in the case and unjust to himself and the other members of the court-martial and to all the men engaged in that trial.

Mr. SLOCUM. Oh, that will not do, my friend.

Mr. HORR. That will do. [Laughter.] I know because I heard him say it himself. Can the gentleman imagine for one moment that because General Garfield was in favor of this board that he thereby agreed to indorse its findings?

Mr. SLOCUM. One word. In pursuance of General Garfield's recommendation a board of the most distinguished officers of the Army was appointed and every one of them was a Republican.

Mr. HORR. Republican?

Mr. SLOCUM. Yes, every one of them was a Republican. They all belonged to your side of the House. And they came in here with a unanimous report, and I was never so astonished in all my life as I was to hear the men of their own party opposing the confirmation of that report.

Mr. HORR. I did not know before that politics——

Mr. BELFORD. Just let me say——

Mr. HORR. Oh, keep still. [Laughter].

Mr. BELFORD. I wish to ask the gentleman a question.

Mr. HORR. Not now. Now I did not know the politics of that board before. I did not even know that politics entered into their work. I had supposed that this was a question of military discipline, and should be tried without any reference to the politics of the board or of any of the witnesses. The court-martial that tried this case in the outset was not a political body. That court-martial was a judicial body, made up of military men, and was composed of nine able men, each man the peer of any of the three men whom the gentleman has mentioned. So you have nine against three. That is all there is of it. They heard the testimony when the facts were fresh in the minds of the witnesses. They heard it when all of the facts bearing on the case could be verified They heard it before death had sealed the lips of a portion of the witnesses, before they had ceased to be able to tell their story. They could see each witness face to face and judge of his character and veracity.

Mr. BAYNE. Will the gentleman let me ask him a question?

Mr. HORR. To be sure.

Mr. BAYNE. I wish to ask if the West Point board did not have all the testimony of the court-martial before it; and was not every witness examined before the West Point board that was examined before the original court-martial, except two or three who were dead, and General Pope, who refused to respond to the subpœna?

Mr. HORR. Now there my friend launches right into the mazes of all that proof again. [Laughter.] He may be correct about that. I do not care whether he is or not. The first court-martial had all of the evidence that could be produced. They tried the case fairly, and they found the man guilty. What the confederate generals may now testify matters little to me. General Pope gave his orders on what appeared to be the condition of affairs. Porter had nothing to act upon but conjecture. His duty was to obey the orders given by his superior,

based on all he could then find out. The fact that he would have been defeated is no excuse for not making an effort. After their decision, what next. Their finding was reviewed first by the Judge-Advocate-General and approved by him, and then it went into the hands of the President of the United States, Abraham Lincoln. He, as the proof shows, gave it careful attention, examined it cautiously. I have read enough of the case to find out that much. President Lincoln, I say, examined the case as a lawyer or a judge would have done. We all know how his great heart always went out with tenderness and mercy toward every one in trouble. It is said he never found any one guilty if he could help it while he was President of the United States. He never signed a single judgment of a court-martial which consigned a man to death.

Mr. PETTIBONE. Never.

Mr. HORR. But after examining this matter in the light of all the evidence, in the light of the surrounding circumstances, and with a full knowledge of all the facts, he approved the sentence of that court-martial. Now, I say to you that that approval was a final decision of the case, and you have no more right by legislative enactment to revoke and nullify it than you have to revoke or nullify any other decree of a court of final resort in this country.

Mr. BAYNE. Will the gentleman permit another question?

Mr. HORR. Certainly.

Mr. BAYNE. Do you believe that Governor Newell, of New Jersey, would swear to what is false?

Mr. HORR. I do not know Governor Newell, of New Jersey, and have no reason to discredit him——

Mr. BAYNE. Did not he swear that President Lincoln said to him that he signed the record upon the report of the Judge-Advocate-General, and that he had not himself examined the evidence?

Mr. HORR. I know of no such evidence, but since the gentleman is asking questions, let me ask him one.

Mr. BAYNE. Certainly.

Mr. HORR. Did not this last board call Robert Lincoln before it as a witness?

Mr. BAYNE. Yes, sir.

Mr. HORR. Did they not try to prove by him what Mr. Lincoln said with reference to the signing of the decree of the court-martial upon the report simply of the Attorney-General?

Mr. BAYNE. Yes, sir.

Mr. HORR. Did not he simply deny it, and say that his father told him after the court-martial, and after his examination of the case, that the facts in the case would have justified, in his opinion, a sentence of death? My memory is that Robert Lincoln testified to exactly that. [Applause.] You can make me believe that President Lincoln signed that approval hesitatingly, with tears in his eyes, if you please, but that he did it unadvisedly, without examination, never.

Mr. BAYNE. But let me say—

Mr. HORR. But, Mr. Chairman, there is no use in undertaking to change the existence of facts. President Lincoln was not in the habit of signing such documents at random. He signed this verdict of this court-martial because the evidence compelled him to do it. No man need tell me that Mr. Lincoln signed the finding of this, the most important court-martial of the war, without examination. Such a statement belies every act of his life. He could have been driven to sign such a document only by a sense of his sacred duty to the people of this country over whom he was presiding. No man was ever more careful and painstaking than he.

Mr. BELFORD. Will you allow me a question?

Mr. HORR. Yes, go on.

Mr. BELFORD. Now, is it not a fact that in nine cases out of ten the President of the United States has not the time to give his personal attention to the examination of these matters? He must examine the general results. But here we have the fact that General Grant, as a private citizen, having ample time to examine the whole question, has certified to the country that the judgment in that case was unjust. Is not that a fact?

Mr. HORR. Why, Mr. Chairman, I thought I had General Grant on the brain pretty badly, but I surrender to my friend from Colorado. [Laughter.]

Mr. BELFORD. Grant never surrendered. [Laughter and applause.]

Mr. HORR. Right, my friend, because General Grant had subordinates who always obeyed his orders. [Applause.]

Mr. PETTIBONE. That is it.

Mr. HORR. And Grant was successful from the beginning to the end of his military career because his subordinates understood that if they did not obey it meant business. He had a sort of business way about him anyway during that war, as my friend knows, and he was in the habit of managing things himself. His under officers knew when he gave an order it called for quick, prompt action. One of the generals of our Army told me less than two years ago, and I am sorry that he is now dead and in his grave, that in one of the battles of our late war he got an order from General Grant, sent to him on the field of battle, telling him to lead his brigade into a certain place. He immediately put his line in order, and just then he saw, a few hundred yards from him, General Grant and his staff riding through the fields inspecting the lines. He said, I was so well satisfied that to obey that order would sacrifice my entire brigade that while they were forming I rode across to General Grant. I said to him: "General, I have received your order. To do what you tell me will cost the lives of my entire brigade." What did General Grant do? Said he: "Young man, I am glad you understand your order," and rode off to issue others. That officer did go in; and he told me that two-thirds of his brigade were left on that field. But it may be that thereby he saved the army from defeat and thousands of other lives that would have been sacrificed if he had acted as Porter did on the 29th. [Applause.]

But I must hurry on. Now, I want to address myself quietly——

Mr. SLOCUM. Will the gentleman give the name of that brigade commander? I have a good deal of curiosity to know who he was.

Mr. HORR. I will do it cheerfully if the gentleman will come to me privately. I do not want to publish it here.

Mr. SLOCUM. And the battle?

A MEMBER. It was General Hurlbut.

Mr. HORR. Many here have heard him tell it, and some one has named him. I will say, then, it was General Hurlbut, of Illinois. Perhaps he too was one of those men who did not believe in Porter. Of course if he did not believe in Porter, then you gentlemen will give him no credit. Then there is nothing too bad to say about him as a soldier. If he did believe in Porter, then of course he was a great general. [Laughter.]

I want now to come to a little talk quietly with you gentlemen who were fighting on the other side. In doing this I do not intend to stir up any feelings of animosity. I do not want to arouse any antagonisms. I simply want to talk to you as sensible men.

Now, when this Porter trial occurred we were in a good deal of trouble in this country, were we not? and you, too, were in trouble, were you not? Yes, there was a great deal of trouble all over the United States at that time. We can all agree as to that. We of the North were managing one side of the contest, and you of the South were managing the other side. We were doing the best we could, and you were doing the best you could. My propositions are clear, are they not? Now we were sometimes at a great loss to know just what to do. Sometimes we probably made mistakes. Sometimes we probably did things that if we had known better we would not have done; things that injured our cause. When we did that you received the benefit of our mistakes, did you not? And you rejoiced at the time because we had made them, though you may not now. Am I not right? What I ask is, now that the trouble is all over, now that you are back here representing this great nation in Congress, whether it is fair that you should come in and rip up our old settlements and vote on the question as to whether we decided our difficult problems correctly or not?

Mr. SLOCUM. One word. Does the gentleman know on which side General ROSECRANS, General ROGERS, General GREENLEAF fought?

Mr. ROSECRANS rose.

The CHAIRMAN rapped to order.

Mr. HORR (addressing Mr. ROSECRANS). Certainly I know, and I was not talking to my friend from California.

Mr. ROSECRANS. Yes, sir; you pointed over this way.

Mr. HORR. No, sir; I was addressing the men who fought on the other side. Why, good God, general, you were on our side then! [Laughter.] I am simply asking whether it is a matter of good taste for these gentlemen who fought against us to come in now and reverse the decisions that were made at that time. I am not speaking to you men who believed in the Union cause.

Right here let me give a little history by way of illustration. You all recollect that during the war—General ROSECRANS recollects it as well as anybody on this floor—we in Ohio got into difficulty through a man by the name of Vallandigham. I lived in Ohio then. You all remember after a while President Lincoln sent him over the border. You recollect when he did it. Most of you men over there—not you, general—but most of you men now on that side of the House said it was an act of tyranny, an act of usurpation. You said Lincoln was a tyrant. Yes, you did; the most of you did.

Now, suppose there was a resolution brought in here declaring that in that transaction Abraham Lincoln did act the part of a tyrant, was a usurper, and that Vallandigham acted the part of a patriot. How would you gentlemen of the confederate army vote on such a resolution? How would you vote on it, if you should vote as you believe? You gentlemen remember when he was sent through the lines; you fêted him, honored him, gave him triumphal marches from one end of the South to the other. Now, the point I make is: suppose such a resolution was offered here, would it be fair for you gentlemen who were on the other side to come in here and vote upon it at all? I say that good taste, fair treatment would compel you to stand aloof, not to meddle in those matters.

Mr. JOHN S. WISE. Will the gentleman yield to me for a few moments?

Mr. HORR. Certainly.

Mr. JOHN S. WISE. I will ask five minutes through the courtesy of the gentleman from Michigan to answer his interrogatory.

The CHAIRMAN. Does the gentleman from Michigan yield?

Mr. HORR. Certainly I yield. I shall be pleased to know how my position strikes one who fought against us.

Mr. JOHN S. WISE. I thank the gentleman from Michigan for the opportunity here and now to place myself on record in regard to this controversy. And I speak for myself, myself alone, not as a confederate general or one skilled in the science of war, but as a boy who at 17 years of age loved the confederate cause, saw no taint upon its banner, followed it, shed his blood for it, and thought he was right. I speak to-day, so help me God, without one thought of treason, and loving that flag that is over your head as dearly as did Daniel Webster when he apostrophized it, as you all remember. [Applause.]

I speak, however, as one who, as he has heard this debate, has felt that his mind wandered off from it despite himself and was back with the graves of the confederate dead. I recognize, sir, the propriety of the suggestion made by the gentleman from Michigan. I appeal to the confederate soldiers here to know whether, as this discussion has progressed, instead of following the triumphs of Grant and the troubles of Porter, their minds and thoughts have not been back with the graves of their brethren and friends, and whether they do not realize that this is the most anomalous spectacle ever witnessed in the history of any land where the vanquished are called upon to cast the votes which shall decide the balance in the contested glories of their victors? [Applause.]

Mr. Chairman, for myself I accept the issue as presented. I turn from this scene with irrepressible sadness as one in which I properly have no participation. I see the panorama of the past once more come before me. I feel once more as if we were back in the bloody angle of the wilderness or gasping in the smoke and sulphurous vapor of the crater. The blood of Gettysburg is red once more. The tears of Appomattox flow again. The specter forms of the lost cause beckon me away from this controversy as one in which I have no part.

And so, my brethren of the North, ay, brethren now without one tinge of bitterness, while you are deciding who was the Achilles, who the Diomedes, who the Ajax Telamon of your triumphant arms, I stand aside. It is no controversy of mine. My thoughts shall stray back meanwhile to the camp of the conquered, where the silent sentries keep their watch across the river, and the confederate dead are sleeping beneath the shadows of the trees. [Applause.]

Mr. HORR. I thank the gentleman for his frankness. I am glad that he sees the correctness of my position and has the courage to announce his opinion.

I know that whatever these other gentlemen may do they can not help feeling the impropriety of being asked to come in here and settle these questions between us men of the North. I was saying that we had trials and troubles, that we made mistakes, but we settled these matters as best we could; and now if you will give me your attention a moment I will say that it is time we stopped raking up these old matters. "Let the dead past bury its dead." We on this side of the House did not bring in this bill. I say it is time that you gentlemen gave the people of this country to understand that you are ready to drop those old controversies, that you are ready to start anew, and for the future to work for the good of the country, untrammeled by the scenes of the war.

But you can not do that by taking every opportunity you can find to reverse the decisions of our courts-martial, to reverse the decisions of our officers in high command and of high rank in civil and military life, and by opening up again the many questions which have been fairly and honestly closed for twenty years.

I want to say one word to my distinguished friend from New York who has charge of this bill [Mr. SLOCUM]. At the close of his remarks, with that eloquence for which he is noted and characterized, he begged of us on this side of the House to throw away partisan feeling. He said, "Don't, I beg of you, don't let us have any partisanship in this matter." Well, let me say to gentlemen here that we are somewhat divided over on this side of the House; there is no partisanship over here. How is it, general, over there with you? How many Democrats are going to vote against this bill? Are there fifty of you; are there twenty of you; are there ten of you; are there five of you? Is there one who is going to vote against this bill? Come, do not all speak at once. [Laughter.]

Mr. MORRISON. There ought not to be one.

Mr. HORR. There is not one, then?

Mr. SLOCUM. If you let this thing rest one year longer, with such accessions as General Porter has had from your own party, I would leave it to yourselves to decide.

Mr. REED. We will agree to that.

Mr. HORR. Yes, indeed; we agree to that.

Mr. SLOCUM. Day after day and week after week there will be converts on your side.

Mr. HORR. I am glad my aged friend is already "under conviction." He must know that it is the proper thing to do, to leave it to the men of the North who first had to decide the matter, the Union men I mean. When those men decide to put General Porter back into the Army I shall be content; and I do not say this with any feeling of harshness or disrespect to those gentlemen who fought against us, and they know it, but I do claim that their situation should preclude them from taking any part in this decision now.

But I was talking about my friend's idea of partisanship, and it is not fair for him to break in upon a man in this way just as he is reaching his climax. [Great laughter.] I was asking you if there was one man on the other side of the House who is going to vote against this bill? What do you mean, general, by partisanship? Is it where the Democrats vote all one way, and the Republicans vote as they believe, some one way and some the other, as we do on this bill. [Laughter.]

I remember that in my State there was an old man, the father of a large family. The family had grown up, and one day they got into a very hot religious discussion. The old gentleman was a zealous Methodist, but his children, girls and boys, had varied theological notions. The discussion grew hot, as such discussions sometimes do. Finally the old gentleman broke in upon them and said, "Tut! tut! children; stop, let us have no *sectarianism* in this family; let us all be Methodists." [Great laughter.]

Now, that is what my friend from New York means by non-partisanship; that we on this side shall vote one way or the other, as we think right, and that the Democrats shall vote solid, all one way. It is only Republicans who become partisan by voting solidly together.

Oh! I have heard too much of this partisan talk within the last few years; I am tired of it. If you men desire to rise above party now is your opportunity. We have done it on this side the House. Come, then, let me join my military friend from New York, and beg of you to take his advice. Do not all hang together. Examine this case as we have done, and vote from your convictions just this once. [Applause.]

Do you know that if this had been the case of a confederate soldier whom your generals had tried and convicted and we were now attempting to do what you are trying to do, to reverse your decision, the old confederate cry would come up here until we would be driven from this Chamber because of the injustice of men on our side of the House going over and trying to settle your old difficulty? That would be none of our business, you would say, and you would be right. Like us, you probably made mistakes; you probably convicted men you ought not to have convicted. We may have done the same thing. Be that as it may, it is no more than fair that we should let your decisions of your own matters, made in your own way, rest where you left them. It is equally fair that you should refuse to step in and decide matters tried and settled among ourselves twenty years ago.

After some further interruption,

Mr. HORR said: In conclusion let me repeat, it is time that people stopped raking up these old matters, stopped trying to reverse the decisions of the war. But you say, "We want to vindicate Fitz-John Porter." Why, gentlemen, the time has gone by when that can be done. This jury that is trying him to-day can not do it. Do you know, as the friends of Porter, that among the Union people of the North to acquit him by your votes—I mean by the solid votes of the men who at that time were on the other side—would be the most cruel thing that you can do to his memory?

Mr. SLOCUM. Whose votes?

Mr. HORR. The votes of the men who fought on the other side and received the benefits of his tardiness and failure to obey his superiors, if there were any to receive. The men who fought against us then are here now and have the legal right to vote on this question. I do not deny the legal right. But I do say that as a matter of good taste and fair dealing they ought to let this thing alone; they ought to stand aloof from it. They had no part in it then; they should refuse to meddle with it now. [Applause.]

Mr. GIBSON. Will the gentleman permit me to ask him a question?

Mr. HORR. Certainly.

Mr. GIBSON. Do you mean to say that, being here as American Representatives and the question is presented to us, it does not become our duty to act in accordance with our conscientious convictions?

Mr. HORR. That is a fair question. I say to the gentleman that the rules of this House permit a member here, if any bill is brought before it, and he has so much interest in it as amounts to 5 cents, the rules permit him to get up here and say to the House, "My relation to this bill is such that I ask to be excused from voting on it." And for the paltry sum of 5 cents you would be allowed to walk off and not vote.

Now, do you think you would not also be excused from voting if you should rise here in your place and say, "Gentlemen, when these scenes were transacted my position was this: I was trying to destroy this Government because I thought it ought to be destroyed. I and others were fighting for what we believed to be right; my whole interest was against the boys who were fighting with Porter, and if he did not do his duty I got the benefit of it. This general was one of yours, not mine, and now I prefer to take no part in this fight." Would any one ask you to vote after that statement? The stake is more than 5 cents; it is the lives of a good many men who went down to death on the 29th of August. It is the reputation of many Union generals who acted on that court-martial; it is the character of Abraham Lincoln and his associates in power; it is the good name of General Garfield. All these are involved in this case. You were interested in it. I think your position *then* estops you *now* from standing up before the American people and deciding as to the propriety of what we men whom you were fighting did.

Mr. GIBSON. You have not answered my question.

Mr. HORR. I think that is an answer. Ask it again.

Mr. GIBSON. I ask the simple question whether you mean to say that, as American Representatives, we ought not to discharge our duty by acting in accordance with our conscientious convictions?

Mr. HORR. My dear sir, that is exactly what I did answer.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SLOCUM. I move that the committee rise.

Mr. BLANCHARD. I move that the time of the gentleman from Michigan be extended.

Mr. SLOCUM. I have no objection.

Mr. HORR. I am very much obliged. I did not intend to occupy one moment beyond my hour.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Michigan? [Cries of "Go on!"] The Chair hears no objection.

Mr. HORR. The gentleman from West Virginia [Mr. GIBSON] talks about his "conscientious convictions." He means this, as I understand him, that if he has a clear idea about the way this ought to be decided, ought he not to vote that way? Let me tell you what is the trouble, my friend. The state of mind in which you approach this examination necessarily precludes you from giving a fair decision. You start in with all your convictions formed. I know you do not think so; but it is utterly impossible for you to judge this case impartially. Suppose to-morrow the question was brought in here whether Jefferson Davis was a traitor and ought to have been hanged; do you think I would be a fair juryman on that question?

Mr. GIBSON. I doubt it.

Mr. HORR. Yes, you doubt it, and so do I. [Laughter.] But I would be just as fair a juror in that case as you gentlemen are in this. [Applause.] I would not sit on such a case. Why? Because my mind was long since made up. I have even on several occasions expressed an opinion. I may have prejudices on that question; I have "conscientious convictions" upon it I know, and yet you would all say that my decision in such a case would not be fair to you gentlemen who believed in Mr. Davis. Now I say that your position—I am not finding fault with you; you understand me?

Mr. GIBSON. Oh, I understand you.

Mr. HORR. I say the state of mind you are in necessarily precludes you from being a proper juror. You would not be permitted to sit—none of you—on any jury upon a case involving $20 if you had been as much interested beforehand in such a case as you were in this case. [Laughter.] Yet you gentlemen come and propose to do—what? "Vindicate" Fitz-John Porter! I was just saying that such a "vindication" is impossible. When he disobeyed the order of his superior, when he refused under the sound of the enemy's guns to go into battle to save his country, when the court-martial convened and tried him patiently and fairly, and President Lincoln approved their finding, Fitz-John Porter's record was made. The curtain then dropped. The bed he had made himself he must now sleep in. You have not the power to raise that curtain, simply because you have not the power to carry conviction to the mind of the civilized world that you are disinterested jurors, for you are not; you can not be; and General Porter must go into history with the record he himself made. His evident determination that he would in no way aid General Pope to win any victory; his tardy, sulking, insubordinate actions at the second battle of Bull Run are the written history of the past, and no vote of this or any other Congress can wipe out the stain he then and there cast upon his own name as a military man.

Now, I want to say just one word in conclusion. I am well aware that you intend to pass this bill; I am well aware that you have the power to do it; but with my convictions I can not permit it to pass without entering my solemn protest. In the name of good discipline for the future in the American Army I do protest; in the name of the loyal men of the North who sustained our armies, who stood by this Government and settled these questions once and supposed they had settled them forever, I protest; in the name of the one-armed, one-legged, maimed, wounded soldiers scattered all over the United States, I protest. If our Army suffers for efficiency on account of the numbers on the retired-list, let me suggest that scattered all over this land are brave men who lost limbs, lost health, lost everything but their honor, whose names could be substituted with propriety for that of this man, who was convicted by as fair a court as ever convened of not doing his duty. In the name of those soldiers I here and now protest. Ay, in the name of the thousands of "boys" who died on that 29th of August, when this man was lying in the shade, and whose spirits are now crying to us from the ground to do justice to them and their memory, I protest against the passage of this bill. And, gentlemen of the committee, before you vote this measure through stop and think. You are constantly telling us you want these questions dropped out of sight, that you want to have the country go on in its work of peace in building up the great commercial interests of the country. So do we; and if you will stop going back and trying to undo the things which we honestly—maybe mistakenly—but honestly decided, we will stop talking to you about your past record. Until then you must expect us people of the North to be jealous about the conduct of the war and the decisions then made. They cost us blood, they cost us treasure. We believe, as a whole, we were governed at that time by men who had patriotic hearts and great brains, and we are satisfied with their decisions; and whether you are satisfied or not, we insist that good taste, good faith, and good feeling all demand that a large number of you should at least remain silent on this bill. [Applause on the Republican side.]

Mr. SLOCUM took the floor, and yielded for five minutes to Mr. BRECKINRIDGE.

Mr. BRECKINRIDGE. I wish to call the attention of the gentleman from Michigan [Mr. HORR] who has just spoken to what I believe to be the mistake he makes in stating the position of the confederate element on this floor. We are not called upon to vindicate Fitz-John Porter. He was vindicated at West Point, and we are only called upon to give effect to that vindication. The question is, shall we stand back and not vote the legitimate consequences of his vindication by a Union board, a unanimous Union board, a military board, a Republican board, or shall we say that that man who fought against us shall not receive the legitimate consequences of the vindication which has been awarded him unanimously by his peers?

Mr. HORR. In reply to my friend from Arkansas I wish to say that I made no mistake. To start with I deny that board did vindicate Fitz-John Porter. I deny they had the power to do it or the right to do it. If they did vindicate him, why do you not let him alone? Why are you trying to add something more to it?

Why, my friend from Arkansas forgets that the question whether they did vindicate him or not is one of the questions in this dispute. We do not think they did. Now, is it fair for you, I do not know whether you fought on the other side or not——

Mr. BRECKINRIDGE. I did.

Mr. HORR. I did not know but you were one like myself who staid at home. Now, do you think it would be fair for us to try a case whether you had treated some one not exactly right during the war?

Mr. BRECKINRIDGE. The case is not analogous. This is not a question as to whether we shall be upon the board of review. The board of review vindicated. It was wholly Republican, thoroughly military. Very eminent, emphatic and unanimous in its finding. recommending far more than is now proposed. No confederate helped to bring this about. But since it is brought about, no confederate can fail to vote in favor of the consequences of the finding without placing himself in the attitude of an obstinate, vindictive, and unrelenting foe.

Mr. HORR. There is never anything analogous on that side. [Laughter.] Analogous is all on the other side. That is the trouble about it. [Laughter.] There is nothing analogous. [Cries of "Order!"] It goes to the mental condition. [Cries of "Order!"]

The CHAIRMAN. The gentleman from New York is entitled to the floor.

Mr. SLOCUM. Mr. Chairman, it was understood there was to be one speech more before the adjournment this evening, but it is so late now, and I think most of the members are so tired, I believe I will now submit the motion the committee rise. I have got so utterly confounded hearing the gentleman from Michigan [Mr. HORR] saying "we" and "you fellows," "we did this" and "we did that," that I do not know whether Grant fought on the Union side or whether I did myself. If the gentleman from Michigan is right he was on one side and I was on the other. That is the position it has assumed.

Mr. HORR. Do I understand——

Mr. SLOCUM. I understand what you have been saying all day. It has been "we" and "we" on your side of the House, and you recognized everybody else as enemies of the Union. [Applause.] I move that the committee do now rise.

Mr. BAYNE. I suggest to the gentleman from New York that one hour longer this afternoon can well be devoted to this debate.

Mr. MAGINNIS. Certainly. The House is full, the galleries are full, and we may just as well go on.

Mr. SLOCUM. I withdraw the motion.

Mr. TOWNSHEND. Mr. Chairman, it is within twenty minutes of 5 o'clock. I think the committee ought to rise.

Mr. BAYNE. Let me say, Mr. Chairman, that if gentlemen are anxious to have a vote upon this bill the debate had better be continued for a while longer. There are several members who want to speak, and there are also a number of gentlemen who want to be heard in brief speeches of ten minutes, expressing the motives which will induce them to vote for or against the bill, and if debate is to be cut off at an early hour you will find that you will not get a vote for many days upon this bill.

The CHAIRMAN. The motion that the committee rise has been withdrawn.

The gentleman from Kentucky is recognized.

Mr. WOLFORD. Mr. Chairman, from a very full, a very thorough and careful, examination of all the testimony, and with all of the light that I could receive outside of the testimony—for I believe that we have a right as members of Congress to possess ourselves of all of the light that can be given upon such a subject—I say from such an investigation I have come to the deliberate conclusion that Fitz-John Porter was a noble, a gallant, and a brave soldier of the Union, a man who loved the Union, and who fought for it, and who never at any time previous to September, 1862, violated his trust. Having deliberately

come to the conclusion that he was, as was eloquently expressed by my friend from Michigan, a man without a stain or a blemish upon a pure, noble, and gallant character; that he had maintained himself up to that time with all the bearing and dignity of a soldier; and going further than my friend from Michigan goes, that at that time, the very time that these charges were brought against him, he showed the proudest record of his proud life—as proud as that of any Union or confederate soldier ever showed upon this earth—I propose without any passion, without any prejudices, or any discrimination between the men who fought upon the Union side and those who so gallantly fought us upon the other side, to examine this case from such a standpoint as I think is right and proper in the premises.

I have said I believed that Fitz-John Porter was a hero. I go further, and say that by the judgment of that court-martial he became a martyr, and has been a martyr ever since. And I want to call the attention of this committee to a few facts in relation to the matter. But before I commence this investigation I will say that the arguments coming from the gentlemen who are opposed to this bill have struck me with a great deal of astonishment. There is an effort made here, and a persistent effort, to blacken the character of a man already, as they say, under sentence of conviction; and I want to call your attention before I have commenced with the investigation of the charges against him, and I propose to show conclusively by facts, that upon the very occasion you condemn him for he showed such wisdom, so much skill, so much bravery, so much honesty and purity of character as entitle him to be placed side by side with the most gallant and chivalrous of American soldiers. I propose to establish the fact that he showed as much gallantry as was ever shown by any American soldier.

But I call attention to what we are now doing. There seems to be in the mind of my distinguished friend from Indiana, as well as my distinguished friend from Michigan, an opinion that we are trying to reverse the decision of a court-martial. There is no such thing contemplated; no such effort is being made; and I think that I will make that proposition clear before I conclude. What are we proposing? We are proposing to restore Fitz-John Porter to the Army. Do you say that we have no right to do that? I do not care whether the court that tried him was a legally constituted court or not. I do not care whether the court that investigated his conduct afterwards, the West Point board, was a legally constituted tribunal or not. The only question that presents itself for our consideration is this, was he justly condemned? And antecedent to that comes the question, was he guilty of the charges preferred against him?

But I return to the question, what are we doing now? We propose to request the President of the United States to place him on the rolls of the Army as a major-general of the United States, to ask the Senate to confirm that nomination, and if it sees fit, to restore him to the Army. You tell me that the sentence of the court-martial declared that he should not hold any office of trust or profit in the United States so long as he lived; that that was the finding and sentence of the court. But does any gentleman tell me here and now that Fitz-John Porter can not under all the laws of this country—will my gallant friend from Indiana [Mr. STEELE] tell me that under the law as it now stands, he can not hold any office of honor or profit or trust within the power of the President to confer or that the Congress of the United States may see fit to ask the President to give him?

Mr. STEELE. Will my distinguished friend from Kentucky tell me that the commission you are proposing to empower the President to give him, which is to date from the date of his dismissal from the Army, does not afford a vindication?

Mr. WOLFORD. I will answer the gentleman.

That is exactly in the line of the argument I propose to follow, and I will answer him fully. All we intend to do, all we ask for him, I will fully explain; and while I admire the manner in which the debate has been conducted, all I ask now is a fair hearing upon this floor. I assert that the day that his disability was removed by the pardon of the President he was in a position to hold any office of trust or profit under our Government. Will my distinguished friends from Indiana or Michigan, who have argued this question with so much zeal—mistaken zeal, I may say—assert that Fitz-John Porter has not as much right under a pardon from the Chief Executive to receive an office from the President of the United States as they have?

If you will not deny that, then we are not seeking, as the gentleman erroneously supposed, to bring in a reversal of the decision of the court-martial, but are simply seeking to vindicate the memory of a great, good, and gallant soldier of the United States against the aspersions which have rested upon him too long.

It will not be disputed that the President has pardoned Fitz-John Porter. The President pardoned him upon an investigation that took place at West Point; and I want to talk a little about that. I propose in the hour allotted to me to say that Fitz-John Porter acted as nobly at the very time you condemned him as he did at any time in his life. But I do not wish to enter upon the investigation of that question right now. I propose first to answer the argument that he was disloyal. I believe several gentlemen made that argument. I believe that my distinguished friend from Michigan made it. I believe it was made also by the distinguished gentleman from Indiana and by all the gentlemen who followed. They asserted that he was disloyal. They would not say in so many words that he was disloyal to his Government or to the Union cause. I honor them for not saying that. But they say he was disloyal to Pope. I believe I quote the gentlemen rightly as saying he was disloyal to Pope and hated Pope.

Disloyal to Pope! Are we to learn again that a man must be loyal to a man, to an individual? I am disloyal to any man that lives upon the earth. I hold I have no master, that is, under heaven. I have no master on the earth. I am loyal to my country. Every pulsation of my heart during the war beat for the success of the Union cause. I am loyal to my country to-day, but I hold no loyalty to any man, to any individual. Will my excellent friend from Michigan and other gentlemen who have argued on that side of the case rise here in their seats and say now they were loyal to a man? It was right not to be loyal to Pope.

I do not wish to say a single word against General Pope. I do not wish to pluck a laurel from his brow; but I say that General Porter had a right to be disloyal to Pope. He had a right to spurn with contempt anything that required him to be loyal to any man.

I want now for a few minutes to answer another argument. It has been said that his disloyalty to Pope made him disloyal—I believe that was the logical argument of my distinguished friend from Michigan—made him disloyal to his country for a time. Now, is that so? If it did, then Fitz-John Porter committed a grievous fault. All the gentlemen who have opposed the bill have supported the view before this House that Fitz-John Porter was disloyal and had forgotten his allegiance to the Government and to the United States. I suppose they meant to use the word disloyalty in that connection, and if they did not they will please correct me now, as synonymous with a lack of allegiance. They mean to say that for a moment he forgot his allegiance to the Government of the United States; that, for the time being, he forgot what he owed to the Government. I shall treat the argument in that way. Then I say that Fitz-John Porter was not a traitor. Do gentlemen argue that he was, that he was disloyal to his Government, that when standing in the front fighting a brave, and gallant, and powerful foe he was a traitor? I answer, the court-martial did not say that. If they understood the question as these learned gentlemen have argued before this House, if the court-martial which tried him had thought he was a traitor it would have been their duty to have ordered him to be shot. But they did not charge him with being a traitor. They only charged him with disobeying orders. And it is you gentlemen who now put that stigma upon his character and upon his conduct.

Before I undertake to investigate the facts and show that he did upon that day do his duty, I mean upon the 27th, 28th, 29th, and 30th August, I propose to draw a little distinction. Gentlemen speak of a court-martial as a constitutional court. I suppose they do not in earnest mean that the Constitution provides for a court-martial. I suppose neither my distinguished friend from Indiana nor my distinguished friend from Michigan would undertake to say a court-martial was established by the Constitution of the United States. But I want for a few minutes to draw a distinction between a court-martial and a court of law, and I will then come to the investigation of the facts in this case.

A court-martial has always been established in every country for the discipline of the army; nothing more, nothing less. A court-martial is summoned by a President of the United States, or by some commanding officer in the Army, and he selects the court. In a court of law every man put upon trial for his life and liberty would have a right to select the court. No such privilege is given to him in a court-martial, and the gentleman from Michigan will not say that it is.

There is a marked distinction between a court-martial and a court of law. In a court of law the law presumes the innocence of the accused from the moment he enters upon his trial until it ends; and you have to prove by evidence beyond a reasonable doubt that he is guilty before you can convict. In a court-martial the presumption is a man is guilty or he would not be charged, and he is brought forward for discipline.

Then in a court of law a man can bring evidence of his good character to rebut any testimony that may arise from such proof as to slight and immaterial matters as was introduced in the Fitz-John Porter case. In a court-martial the good character of a man is the very reason you convict him. And I assert here to-day one of the great reasons for the conviction of Fitz-John Porter is his good character. Now suppose that in a court of law you had had my friend from Michigan to testify to the good character of Fitz-John Porter, what a volume of testimony it would have taken to overcome the presumption of law and positive evidence of good character on the part of the accused. But when you come to try him by court-martial another rule prevails. The enlightened rules of jurisprudence have gone; another rule prevails. What is the main object of a court-martial? The sentence that will best secure discipline in the Army. And here, in a time of great excitement, when the whole country is filled with alarm at the defeat of our grand Army at Manassas, at a time when men trembled for the safety of the Union, you have a court-martial assembled—not assembled by Fitz-John Porter—to do what? To bring discipline to the Army; to teach men to obey.

General Porter was a bright and shining mark, one that everybody looked up to. In him we have an officer of rank and position. It will not do to take a private, because if we execute him it will amount to nothing. But here we have a brave and gallant and noble officer, and we can say that he has, in the letter, disobeyed orders. We will take that man and try him and find him guilty, in order to discipline the Army.

Mr. HENDERSON, of Illinois. I would inquire of my friend from Kentucky [Mr. WOLFORD] if he will not now yield to a motion that the committee rise?

Mr. BAYNE. That is just the suggestion I was about to make, the gentleman to continue to hold the floor.

The CHAIRMAN. The gentleman from Kentucky has 42 minutes of his time remaining.

Mr. WOLFORD. I will yield for a motion that the committee rise.

Mr. BAYNE. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOLMAN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the Private Calender had had under consideration the bill (H. R. 1015) for the relief of Fitz-John Porter, and had come to no resolution thereon.

Mr. ROBERTSON. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUCHANAN: Papers relating to the claim of S. H. Hill—to the Committee on Claims.

By Mr. COBB: The petition of citizens of Indiana, for increase of the duty on wool—to the Committee on Ways and Means.

By Mr. GREEN: The petition of citizens of Brunswick, New Hanover, and Columbus Counties, North Carolina, for the improvement of Logwood Folly River—to the Committee on Rivers and Harbors.

By Mr. LACEY: The resolutions of the house of representatives of the State of Michigan, in relation to the Ontonagon and State Line land grant—to the Committee on the Public Lands.

Also, the petition of officers of the Second Regiment of Michigan State Troops, in relation to a national encampment of the militia of the United States—to the Committee on the Militia.

By Mr. LOVERING: The petition of Grand Army Posts, No. 118, of Swampscott; of No. 79, of North Adams; of No. 114, of Merrimac; of No. 6, of Holliston; of No. 21, of Fayville; of No. 68, of Dorchester; of No. 27, of Hanson; and representatives of Posts Nos. 2, 99, 15, 21, 35, 39, 73, and 113, Department of Massachusetts, for a land-warrant of 160 acres for every honorably discharged soldier who served in the war of the rebellion—to the Committee on the Public Lands.

By Mr. MORGAN: Memorial of Ellsworth Post, No. 12, Grand Army of the Republic, Department of Missouri, in relation to pensions, bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. W. F. ROGERS: The petition of General Barry Post, No. 248, Grand Army of the Republic, of New York, asking that copies of the Congressional Directory be sent to all posts of the Grand Army of the Republic that apply for same—to the Committee on Printing.

By Mr. OATES: Papers relating to the improvement of the navigation of Choctawhatchie River—to the Committee on Rivers and Harbors.

By Mr. PRICE: The resolutions adopted by the Merchants' Association of Milwaukee, Wis., in relation to the exportation of meats—to the Committee on Agriculture.

Also, the petition of the board of supervisors of Saint Croix County, Wisconsin, in relation to interstate commerce—to the Committee on Commerce.

By Mr. SMITH: The petition of W. O. Bowers and 93 others, of G. W. Hensel and 43 others, and of F. W. McNally and 86 others, for the enactment of a law to redeem trade-dollars and to suspend the coinage of silver dollars—severally to the Committee on Coinage, Weights, and Measures.

By Mr. STOCKSLAGER: Paper relating to the Van Deventer excavator—to the Committee on Patents.

By Mr. STRUBLE: The petition of Lieut. J. Mackenzie, for relief—to the Committee on Military Affairs.

Also, the petition of citizens of Sioux City, Iowa, for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. THROCKMORTON: Papers relating to the claim of Laura Mickle—to the Committee on Indian Affairs.

By Mr. VANCE: The petition of A. H. Hedden, for the establishment of a post-route from Hamburg to Franklin, N. C.—to the Committee on the Post-Office and Post-Roads.

By Mr. A. J. WARNER: The petition of the Dick Mason Post, No. 304, of Lowell, and of Bishop Williams Post, No. 206, Grand Army of the Republic, of Shade, Athens County, Ohio, in relation to pensions, equalization of bounties, &c.—severally to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WELLBORN: The joint resolution of the Legislature of Texas, praying passage of a bill granting right of way through the Indian Territory to the Gulf, Colorado and Santa Fé Railway Company—to the Committee on Indian Affairs.

By Mr. W. L. WILSON: Papers relating to the pension claim of Mrs. Joanna Cramer—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *January* 28, 1884.

Prayer by Bishop M. SIMPSON, of Philadelphia.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the river and harbor act of August 2, 1882, a letter from the Chief of Engineers, submitting reports from Maj. Charles W. Raymond of the results of examinations and surveys of Fort Point channel and channel in Boston Harbor, of the headland in the town of Hull with a view to its protection by sea-wall, and of Ipswich River and Sandy Bay, Rockport, Mass., with a view to the construction of a harbor of refuge thereat; which, with the accompanying documents, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the river and harbor act of August 2, 1882, a letter from the Chief of Engineers, submitting reports from Maj. Charles J. Allen of the results of an examination of the lakes near the headwaters of Cannon River, and of the Minnesota River near the village of Belle Plain, in the State of Minnesota, with a view to adding to the reservoir system of the Mississippi; which, with the accompanying documents, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the river and harbor act of August 2, 1882, a letter from the Chief of Engineers, submitting reports from Lieut. Col. William E. Merrill of the results of examinations and surveys of certain rivers, harbors, and channels in Ohio, Pennsylvania, and West Virginia; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the river and harbor act of August 2, 1882, a letter from the Chief of Engineers, submitting a report from Lieut. Col. Henry M. Robert of an examination, with plan and estimate, for a breakwater at Rouse's Point, Lake Champlain, New York; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting a copy of a report from Capt. D. W. Lockwood of the result of an examination and a survey of the harbor at Cross Village, Mich., made under his direction, to comply with the requirements of the river and harbor act of August 2, 1882; which, with the accompanying documents, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting copies of papers inadvertently omitted from those transmitted to the Senate on the 9th instant and since printed as Executive Document No. 47, in response to resolution of December 4, 1883, calling for copies of correspondence relating to the Yellowstone National Park; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present a resolution of the General Assembly of the State of Ohio in the nature of a memorial, which I ask may be read and referred to the Committee on Finance.

The resolution was read, and referred to the Committee on Finance, as follows:

Joint resolution in reference to tariff on wool.

Whereas the Forty-seventh Congress reduced the tariff on imported wool against the protest of every wool-grower of the State of Ohio and the United States; and

Whereas the said reduction of tariff on imported wool discriminates against the wool-growers of the West in favor of the manufacturers of the East, thereby compelling the wool-growers of the West to compete with cheap wool of foreign countries, to their very great injury; and

Whereas that tariff was reasonable, and not too high before the reduction, and stands now at a rate so low as to injuriously affect that large and respectable class of people who have devoted themselves to wool-growing; and

Whereas an Ohio Congressman has already introduced a bill in the House of Representatives of the Forty-eighth Congress to restore the tariff on wool as it stood prior to the recent reduction, which should be passed at the earliest time possible: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators in Congress be, and are hereby, instructed; and our Representatives requested, to use all honorable means and vote for the bill to restore the tariff on wool as it stood

prior to the recent reduction; and that the governor be requested to send a copy of this resolution to each of our Senators and Representatives at Washington.

A. D. MARSH,
Speaker of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Adopted January 23, 1884.

Mr. SHERMAN presented a petition of the Board of Trade of the City of Gallipolis, Ohio, praying for the establishment of a marine hospital at that place; which was referred to the Committee on Commerce.

Mr. SAWYER presented the petition of L. S. Hitchcock, John McDonald, and 116 others, residents of the State of Michigan; and the petition of Thomas Costigan, Frederick S. Olson, and 29 others, residents of the State of Michigan, praying the forfeiture of the Ontonagon and Brulé River Railroad grant, and the protection of the title of private purchasers inside the same; which were referred to the Committee on Public Lands.

He also presented the petition of Wolf & Davidson and 3 others, steamship-owners of Milwaukee, Wis.; and the petition of Chipman & Raiser and 5 others, steamship and vessel owners of Milwaukee, Wis., praying for the passage of the bill (S. 730) relating to steam and sail vessels navigating the ocean; which were referred to the Committee on Commerce.

Mr. MITCHELL presented a memorial of the Medical Society of Northampton County, Pennsylvania, in favor of Congress authorizing the Public Printer to furnish Catalogues of the Library of the Surgeon-General's Office at the cost of manufacture to any person who may desire them; which was referred to the Committee on Printing.

He also presented a petition of G. W. Hensel and 43 other citizens of Lancaster County, Pennsylvania, praying for the enactment of a law to redeem the trade-dollar and suspend the coinage of the silver dollar; which was referred to the Committee on Finance.

Mr. LAPHAM presented the petition of W. H. Huson, of Addison, N. Y., praying for the passage of a law to compensate him for property destroyed during the rebellion; which was referred to the Committee on Claims.

Mr. SLATER. I present a memorial of over 200 citizens of the State of Oregon, representing that for more than twenty years the odd-numbered sections of the public lands in a strip forty miles wide and about one hundred and forty miles long have been withdrawn from settlement for the benefit of the Northern Pacific Railroad, to the great damage of the people and the State of Oregon, and praying that those lands be now restored to settlement. I move that the memorial be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. SLATER presented a petition of settlers within the limit of the lieu lands granted to the State of Oregon to aid in the construction of a military wagon-road from The Dalles, Oreg., to the eastern line of the State, praying Congress to so amend an act entitled "An act for the relief of certain settlers on restored railroad lands," approved January 13, 1881, as to include the settlers on grants to military and wagon-roads; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Oregon and Washington Territory, praying that the land granted to the Oregon Central Railroad Company be forfeited and restored to the public lands; which was referred to the Committee on Public Lands.

Mr. DOLPH. I present a memorial of the Board of Trade of Portland, Oreg., representing that the interests of the Government would be promoted by the erection of a custom-house building in the city of Portland at a point convenient to the shipping and shipping interests; that the collector of customs and his staff of officials at present occupy insufficient quarters in the public building occupied in part for United States courts and a post-office, and that by reason of the construction of new lines of transportation and the growth of the country the quarters occupied by the post-office have become insufficient, and that it has become necessary either that further room should be provided by the construction of another building or by an addition to the present building; that an addition to the present building would render it unsightly, and that true economy and the interests of the Government demand the construction of a new building. I have already introduced a bill to that end, and I move that the memorial of the board of trade be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. DOLPH. I also have a communication addressed to me personally, although relating entirely to public matters. It represents that under the donation law, as it is called, in Oregon, the act of Congress approved September 27, 1850, donation claimants in Oregon were permitted to take their claims without reference to the sectional lines and legal subdivisions; that by reason of that there are scattered through the Willamette Valley, and in fact throughout the State of Oregon wherever donation claims are made, small fractions of public land from half an acre to five acres, or in some cases probably ten acres, which have been inclosed and are occupied by the original claimants or their successors, but which can not be sold under any existing law, and suggesting that some action ought to be taken by which such land may be sold, recommending also that it be donated to the State for educational purposes.

I ask unanimous consent to present the communication, and that it may be referred to the Committee on Public Lands for investigation, and in order that some bill may be reported by which these fractions of public land may be disposed of.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent to present for reference to the Committee on Public Lands a paper touching certain public land in Oregon addressed to him personally. If there be no objection, the paper will be received and so referred.

Mr. COCKRELL. I have had the honor of receiving through the mail this morning two communications. They are in print and seem to be identically the same. I will read the head-notes and all, as the papers are addressed to me, but intended to be a memorial to Congress:

Please fill up the blank in the memorial with the name of your post-office, then sign yourself. Secure such other signatures as you can, and mail to the Hon. F. M. COCKRELL, United States Senate, Washington, D. C.

MEMORIAL TO CONGRESS.

Hon. F. M. COCKRELL, *United States Senate:*

Your petitioners, citizens of Little Rock, Ark., and vicinity, are gratified that the honorable Secretary of the Interior has asked Congress for an appropriation for education in Alaska. We would respectfully request you to secure from the Committee on Appropriations a favorable report for an appropriation for an industrial training-school at Sitka and for common schools at such points as may be designated by the United States Commissioner of Education.

Then their names are signed to the paper. There are two petitions, both from the State of Arkansas. I dislike to take upon myself the responsibility of representing the good citizens of that great State, but it seems that the friend who sent these circulars to them directed that they should be forwarded to me. I move that they be received and referred to the Committee on Appropriations. Doubtless there will be plenty others of the same kind coming in.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent to present the papers which he has described for reference to the Committee on Appropriations. If there be no objection, the papers will be received and so referred.

Mr. LOGAN presented the petition of citizens of Mound City, Ill., praying that national aid be granted for public schools; which was referred to the Committee on Education and Labor.

He also presented a petition of officers of the Army stationed at Fort Hays, Kansas, praying that those who have served fifteen years either in the volunteer or regular service as captains or regimental staff officers may be allowed the pay and allowances of the next higher grade; which was referred to the Committee on Military Affairs.

He also presented the petition of D. M. Riordan, of Sante Fé, New Mex., with an accompanying map, praying for the extension of the Navajo Indian reservation; which was referred to the Committee on Indian Affairs.

He also presented three petitions of ex-soldiers, citizens of Missouri and Kansas, praying for the enactment of a general law for the relief of ex-Union soldiers; which were referred to the Committee on Pensions.

He also presented a petition of citizens of Chicago and Waukegan, praying that Herman Reifurath be made heir of his brother, Charles Reifurath, late of Company B, Twelfth Wisconsin Veterans, deceased, and that he be granted a pension, being a cripple; which was referred to the Committee on Pensions.

He also presented a petition of Grand Army of the Republic Post No. 23, of Indiana, praying for the passage of a bill to open the Sioux reservation to settlement; which was referred to the Committee on Indian Affairs.

Mr. HAWLEY presented the petition of C. E. Billings and others, of Hartford, Conn., members of the American Society of Mechanical Engineers, praying for the passage of a bill for the appointment of a commission to continue the test of iron, steel, &c.; which was referred to the Committee on Military Affairs.

He also presented the memorial of Henry E. Williams, late second lieutenant Seventeenth Connecticut Volunteers, and other ex-officers of the Army, remonstrating against the clause in the bill for the relief of officers that deprives them of their just proportion of pay; which was referred to the Committee on Military Affairs.

Mr. VOORHEES presented a petition of 74 members of the Washington Post, Grand Army of the Republic, of Indiana, praying for the passage of a bill equalizing the bounties of soldiers in the late war for the Union; which was referred to the Committee on Military Affairs.

Mr. PLATT. I present the petition of President Theodore D. Woolsey, of Yale College, and other distinguished citizens of Connecticut, praying for the passage of a law providing for the collection of divorce statistics with reference to the extraterritorial effect to be given to decrees of divorce. It has seemed to me that this subject is one peculiarly within the province of the Judiciary Committee, but I understand that petitions of this nature have been sent to the Committee on Education and Labor. I will therefore ask that the petition I now present be given the same reference.

Mr. BLAIR. If the Senator will excuse me, I think there is great propriety in his suggestion that the subject-matter belongs to the Judiciary Committee, and I would suggest that the petitions which have been heretofore sent to the Committee on Education and Labor be recalled and the whole subject referred to the Committee on the Judiciary.

Mr. PLATT. I will ask, at any rate, to have this petition referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. If there be no objection, that order will be entered. The Senator from New Hampshire [Mr. BLAIR] asks unanimous consent that similar petitions which hitherto have been referred to the Committee on Education and Labor be recalled from that committee and sent to the Committee on the Judiciary.

Mr. HOAR. I should like to know why they should not remain with the Committee on Education and Labor? I do not understand that Congress is supposed to have constitutional power to pass a law regulating divorces in the States of the Union that the Judiciary Committee could frame. Our legal power can be only over the District of Columbia and the Territories, and the legislation for both of those jurisdictions is committed to other committees. This, I understand, is a proposition for the collection of information, and it would seem to come within the precinct of the Committee on Education and Labor.

Mr. PLATT. The object of collecting the information is for the purpose of ascertaining whether divorces in one State are valid in another; whether any law can be passed which shall remedy the difficulty that now exists by a divorce being obtained in one State which is not valid in another; and whether some legislation can not be devised which shall prescribe uniform causes for divorces in all the States. I do not know that Congress has any power to pass such a law, but certainly it seems to me that the Judiciary Committee is the appropriate committee to inquire into the subject.

Mr. HOAR. If that be the purpose, I shall not interpose.

Mr. BLAIR. It is quite obvious that there can be nothing in the nature of the collection of these statistics that is of any consequence whatever, because the only statistics that could be collected would be a compilation of the statute laws or of the condition of the existing laws of the various States and of the country at large. It seems to me if the matter is to be investigated at all, it must be by the Judiciary Committee. I am not aware of any special knowledge or any special function pertaining to the committee of which I have the honor to be chairman which should make it the appropriate committee to consider this subject-matter.

The PRESIDENT *pro tempore*. Is there objection to discharging the Committee on Education and Labor from the further consideration of the similar petitions hitherto referred to it? The Chair hears no objection. That committee is discharged, and the petitions will be referred to the Committee on the Judiciary.

Mr. CONGER presented the petition of A. T. Young and 88 other citizens, of Marine City, Mich., praying for a survey of the banks of the Saint Clair River, to the end that the washing away of the banks and the filling in of the channel may be prevented; which was referred to the Committee on Commerce.

Mr. PENDLETON. I present a joint resolution of the Legislature of Ohio on the subject of the tariff on wool. Inasmuch as the resolution has been read at the request of my colleague [Mr. SHERMAN], I shall content myself with moving that it lie upon the table.

The motion was agreed to.

Mr. PENDLETON presented a petition of the Union Prisoners of War Association of Toledo, Ohio, praying for the passage of the bill (S. 44) for pensioning prisoners of war who were confined in confederate military prisons during the late war; which was referred to the Committee on Pensions.

Mr. INGALLS presented a petition of the Virgil Rogers Grand Army of the Republic Post No. 122, at Martinstown, Mo., praying for the passage of laws granting relief to ex-Union soldiers; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians, reported it with amendments.

Mr. ALLISON. I desire to give notice that at some convenient time to-morrow I shall ask the Senate to consider both the bill and the joint resolution just reported.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1024) to authorize the State of California to select other lands in place of sixteenth and thirty-sixth sections, returned as mineral, reported it with an amendment.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 233) providing for the enlargement and improvement of the post-office, custom-house, and court-house at New Haven, Conn., reported it without amendment.

Mr. HOAR, from the Committee on the Judiciary, to whom the subject was referred, reported a bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882; which was read twice by its title.

Mr. HOAR. I desire to say that the seventh section of this bill, which provides that no female shall hereafter vote in Utah Territory, does not meet with my approval, and I shall reserve my right as a Senator to ask the Senate to strike out that section when the bill comes up for consideration.

ROCK ISLAND ARSENAL IMPROVEMENT.

Mr. LOGAN. I am directed by the Committee on Appropriations, to whom was referred the joint resolution (S. R. 9) making an appropriation for the improvement of the pool above the dam at the Rock Island arsenal, to report it without amendment, and I should like, if I can have consent, to put it upon its passage. It will take but a moment.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. GARLAND. Let it be read for information.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That to enable the Secretary of War to complete the improvement of the water pool above the dam at the Rock Island arsenal $11,000 are hereby appropriated out of any money not otherwise appropriated, and is made available on the date of the passage of this act.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. VEST. Has it been just reported?

The PRESIDENT *pro tempore*. It is reported at this time, and unanimous consent is asked that it be now considered.

Mr. VEST. I dislike exceedingly to make any objection, but if this sort of practice continues——

Mr. LOGAN. If the Senator will allow me just one moment, I will state that the reason why I did not say anything on the merits of the joint resolution was to see if there was objection, for I did not wish to take up the time of the Senate. The joint resolution was introduced early in the session, and the Appropriations Committee have not been together before to consider it. It was introduced at the earnest solicitation of the Secretary of War and the ordnance officer having in charge this work. A profile of the work and the letters of the Secretary of War and the officer in charge accompany the joint resolution. The basis for the measure at this time is the statement therein made that by appropriating this amount of money now certain work can be done which will protect the work at the time the freshets come in the spring season, whereas if it is allowed to go over until the general appropriation bill, probably the repairing of the damage done will cost three or four times the amount of money appropriated by the joint resolution for the protection of the work. The work lacks about that much of being completed, and by this immediate appropriation the officer in charge says he can preserve the work and save much money to the Government. This is the statement made by the officer in charge, which was referred to the Secretary of War, as I said, with a map and all, showing the work. I did not detain the Senate for the purpose of making this statement, because at the time the joint resolution was introduced I stated very fully the immediate necessity for action by Congress in reference to this particular work.

Mr. VEST. I have not the slightest objection to the bill reported by the Senator from Illinois, but I object to taking bills up out of their regular order. This morning a joint resolution was reported from the Committee on Appropriations which involves human life and human suffering, it being to appropriate a sum of money for the relief of certain Indians in Montana whom I know personally to be in a starving condition to-day. I did not call it up for the reason that I supposed the Senate had generally agreed, after the adoption of the new rules, not to renew the practice of considering bills the day they were reported. I withdraw the objection.

Mr. CONGER. I desire to make the point of order that I am unable to hear at all what has been said. I was unable to hear the bill read, and I do not know now its contents, but I was letting it pass. The reading of the bill was unheard by Senators around me as well as by myself, and all the remarks that have been submitted upon it, although doubtless interesting, failed to reach my ear. I ask for the reading of the bill.

The PRESIDENT *pro tempore*. Senators will please be in order, and the Sergeant-at-Arms will see that conversation and loud whispering in the galleries cease so that the business of the Senate may proceed. Is there objection to the present consideration of the joint resolution reported by the Senator from Illinois, pending which the Senator from Michigan asks that it be again read? It will be reported.

The Chief Clerk read the joint resolution.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted on its disagreement to the amendment of the Senate to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, insisted on by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WALDO HUTCHINS of New York, and Mr. W. H. CALKINS of Indiana managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S.

1256) providing for the removal of the remains of the late Maj. Gen. Edward O. C. Ord, United States Army, from Havana, Cuba, to Washington, D. C.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions:

A bill (S. 713) to remove the political disabilities of Samuel H. Lockett, of Alabama;

A joint resolution (H. Res. 113) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Antonio Barrios, of Guatemala, and José Victor Zavala, of Nicaragua; and

A joint resolution (H. Res. 117) to correct an error in the enrollment of the act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for other years, approved March 3, 1883.

DEATH OF REPRESENTATIVE MACKEY.

The message also communicated to the Senate the intelligence of the death of Hon. EDMUND W. M. MACKEY, late a member of the House from South Carolina, and transmitted the resolutions of the House thereon.

Mr. BUTLER. I ask that the resolutions from the House of Representatives be reported to the Senate.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks, according to the usual course, that the Chair lay before the Senate the resolutions of the House of Representatives concerning the death of one of its members. If there be no objection, the resolutions will be read.

The resolutions were read, as follows:

Resolved, That the House has heard with sincere regret the announcement of the death of EDMUND W. M. MACKEY, late a Representative from the State of South Carolina.

Resolved by the House of Representatives (the Senate concurring), That a select joint committee, consisting of seven members of the House and three members of the Senate, be appointed to take order for superintending the funeral and to escort the remains of the deceased to their place of burial; and the necessary expense attending the execution of this order be paid out of the contingent fund of the House.

Ordered, That Mr. PETTIBONE, Mr. BISBEE, Mr. O'HARA, Mr. WILLIS, Mr. DAVIS, of Missouri, Mr. CALKINS, and Mr. HEMPHILL be the committee on the part of the House.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Resolved, That, as a further mark of respect to the memory of the deceased, the House do now adjourn.

Mr. BUTLER. I ask the concurrence of the Senate in the resolution of the House respecting the appointment of a joint select committee, and suggest that the presiding officer of this body appoint the Senators to constitute the joint select committee on the part of the Senate to attend the obsequies of the deceased Mr. MACKEY.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate concur in the resolution of the House respecting the appointment of a joint select committee.

The resolution was concurred in.

The PRESIDENT *pro tempore*. How shall the committee be appointed? ["By the Chair."] The Chair will appoint, with the permission of the Senate, as the members of the committee to join the committee on the part of the House, the Senator from South Carolina [Mr. BUTLER], the Senator from Ohio [Mr. PENDLETON], and the Senator from Colorado [Mr. HILL].

Mr. BUTLER. As a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 51 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 28, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D.D.

The Journal of the proceedings of Saturday last was read and approved.

TEXAS PACIFIC LAND GRANT.

Mr. PAYSON. The report of the Committee on Public Lands, No. 62, accompanying House bill No. 3933, to declare the forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes, by some mistake on the part of the Government Printer has never yet been sent to members through the post-office, and copies of the report which have been printed are scattered so that a sufficient number can not now be obtained for that purpose. As the report is deemed to be an important one, at least by the Committee on Public Lands, I ask unanimous consent of the House that it be ordered to be reprinted.

Mr. RANDALL. Under the circumstances I think that matter had better go over till to-morrow.

Mr. PAYSON. Very well.

DEATH OF HON. EDMUND W. M. MACKEY.

Mr. O'HARA. Since the adjournment of the House on Saturday last one of its members, Judge MACKEY, of South Carolina, has died. I submit for adoption the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with sincere regret the announcement of the death of EDMUND W. M. MACKEY, late a Representative from the State of South Carolina.

Resolved by the House of Representatives (the Senate concurring), That a select joint committee, consisting of seven members of the House and three members of the Senate, be appointed to take order for superintending the funeral and to escort the remains of the deceased to their place of burial; and the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Resolved, That, as a further mark of respect to the memory of the deceased, the House do now adjourn.

The resolutions were unanimously adopted.

The SPEAKER appointed the following as the members, on the part of the House, of the joint committee authorized by the second of the foregoing resolutions:

Mr. A. H. PETTIBONE of Tennessee, Mr. HORATIO BISBEE, jr., of Florida, Mr. JAMES E. O'HARA of North Carolina, Mr. ALBERT S. WILLIS of Kentucky, Mr. WILLIAM H. CALKINS of Indiana, Mr. LOWNDES H. DAVIS of Missouri, and Mr. JOHN J. HEMPHILL of South Carolina.

And then, in pursuance of the last of the foregoing resolutions (at 12 o'clock and 7 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALEXANDER: The petition of Henry Runnels and others, in relation to pensions, equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. BARBOUR: Papers relating to the claim of Joseph Markham—to the Committee on War Claims.

By Mr. BRENTS: The petition of citizens of Klikitat County, Washington Territory, in relation to the Northern Pacific land grant—to the Committee on the Public Lands.

Also, the petition of citizens of Washington Territory, in relation to the erection of a public building at Port Townsend, Wash.—to the Committee on Public Buildings and Grounds.

By Mr. CALDWELL: Papers relating to the claim of B. B. Taylor—to the Committee on War Claims.

Also, papers relating to the claims of W. D. and Minnie H. Glass and Joseph C. Nash, of Nashville, Tenn.—to the same committee.

Also, the papers relating to the claim of Mrs. Martha A. Stevens, of Davidson County, Tennessee—to the same committee.

Also, papers relating to the claim of Duncan Marr—to the same committee.

Also, papers relating to the claim of Thomas Colwell, administrator of the estate of E. H. Childress—to the same committee.

Also, papers relating to the claim of Mary E. Buchanan, administratrix of the estate of A. H. Buchanan—to the same committee.

Also, papers relating to the claim of Cumming, Doyle & Co. and Doyle & Co., of Nashville, Tenn.—to the same committee.

By Mr. ELLIS: Papers relating to the claim of H. Franko—to the same committee.

Also, papers relating to the claim of William H. Gill—to the same committee.

Also, memorial of John N. A. Griswold and others, relating to the payment of the French spoliations claim—to the Committee on Foreign Affairs.

By Mr. ERMENTROUT: Resolution of the Medical Society of Northampton County, Pennsylvania, relating to printing additional copies of the catalogue of the library of the Surgeon's Office of the Army—to the Committee on Printing.

By Mr. GEORGE: The petition of citizens of Oregon, for the forfeiture of the Astoria land grant—to the Committee on the Public Lands.

By Mr. HARMER: Resolution of the Medical Society of Northampton County, Pennsylvania, relative to printing additional copies of the catalogue of the library of the Surgeon's Office of the Army—to the Committee on Printing.

By Mr. HART: Papers relative to the claim of Thomas I. Lindsey—to the Committee on Invalid Pensions.

By Mr. HAYNES: Petition of A. F. Howard and 35 others, citizens of Portsmouth, N. H., asking an appropriation for certain improvements in Portsmouth Harbor and at Little Harbor, near Jerry's Point, New Hampshire—to the Committee on Rivers and Harbors.

Also, petition of A. F. Howard and others, citizens of Portsmouth, N. H., asking an appropriation for the establishment of a United States hospital at Portsmouth, N. H.—to the Committee on Appropriations.

Also, the petition of Edward S. Hinds, asking that his name be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. T. J. HENDERSON: The petition of J. D. Parish and 39 others, remonstrating against the passage of House bills 311, 419, and 1081, relating to patents—to the Committee on Patents.

By Mr. HOUK: Papers relating to the claim of Henry B. Tyler—to the Committee on Naval Affairs.

By Mr. LAWRENCE: The petition of S. A. Peugh, for compensation as witness before an investigating committee of the House of Representatives—to the Committee on Accounts.

By Mr. MAYBURY: The petition of Samuel S. Harris and others, asking for the compilation of the statistics and facts concerning divorces in the States and Territories of the Union—to the Committee on the Judiciary.

By Mr. MITCHELL: The petition of Theodore D. Woolsey and others, for the collection of divorce statistics, with reference to the extraterritorial effect to be given to decrees of divorce.

By Mr. NELSON: Papers relating to the Sisseton Indian reservation—to the Committee on Indian Affairs.

Also, the petition of John M. Martin and others, and Nels, Johnson, and others, for a mail-route in Minnesota—severally to the Committee on the Post-Office and Post-Roads.

Also, the petition of James R. Walker, for an appropriation for medical services for Indians, &c.—to the Committee on Appropriations.

Also, the petition of over 1,000 people of Minnesota, relating to the protection of *bona fide* purchasers of public lands—to the Committee on the Public Lands.

By Mr. NICHOLLS: The petition of Mary C. Hamilton, for payment of sutler's supplies furnished during the war—to the Committee on Claims.

By Mr. POLAND: The petition of Franklin Fairbanks and others, for the collection of statistics of the divorce laws of the several States—to the Committee on the Judiciary.

By Mr ROCKWELL: The petition of Downing, Sturtevant & Taylor and others, and of West, Stone & Co. and others, of Springfield, Mass., for tobacco-rebate appropriation—severally to the Committee on Appropriations.

By Mr. J. M. TAYLOR: Papers relating to the claim of Wm. R. Collier—to the Committee on War Claims.

By Mr. YAPLE: The petition of members of A. W. Chapman Post, Grand Army of the Republic, of Saint Joseph, Berrien County, Michigan, and members of Granger Post, Grand Army of the Republic, No. 142, of Bridgman, Mich., for increase of pension for deafness and loss of eyesight.

Also, the petition of members of Edwin Colwell Post, No. 23, Grand Army of the Republic, Michigan, for the passage of an act giving to each honorably discharged soldier, who served sixty days during the rebellion, 160 acres of land—to the Committee on the Public Lands.

By Mr. WASHBURN: The petition of citizens of Minnesota, for an appropriation for an industrial training-school at Sitka, Alaska, and for establishment of common schools at other points in Alaska by the Commissioner of Education—to the Committee on Appropriations.

Also, the petition of the Woman's Suffrage Association of Minnesota, for a constitutional amendment enfranchising women—to the Committee on the Judiciary.

By Mr. G. D. WISE: Papers relating to the claim of P. L. Ward—to the Committee on War Claims.

By Mr. YOUNG: Papers relating to the claim of Mary S. Hunt—to the same committee.

SENATE.

TUESDAY, *January* 29, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bill and joint resolutions; which had heretofore been signed by the Speaker of the House of Representatives:

A bill (S. 713) to remove the political disabilities of Samuel H. Lockett, of Alabama;

A joint resolution (H. Res. 113) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Antonio Barrios, of Guatemala, and José Victor Zavala, of Nicaragua; and

A joint resolution (H. Res. 117) to correct an error in the enrollment of the act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for other years, approved March 3, 1883.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioner of Internal Revenue, recommending an appropriation for the payment of persons who have been, or may be, employed in or about the work of counting, canceling, and redeeming internal-revenue checks and proprietary stamps; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HARRISON. I present a petition of the common council of the city of Lawrenceburg, Ind., praying Congress to appropriate $150,000, with a view of strengthening a levee for the defense of that city against floods in the Ohio and Miami Rivers, and also protecting the navigation of the Ohio River. I desire to say that this city, with a population of some 6,000, has very important manufacturing interests, and pays from its distilleries from a million and a half to two million dollars annually to the United States. If the policy which seems to have been adopted in our legislation of protecting cities, and and even farms, from overflow by levees on the Mississippi River is to prevail there, I see no reason why it should not be extended to this city, situated upon one of the tributaries of that river, which has suffered most disastrously in some recent floods by overflow.

I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. INGALLS. I present the petition of a number of citizens of the town of Fargo, in the Territory of Dakota, praying for certain amendments to the laws upon the subject of pensions. I move that it be referred to the Committee on Pensions.

The motion was agreed to.

Mr. INGALLS. I also present certain papers in the nature of evidence in support of the claim of John F. Lewis, of Great Bend, Kans., for whose relief a bill is pending before the Committee on Military Affairs. I move that the papers be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. CALL presented the petition of T. S. Winn, G. T. Willis, John M. Coleman, John King, Dr. W. A. Shands, J. W. Atkinson, Rev. J. B. Harolson, and others, citizens of Hernando County, Florida, praying for an appropriation for the improvement of Crystal River and its channels, in that State; which was referred to the Committee on Commerce.

Mr. BLAIR. I present resolutions of the New Hampshire State Grange, composed of representative farmers of one hundred towns in that State, protesting against the reduction of the tariff upon wool by the recent act of Congress and against any proposed further reduction of the same as injurious and ruinous to the agricultural interests, and especially to the wool-growing interests of that State. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, presented a petition of the Monominee Mining Company and other owners of land within the limits of the Ontonagon and Brulé River Railroad Company land grant, praying that the titles of private owners within that grant be confirmed; which was referred to the Committee on Public Lands.

Mr. MILLER, of California, presented resolutions adopted by the trustees of the city of Sacramento, Cal., in regard to a proposed Indian policy; which were referred to the Committee on Indian Affairs.

He also presented a memorial of citizens of the Pacific coast, remonstrating against any reduction in the present tariff duties upon lumber; which was referred to the Committee on Finance.

FUNERAL OF REPRESENTATIVE MACKEY.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a resolution that the funeral ceremonies of the late EDMUND W. M. MACKEY, late a Representative in the House from the State of South Carolina, be held in the Hall of the House on Wednesday, January 30, at 1 o'clock p. m., and directing the Clerk to communicate the resolution to the Senate, and inviting the Senate to attend the funeral ceremonies.

REPORT OF COMMITTEES.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 60) to declare certain lands subject to taxation, reported it with an amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 742) granting a pension to Nathan L. Meands;

A bill (S. 650) for the relief of Elizabeth Gordon; and

A bill (S. 837) granting a pension to Mary Joyce.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. 189) granting a pension to Amos C. Weeden, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VOORHEES, from the Committee on Finance, to whom was referred the bill (S. 528) for the relief of Silas Q. Home, surviving partner of William T. Pate & Co., reported it without amendment, and submitted a report thereon.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. 590) amending clause 2 of section 2426 of the Revised Statutes of the United States in reference to persons in the naval service of the United States entitled to bounty land-warrants, reported it without amendment.

Mr. COLQUITT, from the Committee on Pensions, to whom was referred the bill (S. 592) for the relief of William Porter, submitted an

adverse report thereon, which was agreed to; and the bill was indefinitely postponed.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 217) to amend section 3734 of the Revised Statutes and to provide for the erection of public buildings by contract with the lowest bidders, reported it with amendments.

Mr. GORMAN, from the Committee on Indian Affairs, to whom was referred the bill (S. 933) for the relief of the estate of H. H. Dalrymple, deceased, reported adversely thereon; and the bill was postponed indefinitely.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 321) amendatory of an act entitled "An act for the relief of certain settlers on public lands, and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 16, 1880, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 425) to repeal the timber-culture laws, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 551) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, reported it with amendments.

Mr. LOGAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. 3926) to repeal the act of July 2, 1862, and such sections of the Revised Statutes of the United States as perpetuate the oath prescribed in said act, reported it with an amendment.

Mr. BECK, from the Committee on Finance, to whom was referred the bill (S. 350) for the relief of the estate of Thomas L. Price, deceased, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the joint resolution (S. R. 1) for the payment of certain moneys to the Crow Indians and the confederated tribes of Flathead, Kortenay, and Pen d'Oreilles Indians, in Montana Territory, reported it favorably, with the recommendation that it be referred to the Committee on Appropriations; and the joint resolution was so referred.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 314) granting a pension to John C. Hughes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 279) granting a pension to Alfred M. Jarboe, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 777) granting a pension to Albert Jehle, reported it without amendment, and submitted a report thereon.

DETAIL OF PENSION-OFFICE CLERKS.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the joint resolution (H. Res. 127) authorizing the Secretary of the Interior to detail from that Department two clerks to act as assistant clerks to certain House committees, to report it without amendment, and to ask for its present consideration. It should take but a moment.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. SHERMAN. Let it be read for information.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Interior be, and is hereby, authorized, if in his opinion the public interests will not suffer thereby, upon the request of either of the committees hereinafter named, to detail from that Department one clerk to act as assistant clerk to the House Committee on Pensions, and one clerk to act as assistant clerk to the House Committee on Invalid Pensions.

Mr. MITCHELL. If the Senate will listen just one moment I will state that the object of the joint resolution, practically, is simply to authorize the Commissioner of Pensions to designate two clerks to take charge of the pension papers relating to the cases pending in the House of Representatives. A great deal of confusion has arisen in that respect and the Commissioner is anxious to have some one representing his Department to have charge of the papers. Incidentally these committees of the House are also anxious to have such a detail made, because they say that the advice of such persons from the Pension Office will be of very great advantage to those committees. I trust the joint resolution will pass.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 1284) granting pensions to all persons who, having enlisted in the regular or voluntary Army or Navy of the United States in any wars waged by the United States, served three months, were honorably discharged, and who are unable by reason of physical disability to earn their subsistence, or who are sixty-five years of age and are dependent upon their own labor for support, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1285) for the relief of J. L. Whitaker; which was read twice by its title, and referred to the Committee on Finance.

Mr. GORMAN introduced a bill (S. 1286) for the relief of Henrietta M. Sands; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1287) for the relief of Juliet H. Palmer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1288) for the relief of Nathaniel C. Bateman; which was read twice by its title, and referred to the Committee on Claims.

Mr. SLATER (by request) introduced a bill (S. 1289) supplementary to an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McPHERSON introduced a bill (S. 1290) for the relief of William H. Hunt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 1291) to quiet and confirm the title to certain lands in the Saginaw Bay, in the State of Michigan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 1292) to incorporate the Luther Statue Association of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 1293) providing for the distribution to members of Congress of ten charts and other publications of the Hydrographic Office for each session of Congress; which was read the first time by its title.

Mr. CONGER. I ask unanimous consent for the immediate consideration of the bill.

Mr. SHERMAN. Let it be read for information.

The bill was read the second time at length, as follows:

Be it enacted, &c., That Senators, Representatives, and Delegates to the House of Representatives shall each be entitled to ten charts or other publications of the Hydrographic Office for each regular session of Congress.

Mr. CONGER. At the suggestion of the officer in charge, who says that he has no power to send such charts to members who require them for their constituents, I have introduced the bill instead of a resolution. I ask that it may be considered now.

The PRESIDENT *pro tempore*. Is there objection?

Mr. VOORHEES. I never object to the consideration of any Senator's bill, but the morning hour is somewhat precious, at least to some of us who are behind in our business. If this measure is going to take any length of time I should be glad to transact morning business myself first.

Mr. CONGER. I suppose it will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HAWLEY. I ask for information whether the Senator knows how many charts it would include, and whether he can give us any information about the expense?

Mr. CONGER. These charts are all published, and they are furnished to the captains of vessels and to those interested in the subject now; but members have requests for the charts from their constituents, and the officer in charge says he has no authority to give them in that way until Congress orders it. They may not be needed by any member, but if requested by constituents he may send them.

Mr. SHERMAN. I think it is bad policy to introduce a bill and pass it through all its stages in the Senate on the day of its introduction. I do not know when I have seen it done. I move that the bill be referred to the Committee on Printing.

The motion was agreed to.

Mr. MORRILL (by request) introduced a bill (S. 1294) enlarging the powers of the Washington Safe Deposit Company, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 1295) relative to the claims of certain Northern creditors; which was read twice by its title, and referred to the Committee on Claims.

Mr. LAPHAM introduced a bill (S. 1296) for the relief of Mrs. Henrietta H. Cole; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 1297) for the relief of W. H. Huson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1298) to constitute the city of Washington, D. C., a port of entry; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 1299) to increase the pension of Alonzo B. Chatfield; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1300) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN (by request) introduced a bill (S. 1301) to empower Morgan, Orr & Co. to bring suit in the Court of Claims for taxes erroneously paid; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DOLPH introduced a bill (S. 1302) for the relief the First National Bank, of Portland, Oreg.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 1303) to grant the right of way over the public lands of the United States to the Lost Lake and Mount Hood Improvement Company; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 1304) to authorize the Secretary of War to ascertain the expenses incurred by the Territorial authorities and the people of the Territory of Idaho in the suppression of Indian hostilities in the years 1877 and 1878, known as the Bannock and Nez Percé outbreaks; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1305) for the relief of John S. Hill; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BLAIR (by request) introduced a bill (S. 1306) to fix the rate of pensions in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 1307) abolishing the office of Assistant Surgeon-General of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLER, of New York, introduced a bill (S. 1308) to grant arrears of pension to the widow of Milton Searle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1309) to provide statuary and historical tablets for the Saratoga monument; which was read twice by its title, and referred to the Committee on the Library.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 1310) to abolish the military reservation of Fort Rice, in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale the same as other public lands; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1311) vacating all that portion of the Fort Randall military reservation, in the Territory of Dakota, lying east of the Missouri River; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1312) providing for two additional associate justices of the supreme court of the Territory of Dakota; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 1313) establishing the Territory of North Dakota and providing a temporary government therefor; which was read twice by its title, and referred to the Committee on Territories.

Mr. VAN WYCK introduced a bill (S. 1314) to change the name of the James Sweet National Bank of Nebraska City, Nebraska; which was read twice by its title, and referred to the Committee on Finance.

Mr. KENNA (by request) introduced a bill (S. 1315) for the relief of the Albemarle and Chesapeake Canal Company; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Naval Affairs.

Mr. JACKSON (by request) introduced a bill (S. 1316) for the relief of William W. Armstrong; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VOORHEES introduced a bill (S. 1317) appropriating $150,000 for the improvement of the Miami and Ohio Rivers at and near the city of Lawrenceburg, Ind.; which was read twice by its title.

Mr. VOORHEES. I present in connection with this bill the proceedings and resolutions adopted in the common council of the city of Lawrenceburg on this subject. I move that they be referred, with the bill, to the Committee on Commerce.

The motion was agreed to.

Mr. VOORHEES also introduced a bill (S. 1318) for the relief of William B. Browne; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1319) for payment to Thomas McMahon for labor and services rendered under Peter McNamara, a contractor of the board of public works, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. LAMAR introduced a bill (S. 1320) for the relief of Mrs. Emily Miller; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CALL introduced bill (S. 1321) for the improvement of Manatee River from Hamer to Mitchellville, Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. 1322) granting a pension to Jane Welsh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1323) to increase the pension of David J. Whitman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1324) to increase the pension of William Taylor; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1325) granting an increase of pension to Merlin C. Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1326) to compel the prosecution of proceedings in bankruptcy to a final decree; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 1327) to amend section 604 of the Revised Statutes, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PENDLETON introduced a bill (S. 1328) to establish consular and other courts and to define their jurisdiction, and for other purposes; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. VEST introduced a bill (S. 1329) appropriating $200,000 for continuing the improvement of the Missouri River near Wyandotte, Kans., and Kansas City, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SEWELL introduced a bill (S. 1330) for the relief of the heirs of Samuel B. Colby; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 1331) making appropriation for the relief of the National Bank of Newton, Mass.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 1332) for the relief of Joseph Walker & Co.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. INGALLS introduced a bill (S. 1333) to provide for the erection of a post-office building at the city of Washington, in the District of Columbia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McPHERSON introduced a bill (S. 1334) granting arrears of pension to Mary Ringgold Archer, widow of Robert H. Archer, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleeker, late paymaster in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENT TO A BILL.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (S. 1155) to provide for the issue of circulating notes to national banking associations; which was ordered to lie on the table and be printed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further bills, resolutions are in order. It is the duty of the Chair to lay before the Senate the resolution offered by the Senator from Ohio [Mr. SHERMAN] on a former occasion, which has not yet been reached in the order of resolutions. According to the explanation that the Chair made the other day, under the new rules the Chair thinks that this is the only time for the laying before the Senate of resolutions which have been heretofore offered and objected to. The Chair therefore lays before the Senate the resolution of the Senator from Ohio.

Mr. SHERMAN. I have no objection, if Senators desire to submit formal resolutions this morning, to have the pending resolution lie over informally. I am prepared to address the Senate on the resolution, but I do not want to interfere with the ordinary current run of business if Senators have such business to present.

The PRESIDENT *pro tempore*. The resolution of the Senator from Ohio is before the Senate for consideration, pending which the Senator from Ohio states that he has no objection to the formal introduction of orders and resolutions which do not lead to debate.

The Chair will receive, if there be no objection, the ordinary routine resolutions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. VOORHEES, it was

Ordered, That the papers in the claim of William Hunter be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. SEWELL, it was

Ordered, That the papers in the case of Anson Atwood be withdrawn from the files of the Senate and referred to the Committee on Claims, in accordance with the rules of the Senate.

On motion of Mr. INGALLS, it was

Ordered, That W. H. Powell is hereby permitted to withdraw from the files of the Secretary of the Senate the papers relating to his claim.

On motion of Mr. SLATER, it was

Ordered, That the papers in the case of the bill for the relief of sufferers by the wreck of the Government transport-bark Torrent be taken from the files of the

Senate and referred to the Committee on Military Affairs for consideration in connection with Senate bill 622, now pending before said committee, there having been a favorable report in this case and the bill having passed the Senate during the Forty-seventh Congress.

On motion of Mr. MCPHERSON, it was

Ordered, That the papers in the claim of the heirs of George McDougall be taken from the files of the Senate and referred to the Committee on Claims.

PAY OF POSTMASTERS.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to report to the Senate the cause or causes of delay, if any, in the adjustment of the salaries and pay of postmasters under the act of Congress of March 3, 1883, and whether, in his opinion, any further legislation is necessary on this subject.

TELEGRAPH SERVICE.

Mr. PLATT. I offer the resolutions which I send to the Chair, and ask for their present consideration. If the resolutions should lead to debate, of course they will be objected to. I ask that they may be read for information.

The resolutions were read, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads are hereby instructed to inquire whether the cost of telegraphic correspondence between the several States and Territories of the United States, or with foreign countries, has been injuriously affected by large stock dividends made by the Western Union Telegraph Company, by consolidations between different telegraph companies, by working contracts with cable or other companies, by the leasing of connecting or competing lines, or by other means.

Resolved, That said committee further inquire whether the Western Union Telegraph Company directly, or through the Gold and Stock Telegraph Company, or any other company or association, have prescribed rules or regulations for the transmitting of press news, or made differential rates, whereby discriminations are made restricting the free and independent use of the telegraph by the press.

Resolved, That the said committee be empowered to send for persons and papers, employ a stenographer, and report by bill or otherwise, and in print.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolutions?

Mr. SHERMAN. That is an important matter. I object to the present consideration of the resolutions. Let them be printed and laid on the table.

The PRESIDENT *pro tempore*. The Senator from Ohio objects to the present consideration of the resolutions. They will be printed and go over.

REPRINTING OF BILLS.

Mr. BLAIR. I offer the following order:

Ordered, That Senate bill 140 to establish a bureau of statistics of labor; Senate bill 141 to fix and regulate the hours of laborers and workmen and mechanics employed by the Government of the United States; and Senate bill 398 to provide temporary aid to common schools, be reprinted, the files being exhausted.

The PRESIDENT *pro tempore*. Rule XIX provides that "every motion to print documents, reports, and other matter," &c., "shall, unless the Senate otherwise order, be referred to the Committee on Printing." The statute requires that if the expense of additional copies exceeds $500 every such motion to print additional copies shall go to the Committee on Printing.

Mr. BLAIR. I do not know how great the expense may be. They are very short bills. The usual number has once been printed, but the copies have been exhausted. When the committee came to consider the bills we could find no copies. We simply want them reprinted for use.

The PRESIDENT *pro tempore*. The Chair finds in the second paragraph of Rule XIX a positive direction that motions of this character shall go to the Committee on Printing:

Motions to print additional numbers shall also be referred to the Committee on Printing.

Mr. BLAIR. Very well; let the resolution be referred to the Committee on Printing. I should like to have the committee take early cognizance of the matter.

The PRESIDENT *pro tempore*. The Chair will direct that the order be referred to the Committee on Printing.

LIST OF PENSIONS BY SPECIAL ACT.

Mr. BLAIR. I present, by direction of the Committee on Pensions, a document received from the Pension Office in reply to a communication from the committee asking for a list and some data with reference to those officers of the Army and Navy who either themselves or their widows have received pensions by special act. It is a document of considerable consequence to the committee in its deliberations, and may be to the Senate, and possibly to the other House. I ask to have it printed, and I move that it be referred to the Committee on Printing, if that reference must be made so that it may be printed.

The PRESIDENT *pro tempore*. The Chair thinks that as it is not an additional number the usual order to print may be entered without a reference.

Mr. BLAIR. Very well.

The PRESIDENT *pro tempore*. If there be no objection the document, the nature of which the Senator from New Hampshire has stated will be printed for the use of the Senate. That order is entered.

DISTRICT PRISONERS.

Mr. RIDDLEBERGER. I beg leave to offer a resolution, and ask unanimous consent that it be put on its passage this morning.

The Chief Clerk read the resolution, as follows:

Resolved, That the Attorney-General of the United States be, and he is hereby, requested to transmit to the Senate the following information:

1. How many persons have been convicted of crime and sentenced by the supreme court of the District of Columbia to imprisonment in any penitentiary since January 1, 1873?

2. How much money has been paid out of the public moneys of the United States for the transportation of such prisoners and their necessary guards since June 1, 1873?

3. At what prisons have such persons been confined in execution of sentences of said court, and how much money has been paid by the United States for the maintenance and support of such persons so imprisoned since June 30, 1873?

Mr. ANTHONY. I will suggest a verbal correction of that resolution that the Attorney-General be "directed" instead of "requested."

Mr. RIDDLEBERGER. I did not hear whether the Senator objected or not.

Mr. ANTHONY. I did not object.

Mr. RIDDLEBERGER. I will state that the only purpose of the resolution is to get at some information that is necessary to enable an intelligent report to be made in answer to petitions that have come up from the District of Columbia in reference to the building of a penitentiary here.

Mr. ANTHONY. I merely suggested that the word "directed" be used instead of the word "requested."

Mr. RIDDLEBERGER. I have no objection.

The PRESIDENT *pro tempore*. The resolution will be modified to read "directed," according to the customary course of the Senate.

The resolution was considered by unanimous consent, and agreed to.

FREE POSTAGE FOR PRINTED MATTER.

Mr. VOORHEES. I offer the following resolution for the purpose of taking off a tax the Government does not need and which I regard as very unjust:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to inquire into the propriety and expediency of admitting all newspapers, periodicals, and other printed matter to the United States mails free of postage, and said committee to report by bill or otherwise.

The resolution was considered by unanimous consent, and agreed to.

ROCK ISLAND ARSENAL IMPROVEMFNT.

Mr. LOGAN. I ask the Senator from Ohio if he will be willing to allow without objection the joint resolution (S. R. 9) making an appropriation for the improvement of the pool above the dam at the Rock Island arsenal to be voted on. It was just about being acted upon by the Senate yesterday when a message came from the House which caused an early adjournment.

Mr. SHERMAN. I would rather go on with the resolution offered by me.

Mr. LOGAN. If there is a word of debate on this matter I shall not press it now. It is very important that it shall be passed at this time.

Mr. SHERMAN. Very well. If it will not lead to debate I shall not object.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent to call up at this time for consideration the joint resolution indicated by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 9) making an appropriation for the improvement of the pool above the dam at the Rock Island arsenal. To enable the Secretary of War to complete the improvement of the water pool above the dam at the Rock Island arsenal $11,000 are appropriated by the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLEGED ELECTION OUTRAGES IN VIRGINIA AND MISSISSIPPI.

Mr. SHERMAN. I call now for the reading of the resolution which is pending.

The PRESIDENT *pro tempore*. The resolution offered by the Senator from Ohio will be reported.

The Chief Clerk read the following resolution, submitted by Mr. SHERMAN January 24, 1884:

Whereas among the expressed objects for which the Constitution of the United States was established were those to establish justice and insure domestic tranquillity; and

Whereas the Constitution provides for the security to all citizens of equal civil rights and to all citizens the privileges and immunities that belong to the condition of citizenship, and that the right of citizens of the United States to vote shall not be denied by the United States, or any State, on account of race, color, or previous condition of servitude, and further provides "that no State shall deny to any person within its jurisdiction the equal protection of the laws;" and

Whereas among the privileges and immunities inherent in citizenship are the right peaceably to assemble for the consideration of questions of State and national concern and safely to discuss the same, and the right to exercise the elective franchise in every State freely and without molestation or intimidation; and

Whereas a general election was to occur, and did occur, in the State of Virginia on the 6th day of November, 1883; and

Whereas it is alleged and currently reported in the public press that on or about the 3d day of November, 1883, at Danville, in said State, a large number of peaceable citizens of the United States and of said State were violently assailed by an organized body of men and fired upon, and several of them killed, by said armed men, conspiring to affect, and with the purpose of affecting, the result of said election so about to occur, by creating, by means of such unlawful violence and homicide, a state of alarm on the part of peaceable citizens

throughout said State, which should induce them to refrain from voting or to vote differently from their previous intentions at said election; and

Whereas it is alleged that all the victims of said attack were of one race and of one political party, and all their assailants of another; and

Whereas it is alleged that the authorities of said State of Virginia have not brought any of the persons connected with said alleged conspiracies, violence, and homicides before the courts of justice for examination or trial, whereby the equal rights of citizenship and the equal protection of the laws have not been secured to all the people of said State; and

Whereas a general election was to occur, and did occur, in the State of Mississippi on the 6th day of November, 1883; and

Whereas it is alleged and currently reported in the public press that prior to said election, in the county of Copiah, State of Mississippi, there was an organized movement by members of one party to prevent members of another party from voting at that election and to prevent the free and open discussion and expression of political opinions; that this purpose was carried into execution by organized plans of terror and violence; that the means used for that purpose were by lawless and organized mobs, moving by night and by day, assaulting, and in some cases killing, lawful voters, with a view, by terror and fear of violence, to deter others from voting; that this violence was committed by one party upon the members of another party, with a view to deprive the latter of their constitutional rights, and extended throughout the said county of Copiah and into portions of other counties of that State; that, as a part of this general plan and conspiracy, one J. P. Matthews, a peaceable and law-abiding citizen of Copiah County, was warned not to vote, and upon his voting on the day of election was murdered at the place of election by a person selected for that purpose, and with the approval, express or implied, of the officers of election, and no effort was made to punish the murderers; that this killing was subsequently approved by a public meeting in said county, composed strictly of members of one party, and the following resolutions were adopted:

"Whereas certain rumors are current that the relatives of the late J. P. Matthews have threatened the peace of society, in order to avenge his death, by killing Democrats and destroying their property; Now, therefore,

"*Be it resolved by the people of Copiah County in mass-meeting assembled this day at the court-house of said county*, That if any person shall be injured, or an attempt made to injure him, either in person or in property, in any manner, by the said relatives or friends of said J. P. Matthews, we hereby declare that we will hold his said relatives and friends who participate accountable for the same, and that we will regard them as without the pale and protection of the law and common enemies of society, and that we will visit upon them certain, swift retribution.

"*Be it further resolved*, That so long as the friends and relatives of the said J. P. Matthews obey the laws and become good citizens, we hereby pledge them the protection of the law.

"*Resolved further*, That in the opinion of this meeting it is necessary to the safety of society and the welfare of all races and classes in this county that the Matthews family shall keep out of politics in Copiah County.

"*Resolved further*, That from henceforth no man or set of men shall organize the negro race against the whites in this county, and if it shall be attempted in the future, we hereby give notice that it shall be at the peril of the person or persons attempting so to do.

"*Resolved*, That we do hereby pledge ourselves, each to the other, our lives and fortunes and our sacred honor, that we will, all and individually, from henceforth, hold ourselves in readiness to enforce the foregoing resolutions, and to meet at any time upon the call of the chairman of this meeting.

"*Resolved*, That a committee of twenty-four from each supervisor's district be appointed by the chair to present a copy of these resolutions to the brothers and sons of the late J. P. Matthews, and that the same be published in the Copiah Signal and the Crystal Springs Meteor.

"*Resolved by the citizens of Copiah County in mass meeting assembled*, That the honors heretofore worn, and worthily so, by beat No. 2 be, and the same are hereby, awarded to beat No. 3.

"*Be il further resolved*, That this resolution is by no means intended to reflect upon the past and present services of beat No. 2, but to show our appreciation of the result of the election of the ticket in beat No. 3.

"*It is also resolved*, That the clubs continue their organizations, and consider themselves not disbanded, subject to the call of the chairman of the Democratic executive committee.

"*Resolved*, That the thanks of this meeting be extended to the Hazlehurst brass band for their services on this occasion.

"J. L. MEADE, *Chairman*.

"JESSE THOMPSON, Jr.,
"C. J. ALLEN,
"*Secretaries*."

And whereas it is alleged that the authorities of the State of Mississippi have utterly failed and neglected to protect and preserve to the citizens of that State the equal enjoyment of civil and political rights, but have in some cases contributed to their overthrow, and have failed to punish or bring to trial persons alleged to be guilty of the conspiracies, violence, and homicides above stated, in disregard of the equal rights of citizenship in the equal protection of the law guaranteed to all the people of that State: Therefore,

Resolved, That the Committee on Privileges and Elections be, and it is hereby, instructed to inquire into all the circumstances of, and connected with, the said alleged events, and into the condition of the constitutional rights and securities before named of the people of Virginia and Mississippi, and that it report, by bill or otherwise, as soon as may be; and that it have the power to send for persons and papers, and to sit during the sittings of the Senate, and that it may employ a stenographer or stenographers.

Mr. SHERMAN. Mr. President, since the beginning of the present session I have felt that the recent events in the States of Virginia and Mississippi were of such importance as to demand a full and impartial investigation of the causes which led to them, of the real facts involved, and of the proper constitutional remedy to prevent their recurrence, and, if necessary, to further secure to all American citizens freedom of speech in the open assertion of their political opinions and in the peaceful exercise of their right to vote.

Now that sufficient time has elapsed to allay to some extent the excitement caused by these events, I hope the Senate will make this investigation, so that our citizens in every State may understand how far the National Government will protect them in the enjoyment of their rights, or if it is helpless or listless, that, no longer relying upon the barren declarations of the Constitution, each man for himself may appeal to the right of self-defense or to the boasted American right of migration to more friendly regions.

The allegations in this resolution as to the Danville riot or massacre are founded upon statements in the public prints, supported by the oaths of witnesses, and their substantial truth is also verified by the published statement of a member of this body, a Senator from the State of Virginia.

The allegations as to Mississippi are founded upon copious narratives in the public prints, the proceedings of public meetings, and the actions and failure to act of officers of the State government, including governors, judges, courts, and juries.

I have not deemed it proper at this stage of the investigation, if it is to be made, to enter into the details of the facts, although I have before me a voluminous collection of all these various statements published in the papers of different political parties and from different persons.

If these statements are true, then in both these States there have been organized conspiracies to subvert the freedom of elections, accompanied by murder and violence in many forms. The crimes depicted are not ordinary crimes, common in all societies where the criminal falls under the ban of public justice, and is pursued by officers of the law, tried, convicted, or acquitted; but the crimes here alleged are that a prevailing majority subverts by violence the highest constitutional rights and privileges of citizens, and can not from their nature be inquired of or punished by ordinary tribunals. If they are true, then in those communities the members of one party and race have no rights which the prevailing party is bound to respect.

It is not well to assume these allegations to be true without the fullest investigation and inquiry by the legislative power, for, if true, the gravest questions of public policy arise that we have been called upon to consider since the close of the civil war. I have no desire to open up sectional questions or to renew old strifes, but would be glad to turn my back upon the past and devote myself to questions of peace, development, and progress. Still, if these allegations are true, it would be a cowardly shrinking from the gravest public duty to allow such events to deepen into precedents which would subvert the foundation of republican institutions and convert our elections into organized crimes. I do not say these allegations are true, but they come to us with such apparent seeming of truth that we are bound to ascertain their truth or falsehood by the most careful and impartial inquiry.

If the events at Danville were the result of a chance outbreak or riot between opposing parties or different races of men, they may properly be left to be dealt with by the local authorities; but if the riot and massacre were part of machinery, devised by a party to deter another party or a race from the freedom of elections or the free and open expression of political opinions, then they constitute a crime against the National Government, the highest duty of which is to maintain, at every hazard, the equal rights and privileges of citizens.

If the events in Copiah County, Mississippi (which is a large and populous county, containing twenty-seven thousand inhabitants, and evidently a very productive county), were merely lawless invasions of individual rights, then, though they involved murder as well as other crimes, they should be left to local authority, and if justice cannot be administered by the courts, and the citizen is without remedy from lawless violence, then he must fall back upon his right of self-defense, or, failing in that, he must seek a home where his rights will be respected and observed. But if these individual crimes involve the greater one of an organized conspiracy of a party or a race to deprive another party or race of citizens of the enjoyment of their unquestioned rights, accompanied with overt acts, with physical power sufficient to accomplish their purpose, then it becomes a national question, which must be dealt with by the National Government.

The war emancipated and made citizens of five million people who had been slaves. This was a national act, and whether wisely or imprudently done it must be respected by the people of all the States. If sought to be reversed in any degree by the people of any locality, it is the duty of the National Government to make its act respected by all its citizens. It is not now a question as to the right to stop at an inn, or to ride in a car, or to cross a bridge, but it is whether the people of any community can by organized fraud, terror, or violence prevent a party or a race of citizens from voting at an election, or the expression of opinions, or denying to them the equal protection of the law. No court has ever denied the power of the National Government to protect its citizens in their essential rights as freemen. No man should be allowed to hold a seat in either House of Congress whose election was secured by crimes such as are depicted here.

Nor is it sufficient to say that the elections referred to were not national elections in the sense that they did not involve the election of a President or of a member of Congress. While the power of Congress over the election of Senators, Representatives, and the President extends to making and altering laws and regulations passed by the respective States, and therefore is fuller than in respect to State elections, yet the Constitution provides that "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated;" that "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States;" that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws;" and

that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." It was also declared that "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any Department or officer thereof." Power is also given to Congress to enforce the recent amendments by appropriate legislation.

If the essential rights of citizenship are overthrown by a State or by the people of a State with the sanction of the local authorities within the limits of the State, then Congress, as the legislative power of the United States, is bound to provide additional safeguards, and should exhaust all the powers of the United States Government to maintain these essential rights of citizenship within the limits of all the States in as full and complete a manner as it will guard and protect the unquestioned rights of citizens of the United States within the domains of the most powerful nations of the world. Surely a citizen of the United States has as much right in any one of the States as he would have in a foreign land, however remote or how powerful its government may be. Protection at home in the secure enjoyment of the rights of person and property is the foundation of all human government, without which its forms are a mockery and with which mere forms of government become a matter of indifference. Protection goes with allegiance, and allegiance ceases to be a duty when protection is denied.

I can appreciate the great change that has occurred in the Southern States, the natural antagonisms which would arise by the emancipated slaves mingling in the same community with their former masters with equal civil and political rights with those who had held them as slaves; I can pardon the prejudices of race, of caste, and even of local ties; and the American people have, I think, waited with great forbearance, waited patiently for the time when constitutional rights would be respected without regard to race, or color, or creed, or party. If the time has come, as alleged in the papers before me, when members of the Republican party, through whose agency largely the existence of the Government has been maintained intact over the broad extent of our country, can not express their free opinions, can not enjoy their constitutional rights, are murdered at the ballot-box without fear on the part of their murderers of punishment, and driven from their homes by outrage and terror, and that white and black alike are subject to ostracism and injustice, and as a party are disfranchised in large portions of the regions where in war they asserted and maintained the powers of the National Government, then indeed is there demanded the most patient inquiry and a full, open, and manly assertion that the rights and equalities of citizens shall be maintained and enforced at every hazard.

If the Copiah resolutions are the creed of the Democratic party in the South, then indeed is the war a failure, and we must expect again the fierce sectional excitement, deepened by injury and disappointment. Written in the light of the events alleged to have transpired in the presence of the men who wrote and adopted these resolutions, they seem to me the very germ of despotism and barbarity, and yet I am assured by a gentleman friendly to them that they are the creed of nine-tenths of the party in power in Mississippi. I should like to know—it is right that we should learn—the groundwork of opinions so utterly repugnant to Republican institutions.

In this investigation I would seek every palliation or excuse for the conduct of the people complained of. I would give to their motives and to the natural feelings of mankind in their situation the most charitable construction. I would give to them all the political power they ever enjoyed, and, without unkindness, or pains, or penalties, or even reproaches, I would extend to them every right, favor, or facility that is enjoyed by any citizen in any part of our country; but when this concession is made to them I would demand that in the States under their control the freedom and equality of rights and privileges guaranteed by the Constitution and the laws to all citizens, white or black, native or naturalized, poor or rich, ignorant or learned, Republican or Democrat, shall be secured by the State government, or, if not, that their rights and privileges shall be asserted and maintained by the National Government. Upon this issue I would appeal to every generous-minded man, to every lover of his country, to every one who wishes to enjoy his own rights by his own fireside free from embarrassment, to stand by those who, yielding to others the protection of the laws in the enjoyment of equal rights, will demand the same for themselves and for their associates.

Mr. President, this is all I desire to say at this time on the adoption of this resolution.

Mr. MAHONE. Mr. President, it behooves me in the name of Virginia to express regret that there should be found in the conduct of any portion of her constituency occasion for such inquiry as that on which the resolution before the Senate is in part predicated.

That it has come and is known of all men I do not hesitate to confess, but neither for the conception nor for the incendiary proceedings which inspired and led up to the violent overthrow of the civil law and the unprovoked brutal murder of unarmed citizens, painfully conspicuous at Danville, I protest are the real majority of her people in any wise responsible.

It is due to her fair name, and to the love of that people for liberty and their respect for law, their devotion to the free and unhindered exercise of the rights and privileges of citizenship, that such contrary and vicious methods, such lawless proceedings as characterized the conduct of the Bourbon party now and here at Danville, culminating in high crime against the laws of man and Creator, should be exposed; it is but just to the unstained character of her people that both the actors and the conspirators in these foul deeds, done within her borders, in contempt of the civilization of the age and the Constitution and laws of both the State and National Governments, should be brought to the bar of public opinion if they can not be under the hand of a righteous administration of justice.

At no time in the glorious history of Virginia until the late canvass and election for the Legislature has the sentiment found root with any party that political ends may be achieved by such festering methods and means as gave rise to the Danville massacre, and the kindred proceedings, abuses, and disorders which marked the conduct of that political faction. Its leaders and organs, weary of ambition for place and of desire to dominate over a people who had repeatedly repudiated them and their shifting principles, openly advised any resort which might perchance give them the power.

That a reign of terror and lawlessness suppressed and superseded the functions of the civil law, restraining the liberties of the citizen and exposing human life to the disordered will and frenzied passions of a political mob, licensed by the teachings of its own political faction to enact such outrages as transpired at Danville, the chief magistrate of the Commonwealth in his general message to the Legislature sufficiently bears witness. He says:

> The condition of the State as to health and prosperity is such that congratulations may be exchanged. Providence has extended to our fields genial suns and refreshing rains. We have had bountiful harvests, increased industry, and a growing population.
>
> It is sad to mar this pleasant picture by alluding to an unhappy circumstance which all good people should pray God shall never be repeated in the State of Virginia. Far be it from the governor of this Commonwealth, whose duties are purely executive, to characterize or criticise, in any partisan sense, the trouble by which death and blood came on the 3d of November to many citizens in one of the cities of our State. There is no purpose here to ask your honorable body to investigate the matter. There is no right vested in the governor to do so. But the charge made against the State and that community—it can not be denied—is this: that men were killed, men were wounded, of no matter what party, of no matter what color; and that contrary to all the law-serving habit of this people no man has been accused, arrested, or tried for his part in the killing or wounding. This is the view of the affair in which all good people should join. Judicial investigation should be had, witnesses should be allowed to testify, should be made to testify, and the truth should be made apparent, so that the Commonwealth of Virginia should be placed before the world as one of the States which tries crime, no matter who may be the criminal.

The report of the grand jury following the calamity to which he refers but completes the damnable picture. That the law there in Danville and in that region fails of rightful supremacy and the power of maintaining order, peace, and the safety of organized society is paralyzed, let the murders and unprovoked attempts to take life, since the speaking picture at Danville, argue the force of this assertion.

The time has come, it occurs to me, when this Government should consider of its duty, where the local authority fails to protect the citizen in the enjoyment of the immunities guaranteed by the supreme law.

I hope, Mr. President, the proposed investigation will proceed, and that this whole matter may be probed to the bottom, and somewhere in the power of the nation the cure may be found for a political disease fraught, as I conceive, with grave concern to the safety of human life, the liberties of the citizen, the peace, welfare, and happiness of the nation, if not for the integrity of our own republican form of Government.

What consideration follows paramount allegiance if the right to live and to exercise the privileges common to citizenship and to enjoy the immunities of government do not inure and obligate the power of that government to secure them unto every citizen? Whatever may have been the wisdom or the unwisdom of the qualifications on which our citizenship is based, the Constitution is and should be the governing law, and its honest and cheerful observance the duty of all.

Virginia's unfortunate connection with the slavery institutions of a section lay at the bottom of the consideration which induced her to make, as reluctantly she did, common cause with the South in the sectional war which for a time separated her from the Union she had contributed so largely to found and, following the spirit of her Washington, Jefferson, and Madison, so earnestly endeavored to promote and preserve. But in resuming, Mr. President, her place here, and believing that the fratricidal contest had ended and should be forever closed by the event which transpired at Appomattox, Virginia came in good faith, declaring for the first time in her great history that this was a nation, she a part of it, the Union indissoluble, and that its Constitution and laws were paramount and superior in every State.

Her people have faithfully endeavored to observe these solemn declarations and have honestly labored to establish, as they have done, equal citizenship, and never until now have any portion of her constituency sought to evade and destroy that duty by resort to violence.

Such methods are in conflict with the temper, habits, traditions, and convictions of her people, and are shocking to the moral sense of the State.

The sentiment which instigated them, and of which was born the foulest crime that has ever been committed upon the soil of Virginia within the memory of living men—the massacre at Danville of unarmed, unresisting, fleeing colored people—must not, I protest, be left, for the lack of full and authoritative investigation, to cloud her noble escutcheon.

Let it be fastened upon the political leadership of the faction to which it singularly belongs, and which now condones and seeks to screen from exposure and punishment the lawless proceedings and bloody deeds committed in that behalf.

In the name of her civilization and her high esteem for the respect and good-will of the Christian family this investigation is invoked.

It is of no measurable consequence what the fate of political parties where questions of human right and the character of a great Commonwealth are imperiled.

No State of those engaged on the Southern side in the unhappy sectional war had more thoroughly, cordially, and sincerely acquiesced in the result and turned her face to the morning of an indissoluble Union, one and inseparable—a nation forever.

Dismembered as she had been as a consequence of her loyalty to the right as she believed, and lacerated as she was by the ravages of contending armies, embarrassed by the loss of millions of values, a disorganized labor system, and by an unadjusted accumulated public debt, yet her manhood with surprising individuality and energy addressed all its power to the prodigious work of regeneration.

The rapid and substantial strides she has made in every phase of human progress answers for the grade of prosperity she had reached.

Liberty of thought and freedom of political action had been set at will and the qualifications of the elector disencumbered of any other condition than prescribed by the letter and spirit of the supreme law.

The sources of free education had been advanced over a hundred-fold, and the spirit for learning had been incited to the full measure of the opportunity.

Ample provision had been added for the proper care and treatment of the afflicted members of every community; the barbarous feature of a degenerated code—the whipping-post—had been abolished, and every discrimination incompatible with the rights of citizenship, as ordained by the Constitution and laws of both the State and National Governments, had been removed.

A carefully formulated settlement of the greatly misunderstood and long embarrassing question of the public debt had been reached, which both as to item and method remains unimpeached and unimpeachable, finally receiving the highest sanction known to any code, the sanction of the self-styled "honor and honesty" faction of the State.

The credit of the State had been restored to its aforetime integrity, her indebtedness to asylums, schools, colleges, &c., amounting to quite $2,000,000 (besides arrearages of interest aggregating five and a half millions), had been reduced to less than $725,000, with a million and a half cash in her treasury.

The expenses of government had been reduced full 25 per cent. and the rate of taxation 20.

Enterprise, thrift, and well-doing marked the labors of the people in all the employments of life.

Peace, prosperity, and the sunshine of a larger future beamed in all her borders, and inspired all ranks and conditions of her people.

Sectional asperities had passed away and cordial relations with our brethren of the nation were honestly cultivated.

Responding to a rancorous sentiment, re-enforced by a diseased and uncontrollable ambition for place and power, it was to prevent the continued success of the party which had inaugurated such an era of wholesome reforms, peace, plenty, and good-will toward men, that an unscrupulous leadership of a political faction conceived and contrived by such agencies to defeat the honest will of a majority of the people at the election on the 6th of November last and to force a result in its own favor.

The scheme was by the shot-gun practice and other means of compulsion to frighten and restrain the colored voter from exercising his constitutional rights of franchise and by inciting and promoting the prejudices of caste and a conflict of blood—to compel the more irresolute, less informed, and more dependent class of white voters to abandon their own political faith and to indorse a leadership and principles which had been repeatedly condemned at the polls.

But, Mr. President, I forbear to enter now upon the facts which are to be the subject of the proposed investigation further than may be incident to a discussion of the powers of Congress over the matter.

Here in connection with the exercise of a right guaranteed by the Constitution, on which the very integrity of this Government rests, a number of wanton murders have been committed which have not been prosecuted nor can be made the subject of judicial investigation, as appears.

The murdered men all belong to a race or a class who are, notwithstanding and none the less, citizens of the State and of the United States, entitled as such to the protection of the laws, the privileges of the ballot, and enjoyment of liberty.

These murders which, in the dawn of civilization, "when the rough feelings of barbarism had not experienced the softening touches of time, would have needed the gloss of apology," are charged to have been of political design, and the exculpation of the participants is alleged to be part of the same political object, that object being to deprive by intimidation of their right of suffrage a race of citizens who are guaranteed it by the Constitution of the United States, and who, on the assumption that they are free to enjoy the exercises of that right, are counted to a man in making up the apportionment of representation allowed to each State in the popular branch of the National Legislature and in the electoral college of the Union; while failure to punish such crimes, and to protect the citizen in the full and safe pursuit of that right, is expected to operate, as reasonably it must, to lower his manhood, circumscribe his energies and his productive capacity, lessen his respect for the Government and his love of country, and finally to subdue his honest convictions or work him out as a political factor.

Where shall the inquiry be instituted if not here in the Congress of the United States whether representation conforms to the theory of the organic law?

If a State enjoys representation in Congress on the faith that the right of suffrage is free to all its legally qualified voters, it is a breach of faith with the other States of the Union to deprive any class or any part of any class of voters of this right.

The enforcement of any such restriction, no matter the device or the means employed, nor the measure of the result, is a wrong to other States of the Union and an assault upon the spirit of the Constitution which I submit it is the duty of Congress not only to investigate but to rebuke and correct.

There is, Mr. President, another even broader ground than this, if broader there can be, on which this power of Congress to inquire into such matters rests. The United States by constitutional obligation guarantees to each State a republican form of government, that is to say a form of government in which the unhindered will of the majority of the legally qualified voters controls the administration of its public affairs. If by murder or any kind of violence this will of the majority is overthrown and those who commit the murders go unwhipped of justice, or other acts of violence designed to substitute the will of a minority for that of a majority are allowed impunity, then we have a government wherein the minority governs, governs by the practice of fraud and of crime, and therefore a government that is not republican.

The Union was formed on the fundamental condition, mutually pledged between the States, that it was to be a union of republics, and that each State would preserve a republican form of government; and it is a high duty that Congress owes to all the States that such government in fact and in spirit as well as in form be maintained. When, therefore, it appears that in any State the elective franchise is so far overthrown by lawless practices which the local government can not or will not punish, or by methods and devices calculated to abridge the right, then not only does the power vest in Congress but that body is under solemn obligation to inquire into the subject and to enforce a remedy.

Mr. Madison, treating of this question (in No. XLIII of the Federalist) when the reach, powers, and duties of the National Government were not so large as now and its relations with the citizen were less direct, seemed to have contemplated a case precisely like the one under consideration. He says:

> Is it true that force and right are necessarily on the same side in a republican government? May not the minor party possess such a superiority of pecuniary resources, of the military talents and experience, * * * as will render it superior also in an appeal to the sword? * * * Nothing can be more chimerical than to imagine that in a trial of actual force victory may be calculated by the rules which prevail in a census of the inhabitants or which determine the report of an election. * * * In cases where it may be doubted on which side justice lies, what better umpire could be desired by two violent factions, flying to arms and tearing a state to pieces, than the representatives of confederate states not heated by the local flame? To the impartiality of judges they would unite the affection of friends. Happy would it be if such a remedy for its infirmities could be enjoyed by all free governments, if a project equally effectual could be established for the universal peace of mankind.

These passages show that the power in question was given to Congress in an enlarged and patriotic view, and that the framers of the Constitution contemplated its exercise in a case like that to which the resolution is directed.

Mr. President, in the year 1869 Virginia resumed her place in the Union with a State constitution, adopted almost unanimously—but 9,000 votes against it—which embodied the following declarations:

> That this State shall ever remain a member of the United States of America, and that the people thereof are part of the American nation, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union or to sever said nation are unauthorized and ought to be resisted with the whole power of the State.
>
> That the Constitution of the United States and the laws of Congress passed in pursuance thereof constitute the supreme law of the land, to which paramount allegiance and obedience are due from every citizen, anything in the constitution, ordinances, or laws of any State to the contrary notwithstanding.

Thus she took her place in the Union without (as in 1789) any express reservation of power or mental reservation of doctrines such as were known in the political controversies of a past era. She came with heart in hand, surrendering her all and pledging her all for the national peace and prosperity. She gave up powers which had brought ruin and desolation to her people and came to share the fate of the Union as a nation, regarding no special destiny as worth preserving out of the Union or in antagonism with it.

It is to vindicate her good faith in these declarations and in this act that I desire this investigation. It is to remove by such formal instrumentality any doubt which may linger in a respected public judgment that the uncondoned practices and crimes which a political leadership has inaugurated upon her soil are not of the sentiment of a majority of her people, who protest against any desire to nullify any law of the Union.

It is in the hope that such consideration may be brought to the subject as will lead to the arrest of such practices, which militate against the peace and welfare of the people, and in their tendency and direction conspire to a war upon the very integrity of the Constitution.

Virginia, Mr. President, has no cause of hostility against the colored people who in large part compose her population. They are no more responsible for their freedom than for their presence there. They were invested with the rights of citizenship by the grace of the nation, and have worn the immunities with remarkable propriety of conduct. They are as essential to her fields of industry as the machinery of New England is to her manufactories. They are a factor in her life for which no other can be substituted, and between the races as between classes there is a community of interests on which is dependent the happiness and welfare of all—the march of intellectual and material progress—that wisdom and humanity ought to conserve.

'Tis liberty alone which gives the flower
Of fleeting life its luster and perfume,
And we are weeds without it.

It conspires to enlighten human action.

Bondage, personal or political, is the natural implement of usurpation, a serious and fearful evil in every free community. Nothing more degrades the man than living among freemen himself a slave. "Even the very earth, which teems profusion under the cultivating hand of free labor, shrinks into barrenness from the contaminating sweat of the slave;" and who is not a slave, measurably, whose liberty by any means is restrained in contravention of the rights guaranteed to all?

I rejoice that personal slavery is no longer legalized in our own fair Eden of liberty, and that all men are liberated to an even chance in the race of life to which God and nature have given them the title. In Virginia the colored people ask no more, and the white man there who envies him this privilege and apprehends his supremacy reproaches the intelligence and manhood of his own race.

To discover the gross violations of these principles which have been committed in Virginia during the late political campaign and to find and apply the remedy I take to be the object of the proposed investigation.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). Will the Senator suspend? The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the Calendar of General Orders.

Mr. MAHONE. I shall have done in a very few minutes.

Mr. SHERMAN. I hope we shall finish this matter. I propose when the Senator is through to submit a motion to that effect.

Several SENATORS (to Mr. MAHONE). Go on! Go on!

The PRESIDING OFFICER. There being no objection, the Senator from Virginia will proceed.

Mr. MAHONE. I have no fear that the State will suffer by the inquiry. On the contrary, I am confident she will emerge from it free from all stain upon the reputation of the majority of her people, while upon a violent faction will be found the responsibility and the blood of her murdered citizens.

Here, in this Capitol, where the breath of freedom has ever inspired devotion to the God-given rights of men, here in a government which is founded on the ever-molding basis of equal rights, is the place to set on foot investigation of such flagrant acts of moral turpitude and of crime in contravention of the Constitution and laws of the Union and to reach out for the remedy.

Mr. SHERMAN. I move that the general orders be postponed with a view to continuing the debate and taking a vote on this resolution. I hope indeed to get a vote, if possible, before adjournment.

The PRESIDING OFFICER. Is there objection to continuing the consideration of the resolution at this time? The Chair hears none. The question is on the adoption of the resolution.

Mr. SHERMAN. I call for the yeas and nays.

Mr. BAYARD. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. VANCE. Mr. President, what is the question?

The PRESIDING OFFICER. Upon the resolution.

Mr. VANCE. Not upon the preamble?

The PRESIDING OFFICER. Not upon the preamble, but upon the resolution.

The Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). On this question and all political questions I am paired with the Senator from Kentucky [Mr. WILLIAMS].

Mr. BUTLER (when his name was called). On this question I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. COCKRELL (when his name was called). The Senator from Minnesota [Mr. MCMILLAN] requested me yesterday evening to pair with him on political questions. I reckon this would be considered one, and he would probably vote "yea," would he not [addressing the Republican side of the Chamber]?

Several SENATORS. We think so.

Mr. COCKRELL. I should vote "nay" if I felt at liberty to do so.

Mr. JACKSON (when the name of Mr. HARRIS was called). My colleague [Mr. HARRIS] is necessarily absent, and is paired with the Senator from Massachusetts [Mr. HOAR]. If present, my colleague would vote "nay."

Mr. HOAR (when his name was called). Some time last week the Senator from Tennessee [Mr. HARRIS] said he intended to be absent a portion of this week, and desired me to pair with him. Unless he be paired with some one else or is present, I shall refrain from voting. I am in favor of the resolution, and should vote for it if I were at liberty to do so.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "nay."

Mr. MILLER, of California (when his name was called). I am paired with my colleague [Mr. FARLEY]. If he were here, he would vote "nay" and I should vote "yea."

Mr. VAN WYCK (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS], who, if here, would vote "nay" and I should vote "yea."

Mr. HOAR. The Senator from New Hampshire [Mr. BLAIR] announced his pair with the Senator from Kentucky [Mr. WILLIAMS].

Mr. BECK. The Senator from Nebraska can vote. I know the Senator is generally paired with my colleague, but the Senator from New Hampshire, I understand, makes this pair with my colleague.

Mr. VAN WYCK. Then I vote "yea."

The roll-call was concluded.

Mr. PUGH (after having voted in the negative). I have just been reminded of the pair I had with the Senator from Massachusetts [Mr. DAWES] on all political questions. I therefore withdraw my vote.

The PRESIDING OFFICER. The vote will be withdrawn.

The result was announced—yeas 33, nays 29; as follows:

YEAS—33.

Aldrich,	Frye,	Mahone,	Riddleberger,
Allison,	Hale,	Manderson,	Sawyer,
Anthony,	Harrison,	Miller of N. Y.,	Sewell,
Bowen,	Hawley,	Mitchell,	Sherman,
Cameron of Wis.,	Hill,	Morrill,	Van Wyck,
Conger,	Ingalls,	Palmer,	Wilson.
Cullom,	Jones of Nevada,	Pike,	
Dolph,	Lapham,	Platt,	
Edmunds,	Logan,	Plumb,	

NAYS—29.

Bayard,	Garland,	Jones of Florida,	Slater,
Beck,	George,	Lamar,	Vance,
Brown,	Gibson,	McPherson,	Vest,
Call,	Gorman,	Maxey,	Voorhees,
Camden,	Groome,	Morgan,	Walker.
Coke,	Hampton,	Pendleton,	
Colquitt,	Jackson,	Ransom,	
Fair,	Jonas,	Saulsbury,	

ABSENT—14.

Blair,	Dawes,	Kenna,	Sabin,
Butler,	Farley,	McMillan,	Williams.
Cameron of Pa.,	Harris,	Miller of Cal.,	
Cockrell,	Hoar,	Pugh,	

So the resolution was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the preamble.

Mr. SHERMAN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am, paired as before stated, with the Senator from Kentucky [Mr. WILLIAMS].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. COCKRELL (when his name was called). I am paired with the Senator from Minnesota [Mr. MCMILLAN]. Were he present, he would vote "yea" and I would vote "nay."

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

The roll-call having been concluded, the result was announced—yeas 32, nays 29; as follows:

YEAS—32.

Aldrich,	Edmunds,	Logan,	Platt,
Allison,	Frye,	Mahone,	Plumb,
Anthony,	Hale,	Manderson,	Riddleberger,
Bowen,	Harrison,	Miller of N. Y.,	Sawyer,
Cameron of Wis.,	Hawley,	Mitchell,	Sewell,
Conger,	Hill,	Morrill,	Sherman,
Cullom,	Ingalls,	Palmer	Van Wyck,
Dolph,	Lapham,	Pike,	Wilson.

NAYS—29.

Bayard,	Garland,	Jones of Florida,	Slater,
Beck,	George,	Lamar,	Vance,
Brown,	Gibson,	McPherson,	Vest,
Call,	Gorman,	Maxey,	Voorhees,
Camden,	Groome,	Morgan,	Walker.
Coke,	Hampton,	Pendleton,	
Colquitt,	Jackson,	Ransom,	
Fair,	Jonas,	Saulsbury,	

ABSENT—15.

Blair,	Dawes,	Jones of Nevada,	Pugh,
Butler,	Farley,	Kenna,	Sabin,
Cameron of Pa.,	Harris,	McMillan,	Williams.
Cockrell,	Hoar,	Miller of Cal.,	

So the preamble was agreed to.

FUNERAL OF REPRESENTATIVE MACKEY.

Mr. BUTLER. I ask that the resolution from the House of Representatives be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution of the House of Representatives, which will be read.

The Chief Clerk read as follows:

Resolved, That the funeral ceremonies of the late EDMUND W. M. MACKEY, late a Representative in this body from the State of South Carolina, be held in this Hall on Wednesday, January 30, at 1 o'clock p. m.

Resolved, That the Clerk communicate the foregoing resolution to the Senate and invite the Senate to attend the said funeral ceremonies.

Mr. BUTLER. I offer the following resolution:

Resolved, That, pursuant to the invitation of the House of Representatives, the Senate will attend the funeral ceremonies of Hon. EDMUND W. M. MACKEY, late a member of the House of Representatives, in the Hall of the House, on Wednesday, January 30, at 1 o'clock p. m.

I ask for the immediate consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 844) to authorize the increase of the capital stock of the First National Bank of Fort Worth, Tex.

DESTITUTE INDIANS.

Mr. BAYARD. I rise to call for the special order made for to-day at 2 o'clock and which was passed by informally.

Mr. ALLISON. I ask the Senator from Delaware to yield to me until I can have passed two small appropriation bills that ought to be passed to-day. I think they will take but a few moments of time.

Mr. BAYARD. Let it be done without displacing the regular order.

Mr. ALLISON. Certainly.

Mr. BAYARD. With the understanding that the special order is not displaced but only temporarily laid aside to let the appropriation bills be passed, I shall make no objection.

The PRESIDENT *pro tempore*. The special order undisposed of is before the Senate, pending which the Senator from Iowa [Mr. ALLISON] asks unanimous consent that the Senate proceed to the consideration of the joint resolution reported by him yesterday.

Mr. ALLISON. House joint resolution 121.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians.

Mr. ALLISON. The Committee on Appropriations instruct me to move an amendment. It is in line 3, to strike out "fifty" and insert "one hundred;" and in line 8, after the word "Territory," to insert:

And out of this appropriation the sum of not exceeding $5,000 may be expended for telegraphing and making purchases of such supplies, including cost of advertising.

So as to make the joint resolution read:

That the sum of $100,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, the same to be immediately available, to be applied to the support and maintenance of the Indians at Crow agency, at Fort Belknap, Fort Peck, and Blackfeet agencies, in Montana Territory; and out of this appropriation the sum of not exceeding $5,000 may be expended for telegraphing and making purchases of such supplies, including cost of advertising.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read a third time, and passed.

On motion of Mr. ALLISON, the title was amended so as to read: "A joint resolution appropriating $100,000 for the support of certain destitute Indians."

APPROPRIATIONS FOR DEFICIENCIES.

Mr. ALLISON. Now I ask the Senate to take up the House bill No. 3948.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

The first amendment was to insert, after line 12:

For the purpose of reimbursing to the appropriation for the Bureau of Engraving and Printing for the fiscal year ending June 30, 1884, the sum of $8,137.62, expended by said bureau in payment of persons employed in the Bureau of Internal Revenue in and about the work of counting, canceling, and redeeming internal-revenue checks and proprietary stamps during the months of July, August, September, October, and November, 1883, and for the payment of such persons as the Commissioner of Internal Revenue shall necessarily employ in his office in and about the work of counting, canceling, and redeeming internal-revenue checks and proprietary stamps, the pay for such labor to be fixed by the Secretary of the Treasury at rates not exceeding the rates usually paid for such work, $20,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was to insert after line 35:

Provided, That the legislative proceedings, records, and laws of said Territory shall be printed in the English language.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PRIVATE LAND CLAIMS.

Mr. BAYARD. I call for the special order.

Mr. CAMERON, of Wisconsin. For the purpose of settling the practice under the new rules, I desire to raise a question in regard to the alleged special order. The bill to provide for ascertaining and settling private land claims in certain States and Territories was, by a vote of the Senate, made the special order for yesterday at 2 o'clock. It was not reached or taken up at that time, and I think under the old rules there would be no doubt whatever that it would fall and would not be the special order to-day. Now, whether this is changed by Rule X of the present rules or not is the question that I desire to submit to the Chair. I myself am of the opinion, and so stated when in the chair a few minutes ago, that the Calendar of General Orders was in order at 2 o'clock; that the special order made for yesterday not having been taken up or laid before the Senate fell at that time, and is not to-day the special order.

Mr. BAYARD. I would refer the Chair respectfully to Rule X, relating to special orders. The construction of any rule or law is that no man shall be driven to an impossibility. Yesterday the hour of 2 o'clock had not arrived when the Senate adjourned, and therefore it was not within the compass of possibility that the special order could have been called; but by reference to the tenth rule, in relation to special orders, it will be found the presiding officer shall lay it before the Senate unless there be unfinished business of the preceding day; and if it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders in the order of time at which it was made special. So that, there being no other special order on the Calendar of Special Orders, this bill would stand there by the force of Rule X.

The PRESIDENT *pro tempore*. The Chair has considered the question somewhat on previous occasions in regard to the force of this language, and has been in considerable doubt as to the true construction of Rule X. The Chair came to the conclusion with considerable hesitation that if a special order were not reached and laid before the Senate at the date for which it was appointed, when any preceding unfinished business should be disposed of and the morning business was gone through and 2 o'clock reached so that otherwise the Calendar of General Orders would be in order, it would be his duty to lay the special order before the Senate. But the question is so doubtful on the language of the rule that the Chair would be glad to take the opinion of the Senate, and he will submit to the Senate the question whether this special order under the circumstances stated is now before the Senate. He will leave it to the decision of the Senate to make a precedent for the future action of the Chair.

Mr. CAMERON, of Wisconsin. I have no objection to this bill being taken up at this time. The Senate is so thin now that perhaps the question had better be submitted to the Senate at some other time.

Mr. COCKRELL. Let the point of order be reserved, and let us go on.

Mr. CAMERON, of Wisconsin. I ask unanimous consent that this bill may now be proceeded with.

Mr. BAYARD. If the Senator withdraws his objection to the consideration of the bill, I ask that the Senate proceed with bill No. 19.

Mr. CAMERON, of Wisconsin. I ask unanimous consent that the bill may now be proceeded with, not admitting that it is the special order at this time.

The PRESIDENT *pro tempore*. But the effect of unanimous consent, the Chair would suggest to the Senator from Wisconsin, would seem to imply that the bill is not now before the Senate, and that is the ques-

tion which the Chair wishes to submit to the Senate. If there is no objection, the Chair will proceed with the special order without prejudice to any future decision of the Senate on the question.

Mr. CAMERON, of Wisconsin. Very well; that is satisfactory.

The PRESIDENT *pro tempore*. The special order is before the Senate, being the bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories. It has been read through in Committee of the Whole and is now open to amendment.

Mr. BAYARD. As a matter of fact, the reading of the bill was suspended on the application I think of the Senator from Michigan [Mr. CONGER]. I suppose therefore the reading had better be concluded.

The PRESIDENT *pro tempore*. The Chair is now informed that the reading of the bill was not entirely concluded. The reading will be resumed at the point where it was suspended on the former occasion.

The Chief Clerk resumed at section 6 and concluded the reading of the bill.

Mr. BAYARD. I have no desire to delay the consideration of the Senate by a repetition of statements or explanations of this measure. As I have said before upon its preceding consideration, it has been for many years before the Senate. It first was debated and passed in 1879. It was again brought up, debated, and passed by the Senate in 1880. In 1883 it was again unanimously recommended by the committee for passage, and reported by me as the organ of the committee for that purpose, but was prevented from being considered by the pressure of the tariff bill which occupied the whole time of the Senate at the last session.

The object of the bill may be stated in a few words to be the scrupulous, punctilious performance of treaty stipulations between the Government of the United States and Mexico, not simply as a treaty but a treaty under the Constitution which has all the force of any law passed in pursuance of the Constitution. Many claims of the character of those covered by the bill have been subjected to adjudication by the courts of the United States, and various expedients have preceded the introduction of this bill such as the formation of land commissions as in the case of California, the delegation of the power to examine and hear to the surveyors-general of the Territories of New Mexico and Arizona. All these methods of considering the question and passing upon the rights and interests of citizens of the United States, private claimants to lands within these Territories, having been subjected to experience and criticism, the result is the present measure as being far more potential and far preferable to protect the rights of private owners, great and small, and to restrain the rapacity of the larger owners proceeding under the indefiniteness which marked grants of land by Mexico or under the more ancient Spanish title.

The Senator from Michigan [Mr. CONGER] very naturally desired to inspect a bill of this importance, and I am glad the time was allowed for that purpose, for that Senator intimated an apprehension that the rights of the smaller owners had not been cared for sufficiently. I think an examination of this bill will show to him that the right of trial in the local court, the district court of the United States in the Territory, is given to each and to all, with the right of appeal, of retrial, of obtaining increased and new testimony, even up to and in the Supreme Court of the United States, so that if there has been a failure of justice in any court below, if there has been an emission to take testimony in any court below, if there has been any fraud that could not be well detected in the court below, it is brought here so that it can be examined by lights both before and after the suit and full protection can be given to the United States as well as to the various claimants to this property.

The bill carefully protects the United States against the granting of minerals, none of which passed under the Mexican grant. It protects the United States against the granting of unknown areas of land which the Supreme Court of the United States has declared to be the cause of the greatest confusion and the cause of the greatest injustice and has led to the confirmation of titles to the same land to a number of wholly different litigants. We are intending by this legislation to prevent such confusion, so that when the Supreme Court shall pass upon questions of title they shall have something less vague, less uncertain than the guesswork, the mere sweep of the eye and the direction of the hand that really was the controlling power to a Mexican land grant. The grant can not exceed either in square leagues or otherwise an amount exceeding about fifty thousand acres in round numbers.

I do not know, Mr. President, that there is any explanation necessary for me to give to the Senate as the matter has been before them heretofore; and although I know that there are gentlemen now members of the body who were not present when the bill was formerly discussed, still as they have had the opportunity to examine this bill as it was reported at the last session and has been upon the Calendar since early in December of the present session and has been now brought a week ago before their attention, I do not think it necessary for me to detain the Senate by an explanation in advance of the provisions of this bill. Suffice it to say that lawyers in this body who command the confidence on every ground of the country and of the Senate have matured this measure, that in it they have endeavored to protect the interests of the United States and have endeavored to protect the honest interests of every claimant, and I trust the measure will meet now the approval of the Senate, and will be adopted without substantial amendment.

Mr. CONGER. Mr. President, I had hoped the gentleman in charge of this bill, after the statement which I had made somewhat hurriedly and as I then said without a proper opportunity for examination of the bill, would be at least ready to answer some of the objections which I made in good faith, and which I thought important enough to have the consideration of Senators and to have an explanation from those who had charge of this bill. But I am answered to-day, after a few days of reflection, by the Senator from Delaware, that this bill must be passed by right of prescription, having been passed two or three times heretofore by the Senate, and been favorably considered by a committee at other times and having been printed and on the tables of Senators during this session, that it is hardly open to criticism now, and further that it is the result of deliberation of such learned men in the law that it is presumptuous in any one to question the correctness of any of its provisions. I submit to that reproof with that humility for which I trust I have ever been noted and which I hope I shall continue to follow and to exhibit.

Now, sir, there are some things in this bill, notwithstanding it has passed the Senate three or four times, notwithstanding it has received the consideration of gentlemen whom the world knows are learned in the law, that ought to receive the attention of the Senate, if they are objections to the bill. I characterized some of these provisions in some remarks I made when the bill came up before, as being unjust, oppressive, and I said that I would almost say infamous.

In that expression I referred especially to one of the provisions of this bill which authorizes general scrip to be issued to those who make out a claim where the lands have been granted by the Government for some other purpose or reserved for the use of the Government, allowing the issue of a kind of scrip which has heretofore been used to the oppression and to the absolute ruin of citizens of the United States in my own State and in others, like what is called Porterfield scrip, like what is called Valentine scrip, a kind of scrip conferring such general privileges and so desirable that upon the very passage of a law authorizing that scrip and the issuing of the scrip it would be worth for every acre granted of the scrip from fifteen to twenty dollars per acre as fast as issued. When I come to that provision of the bill, I will call the attention of the Senate to it more particularly.

Now, I ask Senators to examine the provision in the third section of this bill on the sixth line; I ask the Senator reporting the bill to look at the provision in section 3, line 6, which declares—

> That the testimony which has been heretofore lawfully and regularly received by the surveyor-general of the proper Territory or State, or by the Commissioner of the General Land Office, upon all claims presented to them, respectively, shall be admitted in evidence in all trials under this act when the person testifying is dead, so far as the subject-matter thereof is competent evidence.

By the provisions of an act of Congress passed July 22, 1854, the surveyor-general of New Mexico was authorized to ascertain the origin, nature, character, and extent of all claims to land under the laws, usages, and customs of Spain and Mexico, and for that purpose the act gave him the power to issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises.

The surveyor-general, under that law, was required to make a full report of all such claims, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States, *provided* that that report should be laid before Congress for such action thereon as might be deemed just and proper, with a view to confirm *bona fide* grants and give full effect to the treaty. By an act of July 15, 1870, the same authority, powers, and duties were imposed upon the surveyor-general of Arizona.

Under the provisions of the law passed in 1854 these public officers, authorized by law, with their powers fully defined and the limits of their discretion and of their power fully prescribed, have been proceeding for almost thirty years to examine cases presented to them and to take testimony and to make reports. Claimants of all kinds, of large tracts and of small tracts, have under the law of the United States appeared before the proper authority, and at great expense, with great labor, have assiduously prosecuted their claims, procured the testimony of witnesses, procured authentic copies of all papers relating to their grants both from the Mexican Government and our own. Many of them have exhausted all their pecuniary resources in complying with the law and presenting their claims to the surveyors-general of these different Territories, procuring reports, having them transmitted to the Commissioners of the General Land Office and the Secretary of the Interior, and having them presented to Congress. They stand here to-day upon our files, the result of the labors and the expenditure of our citizens to the extent of hundreds of thousands of dollars; and after all this labor, this care, this expenditure in following out a proceeding sanctioned by law, and the only proceeding in which they were authorized by law to engage, after waiting year after year, as many of these cases have done, for the action of Congress, they take this testimony, they take these reports, they have them passed upon by committees with some recommendation to Congress either to pass or reject them, and they are met thirty years after these labors were performed and this expenditure incurred

with a new bill which disallows all that they have done, which throws out all the testimony that with so much care and painstaking they had gathered together, except that of witnesses who are dead. If that is not a mockery of justice, if that is not judgment and justice long delayed to claimants who have rights, their own natural rights and the rights guaranteed to them through solemn treaty stipulations, I do not know what the delays and the quibbles of justice are.

These reports of the surveyors-general, with the testimony, with all that is done before them, may be presented to the court provided to renew and carry on the duties of surveyors-general under the old law, but no testimony is to be admitted and be considered by that court unless the witnesses who gave the testimony are dead. I do not wonder that such a bill as this never got further than the Senate. I do not wonder that this bill has passed the Senate of the United States three different times, and yet could never gain a hearing among the Representatives of the immediate wants, and necessities, and rights of the people of the United States. It could not have been spoken to its credit that year after year the Senate had passed it, and it had died in the House as it has. If it is a proper bill; if it does justice to claimants; if it is fair in the eyes of the people; if it has the sanction of law, and of usage, and of custom, the marvel is that the bill should not have passed the other House long ago. That it did not might be taken as some indication that it was a questionable measure, and that, however highly it might have been estimated as mere abstract, cold, philosophical law, the common judgment of men close to the people and their wants, and their rights, failed to approve of the bill. To my mind the reason given for its passage by the Senator from Delaware is a reason why the Senate should call a halt in this matter and reconsider their action, and not press upon the consideration of new Senators and old Senators, and all Senators who have not had time to examine this matter, a measure which has failed to meet year after year the approval of the other branch of Congress.

When the Senator from South Carolina who has the ear of the Senator reporting this bill, to whom I am immediately talking, has concluded I will go on.

Mr. BUTLER. I beg the Senator's pardon; I was not aware of the fact that he was addressing the Senator from Delaware.

Mr. CONGER. I do not much expect, perhaps, a reply to any of these objections, but it would at least be gratifying to me if I could feel some assurance that the Senator reporting this bill had heard them.

Mr. BUTLER. I will listen to the Senator from Michigan with a great deal of pleasure from this time on, so far as I am concerned.

Mr. CONGER. Not that it makes any particular difference about what I have to say, but it would be personally gratifying to know that my objections to the bill could be heard by the Senator who has charge of it.

If I understand it aright (and I can be corrected if I am wrong) the unvaried custom of this Government through a long succession of years, and a satisfactory one, from the formation of the Government until the present time, in settling the rights of parties under treaty stipulations to the territories or lands in the ceded portion, has been to appoint a commission to whom should be referred all cases of a class affected by the treaty, who should have the power to hear and receive evidence in regard to all such claims. I do not know that any other provision has ever been made by law except the one provision which made *ex officio* the surveyor-general of the Territory the commission to inquire. In looking over the history of these commissions I find that all old French claims that originated before the surrender of the Canadian possessions by France to Great Britain and were continued by treaty stipulations in the surrender of portions of Canadian and old French territory to the United States, were settled by commissions. All along our borders adjoining Canada, in New York, in Michigan, in Minnesota, in all places where they were, the old French claims handed down through the occupancy and jurisdiction of the British Government till their surrender to us have been settled by commissions.

In that connection I desire to say that at the proper time I shall present a substitute for this bill providing for a commission, which has heretofore been presented to the Senate, which has substantially had some consideration here on former occasions, and to which I believe the attention of many Senators has been called. I may say that it is in conformity to the custom and usages and practice of this Government from the beginning till now. It perhaps would not be improper to say that it meets the approval of those having more immediate charge of the lands and territories within the United States, and which are the subjects embraced in the bill now before the Senate and in the substitute which I shall present.

I have said that the provision which would throw aside testimony taken before the surveyors-general of these Territories under the authority of law in all cases unless it was shown that the parties giving the testimony were dead is a violation of the rights of all those people who have been acting under law for thirty years, more or less. At the proper time I shall move to strike out, in section 3, line 6, the words "when the person testifying is dead," so that all the testimony, whether of the dead or of the living, if this bill shall pass, may go before the courts having jurisdiction of this matter and may be considered by them in their conclusions.

There is another clause in section 9, lines 16 and 17, which I think can not pass the Senate or any other body with the experience we have had in regard to the kind of scrip authorized by this bill. Section 9 provides that when a claimant has maintained his claim and there shall have been sold or granted by the United States any of the lands embraced within that claim, "scrip for an equal amount of acres so released, in quantities not exceeding six hundred and forty acres each, which scrip shall be assignable in such form as may be prescribed by said Secretary, and shall be receivable, acre for acre, in payment for any public lands in either of said Territories or States, respectively, that may be subject to private entry at the minimum price."

The main objection which I have to this is a provision of the bill which, as I understand it, authorizes the locating this scrip outside of the Territory in which the grant may be found to exist, that kind of scrip which may be laid anywhere and everywhere where there are subject to private entry any lands of the United States. I have said that if that be the provision, if it be like other scrip of that kind which may be laid in any of the Territories or States of the United States, it has worked infinite hardship to citizens, some of whom had expended, after they thought they had obtained a good title to their land, long years of labor in making homes upon it, and suddenly by the operation of law and by the application of this scrip upon such lands were deprived of the benefits of their homes and the title to their land. I think the mere reference to that, if I construe this provision aright, suggested to any mind, would cause that clause to be stricken out, and I shall move in the proper place to strike out the words beginning in line 16 of section 9, and to substitute words therefor, so as to read:

In payment for any public lands in the Territory of New Mexico or the other Territories or States in which said lands and claims may have been situated.

There is only one other clause to which I wish to call attention in this bill with which I have at present any concern, and to that I only call the attention of those who may be interested. Section 13 provides—

That section 8 of the act of Congress approved July 22, A. D. 1854, entitled "An act to establish the offices of surveyors-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," and all acts amendatory or in extension thereof or supplementary thereto, and all provisions of law inconsistent with this act be, and the same are hereby, repealed.

With that I have nothing to do except to inquire of those who reported the bill whether that would remove surveyors-general of those States or Territories or throw into any confusion the rights of parties who may have filed in those surveyors-general's offices their claims to any of the lands of the United States.

In furtherance of what I have said I desire to offer as a substitute to the bill a bill to provide for ascertaining and settling private land claims in certain States and Territories. The principal provisions of this substitute are that it provides for a commission, with the proper machinery and apparatus, to hear by one body all these claims, and not, as in the present bill, to have one claim brought in Arizona, another in New Mexico, another in Colorado, and another in Utah, three or four different courts passing upon these several claims without, perhaps, uniformity of practice.

Another feature of the substitute which I like very well is that by virtue of the provisions of the bill the claim shall be established after having been passed upon by the commissioners, after having been reviewed by the courts, but that the final payment for any lands withheld or substitution of other lands shall await the further action of Congress that none of the objectionable scrip to which I have alluded shall be issued. I think it is a more direct and more compact way of settling these claims, easier for the claimants to produce their proof, easier for the Government to meet false claims, than the bill before the Senate.

I send to the President's desk this substitute for the bill now under consideration.

The PRESIDING OFFICER (Mr. FRYE in the chair). The substitute is not in order at present. There are certain amendments offered by the committee to the text of the bill, and they are entitled to precedence as perfecting the bill before the substitute will be in order.

Mr. CONGER. If I understand the rule, the rule is especially intended to provide that a bill may be amended after a substitute is offered and before it is voted on. There is no doubt about amendments to the bill being in order before any vote is taken upon the substitute, but not before its presentation, if I know the rule.

The PRESIDING OFFICER. The Senator has a right to offer his substitute, but no vote can be taken upon it, as the Chair understands, until after votes have been taken upon the amendments touching the text of the bill reported by the committee.

Mr. CONGER. I had already intimated by my statement that I should offer certain amendments to the bill, but I first offered the substitute, and then under the rule to perfect the bill I desired to offer those amendments after the committee amendments had been acted upon.

Mr. BAYARD. Let the amendments of the committee be passed upon. They are purely verbal. I think they will not excite debate.

The PRESIDING OFFICER. The first amendment of the Committee on Private Land Claims is, in the fourth line of section 1, to strike out the word "corporations" and insert "corporation." It is adopted

without objection. The second amendment is, in the ninth line of section 1, to strike out "Mexico" and insert "Mexican." It is adopted without objection. The third amendment is, in section 2, line 42, to insert the words "as aforesaid." It is adopted without objection. The fourth amendment is, in section 11, line 4, to strike out the word "hereinafter" and insert the word "hereinbefore." It is adopted without objection. Those are all the amendments reported by the committee. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. MCPHERSON. I wish to ask the Senator from Delaware who has the bill in charge if any simpler machinery could be devised by the committee who reported the bill to adjust and perfect these contesting land claims? It seems to me that the machinery is very complicated, is very expensive, that it requires a very long time to reach a result: first, an appeal to the territorial courts; afterward an appeal to the Supreme Court of the United States, if that be necessary. It involves a long-continued litigation, a great expense, in many cases equal to if not in excess of the absolute value of the land for which the claimants are contending. It will prevent a great number of worthy legal holders of land in these Territories from even attempting to defend their rights.

I also see in the seventh clause of the twelfth section a provision which to my mind is totally at variance with justice and right. After making provision for determining who is the proper and legal owner of the land, the section proceeds in this way:

> Seventh. No confirmation shall in any case be made or patent issued for a greater quantity than eleven square leagues of land to or in the right of any one original grantee or claimant, or in the right of any one original grant to two or more persons jointly, nor for a greater quantity than was authorized by the respective laws of Spain or Mexico applicable to the claim.

Let me state a case to the Senator from Delaware. Suppose, for instance, that Spain originally, as she has done in very many of these cases, issued a grant for lands within the territory of what afterward became Mexico or was Mexico at the time. In the treaty with Mexico, Mexico agreed to guarantee and keep sacred all the rights of property that had been transferred by any title from the Crown of Spain. The Government of the United States in like manner in our treaty with Mexico agreed also to preserve all the rights of property owners in the territory acquired from Mexico. Now, we will suppose that some claimant has title, perfect title—because the title must be good until such time as it is overthrown—to not only eleven square leagues of land, which amount to about 48,000 acres, but he has title to four hundred thousand acres. The tribunal having charge of this case, and jurisdiction and control over it, declare in express terms that, however good the title may be to a greater quantity than eleven square leagues, no confirmation shall be made and no patent issued for a greater quantity. This seems to me like a virtual confiscation of the property over and above eleven square leagues.

I suppose the authority for this proposed legislation is found in a law passed by Mexico subsequent to the time of the case of which I speak. I now speak of titles coming from Spain to Mexico, guaranteed by Mexico by treaty. I know that Mexico has passed some subsequent law restricting a grant to eleven square leagues of land; but why should that be adopted as to Mexican titles? Under this bill it will be necessary for almost every claimant of lands in any of the Territories, particularly those derived from Mexico, to quiet title in the manner prescribed by the bill. The title is quieted and made good as to eleven square leagues of land, but to give a patent simply clouds the title to every acre above that quantity, because the claimant has made this appeal to the court, to the law, to defend his title against all comers and all claimants, and the tribunal declares that he shall not have such title as the bill proposes to give to not more than eleven square leagues.

I wish to ask the Senator from Delaware if it would interfere very materially with his plan if I should move to strike out the entire seventh clause of the twelfth section.

Mr. BAYARD. Of course such an amendment to the bill will be considerably debated. The honorable Senator from Michigan [Mr. CONGER] intimated an intention of amending the third section of the bill. He has also intimated an intention of offering either a substitute for the entire bill or for one of the sections in another direction, I did not understand precisely which. Now comes my friend from New Jersey [Mr. MCPHERSON] and asks me whether it would interfere with any plan of the bill to strike out the clause restricting the area of land confirmed to eleven square leagues.

The question is which of these propositions shall we take up first? If my friend from Michigan will offer his amendment to make all proceedings, all affidavits and depositions, whether the party be dead or alive, testimony in a court of justice, we will meet that; or his other amendment relating to the location of land-scrip will be considered; or the third proposition, that of my friend from New Jersey to strike out the limitation upon the confirmation and the area of land.

Any amendment that is offered I will endeavor to answer, or to show if I can to the Senate why it ought not to be made. Now which comes first? My friend from Michigan first made the objection to the bill, and if he will put his objection in the form of an amendment to be offered to the third section we had probably better discuss and end that, and then proceed to that offered by my friend from New Jersey.

Mr. MCPHERSON. I understood the Senator from Michigan to make some suggestions as to a betterment of the bill in different parts as we went along, notably the third section. I then understood the Senator from Michigan not to offer any particular amendment, but that he preferred to offer a substitute for the entire bill which contained all that he wished to accomplish in the shape of legislation upon this subject.

Mr. CONGER. The Senator misunderstood me, if he will allow me. I desired, as I thought I had the right, to offer a substitute first. There was some question about when it could be offered, but I stated to the Chair that when that was offered I myself had three or four amendments which I designed to offer to the bill, and which could be offered after the substitute for the whole bill had been offered, under the rule that we may always perfect a bill before a substitute is voted on. I have no objection to the Senator from New Jersey going on with any amendment he proposes to offer now.

Mr. MCPHERSON. It is impossible for us to understand the full import of the substitute offered by the Senator from Michigan. It has not been printed and laid before the Senate, and therefore for one I can not judge of the details of his measure; but upon the general principle which he sets forth, to wit, that of a commission to determine this question, I must confess that I am very strongly in favor of the proposition. The machinery is just as perfect, or can be made so in all its workings, it is far less expensive, far more rapid in its results, and far better. But as to the details, the machinery which he employs for the purpose of carrying into effect his measure, that must certainly be a matter of consideration.

Therefore, if the substitute is not to be voted upon at present, and I think it can not be intelligently voted upon now, I will offer an amendment to strike out the seventh clause of the twelfth section entirely and leave the whole question as to ownership, the number of acres, the title to the number of acres, and everything connected with it to the same tribunal without any restriction whatever. Less than that is less than absolute justice.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. MCPHERSON] to strike out in section 12 from line 45 to line 51, inclusive, being clause 7.

Mr. CONGER. The Chair will permit me to say that I sent to the Chair, and there is now on the Secretary's desk, a substitute which I offered for the bill. A little question as to the time when it should properly be offered intervened, but I have just been informed that it was a proper thing to send and have read and presented to the Senate before we proceed to perfect the bill. That was my design in sending it to the Chair, and I ask that it may be read in its proper order of presentation. The question which arose of course is past now, the amendments of the committee having been acted upon.

Mr. PLUMB. If the Senator from New Jersey will permit me, I suggest to him that I think the object he has in view would be better accomplished by leaving a portion of the seventh clause in the bill. If he will simply let it read, "No confirmation shall be in any case made for a greater quantity than was authorized by the respective laws of Spain or Mexico applicable to the claim;" that would amount simply to an admonition to the court to specially observe the question of the right of the executive officer making the grant to confer upon the grantee the particular land specified in the grant. Certainly we are not required to do anything more for these people than they would have been entitled to under the law of Mexico or Spain.

Mr. MCPHERSON. I submit to the Senator from Kansas that this is a very peculiar bill if it admits more than that. I did not suppose that such a repetition was necessary. In other words, it would be equivalent to saying that no greater quantity of land shall be awarded to any one individual than he owns.

Mr. PLUMB. This might arise: there may have been grants for larger amounts than under the law the executive officer had the right to grant; so I think in that respect there ought to be some portion of the clause reserved.

Mr. MCPHERSON. I have no objection to the modification.

Mr. VEST. The clause of the bill which the Senator from New Jersey moves to strike out is, I think, beyond any question in direct violation of the treaty of Guadalupe Hidalgo, made in 1848 between the United States and Mexico. I can not conceive that any legislation can be framed more directly in violation of the provisions of that treaty than the clause of the bill now before the Senate. The treaty of Guadalupe Hidalgo in its whole scope and intent upon the part of Mexico was, and of both contracting parties, intended to preserve the rights of Mexican citizens as to lands or other property held by them under grants from Mexico or under Spanish grants at the time the treaty was made. I quote now from a clause of that treaty. Article 8 reads:

> Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.
>
> Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States. But they shall be under the obligation to make their election within

one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year without having declared their intention to retain the character of Mexicans shall be considered to have elected to become citizens of the United States.

In the said territories property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

In article 9 the treaty says:

The Mexicans who in the territories aforesaid shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution, and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction.

Now, I submit that these clauses show beyond a scintilla of doubt or criticism that the intention of the Mexican Republic and of the contracting parties was that all property and all property rights and all title held by Mexicans who were then living upon this ceded territory, the results of the defeat of Mexico in the Mexican war, should be protected in the hands of the holders, whether the grants came from old Spain or from Mexico after it became a republic. The Senator from New Jersey has said that some of these claims came originally from as far back as the time of Ferdinand and Isabella. The Spanish Government, a government which has exceeded all others in spoliations by force of arms, paid its soldiers and its adventurers by giving immense grants of land, principally for mineral acquisition, and, as the Senator justly remarked, these grants were transferred for value received before the treaty of Guadalupe Hidalgo to innocent parties. Grants were made by Spain. This provision now before the Senate absolutely nullifies all those grants and sweeps away in one single clause all the vested rights which were thus acquired.

What is the excuse for this, Mr. President? It is what is called the colonization act of Mexico, passed in 1824. The object of that act has been entirely misconceived, in my judgment, by the committee that reported this bill, and that can be readily tested by reference to the act itself.

The colonization act of Mexico was intended to put upon these vast areas of land in New Mexico foreigners. The only provision in the act of 1824 passed by the General Congress of Mexico which applies to its own citizens was that upon any territory within twenty leagues of a foreign country or ten leagues of the seacoast none but Mexicans should be allowed to settle. They were afraid of the incursion of foreign powers; they were afraid then of a war with the Government of the United States, which subsequently occurred; and they put in this clause in the act of 1824 that within twenty miles of the boundaries of Mexico from any foreign country or ten miles of the seacoast only citizens of Mexico should be permitted to settle; but as to the other colonization for New Mexico, Chihuahua, and all the territories we acquired by the treaty of Guadalupe Hidalgo, except within twenty miles of the frontier, it was left open to the settlement of foreigners. The act of 1824 was called the "colonization act" and intended for the purpose of bringing foreigners into the country.

Let us look at the act of 1824. Section 1 of the decree of the Mexican Congress of August 10, 1824, respecting colonization, is in these words:

The Mexican nation promises—

To whom now?—

to those foreigners—

Mark the language—

to those foreigners who may come to establish themselves in its territory security in their person and property, provided they subject themselves to the laws of the country.

The second section says:

The objects of this law are those national lands which are neither private property nor belong to any corporation or pueblo, and can therefore be colonized.

Surely, Mr. President, *ex vi termini* the Congress of Mexico never could have talked about colonization by Mexicans. Would any Senator on this floor believe that an act of our Congress which proposed colonization upon its own domain meant colonization from the people or citizens of the United States? Surely no one would contend that. Colonization meant the colonization of foreigners. It meant to encourage immigration into Mexico in order that lands might be taken up and be rendered subject to the skill of the agriculturist. Section 4 of this act says:

Those territories comprised within twenty leagues of the boundaries of any foreign nations or within ten leagues of the seacoast can not be colonized without the previous approval of the supreme general executive power.

In other words, that applied to the territory adjacent to foreign nations and on the seacoast where there was danger of invasion. Then the act of Congress said the government itself must approve of the grants before any title should pass. In another section they provide that Mexicans shall have the preference in regard to the lands last named intended for military purposes, and intended to keep the title of these lands within the reach of their own citizens. The act of 1824 never meant that all citizens of Mexico holding under Spanish grants or otherwise should not receive after that time more than eleven square leagues of land.

The Senator from Kansas [Mr. PLUMB] asks me, in support of my position, to refer to article 58:

That to no new settler—

Says the act of 1834—"creador" is the Mexican term—

That to no new settler more than four square leagues shall be granted or sold, unless it can be shown that on account of the abundance of stock owned by such new settler he needs more; in which case the treasurer-general will concede him only so much as he may need as shown by the testimony of impartial witnesses.

Mr. BAYARD. What does the Senator quote from?

Mr. VEST. I read from a "Compilation of the laws, regulations, usages, and conditions of Spain and Mexico under which lands were granted and held, and missions, presidios, and pueblos established and governed," by John Wasson, United States surveyor-general for Arizona.

Mr. BAYARD. I have in my hand the Mexican law.

Mr. VEST. I am reading from the act of July 11, 1834, "Ley Organic de Hacienda" (Organic Law of the Treasury). Article 57 of this law provides:

That any one having necessity for a tract of land for grazing or other purposes shall present himself before the treasurer-general.

Mr. BAYARD. Will the Senator give me the date of that law?

Mr. VEST. The 11th of July, 1834, but I was referring especially to the act of 1824, which was the basis of this legislation.

Again, if there be anything in legislative construction or in any sort of construction on the part of a government, I assert here that the Government of Mexico has never carried out any such provision as this committee say must be in existence in order to support the provision which the Senator from New Jersey is struggling against. I deny that Mexico ever annulled any grant of over eleven square leagues since 1824, for they paid no attention to it; and I say more than that, the Supreme Court of the United States has decided absolutely, if I can understand its language, that the Mexican law of 1824 substantially could not affect the provisions of the treaty of Guadalupe Hidalgo, which is the supreme law of this land under the Constitution. In the case of Higueras *vs.* The United States (5 Wallace, 827) the Supreme Court says:

That when the grant is made by specific boundaries, the grantee is entitled to the entire tract described.

Suppose Spain had granted to one of her own citizens so many thousand leagues of land in Mexico, and described it by mountains and rivers and marked boundaries, the Supreme Court holds that description must govern, notwithstanding any act of the Mexican Congress, and this Government under the treaty of 1848 will respect that grant by confirming the claim according to its boundaries, and carry out the intention of the treaty.

In the case of the United States *vs.* Sutherland (19 Howard, pages 363–365) the court says:

Since the country (California) has become part of the United States, these extensive rancho grants, which then had little value, have now become very large and very valuable estates. They have been denounced as enormous monopolies, princedoms, &c., and this court has been urged to deny to the grantees what it is assumed the former government had too liberally and lavishly granted. This rhetoric might have a just influence when urged to those who have a right to give or refuse. But the United States have bound themselves by a treaty to acknowledge and protect all *bona fide* titles granted by the previous government, and this court has no discretion to enlarge or curtail such grants to suit our own sense of propriety, or defeat just claims, however extensive, by stringent technical rules of construction to which they were not originally subjected.

In the United States *vs.* Moreno (3 Wallace, pages 478, 491) the Supreme Court held that—

The cession of California to the United States did not impair the rights of private property; these rights are held sacred by the laws of nations, and protected by the treaty of Guadalupe Hidalgo.

In the case of the United States *vs.* Peralta *et al.* (19 Howard, page 347) the court says:

We have frequently decided that the public acts of public officers, purporting to be exercised in an official capacity and by public authority, shall not be presumed to be usurped, but that a legitimate authority has been previously given or subsequently ratified.

The whole scope and intent of these decisions, the whole meaning of the Congress of Mexico since the passage of the act of 1824, is to the effect, and only to the effect, that every Mexican citizen holding at the time of the making of the treaty a claim, without regard to its extent, shall be protected in it.

Sir, what right has the Congress of the United States to sit here as a land court and to determine the extent and scope of an act of the Mexican Congress? The decision of the judicial tribunal which it is proposed to establish by this bill is invoked, and yet the bill prejudges the case and says we will not permit the act of the Mexican Congress to be decided by that court, but we will decide ourselves in advance that no Mexican under any Spanish grant, and no other claimant, shall have more than eleven square leagues of land, no matter what may be the boundaries of his grant, no matter though he may hold a patent under the sign-royal of the King of Spain himself prior to 1824. We shut off all beyond eleven leagues. Our act is conclusive. It is robbery in my judgment.

Mr. MCPHERSON. I should like to change the language of my

amendment to meet the views of the Senator from Kansas [Mr. PLUMB]. I see no particular objection to it, though really I do not know that there is any very good reason for it. I have given the Secretary the proposed amendment in order that it may be laid properly before the Senate. The amendment is to so change the seventh clause of section 12 as to read as follows:

No confirmation shall in any case be made or patent issued for a greater quantity of land than was authorized by the respective laws of Spain or Mexico applicable to the claim.

The PRESIDING OFFICER. The Senator from New Jersey withdraws the amendment originally offered, and in its place offers what will now be read.

The SECRETARY. After the word "quantity," in line 46 of section 12, it is proposed to strike out "than eleven square leagues," and after the word "land," in line 47, to strike out down to and including the word "quantity," in line 49, as follows: "to or in the right of any one original grantee or claimant, or in the right of any one original grant to two or more persons jointly, nor for a greater quantity;" so that the whole clause will read:

No confirmation shall in any case be made or patent issued for a greater quantity of land than was authorized by the respective laws of Spain or Mexico applicable to the claim.

Mr. BAYARD. Mr. President, no greater question can arise in Congress than the maintenance of national faith. The lands we are now considering were ceded to the jurisdiction of the United States by the Republic of Mexico in 1848 partly by the treaty known as that of Guadalupe Hidalgo, and in 1854 another portion by what was known as the Gadsden treaty, or better known as the Gadsden purchase. The eighth article of the treaty of Guadalupe Hidalgo provided that—

In the said Territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

And in the ninth article:

The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

The fifth article of the Gadsden treaty recited that—

All the provisions of the eighth and ninth sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo, shall apply to the territory ceded by the Mexican Republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and effectually as if the said articles were herein again recited and set forth.

So that the same guarantees apply to the territory ceded under either treaty.

In the first place I may ask what are our duties as a nation under this treaty, and next what is the proposition of the present bill? Let us see first what classes of claims are those to be settled by this bill. They are only cases where the title is incomplete, where the case arises referred to by the Senator from Missouri [Mr. VEST] where a man was in possession of one league or of ten thousand leagues, if such a possession were possible, no matter what was the area of his possession, if he was found entitled and in possession at the time of the cession he held under the law of the land, and was protected as any American citizen would be in his legal and constitutional rights of property. He needed no further legislation because this treaty was not simply a convention, a contract between this Government and a foreign government, but it became under our Constitution the supreme law of the land, and every judge of every court of the United States and of every State was bound to construe it as a paramount authority equal to an act of Congress in support of the rights of any party claiming under it. We do not propose by this bill to deal with, or touch or disturb the complete title of any man in any portion of any of these States or Territories. There is no such thing as confiscation of private property under its provisions; there is no such thing as a default in any public obligation. It is simply a legal provision that wherever a man had rights under Spanish or Mexican law and so held them, he could plead them in the courts of the United States; and this bill and the purpose of this bill is surely misunderstood or not comprehended by the Senators from Missouri and New Jersey and by the Senator from Michigan if they imagine that anything else is proposed.

We are not dealing with perfected titles. They need no further action upon the part of the Government, and will be fully recognized by the courts. If the man has his house and ground, his rancho, or any other description of property, it is his, and the treaty protects him in its possession and enjoyment with all the force of any affirming law.

But what is the just claim upon the Congress of the United States? It is that they shall perform the uncompleted obligations of the government from whom the territory was derived, and the duty upon the United States Government is only this, and the present bill only intends this, that we should do those things which the Government of Mexico would have been obliged to do in law and in conscience had these people and had this property remained under the jurisdiction of her laws. That is all that this bill provides; that is all it pretends to do. It takes from no man his completed title. It simply gives to those who have an incomplete title under the laws of Mexico the opportunity to go into a proper tribunal (as to the propriety of that tribunal I shall presently speak) and perfect his claim and obtain his title there according to law and evidence as administered in the courts of the United States.

Look at page 4, section 2, and at line 12 and you will see what decree the courts are to enter in cases proceeding under this bill.

And by a final decree to settle and determine the question of the validity of the title and the boundaries of the grant or claim presented for adjudication, according to the law of nations, the stipulations of the treaty concluded between the United States and the Republic of Mexico, at the city of Guadalupe Hidalgo, on the 2d day of February, A. D., 1848, or the treaty concluded between the same powers at the city of Mexico on the 30th day of December, A. D., 1853, and the laws and ordinances of the Government, questions properly arising between the claimants or other parties in the case and the United States, which decree shall in all cases refer to the treaty, law, or ordinance under which such claim is confirmed or rejected.

There you have as plainly as the English language can give it, and in the fullest terms, the character of the property to be passed upon, and the rule that shall decide it. Is there any default there? Is there any delinquency under the treaties with Mexico or either of them? On the contrary the courts are to enforce the full measure of duty of that government, and only where the title is incomplete, because, Senators, if the title be complete and perfect the owners want nothing further from the United States. They can come into court to enforce their rights as effectually as any other owners in relation to any other land in any other part of the Union. The laws of Mexico are made, by the treaty, the laws controlling the rights of these private claimants. We are not settling the validity or invalidity of an act; we are simply providing for cases where they come to the Government of the United States, and say, "You have assumed to stand in the shoes of the Republic of Mexico, now perform this guarantee that that government was bound to perform."

That, Senators, is the measure of the duties of the Government of the United States under these treaties. There it begins and there it ends. They are to have so much and no more, and that I submit is an entire answer to the charge of attempted confiscation or the trial of a title already perfect which is expressly excluded from this bill. We are not trying such. The language of the act carefully drawn will be found at page 1 of the bill and on line 10:

That it shall and may be lawful for any person or persons or corporation, or their legal representatives, claiming lands within the limits of the territory derived by the United States from the Republic of Mexico, and now embraced within the Territories of New Mexico, Wyoming, Arizona, or Utah, or within the States of Nevada or Colorado, by virtue of such lawful *incomplete* Spanish or Mexican grant, concession, warrant, or survey as the United States are bound to recognize and confirm by virtue of the treaties of cession of said country by Mexico to the United States which, at the date of the passage of this act, have not been confirmed by act of Congress, or otherwise finally decided upon by lawful authority, *and which have not become complete and perfect.*

I beg Senators to remember therefore what is the scope and purview of this act. It is only for those titles that are incomplete and where there is a duty imposed by treaty stipulation upon the United States. We are now seeking to perform that, but not to touch the question of perfected titles or interfere with possession where it has been lawfully assured under the laws of Mexico.

Mr. HARRISON. Will the Senator from Delaware allow me to ask him a question?

Mr. BAYARD. Certainly, with pleasure.

Mr. HARRISON. I desire to ask the Senator what in his mind constitutes the difference between what he calls a completed title under a Mexican or Spanish grant, and one incomplete?

Mr. BAYARD. I think it would be impossible to summarize all the cases in which there may be incompleteness of title under the Mexican laws——

Mr. HARRISON. No; the point I make is this: Suppose a case where a party is holding under a Mexican grant described by certain natural boundaries. There has been no action by Congress, no decree by a court establishing that title. If you ask the man for his title he says, "I find it in the Mexican grant," of which we have no record in this country. Would not that be an incomplete grant within the meaning of this bill, and would not such a person under this bill have to go into the court to have that title established?

Mr. BAYARD. Yes, sir—and I imagine that wherever there was an inchoate title, wherever the party had commenced a performance of those things which were to eventuate in a complete title, and had not an opportunity to perfect it under the Mexican law, this bill would enable him to come to the United States, addressing the United States instead of Mexico, to obtain his title, and the court would be obliged to give him a decree which would fully answer all that Mexico could have given him had he completed the requirements and conditions under her laws. That is what I understand to be the object and effect of this bill.

Mr. HARRISON. Then might there not be cases where a really perfect grant would be provided for in the bill?

Mr. BAYARD. I want to come to that presently; I shall have to go back a little; but the Senator will allow me to go on and answer the

question he has already put to me. I am glad the Senator from Indiana has repeated it and I will endeavor to answer it.

In the first place I should like to refer here to the report of the land commission of 1880. I will give the reference, as it was a commission of ability specially constituted for the consideration of the condition and laws relating to the whole public domain of the United States. The report is Executive Document 47, part 4, of the Forty-sixth Congress, third session. I read first the composition of the commission: President, James A. Williamson, Commissioner of the General Land Office; Clarence King, United States geologist; Alexander T. Britton; John W. Powell; James Donaldson; secretary, Clarence E. Dutton, captain ordnance, United States Army. A preliminary report was published in February, 1880, under the act of Congress of March 3, 1879, in which a very valuable and interesting history of the public domain of the United States and of the private land claims which we are now considering will be found. I read from page 406 an extract from the report to the Secretary of the Interior.

After a lapse of nearly thirty years more than one thousand claims have been filed with the surveyors-general, of which less than one hundred and fifty have been reported to Congress, and of the number so reported Congress has finally acted upon only seventy-one. The construction of railroads through New Mexico and Arizona, and the consequent influx of population in those Territories, render it imperatively necessary that these claims should be finally settled with the least possible delay. I have therefore the honor to recommend that the attention of Congress be called especially to this subject, with a view to securing action upon the claims pending before it, and upon the pending bill providing for the settlement of the remaining claims. (Hon. Secretary of the Interior, report 1880.)

I may say that bill is the bill now before the Senate amended in the light of the repeated debates three and four years ago and the advice and approval of the Commissioner of the General Land Office.

With no statute of limitation as to the time of filing these claims, with paper titles of grant held by men and women, stored away in old boxes or carried about their persons, no one can form any estimate of the area yet claimed in New Mexico or Arizona. The surveyors-general and commissioners of the General Land Office for years past have called upon Congress for the enactment of a statute of limitation as to the time of filing these private land claims. There may yet be 1,000 or 5,000. As time moves along the best evidence is fast passing away, which will necessitate more energy and expense on the part of the United States to head off the prospective modern manufacture of ancient muniments of title. There have been patents issued by the United States for 4,456,158.43 acres of private land claims in New Mexico and Colorado; the largest grant being for 1,714,764.94 acres, and the smallest for 1,720 acres.

There were, on the 30th of June, 1880, forty-six claims for private land grants in New Mexico and Colorado, containing an area of 4,675,173.57 acres, pending in the General Land Office for patents, as follows:

* * * * * * *

June 30, 1880, there were sixty private land claims in Colorado and New Mexico pending in Congress for confirmation, embracing an area, so far as the same have been surveyed, of 4,294,672.473 acres. The largest contains 472,736.90 acres, and the smallest 1,003.55 acres.

I cite this to show the condition of these land claims at the end of thirty years, and to submit to the Senate the absolute necessity of doing two things that this bill provides: first, having a settlement so that what is public land may be known and may be made subject to sale and also to private entry; and what is private land may be segregated and held by the owners, that these Territories shall not be paralyzed in their progress to civilization and the development retarded by reason of this uncertainty as to boundaries. It is our duty, therefore, to take such steps as practically shall make the property of each man, be it much or little capable, of ascertainment, of definition, and of being segregated for his use.

The next is as to the statute of limitations. Why it has been, that for thirty years a statute so necessary to the repose of every community should have been delayed, I know not; but it has been so, and at last by this bill a statute of limitations has been proposed, and three years after the passage of this act shall be the limit within which claims to complete the titles of private claimants under the Mexican grants shall be allowed, and after that the bar of limitation shall be interposed that there may be an end to litigation and a repose to titles. Now we come to the question of the restriction of the quantity of land which could be obtained under Mexican grants.

Mr. GARLAND. It is evident we can not progress much further with the bill this evening, and the question the Senator is now approaching is a very important one, and if it will suit him that we go into executive session a while, I will make that motion, and he can go on to-morrow.

Mr. BAYARD. I have no objection.

Mr. GARLAND. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I wish first to offer an amendment that it may be printed.

Mr. GARLAND. I yield for that purpose.

Mr. COCKRELL. I offer an amendment to come in as an additional section at the end of the bill.

The PRESIDING OFFICER. The Senator from Missouri offers an amendment which he asks may be printed. That order will be made.

Mr. CONGER. I desire to have the bill which I offered as a substitute for this bill printed.

The PRESIDING OFFICER. The Senator from Michigan moves that his substitute be printed. Is there objection? The Chair hears none.

Mr. CONGER. I desire that it shall be considered as offered and pending before the Senate.

Mr. MILLER, of California. I wish to offer an amendment to this bill to be printed.

The PRESIDING OFFICER. The amendment will be received and printed.

Mr. MILLER, of California. It is to come in at the end of section 11.

HELL GATE, EAST RIVER.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Commerce, and ordered to be printed:

To the Senate and House of Representatives:

I transmit to Congress a communication from the Secretary of War, in relation to the necessity of an immediate appropriation of not less than $42,000 to enable the engineer in charge to make next autumn the explosion required for the removal of Flood Rock, in the East River, New York. The importance of the work is well known, and as it appears that without a speedy appropriation a delay of a year must follow, accompanied by large expenses to protect from injury the work already done, I commend the subject to the early and favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 28, 1884.

EXECUTIVE SESSION.

Mr. GARLAND. I renew my motion.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 29, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

FUNERAL CEREMONIES OF HON. E. W. M. MACKEY.

Mr. PETTIBONE submitted the following resolution; which was considered, and unanimously adopted:

Resolved, That the funeral ceremonies of the late EDMUND W. M. MACKEY, late a Representative of this body from the State of South Carolina, be held in this Hall on Wednesday, January 30, at 1 o'clock p. m.

Resolved, That the Clerk communicate the foregoing resolution to the Senate, and invite the Senate to attend the said funeral ceremonies.

UNION AND CONFEDERATE NAVAL RECORDS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Navy, in reply to the resolution of the House adopted on the 17th instant, concerning the publication of the Union and confederate naval records of the war of the rebellion.

Mr. COX, of New York. This communication should go to the Committee on Naval Affairs.

The SPEAKER. The Chair, without having read the accompanying papers, supposed that an appropriation would be necessary to provide for the publication of these records. It may go to the Committee on Naval Affairs, and if it be discovered that an appropriation is required it can be reported back.

Mr. COX, of New York. The resolution of inquiry to which this is an answer came from the Committee on Naval Affairs.

The communication was referred to the Committee on Naval Affairs.

COMMISSIONED ARMY OFFICERS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a reply to the resolution of the House asking the average number of commissioned officers in the Army of the United States from March 4, 1857, to March 4, 1861, and from March 4, 1877, to March 4, 1881; which was referred to the Committee on Military Affairs.

ELECTION CONTEST—WOOD VS. PETERS.

The SPEAKER also, by unanimous consent, laid before the House depositions in the contested-election case of Wood *vs.* Peters, from the State of Kansas; which were referred to the Committee on Elections.

ORDER OF BUSINESS.

Mr. RANDALL. In consequence of a sad event, of which we are all aware, the opportunity was not presented yesterday for the introduction of bills and joint resolutions for reference. I therefore ask, in accordance with the wish of many members—and I suppose there will be no objection to the request—that there be to-day, by unanimous consent, a call of the States and Territories for the introduction of bills and joint resolutions as on Monday.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] asks unanimous consent that the States and Territories be called to-day for the introduction and reference of bills and joint resolutions under

the rules applicable to Monday, the opportunity for this business not having been afforded yesterday.

Mr. COX, of New York. I suppose that includes the ordinary proceedings of Monday.

Mr. RANDALL. Not the entire business of Monday.

The SPEAKER. But, as the Chair understands, the ordinary proceeding under the rule with regard to the introduction of bills and joint resolutions.

Mr. COX, of New York. That will admit resolutions of inquiry.

The SPEAKER. The Chair hears no objection to the request; and it is ordered accordingly.

MESSENGER FOR CHIEF CLERK'S OFFICE.

Mr. ERMENTROUT. I am directed by the Committee on Accounts to submit a privileged report.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the following resolution of Mr. BLAND—

"*Resolved*, That the Clerk of the House be authorized to appoint a boy as messenger in the office of the Chief Clerk of the House, at a salary not to exceed $25 per month, to be paid out of the contingent fund of the House, until otherwise ordered"—

respectfully report that they have carefully considered the same, and considering the employment of this boy as a necessity for the proper transaction of business, recommend the passage of the resolution.

The SPEAKER. The question is on the adoption of the resolution reported from the Committee on Accounts.

Mr. MCMILLIN. I ask that the resolution reported by the committee be again read.

The Clerk again read the report.

Mr. ERMENTROUT. Mr. Speaker, I hope there will be no objection to the adoption of this resolution. As the House is aware, the several offices for the transaction of the business of the Clerk of the House are now separated, and at a considerable distance from each other; so that there is constant necessity for the sending of a messenger from one office to another. This duty has heretofore been discharged by a messenger at a salary of $100 a month. The resolution which we now report calls for the employment of a boy at a salary of $25 a month; and this is necessary for the proper execution of business.

Mr. HOLMAN. Can the gentleman tell us how many persons are now employed in connection with the office of the Clerk of the House?

Mr. ERMENTROUT. I can not. But I know that the transaction of the business of that office requires the employment of a person to travel from one office to another. The different offices are now farther separated than they have ever been; and of course the time of the clerks can not be occupied in running to and fro. The messenger heretofore found necessary for that purpose has been paid $100 a month; and this resolution, therefore, is in the direction of economy, and I hope the gentleman from Indiana will not insist on his objection.

Mr. HOLMAN. The only objection I have to it is I do not understand, and it has not yet been shown, what necessity there is for this additional employé.

This room of the Clerk of the House is not one in which important business is done. It is the newspaper office, where the newspapers are gathered for the convenience of the members. I must confess I am not able to see any necessity for the adoption of the resolution.

Mr. VAN ALSTYNE. I understand an application is to be made by the Clerk that will bring him into closer connection with the various offices of the Clerk's department. It has been regarded as important they should be permitted to get the room which quite recently has been assigned to the Clerk as a private office. My information is the adoption of that resolution, if it should not absolutely do away, would in any event lead to doing away, with the necessity for this messenger, and it is for that reason I make the motion that for the present the pending resolution be laid upon the table.

Mr. ERMENTROUT. I hope no such motion as that will be adopted. While it may be true there is but little business of a clerical nature transacted in the office of Chief Clerk, every gentleman understands the necessity there is for constant communication with the Clerk of the House and with the enrolling clerks, and with the disbursing clerk, who is in the basement of the building. The Committee on Accounts have instructed me to make this report because they were satisfied this should be granted. The Clerk at the present has in his employment a boy he is paying out of his own pocket.

Mr. VAN ALSTYNE. From explanation made to me privately I withdraw my motion.

The House divided; and there were—ayes 96, noes 25.

So the resolution was adopted.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that that body had agreed to the resolution of the House for the appointment of a select joint committee to take order for superintending the funeral of EDMUND W. M. MACKEY, late a Representative from the State of South Carolina, and to escort the remains of the deceased to their place of burial, and had appointed as such committee on its part Mr. BUTLER, Mr. PENDLETON, and Mr. HILL.

ADDITIONAL CLERK CLAIMS COMMITTEE.

Mr. BREWER submitted the following privileged report:

The Committee on Accounts, to whom was referred the following resolution—

"That the Committee on Claims be authorized during this session only, until the further order of the House, to employ an assistant clerk, to be paid out of the contingent fund of the House at the same rate of compensation now paid to session committee clerks respectively"—

report they have carefully considered the same, and ask it be now passed.

Mr. HOLMAN. If there is a report accompanying this resolution, I hope it will be read.

The SPEAKER. It has been read, but there was so much confusion it could not be heard by the gentleman.

The report was again read.

Mr. HOLMAN. Mr. Speaker, I regret very much to see a disposition to increase the number of employés of the House by simple resolution, and authorize the payment of their compensation out of the contingent fund of the House. I think that practice always leads to the employment of an unnecessary number of employés.

The Committee on Claims is a very important committee, but at a period when its duties were the largest, before the formation of the War Claims Committee, covering the entire period of the war and years afterward, down, I believe, to 1873, when it had before it more business than is now before the two committees, a single clerk was all that was deemed necessary. The Committee on War Claims has now two clerks. The business requires but one competent person. The business of the Committee on Claims can not be increasing. On the contrary, the last Congress showed a great decline in the measures requiring consideration. I think all gentlemen must regret to see a tendency to increase from year to year the number of our employés. If, however, the Committee on Claims insist they can not get along with their business without an additional clerk, of course it will have to be granted; but unless some imperative necessity is shown for the employment of this additional clerk I hope it will not be done.

Mr. MCMILLIN. Mr. Speaker, by instructions of the Committee on Claims I introduced the resolution which has just been read. I have been here with the gentleman from Indiana [Mr. HOLMAN] long enough, I think, to convince him that I would be one of the last who would improperly increase the offices of this House or of this Government without sufficient cause. But there are certain duties that it is essential for those of us who compose the Committee on Claims to perform. One of these duties is the proper consideration of bills that have been referred to us for our consideration by the House. We have before that committee to-day a docket, in addition to those bills that have not come up from the Printer and also in addition to those that have not been sent down to us which *have* come from the Printer, of 507 bills for our consideration. This list involves claims ranging all the way from one hundred to millions of dollars. I will state further that the clerk of that committee, Mr. W. B. Pettie, reached this Capitol soon after the reassembling of Congress after the holidays, and I venture to say that he has never seen this Hall when Congress was in session yet, so closely has he been confined to his duties. Further, I state that there have been only two nights since he came here, Sunday evenings excepted, that he has not come up to this Capitol and worked till 10 or 12 o'clock in the preparation of these bills for the committee and in keeping up the dockets. He is here before 8 o'clock in the morning, and he has done more than we could have reasonably expected from any one man. I know that if the work continues as heavy as it is now he can not do it in the future. His physical strength will not endure it through a session.

Now, if the House wants the committee to act upon the claims which have been referred to it I believe that the adoption of this resolution is essential. If the clerk of the committee did not have to wait upon any members of the House who come there for information as to the status of the measures which they may have introduced for the benefit of their constituents, or who want information as to where claims have been referred, to whom referred, and other references to the files for any other information connected with them, it is possible that the clerical force of the committee as at present constituted would be able to keep up with the work. But I do not believe that can be done if he is called upon to give satisfactory information to members of Congress concerning their claims—such information as they are entitled to and should have. We ought to act upon the claims which are referred to us in some way. If they are just, they should be paid or at least their passage recommended; if they are unjust, they ought not to be permitted to lie there unacted upon and without condemnation in the form of an adverse report.

In order to do justice to the claimants and to Congress we must have some assistance in this matter. If the House is not ready after this statement and in view of the facts which I have suggested to adopt this resolution, they must take the consequences. We can only do our best in the way that we are now going with one clerk, and will, of course, do the utmost that we can. But in the very nature of things these claims can not all be acted upon.

Mr. REED. I should like to ask the gentleman from Tennessee a question, if he will permit an inquiry.

Mr. McMILLIN. With pleasure.

Mr. REED. During the last Congress we passed a bill, which was introduced and promoted by Mr. Bowman, of Massachusetts, whereby it was expected that a great many of these claims would be referred for adjudication as to matters of fact to the Court of Claims. I desire to ask the gentleman from Tennessee if the Committee on Claims have availed themselves of the provisions of that bill, and if, having availed themselves of its provisions, it will still be necessary for them to have this increase of clerical force?

I ask this because I would like to have his views upon the subject. I am, for one, most desirous of giving the committees all the clerks which may be necessary to aid them in the transaction of public business. But I should like to be informed if that bill under its provisions, if advantage be taken of it by the committee, will not give all the relief that the committee requires?

Mr. McMILLIN. I beg leave to state, in response to the gentleman from Maine, that the committee has availed itself of the provisions of the Bowman bill when claims are reached which in the opinion of the committee ought to be referred to the Court of Claims. I doubt whether the bill is going to give all the relief that was expected by its most sanguine friends. It can, however, be made to give relief to Congress and to the committee if properly guarded.

But it can not give any relief in the direction to which I am now referring. On the contrary, if it has any effect at all it will be to cause an increase of the clerical duties of the committee; because it is the duty of the clerk in the first place, after the claim has been passed upon in committee, to make a minute of the action. Then, if it is referred to the Court of Claims, the duty of making a record of that fact devolves upon him. When it comes back he must note again upon the docket what is done, and in addition note upon the docket what has been the course recommended by the Court of Claims; and the gentleman will see that all of these various obligations must necessarily increase rather than diminish the clerk's duties, while it may diminish the duty devolving upon the committee in the consideration of the claims.

Mr. STORM. Will the gentleman permit me to ask him a question?

Mr. McMILLIN. Certainly.

Mr. STORM. How many clerks are there now attached to this committee?

Mr. McMILLIN. The committee has now but one. In that connection I may say, and in response also to the gentleman from Indiana, that I have inquired of the old clerk of the committee, Mr. Smith, who sits at the desk now, and have been informed by him that for ten years, both under the Republican and Democratic administrations, this committee has had the assistance provided for in this resolution.

We do not seek an additional annual clerk. We do not seek pay for any time that Congress is not in session. It is with the members of the House to do as they think proper with it, and with their action after this explanation we will be satisfied, whatever that action may be.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was adopted.

Mr. BREWER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. By unanimous consent of the House, it has been ordered that the call of States and Territories shall proceed to-day as of Monday. The States and Territories will now be called in alphabetical order for the introduction of bills and joint resolutions and resolutions of inquiry for reference, beginning with the State of Alabama.

ABANDONED HOMESTEAD ENTRIES IN ALABAMA.

Mr. FORNEY introduced a bill (H. R. 3968) to provide for disposing of lands embraced in abandoned homestead entries in Alabama; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRIDGE ACROSS COOSA RIVER.

Mr. FORNEY also introduced a bill (H. R. 3969) to authorize the East and West Railroad Company of Alabama to construct a bridge across the Coosa River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM L. WHITLOCK.

Mr. FORNEY also introduced a bill (H. R. 3970) to refund to William L. Whitlock, of Alabama, taxes illegally collected as income tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CONFISCATION ACT OF 1862.

Mr. HERBERT (by request) introduced a bill (H. R. 3971) for the relief of purchasers under the confiscation act of July 17, 1862, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ALABAMA DIAGONAL RAILROAD COMPANY.

Mr. HERBERT also introduced a bill (H. R. 3972) granting the right of way over the public lands in Alabama and Florida to the Alabama Diagonal Railroad Company and to grant to said company the right to build bridges across certain rivers in said States, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ARMS, ETC., FOR NATIONAL GUARDS.

Mr. HERBERT also introduced a joint resolution (H. Res. 128) authorizing the Secretary of War to exchange Gatling guns or other light field-pieces for the heavy field-pieces now in possession of the National Guard of the several States; also to give said National Guard tents in lieu of arms and ammunition of equal value; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF JOHN ROGERS.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 3973) for the relief of the heirs of the late John Rogers, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM PREWETT AND OTHERS.

Mr. ROGERS, of Arkansas (by request), also introduced a bill (H. R. 3974) for the relief of William Prewett and others; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN T. CROWNOVER AND OTHERS.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 3975) for the relief of John T. Crownover and others; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EZEKIEL RAWLINS.

Mr. PEEL, of Arkansas, introduced a bill (H. R. 3976) to grant a pension to Ezekiel Rawlins; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES R. BERRY.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 3977) to refund illegal internal-revenue tax collected of James R. Berry, as late auditor of the State of Arkansas; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE H. PETTIGREW.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 3978) for the relief of George H. Pettigrew; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MARY ANNA EGAN.

Mr. BUDD introduced a bill (H. R. 3979) granting an increase of pension to Mary Anna Egan; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PAY OF LETTER-CARRIERS.

Mr. BUDD also introduced a bill (H. R. 3980) to amend section 5 of an act approved February 21, 1879, entitled "An act to fix the pay of letter-carriers;" which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LOUIS FRANCOIS.

Mr. BUDD also introduced a bill (H. R. 3981) for the relief of Louis Francois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVALINA P. LOW.

Mr. MITCHELL introduced a bill (H. R. 3982) for the relief of Evalina P. Low; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE O. DONNELL.

Mr. WAIT introduced a bill (H. R. 3983) for the relief of George O. Donnell; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

PUBLIC BUILDING AT WILMINGTON, DEL.

Mr. LORE introduced a bill (H. R. 3984) to provide for the construction of a new public building at Wilmington, Del.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COUNTERFEITING FOREIGN SECURITIES.

Mr. LORE also introduced a bill (H. R. 3985) to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments; which was read a first and second time.

The question was upon the reference of the bill.

Mr. LORE. I desire that the bill shall be referred to the Committee on Foreign Affairs.

The SPEAKER. The Chair thinks that under the rules of the House

it should go either to the Committee on Banking and Currency or the Committee on the Judiciary. But the Chair will entertain any motion the gentleman may submit in regard to the reference of the bill.

Mr. LORE. I think it should go to the Committee on Foreign Affairs.

Mr. RANDALL. Let the bill be read, so that we may be able to judge of its character.

The bill was read at length.

The SPEAKER. The Chair thinks this bill does not affect the relations between this Government and foreign governments, but it relates to the criminal laws of the United States, and the Chair thinks it should be referred to the Committee on the Judiciary.

Mr. LORE. I will say that it affects our relations with foreign nations simply in this respect: Brazil and some other foreign nations are suffering from this kind of spurious currency which is manufactured in the United States and sent to those countries, and in that way it does affect our relations with foreign nations. The reason that induced me to desire its reference to the Committee on Foreign Affairs was that that committee has access to and communication with the representatives of foreign nations.

The SPEAKER. Of course, incidentally this bill, if it shall become a law, may affect the interests of foreign nations, just as any legislation may do so. But the main purpose of the bill is to change, and in a very material respect, the criminal law of the United States. The Chair thinks it should go to the Committee on the Judiciary, and unless the gentleman submits some motion to refer it to another committee it will take that direction.

The bill was accordingly referred to the Committee on the Judiciary, and ordered to be printed.

MAJ. WILLIAM KENDALL.

Mr. NICHOLLS (by request) introduced a bill (H. R. 3986) for the relief of the legal representatives of Maj. William Kendall, late sutler in the United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS A. M'LAUGHLIN.

Mr. NICHOLLS (by request) also introduced a bill (H. R. 3987) for the relief of Thomas A. McLaughlin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD E. STONE.

Mr. HARDEMAN (by request) introduced a bill (H. R. 3988) for the relief of Commander Edward E. Stone; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SARAH BURNETT.

Mr. CANDLER introduced a bill (H. R. 3989) for the relief of Sarah Burnett; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ELIZABETH H. TUMLIN.

Mr. CANDLER also introduced a bill (H. R. 3990) for the relief of Elizabeth H. Tomlin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

TAXES ON DISTILLED SPIRITS.

Mr. CANDLER also introduced a bill (H. R. 3991) to amend the laws providing the machinery for collecting the taxes on distilled spirits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT COLUMBUS, GA.

Mr. BUCHANAN introduced a bill (H. R. 3992) for the erection of a public building at Columbus, Ga.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOSEPH DAVIS.

Mr. CLEMENTS introduced a bill (H. R. 3993) granting a pension to Joseph Davis; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM STRICKLIN.

Mr. TOWNSHEND introduced a bill (H. R. 3994) granting a pension to William Stricklin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BOUNTY LANDS TO SOLDIERS.

Mr. TOWNSHEND also introduced a bill (H. R. 3995) granting bounty lands to soldiers of the late war; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LABORERS IN HOUSE FOLDING-ROOM.

Mr. TOWNSHEND also introduced a joint resolution (H. Res. 129) allowing extra compensation to the laborers in the House folding-room for extra work; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

RETIREMENT OF NAVAL OFFICERS.

Mr. THOMAS introduced a bill (H. R. 3996) authorizing the voluntary retirement of certain officers of the United States Navy who have rendered conspicuous service in battle or who have served thirty years in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MOLLIE B. WALDO.

Mr. THOMAS also introduced a bill (H. R. 3997) granting a pension to Mollie B. Waldo; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DWIGHT R. STONE.

Mr. THOMAS also introduced a bill (H. R. 3998) granting a pension to Dwight R. Stone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GILBERT PARRIGIN.

Mr. THOMAS also introduced a bill (H. R. 3999) for the relief of the estate of Gilbert Parrigin, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPT. J. H. GILLIS.

Mr. THOMAS also introduced a joint resolution (H. Res. 130) tendering the thanks of Congress to Capt. J. H. Gillis; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

COMMODORE JOHN LEE DAVIS.

Mr. THOMAS also introduced a joint resolution (H. Res. 131) authorizing the President of the United States to appoint Commodore John Lee Davis a rear-admiral in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TENEDORE TEN EYCK.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 4000) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BENJAMIN HEWITT.

Mr. PAYSON (by request) introduced a bill (H. R. 4001) for the relief of Benjamin Hewitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY VIGNAUD.

Mr. HITT introduced a bill (H. R. 4002) to permit Henry Vignaud, second secretary of legation at Paris, to receive the decoration of the Legion of Honor; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ALEXANDER JOLLY.

Mr. CANNON introduced a bill (H. R. 4003) for the relief of Alexander Jolly; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. WORTHINGTON introduced a bill (H. R. 4004) granting condemned cannon to Joe Hooker Post, Grand Army of the Republic, Canton, Ill.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. SHERWOOD.

Mr. WORTHINGTON also introduced a bill (H. R. 4005) granting a pension to George W. Sherwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. BENJAMIN F. SLATEN.

Mr. RIGGS introduced a bill (H. R. 4006) to grant a pension to Capt. Benjamin F. Slaten; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. HUNTER.

Mr. MATSON introduced a bill (H. R. 4007) for the relief of John G. Hunter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES H. WOODARD.

Mr. MATSON also introduced a bill (H. R. 4008) for the relief of James H. Woodard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONS.

Mr. MATSON also introduced a bill (H. R. 4009) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM V. B. WARDWELL.

Mr. MATSON (by request) also introduced a bill (H. R. 4010) for the relief of William V. B. Wardwell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EMPLOYÉS OF BUREAU OF PRINTING AND ENGRAVING.

Mr. MATSON (by request) also introduced a joint resolution (H. Res. 132) to compensate the employés of the Bureau of Engraving and Printing for lost time; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

C. COPELAND.

Mr. WARD introduced a bill (H. R. 4011) removing the charge of desertion from the record of C. Copeland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT C. M'KEE.

Mr. WARD also introduced a bill (H. R. 4012) to restore Robert C. McKee to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LARKIN F. ROBERTS.

Mr. WARD also introduced a bill (H. R. 4013) granting a pension to Larkin F. Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC REED.

Mr. KLEINER introduced a bill (H. R. 4014) for the relief of Isaac Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FIRST NATIONAL BANK, WABASH, IND.

Mr. STEELE introduced a bill (H. R. 4015) to authorize the increase of the capital stock of the First National Bank of Wabash, Ind.; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

RELIEF OF ARMY OFFICERS.

Mr. PEELLE, of Indiana (by request), introduced a bill (H. R. 4016) for the relief of certain officers who served as captain or as company and regimental staff officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES PAGET.

Mr. COBB introduced a bill (H. R. 4017) for the relief of James Paget; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. RICHARDSON.

Mr. COBB also introduced a bill (H. R. 4018) granting a pension to Benjamin F. Richardson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA BASTIN.

Mr. COBB also introduced a bill (H. R. 4019) granting a pension to Martha Bastin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY J. BOOKER.

Mr. COBB also introduced a bill (H. R. 4020) for the relief of Mary J. Booker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM COVER.

Mr. COBB also introduced a bill (H. R. 4021) granting a pension to Abraham Cover; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ZIBA WHITLEY.

Mr. COBB also introduced a bill (H. R. 4022) for the relief of Ziba Whitley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM C. FINE.

Mr. COBB also introduced a bill (H. R. 4023) for the relief of William C. Fine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CUTLER S. DOBBINS.

Mr. COBB also introduced a bill (H. R. 4024) granting a pension to Cutler S. Dobbins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GABRAEL DOUGHERTY.

Mr. COBB also introduced a bill (H. R. 4025) for the relief of Gabrael Dougherty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. HOUGHTON.

Mr. COBB also introduced a bill (H. R. 4026) for the relief of William H. Houghton; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ALFRED F. PHILLIPS.

Mr. COBB also introduced a bill (H. R. 4027) for the relief of Alfred F. Phillips; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WIDOW AND HEIRS OF ARTHUR W. GRAY, DECEASED.

Mr. COBB also introduced a bill (H. R. 4028) for the relief of the widow and heirs of Arthur W. Gray, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AUGUSTUS C. LARKIN.

Mr. COBB also introduced a bill (H. R. 4029) for the relief of Augustus C. Larkin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CHARLES B. PEASE.

Mr. COBB also introduced a bill (H. R. 4030) for the relief of Charles B. Pease, of Orange County, Indiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HUBBARD M. SMITH.

Mr. COBB also introduced a bill (H. R. 4031) for the relief of Hubbard M. Smith; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NAVAL ACADEMY GRADUATES RETAINED IN SERVICE.

Mr. STOCKSLAGER introduced a bill (H. R. 4032) to prevent the retroactive operation of that portion of the naval appropriation act of August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SALE OF REAL ESTATE, DISTRICT OF COLUMBIA.

Mr. WOOD introduced a bill (H. R. 4033) authorizing the commissioners of the District of Columbia to complete a contract for the sale of real estate, &c.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REDUCTION OF TARIFF ON SUGARS.

Mr. WOOD also introduced a bill (H. R. 4034) to reduce tariff rates on different kinds and qualities of sugars; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REDUCTION OF TARIFF ON WOOLEN GOODS, ETC.

Mr. WOOD also introduced a bill (H. R. 4035) to reduce tariff on woolen goods, flannels, blankets, women's and children's dress goods, and ready-made clothing; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THOMAS WARD.

Mr. WOOD also introduced a bill (H. R. 4036) to increase the pension of Thomas Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OPERATIVES ON RAILROAD TRAINS.

Mr. WOOD also introduced a bill (H. R. 4037) to prevent employment of operatives of railroad trains longer than twelve consecutive hours out of twenty-four hours, and declaring penalties, &c.; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

REMOVAL OF CHARGE OF DESERTION—GEORGE HOBBS.

Mr. McCOID (by request) introduced a bill (H. R. 4038) to remove the charge of desertion from the military record of George Hobbs; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CANNON FOR MONUMENTAL PURPOSES.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 4039) authorizing the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SYLVIA JENKS.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 4040) granting a pension to Sylvia Jenks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ZELICA T. DUNLAP.

Mr. KASSON introduced a bill (H. R. 4041) restoring the name of Zelica T. Dunlap to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES G. GILLHAM.

Mr. KASSON (by request) also introduced a bill (H. R. 4042) granting a pension to James G. Gillham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DRUSILLA H. SWANGER.

Mr. HOLMES introduced a bill (H. R. 4043) for the relief of Drusilla H. Swanger; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BARNARD M'NALLY

Mr. MURPHY introduced a bill (H. R. 4044) to authorize payment of the claim of Barnard McNally for services in the Mexican war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. H. SHROPSHIRE.

Mr. MURPHY also introduced a bill (H. R. 4045) for the relief of R. H. Shropshire; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIAS V. MILLER.

Mr. MURPHY also introduced a bill (H. R. 4046) for the relief of Elias V. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE STAPLETON.

Mr. MURPHY also introduced a bill (H. R. 4047) for the relief of George Stapleton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, OTTUMWA, IOWA.

Mr. COOK introduced a bill (H. R. 4048) providing for the erection of a public building at Ottumwa, Iowa; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WARREN L. VESTAL.

Mr. STRUBLE introduced a bill (H. R. 4049) to correct the Army record of Col. Warren L. Vestal; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MEAT PRODUCTS FOR EXPORTATION.

Mr. WILSON, of Iowa, introduced a bill (H. R. 4050) providing for the inspection and certification of the quality of meat products for exportation; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PHILIP BRANDSTETTER.

Mr. WILSON, of Iowa, also introduced a bill (H. R. 4051) granting a pension to Philip Brandstetter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. BOUSEMAN.

Mr. PETERS introduced a bill (H. R. 4052) to increase the pension of George W. Bouseman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUST SCHINDLER.

Mr. PETERS also introduced a bill (H. R. 4053) granting a pension to August Schindler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. C. ROACH.

Mr. PETERS also introduced a bill (H. R. 4054) for the relief of S. C. Roach; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SARAH TYLER.

Mr. PETERS also introduced a bill (H. R. 4055) granting a pension to Sarah Tyler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

F. C. BULKLEY.

Mr. PERKINS (by request) introduced a bill (H. R. 4056) for the relief of F. C. Bulkley; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SPECIAL INDIAN COMMISSION.

Mr. PERKINS also introduced a bill (H. R. 4057) authorizing the Secretary of the Interior to create a commission to try and dispose of claims for citizenship in the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Indian Nations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. MORRILL introduced a bill (H. R. 4058) to provide for pensioning the widows and children of deceased soldiers of the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC DEMARANVILLE.

Mr. MORRILL also introduced a bill (H. R. 4059) granting a pension to Isaac Demaranville; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RECORDS OF THE REBELLION.

Mr. MORRILL also introduced a joint resolution (H. Res. 133) for printing 5,000 additional copies of the Records of the Rebellion; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MARY CLARKE.

Mr. ANDERSON introduced a bill (H. R. 4060) for the relief of Mary Clarke; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM C. H. BOWMAN.

Mr. ANDERSON also introduced a bill (H. R. 4061) for the relief of William C. H. Bowman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANNIE JOHN GRAVES.

Mr. ROBERTSON (by request) introduced a bill (H. R. 4062) granting a pension to Nannie John Graves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ACCOUNTS BETWEEN THE STATES, ETC., AND THE UNITED STATES.

Mr. ROBERTSON also introduced a bill (H. R. 4063) to adjust certain accounts between the United States and the several States and Territories and the District of Columbia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GENERAL S. W. PRICE.

Mr. WILLIS introduced a bill (H. R. 4064) for the relief of General S. W. Price; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY BUCKLEY.

Mr. WILLIS also introduced a bill (H. R. 4065) to grant a pension to Mary Buckley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANNE SPILMAN.

Mr. WILLIS also introduced a bill (H. R. 4066) granting a pension to Mrs. Anne Spilman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT LOUISVILLE, KY.

Mr. WILLIS also introduced a bill (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES L. KELLEY.

Mr. WILLIS also introduced a bill (H. R. 4068) granting a pension to James L. Kelley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE BUSSY.

Mr. WILLIS also introduced a bill (H. R. 4069) granting a pension to Catherine Bussy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HELEN K. GARLAND.

Mr. WILLIS also introduced a bill (H. R. 4070) granting a pension to Helen K. Garland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARREST OF AMERICAN CITIZENS IN CENTRAL AMERICA.

Mr. BLANCHARD submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the President of the United States is hereby requested to furnish this House, if in his opinion not incompatible with the public service, copies of all correspondence, telegrams, cablegrams, and other documents, and with all other information in his possession, concerning the arrest on January 2, 4, and 6, A. D. 1883, by the Colombian Government of Central America, of Benj. S. Lewis, of Louisiana; Alexander Stewart and R. H. C. Burnham, of New York; Thomas D. Scott and C. H. Burns, of Missouri; A. S. Bardwell, of Mississippi; and Frank Sargle, of Illinois, all American citizens, and their imprisonment at Aspinwall for three months on mere suspicion, without specific charge or indictment, and denied even the privilege of a preliminary hearing.

Resolved further, That the President is further requested to inform the House what measures, if any, were taken by the Government of the United States to obtain the release of the said parties or their impartial trial.

CHAUNCEY AND HORACE TYLER.

Mr. ELLIS (by request) introduced a bill (H. R. 4071) for the relief of Chauncey Tyler and Horace Tyler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES S. CLARK & CO.

Mr. ELLIS (by request) also introduced a bill (H. R. 4072) for the relief of James S. Clark & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF RICHARD W. MEADE.

Mr. ELLIS (by request) also introduced a bill (H. R. 4073) for the relief of the heirs of Richard W. Meade; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPRESENTATIVES OF MARTIN KENOKSFY.

Mr. ELLIS (by request) also introduced a bill (H. R. 4074) for the relief of the legal representatives of Martin Kenoksfy; which was read

a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

TIRSO AGUIERRE.

Mr. HUNT introduced a bill (H. R. 4075) making an appropriation for the payment of Tirso Aguierre; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OCEAN STEAMERS AND SAILING VESSELS.

Mr. KELLOGG introduced a bill (H. R. 4076) to amend sections 4233 and 4234 of the Revised Statutes relating to steam and sail vessels navigating the ocean; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

H. S. SMITH.

Mr. KELLOGG also introduced a bill (H. R. 4077) authorizing the heirs of H. S. Smith to bring suit in the Court of Claims for cotton taken during the war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIMEON CRAIN.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 4078) for the benefit of Simeon Crain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES D. KIRK.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 4079) granting a pension to James D. Kirk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS MURRY.

Mr. MILLIKEN introduced a bill (H. R. 4080) granting a pension to Thomas Murry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. KANE.

Mr. MILLIKEN also introduced a bill (H. R. 4081) for the relief of John W. Kane; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STURGIS, LOMBARD & CO.

Mr. MILLIKEN also introduced a bill (H. R. 4082) for the relief of Sturgis, Lombard & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BANGS, BROWNELL & CO.

Mr. MILLIKEN also introduced a bill (H. R. 4083) for the relief of Bangs, Brownell & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES NAVAL ENGINEERS.

Mr. TALBOTT introduced a bill (H. R. 4084) to regulate the rank of engineer officers of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JULIET H. PALMER.

Mr. TALBOTT also introduced a bill (H. R. 4085) for the relief of Juliet H. Palmer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FINK, BROTHER & CO.

Mr. HOBLITZELL introduced a bill (H. R. 4086) for the relief of Fink, Brother & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THOMAS A. BRYAN.

Mr. COVINGTON introduced a bill (H. R. 4087) to reissue patents granted to Thomas A. Bryan for dredging purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LUTHER STATUE ASSOCIATION.

Mr. McCOMAS introduced a bill (H. R. 4088) to incorporate the Luther Statue Association to erect, and maintain a monument or statue in memory of Martin Luther in the District of Columbia; which was read a first and second time.

The question was upon the reference of the bill.

Mr. McCOMAS. I desire that the bill be referred to the Committee on the District of Columbia.

The SPEAKER. The Chair thinks that under the rule it should go to the Committee on the Library, but will submit any motion the gentleman may make.

Mr. McCOMAS. I move that the bill be referred to the Committee on the District of Columbia.

The motion was agreed to; and the bill was accordingly referred to the Committee on the District of Columbia, and ordered to be printed.

OUTERBRIDGE HORSEY.

Mr. McCOMAS also introduced a bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of, and providing for the payment of, Outerbridge Horsey, assignee; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ROMAN CATHOLIC CLERGYMEN OF MARYLAND.

Mr. HOLTON introduced a bill (H. R. 4090) for the relief of the corporation of Roman Catholic Clergymen of the State of Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH L. M'WILLIAMS.

Mr. HOLTON also introduced a bill (H. R. 4091) for the relief of Joseph L. McWilliams; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MOHAMMED KAHN, OR JOHN AMMAHOE.

Mr. HOLTON also introduced a bill (H. R. 4092) to increase the pension of Mohammed Kahn, otherwise John Ammahoe; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

APOLLOS HALE.

Mr. LONG (by request) introduced a bill (H. R. 4093) referring the claim of Apollos Hale, administrator, to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DISTRIBUTION OF HYDROGRAPHIC CHARTS, ETC.

Mr. LONG (by request) also introduced a joint resolution (H. Res. 134) for the distribution of the charts and other publications of the Hydrographic Office; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HENRY ALDEN.

Mr. LONG also (by request) introduced a bill (H. R. 4094) granting a pension to Henry Alden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT PLYMOUTH, MASS.

Mr. LONG also introduced a bill (H. R. 4095) for a public building at Plymouth, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. RICE introduced a bill (H. R. 4096) granting condemned cannon to the town of Barre, in the State of Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES WATSON.

Mr. RICE (by request) also introduced a bill (H. R. 4097) for the relief of Charles Watson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM GIBBONS.

Mr. LYMAN introduced a bill (H. R. 4098) granting a pension to William Gibbons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM F. RICE.

Mr. LYMAN also introduced a bill (H. R. 4099) for the relief of William F. Rice; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALE OF NAVAL HOSPITALS.

Mr. MORSE introduced a bill (H. R. 4100) providing for the sale of the naval hospitals at Chelsea, Mass., Brooklyn, N. Y., and Annapolis, Md.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GEORGE S. P. BRADFORD.

Mr. DAVIS, of Massachusetts, introduced a bill (H. R. 4101) for the relief of George S. P. Bradford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOLDIERS OF WAR OF 1812.

Mr. LOVERING introduced a bill (H. R. 4102) for the relief of certain persons who served in the First and Second Regiments, Second Brigade, Tenth Division, of Massachusetts Militia in the war of 1812; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. D. GREEN.

Mr. LOVERING also introduced a bill (H. R. 4103) for the relief of H. D. Green; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ASA M. FRYE.

Mr. LOVERING also introduced a bill (H. R. 4104) for the relief of Asa M. Frye; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY PETTINGILL.

Mr. HATCH, of Michigan, introduced a bill (H. R. 4105) granting a pension to Henry Pettingill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES COONEY.

Mr. MAYBURY introduced a bill (H. R. 4106) to amend the records of the War Department in the case of James Cooney; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. EUNICE TRIPLER.

Mr. MAYBURY introduced a bill (H. R. 4107) for the relief of Mrs. Eunice Tripler, widow of Charles S. Tripler; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FISH COMMISSIONERS OF MICHIGAN.

Mr. MAYBURY also introduced a joint resolution (H. Res. 135) authorizing the Secretary of War to lease certain lands to the board of fish commissioners of the State of Michigan; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN J. ATKINSON.

Mr. BREITUNG introduced a bill (H. R. 4108) granting a pension to John J. Atkinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-OFFICE BUILDING, WASHINGTON, D. C.

Mr. LACEY introduced a bill (H. R. 4109) to provide for the erection of a post-office building at the city of Washington, in the District of Columbia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMELIA ANDERSON.

Mr. LACEY (by request) also introduced a bill (H. R. 4110) granting a pension to Amelia Anderson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES A. BATES.

Mr. LACEY (by request) also introduced a bill (H. R. 4111) to amend the military record of James A. Bates; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY O'NEILL, JR.

Mr. LACEY (by request) also introduced a bill (H. R. 4112) for the relief of Henry O'Neill, jr., of Jackson, Mich.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REGULATION OF STEAM-VESSELS.

Mr. WASHBURN introduced a bill (H. R. 4113) to amend section 4414, page 1, title 5, of the Revised Statutes, authorizing the regulation of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER, SAINT PAUL, MINN.

Mr. WASHBURN also introduced a bill (H. R. 4114) to authorize the construction of a foot and carriage bridge across the Mississippi River at Saint Paul, in the State of Minnesota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. D. C. SMITH.

Mr. WASHBURN also introduced a bill (H. R. 4115) for the relief of Mrs. D. C. Smith; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JOHN JONES.

Mr. STRAIT introduced a bill (H. R. 4116) to place John Jones, late captain of the First Minnesota Battery, on the retired-list of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM G. FURMAN.

Mr. WAKEFIELD introduced a bill (H. R. 4117) to authorize William G. Furman, of Blue Earth County, State of Minnesota, to dam the outlet of Jackson Lake, in the town of Sterling, in said county; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM L. SLOAN.

Mr. WAKEFIELD (by request) also introduced a bill (H. R. 4118) granting a pension to William L. Sloan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN D. PAY.

Mr. WAKEFIELD also introduced a joint resolution (H. Res. 136) directing the Secretary of the Interior to issue a patent for certain land to Benjamin D. Pay, of Mankato, State of Minnesota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LIGHT-HOUSE, GRAND MARAIS.

Mr. NELSON introduced a bill (H. R. 4119) relating to the construction of a light-house at Grand Marais, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WASHINGTON SAFE DEPOSIT COMPANY.

Mr. MONEY (by request) introduced a bill (H. R. 4120) enlarging the powers of the Washington Deposit Company, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

N. M. BERRY.

Mr. MONEY also introduced a bill (H. R. 4121) for the relief of N. M. Berry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. D. RYAN & CO.

Mr. SINGLETON introduced a bill (H. R. 4122) for the relief of J. D. Ryan & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPTURED PROPERTY.

Mr. SINGLETON also introduced a bill (H. R. 4123) for captured property asked to be considered by the Court of Claims; which was read a first and second time.

Mr. SINGLETON. I move the reference of this bill to the Committee on the Judiciary.

The SPEAKER *pro tempore* (Mr. SPRINGER). The Chair is of the opinion this bill should go to the Committee on War Claims. It relates to conferring jurisdiction on the Court of Claims for the purpose of considering a war claim.

Mr. SINGLETON. It should go to the Committee on the Judiciary. I do not see any objection to that reference.

The SPEAKER *pro tempore*. Under the rules of the House the bill should go to the Committee on War Claims, but the Chair will entertain a motion to refer it to the Committee on the Judiciary.

Mr. SINGLETON. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to; and the bill was referred to the Committee on the Judiciary, and ordered to be printed.

REPORT OF BUREAU OF ETHNOLOGY.

Mr. SINGLETON also introduced a joint resolution (H. Res. 137) for printing the annual reports of the Bureau of Ethnology; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

REPORTS OF UNITED STATES GEOLOGICAL SURVEY.

Mr. SINGLETON also introduced a joint resolution (H. Res. 138) for printing annual reports of the United States Geological Survey; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

JAMES G. FERGUSON.

Mr. BARKSDALE introduced a bill (H. R. 4124) for the relief of James G. Ferguson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CASIMER SUFFEZYNSKI.

Mr. VAN EATON (by request) also introduced a bill (H. R. 4125) for the relief of Casimer Suffezynski; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LANDS FOR RAILROAD FROM BRANDON TO GULF OF MEXICO.

Mr. VAN EATON also introduced a bill (H. R. 4126) granting public lands in alternate sections to the State of Mississippi to aid in the construction of a railroad from Brandon to the Gulf of Mexico; which was read a first and second time.

Mr. VAN EATON. I move that the bill be referred to the Committee on Railways and Canals.

Mr. PAYSON. It seems to me, Mr. Speaker, that that bill should go to the Committee on the Public Lands. It has reference entirely to the disposition of a portion of the public domain.

Mr. HOLMAN. It evidently relates to granting public lands for railroad purposes, and properly belongs to that committee.

The SPEAKER *pro tempore*. Under the rules this bill should be referred to the Committee on the Public Lands, and it will be so referred, unless otherwise ordered.

Mr. VAN EATON. I move its reference to the Committee on Railways and Canals. It simply provides an appropriation of land to aid in the construction of a railroad.

Mr. KEIFER. Let the bill be read.

The bill was read at length.

The SPEAKER *pro tempore*. The question is on referring the bill to the Committee on Railways and Canals.

The question was taken. The House divided; and there were—ayes 8, noes 77.

So the House refused to refer the bill to the Committee on Railways and Canals.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMAN. Is the rule imperative that all bills shall be referred to committees?

The SPEAKER *pro tempore*. On this call under the rule they are introduced for reference only.

Mr. HOLMAN. But is it imperative that this bill shall be referred at all?

The SPEAKER *pro tempore*. Under the rule it seems imperative that this bill, which is now introduced for reference, shall be referred.

Mr. HOLMAN. So the Chair holds that when a bill is introduced in this Hall it must go to a committee?

The SPEAKER *pro tempore*. Under the rule it must go to a committee on this call.

This bill will be referred to the Committee on the Public Lands, and ordered to be printed.

Mr. COBB. It is very clear that that is where it ought to go?

MRS. MARTHA PINSON.

Mr. HATCH, of Missouri, introduced a bill (H. R. 4127) granting a pension to Mrs. Martha Pinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. ROBINSON.

Mr. CLARDY introduced a bill (H. R. 4128) granting a pension to William H. Robinson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES J. WILSON, SR.

Mr. CLARDY also introduced a bill (H. R. 4129) for the relief of James J. Wilson, sr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES M. SCOTT.

Mr. CLARDY also introduced a bill (H. R. 4130) for the relief of Charles M. Scott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN L. CUNNINGHAM.

Mr. CLARDY also introduced a bill (H. R. 4131) for the relief of John L. Cunningham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FINN.

Mr. BROADHEAD introduced a bill (H. R. 4132) for the relief of John Finn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MICHAEL DITTLINGER.

Mr. DAVIS, of Missouri, introduced a bill (H. R. 4133) for the relief of Michael Dittlinger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD DUNSCOMB.

Mr. GRAVES (by request) introduced a bill (H. R. 4134) for the relief of Edward Dunscomb; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TIMOTHY M'CORMICK.

Mr. GRAVES (by request) also introduced a bill (H. R. 4135) for the relief of Timothy McCormick; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HEIRS OF SOLDIERS KILLED AT CENTRALIA, MO.

Mr. BURNES introduced a bill (H. R. 4136) for the relief of the heirs of soldiers killed at Centralia, Mo.; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

WILLIAM R. OLIVER.

Mr. BURNES also introduced a bill (H. R. 4137) for the relief of William R. Oliver; which was read a first and second time, referred to Committee on Claims, and ordered to be printed.

JOHN S. LOGAN.

Mr. BURNES also introduced a bill (H. R. 4138) for the relief of John S. Logan, of Missouri, assignee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STEPHEN C. COLLINS.

Mr. BURNES also introduced a bill (H. R. 4139) for the relief of Stephen C. Collins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB SWOFFORD.

Mr. ALEXANDER introduced a bill (H. R. 4140) for the relief of Jacob Swofford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REBECCA J. PIERCE.

Mr. FYAN introduced a bill (H. R. 4141) for the relief of Mrs. Rebecca J. Pierce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPTAIN M'ELHANNON'S COMPANY.

Mr. FYAN also introduced a bill (H. R. 4142) for the payment of officers and soldiers in Captain McElhannon's company; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

W. B. ADCOCK.

Mr. FYAN also introduced a bill (H. R. 4143) for the relief of W. B. Adcock; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH STARLING.

Mr. BLAND introduced a bill (H. R. 4144) for the relief of Sarah Starling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT L. ALLEN.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 4145) granting a pension to Albert L. Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL S. HUFFMAN.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 4146) for the relief of Samuel S. Huffman; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

ADULTERATION OF SUGAR, ETC.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 4147) to regulate the sale of grape sugar and glucose, and to prevent the adulteration of sugar, molasses, and sirup the product of beets, sorghum, or sugar-cane; which was read a first and second time.

Mr. O'NEILL, of Missouri. Until a special committee is created with reference to the prevention of adulteration of food I suggest that this bill be referred to the Committee on Agriculture.

Mr. YOUNG. It may go to the Select Committee on the Public Health.

Mr. O'NEILL, of Missouri. Very well.

The bill was referred to the Select Committee on the Public Health, and ordered to be printed.

FORTS HARTSUFF AND M'PHERSON RESERVATIONS.

Mr. VALENTINE introduced a bill (H. R. 4148) vacating the Fort Hartsuff and Fort McPherson military reservations, in the State of Nebraska, and restoring the same to entry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY J. GRAVES.

Mr. VALENTINE also introduced a bill (H. R. 4149) for the relief of Henry J. Graves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES SWEET NATIONAL BANK.

Mr. WEAVER introduced a bill (H. R. 4150) to change the name of the James Sweet National Bank of Nebraska City, Nebr., to that of the Merchants' National Bank of Nebraska City; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

STEPHEN C. MONROE.

Mr. LAIRD introduced a bill (H. R. 4151) to rerate the pension of Stephen C. Monroe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. HOLT.

Mr. LAIRD also introduced a bill (H. R. 4152) to rerate the pension of Charles H. Holt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS B. EPSTEIN.

Mr. CASSIDY introduced a bill (H. R. 4153) for the relief of Louis B. Epstein; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOLDIERS INTERRED AT FORT CHURCHILL, NEV.

Mr. CASSIDY also introduced a joint resolution (H. Res. 139) appropriating $1,200 for the purpose of transferring the remains of soldiers interred at Fort Churchill, Nev., to the soldiers' cemetery at Carson City, Nev.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. CASSIDY also presented a memorial of the Legislature of the State of Nevada relative, to granting pensions to the veterans of the Mexican war; which was referred to the Committee on Pensions.

LYDIA A. BOWMAN.

Mr. HAYNES introduced a bill (H. R. 4154) to restore to the pension-roll the name of Lydia A. Bowman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD S. HINDS.

Mr. HAYNES also introduced a bill (H. R. 4155) granting a pension

to Edward S. Hinds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNAL-REVENUE TAXES.

Mr. McADOO introduced a bill (H. R. 4156) in relation to internal-revenue taxes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE WHITAKER.

Mr. FERRELL introduced a bill (H. R. 4157) for the relief of George Whitaker; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDWIN S. MERSHON, JR.

Mr. FERRELL also introduced a bill (H. R. 4158) for the relief of Edwin S. Mershon, jr.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM S. STRYKER.

Mr. FERRELL also introduced a bill (H. R. 4159) for the relief of William S. Stryker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COPYRIGHTING NEWSPAPER TITLES.

Mr. HEWITT, of New York, introduced a bill (H. R. 4160) to authorize the title of a newspaper to be copyrighted; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARY L. AND ELLA WALKER.

Mr. DORSHEIMER introduced a bill (H. R. 4161) for the relief of Mary L. Walker and Ella Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY K. S. EATON.

Mr. DORSHEIMER also introduced a bill (H. R. 4162) granting an increase of pension to Mrs. Mary K. S. Eaton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. ETTER.

Mr. BAGLEY introduced a bill (H. R. 4163) granting a pension to James M. Etter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN HORGAN.

Mr. ROBINSON, of New York, introduced a bill (H. R. 4164) for the relief of Ellen Horgan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEREMIAH PHELAN.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 4165) to place Hospital Steward Jeremiah Phelan on the retired-list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES L. DENMAN.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 4166) for the relief of Charles L. Denman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN D. CARROLL.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 4167) for the relief of John D. Carroll; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HUNTER'S "PORT CHARGES."

Mr. ROBINSON, of New York, also introduced a bill (H. R. 4168) making an appropriation for the purchase of Theodore Hunter's "Port Charges of the World" for the use of United States consuls; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HELEN M. FIEDLER.

Mr. ADAMS, of New York, introduced a bill (H. R. 4169) and a joint resolution (H. Res. 140) for the relief of Helen M. Fiedler; which were severally read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

THEODORE RAUTHE.

Mr. MULLER introduced a bill (H. R. 4170) for the relief of Theodore Rauthe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY E. FRANKENBERG.

Mr. COX, of New York, introduced a bill (H. R. 4171) for the relief of Henry E. Frankenberg; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PETER J. RUESS.

Mr. COX, of New York, also introduced a bill (H. R. 4172) for the relief of Peter J. Ruess; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY KLEIN.

Mr. COX, of New York, also introduced a bill (H. R. 4173) granting a pension to Henry Klein; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETTLERS ON LANDS IN NEBRASKA.

Mr. COX, of New York, also introduced a bill (H. R. 4174) for the relief of settlers and purchasers of lands on the public domain in the State of Nebraska; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CAPT. HENRY ERBEN.

Mr. COX, of New York, also introduced a bill (H. R. 4175) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Capt. Henry Erben, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SHIPPING COMMISSIONER OF NEW YORK.

Mr. COX, of New York, also submitted the following resolution; which was read, and referred to the Committee on Commerce.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to this House what sum or sums have been paid into the Treasury by the shipping commissioner of the port of New York under the act of Congress passed June 7, 1872, entitled "An act to authorize the appointment of shipping commissioners," &c.

THOMAS SAMPSON.

Mr. BELMONT introduced a bill (H. R. 4176) for the relief of Thomas Sampson; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FLUSHING, N. Y.

Mr. BELMONT also introduced a bill (H. R. 4177) to extend to the port of Flushing, in the State of New York, the privileges of certain sections of the Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARGARET MADDEN.

Mr. BELMONT also introduced a bill (H. R. 4178) granting a pension to Margaret Madden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. VAN ALSTYNE introduced a bill (H. R. 4179) amending section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ROWLAND WARD.

Mr. HISCOCK introduced a bill (H. R. 4180) granting an increase of pension to Rowland Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES L. HEMIUP.

Mr. HISCOCK also introduced a bill (H. R. 4181) for the relief of Charles L. Hemiup; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANN SMART.

Mr. CAMPBELL, of New York, introduced a bill (H. R. 4182) granting a pension to Ann Smart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SONE & FLEMING MANUFACTURING COMPANY.

Mr. RAY, of New York, introduced a bill (H. R. 4183) for the relief of the Sone & Fleming Manufacturing Company, limited, of the city of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. C. HOPKINS.

Mr. RAY, of New York, also introduced a bill (H. R. 4184) granting a pension to A. C. Hopkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN TRADERS.

Mr. PAYNE introduced a bill (H. R. 4185) to amend section 2133 of the Revised Statutes in relation to Indian traders; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REFUND OF DUTIES.

Mr. BEACH introduced a bill (H. R. 4186) to refund duties upon goods on shipboard when the tariff act of March 3, 1883, went into effect; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TREASURE ON GOVERNMENT LANDS, WEST POINT.

Mr. BEACH also introduced a bill (H. R. 4187) granting permission to dig for treasure and minerals upon the Government lands at West Point, N. Y.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM W. DAY.

Mr. BEACH also introduced a bill (H. R. 4188) granting a pension to William W. Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE VAN NORTON.

Mr. STEVENS introduced a bill (H. R. 4189) granting a pension to Caroline Van Norton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. C. U. DRAKE.

Mr. BREWER, of New York, introduced a bill (H. R. 4190) for the relief of Mrs. C. U. Drake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JANE BRACKEN.

Mr. GREENLEAF introduced a bill (H. R. 4191) granting a pension to Jane Bracken; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID M'FALLS.

Mr. PARKER introduced a bill (H. R. 4192) for the relief of David McFalls; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. O'BRIEN.

Mr. BURLEIGH introduced a bill (H. R. 4193) granting a pension to John H. O'Brien; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF SOLOMON B. COLBY.

Mr. HOWEY introduced a bill (H. R. 4194) for the relief of the heirs of Solomon B. Colby, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT WASHINGTON, N. J.

Mr. HOWEY also introduced a bill (H. R. 4195) for the erection of a public building at Washington, N. J.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

J. H. GREENE.

Mr. VANCE introduced a bill (H. R. 4196) for the relief of J. H. Greene; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES M. ROANE.

Mr. VANCE also introduced a bill (H. R. 4197) for the relief of James M. Roane; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES BIRCHFIELD.

Mr. VANCE also introduced a bill (H. R. 4198) for the relief of Charles Birchfield; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ANN HYATT.

Mr. VANCE also introduced a bill (H. R. 4199) for the relief of Mrs. Ann Hyatt; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STEPHEN M. HONEYCUT.

Mr. VANCE also introduced a bill (H. R. 4200) for the relief of Stephen M. Honeycutt; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSIAH WELSH.

Mr. VANCE also introduced a bill (H. R. 4201) for the relief of Josiah Welsh; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF THOMAS BECTOR, DECEASED.

Mr. VANCE also introduced a bill (H. R. 4202) for the relief of the heirs of Thomas Bector, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN REED.

Mr. VANCE also introduced a bill (H. R. 4203) for the relief of John Reed; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

M. M. WILSON.

Mr. VANCE also introduced a bill (H. R. 4204) for the relief of M. M. Wilson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WRECK OF TORRENT.

Mr. VANCE also introduced a bill (H. R. 4205) for the relief of the sufferers by the wreck of the Government transport-bark Torrent; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRIETTA H. COLE.

Mr. VANCE also introduced a bill (H. R. 4206) for the relief of Henrietta H. Cole; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN D. STREET.

Mr. VANCE also introduced a bill (H. R. 4207) granting a pension to John D. Street; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES V. SYMONS.

Mr. DOWD introduced a bill (H. R. 4208) for the relief of James V. Symons; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MONEY-ORDER OFFICES.

Mr. COX, of North Carolina, introduced a bill (H. R. 4209) to secure relief to those who are without the facilities of money-order offices; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ELECTION OF SENATORS.

Mr. COX, of North Carolina, also introduced a joint resolution (H. Res. 141) providing for the election of Senators by the qualified voters of each State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DISTILLED SPIRITS.

Mr. YORK introduced a bill (H. R. 4210) to alter the mode and manner of collecting the internal-revenue on distilled spirits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN R. HOUSER.

Mr. YORK also introduced a bill (H. R. 4211) for the relief of John R. Houser; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INTERMARRIAGE OF WHITE AND NEGRO RACES.

Mr. BENNETT introduced a bill (H. R. 4212) to prevent the intermarriage of the white and negro races in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

UNITED STATES COURT, TARBOROUGH, N. C.

Mr. BENNETT also introduced a bill (H. R. 4213) to provide for the holding of terms of the district and circuit courts of the United States at Tarborough, N. C.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES M. DALZELL.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 4214) for the relief of James M. Dalzell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. A. M'CORMICK.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 4215) for the relief of R. A. McCormick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID BRYAN.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 4216) granting a pension to David Bryan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMPARISON OF HANDWRITING.

Mr. HILL introduced a bill (H. R. 4217) to permit evidence by comparison of handwriting; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PHILIP BRODBECK.

Mr. HILL also introduced a bill (H. R. 4218) to remove the charge of desertion against Philip Brodbeck; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB HEFFINGER.

Mr. HILL also introduced a bill (H. R. 4219) granting a pension to Jacob Heffinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT S. MURPHY.

Mr. HILL also introduced a bill (H. R. 4220) for the relief of Robert S. Murphy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. MARY RICHMAN.

Mr. HART introduced a bill (H. R. 4221) granting a pension to Mrs. Mary Richman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. SPRATT.

Mr. HART also introduced a bill (H. R. 4222) granting a pension to-

William S. Spratt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM MADEN.

Mr. HART also introduced a bill (H. R. 4223) granting a pension to William Maden; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OLIVER A. HALL.

Mr. HART also introduced a bill (H. R. 4224) for the relief of Oliver A. Hall; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STABILITY OF PAPER CURRENCY.

Mr. WARNER, of Ohio, introduced a bill (H. R. 4225) to better secure the stability of paper currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ALFRED E. LEE.

Mr. CONVERSE introduced a bill (H. R. 4226) granting Alfred E. Lee arrears of pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TARIFF ON WOOL.

Mr. CONVERSE presented a memorial and resolutions of the Legislature of the State of Ohio on the subject of the restoration of the tariff of 1867 on wool.

The SPEAKER. This will be referred to the Committee on Ways and Means.

Mr. CONVERSE. I ask that the joint resolution of the Legislature which I have just introduced be read for the information of the House

The joint resolution was read at length, and referred to the Committee on Ways and Means.

MARINE HOSPITAL, GALLIPOLIS, OHIO.

Mr. McCORMICK introduced a bill (H. R. 4227) for a public building for a marine hospital at Gallipolis, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GEORGE A. RICE.

Mr. McCORMICK also introduced a bill (H. R. 4228) granting a pension to George A. Rice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID EDWARDS.

Mr. McCORMICK also introduced a bill (H. R. 4229) for the relief of David Edwards; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. G. COLLINS.

Mr. FOLLETT introduced a bill (H. R. 4230) for the relief of A. G. Collins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DENNIS FORBES.

Mr. FOLLETT also introduced a bill (H. R. 4231) authorizing the Secretary of War to remove the charge of desertion from the record of private Dennis Forbes and to pay him the money of which he was deprived by reason of such charge of desertion.

The SPEAKER. The Chair thinks that this bill relates to two different subjects. The removal of the charge of desertion and the payment of moneys withheld. The former should go to the Committee on Military Affairs.

Mr. FOLLETT. There is a memorial in that case, which has been sent to the Committee on War Claims. I ask unanimous consent that the memorial, together with the bill, be sent to the Committee on Military Affairs.

The SPEAKER. The bill will be referred to the Committee on Military Affairs, but the gentleman can not now during this call ask unanimous consent.

Mr. STORM. Several bills relating to honorable discharges of soldiers have been referred to the Committee on War Claims, and that committee have charge of a general bill upon the subject.

The SPEAKER. Under the rules of the House bills of this character go to the Committee on Military Affairs. The Chair does not know, of course, the action of the House on any particular bill to which the gentleman refers.

Mr. STORM. I merely wish to state that the Committee on War Claims have a general bill before them.

The bill was referred to the Committee on Military Affairs, and ordered to be printed.

HENRY BECKMANN.

Mr. FOLLETT also introduced a bill (H. R. 4232) for the relief of Henry Beckmann; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

R. G. HUSTON & CO.

Mr. JORDAN (by his colleague, Mr. MURRAY) introduced a bill (H. R. 4233) for the relief of R. G. Huston & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY ULLERY.

Mr. MOREY introduced a bill (H. R. 4234) granting a pension to Mary Ullery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF CERTAIN ENLISTED MEN.

Mr. MOREY also introduced a bill (H. R. 4235) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TARIFF ON WOOL.

Mr. MOREY also presented a joint resolution of the Legislature of the State of Ohio, in reference to the tariff on wool; which was referred to the Committee on Ways and Means.

WILLIAM BENSINGER AND OTHERS.

Mr. SENEY introduced a bill (H. R. 4236) granting a pension to William Bensinger and others; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. HILL.

Mr. SENEY also introduced a bill (H. R. 4237) granting a pension to John R. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALLIE INGHAM.

Mr. SENEY also introduced a bill (H. R. 4238) granting a pension to Sallie Ingham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA STORTSMAN.

Mr. SENEY also introduced a bill (H. R. 4239) granting a pension to Eliza Stortsman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY KELLER.

Mr. SENEY also introduced a bill (H. R. 4240) granting a pension to Henry Keller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC LIBRARY BUILDING.

Mr. HURD (by his colleague, Mr. SENEY) introduced a bill (H. R. 4241) authorizing the construction of a building for the accommodation of the Congressional Library; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CALVIN M. HORNER.

Mr. PAIGE introduced a bill (H. R. 4242) for the relief of Calvin M. Horner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BURNELL T. M'COIN.

Mr. PAIGE also introduced a bill (H. R. 4243) for the relief of Burnell T. McCoin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN M. HORNER.

Mr. PAIGE also introduced a bill (H. R. 4244) for the relief of Calvin M. Horner; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

ARTHUR STRONG POST, GRAND ARMY OF THE REPUBLIC.

Mr. PAIGE also introduced a joint resolution (H. Res. 142) donating cannon to Arthur Strong Post, Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

C. C. PHILLIPS.

Mr. PERKINS introduced a bill (H. R. 4245) granting a pension to C. C. Phillips; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. G. COMBS AND OTHERS.

Mr. GEORGE introduced a bill (H. R. 4246) for the relief of R. G. Combs and others, for labor, materials, and moneys furnished in the building of the United State revenue-cutter Thomas Corwin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed a joint resolution (S. R. 9) making an appropriation for the improvement of the pool above the dam at the Rock Island arsenal; in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment the joint resolution (H. Res. 127) authorizing the Secretary

of the Interior to detail from that Department two clerks to act as assistant clerks to certain House committees.

The message further communicated a resolution of the Senate that, pursuant to the invitation of the House of Representatives, the Senate will attend the funeral ceremonies of Hon. EDMUND W. M. MACKEY, late a member of the House of Representatives, in the Hall of the House, on Wednesday, January 30, at 1 o'clock p. m.

ANNA MARIA RESSLER.

Mr. ERMENTROUT introduced a bill (H. R. 4247) granting a pension to Anna Maria Ressler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HARBESON.

Mr. ERMENTROUT also introduced a bill (H. R. 4248) granting a pension to William Harbeson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUITS IN COURT OF CLAIMS.

Mr. KELLEY introduced a bill (H. R. 4249) to permit the owners of certain vessels to sue the United States in the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANDREW SHOENFELT.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 4250) for the relief of Andrew Shoenfelt; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN RICHARDS.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4251) for the relief of John Richards; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ISAIAH W. BUNKER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4252) granting an increase of pension to Isaiah W. Bunker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH EVERHART.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4253) granting an increase of pension to Elizabeth Everhart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES AARON.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4254) granting a pension to James Aaron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES LINDSEY.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4255) granting a pension to James Lindsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE PIPER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4256) granting a pension to Catharine Piper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY YON.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4257) granting an increase of pension to Henry Yon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY A. TEEL.

Mr. POST, of Pennsylvania, introduced a bill (H. R. 4258) granting a pension to Mrs. Mary A. Teel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LAURA C. MORSE.

Mr. POST, of Pennsylvania, also introduced a bill (H. R. 4259) granting a pension to Mrs. Laura C. Morse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH E. VAN HORN.

Mr. STORM introduced a bill (H. R. 4260) granting a pension to Joseph E. Van Horn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARK MILLER.

Mr. STORM also introduced a bill (H. R. 4261) granting a pension to Mark Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. MONTGOMERY AND HEPBURN M'CLURE.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 4262) to allow John A. Montgomery, patentee, and Hepburn McClure, assignee, of a certain journal-box, to present their case before the Court of Claims; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ELIZABETH HOOD.

Mr. BRAINERD introduced a bill (H. R. 4263) granting a pension to Elizabeth Hood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARGARET LESLIE.

Mr. BRAINERD also introduced a bill (H. R. 4264) granting a pension to Mrs. Margaret Leslie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LETTER-CARRIERS.

Mr. BRAINERD also introduced a bill (H. R. 4265) for the relief of letter-carriers and equalizing the compensation of letter-carriers in offices of the first and second classes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARGARET A. RINGWALT.

Mr. DUNCAN introduced a bill (H. R. 4266) granting a pension to Margaret A. Ringwalt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES E. WOODRUFF.

Mr. BINGHAM introduced a bill (H. R. 4267) for the relief of Charles E. Woodruff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRIBUTION OF SURPLUS REVENUE.

Mr. EVANS, of Pennsylvania (by request), introduced a bill (H. R. 4268) to provide for the general welfare by the advancement of education and the extinction of the public debt in the several States of the United States through the utilization of the surplus revenue; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

FRANK HARVEY.

Mr. CURTIN introduced a bill (H. R. 4269) granting a pension to Frank Harvey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VOLUNTEER OFFICERS.

Mr. CURTIN also introduced a bill (H. R. 4270) to provide for the muster and pay of certain officers of the volunteer forces; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WALDO C. VANVALLIN.

Mr. CURTIN also introduced a bill (H. R. 4271) granting a pension to Waldo C. Vanvallin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MECHANICS' LIENS IN DISTRICT OF COLUMBIA.

Mr. CURTIN also introduced a bill (H. R. 4272) to amend chapter 20 of the Revised Statutes relating to the District of Columbia concerning mechanics' liens; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MADISON R. CALVERT.

Mr. HARMER introduced a bill (H. R. 4273) for the relief of Madison R. Calvert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMELIA M. GREEN.

Mr. ATKINSON introduced a bill (H. R. 4274) granting a pension to Amelia M. Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BOWMAN.

Mr. ATKINSON also introduced a bill (H. R. 4275) granting a pension to William Bowman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. M. I. SNYDER.

Mr. BOYLE introduced a bill (H. R. 4276) granting a pension to Mrs. M. I. Snyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. JOHNSON.

Mr. LAWRENCE introduced a bill (H. R. 4277) for the relief of James H. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT JOHNSON.

Mr. LAWRENCE also introduced a bill (H. R. 4278) granting a pension to Robert Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS LEWIS.

Mr. PATTON introduced a bill (H. R. 4279) granting an increase of

pension to Lewis Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA C. BREESE.

Mr. SPOONER introduced a bill (H. R. 4280) to increase the pension of Martha C. Breese; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSION LAWS.

Mr. HOUK introduced a bill (H. R. 4281) to amend the invalid pension laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD G. SHARP.

Mr. HOUK also introduced a bill (H. R. 4282) granting a pension to Richard G. Sharp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. DOUGHTY.

Mr. HOUK also introduced a bill (H. R. 4283) granting a pension to James A. Doughty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN A. GRASLAND.

Mr. HOUK also introduced a bill (H. R. 4284) for the relief of Stephen A. Grasland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ED. WALLACE.

Mr. HOUK also introduced a bill (H. R. 4285) for the relief of Ed. Wallace; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. CRUDINGTON.

Mr. HOUK also introduced a bill (H. R. 4286) for the relief of E. Crudington; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARVEY J. FRYAR.

Mr. HOUK also introduced a bill (H. R. 4287) for the relief of Harvey J. Fryar; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS DUNCAN.

Mr. HOUK also introduced a bill (H. R. 4288) for the relief of Thomas Duncan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

D. C. TREWHITT.

Mr. HOUK also introduced a bill (H. R. 4289) for the relief of D. C. Trewhitt; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL CONNOR.

Mr. HOUK also introduced a bill (H. R. 4290) for the relief of Daniel Connor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PEREZ DICKINSON.

Mr. HOUK also introduced a bill (H. R. 4291) for the relief of Perez Dickinson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SIGNAL SERVICE.

Mr. CALDWELL introduced a bill (H. R. 4292) for the relief of the farmers of the United States by extending to them the benefits of the Signal Service; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ESTATE OF HUGH DOUGLAS, DECEASED.

Mr. CALDWELL also introduced a bill (H. R. 4293) for the relief of and to compensate the estate of Hugh Douglas, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS T. STRATTON.

Mr. YOUNG introduced a bill (H. R. 4294) for the relief of Thomas T. Stratton, assignee of W. B. Waldran; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. JENNIE S. VICKERS.

Mr. YOUNG also introduced a bill (H. R. 4295) for the relief of Mrs. Jennie S. Vickers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID J. WOOD.

Mr. DIBRELL introduced a bill (H. R. 4296) to remove the charge of desertion from David J. Wood; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRIETTA M. SANDS.

Mr. MILLS introduced a bill (H. R. 4297) for the relief of Henrietta M. Sands; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT GALVESTON, TEX.

Mr. OCHILTREE introduced a bill (H. R. 4298) to provide for the purchase of additional land upon which to erect a public building in the city of Galveston, Tex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ESTATE OF C. B. CLUSKEY.

Mr. OCHILTREE also introduced a bill (H. R. 4299) for the relief of the estate of C. B. Cluskey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DISEASES IN CATTLE, ETC.

Mr. OCHILTREE also introduced a bill (H. R. 4300) to prevent and control diseases in cattle, swine, and sheep; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. MILLER, of Texas, introduced a bill (H. R. 4301) to amend section 5200 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

HENRY A. WHALEY.

Mr. THROCKMORTON introduced a bill (H. R. 4302) for the relief of Henry A. Whaley; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

RELIEF OF CONTRACTORS.

Mr. STEWART, of Texas (by request), introduced a joint resolution (H. Res. 143) for the relief of contractors failing to comply with their contracts to supply military posts with corn, hay, or oats by reason of drought in the State of Texas in the year 1881; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ULYSSES MERCHANT.

Mr. WELLBORN introduced a bill (H. R. 4303) for the relief of Ulysses Merchant; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. WELLBORN also introduced a bill (H. R. 4304) for the relief of Ulysses Merchant; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. WRIGHT.

Mr. WELLBORN also introduced a bill (H. R. 4305) for the relief of William H. Wright; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK GREENWOOD.

Mr. POLAND introduced a bill (H. R. 4306) to correct the military record of Frank Greenwood; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARRISON DEWEY.

Mr. POLAND also introduced a bill (H. R. 4307) directing the Secretary of War to amend the record of Harrison Dewey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WRITS OF ERROR IN CERTAIN CRIMINAL CASES.

Mr. POLAND also introduced a bill (H. R. 4308) allowing writs of error in certain criminal cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM JOSLIN.

Mr. STEWART, of Vermont (by Mr. POLAND), introduced a bill (H. R. 4309) for the relief of William Joslin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INFORMATION FOR MEMBERS.

Mr. POLAND also submitted the following preamble and resolution; which were referred to the Committee on Rules:

Whereas the number of calls upon members of this House to obtain information from the several Departments for the benefit of their constituents has become so great as to require some means of relief for members so that they may be able to attend to their duties in the House and upon committee: Therefore,

Resolved, That the Committee on Rules be instructed to inquire into the expediency of making provision for obtaining such information for members by officers of the House to be appointed for that purpose.

HEIRS AT LAW OF J. W. SEARS, DECEASED.

Mr. GEORGE D. WISE (by request) introduced a bill (H. R. 4310) for the relief of the heirs at law of James W. Sears, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES FIDELITY GUARANTEE COMPANY.

Mr. GEORGE D. WISE (by request) also introduced a bill (H. R. 4311) to incorporate the United States Fidelity Guarantee Company; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DISTILLERIES OF SPIRITS.

Mr. CABELL introduced a bill (H. R. 4312) to regulate distilleries of spirits of a capacity of less than thirty gallons' production per day; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

UNITED STATES PUBLIC BUILDING, FREDERICKSBURG, VA.

Mr. MAYO introduced a bill (H. R. 4313) to provide for the erection of a United States public building in the city of Fredericksburg, Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS W. TANSILL.

Mr. BARBOUR introduced a joint resolution (H. Res. 144) to authorize the Secretary of the Treasury to adjust the account of Thomas W. Tansill, late quartermaster and commissary under the commission to run the boundary line between the United States and Mexico; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN ARMEL.

Mr. BARBOUR also introduced a bill (H. R. 4314) granting a pension to John Armel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. MOSES.

Mr. BARBOUR (by request) also introduced a bill (H. R. 4315) for the relief of William B. Moses; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN F. DENSON.

Mr. BARBOUR (by request) also introduced a bill (H. R. 4316) for the relief of John F. Denson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MOTTROM D. BALL.

Mr. BARBOUR also introduced a joint resolution (H. Res. 145) for the relief of Mottrom D. Ball; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JULIA A. CHAMBERS.

Mr. LIBBEY introduced a bill (H. R. 4317) increasing the pension of Julia A. Chambers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMPLOYÉS, HARPER'S FERRY, W. VA.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 4318) for the relief of the employés who worked in, and the contractors who furnished castings to, the United States armory at Harper's Ferry, W. Va., and were not paid from January 1, 1861, to April 17, 1861, inclusive; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM M. MORRISON.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4319) for the relief of William M. Morrison; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CATHARINE S. LUCAS.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4320) for the relief of Catharine S. Lucas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE P. WALTERS.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4321) for the relief of George P. Walters; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUTHERAN CHURCH, MARTINSBURG, W. VA.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4322) for the relief of the trustees of the German Evangelical Lutheran church of Martinsburg, W. Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. ROBERTS.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4323) for the relief of William H. Roberts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. H. HERR.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4324) for the relief of A. H. Herr; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMELIA A. ROBERTS.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4325) for the relief of Amelia A. Roberts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPRESENTATIVES OF JOHN D. CUSHWA.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4326) for the relief of the legal representatives of John D. Cushwa, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPRESENTATIVES OF LEWIS W. WASHINGTON.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4327) for the relief of the legal representatives of Lewis W. Washington, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH RAMSEY.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4328) for the relief of Sarah Ramsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOANNA CRAMER.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4329) for the relief of Joanna Cramer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN TRAPNELL.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4330) for the relief of Benjamin Trapnell; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MEREDITH PARSONS.

Mr. SNYDER introduced a bill (H. R. 4331) granting a pension to Meredith Parsons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. DOWLER.

Mr. GOFF introduced a bill (H. R. 4332) granting a pension to John W. Dowler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAYLOR RICHMOND.

Mr. GOFF also introduced a bill (H. R. 4333) granting a pension to Taylor Richmond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE OVER MONONGAHELA RIVER.

Mr. GOFF also introduced a bill (H. R. 4334) authorizing the West Virginia and Pennsylvania Railroad Company to build a bridge over the Monongahela River, in the State of West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CATHERINE VAUGHAN.

Mr. PETTIBONE introduced a bill (H. R. 4335) granting a pension to Catherine Vaughan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH R. GIBSON.

Mr. PETTIBONE also introduced a bill (H. R. 4336) for the relief of Joseph R. Gibson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REBECCA SHIPLEY.

Mr. PETTIBONE also introduced a bill (H. R. 4337) for the relief of Rebecca Shipley; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

RHODA FITZGERALD.

Mr. PETTIBONE also introduced a bill (H. R. 4338) for the relief of Rhoda Fitzgerald; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ABSOLOM ROBERTS.

Mr. PETTIBONE also introduced a bill (H. R. 4339) to remove the charge of desertion against Absolom Roberts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT BURCHFIELD.

Mr. PETTIBONE also introduced a bill (H. R. 4340) for the relief of Robert Burchfield; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HIRAM CAMPBELL.

Mr. PETTIBONE also introduced a bill (H. R. 4341) for the relief of Hiram Campbell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADAM FINCH.

Mr. PETTIBONE also introduced a bill (H. R. 4342) for the relief

of the children of Adam Finch, deceased; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

JAMES F. CULLEN.

Mr. PETTIBONE also introduced a bill (H. R. 4343) for the relief of James F. Cullen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY MILLER.

Mr. PETTIBONE also introduced a bill (H. R. 4344) granting a pension to Mrs. Nancy Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GREEN B. LEDFORD.

Mr. PETTIBONE also introduced a bill (H. R. 4345) for the relief of Green B. Ledford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPT. REUBEN F. BERNARD.

Mr. PETTIBONE also introduced a bill (H. R. 4346) for the relief of Capt. Reuben F. Bernard; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. DANIEL M. APPEL.

Mr. PETTIBONE also introduced a bill (H. R. 4347) for the relief of Dr. Daniel M. Appel; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY E. DAY.

Mr. PETTIBONE also introduced a bill (H. R. 4348) granting a pension and bounty to Mary E. Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH FULKS.

Mr. PETTIBONE also introduced a bill (H. R. 4349) granting a pension to Elizabeth Fulks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA STARNS.

Mr. PETTIBONE also introduced a bill (H. R. 4350) granting a pension to Rebecca Starns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA E. JONES.

Mr. PETTIBONE also introduced a bill (H. R. 4351) granting a pension to Martha E. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF WILLIAM J. AND SIDNEY WHITSON.

Mr. PETTIBONE also introduced a bill (H. R. 4352) for the relief of the heirs of William J. Whitson and Sidney Whitson, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN H. SHIPLEY.

Mr. GUENTHER introduced a bill (H. R. 4353) granting a pension to Benjamin H. Shipley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTUS HOFFMAN.

Mr. GUENTHER also introduced a bill (H. R. 4354) for the relief of Augustus Hoffman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BREVET COMMISSIONS.

Mr. WINANS, of Wisconsin, introduced a bill (H. R. 4355) authorizing the President of the United States, by and with the consent of the Senate, to confer commissions by brevet in certain cases; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER SULLIVAN.

Mr. WINANS, of Wisconsin, also introduced a bill (H. R. 4356) granting a pension to Peter Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN MALLOY.

Mr. RANKIN, of Wisconsin, introduced a bill (H. R. 4357) granting a pension to John Malloy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAYTON E. ROGERS.

Mr. PRICE introduced a bill (H. R. 4358) granting a pension to Clayton E. Rogers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGISLATURE OF DAKOTA TERRITORY.

Mr. RAYMOND introduced a bill (H. R. 4359) in relation to the Legislature of Dakota Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

WILBUR F. STEELE.

Mr. RAYMOND also introduced a bill (H. R. 4360) for the relief of Wilbur F. Steele; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SCHOOL OF FORESTRY.

Mr. RAYMOND also introduced a bill (H. R. 4361) to grant lands to the Territory of Dakota for the purpose of establishing a school of forestry; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REDUCTION OF MILITARY RESERVATIONS.

Mr. MAGINNIS introduced a bill (H. R. 4362) to authorize the President to reduce the military reservations at Fort Shaw, Fort Keogh, and Fort Buford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CINNABAR AND ALASKA RAILROAD.

Mr. MAGINNIS also introduced a bill (H. R. 4363) granting the right of way to the Cinnabar and Alaska Railroad Company to connect the North Pacific Railroad with the Clark's Fork mines; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

LOSS OF STEAMER J. DON CAMERON.

Mr. MAGINNIS also introduced a bill (H. R. 4364) for the relief of the sufferers by the loss of the Government steamer J. Don Cameron; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BELLINGHAM BAY RAILWAY, ETC.

Mr. BRENTS introduced a bill (H. R. 4365) authorizing the Bellingham Bay Railway and Navigation Company to build certain bridges, wharves, and docks in the Territory of Washington; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PORTS OF DELIVERY, WASHINGTON TERRITORY.

Mr. BRENTS also introduced a bill (H. R. 4366) making the city of Seattle, in Washington Territory, in the Puget Sound customs district, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. BRENTS also introduced a bill (H. R. 4367) making the city of Tacoma, in Washington Territory, in the customs district of Puget Sound, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TOWN-SITE RESERVATION, PORT ANGELES.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory relative to the town-site reservation at Port Angeles; which was referred to the Committee on Public Lands.

INTERNAL IMPROVEMENTS, WASHINGTON TERRITORY.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, for the improvement of the Chehalis River and Gray's Harbor; which was referred to the Committee on Rivers and Harbors.

PUBLIC BUILDING, PORT TOWNSEND, WASH.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, for the construction of a public building at Port Townsend, the port of entry of the Puget Sound customs district; which was referred to the Committee on Public Buildings and Grounds.

MEETING OF LEGISLATIVE ASSEMBLY, WASHINGTON TERRITORY.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, in relation to the time of meeting and holding sessions of the Legislature of said Territory; which was referred to the Committee on the Territories.

INTERNAL IMPROVEMENTS, WASHINGTON TERRITORY.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, for the improvement of the Columbia River between the mouth of the Willamette River and the Lower Cascades; which was referred to the Committee on Rivers and Harbors.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, for the continuation of the construction of the canal and locks at the Cascades of the Columbia River; which was referred to the Committee on Rivers and Harbors.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, for the improvement of Olympia Harbor; which was referred to the Committee on Rivers and Harbors.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, for the establishment of an entrance and clearance port of delivery at Whatcom; which was referred to the Committee on Commerce.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, for the improvement of the Cowlitz River; which was referred to the Committee on Rivers and Harbors.

Mr. BRENTS also presented a memorial of the Legislative Assembly

of Washington Territory, for the improvement of the Lewis River; which was referred to the Committee on Rivers and Harbors.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, for the establishment of a light-house at the entrance of Gray's Harbor; which was referred to the Committee on Commerce.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, for an immediate appropriation of funds to operate the snagboat for the improvement of certain rivers emptying into Puget Sound; which was referred to the Committee on Rivers and Harbors.

BRAVERY AT SIEGE OF CASCADES, 1856.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, asking for suitable recognition by Congress of the heroism of Private Robert Williams and comrades at the siege of the Cascades in 1856; which was referred to the Committee on Military Affairs.

SOLDIERS OF YAKIMA WAR.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, for suitable recognition by Congress of the services of the soldiers of the Yakima war of 1855–'56; which was referred to the Committee on Military Affairs.

LAND OFFICE AT PORT TOWNSEND.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, relative to establishing a district land office at Port Townsend; which was referred to the Committee on the Public Lands.

SCHOOL LANDS IN WASHINGTON TERRITORY.

Mr. BRENTS also presented a memorial of the Legislative Assembly of Washington Territory, relative to school lands; which was referred to the Committee on Education.

DR. SAMUEL DAVIS.

Mr. PEELLE, of Indiana, introduced a bill (H. R. 4368) granting increase of pension to Dr. Samuel Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTUS W. BALLARD.

Mr. DUNHAM (by request) introduced a bill (H. R. 4369) for the relief of Augustus W. Ballard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. WILLIAM W. SHERMAN.

Mr. DUNHAM (by request) also introduced a bill (H. R. 4370) for the relief of Mrs. William W. Sherman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GREEN CHARLES.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 4371) for the relief of Green Charles; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA LEWIS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 4372) granting a pension to Martha Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARGE OF DESERTION.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 4373) to relieve certain soldiers of the late war from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ANN BAILEY.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 4374) granting a pension to Mrs. Ann Bailey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. M. JONES.

Mr. SHELLEY introduced a bill (H. R. 4375) for the relief of H. M. Jones; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILL.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 1251) providing for the removal of the remains of the late Maj. Gen. Edward O. C. Ord, United States Army, from Havana, Cuba, to Washington, D. C.; when the Speaker signed the same.

REMOVAL OF FLOOD ROCK.

The SPEAKER, by unanimous consent, laid before the House the following message from the President:

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit to Congress a communication from the Secretary of War, in relation to the necessity of an immediate appropriation of not less than $420,000 to enable the engineer in charge to make next autumn the explosion required for the removal of Flood Rock, in the East River, New York. The importance of the work is well known, and as it appears that without a speedy appropriation a delay of a year must follow, accompanied by large expenses to protect from injury the work already done, I commend the subject to the early and favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 28, 1884.

The SPEAKER. If there be no objection, the message will be referred to the Committee on Appropriations.

Mr. RANDALL. I move it be referred to the Committee on Rivers and Harbors and ordered to be printed.

The motion was agreed to.

GENERAL H. V. BOYNTON.

Mr. HOPKINS. I submit the following resolution.

The Clerk read as follows:

Whereas Hon. J. WARREN KEIFER, a member of this House, has charged H. V. Boynton, the Washington correspondent of the Cincinnati Commercial-Gazette, now holding a seat in the press gallery under the rules of the House, with having approached the Speaker of the House during the closing days of the last session of Congress with corrupt propositions intended to influence his official action; and

Whereas this alleged act is in the nature of a gross breach of the privileges of the House, and the charge, if sustained, would call for the exclusion of said H. V. Boynton from the press gallery: Therefore,

Be it resolved, That a special committee of five members of this House be appointed by the Speaker, with power to send for persons and papers and administer oaths, to investigate the said charge of attempted corruption, and to report the results of this investigation to the House.

Mr. CALKINS. Is that offered for present consideration?

The SPEAKER. The gentleman offers it as a privileged resolution.

Mr. CALKINS. Is it offered for present consideration? If so, I make the point of order it is not a privileged question.

The SPEAKER. The Chair would like to say on that point it seems to him to relate to an alleged abuse of the privileges accorded by the House to members of the press.

Mr. CALKINS. That was at the last Congress and not this. It seems to me investigation into abuses alleged against anybody as a member of the last Congress must be by that and not by a subsequent Congress.

Of course I do not deny the right of the House to investigate it; but my opinion is, at first sight, that it should go to a committee, under the rule, before any action can be taken upon it.

I have in my own mind now a precedent which occurred some years ago in the celebrated investigation of the King and Brooks matter, and I recollect that those persons were both able to maintain their seats in a subsequent Congress for offenses which were alleged to have been committed in a prior Congress.

Of course, Mr. Speaker, as I say, these views are expressed upon the instant, and I would like to have the matter go over, at least until it can be examined. For the present this is my hasty opinion.

Mr. HOPKINS. I think my friend from Indiana is somewhat mistaken as to the purport of this resolution.

Mr. TOWNSHEND. If it is permissible I would like to have it read again.

Mr. HOPKINS. It does not affect the privileges of a member of this House or of the last Congress, but it refers to the privileges of a reporter in the gallery of this House, who sits there by consent of the House.

The SPEAKER. And who is now occupying a seat in the gallery.

Mr. CALKINS. But the point I make is that if a member of the last House was corruptly approached by any person, that was clearly an offense committed against the dignity of the last House and not of this. That is the point I am making, and therefore I object to immediate action in this matter.

Mr. HOPKINS. Let me suggest to the gentleman from Indiana that if the allegations on which this resolution is based be true, it affects not only the dignity of the House, but the person referred to is unworthy to occupy a seat in the gallery of this House.

Mr. CALKINS. Assuming all that to be true, it does not change the position that I take with reference to the matter. That may be true, or it may be found to be true, rather, after it goes to the committee and they have gone far enough to see whether there is a sufficient basis for it to stand upon.

Mr. HOPKINS. The gentleman is mistaken in assuming that this does more than to authorize the committee to see if there is any basis for it.

Mr. TOWNSHEND. We do not know what these gentlemen are talking about, Mr. Speaker. I ask that the resolution be again read for the information of the House.

The SPEAKER. It has been read once, but the Chair will cause it to be reported again, if there be no objection.

The resolution was again read.

Mr. CALKINS. Now, Mr. Speaker, this is a "corrupt breach of the privileges," I ask, of what House? Not certainly of this one.

I am speaking now simply as to the question of privilege, nothing else; not of the right of a member to introduce such a resolution for reference. But this is alleged to be a question of privilege. Now, I ask the Speaker what right or privilege of this House has been infringed? What prerogative has been invaded? What breach has been committed under the recitation of that resolution of the prerogatives of this

House? The last House expired on the 4th day of March last, and nothing presents a question of privilege of this character, as I understand it, unless it relates to the privileges of this House, not to the last House.

So I say that, in my judgment, this can not come in in that way. This, I repeat, is simply my opinion expressed on the moment, my first impression; and I reiterate the assertion that there can be no breach of the privileges of this House by anything that occurred in the last House toward a member of this House.

Mr. WILSON, of Iowa. The breach of the privileges, as alleged, of this House can not go to the extent of suspending the rules, creating a new committee, and clothing it with power to send for persons and papers.

Mr. COX, of New York. I was about to have read in this connection the rule, No. IX, on this question of privilege, but I will read it myself.

The rule provides as follows:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; and second, the rights, reputation, and conduct of the members individually in their representative capacity only.

This, as I understand it, is not asserted as a question of privilege affecting the members of the House. It is a question of privilege not affecting the last House. It is a question of privilege affecting the present organization of this House, its rights, its safety, its dignity, its integrity, in the making up of the list of those gentlemen who are privileged to sit in yonder gallery. We are entitled to have men of honor and integrity occupying such places; men whom we may trust, and who will not make reckless and absurd charges against members of this House. I believe the object of the gentleman from Pennsylvania is to bring just that case before the committee. Therefore it is a question of privilege.

Mr. CALKINS. I do not want, Mr. Speaker, to waive the other point either. I believe the rules of the last House by a resolution of this House were extended or adopted by us for a period of twenty days, or until yesterday. To-day we are running without any rules. I say I do not wish to waive that point either.

The SPEAKER. The Chair is called upon to determine whether this is or is not a question of privilege under the rules or under the general parliamentary law. The preamble alleges that a person who is now occupying the gallery of the House by the permission of the House has made an improper proposition to a member, not during the present session, but during the last session. Of course it is well known to the Chair and to every member on the floor that no person can occupy a seat in that gallery without signing a statement or pledge that he is not interested in any legislation pending before the House. It does seem to the Chair that if there is any person occupying a seat in that gallery who has at any time in violation of that pledge made improper proposals to a member of the House, it is not only the right but the duty of the House to investigate the matter, with a view of protecting the integrity of its own proceedings and denying to that person hereafter the privileges of the gallery.

The Chair is therefore disposed to hold, and does hold, that this is a matter of privilege, but would be very glad indeed to have the judgment of the House upon it.

Mr. CALKINS. I say candidly I do not intend to appeal from the decision of the Chair, though I think the Chair wrong, but will bow to its decision.

The SPEAKER. The question, then, is on the adoption of the resolution.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill and joint resolution of the following titles:

A bill (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes; and

The joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians.

H. V. BOYNTON.

Mr. KEIFER. I am at liberty at least to infer, from what I have heard and what I know, that this resolution is offered in consequence of a statement that I made in reference to one H. V. Boynton; and if the House will indulge me, in order that they may vote intelligently upon this resolution, I will send to the Clerk's desk to have read the statement that I made to Mr. Boynton in a letter in response to a scurrilous letter of his. After that I desire to make a further suggestion or two.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 28, 1884—9 a. m.

H. V. BOYNTON:

About 12 o'clock last night some person handed me at my rooms an envelope which seemed to be addressed in your handwriting, and which contained a printed card of yours on the subject of your guilt in the matter of a scheme to pass a bill through the last Congress. This morning I found a letter of yours on my table (where it had been left in my absence), marked "personal," dated the 26th instant, asking an investigation of your practices by the House, and threatening to publish the letter unless by to-day's session I moved an investigation. Your conduct has placed you so far outside of the pale of a gentleman as to make it a degradation to notice you. You have been so often shown to be a liar and defamer of character that it has become unnecessary to deny anything you may say. And you conceive it to be the business of the Congress to occupy its time in investigating your bad deeds—to thus dignify you.

You colleague (W. B. Shaw) in defaming me, and who presided last spring over a meeting of a few members of the press to condemn me, was many years ago shown (and he was compelled to admit the fact, as appears by public records) to have taken $15,000 as a lobbyist while a correspondent, and so far as I know he has had the privilege of the press gallery ever since. That meeting refused to investigate the truth of the charges against me at your and his instance, when they must have been known to both to be false.

Do you think the present House should investigate each case of your violation of all manliness by daily lying about me in the press and otherwise and appealing to others to do the same, as I am informed? Does not such conduct on your part forfeit all right you may have to sit with gentlemen of the press?

I shall not move the investigation you seek, because I do not believe it is the business of the House of Representatives to investigate your corrupt conduct. There is no rule of the House against your being a lobbyist.

The members of the last House know you lied in your publication that I opened the press gallery for the admission of members' wives the closing night of last session.

All the present House know you lied when you published that when seats were about to be drawn I went in haste to Mr. CANNON, of Illinois, and asked him to request the privilege of my being allowed to select one, &c., to which objection was made. These and other like matters need no investigation by the House to learn their falsity.

I know you forged a letter last summer and published it to the country, purporting to have been written by me to the Secretary of the Treasury, giving a date, and this about a matter of no great importance, but, as I was informed at the time, merely to injure me.

Your printed card has been rightly interpreted by the public as an advance confession of your guilt as a lobbyist.

If when you told me, near the close of the last Congress, I was a fool for not making money while Speaker as Blaine and Colfax had done, and that there was still plenty to be made if the McGarrahan bill could be gotten through, I had thrown you, as you deserved, from my room, I suppose it would have been wiser for me. But up to that time you and I had been on good terms, although I had been warned by friends and your public reputation to beware of you. I treated you leniently, though I have never spoken to or recognized you since. You have from that time to this devoted your work, by all manner of falsehoods, to assailing my character.

You did not say who with you were interested in the McGarrahan bill, but intimated that you had colleagues. My knowledge of the lobby clique was from you. I have had no desire to condemn the correspondents, for I think most of them are gentlemen, but all have suffered in public esteem from your bad example, and some of them have been influenced by you to do what they say they are heartily ashamed of. A correspondent of a newspaper should regard his position as one of high responsibility, and in all things he should at least be truthful.

I do not pretend to say McGarrahan had no merit in his original land claim, but when you explained to me that the bill you desired to have my assistance to get through Congress provided for the issue of many millions of acres of land-scrip which would be of about the value of the Valentine scrip—worth then about $30 per acre and since more—and that there would be abundance to divide, I for the first time learned the scope of the bill, and at once told you it would not pass the Forty-seventh Congress.

I have a letter from you, dated February 27, 1883, asking me to recognize a member named to move to suspend the rules and pass the bill, which is of a date earlier than our talk.

No person has ever spoken to me in opposition to the McGarrahan bill, and my position against it was taken, as you know, at the time you explained its nature and purposes. I leave it for the public to decide whether the lobby who work for big jobs at the expiration of a Congress do it for pay or sentiment.

The committee investigation you speak of has given you more concern than it has me, but it has afforded you another excuse or opportunity to write and have published more untruths, pretending they are the result of the testimony disclosed before the committee.

I dislike the idea of noticing your letter at all, but as you propose to publish it, it may be due to the public that some of the facts should go out along with it.

Of course you would not publish yours without publishing this with it.

J. WARREN KEIFER.

A MEMBER. What is the date of that letter?

The CLERK. January 28, 1884.

Mr. KEIFER. On a day earlier than the date of that letter—for it is dated on yesterday—I was present with some members when I stated, as I believed then and I feel I know now, what was the reason why certain gentlemen of the press had pursued me for many months; and I had perhaps used an unfortunate expression when I said there was a "clique" of them. It may be true and it may not. It seems to have been reported to General Boynton that I had used that expression, and with a guilty knowledge, and with a hope that he could go before the public in advance in some way, he at once rushed into the papers and commenced denying he was guilty of any connection with the McGarrahan claim in the last Congress. No person, so far as I know, had mentioned it here; certainly I had not up to that time; that is, up to the time of the printed card that is referred to in that letter.

Now, Mr. Speaker, this man Boynton appeared to be a friend of mine until about the 1st day of March last, when he came to me with this bill [holding up the bill] in his hand; this identical bill. It was a bill reported to that Congress; and it must be borne in mind that on the 27th day of February he had written me a letter asking me to recognize a member of the House to move to suspend the rules and pass the bill, saying that he believed it was right and putting in the usual disclaimer, that he had no interest in it. Perhaps that letter had better be read. I have it here and send it to the desk. The letter is in the handwriting of General Boynton.

The Clerk read as follows:

FEBRUARY 27.

DEAR GENERAL: McGarrahan—you have doubtless heard of him—appeals to me to ask you to give Mr. Dunnell a chance to ask a vote on his (McG.'s) bill.

It has been reported favorably from committee.

To have a vote seems fair enough when one side is a great monopoly, and the

bill seems to be a fair one to both sides. I have no interest of the remotest kind in this matter, but have always thought McG. the victim of a rich corporation, and so he has always had my sympathy.

Truly yours,

H. V. BOYNTON.

The SPEAKER.

Mr. KEIFER. I am not sure whether I answered that letter. My recollection is that I did not, either in writing or verbally. But I am sure the next day or the day after Boynton came into my room when others were there, and after waiting and indicating he wanted to talk with me alone when the room was cleared, he commenced a conversation something like this—I am not going to repeat it all:

He said: "KEIFER, what do you think I think of you?" or something of that kind. I said, "I do not know; I hope, well." He replied, "I think you are a fool." [Laughter.] I said that I did not know what he meant. [Continued laughter.] In answer to that he said that I had been Speaker of the House of Representatives, that my term was about to expire, and I might have made money, as Speaker Blaine and Speaker Colfax had done.

He then proceeded to say, with this bill in his hand, that there was plenty to be made yet, if we could get this McGarrahan bill through. Up to that time I had never seen the bill that I recollect of, and knew nothing of its terms. He then proceeded to explain to me its terms and purposes.

He said that it confirmed to Mr. McGarrahan the unsold part of the land claimed by him, all that part that had not been conveyed away to innocent purchasers; and then it provided for the issue of land-scrip in lieu of that portion of the land grant that had gone into the hands of innocent purchasers and could not be reclaimed.

He then explained to me that the bill in a very covert way provided for an appraisement of the present value of all these lands, also for the ascertainment of the value of all the products of the mines that had been taken out by the New Idria Mining Company; and that when that was aggregated the amount was to be divided by, I think he said, $1.25; possibly he said $2.50. The bill is a little indefinite upon that point, and speaks of the Government price for land. My recollection, however, is that he said $1.25. The aggregate sum was to be divided by that amount, and that was to be the measure of the further land-scrip to be issued.

He said that it would amount to some million of acres, and also that that kind of land-scrip was of great value, and cited to me the fact that Valentine land-scrip was then selling in the market for $30 an acre. I believe it has been quoted since then up to $60 an acre. And he called my attention to the fact that a vast amount of money could be made out of it.

Some gentlemen seem to be surprised that the Valentine land-scrip should be so valuable, but it is used to take up unsurveyed and surveyed lands. I believe it is used commonly to take up water rights, where they want to control the surrounding country, and it is thus made very valuable. It has also been used by certain of our railroads in the Northwest to enable them to go in advance of surveyed lands, or where the lands have already been surveyed, and take up town-sites along the line of the road. They have thus been willing to pay almost any price for it. That is the reason why it was run up during the last season, I am told, to $60 an acre.

I have seen an estimate of the amount involved in the McGarrahan bill; I did not get it from Mr. Boynton. The estimate summed up about like this: The amount of this claim sold or otherwise disposed of by the United States was 13,160 acres. The present value and the past product of the mines is estimated at $15,500,000; say $10,000,000. Divide that amount by $1.25, and that will give 8,000,000 acres for which scrip was to be issued. The total aggregate of scrip to be issued was 8,013,600 acres by this calculation. The value of the scrip per acre, taking the value of the Valentine scrip at that time, $30 an acre, would make the sum $240,394,800 if the scrip should keep up to that price. Making a deduction from the present value of the Valentine scrip, allowing for the fall in price on account of the glut in the market, throwing off two-thirds of that amount, would bring it down to the small sum of $80,131,600 as the amount which would result from the issue of that scrip.

I have given this that members may understand what was perhaps the scope of the bill. This statement was not made to me by Mr. Boynton. He used the word "millions" in his statement; said there were "millions in it and millions to divide."

When that interview closed, which was just then and there and he left my room for good reasons, my connection and relations with Boynton ceased, and from that hour to the present moment I have never recognized nor spoken to him. But he has devoted his life to going to other men, to other people, and telling falsehoods and having them published all over this country. He has undertaken to defame me in every conceivable way.

On the last night of the last session of Congress Mr. Boynton and one W. B. Shaw, as I am informed, said that they had found an opportunity to defame me before the country and to make it appear that I was opposed to the combined press and correspondents of the country. They held a meeting and passed a resolution condemning me for opening the reporters' gallery for the admission of visitors to the Capitol.

Now, I want to say here, in the presence of at least a hundred men who know, that that statement was false, that I was probably the only person belonging to that House of Representatives who was opposed to that proposition, and the only person belonging to that House who could not have defeated it. There was no great harm done by it; I blame no one for it. I was appealed to by General McKenzie, of Kentucky, on behalf of some members' wives, to direct that the reporters' gallery be opened to them, which I had the power to do. I declined to do it; repeatedly declined. All I did was to submit to the House the proposition, as the RECORD will show, for unanimous consent to open the reporters' galleries to the families of members. I submitted that proposition to the House and no member of the House objected. Hence it was by the unanimous order of that House of Representatives that the reporters' gallery was opened to the families of members. And this man Boynton and others that followed him have caused to be published over the United States more slanders upon me in consequence of that than could possibly have been imagined about any great crime I might have committed.

Now, if there is anybody here who was present on the occasion referred to, and who thinks my statement is not correct, he can certainly stand up here and correct it. I appeal to Democrats and Republicans on that. [A pause.] Then as a scurrilous, mean, low-lived method of attacking me at this session—I only give it as an instance—when we were drawing seats here for this Congress I was in that part of the Hall. [Pointing.] Somebody asked permission that the gentleman from Pennsylvania [Mr. KELLEY] be allowed to select his seat in advance of the drawing, and a similar request was made for the gentleman from New York [Mr. COX] and the gentleman from Pennsylvania [Mr. RANDALL]. What took place, I believe, was that the gentleman from Indiana [Mr. BROWNE] said, "If this is to go on I will ask permission for General KEIFER to select a seat also;" and in the course of that talk the gentleman from Texas [Mr. MILLS] objected to all those requests.

But Mr. Boynton published—and I am told he went from one correspondent to another and appealed to them to send out and publish to the country—that when this was going on I went to the gentleman from Illinois [Mr. CANNON] and begged him to ask permission for me, and that when he did ask it it was declined. Now, that was put out simply as a means of debasing me before the country, as he called it.

But I am not going to enter into this subject. If it is thought wise to go into it on the part of the House, let this resolution be thrown wider open. It appears by a statement in that letter, Mr. Speaker, that one of the distinguished gentlemen belonging to the press, who has had for many years the privilege of that gallery without objection, took $15,000 as a lobbyist. That is the man, I want to say, who was selected as the great newspaper chieftain to preside over the body to pass resolutions to defame me.

Now, I will read but a little to show that this statement is true; and I hope the resolution will be opened wide enough to include W. B. Shaw.

Charles Abert was testifying under order of the House before a committee; and, after he had taken the opinion of Reverdy Johnson as to whether he should be required to answer a question, decided finally to answer; and when he was asked to give the names of the persons he had paid money to here in the interest of a lobby for the Pacific Mail Steamship subsidy, he said:

In view of this opinion, and also in view of the order of the House, and also of my own conviction of duty, I feel bound to answer. According to the best of my knowledge and recollection, the first payment which Mr. Irwin directed me to make was—

He then gives a list of persons, among whom this gentleman does not appear. He continues:

Of the amount placed in my hands by Mr. Irwin on the 27th of May, $125,000, already in testimony, I paid May 28—

And among others who are named, with the amounts they received, is W. B. Shaw, $15,000. Further investigation of this testimony will show that Mr. Shaw got this money under various pretenses. I think one of them was that he claimed he was buying votes for this subsidy, and therefore wanted a large amount.

But I turn you to the testimony of William B. Shaw himself. My friend from Iowa [Mr. KASSON] knows something about this, for I see that he was a member of the committee and put a good many of these questions:

By the chairman:

Q. Please give the committee your residence and occupation.
A. My residence is Washington, D. C. I am a newspaper correspondent.
Q. How long have you been in that employment?
A. About twenty-three or twenty-four years.
Q. Do you know Mr. Charles Abert?
A. I do, very well.
Q. Did you see Mr. Abert at any time during the first session of the Forty-second Congress?
A. I saw him frequently.
Q. Did he pay you any money?
A. He did, sir.
Q. When?
A. I can not tell the exact time. It was in the room occupied by Mr Irwin, on I street.
Q. After the passage of the subsidy bill?
A. Yes, sir.
Q. How much money did he pay you?
A. I think it was $15,000.
Q. On what account?
A. Well, for my services, and so forth.

[Laughter.]

I am reading from a report of a committee of this House. I do not want to weary the House, but further on in his testimony Mr. Shaw is asked:

Q. I want to know what your services were?
A. Just what I told you.
Q. Getting information?
A. Getting information, posting them, and letting them know everything about the matter.
Q. Is it a common thing with gentlemen of your profession to sell their information in that way?
A. I do not know that it is. I have been in the habit of doing it for ten or twelve years.

I think this resolution had better be framed so as to include him and others that there may be. If it is the theory that men who have once, in any prior Congress, been guilty of these things shall be regarded as tainted, so that they should never sit with the other gentlemen of their profession who are pure, let this man be included also.

Mr. BUDD. Did you not admit him into the gallery up there?

Mr. KEIFER. What is the question?

Mr. BUDD. As Speaker of the House, did you not admit a gentleman to the gallery that you now claim was a bribed lobbyist?

Mr. KEIFER. Mr. Speaker, I am obliged to the gentleman for the question. It gives me the opportunity to say that I never knew of this matter until since the adjournment of the last Congress. If I admitted this correspondent ignorantly, my immediate predecessor and others did the same. If there is to be any censure for this act, the present Speaker ought to be included, though I do not suppose he knew anything about it.

Mr. BUDD. You say you did not know Mr. Shaw was a bribed lobbyist, and yet you have stated here that Colonel Boynton was your friend up to about the 1st day of March?

Mr. KEIFER. Yes.

Mr. BUDD. Of last year?

Mr. KEIFER. Yes.

Mr. BUDD. He appeared at your room and attempted to bribe you. Now, did you not, after he had attempted to bribe you, permit him to occupy a seat in the press gallery?

Mr. KEIFER. Congress adjourned two days after that.

Mr. BUDD. During those two days, did you not allow him to come into your room and see you? [Cries on the Republican side, "Oh!"]

The SPEAKER. The House will come to order.

Mr. KEIFER. Mr. Speaker, I intended to read only a paragraph or two more from the same man's testimony.

The SPEAKER. The gentleman will suspend until there is order on the floor of the House.

Mr. KEIFER. I will read a further paragraph or two from the testimony of Mr. Shaw:

Q. Did you take the list of yeas and nays on the vote when the subsidy first failed in the House?
A. I did not; I was too much demoralized. [Laughter.]
Q. Did you notice any change in the votes of members between the time when it failed and the time when it passed?
A. No, sir; I never took any notice of it that I remember.
Q. Did you report to your principals after its defeat in the House and its passage in the Senate that it would be likely to go through the House?
A. No, sir; if I had known that fact I would have made more money out of it. I would have loaded up at that time. [Laughter.]

Now, Mr. Speaker, if it be the business ot this House to investigate all these things I trust it will give to the committee a wide range, so it can call in all these persons. I want to say now that there is no person here or elsewhere who has a higher regard and respect for a well-conducted press than I have. It ought to give the sentiment to the whole country. It ought to lead public opinion, and would, Mr. Speaker, if the public did not know there was so much of this sort of thing that is called venom, envy, jealousy, vice, malice connected with it. For the reason I would not lend myself to Mr. Boynton and such as may have been connected with him to help him and them to get through a bill that was to make them all rich, for that is his own expression, I am traduced throughout this land. And they have the power to induce others to carry on a newspaper warfare against me. That has seemed to be exceedingly singular. I do not know in public estimation I have suffered by it. Perhaps I have. I do know in my own estimation I have not, and I have been willing to stand up and refuse to buy anybody's support or anybody's newspaper compliments anywhere. [Applause on the Republican side.]

I have no blame to attach to the mass of correspondents in Washington. I know they have done things time and again that were not right by men going to them and pouring vile falsehoods into their ears and having them published. I understand that all perfectly well.

I do not claim I have been free from just criticism in things I have done in my official life. I am quite willing and have no objection to submit to that sort of criticism. Every public man ought to be subjected to it, because it will make him a better man if the criticism is just.

I might go on here and detail the things they dwell on most are the things I have had nothing to do with. And perhaps I have said all I need to on this case at this time. If it be the right thing now to go forward with this investigation, I certainly should not vote against it. I think your committee should allow the door to be thrown wide open. If you are going to constitute a committee here for the purpose of looking into the immoral conduct of these people in the past, then let it be wide open, so you will not only investigate Mr. Boynton but others equally guilty with him.

I am sorry for him; I have been; I was sorry for any man who would be so low-lived and corrupt as to come to me presuming he might with safety make a vile, corrupt proposition to me.

I hold myself responsible, Mr. Speaker, to my constituents. That is enough. When they are through with me I will go home, not soured with the world, for I have been treated well and beyond the measure of my deserts. I am not one of those who have fallen into the idea that we are living in a more corrupt period than those who have preceded us. I think we are better to-day, better in this country, notwithstanding these abnormal things, than we have ever been before. I am not soured against the public because a few of the millions of the American people make it their life-work to attempt to defame me.

I am proud of my people and am willing to go on to the end and try to do my duty to them; and you may investigate just as much as you please into this or any other matter. I am still going, while I hold a seat in this House, to try to do my duty, unswerved by those who would have me do corrupt things and unswerved by those who would seek to have me pay them for idle compliments.

Mr. HOPKINS. Mr. Speaker, General KEIFER has said in regard to this question that the gentleman to whom reference is made in the resolution which I have submitted is unworthy of a seat in this gallery. I think that he himself has made a stronger argument than I could make to justify the necessity for this investigation.

I wish to say for myself that I have no acquaintance with General Boynton. I do not know him now by sight even, and I ask, therefore, in justice to him, that a communication from him which I hold in my hand be read for the information of the House.

Mr. TOWNSHEND. What communication do you refer to?

Mr. HOPKINS. I have not read it myself, but it is a communication in which I think he asks for an investigation.

The SPEAKER. The communication will be read.

Mr. BRUMM. Mr. Speaker, before that is read I would ask whether this is simply a letter, or a communication from Mr. Boynton asking for this investigation, or whether it includes any reflection upon any member of this House. If it includes any reflection upon any member I shall object to the reading of it at this time. I make this suggestion, as I presume the gentleman from Pennsylvania knows what it contains.

Mr. HOPKINS. I do not know the substance of it at all.

Several MEMBERS. Let it be read.

Mr. BRUMM. I hope the gentleman will be able to give the information I ask.

Mr. HOPKINS. Of course if I was cognizant of any such statement in the communication I would not have forwarded it to the desk to be read. It is addressed to the Speaker, and was handed to me with the request that it be read in justice to General Boynton.

The SPEAKER. The Chair will state that this appears to be a communication from General Boynton addressed to the Speaker. It was handed to the Speaker this morning, and was read by him hurriedly and returned to the gentleman who gave it and the Speaker has not seen it from that time until the present. It was read hastily and the Chair is not aware that it contained any reflection upon any member of the House.

Mr. BRUMM. I shall object to its reading unless it be known that it contains no such reflection.

Mr. TOWNSHEND. What was the statement of the Chair?

The SPEAKER. The Chair will repeat that it appears to be a communication addressed to the Speaker, and was handed to me this morning. The Speaker, after looking at it hastily, handed it back to the gentleman who gave it, and has not heard of it since. The Chair is not aware that it contains any reflection upon any gentleman, but would not express an opinion without carefully reading it.

Mr. BRUMM. The Chair is not able, then, to state whether or not it is a proper communication to read before the House?

The SPEAKER. The Chair would not like to make a decision as to whether it does or does not reflect upon a member of the House without looking at it again.

Mr. BRUMM. Then if there is any doubt I object to the reading.

Mr. THOMPSON. If this is read as a part of the remarks of the gentleman from Pennsylvania, I would like to ask if any member has a right to object to it?

Mr. HOPKINS. The gentleman from Pennsylvania does not ask to have it read as a part of his remarks if there is anything improper in it.

Mr. THOMPSON. Then I should object to it myself if there is doubt upon the subject.

The SPEAKER. What is the request of the gentleman from Pennsylvania?

Mr. HOPKINS. I replied to a suggestion of the gentleman from Kentucky that I did not desire it to be read as a part of my remarks if it contained anything improper or any personal reflection upon any member.

Mr. BRUMM. The gentleman submitting it says he has not read it himself and does not know its contents.

Mr. GIBSON. I understand the scope of this resolution to be to investigate a gentleman who now occupies a place and exercises certain privileges under the rules of this House. Pending the consideration of that resolution, which simply asks for the appointment of a committee of investigation, the gentleman from Ohio [Mr. KEIFER] has had read and made part of the records of this House a correspondence, or a part of a correspondence, between himself and the gentleman who is to be investigated. Now, I have nothing to say as to the propriety or impropriety of the introduction of that correspondence by the gentleman from Ohio. That is a question for himself, and I have nothing to do with it. I have no criticism to make upon it; but I do not think that it would be justice on the part of this House to refuse to allow a gentleman whom it is proposed to investigate to have that much of his correspondence read which is now presented along with private correspondence that took place between him and the gentleman from Ohio, and which the House has heard.

Now, it would have been well enough if all this had been left out until this committee had been appointed. That would have been proper. But inasmuch as a part of this correspondence has been read, and that part of it which reflects very severely upon the gentleman we seek to investigate, I think it is but right, if any public sentiment is to be manufactured, that he should be heard also.

The SPEAKER. The Chair has not decided the communication could not be read. The Chair understood the gentleman from Pennsylvania [Mr. HOPKINS] to decline to have it read as part of his remarks, on the ground that he had not himself read it and did not know its contents.

Mr. GIBSON. But my remarks were addressed, or intended to be addressed, to those who objected to the reading of this letter; and I simply asked them, as a matter of justice all around, as part had been read, to have all read.

Mr. THOMPSON. I was a member who objected to the reading of this communication. And the only objection I had to the reading of it was that the gentleman who put it before the House refused the responsibility for it by saying he would not let it be incorporated in his remarks; and unless some one undertakes the responsibility of introducing a paper I do not see any reason why it should be thrust before the House.

The SPEAKER. The Chair has no hesitation in holding that unless the paper is read as part of a gentleman's remarks it cannot be read at all if a single gentleman objects.

Mr. KASSON. I wish to ask the gentleman from Pennsylvania [Mr. HOPKINS] if he will not allow a motion for the reference of this resolution to the Committee on the Rules, and let us dispose of it finally upon the report of that committee. Does not the gentleman from Pennsylvania see that in this situation it is much wiser to have the report of the committee whether there is proper ground for an investigation and how much should be covered by it? I appeal to the gentleman to let us get the resolution off the floor into the hands of a committee, and let us have their recommendation before we are required to vote on it.

It has been suggested to me that I substitute the Committee on the Judiciary for the Committee on the Rules, and with that modification I make the motion.

Mr. TOWNSHEND. I rise to make a parliamentary inquiry.

The SPEAKER. The Chair will state the motion. The gentleman from Iowa moves to commit the resolution to the Committee on the Judiciary.

Mr. TOWNSHEND. My inquiry is, how does that communication get before the House? Does the gentleman from Pennsylvania [Mr. HOPKINS] request that it be read?

The SPEAKER. It is not before the House.

Mr. TOWNSHEND. What I am trying to get at is this: What was done by the gentleman from Pennsylvania relative to the letter?

The SPEAKER. The gentleman from Pennsylvania sent it to the Clerk's desk, but did not ask to have it read as a part of his remarks.

Mr. TOWNSHEND. Then there is no motion before the House as to the communication of General Boynton?

The SPEAKER. There is not.

Mr. SPRINGER. Will the gentleman from Pennsylvania [Mr. HOPKINS] yield to me for a moment?

Mr. HOPKINS. I yield to the gentleman.

Mr. SPRINGER. I have hastily read the communication from General Boynton which has been placed in my hands, and I think there is nothing in it but what is perfectly proper to be read not only in this House but anywhere else. It simply asks that an investigation be had and recites the substance of the charges that have already been stated by the gentleman from Ohio who has addressed the House. Therefore I desire to have a part of my time occupied by the reading of this letter.

Mr. BRUMM. Will the gentleman from Illinois allow me to ask him a question? Did General Boynton ask the gentleman from Illinois to present the letter to the House?

Mr. SPRINGER. The letter is addressed to the Speaker of the House of Representatives, and I have a right to have it read as a part of my remarks.

Mr. BRUMM. Was the gentleman from Illinois requested by General Boynton to have it read?

Mr. SPRINGER. I will take the responsibility of having it read as a part of my remarks, in justice to General Boynton.

Mr. BRUMM. I have asked the gentleman a question and I think I have a right to an answer.

Mr. SPRINGER. I decline to yield.

The SPEAKER. The gentleman from Illinois declines to yield and is entitled to the floor. The letter will be read as a part of his remarks.

The Clerk read as follows:

PRESS GALLERY, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 29, 1884.

SIR: I address you as a correspondent amenable to the authority of the House, and holding a seat in the press gallery under its rules.

I last night received a letter from Hon J. WARREN KEIFER, now a member of the House, charging over his signature that I approached him in his capacity of Speaker of the last House, telling him he was a fool for not making money while Speaker, as Blaine and Colfax had done; that there was still plenty to be made if the McGarrahan bill could be gotten through; that I had colleagues interested with me in that bill; that I explained to him that it provided for the issue of many millions of acres of land-scrip, which would be about the value of Valentine scrip, then worth about $30 per acre, and that there would be abundance to divide.

Mr. KEIFER further notified me that he would not ask an investigation by the House, as I had in writing requested him to do, to the end that his charges might be submitted to the test of an examination under oath.

I can not doubt that the House will consider it of importance to inquire whether there are correspondents enjoying its privileges, and protected in their work by its rules, who carry on lobbying with such effrontery as not to hesitate to approach a Speaker of the House with corrupt proposals.

Having thus called your attention to the grave charges made in writing by ex-Speaker KEIFER, which I pronounce to be utterly devoid of truth, I have the honor to inclose herewith the full text of his letter to me, together with the correspondence pertaining thereto, and through you to respectfully request the House to order an investigation of the matter.

I have the honor to be, very respectfully, your obedient servant,

H. V. BOYNTON,
Correspondent Cincinnati Commercial-Gazette.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

Mr. HOPKINS. If there is no gentleman who desires to speak in opposition to the resolution I will call the previous question.

The SPEAKER. The pending question is upon the proposition of the gentleman from Iowa [Mr. KASSON] to refer the resolution to the Committee on the Judiciary.

Mr. KASSON. I have no objection to the previous question being ordered on the resolution and the motion to refer.

Mr. WARNER, of Ohio. I desire to offer an amendment to the resolution, simply to extend the investigation as proposed by the gentleman from Ohio [Mr. KEIFER].

Mr. HOPKINS. I have no objection to that.

Mr. KASSON. I have no objection to that, and I will make my motion to refer cover the resolution and the proposed amendment.

The SPEAKER. The Clerk will read the proposed amendment.

The Clerk read as follows:

And also to inquire and report whether any other member of the press now holding a seat in the reporter's gallery has been guilty of conduct that ought to deprive him of a right to such seat.

The SPEAKER. The question is now upon the motion of the gentleman from Iowa [Mr. KASSON] that the resolution and proposed amendment be referred to the Committee on the Judiciary.

The question was taken; and the motion to refer was not agreed to, upon a division—ayes 105, noes 136.

The SPEAKER. The question now is upon the amendment proposed by the gentleman from Ohio [Mr. WARNER].

Mr. HOPKINS. I believe I am willing to accept that amendment.

Mr. TALBOTT. I object to it.

Mr. HOPKINS. I will accept the amendment if it is modified so as to embrace any other member of the press against whom charges have been made.

Mr. WARNER, of Ohio. I will modify my amendment as suggested.

Mr. TALBOTT. I am opposed to the amendment for this reason: I do not believe anybody should be investigated either by a committee of this House or by a grand jury or by any court without some notice. I do not believe a committee of this House has a right to investigate persons occupying seats in the reporters' gallery without notice. Charges have been preferred upon the floor of this House against two members of the press. Those charges ought to be investigated, and I will vote for that investigation; but I do not believe in any such sweeping propositions.

Mr. WARNER, of Ohio. I have modified my proposed amendment, and will ask the Clerk to read it as modified.

The Clerk read as follows:

And also to inquire and report whether any other member of the press now holding a seat in the reporter's gallery against whom charges have been or may be preferred is guilty of conduct that ought to deprive him of a right to such seat.

Mr. MILLS. There ought not to be a sweeping inquisition against innocent men. The investigation should be confined to those only against whom charges have been made.

Mr. PEELLE, of Indiana. I think this proposition is entirely too broad. I do not believe charges have been made against any other persons in that gallery, at least if they have been made they have here-

tofore been disposed of. I do not believe it is fair to the press nor fair to this House to appoint a committee to investigate supposed or imaginary charges against newspaper correspondents. I do not believe it is fair or wise or judicious for this House to adopt a resolution directing the appointment of a committee of investigation unless some person has been named and charges against him have been brought forward. For that reason I hope the amendment will not be adopted, neither the one first proposed nor the modification of it.

Mr. WARNER, of Ohio. Charges have been made on this floor to-day against certain gentlemen who I suppose are now occupying seats in that gallery. It is due to those gentlemen that those charges should be investigated. It certainly is due to the House that they should be investigated. And if there is any other gentleman in that gallery against whom charges may be preferred, those charges ought to be investigated. I do not know that there are any such.

Mr. HOPKINS. I now demand the previous question on the resolution and pending amendment.

Mr. McMILLIN. I ask the gentleman to withdraw that demand for a moment.

Mr. HOPKINS. I will do so.

Mr. McMILLIN. I think we should adopt the resolution with one very material amendment. It is admitted that charges have been made against two members of the press occupying seats in the reporters' gallery. It is not claimed that charges have been made against any of the others. It would be highly improper to pass a resolution that would seem to be reflective upon those against whom no charges have been made. Therefore, if the gentleman from Ohio [Mr. WARNER] will modify his amendment so as to direct an investigation of those members of the press against whom charges have been made, I will vote for the amendment and think it will be adopted without much if any opposition.

Mr. WARNER, of Ohio. I will modify my amendment by omitting from it the words "or may be."

Mr. McMILLIN. That makes the amendment satisfactory to me.

The SPEAKER. The amendment as now modified will be read.

The Clerk read as follows:

And also to inquire and report whether any other member of the press now holding a seat in the reporters' gallery against whom charges have been preferred has been guilty of conduct that ought to deprive him of a right to such seat.

Mr. HOPKINS. I now demand the previous question.

The previous question was ordered; and under the operation thereof the amendment of Mr. WARNER, of Ohio, was agreed to, and the resolution as amended was adopted.

Mr. HOPKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 127) authorizing the Secretary of the Interior to detail from that Department two clerks to act as assistant clerks to certain House committees.

GREELY RELIEF EXPEDITION.

Mr. RANDALL. I rise to submit a privileged report—the report of a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

SAM. J. RANDALL,
W. H. CALKINS,
Managers on the part of the House.

EUGENE HALE,
JOHN F. MILLER,
Managers on the part of the Senate.

Mr. RANDALL. I ask that the Clerk read the statement which accompanies the report, in compliance with the rule.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the joint resolution making an appropriation to enable the President to prepare and dispatch an expedition for the purpose of relieving and bringing home Lieutenant Greely and party submit the following written statement in explanation of the accompanying conference report.

If agreed to, the effect of the action recommended by the conferees will be to pass the joint resolution without any change from the form in which it originally passed the House.

SAM. J. RANDALL,
W. H. CALKINS,
Managers on the part of the House.

Mr. RANDALL. In this connection I desire to submit a telegram from the Secretary of the Navy.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, January 25, 1884.*

Hon. S. J. RANDALL:

It seems to me unwise to impair the power of the President to relieve Lieutenant Greely and party by limiting him to sending only volunteers.

This is not to be a scientific exploring expedition, but one to rescue men who were deliberately sent out by the Government with promise of re-enforcement or rescue, and are now perhaps starving or freezing.

Without the limitation volunteers can be accepted if it is desirable. But if none offer by the time the expedition is ready, are the ships not to move? If there are naval officers better qualified to go than any who may volunteer, shall the lives of the explorers, old and new, be trusted to the inferior men? In my judgment Congress, while giving the President for the relief of Greely the money of the Government without limit, should also give him all its power. The officers of the Navy do not, I believe, desire to be protected by statute from orders on any honorable service, however perilous.

WM. E. CHANDLER, *Secretary.*

Mr. RANDALL. Mr. Speaker, I wish to add that neither the Committee on Appropriations nor the conference committee deemed it wise to throw around the President any restrictions in relation to this matter. This is the reason which guided the Committee on Appropriations in reporting the resolution originally without any limitation as to the amount, so that the responsibility of this enterprise in every particular might rest upon the President. I ask that the report of the committee of conference be agreed to.

The question being taken on agreeing to the report of the committee of conference, it was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLAND. I move that the House adjourn.

Pending the motion to adjourn, the following business was transacted by unanimous consent:

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. RAY, of New York, for one week, on account of important business.

To Mr. KING, for one day.

To Mr. BROWNE, of Indiana, for to-day, on account of sickness.

To Mr. LUNA, for forty days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. WELLER, by unanimous consent, obtained leave to withdraw from the files of the House, for reference to the Third Auditor of the Treasury, papers relating to the claim of E. D. Yule for a horse lost in the military service of the United States.

The motion of Mr. BLAND was then agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. J. ADAMS: The petition of ———, to repeal the law levying a tax for the maintenance of the Marine-Hospital Service—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. ANDERSON: The resolution of the Kansas State board of agriculture—to the Committee on Agriculture.

By Mr. ATKINSON: The petition of Ben Beufert Post, No. 316, Grand Army of the Republic, of Pennsylvania, relative to the reduction of the national revenue—to the Committee on Ways and Means.

By Mr. BAGLEY, JR.: The petition of J. R. Tappan Post, Grand Army of the Republic, asking for a pension for all the veterans of the late war—to the Committee on Pensions.

By Mr. BALLENTINE: The petition for the relief of Thomas J. Whitaker—to the Committee on War Claims.

By Mr. BARBOUR: The petition for the relief of Morttom D. Ball—to the Committee on Elections.

Also, the petition of John Armel, for a pension—to the Committee on Pensions.

Also, the petition of John E. Denson, for pay of Chief of the Bureau of Provisions and Clothing, &c.—to the Committee on Claims.

By Mr. BARKSDALE: The papers relative to the claim of John W. Martin—to the same committee.

By Mr. BRUMM: The resolution of the council of Pottsville, Pa., relative to the Indian police—to the Committee on Indian Affairs.

By Mr. BRENTS: The petition of citizens of Port Townsend, for a tobacco-rebate appropriation—to the Committee on Appropriations.

By Mr. BROADHEAD: The petition of citizens of Saint Louis, for the improvement of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. BURNES: The petition of the letter-carriers of Saint Joseph, Mo., for a vacation for thirty days during the year—to the Committee on the Post-Office and Post-Roads.

Also, the petition of Nodaway Post, No. 30, Grand Army of the Republic, Department of Missouri, for the equalization of bounties, and pay of soldiers during the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, the memorial of Edward M. Shepard and others, relative to schools in Alaska—to the Committee on Education.

By Mr. CLARDY: The petition of 2,096 citizens of the tenth Congressional district of Missouri, for an adequate appropriation for the improvement of the Mississippi River—to the Committee on Rivers and Harbors.

Also, the petition of William S. Jewell and 37 others, citizens of Crystal City, for the improvement of the Mississippi River—to the same committee.

Also, the petition of William H. Robinson, for a pension—to the Committee on Pensions.

By Mr. CLEMENTS: The petition of Joseph Davis, for pension—to the same committee.

By Mr. S. S. COX: The petition of Henry E. Frankenberg, for relief—to the Committee on Ways and Means.

Also, the petition of Henry Klein, for pension—to the Committee on Invalid Pensions.

Also, the petition of Patrick Haney, for relief—to the Committee on Pensions.

By Mr. W. W. CULBERTSON: The petition of William G. Gardner and others, asking that the company of James B. Evans's Mounted Infantry, of Fleming County, Kentucky, be paid and pensioned as other soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. CULLEN: Papers relating to the claim of Charles B. Signor—to the Committee on War Claims.

By Mr. L. H. DAVIS: The papers relative to the claim of Jefferson Dunklin—to the same committee.

By Mr. DEUSTER: The resolutions of the Merchants' Association, Milwaukee—to the Committee on Commerce.

Also, the petition of J. H. Van Dyke and others, relative to private owners within the private land grant of the Ontonagon and Brulé River Railroad Company—to the Committee on the Public Lands.

By Mr. DUNCAN: The petition of Margaret A. Ringwalt, for pension—to the Committee on Invalid Pensions.

Also, the papers relative to the claim of D. J. Benner—to the Committee on Claims.

Also, the receipt-roll of extra men employed by D. J. Benner—to the same committee.

By Mr. ELLIS: The papers relating to the claim of James S. Clark & Co.—to the Committee on War Claims.

By Mr. ERMENTROUT: The petition of R. B. Forbes, remonstrating against the sale of the naval hospital at Chelsea, Mass.—to the Committee on Naval Affairs.

By Mr. FERRELL: The petition of many citizens, also of many citizens of Philadelphia, asking for an appropriation for the building of jetties at Corson and Townsend's Inlets—severally to the Committee on Rivers and Harbors.

Also, the papers relating to the claim of the Presbyterian church at French Creek, West Virginia—to the Committee on War Claims.

Also, the petition of citizens of Philadelphia, relative to jetties at Corson and Townsend's Inlets—to the Committee on Rivers and Harbors.

By Mr. FYAN: The papers relative to the claim of G. W. Garley—to the Committee on Military Affairs.

By Mr. GEORGE: The papers relating to the claim of Thad. Thayer—to the Committee on Appropriations.

By Mr. GOFF: The papers relating to the claim of the Baptist church at Raleigh Court-House, W. Va.—to the Committee on War Claims.

By Mr. GRAVES: The papers relating to the claim of John A. S. Tutt—to the Committee on Ways and Means.

Also, the petition of Caroline Mulhaupt, asking compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. GREENLEAF: The petition of George Albert Mason, for official investigation of his alleged unjust arrest and imprisonment—to the Committee on the Judiciary.

Also, the petition of Jane Bracken, for a pension—to the Committee on Invalid Pensions.

By Mr. GUENTHER: The petition relating to the pension claim of Benjamin H. Shipley—to the same committee.

By Mr. HARDY: The petition of Charles F. Davis, for the removal of the charge of desertion and for honorable discharge—to the Committee on Military Affairs.

By Mr. D. B. HENDERSON: The resolution of George Strong Post, No. 19, Grand Army of the Republic, relative to the equalization of the pay of soldiers of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HOLMAN: The petition for the relief of Dr. John M. Robinson—to the Committee on Military Affairs.

By Mr. JEFFORDS: The petition of Richard Cummings and many others, citizens of De Soto and other counties of Mississippi, asking for improvements of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. KLEINER: The papers relating to the claim of W. H. L. Doudle—to the Committee on Invalid Pensions.

By Mr. LACEY: A resolution of the annual convention of the Knights of Labor of Michigan, asking that the importation of foreign labor under contract be prevented—to the Committee on Labor.

Also, the petition of A. Watkins and 18 others, members of Edmonds Post, Grand Army of the Republic, of Michigan, for grant of land to soldiers, sailors, and marines—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LAWRENCE: The papers relative to the claim of Robert Johnson—to the Committee on Invalid Pensions.

By Mr. LONG: The petition of the heirs of Benjamin Hale, for a hearing before the United States Court of Claims—to the Committee on the Judiciary.

By Mr. LYMAN: The papers relating to the claim of Adeline A. Coolidge, for a pension—to the Committee on Invalid Pensions.

By McCOMAS: The papers relating to the pension claim of Catherine Miller—to the same committee.

By Mr. MATSON: The petition of E. F. Harold and others, ex-Union soldiers, asking arrears to all pensioners—to the same committee.

By Mr. MILLIKEN: The petition of Catherine S. Pendleton, for an act to place her on the pension-roll—to the same committee.

By Mr. MORRILL: The petition of Fort Donelson Post, Grand Army of the Republic, asking for the passage of the arrears-of-pension bill introduced by Senator Ingalls—to the Committee on Pensions.

By Mr. MURPHY: The memorial of N. B. Howard Post, No. 92, Grand Army of the Republic, of Iowa, relative to equalization of bounty and pay of soldiers of the late war—to the same committee.

By Mr. NICHOLLS: The memorial of the mayor and council of Saint Mary's, asking an appropriation for the improvement of Cumberland Sound—to the Committee on Rivers and Harbors.

By Mr. OCHILTREE: The papers relating to the claim of Mrs. M. S. Brewster—to the Committee on Ways and Means.

By Mr. J. J. O'NEILL: The petition of the Saint Louis Medical Society, for fire-proof building for National Medical Museum and Library—to the Committee on Public Buildings and Grounds.

By Mr. PAIGE: The petition of ex-soldiers, for 160 acres of land—to the Committee on the Public Lands.

By Mr. S. W. PEEL: The memorial of colored citizens of the Cherokee Nation—to the Committee on Indian Affairs.

By Mr. S. J. PEELLE: The resolution of McHolland Post, Grand Army of the Republic, relative to ex-Union soldiers—to the Committee on Invalid Pensions.

By Mr. PERKINS: The petition of E. H. Marsh and others, asking for a law to prevent members of Congress from voting upon any corporate matter in which they are interested—to the Committee on the Judiciary.

By Mr. PETTIBONE: The papers relating to the removal of the charge of desertion against Absolem Roberts—to the Committee on Military Affairs.

By Mr. POLAND: The petition of Frank Gardner, for removal of charge of desertion—to the same committee.

By Mr. M. E. POST: The papers relating to the claim of Hance, Hall & Co.—to the Committee on Indian Affairs.

By Mr. RIGGS: The papers relating to the pension claim of Capt. Benjamin F. Slaten—to the Committee on Invalid Pensions.

By Mr. W. E. ROBINSON: The papers relating to the claim of John Hollaran—to the Committee on Claims.

By Mr. J. S. ROBINSON: The papers relating to the claim of Col. M. B. Walker—to the Committee on Military Affairs.

Also, the papers relating to the claim of Lieut. A. H. von Luettwitz—to the same committee.

By Mr. J. H. ROGERS: Petition of William Prewett and others, for the correction of their military record—to the same committee.

By Mr. ROSECRANS: The petition of sundry citizens of the District of Columbia, relative to the opening of road from from the suburb of Lincolnsville to Central avenue, Washington, D. C.—to the Committee on the District of Columbia.

By Mr. STEELE: The papers relating to the claim of John Schleith—to the Committee on Military Affairs.

By Mr. STORM: The papers relating to the pension claim of Joseph E. Van Horn—to the Committee on Invalid Pensions.

By Mr. THOMAS: The papers relating to the pension claim of John H. Ferrell—to the same committee.

Also, the petition of Jesse Seay, of Illinois, for increase of pension to soldiers of the war of 1812—to the Committee on Pensions.

Also, the papers relating to the claim of John Heberer—to the Committee on War Claims.

By Mr. VANCE: The papers relating to the claim of Stephen M. Honeycutt—to the Committee on Military Affairs.

Also, the papers relating to the claim of Josiah Welch—to the Committee on War Claims.

Also, papers relating to the claim of Polly Fatham—to the Committee on Indian Affairs.

Also, the petition of C. E. Creecy *in re* the Schillinger patent—to the Committee on Patents.

Also, memorial of Augustus Watson, of Washington, D. C., in favor of dollar patents—to the same committee.

By Mr. J. D. WHITE: The petition for the relief of Jesse Bayles—to the Committee on War Claims.

Also, the petition to have the charge of desertion removed from Moses Lord—to the Committee on Military Affairs.

By Mr. W. L. WILSON: The papers relating to the claim of William M. Morrison—to the Committee on the Judiciary.

Also, the papers relating to the claim of John D. Cushwa, deceased—to the Committee on War Claims.

Also, the papers relating to the claim of Lewis W. Washington, deceased—to the same committee.

Also, the papers relating to the claim of Catharine S. Lucas—to the same committee.

Also, the papers relating to the claim of William H. Roberts—to the same committee.

Also, the papers relating to the claim of George P. Walters—to the same committee.

Also, papers relating to the claim of Joseph Anderson—to the same committee.

By Mr. WOOD: The memorial of Job Barnard, of the city of Washington, D. C.—to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *January* 30, 1884.

Prayer by the Chaplain, Rev. ELIAS DE WITT HUNTLEY, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senate to the entry in the Journal respecting the resolution offered by the Senator from Ohio [Mr. SHERMAN] which was agreed to yesterday. The Chair thinks that the Journal entry should refer to the resolution technically rather than in the language that it does in respect of "alleged outrages," which is not the usual course for proper entries in the Journal.

Mr. HOAR. I was about to move that the Journal be amended by substituting the phrase "resolution of inquiry into certain alleged occurrences in Virginia and Mississippi."

The PRESIDENT *pro tempore*. If there be no objection, the Journal will be corrected according to the suggestion of the Senator from Massachusetts. The Chair hears no objection, and, as amended, the Journal of yesterday's proceedings will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were therefore signed by the President *pro tempore:*

A bill (S. 1256) providing for the removal of the remains of the late Maj. Gen. Edward O. C. Ord, United States Army, from Havana, Cuba, to Washington, D. C.; and

A joint resolution (H. Res. 127) authorizing the Secretary of the Interior to detail from that Department two clerks to act as assistant clerks to certain House committees.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 229 of the Revised Statutes, statements showing the contracts made by the bureaus of the War Department on behalf of the United States during the fiscal year ending June 30, 1883; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 194 of the Revised Statutes, the names of clerks and other persons employed in the War Department and the offices thereof from December 1, 1882, to November 30, 1883; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting copies of reports from Maj. J. L. Gillespie of the results of examinations and surveys of Newtown Creek, at Brooklyn, N. Y., and of Shoal Harbor and Compton's Creek, in New Jersey, made under his direction, to comply with the requirements of the river and harbor act of August 2, 1882; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting a communication from Capt. D. W. Lockwood, reporting a plan and estimate for a harbor of refuge at Ludington, Mich., made to comply with the requirements of the river and harbor act of August 2, 1882; also a copy of a report on the same subject, transmitted to the House of Representatives March 24, 1882; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PROHIBITION OF LIQUOR TRAFFIC.

Mr. BLAIR. I find upon my desk and ask leave to present a petition of 3,741 of the inhabitants of this District, addressed to the Senate and House of Representatives, wherein they say that "the undersigned citizens of the United States, feeling and deeply deploring the curse of the liquor traffic in the United States, respectfully petition your honorable bodies to enact a law to prohibit the manufacture and sale of all alcoholic beverages within the District of Columbia." The petition is signed by a very large proportion of the representatives of the wealth and culture and worth and, as I think, of the conservative common sense of the people of this city.

Accompanying it I find two or three other petitions from other portions of the country, one of 830 of the inhabitants of the Territory of Washington, another signed by 92 of the inhabitants of Dakota, also another petition with 104 signers from the Territory of Idaho, all praying for the enactment of a prohibitory law in the District of Columbia; and I see scattered about on the desks of Senators other petitions apparently of the same character.

I desire in presenting these petitions to say that for many years it has been the somewhat common practice of the people of this country to send like petitions to the two Houses of Congress, but so far as I know never yet with any tangible effect upon the legislation of this country. I remember when I had first the honor of being a member of the House of Representatives, a few years ago, the honorable Senator from Maine who is at my left [Mr. FRYE] presented a single petition signed by over 27,000 people of this country, praying for such legislation as should have a tendency to diminish the evils attending the use of intoxicating liquor as a beverage in the United States. The agitation has increased from that time to the present, and now I look upon it as one of the most serious problems of statesmanship in this country to know how to deal properly with this great evil, not alone from the standpoint of moral reform but as well from the standpoint of the economist and of the statesman. I think it demands as conservative attention, as wise and profound study and action, on the part of the Congress of the United States as any other question that is submitted to them.

Here in the Capitol of the nation for years how to deal with the intoxicating evil has been one of the most serious difficulties. We have enacted a prohibitory law, year after year, in the rules of this body and the other House; and the honorable Senator from Maine [Mr. FRYE] in the few remarks which he dropped the other day gave some indication as to how that prohibitory law of both Houses of Congress, applying simply to the Capitol itself and its immediate surroundings, has been enforced. It has come to be understood by the nation at large that the Capitol itself is largely occupied as a national groggery; and I think it is time when, if this is an error, the error should be corrected in the public apprehension, or, if it is a fact, that as a fact it should disappear. What we have enacted in our own rules, and what we have undertaken to enforce so far as the Capitol building itself is concerned, I think we have no reason whatever in refusing to extend to the District at large. Whatever law we make for ourselves and undertake to enforce in this building we may well undertake to enforce in the District of Columbia.

There is no doubt whatever of the authority of Congress upon the subject-matter in this District, and so of the Territories throughout the land. Whether prohibition be the best method of dealing with this evil I shall not on this occasion undertake to argue; but a large proportion of what may be considered as good as any element in the American population believes that it is. In many of the States of this Union it has been adopted as the proper idea to enact into law for the purpose of suppressing this evil. In my own State, in the State of Maine, and in other States, for years the prohibitory principle has been adopted, and successfully adopted; and there is no question upon the statistics of those States that prohibition does prohibit. More recently in the State of Kansas, and in Iowa, and in Southern States, in the State of Georgia, from which I have received reliable data from the prosecuting officers of various of the counties in Georgia, there come like data of an unquestioned character. I have this very morning received, and in this connection wish to lay before the Senate, data obtained from the officials of the State of Kansas representing 66 counties of that State, the substance of which is to the effect that in those counties there were prior to May 1, 1881, 708 saloons. That was the date when the prohibitory law took effect in the State of Kansas. There are now in the same ter-

ritory, that is in those 66 counties, 313 saloons, 160 (or over half) of which are in Leavenworth, leaving but 153 saloons in the 66 counties not including Leavenworth. Prohibition in less than two years has closed 395 saloons. During this time the population has increased 12 per cent. If the saloons had kept pace with the population, there would now be 792 saloons; so that in reality prohibition has prohibited 479 saloons in the territory named. There is a great amount of valuable data of this same character in this article, which is well authenticated, and I will ask leave, without troubling the Senate to read it at large, to print it in connection with the few remarks which I am now making.

I had a few days ago the honor of presenting, at the request of the National Temperance Society of New York, a bill providing for the prohibition of the manufacture and the sale of intoxicating liquors as a beverage within the District of Columbia. That has been referred to the committee having in charge the interests of the District at large.

I hope that these petitions will receive the serious attention which they demand. I am not one of those temperance fanatics that we hear something of, because I believe that this evil never will be reached until we radically amend the fundamental law of this nation and provide by constitutional stipulation for the prohibition of the manufacture of the evil, and thus attack it at its source. Yet although not ultra as a temperance man, I do believe that it is possible for us here in this District very largely to restrict the evil which is so common and patent to the observation of us all.

These petitions come here under the auspices and as a result of the efforts of the Woman's Christian Temperance Union, which I look upon as one of the most powerful agencies for good not only in this country but in the world. I apprehend that this subject will be heard from still further and that it will force itself upon the attention of the American Congress and the American people.

I earnestly trust that as the law of the District is to be modified undoubtedly during the present session, the committee having this subject-matter in charge will very seriously consider whether a prohibitory law here in this which ought to be the model city not alone of this country but of the world is not a thing that can be attained. For one I believe it is the most easy of any of enforcement. A high license law is no better than a low license law, only so far as it becomes prohibitory in its terms; and the principle of the prohibition of crime is the only one which justifies us in legislating against it at all.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks leave to have printed in connection with his remarks the contents of a paper to which he has referred. Is there objection? The Chair hears none. The petitions will be referred to the Committee on the District of Columbia.

The paper referred to is as follows:

PROHIBITION IN KANSAS—A SPLENDID SHOWING FOR READING IN IOWA JUST AT THIS TIME.

TOPEKA, *January* 19, 1884.

EDITOR REGISTER: On the 4th of December I mailed a series of questions to every county attorney, county superintendent, and police judge in the State for the purpose of learning the effect and present status of prohibition. Replies have been received from over one-third of the 600 letters sent out, constituting a full report from 66 of the 81 organized counties of the State, including all the populous counties. These replies demonstrate three facts favorable to prohibition:

First. That it has materially decreased the number of saloons.

Second. That an unusually large per cent. of the prosecutions under the law have resulted in convictions.

Third. That the principle of prohibition is growing stronger.

It must be borne in mind that these figures come from the officers of the State, without reference to their views upon prohibition, and are therefore not subject to the imputation of being the product of fanaticism. In our letters we stated that we wanted the facts, whether favorable or unfavorable to prohibition. We believe the facts were given, and that the figures presented are as authentic as can possibly be obtained.

In these 66 counties there were 708 saloons prior to May 1, 1881, the date that the prohibitory law took effect. There are now in the same territory 313 saloons—160, or over half, of which are in Leavenworth, leaving but 153 saloons in the 66 counties not including Leavenworth. Prohibition in less than two years has closed 395 saloons. During this time the population has increased 12 per cent. If our saloons had kept pace with the population we would now have 792 saloons, so that in reality prohibition has prohibited 479 saloons in the territory named.

Prior to May 1, 1881, there were saloons in every one of these 66 counties. Today the 313 saloons in existence are confined to 25 counties, over half the number being in a single county. Prohibition has therefore absolutely driven the saloons out of 41 counties in which they existed under license.

"You can't convict the saloon-keepers," has been so often repeated that many regard it as an axiomatic truth. In the early stages of prosecutions it was difficult to convict, but the reports of the officers who have charge of this class of cases show that as a general proposition it is far from the truth. In the district courts of these counties there have been 460 cases tried, resulting in 351 convictions, 47 acquittals, and 62 hung juries, or 7 convictions out of every 9 cases tried.

In justice courts there have been 572 cases tried, with 378 convictions, 75 acquittals, and 59 hung juries, or convictions in three-fourths of all cases tried. In these cases the fines imposed amount to $95,200. In addition to these fines there have been 81 saloon-keepers imprisoned for various periods of time, aggregating 137 months and 19 days, or 11 years 5 months and 19 days.

There has been a larger proportion of convictions in whisky cases than in any other class of cases tried, as reference to the criminal docket of any court in the State will prove. There are now pending in the district courts of the State 218 cases, showing a vigorous determination to complete the work so well begun.

In 51 of these counties the reports all agree that the principle of prohibition is growing stronger with the people; in 7 it is reported weaker, while it remains the same in 8. This of course is a mere matter of judgment. If prohibition can accomplish these results in twenty months, who can say the experiment has failed or how long it will be until the unyielding sentiment of loyalty will crush out the 313 straggling saloons still running?

RECAPITULATION.

Number of saloons prior to May 1, 1881	708
Number of saloons now	313
Number of saloons decrease	395
Number of counties covered by report	66
Number of counties having no saloons	41
Number of counties in which there are saloons	25
Number of cases tried in district courts	460
Number of convictions in district courts	351
Number of acquittals in district courts	47
Number of hung juries in district courts	62
Proportions of convictions in district courts, 7 out of 9.	
Number of cases now pending in district courts	218
Number of cases tried in justice courts	512
Number of convictions in justice courts	378
Number of acquittals in justice courts	75
Number of hung juries in justice courts	59
Proportion of convictions in justice courts, three-fourths of all.	
Total number of cases tried	972
Total number of convictions	729
Aggregate of fines imposed	$95,200
Number of defendants imprisoned	81
Total time of imprisonment, 11 years 5 months 19 days.	
Number of counties in which prohibition is growing stronger	51
Number of counties in which prohibition is growing weaker	7
Number of counties in which prohibition is unchanged	8

JAMES A. TROUTMAN.

LADY FRANKLIN BAY EXPEDITION.

Mr. HALE. I desire before we go further with the morning business, as I suppose the Senate will adjourn early, to call up the conference report that just now came in from the House of Representatives.

Mr. CONGER. I desire to present a like petition to that which has been presented, so that they may all go together, if the Senator from Maine will allow me.

The PRESIDENT *pro tempore*. The Senator from Maine has the floor, and under the rules a conference report is privileged as against petitions and everything else.

Mr. CONGER. I did not wish to antagonize that, but suggested that all the petitions should go together.

Mr. HALE. The conference report will only take a few moments, I think.

The PRESIDENT *pro tempore*. The report of the conference committee presented by the Senator from Maine will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

EUGENE HALE,
JOHN F. MILLER,
Managers on the part of the Senate.

SAM. J. RANDALL,
W. H. CALKINS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

Mr. SHERMAN. I certainly would not have voted for the joint resolution if I believed it placed in the hands of any Secretary of the Navy the power to order an officer of the Navy outside of the line of his duty to go on such a hazardous expedition as this is to be. I do not want to interfere with final action upon the measure, but I think it is wrong and unjust to place it in the power of any one to order an officer of the Navy to go on an expedition that is certainly outside of the line of his duties. No doubt there are many adventurous spirits who would take their lives in their hands and volunteer to go on the expedition, but I do not think that an officer of the Navy should be required to do it when certainly it was not contemplated as a part of his duty to go on such an expedition. When the amendment was offered by the Senator from Delaware [Mr. SAULSBURY] it was adopted *nem. con.* in the Senate, and it certainly relieved my mind from all embarrassment in regard to the passage of the joint resolution.

Mr. SAULSBURY. I desire to say that I did not unite with the conferees on the part of the Senate in the report which has just been submitted because I believe that the amendment adopted by the Senate was a proper provision and one that ought to have met with the concurrence and favor of both Houses of Congress. I would not have voted originally for the joint resolution without the provision that was incorporated in it by the amendment and which has been omitted now by the conference committee. Therefore I could not unite with the members of the conference committee in the report which has been submitted.

I do not desire to antagonize the report of the conference committee further than simply to make known my objection to it. I have done my duty in trying to secure to the Navy of the country exemptions from arbitrary decisions of the Secretary of the Navy in reference to a service so extraordinary and so out of the regular line of duty required of the officers and men of the Navy. I have no doubt that officers and men of the Navy fully qualified for this service will gladly volunteer to per-

form the duty; but I was unwilling, while I believed that to be the case, to put it in the power of the Secretary of the Navy, if he saw proper, if he was actuated by any such feeling as to punish any officer of the Navy by assigning him to a duty which he was unwilling to perform, when others would have been glad and willing to take the position.

I do not know that the Secretary of the Navy would be actuated by any such feeling; I do not know that the Secretary of the Navy would attempt to assign to duty any officer of the Navy or any seaman of the Navy who was not willing to take that service, but I am unwilling to put it in his power to do so if he thinks proper.

I remember in the history of this country that officers of the Navy have been assigned to duty contrary to their wish and against their protests, and unfortunately their lives have been lost. I recall to mind the history of Lieutenant Herndon, of the Navy, one of the bravest men who ever trod the deck of a ship of war, and a man of high intelligence. Every one who has ever read his Explorations of the Amazon will remember with feelings of kindness and regard the memory of that man who perished by accepting a duty that had been assigned to him by the Secretary of the Navy. I do not remember all the particulars, but I recall that he was called upon to take charge of a vessel for the transportation of certain troops; he protested against the seaworthiness of the vessel, and yet he was arbitrarily forced and compelled to take it or resign his commission in the Navy, and he perished in that expedition.

I am unwilling to give this authority to the Secretary of the Navy, because while we give this discretion to the President we all know that the Secretary of the Navy will exercise the power; he will determine who shall be assigned to this duty, and not the President. I am unwilling to put into the hands of the Secretary of the Navy or of the President of the United States the arbitrary power to select officers and men of the Navy who never contemplated such a service on entering into the Navy of the country, and to assign them to a dangerous and difficult enterprise for the relief of Lieutenant Greely and his command.

We all know that almost every expedition that has gone up there has met with mishap and misfortune. I believe that Lieutenant Greely and his command volunteered. It is now proposed to invest the Secretary of the Navy with absolute power to assign any officer to this duty and to take an officer who may not be willing to go. Sometimes a man's family relations will not permit him, however willing he might otherwise be, to take service of this kind. We propose now to place all our officers under the control of the Secretary of the Navy and let him assign the men, whereas I have no doubt that if he would call for volunteers there is many a brave and able officer and many a brave and able seaman in the Navy who would gladly accept of this service.

I therefore did not join in this report, and I shall vote against its adoption.

Mr. HALE. The conferees on the part of the House of Representatives insisted squarely that no limitation should be put upon the power of the President in sending this imperatively needed relief expedition. In that emergency, not one that comes infrequently between the two Houses, one or the other had to yield. The Senate conferees yielded, and hence the report is presented as it is.

I can not give so well nor in so few words the moving reasons that controlled the conference in agreeing to this report as by sending to the desk to be read a dispatch from the Secretary of the Navy to the chairman of the Appropriations Committee of the other House, the same that was read in the House before this report was accepted there.

The PRESIDENT *pro tempore*. The Senator from Maine asks that a telegram from the Secretary of the Navy addressed to a committee of the House of Representatives be read at the desk. Is there objection? The Chair hears none. It will be read.

The Chief Clerk read as follows:

NAVY DEPARTMENT,
Washington, January 25, 1884.

Hon. S. J. RANDALL:

It seems to me unwise to impair the power of the President to relieve Lieutenant Greely and party by limiting him to sending only volunteers.

This is not to be a scientific exploring expedition, but one to rescue men who were deliberately sent out by the Government with promise of re-enforcement or rescue, and are now perhaps starving or freezing.

Without the limitation, volunteers can be accepted if it is desirable. But if none offer by the time the expedition is ready, are the ships not to move? If there are naval officers better qualified to go than any who may volunteer, shall the lives of the explorers, old and new, be trusted to the inferior men? In my judgment, Congress, while giving the President for the relief of Greely the money of the Government without limit, should also give him all its powers.

The officers of the Navy do not, I believe, desire to be protected by statute from orders on any honorable service, however perilous.

WM. E. CHANDLER, *Secretary.*

Mr. HALE. I only wish to express my entire dissent from the theory which has been advanced here, that because this is extraordinary duty any officer in the Navy should be relieved from the responsibility and should simply be sent as a volunteer upon this expedition. If such a rule is adopted, and if officers selected for service even as dangerous as this are allowed to retire from that danger and decline to follow the orders of the Secretary of the Navy or the President, then I would give but little for the spirit of the Navy.

I do not deny that this is a dangerous quest. It is a relief expedition. The companions and friends of naval officers are up in that northern region, if alive to-day, suffering and sending home prayers for relief, and only a naval expedition can be sent to rescue them, for this is provided in the joint resolution. It seems to me that any officer who in an emergency of this kind would decline, on being selected, to render this service for the relief of suffering comrades, ought not to remain in the Navy.

I do not deny, as I say, that the service proposed is dangerous; but what is the Navy for? Will there not be times when dangers will arise such as can not be measured by the previous experience of naval officers? It is only because of the heroic spirits that take such risks and dangers that great navies have been built up. Adopt this idea of allowing an officer to withdraw from service and danger, no matter how great, and you will never have a naval establishment that will be an honor to any country. It is no such spirit as that of withdrawing from risk and danger that gave the English navy its Keppels, its Rodneys, and its Nelsons, and it is no such spirit as that which would ever have given to the American Navy its Paul Joneses, its Decaturs, its Farraguts, and the two Porters.

I heard the other day what I was sorry to hear, that when this matter was up, and it was seen that a relief expedition must be sent by the Navy Department for Lieutenant Greely and his comrades, a well-known and quite distinguished officer of the Navy was written to, not by the Secretary, and it was intimated to him that the command of this expedition would be offered to him and a hope was expressed that he would be found in readiness, and the reply came back that if he was ordered to that service he would by every power and influence at his command seek to get the order reversed, so that he might be allowed to stay at home. Sir, we never should have had an American Navy such as has illustrated our annals if that spirit had prevailed.

I heard another instance that came to my knowledge only a day or two ago, reviving an old historic memory that every American ought to be proud of. When the little Monitor was first built by Ericsson, and when naval officers were looking askant upon it, when the sentiment of all naval authorities, with the exception of the few who had studied it and built the little craft and believed in it, was against it, Admiral Worden, then a lieutenant, was written to that that service, dangerous as it was, was at his disposal, and that if he would take the command of that craft it should be his. He was then a young lieutenant. Did he hesitate because here was an unknown and an unprovided-for danger, because nobody else had ever exposed himself to that risk? Back by telegraph flashed the words from that gallant spirit, that dangerous as it was he welcomed it, took it gladly, and he had no lack of other officers and men to follow him, and the great results that made the service of Admiral Worden in the Monitor followed from that.

How long does anybody suppose, who knows that great and gallant officer who is to-day at the head of the American Navy, Admiral Porter, that he would have hesitated when a lieutenant or a captain or whatever may have been his rank if such a danger as this had been presented and he had been asked to take command of an expedition for the relief of naval officers and men who were in these northern regions? Not one moment, sir; and I say here that any good and gallant officer of the Navy, no matter what may be his rank, if he is of suitable age and physical condition, ought to welcome, if need be, such an opportunity as this.

I do not say a word about what has been intimated here as to the method by which these men shall be selected. There is but one object in view; that is, that good ships, commanded by skillful, careful, wise officers shall be sent up there. That is the only thing the Secretary can have in view. My mind is not so made that I can imagine that he would have any other object. I do not want to leave this expedition simply to the men who will volunteer, because I can understand that many a man like Lieutenant Worden, like Captain Porter, now Admiral Worden and Admiral Porter, while they might not hurry to the front to volunteer and obtrude their service, and less brave and less skillful and careful spirits would volunteer, yet when directed and asked to command by the power that should have the discretion would gladly welcome it and go forth; and I hope in this respect that the Navy will be tested, and it may be seen whether any officer who is directed to take command or accompany this expedition wishes to avoid the danger. That is all I have to say, sir.

Mr. INGALLS. Mr. President, I have never been able to understand why this joint resolution was referred to the Committee on Naval Affairs. When the report of the Committee on Rules was under discussion the Committee on Appropriations resented, with a great deal of vigor, the attempt to amend the rules so that the different appropriation bills should be referred to committees having the subjects in charge, or, as it was termed, having jurisdiction of the subject-matter. The Committee on Appropriations said that that was improper, in violation of the long-established practice of the Senate, and in violation of what was necessary as a basis for the satisfactory conduct of the public business. But here we find the very first important appropriation bill that comes in, with the consent of a member of the Committee on Appropriations, is referred to the Committee on Naval Affairs, in violation of the arguments that had been presented in favor of that very proposition. I will not say that this anomaly is due to the fact that the chairman of the Committee on Naval Affairs happens also to

be a member of the Committee on Appropriations, but at least it is a very singular coincidence, and I am somewhat surprised that the Committee on Appropriations and its chairman, who have been so active in asserting the prerogatives of that committee, should not have seen the impropriety of referring a measure so important as this, which belonged to the Committee on Appropriations, to the Committee on Naval Affairs.

Mr. HALE. Will the Senator allow me to ask him a question there?

Mr. INGALLS. Yes, sir.

Mr. HALE. Was he present the other day when this whole matter came up? The bill was reported, and the Committee on Naval Affairs directed me to refer it to the Committee on Appropriations unless it was deemed, in view of the emergency, the exigency hanging over us, that it was not worth while to take more time; and the chairman of the Committee on Appropriations arose in his place and stated that under the circumstances he believed it was better to put the joint resolution through. It undoubtedly should have gone to the Committee on Appropriations; but it did not, and that is its history.

Mr. INGALLS. A very convenient arrangement, Mr. President.

Mr. BROWN. Will the Senator from Kansas be kind enough to excuse me one moment? I have to be absent from the Senate for a few days. We shall adjourn in a few minutes; and I desire to submit a report from the Committee on Railroads on a bill and to present a memorial from citizens of Columbus, Ga., which will take but a moment.

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. INGALLS. Certainly.

REPORT OF A COMMITTEE.

Mr. BROWN. I am instructed by the Committee on Railroads to report back favorably with an amendment the bill (S. 50) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes, and ask that it be printed as amended.

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent to report at this time from the Committee on Railroads a bill. Is there objection to its being reported at this time? The Chair hears none, and the report is received.

PETITIONS AND MEMORIALS.

Mr. BROWN presented a memorial of the Columbus (Georgia) Board of Trade, favoring a liberal appropriation by Congress for purposes of public improvements, such as the erection of a public building in that city for the United States post-office and offices of internal revenue, and the establishment of a free-delivery system for mails; which was referred to the Committee on Public Buildings and Grounds.

LADY FRANKLIN BAY EXPEDITION.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

Mr. INGALLS. Mr. President, it is cause of congratulation, I think, that the Senate has a Committee on Appropriations and a Committee on Naval Affairs that are so courageous, that are so resolute, and that are so determined to execute its will. I hope that the pertinacity of those committees in adhering to amendments that have been unanimously adopted by the Senate will not disturb the *entente cordiale* that ought to exist between the two Houses. Here is an amendment that was confessedly of so eminently appropriate a character that there was not a single word said against it from any person, no matter whether he favored the limitation of the appropriation or not. It was presented to the Senate and adopted without dissent from any Senator; and the Senator from Maine comes in and tells us that the House insisted squarely that they would not consent to any amendment whatever to the bill that they had passed and sent to us.

Mr. President, suppose the Senate should insist sometimes, it would be a refreshing novelty; for if there has been an important amendment adopted by the Senate to any bill coming over from the House making appropriations for the last two years that has not been abandoned, I do not now recall it—abandoned I mean by the committees of conference when they have come to consider it. I think, sir, it is time for this business to stop, it is time for the Senate and for its committees to exhibit a little of that courage which the Senator from Maine tells us has been exhibited by the Navy in their efforts to incur the dangers and perils and hazards of the deep.

Mr. COCKRELL. Will the Senator yield to a question?

Mr. INGALLS. Yes, sir.

Mr. COCKRELL. Is this an indication that the conference committees on the part of the Senate will after a while yield so gracefully and quietly to the demands of the other House as they have done in this case? Are we to take this as an indication of what will be the subsequent action of conference committees?

Mr. INGALLS. Mr. President, this is not an indication; it is one in a long series of actions that have been performed by the committees here extending back for a period of two years, and we have served notice day by day as the Senator from Maine has served notice to-day on the House of Representatives that if they will insist we shall always recede. That is exactly what it means, sir. Time after time, occasion after occasion, when amendments have been adopted by the Senate and bills have gone to conference, the conferees of the Senate come in and tell us that the conferees on the part of the House insisted squarely that they would not permit amendments to be made, and that therefore, in order to prevent the loss of great appropriations in view of the exigencies that exist, the emergencies that require the immediate appropriation of the public money, the conferees on the part of the Senate had felt it to be their duty to yield!

Mr. President, if this is to go on, if this is the rule that is to be adopted, we may as well abdicate our functions and the Committee on Appropriations of the Senate and the Committee on Naval Affairs of the Senate may as well be considered auxiliaries and annexes of the Committee on Appropriations of the House of Representatives.

I hope, sir, that this report of the conference committee will not be agreed to. It is an affront to this body. The amendment was appropriate; it met with the conurrence of everybody, and to be told here that it is not to be agreed to because the House squarely insisted that they would not consent to an amendment to the bill that was before us for consideration, it appears to me is beyond the purview of proper legislative action.

Mr. HALE. Mr. President, I do not propose to take up any more time of the Senate. I do not think that the Senator from Kansas, by one of those characteristic attacks of his on a subject-matter that is passing along comfortably, is going to inflame the Senate into the feeling that we are on the point of surrendering our rights and the prerogatives of this body to the other branch. There will be conference reports wherein the House of Representatives will yield and we shall come out first best, if there is any first best in such a case, and there will be other cases where the Senate will yield and the other House will come out first best, if it is coming out first best to carry its point.

This was not a case where there was any feeling between the conferees on the one side and the other, but a careful and considerate conference on the whole resulted in the report that has been brought in here. I think the good sense of the Senate, although the amendment did pass the other day unquestioned—there was no debate upon it; the thing was hurried—will sanction the course of the representatives of the Senate, who deemed it better on the whole not to insist upon this amendment put in by the Senate. I do not think anybody is going to be disturbed by the thought that the House is overcoming this body for the rest of the session. There will probably be times enough when the Senate will set itself up on important matters against the House, and we may get into a dead-lock; but there is no precedent involved in this and there is no rule. The Senator from Kansas need not be alarmed about the danger to this body. I hope we may have this matter out of the way this morning.

Mr. PLUMB. Mr. President——

FUNERAL OF REPRESENTATIVE MACKEY.

The PRESIDENT *pro tempore*. The Chair finds it his duty to announce that the hour has arrived when pursuant to the order of the Senate made yesterday the Senate will proceed to the House of Representatives to attend the obsequies of the late Mr. MACKEY.

The Senate proceeded to the Hall of the House of Representatives, headed by the President *pro tempore* and Secretary and preceded by the Sergeant-at-Arms and the Chaplain.

The Senate returned to its Chamber at 2 o'clock and 8 minutes p. m.

The PRESIDENT *pro tempore*. The Senate resumes its sitting.

Mr. MORRILL. I move that the Senate do now adjourn.

The motion was agreed to; and (at 2 o'clock and 9 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 30, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal.

Mr. MCKINLEY. I move to dispense with the reading of the merely formal part of the Journal relating to the introduction of bills and joint resolutions.

There was no objection, and it was ordered accordingly.

The remaining portion of the Journal was then read, and the Journal of yesterday's proceedings was then approved.

HOT SPRINGS RESERVATION.

Mr. YOUNG. Mr. Speaker, I ask by unanimous consent to submit from the Committee on Expenditures in the Interior Department a resolution and accompanying report.

The resolution was read, as follows:

Resolved by the House of Representatives, That the Committee on Expenditures in the Interior Department, for the purpose of prosecuting the inquiry directed by the House in respect to the work on Hot Springs Creek, have power to send for persons and papers; that they be empowered to send some architect and sanitary engineer in the employ of the Government to Hot Springs to inspect the work and report whether or not the plan upon which it is being constructed is a

proper one, if it is being prosecuted in accordance with the plans and specifications adopted by the Secretary of the Interior, if the material used is of a kind and quality to make a durable work, and also if the plan in accordance with which it is being done will be hurtful to the health of the adjacent town; and that, for the purpose of meeting the expense of the same, the sum of $500, to be expended by the Sergeant-at-Arms, is hereby appropriated out of the contingent fund of the House; and that the committee have leave to report at any time by bill or otherwise.

The SPEAKER. Is there objection to the present consideration of the report from the Committee on Expenditures in the Interior Department?

Mr. HOLMAN. I should like to make it a little broader, so that the resolution would also provide they shall inquire into the general management of the property.

Mr. YOUNG. I do not object to that amendment.

Mr. HOLMAN. And also the interests of the Government in connection therewith.

The SPEAKER. Does the gentleman wish to have the accompanying report read?

Mr. YOUNG. I do, as the House will then, perhaps, better understand the scope of the resolution.

The report was read, as follows:

The Committee on Expenditures in the Interior Department, to which was referred the resolution of the House directing an inquiry as to the manner in which the work of improving Hot Spring Creek, on the Government reservation at Hot Springs, in the State of Arkansas, is being done, and as to whether or not the money appropriated for the prosecution of said work has been properly expended, respectfully report:

That they have not been able to prosecute the inquiry with which they are charged to any reliable or satisfactory conclusion for the want of any adequate power and facilities to obtain the necessary data and information to enable them to do so. They are not authorized by the resolution under which they are acting to summon witnesses, send for papers, nor to expend money. And so far they have only had before them such papers and such verbal information as the Secretary of the Interior has furnished upon their request, who has also voluntarily offered to furnish the committee with every facility at his command to make a thorough investigation of the entire subject referred to them, but of course the power of that officer to do this does not extend beyond his own Department.

The complaint in respect to the plan of the work, the material being used, and its alleged hurtful effect upon the health of the town of Hot Springs, and of the alleged improper expenditure of the money appropriated for its construction comes from Hot Springs through the newspapers published in the town and in memorials forwarded from its citizens and city council, and the committee do not know of any witnesses by whom it is proposed to prove the truth of the charges thus made, who are nearer than Hot Springs, except three or four who are at present in Washington, but who decline to come before the committee unless called by summons to do so.

The committee could no doubt prosecute the investigation expected of them with more satisfactory results by going to Hot Springs and making a personal inspection of the work, or instead to summon witnesses from that place, but in view of the expense which this course would involve they do not at present recommend it, but think it probable that they can obtain sufficient information from the Interior Department, and by sending some architect and sanitary engineer of the Government to Hot Springs to make an examination of the work, and it may be that those at Hot Springs who are interested in it will voluntarily come to Washington to give their testimony before the committee.

The investigation thus conducted will not, the committee think, cost more than $500. The committee has been furnished with the names of seven or eight witnesses who, it is requested, shall be examined. Some of them are in Washington and some elsewhere; but, as before stated, the committee has no power to secure their attendance.

The committee submit this report for such action as the House may see fit to take, with the recommendation that the accompanying resolution be adopted.

Mr. HOLMAN. I move to insert after the word "town," where it last occurs, the following:

That they also investigate the general management of the Government property connected with said springs, including leases made, and all matters connected therewith.

Mr. KASSON. I wish to ask the gentleman from Indiana if he wants an architect instead of an engineer? I understand this relates simply to the improvement of the creek, and it occurs to me that an architect does not seem to be the proper officer for the investigation referred to, but that, on the contrary, an engineer is needed.

Mr. YOUNG. I will say in reply to the gentleman's inquiry there are persons now in the employ of the Government who are both architects and sanitarians, and who, I believe, are called sanitary architects. One or two of those now in the employ of the Government could be detailed for this work.

Mr. KASSON. The work is that of an engineer rather than that of an architect, as I understand the matter, but if the gentleman from Tennessee is of the opinion that the work requires an architect instead of an engineer I do not interpose any objection.

Mr. YOUNG. I have no objection at all to the change, but I believe the resolution will answer just as it is.

Mr. WARNER, of Ohio. Is it the design that the architect or engineer shall make inquiry as to the management of the property?

Mr. YOUNG. Oh, no; but as to the manner in which the works are being constructed.

Mr. WARNER, of Ohio. By whom is this investigation to be made?

Mr. YOUNG. By the committee, I believe.

Mr. WARNER, of Ohio. By a committee of this House?

Mr. YOUNG. Certainly.

Mr. ROGERS, of Arkansas. I raise this point of order: As I understand it the whole question in reference to this resolution is already before the Committee on Public Buildings and Grounds, of which committee the gentleman from Indiana [Mr. STOCKSLAGER] is chairman. As to the question of the rental of the Hot Springs reservation, that I understand to be now before that Committee on Public Buildings and Grounds and is undergoing the process of investigation, and I hold it does not belong to this Committee on Expenditures in the Department of the Interior.

The SPEAKER. The Chair thinks that is not a point of order. But even if it were, the House has already referred this matter, as the reports state, to the Committee on Expenditures in the Interior Department.

Mr. ROGERS, of Arkansas. I make the point of order that the amendment proposed by the gentleman from Indiana is not germane to this resolution.

Mr. HOLMAN. The point of order comes too late after the matter has been received and discussed.

The SPEAKER. The Chair was going to state that the point came too late.

Mr. HOLMAN. I desire by the amendment to make it specific, so that two committees shall not be investigating the same matter.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Indiana.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. YOUNG moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMEDIATE APPROPRIATION FOR CERTAIN INDIAN TRIBES.

Mr. ELLIS. I ask unanimous consent to take from the Speaker's table House joint resolution No. 121, with a Senate amendment, for the purpose of referring the same to the Committee on Appropriations.

The SPEAKER. The title of the joint resolution will be read.

The Clerk read as follows:

Joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians.

There being no objection, the joint resolution was taken from the Speaker's table and referred to the Committee on Appropriations.

COMPILATION OF REPORTS OF HOUSE COMMITTEES.

Mr. BRUMM. I ask unanimous consent to offer a resolution for reference merely.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Committee on Printing be, and they are hereby, authorized to inquire into the expediency of procuring a compilation of the House reports of committees for the use of the several committees of the House.

There being no objection, the resolution was referred to the Committee on Printing.

CONSTITUTION AND STATE GOVERNMENT, WASHINGTON TERRITORY.

Mr. BRENTS. Mr. Speaker, I ask unanimous consent to submit at this time two memorials of the Legislative Assembly of Washington Territory, with the request that they be printed in the RECORD and properly referred. One relates to the formation of a State government for Washington Territory and the other to the abolition of Indian reservations.

Mr. WELLER. I must object.

Some time subsequently, the objection having been withdrawn, the memorials referred to by Mr. BRENTS were received, ordered to be printed in the RECORD, and referred severally to the Committee on the Territories and on Indian Affairs. The memorials are as follows:

UNITED STATES OF AMERICA, TERRITORY OF WASHINGTON,
Office of the Secretary.

I, N. H. Owings, secretary of the Territory of Washington, and custodian of the great seal, do hereby certify that I have carefully compared the annexed copy of writing with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the great seal of said Territory, at Olympia, this 12th day of January, 1884.

[SEAL.] N. H. OWINGS,
Secretary of the Territory.

MEMORIAL.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The people of the Territory of Washington, by their Legislative Assembly, respectfully, but urgently, protest against the further continuance by Congress of the so-called Territorial government, a new creation of Congress, unknown to the Constitution of the United States, the only warrant for such a political anomaly in our institution being based upon a custom sanctioned so long that it has grown to be regarded as the necessary method whereby territory of the nation can be prepared for future States of the Federal Union. Earnestly this people pray that Congress will remove their political disabilities, and that they may enjoy the constitutional guarantee of a government republican in form, where the government derives all its just powers from the consent of the governed. The settlers of this Territory have brought hither to establish a State the necessary intelligence, loyalty, and patriotic motive. It is conceded that they possess the necessary qualifications, but still are they denied the first and most essential element of American citizenship. They dare not participate in the selection of the Chief Magistrate of the nation; they are denied the right to elect their own officers; they can not sue a citizen of one of the States in the Federal courts because they are not recognized as citizens of a State; they are denied representation in the Congress of the United States; they can not make their own laws; they are mere dependents upon your honorable body, who claim to adopt rules for their government under an implied power, that you make rules and regulations as to the disposition of the territory and other property of the Government. In fact, every relation of such a government to the Congress of the United States

exhibits a dependence as humiliating as that so terribly denounced in that grandest of indictments drafted by the immortal Jefferson arraigning the Crown of Great Britain for withholding popular rights from our ancestors. Our people are a Commonwealth. We are a State, though denied such name. As a State, as a people, as a community we are entitled to demand that the Congress of the United States guarantee to us a republican form of government. The State, and people of a State, are but equivalent forms of expression, and it is not disrespectful when we urge as the paramount duty of Congress the guarantees to us of a republican form of government. In urgency of which we respectfully submit—

First. That the people are sufficient in numbers to successfully maintain a State government. The population of Washington Territory largely exceeds that of many of the States when admitted. It is not less than 125,000, and well-informed and observant persons place it as high as 150,000. The immigration now and for the past year has been unexampled in the history of the growth of American States and Territories. It is also worthy of remark that transition from Territorial vassalage to Statehood and sovereignty has always been followed by renewed growth; and surely the circumstances and present surroundings of this Territory assure that increased prosperity, importance, and wealth. We beg to refer to the admission of other States. California was admitted with a population of 92,597. Colorado, at the census preceding admission, numbered 39,864, Florida, at the census following admission, had a population of 87,445, while at the previous census it numbered only 54,477. Kansas came in with 107,206. Iowa, at the census before admission, had 43,112. Nebraska, at the census before admission, 28,847; in 1860, 122,993. Nevada, before admission, 6,857; subsequent, 42,491; and in 1880 boasted a population of 62,666. Oregon was admitted in 1859, and at the census of the subsequent year had a population of 52,455. These statistics establish the fact that our population greatly outnumbers that of numerous successful applicants for Statehood. By all the precedents Congress is concluded upon this proposition, Washington Territory possesses the requisite population.

Second. Our people are amply able to maintain a State government. This is demonstrated by a comparison of the valuation of taxable property in this Territory with those of several States in the Federal Union:

Washington Territory in 1883	$44,107,567
Colorado in 1880	43,072,648
Florida	29,471,227
Nevada	29,564,675
Oregon	46,422,817

In the support of an insane asylum, a Territorial penitentiary, and a university the Territory annually expends over $60,000. With the exception of the trifling contribution by the United States for the expenses of trying United States causes, and the salaries of three judges, the district attorney, and marshal, the people pay the expenses of their courts. The expenses of legislation are partially paid by the United States; the people elect the members, but their laws are subject to Congressional approval. The governor and secretary are paid by the United States, but how cordially would the people pay their salaries for the democratic privilege of electing their own rulers. All these expenses are derived from taxation for Territorial purposes in addition to our county, school, road, and municipal taxes. The Territory, devoid of sovereignty, owns no property and can not hold any from which income can be derived, and thus it is the tax-payers are called upon to bear this burden to maintain a government not of their own making.

Third. Our great natural resources, our future wealth, demand such recognition, and they are entitled to Congressional representation to secure their development. With requisite population in numbers, who have demonstrated their ability to maintain government, we pray that our disabilities may be removed and we be restored to those rights which belong to American birthright and citizenship, the right to select our own rulers, to make our own laws. We ask for nothing that is not your duty to confer. We pray only to be allowed to consider ourselves citizens of the United States of America; and, as in right, duty, and good conscience, we will ever pray.

Passed the council November 21, 1883.

SEWALL TRUAX,
President of Council.

Passed the House November 24, 1883.

E. C. FERGUSON,
Speaker of the House.

Approved, November 28, 1883.

WM. A. NEWELL.

UNITED STATES OF AMERICA, TERRITORY OF WASHINGTON,
Office of the Secretary.

I, N. H. Owings, secretary of the Territory of Washington, and custodian of the great seal, do hereby certify that I have carefully compared the annexed copy of writing with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the great seal of said Territory, at Olympia, this 19th day of January, 1884.

[SEAL.] N. H. OWINGS,
Secretary of the Territory.

Memorial praying the abolition of Indian reservations.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the Legislative Assembly of the Territory of Washington respectfully represents that the continuance of race distinction by segregating a particular class of our native population and confining them to reservations, treating them as inferiors and dependent, whether they be regarded as wards of the Government or prisoners upon such reservations, is inconsistent with the progressive spirit of the age and the grand achieved doctrine of the Republic that all humanity are equal before the law, a discrimination on account of race which ignores manhood or equality and uniformity of right as men and women, is at variance with the theory of democratic government, and surely native-born humanity of the United States can not longer be regarded as aliens, nor can communities of such be treated as foreign nations.

That the time has arrived when the Indians should be treated as other men are treated, with the same right to enjoy property, the same right to pursue happiness. That race should not be confined as prisoners upon or be limited to reservations, nor should they enjoy rights to acquire or hold land superior to or different from the American citizen. An Indian is human, he is neither more nor less than a native of our country, and your memorialists believe that a policy which recognizes his humanity and manhood should be adopted. They believe the reservation system of managing Indians a perfect failure, based upon principles radically wrong, uselessly expensive to the Government, unjust and detrimental to the Indian, retarding alike his advancement and the settlement of the country in which such reservations have been declared. Large and valuable regions are continued as a wilderness, withheld from appropriation and cultivation by useful settlers. Indians are restricted to prison limits against their will, often kept there by the strong arm of military power, uniformly by the fear to leave. A vast amount of money is expended by the United States, intentionally for their benefit, but really in the useless employment of white persons, who sign vouchers regularly, but contribute but little amelioration to those who have no desire they shall continue among them, and who tolerate their presence because afraid to expel them. The reservation policy in no wise benefits the Indians. Reservations are by the Indians generally regarded as prison limits, restraining their freedom and pursuit of happiness. They serve to keep alive the traditional prejudice that the Indians are a different, hostile, and inferior race. Millions of acres of land have been withdrawn from the public domain, defeating the beneficent purposes for which reservations were established. In the United States, by the census of 1880, there are about 250,000 Indians, of which 66,407 are called civilized, being in the statistics of the Indian Bureau returned as wearing citizen's dress. The aggregate area of Indian reservations is 241,764 square miles, or 154,741,534 acres, an average of nearly 1 square mile for every Indian, man, woman, and child, or about 4 square miles for every Indian "who wears citizen's dress," or about 16 square miles to each head of a family who wears citizen's dress. In this Territory the reservations amount to 10,821 square miles, or 6,925,748 acres. There are about 14,000 Indians, of whom 4,405 wear citizen's dress, or 2½ square miles to each so-called citizen Indian, about 10 square miles, or 6,400 acres to each of such civilized Indians as are heads of family. The number of agriculturists, or those who have capital or can employ labor to utilize land, is perfectly insignificant, and these poor creatures are made land-poor by having land nominally given to them which they can in no possible way utilize or render a benefit. Thus a charitably intended system is but an unmitigated curse to the drones. The Government has presented an elephant to a squaw or papoose, expecting such helpless one to take care of the huge beast. Such being the practical view of this system after a long trial, your memorialists respectfully urge that it should be abandoned. The Government should assist the Indian by bestowing aid which is practical. To those who wish to acquire and hold land the free and most ample privilege should be extended; those who have no desire to cultivate the soil should not be restricted to reservation limits, where they cannot subsist themselves and those dependent upon them, nor should they be forced to the pursuit of agriculture if they prefer to live by hunting or fishing. Nor is there any reason why an Indian should have forced upon him a large quantity of land when he neither wishes nor requires any, nor can he make any use of it. Neither, if he could cultivate such land, should he be entitled to more than a white man. Your memorialists favor the bestowal of land within these reservations upon such Indians as desire it. Such reservations might for a period be held subject to exclusive entry by Indians, who should be afforded opportunity there or elsewhere to locate 160 acres of land upon terms more liberal than accorded to white settlers. After the expiration of such periods the bar to general settlement, regardless of race, should be removed. Nor could such a policy be other than beneficial to the Indian settler. Even should he be unable to cultivate profitably, he would be surrounded with settlements which would enhance the value and desirability of his lands, and he would be abundantly more profited by surrounding white neighbors than by the improvements made by himself. Large areas of reservation of Washington Territory, which for years the Indians have refused to appropriate, should be opened to settlement. Your memorialists therefore pray that a policy should be inaugurated by which the land within reservations remaining unoccupied at the expiration of a fixed period, say twelve months after notice, should be declared open for settlement alike to whites and Indians; that until said period named Indians exclusively should be permitted to take such lands, that each and every Indian should be allowed to enter a quarter-section, and that no fees should be charged, and that the title should rest in him after one year's continuous residence, but the land should be inalienable for seven years; that the lands heretofore taken by Indians upon any reservation shall be confined to them, with like inalienable condition, and that any Indian who has been restricted to 40 or 80 acres allotment may enter sufficient other land, either on their reservation or elsewhere, to secure to him or her a grant of 160 acres.

Passed the council November 23, 1883.

SEWALL TRUAX,
President of the Council.
E. C. FERGUSON,
Speaker of the House.

Approved November 28, 1883.

WM. A. NEWELL,
Governor.

STAR-ROUTE INVESTIGATION.

Mr. ROGERS, of Arkansas. I am directed by the Committee on the Post-Office and Post-Roads to report back a substitute for the resolution of Mr. BEACH, of New York, referred to that committee on the 17th instant, and recommend its passage.

The SPEAKER. The original resolution will be read, after which the proposed substitute of the committee will be reported to the House.

The Clerk read as follows:

Resolved, That the Postmaster-General be, and he hereby is, requested to transmit to this House all reports, papers of every kind and nature whatever referring to the star-route investigation, made by special agents of the Post-Office Department to the Postmaster-General during the year 1881.

The committee recommend the adoption of the following substitute:

"*Resolved*, That the Postmaster-General be, and is hereby, directed to transmit to this House all reports made by special agents of the Post-Office Department to the Postmaster-General during the year 1881 having reference to the star-route investigation, and which have not heretofore been published and made public."

Mr. ROGERS, of Arkansas. I ask that the resolution be put upon its passage.

The amendment of the committee was agreed to.

The resolution as amended was agreed to.

Mr. ROGERS, of Arkansas, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF POSTMASTER-GENERAL ON MAIL TRANSPORTATION.

Mr. SCALES. Mr. Speaker, I am authorized by the Committee on Printing to report back House joint resolution No. 112, and ask its consideration, with an amendment recommended by the committee.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved, &c., That the Public Printer be, and he is hereby, authorized to print 4,000 extra copies of the report of the committee appointed by the Postmaster General to devise a more complete system of gauging the rates of pay for carrying the mails on railroad routes under the act of Congress approved March 3, 1883; 3,400 copies for the use of the House and 600 copies for the use of the Senate.

The committee recommend the adoption of the following amendments: "In

line 4 strike out 'four' and insert 'two.' In lines 8 and 9 strike out '3,400' and insert '1,700;' and in line 9 strike out '600' and insert '300.'"

Mr. SCALES. I am instructed by the committee to ask the present consideration of this joint resolution, and desire to say that this refers to a report of a committee authorized by Congress and appointed by the Postmaster-General to make a report in regard to the best means of carrying the mails on the railroads. The subject is of very great importance.

The resolution called for 4,000 copies. The committee thought 2,000 would answer the purpose both for the House and for the Senate, and they so recommend. I hope the resolution will be adopted with the amendments.

The SPEAKER. The question is on agreeing to the amendments reported by the committee, unless a division be called for.

The amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCALES moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MONEY. I call for the regular order.

ASSIGNMENT OF ROOMS.

The SPEAKER. The Chair has been requested to state to the House that an arrangement has been made between the Clerk of the House and the Committee on Banking and Currency by which the Clerk will occupy the room heretofore occupied by the Committee on Banking and Currency, and the Committee on Banking and Currency will take the room assigned to the Clerk by the order of the House. This announcement was thought to be proper because it was a change of an order made by the House itself; and if there be any objection to it, this would be the proper time to make it. The Chair presumes the arrangement will be satisfactory to the House.

There was no objection.

ORDER OF BUSINESS.

The SPEAKER. The Chair, if there be no objection, will also lay before the House certain executive communications.

There was no objection.

CLAIMS ALLOWED.

The SPEAKER laid before the House a letter from Hon. H. F. French, Acting Secretary of the Treasury, transmitting schedule of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted; which was referred to the Committee on Appropriations, and ordered to be printed.

QUARANTINE STATIONS FOR NEAT CATTLE.

The SPEAKER also laid before the House a letter from Hon. H. F. French, Acting Secretary of the Treasury, transmitting an answer to resolution of the House of Representatives directing the Secretary of the Treasury to furnish a statement showing where quarantine stations for neat cattle imported have been established, &c.; which was referred to the Committee on Agriculture, and ordered to be printed.

CLAIMS ALLOWED UNDER ACT OF AUGUST 7, 1882.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a schedule of claims allowed under the act of August 7, 1882, for services rendered and supplies furnished on account of Indian service amounting to $74,493.20; which was referred to the Committee on Appropriations.

FEES, ETC., OF CUSTOMS OFFICERS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a statement of official fees and emoluments received by customs officers during the fiscal year ending June 30, 1883; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

LATE HON. EDMUND W. M. MACKEY.

The SPEAKER. The Chair would also announce the following changes in the committee appointed to attend the funeral of the late Mr. MACKEY, two of the gentlemen appointed not being able to act on the committee:

Mr. AIKEN, of South Carolina, in place of Mr. HEMPHILL, of South Carolina, and Mr. PARKER, of New York, in place of Mr. CALKINS, of Indiana.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been called for, which is the call of committees for reports.

Mr. MONEY. I withdraw the demand for the regular order, that the gentleman from Alabama [Mr. HEWITT] may offer a resolution.

MEXICAN WAR PENSIONS.

Mr. HEWITT, of Alabama. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That House bill No. 3962, granting pensions to certain soldiers and sailors of the Mexican war and other wars therein named, and for other purposes, be made the special order of the House, as in Committee of the Whole, on Tuesday, the 5th day of February, 1884, after the morning hour, and from day to day thereafter until disposed of, not to interfere with general appropriation or revenue bills

Mr. HOLMAN. I desire to hear the first portion of the resolution read again.

The SPEAKER. The House will be in order; and the Clerk will again report the resolution.

The resolution was again read.

Mr. HEWITT, of Alabama. I will modify the resolution by adding that the order shall not interfere with reports from the Committee on the Public Lands.

Mr. REED. I object to the present consideration of the resolution.

ORDER OF BUSINESS.

Mr. MONEY. I renew the call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

NATIONAL LA FAYETTE BANK.

Mr. BUCKNER, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (H. R. 2555) to change the name of "The National La Fayette and Bank of Commerce" to that of "The National La Fayette Bank;" which was referred to the House Calendar, and ordered to be printed.

BUREAU OF ANIMAL INDUSTRY, ETC.

Mr. HATCH, of Missouri, from the Committee on Agriculture, reported back with amendments the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide for the suppression and extirpation of pleuropneumonia and other contagious diseases among domestic animals; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments, ordered to be printed.

Mr. HATCH, of Missouri. I ask unanimous consent that this bill be made the special order for next Tuesday, to continue from day to day thereafter until disposed of.

The SPEAKER. That can not be done under this call.

Mr. HATCH, of Missouri. Not by unanimous consent?

The SPEAKER. Under the rules of the House unanimous consent can not be asked while this call is proceeding.

J. T. PICKETT.

Mr. RICE, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (H. R. 3181) for the relief of J. T. Pickett; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY J. HUNT.

Mr. LYMAN, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army; which was referred to the Committee of the Whole House on the Private Calender, and, with the accompanying report, ordered to be printed.

MARY A. LEE.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 807) for the relief of Mary A. Lee; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT H. YOUNG.

Mr. CUTCHEON. I am directed by the Committee on Military Affairs to ask to be discharged from the further consideration of House bill 1719 for the relief of Robert H. Young. The committee has already reported a general bill which will cover this particular case.

The SPEAKER. It will be regarded as an adverse report, and the bill will be laid upon the table.

The committee were accordingly discharged from the further consideration of the bill, and the same was laid on the table.

POST-OFFICE BUILDINGS.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported back the bill (H. R. 2568) to provide for the construction of post-offices in the United States and to increase the efficiency of the postal service, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to; and it was ordered accordingly.

POSTAGE ON SECOND-CLASS MAIL MATTER.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the bill (H. R. 872) regulating rates of postage on second-class mail matter at letter-carrier offices; which was placed on the House Calendar, and the accompanying report ordered to be printed.

LETTER-CARRIERS OF BOSTON.

Mr. COSGROVE, from the Committee on the Post-Office and Post-Roads, reported adversely the petition of Thomas E. Ballard and others, letter-carriers of Boston; which was laid on the table, and the accompanying report ordered to be printed.

ADMISSION OF TERRITORIES AS STATES.

Mr. HARDEMAN, from the Committee on the Territories, reported back with an amendment the bill (H. R. 216) in relation to the admission of Territories as States into the Union; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT ERIE, PA.

Mr. BRAINERD, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. H. 1415) to amend an act entitled "An act to provide a building for the use of United States circuit and district courts, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT COUNCIL BLUFFS, IOWA.

Mr. PUSEY, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

FRAUDULENT VENDORS OF PATENTED ARTICLES.

Mr. VANCE, from the Committee on Patents, reported, as a substitute for House bill 3954, a bill (H. R. 4376) to make fraudulent vendors of patented articles guilty of a misdemeanor; which was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

PATENTS.

Mr. VANCE also, from the Committee on Patents, reported, as a substitute for House bill 1134, a bill (H. R. 4377) to amend section 4887 of the Revised Statutes of the United States in relation to patents; which was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH F. WILSON.

Mr. HALSELL, from the Committee on Private Land Claims, reported back with amendments the bill (H. R. 275) for the relief of Joseph F. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NEW MEXICAN PRIVATE LAND CLAIM.

Mr. HALSELL also, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 130) to confirm a certain private land claim in the Territory of New Mexico; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH B. SELLERS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 432) to increase the pension of Joseph B. Sellers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NANCY ELLIS.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2979) granting a pension to Nancy Ellis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CATHERINE HUNTER.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1897) granting a pension to Catherine Hunter; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT CARRICK.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back the bill (H. R. 1536) for the relief of Robert Carrick; when the committee was discharged from the further consideration of the same, and it was referred to the Committee on Military Affairs.

LEVI ANDERSON.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 3625) granting an increase of pension to Levi Anderson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

REBECCA BURCH.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back the bill (H. R. 566) for the relief of Rebecca Burch, widow of a soldier of the Revolution; when the committee was discharged from the further consideration of the same, and it was referred to the Committee on Pensions.

SARAH DAYTON.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 1025) granting a pension to Sarah Dayton, widow of Erastus G. Dayton; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MILES B. FARLIN.

Mr. BAGLEY also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1076) granting a pension to Miles B. Farlin; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT NUTT.

Mr. BAGLEY also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2419) granting a pension to Robert Nutt; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM B. LEE.

Mr. BAGLEY also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1073) granting a pension to William B. Lee; which was referred to the Committee of the Whole House on the Private Calender, and the accompanying report ordered to be printed.

FUNERAL CEREMONIES OF HON. E. W. M. MACKEY.

The SPEAKER (at 3 minutes before 1 o'clock). By an order of the House made yesterday, to-day at 1 o'clock was designated for the funeral services of the late Mr. MACKEY, of South Carolina, and the Senate of the United States was invited by resolution to attend those ceremonies. The Chair thinks that business had better now be suspended, in order that the House may be in readiness to receive the Senate. The Chair requests that the first two rows of seats be vacated in order to afford room for Senators.

At 1 o'clock the Senate of the United States, preceded by their Sergeant-at-Arms, and headed by their President *pro tempore*, with the Secretary, entered the Hall and occupied the seats assigned them, the President *pro tempore* taking a seat beside the Speaker.

At half past 1 o'clock the casket containing the remains of the deceased member was brought into the Hall, preceded by the Committee of Arrangements, with the Sergeant-at-Arms of the House and Rev. Rush R. Shippen, D. D., and followed by relatives and friends of the deceased.

Rev. E. D. HUNTLEY, D. D., Chaplain of the Senate, read the following:

Lord, let me know my end and the number of my days, that I may be certified how long I have to live.

Behold, Thou hast made my days as it were a span long, and mine age is even as nothing in respect of Thee; and verily every man living is altogether vanity.

For man walketh in a vain shadow, and disquieteth himself in vain; he heapeth up riches, and can not tell who shall gather them.

And now, Lord, what is my hope? Truly my hope is even in Thee.

Deliver me from all mine offenses; and make me not a rebuke unto the foolish.

When Thou with rebukes dost chasten man for sin, Thou makest his beauty to consume away, like as it were a moth fretting a garment: every man therefore is but vanity.

Hear my prayer, O Lord; and with Thine ears consider my calling; hold not Thy peace at my tears.

For I am a stranger with Thee, and a sojourner; as all my fathers were.

O, spare me a little, that I may recover my strength before I go hence, and be no more seen.

Lord, Thou hast been our refuge from one generation to another.

Before the mountains were brought forth, or ever the earth and the world were made, thou art God from everlasting, and world without end.

Rev. RUSH R. SHIPPEN, D. D., pastor of All Souls' church, Washington, D. C., then spoke as follows:

"If a man die shall he live again?" is the question of Job in a book that is deemed by many scholars the oldest book of the Bible; and that ancient question comes home to our hearts to-day as again the death messenger has been in our midst and summoned away one who but two weeks ago seemed as strong and full of promise of long life as any of us. Yet he had fulfilled but half the allotted threescore years and ten. And again the question comes to us all with a tremulous thrill, Is this the end?

We come, friends, to-day to pay our tribute of honor and respect—not

to eulogize the dead, for he has gone beyond the reach of our poor praise or blame; he has gone to the nearer presence of the Eternal Justice; and trusting in the infinite mercy and justice, we commend his spirit to God, who gave it. His career was brief, but honorable.

When the war closed he had not attained his majority, and in the few years which followed, with swift service, he rose rapidly in the ranks of honorable manhood. His public career you know. It had, as it were, but just begun, and there appeared opening to him a life of promise and usefulness. He had come to a place which honors every man who enters it, but which should be more honored by the men who come hither. It honored him, but he was doing his part to honor the place.

The pulpit says in time of death prepare to meet thy God, but true Christianity teaches us that we do not meet Him only by dying. The teaching of Christ was that God is here. The kingdom of God is around us and within us. You meet God when you live as when you die. In every word you speak, in every deed you perform, you appear before the power of eternal justice which summons you to judgment. And God is as truly in this Chamber, in the ordinary affairs of each day's work, as he is in this solemn hour when he seems to have become more present to our hearts.

It is no part of true Christianity to disparage the noble life we may live here on earth. Jesus refers more to the life here than to the life hereafter, and His teaching emphasizes that living that would recognize God here and now and make us all prepared to meet Him every morning as we rise and every evening with the setting sun. And true Christianity would make life here honorable and noble and divine, and would consecrate the activities of this Chamber as the true service to God of man; and thus would glorify the life that now is.

And so, dear friends, as one has fallen—rather has risen—reminding us of the words, "He is not here, but risen," we will not erect the broken shaft as if life were a failure, as if it were incomplete, but we will recognize the nobleness of the life that now is here on earth, when it is honored with honorable activities, as the true preparation for meeting God.

And the pulpit of the Christian Church has no disparaging word to utter of the life of to-day, nor to glorify the life of the world to come. But the same presence of God, the same principles of noble action, the same honorable purposes that make life here to-day noble to the man who nobly uses it—all these opportunities, these principles, these activities, may be carried out beyond the gate of death, and give promise of a life of glory and nobility in the world to come.

And just as science is teaching us of the unity of the universe, as the telescope lifted to the night's sky shows us planets and suns throughout the firmament, and as the spectroscope is showing us the same constituents which are of this planet are in Jupiter and in the planets and suns of the night's sky, so Christianity would teach us of the unity of the universe, of the spiritual universe that our souls inhabit, the unity of God's kingdom which holds us here to-day, and whose laws and principles sweep out into eternity through the ages which are to come. And the life that is honorable and just here and now, contains the principles of that eternal life which is to glorify God and enjoy Him forever.

And when the pulpit says then prepare to meet thy God in death, what does it mean but to say prepare to meet Him by honorable activities here and now? And the man who lives truly is ready for the presence of God and the morning of the morrow, whether that morrow is to be here on this planet or any other part of God's universe.

And, dear friends, just as gold currency is one which circulates in all nations of this planet, and is good all round the globe, so righteousness is the gold currency that is good in all nations, good in all sects, good in all planets, good throughout the universe. And the very purpose of Jesus Christ and of Christianity is to bring all souls to the standard of righteousness which is God's gold standard throughout all His dominions.

We bring this searching test to ourselves to-day: Are we prepared to meet our God? Dear friends, there are those in this time of questioning who question about the hereafter, and who say the race may be immortal, but individuals perish like the perishing blossoms of springtime.

There is an immortality of the race, but not of the person!

Alas! for that skepticism! It does not meet the grieving of our hearts or the needs of our inner life. Jesus presents immortality of life. Its light shines through hope. He shows a principle of life with God to-day, and God for all time—God on this planet, and throughout the universe. And the whole spirit of His teaching, His words and the surrounding circumstances when He raised to life the son of the widow of Nain; when Lazarus was raised from the dead; His words of hope, His whole life and teachings, point to the conviction that death is not the end of all. It is but the open door. It is but the entrance to immortality.

Let us cherish this hope then of a life of immortality. Let us live as we shall wish we had lived when our last hour shall have come. All that is honorable and good and noble and true in the brother who is gone is but his preparation for the higher service of the world to come; and I maintain that any honorable activity on earth which is of service to humanity, of service to the truth, of service to God, is the Christian's preparation for the divine life of the world to come.

Dear friends, the event that brings us together here to-day makes our hearts beat in unison. It brings us home to the central things of human life. It makes us forget for the moment our party politics. In a government like ours where there is independence and individuality, fostered and cherished by our free institutions, honorable and honest men will always differ. They may agree on the central basis of patriotism, but in their method of administration they will differ honestly. Let them differ. It is well that they should differ. It is well for our country that there may be parties. But let there be a check to the unscrupulous, the bitter, the unbrotherly prejudices and hatreds and rancorous strife which have been a part of our past history, and with which these too often fight each other.

At the open grave we forget our personal hostilities, and honor all that is honorable. Why should it not be so in life? Why may not men differ as brothers, as brother patriots, and still shake hands together?

This event brings us of all sects together. We ask not to-day what was the name of the particular church or the particular creed to which our dead friend belonged; but on the basis of all good religion, on the basis of faith in God, and faith in immortality, of faith in righteousness, which was the central teaching of Jesus Christ himself, all sects unite together. Why shall it not be so in life? Why shall we not recognize all men whose faces are set heavenward, doing their best; recognizing them as soldiers of different regiments in the one grand army of the living God?

We thank God to-day for the Divine Providence and loving care that attended our brother and helped him to do his part nobly in his brief career; and because we see the loving kindness of the Heavenly Father through the thirty-eight years of his brief life we will trust, in that unknown world to which he has gone, that the same principles attend him, the same laws enfold him, the same loving God is with him, the same divine career opens to him, and that his brief career on earth was but the opening door, the promise, the beginning of that noble career that is still to unfold itself as the ages go.

We thank God for His loving providence, and for the lessons of this hour brought home to our hearts of our sure hope of immortality, and we will trust God forever.

Rev. JOHN S. LINDSAY, Chaplain of the House of Representatives, then offered the following prayer:

O God, whose days are without end, and whose mercies can not be numbered, make us, we beseech Thee, deeply sensible of the shortness and uncertainty of human life; and let Thy Holy Spirit lead us through this vale of misery, in holiness and righteousness, all the days of our lives; that, when we shall have served Thee in our generation, we may be gathered unto our fathers, having the testimony of a good conscience; in the communion of the catholic church; in the confidence of a certain faith; in the comfort of a reasonable, religious, and holy hope; in favor with Thee our God, and in perfect charity with the world. All of which we ask through Jesus Christ our Lord.

The grace of our Lord Jesus Christ, and the love of God, and the fellowship of the Holy Ghost, be with us all evermore. Amen.

The remains of the deceased were then removed from the Hall for interment.

The Vice-President and the members of the Senate afterward retired from the Hall.

The SPEAKER. (At 2 o'clock and 10 minutes p. m.) The House will stand adjourned until 12 o'clock to-morrow.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: The petition of the brewers of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BLANCHARD: The petition of the Board of Trade of Columbus, Ga., for an appropriation for the improvement of the navigation of the Chattahoochee River—to the Committee on Rivers and Harbors.

Also, the papers accompanying resolution requesting the President to inform the House of the facts relating to the arrest by the Colombian Government of certain American citizens—to the Committee on Foreign Affairs.

Also, the petition of postmaster at Natchitoches, La.—to the Committee on the Post-Office and Post-Roads.

By Mr. S. S. COX: The petition of 1,283 shipmasters and sailors of the port of New York, praying that the Marine-Hospital Service be not crippled by adverse legislation—to the Committee on Commerce.

Also, the petition of 187 ex-shipmasters and sailors on the same subject—to the same committee.

By Mr. J. H. EVINS: The petition of Mary Murphy, for widow's pension—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: The resolution of Janesville Post, No. 172, Grand Army of the Republic, Janesville, Iowa, as to soldiers' pensions—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, the papers from Col. Jed Lake, Independence, Iowa, urging amendments to patent laws—to the Committee on Patents.

By Mr. HOLMAN: The resolution of the Indiana board of agriculture, in favor of retaliatory measures against governments excluding American pork from importation into their limits—to the Committee on Ways and Means.

By Mr. JAMES: The petition of 8 physicians and 43 business men of Staten Island, for a marine hospital, &c.—to the Committee on Naval Affairs.

By Mr. McCORMICK: The petition of citizens and marine men, for marine hospital at Gallipolis, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. MORGAN: The memorial of Marion Post, No. 119, Grand Army of the Republic, Stanberry, Mo., and also the memorial of Virgil Rogers Post, 122, Grand Army of the Republic, Martinstown, Mo., regulating bounties and back pay—severally to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. NELSON: The petition of E. E. Corliss and others, for arrears of pensions—to the Committee on Invalid Pensions.

By Mr. J. J. O'NEILL: The petition of Henry C. Wright, that if postage on drop-letters is reduced to 1 cent it apply to half-ounce letters—to the Committee on the Post-Office and Post-Roads.

By Mr. REAGAN: The petition of 84 and also 79 citizens of Kansas, asking for a law to prevent members of Congress from voting upon any corporate matter in which they are interested—to the Committee on the Judiciary.

By Mr. T. G. SKINNER: The petition of R. B. Creecy, for the improvement of the Pasquotank River—to the Committee on Rivers and Harbors.

By Mr. SMITH: The petition of C. A. Fondersmith and 98 others, citizens of Lancaster County, Pennsylvania, and also of J. W. Nissley and 176 others, citizens of the same place, to redeem the trade-dollar and stop the coinage of the silver dollar—severally to the Committee on Coinage, Weights, and Measures.

By Mr. STONE: The petitions of citizens of Amesbury and Salisbury, for improvement of Powow River—to the Committee on Rivers and Harbors.

By Mr. THROCKMORTON: The memorial of Woodford F. Smith and others, citizens of the Chickasaw Nation, relative to granting the right of way to the Gulf, Colorado and Santa Fé Railway Company through said nation—to the Committee on Indian Affairs.

Also, the petition of citizens of Spanish Fort, Montague County, Texas, asking for a post-route from Saint Jo to Spanish Fort—to the Committee on the Post-Office and Post-Roads.

Also, the papers relating to the claim of H. A. Whalley—to the Committee on Indian Affairs.

By Mr. VANCE: The memorial of Jed Lake, as to amendment of patent laws—to the Committee on Patents.

By Mr. WASHBURN: The petition of R. W. Richards, for an appropriation for establishment of an industrial training and common schools in Alaska—to the Committee on Education.

Also, the petition of M. J. Adams, inventor of Adams's flume, for establishment of a permanent channel in the Mississippi River, &c.—to the Committee on Commerce.

SENATE.

THURSDAY, *January* 31, 1884.

Prayer by Chaplain C. C. McCABE, of Chicago.

The Journal of yesterday's proceedings was read and approved.

TRADE WITH CUBA AND PORTO RICO.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

In further response to the resolution of the Senate of the 8th instant, calling for the correspondence on file upon the subject of discriminating duties upon commerce between the United States and Cuba and Porto Rico, I transmit certain papers additional to the papers which accompanied the report sent to you on the 15th instant.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 30, 1884.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of Patents, showing the operations of his office for the year ending December 31, 1883, as required by section 494 of the Revised Statutes; which was referred to the Committee on Patents, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, urging the necessity for additional clerical force for his Department; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HALE. I wish to correct the matter of printing an executive communication which came in the other day. It is a letter from the Secretary of the Treasury, transmitting, in compliance with a Senate resolution, the opinion of the Attorney-General of June 22, 1883, on the so-called longevity clause of the naval appropriation acts of August 5, 1882, and March 3, 1883. The communication and also the opinion ought to have been printed, but nothing but the communication, which is very brief and which does not cover the subject, was printed. I move that the opinion accompanying it be printed.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Vermont, praying for the prohibition of the sale, manufacture, and use of intoxicating liquors in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PIKE presented the petition of Lydia E. Graves and other citizens of New Hampshire, praying that the manufacture and sale of alcoholic beverages be prohibited in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MORRILL presented a petition of the Vermont Merino Sheep Breeders' Association, praying that the duties on foreign wool be restored so as to be equal to the tariff of 1867; which was referred to the Committee on Finance.

Mr. HARRISON. I present the petition of several hundred citizens of Indiana, praying that the manufacture and sale of alcoholic beverages be prohibited in the District of Columbia; I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CAMERON, of Wisconsin. I present a similar petition numerously signed by citizens of Wisconsin, and I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MILLER, of California. I present still another similar petition from citizens of California on the same subject, and I move it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. COLQUITT. I present a petition of a number of citizens of the State of Georgia and other States in reference to the alcoholic liquor traffic in the District of Columbia. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CALL. I present the petition of J. I. Daniel, James M. Schumacker, W. T. Forbes, J. E. Hart, John M. L. Engle, and others, prominent citizens of Jacksonville, praying for the extension of the fast-mail service from Charleston Junction, S. C., to Savannah, Ga., and Jacksonville, Fla. I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. LOGAN presented a petition of 1,207 citizens of Illinois, praying for the passage of a bill prohibiting the manufacture and sale of alcoholic liquors in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CULLOM. I present resolutions, which I suppose may be regarded as a petition, adopted by the Lincoln Post, No. 1, Department of California, Grand Army of the Republic, indorsed by the Department of Maryland, praying that preference be given to soldiers and sailors in all civil-service examinations, provided they have the necessary qualifications. I move that the resolutions be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. VAN WYCK presented a petition of citizens of Nebraska, praying for the prohibition of the manufacture and sale of ardent spirits in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SEWELL presented a petition of citizens of New Jersey, praying for the prohibition of the manufacture and sale of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BOWEN presented a petition of James M. Bryan on behalf of the Old Settlers, or Western Cherokee Indians, praying for the payment to them of a certain sum of money alleged to be due from the United States; which was referred to the Committee on Indian Affairs.

Mr. MILLER, of New York, presented a petition of the J. R. Tappan Post, No. 215, Grand Army of the Republic, of Saugerties, N. Y., praying for the pensioning of all veterans of the civil war; which was referred to the Committee on Pensions.

Mr. HALE presented a petition of masters of vessels and others directly interested in navigation, citizens of Maine, praying for the better lighting of the western entrance to Southwest Harbor, Mount Desert, Me.; which was referred to the Committee on Commerce.

Mr. PALMER presented the petition of Samuel S. Harris, Bishop of Michigan, praying for the passage of an act to provide for the collection of statistics of divorce as a basis of future legislation; which was referred to the Committee on the Judiciary.

He also presented the petition of William Young, late private Com-

pany F, Twenty-third Michigan Infantry, praying for a pension; which was referred to the Committee on Pensions.

Mr. COKE presented a joint resolution of the Legislature of Texas; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure suitable and adequate appropriation to secure deep water at Sabine Pass.

Whereas it is the opinion of learned and scientific engineers that deep water can be obtained and permanently retained at Sabine Pass; and

Whereas this opinion is sustained and proven by recent experiments; and

Whereas great benefits would result to the State by reason of the obtaining of deep water at Sabine Pass: Therefore,

SECTION 1. *Be it resolved by the senate of the State of Texas (the house of representatives concurring)*, That our Senators in Congress be instructed and our Representatives requested to use their endeavors to procure suitable and adequate appropriation to secure deep water at Sabine Pass, in order to meet the growing demands of commerce of the State of Texas.

SEC. 2. *Be it further resolved*, That immediately upon the passage of this resolution the secretary of state be, and he is hereby, directed to furnish each of our Senators and Representatives in Congress with certified copies of the same.

SEC. 3. Whereas the present session of the Legislature is limited, and matters of great importance will be considered by it, creates an imperative public necessity and emergency that the rule requiring bills to be read on three several days be suspended, and that this resolution take effect from and after its passage; which is accordingly done.

Approved January 24, 1884.

THE STATE OF TEXAS,
Department of State.

I, J. W. Baines, secretary of state of the State of Texas, do hereby certify that the foregoing is a true copy of the joint resolution passed by the senate of the State of Texas, the house of representatives concurring, approved January 24, A. D. 1884, and now on file in this department.

In testimony whereof I have hereunto signed my name and have impressed hereon the seal of the State, at Austin, Tex., this January 25, A. D. 1884.

[SEAL.] J. W. BAINES, *Secretary of State.*

Mr. COKE also presented a joint resolution of the Legislature of Texas; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution requesting our Senators and Representatives in Congress to use their best efforts to procure the passage by Congress, at its present session, of an act for the improvement of the entrance to Galveston Harbor on the basis of the pending proposition of Capt. James B. Eads.

SECTION 1. *Be it resolved by the Legislature of the State of Texas*, That our Senators in Congress are hereby instructed and our Representatives in Congress are hereby requested earnestly and unitedly to urge the passage, at the present session of Congress, of an act for the improvement of the entrance to the Galveston Harbor on the basis of the pending proposition made by Capt. James B. Eads in response to the invitation of the city of Galveston.

Approved January 25, 1884.

JNO. IRELAND, *Governor.*

THE STATE OF TEXAS
Department of State.

I, J. W. Baines, secretary of state of the State of Texas, do hereby certify that the above is a true copy of house joint resolution No. 18 as passed by the extra session of the Eighteenth Legislature, and now on file in this department.

In testimony whereof I have hereunto signed my name and have impressed hereon the seal of the State, at Austin, Tex., this January 25, A. D. 1884.

[SEAL.] J. W. BAINES, *Secretary of State.*

Mr. COCKRELL presented the petition of Joseph Potts and other members of J. H. Paynter Post, No. 90, citizens of Jericho, Cedar County, Missouri, praying for the passage of the equalization-of-bounty bill; which was referred to the Committee on Military Affairs.

Mr. HAWLEY. I present the petition of Spencer L. Flower, of Hartford, Conn., and a large number of others, praying for the prohibition of the alcoholic liquor traffic in the District of Columbia. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. WILSON. I present the petition of 69 citizens of the United States, residents of Iowa, praying for the enactment of a law prohibiting the manufacture and sale of intoxicating liquors in the District of Columbia. I wish to say that these petitioners are of the best elements of the population of Iowa, and that the petition fairly represents the dominant sentiment of that State. I wish further to say that personally I am in accord with the purpose and prayer of the petition. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CONGER presented a petition of 807 citizens of Michigan, praying for the prohibition of the alcoholic liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. McMILLAN presented a petition of citizens of Minnesota, praying for the prohibition of the alcoholic liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. FRYE presented a petition of citizens of Maine, praying for the prohibition of the alcoholic liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

GUANO ISLANDS.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 874) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands, to report it without amendment, and as there seems to be a necessity for the passage of the bill and it is but a few lines long, I ask for its present consideration.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The bill will be read for information.

The bill was read, as follows:

Be it enacted, &c., That section 5574, title 72, of the Revised Statutes of the United States be, and the same is hereby, further suspended, as therein set forth, for the period of five years next from and after the passage of this act.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I should like to know what that section of the Revised Statutes is, and to have the Senator from Ohio explain the bill.

Mr. SHERMAN. I will explain it. Section 5574 of the Revised Statutes, page 1080, provides that—

No guano shall be taken from any such island, rock, or key, except for the use of the citizens of the United States, or of persons resident therein.

This is the law regulating the acquisition of guano claims on the unsettled portions of the coast of South America. Then the section provides further:

This section shall, however, be suspended in relation to all persons who have complied with the provisions of this title for five years from and after the 14th day of July, 1872.

That time is past, and it is now necessary to suspend for a further period of five years the prohibition of the article.

It seems that guano is now intermixed with phosphates found in South Carolina and has become an article of commerce, and that in order to get a market for the phosphates it is necessary to mix the guano with them for exportation to Germany and other foreign countries. It is therefore clearly in the interest of the United States that this bill should pass, so as to make a market for our own products. I believe the production is now confined to the State of South Carolina.

Mr. RANSOM. I will ask the Senator to allow the bill to pass over for the present. I should like to look into it.

Mr. SHERMAN. I have no objection to that course, except that I am urged by parties living in the same region that the Senator does to have it passed.

Mr. RANSOM. I apprehend that the bill is right, but I desire to look at it.

Mr. SHERMAN. All right.

The PRESIDING OFFICER. If there be no objection the bill will be passed over informally, without prejudice.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 310) to amend the law relating to the bonds of executors in the District of Columbia, reported it without amendment.

Mr. KENNA, from the Committee on Claims, to whom was referred the bill (S. 385) for the relief of D. C. Allen, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 436) for the relief of William J. Gamble, reported it without amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 388) for the relief of David Waldo, submitted an adverse report thereon.

Mr. COCKRELL. Let the bill be placed on the Calendar. I would like to have time to examine it.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BLAIR. By direction of the Committee on Education and Labor, I report favorably the bill (S. 398) to aid in the establishment and temporary support of common schools, and submit a written report. There have been some transpositions of the clauses in the original bill and some few changes in its features, so that the committee has reported the bill in a new draught. I ask that the report and the bill with the new draught be printed.

The PRESIDING OFFICER. Such will be the order, and the bill will be placed upon the Calendar.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 422) for the relief of Isaac Minor, administrator of the estate of John Saf, deceased, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 641) concerning details from the Army, reported it with an amendment, and submitted a report thereon.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 743) for the relief of Frederick W. Ruggles, of Westport, Nova Scotia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 212) for the relief of Richard F. Barrett, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 237) for the relief of Frances W. Dyer, asked to be

discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the bill (S. 716) for the relief of Eliza Howard Powers, reported it without amendment, and submitted a report thereon.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 1029) for the relief of Jesse Benton Frémont, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. GEORGE, from the Committee on Claims, to whom was referred the bill (S. 374) for the relief of Francis L. Valle, submitted an adverse report thereon.

Mr. COCKRELL. Let the bill be placed on the Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. GEORGE. I suppose the Senator from Missouri has a right to have it placed there.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. GEORGE, from the Committee on Claims, to whom was referred the bill (S. 13) for the relief of those suffering from the destruction of the salt-works near Manchester, Ky., pursuant to the orders of Maj. Gen. Carlos Buell, submitted an adverse report thereon.

Mr. BECK. I desire to have that bill placed on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. McMILLAN, from the Committee on the Judiciary, to whom was referred the bill (S. 452) to remit the forfeiture of the British bark Viscount Canning, and to refund the proceeds of the sale thereof to her owners, Edward D. Morris and C. R. Morris, reported it with an amendment.

Mr. RIDDLEBERGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 1336) granting an increase of pension to Ann Cornelia Lanman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1337) granting an increase of pension to Lucy Le G. Jeffers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1338) for the relief of Betsey A. Mower; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 1339) granting a pension to Frank Gray; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1340) granting a pension to Isaac Reed; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 1341) to pay to employés of the Government wages hitherto withheld in violation of the eight-hour law; which was read twice by its title.

Mr. BLAIR. I introduce this bill at the request of representatives of the workingmen's interests. I move that it be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. BLAIR also introduced a bill (S. 1342) to provide pensions for dependent soldiers, sailors, and officers who have been honorably discharged after three months' service in any previous war, or who shall hereafter be honorably discharged from the service in future wars, at the expiration of twenty years after such discharge, and to their dependent relatives; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 1343) granting to the county of Randolph, in the State of Illinois, certain public unsurveyed lands within said county on certain conditions; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1344) authorizing the Bellingham Bay Railway and Navigation Company to build certain bridges, wharves, and docks in the Territory of Washington; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McMILLAN introduced a bill (S. 1345) for the relief of certain settlers on swamp lands in Minnesota; which was read twice by its title.

Mr. McMILLAN. I desire to say in connection with this bill that it was framed by the land department of Minnesota, and has the approval of the executive of that State. I move that it be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. McMILLAN. I also ask leave on behalf of my colleague [Mr. SABIN], who is necessarily absent from the city, to introduce a bill.

The bill (S. 1346) to legalize and establish the booms, piers, cribs, piling, and all other structures now constructed and erected in the bed of the Saint Croix River, in Wisconsin and Minnesota, by the Saint Croix Boom Corporation, and to authorize the said Saint Croix Boom Corporation to erect and construct similar piers, piling, and cribs in said river, was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT (by request) introduced a bill (S. 1347) for the relief of the sufferers by loss of the Government steamer J. Don. Cameron; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1348) to relieve commercial travelers from license taxes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MILLER, of New York, introduced a bill (S. 1349) for the relief of the heirs of Simon H. Mix, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1350) increasing the pension granted to George W. Graham; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1351) for the relief of the Continental Fire Insurance Company, Eagle Fire Insurance Company, City Fire Insurance Company, and Commercial Mutual Insurance Company, all of New York city; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER introduced a bill (S. 1352) for the relief of William McNamara; which was read twice by its title, and, with the accompanying papers and the papers on file relating to the case, referred to the Committee on Military Affairs.

Mr. HALE (by request) introduced a bill (S. 1353) to regulate promotions in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) introduced a bill (S. 1354) to authorize the voluntary retirement of officers of the Navy after thirty years' honorable service; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PALMER (by request) introduced a bill (S. 1355) to confirm the homestead entry of Hugh Foster; which was read twice by its title, and referred to the Committee on Public Lands.

He also (by request) introduced a bill (S. 1356) for the relief of Caroline M. Montgomery; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BOWEN introduced a bill (S. 1357) for the relief of Agnes and Maria de Leon, heirs at law of Rebecca L. de Leon, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1358) for the relief of Daniel Taylor, John T. Hall, James M. Duckett, and John C. Palmer; which was read twice by its title, and referred to the Committee on Claims.

Mr. GROOME (by request) introduced a bill (S. 1359) to enable Mrs. Louisa Holterman (formerly Mrs. Louisa Neudecker), of the city of Saint Louis, in the State of Missouri, widow of Gabriel Neudecker, deceased, and Martron D. Lewis, public administrator of said city, having charge of the estate of said Gabriel Neudecker, deceased, to make application to the Commissioner of Patents for the extension of letters patent numbered 70012 for a process for preparing tobacco; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. VEST introduced a bill (S. 1360) giving a pension to Mina M. Gwynn, of Kansas City, Mo.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 1361) giving a military record to Thomas Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 1362) to amend an act entitled "An act to encourage the growth of timber on the Western prairies;" which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. FRYE iniroduced a bill (S. 1363) granting a pension to Frank S. Hillard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1364) granting a pension to C. C. Phillips; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL. By request of a reputable attorney of this city I desire to introduce a bill.

The bill (S. 1366) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 1367) granting a pension to Sarah L. Wetter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENDLETON introduced a joint resolution (S. R. 49) propos-

ing an amendment to the Constitution of the United States providing for the election of certain officers by the people; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

ORDER OF BUSINESS.

Mr. PLATT. If the order of the introduction of bills and joint resolutions is through, I ask that the resolutions which I submitted on Tuesday be taken up.

The PRESIDING OFFICER. The order of "concurrent and other resolutions" remains.

Mr. PLATT. Is not this the proper time to call up and lay before the Senate the resolutions which I submitted?

The PRESIDING OFFICER. At the proper time the Chair will lay the resolutions before the Senate.

Mr. PLATT. I do not think that the resolutions will lead to any debate. I suppose they are the first business in order under this call.

Mr. MORRILL. I wish to offer an order.

The PRESIDING OFFICER. Does the Senator from Connecticut insist on his resolutions being now laid before the Senate?

Mr. PLATT. I have no objection to their being informally laid aside until the routine of business is concluded. However, I wish to have them considered this morning.

The PRESIDING OFFICER. That will be the order, if there be no objection.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MILLER, of California, it was

Ordered, That the papers in the case of A. S. Rosenbaum & Co. be taken from the files and referred to the Committee on the Judiciary, subject to the rules of the Senate.

On motion of Mr. BUTLER, it was

Ordered, That the papers in the case of William McNamara be withdrawn from the files and referred to the Committee on Military Affairs.

On motion of Mr. VAN WYCK, it was

Ordered, That the papers in the case of Arent B. Sorensen, heretofore referred to the Committee on Claims and no report made thereon, be taken from the files and again referred to that committee.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. JONAS submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 2,000 additional copies of the report of the Select Committee of the United States Senate on the Mississippi River Improvements be printed; one-half for the use of the Senate and one-half for the use of the House of Representatives.

VINEGAR FACTORIES.

Mr. MORRILL. I submit the following order:

Ordered, That 500 copies of a hearing before the Senate Committee on Finance, January 30, 1884, in relation to the bill (S. 855) to repeal an act relating to vinegar factories, &c., be printed for the use of the committee.

Mr. ALLISON. I do not object to that being done, but there was only a partial hearing, as the chairman of the committee well knows. I would prefer that the matter lie over until we have a full hearing before the committee of both sides.

Mr. MORRILL. I have no objection to that course.

Mr. BECK. I should like to make a suggestion to the Senator from Iowa. The committee was thin yesterday when the statements were made, and I think it would be well to print them now, but to extend the order so that the statements on each side shall be printed when the committee have heard them. Let the order be made now, so that those members who were not present yesterday may see the statements, and when the other side comes to be heard their statements may be printed as well.

Mr. MORRILL. This provides for printing only 500 copies for our own use.

Mr. ALLISON. Very well. I think 500 copies ought to go around the committee, as there are only eleven members of it.

Mr. BECK. Five were absent yesterday.

Mr. ALLISON. I trust the chairman will make the order read "500 copies of the statements already made and any statements hereafter to be made."

Mr. BECK. That is right.

Mr. MORRILL. I have no objection to that amendment.

The PRESIDING OFFICER. The resolution as modified will be reported by the Secretary.

The Chief Clerk read as follows:

Ordered, That 500 copies of a hearing on January 30, 1884, and any statements to be hereafter made before the Senate Committee on Finance in relation to the bill (S. 855) to repeal an act relating to vinegar factories, &c., be printed for the use of the committee.

Mr. ALLISON. I do not quite understand the reading. I ask the Chief Clerk to repeat the phraseology.

The CHIEF CLERK. "That 500 copies of a hearing and any statements to be hereafter made"——

Mr. INGALLS. Let it read: "testimony submitted at a hearing."

Mr. ALLISON. I think that would be better.

The PRESIDING OFFICER. The resolution will be read as modified.

The resolution as modified was read, as follows:

Ordered, That 500 copies of the testimony submitted at a hearing before the Senate Committee on Finance January 30, 1884, and any statements to be hereafter made before the Senate Committee on Finance in relation to a bill (S. 855) to repeal an act relating to vinegar factories, &c., be printed for the use of the committee.

The PRESIDING OFFICER. The question is on the adoption of the resolution as amended.

The resolution was agreed to.

STATISTICAL ABSTRACT.

Mr. BECK. I offer the following resolution for reference to the Committee on Printing:

Resolved, That 5,000 copies of the Statistical Abstract of the United States, being Executive Document No. 32, first session Forty-eighth Congress, of the House of Representatives, be printed for the use of the Senate.

I desire only to say that the reason for this is that the abstract, as the Secretary of the Treasury says, "embraces tables in regard to finance, coinage, commerce, immigration, tonnage and navigation, the postal service, public lands, population, education, railroads, agriculture, and mining," and it is strictly, as it purports to be, a history of all the interests of the United States in the most condensed form I have seen in the last ten years. Every Senator and Representative will want it; every board of trade, every chamber of commerce will want the information; and I hope the committee will act upon the resolution favorably. I move the reference of the resolution to the Committee on Printing.

The motion was agreed to.

PRINTING OF NAVAL BILLS.

Mr. HALE. I ask for the adoption of the following order:

Ordered, That Senate bills 697 and 698 be reprinted for the use of the Senate, the usual number having been exhausted.

That does not need to go to the Committee on Printing.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

TELEGRAPH SERVICE.

The PRESIDING OFFICER. The Secretary will now report the resolutions submitted by the Senator from Connecticut [Mr. PLATT] January 29.

The resolutions were read, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads are hereby instructed to inquire whether the cost of telegraphic correspondence between the several States and Territories of the United States, or with foreign countries, has been injuriously affected by large stock dividends made by the Western Union Telegraph Company, by consolidations between different telegraph companies, by working contracts with cable or other companies, by the leasing of connecting or competing lines, or by other means.

Resolved, That said committee further inquire whether the Western Union Telegraph Company directly, or through the Gold and Stock Telegraph Company, or any other company or association, have prescribed rules or regulations for the transmitting of press news, or made differential rates whereby discriminations are made restricting the free and independent use of the telegraph by the press.

Resolved, That said committee be empowered to send for persons and papers, employ a stenographer, and report by bill or otherwise, and in print.

The PRESIDING OFFICER. The question is on agreeing to the resolutions.

The resolutions were agreed to.

COLLIN ADAMS AND LUCY V. WEATHERRED.

Mr. JACKSON. I ask leave to call up the bill (S. 974) for the relief of Collin Adams and Lucy V. Weatherred, for the purpose of asking that that bill, with the accompanying report, be recommitted to the Committee on Claims. Since the report was made certain facts material to the case have been called to my attention which were not before the committee when the case was considered. It is proper, therefore, that the bill and report should be again considered by the Committee on Claims, and I make that motion.

The motion was agreed to.

LADY FRANKLIN BAY EXPEDITION.

Mr. HALE. If the morning business is completed, I call up the report of the conference committee which was under consideration yesterday.

The PRESIDING OFFICER. The Senator from Maine calls up the conference report, which was under consideration yesterday, on the disagreeing votes of the two Houses on the amendment of the Senator to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions. The question is on the adoption of the report.

Mr. HALE. Mr. President, I do not desire to take the time of the Senate any further than to say this: I am perfectly aware that there is a great deal of impatience felt by members of this body over the result of the previous expeditions to the North Pole. There has been nothing coming from them in any degree commensurate with the money that has been spent and the valuable lives that have been lost or risked. All of that I fully realize and deplore as greatly as any Senator here. I know that under that spirit and feeling of impatience at the failure of these different expeditions there may be a tendency either

to put a stop to the proposed expedition or to delay it or to hem it in or to restrict it so that there is danger of its current "turning awry and losing the name of action." I hope that Senators will not under the influence of that feeling, in which I share, let anything be done that shall hinder this relief expedition, and I ask Senators to bear in mind that this is to be a naval expedition for the relief of a naval party which the Congress of the United States sent into that inhospitable and almost unexplored region. Congress put itself on record as declaring that this expedition should be made. Under that power and by that sanction the expedition sailed away to the northern seas and to northern ice and to northern exposure, it may be to death at the north. But while any question remains as to the life of a single person in that expedition which we directed and forced to go there, I believe and hope Senators will bear me out that nothing should be left undone now to hurry up this expedition; and I think in this matter for the relief of a naval party who may be there now living in danger every day, and with the danger increasing every day, that the responsibility should be with the President as to whom he may direct to go there. I have no fear that under this any man will be compelled to go where there is good reason that he should not go; but the President, it seems to me, acting through the Secretary of the Navy, or with him, ought to have the right to search the Navy and select the calm mind, the judicious mind, whose rank, position, and record are a guarantee, so far as we can have any guarantee, that this expedition shall not be a failure, put them upon this expedition and trust to them that we may hear something of this ice-beleaguered party.

Mr. HOAR. My attention was called away a moment from the proceedings of the Senate, and I should like to ask the Senator from Maine to state, if he has not stated, or to restate if he has stated, what was the relation of the Government to the expedition which this expedition is to relieve.

Mr. HALE. The Government made an appropriation in its annual appropriations for the service of the Government relating to the Signal Service. The officer in charge of the Signal Service had pretty much or entirely the control of the expedition, but naval officers were accepted, one of them put in charge of the expedition, and under the appropriation by the Government it sailed on its dangerous quest.

Mr. HOAR. Who gave the naval officer in charge of the vessel his orders?

Mr. HALE. I suppose that the general purpose and character of the expedition was given in the War Department.

Mr. HOAR. The Government?

Mr. HALE. The Government gave the orders undoubtedly. I suppose that for the naval officers the direction and detail was given by the Navy Department; so that it became a governmental affair more than if one Department alone had adopted it. Then the Government followed it up by appropriating money and directing relief expeditions for the rescue of this party, which failed, so that all along from the beginning it is a matter of Government origination, of Government adoption, of Government direction, and if anything can make it one of governmental responsibility, I think this is it.

Mr. HOAR. Mr. President, I shall vote to accept this conference report because on reflection I am satisfied, contrary to my original inclination, that the position of the House is right, and not for the sake of yielding an opinion upon which there may be doubt on the part of the Senate.

The Navy, of course, is created for the ultimate object, where necessary, of exposing the lives of the persons who enlist in it to dangers—dangers by sea and dangers in battle. If it were not for the expectation that at some time or somewhere the safety or the honor of this country would require men to engage in a death-struggle, no navy would exist. The training of the officer, the drill of the crew, the marines, like the training of the officer and the soldier in the Army, is a training of men who spend their lives to be adapted and to be ready to expose those lives when the honor and the interest of their country require.

Now, if one of our ships of war had gone aground on a dangerous reef, as the City of Columbus did off the coast of Massachusetts the other day, and if another ship came by, does any one doubt that it would be a lawful order to a lieutenant or midshipman to take a boat's crew and proceed at imminent peril where there might be but one chance in ten even of the safety of the rescuing party to endeavor to take off from the wreck such of the unfortunate men who might happen to survive? Nobody can question that that would be a lawful order and that the duty would be a lawful duty. It would be dishonor to the officer or the sailor who should resist its performance.

It seems to me that when the Government took the responsibility of sending these men, under its sanction, with its assent, at its expense in large part, into these perilous Arctic regions, it pledged itself to do what is reasonable and fair toward their rescue if they are shut in there by the ice or are in any way exposed to peril and danger of loss or starvation. It seems to me that if in the opinion of the President of the United States, or the head of the Navy Department, or Congress, or of whoever this responsibility may lie on, there is a chance of saving these men which warrants the risk, it is the duty of the Government to risk its men as much as it is to risk its treasure in making the effort. If the question had been raised by one of the officers of this Greely expedition when he volunteered, "Suppose my ship should not come back in the two years or the three years," or whenever she was expected to return, "and there is reason to suppose that the crew and the officers are there starving on a desolate coast, or have lost their ship, or are unable to get out by reason of the ice, will there be an attempt on the part of the American people to rescue me?" does anybody suppose there would have been a negative answer then?

Mr. HALE. Will the Senator let me put in right there what it seems to me fits admirably to that question?

Mr. HOAR. Certainly.

Mr. HALE. To show what would have been the feeling let me mention this fact: When this expedition went out it went out under orders to so arrange its operations in and about Lady Franklin Bay that the party would be ready to meet a relief expedition that would go to them if they did not report to us and find relief at such place at the mouth of the sound; and to this day that party, proceeding under that order and under that pledge, has no provision made at that place for its relief, and is waiting for the expedition that was promised.

Mr. HOAR. Now, Mr. President, I can not believe that if this were a British expedition there would be any hesitation on the part of the British Government in sending a party for relief. I think if the suggestion were made to the British people whether they would allow a party of Englishmen unsearched-for, uncared-for, to perish under the circumstances which the honorable Senator from Maine has described, the expression of the doubt would be received with a burst of indignation from the entire British public.

Mr. PLUMB. I am willing to accept the statement by the Senator from Maine that the President ought to be empowered to name the commander of this expedition. I conceive it quite probable that there might be volunteers who would not be up to the standard requisite for conducting an expedition of this sort; but I do not subscribe to the idea that seamen should be compelled to go. If there is to be lodged this discretion, or if the President is to be authorized to compel officers to go, for the reason I have named certainly there ought to be volunteers to fill the ranks. The principle of selection might not be so readily applied to the seamen in the Navy. The source of supply might not be as good if it were wider. In addition to that, the burdens of the service that fall upon the seamen are greater than they possibly can be upon the officers, necessarily. They neither get money nor credit out of the expedition, no matter how it results. To them it is exposure, with almost certain death and with no adequate recompense either in money or in the public regard. The officers who go will get whatever reputation is to be gotten out of it. They at least have the privilege, if they are ordered to go and do not want to go and take the risk, of resigning; but that is a privilege which is denied to the seamen of the Navy; and for that reason I would be glad if I could (which of course I can not under the circumstances) move to amend so that there shall be volunteers called for to fill up the ranks. I am in hopes now that if we vote down the report of the committee of conference there may to this extent at least be a further conference between members of the two Houses which may result as I have indicated.

I regard this as very important. We have sacrificed already large numbers of lives unnecessarily and under some compulsion; that is to say, the men have been under more or less compulsion to render this service. We ought now to call for volunteers, not only because that ought to be the test of service, but because I think we shall get a much more valuable crew in that way than we can get by the other means.

Mr. MILLER, of California. Mr. President, I think there can be no difficulty in securing sufficient officers and men from the Navy to set out on this expedition and expose themselves to the responsibilities of it. If it is better to enlist crews for this special service I have no doubt enlistments will be taken, and the crews will be made up of that sort of men who are best adapted for this northern service.

I signed this conference report because I believed that the provision calling for volunteers was an interference with the discipline of the Navy. I believed moreover that this service which is called for is as legitimate and lawful as any service which a naval officer can be called upon to perform.

It is objected here that it is extra-hazardous. I do not regard it as more hazardous than many enterprises of our Navy during the war and even in times of peace. An officer of the Navy or a seaman joins the service with a full knowledge that he is expected not only to battle against a human foe, but to battle against the elements.

There is no question about this being a Government expedition which is intended to be relieved, because it was fitted out by the Government in pursuance of law, paid for by the Government, and no other agency has had any part in it. It is a simple question here now whether we are going to quibble over the right of the House to insist upon a resolution which they sent to the Senate being passed as they sent it, or whether the Senate is to insist on a certain and I think unnecessary amendment placed upon the bill which must be adopted by the House before the bill becomes a law. While we are quibbling and higgling over this small matter, a matter which I consider of no importance whatever, time is passing which is valuable in the fitting out of this expedition. Not a moment ought to be lost. Practically this expedition will be made up of volunteers. The Navy Department is not going to force a man

into this service if he is not desirous of going into it, first, because an officer or a man who has no heart in the service will be inefficient, and if he is in such circumstances as to health or family or is for any reason unfitted for the duty, certainly it would not be wisdom to send such a man upon this expedition. If this amendment be adopted, it will be the duty of the Secretary of the Navy to invite every officer of the Navy to volunteer for this service. No doubt most of them would in that event deem it necessary for them to volunteer in order to keep up their credit as officers of the Navy. Then it would be a matter of selection at last, precisely as it is now; and it ought to be a matter of selection. Men should be selected for this duty of the greatest experience and knowledge of this northern country and this kind of service. They are the men who ought to be selected.

These are the reasons why the Senate conferees signed the report. I thought the House was right. I think yet the House was right. The Government ought to be untrammeled in respect of such matters in fitting out this expedition for relief.

Mr. FRYE. Mr. President, I am glad the Senate conferees agreed with the House conferees, and if I had been present when the proposition was made to amend this bill by a volunteer provision I should have voted against it. There never was a desperate enterprise, there never was a dangerous undertaking, there never was a forlorn hope where a volunteer could not be found to enter in. Sometimes he is led to do it by reckless courage and an absolute disregard of all danger under all circumstances; sometimes he is led to do it by an overleaping ambition for fame; sometimes he is led to do it for notoriety alone, and sometimes for higher purposes.

Mr. President, here is a dangerous enterprise, admitted to be dangerous. Suppose a volunteer presents himself who is actuated only by a reckless disregard of the danger, is he the man to put in charge of this dangerous enterprise? Suppose a volunteer presents himself who is ambitious for fame, is he the man to take charge of this enterprise? Here are two or three vessels with fifty to one hundred lives on board, going out to seek for other lives that are exposed to danger. The man in charge of these vessels must be a man of courage to be sure, but not of reckless courage; he must have courage, but caution; he must be a man of dignity, of power, of will, of care, of prudence. He must be a man who will inspire all under him with implicit confidence when they are to be exposed to common dangers; and the chances that from volunteer service you will get such a man are four out of five against it.

Why, sir, if the history of forlorn hopes and dangerous enterprises could be written as it ought to be written truly, it would appear that four times out of five those enterprises have failed; those forlorn hopes have failed of success on account of the incompetency of the very volunteers who have been led by recklessness to take them; but, sir, history has been colored in these things by admiration for the apparent courage.

Now, if there ever was an expedition which should not be compelled to be given to a volunteer, whatever the motives of that volunteer might be, this is the expedition, and the President of the United States and the Secretary of the Navy should have the power to select, and should select, the very best man, the man with courage and the man with caution, the prudent man, the careful sailor, the careful navigator, the man calculated best to promote confidence in the men and officers under him, to carry out this great enterprise which everybody admits must be carried out. Why, sir, with the volunteer clause in I would not support the bill.

Mr. SAULSBURY. I said yesterday in occupying the time of the Senate pretty much all I desired to say. Notwithstanding the reasons stated by the Senator from Maine [Mr. FRYE] and by the chairman of the conference committee [Mr. HALE], there is still, to my mind, a great deal of propriety in the amendment of the Senate. This is a very dangerous and hazardous enterprise, as is conceded. That it is not in the regular line of the service of the officers and seamen of the Navy is also admitted. With these two admissions made I can not say why we should attempt to force officers and seamen of the Navy into a position of danger to health, life, and limb when it is almost certain that plenty of men will be ready to volunteer.

I am fully aware that the Secretary of the Navy is against this provision which was adopted with such unanimity by the Senate, and I find in the RECORD a telegram which the Secretary of the Navy sent to a member of the House of Representatives, and which was read here at the request of the Senator from Maine [Mr. HALE] yesterday. I am willing to listen to the Secretary of the Navy and all the heads of Departments, and to accord them that respect due to them in matters connected with their Departments; but I trust the time will never come when the legislative department of the Government will abdicate all its functions at the dictation or request of a Secretary of the Navy.

Why, sir, it is the duty of the Secretary of the Navy to execute the laws of Congress so far as they apply to his Department, and to make suggestions in reference to such laws as he deems proper; but as soon as we had incorporated a provision in this joint resolution that he objected to he telephoned to the other end of the Capitol to have the will of the Senate defeated. Accordingly a committee of conference was appointed, and really the behest of the Secretary of the Navy is brought here, and we are asked to rescind our own action because it is not in consonance with the views of the Secretary of the Navy.

Sir, I have all proper respect for the Secretary of the Navy, but I say as one Senator that I will never surrender my own judgment of what is right and proper at the suggestion of the Secretary of the Navy or the Secretary of any other Department of the Government. I believed it was right that this service should be composed of volunteers; I believe it still, notwithstanding the telegrams and telephones of the Secretary of the Navy; and the very fact of the Secretary of the Navy himself being so particularly anxious to have this absolute power conferred upon him, as is now proposed, to select whom he pleases, to say whom he may desire, is an argument to my mind that the power ought not to be given to him.

The joint resolution says the President of the United States shall have the power. We all know that practically the Secretary of the Navy will exercise it. I said yesterday that I did not know that the Secretary of the Navy would exercise the power arbitrarily, but I do not know that he will not do so; and I am not disposed to leave it in his power to do what he may desire. I therefore shall not vote for the adoption of this conference report; on the contrary, I shall carry out the convictions of my own mind by voting against it, because I would not vote for the measure as it was originally brought here, and would not have voted for it without the addition of the amendment which the Senate adopted.

Mr. HALE. Mr. President, as some question has been raised as to what was the origination of the old expedition which we are now in search for, I will refer Senators to the acts of the year 1880. Chapter 72 of the laws of that year is, "An act to authorize and equip an expedition to the Arctic seas." After that was passed, stating its general purpose, it was followed by an appropriation found in the sundry civil appropriation bill on page 447 of the statutes of the next year, 1881, as follows:

> Observation and exploration in the Arctic seas: For continuing the work of scientific observation and exploration on or near the shores of Lady Franklin Bay, and for transportation of men and supplies to said location and return, $25,000.

And the Chief Signal Officer said in his report:

> The original purpose of the expeditions, which reached the Arctic a little more than two years ago, was to establish meteorological stations at which observations should be taken for three years. These observations were to be made simultaneously at similar stations established by the governments of the Argentine Republic, Austro-Hungary, Denmark, Finland, France, Germany, Great Britain, and Canada, Holland, Italy, Norway, Russia, Sweden, and the United States.

So that we undertook this work as a Government in conjunction with other governments; and I may say here, touching upon a point raised by the Senator from Massachusetts, that not only is it true that if a British party sent out at that time found in trouble like this would be at once relieved by the British Government, but if we do not send up there promptly this expedition to relieve Lieutenant Greely and his party that search will be undertaken and that great work will be adopted by the British Government or some other government, and it will be found out by some government whether these men are alive or not.

Mr. MCPHERSON. Mr. President, to fully appreciate and comprehend the high sense of honor, the sublime courage, and the magnanimity which clothes as with a garment every officer in the Navy of the United States, it was only necessary to hear the glowing speech of the honorable Senator from Maine yesterday while this subject was under consideration. Constrained as I am at all times to award them high praise for their record in the past, unlike the Senator from Maine, I am not without hope that without any compulsory process, as this bill contemplates, they will fully meet the just expectations of the future. In the presence of his eloquence the Senate was speechless and held its breath. No better argument will be made, no better reason can be given why this report should be rejected. To do otherwise would be, in effect, to deny every allegation he has made in respect of the heroism and self-sacrificing devotion to duty of the officers of the Navy. That all the naval officers would be willing to volunteer and even fight for the honor and glory of going with this expedition seems to be the only logical deduction from his remarks. That it will be so I have no doubt, and therefore it should be left exactly where the Senate amendment left it.

When the honorable Senator from Delaware [Mr. SAULSBURY] offered his amendment its justice and propriety was recognized by every Senator, and not a single voice was raised or vote given against it. It stands upon the record as the unanimous wish of the Senate. To send on such an errand an officer who goes unwillingly, if that proves to be possible, is worse than useless, for this is not ordinary duty. To give the Secretary of the Navy the right to select from those who offer their services is quite sufficient. To do more is to insult the whole corps, for it presupposes cowardice and a disposition to shirk a plain and manly duty. I am in full sympathy with the object of this bill, but with the bill itself I am entirely at war. I would not confer upon the President of the United States, much as I believe in him and trust him, or any Cabinet minister, the power to draw upon the public Treasury without limit or hinderance. This is now proposed to be done, while Congress is in session, in a bill prepared and pressed to a vote in both Houses upon the plea that time is valuable and the emergency pressing. Sufficient time has elapsed since this bill was introduced into the House

to enable the Secretary of the Navy to have given Congress at least an approximate idea of the cost of this expedition. A limit was sought to be made by the honorable Senator from Kansas when the bill was before the Senate, but for some reason to me not clearly understood it came to grief. It seemed to dawn upon that side of the Chamber, suddenly it is true, that it was a departure from the usual custom of the Senate to limit the Secretary of the Navy in anything upon which his heart was set.

This is not the first case of this kind that has received the consideration of Congress. I call to mind the expedition sent in search of the Jeannette in 1881. The then Secretary of the Navy, Mr. Hunt, honest, manly, and modest in all things, came before the committee with all his plans and purposes, without reserve or concealment, and asked for a fixed appropriation of $175,000, which was freely given. An appropriation of $100,000 was made for the purchase of a vessel, for which vessel $150,000 was demanded previous to making the appropriation, but after the passage of the bill the owners quickly discovered that $100,000 was quite the value of their ship, and they hastened to transfer their title to the Government and secure the appropriation. It is my candid conviction if you will appropriate one-half million dollars it will go as far toward the fitting out of this expedition as $1,000,000 will go under the discretion of the Secretary of the Navy. To limit the appropriation is to give notice to those with whom it deals that the Government has no money to give away except for value, and the public in dealing with the Government have a wonderful faculty of measuring values by appropriations made. Again, Secretary Hunt asked for no power to impress unwilling officers into the service on that expedition. He called for volunteers, and volunteers were not wanting. In striking contrast with the action of Secretary Hunt, we place the bill now before the Senate, which for supreme audacity and bold impudence has never been equaled. It confers upon the Secretary of the Navy practically unlimited discretion as to the cost of the expedition, also arbitrary power over the officers of the Navy, and the Senate of the United States supinely submits.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

Mr. McPHERSON. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). Upon this question I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present, he would vote "nay" and I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

The roll-call was concluded.

Mr. BLAIR (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from Kentucky [Mr. WILLIAMS].

Mr. FRYE. I am paired on political questions with the Senator from Georgia [Mr. BROWN]. I do not understand this to be a political question, and will vote "yea."

Mr. KENNA. I also am paired on political questions, but not understanding this to be one, I have voted.

The result was announced—yeas 25, nays 27; as follows:

YEAS—25.

Aldrich,	Fair,	Lapham,	Pike,
Anthony,	Frye,	Manderson,	Platt,
Bowen,	Hale,	Miller of Cal.,	Sewell,
Butler,	Harrison,	Miller of N. Y.,	Wilson.
Conger,	Hawley,	Morgan,	
Cullom,	Hill,	Palmer,	
Dolph,	Hoar,	Pendleton,	

NAYS—27.

Bayard,	George,	Kenna,	Saulsbury,
Beck,	Gorman,	Lamar,	Sherman,
Call,	Groome,	McPherson,	Vance,
Camden,	Hampton,	Maxey,	Van Wyck,
Cockrell,	Harris,	Plumb,	Vest,
Coke,	Jackson,	Ransom,	Walker.
Garland,	Jonas,	Riddleberger,	

ABSENT—24.

Allison,	Dawes,	Jones of Nevada,	Pugh,
Blair,	Edmunds,	Logan,	Sabin,
Brown,	Farley,	McMillan,	Sawyer,
Cameron of Pa.,	Gibson,	Mahone,	Slater,
Cameron of Wis.,	Ingalls,	Mitchell,	Voorhees,
Colquitt,	Jones of Florida,	Morrill,	Williams.

So the report was rejected.

The PRESIDING OFFICER. The Secretary will now report the first bill on the Calendar in order.

Mr. HALE. Before that is done I move that another conference be appointed on the subject-matter just before the Senate.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate further insist on its amendment and ask for another conference with the House of Representatives on House joint resolution 119.

Mr. HALE. Whatever is done of course should be done without further delay.

Mr. McPHERSON. Let me ask the Senator from Maine, if a new committee of conference be appointed will it, under the rules, be competent for that committee of conference to investigate or consider any matter not now in the joint resolution? To illustrate: If it should be the pleasure of the Senate to fix the appropriation at some given sum, could the committee of conference he proposes to appoint have jurisdiction under the rules of that subject?

Mr. HALE. I suppose that the domain in which a committee of conference can act is quite limited. The only things, I fancy, that would be before any such committee are the subjects-matter upon which the two Houses are at odds; and that is only a single question in this case. Upon that question, whoever might be upon the subsequent conference I suppose would go into it considering himself instructed so far as instructions go to a committee of conference; but as to what will be the outcome, and who have finally got to yield, no man here or at the other end of the Capitol can tell. I suppose that but a single matter can be considered.

Mr. McPHERSON. I should like to have the Senate understand exactly the true position of this joint resolution. We are making an unlimited appropriation of money, and placing the whole matter practically in the hands of the Secretary of the Navy to expend it, and this, too, while Congress is in session, and when a well-guarded bill can and ought to be passed. To the credit of Congress, for the credit of the whole country, in the name of honesty and common justice to the taxpayers of this country, let the Senate proceed to act, not supinely and at the dictation of the Secretary of the Navy, but in a manner consistent with justice and reason. Let this joint resolution be considered lost by refusing another conference; let a new bill, a well-guarded measure, be introduced; let it be reported back immediately and passed. All this can be done in an hour. No objection will be urged to the consideration of such a measure if properly guarded. Unanimous assent need only to be asked to displace every other matter before the Senate and give it consideration. Sufficient time has elapsed since this bill was introduced in the other end of the Capitol to have enabled the Secretary of the Navy to give an approximate idea of the amount of money needed for an expedition of this character. In short, Congress does not even ask him how much, but instead hands a check signed in blank. It did not take the Secretary of the Navy in 1880 more than two days to ascertain even from the Pacific Slope what the possibilities of relief were and what the needed appropriations of money were for a like expedition. I wish here distinctly to state without any reservation whatever that the Secretary of the Navy does not seem to comprehend that all the people of this country have not implicit confidence in him or his methods.

Mr. ALLISON. May I call the attention of the Senator from New Jersey to the fact that this joint resolution without any limit as to the amount of the appropriation comes to us from the popular branch of our Government known as the House of Representatives?

Mr. McPHERSON. To my infinite regret I admit it is so.

Mr. ALLISON. And that that body is in sympathy politically with him and his party?

Mr. McPHERSON. Whatever the House of Representatives may do I am not bound by its action. I hold a commission from the people of New Jersey in another House, and as long as I hold that commission I will guard the Treasury against all assaults like this, whatever the House of Representatives may do or any other Senator here may do.

Mr. ALLISON. I was merely calling the attention of the Senator to the fact that this bill does not come from the Secretary of the Navy to us. It comes from the co-ordinate branch, the House of Representatives.

Mr. HALE. Mr. President, all of this matter that so much troubles and distresses the Senator from New Jersey was gone over the other day. Amendment after amendment was proposed limiting this appropriation, and on a full consideration of the subject-matters pertaining to that, the Senate deliberately voted down the amendments limiting this appropriation and thereby acquiesced in the bill as it came to us from the House of Representatives.

Now I want to say one thing further, provoked thereto by the gentleman's expression of lack of confidence in the Secretary of the Navy. This is not his bill. He in no way sought to urge it upon either House. The conduct and charge of this measure for the relief of these men is conjoint in the War Department and in the Navy Department. The measure originated in the House of Representatives sympathizing with the Senator himself politically. It was there brought forward. The Secretaries of War and of the Navy were summoned before the House committee and gave their testimony, and when the measure came up in this body and was considered by the committee to which the Senate referred it the Secretary of the Navy only appeared in company with the Secretary of War and gave his views; and there is nothing from beginning to end in this matter that shows that the Secretary of the Navy has any interest in it except as an honorable, high-minded, exalted public official.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine [Mr. HALE], that the Senate further insist on its amendment and ask for another committee of conference.

Mr. McPHERSON. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. MCPHERSON. As I understand the situation, if a new committee of conference be refused, then the joint resolution for all practical purposes is dead. It is then my purpose to introduce a measure covering all the points so far as the judgment of the Senate has been expressed, and in addition to limit the appropriation to a fixed sum beyond which the Secretary of the Navy or any other officer of the Government shall not go. The law-making power of the country having in its hands the right to make or refuse appropriations of money, certainly is pursuing a very extraordinary course when it undertakes, as in this case, to allow the Secretary of the Navy (for it is well known of all men he will be the captain in charge, it belongs to his bailiwick) this unlimited power. The joint resolution says the President of the United States shall exercise it. As much as I believe in the President and trust him, I would confer no such power even upon him. It is a departure from the usual custom of the Government, and there is no necessity for it now. There is no pressing necessity, surely.

Mr. CAMERON, of Wisconsin. May I ask my friend how he can consider the joint resolution dead and out of the Senate? The joint resolution is not dead; the resolution is a live resolution and is in the Senate, and considering it dead and considering it out of the Senate does not make it dead or take it out of the Senate.

Mr. MCPHERSON. No, not dead; but if the Senate refuse another committee of conference what is the condition then of the joint resolution?

Mr. CAMERON, of Wisconsin. It stands in dispute between the Senate and House.

Mr. MCPHERSON. And it will remain a dispute between the Senate and House; and while it so remains I will try some effective work in the right direction.

Mr. CAMERON, of Wisconsin. The House may recede from its disagreement to our amendment.

Mr. MCPHERSON. We have no control over the House; and if they prefer to do that, they may do so, of course.

Mr. CAMERON, of Wisconsin. It is discourteous to the House not to ask for another committee of conference.

Mr. MCPHERSON. I suppose the bill would be in a condition of suspended animation.

Mr. CAMERON, of Wisconsin. Not at all.

Mr. MCPHERSON. At all events it would be a harmless bill in that condition, and I prefer to leave it in that condition for a little while.

Mr. CAMERON, of Wisconsin. I think it is harmless as it is.

Mr. SHERMAN. The manner in which it is proposed by the Senator from New Jersey to defeat this joint resolution is not only unusual, but I think would be a marked discourtesy to the House of Representatives. They sent us the resolution. We proposed one single amendment. The conferees advised us to abandon that amendment; and now because the House disagreed to the amendment we sent to them we propose not to act upon the resolution at all.

Mr. MCPHERSON. I do not hear the Senator. Will he please speak louder?

Mr. SHERMAN. I will try. I say because the House of Representatives, which has never had an opportunity to vote by yeas and nays upon our amendment, sent it to a conference, and because the House conferees declined to agree to the Senate amendment it is proposed that we shall defeat the resolution and refuse a further conference. Between parliamentary bodies a proposition to refuse a conference, to decline a conference, or to defeat a bill after the first conference, or to adhere in consequence of a disagreement, is considered discourteous to the other House. I know that is not intended by the Senator from New Jersey; but in parliamentary law it is a discourteous proceeding, one which the other branch may properly regard as discourteous. That certainly is not the intention of the Senator from New Jersey. It is perfectly in order after the vote which has been taken to allow the resolution to go back to the House and let the House take a vote upon the question of receding from their disagreement or agreeing to our amendment. They can do that, or they can ask a further conference, and the proper motion is the one made by the Senator from Maine to ask a further conference.

I wish now to add one observation further. The Senator from New Jersey opposes this proposition on a different ground entirely from what I do. I am opposed to forcing into this extraordinary service any man against his will, because I do not consider the service called for by this resolution as within the line of duty; but I do not agree with him at all in the proposition stated by him that the gentleman who is charged with the execution of this duty can not be fully confided in. Indeed, I have no doubt that the present Secretary of the Navy would do his full duty in respect to the powers conferred upon him, and would administer this trust as faithfully as any man in the public service.

My objection to receding from the amendment proposed and adopted the other day by the Senate is solely on the ground that I do not think this service is within the legitimate line of duty of an officer of the Navy, and therefore if we desire it to be done it should be done by volunteers as a matter of professional duty or as a matter of pride to gain reputation, and we ought not to impose upon the Secretary of the Navy the duty of selecting by his own will from among the officers of the Navy men to do this extraordinary duty which an officer of the Navy would not contemplate as within the proper line of his duty.

Mr. MCPHERSON. Mr. President, I have no intention to be guilty of discourtesy to the House of Representatives. If it is necessary under the practice which governs the two Houses that this resolution should go back to the House I shall certainly withdraw any objection to such a course, but I wish to impress on the Senate the necessity of doing something to guard the expenditure of the money we appropriate.

When the matter was before the Senate the proposition came from the Senator from Kansas [Mr. INGALLS] on the other side of the Chamber, who called attention to the fact that it was a most extraordinary proceeding, and under no condition of circumstances, if I remember his language, would he consent that the President or any officer of the Government should have the privilege of expending the public money without limit and without guard; but somehow or other, too mysterious for me to comprehend, seemingly that side of the Chamber all at once discovered that it was not a proper thing to limit the appropriation at all, and when the vote was taken I think I did not hear a single vote on that side of the Chamber in support of the proposition of the Senator from Kansas. I speak from recollection. If I am mistaken I will make the proper amend.

Therefore, sir, whatever may be the action of the Senate respecting this resolution and the consideration due the House of Representatives, I will test the sense of the Senate as soon as may be by the introduction of a measure touching the question of limiting the appropriation.

The PRESIDING OFFICER. The Secretary will call the roll on the motion of the Senator from Maine [Mr. HALE] to further insist on the amendment of the Senate and ask for a further conference.

The Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS]. Were he present, I should vote "yea."

The roll-call was concluded.

Mr. BLAIR. As the voting on the other side of the chamber indicates that this is not treated as a political question, I am at liberty to vote, notwithstanding my pair, and I vote "yea."

The result was announced—yeas 52; nays 0, as follows:

YEAS—52.

Aldrich,	Fair,	Jonas,	Pike,
Anthony,	Frye,	Jones of Florida,	Platt,
Bayard,	Garland,	Kenna,	Plumb,
Beck,	George,	Lamar,	Pugh,
Blair,	Groome,	Lapham,	Saulsbury,
Call,	Hale,	McMillan,	Sawyer,
Camden,	Hampton,	Maxey,	Sewell,
Cameron of Wis.,	Harris,	Miller of Cal.,	Sherman,
Cockrell,	Harrison,	Miller of N. Y.,	Vance,
Coke,	Hawley,	Morgan,	Vest,
Conger,	Hill,	Morrill,	Voorhees,
Cullom,	Hoar,	Palmer,	Walker,
Dolph,	Jackson,	Pendleton,	Wilson.

NAYS—0.

ABSENT—24.

Allison,	Dawes,	Jones of Nevada,	Ransom,
Bowen,	Edmunds,	Logan,	Riddleberger,
Brown,	Farley,	McPherson,	Sabin,
Butler,	Gibson,	Mahone,	Slater,
Cameron of Pa.,	Gorman,	Manderson,	Van Wyck,
Colquitt,	Ingalls,	Mitchell,	Williams.

So the motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

Joint resolution (H. Res. 112) to print a report made to the Postmaster-General relating to carrying the mails; and

Joint resolution (H. Res. 116) fixing the time when the pay of certain clerks to committees and other employés of the House of Representatives shall begin.

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians.

PRIVATE LAND CLAIMS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, Senate bill No. 19 is in order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories, the pending question being on the amendment proposed by Mr. MCPHERSON. After the word "quantity," in line 46 of section 12, it is proposed to strike out "than eleven square leagues," and after the word "land," in line 47, to strike out down to and including the word "quantity" in line 49, as follows: "to or in the right of any one original grantee or claimant, or in the right of any one original grant to two or more persons jointly, nor for a greater quantity;" so that the whole clause will read:

No confirmation shall in any case be made or patent issued for a greater quantity of land than was authorized by the respective laws of Spain or Mexico applicable to the claim.

Mr. BAYARD. When this measure was last under consideration I was about to respond to some questions which had been put to me in regard to the limitations, if any, that the Congress of the United States

should impose upon the area of the lands and the patents issued under the provisions of this act. The proposition of the Senator from New Jersey [Mr. MCPHERSON], modified by him at the suggestion of the Senator from Kansas [Mr. PLUMB], is to remove the limitation contained in the seventh clause of the twelfth section. The object of the amendment is to defeat the limit of eleven square leagues of land and allow the confirmation to be for any quantity of land in excess. I think it would shorten this discussion if at this time I refer also to a question put by the honorable Senator from Indiana [Mr. HARRISON]. He asked me the other day for a definition of imperfect claims, which are alone the subject of the proposed act. At that time I stated it to be any claim which required or would have required had the land remained under Mexican jurisdiction further action by Mexican authority before the land in question could be separated from the public domain. If the Senator will read the language of the Supreme Court on that point, it will be more satisfactory to him. In the case of Carpentier *vs.* Montgomery, found in 13 Wallace—and I read from the opinion at page 493—the Supreme Court adopt by saying, "We entirely concur in these views," the definition given by the supreme court of California in Banks *vs.* Moreno:

The precise point under discussion is whether or not the title of Peralta as exhibited by the plaintiff was a perfect title conveying the fee, and which invested him with absolute dominion over a specific parcel of land without any further action on the part of the United States, or whether at the time of the cession of California something remained to be done by the Government which was necessary to invest Peralta with a complete legal title to the specific tract.

In every complete grant conveying a perfect title it is essential that the thing granted be sufficiently described to enable it to be identified. In grants of real estate it is not always necessary to describe it by metes and bounds, or by a reference to actual or artificial monuments, nor by courses and distances. If the tract granted have a well-known name, and the boundaries of the tract known by that name are notorious and well defined, a grant of the tract by its name would doubtless convey the title to the whole. In like manner, a grant describing the tract by reference to the known occupation of the grantor or another—or to another instrument containing a sufficient description of the premises—would be sufficient.

Then it goes on:

But it is equally certain that to constitute a complete and perfect grant to a specific parcel of land it must, in some method, appear on the face of the instrument, or by the aid of its descriptive portions—not only that a specific parcel was intended to be granted, but it must also be so described that the particular tract intended to be granted can be identified with reasonable certainty. It would be a contradiction in terms to say that a specific tract was granted if there was nothing in the grant by which it could be ascertained with reasonable certainty what particular parcel was intended to be conveyed.

According with that will be found in 4 Wallace of Graham *vs.* The United States showing that one of the requisites of Mexican law was the delivery of what they call juridical possession. Describing the general character of the Mexican or Spanish grants, they were gratuities for missions, for the occupation of vast and unmeasured areas; and I may say those were all granted under multitudinous conditions, conditions for occupation, conditions for improvement, failing which the land was to revert; and there were conditions, as I shall presently show, that they should not exceed a certain area; but after the party had commenced possession and had passed into the occupation of the land, before he could obtain absolute dominion, to use the language of the Supreme Court, the delivery of juridical possession was necessary. Then the judicial official in the presence of the vicinage with careful measurement assigned the possession accompanied by what would be called at common law livery of seisin. As long as the title stood without those confirmatory and complete acts on the part of Mexico, it was an incomplete title, and it remains with the United States to say whether those acts should now be performed by the United States in the shape of a special act of Congress or a confirmation as we propose by a decree of a court that shall be equivalent to the confirmatory act under the Mexican law. If, on the contrary, there is a perfect title and there is no need for further action by the Government, the party stands in possession protected by the laws of the United States just as the Senator or I would in regard to tracts of land held in Delaware or Indiana, and there is no necessity for any other law than that which now exists, and his rights to a possessory action or by the way of trespass or the like are the same as others. That was the guarantee we gave the Mexican people, that they should have all the rights of citizens of the United States.

I should like to advert to a paper preliminary to that I have read, the report of the general land commission of 1880. This was a report preliminary to the one from which I read the other day, and which will be found as an executive document of the Forty-sixth Congress. They are asserting the defects of the law of 1854 by which trials in regard to these claims were to be instituted before the surveyors-general.

The law—

Speaking of the act of Congress of 1854 under which the surveys were to be made and the testimony taken before the surveyors-general in the Territories—

The law was singularly defective in machinery for its administration, and it imposed no limitation of time in the presentation of claims, and no penalty for failure to present. Its operation has been a failure amounting to a denial of justice both to claimants and to the United States. After the lapse of nearly thirty years, more than one thousand claims have been filed with the surveyor-general of which less than one hundred and fifty have been reported to Congress, and of the number reported Congress has finally acted upon only seventy-one. Under the law, only copies of the original title papers were submitted to Congress, and it is not presumed that its committees are so constituted as to make safe judicial findings upon the validity of titles emanating from foreign governments, nor to measure the area of claims whose boundaries rest exclusively upon meager recital of natural objects in terms of very general description. As a consequence the committees of Congress have naturally been reluctant to act with insufficient data upon questions which involved the functions of the judge rather than of the legislator, and as these claims have heretofore pertained to a semi-foreign population in a comparatively unsettled portion of our Territories, business of more importance to the general welfare of the nation has been permitted to exclude these local matters from regular consideration. In the limited number of cases finally confirmed Congress has been compelled to confirm by terms of general description, which have usually proved to include much greater areas of land than Congress would knowingly have confirmed. *The established rule of area under the Mexican colonization law was a maximum of eleven leagues to a claimant, being a little less than* 50,000 *acres*, but as illustration of the natural result of confirmation without proper judicial investigation, one confirmation by Congress of two claimants has proved to embrace 1,000,000 acres and another about 1,800,000 acres.

They then pass to consider the change in the character and values of this property, how the enterprise of American civilization impressed its activity on these lands, making it more and more essential that there shall be a precise knowledge of the boundaries of these grants both for the interest of private holders and for the interest of the Government, that it may know which is public and which is private domain.

My friend from Missouri [Mr. VEST] is anxious as he ought to be and as I am that there shall be the fullest, the most punctilious performance of our treaty obligations as a nation under any law and under any system we may adopt. The commission, whose language I have cited—and I shall presently go back to what I believe to be the authority for that language in regard to the Mexican laws—was composed of men of experience, ability, and character, whose report made on this subject ought to carry great weight, because they were men specially fitted and who made the most careful examination of the whole subject of the public domain with which they were especially charged. Their names I have read before to the Senate; it is unnecessary for me to read them again.

I hold in my hand what may be called the *corpus juris* of the Mexican law respecting the disposition of the public domain of that republic. The first laws that I shall ask attention to are three separate acts but all *in pari materia:* First the national colonization law of the 4th of January, 1823——

Mr. GARLAND. From what does the Senator read?

Mr. BAYARD. Rockwell's Spanish and Mexican Law, Mines and Real Estate, and at page 617 of the Compilation. First is the act of the 4th of January, 1823; the next is the amendment of the 18th of August, 1824; and the next is the regulations of November 21, 1828. These three laws extending the operation of the same system, and all together will, I think, be held by the Senate the *corpus* of the Mexican law on this subject. They are continuous and recited declarations interpretations and extensions of the law of Mexico over the subject of her public lands.

The Senator from Missouri seemed to think that the Mexican act of 1824 had reference and all these colonizations laws had reference only to foreigners. In that he was misled. These acts by name and expressly extended to Mexicans, and natives as well as foreigners.

In this Compilation at the foot of the page on which the national colonization law of the 4th of January, 1823, is found is a note of the editor referring to the laws of the Mexican Congress on the same subject, the general regulation of the 18th of August, 1824, which my friend referred to, and the general regulation of the 21st of March, 1828, pages 451 and 453 of the same volume, showing that they were printed as parts of the law on the same subject. One of them is a law establishing the vara, the league, the sitio, and the hacienda, the table of measures, the computation of lands; perhaps I had better, as it will be a subject of calculation here, read it:

ART. 5. The measurement of land shall be the following: Establishing the vara at three geometrical feet, a straight line of 5,000 varas shall be a league; a square each of whose sides shall be one league shall be called a sitio; and this shall be the unity of counting one, two, or more sitios; five sitios shall compose one hacienda.

ART. 6. In the distribution made by government of lands to the colonists for the formation of villages, towns, cities, and provinces, a distinction shall be made between grazing lands, destined for the raising of stock, and lands suitable for farming or planting, on account of the facility of irrigation.

ART. 7. One *labor* shall be composed of 1,000,000 square varas, that is to say, 1,000 varas on each side, which measurement shall be the unity for counting one, two, or more labors. These *labors* can be divided into halves and quarters, but not less.

ART. 8. To the colonists whose occupation is farming, there can not be given less than one *labor*, and those whose occupation is stock-raising, there can not be given less than one sitio.

ART. 9. The government of itself, or by means of the authorities authorized for that purpose, can augment said portions of land as may be deemed proper, agreeably to the conditions and circumstances of the colonists.

Now here comes article 11:

As one of the principal objects of laws in free governments ought to be to approximate, so far as is possible, to an equal distribution of property, the government, taking into consideration the provisions of this law, will adopt measures for dividing out the lands which may have accumulated in large portions in the hands of individuals or corporations, and which are not cultivated, indemnifying the proprietors for the just price of such lands, to be fixed by appraisers.

Here I take it is the declaration of the fundamental principle of the equal division of property so far as law can effect it. They there announce their hostility to the aggregation of large bodies of land in a

single hand, and they announce also their intention that where such have occurred they shall be broken up, the lands shall be subdivided, and the excess shall be paid for to the parties in possession.

Mr. McPHERSON. I wish to ask the Senator a question. Did the Mexican Government deal in the manner he is now relating with grants of land conveyed by the Crown of Spain and held by subjects of Spain in Mexico? Were they dealt with in the manner he has just stated? I speak of that particular class of lands conferred by the Crown of Spain upon individuals and maintained and guaranteed by treaty stipulation with Spain?

Mr. BAYARD. If my friend will let me get through, I think he will see that in the first place it was competent for the sovereignty of Mexico, an independent power, to announce its own doctrine in respect of the real estate within its jurisdiction and provide, as does the United States to-day, for the taking of private property for public use upon just compensation being rendered. Here was in this frame of words a proposition for the distribution of property:

Will adopt measures for dividing out the lands which may have accumulated in large portions in the hands of individuals or corporations, and which are not cultivated, indemnifying the proprietors for the just price of such land, to be fixed by appraisers.

I am stating what was the policy of the Mexican Government and which I apprehend they had a right as a sovereign power, recognized by the United States themselves to-day, to take private property for public use upon rendering just compensation. But to go further in article 18—

Natives of the country shall have a preference in the distribution of land; and particularly the military of the army, of the three guarantees, in conformity with the decree of the 27th of March, 1821, and also those who served in the first epoch of the insurrection.

Then comes the grant to the empresario which I desire to notice:

ART. 19. To each empresario who introduces and establishes families in any of the provinces designated for colonization there shall be granted at the rate of three haciendas and two labors for each two hundred families so introduced by him, but he will lose the right of property over said lands should he not have populated and cultivated them in twelve years from the date of the concession. The premium cannot exceed nine haciendas and six labors, whatever may be the number of families he introduces.

ART. 20. At the end of twenty years the proprietor of the lands acquired in virtue of the foregoing article must alienate two-thirds part of said lands, either by sale, donation, or in any other manner he pleases. The law authorizes him to hold in full property and dominion one-third part.

The calculation is that the three haciendas were fifteen square leagues, that is to say, 75,000 acres, which would be about 275 acres for each family, not each individual.

Article 23 contains an additional condition:

If after two years from the date of the concession the colonist should not have cultivated his land, the right of property shall be considered as renounced; in which case the respective ayuntamiento can grant it to another.

Article 27 declares that—

All foreigners who come to establish themselves in the empire shall be considered as naturalized should they exercise any useful profession or industry by which, at the end of three years, they have a capital to support themselves with decency, and are married. Those who with the foregoing qualifications marry Mexicans will acquire particular merit for the obtaining letters of citizenship.

Article 32—

The executive, as it may deem necessary, will sell or lease the lands which on account of their local situation may be the most important, being governed with respect to all others by the provisions of this law.

Now let us look at the next law in relation to this subject, or the same law with the amendment of 1824. I have shown what the policy of the nation was. I have shown that land speculators or large holdings were not favored. Now we come to the law of colonization as to those foreigners who may come into the territory:

The objects of this law are those national lands which are neither private property nor belong to any corporation or pueblo, and can therefore be colonized.

The twelfth article of that law provides:

No one person shall be allowed to obtain the ownership of more than one league square, of 5,000 varas (6,000 v.) of irrigable land (*de regadio*), four superficial ones of land dependent on the seasons (*de temporal*), and six superficial ones for the purpose of rearing cattle (*de abrevadero*).

That is the distinct, positive inhibition of the law against a larger ownership under any circumstances than eleven square leagues——

Mr. PLUMB. What is the Senator reading from?

Mr. BAYARD. Pages 451, 452 of Rockwell. Now comes the next law *in pari materia* of 1828:

It being stipulated in the eleventh article of the general law of colonization of the 17th of August, 1824—

From which I have just read—

that the Government, in conformity with the principles established in said law, shall proceed to the colonization of the territories of the republic; and it being very desirable, in order to give to said article the most punctual and exact fulfillment to dictate some general rules for facilitating its execution in such cases as may occur, his excellency has seen fit to determine on the following articles:

The first of these articles relates to the question raised by the Senator from Missouri.

The governors (*gefes politicos*) of the territories are authorized (in compliance with the law of the general Congress of the 18th of August, 1824, and under the conditions hereafter specified) to grant vacant lands in their respective territories to such contractors ((*empresarios*), families, or private persons, *whether Mexicans or foreigners*, who may ask for them for the purpose of cultivating and inhabiting them.

The fourth article provides, after describing how the petition shall be drawn and presented:

The governor will accede or not to such petition, in exact conformity to the laws on the subject, and especially to the before-mentioned one of the 18th of August, 1824.

If this be so, and under the law beginning with the act of 1823 laying down the positive regulation of restricted area to be held by any person, and declaring as a fundamental policy of the nation that there shall be as nearly as may be an equal distribution of real property, declaring in favor of dividing up lands where large tracts had accumulated in single hands whether of individuals or corporations, and indemnifying the owner for such portions in excess as were taken from him, following that by the distinct provision of the law of 1824 that no man shall own more than one league of one kind of land, six of another, and four of a third, making in all eleven square leagues, and then I find in 1828 that the governor in encouraging colonization, in making these grants for the purpose of securing the cultivation of these wild regions, shall do it in conformity with the laws, especially with the provision of the law of 1824. Now how can it be with the law of 1824 following the law of 1823 restricting the possession to the amount I have stated, and which the land commission have recognized, that any power to give more than eleven square leagues could possibly be imagined?

But that is not all. On the following page in the fourteenth section will be found what the minimum was. Having stated a maximum the minimum was here established of irrigable lands:

The minimum of irrigable land to be given to one person for colonization shall be 200 varas square, the minimum of land called *de temporal* shall be 800 varas square, and the minimum for breeding cattle (*de abrevadero*) shall be 1,200 varas square.

These are very limited areas. Those are the three laws applied to the entire Mexican territory. That is, the whole federation and all its dependencies were controlled by these three general laws. Passing on, however, you will find two special acts were made in respect to other territory; that is to say in 1834 a circular was issued by the Vice-President of the Mexican United States exercising the supreme executive power conferred upon him, promulgating certain regulations concerning the lands of Coahuila and Texas, and there you will find that the apportionment to any family was much less. At page 625 it will be found:

To each family which shall engage to colonize in said State there shall be given a tenth part of a *sitio de ganado mayor*.

There is a limitation of about 500 acres to a family in these States. I find also some regulations of the 8th of December, 1846, at page 633. Without fatiguing the Senate by reading them, I will say that they were all much more restrictive as to the area of land grants than the act of 1824, and that they all show a growth in the strictness of the regulations connected with the measurement of land; and this was natural. As civilization progressed, as these lands filled up, their value increased; the possibility of possession of them and control of ownership increased, and as it did the necessity for measurement and precision of boundary became greater, and the areas of land granted became less. I refer also to page 643 containing the colonization laws for Coahuila and Texas, at sections 11, 12, and 13, and also at page 746, to the amount of four square leagues which were limited for the grant of towns, the pueblo grants, which have been the subject of a great deal of litigation and of very careful decision by the courts of California.

Now, Mr. President, if there be other general laws of Mexico or Spain with respect to the lands in the territories so ceded to the United States, I have not been able to discover them. I have examined the decisions of the Supreme Court of the United States since the acquisition of the territory of California and the adjacent territory under these two treaties, and I am unable to find anywhere an unconfirmed land grant passed upon by that court for an amount equal to eleven square leagues. The largest grant of any that I have been able to see was the Mariposa; and Senators may remember the very forcible opinions in dissent rendered by Judge Campbell and Judge Catron in regard to recognizing such vague descriptions there which amounted to ten leagues. In the case of Hornsby there was another grant of nine leagues. But I say here in the presence of lawyers who have examined and are well acquainted with the history of the judicial decisions on this subject that nowhere in the courts of the United States has an unconfirmed grant been passed upon favorably for as much as eleven square leagues of land. That I will agree is not a conclusive argument, but it is entitled to weight. When I have shown the laws of Mexico would have forbidden any governor of Mexico from exceeding the limit of eleven square leagues to any one man, he should not hold it, much less should it be granted, and when they do make grants they do so in vastly smaller quantities. I think the Senate must now be satisfied that the limitation in this bill imposed, after such long and careful consideration by the Committee on Private Land Claims, is just and proper, and fully warranted by Mexican law.

There was something said long ago by the Supreme Court on this subject. In 1863, in the case of Rodrigues *vs.* The United States, the state of things that we are now invited by the amendment of the Sen-

ator from Michigan to reinaugurate, the action by a commission instead of a judicial tribunal, was stated by Justice Miller:

No class of cases that come before this court are attended with so many and such perplexing difficulties as these locations by survey of confirmed Mexican grants in California. The number of them which we are called upon to decide bears a very heavy disproportion to the other business of the court, and this is unfortunately increasing instead of diminishing. Some idea of the difficulties which surround these cases may be obtained by recurring to the loose and indefinite manner in which the Mexican Government made the grants which we are now required judicially to locate. That government attached no value to the land, and granted it in what to us appears magnificent quantities. Leagues instead of acres were their units of measurement, and when an application was made to the government for a grant, which was always a gratuity, the only question was whether the locality asked for was vacant and was public property. When the grant was made, no surveyor sighted a compass or stretched a chain. Indeed, these instruments were probably not to be had in that region. A sketch called a diseño, which was rather a map than a plat of the land, was prepared by the applicant. It gave, in a rude and imperfect manner, the shape and general outline of the land desired, with some of the more prominent natural objects noted on it, and a reference to the adjoining tracts owned by individuals, if there were any, or to such other objects as were supposed to constitute the boundaries. Their ideas of the relation of the points of the compass to the objects on the map were very inaccurate; and as the sketches were made by uneducated herdsmen of cattle, it is easy to imagine how imperfect they were. Yet they are now often the most satisfactory, and sometimes the only evidence by which to locate these claims.

These difficulties have rather been increased than diminished by the act of Congress of March 3, 1851, entitled "An act to ascertain and settle the private land claims in the State of California," and the course of proceedings adopted under it by the board of commissioners and the courts. (1 Wallace, 587, 588.)

He proceeds then to state the utterly loose, vague, illusive method by which these boundaries were sought to be stated. He brings up the boards of commissioners, the utterly unsatisfactory character of their returns, and he winds up by saying that the courts have been compelled frequently to grant judgments upon the face of these confirmed titles for the same land to the different parties in whom the title had been adjudged. What was the result of this? The court speak of it as inadvertence; but it is not inadvertence. The court can not make law; they can not control facts. They must apply the law as they receive it from the Legislature, and the facts as the witnesses shall detail them; and if on that law and on those facts a judgment logically can be rendered it is not for them to consider the consequences. Said Justice Miller:

The case before us is an example, containing as many of the perplexities to which we have alluded as can well exist in one case. Its consideration requires an examination of three different claims, which have each, independently of the other, been carried through the board of commissioners and courts, and finally confirmed. (1 Wallace, page 589.)

The present bill is to prevent such a condition of things in regard to these Territories, for the court were then speaking of the land within the limits of the State of California which was the subject of a separate act. It is for the Senate to consider whether they desire to see in the face of this judicial criticism and public experience the same state of things brought about in regard to a more extensive area of lands in New Mexico and Arizona, for there is a very small portion of Colorado left to be affected by this proposed law.

There were other suggestions made which probably it is not necessary now to be answered. I see that the Senator from Michigan who proposed a substitute for the bill and who made many adverse criticisms and asked many questions the other day in regard to this bill has not apparently cared enough for the discussion to remain in the Chamber when it was under consideration as a special order of business. In what I have said I meant to address myself in reply to the suggestion of the Senator from Missouri [Mr. VEST] and the Senator from New Jersey [Mr. MCPHERSON]. They felt, and properly felt, jealous of the honor of the country and anxious that it should be fully maintained in respect of these Mexican grants.

I will say frankly that I myself felt at one time some doubt whether it was competent for us to impose this limitation upon the extent of a Mexican grant. To-day I say to the Senate, and I believe I have shown good ground for it, that it not only is law but that it is justice. It not only is the Mexican law, which we were bound to fulfill, but we have the superadded obligation which comes to all legislators to deal with questions in the spirit of the day in which they live. The Mexicans themselves have shown you that they did not intend the vague grant to be concluded by a sweep of the hand or a glance of the eye, or a description as to a range of hills or mountains in the far distance. They did not intend that such vagueness should apply when they came to deliver absolute dominion of that land to the person whom they had permitted in the furtherance of a policy to induce and favor immigration to go upon it and occupy it in a manner that should not be injurious to the public but beneficial, and which always, however, was subject to the conditions of the Mexican law. It was intended not only that it should be measured before the delivery of juridical possession should be made (and for want of which parties claimant have been turned out of the Supreme Court of the United States, as in the case of Graham *vs.* The United States that I read just now), but that it should be within the limitation as to extent imposed by the Mexican law to prevent the aggregation of vast bodies of property in a single hand and destroy the principle of equal division of land among the inhabitants.

As I said before, in the presence of men well acquainted with the current of judicial decision, there is not a case of an unconfirmed land grant in the United States courts where a greater amount of property than eleven leagues, or, I say, ten leagues, has ever been involved. The courts have not been called upon to try that question by itself, because the claims came before them either of a much less amount than ten leagues, or else came before them confirmed by commissioners appointed by Congress or by act of Congress. If Congress shall confirm the grant, the power of the Supreme Court is at an end. The confirmation of the grant has the same effect, says the Supreme Court, as a patent, and they are not at liberty to question it. So when the Maxwell land grant came up and nearly two million acres of land which had been inadvertently and ignorantly granted by Congress from the want of ascertained boundaries or any knowledge of the actual contents had been confirmed to a single owner, the court said: "We are not the law-making power; the political branch of this Government has seen fit to confirm this grant, and we simply declare the law to be as we find it on the statute-book."

Mr. MILLER, of California. I will ask the Senator from Delaware if in the Mariposa case there was not a larger amount than eleven leagues confirmed by the Supreme Court.

Mr. BAYARD. It amounted to about ten leagues, as stated by the court.

Mr. MILLER, of California. I thought it amounted to a much larger quantity.

Mr. BAYARD. No, it was ten leagues out of a large tract. The amount confirmed by the court was ten leagues. I have the case here, however, and I will read what Judge Catron said in stating the case:

On the 23d of February, 1844, Juan B. Alvarado petitioned the governor, Micheltorena, for ten leagues of land, alleging that the tract which he then owned was not sufficient to support his stock of cattle, and which he was desirous to increase.

That was the petition, and it was upon that amount that the judgment of the court was passed. But here is something that Judge Catron said in his dissenting opinion, not inconsistent with the decision, but descriptive of the concessions under Mexican laws:

To hold that the Mexican Government designed to leave in force for an indefinite length of time large undefined concessions, that might be surveyed at the election of the claimant at any time and at any place, to the hinderance of colonization and to the destruction of other interests, is an idea too extravagant to be seriously entertained; so far from it, the Mexican colonization laws contained more positive provisions to the end of granting distinct and known tracts of land to colonists than did any Spanish laws that have at any time been brought to the consideration of this court. (17 Howard, 571.)

Well might he say so. I hope I have not fatigued the Senate, but if there be doubt in the mind of any Senator, I would ask him to read these laws which I have laid before you, to see how guarded and how full of conditions were all these grants that at first blush appeared to have been made so carelessly. They were, as the Supreme Court has said, gratuities. They were a permission to graze, to cultivate, to let the thousand herds of cattle and horses roam at will. All that was yet subject to the condition of population, of improvement, and finally of strict measurement, before what they termed the absolute dominion could be given to an individual occupant. He was the merest licensee of the Mexican Government until he had completed the conditions under which he was to become the lawful owner and invested with the title, and before that could be, the most careful and vigorous conditions were all to be performed.

The delivery of this juridical possession was a matter of great publicity and of contemplated notoriety. The whole neighborhood was gathered to know whether the rights of individuals were being invaded, and all the publicity that could be given was given to it before the measurement was applied to the land. How could that be applied? In quantities so minute, so small, that they were compelled to apply by law a minimum as well as a maximum before they would insist upon the performance of these formalities; and when you came to the utmost amount, there it stood as a barrier to the powers of the governor, as a barrier to the powers of any official, and that was the eleven square leagues, or in our measures about fifty thousand acres of land.

Nay, further, treating this question to-day and applying all those rules of natural good sense and equity, having reference to the times in which we live, the habits of our people, the intent of the law, the capacity to retain possession or to maintain actual possession of such large tracts of land, I do not doubt that it would be in the power of the United States frequently to refuse the confirmation either by a court or by a legislature to such tracts of land far short of the ten square leagues, which is the maximum which the Supreme Court has yet passed upon in any case not confirmed by act of Congress or by a commission.

But that is not the question now before the Senate. The question is whether, with the report of this land commission, with the action of this committee, the scheme proposed is one that tends to secure justice to private claimants, and at the same time protect the Government of the United States, lest intending to do justice by its individual citizens it may make itself liable to others whose rights may be invaded.

I do not know now that it is necessary for me to speak of that clause of the bill which provides for the issue of land-scrip to the parties whose titles may have been confirmed by the court and patented and find themselves ousted by a preceding settler. Much was said here in regard to floating claims, and of the wrong, and the injustice, and the imposition which has followed the inadvertent grants, as in the case of Valentine

and another in which they have floated their scrip over the country, locating it upon any public land that they saw fit. But a limitation of this bill provides carefully against that.

In the first place, the lands which are to be substituted for those which may have been adjudged by the court under their decree are to be within these said States or Territory. There is the first limitation. In the next place, they are to be such lands only as are subject to private entry, and as I understand the land laws of this country until lands have been offered at public sale and withdrawn they are not subject to private entry. Therefore, whether they are to be offered at public sale is a question for the executive branch of the Government and the common honesty of giving an equivalent for lands which in our mistaken performance of a public duty from which we have excluded the true owner through the court or through Congress. I say that duty is a plain one, and in executing it the safeguards have now been imposed which former experience has proved to be necessary.

There is no such thing as a general float of land-scrip proposed in the bill. It is only for the lands within those States and Territories named and which are subject to private entry. No lands, as I understand the public land law of this country, are subject to private entry which have not been offered at public sale under the order of the Executive and withdrawn.

I regret the length of this discussion. I am aware that it is very dry and uninteresting, proven somewhat by the indifference of so many of the members of the Senate upon this subject; but I intended to answer the objections raised by the Senator from Missouri [Mr. VEST] and the Senator from New Jersey [Mr. MCPHERSON] and also by the Senator from Kansas [Mr. PLUMB], and to assure them that the bill makes no restriction upon any perfected title, and is the full measure of our duty under the treaties with Mexico.

If people have honestly acquired one acre of land or one million acres of land and their title to that is a perfect title, that is to say all has been done that the treaty with Mexico required either government to perform, the bill does not affect them. It affects the possessory right; it affects the legal right; it affects the legal title of no man; but it does seek as cheaply and as wisely as experience can suggest, according at least to the statement of the land commission, according to the opinion of the Committee on Private Land Claims (from the weight of whose council I entirely except myself) as being the best mode yet suggested, and I hope will now for the third time receive the approval of the Senate and become a law.

BILLS INTRODUCED.

Mr. MCPHERSON. I ask unanimous consent to interrupt the regular order of business long enough to introduce a joint resolution, that I may have it referred to the Committee on Naval Affairs, who meet to-morrow morning. I should like to have it read and referred to the Committee on Naval Affairs.

The PRESIDING OFFICER (Mr. HARRISON in the chair). Is there objection to the introduction of the joint resolution? The Chair hears none, and it will be received.

The joint resolution (S. R. 50) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, was read the first time by its title.

Mr. MCPHERSON. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, and referred to the Committee on Naval Affairs, as follows:

Resolved by the Senate and House of Representatives, &c., That the sum of $500,000 be and is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and immediately available, to carry into effect the provisions of House of Representatives joint resolution No. 119, and that the expenditure therein authorized to be made shall be limited to said $500,000.

Mr. PLUMB introduced a joint resolution (S. R. 51) authorizing an expenditure of money for Indian educational purposes; which was read the first time by its title.

Mr. PLUMB. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, and referred to the Committee on Appropriations, as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Interior be and hereby is authorized to expend so much of the sum of $150,000 appropriated for the purpose of further instructing and civilizing Indian children dwelling west of the Mississippi River, &c., in an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1883, and for other purposes," approved May 17, 1882 (22 Statutes, page 86), as he may deem necessary for the purpose of erecting and repairing such school buildings as are now in course of construction or for which contracts have been made, and for such other educational purposes as he may consider proper.

Mr. GARLAND introduced a bill (S. 1368) donating 320 acres of public land to each of the survivors of the Mountain Meadow massacre and to each of the legal heirs of any one killed in such massacre; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1369) to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on the Judiciary.

Mr. LAMAR introduced a bill (S. 1370) for the relief of Washington Ford; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. HAWLEY introduced a bill (S. 1371) granting an increase of pension to Mrs. Marie Louise Craven; which was read twice by its title, and referred to the Committee on Pensions.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 112) to print a report made to the Postmaster-General relating to carrying the mails was read twice by its title, and referred to the Committee on Printing.

The joint resolution (H. Res. 116) fixing the time when the pay of certain clerks to committees and other employés of the House of Representatives shall begin was read twice by its title, and referred to the Committee on Appropriations.

DESTITUTE INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians.

On motion of Mr. ALLISON, it was

Resolved, That the Senate insist on its amendments to the said joint resolution disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it was

Ordered, That the President *pro tempore* appoint the conferees on the part of the Senate.

Mr. ALLISON, Mr. LOGAN, and Mr. BECK were appointed.

LADY FRANKLIN BAY EXPEDITION.

Mr. HALE. I move that the Chair be authorized to appoint the new conference committee on the amendment of the Senate to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

There being no objection, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. SHERMAN, and Mr. SAULSBURY were appointed.

PRIVATE LAND CLAIMS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories, the pending question being on the amendment of Mr. MCPHERSON.

Mr. PLUMB. This discussion has taken a pretty wide range considering the nature of the amendment proposed by the Senator from New Jersey. It certainly ought not to be necessary to argue that proposition at great length. The seventh subdivision of section 12, as reported by the committee, amounted to a declaration by Congress of the legal effect of the Mexican law in regard to the limitation of grants. I think enough has been said already to show conclusively that great doubt exists in regard to the law of Mexico upon that subject. Without expressing any opinion myself upon that point, I will venture to say that I think a question of that kind ought to be submitted to the courts, and that it would not be a fair interpretation and carrying out of the treaty obligation of the United States toward the people who became citizens of the United States by reason of the treaty of Guadalupe Hidalgo for Congress itself to pass upon a question judicially affecting their rights of property.

If it be as plain, as the Senator from Delaware says it is, that the law of Mexico limited the grant of land to a single individual to eleven leagues, what more proper tribunal could ascertain and declare that fact than the judicial tribunal, whatever it may be, before whom these people are obliged to go to establish their rights under the Mexican law, and obtain also a declaration of their rights under the treaty and under the laws of the United States? This is one of those questions, therefore, which we can properly leave, and can only properly leave, to the judicial tribunal which is to pass upon the ultimate rights of these parties to the grants of land which they claim under the law of Mexico.

But this discussion having taken the range that it has done, and having embraced practically all the essential features of the bill, I propose to state some of the objections which occur to me in regard to it.

Mr. LAPHAM. Before the Senator passes to that point will he allow me to make a suggestion? I have the same difficulty which the Senator has. Does not the seventh clause under consideration accomplish all we can do when we strike out the first portion of the clause and provide that "no confirmation shall be for a greater quantity than was authorized by the respective laws of Spain or Mexico applicable to the claim?"

Mr. PLUMB. That is the position which I take in regard to the matter. The amendment of the Senator from New Jersey covers that point exactly.

Mr. LAPHAM. I think it does admirably.

Mr. PLUMB. It covers it entirely.

Mr. BAYARD. I do not desire to interrupt my friend from Kansas but would merely ask him whether he would object to letting us take the question upon the amendments as we go along, and then raising new questions and settling them one by one as we come to them?

Mr. PLUMB. I had not designed to move to amend the bill, but to address myself to some objections which occurred to me to the entire structure of it, and which, as I think, make it totally inapplicable to the case we are considering. I was about to say that I think in some respects it is unnecessarily restrictive in its character, and will work great injustice to a class of people who are dependent upon us entirely for the measure of their rights, or rather for what they are to get as the result of our acquisition of them and their property by the treaty. On the other hand, I think the bill enlarges certain rights unnecessarily and unjustly.

In the first place, I think the first section, in referring to incomplete Spanish or Mexican grants, is liable to great misconstruction. I listened with interest to the definition which the Senator from Delaware gave of the difference between a complete and an incomplete grant. The very fact that it required such labored argument to establish the distinction which exists in his mind and which must be enforced by the court should, I think, call for the greatest caution. I am enforced in my objection to that phrase of nomenclature or definition by a reference to the act of Congress which provided for the settlement of grants of a similar character arising under the same treaty in the State of California. There the commission was required to examine and pass upon every right or title derived from the Spanish or Mexican Government. It was not limited necessarily to a grant; it was not limited to an incomplete title nor to a complete title; but it simply took those people with reference to all their rights and required them to be adjudicated upon by the commission and a determination reached in accordance with the law and the facts in each particular case.

I therefore think that if the bill is to be passed, this limitation of the authority of the court to pass upon an incomplete title ought to be stricken out, and that all the rights of all the citizens of New Mexico, Arizona, Colorado, and Nevada under the treaty should be passed upon by this commission.

I am the more enforced in my judgment of that by the fact that there are a large class of people in New Mexico who if this provision is to be adopted will be cut out of their rights entirely. There are located in the valley of the Rio Grande, and more particularly in the neighborhood of the city of Albuquerque, quite a large number of people who are living upon small tracts of land running probably all the way from five acres to forty acres in extent, limited and varying in width upon the Rio Grande River, and extending back across the bottom and on to the mesa, giving tillable land and pasture land of irregular shape, conformed to no theory of survey, forming an aliquot part of no quarter-section of land or section of land, as we know it under our system of surveying land. These people do not hold there by reason of a grant in the ordinary sense of the term nor in the sense in which that term is used in the bill. They and their ancestors have lived upon those tracts of land, some of them as long as two hundred years without changing possession or location. Others of them have been in possession as long as one hundred years, and none of them perhaps for less than fifty years. Those people under this bill would absolutely be cut out of all title whatever to their possessions.

I have examined section 10 of the bill, which it was supposed by some might cover this class of cases, but upon a reference to it you will find that it is entirely inadequate, because it is limited to those who have grants, and these people have no grants. They were placed in possession, according to tradition, by the commanding officer of the post or fort or presidio, as it was called in the time of it, where they became not only the sources of supply for the food necessary to maintain the post, but also its means of defense against their enemies. Under the law of Mexico it was not necessary, nor even desirable, that they should ever have a paper title. Their possession had been recognized by the successive governments over them; they were in the actual and manual possession of those lands, and no one was likely to ever dispossess them. They have been protected since we acquired New Mexico simply by the order of the Commissioner of the General Land Office, who has directed that no entry should be permitted to be made of those lands. I have in my hand now a copy of a dispatch sent by the Commissioner of the General Land Office within a few days to the register and receiver of the land office at Santa Fé, N. Mex., answering an inquiry as to whether entries could be made within the sections in which those locations are, saying to the register and receiver that entries shall not be made unless the parties affirmatively prove that the lands they seek to enter are not in possession of anybody else.

Mr. MAXEY. Will the Senator from Kansas permit me to ask him a question?

The PRESIDING OFFICER (Mr. HARRISON in the chair). Does the Senator from Kansas yield to the Senator from Texas?

Mr. PLUMB. I do.

Mr. MAXEY. I want to understand this thing. Suppose a party filed a petition for a grant, a survey had been ordered and actually made, and the party put in possession. He is put in actual possession of the land under marked bounds, but the final grant or concession has not been issued. Does the bill propose to cut out all the excess within that marked boundary where the actual possession has been delivered according to the Mexican law and turn it over to the United States? Is that the proposition?

Mr. BAYARD. Certainly not.

Mr. PLUMB. I understand that is the purpose of the bill.

Mr. BAYARD. Certainly not. The Senator has explained that, I think, fully.

Mr. PLUMB. Then I did not understand the question of the Senator from Texas.

Mr. MAXEY. I will repeat my question. The Senator doubtless is perfectly aware of the various steps taken to secure a Spanish grant. Suppose that a party seeking title has filed his petition, an order of survey has been granted by the proper authority, the survey actually made, and the possession as required by the law delivered to the applicant, and he placed in the actual possession of the land; and it turns out that it being an eleven-league grant, there is more to the out-boundary mark, as the law requires, containing more than eleven leagues, does the bill propose to cut out all the rest over eleven leagues?

Mr. PLUMB. I certainly understand it that way. If that is not the case, then I have not only misunderstood the bill, but I have misunderstood the entire tenor of this discussion.

Mr. MAXEY. That is what I should like to have understood. It will control my vote on the matter.

Mr. PLUMB. And I can give cases where that is entirely proper and should be done.

Mr. MAXEY. I beg to say that if that is the case, I certainly shall not vote for any bill that embraces such a clause as that.

Mr. BAYARD. Will the Senator from Kansas allow me to interrupt him?

Mr. PLUMB. Certainly.

Mr. BAYARD. I wish merely to dispose of one thing at a time. The Senator from Kansas was speaking of one thing and my friend from Texas I think was speaking of another. If the case he has described is true accurately, that the man has had the juridical possession of the land delivered to him under the law of Mexico, what more does he need? The laws of the United States and the treaty of Guadalupe Hidalgo say that his title is perfect, and the courts of the United States will maintain it. He is not the man to come under this proposed law. He has no need for it. His title is just as good under those facts as any title in the District of Columbia or elsewhere. We are speaking entirely of an incomplete title; and although possibly to the fatigue of my friend my argument on that subject was "labored," it was drawn forth not by my own suggestion but by the question of my friend from Indiana [Mr. HARRISON] now in the chair. I endeavored to answer him in order to leave nothing unexplained in the bill that it was thought worth while to reach by it.

Mr. PLUMB. I made use of an infelicitous term in speaking of the argument of the Senator from Delaware. I meant to say that the argument was lengthy rather than "labored." It only illustrated, as I think, the difficulty of arriving at a conclusion which should be satisfactory as to exactly what class of cases are embraced in the bill. Take the case the Senator has himself suggested, a case where the claimant under the law of Mexico has had delivered to him the juridical possession. The Senator says in that case there is a complete grant; but suppose it turns out at some time that there is a failure to prove it?

Mr. MAXEY. The very case that I put was where the final concession had not been made, but the equities were complete. The party had made his petition in due form of law, was placed in the actual possession upon an actual survey, and has possession, but the final concession or grant, as they call it, is not made. Then the party, having nothing further to do himself, but the government not having issued the grant to him, he has not, of course, a legal title; he has an equitable title. Now, can that surplus or excess be taken from him? That is what I want to know.

Mr. PLUMB. That is part of the purpose I have now in view in regard to my objections to the bill. But taking the case which the Senator from Delaware has suggested, where the grant, as he says, is complete, the evidence of the juridical possession and of the boundary is not of record anywhere, or, at least, it may not be. It is a fact within the knowledge of somebody, which can be proven in a court. That proof is made matter of record, and based upon that proof a paper title may be issued. But suppose a person relies upon the fact that he has got the complete title within the definition of the Senator from Delaware, and does not come within the jurisdiction of the court for the purpose of proving his title, and some other time, an action of ejectment being pending in regard to this particular piece of property, he fails to make proof satisfactory, then he has got an incomplete title, although before he supposed he had a complete title. It will be necessary for everybody who has any title whatever to any of the lands in New Mexico not confirmed by an act of Congress to come into this court and prove his title, and unless the muniment of title shall be in the court, or as a result of its judgment, he never will be safe. Consequently this limitation to incomplete titles is calculated to make confusion and to work great injustice.

Mr. JONES, of Florida. Will the Senator from Kansas permit me to interrupt him for a moment on that point?

Mr. PLUMB. Certainly.

Mr. JONES, of Florida. I think if the Senator from Kansas would look at the act of Congress approved May 26, 1824, for the settlement

of the outstanding land grants in Missouri and in Arkansas he would find that this bill is a substantial copy of that. All the angry and long controversies in both those States were settled, as I understand, under the provisions of that act, the language of which is almost in the very words of the measure now under consideration by the Senate on the particular points to which the Senator refers. That act has been in existence for more than half a century, a large number of claims were settled under it, and I never heard of any great injury having been worked by it. The act of 1824 provides—

That it shall and may be lawful for any person or persons, or their legal representatives, claiming lands, tenements, or hereditaments in that part of the late province of Louisiana which is now included within the State of Missouri, by virtue of any French or Spanish grant, concession, warrant, or order of survey, legally made, granted, or issued, before the 10th day of March, 1804, by the proper authorities, to any person or persons resident in the province of Louisiana at the date thereof, or on or before the 10th day of March, 1804, and which was protected or secured by the treaty between the United States of America and the French Republic of the 30th day of April, 1803, and which might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the government under which the same originated had not the sovereignty of the country been transferred to the United States in each and every such case," &c.

That is the celebrated Missouri act of 1824, under which the titles to land in that State were settled.

Mr. PLUMB. The circumstances are entirely different. At that time there was no demand for land; there was no controversy about land; and there was hardly anything anywhere to excite even the acquisitive faculty of anybody. Whatever a man claimed he took, whatever he wanted he got, as the Senator from Connecticut [Mr. HAWLEY] well says. We are now at a trying period of the history of this country, when land is worth something, when there is a controversy about land everywhere, and when men will need to be on their guard more fully, and particularly in reference to their titles, than they ever were before. In addition to that, the jurisdiction from which we got the land is different. There was never such a lax land law known among men as that which prevailed in the Mexican Government, so far as it related to the actual possession of title, by the issuance of a piece of paper from the general government to the claimant.

The class of people of which I have spoken would, as I have said, absolutely be put out of the possession of their holdings under the operation of this bill. They have no grant, they have no warrant, they have no survey in the meaning of the bill. They are a class of people who by reason of their poverty, by reason of their general helplessness, and by reason of the fact that they have dwelt upon this land for generations, are entitled specifically to our sympathy and to our most careful support. Even if it were possible to enlarge this bill so as to embrace them, still its provisions would be confiscation to them. Every one seeking to acquire a title to a piece of land under this bill is required to file his petition setting up at great length his claim of title or claim to title. He has got to prove that in a court. An appeal is bound to be taken against him, because if the decision is in his favor the district attorney is instructed to appeal to the supreme court of the Territory. One of these persons owning only from ten to forty acres of land (the highest holding any of them have) would find not only all he has wiped out in the payment of lawyers' fees, but a mortgage put upon his entire future. That is the treatment we propose to mete out to those people who became citizens of the United States by no will of their own, and whom we contracted to protect in all the rights which they had under the laws of Mexico. We have no right, I submit, to impose upon them this expensive proceeding, nor any expensive proceeding, for the purpose of enabling them to acquire title to the land which Mexico would have given them and had given them practically without cost.

I think the bill is somewhat liberal in some respects. Section 9 provides for issuing scrip to make up the lack which the court shall find in any man's grant. The familiar form of making these grants was to name certain exterior boundaries within which the selection of the particular amount of land granted was to be made. Sometimes, as in the case of the Maxwell grant, the exterior boundaries embraced seven, eight, ten, perhaps even twenty times the amount of land that was granted. Judicial possession was given, that is to say, a man was put in possession of a particular piece of land, which became a corner-stone perhaps, or at all events a place from which the boundary of his possession was to be determined. It was one of the points; all the rest of them were floating; the lines could be carried in any direction and in all directions within the exterior limits named in his grant. A familiar illustration of that was the Mariposa case, in which the Supreme Court of the United States affirmed that right as existing in a person holding under the original grantee.

Now, take a case of this kind: A person has a grant we will say for eleven leagues of land. The exterior boundaries are one hundred leagues of land. He has a certain possession all the way, more or less well defined, and also more or less ill defined. It is a matter of no particular consequence, because he has a right to use the adjacent land as pasture land, subject of course to such infringement as may come from the operation of the land laws of the United States, or from some one going upon those lands with the freedom common to Americans, who may more or less trespass upon the limited area so held within the greater area. When the court comes to find out what the boundaries of the tract of A B are within these exterior boundaries, it finds a certain possession. He ought to have the right to go in a certain direction, but in the mean time some one, perhaps with the consent of the grantee himself, has settled upon that under the land laws of the United States and has cut off in that particular direction a quarter-section, or a section, or ten or one hundred sections of the grant. The party is not then constrained to go somewhere else within the exterior limits and get his land, but he may stop right there and say, "So much has been taken off from the land which I was put in possession of within these exterior limits, and instead of taking other land just as good perhaps and adjoining within these large boundaries, I will take scrip, which I can locate upon the fattest land in the Territory of New Mexico or Arizona or in the State of Colorado." One acre cut off in that way and located under that provision would probably be worth any ten or perhaps any fifty acres within the original grant. It is the most dangerous power that could possibly be conferred upon a court. It would not operate in favor of all those people, but only of a few. It would open up a wide domain for speculation in the public lands of the United States, which although not intended would inevitably ensue.

I think with reference to indemnity that Congress ought to leave itself in a condition to pass upon each particular case to be reported by the court, if its report shall ever be made. If this provision for indemnity is not in the bill, my belief is that all those people will get sometime, if they ever get judgment at all, all the land they are entitled to.

But one of the fundamental objections to the bill is the tribunal. These cases are to be tried by the United States courts in the Territories and in the States within which the grants are situated. Every one familiar with the condition of things existing in New Mexico (and that is the Territory within which most of these grants lie) knows that the courts of that Territory are overburdened now with their current and ordinary business. It is almost impossible now to get prompt trial for any case, civil or criminal, pending in those courts. You burden those courts now with the adjustment of these land grants of great value and of great number, hotly contested as some of them will be, and as all of them are bound to be in point of fact, because that obligation is placed upon the district attorney, and it will be years, it will be a generation in the ordinary course of things, before the cases are settled. In addition to that, after they are settled in the court of the district, the district attorney is compelled to appeal to the supreme court of the Territory, and after the supreme court of the Territory has passed upon the case it still remains to be carried to the Supreme Court of the United States. The generation of men who are legislating or seeking to legislate upon this subject will never witness the adjustment and perfection of these grants under this bill.

I have before me the report of the surveyor-general of New Mexico for the year 1879, a man thoroughly versed in all the surroundings and belongings of these land grants in the Territory of New Mexico. I ask the Chief Clerk to read so much of his report as I have marked for the purpose of showing many of the difficulties which the courts of the Territory will have in settling the cases if this bill should become a law.

The Chief Clerk read as follows:

Judging from the light of experience, I am of the opinion that a reference of these cases for adjudication to the district courts of the respective districts in which the lands may be situated would not be advisable, and while there are some arguments in favor of such a reference, I believe the results would not be as satisfactory as under the present system.

Some of the objections to that method are, that the court of adjudication should have direct and ready access to all the archives, it being frequently necessary, on account of the antiquity of the title papers, to introduce for purposes of comparison other original documents bearing the signatures of the same Spanish or Mexican officials whose signatures, or purported signatures, appear on the muniments of title in the case at bar, and the genuineness or ungenuineness of these title papers are frequently necessarily determined by such comparison where there are no living witnesses familiar with the signatures of such officials to prove or disprove the genuinenesss of the same.

The evidence of the abandonment or fraudulent character of a grant may exist among the archives in documents having no direct connection with the case at bar in one district, and the same document may embrace evidence of a similar character, or reverse, in another case pending in another district, and the document may be required in evidence in both district courts at the same time; or its existence may be known to one and unknown to the other, or may be unknown to either, unless direct and easy access to the entire archives can be had by the court. If these documents are sent back and forth from one district to another, or to and from the regular custodian of the same, they would be liable to be lost; and if distributed among the several judicial districts, the evidence of legality or illegality of the documents in some particular case might be on file in another district than the one in which it might be required in evidence in such particular case.

The investigations of this office the past year have demonstrated that some of these alleged grants are forgeries; and a comparison of the signature of the governor on the alleged title papers with the signature of such officer proven and accepted as genuine upon other documents in the archives, and the judgment of experts thereon, is not infrequently required to establish the character of the document under consideration.

Unless the court before which these claims are adjudicated can have access to all of these archives it is much more liable to be imposed upon by fraudulent title papers.

Mr. PLUMB. Reference has been made to abuses that grew out of the administration of the law of 1851 in California.

Mr. BAYARD. The law of the United States?

Mr. PLUMB. Yes.

Mr. GARLAND. The act of March 3, 1851.

Mr. PLUMB. California was a long way off. As I said a moment ago, referring to another class of cases, there was abundance of land for everybody; there was no pressure for scrutiny; there was no law providing for any great scrutiny in regard to validity nor in regard to the extent of the grants to be passed upon. In addition to that there was no public sentiment; there was no press, no telegraph, no communication of any kind practically connecting California with this side of the mountains. What was going on over there was regarded as something that was incidental to the acquisition of that territory, not likely to occur anywhere else, and affecting nobody practically but the people who lived in California and who agreed among themselves in regard to what they wanted, and substantially in regard to what they got.

No such abuses could ever arise under the administration of a similar law in New Mexico or in Arizona, but a commission of men appointed with reference to their especial qualifications for this service, to sit at Santa Fé, at Albuquerque, at Mesilla, at Las Cruces, or any other point in the Territory where it should be necessary to examine the record, hear the witness in person, have ample time to scrutinize every single thing relating to these titles, would be the best possible way of adjusting them, and is the way that ought to be adopted. Put them now into the courts, sandwiched between cases of trespass and damage on the one side and criminal causes and causes arising under the mining laws of the United States on the other, and they not only will not be tried, and the unsettled condition of things now existing will continue for a generation or more, but the decisions to be arrived at can not in any case be as complete, as absolutely certain of being just and fair, as they would be if they were tried before a court which had jurisdiction for that purpose and for nothing else. That is what I not only think we ought to do but what I think we are bound in good faith to do. We have waited now for nearly forty years without doing anything practically to settle these vexed questions and give to those people the rights we guaranteed to them under the treaty. We ought now to do it, and to do it in such a way as that the delay which has already occurred will not be supplemented by a delay as great, and added to that the great cost and burden of the expenses that are provided for in the bill, and the constant assertion on the part of the Government of its right to appeal notwithstanding the case may be just as plain as day.

Mr. DOLPH. Mr. President, it may be considered presumptuous for me to offer any suggestions in regard to this bill, especially should I take a different view of its provisions from that entertained by the honorable Senator who has just preceded me; but I have become interested during the discussion upon the bill, and I desire to submit a few suggestions of my own.

I presume there is no difference of opinion in this body, at least there ought to be none, as to the duty of the United States to provide in some manner for the confirmation of land claims and grants under the authority of the Spanish and Mexican Governments which were made prior to February 2, 1848, the date of the treaty of Guadalupe Hidalgo, in the now Territories of New Mexico, Wyoming, Arizona, and Utah, and the States of Nevada and Colorado; nor should there be any difference of opinion as to whether the time has now arrived when provision for the confirmation of these claims should be made. The treaty was executed in 1848, and after the lapse of all the time which has intervened down to the present day these claims in the State of California are not yet entirely disposed of, and scarcely a beginning has been made as to the confirmation of these claims in the States and Territories mentioned in this bill. Notwithstanding the matter has been frequently called to the attention of Congress by the Chief Executive of the nation and by the Secretary of the Interior and by other officers of the Interior Department, Congress as yet has made no adequate provision for the confirmation of these claims.

In 1854 a law was passed providing for the examination of claims by the surveyor-general of New Mexico, but confessedly that law has been a failure; it has amounted to a denial of justice. After twenty-six years a thousand claims had been presented to the surveyor-general, and only about one hundred and fifty, it appears, had been reported for confirmation, and only seventy-one of that number had been confirmed by Congress. Under the act of 1854 the surveyor-general of New Mexico received elaborate instructions from the Interior Department in regard to his proceedings in securing the documentary testimony in regard to these grants and private claims and in regard to his course of procedure in executing that law.

As to the character of the testimony upon which the rights of these private claimants depend, I desire to read from a communication from the surveyor-general of New Mexico to the Interior Department, dated September 30, 1855:

> In accordance with your instructions I made application to his excellency David Merriwether, governor of the Territory, for such of the archives as related to grants of land by the former authorities of the country, which he declined delivering, giving as his reason that their selection from the large amount of papers composing the public archives of the Territory would involve an immense amount of labor and a heavy expenditure, which he was not authorized to incur. He, however, allowed me to remove the packages containing such papers as related to the grants of land in the country from their deposit, and examine them in my own office; whereupon I immediately assigned two of my clerks to separate them. On the last day of July this difficult duty was accomplished, and from one hundred and sixty-eight packages, averaging one hundred and sixty-eight thousand papers, of every nature and description imaginable, one thousand seven hundred and fifteen grants, conveyances of land, and other documents referring to claims to lands, have been selected, and are now being arranged and classified in a systematical form in this office. It will, however, be impossible to have them properly and substantially bound, as required by your instructions, on account of the different shapes and forms in which they are to be found—some existing on large sheets of foolscap paper, while others are to be found on half sheets, and others again on scraps of paper, which can never be bound in any convenient form.

This is the statement of the condition of the documentary evidence relating to these claims.

Again, we have just heard read an extract from a report or communication from the surveyor-general of New Mexico, in which he states, as I understood a reading of the document, that it has lately been found that a large number of the documents on which the rights of these claimants are based are forged.

Now there are presented to this body two measures for settling these claims, which involve a hearing of the testimony, an examination of the documentary evidence, a judicial decision, a segregation of these private claims from the great body of the public land, and a survey of them; in other words a determination as to their validity and their extent, and the final confirmation of them by a judicial tribunal.

One plan proposed is the bill which has been reported from the Committee on Private Land Claims, and while I will say that I do not know that it is the best plan which can be devised, I unhesitatingly declare, from what information I have on the subject, that it is the best plan which ever has been devised by the Congress of the United States to inquire into the validity and extent and to confirm these claims, and, with one or two exceptions, it meets with my hearty approval. Objection has been made to it on the ground that it provides for the issuing of scrip. This objection is not well founded. Prior to 1860, and possibly prior to 1862, it was the policy of the Government as the general surveys were extended over the public domain to offer the lands at public sale. These public sales were continued during a length of time regulated by law. At the expiration of the time alloted for the public sales, if the lands had not been sold, they became offered lands, and any citizen of the United States could thereafter enter any amount of those lands he chose at private entry, paying therefor $1.25 an acre and receive his patent at once. With the passage of the homestead bill in 1862, if not previously, the policy of the Government changed, and since that time there has been no such thing as offering lands at public sale. The policy of the Government has been to reserve the public lands for homesteads—for homes for actual settlers, and to-day the offered lands of the United States are comparatively worthless; they are lands which would not sell at private sale or at public auction; they are lands which for a quarter of a century have gone begging for a purchaser at a dollar and a quarter an acre. These are the lands known as lands subject to private entry; and to these lands is the location of the scrip authorized by this act limited. I think that the Government would be doing well and getting the best of the bargain if it had granted away lands which belonged to these private claimants and could account for them with this character of scrip that could only be located on these detached and isolated portions of the public domain which are subject to private entry.

Another objection has been made against the provision of this bill which authorizes testimony which has been taken before a surveyor-general to be used in contests before the courts in cases where the witnesses are dead. It is suggested that the provision ought to be broader and require all this testimony to be received. I am not prepared to say that such a provision would do great harm, because the testimony is not made conclusive on the courts by the provisions of the bill. The provision of the bill is substantially that the court may give it such weight as it is entitled to. It may be *ex parte* testimony, and it would be an injustice to people who may be claiming these lands under the laws of the United States and have a standing under the provisions of this bill, to object to the confirmation of these private land claims granted under the laws of Spain and Mexico and who may become parties to the litigation, to allow all the testimony which has been taken in the proceeding before the surveyor-general to be read in evidence and to be considered in a controversy between such parties claiming under the laws of the United States and the claimants under the Spanish and Mexican grants.

There are, however, some provisions in this bill which I think are injudicious; for instance, the provision by which these suits are to be instituted and tried in accordance with the laws governing suits in equity before the district court. I apprehend that that provision has been borrowed from some previous act. In the discussion of the bill to provide a civil government for Alaska the Senator from Indiana [Mr. HARRISON] asked me what civil jurisdiction the district courts had. I suggested then that they had original jurisdiction in cases in admiralty, but they have other civil jurisdiction; by various statutes jurisdiction in particular cases has been conferred upon them until the list of matters in which they have civil jurisdiction has become quite lengthy. They did have jurisdiction in equity of certain matters growing out of the bankrupt law and the internal-revenue laws. I concede that there is no great objection to conferring this jurisdiction on the district courts; but is there a necessity for it? I believe not. Since

1867 the judges of the district courts may hold circuit courts. By the provisions of an act passed in 1867 circuit courts may be held by the justice of the Supreme Court who is assigned to the circuit, by the circuit judge, and by the district judge, or any two of them. Therefore there is no reason now for allowing these proceedings to be instituted in the district court in a State. I think it would be far better to have the bill amended so that these suits should be commenced in the circuit court, which may be held and is held by the district judge, and then the appeal will be directly from that court to the Supreme Court of the United States if the case is appealed. But an attempt is made in this bill to authorize an appeal directly from the district court over the circuit court to the Supreme Court of the United States.

The other provision to which I refer is a provision that the costs of survey required to be paid by the claimant shall be a lien on the land. It is an unusual proceeding, it seems to me, to make a lien upon land and provide for the sale of the land for the lien without providing any tribunal to determine the amount, without providing any record upon which the lien is to be recorded, and without making any provision as to the proceedings by which the land is to be sold for the lien. I think it would be a sufficient security of the right of the United States to strike out that provision and leave the section to read that a patent shall not be issued until one-half the cost of survey has been paid.

I said I believed this was a good bill. Why do I believe so? The gentleman who preceded me, the Senator from Kansas [Mr. PLUMB], suggested that it would be many years—I cannot recall his exact language—before these controversies would be determined in these courts, and this bill provides for at least fourteen distinct tribunals in which these proceedings may be instituted. There are three judges, a chief-justice, and two associate justices in each of the four Territories, and a judge of the district court in each of the States. Therefore, as I said before, we have here in this bill provided fourteen distinct tribunals; and more than that, they are convenient to the litigants—they are domestic tribunals.

Again, this bill refers all these controversies to the established courts of the United States, to a part of the judicial system now existing with all its machinery for entertaining, hearing, examining, and determining these controversies, with its clerks, with its marshals, with its records, with its offices where these records may be preserved and safely kept, convenient at all times for the examination of the parties interested in them. Besides that, it provides for the original papers being preserved in this record. With such a provision, with so many distinct tribunals having jurisdiction over separate districts of this territory, it is possible, it is highly probable, that the three years' limit provided by this act will be a sufficient time to enable all these proceedings to be commenced, and in the due course of judicial proceedings all the controversies will be satisfactorily determined.

Now let us examine for a moment the other plan proposed, an itinerant commission consisting of three persons, with a clerk, stenographer, and other attachés, who are to travel over two entire States and four Territories to hear and investigate and determine controversies which have arisen or may arise in regard to these private land claims. I ask the Senator from Kansas, if it would take the time which he states to have these controversies determined in fourteen different courts already constituted and upon which jurisdiction is conferred by this bill, how long would it take this traveling commission to determine them?

More than that, Mr. President, it is provided in the proposed substitute that the testimony in regard to the original and present possession and occupation of the land claimed and boundaries and limits shall be taken upon or in the vicinity of the land. Just think of it! A commission traveling over this vast extent of territory, not locating themselves at convenient points within the district, but traveling about and receiving the testimony in the vicinity of each private land claim! If the provisions of the bill offered by the committee could be characterized as infamous, I should like to ask the Senator who proposes the substitute what epithet we could apply to the substitute which would fitly characterize it?

Now, Mr. President, I desire to call attention to another provision of this proposed substitute. Section 5 provides—

That the commissioners shall give due and public notice of the time and place for filing claims and of holding their sessions in each State and Territory.

I should like to inquire of the Senator offering the substitute what is "due notice?" If it applied to any existing law, if this provision was to be enacted in regard to the existing laws of the United States and this commission were to proceed in conformity to the laws and rules of practice which govern the courts of the United States, we should know what "due notice" is; but as it is, it is left entirely to the discretion of the commission. It may be a handbill, it may be a public proclamation, it may be a publication in a newspaper; and this is the "notice" which is to be given not only to the holders of these private claims, but to parties who may claim the land adversely to them under the laws of the United States.

There is another provision in the proposed substitute which I desire to call to the attention of the Senate. It is found in section 12, which provides—

That the commissioners shall have the power and authority, upon the hearing, proofs, and examination of claims as provided in this act, to determine conclusively all questions of fact arising in said cases, and to finally decide upon the validity of the title under the grant or claim.

Why, sir, I undertake to say that there never has been in the history of the jurisprudence of this country such a law as is proposed by this substitute granting to a commission of three persons the power to *conclusively* decide all questions of fact which may arise in regard to these numerous and valuable claims. To be sure there is a provision here for a writ of error, but the whole substitute shows conclusively that upon an appeal or upon the taking of a writ of error nothing but errors of law can be reviewed. If this bill had not been introduced by the honorable Senator from Michigan [Mr. CONGER], I should have supposed that it had been drawn by some person who wished to get on the commission and to hold the extraordinary power in this great extent of country consisting of two States and four Territories—the power of deciding conclusively all questions of fact relating to these claims.

The United States have had some experience under a law somewhat similar, though more guarded in its provisions than that proposed by the substitute. In pursuance of the provisions contained in the eighth article of the treaty of Guadalupe Hidalgo the Congress of the United States passed an act approved March 3, 1851, entitled "An act to ascertain and settle private land claims in the State of California," which provided for the appointment of a commission composed of three persons, to continue for three years, with a secretary qualified to act as interpreter, and necessary clerks, and a law agent to represent the United States. I will not follow the history of the legislation which followed. Suffice it to say that within the period of twenty years there were something like twenty different acts of Congress passed in relation to these claims, extending the time in which the claim might be presented, providing additional remedies to the claimants under the treaty, and to-day, after the lapse, as was said, of nearly forty years, these claims have not been disposed of.

But that is not all. I desire, for the information of the Senate, to read briefly from a report submitted by Attorney-General Black to the President of the United States May 22, 1860:

Under the act of 1851, to ascertain and settle private land claims in California, eight hundred and three claims, comprehending *nineteen thousand one hundred and forty-eight square miles* of territory, were presented to the board of land commissioners, and nearly all of them were confirmed either by the board or by the district courts to which they were appealed.

A very large portion of the best mineral and agricultural region in California, the ports, commercial points, sites for fortifications, light-houses, and other national purposes, were covered by Mexican grants, real or fabricated. In all the territory conquered or purchased from Mexico there seemed to be not an island or place for a fort, a custom-house, hospital, or post-office but must be purchased upon his own terms from some private claimant, under a pretended title from Alvarado, Micheltorena, or Pio Pico. It was incredible that such grants could have been made in good faith by any government. But they were supported by such an array of testimony from Mexican officials and other witnesses as to render defense hopeless, unless by some vigorous means thorough investigation could be had and proof obtained that would demonstrate the fraud.

Under the last administration a large appropriation had been made for the purpose of examining records in the city of Mexico. That examination led to the conclusion that even the archives of that government had in some way become an instrument of sanctioning frauds against the United States. Documents of title were produced from the official depositories of the supreme government supporting a claim by a French adventurer upon a large part of the city of San Francisco, Fort Point, the islands of Alcatraz, Farallones, and Point Tiburon, on which the fortifications and light-houses of the United States were being erected. These documents bore the signatures of a former Mexican governor and a Mexican secretary of state; they were sworn to be genuine by a high Mexican official, once a member of their Congress, who, with the permission of his own government, at the instance of the French minister, had left his public duties in Mexico to go to San Francisco and bear witness to the validity of this claim. It was vouched, moreover, by letters from the president of the republic to the governor of California and to the board of land commissioners. But notwithstanding all this, the title papers were then believed and afterwards clearly proved to be mere forgeries. Under these circumstances it was resolved by the President to employ competent legal counsel to go to California and prepare a just defense against the case of Limantour and other land claims pending there, and to provide him with adequate means for a thorough investigation of them.

In the month of February, 1858, Mr. Stanton was employed and sent to San Francisco under instructions, a copy whereof is hereto annexed, marked A. Mr. Stanton immediately departed for California, and was engaged there for nearly a year, and until the final decision of the Limantour case by the district court in favor of the United States. He was accompanied by Lieutenant Harrison, of the Navy, and Mr. James Buchanan, jr., who were employed under his direction.

A portion only of the archives of the Mexican Government had been placed in the custody of the surveyor-general. There had been no collation or translation of them, and many of the most important were scattered over the State, some in the custody of unauthorized officers, some in the possession of individuals, and others in boxes which nobody guarded, and which had never been opened.

Something like the state of affairs that was found to exist in New Mexico when the first surveyor-general of that Territory undertook to look up the testimony relating to these claims.

Their value to the United States, as evidence in these land cases, was almost wholly unknown. Under directions given from the Interior Department, backed by a penal act of Congress soon afterward passed at the instance of this office, they were collected in the different towns and pueblos, wherever they could be found, from Sacramento to San Diego. They were carefully collated and bound, and they now number about four hundred large folio volumes. The most important documents were accurately translated and printed. A large volume of photographic copies of official correspondence, official seals, and fraudulent grants were made and bound together for the use of the courts and the Department. The necessary appropriations to do this work were asked for and explained in the letters hereto annexed, marked B, C, and D.

The archives thus collected furnish irresistible proof that there had been an

organized system of fabricating land titles carried on for a long time in California by Mexican officials; that forgery and perjury had been reduced to a regular occupation; that the making of false grants, with the subornation of false witnesses to prove them, had become a trade and a business. Desolate islands, barren rocks, and projecting promontories, useless to individuals, but of priceless value to the Government, had been seized upon under these spurious titles, with a view of extorting millions from the United States for sites necessary to defend the national possessions on the Pacific and to light and guard the commerce of the coast. The richest part of San Francisco was found to be covered by no less than five different grants, every one of them forged after the conquest; Sacramento, Marysville, Stockton, and Petaluma were claimed on titles no better.

I have read this extract from the report of Attorney-General Black to show the condition in which these titles were found to be in California. I am justified in saying, after the extract from the report of the surveyor-general of Mexico read by the Senator from Kansas, that something like the same condition of affairs exists in New Mexico. I therefore say it would be extremely unwise to appoint a commission of three persons and require them to examine all these private land claims in two States and four Territories, and to give them the power to determine conclusively questions of fact and send them out to make the necessary confirmation of these claims by the United States.

It has been suggested by the Senator from Kansas that the bill reported by the committee would work an injustice to certain claimants of lands he has mentioned, but so far as I can understand and from what he has said those claimants have no standing whatever under the treaties between the United States and Mexico. They do not derive their right or title to the land occupied by them, whatever it may be, under these treaties. Their right to the land appears to be a mere right of possession, or possibly a mere possession. If they have acquired any title to the lands which are in their possession it has been by prescription, by the running of the statute of limitation; and the general rule is that statutes of limitation do not run against the Government. If they are to be protected in the possession and in the title to the lands they occupy it must be under some additional legislation by Congress.

There can be no general act passed that will not work injustice in some cases, and in view of what we know of the history of these claims I suggest that the provision for the appeal of these cases from the district court of the Territory to the supreme court of the Territory and from the supreme court of the Territory and the district court in the States to the Supreme Court of the United States, with the right of the Supreme Court on appeal to examine into questions of fact and determine whether or not these claims are just claims and making the appellate court the final tribunal to determine whether patents shall issue, is a just provision, is a judicious provision, and while it may work injustice in the cases of squatters mentioned by the Senator from Kansas, as I said before, there can be no general law by which a large number of private rights are to be settled but what will be found to work some injustice to some particular individual.

I think, therefore, in view of this whole matter, that the bill reported by the Committee on Private Land Claims will be found to be effective; will be found to be so guarded that both the rights of the United States and of all claimants of these lands will be fairly and equitably adjusted; that it will be economical, because it refers these controversies to the existing courts of the country.

Mr. INGALLS. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened.

Mr. INGALLS. I move that the Senate do now adjourn to meet on Monday next.

Mr. CAMERON, of Wisconsin. On that I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 23; as follows:

YEAS—24.

Beck,	George,	Jackson,	Plumb,
Butler,	Gorman,	Jonas,	Pugh,
Camden,	Hampton,	Jones of Nevada,	Ransom,
Cockrell,	Harris,	Lamar,	Saulsbury,
Fair,	Hawley,	Palmer,	Vance,
Garland,	Ingalls,	Platt,	Vest.

NAYS—23.

Allison,	Conger,	Manderson,	Pendleton,
Bayard,	Frye,	Maxey,	Pike,
Blair,	Harrison,	Miller of Cal.,	Sawyer,
Call,	Hill,	Miller of N. Y.,	Sewell,
Cameron of Wis.,	Hoar,	Mitchell,	Van Wyck.
Coke,	McMillan,	Morgan,	

ABSENT—29.

Aldrich,	Dolph,	Lapham,	Slater,
Anthony,	Edmunds,	Logan,	Voorhees,
Bowen,	Farley,	McPherson,	Walker,
Brown,	Gibson,	Mahone,	Williams,
Cameron of Pa.,	Groome,	Morrill,	Wilson.
Colquitt,	Hale,	Riddleberger,	
Cullom,	Jones of Florida,	Sabin,	
Dawes,	Kenna,	Sherman,	

So the motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned to Monday, February 4.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 31, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read.

The SPEAKER. Before the Journal is approved the Chair desires to call the attention of the House to the fact that on yesterday the gentleman from Kansas [Mr. MORRILL] reported from the Committee on Invalid Pensions a bill (H. R. 566) for the relief of Rebecca Burch, widow of a soldier of the Revolution, and asked that the Committee on Invalid Pensions be discharged from its further consideration, and that the same be referred to the Committee on Pensions. An examination of the Journal shows that the bill was not referred to the Committee on Invalid Pensions, but was referred in the first instance to the Committee on Pensions. If there be no objection, therefore, that part of the Journal which records the proceeding referred to will be omitted, as it was entirely unnecessary; and with that omission the Journal of the proceedings of yesterday as read will be approved.

There being no objection, the remainder of the Journal as read was approved.

KANSAS RAILROAD GRANT.

Mr. ANDERSON. I desire to make a privileged report. I am directed by the Committee on Public Lands to report back with a favorable recommendation the preamble and resolution which I send to the desk.

The Clerk read as follows:

Whereas by an act of Congress approved March 3, 1863, there was granted to the State of Kansas for the purpose of aiding in the construction—

First. Of a railroad and telegraph from the city of Leavenworth, by the way of the town of Lawrence, and via the Ohio City crossing of the Osage River, to the southern line of the State in the direction of Galveston Bay, in Texas, with a branch from Lawrence, by the valley of the Wakarusa River, to the point on the Atchison, Topeka and Santa Fé Railroad where said road intersects the Neosho River.

Second. Of a railroad from the city of Atchison, via Topeka, the capital of said State, to the western line of the State in the direction of Fort Union and Santa Fé, N. Mex., with a branch from the point where this last-named road crosses the Neosho, down said Neosho Valley to the point where the said first-named road enters the said Neosho Valley, every alternate section of land designated by odd numbers for ten sections in width on each side of said roads and each of its branches; and

Whereas it was provided by said act as follows: "That if any part of said roads and branches is not completed within ten years from the passage of this act, no further sale shall be made, and the lands unsold shall revert to the United States;" and

Whereas it is alleged that the whole of said roads and branches were not completed within ten years from the passage of said act, to wit, that the road from the city of Leavenworth to the town of Lawrence, the branch from Lawrence, by the valley of the Wakarusa River to the Neosho, and the branch from where the Atchison, Topeka and Santa Fé road crosses the Neosho, down said Neosho Valley to the point where the Leavenworth, Lawrence and Galveston road enters said valley, have never been constructed; and

Whereas it is alleged that the Secretary of the Interior, on or about October 6, 1883, certified to the State of Kansas a list of about 189,384 acres for the benefit of the said Atchison, Topeka and Santa Fé Railroad Company: Therefore,

Resolved, That the Secretary of the Interior be, and is hereby, requested to immediately inform the House of Representatives whether or not the roads and branches above mentioned were completed within ten years from the passage of said act; and if not so completed, by what authority or under what law the list of lands above specified were certified to said State as aforesaid.

The resolution was adopted.

Mr. ANDERSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPROPRIATION FOR DESTITUTE INDIANS.

Mr. ELLIS. I am instructed by the Committee on Appropriations to report back the joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians with Senate amendments, and further to ask that the House non-concur in the Senate amendments.

The SPEAKER. The Clerk will report the amendments of the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 29, 1884.

Resolved, That the joint resolution of the House of Representatives (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians do pass with the following amendments:

In line 1, strike out "50" and insert "100."

At the end of the joint resolution insert the following:

"And that out of this appropriation the sum of not exceeding $5,000 be expended for telegraphing and making purchases of such supplies, including cost of advertising."

Amend the title so that it will read: "Joint resolution appropriating $100,000 for the support of certain destitute Indians."

Mr. ELLIS. I move that the House non-concur in the Senate amendments.

The SPEAKER. The question is on agreeing to the report of the Committee on Appropriations, which is that the House non-concur in the amendments of the Senate.

Mr. MAGINNIS. I think the House should concur in the amendment increasing the amount to $100,000. I believe it is necessary.

I was a member of the commission that visited those Indians last summer. We found them in a very destitute condition. They are in a section of the country which was originally a fine buffalo country, but the game has all gone. The time has come when these Indians must turn themselves to agriculture to make a living. They are anxious to yield up portions of their vast but now useless hunting-grounds, and only ask such temporary support as will enable them to become self-supporting. Visiting them in company with Senator VEST, we found them in such destitute condition that unless the Government did something for them they certainly would starve during this winter. We did not have authority to pledge the Government to furnish them with food, but we did give them the assurance that we would personally do everything in our power to get Congress to pass an appropriation in order that they might be kept from starvation.

Mr. ELLIS. The House committee gave every dollar recommended by the Department of the Interior. All of the reports upon which this request for aid was based were before that Department and before us. We presumed that the Department of the Government having special charge of this matter knew what was required; and we based our action upon those reports and upon the recommendation made by the Secretary of the Interior and gave every single dollar that was asked for.

The debate in the Senate does not develop the reasons which guided that body in its action. No report from the Senate accompanies the House resolution, and we are in the dark as to the reasons which governed their action.

The second amendment we deem is entirely useless. There is an appropriation made for telegraphing and for correspondence, and for commissions for purchasing these supplies, which is unauthorized and unwarranted by the general statutes. It is presumed, I suppose, that the supplies purchased by this appropriation must be advertised in the usual manner. In the case of an emergency such as this authority is given under the general statute for the Secretary to purchase in open market.

Mr. CHACE. My recollection is that the Secretary recommended an appropriation for this purpose of $137,000.

Mr. ELLIS. No, sir.

Mr. CHACE. I have not the report before me.

Mr. MAGINNIS. I think if the gentleman from Louisiana will look at the estimates he will find the Secretary recommended $50,000 for the Crow tribe alone, $25,000 for the Blackfeet Indians, $25,000 for the tribes at the Belknap agency, and some additional sums, of which I have not the exact figures, for the tribes at Fort Peck.

Mr. ELLIS. The estimates reached us in a special communication from the Department of the Interior, which, if the gentleman will allow me, I will send for to the committee-room and get.

Mr. MAGINNIS. Under a resolution of the Senate a joint commission was appointed to visit those Indians, among others, last summer. On the part of the Senate it consisted of Senator DAWES, Senator CAMERON of Wisconsin, Senator LOGAN, Senator MORGAN, and Senator VEST; and on the part of the House the members were our late lamented friend and colleague Mr. HASKELL and myself. We traveled over a large portion of the territory occupied by the Sioux tribes, and also the country of the Indians provided for in this bill. The inspection of the northern tribes was assigned to the Senator from Missouri [Mr. VEST] and myself as a subcommittee. We found those Indians in the most lamentable state of destitution. Up to within a few years ago these Indians had never been necessitated to make any demand upon the Government. They lived upon that portion of the plains which was known as the buffalo country. Their subsistence, their clothing, their lodges, were all made from the products of that animal; and from the sales of surplus robes, beyond their own necessities, they obtained large amounts of money. Individually each of these Indians was enabled to make more money per day by hunting these wild cattle of the plains known as the buffalo and by trapping for furs than the average mechanic or laboring man was enabled to earn in the pursuits of the whites. They were therefore independent of the Government.

But so great has been the devastation by hunters and others of that valuable animal the buffalo, that it has now almost entirely disappeared. These Indians, who have never been trained to agriculture, who are without farms or means of support, now find the buffalo all gone, and the whole country destitute of game. In order to give the House an idea of the condition of affairs there, I will state that eleven years ago I traveled over that country when it seemed to me that the buffaloes were as thick as the stars in the sky, that they were practically inexhaustible. The plains were black with them, yet during the past summer Mr. VEST and myself traveled over 400 miles in that country and all the game we saw was one antelope and two coyotes, and this desolation was in a region which was formerly so overrun by the buffalo as to be designated on all the old maps as the "buffalo country." The destruction of that animal is the occasion of the necessity which confronts the House to-day. We found that the Indians there would surely starve this winter unless some provision was made for them. While, as I have said, we had no authority to pledge the Government to any particular action in the way of supplying their wants, as there was no treaty with these Indians under which we are bound to issue rations, but in reply to the entreaties of these suffering people we voluntarily pledged ourselves to do the best we could to obtain such action on the part of the Houses of Congress as would prevent their starving this winter.

I have no doubt that the members of that commission in the Senate, when this resolution was sent to that body—in fact, I was so told yesterday by Senator VEST—went before the Committee on Appropriations and made such representations as led to increasing the amount contained in the joint resolution of the House. I am very sure that is the way the increase came to be made.

Now, while I have no objection to having this matter go to a conference committee in order that my honorable friend from Louisiana [Mr. ELLIS], who I know intends to be kindly and liberal in this matter, shall have all the information possible upon the subject, still I think the House should concur in the action of the Senate as soon as possible.

These Indians are very desirous of being placed upon such portions of their immense and useless hunting-grounds as may be necessary to support them by farming and stock-raising and to surrender the remainder to the United States, asking in return that such assistance may be given them as will enable them to become farmers and stock-raisers, and that until they can themselves produce something. We found them very reasonable and sensible in view of the changed condition of affairs, and I ask leave to insert some of their utterances in the conferences we held with them:

Big Nose, chief of the Piegans, said:

Since Governor I. I. Stevens came here, this is the first time the Government has done me a service; since then there has been nothing but unfulfilled promises. I hope you men (the commission) will carry out your words. What I mean is, that for a while after the Stevens treaty we got plenty, then dwindled down to nothing. This council raises my hopes, but the winter is close. You see how poor we are; there is no buffalo; we are on the verge of starvation. I would like to know if anything will be done this winter. If not, it will be too late for many; they will starve.

Senator VEST said that it would be three months before the Great Council would meet. He would immediately ask that something be done to keep them this winter. Under our laws the Great Council must vote money before it can be used; but he would make it his business to see that they would be provided with food for the winter. He saw that the buffalo were gone and that something must be done, but he warned them that the buffalo would not come back with the spring; the game was gone forever. It had been destroyed, and the Government will now give you plows and reapers and hoes, will break up some ground for each family, and help to build a house, and when they will take care of them give some cattle to replace the buffalo, and we will do all we can to help you make a living for yourselves. [Cries of "Good!" "Good!" from the chiefs and Indians.]

In the report of the subcommittee in regard to the Gros Ventres and Assinaboines at Fort Belknap had the honor to concur with Senator VEST in this statement:

We found the condition of these Indians most deplorable. They have heretofore lived chiefly by the chase, but the game has now disappeared, and as they are entirely ignorant of agriculture and have no cattle they can only look to the Government for subsistence. Jerry, head chief of the Gros Ventres, stated publicly in the council that one of his tribe was then dying from starvation, and we have no doubt that many of them will perish during the coming winter unless relief is given them. Their reservation is on the line of British America and the winters very severe. Insufficiently clothed, and allowed from three to four pounds of beef to each person for a week, it will be easily seen that unless the rations are increased great suffering, and even death, must ensue. Mr. Lincoln, the agent, stated to us that his supplies for the year amounted to 150,000 pounds of flour and 25,000 pounds of wheat, equal to thirty weeks' rations; 180,000 pounds of beef, in gross, equal to six weeks' rations; 5,000 pounds of bacon and 6,000 pounds of coffee; but sugar, tobacco, and coffee are only issued in pay for work.

We can not think that anything besides the bare statement we have made of the terrible destitution among these unfortunate savages is necessary to secure the prompt action of Congress in giving relief. Justice, humanity, religion, all call upon us as a Christian people to act at once, and to hesitate would be a lasting stain upon our national character.

Mr. RANDALL. It is desirable that this bill with the Senate amendments should go to a conference. The Senate has doubled the amount appropriated by the House, and we have been unable to find in the CONGRESSIONAL RECORD any reason for their doing so. I hope, therefore, that the recommendation of the Committee on Appropriations will be adopted by the House.

Mr. KASSON. I suppose that could be done without the conference on the part of the House being considered as instructed absolutely against concurring in the Senate amendments. That is the only point I am anxious about.

Mr. RANDALL. I do not agree in the matter of instructing a committee of conference in the light that perhaps the gentleman from Iowa [Mr. KASSON] may do. I think the conference should be free and ample.

Mr. KASSON. But the gentleman knows that the conferees on the part of the House sometimes regard themselve as instructed by the vote of the House to be obstinate in adhering to the action of the House. I think if no information has been furnished the Committee on Appropriations why the amount was increased by the Senate it would be well that the matter should go to a conference. But I want the understanding to be that those of us who dissent from the recommendation of the Committee on Appropriations shall not be considered as pledged against concurring in the Senate amendments by agreeing to have the matter referred to a conference.

Mr. RANDALL. I take it that every conference committee will pay due attention to the expressed wishes of the House.

Mr. ELLIS. We want an unfettered conference, and to know the reason that influenced the action of the Senate in this matter. I have

no disposition to say that the House may not concur in the amendments of the Senate at last. I have no doubt that the gentleman from Montana [Mr. MAGINNIS] is correct in his statement concerning the necessity for prompt action of Congress in this matter.

Mr. RANDALL. Will the gentleman allow me to interrupt him long enough to say that the Committee on Appropriations gave every dollar that was asked for this purpose?

Mr. ELLIS. I have already so stated.

Mr. KASSON. For this particular tribe.

Mr. KEIFER. I think that no member of the Committee on Appropriations was opposed to giving for this purpose all that was asked. If it shall turn out that there was a mistake in the estimate which was laid before the committee, and that the amount asked for was not large enough, I am in favor of increasing the appropriation.

The principal objection I have to concurring in the amendments of the Senate, however, lies in the fact that if the second amendment be adopted it will then become necessary for the Department to advertise and to receive bids for furnishing these supplies, and thus cause delay in the use of the money for relieving these starving Indians. By force of the language in the amendment of the Senate, it would be absolutely necessary to advertise and obtain the goods required for the purpose of relieving these Indians.

Under the general statute the Department, finding that there is an emergency, may in its discretion purchase the goods and supply them at once. I think that amendment should be corrected in conference, so that the Department may be left to act under the general law.

Mr. REAGAN. Of course I disagree with these amendments, because I disagreed with the original joint resolution. But I hope the suggestion made by the gentleman from Ohio [Mr. KEIFER] will not be construed into allowing the Indian Bureau to spend this money without responsibility and without competition.

Mr. ELLIS. I now yield to the gentleman from Rhode Island [Mr. CHACE].

Mr. CHACE. I understand by the terms of this joint resolution as it comes before us that it is an exigency appropriation. With all deference to the members of the Committee on Appropriations I think the report shows that the Department recommends an appropriation of $138,000 for this purpose.

Mr. ELLIS. The gentleman is mistaken.

Mr. CHACE. But I will not object to this going to a conference. I only wish to say that in my judgment this is a case which demands the most prompt action possible.

These people are starving, dying; thousands of them are already dead. Why? Because they have been defrauded of their just rights by the Government of the United States. Two years ago this House made all haste to make an appropriation for the relief of starving men in the South. I insist that it is due to these Indians from us that we should lay aside a little of the red-tape that surrounds these cases and act immediately.

I will not oppose the reference of the subject to a conference committee, but I hope that the committee may act promptly and report the measure as soon as possible.

Mr. ELLIS. I now ask a vote on my motion.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] on behalf of the Committee on Appropriations moves non-concurrence in the amendment of the Senate; but the gentleman from Montana Territory [Mr. MAGINNIS] moves——

Mr. MAGINNIS. I withdraw the motion. I only made it for the purpose of calling attention to the necessity for speedy action.

The motion of Mr. ELLIS to non-concur in the amendment of the Senate was agreed to.

Mr. ELLIS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TRADE BETWEEN THE UNITED STATES AND MEXICO.

Mr. REAGAN. I rise to make a privileged report. I am instructed by the Committee on Commerce to report back the resolution which I send to the desk with a recommendation that it be adopted.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be requested to transmit to this House such information as he may be able to communicate at an early day in regard to the trade between the United States and Mexico and to the traffic over railroads connecting the two countries.

The resolution was adopted.

Mr. REAGAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BAYNE. I ask unanimous consent——

The SPEAKER. The regular order is demanded.

Mr. THOMAS. I want to make a statement. I ask consent to make a unanimous report from the Committee on Naval Affairs which ought to have been presented yesterday, but which was prevented from coming in because I was necessarily absent.

The SPEAKER. If there be no objection, the Chair will receive the report.

There was no objection.

GRADUATES OF NAVAL ACADEMY.

Mr. THOMAS, by unanimous consent, reported back from the Committee on Naval Affairs with a favorable recommendation the bill (H. R. 2265) to equalize the rank of graduates of the Naval Academy upon their assignment to the various corps; which was referred to the House Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. JOHN S. WISE. I rise to a parliamentary inquiry. I understand that yesterday the call of committees was interrupted by the arrival of the hour fixed for the funeral services, and that when the call was suspended the Committee on Invalid Pensions was submitting reports. I had a report to present.

The SPEAKER. The call rests with the Committee on Invalid Pensions.

Mr. BROWNE, of Indiana. Mr. Speaker, on last Tuesday, when bills were introduced, I was confined to my room by illness. I ask unanimous consent to introduce at this time two bills for reference.

There was no objection.

JOSEPHINE D. HELLYER.

Mr. BROWNE, of Indiana, by unanimous consent, introduced a bill (H. R. 4378) for the relief of Josephine D. Hellyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. W. FRYBARGER.

Mr. BROWNE, of Indiana, also, by unanimous consent, introduced a bill (H. R. 4379) for the relief of W. W. Frybarger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF COMMITTEE CLERKS, ETC.

Mr. ADAMS, of Illinois. I rise to make a privileged report. I am directed by the Committee on Accounts to report back with a favorable recommendation the joint resolution (H. Res. 116) fixing the time when the pay of certain clerks to committees and other employés of the House of Representatives shall begin.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the pay of the clerks to committees of the House of Representatives which have been or may be hereafter authorized by the House, who are paid during the session only, shall begin from the time such clerks entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of the several committees employing clerks for the session only; and the pay of the assistant riding page and of the telephone page, heretofore authorized by the House to be employed, shall begin on the 3d day of December, 1883.

The joint resolution was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. ADAMS, of Illinois, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

Mr. STONE. I rise to a parliamentary inquiry. I desire to ask whether it is in order at this time to correct a wrong reference inadvertently made.

The SPEAKER. If the matter relates to the improper reference of a bill the Chair will hear the gentleman.

Mr. STONE. The bill (H. R. 776) for the relief of the heirs of Nicolas and Marc Antoine Fouquet was inadvertently referred to the Committee on War Claims. I ask that the reference be changed to the Committee on Claims, to which the bill was referred in the last Congress.

The SPEAKER. If there be no objection, the change of reference will be made.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been demanded, and is the call of committees, which will be resumed where the call was interrupted yesterday.

MORNING HOUR.

Mr. PAYSON. I move, by unanimous consent, that the morning hour for the reception of reports from committees be dispensed with for to-day.

The SPEAKER. It requires two-thirds to dispense with the morning hour.

The House divided; and the Speaker decided the noes had it.

Mr. HOLMAN. I demand a division.

The House divided; and there were—ayes 90, noes 60.

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Mr. PAYSON and Mr. HEWITT, of Alabama, were appointed.

Mr. STEELE. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. STEELE. I should like to know of the gentleman who made this motion whether this committee was not passed yesterday.

The SPEAKER. That is not a parliamentary inquiry.

The House again divided; and the tellers reported—ayes 93, noes 54.

So (two-thirds not having voted in the affirmative) the motion was not agreed to.

CALL OF COMMITTEES.

The SPEAKER. Committees will now be called for reports, beginning with the Committee on Invalid Pensions.

ROBERT M. FLACK.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 3669) granting a pension to Robert M. Flack; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NELLY ROBERTS.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1142) granting a pension to Nelly Roberts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DILENO ROBINSON.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2251) to increase the pension of Dileno Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH R. BENJAMIN.

Mr. STRUBLE, from the Committee on Pensions, reported back the bill (H. R. 2027) for the relief of Joseph R. Benjamin, and moved its reference to the Committee on War Claims.

The motion was agreed to.

JOSEPH DAWSON.

Mr. TILLMAN, from the Committee on Pensions, reported back adversely the petition of Joseph Dawson, praying the donation of $10,000 in lieu of a pension; which was laid on the table, and the accompanying report ordered to be printed.

ORMSBY BLANDING.

Mr. TILLMAN, from the Committee on Pensions, also reported back adversely, without prejudice, the bill (H. R. 1471) granting a pension to Ormsby Blanding; which was laid on the table, and the accompanying report ordered to be printed.

ANNA LINDBLOM.

Mr. TILLMAN, from the Committee on Pensions, also moved that that committee be discharged from the further consideration of the petition of Anna Lindblom for a pension, and that the same be referred to the Committee on Invalid Pensions.

The motion was agreed to.

THERESA CROSBY WATSON.

Mr. LAIRD, from the Committee on Pensions, reported back favorably the bill (H. R. 103) granting a pension to Theresa Crosby Watson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. LAIRD, from the Committee on Pensions, also reported back adversely the following cases; which were severally laid on the table, and the accompanying reports ordered to be printed:

Petition of L. W. Linkin for a pension; and

A bill (H. R. 1743) granting a pension to Mathias Fosher.

SOLDIERS OF MEXICAN WAR, ETC.

Mr. HEWITT, of Alabama. Mr. Speaker, I am directed by the Committee on Pensions to report back and move that they be laid upon the table the bills which I send up to the Clerk's desk, and this action is taken because the committee have agreed upon a general bill covering the matters referred to in these several cases.

The bills are as follows:

Joint resolution (H. Res. 42) to construe the act of March 9, 1878, to include soldiers who served fourteen days in the war of 1812;

A bill (H. R. 213) granting pensions to the soldiers and sailors of the Mexican, Creek, Florida, and Black Hawk wars, and for other purposes;

A bill (H. R. 418) amending the laws granting pensions to the soldiers and sailors of the war of 1812, and their widows, and extending their provisions to the soldiers, sailors, and marines employed in the war with Mexico, commencing April 24, 1846;

A bill (H. R. 630) granting pensions to the survivors of the Mexican war;

A bill (H. R. 648) granting pensions to the survivors of the Mexican and Indian wars;

A bill (H. R. 668) granting a pension to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes;

A bill (H. R. 678) to provide pensions for the soldiers and sailors of the Mexican war and of the Indian wars of 1836, &c.;

A bill (H. R. 850) granting pensions to certain soldiers and sailors of the Mexican, Florida, and the Black Hawk wars and certain widows of deceased soldiers and sailors of the same;

A bill (H. R. 1123) to provide for placing all the surviving soldiers and sailors of the United States who served in Indian wars, including those who served in removing the Cherokee Indians from North Carolina, Georgia, and Tennessee to the Cherokee Nation, on the pension-roll;

A bill (H. R. 1463) granting pensions to soldiers and sailors of the Mexican war, and for other purposes;

A bill (H. R. 1473) granting pensions to the survivors of the Mexican and Indian wars;

A bill (H. R. 1480) granting a pension to soldiers engaged in the war with Mexico;

A bill (H. R. 1485) granting a pension to soldiers, sailors, and others engaged in the war with Mexico and with Indians prior to the year 1848;

A bill (H. R. 1495) granting pensions to soldiers and sailors of the war with Mexico and to the widows of such as are deceased;

A bill (H. R. 1550) granting pensions to the survivors of the Mexican and Indian wars;

A bill (H. R. 1560) granting pensions to certain soldiers and sailors of the Mexican, Florida, and the Black Hawk wars, and certain widows of deceased soldiers and sailors of the same;

A bill (H. R. 1564) granting pensions to certain soldiers and sailors of the Mexican, Florida, and Black Hawk wars, and certain widows of deceased soldiers and sailors of the same;

A bill (H. R. 1722) granting pensions to certain soldiers and sailors of the Mexican war;

A bill (H. R. 1972) granting a pension to the surviving soldiers of the Mexican, Florida, and Black Hawk wars; and

A bill (H. R. 2544) amending the law granting pensions to the soldiers and sailors of the war of 1812 and their widows, and extending its provisions to the soldiers, sailors, and marines employed in the war with Mexico.

HENRY SCHNETBERG.

Mr. STOCKSLAGER, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 1410) granting a pension to Henry Schnetberg; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORT.

Mr. STOCKSLAGER also, from the Committee on Pensions, reported back with an adverse recommendation the bill (H. R. 386) granting a pension to Anna Craig; which was ordered to be laid on the table and the accompanying report printed.

CLAIMS AGAINST THE UNITED STATES.

Mr. PRICE, from the Committee on Claims, reported back with amendments the bill (H. R. 318) in relation to claims against the United States; which, with the accompanying report, was ordered to be printed, and referred to the House Calendar.

A. H. HERR.

Mr. ROWELL, from the Committee on War Claims, reported a bill (H. R. 4380) for the relief of A. H. Herr; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. ROWELL also, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 625) for the relief of Samuel May.

Mr. WHITE, of Kentucky. I ask that that bill, with the adverse report, be referred to the Private Calendar.

There being no objection, it was ordered accordingly.

Mr. STORM, from the Committee on War Claims, reported back with adverse recommendation a bill and petitions of the following titles; which were severally ordered to be laid on the table, and the reports printed:

A bill (H. R. 2333) for the relief of John Cleary;

The petition of James Scott and other loyal citizens of Tennessee;

The petition of Hugh Davis, of Fayette County, Tennessee;

The petition of Tilghman Weaver, of Fauquier County, Virginia; and

The petition of William T. Duval.

MARCOS RADICH.

Mr. STORM also, from the Committee on War Claims, reported a bill (H. R. 4381) for the relief of Marcos Radich; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message from the President, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries.

WILLIAM H. DAVIS.

Mr. GEDDES, from the Committee on War Claims, reported back,

as a substitute for House bill 107 a bill (H. R. 4382) for the relief of William H. Davis, of Oakland, Cal.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF BILLS.

On motion of Mr. GEDDES, by unanimous consent, the Committee on War Claims was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Invalid Pensions:

The bill (H. R. 3000) for the relief of William R. Miller; and

The bill (H. R. 1976) for the relief of John Kane.

ADVERSE REPORTS.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back with an adverse recommendation the petition of W. S. Jennings, of Little Rock, Ark.; which was ordered to be laid on the table and, with the accompanying report, printed.

Mr. ROGERS also, from the Committee on War Claims, reported back with an adverse recommendation the petition of James M. Goodall, of Smith County, Tennessee.

Mr. McMILLIN. I ask that the petition, adversely reported from the Committee on War Claims, of James M. Goodall be referred to the Private Calendar.

There was no objection, and it was ordered accordingly.

Mr. ROGERS, of New York, also, from the Committee on War Claims, reported back with an adverse recommendation the petition of Samuel Howard, of Henderson County, Tennessee; which was ordered to be laid on the table and the accompanying report printed.

Mr. TULLY, from the Committee on War Claims, reported back with an adverse recommendation petitions of the following titles; which were severally ordered to be laid on the table and the accompanying reports printed:

Petition of Edward Gannaway, administrator of Edward J. Dunean, deceased;

Petition of Edward J. Tucker;

Petition of Fannie T. Hunt; and

Petition of Joseph J. Farrow.

ABNER D. LEWIS.

Mr. EVERHART, from the Committee on War Claims, reported back with an adverse recommendation the petition of Abner D. Lewis; which was laid on the table, and the accompanying report ordered to be printed.

PRIVATE LAND CLAIM IN ARIZONA.

Mr. WEAVER, from the Committee on Private Land Claims, reported back with an amendment the bill (H. R. 1680) to confirm title to certain land grants in Arizona Territory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRIVATE LAND CLAIM IN NEW MEXICO.

Mr. PARKER, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 128) to confirm a certain private land claim in the Territory of New Mexico; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS B. VAN HAESEN.

Mr. MUTCHLER, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 847) for the relief of Francis B. Van Haesen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRIVATE LAND CLAIM IN NEW MEXICO.

Mr. MUTCHLER also, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 129) to confirm a certain private land claim in the Territory of New Mexico; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STANDARD OF TIME IN THE DISTRICT.

Mr. BARBOUR, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (S. 616) to establish a standard of time in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DEVISEES OF DANIEL CARROLL.

Mr. WILSON, of West Virginia, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 1594) for the relief of the devisees of the late Daniel Carroll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRANNIN, SUMMERS & CO.

Mr. JONES, of Arkansas, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 652) for the relief of Brannin, Summers & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

L. S. ENSEL.

Mr. MOULTON, from the Committee on the Judiciary, reported back with an amendment the bill (H. R. 191) for the relief of L. S. Ensel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COMPENSATION OF MEMBERS IN CONTESTED ELECTIONS.

Mr. MOULTON also, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. 219) to amend sections 38 and 39 of chapter 4 of the Revised Statutes relating to the compensation of Members and Delegates in cases of contested elections; which was laid on the table, and the accompanying report ordered to be printed.

RELIEF FROM CHARGE OF DESERTION.

Mr. STEELE. I am instructed by the Committee on Military Affairs to report back a number of bills and petitions with reference to removing the charge of desertion, and to ask that the committee be discharged from the further consideration of the same, and at the same time to report a substitute.

The SPEAKER. That can not be done. The bills can be reported adversely and the general bill can be reported as a new bill.

Mr. STEELE. We desire to report back these bills and petitions without prejudice and ask to be discharged from their further consideration.

The SPEAKER. The only parliamentary report the gentleman can make is to report against those bills and report another bill to the House.

Mr. STEELE, from the Committee on Military Affairs, reported a bill (H. R. 4383) to relieve certain soldiers of the late war from the charge of desertion; which was read a first and second time, referred to the House Calendar, and ordered to be printed.

Mr. PEELLE, of Indiana. I suggest that as many members have introduced bills to remove the charge of desertion the substitute, for the information of the House, be printed in the RECORD.

The SPEAKER. The Chair will direct that it be printed in the RECORD.

The bill is as follows:

A bill (H. R. 4383) to relieve certain soldiers of the late war from the charge of desertion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that any such soldier served faithfully until the expiration of his term of enlistment, or until the 1st day of May, A. D. 1865, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge.

SEC. 2. That the charge of desertion standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall also be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such soldier charged with desertion or with absence without leave, and after such charge of desertion or absence without leave voluntarily returned to his command and served in the line of his duty until he was mustered out of the service and received a certificate of honorable discharge.

SEC. 3. That in all cases where the charge of desertion shall be removed under the provisions of this act from the record of any soldier who has not received a certificate of discharge it shall be the duty of the Adjutant-General of the United States to issue to such soldier, or, in case of his death, to his heirs or legal representatives, a certificate of discharge.

SEC. 4. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive all pay and bounty which may have been withheld on account of such charge of desertion or absence without leave: *Provided, however*, That this act shall not be so construed as to give to any such soldier as may be entitled to relief under the provisions of this act, or, in case of his death, to the heirs or legal representatives of any such soldier, the right to receive pay and bounty for any period of time during which such soldier was absent from his command without leave of absence: *And provided further*, That no soldier, nor the heirs or legal representatives of any soldiers, who served in the Army a period of less than six months shall be entitled to the benefit of the provisions of this act.

SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. STEELE, from the Committee on Military Affairs, reported back with adverse recommendations, without prejudice, the following bills and petitions; which were severally laid on the table, and the accompanying report ordered to be printed:

A bill (H. R. 1160) to remove the charge of desertion from the military record of Adam Winter;

A bill (H. R. 903) for the relief of Alvin A. Ayres;

A bill (H. R. 902) for the relief of the soldiers of various companies of the Eighth Cavalry, Missouri State Militia;

A bill (H. R. 1750) for the relief of Charles Winder;

A bill (H. R. 1749) for the relief of David M. Winkle;

A bill (H. R. 1639) for the relief of Pierre Pernot;

A bill (H. R. 1638) for the relief of Isaac R. Moulton;

A bill (H. R. 1452) to remove the charge of desertion from the military record of William Hull;
A bill (H. R. 1434) to remove the charge of desertion from the military record of John W. Gummo;
A bill (H. R. 1163) to remove the charge of desertion from the military record of George W. Stelts;
A bill (H. R. 1162) to relieve Lewis C. Ranck from the charge of desertion;
A bill (H. R. 409) for the correction of the military record and honorable discharge of Samuel Pitman;
A bill (H. R. 1119) for the relief of E. Z. Burchfield;
A bill (H. R. 725) to remove the charge of desertion from the rolls of the Adjutant-General's Office against William Ebert;
A bill (H. R. 1579) for the relief of Davis M. Jackson, late of Company E, Fourth Regiment New Hampshire Volunteers;
A bill (H. R. 697) to remove the charge of desertion against William H. Doughty;
A bill (H. R. 430) for the relief of Joseph Ford;
A bill (H. R. 431) for the relief of John Lockabaugh;
A bill (H. R. 395) to remove the charge of desertion from the military record of Hiram Russell;
A bill (H. R. 286) granting relief to Archibald Hunley;
A bill (H. R. 214) for the relief of John H. Shugart and Albert F. Shugart;
A bill (H. R. 202) for the relief of John Bancroft;
A bill (H. R. 2700) for the relief of Martin Murphy;
A bill (H. R. 2376) removing the charge of desertion from the record of and granting an honorable discharge to Fernando Moreno, late a private in Company G, Eighth Illinois Veteran Volunteers;
A bill (H. R. 2510) to remove the charge of desertion against David Harrington;
A bill (H. R. 2370) to amend the records of the War Department;
A bill (H. R. 2531) to remove the charge of desertion from the military record of Peter Mott;
A bill (H. R. 2612) to remove the charge of desertion against James Pluck, late of Company K (subsequently C) Ninety-fifth Pennsylvania Volunteers;
A bill (H. R. 2776) removing the charge of desertion against Pleasant W. Fortner from the records in the Adjutant-General's Office;
A bill (H. R. 2777) for the relief of Isaac Rains;
A bill (H. R. 2843) for the relief of Charles L. Lewis;
A bill (H. R. 2904) for the relief of Lucy Burhite;
A bill (H. R. 3001) for the relief of C. G. Davis;
A bill (H. R. 3035) for the relief of Jasper N. Martin;
A bill (H. R. 3152) for the relief of Edward B. Hughes;
A bill (H. R. 3154) to remove the charge of desertion from Frederick A. Noeller;
A bill (H. R. 3162) authorizing the Secretary of War to remove the charge of desertion from the record of Israel B. Spangler;
A bill (H. R. 3249) to expunge from the records of the War Department an entry of desertion in the case of Joseph Collins;
A bill (H. R. 2254) for the relief of Joseph Hines;
A bill (H. R. 3368) to remove the charge of desertion from the military record of Samuel A. Rank;
A bill (H. R. 3458) to relieve John Lyon from the charge of desertion;
A bill (H. R. 3482) for the relief of Joseph H. Weatherbe;
A bill (H. R. 3499) to amend the records of the War Department;
A bill (H. R. 3362) authorizing the Secretary of War to remove the charge of desertion from William Wilson;
A bill (H. R. 2304) for the relief of Charles W. Rodecker;
A bill (H. R. 2113) for the relief of John F. Bair;
A bill (H. R. 2114) for the relief of I. J. Davis;
A bill (H. R. 2116) for the relief of John Burkhart;
A bill (H. R. 2117) for the relief of John Gibson;
A bill (H. R. 1916) for the relief of Thomas Crawford;
A bill (H. R. 1918) for the relief of Albert Schindler;
A bill (H. R. 1987) to remove the charge of desertion from the military record of Henry B. Jay;
A bill (H. R. 1776) for the relief of Burrel Burns;
A bill (H. R. 1778) for the relief of Stephen E. Lamar and others;
A bill (H. R. 1817) for the relief of Thomas Dailey;
A bill (H. R. 1967) for the relief of George F. Walker;
A bill (H. R. 1913) to remove the charge of desertion against Alexander Nugent, of Seymour, Ind., late a private in Company G, Seventy-seventh Regiment Ohio Volunteer Infantry;
A bill (H. R. 2260) for the relief of Isaac Johnson from the charge of desertion;
A bill (H. R. 3361) authorizing the Secretary of War to remove from the record the charge of desertion of Private John W. Davis;
A bill (H. R. 2507) for the relief of John McFadden;
A bill (H. R. 1816) to amend an act entitled "An act to relieve certain soldiers of the late war from the charge of desertion," passed at the first session of the Forty-seventh Congress;
A bill (H. R. 3923) for the relief of Martin McNamara alias Martin Mack;
A bill (H. R. 3898) to remove the charge of desertion from John E. Sage;
A bill (H. R. 3895) for the relief of George Alcott;
A bill (H. R. 3776) for the relief of Theodore T. Hallock;
A bill (H. R. 3696) for the relief of Peter Kumpf;
A bill (H. R. 3664) for the relief of Michael Niland;
A bill (H. R. 3633) to remove the charge of desertion from James Arnold;
A bill (H. R. 3537) to remove the charge of desertion from the military record of John Wiley;
A bill (H. R. 3551) for the relief of Michael A. Smith;
A bill (H. R. 1438) to relieve certain soldiers of the late war from the charge of desertion;
Petition of John Wiley to be relieved from the charge of desertion;
Petition of Joseph W. Sparks to be relieved from the charge of desertion;
Petition of Frederick A. Noeller for removal of charge of desertion;
Petition of Michael Rowland, late of Company B, Ninth Tennessee Cavalry, for removal of charge of desertion; and
Petition of Zack C. Brooks, late of Company F, Eighth Tennessee Cavalry, to be relieved from the charge of desertion.

MELISSA G. POLAR.

Mr. SPRIGGS, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 2344) for the relief of Melissa G. Polar; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH A. REDMOND.

Mr. SPRIGGS also, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 2346) for the relief of Sarah A. Redmond; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. TALBOTT. I desire to report a bill from the Committee on Naval Affairs, to be printed with the report and recommitted.

The SPEAKER. That can not be done during this call. Under the rules bills reported during this call must go to one of the Calendars. The Chair will recognize the gentleman at another time.

RED LAKE INDIAN RESERVATION.

Mr. PEEL, of Arkansas, from the Committee on Indian Affairs, reported, as a substitute for H. R. 846, a bill (H. R. 4384) relating to the acquisition and disposal of the Red Lake Indian reservation, in the State of Minnesota; which was read a first and second time, referred the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT AUGUSTA, GA.

Mr. REESE, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 3091, a bill (H. R. 4385) for the erection of a public building at Augusta, Ga.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

Mr. AIKEN. I am directed by the Committee on Education to return certain papers relative to a resolution for the purchase of historical paintings. These papers were presented by the gentleman from Connecticut [Mr. WAIT], to accompany a resolution which was referred to the Committee on the Library. I ask that the Committee on Education be discharged from the further consideration of these papers, and that they be referred to the Committee on the Library.

The SPEAKER. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

Mr. HOPKINS. I am directed by the Committee on Labor to ask that certain papers heretofore referred to the Committee on Education and Labor before the division of that committee may be referred to the Committee on Labor.

There being no objection, the following resolutions were referred to the Committee on Labor:

A joint resolution (H. Res. 38) to provide for the enforcement of the eight-hour law; and

Resolution of the Commonwealth of Massachusetts concerning the employment of convict labor upon the works of the property of the United States.

MRS. S. A. WRIGHT AND MRS. C. FAHNESTOCK.

Mr. MOREY, from the Committee on Patents, reported back favorably a bill (S. 297) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock; which was referred to the Commttee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET CASSIDY.

Mr. MOREY, from the Committee on Patents, also reported back favorably the bill (S. 298) for the relief of Margaret Cassidy; which was

referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. The morning hour has expired.

ORDER OF BUSINESS.

Mr. COBB. I move that the bill (H. R. 3520) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads be transferred to the House Calendar, where it belongs; and for that purpose I move the Committee of the Whole House on the state of the Union be discharged from its further consideration, and that it be put on the House Calendar.

FORFEITED LAND GRANTS.

Mr. COBB. I now move that the House proceed to the consideration of the bill (H. R. 3520) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads.

Mr. TUCKER and Mr. TALBOTT asked by unanimous consent to submit reports from committees.

Mr. COBB. I should like to yield to gentlemen, but I do not know how long it will take. This is an important matter, and we will get through with it in a little while. I move that the House proceed to the consideration of the business on the House Calendar.

The motion was agreed to.

Mr. COBB. I do not know whether the Chair fully understood my motion. I moved that the House go to the consideration of the House Calendar for the purpose of taking up the bill I have indicated.

The SPEAKER. Under the resolution adopted by the House some time ago, when the House proceeds to the consideration of the business on the House Calendar bills in relation to forfeiture of land grants have precedence over other business on the Calendar.

Mr. COBB. I ask to take up the bill H. R. 3520 for present consideration.

The SPEAKER. The first bill on the Calendar is the bill (H. R. 3933) to declare a forfeiture of land granted to the Texas Pacific Railroad Company, and for other purposes.

Mr. COBB. The other was first reported, but got on the wrong Calendar; otherwise it would have precedence.

The SPEAKER. The bill does not lose its place. If reported first, it will stand first on the Calendar. The Chair in his statement referred to the printed Calendar before the transfer was made.

Mr. COBB. I desire to say it is the intention of the members of the committee to press the passage of both bills to-day.

Mr. TOWNSHEND. Let the bill be read.

The SPEAKER. It was read when up before.

Mr. VAN EATON. I desire to offer an amendment to the bill.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The gentleman from Indiana is entitled to the floor.

Mr. COBB. What does the gentleman desire?

Mr. VAN EATON. I wish to offer an amendment.

Mr. COBB. I consent that he may offer it.

The SPEAKER *pro tempore*. The amendment will be read.

The Clerk read as follows:

Amend the bill by adding after the word "act," in the fourteenth line, the following words: "Also except so much of said act as relates to the grant of lands in aid of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad."

Mr. COBB. The report accompanying this bill was read in Committee of the Whole House on the state of the Union the other day, and unless some gentleman desires to have it read again I will not ask for its reading now.

Mr. WARNER, of Ohio. Is the report lengthy?

Mr. COBB. Yes, sir.

The SPEAKER *pro tempore*. The report has been already read.

Mr. WARNER, of Ohio. I hope there will be an explanation given of the details of this bill.

Mr. COBB. Yes, sir; I propose to say a word upon it.

This bill relates to seven grants made to railroad companies, or to States, rather, for the benefit of railroad companies that might afterward be created or which might be in existence at the time of the passage of this act. The act was passed on the 3d of June, 1856. None of these roads——

Mr. CHACE. Did I understand the Chair to rule that the reading of the report on this bill is not in order?

The SPEAKER *pro tempore*. The Chair stated that the report had been already read. It is not in order now to demand the reading if objection is made.

Mr. CHACE. It has not been read to-day.

The SPEAKER *pro tempore*. It was read at the time of the consideration of the bill in Committee of the Whole, and can not be called for on every consideration of the bill.

Mr. COBB. As I was about saying, Mr. Speaker, none of these roads have been completed, none of them begun. Their grants simply stand in their name without any work whatever having been done upon the roads which these grants contemplated. I do not deem it necessary, therefore, to take up the time of the House in discussing in detail any of these grants. It is a mere question of policy now whether the grants shall be forfeited in view of the failure of the companies to construct the roads or not.

Under a decision of the Supreme Court in a similar case, although all of these grants contained the condition that in case the railroads are not completed in ten years from the date of the grant, at the end of that period the lands shall revert to the Government of the United States, under the decision of the Supreme Court of the United States in the case of Shulenburg *vs.* Herriman it has been held that these were grants *in præsenti* and carry the legal title to the States to which they are made or to the railroad companies. That being so, the committee deemed it right and proper that there should be a declaration upon the part of the legislative department of the Government creating these grants declaring a forfeiture and restoring the lands to the public domain, reserving, as you will perceive by the bill, the rights of settlers, homesteaders, &c., made in good faith. None of these lands in any of these grants have been sold. In the case of the State of Alabama I believe one of these grants was not accepted at all. As to the other grants, no corporations were organized for the purpose of accepting them. This is about the substance of the facts in the case, and, as I have said, it seems scarcely necessary to detain the House longer. The expression of the House and the feeling, I take it, is such that if this was an original proposition to grant these lands to these States for the benefit of railroad corporations in constructing their roads, they would not be granted at all.

The only question is whether we will allow these grants to remain that were made twenty-seven years ago, seventeen years having expired since the expiration of the time when the grant contemplated the completion of the various lines of road. I do not believe the House will entertain for a moment the idea of continuing these grants longer.

Now, there is a minority report, and I will allude to that briefly, and perhaps will have nothing further to say.

Mr. TOWNSHEND. Before passing, I wish to ask the gentleman why it is that several roads have been excepted from the operation of this bill?

Mr. COBB. The only exception in the bill was with reference to the roads which have been completed.

Mr. TOWNSHEND. But there appear to be two or three other roads excepted from the forfeiture under the terms of this bill.

Mr. COBB. No; only those that were completed are excepted. We have excepted those which have been completed according to the original grant from the operation of this bill and from any forfeiture.

Mr. TOWNSHEND. But, if my friend will bear with me, on the second page of the bill it appears that several exceptions are made—one in Alabama, one in Louisiana, one I believe in Arkansas——

Mr. COBB. If the gentleman will examine the report he will find that it goes fully into the details of the matter. It says that all of the roads which were completed are excepted from the operation of the bill.

Mr. TOWNSHEND. Were those roads completed within the time limited by the act?

Mr. COBB. Yes, sir; that is the information the committee have.

Mr. CHACE. That those roads were completed within the time contemplated by the grant?

Mr. COBB. No, sir; of course not. The seven roads for the forfeiture of whose grants provision is here made were not completed. But there are other grants. This bill provides for the forfeiture of grants where the roads have not been completed or anything done by way of completion. It excepts from the operation of the repealing clause those roads and grants where the roads were completed.

Mr. TOWNSHEND. Within the time?

Mr. COBB. Within the time fixed, of course.

Mr. CHACE. Then I understand the gentleman from Indiana to say these excepted roads were completed within the time contemplated by the act.

Mr. COBB. Yes, sir; that is the information the committee have. Therefore we have taken them out of the operation of this repealing or forfeiting act. These roads that are affected by this act, as I have distinctly stated before, are roads where no steps were taken to complete the road further, perhaps, than to organize. Not an inch of any one of these seven roads whose grants we propose to forfeit as provided for in this bill—not an inch of those roads was completed or is completed to-day; and, as I said, it is twenty-seven years since the grants were made, and they were required to complete the roads within ten years. Repeating myself, as the House is now giving more attention, I may say that if the roads were not completed within ten years the lands granted were to revert to the United States. None of these roads have been completed in any particular. These grants, then, stand tied up from settlement or purchase, and it is a question now for this House to determine whether it will forfeit these grants that stand in this position, the title, as I have already said, being in the States to which the grant was made in the first place.

Mr. DUNN. Will the gentleman allow me to ask him a question?

Mr. COBB. Certainly.

Mr. DUNN. I do not know that I understand fully what is except-

ed from the operation of this act. For instance in line 34, page 2, the bill says:

Also, so much of chapter 165, 14 Statutes at Large, page 83, as makes a grant of lands to the State of Arkansas to aid in the construction and extension of a railroad from the point where the Iron Mountain Railroad intersects the southern boundary of Missouri to a point at or near the town of Helena, on the Mississippi River.

Does this act forfeit that grant?

Mr. COBB. Yes, sir.

Mr. DUNN. Is there not an ambiguity in the language as to whether that is excepted from the forfeiting clause or included in it?

Mr. COBB. At what line of the bill was the gentleman reading?

Mr. DUNN. I was reading from line 34.

Mr. COBB. I think that is very clear:

Also so much of chapter 165, 14 Statutes at Large, page 83, as makes a grant of lands to the State of Arkansas to aid in the construction and extension of a railroad——

Mr. DUNN. The question is whether that is excepted.

Mr. COBB. It is not excepted. It is included very clearly. If the gentleman will read the first part of the bill he will see it is.

Mr. DUNN. The first clause repeals the act mentioned "except"——

Mr. COBB. Then it states the exception and goes on and repeals those that are not excepted.

Mr. DUNN. Had not the language be better repeated in line 15 so as to say "also repeal" or "also except?"

Mr. COBB. I think not.

Mr. DUNN. I think there is an ambiguity.

Mr. COBB. I think there is no ambiguity at all. The bill provides—

That so much of the several acts and parts of acts of Congress as are below recited be, and they are hereby, repealed, namely.

And then it states the exceptions.

Mr. DUNN. If the committee is perfectly satisfied, I am.

Mr. COBB. The committee are satisfied, and I think the language is very clear.

Mr. DUNN. I merely wanted to call attention to the fact that there is possibly an ambiguity.

Mr. WARNER, of Ohio. There may be no ambiguity in the bill as it now stands; but I think there will be if the amendment offered by the gentleman from Mississippi should be adopted coming in at the end of line 14 and beginning with the word "also" just as the word "also" heads the section beginning line 15.

Mr. COBB. It is very clear that would be excepted. If the amendment is attached to the first section of the bill, why then the provision the gentleman from Ohio [Mr. WARNER] reads would apply to that. As it is, it does not apply to it. Let me read again:

That so much of the several acts and parts of acts of Congress as are below recited be, and they are hereby, repealed, namely:

Chapter 83, 11 Statutes at Large, page 30, approved August 11, 1856, entitled "An act granting public lands in alternate sections to the State of Mississippi to aid in the construction of railroads in the said State, and for other purposes," Except—

Now that is the exception. We declare in the first part of the bill all of these grants mentioned thereafter shall be repealed with the exception of this one, and we go on and set it forth.

Mr. DUNN. You say—

That so much of the several acts and parts of acts of Congress as are below recited be, and they are hereby, repealed.

And then you say "except"—

Mr. COBB. Yes, sir.

Mr. DUNN. Does that exception apply to all below that word "except?"

Mr. COBB. Of course that applies only to what it says, and it says in as direct terms as language can express—

Mr. DUNN. Had it not better be made clear?

Mr. COBB. I will read again from the bill for the information of the House:

That so much of the several acts and parts of acts of Congress as are below recited be, and they are hereby, repealed, namely:

Chapter 83, 11 Statutes at Large, page 30, approved August 11, 1856, entitled "An act granting public lands in alternate sections to the State of Mississippi to construct railroads in said State, and for other purposes," except so much of said act, &c.

That is, the act making the grant to Mississippi is what is meant, and no stronger language can be used there.

Mr. DUNN. Let me suggest——

Mr. COBB. Let me continue:

Except so much of said act as relates to a grant of land in aid of "a railroad from Jackson to the line between the State of Mississippi and the State of Alabama," which road was completed within the time prescribed by said act.

Mr. WARNER, of Ohio. Now, the amendment goes on right there and says "also," &c.; and then without any further distinction the bill continues: "Also, so much of chapter 41," &c.

Mr. COBB. The amendment is not adopted yet. I do not think the language can be made clearer.

Mr. DUNN. Oh, yes, it can.

Mr. COBB. If there is any doubt about it, I am perfectly willing the bill shall be amended, but I can not see how to do it.

Mr. WARNER, of Ohio. It may be clear now, but if the amendment shall be adopted the rest of the bill would be ambiguous.

Mr. COBB. There is no ambiguity about the amendment; it only adds another grant or a part of a grant to the exception.

Mr. WARNER, of Ohio. If the amendment is read I think it will be seen that there will be an ambiguity.

Mr. COBB. I might say what I said at the beginning. This portion of the bill refers to four grants to four different railroads, or rather to one grant to four different railroads. Perhaps that is the reason why gentlemen do not appear to apprehend exactly the meaning and force of the language used by the committee. "Chapter 83, 11 Statutes at Large, page 30, approved August 11, 1856," contains grants to four different railroads.

Mr. WARNER, of Ohio. The bill may be quite clear as it reads now, but if the amendment shall be adopted it will render what follows ambiguous.

Mr. COBB. We have not got to that yet. If the amendment shall be adopted then we can consider it.

Mr. PRYOR. I desire to make an inquiry of the gentleman from Indiana [Mr. COBB] in regard to the portion of the bill embraced in lines 22 and 23 of the printed bill. What grounds have the committee for repealing the grant in that instance?

Mr. COBB. Because there has been nothing done to further the object of the grant.

Mr. PRYOR. The gentleman will remember that the Memphis and Charleston Railroad was in a state of construction in 1852.

Mr. COBB. That is not the Memphis and Charleston road; it is another road.

Mr. PRYOR. I will read that portion of the bill to which I refer:

Also, to aid in the construction of the Memphis and Charleston road, in section 6 of said act.

Mr. COBB. That is a branch of the road, not the Memphis and Charleston road proper. I will read from the report what is said with regard to the Memphis and Charleston road from information received from the Interior Department:

The State of Alabama refused to accept the grant for this road, and the lands were restored to market February 19, 1858.

Mr. PRYOR. What road is that?

Mr. COBB. The Memphis and Charleston road, the very road you are talking about.

Your committee deem it prudent, however, to repeal the granting act so far as it refers to this road, and have provided for it in the bill presented.

That is the fact about it. If there are any other questions which gentlemen desire to ask just at this point I will try to answer them.

Now, one word with reference to the minority report filed with the majority report. The minority report is based solely upon the ground of policy. It is admitted that nothing has been done to complete these roads or to forward their interest in that direction.

The gentleman from Mississippi [Mr. VAN EATON], who represents the minority of the committee, desires to be heard. I do not care to take up the time of the House any further, unless some gentleman desires to propound a question; and, if so, I will take pleasure in answering it so far as I can.

Mr. MULDROW. Do I understand the gentleman from Indiana [Mr. COBB] to hold that all land grants should be forfeited where no steps have been taken toward the completion of the work?

Mr. COBB. That is the object of this bill.

Mr. MULDROW. And I understand further that you propose to forfeit the land grants to the Memphis and Charleston Railroad?

Mr. COBB. Yes; because, as we are informed, nothing has been done in furtherance of the work.

Mr. MULDROW. On the contrary, the Memphis and Charleston Railroad is completed, except that part of it between Stevenson, in Alabama, and Memphis, in Tennessee. All the road that passes through Alabama was completed years ago. Yet this bill provides for the repeal of the law making the grant to the Memphis and Charleston Railroad through the State of Alabama as well as the State of Tennessee.

Mr. COBB. I did not understand the gentleman from Mississippi [Mr. MULDROW] when he first spoke. To what road does he refer?

Mr. MULDROW. I understand that you propose to forfeit land grants only where no work has been begun toward the completion of the enterprise. Yet in this bill you propose to forfeit the land grant to the Memphis and Charleston Railroad, on which much work has been done.

Mr. COBB. I have not taken that position. I am in favor of forfeiting every acre and every inch of land granted to railroads where they have not earned it in strict conformity to law; that is my position.

This bill provides for the forfeiture of the land grant of the Memphis and Charleston Railroad Company. That grant, as I said a while ago—if the gentleman had listened he would surely have understood me—was never accepted by this corporation, and never accepted by the governor on behalf of the State; he refused to accept it. Yet I suppose the gentleman would insist that we ought to force this grant upon the Memphis and Charleston Railroad Company. I read a while ago the statement in the report that—

The State of Alabama refused to accept the grant for this road, and the lands were restored to market February 19, 1858. Your committee deem it prudent,

however, to repeal the granting act so far as it refers to this road, and have provided for it in the bill presented.

Mr. PRYOR. Then, as I understand the gentleman's position, this report, so far as the Memphis and Charleston Railroad is concerned, is based upon the fact, as contended by the committee, that the State of Alabama declined to accept the grant, not upon the ground that the road was not completed within the time required.

Mr. COBB. Not specially upon that ground. We did not look into that question. The State having refused to accept the grant, the lands having been restored to the public domain and offered for sale as lands usually have been in that State, we take it there is nothing but a technical title in the State of Alabama. This railroad company never claimed these lands, and has no pretense for claiming them. The State has refused to claim them. Still the committee believe that technically perhaps the title of these lands, under the decisions of the Supreme Court, still remains in the State of Alabama. Now, for the purpose of removing all doubt upon that question, we propose to forfeit these lands, thereby taking away the technical legal title which may have vested under the act. The State not claiming the lands, but having refused to accept the grant, the railroad company making no pretense of claiming them, and the lands having been restored by the Interior Department to the public domain, they are now subject to disposition as other public lands in that State, and have been ever since 1858. Therefore we propose to forfeit the technical title.

Mr. PRYOR. Or, in other words, to remove what you suppose may be a cloud on the title by reason of this grant.

Mr. COBB. I do not think it is a cloud——

A MEMBER. A shadow.

Mr. COBB. But we feel that through abundant caution, and in order to fully restore these lands to the public domain and quiet the title, it is the duty of Congress to forfeit this grant. The railroad company is not here claiming anything, the State has refused to accept the lands, and the Government ought to assert its title to them.

Mr. PRYOR. I want to disabuse the mind of the gentleman from Indiana of the idea that there has been any non-compliance by that railroad company with the obligation to construct their road. As a matter of fact—and I speak of what I know—nothing of the kind has happened so far as the Memphis and Charleston Railroad is concerned. Its work has been completed, and was completed within much less time than the act provided for. It may be possible—I am not gainsaying that statement, but I want to get at the reason for the proposed revocation of this grant, so that it may be placed on the proper ground—it may be that the State of Alabama and the company have declined to accept the grant, but I do not want this act to proceed upon the mistaken assumption that the company has not complied with the requirement as to the construction of the road, for it is known to the country that the road has been in active operation for years.

Mr. CALKINS. Will my colleague [Mr. COBB] allow a question for information?

Mr. COBB. Certainly.

Mr. CALKINS. It was utterly impossible during the remarks of my colleague for us who remained on this side of the Hall to hear what he said. I wish to ask him whether any of the lands the title of which it is proposed to declare forfeited have been patented either to the States or the railroad companies mentioned in the bill?

Mr. COBB. No, sir; none of them.

Mr. CALKINS. Has any title passed to actual claimants or occupants?

Mr. COBB. Not from the railroad corporation or the State.

Mr. CALKINS. Has any title passed under any act of Congress, so that the titles of these claimants or occupants will be disturbed if this bill be passed?

Mr. COBB. No, sir. In some instances these lands have been settled upon; but there is a second section of the bill providing for the protection of persons who have made settlement or purchase in good faith.

Mr. CALKINS. That was the point I was coming to.

Mr. COBB. We have provided for that.

Mr. CALKINS. I see that the second section undertakes to protect certain occupants; and I was going to ask my colleague to state how these occupants claim titles to these lands.

Mr. COBB. Some of them by purchase from the Government, as I understand, and some by settlement under the pre-emption and homestead laws.

Mr. CALKINS. Do any of them claim title through or under these grants?

Mr. COBB. None from the State, none from the railroad companies. Whatever rights these settlers have were obtained under general laws of the United States.

Mr. MULDROW. I wish to inquire of the gentleman from Indiana upon what evidence the committee acted in assuming that the State of Alabama had declined to accept these lands for the benefit of this railroad company?

Mr. COBB. We have authority for that fact resting upon this information, that a telegram was received from the governor of the State of Alabama refusing to accept the grant. I believe there is a letter from the governor of the State of Alabama on file in the Interior Department wherein he refuses to accept the grant of lands for railroad purposes. The proof, sir, seems to be ample, and it was perfectly satisfactory to the Committee on Public Lands.

Mr. TUCKER. When was that telegram received?

Mr. COBB. In 1855 or 1856.

Mr. MULDROW. Let me put this further question to the gentleman from Indiana.

Mr. COBB. Certainly.

Mr. MULDROW. Suppose the State of Alabama, acting as trustee to receive this land in trust for the railroad, declined to accept that trusteeship, and yet the road has been built. It was the design of Congress to give them the aid of these lands for the construction of the road; and now, because the State of Alabama as trustee refuses to accept the trust, is it equitable the road should be deprived of the benefit of the grant?

Mr. COBB. I can say to the gentleman from Alabama that so far as I know, and so far as any member of the committee has been able to find out, this road has never made a claim for this land grant. The burden is upon the road to show that they have asked for the grant of lands. In other words, Mr. Speaker, they did not accept the lands. Under the law now, having refused for twenty-seven years to accept this land grant, it would be held, certainly, by any court in the country that that fact itself would be held as an abandonment of their rights, whatever they may have been. It would be held as an abandonment even if they had accepted it in a formal way at first and then made no claim for the lands for twenty-seven years. It occurs to me, as I have already stated, Mr. Speaker, that any court in Christendom trying the question would declare, under the circumstances, the company had abandoned the grant.

Mr. MULDROW. They had no means by which they could accept it.

Mr. COBB. They never tried to accept it. They never asked for the land. They are not here now appealing for it.

Mr. HEWITT, of Alabama. Most of it being sold.

Mr. COBB. If the gentleman is speaking for the company he has a channel to speak through different from that from which I get my information. What he has said does not come through the proper channel of this Government, the Interior Department, for there is nothing of that sort to be found there. I know of no officer of the company, no stockholder, no man having any interest in it, unless my friend has, who asked for a moment this grant be sustained. It seems the gentleman asks, after twenty-seven years have passed away, after the governor has refused to accept the trust, and after these lands have been restored to the public domain for disposal under the general law—the railroad company, I repeat, not having asked or demanded it since that time—the gentleman now comes in and asks that this portion of the bill be stricken out. It is a remarkable request, it appears to me.

Mr. OATES. It was not the governor who declined to accept it, but the Legislature.

Mr. MULDROW. I do not speak for the railroad company.

Mr. COBB. Can there be any equity or justice in now giving to a railroad corporation these lands after it had first refused to accept them, and after they had refused to pay tax to the Commonwealth of Alabama on them for twenty-seven years—can there be equity and justice in giving this company these lands after such has been the fact? If there is, I am not able to see it, and I do not think any member of this House will be able to see it.

Mr. HEWITT, of Alabama. Especially when private individuals have gone there and invested their means and made their homes on those lands.

Mr. COBB. As my friend from Alabama says, especially since private individuals have taken up those lands and made their homes there. To undertake to take these lands away from those who now hold them and give them to this company under the circumstances would be a crime.

But I shall not say anything further at this time unless some gentleman desires to ask me a question.

Mr. PRYOR. Is there any information before the committee which would go to show that any individual, since the grant was made, has entered and paid for these lands?

Mr. COBB. I can only say that I have been informed by the Interior Department that settlements have been made on some of these lands, but what the circumstances are particularly I can not say. We did not go into that question, because, as I have said, the company refused or the State of Alabama refused to accept these lands in trust for this corporation, and therefore the committee have believed it was not necessary for us to go further than to provide, as we have done in the second section, that individuals having gone on these lands in good faith shall be protected.

Mr. EATON. When were these lands restored to the public domain?

Mr. COBB. In 1858.

Mr. EATON. It seems pretty late now to give them away.

Mr. COBB. Yes, sir.

Mr. VAN EATON. Mr. Speaker, I desire briefly to call the attention of the House to the views as set forth in the amendment I had the honor to offer to the bill under consideration. I desire in the first place to return my sincere thanks to the chairman of the Committee on the

Public Lands, as well as to the House, for the courtesy extended to myself when this bill was first brought up for consideration; for at that time I was physically unable to present my views as I would like to do, whatever may be the result of my attempt to-day. Furthermore, I desire to say that last week when the resolution of the gentleman from Indiana [Mr. HOLMAN] was up for consideration two of my colleagues from Mississippi and myself voted against it. We knew that the people of our State had never ceased to hope for the benefits that were naturally expected to flow from this grant which we are now considering. We considered that we were instructed, when the matter came up, to vote against the forfeiture of that grant; and we believed that we would be placing ourselves in an antagonistic or contradictory position if we voted for a sweeping act of forfeiture one day and the next came in and asked the House to make an exception in our favor.

Now, speaking for myself alone, Mr. Speaker, I have this further to say: I did most heartily concur in the sentiments so well expressed by the gentleman from Maine [Mr. REED] on that question, and the gentleman from Michigan [Mr. HORR], to the effect that it was rather sweeping legislation to be hurried through on such short consideration. I felt that there might be cases where there should be an exception; where the roads, although not completed, might fairly appeal to the justice and equity of this House; where we might not require the pound of flesh, although we did happen to have the bond.

I heartily concur with the general spirit and scope of the resolution to which I have referred. As a general thing I think these old grants, where they have not been availed of by the companies for whose benefit they were made, ought to be forfeited, but I think there may be exceptions. I think that there may be cases where we might very properly decline to make a forfeiture, and I think, Mr. Speaker, the case under consideration, covered by my amendment, is one of those exceptions, as I shall hope to show.

Let us look at it. In 1856, on the 11th day of August, there was approved an act of Congress granting lands to States in aid of certain new railroads. Among the rest, as expressed in the act, was a grant to the State of Mississippi in aid of the construction of a railroad from Brandon to the Gulf of Mexico. This, I say, was on the 11th of August, 1856. The bill had the usual provisions for surveys, location, filing of maps, and sale of lands. The bill further provided that if the road was not completed in ten years no further sales should be made, and the lands should revert to the United States.

Well, now, at the outset, to be understood, to be plain, I admit before this House that this road has never been built or commenced, and yet I appeal to the sense of justice of this House not to forfeit this particular grant; and why? Has anything been done upon it?

Mr. Speaker, I find on reference to Executive Document No. 144, of the Forty-seventh Congress, which I hold in my hand, the report of the Secretary of the Interior upon this subject. He states that on the 27th day of November, 1860, a map of the definite location of the road was filed in his office. Mark the date, November 27, 1860. So that up to that time we find the beneficiaries of the grant were taking all proper initiatory steps to avail themselves of it.

Now, Mr. Speaker, it is only necessary for me to refer to the state of things prevailing in this country in November, 1860, to show you by the mere statement, stronger than any argument, that in that section of the country at least nothing further could be done in the way of railroad building at that particular time. In fact, you may say during the whole of the ten years covered by this grant in that section of the country it was literally a physical impossibility to construct a road. We know it now, we did not know it then, it was not long after this grant was made that the war cloud gathered above the horizon, so soon after to burst in the terrible tempest of battle.

Whatever could be done in the North and West, in the section where the grant is located no road could have been built clear up from the time the maps of location were filed until the time of forfeiture, August 11, 1866. At that time the war was just over. The people in that section were in the throes and troubles of reconstruction trying to build up a new order of things. In fact railroad building about that time was just the last thing they could think of.

So much for that, Mr. Chairman. I think just barely to state the date of the decade in which the act required that road to be built and to state the location of country in which it was, is to state a reason full and ample why that road could not be completed in the ten years.

But we are met with the argument that seventeen years and more have elapsed, and all that time you have done nothing. Mr. Speaker, we could not avail of that grant since the 11th of August, 1866, for the simple reason that the date of forfeiture had attached, and we could get no capital, no men of money to take these lands and base a loan or mortgage upon them and use them as the basis of credit for the construction of the road. No man would touch them after the forfeiture had attached.

But what else could we have done? It is said we might have shown an honest disposition to avail of them. So we have. It has been the dream of the people of the State of Mississippi for more than a generation to have this road built. The act of 1856 was so far the commencement and putting in practice of their desire.

Now, sir, as soon after the war, as soon after the troubles and turmoils consequent upon the war, as they possibly could the people of the State of Mississippi commenced moving in this matter, in convention, in Legislature, in public meetings and gatherings, expressing their desire that this land grant might be again put into force and effect by Congress. I am told by my colleague from Mississippi [Mr. BARKSDALE] that the first act of the State Legislature on this subject was in 1870. Mark the date. About as soon after the date of forfeiture as you could expect the people of that section to think about making railroads they memorialized the Legislature, in 1870, when the State was under Republican rule; showing this is no partisan measure, that all the people, without regard to party, desire this grant and desire the building of this road.

And so on from time to time the Legislature asked Congress to restore this grant or renew it. And, Mr. Speaker, I am going to ask to be read from the Clerk's desk now, the last memorial on that subject, the memorial of the Legislature of 1882; and I beg the attention of the House while it is read, to show that what I say about the position of the State of Mississippi is correct. I want the whole memorial read.

The Clerk read as follows:

A memorial to the Congress of the United States in reference to waiver of forfeiture of the grant in aid of the Gulf and Ship Island Railroad.

To the Senate and House of Representatives
of the Congress of the United States in Congress assembled:

Your memorialists would respectfully show to your honorable body that the State of Mississippi has made repeated but ineffectual efforts heretofore through its Legislature, in the form of resolutions and memorials to Congress, to obtain a revival of the grant of public lands made by the Government in 1856 to aid in the construction of the Gulf and Ship Island Railroad; that this liberal and valuable donation was lost by no supineness or indifference of our people, but by the interruption of all works of internal improvement caused by the late war, and since its close to the prostration and poverty which it entailed. No enterprise in our State has ever received more repeated and cordial indorsement from our Legislatures and people than this. At its present session our Legislature has granted a new act of incorporation, with liberal provisions, thus again attesting the abiding and earnest interest felt by our people in this important work.

It is almost superfluous to dwell on the great benefits to our State which would result from the construction of this road. It would gratify a long-cherished aspiration of all Mississippians to have within our own borders a seaport town through which the export and import trade of the State could be conducted. It would speedily populate and develop the resources of a large section of our State hitherto isolated and neglected for want of facility of access, a section of immense resources in its magnificent pine forests, its bold perennial streams, which afford unlimited water-power, and its genial, salubrious climate, making it the appropriate seat of cotton and woolen manufacture on a large scale. There is no portion of our State so well adapted to sheep husbandry, stock-raising, and farming on a small scale. We are persuaded that its natural advantages would speedily attract a hardy and thrifty population from the West and North, and that the development of its great natural resources would add largely to the wealth of our State and its annual revenues. So long since as 1860, Professor Eugene W. Hilgard, of the University of Mississippi (distinguished throughout the country for his valuable contributions to science), says:

The most casual observer, as soon as personal inspection shall have made him conscious of the reality, can not fail to be impressed with the immense importance of opening a highway through which Mississippi may communicate over her own, with a portion of her territory which possesses both a harbor commensurate with the magnitude of her commercial interests, and a climate not only healthful and pleasant, but capable, moreover, of producing many of the choicest fruits of the tropics as well as the temperate zone. Along with the cotton bales of north and central Mississippi the lumber and turpentine of the vast pine forests of the South would find their way through this channel to the great highway of nations. Nor would the ample grazing grounds which separate these forests from the coast long remain without a landmark to guide the traveler. May the day not be far distant when one uninterrupted band of iron shall link together the wheat and cotton fields of the South and West with the live-oak and orange groves of the coast of Mississippi.

It is not our State and its people alone who would reap advantages from the construction of such a road. The work would possess a semi-national importance in affording to the grain-growers of the West and Northwest the shortest and cheapest line of transportation to the seaboard for the export of their large annual surplus products; while at the same time it would enable them to receive their supplies of sugar, coffee, and other tropical products, as well as foreign merchandise, at a great reduction in cost of transportation. The Legislature of Mississippi has just granted a charter to the Yazoo Valley and Mississippi River Railroad, to extend from Jackson via Yazoo City to Arkansas City, in the State of Arkansas. This franchise was obtained by the Chicago, Saint Louis and New Orleans Railroad, which, with ample capital, purposes building this line without delay. The addition of the remaining link from Jackson to Pascagoula, or other point on our seaboard opposite Ship Island Harbor, will then connect the grain fields of the West and Northwest by almost an air-line of railway with the shipping of the world at that point.

We must consider the most important practical question of the resources available for the work. It is manifest the road can not be built by corporate or individual subscriptions in our own State. The well known pecuniary condition of our people forbids such a hope. But we have good reason to believe that if the former grant of Government lands can be revived a substantial basis of credit will be created; and with this material aid assured, there will be no difficulty in enlisting Northern and foreign capital to insure the early completion and equipment of the road.

It is apparent that this revival of the Government land grant, or waiver of forfeiture on the terms and conditions of the original grant, becomes the all-important and indispensable condition of success in the undertaking. Hence, we make this direct appeal to Senators and Representatives in Congress, and earnestly request that they will, without delay, revive and extend the grant of 1856 at the present session of Congress. And as in duty bound your memorialists will ever pray, &c.

Resolutions of the Mississippi Legislature accompanying the memorial to Congress in reference to the Gulf and Ship Island Railroad.

Resolved by the Legislature of the State of Mississippi, That our Senators and Representatives in Congress be requested to present to their respective Houses of the National Legislature in Congress assembled the foregoing memorial, and to urge upon their Houses suitable bills to secure the waiver of the forfeiture and extension of time asked in the foregoing memorial.

Resolved further, That his excellency the governor be requested to forward

copies of the foregoing memorial and resolutions to our Senators and Representatives in Congress.

Adopted by the house of representatives March 8, 1882.

W. H. H. TISON,
Speaker of the House of Representatives.

Adopted by the senate March 7, 1882.

R. O. REYNOLDS,
President of the Senate.

Approved March 9, 1882.

ROBERT LOWRY, *Governor.*

Mr. VAN EATON. Mr. Speaker, the point I desire to make right here is this, that in addition to the memorial which has just been read by the Clerk, memorial after memorial has been sent up to this Congress by the State of Mississippi since the forfeiture of this grant in 1866. Taking this fact in connection with what I said before, I think I have made out a clear and reasonable case, in which neither non-user nor laches can be attributed to the beneficiaries of this particular grant.

I desire now to call the attention of the House for a moment to another phase of this matter, and I will be as brief as I can. In looking over the tables of land grants, I find that there have been granted—*granted*, I say, not patented, but voted by Congress—to corporations, not to States, in all 145,000,000 of acres, and to States there have been granted 35,000,000 of acres, or, say, 180,000,000 acres, or 280,000 square miles in all.

Now I wish to call the attention of the House, in no invidious spirit, with no sense of complaining, but to fortify the principle upon which I started out, of something like equal and exact justice or at least fair dealing. Let us for a moment see how the account stands with the States on the subject of land grants. I have shown you that to corporations there have been voted 145,000,000 acres; a quantity so vast that the mind can hardly grasp it. As has been well said, whole empires have been voted away to corporations. But let that pass.

How does the account stand with regard to the States? I hold in my hand a table showing the actual amount of acres patented—not *granted*, but absolutely *patented* to the States. At the risk of wearying the House I will run over it very briefly.

The account stands thus: Illinois, 2,595,053 acres; Florida, 1,857,458; Alabama, 1,857,458; Louisiana, 1,072,405; Mississippi, 937,159; Arkansas, 2,444,945; Iowa, 4,544,332; Missouri, 1,828,005; Michigan, 3,356,937; Wisconsin, 2,503,380; Minnesota, 7,572,963, and Kansas, 3,880,993.

I am not complaining that these different States have been so far benefited by the magnificent bounty of Congress. I only want to compare my own State with other States. The State of Mississippi has received less than a million of acres, while Minnesota has received over seven million of acres; not simply voted, but absolutely patented to the State, and of which it avails itself. And here we of Mississippi are to-day pleading with the House not to take away from us the little grant that is mentioned and referred to in the pending bill.

Let us speak about that a moment; I think the House ought to be advised about it. On examining the tables and the papers in the office of the Secretary of the Interior I find that he has made an approximate estimate of the amount of land in this grant as originally made; that amount is 652,800 acres. I wish to state to the House this further fact, that after the forfeiture of the 11th of August, 1866, the Government of the United States has allowed purchases to be made of lands embraced within this grant. A great quantity of the original grant has been bought, so that according to the best judges to-day it is estimated that there is available in the grant to the State of Mississippi not over 500,000 acres.

There is a bill pending before the House, one introduced by myself, in relation to the land grant to the State of Mississippi. If I can get the grant saved, or rather the forfeiture of it prevented, the bill which I have introduced will, if passed, regrant to the State of Mississippi just simply the half million of acres now left unsold, asking for no indemnity on account of lands that have been sold of the original grant.

I wish to state here that we want the rights of all purchasers and settlers to be faithfully protected. Whether this bill passes or not, whether my amendment is adopted or not, in any event, whatever bill may pass, the rights of all purchasers of lands will be protected. In case the House shall see fit to adopt my amendment and not allow this forfeiture, the amount of land that will be saved to the State of Mississippi will be simply 500,000 acres, which, added to the 900,000 acres we have already received, will make the amount granted to the State of Mississippi less than 1,500,000 acres, while other States, as I have shown, have received from 3,000,000 to 7,000,000 acres each absolutely granted to them.

There is another reason why this grant should be made good, and I wish to say a word on that subject. It was eminently right and proper that the grant should be made in the first place, and every single reason applying to the grant then applies to it now and with greater force.

The grant embraces a section of country covered for the most part with pine timber, most excellent pine timber. But it is far from market; the country is not thickly settled; not much of it has been taken up for farms or pastures. It consists of just such land as pays nothing in the world until the country is settled and its vast resources developed, just such a country as private enterprise never would construct a road through.

Another consideration. This is not a great trunk line; it is not a line connecting one great point with another great point, or one great section with another great section, like roads that connect the Atlantic with the Pacific. The object of this road is to connect the railroads near the center of the State of Mississippi, through vast tracts of pine forest, with the Southern Sea, so as to give our people in that part of the State and their products a seaport for their commerce, an outlet to the sea.

And, Mr. Chairman, it is a fair land, fair as any the sun shines on, from the initial point of the proposed route all the way to its terminus, gently sloping to the Southern Sea, holding vast possibilities of wealth in timber, in lumber, in field and herd, waiting only the magic contact of capital, skill, and energy to develop all these and return fourfold any benefactions bestowed upon it.

It may be possible that in a long range of years this road may be built without the aid of any grant; but I stand here to say that if there ever was a section of country, if there ever was a portion of a State, if there ever was a State, to which it was right to vote aid by a land grant, this is such a case. Take the map and look at this section of country. Trace it down from the center of the State through all this region of pine forest, far from market, far from any outlet, far from any chance of development, and you must see what a beneficence would be a grant of this land, what a vast benefit this railroad would be.

Mr. BLANCHARD. Will the gentleman from Mississippi permit a question?

Mr. VAN EATON. If I can answer it, I will do so.

Mr. BLANCHARD. If the land grant in behalf of which the gentleman has been speaking should be excepted out of the operation of the forfeiture provided for in this bill, what assurances can the gentleman give the House that this road from Brandon to the Gulf will be constructed in the next few years?

Mr. VAN EATON. This assurance, that capitalists have been looking up that section of country, have been examining into the condition of this grant, with the view of assisting the people of the State to build this road if they could avail themselves of the grant; but they refused to touch the enterprise so long as the forfeiture hangs over the grant. More than that, these men who have the means, have given us assurance that they would build the road if they could have the benefit of the grant.

Mr. BLANCHARD. Is there a company incorporated which proposes to construct this road from Brandon to the Gulf?

Mr. VAN EATON. Such an act of incorporation has been passed more than once. The volume of the acts of the Legislature of Mississippi which I sent to the Clerk's desk contains another act of incorporation passed in 1882. I thank the gentleman for calling my attention to this point. In that act of incorporation or recorporation the leading men of the State are named, without regard to party. Among those whom I just now think of are my colleague [Mr. BARKSDALE], Col. Jones S. Hamilton, one of the most enterprising men in our State, and George C. McKee, who formerly held a seat in this House, a leading Republican of our State. It is thus shown that this is a public enterprise in which all our people are interested, without regard to party.

Mr. JOSEPH D. TAYLOR. Will the gentleman answer another question?

Mr. VAN EATON. I will try to do so.

Mr. JOSEPH D. TAYLOR. Are we to understand that the reason this road has not been built heretofore is because of the situation of the grant, the fear that it might be rescinded by reason of the expiration of the time originally limited?

Mr. VAN EATON. That is true.

Mr. JOSEPH D. TAYLOR. If that be true, why will these men build this road within the next few years while this same doubt continues?

Mr. VAN EATON. They will not. I am trying to have that difficulty removed.

Mr. JOSEPH D. TAYLOR. Then, in the third place, what objection is there to the forfeiture? Will you be worse off if the forfeiture be made than you are now?

Mr. VAN EATON. Only in this: we shall have lost the land and the road. If Congress does not enforce this forfeiture we intend to ask this House for such legislation of a moderate kind as will insure, if not the completion of the road, a forfeiture of the grant within a very short time at least. We do not ask or wish that the grant shall be hung up inoperative for a great length of time. It ought not to be.

Mr. BRUMM. What reason is there why this grant should not be forfeited that does not apply to every other grant forfeited by the bill? Is there any difference between this and other land grants? If there is none, why should it not suffer the same fate?

Mr. VAN EATON. I have tried to show as far as I possibly could why this grant should not be forfeited. Now, why these others should not be forfeited I do not know, and am not here to speak for them.

Mr. BRUMM. So far as you know they all stand upon the same footing?

Mr. VAN EATON. It may be so, but I am not their friend, their agent, or their attorney.

Mr. SINGLETON. Will my colleague yield to me for a moment?

Mr. VAN EATON. Certainly.

Mr. SINGLETON. Mr. Speaker, when the resolution of the gentleman from Indiana [Mr. HOLMAN] was presented to the House a few days ago I voted for it. That resolution declared in favor of the forfeiture of all land grants where nothing had been done by the parties to whom they were made. At the last session of Congress I introduced a bill into this House proposing to renew the grant to the State of Mississippi for a railroad from Brandon to Ship Island. I did it in obedience to the instructions of the Legislature of my State; and I did it because I thought it was proper to do so. I urged its passage before the Committee on Public Lands by all the means in my power. Able attorneys were employed to come here, who made learned briefs and eloquent speeches before that committee, and yet that committee failed to make any report in regard to that matter.

Now, sir, I would be perfectly willing to segregate this grant from others, and I would be willing to vote for it, although I could scarcely justify myself as being consistent; but when the broad principle is presented to me whether a hundred million of acres of public lands shall be held by these corporations without any roads having been built and without any taxes having been paid to the States in which they are located, I felt I was compelled to take a broader view of the matter and vote for the resolution. I say I believe this grant ought to be excepted; but when it comes to putting them all back, when it comes to saying these railroads shall hold on to millions of acres of the public lands so as not to allow any person whatever to enter on them for settlement and cultivation, I say we can not afford to do it.

Mr. VAN EATON. I was aware, Mr. Speaker, my colleague from Mississippi had introduced the bill he spoke of. I was also aware he was friendly to the measure under consideration. I have only this to say about that: I could not vote for the sweeping resolution of the gentleman from Indiana, knowing I intended, as I said in the outset, to ask the House to make this exception. I am just as much in favor of the general principle of forfeiting these grants, when reason can be shown they should be, as my colleague or any other member of the House. At the same time, as I have already said, I wished to leave myself in the situation where, if a case is shown to have merit, I can in my humble capacity vote for it and do what is just and right and equitable. That is all.

I shall detain the House but a few moments longer. I have tried to show the House why this road was not built; that before and up to the war, after doing all we could at that time, taking all the proper steps up to 1860, that for the six years following it was physically impossible, and that for all the years which followed, the seventeen years of negligence with which we have been taunted, men would not take hold of these lands on account of the defect that appeared in the title; and I do not blame them for that. I have shown that time and again our people, in every way they could, have come to this House and asked for an extension of this grant; and I say now, as I said before, that no negligence, no laches can be imputed to the people who purpose to avail themselves of this grant. That is the reason why I have offered this amendment asking this grant shall be excepted out of the face of this bill.

Mr. Speaker, I do not come here in the character of a suppliant. I come here simply as a Representative from an equal State, coequal with any of her peers, appealing to the equity and sense of justice of this House.

In conclusion I have to say I speak for a land offering at this time the greatest encouragement for the investment of capital and the immigration of the enterprising; for a people who, harried by war and tried in the fires of reconstruction, rising superior to troubles and discouragements such as few peoples have encountered, are fast building up a new South; who extend the warmest of welcomes to all who come among them with honest intentions; and who, having left the things that are behind, join heart and hand with all who would add to the prosperity and increase the happiness of all the people of "a great, free, and prosperous realm." [Loud applause.]

Mr. BARKSDALE. Mr. Speaker——

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). Does the gentleman from Mississippi desire to be heard in opposition to the amendment?

Mr. BARKSDALE. I represent a district which is in part interested in the pending question, and desire to be heard in opposition to the bill which has been reported from the committee. If, however, any gentleman desires to be heard on the other side, I think I will yield the floor for the purpose of hearing him.

The SPEAKER *pro tempore*. The gentleman from Michigan will be recognized.

Mr. HATCH, of Michigan. Mr. Speaker, I am heartily in accord with the proposition involved in the first section of this bill. I agree with the remark made by a gentleman when the resolution voted upon the other day was before the House for consideration, that the time has come to reverse this policy of extending Government aid in the shape of land grants for the construction of railroads, and I am happy to see that this House has approached the consideration of this question determined to take back into the hands of the General Government the vast domain that now lies encumbered by these shadowy titles.

But it is my single purpose to restore to the public domain these lands, and while taking them to ourselves not foolishly or recklessly to bestow them on somebody else. In this connection I challenge particularly the provisions of the second section of this bill. I want to know what it means, upon what interests it is to operate, and what will be its result or its effect upon the public lands.

The second section, it seems to me, is not well guarded. In the first section we propose to take back the public domain that was perhaps recklessly bestowed upon these corporate organizations. But by the second section what are we going to do? That provides—

> That in any and all cases, as to any lands embraced within the terms of any of the acts named in section 1 of this act, whenever the Department of the Interior, or its officers, or the local land officers, have treated said lands as open to selection, purchase, or homestead entry, and have allowed purchases, selections, and entries of any of said lands under the general laws of the United States, the acts of the Department of the Interior and its officers, and the local land officers, in permitting such entries, selections, and purchases, in making such sales, and in issuing patents, certificates, and lists thereon—

all such unauthorized acts are hereby ratified and confirmed. That is what it means.

Now, I know not what is hidden behind the scope of this section, but I can see well that there is room for a considerable job. I can see room for a very extensive speculation. These lands were granted in the year 1856, twenty-seven years ago, as we have been so frequently reminded to-day. They were withdrawn from market. At that time what was their value? I suppose not to exceed $1.25 an acre.

But twenty-seven years have come and gone, and what to-day is their value? I suppose that they are worth very much more now than they were at that time. Have these lands been entered by speculators at the old price? Have people been held back from competing for the purchase of the lands because, forsooth, they were encumbered by railroad claims? I do not know. It is impossible to know. The committee in their report make no statement upon this point. They touch but briefly upon the subject.

I do know that in my own State lands that have been affected by these railroad grants have risen enormously in value; and if to-day the incubus of the railroad grants could be removed and these lands put up at auction, the Treasury of the United States would gather into it fifty or sixty dollars an acre for them. This was done but recently in the State of Minnesota on pine lands, such as these are said to be. They were auctioned off by officers of the United States Government at from fifty to sixty dollars an acre. Have these lands, in anticipation of the passage of some such measure as this, been entered through the general or local land offices at $1.25 an acre? If so, who has engineered the speculation? To whom will accrue the profits? Let us have an explanation. Let us understand what we are doing.

Now, I will vote for the first section of this bill. I heartily approve of it. I do not know but that I shall vote for the second section if the House refuses to strike it out, as I am so anxious to reach definite results that will follow from the operation of the first section. But I prefer that the second section should be stricken out, or the first and second separated altogether; and I would like to see a motion made by some member of this committee, some one who knows more about it than I do, to strike out the second section. Let us simply adopt the policy of restoring these vast domains to the control of the Government, and then by itself in a subsequent act decide the question upon whom we will bestow them, or what price we will fix for their purchase.

Mr. STRAIT. I would like to ask the gentleman at what place this sale took place in Minnesota of which he has just spoken.

Mr. HATCH, of Michigan. At Duluth, I presume; but I do not know that fact.

Mr. STRAIT. I will tell the gentleman that lands were sold for three dollars and some cents per acre, which was the average price obtained for them, instead of $50 or $60 as he states.

Mr. HATCH, of Michigan. I happened to know a gentleman who paid the $60 for some tracts.

Mr. STRAIT. At the average price?

Mr. HATCH, of Michigan. I do not know the average price.

Mr. STRAIT. It was three dollars and some cents per acre.

Mr. BARKSDALE. I trust the House will not commit itself to the declaration of indiscriminate forfeiture contained in the bill reported from the Committee on the Public Lands. And if it shall please this body to adopt the amendment of my colleague [Mr. VAN EATON], who is a member of the committee, I will ask the favorable judgment of the House upon a bill which I will send to the Clerk's desk to be read as a part of my remarks.

The Clerk read as follows:

> Whereas the time limited for the construction of a railroad from the Gulf of Mexico to the town of Brandon, State of Mississippi, in the act aforesaid, having expired from causes which could not have been avoided, whereby the benefit of said grant has not been realized by the State: Therefore,
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> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the time required by the aforesaid act, approved August 11, 1856, for the construction of the road from the Gulf of Mexico to the town of Brandon, commonly known as the Gulf and Ship Island Railroad, is hereby extended six years from the date of the approval of this act, for the purpose of aiding in the construction of the said railroad according to the route and termini prescribed in the act of August 11, 1856, donating the land for the construction of the said road from the Gulf of Mexico to Brandon: *Provided*, That if said railroad be not completed within six years from the date of the approval of this act, then the lands described in the act of August 11, 1856, shall revert to the United States.
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> SEC. 2. That the State of Mississippi be authorized to confer the privileges of

the aforesaid act upon such company as its Legislature may incorporate for the construction of the railroad aforesaid, and that the right of way is hereby granted to the said company through the public lands belonging to the United States.

Mr. BARKSDALE. As has been stated, Mr. Speaker, in 1856 Congress donated to the State of Mississippi alternate sections of land on either side of a railroad projected from the Gulf of Mexico to the town of Brandon, where it was designed to be connected with the system of railroads then in operation or in contemplation. The donation was in pursuance of a generous and liberal public policy, which had operated beneficially in all the States to which grants had been made. Its intent was to promote the settlement and improvement of the public lands and to enhance those which were reserved to the Government by making their products accessible to market. Hence the act of donation prescribed that the land should be sold for double the minimum price of the public lands. This beneficent and liberal policy has been profitable in many ways to the Government and to the people.

It is unnecessary to discuss the legal principles involved in the grant. The very terms of the act and the report of the committee imply that the title will remain to the State until it is canceled by an affirmative act of Congress. The question presented for consideration by the bill of the committee and the amendment of my colleague [Mr. VAN EATON] is, shall this indiscriminate declaration of forfeiture be made? The answer of those who oppose the amendment is that the grant was made upon the condition that the lands should revert to the Government within ten years if the road was not completed, but it may reasonably be assumed that if the reasons are sufficient and satisfactory why this reversion should not be enforced it will not be; and these reasons do exist. They are abundant.

In the first place, the lands for the most part remain unsold. In the next place, the motives to enhance their settlement and improvement still remain. Therefore, if the policy was meritorious in the beginning it is equally so now. Not the mere question of time, but the great object sought to be accomplished by the policy should influence the action of the House. If the policy of the grant is wise, what difference can it make to the Government whether it be consummated in ten years, in fifteen years, in twenty years, or even in fifty years?

The question has been asked why the road has not been built. I am abundantly prepared to show, indeed my distinguished colleague [Mr. VAN EATON] has shown, that the failure is due to no lack of interest in the great enterprise on the part of the State of Mississippi. At the first meeting of the Legislature after the grant was made it was formally accepted. A commission was appointed to carry out its objects and an appropriation was made for surveying and locating the line of the road. In pursuance of the act the line was surveyed and located, and in 1860 the State transferred to the Gulf and Ship Island Railroad her stock in other roads, which had cost her $1,300,000 in gold. These acts attest the fixed purpose of the State in good faith to avail herself of the benefits of the grant.

The prosecution of the enterprise, however, was arrested by a great historical event, upon which it is not necessary that I should now dwell. When the curtain dropped upon the scene in 1865 the time had expired for the completion of the road. By the hard fortune of war, from 1865 to 1870 Mississippi was reduced to a condition of Territorial vassalage and deprived of her Statehood. Her relations to the Federal Government were restored in 1870, and from that time to the present she has continued to appeal to Congress to renew the grant.

In addressing Congress with her petition, which has been read as a part of the remarks of my colleague [Mr. VAN EATON], let it be understood that my State does not ask this body to depart from an established usage nor to create a new precedent for her benefit. The examples are numerous in which similar indulgence to that which I ask for Mississippi has been granted to other States. Let me cite a few of these instances, for I have them here in abundance. In 1862 Congress passed an act supplemental to "an act granting the right of way to the State of Missouri and a portion of the public lands to aid in the construction of certain railroads in said State," which was approved June 5, 1862. I ask the honorable gentleman from the State of Missouri to listen to the act:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time required by the act to which this is supplemental for the completion of the road therein described "from the city of Saint Louis to such point on the western boundary of said State as may be designated by the authority of said State," as well as the time of reversion to the United States of the lands thereby granted to the State of Missouri for the use of said road, is hereby extended for ten years from the 10th day of June, 1862: *Provided*, That in case said company fail to complete said road within the time as thus extended the said lands shall then revert to the United States.—*Lester's Land Laws*, volume 2, page 52.

It is instructive to look to the motives that influenced Congress to grant the indulgence asked for by the State of Missouri. They are precisely the grounds on which I am advocating the claims of Mississippi. I will read from the Congressional Globe for the second session of the Thirty-seventh Congress, page 2431. Mr. Phelps, of Missouri, in advocacy of the bill, said:

The grant is not extended to the railroad company, but to the State of Missouri. It is the State that will obtain all the benefits of this bill.

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The effects of the financial revulsion of 1857 extended in Missouri to 1858-'59. The civil war that has recently carried devastation through the country has been most severely felt there. The flight of its inhabitants, the destruction of their property, all prevented their being able at this time to construct that road. This bill merely extends the time within which the people of the State may receive the benefits intended to be conferred by Congress in the land grants made to that State.

When the bill went to the Senate, unanimously and without discussion, as the record shows, it passed that body.

In the volume which I hold in my hand (Lester's Land Laws) I find many other examples, one especially, to which I will call the attention of the House, and particularly the attention of honorable gentlemen representing the State of Michigan:

Be it enacted, &c., That the time limited for the completion of the Marquette and Ontonagon Railroad of the State of Michigan be, and the same is hereby, extended for the term of five years beyond the time fixed for its completion by the act of Congress of June 3, 1856, &c. (Volume 2, page 108.)

Again, I find an act approved March 3, 1865, entitled "An act to extend the time for the completion of certain railroads to which land grants have been made in the States of Michigan and Wisconsin." I will not take up the time of the House by reading it; the purpose and object of the law are sufficiently expressed by the title.

Again, an act was passed March 3, 1865, "extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes." Let the distinguished gentlemen who represent those States remember the example which I have cited in their own case. In this instance not only was the time extended but the quantity of land originally granted was very largely increased. There are other acts of extension which were granted in favor of Michigan.

The following is an act of similar purport for the benefit of Wisconsin, approved September 13, 1868:

Be it enacted, &c., That the time fixed by an act granting lands to aid in the construction of certain railroads in the State of Wisconsin, approved May 5, 1864, for the completion of the railroad from Tomah to Saint Croix River, or lake, be, and the same is hereby, extended for a period of three years to the West Wisconsin Railroad Company, a corporation established by the laws of the State of Wisconsin, &c.

I find an act, approved July 28, 1866, "to revive and extend the provisions of an act granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point upon the Mississippi opposite the mouth of the Ohio River, via Little Rock, to the Texas boundary near Fulton, in Arkansas, with branches to Fort Smith and the Mississippi River, approved February 9, 1853, and for other purposes." Now let the gentleman from Arkansas, as well as the gentleman from Missouri, remember what has been done in the interest of their own States before they decide to vote against the amendment of my colleague.

On page 226 of the volume above cited appears an act, approved May 7, 1866, extending the time for the completion of the Pacific Railroad, Eastern Division; also one passed May 21, 1866, extending the time for the construction of the first section of the Western Pacific Railroad.

Numerous other cases are contained in this volume, which I will not recite in detail. I have shown that it has been the invariable rule of Congress to extend the time for the completion of important enterprises when it has been petitioned to do so by the States in whose behalf the grants were made. All I ask is the application of the same rule to the State which I have the honor in part to represent. May I not reasonably appeal to members of this House to do as they have been or as they would be done by under similar circumstances?

Mr. Speaker, I trust that my State will not be made a vicarious sufferer for the alleged wrongdoing of others, and I protest against complicating her just claim and involving it in the same fate with those of powerful moneyed corporations which are charged, whether correctly or incorrectly I will not undertake here to decide, with asserting their right to grants which they have not earned. What I ask, and what I have a right to expect, is that each case will be considered upon its own merits. The same considerations of sound and enlightened public policy which originally induced the bestowal of the grant to Mississippi still exist and plead strongly in favor of its continuation.

Mr. OATES. Mr. Speaker, I sympathize with my friend from Mississippi [Mr. BARKSDALE], and also with his colleague [Mr. VAN EATON], my colleague on the committee, in their appeals to this House to adopt the amendment excepting from this bill the grant to the railroad company in their State. But, sir, in carrying out the policy which this House a few days ago unmistakably declared with reference to these railroad land grants, there was not in my judgment, nor is there now, after having heard the discussion, any good reason why this grant should be made an exception. I am unable to perceive why it should not stand upon the same basis with the grants to other corporations that have been negligent—but no more so than this corporation—in availing themselves of the provisions of these grants.

My friend from Mississippi has cited as precedents a number of cases in which this House has extended the period of the grants to various railroad companies; but unfortunately no such record is presented in the case of the corporation for whom he speaks. I have not been informed, nor I believe has any member on this floor asserted or shown, that there has been any act, or even any bill, introduced in this House until the present session for the purpose of extending that grant to any future time.

Mr. BARKSDALE. I will ask my friend from Alabama to what measures he refers.

Mr. OATES. To the bill the gentleman had read just now, the bill introduced this session.

Mr. BARKSDALE. With the gentleman's permission I beg leave to correct him. A bill having precisely this object in view was introduced by my colleague [Mr. SINGLETON] at the last session or during the last Congress.

Mr. OATES. Well, then, until the last session of the Forty-seventh Congress, it seems, no action was taken for the purpose of extending the time within which this corporation might avail itself of the provisions of the original grant.

Mr. MULDROW. My friend is again in error, for in the Forty-fifth Congress, I think—certainly not later than the Forty-sixth—I myself introduced a bill looking to the restoration of this grant.

Mr. OATES. This is the first information I have had even of that; and at any rate the measure has not been pressed very vigorously. I do not think it can be alleged in behalf of this grant that those who seek to avail themselves of its benefits have been very diligent. In pursuance, therefore, of the general policy, I see no reason for the adoption of the amendment offered by the gentleman from Mississippi.

But, Mr. Speaker, it was not with reference to this matter that I rose to address the House. Under all the grants embraced in this bill, except one, the companies to whom the grants were made have taken no action whatever, as I learn, toward the construction of their respective roads. With the exception of the Memphis and Charleston railroad, not a mile of road has been constructed by any of them, not a rail laid. With regard to the single road named, some explanation perhaps is necessary, because it has been stated on this floor, and it is a fact, that this road was completed before the expiration of the time named in the grant. The reason the committee have reported in favor of the forfeiture of this grant will be manifest when attention is called to the terms of the grant and the facts connected therewith. The act of June 2, 1856, provides in the first section:

That there be, and is hereby, granted to the State of Alabama for the purpose of aiding in the construction of railroads—

Then follows a specification of the several lines of railroad—

every alternate section of land designated by odd numbers for six sections in width on each side of each of said roads.

Then the sixth section provides—

That a grant of lands shall be made to said State to aid in the construction of the following roads in said State, to wit: The Memphis and Charleston Railroad, extending from Memphis, on the Mississippi River, in Tennessee, to Stevenson, on the Nashville and Chattanooga Railroad, in Alabama.

This last section further provides that this grant with others is made upon the same terms, conditions, and restrictions as are set forth in the preceding sections of the act. What do those preceding sections provide? In section third it is declared—

That the said lands hereby granted to the said State shall be subject to the disposal of the Legislature thereof, for the purposes aforesaid and no other.

Then section fourth provides—

That the lands hereby granted to said State shall be disposed of by said State only in manner following, that is to say: That a quantity of land not exceeding one hundred and twenty sections for each of said roads, and included within a continuous length of twenty miles of each of said roads, may be sold; and when the governor of said State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads having twenty continuous miles completed as aforesaid and included within a continuous length of twenty miles of each of such roads, may be sold, and so from time to time until said roads are completed; and if any of said roads is not completed within ten years, no further sale shall be made, and the lands unsold shall revert to the United States.

Gentlemen will see that after the passage of this act it became necessary for the Legislature of the State of Alabama to take action on the subject. The lands were granted to that State in trust, and the State alone, under the grant, could administer the trust. Therefore it was necessary for the Legislature of that State to accept the trust and provide the machinery by which the lands could be sold in pursuance of the grant. The State, not acting through its governor alone but through its governor by authority of the Legislature, declined to accept the trust. I will read now from Executive Document No. 10, by the Secretary of the Interior.

This road was authorized by that portion of the act which provided for the Memphis and Charleston road, extending from Memphis, on the Mississippi River, to Stevenson, on the Nashville and Chattanooga Railroad, in Alabama. The State of Alabama refused to accept the grant for such road, and the lands withdrawn were restored to market by notice 595, February 19, 1858.

I can not well conceive how the Memphis and Charleston Company could have sold and disposed of any of these lands when the State of Alabama, acting through its Legislature and governor, refused to accept the grant.

I therefore conclude, Mr. Speaker, without further inquiry, that none of these lands were ever held by this company. In fact, perhaps it would be a hardship, perhaps this company would to-day object to this grant being confirmed and their company compelled to conform to its terms, because it obligates them, like nearly every other land grant, to carry the mails of the United States Government, as well as troops and supplies, on terms much less than otherwise the company would be entitled to charge. I have no information, and in fact the committee of which I have the honor to be a member have no information, that this company ever attempted to exercise any power in regard to this grant or ever disposed of an acre of this land.

Well, then, in logical order this brings me to answer, and I will do it very briefly, the argument of the gentleman from Michigan on the other side [Mr. HATCH] against the second section of the bill under consideration. Gentlemen will observe that the Secretary of the Interior put the lands embraced within the grant to the Memphis and Charleston Railroad Company upon the market. Those lands have been entered, and occupied, and improved, no doubt, very largely. Perhaps that action was not regular. I am not prepared to say whether this grant was so imperfect as it seems to have been regarded by the Secretary of the Interior, so that it was necessary to offer these lands at public sale before they were subjected to entry and homestead or not. There may be a doubt about that. The committee thought, to save the rights of any who may have purchased from the Government any of the lands granted to the railroads mentioned in this bill, to save them in their rights and to protect their homes, it was proper to incorporate this second section, which reads as follows:

SEC. 2. That in any and all cases, as to any lands embraced within the terms of any of the acts named in section 1 of this act, whenever the Department of the Interior, or its officers, or the local land officers have treated said lands as open to selection, purchase, or homestead entry, and have allowed purchases, selections, and entries of any of said lands under the general laws of the United States, the acts of the Department of the Interior and its officers, and the local land officers, in permitting such entries, selections, and purchases, in making such sales, and in issuing patents, certificates, and lists thereon, are hereby ratified and validated, and the rights and titles of parties or persons holding patents or claiming right or title under certificates or lists of lands issued or certified by the Secretary of the Interior, the Commissioner of the General Land Office, or certificates issued by the officers of the local land offices, or who have made homestead entries or pre-emption settlements or claims upon any of said lands in any way affected by said grants, are hereby confirmed and made valid to the same extent as though said grants had never been made.

Now, one other suggestion in this connection. Suppose there is some irregularity, suppose some of the occupants of lands granted to these railroad corporations have not perfect titles and are occupying the lands and cultivating, are they not within the spirit of the general policy of this Congress touching the public lands? Why disturb them in their titles, why disturb them in their possessions, although their titles are deficient? If they located on these lands and are cultivating them they are within the spirit of the homestead laws, and therefore I say their titles should be confirmed. And that is all the second section of this bill proposes to do. And it seems to me there can be no misunderstanding of the object and purpose of the bill. They are to terminate these grants, with the solitary exception of the road from Jackson to Meridian, Miss., completed within the time, and nothing has been said in favor of that except what has been urged by my eloquent friends from Mississippi who have spoken on this subject.

Mr. PAYSON. Mr. Speaker, I had not intended taking any part in the discussion of this bill, nor do I intend to go into any question connected with the general merits of it, but I accept as a member of the Committee on Public Lands the invitation extended by the gentleman from Michigan on my left to explain to the House the necessity for the provision incorporated in section 2 of this bill. I beg gentlemen of the House to remember when all these acts were passed there was included in each one of them a provision as an express condition that unless these several roads were constructed within ten years the lands granted should revert to the General Government. The examination of the discussion in both Houses of Congress at the time these different bills were passed will show it was the opinion generally of lawyers this condition which was expressed in each was a condition precedent, so that, if any of the companies failed to complete their roads, then by operation of the law the lands would revert to the General Government, and the title be in it as before.

So in 1866, when the ten years had expired within which these roads were to be built, and no attempt had ever been made even to construct any portion of them, the Interior Department and the people generally believed that these lands were open to sale and settlement; and so, in actual good faith, hundreds of settlers went on the lands included within the limits of these railroad grants and made homestead entries and pre-emption settlement.

Mr. CHACE. Has the gentleman the evidence of the fact that the Interior Department entertained such a belief?

Mr. PAYSON. Yes, sir. I have in my hand Executive Document No. 144, which shows that all of these grants were restored to public sale at different times. I read now as to the Gulf and Ship Island Railroad:

On August 15, 1856, prior to the location of the road, the lands falling within the probable limits of the road were withdrawn from sale or location by notice 567. A map of definite location of the road was filed in this office November 27, 1860; and no lands have been approved to the State for said road, neither has any portion of the road been constructed. The reservation of lands for the road ceased on August 11, 1856.

I say for the information of the gentleman from Rhode Island that the practice in the Interior Department is whenever a grant is made and a line of definite location filed for the construction of the road, that those lands within its operation are withdrawn. Then they have

been restored by the Interior Department under a misapprehension of the law which I shall presently refer to.

Mr. Speaker, matters remained in this condition until 1874, when the Supreme Court of the United States, in the case of Shulenburg *vs.* Herriman, decided that instead of this condition being a condition precedent it was a condition subsequent; and I need not state to members of the bar about me what that distinction may be. It is enough to know, for those who may not understand it, that the effect of that decision was to hold that the legal title, as such, was in the grantee in all of these cases in the States respectively, and that it required an affirmative act of Congress to restore them to sale and settlement. But in the mean time hundreds and thousands of settlements had been made, and the gentleman from Mississippi last but one upon this floor is mistaken when he says that no sales of these lands have been made. Hundreds and thousands of acres have been sold under a pure misapprehension of the law by the Interior Department. These people are in possession. They purchased the lands in good faith; many of them settled upon them as homesteaders; and so, Mr. Speaker, out of abundant precaution, as much because of the absolute necessity for a provision of this kind where a citizen of the United States has purchased these lands in good faith, believing he had a right to purchase, and because the Interior Department made the sales believing they had the right so to do, the Committee on Public Lands believe it to be its duty to incorporate in this bill this provision, not only restoring the lands to the public domain as against the railway corporations claiming them and in whom the legal title exists to-day, but in addition to that to protect these innocent purchasers and grantees.

I say to the gentleman from Michigan [Mr. HATCH] that there never has been an intimation either in the Forty-seventh Congress, where these matters were examined at length by the Judiciary Committee and of which I had the honor to be a member, or in the Committee on the Public Lands of this Congress—there never has been an intimation of jobbery or speculative purchase of a single acre of the lands affected by the scope and provisions of the bill under consideration.

If I have made myself understood by the House, Mr. Speaker, that is all I desire. If any gentleman desires to propound a question to me in reference to this bill, as a member of the committee representing it I shall attempt to give the information demanded.

Mr. HENDERSON, of Iowa. Will the gentleman permit me to ask him a question?

Mr. PAYSON. With pleasure.

Mr. HENDERSON, of Iowa. Is there any State in which these lands are situated that makes any opposition to the forfeiture of these grants?

Mr. PAYSON. Not one.

Mr. HENDERSON, of Iowa. Is there any railroad company originally the beneficiary of these grants which makes any opposition to this forfeiture.

Mr. PAYSON. Not one.

Mr. HENDERSON, of Iowa. Are there any citizens in any State represented before the committee by counsel or otherwise who are opposed to the forfeiture?

Mr. PAYSON. Not a citizen, except in the case of the Gulf and Ship Island Railroad, represented by the gentleman from Mississippi [Mr. VAN EATON]. There is not a claim of any kind against the forfeiture of these grants. There was not a representative of any State interested that has filed any opposition before the committee regarding this forfeiture; and the only opposition which appears there at all before the committee or the individual members of it has been made on the ground of equity, as suggested by the gentleman from Mississippi in relation to the Gulf and Ship Island Railroad.

Mr. COBB. I now demand the previous question upon the engrossment and third reading of the bill.

Mr. WARNER, of Ohio. I desire to offer an amendment.

Mr. COBB. I decline to yield for further amendments.

The SPEAKER *pro tempore*. The gentleman from Indiana declines to yield. If the previous question is ordered it will include the amendment of the gentleman from Mississippi.

Mr. PAYSON. Before the question is taken on the motion for the previous question I desire to make a point of order. I insist that the amendment proposed by the gentleman from Mississippi is not in order, for the reason that on Monday last a bill introduced by that gentleman himself was referred to the Committee on Public Lands, which includes the substance of this amendment; and under clause 4 of Rule XXI, as I recollect the rule, the amendment is not in order.

The SPEAKER *pro tempore*. The Chair thinks it is too late to make the point of order on the amendment after it has been before the House for consideration for an hour or more.

Mr. WARNER, of Ohio. I think the gentleman in charge of the bill will agree to admit an amendment in line 22.

The SPEAKER *pro tempore*. The gentleman has declined to yield.

The previous question was ordered.

Mr. WOOD. As I understand the gentleman from Indiana has declined to yield for any further amendment, I move to recommit the bill to the committee with instructions to report it back with the amendment which I hold in my hand.

The SPEAKER *pro tempore*. That motion is not in order at this time. The first question is on the amendment of the gentleman from Mississippi [Mr. VAN EATON], which the Clerk will report.

The Clerk read as follows:

Amend the bill by adding after the word "act," in the fourteenth line, the following words:

"Also except so much of said act as relates to a grant of land in aid of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad."

So that it will read:

That so much of the several acts and parts of acts of Congress as are below recited be, and they are hereby, repealed, namely:

Chapter 83, 11 Statutes at Large, page 30, approved August 11, 1856, entitled "An act granting public lands in alternate sections to the State of Mississippi to aid in the construction of railroads in said State, and for other purposes," except so much of said act as relates to a grant of land in aid of "a railroad from Jackson to the line between the State of Mississippi and the State of Alabama," which road was completed within the time prescribed by said act.

Also, except so much of said act as relates to a grant of land in aid of "a railroad from Brandon to the Gulf of Mexico," commonly known as the Gulf and Ship Island Railroad.

The question being taken on the amendment, the Speaker *pro tempore* stated that the "noes" seemed to have it.

Mr. BARKSDALE. I call for the yeas and nays.

The SPEAKER *pro tempore*. The question is on ordering the yeas and nays.

Mr. BARKSDALE. At the suggestion of several gentlemen, I withdraw the demand for the yeas and nays.

So the amendment was not agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. COBB. I move the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. COBB moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND GRANT FORFEITURE OF TEXAS PACIFIC RAILROAD.

The next business on the House Calendar was the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That all lands granted to the Texas Pacific Railroad Company under the act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts amendatory thereof or supplemental thereto, be, and they are hereby, declared forfeited, and that the whole of said lands be restored to the public domain and made subject to sale and settlement under existing laws of the United States.

SEC. 2. That in any and all cases, as to any lands embraced within the terms of the act named in section 1 of this act, whenever the Department of the Interior, or its officers, or the local land officers have treated said lands as open to selection, purchase, or homestead entry, and have allowed purchases, selections, and entries of any of said lands under the general laws of the United States, the acts of the Department of the Interior, and its officers, and the local land officers in permitting such entries, selections, and purchases, in making such sales, and in issuing patents, certificates, and lists thereon are hereby ratified and validated; and the rights and titles of parties or persons holding patents or claiming right or title under certificates or lists of lands issued or certified by the Secretary of the Interior or the Commissioner of the General Land Office, or certificates issued by the officers of the local land offices, or who have made homestead entries or pre-emption settlements or claims of any kind upon any of said lands under the general laws of the United States, in any way affected adversely by said grant, are hereby confirmed and made valid to the same extent as though said grant had never been made; and all of said lands embraced within the provisions of said acts shall be restored to the public domain, subject to the saving of rights as provided in this section, as though said grant had never been made.

Mr. PAYSON. I think the report in connection with this bill had better be read.

The SPEAKER *pro tempore*. The Chair will state that the report is very long. It will take more than an hour to read it.

Mr. ANDERSON. I suggest that the reading be dispensed with, and that it be printed in the RECORD.

Mr. BROWNE, of Indiana. If I have the floor for that purpose, I move that the House adjourn.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. PAYSON] has the floor.

Mr. PAYSON. With the understanding that this will come up as unfinished business on Saturday, I have no objection to the motion to adjourn.

The SPEAKER *pro tempore*. The Chair will state that if this bill is not finished at the adjournment to-day it will be in the order of unfinished business, the consideration of the bill having been entered upon.

Mr. COBB. I am satisfied the temper of the House is to pass this bill, and they can do it in five minutes.

Mr. PAYSON. Upon the suggestion of the gentleman from Indiana that this bill can readily be passed, I ask unanimous consent to have printed in the RECORD as the argument I would make in support of it the report I made on the bill for the committee. I ask that that may appear in the RECORD as my argument, and I then will move the previous question.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois that the report be printed in the RECORD?

There was no objection.

The report is as follows:

The Committee on Public Lands, to whom was referred certain bills relating to the grant of lands in aid of the Texas and Pacific Railway Company, having had the same under consideration, make the following report:

Your committee have given this case careful attention and earnest consideration, not only on account of the magnitude of the interests involved, but because this was the first grant considered by the committee where serious opposition was made to the proposal to declare forfeiture of the grant for breach of the condition on which it was made, in which several legal questions were presented at the outset and earnestly argued by eminent counsel, questions which are common to all the cases of lapsed grants pending before the committee, first among them being the question of the power of Congress to interfere in any event; so your committee have carefully examined the whole matter before recommending what they do, namely, that the accompanying bill be passed, declaring the grant forfeited for breach of the condition on which it was made, restoring the lands to the public domain for sale and settlement under existing law, and protecting the rights of settlers and claimants under the Government. We find the facts deemed essential to be as follows:

The Texas Pacific Railroad Company was incorporated by act of Congress approved March 3, 1871 (16 Statutes at Large, page 573). By section 1 of that act the route was defined and described as follows:

"From a point at or near Marshall, county of Harrison, State of Texas; thence by the most direct and eligible route, to be determined by said company, near the thirty-second parallel of north latitude, to a point at or near El Paso; thence by the most direct and eligible route, to be selected by said company, through New Mexico and Arizona, to a point on the Rio Colorado at or near the southeastern boundary of the State of California; thence by the most direct and eligible route to San Diego, Cal., to Ship's Channel, in the bay of San Diego, in the State of California, pursuing in the location thereof, as near as may be, the thirty-second parallel of north latitude."

Section 23 provides:

"That for the purpose of connecting the Texas Pacific Railroad with the city of San Francisco, the Southern Pacific Railroad Company of California is hereby authorized (subject to the laws of California) to construct a line of railroad from a point at or near Tehichipi Pass, by way of Los Angeles, to the Texas Pacific Railroad at or near the Colorado River, with the same rights, grants, and privileges, and subject to the same limitations, restrictions, and conditions, as were granted to said Southern Pacific Railroad Company of California by the act of July 27, 1866."

Section 9 provides for a land grant which, as described by the Secretary of the Interior, Executive Document 144, Forty-seventh Congress, first section, is—

"A grant of every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of the line as adopted by the company through the Territories of the United States, and ten alternate sections per mile on each side of the line in California. Exception is made of lands sold, reserved, or otherwise disposed of, and lands to which a pre-emption or homestead claim may have attached at the time the line of the road is definitely fixed.

"Indemnity is provided for lands thus lost to the grant out of alternate odd-numbered sections not more than ten miles from the limits of the sections granted. Provision is also made for indemnity for lands lost by reason of the near approach of the line of the road to the boundary of Mexico, and also for mineral lands excluded from the grant out of odd-numbered sections nearest the line of the road."

Section 17 of the act required the company to commence the construction of the road simultaneously at San Diego, Cal., and at a point at or near Marshall, Tex., and prosecute the work so that the entire road should be constructed within ten years after the passage of the act.

By the act of May 2, 1872, however, the time for the construction and completion of the road was extended to May 2, 1882, and the title of the company changed to the Texas and Pacific Railway Company.

Section 4 of the act is as follows:

"That the said Texas Pacific Railroad Company shall have power and lawful authority to purchase the stock, land grants, franchises, and appurtenances of, and consolidate on such terms as may be agreed upon between the parties with, any railroad company or companies heretofore chartered by Congressional, State, or Territorial authority on the route prescribed in the first section in this act, but no such consolidation shall be with any competing line of railroads to the Pacific Ocean."

Section 5 reads:

"That the said company shall have power and authority to make running arrangements with any railroad company or companies heretofore chartered or that may be hereafter chartered by Congressional, State, or Territorial authority; also to purchase lands, or to accept donations or grants of lands, or other property from States or individuals for the purpose of aiding in carrying out the objects of this company."

Section 6 reads:

"That the rights, lands, land grants, franchises, privileges, and appurtenances, and property of every description belonging to each of the purchased or consolidated railroad company or companies as herein provided shall vest in and become absolutely the property of the Texas Pacific Railroad Company: *Provided*, That in all contracts made and entered into by said company with any and all other railroad company or companies, to perfect such aforesaid consolidation or purchase, the indebtedness or other legal obligations of said company or companies shall be assumed by the said Texas Pacific Railroad Company, as may be agreed upon, and no such consolidation or purchase shall impair any lien which may exist on any of the railroads so consolidated or purchased; but said company shall not assume the debts or obligations of any company with which it may consolidate or purchase as aforesaid to an amount greater than the cash value of the assets received from the same."

Section 15 provides—

"That all railroads constructed, or that may be hereafter constructed, to intersect said Texas Pacific Railroad shall have the right to connect with that line;" that no discriminations shall be made, &c.

Section 18 provides for the appointment of a commission to examine the road as constructed, and for a report to the President for approval, preliminary to the issue of patents for the land.

Section 23 reads:

"That for the purpose of connecting the Texas Pacific Railroad with the city of San Francisco the Southern Pacific Railroad Company of California is hereby authorized (subject to the laws of California) to construct a line of railroad from a point at or near Tehichipi Pass, by way of Los Angeles, to the Texas Pacific Railroad, at or near the Colorado River, with the same rights, grants, and privileges, and subject to the same limitations, restrictions, and conditions as were granted to the said Southern Pacific Railroad Company of California by the act of July 27, 1866: *Provided, however*, That this section shall in no way affect or impair the rights, present or prospective, of the Atlantic and Pacific Railroad Company, or any other railroad."

Pending the construction of the railroad of the Texas Pacific Railroad, the Southern Pacific Railroad Company of Arizona, and the Southern Pacific Railroad Company of New Mexico were chartered by the Legislatures of those Territories respectively, the objects of these corporations being to construct a line of railroad from a point (Yuma) on the Colorado River (which was the proposed point of junction of the Southern Pacific Railroad of California with the Texas Pacific Railroad) eastwardly to Texas, and practically along the line of the thirty-second parallel of north latitude, substantially identical with the route proposed by the Texas Pacific from El Paso (on the line between Texas and New Mexico) westwardly to Yuma.

These two corporations last named, it should perhaps be stated, are practically identical with the Southern Pacific of California, all three forming, in fact, one corporation—the Southern Pacific Railroad Company. This is believed to be all the legislation necessary to be noticed in connection with the question in hand.

Work was begun by the Texas Pacific Company at Marshall, in Texas, and by the Southern Pacific Company in California, the latter progressing toward the point of junction as proposed, Yuma, and the former westwardly toward El Paso, on its line by that point toward Yuma. It is enough to say that when the Southern Pacific reached Yuma, about April, 1877, the Texas Pacific had its line in Texas only completed to Fort Worth, distant some 1,200 miles from Yuma.

The delay in its construction seems to have been caused by the great depression in monetary matters following the panic of 1873, and the inability of the managers of the enterprise (headed then by Mr. Thomas Scott) to sell the bonds of the company to realize funds for the prosecution of the work.

Mr. Scott then came to Congress for relief, asking in substance that the Government guarantee the interest on a large amount of bonds which he proposed to issue, and asserting that it would be impossible for his company to complete the work on which it had entered and give the country a through line of competing road to the Pacific coast, as was contemplated by the act of 1871, unless this additional aid (which he claimed was really only a loan of credit) was given.

Then began the struggle between these two corporations, which continued until November, 1881, until it was ended by a contract between the Southern Pacific Company and the Texas and Pacific Company, then represented by Mr. Jay Gould, who had succeeded Mr. Scott as the head of the last-named corporation.

For reasons which will be apparent later in this report your committee deem it very essential to keep in mind the relations which these companies sustained toward each other during the period construction was progressing of the road of each, and to remember that the clearly expressed intention on the part of Congress in the act making this grant was to provide for a competing through line of railroad from the Mississippi to the Pacific Ocean, and that San Diego was to be the western terminus. At that time the position of the only through transcontinental line of transportation, owned by the Central Pacific and the Union Pacific Companies, was well understood by the people and their representatives in Congress.

The Congress had in the charters to these two corporations given them bounties to aid in the construction of their roads most prodigal in their extravagance, but the enterprise of building a transcontinental line of railroad was believed to be necessary for a proper defense of the country in time of war, as well as for the proper transaction of business between the East and West.

The events are too recent to need recital here of the monumental fraud, treachery, and depredation committed by these corporations upon the public.

The managers of these two corporations procured in 1864 the passage of an act sacrificing every interest of the people that was protected by the acts incorporating them.

The second mortgages of the companies, aggregating over sixty-four millions of dollars, were made a prior lien over the lien of the Government for its claim of about the same amount, and the *first* lien of the Government made *second*. Indeed, as was said in debate on the bill, nothing that the ingenuity of man could invent for their benefit was withheld.

Consolidation from ocean to ocean was expressly permitted, and the result was what we have all witnessed and as a people we have experienced.

As soon as the civil war closed the old project of a Southern transcontinental route was revived, and it was favored by many of the statesmen of that period on the ground that it would aid the South in recuperating, and it was only just, as the North had had the benefit of the immense grants and enormous aids given to the other companies; and above all it was plausibly and properly argued that the construction of a rival competing through line along the thirty-second parallel to San Diego would remedy the monopolistic evils so apparent as to freight and passenger tariffs over the Central and Union Pacific roads.

The new route was called the "open highway," and, under the leadership and management of General Frémont, the new enterprise, known as the Memphis and El Paso, was put on its feet.

It received immense grants of land in Texas from the Legislature (the United States having no public lands in that State); was encouraged by Congress, and was prospering well, until, in the attempt to secure the investment of foreign capital in the enterprise, General Frémont was arrested on a charge of fraud in Paris.

This brought the scheme to an end apparently, until Mr. Scott, of the Pennsylvania Railroad, was induced to interest himself in the plan. To give the enterprise the appearance of a new project, and divested of the odium attaching to the ignominious failure of the old one, the name of Memphis and El Paso was abandoned and that of the Texas and Pacific adopted. All the land grants made by Texas to the Memphis and El Paso were transferred to the Texas Pacific; the citizens of San Diego, made large, valuable donations of lands and property to the new company for terminal facilities, and the assistance of Congress secured by the passage of the act of 1871 making this grant, to aid the "open highway"; to secure a "thorough competing line" to San Diego, and to prevent, as far as it seemed possible to do so, any arrangement or contract of purchase or sale or consolidation" with any competing line of railroads to the Pacific Ocean (sections 4 and 5).

So these two ideas are clearly apparent: that Congress intended to authorize this special enterprise to act in the construction of its proposed road to San Diego, which road was to be a competitive line with the Central and Union to the Pacific Ocean, and carefully guarded against the loss of the identity of the corporation it was creating by providing that all purchases, consolidation, property rights acquired, &c., should be the property of the Texas Pacific Company (section 6).

This was the condition of affairs when Mr. Scott became interested in the enterprise, and so continued until the panic of 1873, when active work in Texas was suspended for lack of necessary means.

We all remember that for a time investors could not be induced to embark in the most promising of schemes of railroad building after the great disaster to the Northern Pacific.

So Mr. Scott came to Congress and urged that, as an act of justice to a great enterprise, in the interest of a healthy competition, a guaranty of the interest only on the bonds of his company.

This appeal of Mr. Scott to the Forty-fifth Congress met with sturdy, strenuous opposition by the Southern Pacific Railroad Company.

That corporation, seeing the importance of the vast and increasing transcontinental traffic, and desirous of controlling it itself, commenced operations for securing it by, first, defeating the agent created by Congress to build the road, foreseeing that the difficulties under which the Texas Pacific were laboring were insurmountable unless the helping hand of Congress could be extended to it; second, by procuring the necessary authority to build east of Yuma, and then constructing its own road to the Mississippi Valley and the Gulf coast in Texas.

It should be borne in mind that up to this time the Southern Pacific had no rights east of Yuma, on the west bank of the Colorado River, in California. The only authority it had from Congress was in the last section of the act of

1871 to build a line of road from just above Los Angeles, Cal., to the Texas Pacific Railroad at or near the Colorado River; and, indeed, that is all the recognition Congress has ever given it. At Yuma the power of the Southern Pacific Company ceased so far as Congress was concerned.

How the Southern Pacific labored to defeat the Texas Pacific from securing the aid desired is best shown by a few extracts from letters written by Mr. Huntington, the principal manager of the Central Pacific, to Mr. Colton, the ostensible head of the Southern Pacific, which letters have become public in a litigation in California for a division of the vast profits arising from the consummation of this scheme. The authenticity of these letters has never been denied, and what they tend to or do prove will be noticed hereafter.

Just now the disclosures made by these letters are exceedingly opportune, and we insert a few of over three hundred of the same general character and tone.

These are the specimen letters:

(No. 1.)

NEW YORK, *November* 17, 1874.

FRIEND COLTON: Yours of the 7th and 9th instant are received. I notice that you are yet on Luttrell's trail. I hope you will get some one to convince him that we are good fellows, and that should not be a hard thing to do, for I have no doubt of it myself. I notice what you say about getting control of the A. and P. franchise by getting a majority of the stock. My opinion is that a majority of that stock is in the hands of those that control the A. and P. and Texas P. You no doubt are aware that they went in with the Texas P. some two years ago, and that the two companies agreed to run the A. and P. down to meet the Texas P. somewhere in Texas, and then run one line through to the Pacific; but will find out all I can and let you know.

Yours, truly,

C. P. HUNTINGTON.

(No. 2.)

NEW YORK, *November* 28, 1874.

FRIEND COLTON: Yours of November 27 is received, with inclosures. It certainly was a shabby thing in Vining to write such a letter. Towne wrote me and sent me a copy of the letter. I saw Dillon and he seemed very much offended at V. for writing it, and said nothing of the kind should happen again. I think I shall show your letter to Gould, but they are not our kind of people. I have sent out some copies of Tom Scott's bill as amended by me. Read it carefully and let me know what you think of it. Of course the San Diego people may not like it unless you agree to build a road from their place out to connect with our road, and you may think best to do that. It certainly is very important to S. F. that we build the S. P. into Arizona, and it would be well for you at once to write some letters for the influential men of S. F. to sign, to send to all our M. C. and Senators, *to go for the bill as we want it;* and if you do not think it right as it is, fix it and send it back, but if we could get it as it is I would be satisfied. Storr says it will make Scott very mad, and he thought it best not to send it, and maybe he is right; *but if Scott kicks at it, I propose to say to Congress "we will build east of the Colorado to meet the Texas P. without aid, and then see how many members will dare give him aid to do what we offered to do without.* My only fear then would be the cry that the C. P. and the S. P. was all one and would be a vast monopoly, &c., *and that is what we must guard against*, and that is one reason why you should be in Washington. I send copy of my letter to Scott on sending the bill; he sent it for me to fix to suit me. The U. P. people are not yet ready to order steamers.

Yours, truly,

C. P. HUNTINGTON.

(No. 3.)

NEW YORK, *November* 20, 1874.

FRIEND COLTON: Herewith I send copy of bill that Tom Scott proposes to put through Congress this winter. Now I wish you would at once get as many of the associates together as you can, and let me then know what you want. Scott sent me three copies fixed as he wants them, and asked me to help him pass them through Congress, and if I would not do it as he has fixed it, then he asked me to fix it so that I will, or in a way that I will support it. Now do attend to this at once, and in the mean time I will fix it here and see how near we are together when yours gets here. Scott is prepared to pay, or promises to pay, a large amount of money to pass his bill, but I do not think he can pass it, although I think this coming session of Congress will be composed of the hungriest set of men that ever got together, and that the d—— only knows what they will do. But as Scott's bill proposes to give up the A. and P. land grant (the west end of it), I am not sure that it would not be as well to let the bill stand in that way, we stopping the Texas Pacific at the Colorado River. If we ask to come this side of the Colorado it will be hard to stop the Texas P. from going west of it. I think the Texas P. or some of their friends will be likely to take the ground that the S. P. is controlled by the same parties that control the Central and that there must be two separate corporations that run roads into San Francisco, and it will be very hard for us to make head against that argument, and I am disposed to think that Colton had better come over and spend a few weeks at least in Washington. Would it not be well for you to send some party down to Arizona to get a bill passed in the Territorial Legislature granting the right to build a railroad east from the Colorado River (leaving the river near Fort Mohave)? Have the franchise free from taxation, or its property, and so that the rates of fares and freights can not be interfered with until the dividends on the common stock shall exceed 10 per cent. I think that would be about as good as a land grant. It would not do to have it known that we had any interest in it, for the reason that it would cost us much more money to get such a bill through if it was known that it was for us; and then Scott would fight it if he thought we had anything to do with it. If such a bill was passed I think there could at least be got from Congress a wide strip for right of way, machine-shops, &c.

Yours, truly,

C. P. HUNTINGTON.

(No. 4.)

NEW YORK, *December* 10, 1874.

FRIEND COLTON: Your two letters of November 29th are received. The Texas Pacific bill, as amended by me, is on the way to California. As it is somewhat different in theory from your views as set forth in your letter, I will not reply to you in detail before you receive the bill. I agree with you that there will no bill pass this session granting such aid as is asked for. I think we must add section to the bill as sent out that will allow, or may be compel, us to build a road to connect San Diego with our line. On account of this legislation I think it important that the S. P. should be disconnected from the Central as much as it well can be. And, as you say, I think it should have a superintendent that does not connect with the C. P., although I think it would be difficult to get another man as good as Towne. I agree with you fully when you say our telegraph superintendent is no good. I sent you on the 8th copy of my letter to Scott. I have just received his reply. I will have copy of it made and sent to you, also my reply, before this goes, and will send them with this. This S. P. is an important matter, and should be attended to at once. I am glad you are coming over.

Yours, truly,

C. P. HUNTINGTON.

(No. 5.)

DECEMBER 8, 1874.

DEAR SIR: Herewith I hand you two copies of the proposed bill for your road, with such alterations as I want embodied therein. As it is a hard time for building railroads just now, and as we are all interested in the construction of this road, I trust that these alterations will meet your approval, and that such arrangements will be made as will secure the early completion of the road.

Truly, yours,

C. P. HUNTINGTON, *President.*

Hon. THOMAS A. SCOTT,
President Texas and Pacific Railway Company, Philadelphia, Pa.

(No. 6.)

TEXAS AND PACIFIC RAILWAY CO.,
OFFICE OF THE PRESIDENT,
Philadelphia, December 9, 1874.

MY DEAR SIR: I have your letter of December 8th, and am sorry you took the trouble you have with our bill. We expect to build our road to San Diego, as already pledged to the public to do. We had hoped that it would be to your interest to connect with us at San Gorgonio Pass. Your suggestions are totally inadmissible, and I am rather surprised to have you make them after the many statements you have made to me in regard to this matter.

Very truly, yours,

THOMAS A. SCOTT, *President.*

C. P. HUNTINGTON, Esq.,
Vice-President, New York.

(No. 7.)

NEW YORK, *January* 17, 1875.

FRIEND COLTON: * * * I have received several letters and telegrams from Washington to-day, all calling me there, as Scott will certainly pass his Texas Pacific bill if I do not come over, and I shall go over to-night, but I think he could not pass his bill if I should help him; but of course I can not know this for certain, and just what effort to make against him is what troubles me. It costs money to fix things so that I would know his bill would not pass. I believe with $200,000 I can pass our bill, but I take it that it is not worth that much to us.

Yours, truly,

C. P. HUNTINGTON.

(No. 8.)

NEW YORK, *March* 25, 1875.

FRIEND COLTON: Your telegram in relation to passenger coaches is received and is having attention. Tom Scott has gone, or is going very soon, over the Texas Pacific road, and so on into Mexico, and I hear of several prominent parties going to Mexico with him. He has commenced to get up his Texas Pacific connected with some Mexican scheme, and I have no doubt but that he will be before Congress next winter in great force, but we ought to be in condition to at least keep him this side of the Colorado River. I have been at work considerable of the time since you left getting up pamphlet in relation to the S. P., giving many reasons why the bonds should be very good, and I think after you have read the book you will take some of the securities. Colburn is putting the facts in a readable shape. I find him to be a very valuable man. Can not you do something to bring up the gross earnings of the S. P.? They are very small for so much road as is being operated. I think that road should have a first-class superintendent. I send with this copy of B. S. Manufacturing Company letter in relation to curtains for sleeping-car.

Yours, truly,

C. P. HUNTINGTON.

(No. 9.)

NEW YORK, *April* 7, 1875.

FRIEND COLTON: Your three letters of April 27 and one of 28, Nos. 23, 24, 25, and 26, are received. I read your letter No. 25 where it refers to matters here with much satisfaction, as it shows that you understand the whole situation between P. M., O. and O. and U. P. and C. P. Any one fully understanding the position of the different companies would see at a glance that the C. P. is not entirely master of the situation, but I am very well satisfied that if we hold steadily to our purposes and not strain our credit too much we shall finally beat all the wild speculators like Jones and Gould. If I mistake not Jones is a small gun compared with Gould. I have set matters to work in the South that I think will switch most of the South off from Tom Scott's Texas and Pacific bill. I am having articles written and set afloat in the papers here about O. and O. Co., and they make the rounds by being recopied, and as it costs nothing, it is a cheap way of advertising. I am also having articles written and published as though written in the places where we buy cars and locomotives, &c., for the S. P. It gives the S. P. some notoriety without cost. I notice what you say of C. P. stock. If you will read my letters to Stanford, Nos. 510, 521, 529, and some others that I do not recollect numbers of, you will have my views. I am often asked by my associates in California about my views in the matters that I have written to the others of, and allow me to say that all letters that I number consecutively I have supposed would be read by all, and then go into the basket together. As to more fifty-pound steel or iron rails, I must say that at the present outlook it seems to me that we have as many contracted for as it is safe to have when we include the cost of buying them.

Yours, truly,

C. P. HUNTINGTON.

(No. 10.)

NEW YORK, *May* 8, 1875.

FRIEND COLTON: Yours of 29th April, No. 28, was received. I send with this receipted bill of the six coaches bought of Gilbert, Brush & Co. All the material that I buy here is paid for by the Central Pacific. Some of it, like these coaches, I know are for the S. P., but just whether they are to be charged to the S. P. or the Western Development Company I do not know. Then some other things—say rails—I do not know whether they will go on to the S. P. or not, and you will see the necessity of watching the material as it arrives out, and see that it is charged to the proper company, and when material is ordered if you would let me know to or for what company I would then see that it was charged here to the proper party.

Yours, truly,

C. P. HUNTINGTON.

(No. 11.)

NEW YORK, *May* 28, 1875.

FRIEND COLTON: Yours of the 20th is received, with newspaper clippings. I do not think Booth made many votes by his Grand Hotel speech. The governor said—Governor S.—some good things to the Chronicle interviewer; but I think it unfortunate that he should so closely connect the C. P. with the S. P., as that is the only weapon our enemies have to fight us with in Congress.

* * * * * * *

Yours, truly,

C. P. HUNTINGTON.

(No. 12.)

NEW YORK, *September* 15, 1875.

FRIEND COLTON: Scott is stirring up the South on his Texas Pacific. Parties are sending me papers every day—some for him, some against him. I have written three letters to-day to different parties in the South on T. P. R. R. matters. I think it is of much importance that we have some rights in Arizona, and if you could get them I think you should do so at once. You know my views, and I had a long talk with Gage on the matter, and if we could get two franchises to

run through the State I think we should do so at once. We should not be known in it, but should be sure that we have the control, in black and white, before they become a law. I will write again in a few days. Somehow I have not got my ideas in line yet.

Yours, truly,

C. P. HUNTINGTON.

(No. 13)

NEW YORK, *September* 18, 1875.

FRIEND COLTON: Scott is doing all that he possibly can to help him in the passage of his Texas Pacific bill through the next Congress. Scott gets parties to write letters and has them published in the Southern papers. I send one with this as sample. This, as you will see, was written by G. T. Beauregard to Senator Gordon, of Atlanta, Ga. He is making the old fight over again—that it is the Central Pacific that is fighting him in this, and that they (the C. P.) do not intend to let the South have a road if they can help it. Our people in California made a great mistake when they undone what we done last winter to separate these two interests. But I see no way to help it, so we must make the fight under this disadvantage. Simonton has lost much here in his fight against Ralston, and I should not be surprised if he lost his position with the Associated Press.

Yours, truly,

C. P. HUNTINGTON.

P. S.—Of course I hold that Colton and his friends hold the S. P. Co.

H.

(No. 14.)

NEW YORK, *September* 27, 1875.

FRIEND COLTON: Yours of the 18th, with inclosure, as stated, is received. You must be very busy with all of your associates out of the city. I notice by McCarthy's letter to Mr. Crocker that the people of San Diego will join with us if he will agree to build east from their city, and I am inclined to think we had better do that, as that would strengthen Wigginton very much to have his people ask him to fight for a bill as we want it. Scott is making the strongest possible effort to pass his bill the coming session of Congress. He gets every little gathering in the South to pass resolutions favoring the Texas Pacific bill, then those that the Texas Pacific owes, [their] name is legion, and of course they are all for it; then he is promising a connection with all the broken-down roads in the South, with a promise of money to help them all if his bill passes, and by some kind of a turn he is settling up with all those that hold him personally, and that is to help him, as it makes his promises worth something with the broken-down fellows that he is agreeing to help. If we had a franchise to build a road or two roads through Arizona (we controlling, but having it in the name of another party), then have some party in Washington to make a local fight and asking for the guarantee of their bonds by the United States, and if that could not be obtained, offering to build the road without any aid, it could be used against Scott in such a way that I do not believe any politician would dare vote for it.

Can not you have Safford call the Legislature together and grant such charters as we want at a cost of say $25,000. If we could get such a charter as I spoke to you of it would be worth much money to us. If there is anything done it must be done quickly. I am very sorry that Sargent is feeling so hard toward us, but I shall endeavor to see him before Congress meets. I have bought the tunnel bolts at three and a half currency instead of nine cents gold, as was being paid by Mr. Crocker when I was in California. I think money is too cheap with you all in California, and that we can be beat in building railroads by those that place more value on a dollar than we do, and I think when any one of us goes to the front in a car that weighs say twenty tons, it adds to the cost of every mile of road that we build thereafter more than $100 per mile. I wish you would let me know who ordered the officers' car that is now running on the S. P. Please let me know what the new transfer-boat cost.

Yours, truly,

C. P. HUNTINGTON.

(No. 15.)

NEW YORK, *October* 4, 1875.

FRIEND COLTON: Yours of the 23d and 25th of September, Nos. 68 and 69, are received. I expect to go to Washington next week and I will look into the matter of which you write. That matter of directors has been talked of by the U. P. people and others for some years, and I should not be surprised if the Texas Pacific (Tom Scott's) should annoy us in that way if he could. Sam. Morton was just in, and says that he obtained a judgment a few days since against Frémont's old road that was consolidated with the Texas Pacific for $23,000, and that there is other claims against it that Tom Scott promised to pay; and Morton says he has applied for a receiver, and is sure to get it in less than ten days if Scott does not pay him his money. I hear something every day of what Scott is doing in the South for his Texas Pacific. I can not believe that he will get through; but one of our weak points will be having no rights in Arizona under which we can build roads. I am glad to hear that you are getting our finances in a better condition than they have been, and hope with you that you will pay our old friend Cohen what we owe him. Nothing new here. Our matters moving about as usual.

Yours, truly,

C. P. HUNTINGTON.

(No. 16.)

NEW YORK, *October* 9, 1875.

FRIEND COLTON: * * * It seems to me that we can as well protect the Central by carrying the Mohave branch of the S. P. out 700 or 800 miles from San Francisco as though we went to Salt Lake, and if we have to build as far east as Salt Lake, it should be on some line farther south, where we could connect with something more agreeable than the U. P. I think it very important that we have two franchises to run from the Colorado River through Arizona to the east line of the Territory. Such ones as those I spoke to you of would be very valuable to us. I suppose they would cost less to have other parties than ourselves stand at the front while they are being obtained; that is, if they should be free from taxation and interference with the fares and freight rates. But then after the charters were obtained I think they would serve us best to have it known that they were controlled by the S. P. I am endeavoring to get a combination of interests to build a road from New Orleans to El Paso. I had one party in to-day largely interested in a road on that line running west from New Orleans into Texas (it was El Van Hoffman), and he asked me what right we had to build roads in Arizona. I told him I did not know, but I had no doubt we could get the right if we had not got it. Please let me know how you would build in the Territory at this time if you wished to do so. I received a letter to-day from Washington. It stated that Scott was there a few days ago and talked very loud about Texas P. That he should surely pass his bill the coming session of Congress.

Yours, truly,

C. P. HUNTINGTON.

(No. 17.)

NEW YORK, *October* 18, 1875.

FRIEND COLTON: * * * In your interesting letter of the 5th you mention San Diego matters. Now, it is well to switch that people from the Texas Pacific road; but I would suggest that you keep on asking them what they will do, but not make them any definite proposition, for if you do it will be sent East at once, and I am working with the South and saying to them (and getting some good articles published) that our interest lays with them; that what San Francisco and California wants is a direct connection with New Orleans and other Gulf ports, and that our interest lays that way, and we oppose the Texas Pacific because we think if it is built it will prevent for many years our getting such a connection, and I have not had any talk with the Atlantic and Pacific for the above reasons. You are mistaken about the directors' car on the S. P. It was built before I was president, and was on the road before I knew anything about it. I was making no particular objection to it, but I thought I would kind of like to know how it came on the road. I am glad to learn, as I do by yours of the 7th, that you are settling for east-bound business in California with P. M. S. S. Co., for they are the —— to do anything with here. As to Oregon matters, we had best keep them with us as long as we can, and I have sometimes thought it would be well to tell them what we would do, as the N. P. people are again in the field, but they will not be likely to hurt any one for some time, unless some fellow should lend them some money; then that fellow no doubt would get hurt.

Yours, truly,

C. P. HUNTINGTON.

(No. 18.)

NEW YORK, *November* 10, 1875.

FRIEND COLTON: Yours of October 23, 1875, No. 85, is before me. Dr. Gwin is also here. I think the doctor can do us some good if he can work under cover, but if he is to come to the surface as our man, I think it would be better that he should not come, as he is very obnoxious to very many on the Republican side of the House, and then there is so many things about our business that he does not know, and he has not the time to learn it before Congress comes and goes. It was very unfortunate that he came over in directors' car with Mr. Crocker. I received a letter to-day from a party in Massachusetts that said that Gorham and Sargent were very much offended because Gwin was, or rather had, come over to look after our interest in Washington. I am, however, disposed to think that Gwin can do us some good, but not as our agent, but as an anti-subsidy Democrat, and also as a Southern man with much influence in the South in showing the Southern people that the Texas and Pacific R. R. is in no way a Southern Pacific road, but a road, if built by the Government, would prevent the Southern States from having a road to the Pacific for many years. But Gwin must not be known as our man. * * *

Yours, etc.,

C. P. H.

(No. 19.)

NEW YORK, *November* 13, 1875.

FRIEND COLTON: Your dispatch that you had sent $200,000 gold is received. Dr. Gwin left for the South yesterday. I think he can do us considerable good if he sticks for hard money and anti-subsidy schemes, but if it was understood by the public that he was here in our interest it would no doubt hurt us. When he left I told him he must not write to me, but when he wanted I should know his whereabouts, etc., to write to R. T. Colburn, of Elizabeth, N. J. I have had several interviews with the Houston and Texas Central Railroad people. This road is built from Galveston to Austin, and is the only live road in Texas. It has a land grant to the west line of the State (Texas) of 4,769,280 acres. It is owned by William E. Dodge, Moses Taylor, W. M. Rice, and other strong men of this city. I saw Dodge a few days since with the view of having them build to El Paso, and we build to that point to meet them. He said he thought they would do it. He said he was opposed to the Government granting any aid to his or any other road. D. has been sick ever since I saw him, so I went to-day and saw Moses Taylor. He said he liked the idea, and that he would talk it up with his people, etc. There will be no Government aid granted this session, and if we can get the H. and T. Central to stand in with us and offer to build a line through, we build to El Paso from the west and they from the east, I think Scott's fish will be cooked. Budd is doing good work in the Gulf States. Has the 70 shares of glass stock been got in? How are you progressing with the machine-shop grounds? I borrowed yesterday $100,000 easy for 4, 5, and 6 months at 7 per cent. No commission. I think I shall take up some twelve-months' paper at 12 per cent.

Yours, truly,

C. P. HUNTINGTON.

(No. 20.)

NEW YORK, *November* 23, 1875.

FRIEND COLTON: Yours of the 13th, No. 95, is received, and I am glad that you see your way clear to send me $1,500,000 for interest before the 1st of January, as our payments are very large in December, and this fight with the Texas Pacific will hurt us to the utmost that they can in the way of all kinds of false reports. They of course will have some friends in Congress. They will offer resolutions to investigate us, stating that we have forfeited our charter, etc. I was told a few days ago that Scott said he would make us let go of his Texas Pacific. The South are getting very much in earnest in their opposition to Scott's project. I get papers from the South almost every day pitching into him. I have not heard from Gwin since he left.

Yours, truly,

C. P. HUNTINGTON.

(No. 21.)

NEW YORK, *November* 24, 1875.

FRIEND COLTON: Your dispatch of the 22d, advising of the sending of another $100,000 in gold, is received. Colonel Morton, whom you no doubt will recollect, was in the office to-day, and said he had had a long conference with Bond, V. P. of the Texas Pacific road, and Morton said some one asked him to find out what I wanted. I said to M. that I did not think the S. P. had any proposition to make; that if the Texas P. had any to make it would be considered, but it was my opinion that no subsidy bill could pass Congress this session if all the railroads in the country were working for it. I think we shall hear from them again. Do we want to help the bill, even if we were allowed to go to El Paso by the act, if it should pass? Crocker was in the office to-day, and I spoke to him about the S. P. sending me a special power of attorney to act for the S. P. before Congress, and make any proposition to build the S. P. to meet railroads on this side, &c. Mr. C. said he would attend to it, but I write this to remind him, as he took no memorandum. I want you to make such a proposition as I wrote to you for some days since. I am getting the South well waked up on Scott's Southern, Northern project.

Yours, truly,

C. P. HUNTINGTON.

(No. 22.)

NEW YORK, *December* 16, 1875.

FRIEND COLTON: Your two letters of the 6th, Nos. 109 and 110, are received, with inclosures. I have looked over the two bills that you sent. They are very well, but I do not think that we shall be able to pass either of them, and I am no ways clear that we want to pass the A. and P. amendment if we could, as it would add so much to the work to be done by the S. P. that I think it would prevent our selling a S. P. bond longer than we could afford to wait. I have been trying to amend the Texas Pacific act so as to allow the officers of the S. P. to take an interest in the construction co. that would be likely to build the road, as was thought best to have some of the officers of the railroad co. that were financially strong take an interest in the building co.; and I recollect that it was at one time thought there could not be outsiders found that would take all the stock of the construction co. I shall do what I can to get the Texas Pacific act amended so as to allow the S. P. to build east of the Colorado River: but I much

doubt being able to do anything, for if Scott can not pass his Texas Pacific bill he can do much to hinder us from passing ours. Then the A. and P. will oppose it with what power they have. Then, of course, the U. P. will oppose under cover, if not otherwise; at least I know we should if we were in their place. Then the politicians would naturally be against it, as they would think it would do them good to prevent this grant going to the S. P., as if not it would be likely to come back to the people. I shall do what I can, but you had better make your calculations to build the road east of the Colorado River on what you can get out of the Territories and the road itself.

If you expect to get anything in Arizona and New Mexico, I would suggest that you do not do as we did in Utah—wait until the enemy was in possession. Of course you notice the vote of the House yesterday on subsidies—223 against and 33 for. I was just told that Scott said after the vote that it was no indication that he would not pass his Texas Pacific bill. I have received several letters from Texas in the last few days. They would like to work with the S. P., but are fearful of the Texas P., as I have taken the ground that there would be no Government money aid granted and the United States has no land in Texas, and as the Legislature does not meet in Texas until March, so they can get nothing from the State this winter, hence they are all disposed to fight shy for the present; but I think when the Texas Legislature meets the Texas Central Railroad Co. will ask $10,000 per mile of the State from Austin to El Paso, and they have a land grant of nearly 5,000,000 acres.

I have been thinking that it possibly would be well for the S. P. to ask direct of Texas say $10,000 per mile from Austin to El Paso, and there is a very important land grant from Texas to the Austin and Pacific Railroad Co. I am told that this grants sixteen sections per mile from Austin to El Paso, and they have three years from next May to build the first twenty-five miles. What do you all think of it? I have just bought $40,000 Central paper that had about three months to run at 10 per cent.

Yours, truly,

C. P. HUNTINGTON.

(No. 23.)

NEW YORK, *December* 22, 1875.

FRIEND COLTON: Your letters of the 11th inst., Nos. 111 and 112, are received; also, your dispatch that you would send $125,000 in gold. You need send more gold for the January interest. I notice the progress on the tunnels; they go slow. I hope the work on that next to the longest one in the Tehichipi will be pushed. I am glad to notice that you are thinking of commencing it soon. What is the exact length of the San Fernando tunnel? I think the doctor will return to California in January. I have just returned from Washington. The doctor (Gwin) was unfortunate about the Railroad Committee; that is, there was not a man put on the committee that was on his list, and I must say I was deceived; and he was often with Kerr, and K. was at his rooms and spent nearly one evening. The committee is not necessarily a Texas Pacific, but it is a commercial committee, and I have not much fear but that they can be convinced that ours is the right bill for the country. If things could have been left as we fixed them last winter there would have been little difficulty in defeating Scott's bill; but their only argument is, it is controlled by the Central. That does not amount to much beyond this: It allows members to vote for Scott's bill for one reason and give the other—that it was to break up a great monopoly, &c. If these —— interviewers would keep out of the way it would be much easier traveling. I send a few clippings.

Yours, truly,

C. P. HUNTINGTON.

(No. 24.)

NEW YORK, *December* 17, 1875.

FRIEND COLTON: I expect to have a bill ready early next week so amending the Texas Pacific act as to allow the S. P. to build east of the Colorado River; or, rather, will have some changes made in the bill you sent over. The vote in the House the other day will do much good in helping Speaker Kerr in making up the railroad and land committees in such a way that they will not be likely to report in favor of any subsidies. Of course the South were not all for Scott's bill before we commenced working there; but we have done good work, and I am getting Southern papers every day from the line of his travels that speak right out against the Texas Pacific. See clippings inclosed. The Railroad Gazette, in publishing the proceedings of the Saint Louis convention, made some mistakes which I have endeavored to correct, as you will notice by copy of letters sent to you. Nearly all the papers here have taken favorable notice of it. I send slips from World and Tribune. The editor's article in the Railroad Gazette I did not see until after its publication. I have looked over Governor Irwin's message; it seems to be well enough, although not just such a one on railroad matters as I expected.

Yours, truly,

C. P. HUNTINGTON.

(No. 25.)

NEW YORK, *March* 4, 1876.

FRIEND COLTON: Yours of Feb. 24, No. 142, is received. I have been in Washington most of the time since Congress met, and you say truly when you write that you think I have had a rough fight here this winter. The Railroad Committee of the House was set up for Scott, and it has been a very difficult matter to switch a majority of the committee away from him, but I think it has been done; but Scott is very able, and then he promises everything to everybody, which helps him for the day and in this fight, and just what he may yet do I can not say. * * * And I think it of so much importance that he is not allowed to build a road parallel to ours with Government aid that I shall endeavor to get our bill passed through the Senate this winter, if possible (and the House, too). If we only get it through the Senate, and could then get built some road in Arizona before Congress comes together next winter, I think there would be but little doubt we would win the fight. What do you all think of it? * * *

Yours, truly,

C. P. HUNTINGTON.

(No. 26.)

NEW YORK, *March* 22, 1876.

FRIEND COLTON: * * * I am having a very lively fight in Washington, but things do not look bad.

Scott is making a very dirty fight, and I shall try very hard to pay him off, and if I do not live to see the grass growing over him I shall be mistaken.

I am doing all I can to demoralize Scott in Texas. He has got to have legislation in that State to extend time on his land grant or else it is lost to him.

* * * * * * *

Yours, truly,

C. P. HUNTINGTON.

(No. 27.)

NEW YORK, *May* 12, 1876.

FRIEND COLTON: Your letters of April 29th and May 2d and 4th, Nos. 155, 156, and 157, are received, with inclosures as therein stated. I am very glad to learn that you are able to be out again. Bad time for any of the S. P. party to be sick, as we have fight enough to go around and give each one all he cares for, that is if his wants in that line are anyways reasonable. I sent Hopkins an article yesterday cut from the Commercial Advertiser; to-day I met one of the editors, Norcutt; he told me Scott paid for having it published; that he would not have let it gone into the paper if it had been left to him, &c. With this I send slip from to-day's Times. Just what is to come out of this fight I can not say, but I expect to live to see the grass growing over these fellows; but in the mean time we shall be hurt some. I have just learned that the slip from the Times (or the matter contained therein) has gone to Europe by cable. Scott is spending money to get these things sent out, and the fight will go on for some time, or at least so long as he thinks by so doing he can make us get out of the way of his Texas and P. swindle, which I do not propose to do. See correspondence with Judge Bell, of Texas. I wish you would write on paper that would allow of my filing your letters. From the memorandum sent of the work done and to be done on the Tehichipi tunnels it would seem as though the rails ought to be laid to the summit by July 1st. This evening's papers have just come in, and they have a long article about the petition presented to-day by A. A. Sargent, calling for a committee to investigate C. P. C. and F., &c.

Yours, truly,

C. P. HUNTINGTON.

(No. 28.)

NEW YORK, *May* 28, 1875.

FRIEND COLTON: Yours of the 20th is received, with N. P. clippings. I do not think Booth made many votes by his Grand Hotel speech. The governor said—Governor S.—some good things to the Chronicle interviewer; but I think it unfortunate that he should so closely connect the C. P. with the S. P., as that is the only weapon our enemies have to fight us with in Congress. * * *

Yours, truly,

C. P. HUNTINGTON.

(No. 29.)

NEW YORK, *November* 15, 1876.

FRIEND COLTON: I had a meeting in Philadelphia last night with Tom Scott. We meet again here to-morrow. I do not have my own way altogether, but I think that we can agree upon some bill that we can all work for. We shall have to prorate on through business more than I would like. And I think there should be a bridge company organized (that we are not known in) to build over the Colorado River at, say, Arrowsbury or any other point on the river, then build at the point where the railroad crosses, under contract with the railroad company. In this way we could tax the through business on this line if we so desired. * * *

Yours, truly,

C. P. HUNTINGTON.

(No. 30.)

NEW YORK, *December* 4, 1876.

FRIEND COLTON: * * * I send copy of the bill, although not altogether agreed to yet. You will notice it allows of a bridge outside of the railroad corporation at the Colorado River; or, as you will see, the road from the west goes to the river and starts from the river to go east; but there must be nothing said about this bridge. If there should be it will kill it, and it is possible we may need this bridge outside the railroad company. * * *

Yours, &c.

C. P. HUNTINGTON.

A BLACK-MAIL BRIDGE.

NEW YORK, *December* 7, 1876.

FRIEND COLTON: Your letters, Nov. 28 and 29, Nos. 7, 8, and 9, have just come to hand. As to the bridge over the Colorado River, it is a matter that I care nothing about, if you do not. But in fixing up the S. P. and T. and P. matter it occurred to me that we should have to prorate with the T and P. As the S. P. would be over mountains and through a country where water and fuel will be expensive, it occurred to me that a bridge with an arbitrary [control] would be well, to help us to get what we really ought to have, and protect our interests generally. As I said before, if you don't want it I don't. * * *

Yours, truly,

C. P. HUNTINGTON.

(No. 31.)

WASHINGTON, D. C., *December* 20, 1876.

FRIEND COLTON: I am having the roughest fight with Scott that I have ever had, but I hope to drive him into something that we can accept. I should not have much trouble if matters could have been left as we fixed them when you were here, but since some of our people has convinced the public that the S. P. is being built by the C. P. and they have raised the cry of monopoly against us, it makes it very hard for us; but such is life. You must send us considerable money by the 1st of January to pay interest; my being away from New York so much of late has prevented me from making loans there, as money has been hard to get, and Fogg has not been able to renew our paper only to a very limited extent, and we shall have to pay this month, with what we have paid, say $1,800,000. Then, in January, say interest $12,000 and bills payable $800,000. You must put off your bills and pay-rolls there for two or three months if it is necessary. You had better have it telegraphed as often as you can how you are pushing on the road toward Fort Yuma.

Yours, truly,

C. P. HUNTINGTON.

(No. 32.)

SCOTT AND THE LOBBY.

NEW YORK, *October* 3, 1877.

FRIEND COLTON: Herewith I send memorandum of bills payable and transactions in September. You will notice the amount to be paid this month is very large, and just how much of it can be borrowed here is uncertain, but much of it, I hope; but a portion will have to come from the earnings of the road in California.

Your letters, Nos. 12, 13, and 14, are received. I shall go to Washington to-morrow night to see about the Colorado bridge. I think it can be fixed, but Scott is doing his very best. There has been, I think, more work done since Congress adjourned for the T. and P. than was ever done before for any interest in the whole history of this country, but if we spend as much money in laying rails east of the Colorado as he spends on his Washington lobby, we shall, in my opinion, surely beat him. I shall do all I can here, but I do not feel as well as I wished I did, and somehow dread the coming fight.

I will endeavor to write you again to-morrow.

Yours, truly,

C. P. HUNTINGTON.

(No. 33.)

NEW YORK, *March* 20, 1877.

FRIEND COLTON: Your letters of March 7th and 9th, Nos. 33 and 34, are received. I notice what you write in your No. 33 relating to the C. P. sending goods via Chicago. Now, I have no interest as to the route over which this business travels, except it takes the route that will best advance the whole interest of the C. P., which it seemed to me would be best done by our sending a part via Saint Louis and a portion via Chicago. There is considerable complaint, which shows itself in Washington, because all the business goes through Chicago and none via Saint Louis and Cincinnati, and so we have the same amount for the C. P. It would seem best we divide this business. And as to the time that is made on the Northern line, I think you would have no trouble in getting the Southern lines to agree to take it via New Orleans that is now taken, and they certainly would have no trouble in filling the contract as to the time.

Scott is at work, and I think is doing more than ever before, preparing to put his Texas Pacific through next winter, and possibly at the extra session, if there

is one. I have little or no fears of his doing anything at the extra session, but if he can convince Congress that the S. P. is controlled by the C. P. (and I think with what aid he can get from my associates in California) I believe he can pass his bill to build on the direct line between Fort Yuma and San Diego, and I think I know enough of Washington to know how he can do it.

I have just received telegram from Crocker in relation to daily mails east of Yuma, but of that I will write him.

Yours, truly,

C. P. HUNTINGTON.

(No. 34.)

NEW YORK, *May* 17, 1877.

FRIEND COLTON: Yours of the 9th, No. 48, is received. What you say about our stopping at Fort Yuma is well, and would be almost conclusive if the S. P. was not owned and controlled by the C. P.; but when we tell Congress we are willing to build this road the answer is always the same. Of course you are to protect the Central, but what the country wants is a competing road. Now, many members of Congress believe all this stuff, and others talk it for reasons that I need not mention here, but if they are not convinced, think the open highway will satisfy their constituents that they were working for the good of the whole country. When the Texas and P. Co. were asking aid to go through the San Gorgonio Pass one argument was: We have built a road there with our own money. Will Congress furnish the means for Colonel Scott to go on and destroy property that we have in good faith located? No one would do that. But their proposition now is to build direct to San Diego under the cry of an open highway for the people. I do not believe they can get the aid from the Government necessary to do it, but they will not be prevented from doing it because the Central Pacific will do it without aid, but because the country is so generally committed against any subsidy, or because there is some interest fairly invested that would be destroyed by the building the open highway.

We certainly are not prepared to build east of the Colorado River this season. If I have a clear view of what I think ought to be done I will write you.

Yours, truly,

C. P. HUNTINGTON.

(No. 35.)

NEW YORK, *October* 5, 1877.

FRIEND COLTON: Yours, No. 15, is received. I notice your remarks on our matters in California. I have no doubt there is many things to annoy you. The dispatches about crossing the Colorado come over very well. I think Gould has had as much to do with stopping us on the bridge as Scott has, although I have had no reason for so thinking up to this morning (see clip from Tribune) except Jim Wilson, of Iowa, is their man and has much influence with McCrary, Secretary of War. Wilson was in Washington when the first order went out to stop work on the bridge, and Gould came in twice and Dillon once to tell me that the Secretary of the Interior had his war paint on, and was to attack us in his message, &c. I thought at the time they were trying to cover up something and rather supposed it was to check us on the S. P.

I met George M. Pullman last night. He told me that he met General Dodge a few days since, and that D. told him that Gould said to him (D.) that he would build as fast from Salt Lake west as we built east of the Colorado. I am disposed to think that you in California have never fully realized how much of a menace to the U. P. was the building of the S. P. east from Yuma, and I am satisfied that we want to so fix the S. P. that the U. P. interest will be just as safe as the C. P. Just how to do it is not so clear, but I am inclined to think we shall have to give the U. P. a one-half interest in all the road east of Yuma, or, say, ten twenty-seconds of the whole road, and the latter I think they would not care to do and give us what the stock has fairly cost us, which, you will recollect, as near as we could get at it, was 20 per cent.; but this is an important matter and has got to be met, as those great interests are only valuable so long as they can be worked in harmony. Talk this matter over and let me have your views.

Yours, truly,

C. P. HUNTINGTON.

THE PRESIDENT CROSS.

No. 361.] NEW YORK, *October* 10, 1877.

FRIEND COLTON: Yours of September 28th is received, and its contents carefully noted. I shall do all I can, but it is very difficult to keep any money; but I shall do all I can.

I went to Washington night before last and returned last night. I think I have the bridge question settled for the present. I found it harder to do than I expected. The Secretary of War told me that they had had it up in two Cabinet meetings, and had concluded not to do anything, as Congress would come together next week; but I got him out of that idea in about twenty minutes. I then saw three others of the Cabinet; then I went and saw the President. He was a little cross at first; said we had defied the Government, &c.; but I soon got him out of that belief. I said to him that we were very much in earnest about building the S. P. I said to him that I had written out after we were given the right to go on and complete the bridge, after being once stopped, that they (you) had better push the work night and day, as we had been stopped once without any reason known to us, and that we might be again, and that I guessed the boys very likely quit work and went to supper, and the military quit at the same time and got their supper and went to bed, supposing the workmen would do the same, but instead of going to bed went back and laid the track across the bridge, so as to be sure and have it so trains would cross before they received any order to quit. The President laughed heartily at that, and said he guessed we meant business. He then said, "What do you propose to do if we let you run over the bridge?" I said, "Push the road right on through Arizona." He said, "Will you do that? If you will, that will suit me first-rate."

Now, I think you had better spend a little money building east from Yuma and have it telegraphed over as often as you can; it will do us much good here.

I would like to hear now and then how the Ione coal is being used.

I have telegraphed to Crocker to have it understood there that the draw was closed by pressure from the people of Arizona, and not saying we had anything to do with it.

Yours, truly,

C. P. HUNTINGTON.

(No. 36.)

HAYES'S FALSE REPORT DECLINED.

NEW YORK, *October* 15, 1877.

FRIEND COLTON: * * * Very likely such a report as Mr. H. would give us would be worth the price he asks; but as the crops are short this year in California, and as what we might call an off-year with us, I am disposed to think we had better let it pass for this year.

I do not think General Sherman telegraphed to any one on this side about the bridge at Yuma.

General McDowell wrote to the Secretary of War recommending that the bridge be put back just as it was when orders were given us to stop. I wish you would get a strong letter from General Sherman that the bridge is in the right place, harms no one, but is of very great benefit to the military, as well as all the interests in Arizona and Northern Mexico, &c. We may need it; as I think it very likely Scott may try to get a resolution through Congress to stop our building in Arizona, and perhaps to stop our crossing the bridge. I send with this a clip from to-day's Times. It will not hurt us, although you will notice it has its hit at us.

Yours, truly,

C. P. HUNTINGTON.

(No. 37.)

NEW YORK, *June* 3, 1878.

FRIEND COLTON: Yours (Nos. 89 and 90) are received. As to rails to lay twenty-two miles on west side of Sacramento River, I wrote Stanford a few days since. Could not get rails. I notice what you say about sale of land on account of Central Pacific; also, about building any more road.

I quite agree with you in the main; but all the reasons that ever existed why we should build east of Yuma now exist. Only the one reason why we should not, viz, not got the money, prevents me from urging the extension of that line. I put (something?) in the omnibus bill to kill the T. and P., and I think it will do it. I have received three telegrams to come to Washington to-night. I go.

Yours, truly,

C. P. HUNTINGTON.

These letters tell the story plainly of the hostile position of the Southern Pacific toward the Texas Pacific during all these years, and that it neither had nor claimed any rights east of Yuma. But its grasping character was exhibited at the first opportunity. Having resolved to build east, at Yuma only one desirable location for a bridge over the Colorado was found. This the Southern Pacific desired to appropriate, anticipating, what afterward occurred, that the Texas Pacific would attempt precisely the same thing.

This point was in the military reservation, and of course could not be legally condemned or appropriated under its right-of-way act, as that did not extend it any rights on military reservations.

In October, 1876, the Texas Pacific applied to the military authorities at Yuma for leave to break ground on the reservation for the crossing of the river. This permission was granted, but in November following it was revoked.

In April, 1877, the Southern Pacific was given permission to lay its track provisionally through a corner of the reservation, and the open contest between these two corporations began.

The details as to this reservation are given in Executive Document 33, second session Forty-fifth Congress in full.

It is enough to state here that the Southern Pacific was successful, under the leave to cross "temporarily a portion of the reservation," in not only building its permanent railroad across it, but in building a permanent railroad, and, through its construction company, a toll bridge over the river, which enables them to do as proposed in letters No. 29, 30, "*to tax the through business of the country.*" This in utter defiance of the War Department, against the positive orders of the Secretary of War.

General McDowell wrote, October 3, 1877: "The post commander was powerless, all the troops having been withdrawn to the field." Nor has it yet ever procured the consent of the Government to occupy this reservation. It has been a continual trespasser to this day.

Failing to procure authority from Congress to build east of Yuma, the Southern Pacific procured charters from the Territorial Legislatures of Arizona and New Mexico to proceed and build through those Territories over the line selected by the Texas Pacific; and on commencing its work under these charters the Texas Pacific invoked the aid of the judiciary. It filed a bill for an injunction and a receiver as to the improvements of the Southern Pacific, and the relief prayed was given; but the Southern Pacific continued its work, paying no attention to the order, and the litigation continued as pending until settled by a decree, entered at the March term, 1882, of the court, not on a judicial investigation, but *by agreement of all the parties.*

On the question as to the relation of these two companies during all the years the two lines were being constructed, your committee do not find a single act performed by either that was not hostile in its character as to the other.

Again, on the question as to whether the Southern Pacific had either the intention of asking or the hope or expectation of receiving a dollar of aid or an acre of land, we find that in the Forty-fifth and Forty-sixth Congresses, as against the request of Mr. Scott for guarantee to his road, statement after statement and argument after argument was made by the representatives of the Southern Pacific that aid of any character was entirely useless and an unjustifiable expenditure of the public money and property.

It was argued by them that their company was practically demonstrating the non-necessity of governmental aid to the enterprise of building a railroad along the thirty-second parallel by building its own there and without aid, which it neither asked nor desired.

Mr. Huntington, in 1878, wrote:

"If it were once understood that no subsidies would hereafter be granted by Congress, the incomplete gap (between Fort Worth, the western terminus of the Texas Pacific then, and Yuma) would be filled within five years by private capital alone, without asking or committing in any way the national revenues to the work."

Before the Senate committee, in 1878, he said:

"We are ready to construct right along, and willing to provide an outlet to the East for ourselves without cost to the Government."

And again:

"The question before you is whether you will give the Texas Pacific a guarantee of nearly forty millions of bonds for building a road, 200 miles of which is useless and 600 miles of which we offer to build without aid."

Scores of men in Washington to-day recall the earnest statements of Mr. Huntington, made during the first session of the Forty-sixth Congress, in opposition to the Texas Pacific, that the Southern Pacific could and would build the road without a dollar of aid or an acre of land if the Texas Pacific was kept out of the way.

In the current daily papers at this date appears a letter from ex-Senator Gordon, explanatory of his course in supporting the Southern Pacific plan of opposing Scott, which your committee deem worth notice. Among other things he says:

"Mr. Scott was asking a guarantee on about fifty millions of bonds. Mr. Huntington, on the other hand, was asking nothing of Congress either by way of indorsement of his bonds or as subsidy in lands. He asked only to be let alone and allowed to build the road on the same general line, and was actually constructing it without any Government aid. * * * I opposed the Scott bill and favored the Huntington plan. He declared he could and would build the road without a dollar of Government aid or subsidy. *He did it.* He declared he would make the eastern terminus of his lines southern ports and only southern ports. He has done it."

Resuming the history of the case: Failing to get the subsidy desired, the affairs of the Texas Pacific remained in *statu quo* for a time, the Southern Pacific prosecuting the work of building its road vigorously. When Mr. Jay Gould took charge of the Texas Pacific affairs work was rapidly done on the line toward the west in Texas, so that in November, 1881, the Texas Pacific had reached Sierra Blanca, Tex., about 91 miles east of El Paso, and the Southern Pacific fully completed to within a few miles of that point.

On the 26th of November, 1881, an agreement was made between Mr. Huntington and Mr. Gould, representing the two corporations, of which this is an abstract:

It is made between C. P. Huntington on one side, representing the Southern

Pacific, and the Galveston, Harrisburg and San Antonio roads and their connections eastward as far as New Orleans, and Jay Gould on the other side, representing the Texas and Pacific, including its New Orleans connection, the Iron Mountain, the International, Missouri, Kansas and Texas, and Missouri Pacific Companies. It provides that the tracks of the two systems shall be joined when they meet 100 miles or thereabouts east of El Paso, and both parties are to use the portion between the junction and El Paso on equal terms, the Texas and Pacific reserving the right to run its own trains into El Paso on paying half cost of maintenance, taxes, and interest on half cost of construction, $10,000 per mile. Through business is to be done on a pro rata basis by both companies, and this stands all the way to San Diego, Los Angeles, and San Francisco, although the franchise of the Texas and Pacific was by its charter limited to San Diego; and rates are to be as low between competitive points as by any other transcontinental routes. No discrimination is to be made by the Gould roads for or against any of the termini on the Mississippi or Gulf, either as to rates, time, or otherwise, or among the railroad lines eastward thereof, but east-bound unconsigned business for points reached by them in Northern Texas, Arkansas, and Missouri is to be delivered to them at El Paso or the junction, as the case may be.

The agreement does not prevent or interfere with the completion of the Huntington road through Texas via San Antonio and Houston, but provides that after its completion the New Orleans and seaboard business thereof shall be divided equally between the two lines and their connection, the Huntington road from Houston to New Orleans being accorded the privilege of using 100 miles of the Texas and Pacific nearest to New Orleans when necessary on the above terms. The two systems of roads intersect and cross each other at Houston, and between this point and Galveston they use the Galveston road, running through trains if necessary. The through business to and from El Paso and the Pacific will be divided on the basis of one-third to the Texas and Pacific and its connections, and two-thirds to the line via San Antonio, that being the shortest line.

In consideration for the privileges of using jointly the road into El Paso, and of a perpetual privilege in Los Angeles and San Francisco, as well as San Diego equal to the most favored, the Texas and Pacific has relinquished its claim to the land grant, right of way, and franchises west of El Paso to the Southern Pacific Companies. The Texas and Pacific engages not to extend its road west of El Paso so long as the covenants with the Southern Pacific are observed, and the Southern Pacific agrees not to parallel the Texas and Pacific east of El Paso or either of the roads mentioned, in Texas Arkansas, or Missouri. The usual provision is made for arbitration between any of the parties for the settlement of disputes, and the respective superintendents are to carry out the details of the arrangements as to the interchange of traffic and the rates of compensation.

The Texas Pacific relinquishes and will convey to the Southern Pacific its claim to this land grant, right of way, and franchises west of El Paso.

Pursuant to this contract a deed was executed by the Texas Pacific on January 18, 1882, to the Southern Pacific, purporting to convey all the grantor had or could take west of El Paso; and in March, 1882, in the district court of the third judicial district of New Mexico, the bill of the Texas Pacific, filed and pending to prevent the Southern Pacific from building within the land grant to the Texas Pacific, was amended so as to make the Central Pacific a party to the litigation; and by agreement of all the parties a decree was entered on stipulation validating the agreement of November, 1881, and the deed of January 18, 1882, and especially that the road named in the decree shall be operated in perpetuity as a single continuous line.

Another important fact is that the Central Pacific Railroad Company now controls and operates all these roads from El Paso west, under leases from the nominal corporations owning them; it paying for the Southern Pacific of California $250 per mile per month; for the Southern Pacific of Arizona $135 per mile per month and taxes; for the Southern Pacific of New Mexico, the same rent; for the bridges over the Colorado and Rio Grande, $1,000 per month each; and for the Los Angeles and San Diego, $100 per mile per month and taxes. These rents and all operating expenses of the line are included in the expense account of the Central Pacific.

From the foregoing facts, none of which were disputed, even before your committee, we draw these conclusions, namely:

That the Southern Pacific was a hostile enterprise to the Texas Pacific until all its road had been constructed to Sierra Blanca, Tex., and until the contract of November, 1881, was consummated.

That it shrank from nothing that tended to defeat the work the Texas Pacific was engaged in, namely, the construction of a competing through line of railroad to the Pacific Ocean.

That while the Southern Pacific was nominally an independent corporation, it was in fact practically the Central Pacific.

That the Southern Pacific was built with the money of the Central Pacific outside of the securities based upon it, and is operated and controlled by it.

That so far as Congress is concerned the Southern Pacific never had any rights east of Yuma upon which it could base a claim against the Government, either legal or equitable.

That the Southern Pacific built its road expressly without the intention, expectation, or hope of receiving a dollar of aid or an acre of land therefor from the Government.

That by its action it aided in defeating the building of the road contemplated by Congress.

That no attention has ever been paid by it toward making San Diego a terminal point, but, on the contrary, so far as either of these companies is concerned, there is not a railroad within upward of one hundred miles of that place.

That, as suggested in letter No. 29 above, in order "to tax the through business on the line," two bridge companies have been organized, one owning the bridge over the Rio Grande and the other the bridge over the Colorado.

That, in connection with the facts in this report presented, common notoriety shows that the transcontinental transportation question now stands in this condition:

The next route north of this, the Atlantic and Pacific, is controlled by the Central Pacific west of the Colorado and by Mr. Gould east of it.

The Central Pacific and the Union Pacific, with Mr. Gould's connections east of Omaha, control the middle route.

By subsidizing the Pacific Mail the Central Pacific keeps the water route under control.

The Northern Pacific is not only in a "pool" with the Central, but an agreement has been made between them whereby the territory of the great Northwest has been divided between them as to transportation, as though ownership of the country followed building of railroads into it, subject to which practical assertion of ownership the transportation of freight for the entire Pacific coast is under the control of the few men who adopt as their rule for charges "all the traffic will bear," and who have introduced for the first time in the history of common carriage, and in the only place in the civilized world, the practice of "special contracts," whereby a citizen of the Republic, to avail himself of the necessary benefits of the improved methods of transportation by steam and rail equally with those these men choose to favor with reasonable rates of charges, must contract that he will not deal in the property freighted with any but those having like contracts with himself, and giving the managers of these corporations the right of espionage over their books and papers to ascertain the details of their business and whether such contract has been violated.

These are the men who ask, *on grounds of equity*, that this vast grant of land, an empire in area, and estimated by themselves at forty millions of dollars in value, shall be given them.

Your committee has had no difficulty in disposing of the claim on the basis of the "equity."

Nor have we been perplexed in solving the question as to the legal right of the Southern Pacific to this grant.

As has been stated, we have had the benefit of legal argument by some of the most eminent counsel in the land, and the claim by this company to the grant on legal grounds may be stated in this way:

"By the act making the grant the *title* to the land passed to the Texas Pacific—the act was a grant *in præsenti*, with a condition subsequent.

"The Texas Pacific, thus being vested with the legal title, although subject to the condition subsequent, which contained, among other things, the building of the road to San Diego and the completing the whole line by May 2, 1882, and that there should be no consolidation with any competing line, yet the legal title was an assignable interest, which could be conveyed, and that by the deed made by the Texas Pacific, January 18, 1882, to the Southern Pacific, it became vested with the legal title to all the land, and because the Congress did not, in making the grant and coupling with it a condition subsequent, in express terms reserve to itself the power to declare the grant forfeited for breach of the condition if it should not be complied with, therefore no right of forfeiture exists, and the hands of Congress are tied, and the Government is powerless to resume the grant by reason of such omission."

In other words, generally stated, the distinguished counsel for the company declares that in law the power to declare a forfeiture of a grant made on condition subsequent for breach of the condition must be reserved to the grantor by express terms in the act making the grant or it does not exist.

No authority was produced to the committee except the statement of the attorneys asserting this extraordinary doctrine in support of it; but the interests being so great, we have examined the books on the question, and are not able to find a single authority in support of the proposition, and we believe none can be found.

On the contrary, Washburn on Real Property (vol. 2, 3d ed., p. 15) asserts the rule to be—

"Where the condition of a grant is express there is no need of reserving a right of entry for a breach thereof in order to enable the grantor to avail himself of it."

(See also Jackson *vs.* Allen, 3 Cowan, 220; Gray *vs.* Blanchard, 8 Pick., 284; Littleton, sec. 331.)

Indeed, all the decided cases we can find, as well as the text-books, are in harmony and to the same effect; so we do not present argument upon it here.

Counsel also urge that, under the law, a forfeiture of a grant is purely a judicial question, one for the courts alone, and that Congress has no power in the matter.

We are of different opinion. It seems perfectly clear to this committee that a declaration of forfeiture is only the act of the grantor, asserting his right to resume the grant, to be exercised at his option, terminating an estate for breach of the condition on which it is granted. The power rests with him; it is at his option whether he will exercise it or not; purely a matter of discretion, with the exercise of which the courts have nothing to do, and until it is exercised there is nothing on which the court can act.

When forfeiture is declared and resumption of ownership asserted by the grantor, *then* the court may be invoked to declare whether the right existed or whether it had been effectively exercised; but the question of forfeiture is with the grantor, personal or legislative, as the grant is private or public, and the judiciary has no jurisdiction whatever until after the grantor has acted to assert his or its right to declare the forfeiture, and then the grantee may invoke the judiciary.

To us this is too clear to be regarded as debatable or needing elaboration.

But the counsel insisted also that if the committee should declare that the right to declare a forfeiture did exist, then the Southern Pacific had the right to the grant on the ground that *it* had substantially complied with the requirements of the act as they should have been performed by the Texas Pacific in the building of *a* road to the Pacific coast; that while the Southern Pacific was practically a volunteer in the prosecution of the work, not having authority from Congress to undertake and prosecute the work, yet having built *a* railroad along substantially the same line which the Texas Pacific would have followed, and having given the country, by the building and the contract of November, 1881, with the Texas Pacific, a line of railroad to San Francisco, and the Texas Pacific being satisfied, the Government is bound to be, and give them the grant. And in the argument used, the illustration of a reward offered for lost goods, the finder is always a volunteer and entitled to the reward; that it is immaterial to the loser who finds and restores his goods. They evade the question of the necessity of San Diego being made a terminal point, as well as that that city has been avoided and no road located or built to it by them, or in which they are interested.

But waiving the question of full performance, has this last claim a basis in the law?

Before the claimant company can be held to be entitled to this grant it must be found that the conditions of the grant have all been complied with by it or its grantor; that it is the legal "successor and assign" of the Texas and Pacific; and also that such succession is not the result of a combination or consolidation with the Texas and Pacific "by rival or competing through line of railroad to the Pacific Ocean."

Neither of these propositions can be held in favor of the claimant here. The Southern Pacific is not the "successor and assign" of the Texas Pacific. These words have a well-defined significance, and when used in connection with a corporation, sole or aggregate, have *invariably* been held to be words of limitation, like the word "heirs" in a conveyance to an individual.

The successors of a corporation correspond to the heirs of a natural person. (Burrill's Law Dict., title Successors; Bouvier's Law Dict.; Angell & Ames, Corp., sec. 192; 2 Kernan Rep., 129.)

We confidently assert that not a case can be found (except the Attorney-General's opinion in the N. O., B. R. and V. case) where the words "successors and assigns" are used as applied to a corporation when that body simply succeeds by purchase or contract to a part or all of the assets of another corporation, but not including its franchise or right to exist as a corporate body. No construction is better settled in the law.

The Southern Pacific simply asserts a right under a deed from the Texas Pacific as grantee of what is assumed by both to be part of the assets of the Texas Pacific, but the granting corporation, the Texas Pacific Company, still exists and remains, with all the vitality and activity it ever possessed as an artificial creature, losing none of its identity, although by this contract it attempts to divest itself of part of its powers and a portion of its tangible assets. But the Southern Pacific is simply the vendee or grantee of the Texas Pacific as to the items named; this and nothing more. The Texas Pacific can not so exist and at the same time have an existing "successor."

In a case like this a very clear distinction is to be taken between legally succeeding to a portion of a property of a corporation as vendee or grantee and being the legal "successor" to the corporation itself. Mere privity by contract alone will create the first, but creation or selection by public authority and an entire legal substitution of person is necessary in the latter case. In this case Congress passed the act for the express and avowed purpose of causing the construction of a short and competitive route along the thirty-second parallel from the Mississippi to San Diego Bay. The points which were to be connected as well as the corporation which should perform the work and be the recipient of the bounty of the Government for the performance of the work were all determined by Congress and expressly named.

The position of the transcontinental line, Central and Union Pacific, was well understood by the people and their Representatives in Congress then, and too recent now to require a restatement. Railway communication between the oceans was an absolute necessity, but the extortions and discriminations of the Central and Union Pacific (and apparently beyond the power of their creator to prevent) caused an urgent demand on the part of the people for another and a competitive route across the continent. To provide this the act of 1871, attempted; the terminal points were fixed; the bay of San Diego named as a western terminus of this to-be grand line, and work to be begun simultaneously at either end and rapidly prosecuted. San Francisco was by section 23 to be connected with the new road only; not to be a terminal point, as it now is. The road was contemplated to the ocean at San Diego, with a branch to San Francisco. This is clearly a substantial requirement.

In every section of the act clearly appears the expressed intention that the Texas Pacific Company shall prosecute the work. This company is organized, and for the clearly expressed purpose, as stated; *this* company may purchase stock of other companies, or may consolidate, but not with any competing line, but all such purchases and consolidations should *vest the property in the Texas Pacific Railway Company. This* company was to file maps, to build and complete the road and telegraph line, to execute mortgages, &c., and (section 17) the Texas Pacific Company to construct the road within ten years. Nowhere does it appear, even by implication, that any other party, *by privity of contract merely*, should have any rights in the matter, either to perform the conditions imposed or succeed to any of the privileges conferred.

The Texas Pacific was to be a competitor to the other lines across the continent, as well those projected as completed; and so everything shows that Congress intended that the corporation it created for the purpose, or its legal successors, should perform the duties, afford the facilities, and receive the benefit provided for by this act. It must be kept in mind that the Southern Pacific had no authority, direct or implied, from the United States to do any act east of the Colorado. It was only authorized to connect with the Texas Pacific at or near the Colorado, for the purpose of connecting San Francisco with the new route; there and at that point its power ceased, so far as Congress was concerned. All that it has done since was at its own instance; it was not induced by the land grant to build east of Yuma; the Government did not request it, but did all in its power, in its feeble way and with the small military force at its disposal, to prevent the occupancy of the Yuma reservation and the Colorado River, but unsuccessfully; it pursued its course as a rival road to the one chartered by Congress, and for the purpose, now clearly apparent, of defeating the expressed will of the people for a competing road across the continent, by securing for itself, in connection with the Central Pacific, the entire control of the vast and increasing transcontinental transportation.

The claim of the Southern Pacific to be treated as a successor of the Texas Pacific under the law is based solely on the fact that it has succeeded as a rival to the Texas Pacific in building a road where the Texas Pacific proposed to build one, preventing the Texas Pacific from accomplishing the object of its creation, and in return for a concession of part of the freightage of the future, and an agreement not only to compete, but not to extend lines to the injury of the other, the Texas Pacific assumed to convey what it never had the least right to control, either legally or equitably, and the Southern Pacific asserts a clear right as grantee to what its grantor had not the shadow of a subsisting claim, and as to which it has put beyond itself the power to ever earn or claim. San Diego was named as a terminal point by Congress, and for very obvious reasons.

The Central Pacific reached San Francisco, and the natural depot and entrepôt for the proposed competitive line on the Pacific would be San Diego; not a railroad is within 100 miles of it, except on paper, now, so far as these companies are concerned, and all the benefits conferred by the road taken to San Francisco and made to inure to the benefit of the company it was to compete with. The facts which we state in this report show that the Southern Pacific is in fact the Central Pacific, practically the same directory in both, the former operated under a lease to the latter; all the expenses charged in the account of the Central Pacific. These claims might equally as well be made by the Central Pacific by name as by the Southern Pacific. The same logic that would justify granting this application would compel doing the same act for the Central Pacific if it had performed the acts done nominally by the Southern Pacific.

The difficulty with the reasoning of the counsel for the applicant is, that they assume that all that was contemplated by Congress was that *a* railroad should be built along the 32d parallel, and that it is absolutely immaterial who or what company builds it, or what the relation or bearing of the builder may be toward the people or the question of transportation, so that the company named in the granting act is satisfied, either by compulsion or purchase; in effect making the latter company the agents of the Government to bestow a gratuity upon the corporation which had defeated not only the company appointed by Congress to do its work, but Congress itself. This is required, and must appear; that the railroad contemplated by the granting act shall be built or procured, and by the designated party or its legal successor, one which stands in its place and stead under the restrictions and provisions of the granting act; and if purchase or consolidation be attempted or effected, *that the corporation designated by Congress shall be the major factor in the case:* that it shall absorb the others, and be the owner of the "corpus," and not, as in this case, when the process has been reversed. The act provides a grant for "aiding in the construction of *the* railroad and telegraph line herein provided for," &c., not a railroad constructed by the Central Pacific or the Union Pacific, or the Atlantic and Pacific companies, or either of them, but by a company it created, its successors or assigns, as a competitive line.

Again while counsel waived argument upon the question before us, we submit that the condition in the grant prohibiting consolidation with rival or competing lines has been absolutely violated by the Texas and Pacific in the making of the contract of November, 1881.

Practically and legally, so far as it affects the public or the question of transportation, that contract was one of consolidation, and with a rival, hostile line. It provides for traffic arrangements a pool of receipts, a perpetual user, an absolute community of interest, an agreement not to construct parallel lines, and a surrender of all rights and franchises beyond the connecting point, so far as it was possible for the Texas and Pacific to surrender and convey.

Looking over the whole case, then, we find that Congress organized a particular corporation for an avowed, specific purpose; agreed to give it 15,000,000 of acres of land, if within ten years it should build its road from Marshall, Texas, to San Diego Bay, as provided.

Congress prohibited it from making any arrangements with others which would destroy its own identity or interfere with the proposed or expected results.

Congress provided that in any consolidation it might make, or contracts with regard to property rights, the property acquired, rights secured, or consolidation effected, all should be the property of the Texas and Pacific.

This company has not accomplished a single object for which it was created.

It has never been in a position or condition in which it could perform, or even attempt to perform, substantially one single act required of it.

It never reached a point nearer than 90 miles of where it could earn an acre of ground; it was never in sight of "the promised land."

Failing to do any act it was bound and required to do, it attempted to do every act possible which it was prohibited from doing.

Organized to build across the continent, it solemnly bound itself with its rival and enemy never to attempt to do it. Created to compete with the Central Pacific, it makes a perpetual alliance with it, and a perpetual pool as to charges and rates. Established to promote a healthy, beneficial competition, it bargains away, so far as it is able, its franchises, or right to exist as a corporation in all the territory where Congress had sole jurisdiction, and parceled out, as suited the convenience of itself and its opponent, the carrying trade of one-third of the territory of the Republic. Given life for a special purpose, it uses every means within its power to defeat the object of its creation, and, as a fitting climax to all this iniquity, it endeavors to supplant Congress as a donor of the public domain, as a part of the transaction, which was its own suicide. The Southern Pacific claims to "stand in the shoes" of the Texas and Pacific.

Your committee agree that "standing in the shoes" would do if the Southern Pacific *filled the shoes*. But it does not.

It never had authority or recognition by Congress east of Yuma. All its attempts before Congress to secure recognition there have repeatedly failed as made. For its own purposes, at its own instance, in its own way, by methods which many honest, good men have denounced, greedy to embrace all the land with its network of rails to secure monopoly of transportation, surmounting opposition and beating down all obstacles in its way, and in doing so crushing the agent Congress had selected as the instrument to build a road there, doing nothing, absolutely nothing, by the governmental authority or assent even, and having succeeded in defeating a necessary work and rendering absolutely abortive the attempt to have one competing transportation route to the Pacific built, it coolly asks Congress to bestow upon it fifteen millions of acres of land, to give it the ownership of an area sufficient for perhaps one hundred thousand homes as a reward for that result.

So your committee report the accompanying bill with the recommendation that it pass, suggesting here that it may not be improper to adopt the same rule as to Mr. Huntington that he proposed as to Mr. Scott in his letter of November 8, 1874, No. 2, above, "but if Scott kicks at it, I propose to say to Congress, 'We will build east of the Colorado to meet the Texas Pacific without aid, and then see how many members will dare to give him aid to do what we offered to do without.'" We plead guilty to a curiosity to see how many members of this House will "dare to vote" to give this grant to him now, for doing what he then proposed *to do* and *did* without aid or promise of any. We are confirmed in our conclusion by the action of the Judiciary Committee of the House of the Forty-seventh Congress, where, as we are advised, fourteen of the fifteen members of that committee concurred in the opinion that the Southern Pacific Railroad Company had neither legal nor equitable claim to any part of the grant, and that under the decisions of the Supreme Court of the United States action on the part of Congress is necessary to restore this land to the public domain. No legal rights can be divested or lost by the proposed action, and whatever legal rights exist can only be ascertained after forfeiture.

We ought, perhaps, to apologize for the length of this report; but the interests are so vast, the value of the property so great, the claim of the railroad company insisted upon with so much zeal and apparent candor and earnestness, and, moreover, this being the pioneer case in the list of proposed forfeitures of lapsed land grants to railroads before this Congress, we have thought it not inexpedient to thoroughly canvass the questions presented, although subjecting ourselves to the charge of prolixity.

A bill to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands granted to the Texas Pacific Railroad Company under the act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts amendatory thereof or supplemental thereto, be, and they are hereby, declared forfeited, and that the whole of said lands be restored to the public domain and made subject to sale and settlement under existing laws of the United States.

SEC. 2. That in any and all cases, as to any lands embraced within the terms of the act named in section 1 of this act, whenever the Department of the Interior, or its officers, or the local land officers, have treated said lands as open to selection, purchase, or homestead entry, and have allowed purchases, selections, and entries of any of said lands under the general laws of the United States, the acts of the Department of the Interior, and its officers, and the local land offices, in permitting such entries, selections, and purchases, in making such sales and in issuing patents, certificates, and lists thereon, are hereby ratified and validated; and the rights and titles of parties or persons holding patents or claiming right or title under certificates or lists of lands issued or certified by the Secretary of the Interior, the Commissioner of the General Land Office, or certificates issued by the officers of the local land offices, or who have made homestead entries or pre-emption settlements or claims of any kind upon any of said lands, under the general laws of the United States, in any way affected adversely by said grant, are hereby confirmed and made valid to the same extent as though said grant had never been made; and all of said lands embraced within the provisions of said acts shall be restored to the public domain, subject to the saving of rights as provided in this section, as though said grant had never been made.

After the passage of the bill,

Mr. REED said: Before we pass from this subject I would like to ask permission to have printed in the RECORD the report of the Committee on the Judiciary of the last Congress upon this subject, following the report of the committee of this Congress, as embracing the views which some of us entertain, as a justification of our action in this case.

Mr. PAYSON. I think that is right.

Mr. TOWNSHEND. The report of the majority as well as the views of the minority?

Mr. REED. Certainly.

The SPEAKER *pro tempore* (Mr. SPRINGER). Is there objection to the request of the gentleman from Maine [Mr. REED]?

Mr. COX, of North Carolina. I object, because it will only unnecessarily cumber the RECORD.

Mr. REED. I hope the gentleman will not object. The report of the Committee on the Judiciary of the last Congress is referred to in the report of the Committee on Public Lands of this Congress and is corroborative of that report. There are only four pages of it; five pages including the views of the minority.

Mr. COX, of North Carolina. I withdraw my objection.

There being no further objection, it was ordered accordingly.

The report, with the views of the minority, is as follows:

Mr. REED (August 3, 1882), from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom was referred H. Res. 286, submit the following report:

The Texas and Pacific Railroad Company was incorporated under the name of the Texas Pacific by the act of March 3, 1871. By section 1 of that act the route was defined and described as follows:

"From a point at or near Marshall, county of Harrison, State of Texas; thence

by the most direct and eligible route, to be determined by said company, near the thirty-second parallel of north latitude, to a point at or near El Paso; thence by the most direct and eligible route, to be selected by said company, through New Mexico and Arizona, to a point on the Rio Colorado at or near the southeastern boundary of the State of California; thence by the most direct and eligible route to San Diego, Cal., to Ship's Channel, in the bay of San Diego, in the State of California, pursuing in the location thereof, as near as may be, the thirty-second parallel of north latitude."

Section 23 provides—

"That for the purpose of connecting the Texas Pacific Railroad with the city of San Francisco, the Southern Pacific Railroad Company of California is hereby authorized (subject to the laws of California) to construct a line of railroad from a point at or near Tehichipi Pass, by way of Los Angeles, to the Texas Pacific Railroad at or near the Colorado River, with the same rights, grants, and privileges, and subject to the same limitations, restrictions, and conditions, as were granted to said Southern Pacific Railroad Company of California by the act of July 27, 1866."

Section 9 provides for a land grant, which, as described by the Secretary of the Interior, Executive Document 144, Forty-seventh Congress, first session, is—

"A grant of every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of the line as adopted by the company through the Territories of the United States, and ten alternate sections per mile on each side of the line in California. Exception is made of lands sold, reserved, or otherwise disposed of, and lands to which a pre-emption or homestead claim may have attached at the time the line of the road is definitely fixed.

"Indemnity is provided for lands thus lost to the grant out of alternate odd-numbered sections not more than ten miles from the limits of the sections granted. Provision is also made for indemnity for lands lost by reason of the near approach of the line of the road to the boundary of Mexico, and also for mineral lands excluded from the grant out of odd-numbered sections nearest the line of the road."

The same authority estimates the quantity of land embraced in the grant at 14,309,760 acres.

The Texas and Pacific Company was required to commence the construction of its road at San Diego and at Marshall simultaneously, and to complete it in ten years. The act of May 2, 1872 (17 statutes, 59), extended the time of completion to May 2, 1882, which time at the date of this report has expired.

The Secretary of the Interior further reports that—

"The length of the entire line is estimated at 1,483 miles. Proof of the construction of 181 miles of this road in Texas has been furnished, but no evidence of construction beyond that has reached this office."

The committee are informed that the construction has proceeded much farther in the State of Texas than the last figures indicate, but the exact number of miles is not material, as none of it is west of El Paso on the Texas line.

To this should be added the fact that at the hearing before the committee it seemed that whatever railroad had been built from San Diego eastward had been built by another company.

This statement shows that the Texas and Pacific have never completed any part of the route for which the land grant was made to them, and have never earned or claimed to have earned any part of the land. It is also understood that they do not propose to build any such road or to attempt to do it. In fact, they have agreed not to do so, and have attempted to transfer to another company all their title to and rights in the land grant in question. So far from intending to earn the lands, they have renounced them. They have abandoned the undertaking so far as this part of their route is concerned, and it is understood that they have agreed not to build, in accordance with the charter, west of El Paso.

While the ten years which were allowed for the building of the Texas and Pacific were passing, another corporation, the Southern Pacific, started out of San Francisco to meet the Texas and Pacific at the Colorado River. When it reached the Colorado it found that the Texas and Pacific had not built in the Territories, and was asking Congress for a guarantee of the interest on its bonds, in addition to the grant, to enable it to go on.

The Southern Pacific thereupon began to build to El Paso, claiming that no guaranty was needed, and no land grant even, and without guaranty or land grant it occupied substantially the route on which the act of March, 1871, contemplated that the Texas and Pacific would build. After the completion of the Southern Pacific to El Paso, it entered into an agreement with the Texas and Pacific, which was not produced before the committee. It was admitted, however, that the latter company had released its title to the land grant to the Southern Pacific, and that that corporation was now the claimant of the lands.

If the Texas and Pacific still claimed the lands, the strongest argument which it could have urged would have been found in the seventeenth section of the act of March, 1871. The language of that section, while not identical with that contained in the eighth and ninth sections of the charter of the Northern Pacific, nevertheless resembles it, and under that section an argument might have been advanced that the only right which the United States had reserved for themselves was to complete the road. Had the facts shown that the Texas and Pacific had begun its work in good faith, had already expended large sums of money in an effort to build the road, was in the act of building it as rapidly as possible, that there was no pretense that it could be finished earlier than it was being finished, there might have arisen a very serious question as to the power and duty of Congress in the premises But the Texas and Pacific, one party to the grant or contract, having made no effort to carry it out, having renounced it, both informally and formally, both by acts and by writing, there can be no question of the right of the United States, the other party, to resume possession of the proposed grant, unless the Southern Pacific have acquired some rights by virtue of some deed of release.

On behalf of the Southern Pacific it is urged that the words used in the ninth section, "and assigns," in the phrase "there is hereby granted to the said Texas and Pacific Railroad Company, its successors *and assigns*, every alternate section," &c., authorize the latter company to transfer the lands in question in bulk to any other person who would receive it charged with the same trust; that the Southern Pacific, having received the lands at a time when they had completed a railroad which was the same, or nearly the same, in location as that described in the act of March, 1871, received the lands discharged from the trust by reason of its fulfillment. In the opinion of the committee the words "and assigns" do not, in this case, have this meaning. We think these words describe the nature of the estate, are words of limitation, and do not constitute the grantee an agent of the United States to select another corporation which has performed similar work and make it the beneficiary of the grant. Nor do they constitute the grantee an agent to bestow a gratuity. It is further claimed on behalf of the Southern Pacific that the sections—notably section 4—authorizing consolidations give the authority needed for the transfer. Whether these sections would, under any state of facts, confer such power need not now be determined, for no facts have been laid before us which show any consolidation whereby the Texas and Pacific has absorbed the Southern Pacific. So far as this transaction is concerned the process would seem to have been reversed.

The consolidations contemplated by sections 4, 5, and 6 were those whereby other companies were to become part and parcel of the Texas and Pacific. If the Southern Pacific had become part and parcel of the Texas and Pacific, it could not be the claimant here.

It is further urged on behalf of the Southern Pacific that, inasmuch as that company have done what the United States offered to give the granted land to the Texas and Pacific if it would do it, equity requires that the land grant should be transferred.

To this, as a request for a gratuity, no objection can be made. That would rest in the sound judgment of Congress. But this request is put upon the ground of a claim founded upon equity and good conscience. The reply seems simple. Congress would never have been justified in offering the lands had it not deemed the offer necessary to secure the road. Now that events have demonstrated its non-necessity the reason for offering it has entirely failed. The Southern Pacific was not induced by it to build. It built from other motives; not at the request of the United States, nor even for the benefit of the United States. It happened for its own purposes to build the road the United States wanted, and prevented the company from building it which the United States had authorized. It is difficult to see how this state of facts lays the United States under any obligation, either in equity or good conscience.

To these considerations may be added the fact that action on the part of the United States is necessary to enable the United States to restore this land to the public domain. Whatever legal rights parties have can be ascertained better after an act of forfeiture than before, and none of them will be lost.

No question of policy can arise here such as would arise if this were an enterprise not yet completed, but in the process of completion, which such an act would interrupt. Whatever road is to be built has been built.

The committee therefore recommend the passage of the accompanying resolution:

"Joint resolution to declare the forfeiture of lands granted the Texas Pacific Railroad Company under act of March 3, 1871, and acts amendatory thereof and supplemental thereto.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That all lands granted to the Texas Pacific Railroad Company under the act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts amendatory thereof or supplemental thereto, be, and they are hereby, declared forfeited, and that the whole of said lands be restored to the public domain and made subject to sale and settlement under existing laws of the United States."

Mr. KNOTT, from the Committee on the Judiciary, submitted the following as the views of the minority:

While concurring in the recommendation of the committee, the undersigned are unwilling to be committed, even by the remotest implication, to the doctrine that the United States might be deprived of its right to enforce a forfeiture of the lands granted to this or any other railroad company for breach of the conditions upon which such grant was made simply because Congress may have reserved the power "to adopt such measures as it may deem necessary and proper to secure the speedy completion of the road" in aid of which the lands were granted, and because the company, notwithstanding the breach, may be proceeding with its work.

The undersigned are aware that it is substantially so argued in the report of the committee in the case of the Northern Pacific Railroad, as they are unable to perceive any difference in the legal effect of the language upon which the conclusion was made to hinge in that instance and that employed in the seventeenth section of the act granting lands to the Texas Pacific Company; but they dissented from the doctrine then, and dissent from it now.

Nothing could be better settled or more universally conceded than that the grantor of an estate upon conditions subsequent may, unless his right be expressly waived or lost by his own laches, re-enter upon a breach of *any* condition upon which the estate may depend, and that upon such re-entry the estate of the grantor becomes void *ab initio*, the person who re-enters being seised of his original estate in the same manner as if he had never conveyed it away; and it is equally as well settled that laches are never to be imputed to the Government. Both of these principles were recently asserted by this committee with great clearness and force in the case of the Ontonagon and Brulé land grant.

If, therefore, the Government, as grantor, has the right, without regard to the lapse of time, to reinvest itself of such an estate for a breach of *any* of the conditions upon which it had previously granted it, it is impossible to see how it can be deprived of the power to do so simply because it has reserved to itself the right to do something in addition to the exercise of the mere right of forfeiture. A question as to the policy of insisting upon such forfeiture is one thing; the naked legal *right* to enforce it is quite another.

The undersigned, therefore, cannot assent to any reasoning or intimation in the report tending to establish the proposition that the right of absolute forfeiture does not exist either in this grant or that to the Northern Pacific Railroad Company in case of a breach of any condition upon which such grant was made.

J. PROCTOR KNOTT,
L. E. PAYSON.
R. W. TOWNSHEND.
VAN H. MANNING.
D. B. CULBERSON.
N. J. HAMMOND.

Mr. PAYSON. I move the previous question on the engrossment and third reading of the bill.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PAYSON. I move the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

Mr. PAYSON. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 261, nays 1, not voting 58; as follows:

YEAS—261.

Adams, G. E.	Blount,	Budd,	Clements,
Aiken,	Bowen,	Burleigh,	Cobb,
Alexander,	Boyle,	Burnes,	Collins,
Anderson,	Brainerd,	Cabell,	Connolly,
Arnot,	Breckinridge,	Caldwell,	Converse,
Atkinson,	Breitung,	Calkins,	Cook,
Bagley,	Brewer, F. B.	Campbell, J. M.	Cosgrove,
Barksdale,	Brewer, J. H.	Candler,	Cox, S. S.
Bayne,	Broadhead,	Cannon,	Cox, W. R.
Beach,	Browne, T. M.	Carleton,	Crisp,
Belmont,	Brown, W. W.	Cassidy,	Culberson, D. B.
Bennett,	Brumm,	Chace,	Culbertson, W. W.
Blanchard,	Buchanan,	Clardy,	Cullen,
Bland,	Buckner,	Clay,	Curtin,

Cutcheon,	Hitt,	Muller,	Stockslager,
Dargan,	Hoblitzell,	Murray,	Stone,
Davidson,	Holman,	Mutchler,	Storm,
Davis, G. R.	Holmes,	Neece,	Strait,
Davis, L. H.	Hooper,	Nelson,	Struble,
Davis, R. T.	Horr,	Nicholls,	Sumner, C. A.
Deuster,	Houk,	Nutting,	Sumner, D. H.
Dibrell,	Houseman,	Oates,	Talbott,
Dingley,	Howey,	O'Hara,	Taylor, J. D.
Dockery,	Hunt,	Patton,	Taylor, J. M.
Duncan,	James,	Payne,	Thomas,
Dunham,	Jeffords,	Payson,	Thompson,
Dunn,	Johnson,	Pierce,	Throckmorton,
Eaton,	Jones, B. W.	Peel, S. W.	Tillman,
Eldredge,	Jones, J. H.	Peelle, S. J.	Townshend,
Ellis,	Jones, J. K.	Perkins,	Tucker,
Ellwood,	Jones, J. T.	Pettibone,	Tully,
Ermentrout,	Jordan,	Poland,	Turner, H. G.
Evans, I. N.	Kasson,	Post,	Turner, Oscar
Everhart,	Kean,	Potter,	Van Alstyne,
Evins, J. H.	Keifer,	Price,	Vance,
Ferrell,	King,	Pryor,	Van Eaton,
Fiedler,	Kleiner,	Pusey,	Wait,
Findlay,	Lacey,	Randall,	Wakefield,
Finerty,	Laird,	Reagan,	Ward,
Follett,	Lanham,	Reed,	Warner, A. J.
Forney,	Lawrence,	Reese,	Warner, Richard
Fyan,	Le Fevre,	Riggs,	Weaver,
Geddes,	Lewis,	Robertson,	Wellborn,
George,	Long,	Robinson, J. S.	Weller,
Gibson,	Lore,	Robinson, W. E.	Wemple,
Glascock,	Lowry,	Rockwell,	White, J. D.
Goff,	Lyman,	Rogers, J. H.	White, Milo
Graves,	McAdoo,	Rosecrans,	Whiting,
Green,	McCoid,	Rowell,	Wilkins,
Greenleaf,	McComas,	Russell,	Williams,
Guenther,	McCormick,	Ryan,	Willis,
Halsell,	McKinley,	Scales,	Wilson, James
Hardeman,	McMillin,	Seney,	Wilson, W. L.
Hart,	Matson,	Seymour,	Winans, E. B.
Hatch, H. H.	Maybury,	Shaw,	Winans, John
Hatch, W. H.	Miller, J. F.	Skinner, C. R.	Wise, G. D.
Haynes,	Miller, S. H.	Skinner, T. G.	Wise, J. S.
Henderson, D. B.	Milliken,	Slocum,	Wolford,
Henderson, T. J.	Mills,	Smith,	Wood,
Henley,	Mitchell,	Snyder,	Woodward,
Hepburn,	Morey,	Spooner,	Worthington,
Herbert,	Morgan,	Springer,	Yaple,
Hewitt, A. S.	Morrill,	Steele,	York.
Hewitt, G. W.	Morrison,	Stephenson,	
Hill,	Morse,	Stewart, Charles	
Hiscock,	Muldrow,	Stewart, J. W.	

NAYS—1.

Barr.

NOT VOTING—58.

Adams, J. J.	Hammond,	Lovering,	Ray, G. W.
Ballentine,	Hanback,	Mayo,	Ray, Ossian
Barbour,	Hancock,	Millard,	Rice,
Belford,	Hardy,	Money,	Rogers, W. F.
Bingham,	Harmer,	Moulton,	Shelley,
Bisbee,	Hemphill,	Murphy,	Singleton,
Blackburn,	Holton,	Ochiltree,	Spriggs,
Boutelle,	Hopkins,	O'Neill, Charles	Stevens,
Campbell, Felix	Hurd,	O'Neill, J. J.	Taylor, E. B.
Covington,	Hutchins,	Paige,	Valentine,
Dibble,	Kelley,	Parker,	Wadsworth,
Dorsheimer,	Kellogg,	Peters,	Washburn,
Dowd,	Ketcham,	Phelps,	Young.
Elliott,	Lamb,	Rankin,	
Foran,	Libbey,	Ranney,	

So the bill was passed.

The following pairs were announced:

Mr. MILLARD with Mr. POST, of Pennsylvania.

Mr. DIBBLE with Mr. BELFORD.

Mr. PAIGE with Mr. WILSON, of Iowa.

Mr. VALENTINE with Mr. HARDY.

Mr. WASHBURN with Mr. SHELLEY.

Mr. CAMPBELL with Mr. RICE.

Mr. COX, of New York, with Mr. RUSSELL.

Mr. MONEY with Mr. WADSWORTH.

Mr. WHITE, of Kentucky. I desire to state that I am paired on all political questions with my colleague Mr. BLACKBURN; but not considering this to be a political question, and having been informed that my colleague, if here, would vote for the bill, I have voted in the affirmative.

Mr. EVINS, of South Carolina. My colleague Mr. HEMPHILL is absent on account of sickness; if present, he would vote "ay."

Mr. STRAIT. My colleague Mr. WASHBURN is absent; if here, he would vote "ay."

Mr. HATCH, of Missouri. My colleague Mr. O'NEILL is detained at home on account of sickness.

Mr. HANBACK. I was unavoidably absent when my name was called; if I had been present, I would have voted "ay."

Mr. PAYSON. The gentleman from Colorado, Mr. BELFORD, is detained from the House by illness. He desired me to say, if he was absent when this bill was passed, that if present he would vote for it.

Mr. REED. My colleague Mr. BOUTELLE is absent on account of sickness; I have no doubt he would vote "ay" if present.

The result of the vote was then announced as above stated.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUREAU OF ANIMAL INDUSTRY.

Mr. HATCH, of Missouri, from the Committee on Agriculture, by unanimous consent, reported the following; which was read, considered, and adopted:

Resolved, That House bill 3967 "to provide for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide for the prevention and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals," be made a special order for Tuesday, February 5, 1884, and to continue from day to day until disposed of, not to interfere with regular appropriation or revenue bills.

Mr. HATCH, of Missouri, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLAND. I move that the House adjourn.

The SPEAKER *pro tempore*. The Chair, if there be no objection, will lay before the House several executive communications.

There was no objection.

REPORT OF THE COMMISSIONER OF PATENTS.

The SPEAKER *pro tempore* laid before the House a letter of the Secretary of the Interior, transmitting a report of the Commissioner of Patents, showing the operations of his office for the year ending December 31, 1883; which was referred to the Committee on Patents, and ordered to be printed.

AMERICAN HOG PRODUCTS IN GERMANY AND FRANCE.

The SPEAKER *pro tempore* laid before the House a message from the President of the United States; which was read, as follows:

To the House of Representatives of the United States:

I transmit herewith, in response to the resolutions of the House of Representatives, the following report of the Secretary of State, with accompanying papers, relative to the restrictions upon the importation of American hog products into Germany and France.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 31, 1884.

Mr. TOWNSHEND. I move that this message, with the accompanying papers, be referred to the Committee on Commerce.

Mr. HATCH, of Missouri. I move the reference to the Committee on Agriculture. This message is in response to a resolution of inquiry reported from that committee.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] has moved the reference to the Committee on Commerce. The gentleman from Missouri [Mr. HATCH] moves the reference to the Committee on Agriculture.

Mr. TOWNSHEND. I have not yielded the floor. I desire to say that this message is in response to a resolution offered by myself, which was referred to no committee, but was adopted in this House by unanimous consent. Subsequently, a week or two afterward, a similar resolution came in from the Committee on Agriculture. This question is now under consideration by the Committee on Commerce, several bills upon the subject having been referred to that committee. No other committee has any bill on the subject except the Ways and Means Committee, which does not propose to act upon it. I think the House ought to refer these documents to the Committee on Commerce, who are already considering the subject, with bills before them.

The SPEAKER *pro tempore*. Does the gentleman from Missouri [Mr. HATCH] insisted on his motion?

Mr. HATCH, of Missouri. I will ask the Chair whether the message from the President is in response to the resolution reported from the Committee on Agriculture or the resolution to which the gentleman from Illinois refers.

The SPEAKER *pro tempore*. The message states that it is in response to a resolution of inquiry, but does not state what resolution.

Mr. HATCH, of Missouri. Does not the resolution accompany the message?

Mr. TOWNSHEND. My resolution was offered a couple of weeks before the resolution from the Committee on Agriculture; and the Committee on Commerce is now considering the subject—expects, I understand, to consider it to-morrow.

Mr. CABELL. Mr. Speaker, there was a motion to adjourn some time ago. Is not that the regular order?

The SPEAKER *pro tempore*. The Chair asked permission to present several executive communications, of which this message was one. There having been no objection, the message was presented, and it is now before the House for reference.

Mr. TOWNSHEND. I understand the gentleman from Missouri withdraws his motion.

The SPEAKER *pro tempore*. As the Chair understands, the motion of the gentleman from Missouri is withdrawn.

Mr. CURTIN. This correspondence is communicated to the House in answer to a resolution offered by the gentleman from Iowa [Mr. KASSON], which was referred to the Committee on Foreign Affairs.

Mr. TOWNSHEND. My friend from Pennsylvania is mistaken.

Mr. CURTIN. No, I am not mistaken.

Mr. TOWNSHEND. The gentleman from Iowa did not offer the resolution requesting this information.

Mr. CURTIN. Yes, sir, the gentleman from Iowa did; and bills on the subject have been referred to the Committee on Foreign Affairs.

Mr. TOWNSHEND. My resolution was offered two or three weeks before the gentleman from Missouri attempted to move in the matter.

Mr. CURTIN. That is of no consequence. This is an answer to an inquiry of the Committee on Foreign Affairs, because we have been in constant communication with the Secretary of State while this correspondence has been in course of preparation.

Mr. TOWNSHEND. Has the Committee on Foreign Affairs any bill before it on this subject?

Mr. CURTIN. Yes, sir.

Mr. TOWNSHEND. I was not aware of that.

Mr. CURTIN. And the correspondence has reference to the interpretation of treaties with foreign countries. The resolution was offered by the gentleman from Iowa; the language is clear and distinct; and we have been in constant consultation with the Secretary of State during the preparation of this correspondence. I know what I am speaking about.

Mr. TOWNSHEND. I think my friend will discover that the resolution introduced by the gentleman from Iowa was simply a resolution of instruction to the Committee on Foreign Affairs to consider and report what they might deem to be a proper measure on this subject.

Mr. CURTIN. And it had reference to treaties with foreign countries.

Mr. TOWNSHEND. I know that; but it did not call for executive information.

Mr. CURTIN. This correspondence has been brought out by constant intercourse on the part of the Foreign Affairs Committee with the Secretary of State.

Mr. TOWNSHEND. Now, I ask the gentleman whether he will not admit that the first resolution calling for information on this subject was introduced by myself and adopted by the House before any resolution from the gentleman from Iowa or from the Committee on Agriculture. Allow me to say further that there have been three or four bills in regard to this matter introduced and referred to the Committee on Commerce, which has already taken cognizance of those bills, has been considering them, and is perhaps about ready to report. Why divide this subject among several committees of the House?

Mr. CURTIN. I have no doubt the Secretary of State will furnish you with any information he has on the subject.

Mr. TOWNSHEND. He has already done it. I submit this is in answer to my resolution.

Mr. HENDERSON, of Iowa. The message of the President of the United States says it is in answer to "resolutions" of the House, not to the resolution of the gentleman from Illinois, but to several resolutions, among the number one introduced by my colleague [Mr. KASSON], and one introduced by myself which was reported by the Committee on Agriculture and adopted. It is in the plural and is not limited to the single resolution of my friend from Illinois.

Mr. TOWNSHEND. Who offered the first resolution in the House?

Mr. HENDERSON, of Iowa. It does not matter. The first committee which reported was the Committee on Agriculture, and they reported the resolution I had the honor to introduce. This message is comprehensive and covers the whole question, and I trust, Mr. Speaker, it will be ordered to be printed, as it is a matter of great importance. I ask that order be now made by the House.

The SPEAKER *pro tempore*. The motion was that the message be printed and referred to the Committee on Commerce. If the gentleman from Pennsylvania [Mr. CURTIN] moves it be referred to the Committee on Foreign Affairs, that motion will be in order.

Mr. BLAND. I rise to a question of order.

The SPEAKER *pro tempore*. State it.

Mr. BLAND. I moved some time ago the House adjourn and the Chair recognized that motion.

The SPEAKER *pro tempore*. The Chair did not. The gentleman was not entitled to the floor when he made it.

Mr. TOWNSHEND. I do not yield the floor to the gentleman from Missouri.

Mr. BLAND. Mr. Speaker, I insist on my motion being put.

The SPEAKER *pro tempore*. The gentleman from Missouri is out of order.

Mr. BLAND. I rise to a question of order.

The SPEAKER *pro tempore*. What is it.

Mr. BLAND. That this question is not debatable.

The SPEAKER *pro tempore*. That point of order is well taken.

Mr. BLAND. I insist on its enforcement.

Mr. TOWNSHEND. I wish to say a word——

The SPEAKER *pro tempore*. It is not debatable.

Mr. TOWNSHEND. I ask to be heard by unanimous consent.

Mr. BLAND. I object.

The SPEAKER *pro tempore*. There is nothing before the House.

Mr. TOWNSHEND. I am entirely indifferent to what committee it goes, provided some committee will report on it for our action. It can be referred to the Committee on Commerce, the Committee on Foreign Affairs, the Committee on Agriculture, or the Committee on Ways and Means, and I do not care which one shall take charge of it, if the committee will take cognizance of it and act on it.

The SPEAKER *pro tempore*. In the absence of any motion the message will be laid upon the table, and ordered to be printed.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that that body had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. Res. 119) making appropriation for the relief of A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, and further insisted on its amendment disagreed to by the House, and asked for a further conference between the two Houses, and had appointed Mr. HALE, Mr. SHERMAN, and Mr. SAULSBURY as managers of said conference on its part.

It further announced that it had passed the bill (H. R. 3948) making appropriations to supply deficiencies on account of appropriations for the fiscal year ending June 30, 1884, in regard to rebate of taxes on tobacco and to provide for expenses of the meeting of the Legislature of the Territory of New Mexico, with amendments; in which concurrence was requested.

It further announced that it insisted on its amendments to the joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians, disagreed to by the House, and asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. ALLISON, Mr. LOGAN, and Mr. BECK as managers of said conference on its part.

IMMEDIATE DEFICIENCIES.

Mr. BURNES. I ask unanimous consent to take from the Speaker's table House bill 3948, with Senate amendments, for reference to the Committee on Appropriations.

The SPEAKER *pro tempore*. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 3948) making appropriations to supply deficiencies on account of appropriations for the fiscal year ending June 30, 1884, in regard to the rebate of the tax on tobacco and to provide for the expenses of the meeting of the Territorial Legislature of New Mexico, and for other purposes.

The bill was taken from the Speaker's table, and, with the Senate amendments, referred to the Committee on Appropriations.

GREELY EXPLORING EXPEDITION.

Mr. RANDALL. Mr. Speaker, I ask that the message from the Senate in relation to the Greely expedition may also be taken from the Speaker's table, and the joint resolution referred, with the amendments of the Senate, to the Committee on Appropriations.

The SPEAKER *pro tempore*. The title of the joint resolution will be read.

The Clerk read as follows:

House joint resolution 119, making an appropriation for the relief of Lieut. A. W. Greely and his party, comprising what is known as the Lady Franklin Bay expedition to the Arctic regions.

The joint resolution was taken from the Speaker's table, and, with the Senate amendments, referred to the Committee on Appropriations.

Mr. CABELL. I move that the House do now adjourn.

RIGHT OF WAY OVER LAKE TRAVERSE INDIAN RESERVATION.

The Speaker *pro tempore*, by unanimous consent, laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 29th instant from the Secretary of the Interior, submitting, with accompanying papers, a report of the Commissioner of Indian Affairs upon the subject of the right of way of the Chicago, Milwaukee and Saint Paul Railroad through Lake Traverse Indian reservation in Dakota.

The subject is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 31, 1884.

ORDER OF BUSINESS.

Mr. BLAND. I move that the House do now adjourn.

The SPEAKER *pro tempore*. Pending the motion to adjourn, the Chair desires to submit to the House certain personal requests of members.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ELLIOTT (on motion of Mr. BOYLE), for a few days.

To Mr. WARNER, of Ohio, for four days, on account of important business.

To Mr. VALENTINE, indefinitely, on account of sickness in his family.

To Mr. COVINGTON, until February 5, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. COSGROVE, by unanimous consent, leave was granted to withdraw from the files of the House the commission and accompanying papers of Lieut. Benjamin F. Gutman, of Missouri.

On motion of Mr. WAIT, by unanimous consent, leave was granted to withdraw from the files of the House papers in connection with Maj. James A. Betts, asking to be retired with the pay of lieutenant-colonel, there being no adverse report.

The motion of Mr. BLAND was then agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Papers relating to the claim of R. R. Reed, administrator of R. F. Buchanan, deceased—to the Committee on Claims.

Also, the petition of J. W. Nance, jr., to have claim referred to Court of Claims—to the Committee on War Claims.

By Mr. BARBOUR: The petition of Robert A. Phillips and others, citizens of the District of Columbia and adjoining counties in Virginia, for an amendment to the charter of the Aqueduct Bridge Company—to the Committee on the District of Columbia.

Also, petitions of citizens of Virginia, for compensation for stock driven off by order of General Sheridan—to the Committee on War Claims.

By Mr. BAYNE: Papers relating to the claim of Joseph Walton—to the Committee on Claims.

Also, the memorial of F. and J. Heinz and 35 others, against the repeal of the act of March 1, 1879, relating to the manufacture of vinegar—to the Committee on Ways and Means.

By Mr. BRENTS: The petition of C. P. Judson and others, asking for an appropriation to improve the navigation of the Nootsack River, Washington Territory—to the Committee on Rivers and Harbors.

Also, the petition of C. M. Bradshaw and others, for custom-house building at Port Townsend, Wash.—to the Committee on Public Buildings and Grounds.

By Mr. CAINE: The petition of John T. Caine, for compensation as Delegate in the Forty-seventh Congress—to the Committee on Elections.

By Mr. CALDWELL: Papers relating to the claim of J. H. Adams—to the Committee on Claims.

By Mr. CALKINS: The petition of A. M. Morris and others, for an appropriation for educational purposes in Alaska—to the Committee on Education.

By Mr. CAMPBELL: Petitions asking for the appointment of a commissioner for the testing of iron, steel, and other structural materials—to the Committee on Manufactures.

By Mr. CONVERSE: The petition of J. A. Shaw and 138 others, citizens of Hocking County, Ohio, praying for the restoration of the wool tariff of 1867; of J. J. Parrish and 70 others, citizens of Ohio, and of V. A. Caldwell and 28 others, on the same subject—severally to the Committee on Ways and Means.

Also, the petition of Hon. William H. West and 20 others, members of the bar of Logan County, Ohio, praying the said county be transferred from the northern judicial district of Ohio to the eastern subdivision of the southern judicial district of said State—to the Committee on the Judiciary.

By Mr. COVINGTON: The petition of Eliza L. Roberts, for relief for destruction of barn—to the Committee on War Claims.

By Mr. CUTCHEON: Memorial of Colonel Fenton Post, Grand Army of the Republic, Department of Michigan, asking a grant of one hundred and sixty acres of land to honorably discharged Union soldiers, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. G. R. DAVIS: The petition for increase of pension of William Emerson—to the Committee on Invalid Pensions.

Also, the papers relative to the improvement of the Black River, Missouri—to the Committee on Rivers and Harbors.

Also, the papers relative to the improvement of the Mississippi River at Cape Girardeau, Mo.—to the same committee.

By Mr. DEUSTER: The petition of the weiss-beer brewers of Chicago, Ill., and Milwaukee, Wis., for relief—to the Committee on Ways and Means.

By Mr. DINGLEY: The petition of ship-owners of Rockport and Camden, Me., for the passage of certain bills to promote the interests of the American merchant marine—to the Select Committee on Shipbuilding and Ship-owning Interests.

By Mr. ELLIS: Papers relating to the claim of Mary J. Maltby—to the Committee on Pensions.

By Mr. I. N. EVANS: Resolution of the Commercial Exchange of Philadelphia, Pa., relative to the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. HILL: The petition of the Woman's Christian Temperance Association of New York, of the Good Templars of the State of New York, and of the Good Templars of the District of Columbia, relative to the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. HITT: The petition of 275 soldiers, for 160 acres of land to every honorably discharged soldier or sailor of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HOPKINS: Remonstrance of grocers of Pittsburgh, Pa., against the repeal of the act of March 1, 1879, as to vinegar, &c.—to the Committee on Ways and Means.

By Mr. HOUK: Papers relating to the claim of Theodore T. Coffin—to the Committee on War Claims.

By Mr. KLEINER: Papers relating to the claim of M. Trickett—to the Committee on Invalid Pensions.

By Mr. LACEY: Communication of W. H. Powers, of Hastings, Mich., asking increased allowance for post-offices of the third class—to the Committee on the Post-Office and Post-Roads.

By Mr. LOVERING: Papers relating to the claim of H. D. Green—to the Committee on Claims.

Also, papers relating to the claim for relief of persons who served in the First and Second Regiments, and Second Brigade, Tenth Division, of Massachusetts Militia—to the Committee on War Claims.

By Mr. McCOMAS: The petition of 92 citizens of Garrett County, Maryland, against the admission of Canadian lumber free—to the Committee on Ways and Means.

Also, the petition of G. C. Roderick and 52 citizens of Frederick County, Maryland, asking remedial legislation to provide a mode for payment of honest war claims of loyal citizens—to the Committee on War Claims.

Also, the petition of Solomon Neucomer and others, of John H. Firey, of David Wolf, of Levi Middlekauff, administrator, and of Owen Ardinger, all of Washington County, Maryland—severally to the same committee.

By Mr. MORGAN: Memorial of Chilhowee Post, No. 103, of California; Forbes Post, No. 38, of Hardy; Smith Post, No. 117; and of B. R. Davis Post, No. 109, Grand Army of the Republic, regarding back pay, pensions, and bounty—severally to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, memorial of Shelbyville Post, No. 102, Grand Army of the Republic, in reference to back pay, pensions, and bounty—to the same committee.

By Mr. S. J. PEELLE: The petition and papers for the relief of J. O. Harding—to the Committee on Military Affairs.

Also, papers relating to the claim of Maria V. Brown—to the Committee on War Claims.

By Mr. POLAND: The petition of Elisha Mulford and S. W. Dyke, relative to statistics in regard to divorce laws in the several States—to the Committee on the Judiciary.

By Mr. REED: Memorial of Alpheus S. Packard and others, faculty of Bowdoin College, Maine, asking for statistics concerning divorces in the States and Territories of the Union—to the same committee.

By Mr. RIGGS: Papers relating to the claim of James T. Dodson—to the Committee on War Claims.

By Mr. ROCKWELL: Papers relating to the claim of Patrick Droney—to the Committee on Invalid Pensions.

By Mr. W. F. ROGERS: Papers relating to the claim of Robertson Topp and William L. Vance, papers relating to the relief of the heirs of A. F. Hurley, and papers relating to the claim of William Lavery—severally to the Committee on War Claims.

By Mr. SMITH: The petition of citizens of Lancaster County, Pennsylvania, and of Hechtold and 53 others, and of Peter McConomy and 87 others, relative to the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. SPRINGER: Memorial of F. W. Crosby and Charles Williams, relative to exhibiting a model in the Speaker's lobby—to the Committee on Rules.

By Mr. TALBOTT: Papers relating to the claim of William W. Morris—to the Committee on Claims.

By Mr. THOMPSON: Papers relative to the claim of James M. Crawford—to the Committee on War Claims.

By Mr. VANCE: Papers relating to the claim of William B. Morrow—to the same committee.

By Mr. VAN EATON: The petition of Juliet Holt—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Papers relating to the claim of Mrs. Ann Mahar—to the same committee.

By Mr. WASHBURN: Papers relating to the claim of W. J. Hayes—to the Committee on Appropriations.

Mr. WELLBORN: Resolution of the Legislature of the State of Texas, in reference to the improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. WELLER: Papers relating to the claim of James M. Bacon—to the Committee on War Claims.

By Mr. J. D. WHITE: The petition of Thomas Murrell, for a pension—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 1, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

CLERICAL FORCE IN THE DEPARTMENT OF JUSTICE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Attorney-General, asking for an increase of the clerical force in the Department of Justice; which was referred to the Committee on Appropriations.

DISCHARGE OF EMPLOYÉS DURING VACATION OF CONGRESS.

Mr. DOCKERY. I ask unanimous consent to introduce for reference the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That Rule II be amended by adding thereto the following:

"*Provided*, That no employé shall be removed except for cause during the vacation of Congress."

The resolution was referred to the Committee on Rules.

PERNETTA HENDLEY.

Mr. DOCKERY, by unanimous consent, introduced a bill (H. R. 4386) for the relief of Pernetta Hendley; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CLERK FOR COMMITTEE.

Mr. DOCKERY. Mr. Speaker, I am directed by the Committee on Accounts to submit a privileged resolution for immediate consideration.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Interior Department be allowed a clerk, who shall be paid out of the contingent fund of the House.

The SPEAKER. The question is upon the adoption of the resolution.

Mr. DOCKERY. There is a substitute——

Mr. HOLMAN. I desire to have the report read, in order that it may be spread upon the record.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the resolution of Mr. YOUNG—

"That the Committee on Expenditures in the Interior Department be allowed a clerk, who shall be paid out of the contingent fund of the House,"—

respectfully report the following substitute, and ask that it do now pass:

"*Resolved*, That the Committee on Expenditures in the Interior Department be allowed a clerk, who shall be paid out of the contingent fund of the House at the same rate of compensation now paid committee clerks for the present Congress."

Mr. KASSON. I should like the gentleman from Missouri [Mr. DOCKERY] to explain whether this makes a permanent clerk; and also, as the report does not state it, what is the occasion for this.

Mr. DOCKERY. There is a further report which I ask the Clerk to read, and which will explain the necessity.

The Clerk read as follows:

In support of the resolution we offer the following statement of facts:

By the provisions of the thirty-fourth section of the eleventh rule of the House of Representatives the Committee on Expenditures in the Interior Department is charged with the duty of examining the accounts and expenditures of that Department of the Government, the manner of keeping the same, the correctness of such expenditures, their conformity with appropriation laws, the proper application of public moneys, the security of the Government against unjust and extravagant demands, retrenchment, the enforcement of the payment of moneys due to the United States, the economy and accountability of public officers, the abolishment of useless offices, the reduction or increase of the pay of officers, and further provides that all these subjects shall be within the jurisdiction of said committee.

Your committee believe these to be important duties, and that no committee of the House can properly discharge them without the aid of a competent clerk, whose entire time and services should be at the command of the committee.

In addition to these general duties assigned by law to this committee, your committee find that other special duties have been assigned it by order of the House, which will necessarily require a considerable amount of clerical labor, and which can not be properly discharged without it. A recent resolution of the House has directed it to make an investigation of the manner in which an important public work on the Hot Springs reservation is being conducted, with a view to ascertain its durability, its conformity to the requirements of law, and its probable effect upon the health of the town of Hot Springs; and, also, with a view of ascertaining whether or not the money appropriated by the Government for the construction of said work has been properly expended. This investigation, if properly made, will necessarily involve an examination of a number of contracts, plans, specifications, and accounts, which will require more time and clerical labor than any member of a committee could well devote to it.

Your committee also find that the Secretary of the Interior has directed a letter to this committee calling attention to the manner of disbursing public money to various institutions under the care of and supported by the Government, and suggesting that the same be examined with a view to greater economy and efficiency in its expenditure. This would also, if entered upon, require the services and assistance of a clerk.

In view of the facts above stated your committee respectfully recommend that the resolution be adopted by the House, with an amendment fixing the compensation of the clerk therein provided for at six dollars per day during the sessions of Congress.

All of which is respectfully submitted.

The SPEAKER. The question is upon the adoption of the substitute reported by the committee for the resolution referred to them.

The substitute was agreed to; and the resolution as amended was adopted.

Mr. DOCKERY moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SLOCUM. I call for the regular order.

Mr. TURNER, of Georgia. I desire to submit a privileged resolution.

The SPEAKER. Is it of a public or a private nature?

APPROPRIATION FOR DESTITUTE INDIANS.

Mr. ELLIS. I rise to a privileged question. The Senate have desired a conference on the disagreeing votes of the two Houses on the joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians.

The SPEAKER. That is such a matter of privilege as the Chair thinks ought to be entertained even after a call for the regular order on Friday, relating as it does to a communication from the Senate concerning a conference upon amendments to an appropriation bill.

Mr. ELLIS. I move that the House insist on its disagreement to the Senate amendment to the joint resolution and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints as conferees on the part of the House the gentleman from Louisiana, Mr. ELLIS, the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Kansas, Mr. RYAN.

COMMITTEE ON ELECTIONS.

Mr. TURNER, of Georgia. The privileged matter to which I desire to call the attention of the Chair and the House is a resolution that the Committee on Elections have leave of the House to sit during the sessions of the House.

The SPEAKER. The Chair, if there be no objection, will entertain that resolution. The resolution submitted by the gentleman from Georgia will be read.

The Clerk read as follows:

Resolved, That the Committee on Elections and subcommittees of said committee have leave to sit during the sessions of the House.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. HATCH, of Missouri. Mr. Speaker——

Mr. BAYNE. I call for the regular order.

The SPEAKER. This being Friday, the regular order is the call of committees for reports of a private nature.

Mr. BAYNE. I move that the morning hour be dispensed with.

Mr. HEWITT, of Alabama. I ask unanimous consent to have printed some extra copies of the report of the Committee on Pensions, report 115, as the supply is exhausted. I ask the gentleman from Pennsylvania to yield for that purpose.

The SPEAKER. The regular order is insisted on by other gentlemen, and unless that is withdrawn the Chair can not entertain these requests.

The question being taken on Mr. BAYNE'S motion to dispense with the morning hour, there were—ayes 146, noes 11.

So (two-thirds having voted in the affirmative) the morning hour was dispensed with.

Mr. SLOCUM. I move that the House now go into Committee of the Whole House on the Private Calendar to consider the bill for the relief of Fitz-John Porter. And I further move that after two hours and forty-five minutes from the commencement of the consideration of that bill in the committee general debate be closed.

The SPEAKER. The Chair will state the question. The gentleman from New York [Mr. SLOCUM] moves that the House now resolve itself into the Committee of the Whole on the Private Calendar for the further consideration of the bill for the relief of Fitz-John Porter; and pending that motion the gentleman moves that at the expiration of two hours and forty-five minutes from the time the consideration of that bill shall be commenced general debate shall close.

Mr. STEELE. There are several gentlemen on the list to speak upon that bill. They have prepared speeches, hoping that they may be heard. I trust that gentlemen on the other side will not undertake to cut off debate to-day. Let us have all of to-day for general debate. The gentleman from Maine, Mr. BOUTELLE, is prepared to speak and should have an opportunity to be heard. It was the understanding that he should be given time to speak upon this bill. I trust that gentlemen on the other side will not take advantage of numbers to cut off debate to-day.

Mr. MAGINNIS. I do not believe that any other private bill that ever came up before the House has had the full and free debate which this bill has had. It has been discussed in all its aspects and in every particular. I would say to my friend from Indiana [Mr. STEELE] that if the general debate is allowed to run for to-day and to-morrow, and even to continue afterward, at the end of the time fixed for closing general debate there will be gentlemen who will want to speak.

I can say this with more freedom because I myself had intended to speak on this bill. I was one of the members of the committee that reported it, and one of the first whose names were upon the list of the chairman of the Committee of the Whole. But I gave up my time in order that the Private Calendar might not be blocked for the entire session. From what I know of the temper of the House I think that the debate ought to close at the time mentioned by the gentleman from New York [Mr. SLOCUM]. Members will then have an opportunity to debate under the five-minute rule, and no doubt those gentlemen who may not have time to speak will be allowed to print their speeches in the RECORD.

The SPEAKER. This question is not debatable, but the Chair indulges members now in order to ascertain if some understanding can not be arrived at.

Mr. REED. I would suggest to the gentleman from New York [Mr. SLOCUM] to make the time for general debate three hours and forty-five minutes.

Mr. TOWNSHEND (to Mr. SLOCUM). Do that.

Mr. MAGINNIS. And have it understood that the previous question will be considered as ordered at the end of that time.

Mr. REED. We are willing that general debate shall close in three hours and forty-five minutes. I think the situation is such that at least that much should be allowed. Members have had their names on the list of those desiring to speak for a great number of days. I think if that is done it would be satisfactory to every one.

Mr. SLOCUM. I will adopt the suggestion of the gentleman.

Mr. STEELE. The debate then to proceed under the five-minute rule.

Mr. COX, of New York. You cannot get rid of that.

Mr. MAGINNIS. That will be a matter for the Committee of the Whole.

The SPEAKER. The Chair understands that the gentleman from New York [Mr. SLOCUM] accepts the suggestion of the gentleman from Maine [Mr. REED], that there be three hours and forty-five minutes' general debate upon the bill now pending in Committee of the Whole on the Private Calendar. If there is no objection, that order will be made.

There was no objection, and it was ordered accordingly.

The motion of Mr. SLOCUM that the House resolve itself into Committee of the Whole House on the Private Calender was then agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. SPRINGER in the chair).

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the bill (H. R. 1015) for the relief of Fitz-John Porter. The gentleman from Kentucky [Mr. WOLFORD] is entitled to the floor.

Mr. RANDALL. Before the gentleman from Kentucky [Mr. WOLFORD] proceeds, I will ask him to yield, that the House may accede to the request of the Senate for a committee of conference.

Mr. WOLFORD. Not to be taken out of my time.

Mr. RANDALL. Certainly not.

The CHAIRMAN. If there be no objection the committee will rise informally for the purpose indicated by the gentleman from Pennsylvania [Mr. RANDALL].

There was no objection.

The committee rose informally; and the Speaker resumed the chair.

GREELY RELIEF EXPEDITION.

Mr. RANDALL. I ask consent of the House that the message from the Senate in relation to the joint resolution making an appropriation for the relief of the Greely expedition be taken from the Speaker's table for consideration at this time.

The SPEAKER. The resolution of the Senate will be read.

The Clerk read as follows:

Resolved, That the Senate disagree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution of the House 119 making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions; and that the Senate further insist upon its amendments to the said joint resolution disagreed to by the House of Representatives, and ask a further conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HALE, Mr. SHERMAN, and Mr. SAULSBURY be the conferees on the part of the Senate.

Mr. RANDALL. I move that the House adhere to its disagreement to the amendanents of the Senate, and agree to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

The Speaker announced as the conferees on the part of the House Mr. RANDALL, Mr. HUTCHINS, and Mr. CALKINS.

The SPEAKER. The Committee of the Whole will now resume its session.

FITZ-JOHN PORTER.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar (Mr. SPRINGER in the chair).

The CHAIRMAN. The House now resumes the consideration of the bill (H. R. 1015) for the relief of Fitz-John Porter. By order of the House all general debate upon this bill has been limited to three hours and forty-five minutes. The gentleman from Kentucky [Mr. WOLFORD] is entitled to the floor for forty-two minutes remaining of his hour.

Mr. WOLFORD addressed the committee. [See Appendix.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMPSON. I ask that the time of my colleague be extended.

The CHAIRMAN. The Chair desires to state that the time for general debate has been limited by order of the House, and the Chair has already allotted the time. An extension could not be made unless the committee should rise so as to obtain an order of the House.

Mr. THOMPSON. I ask that additional time be allowed my colleague, by unanimous consent, not to come out of the time which has been fixed by the House.

The CHAIRMAN. It must come out of the time of other gentlemen, because the time for general debate has been limited.

Mr. WOLFORD. I can soon get through.

Mr. BROWNE, of Indiana. I hope the gentleman will have additional time.

The CHAIRMAN. It can not be granted unless it comes out of the time of other gentlemen.

Mr. ROBERTSON. Can not my colleague's time be extended by unanimous consent? Every other gentleman who has spoken on this bill has had his time extended if he desired it.

The CHAIRMAN. That may be true; but the House has made an order limiting the time for debate, and the Chair must enforce that order.

Mr. ROBERTSON. We can rescind that order by unanimous consent.

The CHAIRMAN. The Committee of the Whole can not set aside an order of the House as to the limitation of time. Unless the House should rescind its order the Chair will insist that every member occupying the floor shall be confined to the time prescribed by the rules.

Mr. THOMPSON. I ask that my colleague be allowed to print the remainder of his remarks.

The CHAIRMAN. If there be no objection, the gentleman from Kentucky will be allowed to extend his remarks in the RECORD.

Mr. WOLFORD. There was an argument that I wanted to make, and to reply as a personal privilege to a question propounded to me by my distinguished friend and colleague [Mr. WHITE]. I hope to have the privilege of printing that, too. [Cries of "Yes!" "Yes!"]

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. WHITE. I have no objection to that, provided the gentleman will print also what he said in the city of Lexington on the day referred to.

Mr. WOLFORD. That is exactly what I propose to do.

The CHAIRMAN. The Chair put the request that the gentleman be allowed to extend his remarks in the RECORD, and heard no objection.

Mr. CALKINS. Mr. Chairman, it has been said to me several times since this bill has been pending that it is unnecessary for those opposed to Fitz-John Porter's restoration to the Army to make any further opposition to the bill, because "It is going to pass." I know that. I understand perfectly well that this bill will pass. I understand perfectly well that the leaf turned down twenty-two years ago in the book of history is to be opened, and the action then taken is to be reversed. But those of us who are opposed to this action will not adopt the means which we believe Fitz-John Porter used on the memorable 27th and 29th of August, 1862, and refuse to fire a shot at the enemy. On the contrary, we will adopt as our example the gallant conduct of the brave sailors and marines on board the ship Cumberland, who, when she was swept fore and aft, shot through and through, and was sinking to the bottom of the sea, fired their guns at the enemy and then mounted the yardarms, and as she went down gave three cheers for their country and their flag. [Applause.]

You may reverse history, you may undo what was done then, and you may call that a vindication. But I deny it. More than four millions of the voters of this country will deny it.

I admit there is a condition of affairs now that may make it possible, nay, probable, for you to pass this bill all the way through. If there is such a condition of affairs I shall appeal from that action to our superiors, the people; and when you hear from them, you and I alike must bow to their decision.

An old rule of law is, that if you are to try a case as a judge or juror you must place yourself in the condition of the person being tried, so near as may be, at the time the controversy occurred, and look at the circumstances from that standpoint. A man in Tartary or China can not be tried according to the common law, but according to the laws of those countries. You can not try this case twenty-two years after it happened unless you surround yourselves with the precise condition of things which existed then. That is the first thing for every member of this House to do—not to try it from the standpoint we occupy now, but from the standpoint that was occupied then; and having placed ourselves in that situation, we are competent to award a verdict.

And this, Mr. Chairman, leads me to speak for a moment to the Schofield board.

Mr. BAYNE. That leads you to the main trial.

Mr. CALKINS. I will come to that soon enough for my friend's benefit. There has not been an advocate nor an apologist for Fitz-John Porter on this floor who has not planted himself on the award or find-

ing made by the Schofield board. Without it they have no basis upon which to stand—not even General Grant's letter, because that was written after the Schofield board had reported and is based on it.

What was the Schofield board? I appeal to you, each one of you, on both sides, to answer, what was that Schofield board? Every gentleman on this floor admits it was organized without authority of law. It was organized by an arbitrary act of the President; and when organized it had no power to subpœna witnesses or administer oaths. Every man who made his statement before that board could have willfully falsified any fact and would have been answerable to no tribunal and committed no offense in law. And this board, so constituted without authority of law, extrajudicial, made a finding, and upon that finding you plant your arguments to overthrow the verdict and judgment of a constitutional court, organized under the forms of law, amenable to the oath of office, and answerable under the severest penalties for violations of duty.

Let me illustrate. Recently the Supreme Court of the United States decided the civil rights law to be unconstitutional. There can be found three eminent lawyers in the United States who entirely disagree with the Supreme Court in its decision. Now, suppose the President of the United States should select, without law and without authority, three lawyers to sit and deliberate on this decision and render an award, and having done so adversely to that decision we should bring it in here and seriously predicate an argument on such a finding as that against the decision of the Supreme Court of the United States and the court itself, what would you gentlemen who favor Fitz-John Porter do? Why, you would tear it into shreds and throw it in our teeth, as you would have a right to do; and yet the only basis you have to stand upon is a decision as void and of as little effect as a decision of that kind would be.

But you state that General Grant has written a letter, and that he has acquitted General Porter. And the gentleman from New York [Mr. SLOCUM] has seemed utterly dazed that any gentleman on this side of the House should dare disagree with General Grant. He went further, and declared on the floor that there were not to exceed ten men in the entire House who could ever be competent to try and determine the questions here involved. I suppose my friend included himself in the ten.

I admit General Grant has written both the letter referred to by my friend from Michigan [MR. CUTCHEON] and the letter published in the North American Review, from both of which, and from each of which, a glance will tell you that his decision, if I correctly understand him, was based on a misapprehension of the facts.

I think more of General Grant than any of Fitz-John Porter's friends do. I commenced my services in the Army in a humble way under him. He had then just been promoted to a brigadier-general. Some gentlemen who I see here to-day were with me at that time. My understanding has always been that General Grant's soldiers obeyed his orders. When he ordered a disembarkation at Fort Henry the water was up to our waists, but we obeyed. When he ordered a charge upon Fort Donelson three days in succession against an abatis almost impassable, I never saw a soldier in that army refuse obedience. At Shiloh, on that bloody Sunday when twenty thousand men out of eighty thousand on both sides were placed *hors de combat*, I never saw a soldier that did not execute the orders of General Grant. And so, Mr. Chairman, from there to Arkansas Post and around to Champion Hills, at Vicksburg and Jackson, his soldiers obeyed his orders, and because they did obey and only for this reason he obtained the exalted position which he now occupies in the world. [Applause.] O, brave commander, I honor you—I love you! But you have yielded in an evil day to the social influences, it may be, which surround you, or because you have been misled by Porter and his friends, and have said this man ought to go acquit. I beg to say to you none of your officers ever dared to disobey a like order of yours. [Applause.]

Mr. ROSECRANS. May I ask the gentleman from Indiana a question?

Mr. CALKINS. Not now, general; I will yield pretty soon to you for a question.

In 1862 General Fitz-John Porter was a major-general of volunteers, and was in command of the Fifth Army Corps of the Army of the Potomac. His conduct, Mr. Chairman, had been gallant theretofore, and he had given evidence of devotion to his country which was equal to any man's in the service. I am glad to do him that act of justice today; and inasmuch as he was a trained soldier and knew his duty, and by so far as he was advanced beyond ordinary men in this particular calling is the standard he himself has erected by which he must be judged.

Fitz-John Porter was tried and convicted before a court-martial and cashiered from the Army, the sentence being that he "be cashiered, * * * and forever disqualified from holding any office of trust or honor under the Government of the United States." He was charged with and convicted of the consecutive violation of three orders, as follows:

HEADQUARTERS ARMY OF VIRGINIA, BRISTOE STATION,
August 27, 1862—6.30 p. m.

GENERAL: The major-general commanding directs that you start before 1 o'clock to-night and go forward with your whole corps, or such part of it as is with you, so as to be here at daylight to-morrow morning.

Hooker has had a very severe action with the enemy, with the loss of about three hundred killed and wounded. The enemy has been driven back, but is returning along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where General McDowell is. If Morell has joined you, send word for him to push forward immediately. Also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction.

It is necessary on all accounts that you be here at daylight. I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, as he is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks also that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope.

GEO. D. RUGGLES,
Colonel and Chief of Staff.

P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard until he comes up, with instructions to follow you immediately. If Banks is at the junction, instruct Colonel Cleary to run the trains back to Cedar Run, and post a regiment and section of artillery with it

By command of Major-General Pope.

GEO. D. RUGGLES,
Colonel and Chief of Staff.

Maj. Gen. F. J. PORTER, *Warrenton Junction.*

This order was received by Porter at 9.30 in the evening, and was disobeyed by him. Instead of moving at 1 o'clock as ordered, he did not leave until 3, which brought him to Bristoe a few minutes after 10 the next day, instead of at daylight, as General Pope expected.

The distance between Bristoe and Warrenton Junction is about nine miles.

The next order was as follows:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

Generals MCDOWELL and PORTER:

You will please move forward with your joint commands toward Gainesville. I sent General Porter orders to that effect an hour and a half ago.

Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and are now not far from Gainesville.

I desire that as soon as communication is established between this place and your own, the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville; I presume it will be, also, on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of General McDowell's troops, except what I sent by his aid-de-camp, which were to hold his position on the Warrenton pike until the troops from here should fall on the enemy's flank and rear.

I do not know even Ricketts's position, as I have not been able to find where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to join all the divisions of his corps as soon as practicable.

If any considerable advantages are to be gained by departing from this order it will not be strictly carried out. One thing must be held in view, that the troops must occupy a position from which they can reach Bull Run to-night or to-morrow morning. The indications are that the whole force of the enemy are moving in this direction at a pace that will bring them here by to-morrow night or the next day.

My headquarters for the present will be with Heintzelman's corps or at this place.

JOHN POPE,
Major-General Commanding.

Porter at this time was at Manassas.

The third order was as follows:

HEADQUARTERS IN THE FIELD,
August 29, 1862—4.30 p. m.

Major-General PORTER: Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and if possible on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage his flank. Keep heavy reserves and use your batteries, keeping well closed to the right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

These orders were all issued within the short space of forty-eight hours, and the disobedience of each occurred within that time. Such was the finding of the court-martial that tried General Porter and passed sentence of dismissal upon him.

THE ARMY OF THE POTOMAC.

When the Army of the Potomac was organized, and while General McClellan was in command of it, it was handled with that caution and care which a general may properly adopt for a defensive army. I am not here to cast any aspersions upon General McClellan, but simply to assert a truth which no persons know better than the gentlemen who confronted him at that time. They, of all men in the army, are able to speak with reference to his caution. One instance is proven by the fact that after the confederates had evacuated Manassas it was found they had kept McClellan for a long time looking into the ends of "Quaker guns" after having removed their artillery from the frowning earthworks they had there erected. I will not detract one iota from his record. But he had a degree of caution which amounted almost to absolute inaction, and he managed the Army of the Potomac in that way until that trite saying "All quiet along the Potomac" became a by-word throughout the whole country.

General Porter was General McClellan's friend. He was his boon companion. He leaned upon him. He breathed the same atmosphere, and argued from the same standpoint.

Now, I want to read some of the most remarkable history that ever took place in the shape of correspondence between the Commander-in-Chief of the Army and Navy and its commanding general. It is well known that the Army of the Potomac was transferred to the Peninsula.

and after the seven days' fight it took shelter at Harrison's Landing under the protection of our iron-clad fleet. At Harrison's Landing General McClellan clung to the idea of proceeding to Richmond with the energy of despair, and when he was ordered by General Halleck to bring his army back to succor Pope and throw it between Washington and the rebel army, which was then marching upon this city, he answered, in a spirit of insubordination, as follows:

If I save this army now, I tell you plainly that I owe no thanks to you nor to any other person in Washington. * * *
You have done your best to sacrifice this army.

On July 12 his telegram to the President shows that he was fearful of being removed from the command of the army.

Halleck issued the order for the withdrawal of his army from Harrison's Landing on August 3. It was repeated August 4, with directions to use "all possible dispatch." On August 9 Halleck informed him that the enemy was massing to crush Pope, and his (McClellan's) "delay is not satisfactory," and that he must move "with all possible celerity."

On August 10 Halleck telegraphs him that the enemy is again fighting Pope, and "there must be no further delay in your movements. Much has already occurred which is entirely unexpected and must be satisfactorily explained."

To this dispatch McClellan answered that he had not sufficient transportation. August 12 Halleck replied—

Nearly every steam vessel in the country is now under your control. * * * In addition to the steamers there is a large fleet of sailing vessels which could be used as transports.

August 14 Halleck telegraphs him as follows:

Burnside and Pope are hard pushed and require aid as rapidly as you can send it.

The first of McClellan's troops to reach Pope did so on the 23d of August, and only twenty thousand out of ninety thousand of the Army of the Potomac ever reached him in time for action. From the 3d of August to the 23d was a lapse of twenty days. Five days at the outside was all that was necessary to be consumed by McClellan to re-enforce Pope. McClellan left Fortress Monroe on the evening of August 23 and arrived at Aquia Creek on the morning of the 24th, and reported to Halleck for further orders.

Pope had been fighting the enemy for two weeks; the engagement of Cedar Mountain was fought August 9. From that time on until September 1 there was a succession of battles, including those of the Rappahannock, Thoroughfare Gap, and Manassas Plains—all memorable events. Pope was slowly retiring to Washington.

Mr. Lincoln and the Secretary of War were fearful that Pope's army would be crushed and the national capital fall into the hands of the enemy.

I may stop to remark that at this time the Army of the Potomac was under the protection of our gunboats at Harrison's Landing. A provisional army had been gathered up and General Pope had been brought from the West, much against his will, and put in command of it. It was called the Army of Virginia. It consisted of about thirty thousand men. Now mark, while Halleck was telegraphing to McClellan to push forward to help Pope and to come to the preservation of Washington, here was what he was saying to Pope. On the 17th of August Halleck says:

Maintain a bold front and all will soon be well.

Again on the same day he telegraphs Pope that the "Army of the Potomac is marching to your rescue." On August 18 he says in another dispatch:

Stand firm on the line of the Rappahannock until I can help you. Fight hard and aid will soon come.

On the 21st he says:

A large force will be in to-morrow.

On the same day in another dispatch he says:

Hold every inch of ground, and fight like the devil until we can re-enforce you. Forty-eight hours more and we can make you strong enough. Do not yield an inch if you can help it.

Now examine the dispatches sent by Halleck to McClellan.

Reynolds's division of twenty-five hundred men joined Pope August 23, Heintzelman's corps on the 26th, and Porter reported for duty to Pope on the 27th. All these were under way to report to Pope before McClellan arrived at Aquia Creek. The next re-enforcements from the army, under Franklin and Sumner, joined Pope at Centreville September 1, after the struggle was over.

On the morning of the 27th of August Halleck telegraphs McClellan:

Pope reports a general battle imminent. Franklin's corps should move out by forced marches.

At this time General McClellan had landed at Aquia Creek, on the Rappahannock, and this was the first order that McClellan got from Halleck informing him of the battle.

McClellan replied on the same day that he had ordered Franklin to "prepare to march." On the same day Halleck repeats the order, "Franklin should march as soon as possible." These were sent before 10 o'clock in the morning. On August 28, at 4 o'clock p. m., McClellan answers as follows:

Franklin is with me, but will not be in condition to move before to-morrow morning.

On the 27th Stonewall Jackson had struck Manassas and had burned immense stores.

On the 28th, after this occurrence, Halleck telegraphs to Franklin directly and orders him to "move to Manassas."

McClellan answers this telegram, saying:

The moment Franklin can be spared with a reasonable amount of artillery he shall go.

At 3.30 the same day Halleck telegraphs:

Not a moment must be lost in pushing as large force as possible towards Manassas, so as to connect with Pope before the enemy is re-enforced.

McClellan answers within a few minutes, saying:

Neither Franklin's nor Sumner's corps is in condition to move and fight a battle.

Halleck now became angry, and telegraphed at 8.40 p. m. of August 28:

There must be no further delay in moving Franklin's corps to Manassas. They must go to-morrow morning, ready or not ready. If we delay too long to get ready there will be no necessity to go at all, for Pope will either be defeated or victorious without our aid.

I can imagine I see the grim old soldier, after he has been for two days ordering the troops out to succor Pope, when he indites that telegram.

Two whole days had now been lost. On the 29th, at 10.30 a. m., McClellan informed Halleck that—

Franklin's corps is now in motion.

But he adds:

I should not have moved him but for your pressing orders of last night.

On the 27th McClellan had telegraphed Halleck:

I learn that heavy firing has been heard this morning at Centreville.

Napoleon's maxim for a soldier was "March to the sound of cannon."

This dispatch of the 26th, at 10.30 a. m., says:

Franklin's corps is now in motion.

Already forty-eight hours had elapsed since the roar of the cannon had been heard and the battle had been reported to McClellan.

Two days of cannonading had not stirred McClellan from his moorings.

Returning to the 28th of August, McClellan asked Halleck:

Do you wish this movement of Franklin's corps continued?

Now, mark you, they had marched six miles in two days in the direction of the fight. After two days McClellan telegraphed:

Shall this movement continue in the direction of the fight?

Says another dispatch sent by McClellan a few moments after that I have just read:

Franklin has near between eleven and twelve thousand men ready for duty. How far do you wish this body to advance?

Halleck replied:

I want Franklin's corps to go far enough to find out something about the enemy. * * * Our people must move more actively and find where the enemy is. I am tired of guesses.

These various dispatches brought the following celebrated dispatch from McClellan. At 3.30 o'clock on the 29th he telegraphed to Halleck:

I am clear that one of two courses must be adopted: First, to concentrate all our available forces and open communication with Pope; and second, to leave Pope to get out of his scrape, &c., at once using all our means to make the capital safe.

At 6 p. m. on the 29th of August Franklin's corps left Alexandria, marched six miles, and bivouacked. Halleck heard of it and telegraphed:

This is contrary to my orders. Investigate and report the fact of this disobedience. That corps must push forward as directed.

McClellan immediately answers and assumes the responsibility of Franklin's non-action. At the end of three days Franklin, under McClellan's orders, had been able to get six miles in the direction of the enemy. On the 30th Halleck's patience was worn out and he telegraphed to McClellan:

I am by no means satisfied with Franklin's march of yesterday. Considering the circumstances of the case he was wrong in stopping at Annandale.

To this McClellan responds and asks where he shall send the troops.

I can imagine the feelings of General Halleck when he received this dispatch. He then telegraphed back to McClellan immediately that Franklin's march had not been satisfactory, and he says to him, "I want you to send Franklin where the fighting is." He did not do it, though. Neither Franklin nor Sumner ever reached Pope until the 1st day of September, and then it was too late to participate in the engagements which had already resulted in a reverse to our arms.

My next position is that the dispatches passing between Porter and Burnside, Porter and McClellan, Porter and Pope, Porter and his division commanders were precisely in line, all breathing the same spirit which was breathed in these dispatches between McClellan and the War Department. They were loyal to McClellan, but disloyal to General Pope's authority, accompanied by sneers and taunts, which show the animus of Porter and his utter forgetfulness of soldierly qualities which all subordinates are bound to show to their superiors.

On the 23d of August Porter was ordered to report to Pope for duty by orders direct from General Halleck.

On the 25th he writes to Burnside, saying:

I do not like to act on uncertain data furnished by Halleck, as I know he is misinformed as to the location of some of the corps mentioned in some of his dispatches.

And closes this remarkable communication by this inquiry:

Does McClellan approve?

On the 27th he writes as follows to Burnside:

I sent you the last order, which indicates the future as well as the present. Wagons are rolling along to the rear rapidly, as if a mighty power was propelling them. I see no cause for alarm, though this order may cause it. We are marching now to get behind Bull Run, and I presume will be there in a few days if strategy don't use us up. The strategy is magnificent, and tactics in inverse proportion.

Again he says:

The enemy have a contempt for this Army of Virginia: I wish myself away from it, with our old Army of the Potomac, and so do all of our companions. I was informed to-day, by the best authority, that in opposition to General Pope's views this army was pushed out to save the Army of the Potomac, an army that could take the best care of itself. * * * Most of this is private; but if you can get me away, please do so.

In another dispatch of the same day he says:

Inform McClellan, that I may know that I am doing right.

On the 28th he says:

All that talk about taking Jackson, &c., was bosh. * * * The story of McDowell having cut off Longstreet was without foundation. I expect the next thing will be a raid on our rear by Longstreet, who was "*cut off*."

August 28, 9.30 a. m., he says:

I hope for the best, and my lucky star is always up about my birthday, the 31st, and I hope Mac's is up also. You will hear from us now by way of Alexandria.

On the 29th of August, at 6 a. m., Porter says:

Heintzelman and *Keno* are at Centreville, where they marched yesterday, and Pope went to Centreville with the last two as a body-guard, at the time not knowing where was the army, and when Sigel was fighting within eight miles of the army, within sight. Comment is unnecessary. * * * I hope Mac is working and will soon get us out of this. It would seem from purported statements of the enemy that he was wandering around lost, and I expect they know what they are doing, which is more than any one here or any place else knows.

Thus he speaks in the most contemptuous way of General Pope, and has nothing for him but sneers. About the same time McClellan sends this dispatch to Halleck:

I have no confidence in the dispositions made as I gather them. To speak frankly, and the occasion requires it, there appears to be a total absence of brains.

Both McClellan and Porter breathe the same spirit in their dispatches, and the former spends three whole days within six miles of Alexandria knowing that a battle is imminent, and the other, with the sound of cannon in his ears, lies quietly by for many hours without taking his troops into action.

I come now directly to the order of the 27th day of August, 1862. Fitz-John Porter was tried for a violation of three orders: of one known as the order of the 27th of August; of another known as the joint order of the 29th to McDowell and Porter, and of another known as the 4.30 order of the 29th of August.

I will not spend much time on these orders, because every gentleman who has preceded me has discussed them fully. I may state that the order of the 27th of August was in substance that General Porter, who then lay at Warrenton, should march at 1 o'clock that night, so as to be at Bristoe Station by daylight the next morning, the morning of the 28th.

General Porter admits that he violated this order, and pleads in confession and avoidance. He says, in effect, "I did violate that order; I did not start until 3 o'clock, or two hours after I was ordered to move." And in another place in the record he says he did not start until 4 o'clock or daybreak; but he says:

It was impossible for me to go, first, because the night was dark; second, because the roads were blocked up with wagons; and third, it was not very material whether I went at all, because Jackson did not attack Pope as was expected the next morning, and no harm came of my not obeying the order.

I will not stop long to discuss with any soldier on this floor the excuse given that the night was so dark as to prevent a march; I will not argue whether that should be considered an excuse for preventing a march in the face of positive orders. Nor am I going to linger on the question of the blockading of the roads by wagons.

General Rosecrans once ordered General J. F. Miller to take a brigade of a few thousand men and advance one night when it was as black as darkness could make it and hold Bragg's entire army in check till the Army of the Cumberland could be put in position. It is a matter of history that General Miller obeyed orders. The difference between the two is striking.

In looking over the Congressional Directory I find that there are forty-seven gentlemen on this side of the House who have been willing to write themselves down as having borne some lot or part in the recent war for the preservation of the Union. I notice that on the other side of the House there are seventeen gentlemen who were willing to write themselves down in the Congressional Directory as having borne some lot or part in the effort to preserve this Union. That makes altogether sixty-four who wore the blue during the recent war now in this Chamber.

I notice at the same time that there are rising sixty gentlemen, all on the other side of this Chamber, who are willing to admit and write themselves down as having borne some lot or part on the other side of that controversy. I only mention this fact to show that when we talk to soldiers about an excuse for violating an order, all of them have some personal knowledge concerning such matters.

The gentleman from Massachusetts [Mr. LYMAN] says that he admits a violation of the order took place, but he thinks the court-martial was too severe. In his judgment a reprimand would have been sufficient; he thinks that General Pope or the court-martial should have scolded Porter. That is just about what the court-martial did do. They said to Porter, in the language of Shakspeare, "Never more be officer of mine."

My idea about the duty of a soldier is quite different from that of the gentleman from Massachusetts. I notice from a report that just sixty days prior to this order to General Porter, when the First Brigade of the Fifth Corps was ordered by McClellan to succor Shields—mark you, one of the same divisions of this same corps—it marched thirty-six miles in ten hours and got into a fight promptly. When the order was received from one man this division of this corps could march many miles for the purpose of succoring a Union general and his troops. But on this night, the 27th of August, when General Porter was ordered to march eight or eight and a half miles by General Pope, the road had become so bad, the troops had become so tired, and the wagons so blocked up the roads that it was impossible for General Porter to march to the succor of Pope!

I submit the following proof on the subject of the order of the 27th of August, 1862. The order was delivered to him at 9.30 o'clock by Capt. Drake De Kay. It was but a few moments before Porter announced his decision in the premises; that is, that the night would certainly be dark, and that the wagons would certainly block up the road. He did not wait for the thing to happen, but decided that it would happen.

Had he attempted to have made the march and failed it would have been a tenable ground for excuse, but to say that this thing would come to pass, and act upon it, should afford no excuse, though in fact the occurrences as predicted did come to pass. The secure confidence exhibited in his report, after coming to this conclusion, is a remarkable fact in the history of the case.

The fact is he treated the order with the utmost contempt, and never thought of obeying it. He simply said in his own mind he would start when he thought it was the most convenient, and he acted accordingly. The magnificent strategy which he had before spoken of and the tactics in inverse proportion were ever before his mind.

The urgency of this dispatch was apparent. Hooker had had a severe engagement.

It is necessary on all accounts that you should be here (Bristoe) at daylight. I send an officer with this dispatch who will conduct you to this place.

There could be no greater emergency than this order described, yet Captain De Kay said to Porter when he delivered the orders:

The last thing General Pope said to me on leaving Bristoe was, that I should remain with General Porter and guide the column to Bristoe Station, leaving at 1 o'clock, and that General Pope expected him certainly to be there by daylight.

When De Kay delivered this order to General Porter, Generals Morell, Butterfield, and Sykes were in Porter's tent. Referring to the order in their presence, he said, "There is something for you to sleep on." Not one of these officers read the dispatch, and it is entirely evident that they were not aware of the urgency of the occasion.

Morell says he saw the order in Porter's hand, but did not read it, nor did he hear it read, nor were its precise terms indicated to them, other than the order of starting.

Sykes testifies:

Q. Do you remember whether you were made acquainted with the urgent language of the order, stating that by all means General Porter must be at Bristoe Station by daylight next morning?

A. No, sir; I think not. I am satisfied that if its urgency had been made known to us we would have moved at the hour prescribed?

Butterfield's testimony:

Q. Did you see the order of the 27th from Pope or know anything about the urgency of its terms?

A. I did not.

It was not difficult, therefore, for General Porter to obtain from these general officers advice suited to his purposes. They knew nothing of the urgency of the occasion, and, in general harmony with Porter's desire, readily assented to the proposition not to move until 3. Porter was the inspiring spirit of the occasion, and against him, and him alone, can accusations of neglect and criminal disobedience be lodged.

To an officer having the welfare of his country at heart the darkness of the night or the blocking up of the roads would have presented no barriers. General Longstreet found no barriers in the way when he pushed forward his command at night around Thoroughfare Gap so as to be on hand for battle next morning.

But it seems that what would impede General Porter's progress would form no obstructions to General Longstreet.

The following extracts from the reports made by rebel officers conclusively prove what I here assert. As was said by one of them:

During the whole night that General Porter thought it too dark to move they were wandering around loose over the very country that Porter was to move over. On that night (the 27th) Jackson's whole army, after burning our stores at Manassas, moved off by the light of the flames and marched until day towards Sudley.

General J. E. B. Stuart said that—

On the night of the 27th, after destroying everything at Manassas, the army started for Stone Bridge, via Centreville.

A. P. Hill says that—

On the night of the 27th, about 12 o'clock, the depot building [at Manassas], with an immense amount of commissary stores and about two miles of loaded freight-cars, were burned, and about 1 o'clock I moved my division to Centreville.

It will be remembered this was the identical hour (1 o'clock) that Porter was ordered to and should have moved. The zeal of the two officers for the respective causes which they represented is here made apparent.

Stonewall Jackson, in his report, says that—

On the night of the 27th Taliaferro moved his division across to the Warrenton and Alexandria turnpike, pursuing the road to Sudley Mills and crossing the turnpike in the vicinity of Groveton.

Taliaferro reports it thus:

At night Major-General Ewell, who had been fighting during the evening at Bristoe Station, crossed Muddy Run, by direction of Major-General Jackson. I moved my division, with the entire train, across the Warrenton and Alexandria turnpike, pursuing the old military road to Sudley Mills, and at daylight halted in the battlefield of the 1st of July, 1861.

Col. B. T. Johnson, commanding the second brigade of Taliaferro's division, reports it this way:

I left Manassas with my brigade about dark, reaching Warrenton road after midnight, and proceeded down this road, picketing it and holding it until daylight.

J. K. Boswell, chief engineer of the Second Army Corps, reports that—

During the night of the 27th the entire corps marched in the direction of Sudley Mills, and bivouacked between Catharpin and Sudley Mills.

Colonel Walker, of the artillery, reports that—

On the night of the 27th, at 12 o'clock, we took up our line of march at Centreville.

This disposes of General Porter's claim that the night was too dark for the troops to move.

It will be hard to convince an enlightened people that, if the rebel army could move with such ease and safety as they did, General Porter could not move his men over identically the same ground.

As to General Porter's other defense, that the wagons blocked up his way, it can hardly be treated in a dignified manner. A line of infantry are rarely ever in summer time, when the roads are perfectly good, seriously impeded by wagons containing pork and beans, hard-tack, and such like provisions; but, on the contrary, are ever ready to welcome them, whether at night or by daylight.

As to the further suggestion that the troops were fatigued and could go no farther, it deserves but a passing notice. Sykes's men marched about twelve or fourteen miles that day; Morell's men had marched about sixteen or twenty miles, but were in camp before sundown; Butterfield's men had probably made but a short march, and it nowhere appears that they marched as far as either of the other two divisions.

I come to the orders of the 29th of August; and at this point some description of the geography of the country ought to be made. I will give a brief statement of it, but will not ask my friend from Massachusetts [Mr. LYMAN] to represent the rebel right or the rebel left, either for this day or for a passing moment. [Laughter.]

Gainesville, Centreville, and Manassas are three angles of a triangle. I have the maps before me, and any gentleman can verify the description. Centreville is about north of Manassas; Gainesville is to the west of both, and the lines from Gainesville to Centreville and from Gainesville to Manassas are much longer than the line from Manassas to Centreville. The angle at Gainesville, therefore, is much more acute than either of the other two. From Gainesville to Centreville runs the Warrenton turnpike. From Manassas westwardly runs a road crossing the Warrenton turnpike at or near Gainesville. From Manassas to Gainesville also runs the Manassas Gap Railroad, continuing on through Thoroughfare Gap. It is a little to the north of west of Gainesville. From Manassas to Gainesville is about eight miles.

There has been a controversy all the way through, there is a controversy now, as to the time when Porter received what is known as the daylight order and what is known as the order directing him to proceed to Gainesville (upon which he was not tried), and also the joint order to him and McDowell. But all agree—and I plant my argument upon this proposition, to which every gentleman assents—that General Porter had received the order before the head of his column arrived at Dawkin's Branch, which is three and one-half or four miles from Manassas in the direction of Gainesville, because he and McDowell conferred about the joint order when they had reached Dawkin's Branch on the road toward Gainesville. I now make a general summary of the testimony on this point, as follows:

On the 29th of August Jackson's army was drawn up in line of battle about north and south, his left nearly to the Warrenton pike and his front extended down that road, upon which there was sharp fighting. Sigel and Heintzelman had been fighting in the morning between Gainesville and Centreville, and Jackson came to a stand at Groveton, on the Warrenton pike, about eight miles from Centreville. Our forces had been much cut up and asked for re-enforcements. Pope replied that McDowell and Porter were *en route* from Manassas and would soon come up on the enemy's right flank.

THE ORDERS.

Pope had sent an order to Porter on the morning of the 29th of August. This is known as the daylight order. That order was as follows:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, Va., August 29, 1862.

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I will follow the enemy down the Warrenton pike. Be expeditious or we will lose much.

JOHN POPE,
Major-General Commanding.

To Maj. Gen. FITZ-JOHN PORTER.

This order reached Porter while he was on his way to Manassas from Bristoe, about 9 o'clock in the morning. Sykes's division was in the lead and passed on toward Centreville. The head of Morell's division, on arriving at Manassas, took the Warrenton pike toward Gainesville, and this threw him in front. Sykes countermarched and fell into (line) column after Morell. Morell's leading brigade was Griffin's, and his leading regiment was Colonel Marshall's—the Thirteenth New York—the Sixty-second Pennsylvania following. The column halted before it came to Dawkin's Branch. This was between four and five miles from Manassas, in the direction of Gainesville.

WHAT TIME DID THEY HALT AT THIS SPOT?

The joint order which has been heretofore referred to, and upon which Porter was tried, had been received by him before this time. Morell says they arrived at Dawkin's Branch between 10 and 11 o'clock. Morell says:

We had gone up the road to Gainesville perhaps about three miles when I met a countryman coming toward me. I stopped him and asked him the road to Gainesville, and also the news from the front. He said he had just come from Gainesville; that the enemy's skirmishers were there to the number of about four hundred and their main body not far off. I then moved on up the road, and in a short time our skirmishers reported that they had discovered the enemy's skirmishers coming over. The column was then halted by General Porter, who was with me.

He further states that his division reached this place about 10 or 11 o'clock in the morning, and that they marched directly up from Manassas Junction. General Porter then, at this time, was three miles from Manassas at or about 11 o'clock in the morning, and was but a short distance from our troops, who were confronting the enemy on the Warrenton pike.

General Griffin makes the following statement:

On the morning of the 29th we marched (page 161) from Bristoe Station to Manassas Junction, my brigade leading the division. * * * We halted at Manassas about half an hour. I received orders to countermarch, and proceeded in the direction of Gainesville. * * * I had marched about two miles, having passed King's division on the road, when a countryman said, "Look out! A trooper has been taken here, just in front a short distance." I asked him what forces were in front. He said, "None except a few mounted men." I halted my own brigade and threw four companies of the Sixty-second Pennsylvania to the front, with instructions to move on about half a mile, throwing out flankers to the side and skirmishers to the front. Five miles from Manassas the skirmishers commenced firing upon the enemy's pickets. At this point General Porter rode up and halted the command. We left Manassas at 9 o'clock on this road. A battery was planted at this point, and the enemy's battery soon opened upon it.

This was Stuart's battery. He commanded the cavalry.

Captain Martin locates Porter at this point as early as 11 o'clock in the morning. Colonel Marshall, of the Fifteenth New York, threw his regiment out as skirmishers, and states that he did so about 1 o'clock, after two hours' valuable time had been lost. He avers that they were in sight of General Pope's army and the distance between them was quite short.

Speaking of the re-enforcements that soon came through Thoroughfare Gap, Colonel Marshall says:

It was a distinct army from that which General Pope's army were fighting with.

He says further that at this time he could see General Pope's left and the enemy's right during the greater part of the time—about two miles off; probably more.

General Porter had been at this point for one hour before the enemy was re-enforced by the troops from Thoroughfare Gap, and he must have seen and known where General Pope's army was located. Colonel Marshall saw it, and if he could certainly Porter did.

Here, then, was Porter, with ten thousand or twelve thousand choice troops, within plain sight of a battle in which Colonel Marshall says our troops were being worsted. He was in sight of it as early as 11 o'clock in the morning, and here he stopped. What was the order that had brought him to this point?

Push forward upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious or we will lose much.

General Griffin (page 165) says that—

On the 29th, in the evening, there were some very heavy volleys of musketry on the right and front, say two miles, maybe not so much, maybe farther.

Lieutenant Stevenson, of Marshall's regiment, testifies directly to the same thing. Can there be any doubt that Porter might have gone to Pope's assistance under these circumstances? This testimony, albeit, is taken from witnesses introduced by Porter himself in the court-martial trial.

It is true that along in the afternoon, about 4 or 5 o'clock, Morell, Griffin, Marshall, and others insisted that there was a large rebel force in front of them which had just come down through Thoroughfare Gap. None of them claim that this force, supposed to be Longstreet's, was there as early as 11 o'clock. Marshall says on arriving his skirmishers were fired upon by a "body of dragoons," as he styles them. Griffin spoke of a countryman who said that a trooper had been taken in the front, and that there was nothing there except a few mounted men. Further on in his testimony he stated that the enemy commenced forming in Porter's front between 2 and 3 o'clock.

General Reynolds testifies that—

On the 29th I was on the left of General Sigel's command, engaged with the enemy, who was then wholly on the right of the Warrenton pike as we faced it. General Sigel was moving obliquely across the pike (page 170). I was on his extreme left, all our troops facing the enemy. Their right, toward sunset, had been extended across the pike, with fresh troops coming down the Warrenton turnpike, but up to 12 o'clock it was not across the pike, and I marched out immediately and back on their right with my division, but was obliged to change front to meet the enemy coming down the Warrenton pike. I was forming my troops parallel to the pike to admit the enemy's right, which was on the other side of the pike, but was obliged to change from front to rear to face the troops coming down the pike. That was, I suppose, as late as 1 o'clock, and they continued to come in then until they formed and extended across the turnpike.

This testimony shows that no re-enforcements had come to the rebels until after 12 o'clock, and perhaps as late as 1. There could then have been nothing in front of Porter but the cavalry force of Stuart. Moreover, Lieutenant Stevenson, who went across this broken country from our left to Porter's front, is asked whether he encountered any enemy until he reached Colonel Marshall's regiment, and he answered plainly, "No, sir."

Mr. Chairman, there are certain controlling facts in every case. What is the controlling fact in relation to this joint order? It is in the language of the order that Porter is commanded to establish communication between himself and Reynolds. That is the controlling point. Communication was to be established; and then the order further describes where he is to go, and what is to be done.

As a matter of fact, what was done? General Porter moved out to Dawkin's Branch, three and a half or four miles distant, as I have said, and there he halted. It is in evidence, not denied by anybody, admitted by all, that he arrived at this place not later than 11 o'clock in the morning. Longstreet was marching from the other direction, from Thoroughfare Gap, to connect with Jackson's right. The distance that each of these armies had to travel was just about the same. Now mark the significant fact that Porter was to re-enforce his superior, General Pope, on a certain line of road, and General Longstreet with twenty-seven thousand men was to re-enforce Jackson, and the distance that both had to march was just about the same.

The map lies before me. If there is a doubting Thomas within the sound of my voice let him come and verify it.

Porter's positive orders were to establish communication with Pope's left, which was General Reynolds's command. I want to contrast for a moment the acts of these two generals.

You say that Porter was not a traitor to his country. I agree to that, I say so, too; but what I say is that he lost sight of his country in his hatred for Pope. [Applause on the Republican side.] Under the circumstances then surrounding him he was as guilty as if Pope had not intervened between him and his country. Pope's order was the country's order.

I want to contrast the actions of Longstreet and Porter. With the same distance to march Longstreet got up and was in striking distance of Jackson by 11 o'clock. But my friend said, and he said it with emphasis, Longstreet was in Porter's front by half past 11 o'clock. So much the worse for Porter. If Longstreet could march twenty-seven thousand men the same distance Porter had to go with only ten thousand men and got in at half past 11, I ask you, if you apply the same rule to each, where should Porter have been at that time? Mark you, the joint order ordered him to establish this communication with Pope's left. Longstreet marched to the sound of the cannon, and I ask you to read his testimony, or his statement before the Schofield board. He said they left Thoroughfare Gap about daylight. As the thunder of the guns began to sound in the ears of his soldiers they began to lengthen and quicken their pace. Colonel [addressing Mr. CUTCHEON], you and I know what that means. When they heard the thunder of the guns of the enemy their pace began to quicken, and by 9 o'clock the head of his column came up to Gainesville so he could have rendered Jackson aid if he had been sorely pressed. But when the thunder of the guns began to pour into Fitz-John Porter's ears his pace began to slacken; and when he reached Dawkin's Branch and could see, as Colonel Marshall testifies, the swaying of our troops on the right, could hear the booming of the cannon and see the bending of the line, he halted his column, and never marched a foot from 11 o'clock that morning till 3 o'clock next morning when he received the peremptory order of Pope to come at once. Three or four times during the afternoon his troops were marched up and down from Bethlehem church to Dawkin's Branch.

There is the difference in the zeal of the two men. Ah, Mr. Chairman, let me contrast it with another scene I remember well. On the 6th day of April, 1862, the battle of Shiloh began in the morning. There were two armies of nearly forty thousand men each confronting each other. The battle began raging at 6 in the morning. General William Nelson, of Kentucky, was at the head of Buell's army, who were marching to our rescue. He was sixteen miles from the battle-field. Before that day he had received word from General Grant's headquarters that he might pursue his course leisurely, as there was no hurry, but when he marched to Savannah and found Grant's headquarters deserted and heard the booming of the guns, without orders he put his column in motion and before the sun had set in the west ten thousand fresh troops came to our rescue and turned what might have been a defeat into a glorious victory. [Applause.] Yet within sight of the battle, within a mile and three-quarters from the left of General Reynolds, General Porter admits, every man who has spoken for him admits, that he staid there from 11 o'clock until he was ordered away the next morning at 3 o'clock, and never lost a man.

A MEMBER. Yes; one man.

Why, Mr. Chairman, as was said the other day by my colleague, at the battle of Marengo Dessaix was ordered in an opposite direction by Napoleon before the battle opened. The French troops were routed in the early part of the engagement and Desaix was marching by Napoleon's orders away from the battlefield. Napoleon had been sending his aids and couriers to bring him back, but they had missed him. Desaix's ears caught the sound of battle. He heard the thunder of the artillery, and his troops began to slacken their steps; slower and slower they marched until they came to a halt. Then came the command, "About face," and they marched with swiftness to Napoleon's aid. Although the battle had been lost and the French troops were flying in confusion, Desaix said to Napoleon, "This battle is lost, but there is time enough yet to win another to-day," and, acting upon the word, he made that memorable charge, and gained a glorious victory for the French arms.

Mr. Chairman, I have said before, and I repeat it now, that although we may not live to see the day when we can separate the cause for which the confederate soldiers fought from their deeds of heroism and valor on the field of battle, yet there will come a day when separating the cause from their deeds this country will be as proud of their personal heroism as it will be of the deeds of any other men who have made themselves conspicuous for bravery and courage. [Applause.]

General W. H. FORNEY represents a district from Alabama on this floor. He was commanding one of the advance divisions of Longstreet's troops at Gettysburg, and was ordered to charge with his division against the ridge held by our soldiers and bristling with our cannon. The desperate charge was made; four or five times he was shot through and fell to the ground. His gallant men raised him in their arms and offered to bear him to the rear. Said he: "No; do not carry me to the rear; carry me with my troops to the front." Ah! Mr. Chairman, he had zeal for his cause. This is what Fitz-John Porter did not have, and is the gravamen of the charge against him.

It is attempted to be shown that there was no serious engagement on the 29th. Even my good friend from Pennsylvania [Mr. BAYNE] undertook to argue that there was no serious battle on that day. When I put the question directly to my friend from Alabama [Mr. HERBERT], then speaking, he said, "Yes, there was a battle that day," and the official records show that six thousand of our men bit the dust! I need not go further into the question, as no one disputes there was some fighting, and however much or little, the sound of the guns was a constant order for Porter to go to the rescue.

It nowhere appears that Porter made any attempt to find what troops were in front of him at any time after he arrived at Dawkin's Branch. His reference to the matter in his final report states that he saw "clouds of dust." General Rosser also states in his report how the dust arose; General Stuart substantially corroborates General Rosser. At page 147 of the record of the court-martial Major Heyland testifies to what he saw down by his regiment. It will be remembered that this was Colonel Marshall's regiment and the one that was farthest advanced on the picket line. At the risk of repetition it may be stated here that Porter was on the Gainesville road, having arrived at Dawkin's Branch as early as 11 in the morning. I have no doubt that parts of his command were withdrawn in the direction of Manassas during the period between the time of his arrival and final withdrawal; in fact, there can be but little doubt that Morell was withdrawn, because he went over to the right, past the railroad, to the open field, until he struck the pine bushes on the right in the direction of Reynolds.

When McDowell arrived at the head of Porter's corps, at Dawkin's Branch, he found that Porter was in possession of this joint order. Griffin states in his evidence that Porter called his officers together, and said he had a communication to read from General Pope. It was read, and Griffin's evidence shows that it was the joint order (see page 162).

This was long before McDowell joined him. Griffin also testifies that Porter's head of column left Manassas at 9 o'clock in the morning. Morell testifies (page 150) to a statement which confirms the testimony of Griffin. It is perfectly evident now, from this testimony, that at 11 o'clock Porter was in striking distance of Pope's left. The battle between Pope and Jackson was then raging. The question now resolves itself into this: Was it Porter's duty to sit down and do nothing while his comrades were engaged in battle, or was it his duty under these orders to establish communication between Pope's left and himself? As has been shown, the head of his column was within two miles of Pope's left. It is not denied that from 11 until 6 he maintained his position on the road without attempting the establishment of communications, unless his futile attempt in the pine bushes, before alluded to, can be considered as an attempt.

McDowell testifies what his understanding of the joint order was. He puts it in this way at page 85, namely: It meant "how Porter and he could, in the most speedy manner, join the left of Pope's army and attack the enemy." It is evident that Porter so understood it when McDowell left him, for he gave Morell orders to begin the movement at once, and immediately countermanded it (see testimony, page 146). Morell did move his command to the right over the railroad. One brigade and a battery went over the railroad, and when he reached the other side of the field he was ordered to return. Griffin states it on page 162 thus:

McDowell and Porter went off to the right of where they were and looked at a map, held a conversation, rode some distance to the right, and almost directly after McDowell left he received an order to recall his pickets and remove his command to the right. He had moved it six hundred yards when he encountered the little pine bushes, reported the fact, and was ordered back.

The remarkable feature about this conversation between McDowell and Porter is the following: McDowell says (see page 85 of McDowell's testimony) that Porter, pointing his finger in the direction of the dust rising above the trees, said: "We can not go in there anywhere without getting into a fight;" and McDowell retorted, "That is what we came here for."

Now, later in the evening he wrote a note to Generals McDowell and King, which is a distinguished piece of military composition. The note is as follows:

Generals McDOWELL and KING: I have found it impossible to communicate by crossing the fords to Groveton. The enemy is in great force in this road, and they appear to have driven our forces back, the force of the enemy having advanced and ours retired. I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery, cavalry, and infantry, and the advancing masses of dust show the enemy coming in force. I am now going to the head of the column to see what is passing and how affairs are going. Had you not better send your train back?

F. J. PORTER, *Major-General.*

I will communicate with you.

Now mark! All the orders he had received during the day were to go forward, not back, and the reason he assigns for retiring to Manassas is:

Our forces, it appears, are being driven back, the force of the enemy having advanced and ours retired.

This proof taken from Porter's witnesses establishes the following propositions:

1. Porter's column had advanced in the direction of Gainesville to Dawkin's Branch, being between three and a half and five miles from Manassas.

2. It reached that point between 10 and 11 o'clock, Porter himself being present.

3. It was only about two miles from Pope's left, and within sight of it.

4. He heard the battle raging along Pope's front.

5. He staid there until 6.30 that evening, moving backward and forward on the road, and did not attempt to assist or succor Pope's army.

Mr. Chairman, the 4.30 order is the next. That was the order to General Porter to attack the enemy; but Porter did not attack. His excuse is that there were too many men in front of him. He did not have in his mind that almost divine language, the description of the battle of Balaklava. Suppose there were a million of men in front and his superior officer ordered him to attack. What was his duty? It was to do as General Sherman did when he attacked Vicksburg. It was his duty to do just what the general at Chattanooga did when General Sherman unwound his Army of the Tennessee and threw it around the right flank of the rebel army and drove it back in confusion. I wish I had the descriptive power of my distinguished friend from Texas [Mr. MILLS]. On that day he stood on the left of his command. While standing there our army was ordered to push forward and take a position which was designated; and this is the description he gives me: He says the confederates massed their artillery on a certain round top near where he stood. They were protected by parapets and breastworks, and while standing there, to their dismay, out rode a brigade from the woods dressed perfectly in line, and marched forward to within three hundred yards of the rebel line. The moment they halted forty guns belched forth their thunder against them. Instantly the men fell into disorder and rushed back into the woods. Their brigade commander rallied and brought them up again into the very jaws of death. They had a part to play. While Sherman flanked the confederates on the right this brigade was ordered into the jaws of death to attract the attention of the enemy from the movement progressing in their rear. And well did they perform this duty. When he brought his brigade up the second time the markers and guidons were put out, the men aligned themselves as if on parade or review, while a storm of shot and shell swept through their ranks and their comrades fell like blades of grass before the fire. Still they held their ground. After the alignment was made the command was given to lie down, and their commander, throwing his leg across his horse, sat there with perfect coolness under this fire from the rebel line. General Hardee came to that part of the field and saw the situation. Struck with the gallantry of this brave brigade and its commanding officer, he ordered his men to cease firing. These men did their duty. They obeyed orders, and the battle was won.

What a contrast between this action and that of Fitz-John Porter. The one deserves to live in song and praise; the other deserves the universal reprobation of all brave men.

Ah, Mr. Chairman, the inspired description of the charge at Balaklava comes to me:

"Forward, the Light Brigade!"
Was there a man dismayed?
Not though the soldiers knew
Some one had blundered.
Theirs not to make reply,
Theirs not to reason why,
Theirs but to do and die.
Into the valley of death
Rode the six hundred.

[Applause.]

When did Porter get the 4.30 order of the 29th?

Now, it is a remarkable fact that Griffin states in his testimony that they started back and had gotten a mile and a half when they were ordered to face about and make an attack. This was evidently in consequence of Porter's reception of the 4.30 order, which was peremptory.

Col. Benjamin F. Smith, of the Sixth United States Infantry, Sykes's division, states that—

They had marched on the Gainesville road some few miles and then halted, Morell being in advance, and subsequently received orders to march back in the direction whence they had come; that they then retraced their steps to a point near Manassas Junction and camped in the woods.

The 4.30 o'clock order was as follows:

HEADQUARTERS IN THE FIELD,
August 29, 1862—4.30 p. m.

Your line of march brings you in on the enemy right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as we engage their flank.

Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back do so to your right and rear, so as to keep in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

To Major-General PORTER.

Porter received this order as early as 6 o'clock or 6.30 in the afternoon. It was August, and the sun was still shining brightly. He did not obey this order. His excuses for disobedience are, first, that he did not receive the order until it was too late in the day to obey it; and secondly, that Longstreet was in his front and he could not obey it. If the first excuse be true, there is no need of the second. But conscious guilt sometimes will pile up excuses until one breaks down the other. It is true that the evidence is conflicting as to when he received this order. Captain Pope (General Pope's brother) says that he delivered it at 5 o'clock in the morning. Duffee, the orderly, who was with Captain Pope, puts it at 5.30. That Porter did not really believe it was too late when he received the order is shown by the form of his order to Morell. It is as follows:

General MORELL: I wish you to push up two regiments, supported by two others, preceded by skirmishers, the regiments to be at intervals of two hundred yards. Attack the party with a section of battery opposed to you. The battery works well on our right, and the enemy are said to be retiring by the turnpike. Give the enemy a good shelling when our troops advance.

F. J. PORTER, *Major-General.*

This order was issued in consequence of the one from Pope. Morell says in addition to this written order he received another verbal order to attack, but both orders were soon countermanded, and before Porter arrived at the head of the column.

When the order was received by Porter he was at Bethlehem church.

Colonel Locke says (page 131) that he carried the order to Morell just after Porter received the 4.30 order from Pope. Why was it, I ask, that the orders to attack were countermanded before Porter had arrived at the head of the column? You look in vain for any testimony that throws any light on this subject. He had received no news from the front, and he had received no order from his superior countermanding his order to attack.

Morell says, continuing his testimony:

Before I got the main body in condition to move the order was countermanded, and I was directed to remain where I was during the night. General Porter himself came up a few minutes afterward and remained with me some time.

There must have been two hours at least of daylight remaining after Porter got this order. The next excuse is, that there was a large force of the enemy in front of him. Now, the only evidence that Porter had on which to base his action was the clouds of dust that Rosser's troops had kicked up and the information of Buford that seventeen regiments and a party of cavalry had passed through Gainesville on their way to re-enforce Jackson. The fact is that neither Porter nor any of his officers really knew what was in front of them, and what was worse, they made no attempt to ascertain. First, as to what his officers knew. In Porter's note to McDowell and King, before quoted, he referred ominously to the clouds of dust, which created great perturbation of mind. Morell also speaks of the clouds of dust, and so does Griffin. A reconnaissance as early as 11 a. m. would have shown Rosser with a few troopers on the turnpike, with brush tied to the tails of their horses, galloping up and down the road for the express purpose of fooling a Yankee general.

Very likely at this time, if he had pushed far enough ahead, he would have found Longstreet's force striding in with that long sweeping step which an eager soldier falls into when he hears the cannon bellowing in his front and knows that his comrades are in the death-struggle of an engagement.

As far as Morell is concerned, it does not appear that he made any attempt to find out, or was ordered to do so, at or soon after 11 a. m., when he halted at Dawkin's Branch. After a while he sent some skirmishers across the branch, and this was all he did.

Griffin, who commanded the leading brigade, threw the Sixty-second Pennsylvania to the right, and "at this point General Porter rode up, and we halted." There they staid.

Griffin says further:

I made no reconnaissance myself. Colonel Marshall was somewhat alarmed, for he says that when he threw his regiment across the road, about 2 p. m., the head of a large column came into sight in his front, which at 3 o'clock deployed skirmishers and threw him back, and that this force was twice as large as Porter's; he could not, however, see this force, for they were in the woods, but he judged of its size from the dust they made. The point to which I call particular attention is that Marshall did not convey this information to Porter, because, he says, "after dark Porter sent for me and questioned me very stringently as to the enemy."

Lieutenant Stevenson says when he crossed the country from Pope's left to Porter's front he saw a large force, from twelve thousand to fifteen thousand, about half a mile from Marshall's skirmishers. And being questioned, says: "He does not remember speaking to any one about it when he arrived at Porter's command."

I have made no reference, thus far, to the single trooper who came down from Gainesville and met Porter's force near Dawkin's Branch, and reported that the enemy's skirmishers had just arrived at Gainesville. Hence I say that Porter did not inform himself, and took no proper steps to learn, what was in his front. In the next place, I say that if Longstreet had been massed in his front when he received the order to attack, "keeping well closed toward the right and in communication with General Reynolds," it was his duty to have made the attempt.

The overshadowing fact, however, is that this soldier, this petitioner, this corps commander, sat all day in the presence and hearing of an awful engagement in which six thousand men on our side alone were killed and wounded, and did absolutely nothing. If they had been in the condition of the Assyrians after the Angel of Death struck them, they could not have performed less service than they did. If he had developed the force in front of him—presuming that there was such a force—would not this menace have kept Longstreet from throwing his whole force, or a great portion of it, against the weary and battle-worn battalions that had been fighting so long?

A reconnaissance or advance on Porter's part would have been reported to Longstreet at once, and every one acquainted with the characteristics of that old soldier knows that he would have found out what was hanging on his right flank before proceeding to weaken his own column in order to succor Jackson. But the testimony of witnesses may be conflicting. Man's recollection is faulty at best, but when you get hold of an act performed at the time no failing recollection can wipe that out. Porter, therefore, by his own act conclusively shows that he had no knowledge of Longstreet's presence in his front, for when he ordered Morell to attack he confined him to four regiments and a battery. It is hardly to be presumed that a sane man would send four regiments and a battery to attack an army corps of twenty-five thousand men. If he had thought they were there, does anybody suppose he would have sent this mere handful of men to attack them? It must be borne in mind that the language of the order is, that Morell is to "attack the party opposed to him." If he knew that the "party" he ordered Morell to attack was Longstreet's twenty-five thousand men, he must certainly have been mad upon that field. He would hardly have ordered up a bare section of artillery, either, to oppose Longstreet's corps if he knew they were there and was sane. Now, is it not perfectly evident that Porter believed that the section of artillery that had been opened on them in the morning by Rosser's cavalry and the dragoons which had fired on Marshall's line were all the enemy that were opposed to him at the time of giving this order?

Up to this time the evidence in this case has been confined to the testimony before the court-martial. The reports of the confederate officers, since published, fully sustain the testimony before the court-martial. Up to 11 o'clock there was certainly nothing in Porter's front except Rosser's cavalry; at 11, or shortly after, Longstreet's corps began to straggle up.

General Lee says in his official report that it took two and one-half hours to deploy this corps. This would bring it as late as 2 o'clock anyway. This, mark you, is the earliest time that it was possible for Longstreet to have been deployed in line. Stuart, on the morning of the 29th, when he left the confederate left, went in the direction of Thoroughfare Gap. He met Longstreet the other side of Gainesville. Stuart turned off in the Manassas road, while Longstreet kept down Warrenton pike, toward the rebel right. This is what forced Reynolds to change front. Meanwhile Stuart kept on down the Manassas road, and saw Porter's head of column. Stuart had nothing but cavalry, and they are the men spoken of by Marshall as "dragoons, troopers," and the like. Stuart took in the situation at once. He saw that if Porter was allowed to march up and attack the flank, or throw himself between Longstreet and Jackson, that utter rout and destruction would follow.

Now, this is what Stuart says of the situation at this time, that is, after he had discovered Porter:

I met with the head of General Longstreet's column between Haymarket and Gainesville, and then communicated to the commanding general General Jackson's position and the enemy's. I then passed the cavalry through the column, so as to place it on Longstreet's right flank, and advanced directly towards Manassas, while the column (Longstreet's) kept down the pike and joined Jackson's right. I selected a fine position for a battery on the right, and, one having been sent to me, I fired a few shots at the enemy's supposed position, which induced him to shift it. General Robertson, who, with his command, was sent to reconnoiter far down the road towards Manassas, reported the enemy in his front. Upon repairing to the front I found that Rosser's regiment was engaged with the enemy to the left of the road, and Robertson's vedettes had found the enemy approaching from the direction of Bristoe Station towards Sudley. The prolongation of his line of march would have passed through my position, which was a very fine one for artillery as well as observation, and struck Longstreet in flank. I awaited his approach long enough to ascertain that there was at least an army corps, at the same time keeping detachments of cavalry dragging brush down the road from the direction of Gainesville, so as to deceive the enemy—

A ruse which Porter shows was successful—

and notified the commanding general, then occupying a position opposite me on the turnpike, that Longstreet's flank and rear were seriously threatened and of the importance to us of the position I held. Immediately upon the receipt of that information Jenkins's, Kemper's, and R. D. Jones's brigades and several pieces of artillery were ordered to me, and being placed in position fronting Bristoe, awaited the enemy's advance. After exchanging a few shots this corps withdrew to Manassas, leaving artillery to hold his position until night.

There was then nothing in Porter's front before Stuart's cavalry started out and made this reconnaissance. It developed the fact that Porter's corps was there; kept his (Stuart's) cavalry dragging brush to raise a dust; sent over to the pike, giving the information to Longstreet, and the latter issued orders and actually sent three brigades and a battery (Wilcox's) down to Stuart's aid. Now, this constituted the entire force that was in Porter's front when he received the 4.30 order. This was a much smaller force than Porter had himself. Porter had as much as two hours of daylight left, and if he had been inspired with the same zeal that actuated the rebel General Stuart he would have found time to win a victory before dark over the forces opposed to him.

Stuart does not give the time of day when these brigades joined him, but General Longstreet says in his report:

At a late hour in the day Major-General Stuart reported the approach of the enemy in heavy columns against my extreme right. I withdrew General Wilcox with his three brigades from the left and placed his command in position to support Jones in case of an attack against my extreme right. After some few shots the enemy withdrew his forces, moving them around toward his front, and at 4 o'clock in the evening began to press forward against General Jackson's position. Wilcox's brigades were moved back to their former positions, as were also Hood's two brigades. Hood's two brigades, supported by Evans's, were quickly pressed forward to the attack. At the same time Wilcox's three brigades made a like advance.

By this evidence of General Longstreet's it is clearly shown that there was nothing but Stuart's cavalry in Porter's front "until a late hour in the day." It is true it is indefinitely expressed; but, taken in connection with General Lee's report that it took them two and one-half hours to get into position at least after arrival in the field, it could not have been far from 1 or 2 o'clock. Porter, therefore, had two hours in which to have gone to the relief of our left.

General J. E. Johnston relates the following in his narrative:

When the United States troops paused in their advance within fifteen paces of the Texan front rank, one of their color-bearers planted his colors eight or ten feet in front of his regiment, and was instantly shot dead; a soldier sprang forward to his place and fell also as he grasped the color-staff; a second and third followed successively, and each received death as speedily as his predecessors; a fourth, however, seized and bore back the object of soldierly devotion.

If this had been the spirit that had actuated Fitz-John Porter on the 27th and 29th nobody can tell to-day how many of the boys that bit the dust then would be alive now. Nobody can tell how many widows' weeds, how many empty sleeves, how many weary crutches were made by the want of zeal on the part of that man that day.

What are we asked to do in passing this bill? We are asked to say that Abraham Lincoln, Edwin M. Stanton, and General Halleck conspired together to organize a court-martial to convict Fitz-John Porter, whether guilty or not. The gentleman from New York [Mr. SLOCUM] refers to General William T. Sherman and his difficulty with Mr. Stan-

ton to help him out of this dilemma in getting Fitz-John Porter restored to the Army. Ah, Mr. Chairman, General Sherman was true to his country; and while he and Mr. Stanton had a difficulty, yet I believe General Sherman would say to-day that he did not believe Stanton was untrue to himself, to him, or his country.

Now let me say a word to you and to the country. If these scenes are to be re-enacted here, there may come a time when the bugle blast of the Grand Army of the Republic, coming up from the side of their camp-fires, shall summon General Sherman to come out of his retirement and lead them to victory as he did before. [Applause.] The loyal North will demand this from him, or from some true and tried soldier of the Army, if such betrayal of trust is to be repeated here.

Mr. Chairman, there has been a persistent attempt made by Fitz-John Porter ever since Johnson's administration expired to get relief from the verdict of this court-martial. Everything that wealth and influence and ability could bring to bear has been done, and at last Porter undertook to prove that Mr. Lincoln was favorable to his restoration. But, Mr. Chairman, when they put his son, the present honorable Secretary of War, upon the stand, he testified that his father said, after a careful examination of the case, that instead of being cashiered Fitz-John Porter should have been shot. The following is his testimony, speaking of his father:

He gave me some account of the case as it presented itself to him, and either read to me or quoted to me, I don't recollect which, a note written by General Porter, as I recollect, to General McDowell. I never saw the note until this morning, so I give my recollection of it. My recollection is better than anything else. My recollection of the contents of the note is that it was in substance this, that General Porter wrote to General McDowell that he judged by the sound of the firing that our troops were beaten, and that he should therefore withdraw his corps from the field. That is my recollection of the contents of the note as given to me then. My father was exceedingly urgent or strong in his condemnation.

Q. As to the spirit of that note, what did he say?

A. I recollect one distinct remark that he made, but at what period in the conversation I do not now recollect. He said that the case would have justified, in his opinion, a sentence of death.

The sentence and approval of the court-martial proceedings are as follows:

And the court do therefore sentence him, Maj. Gen. Fitz-John Porter, of the United States volunteers, to be cashiered, and to be forever disqualified from holding any office of trust or profit under the Government of the United States.

D. HUNTER,
Major-General, President.
J. HOLT,
Judge-Advocate.

There being no further business before them, the court adjourned *sine die.*

D. HUNTER,
Major-General, President.
J. HOLT,
Judge-Advocate.

HEADQUARTERS OF THE ARMY,
Washington, January 13, 1863.

In compliance with the sixty-fifth article of war, these whole proceedings are transmitted to the Secretary of War, to be laid before the President of the United States.

H. W. HALLECK,
General-in-Chief.

The following are the orders of the President: "The foregoing proceedings, findings, and sentence in the foregoing case of Maj. Gen. Fitz-John Porter are approved and confirmed; and it is ordered that the said Fitz-John Porter be, and hereby is, cashiered and dismissed from the service of the United States as a major-general of volunteers and as colonel and brevet brigadier-general in the regular service of the United States, and forever disqualified from holding any office of trust or profit under the Government of the United States."

"ABRAHAM LINCOLN.

"JANUARY 21, 1863."

The names of the men who constituted the court-martial are given in the following:

[Special Orders No. 362.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 25, 1862.

[Extract.]

III. The military commission ordered to assemble on the 20th instant by Special Orders No. 350, November 17, 1862, from headquarters of the Army, is hereby dissolved, and a general court-martial is hereby appointed, to meet in this city on the 27th instant, or as soon thereafter as practicable, for the trial of Maj. Gen. Fitz-John Porter, United States volunteers.

Detail for the court.

Maj. Gen. D. Hunter, United States volunteers.
Maj. Gen. E. A. Hitchcock, United States volunteers.
Brig. Gen. Rufus King, United States volunteers.
Brig. Gen. B. M. Prentiss, United States volunteers.
Brig. Gen. James B. Ricketts, United States volunteers.
Brig. Gen. Silas Casey, United States volunteers.
Brig. Gen. James A. Garfield, United States volunteers.
Brig. Gen. N. B. Buford, United States volunteers.
Brig. Gen. J. P. Slough, in place of Morris.
Col. J. Holt, Judge-Advocate-General United States Army, judge-advocate and recorder of the court.

No other officers than these named can be assembled without manifest injury to the service.

By command of Major-General Halleck.

E. D. TOWNSEND,
Assistant Adjutant-General.

Now, Mr. Chairman, you ask us to reverse this action; ay, more; you ask more than that. You ask us, where James A. Garfield wrote "guilty" twenty-two years ago opposite the name of Fitz-John Porter, to blot it out and write "not guilty." You ask us to march to the tomb, Mr. Chairman (Mr. SPRINGER in the chair), that preserves the sacred dust of your predecessor, Abraham Lincoln, the man who saved the country from destruction; the man whose memory lies close to the hearts of your constituents and mine. You ask us to march to the door of his tomb, and where he wrote "approved" opposite the court-martial's findings, to reverse that by our puny efforts and write "disapproved." I refuse to do it. [Applause.] You can take part in that if you like. You may write that if you so desire. The people of this country will reverse your action and spit upon and spurn it. [Loud applause.]

Mr. PHELPS. Mr. Chairman, speaking for the one most interested, I express his deep regret for the unkind allusions to the living and the dead which have been made in the heat of this discussion. In his long search for justice he has carefully avoided any reflection upon those who have impeded him in the pursuit, and he refuses to accept any responsibility for these allusions, whether made by those who are friendly or those who are unfriendly to the bill. And may I not assume that if those who had made them had the floor they, too, would express their regret: the gentleman from New York [Mr. SLOCUM] who has charge of the bill, that he reflected upon the great war minister, whose great faults history will pardon for his greater achievements; the gentleman from Indiana [Mr. STEELE], that, in his surprise at finding that a general on the board of examination viewed the evidence different from him, he intimated that he lookedat the evidence with an eye upon the Presidency; the gentleman from Michigan [Mr. CUTCHEON], that he checked the course of his strong argument to intimate that there was another general who wished to be reinstated; my colleague from New Jersey [Mr. MCADOO], a young Rupert in debate, that he suggested that a conviction of the military incompetency of still another general was a universal condition of sanity; my peaceful friend from Michigan [Mr. HORR], that he confessed that he could think just as General Grant did in everything, except in military matters; and my neighbor here from Ohio [Mr. TAYLOR]—but I can not give the time to recall all the illustrious names that have been unnecessarily dragged into this debate.

Could they all be eliminated it were better; and this case could stand or fall on its own merits. It is my duty to speak to-day for Fitz-John Porter because he is my constituent. It is at the same time a pleasure and an honor because he is my friend, and I believe him to be an honest man and a loyal soldier.

"The mills of the gods grind slowly" in his case.

It was twenty years last week (Monday) since the last signature was put to the verdict of a military jury which drove him out of the Army and made him a leper which his Government should never touch with an office of trust or profit. This verdict awarded him such infamy that for a while Iscariot and Arnold were his only competitors. A blundering Department furnished to an anxious President, a baffled Army, and an indignant people this sacrifice; and fifteen millions straining unto death to save their country in an hour of supreme despondency and gloom found a momentary relief in cursing the name of Porter.

Who was this sacrifice? One whose ancestry deserved well of the Republic; one, who as a boy of gentle heart and ways learned in the National Academy to hold a stain upon his honor as a wound, and to conceive all honor as sphered in loyalty to his country; one, who as a youth stood the most chivalrous and accomplished officer in a guild whose military code gives to the testimony of a member under oath no greater force than his formal declaration; one who in manhood won wounds and glory in the field, and who on the 27th day of August, 1862, as said the gentleman from Michigan, "stood the consummate flower of the American Army and its pride." This was the gentle, chivalrous, illustrious soldier who was thus lifted up into a storm of obloquy and reproach as a traitor to his country. What can he do? His fate is worse than Arnold's or Judas's. Arnold, hating his country, fled from it and received the rewards of treason; but Porter loves his country, and has no thought except of loyal service. Judas went out and died, conscience stricken; but Porter's conscience is clear, and remorse refuses to lead him to the field of blood. He does what an honest man ought, and only an honest man can do; he takes up his burden and bears it. He will live, and live down his wrongs. He will wait, and trust to God and his country for redress. He withdrew to the quiet of a New Jersey village and established his home. There he faithfully discharged all his duties, neither seeking nor shunning observation. He was a good husband, a good father, a good neighbor, citizen, and friend. That little village for twenty years has watched, honored, and loved the man. They have seen his eye grow sad and his hair grow white with hope deferred. But he never talked of his grievance nor asked for pity. He was fulfilling a sentence which, for such a man, Edward Everett truly said, was "in some respects worse than a sentence of death." This was his home life. His life abroad was a constant struggle to regain his good name. That was his mission, and he prosecuted it without pause or rest. On every proper occasion, in every proper place he declared his innocence, offered his evidence, and asked for examination. He began when, on the 3d day of September, 1862, immediately after the battle of Manassas, he repaired to Washington and demanded a court of inquiry. Lincoln

granted it on the 5th of September, and here is the order, but neither Porter nor the world knew it until sixteen years afterward:

WAR DEPARTMENT,
Washington City, D. C., September 5, 1862.

Ordered, That there be a court of inquiry to inquire and report as to—

First. Maj-Gen. Fitz-John Porter. Was he and his command in the battle of Friday, August 29, 1862, General Pope commanding United States forces; and, if not, where was he; and why was he not in said battle?

Second. Maj-Gen. William B. Franklin. Was he and his command in the battle of Saturday, August 30, 1862, General Pope commanding United States forces; and, if not, why was he not in said battle; why did he not march from Alexandria toward General Pope sooner than he did; and having marched, why did he not reach General Pope sooner than he did?

Third. Brig-Gen. Charles Griffin. Was he and his command in the battles of Thursday and Friday, August 29 and 30, 1862, General Pope commanding United States forces; and, if not, where was he; and why was he not in said battles, one or both?

ABRAHAM LINCOLN.

The court met three or four times and then "was adjourned indefinitely by order of General Halleck." Stanton gave no long rope to his courts when the people and the accused knew of them. He gave shorter rope when the people and the accused knew nothing of them. In this case he acted wisely. The War Department might hereafter need a court of a different sort. It did, and he furnished it months afterward. This was the first act of his mission, and we trust that this is the last—where he stands an old man at the bar of Congress, again declares his innocence, presents his proofs, asks for examination, and demands justice.

What was his crime? He did not obey an order of his superior to fight. And what was his defense? That the order came at night, and when it was too late to execute it. And second—for he was no coward, and only one man on this floor has been desperate enough to impute cowardice to him—and second, had the order come in time he would not have obeyed it, for its execution was the fruitless and assured destruction of his corps. I speak of one order. You say you have heard much of several orders. True, much in this House, but nothing in the report of the minority. The charges connected with the other orders brought into this discussion were so trivial and unimportant, and the answers to them were so complete and satisfactory, that the members of the committee to whom the opposition to this bill was intrusted, the prosecutors of this case, ignored them. Not so, however, the free lances on the floor, who found in this ocean of facts about the sky above and the earth beneath and the atmosphere between so fruitful a head of eloquence that the galleries thought they heard the famous chorus of the opera, "Let us talk about the weather." [Laughter.] Neither of these two orders was to fight. They were simply to march. Though not important enough to be mentioned in the minority report, as they have been the source of so much eloquence in the House, let me refer to them to escape confusion.

[Order No. 1.]

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p. m.

GENERAL: The major-general commanding directs that you start at 1 o'clock, and come forward with your whole corps, or such part as is with you, so as to be here by daylight to-morrow morning. Hooker has had a severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas, and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary on all accounts that you should be here by daylight. I send an officer with this dispatch who will conduct you to this place. Be sure and send word to Banks, who is on the road to Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to Cedar Run. If he is not with you, write him to that effect.

P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the junction, instruct Colonel Clary to run the trains back to this side of Cedar Run and post a regiment and section of artillery with it.

The first order was that General Porter should start at 1 o'clock on the morning of August 28, 1862, and march his force nine or ten miles to Bristoe Station, that it might there join at daybreak with the main army for the purpose of clearing the country between that place and Gainesville. General Porter, upon receiving it, summoned his generals and they looked at the state of affairs. The night was dark and misty; the road, surface and ditch, was blocked with wagons and cannons and their wrecks. It was doubtful if any effort made before the first glimmer of light would accomplish anything. It was certain that no effort could get the troops to Bristoe Station at daybreak, as was desired. These troops were fatigued and would need rest. They should be fresh for the all-day task of wandering in pursuit, which the order foreshadowed. The order showed, too, that the task to which they were summoned was not one of immediate importance. It was not a summons to a defense, or to an attack where great haste and exact punctuality was demanded. The order said that the enemy had already been driven back and was retiring. The task was to "clear the country" behind them. That task could begin as well any hour after daylight. These facts upon which that little council of war passed were not conjecture. Before the order was received Porter had sent out two aids to view the road and report. This he did in anticipation of orders, and when he and his associates decided that it was not wise to make the start at 1 o'clock, he promptly sent a messenger to Pope and informed him of the decision and its reasons. He started at 3 o'clock with the first glimmer of light that made the start practicable, and there is no evidence that loss resulted to anybody from the delay. Pope admitted in his testimony (volume 1, page 19) that it did no harm. The whole charge is so trivial that it was evidently brought as a make-weight, as something to buttress the main charge.

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

Generals MCDOWELL and PORTER:

You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run at Centreville to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall upon the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to rejoin the other divisions of his corps as soon as practicable.

If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out. One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day. My own headquarters will be, for the present, with Heintzelman's corps or at this place.

JOHN POPE,
Major-General Commanding.

The second order was addressed to McDowell and Porter. It is the joint order. It directed that their forces should move toward Gainesville. And what is the defense? First, Porter might have disobeyed without censure, for it was a discretionary order. The order says, "If any considerable advantages are to be gained by departing from this order it will not be strictly carried out." The second defense is that it was carried out, for the order found Porter with McDowell, just where it ordered him to be. Says McDowell (volume 1, page 349): "I commanded Porter's corps and my own division. We there on the ground received the joint order which directed the very thing we had done." And Pope knew that this joint order had been obeyed, for in his dispatch numbered 26A (volume 1, page 329) he says so. Why, then, did gentlemen discuss this joint order which was executed, as say both McDowell and Pope? There would seem to be no reason except for the temptation to warm our blood with the battle-cries of McDowell, "Fight? That is what we are here for," and "You go in there." These are good cries either for the House or for the field, but they were better had they been uttered by McDowell on the field as they were repeated by the gentleman from Ohio [Mr. KEIFER] in the House, in a voice that could be distinctly heard; for General Porter never heard them; Lieutenant-Colonel Locke, chief of staff, never heard them; Captain Martin, of a Massachusetts battery; Captain Earle, Lieutenant Davis, and General Patrick never heard them; but, being all six by and present, did hear General McDowell say, "This is no place to fight a battle; you are too far off." And when General McDowell was recalled to explain the dilemma, that the three gallant officers did not hear "That is what we are here for," and to "Go in here," but on the contrary, "This is no place to fight a battle," what was McDowell's explanation? I repeat his very words:

I can not recollect precisely what occurred or what conversation or what words passed between us at that time. I can not say what language I used or how it may have been understood whilst talking on that. (Pages 217 and 218.)

Why did not the gentleman from Ohio declaim what General McDowell was heard to say, and not what he wished he had said? The cry "This is no place to fight a battle" would not be so good for the House but would have been a better order in the field; for it has never seemed to me a very creditable picture, even when painted by the gentleman from Ohio, to see McDowell take eighteen thousand men (ten thousand of Ricketts's, eight thousand of King's) from Porter, leave him with only nine thousand, and march away with his great force from the field, while he pointed to Porter in the opposite direction and said, "You go in there." It always seemed to me and to the world that McDowell, if either, should have gone in there himself. [Applause.]

HEADQUARTERS IN THE FIELD,
August 29, 1862—4.30 p. m.

Major General PORTER:

Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds.

The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE.
Major-General Commanding.

And now for the order of 4.30, an order which the minority report did discuss. Upon it stands or falls the guilt of Porter. This order required Porter to fight. It instructed him to attack the enemy on his flank and, if possible, on his rear. He did not attack the enemy on his flank or on his rear. And what is his defense? First, he received the

order after 6 o'clock at night, when it was too late. But, again, Porter, notwithstanding the cowardice with which the gentleman from Ohio [Mr. KEIFER] taunted him, chooses to accept a braver defense, and admits that had the order come in time he would not have made the attack.

First, as to the time that this order was received. Before the court-martial there was no documentary evidence to fix it. There was much oral testimony, and some of it conflicted. The vast preponderance, however, seemed to establish the fact that Porter received it at sunset. Major-General Sykes says he was present when the order was delivered, and says, "It was as near sunset as I can remember." Colonel Locke, too, saw the delivery, and says it was between sundown and dusk. Captain Monteith, too, was present; he says it was sundown. The testimony of these three officers joined with that of General Porter would seem to be sufficient. But before the advisory board, sixteen years afterward, some new dispatches of Porter were produced. General McDowell produced one which is marked as No. 38 P. The whole context of this dispatch shows that Porter was at the time of writing it without any information from Pope, and eagerly awaiting it. He pleads, "Please let me know your designs." After McDowell had presented it to the board and it had been read, Porter with a listless curiosity took it up, when his eye fell upon the date obscurely written in the corner "August 29, 6 p. m." This settles the matter. The 4.30 order was not received until after 6 p. m., August 29, 1862. It was received later, and, if later, it was received too late to make the attack if directed.

But had it been delivered earlier, as it ought to have been, Porter would not have made the attack. He could not make it. He could not attack upon the flank, much less upon the rear, of Jackson's force, as he was ordered to do. He knew that a great force had come to Porter's front of which the order showed his commanding general knew nothing. This new force of the enemy blocked his way, and he could attack the flank or the rear of Jackson only by annihilating the force of Longstreet. Longstreet had twenty-five thousand men in front of Porter; Jackson had twenty-three thousand in front, but to his right; and Porter had what McDowell had left him, nine thousand. Porter could attack and lay their bodies at the feet of Longstreet's guns. The gentleman from Indiana [Mr. BROWNE] thought he ought to have done so, as he thought that the charge at Balaklava was war and not a spectacle. Porter thought otherwise, and his opinion seems to have been approved by General Grant, General Schofield, General Terry, and General Getty. He must bear this difference of opinion between himself and the gentleman from Indiana in such company as this. [Laughter.]

It is charged that Porter did not know at that time that Longstreet's forces were before him. What evidence shows that he had this knowledge on the afternoon of the 29th of August, 1862? First, the whole tenor of his dispatches shows that he had watched the progress of the enemy's forces and had been constantly expecting Longstreet's appearance. On the 27th Porter says in a dispatch, No. 20, "Everything has moved up north," and says that he gets his information from an intercepted letter of Lee's. McDowell knew it, and said that Longstreet was coming through Thoroughfare Gap (volume 1, page 349), and McDowell says he told Porter all he knew. Again, in the dispatch that Porter sent at 6 o'clock, August 29, asking Pope for information, he says:

> From the masses of dust on our right, and from reports of scouts, I think the enemy are moving largely that way.

Earlier in the day Porter had captured prisoners from Longstreet's army. At noon McDowell showed him Buford's dispatch, which said that a large force had passed Gainesville, only three miles off, before 9 o'clock that morning. (Volume 1, page 82.) At about that time the enemy fired musketry at McDowell and Porter while their forces were together, and during all that afternoon Marshall and Morell were flying over the country testing the enemy at every point, and reported in a dozen messages that they found him everywhere present in front and in strong force. (Dispatches 29 to 31, both inclusive, volume 1, pages 333 to 335, 380 to 382.) These were the means by which Porter gained his information and he testified that he had it before the court-martial in 1862:

> To begin, the fundamental averment of the order upon which it all rests is entirely untrue. That averment is that my line of march as pursued under the joint order above referred to brought me in on the enemy's right flank. The fact is that my line of march as so pursued brought me not in on the enemy's right flank, but it brought me directly upon the front of a separate force of the enemy from ten to fifteen thousand strong, of the presence of which thus directly in my front General Pope, when he wrote the order, was wholly ignorant.

Do gentlemen want better evidence than this? Here is Pope's announcement on the 27th that the enemy is coming. Here is McDowell's testimony that he knew on the morning of the 28th that the enemy was coming through the gap. Here are prisoners taken on the morning of the 29th, and here are Marshall and Morell in a dozen messages in the afternoon of August 29 confirming his knowledge. And here, as well as anywhere else, let me say that I do not find that the new testimony, whether obtained from loyal or Union sources introduces anything new. It only serves to confirm what Porter and his witnesses had testified to in the trial.

These were the offenses. What was the court-martial that passed the sentence? It was composed of nine soldiers, gathered hastily in this city out of the gloomy atmosphere of defeat. They sat within the roar of the enemy's artillery and their faces were black with the smoke of battle. They were honest and honorable men, but they were human, and when a stern Secretary of War who made and unmade generals at his will ordered them to vote and go, they voted and went. When they voted, they gave, just as you and I would have done, to their country the benefit of the doubt. They sat forty-five days; they gave the accused thirteen days out of them. They neglected to produce any of his witnesses for whom he asked, but Stanton's order was read in the morning and they closed the testimony that day and went.

The gentleman from Ohio [Mr. KEIFER] said this was a "most august tribunal." Has he forgotten the Long Parliament and its prompt obedience and adjournment at the command of Cromwell, compared with which this "august tribunal" was a slow coach?

They voted and went. The world will never know but that it was by a vote of five to four that Stanton got his will. I hope it was not so. For one judge left the bench and went to the witness-box to testify for conviction, and four other judges received promotion within two weeks of the time they rendered their judgment. I wish the world on this point might appropriate the exclusive information of the gentleman from Michigan [Mr. CUTCHEON]. He says "the nine able generals who tried him with all the essential facts before them said there could be but one verdict." This is the information that we want, the unanimity of the nine generals, but unfortunately it is confined to that gentleman, and history may not appropriate it. He has, too, exclusive information, for which Englishmen would pay a million of pounds. They would give that or more to make Admiral Byng a subordinate and the commander of a single ship. It would wipe out a bloody page in British history, and the stinging epigram of Voltaire, who thought that the English had to kill every now and then a brave admiral to encourage the rest. [Applause.] The gentleman from Michigan had, also, exclusive but this time inaccurate knowledge of the course of history. He says "impartial history will declare that there could be but one verdict," yet the report of the minority which he signed calls attention to the opinion of a writer which it calls "a careful military historian, the author of perhaps the best history of our civil war that has been written." The report says that "he was supplied with ample facilities to inform himself and so situated that he can and does write without prejudice or passion. This historian, the Comte de Paris, writes:"

> Impartial history should censure Lee's lieutenant rather than Pope's for his inaction during the 29th; and whether the latter did or did not neglect the orders of his chief, it must be acknowledged that Porter's mere presence in front of Longstreet condemned forces outnumbering his own to remain inactive which otherwise might, with great advantage to the confederate cause, have been employed to attack Porter or to re-enforce Jackson.

How happened my accurate friend from Michigan to make this great mistake? It came naturally from the unwillingness of his side to look at any new evidence. He read the first edition of this history, which censured Porter, and neglected to read the new edition, where the princely author, having read the new evidence, dared, like Grant and Schofield and Terry, to change his opinion in the presence of new and conclusive facts. And inasmuch as the ability, fidelity, and impartiality of the Comte de Paris have been so generously avouched by our opponents, let me read what was his final opinion:

> His attack—

Speaking of that which the gentleman from Indiana [Mr. BROWNE] wished him to make on the night of August 29, so that the country might have seen another Balaklava—

> His attack, therefore, could not have produced the results upon which the general-in-chief had counted. In spite of the impossibility of his executing literally Pope's order, and whatever may have been the orders given him by McDowell during the day, Porter might undoubtedly have pressed the enemy more closely. Perhaps he might even have obtained a partial success before Wilcox's arrival. But under no circumstances could this movement have had the slightest effect upon the result of the engagement which was now taking place on the right of the Federal Army, for Longstreet could have resisted Porter with forces superior to the latter without being obliged to detach a single man from that engagement. Therefore impartial history should censure Lee's lieutenant rather than Pope's for his inaction during the 29th, &c.

But it is scarcely fair to leave the gentleman from Michigan alone to bear the errors which the side he so ably but inaccurately defended have everywhere made. I have time now to allude to a misrepresentation, unintentionally made, of the opinions held with reference to the conduct of the trial by Reverdy Johnson. One gentleman assumed that this august tribunal, which closed its evidence upon the day that the Secretary of War ordered, which sent one of its judges to the witness-box and saw four others promoted within two weeks of the verdict, was all right, because Reverdy Johnson had said:

> Whatever may be the result, neither General Porter nor his friends can have any ground of complaint against the court. I consider the trial to have been perfectly fair.

This would have been a great help to the character of this august tribunal had it been true; unfortunately it was a newspaper story; fortunately I have the newspaper in which it was published, and across its lying face are written these words: "False, absolutely false. R. J."

Here is the newspaper, and here is the indorsement, and here is the letter written by Reverdy Johnson, in which he says:

> I have obtained a copy of the Chronicle, and inclose you the article on the reply. The fact it states as to what I said in the presence of high officials of the Government is entirely false.

The generals who sat on the court-martial voted and went back to the fight. They hoped they had done their duty, but feared. Their uneasiness increased when lawyers, soldiers, and States began to examine their report. They examined it sitting apart from the noise of battle and they weighed calmly the evidence. Lawyers like Daniel Lord, Sidney Bartlett, B. R. Curtis, J. G. Abbott, William D. Shipman, and Charles O'Conor declared over their own signatures that the original verdict was against the original evidence. Said Daniel Lord:

At the time of General Porter's trial I read the proceedings with astonishment at the testimony received and acted on, and am convinced that the trial was substantially conducted on an order to convict.

Said Judge Curtis:

I think General Porter was improperly convicted on the evidence before the court which tried him, and he is at liberty to use this opinion when and where he chooses.

Said Bartlett:

You are entitled to my judgment in the matter, which is that the evidence fails to support the charges against you, and that acquittal instead of conviction should have been the result.

Said Abbott:

The finding of the court seems to me so unwarranted by the whole evidence that I should be glad to think it was the judgment of a tribunal utterly illegal and not recognized by the laws of the land.

Said Judge Shipman:

With all deference to the members of the court, I thought then, and still think, their conclusions unwarranted by the evidence.

Said Charles O'Conor:

I am convinced that a new trial ought to be had in the case of Fitz-John Porter. There is no adequate evidence of the misconduct alleged, and the record leaves it very doubtful whether any opinion was ever formed against him which can justly be regarded officially authoritative.

These lawyers, in writing, without pay, over their own signatures, thus declare that on the original evidence Porter's should have been acquitted, and asked that the President of the United States should open the case. The President who put the last signature to the verdict expressed to a governor of New Jersey his ardent wish that it might be opened.

Governor Newell writes to Governor Randolph:

I had several conversations with President Lincoln. The President was much interested, and said cheerfully that he would gladly grant a reopening if any new evidence exculpatory of General Porter could be adduced. He said that he had no prejudice, but had been obliged to form his opinion from Judge Holt's examination, as in his multitude of cares he had not been able to make a personal investigation.

The charge has been made that notwithstanding these sentiments President Lincoln refused an application for a review of the case. No application was ever made. A few months after the judgment of the court-martial Edward Everett, Robert C. Winthrop, Amos A. Lawrence, and others, of their own motion and without the knowledge of General Porter, prepared an eloquent memorial to the President, in which they asked him to reconsider the proceedings of the court-martial. The memorial got into the newspapers, as anything signed by such illustrious names naturally would, but was never presented. General Porter heard of it and sent his earnest request to Mr. Everett that no such action should be taken. He said wisely that it was premature. Another, who became President, and whose presence upon that court-martial gave its decision greater weight, on the 18th of January, 1875, moved in this very House that a board of examination might be appointed who should receive the new evidence which was offered. He introduced this resolution unsolicited, and wrote to General Porter that he believed it would be adopted; and here is the resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the President of the United States to convene a board of officers of high rank in the Army, unconnected with the armies or transactions in question, to examine the evidence alleged to have been discovered by and to be in the possession of Fitz-John Porter, unattainable at the time of this trial, and report what, if any, bearing such evidence, if substantiated, would have in the findings and sentence of court-martial in his case.

And here is the letter, with that signature so familiar and so dear to many of us. I present it now because it has been made public before:

WASHINGTON, D. C., *February* 19, 1875.

DEAR SIR: Your two letters came duly to hand, together with the pamphlet. I owe you an apology for not answering you sooner.

I introduced the bill to which you refer, not because I was conscious of any intentional wrong done you by the court, for I have never concurred in the severe reflections which have from time to time appeared in the public press on the motives and conduct of that court; but I am willing that any new evidence you may have shall be presented to the Government in an official form, and reported to the President by a board of officers who were in no way connected with the trial or with the operations of the army to which the trial related.

I have spoken to several members of the Committee on Military Affairs, and understand them to be willing to report the bill to the House. They have not yet had an opportunity to do so, but I hope they will before the session closes.

I shall consider your pamphlet as confidential, unless you otherwise direct me.

Very respectfully, your obedient servant,

J. A. GARFIELD.

General FITZ-JOHN PORTER,
Morristown, N. J.

Gentlemen who have used their wit to belittle the dignity and methods of the advisory board and claim great friendship for General Garfield would employ their wit better in telling how it differs from the board proposed in this resolution by him. Garfield proposed that the President should appoint. Garfield proposed that the appointees should be officers of high rank in the Army. Garfield proposed that this board should examine the evidence alleged to have been discovered by and to be in possession of Fitz-John Porter, unattainable at the time of his trial, and report what, if any, bearing such evidence, if substantiated, would have in the findings and sentence of the court-martial in his case. How does the advisory board here proposed and described differ from the one whose report is before us? There has not been even an attempt to show the difference. One gentleman, when pressed, exclaimed, "Garfield meant to have no such board as this."

Two of the board were so prejudiced against the accused that they at first refused to serve. Did the gentlemen object because one of the judges had no prejudice? This resolution introduced by Garfield shows that he was willing to have the proceedings of the court-martial open and its findings reviewed by an advisory board. And unless our opponents can destroy the records of the Forty-third Congress they should cease their efforts to misrepresent his position. I draw my conclusions from this public act of General Garfield. As his friend, I can not produce his private letters to show how near under provocation he came to breaking the secrecy on which honor shut his lips, and if I did this dishonor to his memory I should want to find something stronger for my case than the Cox letter, where he says:

I have not yet made, in the light of the new testimony, a careful strategic study of the field and map as you have done.

Can there be a stronger comment on the impropriety of this practice than the effort to claim an opinion from General Garfield out of a letter in which he admits that he had made no careful study of the subject? I, too, have letters, and they have allusions to this subject not unfavorable to the side I advocate. Here are two of them, but they are marked "personal;" and I will not read them to hurt the dead that I may help the living.

A third President listened, approved, and acted. He named a board of examination just like that suggested by Garfield. He put on it "officers of high rank in the Army, unconnected with the armies or transactions in question." He put on it Generals Schofield, Terry, and Getty, men whom the gallant Sherman declared to be "officers than whom three better do not exist in the Army." They made, as Garfield suggested, "an examination of the evidence alleged to have been discovered by and to be in the possession of Fitz-John Porter, unattainable at the time of this trial," and they reported that the bearing of such evidence should reverse the findings and sentence of the court-martial in his case. They had new evidence from the confederates against whom General Porter was ordered to march. They had new evidence in the dispatches of General Porter which had been concealed or withheld. They had accurate maps of the ground and the disposition of the forces. On these they report and acquit Porter of all guilt. Gentlemen hesitate because they are unwilling that the proceedings of this court-martial, this august tribunal, should be reviewed. They claim that the review of a court-martial is unconstitutional. I do not agree with this view. They speak as if court-martials were the Supreme Court, and established by the Constitution. They were, however, created by the Legislature, and the power that created can review, correct, or destroy. But the action of the House to-day is not a review of the court-martial or its proceedings. We are hearing no appeal from that court. We are exercising a frequent and undisputed right. We are putting into the Army of the United States an illustrious general whose services there will be valuable to the Commonwealth. If our action seems to reflect upon the view of General Porter's merits which the court-martial expressed, that is an unpleasant discrepancy between that board and this House. Let the verdict stand and go into history. But outside of the courts and irrespective of that court's decision the world now knows and admits that General Porter was a good soldier and suffered a wrong. And Congress, recognizing the inexorable logic of facts, accepts the conclusion and completes a pardon which the Executive began. [Applause.] It were as well to claim that the pardon of the President overruled the court-martial as that our action in restoring General Porter has overruled it.

The advisory board did not sit to review the trial of the court-martial. They sat to review a case in which the parties were the same, but the evidence was very different. Their report contributed to that general conviction and that popular knowledge on which with the report we are acting. On the facts derived from this report and elsewhere we are asked to restore General Porter to his position in the Army. He does not ask money for services he was always ready and willing to perform. He does not ask compensation for suffering and loss almost unparalleled in history. He only asks that the ranks of the Army from which he was driven should be open to receive, and that the sword which was taken from him should be placed at his side. Shall this scanty justice be refused him? While I make the appeal I pause to admit his faults—serious faults, but excusable; faults, but not crimes. He was not a traitor. Punish him if, in his anxiety to furnish the information for which Burnside, McClellan, and Lincoln constantly pressed him, he spoke with a frankness and freedom which was characteristic of his nature but contrary to the military discipline when he spoke of one who was his superior

in the field. Remember that dispatches were coming from Lincoln, from McClellan, from Burnside, saying that their only knowledge of the momentous events transpiring in the front must come through him, and that, in grateful obedience to three men whom he especially honored and trusted, he wrote just what he thought; and remember, too, that history has stamped just what he thought and wrote as the truth. For this breach of military discipline, however, let him be punished. He had no faith in his commanding officer, and he improperly communicated his suspicions and dislikes to the President of the United States and to his commander-in-chief. This was an offense, and so was Washington's, when on the hot Sunday at Monmouth he cursed General Lee loudly for his cowardice or folly. But this offense is slight and has been already punished. Don't think of this little fault. Think of his great virtues. Remember how he fought on the 30th! That order came in time and from a superior who at last had learned his surroundings. And with Porter at their head the Fifth Army Corps charged into the gates of hell, and into the jaws of death. This was magnificent, and this was also war—war at its sternest. They went in six thousand—they came out leaving twenty-two hundred on the field. It was a loss to Porter of twenty-two hundred friends, for the Fifth Army Corps was, and is to-day, and while one veteran survives will be, the faithful, unfaltering, loyal friend of its gallant commander. Give him back to them. [Applause.]

Mr. Chairman, the chief of the rebellion walked down the steps of this Capitol threatening to return and destroy it. He attempted its destruction and failed. Yet Jefferson Davis walks in freedom. Men who penned our soldiers in Andersonville and Libby still live.

Officers trained at West Point, whose treason is not investigated, for they practiced it from the Mississippi to the Potomac, sit in this House. Shall Porter, innocent in heart if erring in act, alone be punished? Must he be a sacrifice for a nation?

The hero of Mexico and Malvern and Manassas asks only for justice; if you refuse him justice, I plead, against his wishes, for mercy. Take this innocent man from the side of Judas and Arnold and place him by the side of those who honor him—by the side of Getty and Sykes and Terry and Schofield and Grant. [Long-continued applause.]

Mr. BOUTELLE. Mr. Chairman, I find myself in the somewhat embarrassing position of controlling the last hour of the time on this side of the debate, for a portion of which applications have been made to me by six or eight gentlemen whose names were on the list of speakers and whom I am unwilling to deprive of the opportunity of being heard. I must, therefore, necessarily abandon the purpose of attempting to discuss the merits of this case in anything like detail. In fact, Mr. Chairman, in the few moments which I shall occupy under the stress of this limitation of debate, which is to be regretted in the disposition of so important a case, I may hardly hope to do more than perform a duty which I believe I owe to my native State, to the soldiers of my State, including many gallant members of the Fifth Army Corps, who desire to have their protest entered here against the passage of this bill.

We have heard from major-generals and brigadier-generals and private soldiers, and the assertion has been made here by the gentleman from New York in charge of this measure that of all the soldiers in Fitz-John Porter's command not one can be found to join in his condemnation. It would have been my pleasure, as well as my duty, had time afforded, to have cited a satisfactory refutation of that fact from the mouths of a number of witnesses, as true and worthy soldiers as ever fought beneath the flag. Suffice it to say that among all the soldiers of my State, with whom I have a somewhat familiar and friendly acquaintance, I have received but one communication in favor of the passage of this bill, while on the other hand I have received numerous protests, among them an urgent letter lying upon my desk to-day from a gallant cavalryman of the glorious First Maine, who sat his horse by the side of Fitz-John Porter as his orderly on the 29th of August, 1862, and who writes to me to express the sentiment of indignation and astonishment which he says was almost universally felt among the troops at the inaction of their general and his failure to give the enemy battle on that day. Another and similar protest comes to me from a brave sergeant of the Second Maine Infantry, who, like his comrade, says it was believed by the soldiers that Porter did not mean to support Pope. So much for the alleged unanimity of the testimony on the part of the soldiers in favor of Fitz-John Porter.

Mr. Chairman, if this measure has been based or rested upon one consideration more than another it has been upon a statement of the opinion recently given by the great commander of the Union armies, General Grant, who seems to be regarded with so much and such unwonted enthusiasm on the other side of this Chamber for the purposes of this debate.

The groundwork of the argument here for Porter has been the assertion of the doctrine by the board of review, which is alleged to be indorsed by General Grant, that a corps commander in time of war is justified in using his discretion in regard to obedience to his orders. Now, I undertake to say that the declaration that a subordinate military officer in time of battle, in the face of the enemy, is justified in using his discretion as to obeying an explicit and peremptory order of his lawful commander is one of the most astonishing propositions ever put before the American people. I assert that it found its contradiction in every fact and in every act of the successful prosecution of our war.

But, Mr. Chairman, when the proposition is presented upon so eminent an authority as that of General Ulysses S. Grant it naturally requires something besides mere assertion of dissent to meet and counteract it. I declare that General Grant's statement in behalf of Fitz-John Porter is in contradiction of the very principles upon which he himself conducted the great operations that resulted in the suppression of the rebellion.

I appeal from the special pleading of General Grant in this case, so persistently pressed upon his sympathy, to the testimony of General Grant in another case where the fortunes and reputation and honor of as gallant an officer as ever wore uniform were at stake. General Gouverneur K. Warren, of the Fifth Army Corps, which he commanded subsequently to Fitz-John Porter, was superseded at the battle of Five Forks just as the genius of victory was about placing the wreaths of final triumph upon our national standards, just as fruition was coming to the gigantic military efforts of four long years. General Warren was removed from his command at the supreme moment of national victory; he was placed under the cloud of suspicion and disapproval; and when he had rested for long years under this opprobrium and had unsuccessfully sought for a removal of the censure, at last a board of inquiry was ordered in his case, and among the most important witnesses on that occasion was General Ulysses S. Grant.

Now, I will not go into the merits of this case of General Warren. That gallant soldier is dead. He sleeps enshrouded in the flag to which he was never false. He sleeps embalmed in the affections of the people whom he served with fidelity and ability for four long years. He sleeps beloved by the men whom he so often and so nobly led into battle. He sleeps with but one reflection upon his memory, the complaint—which is also earnestly denied—that he was a little tardy upon that occasion; and for that he was denied a share in the glories of Appomattox and put under rebuke while others were receiving the plaudits of the people.

Mr. Chairman, when the time came to vindicate or relieve that gallant officer, who had become stricken by disease incurred in the service of his country, and who was yearning for the vindication which had been delayed so long, General Grant was called as one of the principal witnesses; and I want to read to you from his testimony to show what General Grant's opinion was in the case of General Warren in regard to the duty of subordinate officers. I read from the testimony of General Grant, proceedings of the court of inquiry, page 1041:

Q. As far as you recollect was the reason of your requesting General Meade to send that additional dispatch the fact that you alluded to before, that you had no one to send yourself?

General Grant answered:

It would be impossible for me to answer now from recollection just what I did. I know through the whole of the day from the time General Sheridan was sent off to my left flank until Five Forks was carried I was watching their every movement and everything that was done, doing all I could to aid. I was sending orders here and there to one army and another.

Please note that he was not giving orders simply to subordinates in his immediate vicinity, but that he was sending off orders to one "army" here and another "army" there—

I was sending orders here and there to one army and another, wherever I judged there was an opportunity of putting it in; *and I wanted my orders promptly obeyed and generally had them.*

That he generally had his orders obeyed will be freely testified by many of his officers now seated on the floor of this House. But says General Grant in addition:

Where officers undertook to think for themselves and considered that the officer giving them orders had not fully considered what everybody else was to do it generally led to failure or delay.

I do not hesitate to say, Mr. Chairman, that is the doctrine, that is the essence of the military code which carried the banner of Ulysses S. Grant from Donelson to Vicksburg and from the Wilderness to Appomattox. It was the doctrine of obedience to orders, and I appeal from the special pleading of General Grant in behalf of Fitz-John Porter to his sworn declaration of his faith and his practice in the case of Gouverneur K. Warren.

If it were necessary to add emphasis to this terse statement of the necessity for prompt and implicit obedience and for the vesting of absolute authority in one commanding and directing head in time of battle, I might cite the language of that other great military chieftain, William Tecumseh Sherman, who, in reviewing this case as General of the Army, July 15, 1882, said:

It would be an unsafe and dangerous rule to hold the commander of an army in battle to a technical adherence to any rule of conduct for managing his command. He is responsible for results, and holds the lives and reputations of every officer and soldier under his orders as subordinate to the great end—victory. The most important events are usually compressed into an hour, a minute, and he can not stop to analyze his reasons. He must act on the impulse, the conviction of the instant, and should be sustained in his conclusions if not manifestly unjust. The power to command men and give vehement impulse to their joint action is something that can not be defined by words, but it is plain and manifest in battles, and whoever commands an army in chief must choose his subordinates by reason of qualities which can alone be tested in actual conflict.

No one has questioned the patriotism, integrity, and great intelligence of General Warren. These are attested by a long record of most excellent service; but in the clash of arms at and near Five Forks, March 31 and April 1, 1865, his personal activity fell short of the standard fixed by General Sheridan, on whom alone rested the great responsibility for that and succeeding days.

My conclusion is that General Sheridan was perfectly justified in his action in this case, and he must be fully and entirely sustained if the United States expects great victories by her armies in the future.

Apply the rule and the logic of these clear-cut declarations of Grant and Sherman to the case of Fitz-John Porter, and the attempt to argue in favor of restoring him to the position he forfeited will appear worse than ridiculous. Their words warn us that the excusing, not to say glorifying, of such insubordination and failure of duty as that for which Porter was cashiered by a general court-martial will strike a dangerous if not fatal blow at the discipline and *morale* of our Army. To apply the phraseology of General Sherman, the verdict of that court-martial "must be fully and entirely sustained if the United States expects great victories by her armies in the future."

The other theory of justifying a disobedience of orders in time of war, in presence of the enemy, upon the strength of evidence of the military situation discovered many years after, unknown to the delinquent officer at the time and largely furnished by the enemy who were benefited by the delinquency, seems to me a novel and dangerous one.

I think the American people will hesitate still some time before condemning General Grant for crushing the rebellion because distinguished officers of the confederate army and other eminent Democrats have expressed very emphatic disapproval of his strategy and its results.

We are not quite ready to admit that the march of Sherman from Atlanta to the sea was a blunder because the English language has proved inadequate to the expression of the disgust of our late confederate brethren at the unmilitary and unchivalrous character of such a tramp across the heart of the enemy's country.

I should not even be willing to expunge the record of Farragut's magnificent passage of the forts at Mobile Bay because in the opinion of the confederates the torpedoes laid across the channel ought to have blown his fleet to splinters. How easy it would now be to obtain testimony that under the circumstances Farragut as a prudent commander ought to have stopped his fleet when the Brooklyn, in the lead, discovered that the line of sailing led directly across the dead line of the submarine batteries, and when the iron-clad Tecumseh, striking one of them, lurched and went down, with all on board, within a stone's throw of his own vessel. Yes, it would be easy to prove how strong the defenses were and how desperate the attempt to force them; but the picture we choose to bear in mind is not that of a cautious and inglorious retreat; we love rather to remember the grand old Admiral as he stood in the shrouds above the smoke of battle and gave the order for his own glorious Hartford to take the lead, and, signaling the fleet to follow the flag-ship, stormed the gateway of Mobile with his wooden squadron, as he before had forced the fiery entrance of the Mississippi.

Lives might have been temporarily saved and bloodshed spared if the commander of the devoted six hundred had asserted discretion and refused to ride to death amid the awful guns at Balaklava. But the example of such a failure to obey would have cost England thousands of lives in subsequent operations, and history would have failed of one of the most magnificent examples of devoted valor. Had the commander of the Light Brigade failed to obey, and afterward spent years in appealing for justification, he would never have formed the theme of immortal verse, nor furnished the model for heroism to his countrymen. Better for him, better for humanity, even though "some one had blundered," that while gallantry has a historian he and his men will be remembered as they rode splendidly "into the jaws of Death" for the honor of the flag and the glory of old England.

Mr. Chairman, lack of time prevents me from saying some other things which I would like to have said. Permit me simply to advert to one remarkable phase in this discussion. I must say that I have sat here with feelings akin to indignation when I have listened to the use that has been attempted to be made of the name of the late President Garfield in this debate. We have had the political foes of General Garfield citing him here as in behalf of the dishonoring of his own verdict, and we have had men of his own political household attempting to make us believe that in some way General Garfield would approve of the putting of this stigma upon his own memory.

Mr. Chairman, we all know that General Garfield was a magnanimous man. We all know that his liberality knew no bounds. We all know that his political mistakes, such as they were, came from his overgenerosity. There is no fact fresher or more painful in American history than that the only leaves that have withered upon Garfield's tomb have been the olive branches that he offered to his enemies.

The gentleman from New York [Mr. SLOCUM] has undertaken to make it appear that General Garfield is in some way the author of and sponsor for this measure, which stigmatizes one of the most important actions of his life. Such injustice to his memory is in keeping with the only kind of return that General Garfield ever received for the magnanimity that he so constantly displayed. How much has the party of the gentleman from New York testified its appreciation of General Garfield's great-hearted political liberality? It was shown in 1880 when their national committee instructed their hirelings and scavengers to crawl on all fours from the slums and the gutters of every city of the Union from San Francisco to New Orleans and to write upon the curbstones and door lintels insults to the integrity of James A. Garfield.

A MEMBER. That is clear.

Mr. BOUTELLE. The gentleman says "that is clear." It is. It is also clear that in New York in the same year the representatives of the same party attempted to pay another installment of their debt of gratitude to the great, liberal, and conciliatory leader of the Republican party by deliberately endeavoring to fix upon him the authorship of an infamous forgery. That is the reward that General Garfield has received.

And here to-day we have men endeavoring to make us believe that the murdered President, if he could speak, would desire that the verdict of his court-martial should be reversed and dishonored. I want to say, Mr. Chairman, that I know something of General Garfield's feelings in regard to this case. I have talked with General Garfield myself in regard to it. I have talked with the dearest friends he had on this earth. I have talked within twenty-four hours with one close friend who bent over him as the last feeble, fluttering breath forsook his lips; and they all bear testimony that to the last moment of his life General Garfield felt the injustice of the finding of this "board of review" as the greatest and most grievous wrong that had ever been put upon him.

I protest against the false pretense of bringing the name of James A. Garfield in here to-day to assist in the desecration of Garfield's memory. I protest against invoking that great shade in behalf of casting a stigma upon Stanton and upon Lincoln. I protest in the name of the loyalty of this country against the attempt made to roll back the tide of years and to brand the patriots of 1862 while rewarding the traitors. I protest against the verdict about to be rendered here—no, it will not be a "verdict." I protest against the vote to be given here, and declare that in no sense can it be held a vindication of Fitz-John Porter. I assert as my solemn belief, and certainly upon a firm and unyielding conviction, that Fitz-John Porter never could be vindicated by the votes of the representatives of the loyal people whose flag he betrayed in the face of the enemy. [Applause.]

I now yield ten minutes of my time to the gentleman from Pennsylvania [Mr. BROWN].

Mr. BROWN, of Pennsylvania. I think I have discovered, in the short time I have been a member of this House, a disposition on almost every hand to reverse all that the people did in the days of the war and the years immediately following. The first gentleman who addressed the committee upon this question [Mr. SLOCUM] made the assertion, and it has been quoted on both sides of the House from time to time, that Fitz-John Porter was tried in a time of passion; that his case did not have that consideration which would have been given to it had he been tried when the passions of the people had subsided after the war had ended. The gentleman from Pennsylvania [Mr. BAYNE] reiterates it; and I think almost every gentleman who has undertaken to defend Fitz-John Porter on this floor has assumed about the same position.

The gentleman from New Jersey [Mr. PHELPS], who so well closed the debate on the other side, tells this House that he comes here and speaks in defense of Fitz-John Porter because Porter is a constituent of his. I wish this whole question was referred back to his constituents, and that Fitz-John Porter could go where he could be properly vindicated, by the people.

I pity Fitz-John Porter; my heart goes out to him in pity. Therefore I would not have that mockery of commendation, that mockery of vindication, which must, of necessity, come from this House if this bill shall pass. The vindication which Fitz-John Porter should seek is a vindication from the people.

Now, I know of no better State for an appeal to be made with a greater certainty for vindication than the State of New Jersey. It is in that State where lives the man next to him, the man who approached nearest to him in treachery in that hour when Fitz-John Porter fell; the State where George B. McClellan was vindicated. I am in favor of remanding this whole question back to New Jersey, where Fitz-John Porter may be vindicated by the people and their suffrages, and that would be a vindication worth something to him.

Mr. Chairman, between the 26th and 31st days of August, 1862, on the "Plains of Manassas," there was fought a series of battles resulting in great disaster to the Union arms. They were disastrous on account of the great loss in men and materials; they were disastrous because they served to reveal a spirit of jealousy, envy, and chicanery among officers high in command so bitter and so deep-seated as to demoralize the army and dishearten the people. Twenty thousand men had bled and died in vain; twenty thousand stand of arms had gone into the hands of our enemies. The capital of the nation was threatened, and at least one of the great captains upon whom the nation depended to lead her armies had proved himself much more willing to sacrifice his country for his own aggrandizement than to sacrifice himself for his country's glory.

The campaign which ended in this great calamity really opened on the 18th day of August. On that day at 4 o'clock began the retreat induced by the necessity of the situation. General Pope had received such information as satisfied him that Lee—no longer menaced by the Army of the Potomac under McClellan—was about to throw his whole army with crushing force upon him and to cut his communication with Fredericksburg and the capital. He immediately fell back to the north side of the Rappahannock. Here he made a stand, and until the 22d resisted successfully all attempts of the confederates to cross the stream.

There were of his forces on that day less than forty thousand men of all branches of the service. He at once notified the commander-in-chief of his perilous situation and asked for re-enforcements. These were promised within two days. At the same time he was urged to contest the ground on his retreat, so that the entire force then on its way from Harrison's Landing could reach the field before a general engagement. Thus assured, General Pope continued his perilous retreat until the 26th of August, when he reached the plains of Manassas. Although of the entire time there was hardly an hour when some portion of his command was not engaged, he held the advancing host so well in check, that on the latter day he had reached ground, without serious loss, where he should have been met with all the men and materials necessary for a successful termination of the campaign.

This great success was achieved by tireless vigilance on the part of the general and by heroic endurance on the part of his men. I venture the assertion—and I base it not only upon recorded history but upon personal observation—that of the troops of Pope's command who gave their lives to their country in that heroic struggle more than one-half of the number never laid aside the harness of war from the 18th day of August, when they buckled it on, until the hour they fell in death upon the fated fields of Manassas.

Such was the skill, the heroism, and the endurance that brought the Army of Virginia through perils by night and perils by day upon soil where but for base treachery it had been rewarded with victory. But, sir, the promised re-enforcements came not. Though often urged and besought and commanded, McClellan hesitated and Porter delayed. The troops promised for the 25th began to come in small detachments only on the 27th. In the mean time Jackson had flanked Pope's right and played havoc with military stores at Manassas and was making off with his plunder.

On the 27th Hooker met the retreating columns of Jackson, under Ewell, and the first battle of the series was fought. At this time only three divisions of the Army of the Potomac—Hooker's, Heintzelman's, and Sykes's—had reached a point to be of use to Pope. Porter was, however, only nine miles from headquarters, and, with the other detachments of McClellan's command, marching in the direction needed, Pope had every reason to expect that with the exercise of reasonable speed, in the movement of his troops, he could fall upon Jackson, and before assistance could reach him from Longstreet defeat and scatter his forces. It was at this point of time that the order of 6.30, about which so much has been said, was written. Prior to its writing Pope had sent two precautionary orders explaining fully the situation to Porter and stating clearly and distinctly both the perils of the situation and the prospects of triumph, and urging upon him in the plainest possible terms the great necessity for prompt movement when the hour for the final order should come. Let me call the attention of the House to these orders. They are dated, respectively, August 26, 7 o'clock p. m., and August 27, 4 o'clock a. m., and are as follows:

HEADQUARTERS ARMY OF VIRGINIA,
Warrenton Junction, August 26, 1862—7 o'clock p. m.

GENERAL: Please move forward with Sykes's division to-morrow morning through Fayetteville to a point two and a half miles of the town of Warrenton, and take position where you can easily move to the front, with your right resting on the railroad. Call up Morell to join you as speedily as possible, leaving only small cavalry forces to watch the fords. If there are any troops below coming up, they should come up rapidly, leaving only small rear guard at Rappahannock Station. You will find General Banks at Fayetteville. I append below the position of our forces, as also those of the enemy. I do not see how a general engagement can be postponed more than a day or two.

McDowell, with his own corps, Sigel's, and three brigades of Reynolds's men, being about thirty-four thousand, are at and immediately in front of Warrenton; Reno joins him on his right and rear, with eight thousand men, at an early hour to-morrow; Cox, with seven thousand men, will move forward to join him in the afternoon of to-morrow; Banks, with six thousand men, is at Fayetteville; Sturgis, about eight thousand strong, will move forward by day after to-morrow; Franklin, I hope, with his corps will by day after to-morrow night occupy the point where the Manassas Gap Railroad intersects the turnpike from Warrenton to Washington city; Heintzelman's corps will be held in reserve here at Warrenton Junction until it is ascertained that the enemy has begun to cross Hedgman's River. You will understand how necessary it is for our troops to be in position as soon as possible. The enemy's line extends from a point a little east of Warrenton Sulphur Springs around to a point a few miles north of the turnpike from Sperryville to Warrenton, with his front presented to the east, and his trains thrown around well behind him in the direction of Little Washington and Sperryville. Make your men cook three days' rations and keep at least two days' cooked rations constantly on hand. Hurry up Morell as rapidly as possible, as also the troops coming up in his rear. The enemy has a strong column still farther to his left toward Manassas Gap Railroad in the direction of Salem.

JOHN POPE,
Major-General, Commanding.

Maj. Gen. FITZ-JOHN PORTER,
Commanding Fifth Army Corps.

This order of Pope on the 26th shows that Porter was thus early notified of what was expected.

HEADQUARTERS ARMY OF VIRGINIA,
Warrenton Junction, August 27, 1862—4 o'clock a. m.

GENERAL: Your note of 11 p. m. yesterday is received. Major-General Pope directs me to say that under the circumstances stated by you in relation to your command he desires you to march direct to this place as rapidly as possible. The troops behind you at Barnett's Ford will be directed by you to march at once direct to this place or Weaverville, without going to Rappahannock Station. Forage is hard to get, and you must graze your animals as far as you can do so. The enemy's cavalry has intercepted our railway communication near Manassas, and he seems to be advancing with a heavy force along the Manassas Gap Railroad. We will probably move to attack him to-morrow in the neighborhood of Gainesville, which may bring our line farther back toward Washington. Of this I will endeavor to notify you in time. You should get here as early in the day to-morrow as possible, in order to render assistance should it be needed.

I am, general, very respectfully, your obedient servant,
GEO. D. RUGGLES,
Colonel and Chief of Staff.

Maj. Gen. F. J. PORTER,
Commanding Fifth Army Corps.

What could have been more explicit than to say, as did Pope after explaining to Porter the disposition not only of his own but of Lee's forces, "You will understand how necessary it is for our troops to be in position as soon as possible;" and again, "Make your men cook three days' rations," and "Hurry up Morell as rapidly as possible, as also the troops coming in his rear," adding, "The enemy has a strong column still farther to the left" than before indicated. Was this an intimation to Porter that he could take his own time, that he could come to the front at leisure, as suggested by the West Point board and by General Grant's letter and by gentlemen on this floor?

THE ORDER OF 6.30.

Being thus forewarned of what might be expected at 6.30 on the 27th, Pope issued the following positive order and instructions:

HEADQUARTERS ARMY OF VIRGINIA, BRISTOE STATION,
August 27, 1862—6.30 p. m.

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night, and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas, and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Maj. Gen. F. J. PORTER, *Warrenton Junction.*

P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the Junction, instruct Colonel Cleary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

By command of Major-General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

In this order the military board profess to find something indefinite, something indicating the author's intent to leave in part the carrying out of his command to Porter's discretion. If regard is had to the language employed such a construction can not with any propriety be placed upon it. Still more absurd do such conclusions appear when we take into account Porter's familiarity with the preceding orders which made known the perilous situation and the imperative need of relief. Even if there had been no time stated in the order when Porter should report at Bristoe Station, all discretion was denied him when Pope designated the hour for starting. But when a limit is stated within which the journey should begin, and a time distinctly named when it should end and the command be at Bristoe for duty, all chance or possibility for doubt must be considered at an end. To assert, therefore, that the order left to Porter any discretion in the matter is to acknowledge dishonesty in the person making such assertion or to confess that he had not critically examined the order in question. Evidence by such a witness should have little weight with this House. The language is: "You (Porter) start at 1 o'clock to-night and come forward with your whole corps, so as to be *here at daylight*," and "it is necessary on all accounts that you should *be here by daylight*. I send an officer to conduct you to this place."

That language so plain, positive, definite, and unequivocal should be tortured into a "discretion" only proves the straits to which the friends of Fitz-John Porter are pushed to find an explanation for his conduct on that occasion.

But, as if to place itself beyond the range of pity and secure the contempt of all mankind for its opinions, the reviewing board adds another justification for disobedience to this order which, if founded on fact, would make the former excuse still more absurd and ridiculous. It alleges that even if Porter had not been allowed discretion he could not have obeyed the order, because, first, the night was too dark to march; second, the road was impassable on account of previous rains; and third, that it was crossed by streams and blockaded with teams and wagons floundering in mud and stranded in the mire. It is needless to say that if Porter had been given discretion to march either at 1 o'clock or at 4, when he did march, it would be entirely unnecessary for the military board, or for General Grant, or for the gentlemen on the other side to furnish any other justification for the delay whatsoever. Why distort the facts, as sworn to by a multitude of witnesses, in order to find a second justification? The night was not so dark that Porter could not march over that road.

The testimony shows that though the night was at times cloudy there was no rain, and that troops in nearly every corps in the Army, both

Union and confederate, marched that night, and during the very hours when it is claimed Porter could not march on account of the darkness. To this effect was the testimony of General Butterfield, General McKeever, Col. Robert C. Cleary, Solomon Thomas, Captain Duryea, General Pope, General Myers, Major Duval, and a multitude of others. Henry Kidd Douglas, adjutant-general to Jackson, swore that Jackson's whole command marched from Centreville to a point near Groveton on this night. General Early corroborates this, and says he marched without experiencing any difficulty on account of the darkness. The following are a few among many who swore to the same effect:

Lieut. Edward Brooks, called by the Government, and sworn and examined as follows (general court-martial record, page 112):

By the Judge-Advocate:

Q. What is your position in the military service?
A. I am a first lieutenant of volunteers in the Sixth Wisconsin Regiment.
Q. State to the court, if you please, whether or not you were serving with the Army of Virginia on or about the 27th of August last.
A. I was.
Q. In what place occupied by that army were you on the night of the 27th of August?
A. I was at Bristoe Station and at Greenwich.
Q. Do you remember the character of the night; if so, will you state whether it was of usual or unusual darkness?
A. It was not very dark; not so dark but what I could find my way through the woods.
Q. Was or was not the night of such a character as to offer any unusual difficulties to the march of troops?
A. It was not.
Q. What was the general condition of the road from Warrenton Junction in the direction of Manassas Junction?
A. It was very good.
Q. Did you have full opportunities of ascertaining the condition of that road on the night of the 27th of August?
A. Yes, sir.
Q. What opportunities did you have?
A. I traveled from beyond Warrenton to Warrenton Junction, from Warrenton Junction to Bristoe Station; and after arriving at Bristoe Station I went across the country to Greenwich.
Q. Have you or not frequently passed over that road?
A. Very often.

Board record, page 640:

Col. Thomas F. McCoy, called by the recorder, being duly sworn, was examined, and testified as follows:

* * * * * * *

Q. Whose brigade and whose division?
A. Duryea's brigade, Ricketts's division, McDowell's corps.
Q. What rank did you leave the service with?
A. Colonel.
Q. Were you brevet brigadier-general?
A. Yes, sir.
Q. Where were you on the afternoon of August 25, 1862?
A. A little southwest of Warrenton.
Q. How late did you march that day and evening?
A. The 25th?
Q. Yes.
A. I don't think we marched on the 25th. We marched on the 23d.
Q. Until how late?
A. About 10 or 11 o'clock.
Q. On the 27th of August were you on the march late in the day?
A. Yes.
Q. Until how late did you then march?
A. All night; until 1 o'clock.
Q. What difficulty, if any, was experienced in marching that night?
A. We didn't have any difficulty in marching that night. There was a good deal of straggling among the soldiers.

Board record, page 861:

John P. Taylor, called by the recorder, having affirmed, testified as follows:

Direct examination:

Q. Where do you live?
A. Reedsville, Pennsylvania.
Q. Were you in the military service of the United States in the month of August, 1862; if so, in what capacity?
A. I was captain of the First Pennsylvania Cavalry at that time.

* * * * * * *

Q. Have you ever been over the road from Warrenton Junction to Bristoe Station?
A. Yes; quite frequently.
Q. What was the character of that road from Warrenton Junction to Catlett's in 1862?
A. It is on the left side of the road from Warrenton Junction to Catlett's. There is a stream that passes between Warrenton Junction and Catlett's, I think at a distance not to exceed a mile.
Mr. BULLITT. Had the witness been over this road frequently before that?
A. Yes; I encamped at Catlett's in the spring of 1862 for some three weeks, immediately after the enemy vacated Manassas. We were there three weeks before the advance moved to Fredericksburg.
Q. Go on and describe the character of the road as it then was from Warrenton Junction to Catlett's Station.
A. There is a stream passes down between Warrenton Junction and Catlett's and a railroad bridge crosses there, and some trestle-work, but above the bridge it is almost level country for some miles west. At that time there was a strip of woods that came down near Catlett's—a narrow strip of woods. We had moved all over that ground for a mile west of the railroad.
Q. Then coming from Catlett's to Bristoe, what was the character of the road?
A. That is nearly a vast plain most of the way. There are two streams, I think—small ravines—but the country is a vast plain. General Gregg moved his division of cavalry a mile to the north of the railroad, in the night, from Bealeton to Auburn, about two or three miles north of Catlett's.
Q. Across the country?
A. Yes; across the country about a mile, where there was no road.
Q. At that time could wagons go on each side of the road?
A. There were roads some distance there on each side of the railroad, and wagons and troops moved frequently in column.
Q. More than one road?
A. O, yes; the troops had made roads. Sometimes one road would get bad, and they would go off and make another road. The country was such they could have one almost any place.

I. H. Duval, called by the recorder, being duly sworn, testified as follows:

Q. Where do you reside?
A. Wellsborough, W. Va.
Q. Were you in the military service of the United States in the month of August, 1862? If so, in what capacity?
A. I was major of volunteers, First West Virginia Regiment.
Q. Whose brigade and division?
A. I was in the fourth brigade, Ricketts's division.
Q. Where were you on the evening of August 27, 1862, and what did you do?
A. On the evening of August 27 I was with my brigade. We were about four miles, I think, northwest of Warrenton at that time—north or northwest—and I was directed by my colonel to carry a letter that he handed me from General Ricketts to General Pope.
Q. To what point?
A. It was supposed to be somewhere near Centreville. That was my order.
Q. What did you then do?
A. I started and made the trip and delivered the letter.
Q. You left the camp about what time?
A. Nearly dark. It was after sundown.
Q. What road did you take?
A. I came back to Warrenton, and I followed then the road running from Warrenton in the direction of Catlett's Station. I was directed to go that way and keep out of the way of the enemy.
Q. Did you pass through Warrenton Junction?
A. No, sir; I struck the road at Catlett's.
Q. What direction did you then take?
A. I took the road leading from Catlett's Station to Manassas Junction by the way of Bristoe.
Q. Where did you find General Pope?
A. I found General Pope near Manassas Junction.
Q. What was the character of that night?
A. I don't know that I recollect distinctly in regard to that. I rode all night, though, until about 3 o'clock in the morning, when I took a little rest. I had no particular difficulty in finding the way.
Q. From Catlett's Station to Bristoe did you meet with any obstruction to your movements?
A. There were a great many wagons along the line; there were some troops, but I went along without any particular obstruction. There were no obstacles that kept me from going.
Q. Did you have any escort with you?
A. No, sir.

Board record, page 586:

William E. Murray, called by the recorder, being duly sworn, testifies as follows:

Direct examination:

Q. Where do you reside?
A. Winchester, Ind.
Q. Were you in the military service of the United States in the month of August, 1862; if so, in what capacity?
A. Yes; I was a member of Company C, Nineteenth Indiana Volunteers.
Q. In whose brigade and division?
A. Gibbon's brigade, King's division.
Q. Where were you on the night of August 27, 1862?
A. On the night of the 27th our regiment was encamped near New Baltimore; a little to the north, I think, of New Baltimore. That is, we stopped there about 10 o'clock, perhaps.
Q. How long had you been marching before you made that halt on that day of the 27th?
A. We had been marching, I think, most of the day; not continuously, but back and forth.
Q. From sunset, how much of that time had you been marching up to 10 o'clock?
A. I am unable to state the distance.
Q. Were you marching during that time?
A. We were moving most of the time.
Q. Did you keep to the road or in the fields, or both.
A. Generally to the road, except where we would meet obstructions in the way of cavalry or artillery; kept mainly in the roads.
Q. How was it after dark?
A. Much the same.
Q. Do you recollect the character of the roads at that time, as to whether they were dry or muddy?
A. I don't remember any mud; I think they were generally dry.
Q. Do you recall what the character of the night of the 27th of August was?
A. There was no moon, according to my recollection, but it was clear; we could see objects plain enough.
Q. At a great distance?
A. A rod or so.
Q. How much of that night were you up after coming to a halt at 10 o'clock?
A. I should think that I did not lie down till near midnight.
Q. Up to that time, do you recollect what the character of the night was, as far as distinguishing objects was concerned?
A. My recollection is that it was the usual starlight night.
Q. Up to that time, during that night, what difficulty, if any, did you experience in marching?
A. No particular difficulty.
Q. How was the regiment, so far as its formation was concerned, on that march after sunset?
A. I think they kept their formation about as well as usual.

Board record, page 591:

William M. Campbell, called by the recorder, was sworn and examined, as follows:

Direct examination:

Q. State your residence.
A. I reside in Randolph County, Indiana.
Q. During the month of August, 1862, were you in the military service? If so, in what capacity?
A. I was in the military service, and in the Nineteenth Regiment of Indiana Volunteers, Gibbon's brigade, King's division.
Q. Where were you on the evening of August 27, 1862?
A. We were marching from the direction of Warrenton to Centreville, on a road that led in that direction, as far as I knew.
Q. On what is called the Warrenton, Gainesville, and Centreville pike?
A. I think that was it; that is my recollection of it.
Q. How late did you march?
A. We marched until after night. I could not state how late it was, because I did not have any timepiece. It was after night when we stopped.

* * * * * * *

Q. What was the character of the night?
A. It was an ordinary night, without moonlight; that is my recollection about it: nothing extraordinary in any way, only an ordinary night, such as we had a good many of in Virginia about those times.

Q. How far could you distinguish objects?
A. We marched our regiments in companies, and got along without any difficulty that I recollect of. How far we could see I could not say.

Board record, page 597:

J. H. Stine, called by the recorder, being duly sworn, testifies as follows:

Direct examination:

Q. Where do you reside?
A. I reside at Winchester, Randolph County, Indiana.
Q. During the month of August, 1862, were you in the military service of the United States? If so, in what regiment?
A. I was in Company C, Nineteenth Indiana Volunteers.
Q. Where were you on the afternoon, evening, and night of the 27th of August, 1862?
A. We started from Sulphur Springs near noon and marched north through Warrenton, going through there about 3 or 4 o'clock, and on north toward the Bull Run battle-ground.
Q. At what time did your regiment halt?
A. We marched quite a time after 9.
Q. Where was the rest of the brigade?
A. The whole brigade was together.
Q. Where was the rest of the division?
A. I took a great interest in the history of the movement of troops, and that day we were understood to be going into battle; I don't positively recollect whether the whole of the division went into camp or not; I know the next day we were not together all the time.
Q. In marching during that evening what difficulty, if any, did you experience in getting along?
A. None, particularly.
Q. Did you keep to the road?
A. Mainly we did, though sometimes we didn't.
Q. Do you recollect what the character of the night was on the 27th of August, 1862?
A. My recollection is that from, say 8 to 10 o'clock—it was maybe toward from 8 to 11—it was not so light as afterward.

* * * * * * *

Board record, page 683:

William Birney, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Question. Where do you reside?
Answer. Washington city.
Q. In the month of August, 1862, what rank did you hold in the service of the United States?
A. I was major of the Fourth New Jersey Regiment; I commanded the Fifty-seventh Pennsylvania.
Q. You finally left the service with what rank?
A. Brevet major-general.
Q. Early that month I believe you were taken prisoner?
A. No. sir; I was taken prisoner at Gaines's Mill.
Q. When did you assume command of the Fifty-seventh Pennsylvania?
A. Immediately after my exchange. If my memory serves me, I was exchanged on the 13th of August, and took command about the 15th.
Q. In whose division were you then?
A. Commanding the Fifty-seventh; I was in Kearny's, Heintzelman's corps.
Q. Where were you on the night of August 27, 1862, and the morning of the 28th?
A. I was in camp, a little north of the Alexandria railroad.
Q. Did you march any that night; if so, when, and for what length of time?
A. We marched that night, but the exact hour of starting I can not recollect. We marched some time before daybreak, and in the direction of Bristoe Station.
Q. How many hours is it your recollection, about, that you marched?
A. I can not now say. I recollect marching some distance.
Q. What difficulty, if any, did you experience in marching that night, from the character of the night or the character of the roads?
A. I recollect no particular difficulty about the road.

The testimony I have quoted is taken almost at hap-hazard, and is in substance like the entire mass of evidence upon this point. What, then, becomes of the assertion that the night was so dark Porter could not march? It remains not only unsupported by evidence, but it is affirmatively established that whole brigades and divisions marched on that night without difficulty. The only darkness that prevented General Fitz-John Porter from obeying the command of his superior was in his own heart, where it had thriven under the malign influence of envy, jealousy, and ignoble ambition!

But it is claimed as an excuse for disobedience that the roads were muddy and that they were obstructed by a wagon-train, neither of which assertions is true. At the time when the order was delivered the rear end of the train was already three miles from Porter's headquarters and going in the direction he was ordered to march. The train would have from say 10 until 1 o'clock at least to increase this lead, so that if Porter had started at 1 o'clock, when ordered, he could hardly have overtaken a single wagon if they had not been parked. But that there should be no excuse for delay whatever, Pope gave instructions to his quartermaster, General Myers, to order the trains into park, thus leaving the roadways on both sides of the railroad open for the passage of the troops. General Myers swears that this order was carried out; that the trains went into park and remained until daylight, long enough for Porter to have passed his entire corps between Warrenton Junction and Bristoe. But this is not all; between these two points there is a railroad track along which Porter could have moved his troops if he had desired, even if the whole wagon-train had been on the roads. A desperate effort is further made to prove that the night was rainy. That there was a sprinkle of rain may be possible, but that it fell in sufficient quantities to retard in the least the advance of troops on the night of the 27th is disproved by innumerable witnesses.

The frantic efforts to manufacture a rain-storm for that night only show how thoroughly the friends of Porter are pushed to find a palliation for his offense. The only rains of any consequence during the whole of that memorable campaign were on the nights of the 22d of August and 1st of September. The rain of the 22d was a succession of very severe thunder-storms, so copious as to make a flood in the Rappahannock and prevent Pope from recrossing that stream, as he had previously determined to do. These showers cooled the air, and there was neither severe heat nor rain until the battles of Groveton and Bull Run. The battle of Chantilly occurred on September 1, and was fought not only in the rain but much of it in the dark. These were the only rains that occurred in the whole campaign beginning August 18 and closing September 1. Any man who will deliberately swear that there was such a rain on the night of the 27th as to impede the movement of troops in the least (unless he does so under an entire misapprehension), will swear to anything for the accomplishment of his purpose.

MUDDY ROADS.

Neither were the roads muddy. I marched along this road on the 23d of August, the day following the heavy rains of the 22d, and even at that time there was not sufficient mud to impede the progress of the march. August rains, unless they continue many days, in that part of Virginia never convert the roads into mud, unless heavily traveled while the rain is falling. The soil is sandy and light, and the rains of a night are all lost in the streams before morning. By this I do not mean to be understood as denying the existence of mud-holes where small unbridged streams crossed the roads. I remember distinctly that there were a few such places on that stretch of road, places that would hinder and delay teams. But that there was mud to hinder to any considerable extent the advance of troops, even in the night-time, I most emphatically deny, and in this I am clearly supported by the testimony, part of which I have already quoted.

Neither the darkness of the night, the rains, the mud, the wagons, nor any other thing in the heavens above, on the earth beneath, or in the waters under the earth interfered with the execution of Pope's orders, save only the purpose in Porter's heart to destroy his superior officer.

Porter was ordered to move at 1 o'clock. At what time did he move? My friend from Massachusetts says at 3, a trifling delay of only two hours, but even then there was only a half-hearted order given that his troops be ready to move at that time, and in fact they did not move until daylight, and even at sunrise Porter was seen, like Cæsar, "in his tent"—not on "a summer evening" but on a summer morning, all unconcerned, and still at Warrenton Junction! And yet my friend calls this a reasonable compliance with the order, only such a divergence therefrom as may be permitted by the laws of war. Sir, I would like to see such a law. I have not been able to find it. I believe it exists only in the fertile imaginations of the West Point board and of those who accept its conclusions as both fact and law.

My friend says Porter was not needed at Bristoe, for when he finally reached that place at 10 o'clock he was not used! Indeed! How is this to be inferred? Because he was of no use to his country at 10 o'clock, does it follow that he would not have been of the utmost service at 4? The exigency that demanded his presence at 4 had passed at 10. Less than six hours wasted when troops are moving into position for a fight have lost the greatest battles in the annals of war. Sir, Waterloo had its hesitating Grouchy, Bull Run its Patterson, and Groveton its Fitz-John Porter! It remained, however, for the latter to bear into history a name tarnished not only by hesitancy, but ineffaceably stained by disobedience in the crucial hour of his country's destiny.

But now, for the sake of the argument, and that we may have a start from the same premises, suppose we admit as true all that was portrayed by the vivid imagination of the gentleman from New Jersey [Mr. McADOO]—that the night was dark as Erebus, the road a sea of mud whereon floundered and floated in helpless confusion three thousand army wagons and six thousand army mules! Suppose all the "oak-cleaving thunderbolts and the cataracts and hurricanoes" that met old King Lear on the heath were out that night to "drench the steeples and drown the cocks," the face of nature was not thereby destroyed nor were the marks of time obliterated. It is still written history that more than twenty thousand men marched that night to the orders of their commanders toward the plains of Manassas, and in the record of events there remains debited to Porter's account the fact that he neither marched nor tried to march.

Now, sir, I am free to admit that were this all, and were we permitted to forget the motive underlying Porter's disobedience—a motive clearly shown in the several letters written by Porter to Burnside (which I shall have published with these remarks)—I could see my way clear to vote for this bill. I would not by my vote condemn any man who had previously borne an honorable record for a single act of disobedience except under peculiarly aggravating circumstances or where an evil motive is indisputably evident. Unfortunately, the circumstances of this case are not only peculiarly aggravating, but an evil motive unquestionably existed. Fitz-John Porter disobeyed not one order but many. His motive manifested its hideous presence not in one letter but in many.

SECOND BRANCH OF THE CASE.

Having fallen so far out of time as to be of no use to his country on the 28th of August, Porter, after reaching Bristoe, at his own request, was permitted to rest himself and his men during the whole of that

day. Mr. Chairman, I desire here, and before presenting the next branch of the case, to remark that the great ado made over the wearied condition of Porter's men on the night of the 27th is in my opinion little less than an insult to the American soldier.

If the gentleman from New Jersey [Mr. MCADOO] has so poor an opinion of a soldier's endurance and of his willingness to sacrifice for his country, he has much yet to learn concerning both. That gentleman actually argued to this House that it was a piece of unpardonable cruelty to ask Porter's men to march on the night of the 27th, because they had already marched eighteen miles that day! Why, sir, there were thousands and tens of thousands of soldiers in that glorious Union Army who marched sixty miles without sleep or rest! The soldiers under Porter on that night needed but the order of their commander and they had moved to Bristoe without a murmur.

There is some difference of opinion among the lawyers as to whether the motive shall be proved before or after the main facts. In this case I am not driven to a decision upon this point. The offenses of Porter are many; I can place the "*motive testimony*" in the middle, and flank this on either side by the other testimony that points to his offenses. I ask permission here to read the several letters of General Porter written on the 27th, 28th, and 29th of August:

WARRENTON, 27—p. m.

To General BURNSIDE:

Morell left his medicine, ammunition, and baggage at Kelly's Ford. Can you have it hauled to Fredericksburg and stored? His wagons were all sent to you for grain and ammunition. I have sent back to you every man of the First and Sixth New York Cavalry except what has been sent to Gainesville. I will get them to you after a while. Everything here is at sixes and sevens, and I find I am to take care of myself in every respect. Our line of communication has taken care of itself, in compliance with orders. The army has not three days' provision. The enemy captured all Pope's and other clothing; and from McDowell the same, including liquors. No guards accompanying the trains, and small ones guard bridges. The wagons are rolling on, and I shall be here to-morrow. Good night!

F. J. PORTER, *Major-General.*

WARRENTON JUNCTION, *August* 27, 1862—4 p. m.

General BURNSIDE, *Falmouth:*

I send you the last order from General Pope—

That is, the order he had received before—not this 6.30 order that he had received the night before, but another order—directing him to move up the troops—

which indicates the future as well as the present. Wagons are rolling along rapidly to the rear as if a mighty power was propelling them. I see no cause for alarm, though I think this order may cause it. McDowell moves on Gainesville, where Sigel now is. The latter got to Buckland Bridge in time to put out the fire and kick the enemy, who is pursuing his route unmolested to the Shenandoah or Loudoun County. The forces are Longstreet's, A. P. Hill's, Jackson's, Whiting's, Ewell's, and Anderson's (late Huger's) divisions. Longstreet is said by a deserter to be very strong. They have much artillery and long wagon trains.

The raid on the railroad was near Cedar Run, and made by a regiment of infantry, two squadrons of cavalry, and a section of artillery. The place was guarded by nearly three regiments of infantry and some cavalry. They routed the guard, captured a train and many men, destroyed the bridge, and retired leisurely down the road toward Manassas. It can be easily repaired. No troops are coming up, except new troops, that I can hear of. Sturgis is here with two regiments. Four were cut off by the raid. The positions of the troops are given in the order. No enemy in our original front. A letter of General Lee, seized when Stuart's assistant adjutant-general was taken, directs Stuart to leave a squadron only to watch in front of Hanover Junction, &c. Everything has moved up north. I find a vast difference between these troops and ours. But I suppose they were new, as they to-day burnt their clothes, &c., when there was not the least cause.

I hear that they are much disorganized, and needed some good troops to give them heart, and, I think, head. We are working now to get behind Bull Run, and, I presume, will be there in a few days, if strategy don't use us up. The strategy is magnificent, and tactics in the inverse proportion. I would like some of my ambulances. I would like, also, to be ordered to return to Fredericksburg and to push toward Hanover, or, with a large force to strike at Orange Court-House. I wish Sumner was at Washington, and up near the Monocacy with good batteries. I do not doubt the enemy have large amounts of supplies provided for them, and I believe they have a contempt for this Army of Virginia. I wish myself away from it, with all our old Army of the Potomac, and so do our companions.

I was informed to-day by the best authority that, in opposition to General Pope's views, this army was pushed out to save the Army of the Potomac, an army that could take the best care of itself. Pope says he long since wanted to go behind the Occoquan. I am in great need of ambulances, and the officers need medicines, which, for want of transportation, were left behind. I hear many of the sick of my corps are in houses on the road very sick. I think there is no fear of the enemy crossing the Rappahannock. The cavalry are all in the advance of the rebel army. At Kelly's and Barnett's fords much property was left, in consequence of the wagons going down for grain, &c. If you can push up the grain to-night please do so, direct to this place. There is no grain here to-day, or anywhere, and this army is wretchedly supplied in that line. Pope says he never could get enough. Most of this is private.

F. J. PORTER.

But if you can get me away, please do so. Make what use of this you choose, so it does good.

BRISTOE, *August* 28, 1862—9.30 a. m.

General BURNSIDE, *Falmouth:*

My command will soon be up, and will at once go into position. Hooker drove Ewell some three miles, and Pope says McDowell intercepted Longstreet, so that without a long détour he can not join Ewell, Jackson, and A. P. Hill, who are, or supposed to be, at Manassas. Ewell's train, he says, took the road to Gainesville, where McDowell is coming from. We shall be to-day as follows: I on the right of railroad, Heintzelman on left, then Reno, then McDowell. He hopes to get Ewell and push to Manassas to-day.

I hope all goes well near Washington. I think there need be no cause of fear for us. I feel as if on my own way now, and thus far have kept my command and trains well up. More supplies than I supposed on hand have been brought, but none to spare, and we must make connection soon. I hope for the best, and my lucky star is always up about my birthday, the 31st, and hope Mc's is up also. You will hear of us soon by way of Alexandria.

Ever yours,

F. J. P.

FOUR MILES FROM MANASSAS, *August* 28—2 p. m.

General BURNSIDE, *Falmouth:*

All the talk about bagging Jackson, &c., is bosh. That enormous gap, Manassas, was left open, and the enemy jumped through; and the story of McDowell having cut off Longstreet had no good foundation. The enemy have destroyed all our bridges, burned trains, &c., and made this army rush back to look at its line of communication, and find us bare of subsistence. We are far from Alexandria. Your supply train of forty wagons is here, but I can't find them.

There is a report that Jackson is at Centreville, which you can believe or not. The enemy destroyed an immense amount of property at Manassas—cars and supplies. I expect the next thing will be a raid on our rear by way of Warrenton by Longstreet, who was cut off.

F. J. PORTER,
Major-General.

This is the latest news.

BRISTOE, 29*th*—6 a. m.

General BURNSIDE:

Shall be off in half an hour. The messenger who brought this says the enemy had been at Centreville, and pickets were found there last night. Sigel had a severe fight last night, &c.

Pope went to Centreville with the last two as a body-guard, at the time not knowing where was the enemy and where Sigel was fighting—within eight miles of him and in sight.

The enormous trains are still rolling on. Many arrivals not having been watched for fifty hours, I shall be out of provision to-morrow night. Your train of forty wagons cannot be found. But I expect they know what they are doing, which is more than any one here or anywhere knows.

F. J. P.

Taken as a whole these letters speak volumes as to the condition of Porter's mind toward Pope. Here are five dispatches written within forty-eight hours. Each of them has something sarcastic about Pope, and each shows a purpose to do as little as possible in the conflict then inevitable. He thinks the confederates have a contempt for the Army of Virginia, and he wants to "be back with the Army of the Potomac, an army which is able to take care of itself." His contempt for the Army of Virginia seemed to coincide exactly with that of the confederates as interpreted by him.

On the 28th Porter seems anxious to know only that all "goes well at Washington," and that his own and McClellan's stars are in the ascendency. For the Stars and Stripes and for Pope's army and the Union he seemed entirely oblivious, though he closes by prophesying that "you will hear of us soon by way of Alexandria." Always sighing for Alexandria, McClellan, and Washington. As a part of this branch of the case, and to show how thoroughly indifferent was Porter to the great duties and responsibilities of the hour, I desire to read the testimony of Lieutenant-Colonel Smith.

Lieut. Col. Thomas C. H. Smith's testimony is as follows:

By the JUDGE-ADVOCATE:

Q. Will you state in what capacity you were serving in the Army of Virginia in its late campaign under General Pope in August last?

A. I was aid-de-camp on the staff of General Pope.

Q. Did you or not, on the 28th or 29th of August, carry any orders from Major-General Pope to Major-General Porter which concerned his movements on those days?

A. I did not.

Q. Did you or not see General Porter during either of the days of the 27th, 28th, and 29th of August?

A. I saw General Porter on the afternoon of the 28th.

Q. At what place and under what circumstances did you see him?

A. I had been sent back to the ammunition on the train at Bristoe and charged with its distribution. General Porter wished over four hundred thousand rounds; General Hooker something over ninety thousand rounds. About 2 or 3 o'clock I had sent forward to General Porter some three hundred and twenty thousand rounds, and had seized wagons to forward the balance, and left Captain Piatt in charge. The business being then sufficiently forward, I went on to find General Pope. On getting to the point where I had left General Pope in the morning, I found he had moved on, and, to inquire the road he had taken, I went to General Porter's headquarters, near the Manassas water-station. I found General Porter in his tent, and asked him which road General Pope had taken, and he informed me. I had some ten minutes' conversation with him. One of his staff was present; I forget his name.

Q. Will you state that conversation?

A. After asking him about the road, I told General Porter the amount of ammunition that I had sent forward to him, and also that the balance would come immediately forward. I asked him if he had received it, or made some remark; I can not remember the exact expression. General Porter said that he had not; that was the substance of his reply—either that he had received hardly any of it, or none of it, if I remember aright. I expressed some surprise, and said that it had been sent forward to the front as ordered; and, either in reply to some question of mine or to some remark, or of himself, he said that he had no officers to take charge of it and distribute it or to look it up, or something of that kind. I remarked that he could hardly expect us at headquarters to be able to send officers to distribute it in his corps; that it had been sent forward on the road in the direction where his corps was. He replied that it was going where it belonged; that it was on the road to Alexandria, where we were all going. I do not know as it is evidence to give the spirit in which this was said—the way it impressed me. Those remarks were made in a sneering manner, and appeared to me to express a great indifference. There was then a pause for a moment. General Porter then spoke in regard to the removal of the sick and wounded from the field of Kettle Run. He said it would hurt Pope, leaving the wounded behind. I told him that they were not to be left behind; that I knew that a positive order—an imperative order—had been given to General Banks to bring all the wounded with him, and for that purpose to throw property out of the wagons if necessary. To this General Porter made no reply in words; but his manner to me expressed the same feeling that I had noticed before.

This conversation, from General Porter's manner and look, made a strong impression on my mind. I left him, as I have said, after an interview of about ten minutes, and rode on, arriving at our headquarters on Bull Run just as we entered them, and pitched our tents for the night. After my tent was pitched, and I had had something to eat, I went over to General Pope, and reported to him briefly what I had done in regard to the ammunition. I then said to him, "General, I saw General Porter on my way here." Said he, "Well, sir." I said, "General,

he will fail you." "Fail me," said he; "what do you mean? What did he say?" Said I, "It is not so much what he said, though he said enough; he is going to fail you." These expressions I repeat. I think I remember them with exactness, for I was excited at the time from the impression that had been made upon me. Said General Pope, "How can he fail me? He will fight where I put him; he will fight where I put him;" or "He must fight where I put him; he must fight where I put him"—one of those expressions. This General Pope said with a great deal of feeling and impetuously, and perhaps overbearingly and in an excited manner. I replied in the same way, saying that I was certain that Fitz-John Porter was a traitor; that I would shoot him that night, so far as any crime before God was concerned, if the law would allow me to do it. I speak of this to show the conviction that I received from General Porter's manner and expressions in that interview. I have only to add that my prepossessions of him were favorable, as it was at headquarters, up to that time. I never had entertained any impressions against him until that conversation. I knew nothing with regard to his orders to move up to Kettle Run. I knew nothing of any failure on his part to comply with any orders.

Q. State more distinctly the point where you saw General Porter on the 28th of August?

A. *He was encamped at the Manassas water-station, between Bristoe and the junction. The water-station was a short distance from his headquarters.*[1] (The witness indicated upon the map before the court where he thought the place to be.) I do not think the water-station is more than *one-third the distance from Bristoe to Manassas Junction.* That is my impression; I can not speak positively about it.

Q. In the conversation to which you refer, did or did not General Porter manifest any anxiety to get possession of, and have distributed in his corps, the ammunition of which you speak?

A. No, sir; I thought he showed an utter indifference upon the subject; showed it very plainly.

Q. At what hour of the day did this conversation between you and General Porter take place?

A. *I think it must have been about 4 o'clock in the afternoon; half past 3 or 4 o'clock.*

Now, sir, I would not attach much importance to the testimony of Colonel Smith but for the fact that there is cropping out through the action of Porter, as described by the witnesses, precisely the same spirit and the desires that appear in his own letters. He still longs for Alexandria, and all his hopes and ambitions are turned that way. Still he struggles to impress some one with the contempt he feels for Pope.

We come now to the orders under which Porter acted or should have acted on August 29. They are as follows; I print them in the order they were issued:

HEADQUARTERS ARMY OF VIRGINIA,
Near Bull Run, August 29, 1862—3 a. m.

GENERAL: McDowell has intercepted the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearny and Hooker march to attack the enemy's rear at early dawn. Major-General Pope directs you to move upon Centreville at the first dawn of day with your whole command, leaving your trains to follow. It is very important that you should be here at a very early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.

I am, general, very respectfully, your obedient servant,
GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Major-General PORTER.

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, Aug. 29, 1862.

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious, or we will lose much.

JOHN POPE,
Maj. Genl. Commanding.

The joint order to Generals McDowell and Porter:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

Generals McDOWELL and PORTER: You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall on the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to join the other division of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order, it will not be carried out. One thing must be held in view—that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here to-morrow night or the next day. My own headquarters will, for the present, be with Heintzelman's corps or at this place.

JOHN POPE,
Major-General Commanding.

The 4.30 order directing him to attack the enemy at once in flank and rear:

HEADQUARTERS IN THE FIELD,
August 29, 1862—4.30 p. m.

Major-General PORTER:

Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if pssible, on his rear, keeping your right in communication with General Reynolds.

The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

The order to report in person:

HEADQUARTERS ARMY OF VIRGINIA,
In the field near Bull Run, August 29, 1862—8.50 p. m.

GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day, and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.

JOHN POPE,
Major-General, Commanding.

Major-General F. J. PORTER.

It is very difficult, sir, for me to understand what there is in any of these orders to induce the conclusion that Pope misled Porter, or that the latter was at a loss to know what to do at the time of receiving either or any of them. It is certain that it was found necessary to change the one written at 3 a. m. from an order to come to the battlefield by way of the Gainesville route rather than by Centreville. But in this there is no evidence of lack of capacity or brains, as the gentleman from New Jersey would have us believe. By one route Porter would come upon the field on the right of Groveton, and by the other upon the left. The difference in distance from Manassas, where Porter was supposed to be at 3 a. m., was trifling. The order is explicit in requiring Porter to move promptly in the morning. "It is very important you should be here at a very early hour in the morning." The admonition is repeated, as if remembering the slow obedience of the 6.30 order of August 27. Pope not only ordered Porter to start "at the first dawn of day, with his whole command," but adds, "It is very important you should be here at a very early hour in the morning," and then tells him also of a "severe engagement likely to take place" as the reason for making such a demand.

Now, sir, is it not somewhat strange that Porter's conduct on this occasion should stultify the conclusions of the West Point military board, which attempts to justify Porter's behavior on the 27th? But so it is. That board labors hard to torture a construction of the order of the 27th into an implication that Porter was not wanted to fight but to follow a retreating foe. The language of that order warrants no such conclusion, but the board forced it nevertheless, and in so doing they take their client (for such they seem to make him) out of the frying-pan only to drop him into a still warmer place.

In searching for justification they lose their logic. They excuse a disobedience on the 27th which the situation of the 29th utterly confounds and contradicts. At Warrenton, they say, Porter was not in duty bound to move promptly because *he was not wanted to fight;* and at Dawkin's Branch he did not move because he *was wanted to fight!*

I think it is not denied by any one that all three orders given on the 29th were indicative of a fight and that Porter was wanted to take part therein.

But it is answered, first, that he was on the enemy's front instead of his flank, where Pope supposed him to be; second, that the number of the enemy was too great for him to assail; third, that the order came too late to be executed that night; fourth, that there was no fight whatever; and fifth, that by remaining inactive he saved the Union Army from defeat!

Now let us inquire as to these several pleas in avoidance. Suppose we admit that when the 4.30 order was received Porter "was not on the enemy's flank;" that does not prove that he could not and should not have been there, nor does it excuse him for not having been there before the order was issued. Had he followed the spirit, or even the letter, of Pope's previous orders he must have reached the point indicated as early as 2 o'clock p. m.

The board in its report assumes that Longstreet was already in position at noon. I am not disposed to deny the existence of conflicting testimony upon this point. If Longstreet was already in position when Porter reached Dawkin's Branch his right flank could have been reached by advancing along the Gainesville road to a point not exceeding three miles from where he halted at, say, 11.30 o'clock. If Longstreet was not in position, then Porter should have prepared to strike Jackson's right flank, thus securing a position to prevent Longstreet from re-enforcing Jackson. General Grant, as well as the West Point board, has assumed that when the order was given to attack the *enemy* it meant *Jackson.* Why Jackson? There were "a thousand Richmonds" on that field! Longstreet was a foeman worthy of Porter's steel. It matters not whether that enemy was in line of battle or still on the march, when Porter came to Dawkin's Branch it was his duty to pause not, but to march right on until he stood shoulder to shoulder with McDowell and face to face with the enemies of his country.

I do not believe, however, that Longstreet was in position when Porter reached the point where he might have chosen his own ground to fight. The fact that the dust seen by Porter was produced by strategy, as sworn to by General Rosser, and so far as I know neither questioned nor denied, and the fact that a trooper had just come through from Gainesville unmolested, are, I think, conclusive on this point. But I will not undertake to hold General Porter to account upon a doubtful premise. I prefer that, in any case where there is a scintilla of doubt upon facts, he be given the benefit of the doubt. Let us then suppose Longstreet had gained the position indicated on the maps before Porter reached Dawkin's Branch, and I ask how is Porter excused from striking the enemy's flank or rear? From whence comes the conclusion that an order directing an attack "upon the enemy's flank or rear" can not be executed unless the enemy's flank or rear is at the moment of receiving the order presented to the attacking general just in a convenient position to be attacked?

Up to the time this new theory of war was announced by the West Point board I had supposed that in a case such as we are discussing it would be the duty of the general receiving the order to go where the flank or rear could be struck. Indeed, if a general is to wait until his enemy presents flank or rear for him to fight he will usually do as did Porter—not fight at all. The logic of this new theory (or whatever it may be called) is that because Longstreet did not present to Porter the flank or rear of his army therefore Porter was excusable. Excusable for what? Not only for not fighting, but for remaining three miles, yea, four miles, from the enemy while that enemy was constantly sending re-enforcements to destroy his comrades!

Second. But gentlemen say Porter was justified in his disobedience because the enemy outnumbered him. Waiving for the time the point that this position is untenable upon the hypothesis asserted, let me remind gentlemen that Porter then had no evidence that Longstreet had more men than himself. He admits that the only evidence he had of Longstreet's numbers was derived from Buford's letter. By that it was claimed Longstreet had seventeen regiments, one battery, and five hundred cavalry. In 1862 that did not mean generally more than ten or twelve thousand. How, then, does the question of numbers he must meet if he obeyed justify disobedience of the order? But it is in evidence that before 4 o'clock seven brigades of Longstreet's corps had been sent to and did re-enforce Jackson, and fought until 9 o'clock.

Third. The West Point board and General Grant agree in saying the order came too late! Of course they do not thereby get rid of the fact that Porter should have been fighting before the 4.30 order was written. Nor do the necessities of this conclusion reflect much credit upon the justice or patriotism of General Porter. It is in evidence that the fight at Groveton continued until 9 o'clock. I never have heard this disputed. The report of every confederate officer, as well as of our own, shows this to be true. Why should not Porter have taken part in the fight?

The evidence differs slightly as to time; but assuming that the order was not received until 6 o'clock, Porter should have been in position at that time to do immense damage to the enemy. The testimony, the official reports of all the generals, and so far as I know all the histories of the war, agree that the heaviest fighting of the day was between 6 and 9 o'clock in the evening. The ingenuity of man has not yet, and I venture to say it never can, furnish a rational excuse for Porter's remaining out of the fight during these hours. The Union Army needed his aid, and his only, to have won a glorious victory. I quote the testimony of General Sturgis and others in this connection.

TESTIMONY OF GENERAL S. D. STURGIS.

General S. D. Sturgis testifies that he moved on the Gainesville road August 29, 1862, with his command. (Board record, page 711.)

Q. You say you went a mile and a half beyond Bethlehem church toward Gainesville?
A. That is my recollection.
Q. What did you then do?
A. I reported to General Porter. I rode in advance of my brigade. I found troops occupying the road, and I got up as near as I could get and then halted my command, and then rode forward to tell General Porter that they were there. He said, "For the present let them lie there."
Q. What did you do then individually?
A. Well, I simply looked about to see what I could see. I was a stranger to the lay of the land, and the troops, and all that; so without getting off my horse I rode about from place to place watching the skirmishers, and among other things I took a glass and looked in the direction of the woods; about a mile beyond which seemed to be the object of attention—beyond the skirmishers; there I saw a glint of light on a gun; and I remarked to General Porter that I thought they were probably putting a battery in position at that place, for I thought I had seen a gun.
Q. State what the conversation was.
A. I reported this fact of what I had seen to the general; he thought I was mistaken about it, but I was not mistaken, because it opened in a moment—at least a few shots were fired from that place—four, as I recollect.
Q. What force of the enemy did you see in that direction at that time?
A. I didn't see any of the enemy at all.
Q. Then what did you do?
A. Then when they had fired, as near as I can recollect, about four shots from this piece, General Porter beckoned to me; I rode up to him, and he directed me to take my command to Manassas Junction, and take up a defensive position, inasmuch as the firing seemed to be receding on our right.
Q. What firing do you mean?
A. I mean the cannonading that had been going on for some time on our right, probably in the direction of Groveton.
Q. How long had you heard that cannonading?
A. I don't recollect exactly where I heard it first. My impression has been that I heard it all along the march from Manassas to General Porter's position. I do not recollect distinctly that I did hear it, but I know I heard it all the time after I arrived there until I left.
Q. What time of day was this that you received the order to move back with your command to Manassas Junction?
A. I have no way of fixing the time of day. I have carried in my mind the impression that it was more about the middle of the day—about 1 o'clock.
Q. What did you do when you received that order?
A. I sent word to General Piatt to move back to Manassas Junction, and that I would join him there.
Q. Do you know whether your order was obeyed?
A. Yes; it was obeyed.

TESTIMONY OF GENERAL GEORGE SYKES.

On the original trial Brig. Gen. George Sykes swore, after saying that he was with the petitioner when an officer brought him the order from General Pope, as follows (G. C. M. record, pages 177, 178):

Question by Judge-Advocate. Did General Porter make known to you the character of that order?
Answer. He did not.
Q. Did he read it in your presence?
A. Not that I know of.

* * * * * * *

Q. How long did you remain with General Porter on that occasion, after the receipt of this order?
A. I continued with him from that time all night.

* * * * * * *

Q. You had then, as I understand you to say, no knowledge that a positive order had been given by General Pope on that afternoon for General Porter to attack the enemy on their right flank?
A. I had no such knowledge.
The evidence of General Sykes leads directly to the conclusion that the petitioner had no intention or desire to attack or he would have told his division commander then and there.
Look at it in any light, there was no effort then, or at any time afterward on that day, to put Sykes's division into position to support or participate in an assault.

EVIDENCE OF REV. JOHN LANDSTREET.

Q. What did you see that impressed itself upon your attention?
A. There was considerable dust, indicating a body of troops. I heard that General Stuart had ordered some of the Fifth Cavalry to go out and cut and drag it up and down the road.
Q. Did you hear the order?
A. Yes; to drag the brush along the Gainesville road, so as to serve as a feint and convey the impression that there was a force coming down the Gainesville. It was given, I distinctly recollect, to a member of the Fifth Virginia Cavalry.
Q. Who was the colonel of that regiment?
A. T. L. Rosser.

Fourth. We come now to the assertion made by the military board that there was no battle on the 29th, "but only a succession of skirmishes at wide intervals." This assertion of the West Point board has less of testimony, if possible, to support it than any of the material matter with which it deals. It would seem that while the report was being made up it occurred to the writer that the assertion might be construed as a misrepresentation unless veiled some way in mystery, and so the report goes on to say:

The reports of the 29th and 30th have somehow been strangely confounded.

By whom, pray? By none but the defenders of Porter, who seek a vindication of their man in a denial of history. They have made a heroic effort to strike the 29th of August from the scroll of time. It will not vanish, however, nor will it merge into the 30th, so as to lose its own identity. I quote from a few of the official reports of both Union and rebel generals. So far as I have been able to examine them there is no disagreement whatever upon the question as to whether there was a battle or not on that day. There is no confusion or "misconstruction" discoverable in any of them. I find confusion nowhere save in the findings of the board and those who follow it.

The gentleman from Pennsylvania dislikes the current history of that time; he has no faith in reports of military men who participated in the battles. He prefers the hap-hazard hits of a West Point military board, collated after the passions "wait on the judgment" for twenty years.

Let me here give extracts from some of these reports.

Report of Maj. Gen. S. P. Heintzelman.

ARLINGTON, VA., *October* 21, 1862.

* * * * * * *

At 10 a. m. I reached the field of battle, a mile from Stone Bridge, on the Warrenton turnpike. General Kearny's division had proceeded to the right and front. I learned that General Sigel was in command of the troops then engaged.
At 11 a. m. the head of Hooker's division arrived; General Reno an hour later. At the request of General Sigel I ordered General Hooker to place one of his brigades at General Sigel's disposal, to re-enforce a portion of his line then hard pressed. General Grover reported, and before long became engaged, and was afterward supported by the whole division. General Pope arrived between 1 and 2 p. m. The enemy were driven back a short distance toward Sudley church, where they made another stand and again pressed a portion of our line back. All this time General Kearny's division held its position on our extreme right. Several orders were sent to him to advance, but he did not move till after the troops on his left had been forced back, which was near 6 p. m. He now advanced and reported that he was driving the enemy. This was not, however, until after the renewed heavy musketry fire on our center had driven General Hooker's troops and those he was sent to support back. They were greatly outnumbered and behaved with exceeding gallantry.
It was on this occasion that General Grover's brigade made the most gallant and determined bayonet charge of the war. He broke two of the enemy's lines, but was finally repulsed by the overwhelming numbers in the rebel third line. It was a hand-to-hand conflict, using the bayonet and the butt of the musket. In this fierce encounter of not over 20 minutes' duration the Second New Hampshire, Colonel Marston, suffered the most. The First, Eleventh, and Sixteenth Massachusetts and Twenty-sixth Pennsylvania were engaged. The loss of this brigade, numbering less than two thousand, was a total of four hundred and eighty-four, nearly all killed and wounded. I refer you to General Grover's accompanying report.
Had General Kearny pushed the enemy earlier it might have enabled us to have held our center and have saved some of this heavy loss. Kearny, on the right, with General Stevens and our artillery, drove the enemy out of the woods they had temporarily occupied. The firing continued some time after dark, and when it ceased we remained in possession of the battlefield.

Report of Maj. Gen. Franz Sigel.

NEAR FORT DE KALB, VIRGINIA, *September* 16, 1862.

* * * * * * *

Battle of Groveton, near Bull Run, on Friday, August 29, 1862.

On Thursday night, August 28, when the First Corps was encamped on the heights south of Young's Branch, near Bull Run, I received orders from General Pope to "attack the enemy vigorously" the next morning. I accordingly made the necessary preparations at night and formed in order of battle at daybreak, having ascertained that the enemy was in considerable force beyond Young's Branch, in sight of the hills we occupied. His left wing rested on Catharpin Creek, front toward Centreville; with his center he occupied a long stretch of woods parallel with the Sudley Springs (New Market) road, and his right was posted on the hills on both sides of the Centreville-Gainesville road. I therefore directed General Schurz to deploy his division on the right of the Gainesville road, and, by a change of direction to the left, to come into position parallel with

the Sudley Springs road. General Milroy, with his brigade and one battery, was directed to form the center, and to take possession of an elevation in front of the so-called "stone house," at the junction of the Gainesville and Sudley Springs roads. General Schenck, with his division, forming our left, was ordered to advance quickly to an adjoining range of hills, and to plant his batteries on these hills at an excellent range from the enemy's position.

In this order our whole line advanced from point to point, taking advantage of the ground before us, until our whole line was involved in a most vehement artillery and infantry contest. In the course of about four hours, from half past 6 to half past 10 o'clock in the morning, our whole infantry force and nearly all our batteries were engaged with the enemy, Generals Milroy and Schurz advancing one mile and General Schenck two miles from their original positions. At this time (10.30 o'clock) the enemy threw forward large masses of infantry against our right, but was resisted firmly and driven back three times by the troops of Generals Milroy and Schurz. To assist those troops so hard pressed by overpowering numbers, exhausted by fatigue, and weakened by losses I ordered one battery of reserve to take position on their left, and posted two pieces of artillery, under Lieutenant Blum, of Schirmer's battery, supported by the Forty-first New York Volunteer Infantry, beyond their line and opposite the right flank of the enemy, who was advancing in the woods.

* * * * * * *

At 2 o'clock in the afternoon General Hooker's troops arrived on the field of battle and were immediately ordered forward by their noble commander to participate in the battle. One brigade, under Colonel Carr, received orders, by my request, to relieve the regiments of General Schurz's division, which had maintained their ground against repeated attacks, but were now worn out and nearly without ammunition. Other regiments were sent forward to relieve Brigadier-General Milroy, whose brigade had valiantly disputed the ground against greatly superior numbers for eight hours.

To check the enemy if he should attempt to advance, or for the purpose of preparing and supporting an attack from our side, I placed four batteries, of different commands, on a range of hills on our center and behind the woods, which had been the most hotly contested part of the battlefield during the day. I had previously received a letter from Major-General Pope, saying that Fitz-John Porter's corps and Brigadier-General King's division, numbering twenty thousand men, would come in on our left. I did, therefore, not think it prudent to give the enemy time to make new arrangements, and ordered all the batteries to continue their fire, and to direct it principally against the enemy's position in the woods before our front. Some of our troops placed in front were retiring from the woods, but as the enemy, held in check by the artillery in the center, did not venture to follow, and as at this moment new regiments of General Hooker's command arrived and were ordered forward, we maintained the position we had occupied in the morning.

General Longstreet, in his report, says:

HEADQUARTERS NEAR WINCHESTER, VA., *October* 10, 1862.

* * * * * * *

Early on the 29th (August) the columns were united, and the advance to join General Jackson was resumed. The noise of battle was heard before we reached Gainesville. The march was quickened to the extent of our capacity. The excitement of battle seemed to give new life and strength to our jaded men, and the head of my column soon reached a position in rear of the enemy's left flank and within easy cannon-shot.

On approaching the field some of Brigadier-General Hood's batteries were ordered into position, and his division was deployed on the right and left of the turnpike, at right angles with it, and supported by Brigadier-General Evans's brigade. Before these batteries could open the enemy discovered our movements and withdrew his left. Another battery (Captain Stribling's) was placed upon a commanding position to my right, which played upon the rear of the enemy's left and drove him entirely from that part of the field. He changed his front rapidly, so as to meet the advance of Hood and Evans.

Three brigades, under General Wilcox, were thrown forward to the support of the left, and three others, under General Kemper, to the support of the right of these commands. General D. R. Jones's division was placed upon the Manassas Gap Railroad and to the right and in echelon with regard to the three last brigades. Colonel Walton placed his batteries in a commanding position between my line and that of General Jackson, and engaged the enemy for several hours in a severe and successful artillery duel. At a late hour in the day Major-General Stuart reported the approach of the enemy in heavy columns against my extreme right. I withdrew General Wilcox with his three brigades from the left, and placed his command in position to support Jones in case of an attack against my right. After some few shots the enemy withdrew his forces, moving them around toward his front, and about 4 o'clock in the afternoon began to press forward against General Jackson's position. Wilcox's brigades were moved back to their former position, and Hood's two brigades, supported by Evans, were quickly pressed forward to the attack. At the same time Wilcox's three brigades made a like advance, as also Hunton's brigade of Kemper's command.

These movements were executed with commendable zeal and ability. Hood, supported by Evans, made a gallant attack, driving the enemy back till 9 o'clock at night. One piece of artillery, several regimental standards, and a number of prisoners were taken. The enemy's entire force was found to be massed directly in my front, and in so strong a position that it was not deemed advisable to move on against his immediate front; so the troops were quietly withdrawn at 1 o'clock the following morning. The wheels of the captured piece were cut down, and it was left on the ground. The enemy seized that opportunity to claim a victory, and the Federal commander was so impudent as to dispatch his Government by telegraph tidings to that effect. After withdrawing from the attack my troops were placed in the line first occupied and in the original order.

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Report of Major B. W. Frobel, chief of artillery of Hood's division, Longstreet's command, of second battle of Manassas.

CAMP NEAR FREDERICK, MD., *September* 9, 1862.

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At 11 a. m. on Friday I was ordered by General Hood to proceed to the right of the turnpike road and report to General Stuart. This I did, with Captain Bachman's battery, Reilly being already in position on the left, and Garden having no long-range pieces. General Stuart had selected a position near the Orange and Alexandria Railroad. The battery was brought up and immediately opened with marked effect on a column of the enemy moving to the right, which at once changed direction, moving rapidly to the left. Fifteen rounds were fired, when, the distance being greatly increased, I ordered Captain Bachman to cease firing. At 1 o'clock p. m. Captain Reilly was ordered to the left of the turnpike, and to take position with other batteries on a hill commanding the hills near Groveton House.

Report of Col. E. M. Law, of Hood's division, Longstreet's command, of second battle of Manassas.

HEADQUARTERS THIRD BRIGADE, *September* 10, 1862.

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Leaving Thoroughfare Gap at sunrise on the 29th the brigade marched in the direction of Manassas Junction. At Gainesville, on the Warrenton turnpike, the line of march changed abruptly to the left along the turnpike in the direction of Centreville. On arriving about midway between Gainesville and the stone house, which is situated at the junction of the turnpike and the Sudley Ford road, I was ordered by Brigadier-General Hood, commanding the division, to form the brigade in line of battle to the left of the turnpike and almost at right angles with it, the right resting on the road and the left connecting with General Jackson's line.

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Report of General P. Kearny (by General Birney), of Heintzelman's corps.

CENTREVILLE, VA., *August* 31, 1862.

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On the 29th, on my arrival, I was assigned to the holding of the right wing, my left on Leesburg road. I posted Colonel Poe, with Berry's brigade, in first line; General Robinson, First Brigade, on his right, partly in line and partly in support; and kept Birney's most disciplined regiments reserved and ready for emergencies.

Toward noon I was obliged to occupy a quarter of a mile additional on left of said road, from Schurz's troops being taken elsewhere.

During the first hours of combat General Birney, on tired regiments in the center falling back, of his own accord rapidly pushed across to give them a hand to raise themselves to a renewed fight.

In early afternoon General Pope's order to General Roberts was to send a pretty strong force diagonally to the front to relieve the center in woods from pressure. Accordingly I detached on that purpose General Robinson, with his brigade, the Sixty-third Pennsylvania Volunteers, Colonel Hays; the One hundred and fifth Pennsylvania Volunteers, Captain Craig; the Twentieth Indiana, Colonel Brown; and, additionally, the Third Michigan Marksmen, under Colonel Champlin. General Robinson drove forward for several hundred yards, but the center of the main battle being shortly after driven back and out of the woods, my detachment thus exposed so considerably in front of all others, both flanks in air.

* * * * * * *

That I might drive the enemy, by an unexpected attack, through the woods, I brought up additionally the most of Birney's regiments, the Fourth Maine, Colonel Walker and Lieutenant-Colonel Carver; the Fortieth New York, Colonel Egan; First New York, Major Burt; and One hundred and first New York, Lieutenant-Colonel Gessner, and changed front to the left, to sweep with a rush the first line of the enemy. This was most successful. The enemy rolled up on his own right. It presaged a victory for us all. Still our force was too light. The enemy brought up rapidly heavy reserves, so that our farther progress was impeded. General Stevens came up gallantly in action to support us, but did not have the numbers.

Report of Colonel Edward L. Thomas, commanding second brigade, A. P. Hill's division, Jackson's command.

HEADQUARTERS THIRD BRIGADE, LIGHT DIVISION,
October 26, 1862.

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On Thursday, August 28, near Sudley Ford, this brigade was held in reserve by order of General Hill; was under fire, but took no active part, and after the enemy gave way, moved forward and bivouacked for the night on the field. Early on Friday, August 29, the march was resumed, with directions to be prepared for an attack near the railroad. General Gregg's brigade meeting the enemy there, this brigade advanced to his right, the regiments being thrown in successively until all became engaged. The enemy were in strong position on the railroad.

We at once advanced and drove them from it. This position we were ordered to hold, and, if possible, avoid bringing on a general engagement, and held it against several attacks of the enemy in strong force during the day. In the afternoon an overwhelming force attacked us, now almost without ammunition, in front and on the left flanks, and forced us back a short distance, when General Pender's brigade advanced promptly and in fine order to the assistance of the third, most of which joined General Pender, and together they drove back the enemy some distance beyond our previous position, which was held until night, the brigade bivouacking on the field.

Report of Brigadier-General S. McGowan.

HEADQUARTERS SECOND BRIGADE,
A. P. HILL'S LIGHT DIVISION, SECOND ARMY CORPS,
Camp Gregg, Va., February 9, 1863.

* * * * * * *

Friday, the 29th, was the glorious but bloody day for the brigade. It may be allowed for us to claim that by holding the left steady on Friday we contributed to the success of the great battle on Saturday. The distinguished brigadier-general who commanded, and was present everywhere during the day and exerting himself to the utmost, was himself spared, only to fall upon another victorious field (Fredericksburg), but many of our noblest and best officers and men fell there. The aggregate of the killed and wounded of the brigade in this battle was six hundred and thirteen (613).

Report of Brigadier-General N. G. Evans, Longstreet's command.

HEADQUARTERS EVANS'S BRIGADE,
Near Winchester, Va., October 13, 1862.

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On the evening of the 29th of August the brigade engaged the skirmishers of the enemy in considerable force on the south side of the road near Groveton, and rendered efficient co-operation to the commands of General Wilcox on the left and General Hood on the right in driving the enemy from his position. The enemy falling back, and the darkness of the night concealing his movements, I formed my brigade in the camp of the enemy, until ordered to fall back by the major-general commanding. Leaving a strong picket in my front, I withdrew about a mile to the rear.

Report of Lieutenant-Colonel R. L. Walker.

HEADQUARTERS ARTILLERY BATTALION, *March* 1, 1863.

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On Friday the 29th of August the batteries were placed in position on the ridge in the rear and to the left of General A. P. Hill's division. Captain Braxton's battery was engaged early in the forenoon on the extreme left, with the loss of some of his horses. Upon the cessation of the enemy's fire ours ceased also. In the afternoon a section of Captain Pegram's battery hotly engaged the enemy on the right. His position was in rear of General Field's and Gregg's brigades. The loss of this section was very heavy, and, the fire continuing with unremitted severity, it was withdrawn. Captain Braxton was then ordered to the position, and, with five guns, held it, with loss, under a terrible fire, until night closed in upon the field. Captain Crenshaw's battery was also engaged during the day from a point in rear of General Pender's brigade.

I quote from only a few. I see nothing "strangely confounded."

They all refer to a battle on the 29th, and it is described by adjectives such as are employed in the description of a battle. Several bayonet charges were made, and General Heintzelman says that General Grover's brigade made "the most gallant and determined bayonet charge of the war." Bayonet charges seldom occur in a skirmish!

We are not left to rely entirely upon the official records of the actors, for all the current historians agree in the statement that a very severe battle was fought on that day. There is great unanimity in fixing the losses at about seven thousand on each side. Think of it, Mr. Chairman, fourteen thousand men killed and wounded, and a West Point reviewing board in order to clear their client say there was no battle! I read here from Lossing's History of the Civil War, volume I, pages 457, 458, and 459.

Lossing says:

The battle of the 29th was desperate and gallant on both sides. Grover's brigade of Hooker's division penetrated two of Jackson's lines by a bayonet charge, and after a severe hand-to-hand struggle got possession of the railway embankment on the confederate left, but at the cost of 30 per cent. of his forces. Kearny meanwhile had struck Jackson's left at the point occupied by A. P. Hill, doubled his flank upon his center, and assisted Hooker in holding the railway intrenchment for a time. * * * Heavy re-enforcements, composed of fresh divisions of Longstreet's corps, had come to the aid of Jackson. Among them was Hood's famous Texan brigade. * * * So ended the battle of Groveton, with a loss of not less than seven thousand men on each side.

Also, Sypher's History of Pennsylvania Reserves, pages 339, &c.

The gentleman from Pennsylvania [Mr. BAYNE] says that Reynolds swore he could not hear the enemy's guns on the 29th of August. I do not know where he secured this evidence. I do not care. I know General Reynolds could never have uttered it. The facts of history make it impossible that he should ever have uttered these words. I read as follows:

General Reynolds, with the reserve corps, had, during the evening of the 28th, marched by the left flank from the road leading from Gainesville to Manassas, and moving in the direction of Centreville, had closed up with Sigel's corps; at daylight on the morning of the 29th he was therefore on the field in front of the enemy.

And yet the gentleman says he could not hear the enemy's guns. Listen again:

With the spirit of a true patriot and a generous soldier, he did not delay action from doubt of authority to move. General Reynolds was subject to McDowell's orders, and might have declined to bring his troops into action without orders from that officer, but fortunately neither the officers nor the privates of the Pennsylvania Reserve Corps were governed by any other than patriotic motives. It was enough for them to know that the enemy was in their front, and that Sigel's corps was about to engage him. Reynolds formed his division on the left of Schenck's division, and from daylight to dark, with no higher orders than the consciousness of a worthy deed nobly done, that general and his troops, marching and countermarching, moving against the flank or straight to the front, fought the enemy * * * until darkness put an end to the contest.

And yet the gentleman says he wants to acquit Fitz-John Porter by testimony so false as that he quotes, to the effect that Reynolds "was out of hearing of the enemy's guns!"

Fifth. But the most absurd of all the positions taken by the military board is—"that Porter's faithful, subordinate, and intelligent conduct that afternoon saved the army from defeat, which otherwise would have resulted from the enemy's more speedy action." The absurdities of this conclusion are as numerous as the words used to express it. First, the day was not saved; it was lost. True, by the most desperate fighting our troops managed to hold nearly all the ground taken; but there was in no sense a victory. But let us assume the board means to say that the army was saved from utter defeat and rout. How did Porter contribute to this end? Was he found charging at the head of his command upon the enemy? Did he call upon his men to rise and avenge their slaughtered brethren or share their fate, and did he "break through the thick array of Longstreet's legions and charge home upon them?" This would have been quite a soldierly scheme for "saving the day." It is said that in the soldier's temple of fame, when it shall finally be fully complete, there will be a black charger, and upon his pedestal will be inscribed in letters both bold and bright, "Here is the steed that saved the day by carrying Sheridan *into the fight* from Winchester, twenty miles away." No one will contend that Porter's charger saved the day by carrying Porter "into the fight."

He snuffed the battle from afar, while his master, all imperturbed, as if "grim-visaged War had smoothed his wrinkled front" and he might "caper nimbly" to the rear, beckons to Sturgis (see testimony) and tells him "to take his command back to Manassas," then betakes himself to the "little church around the corner," four miles from a point where he could by any possibility "save" or help to save the day! And yet a military board says he saved the day!

The board leave us to grope our way without giving us any information as to how he saved the day, except by "subordinate and intelligent conduct." The further we inquire into just what this conduct was the more we are puzzled to see just how he saved the day.

It is now admitted he did not charge upon the enemy, which, as I have said, is one way of "saving the day." Let us see if another mode—not quite so heroic, but yet quite to a general's credit if successful—was resorted to on that great day. Did he by strategy hold the enemy? Did he maneuver his troops and menace the enemy's front, and by "feint" of battle keep Longstreet's troops in position to resist the pretended charge? I find no such matter in the histories, neither in the testimony, nor yet even in the West Point board's report. Why they did not picture their hero in such an attitude passes my comprehension. It could have been done with quite as much regard for truth as is manifest in most of their assertions! No, sir, there was not even the "pomp, pride, and circumstance of glorious war!" Porter did just what he had contemplated all the time from the 26th of August. He did nothing!

But, lastly, did doing nothing "save the day?" That being just what Porter did, and the military board having established (?) that he saved the day, we are left now only to inquire if his "masterly inactivity" did, indeed, save the day. This we can easily ascertain by inquiring into the effect of his inactivity. We are told by the reports of Longstreet, Hood, Lee, and in fact by all the confederate generals, that Hood, of Longstreet's corps (instead of remaining to resist Porter's inactivity), was sent to the assistance of Jackson upon his arrival on the field; that Wilcox's division of that corps soon followed, and that one of Kemper's brigades of that corps, under Colonel Hunton, also went to the assistance of Jackson.

True, that when Porter's inactivity was stirred up by a few cannon-shots from one of Stuart's batteries Longstreet thought he was to be attacked, and recalled Wilcox to assist in resisting the expected assault of Porter's corps. But Longstreet, soon finding that there was nothing to fear from Porter, ordered Wilcox back to the assistance of Jackson. It will thus be seen how "masterly inactivity" did its perfect work. The West Point military board say Porter saved the day—and they are all honorable men—but we still fail to find the secret of that day's salvation! Seven brigades of the twelve under Longstreet have now been sent to help Jackson in his "skirmishes," leaving only five brigades in front of Porter, while the latter, in hot pursuit of his purpose to "save the day," retreats to Bethlahem church covered with laurels and the thanks of the West Point military board! God grant that we may never have another day so saved while the world stands.

Now, sir, I have said much about the military board, not because I would impugn their motives or assail their honor. I believe them generally to be just. I think it may be proper, however, that I should confess in this presence that I was not particularly captivated with the conduct of Schofield when he masqueraded before the country as a persecutor of the hapless Whitaker. But this does not, I hope, prejudice me against him more than is just. For the other members of the board I have the profoundest regard. I can never cease to love the man who first planted the flag on the ramparts of Fort Fisher; and General Getty was true, faithful, and heroic wherever he followed or led his countrymen in the battles for the Union. General Grant I believe to be the greatest of living generals. His motives in this matter I do not question at all. His letter is high-toned, forgiving, and chivalric. But I can not shut my eyes to the fact that he has traveled far away from the testimony in reaching his conclusions, and I feel that I am justified in saying that the testimony was never read by him, except in "shreds and patches," and that he followed the findings of the board, presuming them to be correct.

But, sir, I care not how General Grant reached his present position on this question. He is but a man, and the greatest man, as my friend from Ohio [Mr. TAYLOR] has well said, "can only give his opinions *strength* by the *reasons* he can give for reaching them." I am struck with the force of this remark when I remember how many men of massive brain power have in some great emergency proven themselves the weakest children of the state. The Supreme Court by one of its ablest members—a man of commanding ability—rendered a decision which was in essence the very refinement of cruelty; but, as if to conciliate and gratify the votaries of slavery, he clothed these conclusions in language so barbaric and shameless as to place at once the whole court under the ban of contempt by the lovers of liberty everywhere, for a quarter of a century. I refer to the "Dred Scott decision." I am not certain but that the same court, notwithstanding the warnings of the past, has once again forfeited much of the respect that ever should attach to that high tribunal. Certainly the recent civil rights decision is not less than a sorrowful and a lasting disappointment.

Sir, it will not answer to shape our actions entirely by the example of great men, even if they sit in high places.

But it is said the court-martial convicted Porter in a time of great excitement and unrestrained passion. I deny it. The patience of this people in those dread years is without a parallel in history. That Porter was not shot and that McClellan was not cashiered is indisputable proof of the fact I assert. Besides, sir, the hours, the days, the years which, to my astonishment, are denominated "times of passion" by my friend from Pennsylvania [Mr. BAYNE] were the hours and days and years when more was achieved in the realm of freedom, truth, and righteousness, both by the iron hand of war and by fearless patriotism in the peace that followed, than in all the other years of this Republic's history. Shame, shame on the slander that says justice did not evenly hold her scales in that blessed era!

It was in these days of passion that the peerless Lincoln broke the chains and let the oppressed go free! It was in these days of passion, sir, that we purged our statute-books and supposed we had banished from our jurisprudence the all-polluting crime of slavery. Then it was that upon our beauteous banner for the first time was inscribed in let-

ters of living light and fadeless glory, to stream forever on her ample folds, "Universal liberty and equal rights." God grant we may never forget the days that gave us the priceless heritage.

Mr. BOUTELLE. I now yield to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I am not unmindful of the fact that nothing I can say in this discussion is likely to change the convictions or the vote of a single member of this House. Neither am I entirely unmindful, Mr. Chairman, of the unwritten law of this Chamber, which is that no new member can have an opinion upon this or any other subject.

But, Mr. Chairman, representing, as I have the honor to represent, in part, upon the floor of this House more than fifty thousand Union soldiers of the late war, almost every one of whom honestly and sincerely believes Fitz-John Porter guilty of the charges of which he was convicted, I can not permit this bill to pass this House without for them, and in their name as well as in my own, entering my solemn protest against it.

For more than twenty years it has stood recorded that in a trying hour of our country's extremity Fitz-John Porter was guilty of insubordination and disobedience of orders; and the great loyal heart of this country has all these years approved this record, and approves it to-day as one which should stand for all the ages that are to come. But we find a bill presented to the legislative body of this nation asking that this record shall be obliterated, and the proceedings of the court creating the same stricken down as unworthy of our respect. And we are asked to do this, not upon investigation and inquiry; not upon an examination of the topography of the country and an inquiry to witnesses for the truth, but because we have the physical ability to do so, and because it would be gratifying to the wrongdoer to have this record expunged.

In fact, we are told by the champion of this measure, the leader in this debate, that we are not competent to consider the merits of this bill, and to determine by investigation and inquiry the guilt or innocence of Fitz-John Porter. For the first time, I think, in the history of legislative bodies we find a bill pressed upon the consideration of this House accompanied by the solemn assurance of its author that the House is not competent to consider it.

Mr. Chairman, I shall not consume the time to enter upon a critical examination of the testimony in this case. The committee to whom was referred this bill did not do this. In fact, I think we are justified in saying they gave to the proof and to the bill itself no consideration whatever as a committee, because before the committee ever had a meeting it was published as matter of common gossip by the press of the country that it would report at its earliest opportunity this bill favorably to this House. But if the committee gave to it no consideration, the more necessity there is for our full and impartial investigation of this claim.

But as others have carefully considered the evidence, I shall assume, for the purpose of my suggestions, that certain propositions can not, and will not, be controverted in this debate.

First, that General Porter received the orders of August 27 and the three orders of August 29; second, that he did not obey them; third, that he was not prevented from doing as ordered by the topography of the country, the condition of the roads, inclement weather, movements of the enemy, or the exhausted condition of his troops; fourth, that he consumed much time in writing unkind and uncharitable criticisms of his superior officer that might have been given to preparation and to the executing of the orders received; and, fifth, that when he did reach the field on August 29 he refrained from taking his position because of a demonstration of some force in his front. And from this I argue that he was guilty of willful disobedience of orders, of misbehavior before the enemy and of insubordination, and that the decree of the nine distinguished military gentlemen who for forty-five days, with open doors, listened to all the evidence and to the eloquent appeals of the defendant and his counsel for sympathy should be upheld by this House as it has been upheld by the country. In fact in my judgment it is difficult to determine how a man, candid and dispassionate, can review the proceedings of that court-martial and study the history of those terrible days, the last of August, 1862, in Virginia, and come to any other conclusion than that Fitz-John Porter was guilty of every charge and of every specification that was presented against him in that fearful arraignment of which he complains to-day. Of course excuses have been and will be offered for him; but I question whether in the world's history we can find such a persistent, laborious hunt for excuses as has been made to relieve Fitz-John Porter from the odium of his crime and the just condemnation of his countrymen. But do these excuses satisfy the public conscience? Do they mitigate or palliate the offense? Do they let in upon his movements and actions a ray of sunshine that dispels the dark cloud of disobedience and insubordination?

It has been said that the night was dark, and that for such reasons he could not move his battalions; and yet we find that all that night confederate troops were hurrying to the front and moving into position to give battle to the Union forces.

It has been said that it rained some; and yet we find men sleeping upon the ground without shelter or the necessity of protection from the storm.

It has been said that the road was blockaded with teams and wagons of transportation; and yet we find his own officer swearing that with a detail of a hundred and fifty men every obstacle to the night's march could have been removed.

It has been said that he could not have moved that night; and yet we find his own officers swearing they would have moved if they had been ordered.

It has been said that his men were weary and exhausted; and yet we find that they had moved but from six to nine miles that day while opposing forces were moving thirty.

It has been said that he was confronted with greatly superior numbers; and yet we find the enemy riding with brush dragging from their saddles to raise a dust to retard his movements and to create an appearance of numbers. And it has been said for him that if he had taken the position ordered for his troops upon the 29th day of August, it would have resulted in an engagement and bloodshed; and yet we find one of his superior officers then upon the field, when this excuse was offered by Porter in person, retorting: "That is what we are here for." And it has been said for him that he was loyal to his country, and yet we find even McClellan asking him to stand by his colors and do his duty as a soldier.

These excuses, Mr. Chairman, and like excuses, have been offered for him until many, from the very persistency of his importunities, are disposed in sympathy to say: "Let us be merciful, and in his age and feebleness grant him this relief."

We all know, Mr. Chairman, how pleasant it is to do a sympathetic act and to relieve an unfortunate being from suffering and humiliation. But, as has been said in this debate, sympathy in this instance to the wrongdoer would be cruelty to the six thousand loyal and patriotic defenders of their country who on that bloody battlefield fell wounded, and many of them dying, from rebel bullets. It would be cruelty to the Government which expected loyalty and obedience to orders from its defenders. And it would be a grievous wrong to the widows and orphans who for more than twenty years have been mourning for those who came not from that field of conflict and of death.

But, Mr. Chairman, this is not asked of us in charity. We are not invited to look with compassion and sympathy upon the importunities of this old man—to bury in the oblivion of forgetfulness the wrongs he did and in commiseration grant him this relief. But it is demanded of us as justice, an absolute right, and that we may fortify ourselves for the work, we are asked to traduce the living and defame the dead.

As for me, Mr. Chairman, I can not accept this invitation; I can not enter upon this work, but prefer rather that the judgment which my conscience approves shall stand recorded until the resurrection and the better life.

But, Mr. Chairman, in the course of this debate we have heard still another excuse offered for General Porter. We have heard it said that if he was actuated by malice and hatred of General Pope he was justified. We have heard it said that "he would not have been a good soldier if he had not burned with contempt for the vacillating and incapable Pope." And why? Had Pope wronged him? Had Pope committed any crime that deserved the execration and contempt of the loyal people of the country? Had he been unmindful of duty and recreant to his country's interest? Had he violated trusts and betrayed the confidence of a loyal and patriotic people? Had he spurned with contempt the orders of his superiors, or been guilty of cowardice and shameful conduct in the presence of the enemy? What had he done, if none of these?

He had been schooled at his country's expense in the discipline and science of war. He had been loyal to her institutions. He had responded promptly to every call of duty. He had obeyed all orders of superiors, and had risen rapidly in rank. He had fought upon the plains of Mexico and had displayed gallantry and courage of the highest type upon many fields of carnage and bloodshed. He was the senior in rank and years of General Porter, and now the country saw him in command of the Army of Virginia, and from every loyal hearthstone and hamlet in the land earnest, eloquent, fervid, pleading prayers were offered to the God of Hosts and to the God of Battle that the same genius that had routed the enemy on so many Western battlefields might unite and revivify the Army of Virginia and lead its legions to a glorious and successful victory over the armies of treason and rebellion. And then it was, Mr. Chairman, and under such circumstances, that we are told in this debate that Fitz-John Porter would not have been a good soldier if he had not burned with contempt for him.

Are we surprised that men entertaining such convictions and giving expression to such utterances should clamor for the vindication of Fitz-John Porter? Could they be consistent and do less?

But, Mr. Chairman, many and strange are the scenes witnessed in this debate. We find them here asking for the passage of this bill because as they say General Grant approves it, and has given to it the benefit of his great name.

Wonderful indeed are the conversions of these men to the convictions of General Grant, for we find that for years when he was Chief Executive of this nation—when he was the commander-in-chief of its armies—

yea, in those terrible years of anxiety and bloodshed when it was not certain we had a Government strong enough and a people loyal enough to overthrow treason and rebellion, and Grant was achieving those splendid victories of Donelson, Shiloh, Vicksburg, Mission Ridge, and Petersburg, they had not one word to say in favor of his convictions or one expression of encouragement and hope for his splendid achievements; and when he electrified the country by his assurances from the Wilderness that he "would fight it out on that line if it took all summer," they were silent and dumb.

But now because, forsooth, in his old age he has opened the channels to his heart and listened to Porter's appeals for sympathy, and said a kind word in his behalf, he becomes a demigod, and we are sacrilegious in questioning his judgment.

Mr. Chairman, for General Grant as a soldier and a statesman I have great respect. And for his achievements upon the field of battle this nation owes him a debt of gratitude which it should ever be our pleasure to honor and repay. But to my mind his opinions argue nothing for the friends of this bill. For eight years he was President of this nation and sworn as we are sworn to respect and uphold the Constitution of his country and to respect its laws; and during all this time, with this oath and duty resting upon his conscience, he upheld and approved the verdict of this court-martial. And it can not be said he did this without thought and without his attention being called specially to the complaints and grievances of General Porter, because, as has been so well said by the eloquent gentleman from Michigan, during those eight long years Fitz-John Porter stood knocking in season and out of season at the door of the White House asking General Grant to take his case under consideration and reopen it and furnish him a new hearing; and we must not forget that at that time, in answer to these importunities, Grant said in 1869, and again in 1874, that he had carefully considered the papers submitted by General Porter, and was not prepared upon the papers submitted to grant *even* a review. But now, when he is out of office, when he is without official cares and responsibilities, when the solemn obligations of an important office are not binding his duties to the people, he says remove this stigma from the name of General Porter.

But, Mr. Chairman, when as a private citizen he permits the kind sympathies of his nature to be appealed to, and asks us to strike down by legislative enactment this judgment of a court now standing for more than twenty years, he forgets that the same oath and the same duty to the Constitution and to the country is resting upon us that rested upon him for eight years, when he turned a deaf ear to sympathy and stood by his country and the right.

Mr. Chairman, as I have heard rain and dark nights pleaded as an excuse for General Porter, I could not but recall scenes long since familiar, but now rapidly passing from the recollections of us all—I could not but recall the days when the distinguished soldier who sits as chairman of the Military Committee, and favors the passage of this bill, was leading the boys of the Cumberland from Nashville to the bloody banks of the Chickamauga. I could not but recall how in those days if "Old Rosy," as the boys loved to call him, gave us an order to march at once, or to move at 1 o'clock in the morning, we knew what it meant, and we all knew that bad roads, swollen streams, inclement weather, and rebel forces were no excuses for not obeying the imperative orders of our chief. And so it is here, and it is in the light and remembrance of those days that we are to judge of and act upon this case.

It does not occur to me that it is necessary for one of us to spend a moment's time in discussing the proposition that a court sitting for the trial of an offender almost twenty years after the offense was committed is as likely to ascertain the truth and promote justice as the court which tries the case when all the participants to the transaction can be had and when all the circumstances are fresh in the recollection of witnesses. And this suggestion, for the purposes of this case, treats the board of review of 1878 as a court, which I deny. As has been argued, it was absolutely without power. It could not administer a lawful oath; it could not compel the attendance of a single witness; it could not execute an order or enter a judgment or sentence of any kind as the culmination of its investigations.

But the opinions of this board, composed of three officers, listening to the testimony almost twenty years after the wrong was committed, is set up for the purpose of overturning the judgment of the court of nine officers, listening to all the evidence when the facts and circumstances were fresh in the recollections of all, sanctioned as it is by the President and the conscience of the country. Mr. Chairman, for centuries criminals and criminal lawyers have known the importance of delay. They have known that in procrastination and delay was their only safety; that time was the essence of their defense; that if continuances and delays could be had from time to time until witnesses could die or be scattered beyond the jurisdiction and process of the court, and until the facts and the details and the minutiæ of the crime should pass from the recollections of those who remained, they would be measurably safe. And such is human imperfection and the frailties of our nature that this cannot be otherwise; and whatever may have been the object or motive of Fitz-John Porter in getting this review of his case in 1878, in my judgment as against the decree of that court-martial of 1862 it is absolutely worthless.

Of course, Mr. Chairman, we can understand the anxiety and the pertinacity of this petitioner and we can sympathize with him in his misfortunes.

Milton put into the mouth of Satan this language: "Which way I fly is hell;" and so it is with this old man with this judgment resting upon him. But for this we are not responsible. Our duties are plain, and he alone is responsible for that conduct in August, 1862, which culminated in this court-martial and sentence.

Mr. Chairman, on some of the Southern battlefields monuments are erected to commemorate the achievements of the confederate dead. Of this I do not complain. They tell us in silent but eloquent lips the story of that conflict. They show us where the heresies of State rights and of secession went down shot to death by Union guns and pierced by loyal bayonets. They are milestones marking the pathway of that ill-fated confederacy. They tell us of its death, and not of the birth of the dogmas that gave it potency and power. I would not have it otherwise. For all the generations that are to come I would have them stand there to tell of the futile efforts made by man and of a great section of the country to overturn and destroy this Republic of America and to rear upon its ruins a confederacy dedicated to African slavery and human degradation and I would have them stand there to teach this impressive lesson to the generations yet unborn. And to the men who participated in that contest an appeal is now made to vindicate Fitz-John Porter.

For years many of them thought it no crime to fight against this Government, and therefore, where the wrong of Porter in refusing at such time to obey one of its military officers? We find Fitz-John Porter convicted by that distinguished court-martial upon the evidence of McClellan, Burnside, Pope, McDowell, Heintzelman, Morell, Griffin, Reynolds, Sykes, Butterfield, Buford, Parke, and a long list of Union soldiers, and we see him vindicated years afterward by this board of review upon the testimony and records of Lee, Longstreet, Jackson, Early, Hope, Gordon, Mosby, Rosser, Wilcox, and a score of other confederates, who think Porter was justified in not obeying in those days of peril the orders of his superior officer, Major-General Pope.

Are we surprised at this? Not that I impute perjury to them. Would they not have thought him justified if he had never unsheathed his sword in behalf of his country, but had permitted it to rust in its scabbard until his country had been wrecked and its institutions overthrown by disloyalty and treason? And it is upon this testimony that we are invited to vindicate a disobedient and unfaithful officer of the Union Army. And we are asked to do this, Mr. Chairman, not as partisans, but as patriots. We are asked to set aside our political prejudices and vindicate this man; and why? Because of the report of this board of review, and because the gentleman from New York assures us he is innocent. If he knows him to be innocent now he must have known it in 1862, and why did he not give to that court-martial the benefit of his distinguished information?

Why did he stand silent in those days of trouble when the doors of the court were open to him, and permit this wrong to be consummated against his friend?

But, Mr. Chairman, this appeal to us to set aside our political prejudices and to act as patriots is as amusing as it is pathetic. Is there a man upon the floor of this House who for one moment is so innocent and unsophisticated as to believe that this bill would for a single moment be urged upon our attention by the gentlemen upon the other side of this House if its beneficiary were not a distinguished member of the Democratic party?

But this cry of partisanship and sectionalism is not a new one. In the great North, where the Republican party has its power, liberty of conscience is encouraged, and every man is permitted to speak and vote his convictions, while in the opposite section of our country violence, intimidation, assassination, and murder stalk abroad with impunity, stifling conscience, violating liberty of speech, and striking down political opposition, and because under such circumstances we have no home there we are charged with being a sectional party.

And so it is, Mr. Chairman, in this debate. Upon this side of the Chamber we see men dividing upon this question and expressing their convictions for and against Porter as to them seems right, while upon the other side of this Chamber no voice is raised, no word is permitted to be uttered against this supplicant for a nation's charity, and yet they charge us with partisanship.

Was presumption ever more supreme!

Mr. Chairman, I have the honor of representing on the floor of this House a constituency that loves justice but abhors treason; a constituency that guarantees to every man absolute and impartial justice before the law; a constituency that protects every man, no matter what his color, what his nationality, or what his previous condition, in every constitutional right and privilege; a constituency, sir, without sectional bias, and where the late confederate is welcomed with open hands and invited to come and make a home, and cultivate the beautiful prairies, and assist us in rearing the grandest civilization of the ages; a constituency, sir, that has a larger number of ex-Union soldiers in proportion to its population than any State in this Union; a constituency that sent more soldiers into the field, and lost more men, and made more sacrifices for liberty and union, in proportion to its numbers, than any section of our country, and the judgment of that

constituency is, Mr. Chairman, that Fitz-John Porter has no cause for complaint, but that he should ever feel grateful for the charity of the court-martial trying him and for the magnanimity of the Government that he wronged.

Dante says in that sublime poem of his that he found above the portals of the infernal regions this legend: "Leave all hope behind who enter here." And so we would have it for all the countless centuries that are to come, that he who organizes treason against his Government and marshals forces for its overthrow, as well as those who wear the uniform of the United States soldier and profess loyalty to the institutions of our land, but who upon the field of battle are guilty of insubordination and willful disobedience of orders and jeopardize the lives and limbs of thousands who are defending the country against its enemies, should remember this inscription, and understand before entering upon so great a wrong that there shall be no hope for them so long as loyalty is honored and good deeds are respected, and so long as this Republic stands as a hope, an aspiration, an encouragement for the poor and oppressed everywhere; and to that end, Mr. Chairman, should remain forever this record of condemnation for the deeds and action of Fitz-John Porter. [Applause on the Republican side.]

Mr. BOUTELLE. I now yield to the gentleman from New York [Mr. BREWER].

Mr. BREWER, of New York. Mr. Chairman, I do not intend to detain the committee with any lengthy remarks. I do not intend to weary your patience with vain repetitions. The great questions of fact and of evidence have been so fully and so exhaustively presented to the House that I need refer to them only in passing. It was my purpose when the discussion of this subject was commenced to simply vote in the negative, and then, if it were possible, to forget that such a man as Fitz-John Porter ever existed. But, sir, the discussion of this subject by the friends of the bill, and the friends of the gentleman in whose behalf it was framed, has taken so wide a range and been of such a character that I should be doing violence to my own feelings, doing great injustice to the district which I have the honor to represent, as well as to the memory of the many Union soldiers who fell during the last days of August, 1862, on the banks of the Potomac, in the vicinity of Manassas, Gainesville, and Bristoe Station, were I to utter no protest to the passage of this measure. I cannot forget, sir, that the disobedience of this one man brought great sorrow into the hearts and homes of my constituents. Therefore I ask the indulgence of the House while, in a few words and as concisely as possible, I give some of the reasons why it is utterly out of the question for me to in any manner aid in the passage of this bill.

If the American citizen and the American soldier have one common shrine at which they may kneel and offer their pure and fervent devotion, that shrine is the altar of their country. If there is a principle of honor which the military officer should cherish above all earthly emoluments and above all selfish considerations, it is the honor of his flag and loyalty to his Government. If these qualities are wanting, he is neither the fit custodian of the one nor the proper representative of the other. Entering the school at West Point at an early age, General Porter became the child of the Government. He grew up under her fostering care and was educated at the nation's expense. How he repaid that kindness will be shown as we go on. There is but one law to govern this case and that is martial law. The emergencies of war, the exigencies which arise during the continuance of a long campaign, render it utterly impossible that a breach of trust in the army, disobedience of orders at a critical period during an engagement, or improper conduct in the presence of the enemy, could await the slow and uncertain proceedings in our civil courts; hence military law is at once arbitrary, swift, and decisive. In no other way could effective military operations be carried on and serviceable military discipline maintained; therefore all infractions of army regulations and neglect of duty come before a court-martial for trial, and this was the kind of court before which this officer was tried and by whose unanimous verdict he was convicted and condemned.

The case presented for our consideration this day embraces two specific charges. One was for disobedience of orders from a superior officer, and the other for improper conduct in the presence of the enemy. On both he was found guilty by the grave and irreproachable gentlemen that conducted his trial. If Fitz-John Porter was loyal to his flag and loyal to his country why did he waste those precious hours, nay, precious minutes, at Warrenton, for every minute the next day was big with events, and brought hope or despair to the hearts of the Union troops as the fortunes of the hour were for or against them? Why did he remain at ease in Warrenton? Was he hugging the delusive phantom of hope—hope, sir, that by this delay Pope might be crushed and McClellan again placed in command? It looks very much like it. If ever a soldier had an opportunity to display his zeal and manifest his devotion and loyalty to his country General Porter had it on that occasion when he received the order from his commanding officer, General Pope, dated at Bristoe Station, August 27, 1862:

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow. Hooker has had a very severe action with the enemy, with a loss of about 300 killed and wounded. The enemy have been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you send word to him to push forward at once. Also, send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary on all accounts that you be here by daylight. I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks also that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope.

GEORGE D. RUGGLES,
Chief of Staff.

If this order meant anything, it meant just what it said; it intended to convey to the mind of General Porter that he should start at 1 o'clock sharp, that he should be at the place designated early in the morning. "It is necessary on all accounts that you should be here by daylight." Did he obey this order, did he start at 1 o'clock? It is not pretended that he did. No; there was a lion in the way—the roads were blockaded with wagons, the night was dark. Did he attempt to do it? No; and in fact, as shown by one of his own command, the Fifth Army Corps, the best equipped and most efficient body of men connected with the Army of the Potomac, lingered around Warrenton until daylight next morning, when it should have been at Bristoe Station, and all for want of a leader loyal to his country and to his flag. Why did not General Porter get everything in readiness for an early departure? Why were not his troops ready at 1 o'clock to start for Bristoe Station? Why was he not there himself to give the order to march, and double-quick if necessary? Was this obedience to orders in a military acceptation of the term? At 5.30 a. m. on the 29th he received another order, which contained these words:

A severe engagement is likely to take place and your presence is needed.

This was received with the same apathetic indifference as the former on the 27th. Here he lingered at Bethlehem church, and here he remained nearly all day. Was he making preparations for attacking the enemy, or even to protect his own army if he should be attacked? Nothing of the kind was done. He still delayed, and it was at this point of time that McDowell said to him, as they sat on their horses taking a view of the surroundings: "General Porter, you go in here and I will move farther down." Porter's reply, it seems to me, is the essence of the whole situation: "We can't go in here anywhere without getting into a fight;" and McDowell says, "I supposed that was what we were here for." Did he go in? No, sir; he did not. Every wind that swept over the hills brought to his ears the roar of the enemy's cannon. Every breeze that came down the valley bore with it the rattle of musketry. He still delayed, and the work of death still went on, and brave troops were being killed and wounded till they lay in heaps on the bloody field. They died where they fought for the Government which they loved, for the flag of their fathers, worn and torn as it had been in the wars of our country, that it might not be trailed and trampled in the mire and dirt of rebellion. Where was the Fifth Corps that was to bring succor to their decimated ranks? Reclining under the droppings of the sanctuary at Bethlehem, ready and willing to fight, but virtually without a leader; eager to go to the front, but there was none to give the command.

Where, where was Roderick then?
One blast upon his bugle horn
Were worth a thousand men.

Fitz-John Porter was tried by a court of nine military men of high standing and irreproachable character. For nearly three months the trial went on, the defense had every facility to bring and examine witnesses, the circumstances were all fresh in their minds, the evidence was conclusive, and such men as Generals Burnside, Hunter, Garfield, Rufus King, and Hitchcock rendered a verdict against General Porter by which he was dismissed from the Army and forever debarred from holding any office of trust under the Government. And I wish to say just one word in regard to the letter written by General Grant. Eight long years passed during which he had the power, and the only power on earth, which could pardon Fitz-John Porter; he was importuned by individuals, he was visited by delegations, he was flooded with letters and petitions; he did it not. But some kind of bee got into his bonnet, and he made a mistake; it was the mistake of kindness, and I have no word to say against it. I have loyally followed where General Grant has led, but in this our roads diverge; he takes his own judgment years and years after the trial; I take the judgment of the court-martial, every member of that court, nine in number, men equally qualified to judge as General Grant himself.

Let no man dare to charge that tribunal which convicted him with deviation from the principles of exact justice, or from their honest convictions of right in rendering this decision. In looking through one of the leading Democratic newspapers in commenting on this case, it says Garfield's reputation stands in the way of a vindication of General Porter; let it be brushed away like the flimsy thing that it is. It regards Lincoln as only the simple tool of the designing men in charge of this important trial. If, sir, the vindication of Fitz-John Porter is to be obtained at the expense of such characters and reputations as Lincoln and Garfield left behind them; if in order to be reinstated the friends of this man must blacken and defile the fair fame of the martyred dead, and set at naught the judgment and integrity of the living—then, I say, let mercy stay her hand and judgment remain.

But I need not refer to the testimony which compelled the verdict on that trial. The facts brought out on the trial of this case were clear and unanswerable, and so unmistakable that the righteousness of the verdict and findings of that court-martial have scarcely been questioned; indeed, there was hardly an effort by the gentleman who introduced the bill to disprove the evidence or to set aside the facts presented to the court. And now the question is, shall he be reinstated, with the rights, rank, and emoluments pertaining to that position? If we were to be governed by sympathy and personal considerations, as the honorable gentleman from New York seems to be, we might, perhaps, permit our feelings to override our judgment and vote for the bill. If we were to allow ourselves to believe that we owe to General Porter a debt of gratitude for previous services sufficient to obliterate the dark blot cast upon the honor of every true and loyal American soldier by his disobedience and insubordination, as some gentlemen seem to think we do, then we might vote for the bill. Sir, we may pass this bill, or any other bill; we can never make black white, it is too late; no appeal from the court that tried him can do it; no improvised commission appointed to reinvestigate the case can do it; no act of Congress can ever relieve this deeper disability which must ever attach to the name of Fitz-John Porter. "No, not all the blood of all the Howards" can do it.

And finally, what is obeying orders in the military acceptation of the term? I will tell you in the thrilling words of Tennyson:

"Forward, the Light Brigade!
Charge for the guns!" he said.
* * *
Cannon to right of them,
Cannon to left of them,
Cannon in front of them—
* * *
Into the jaws of death,
Into the mouth of hell,
Rode the six hundred.

That is what I should call obedience to orders, and let consequences take care of themselves. This example of insubordination of Fitz-John Porter, if overlooked or condoned, will be subversive of all military discipline and materially weaken the confidence which the American people have always placed in the honor, the loyalty, and virtue of the officers of the Army. If the punishment is severe, so was the bitterness and sorrow his disobedience brought to the hearts of the loyal people whose sons and fathers were killed and wounded in that three days' fight. In the pain and mortification which Fitz-John Porter brought upon himself, and which for a score of years has weighed him down with sorrow and remorse, he has the ever-present consciousness that he alone was at fault.

So the struck eagle, stretch'd upon the plain,
No more through rolling clouds to soar again,
View'd his own feather on the fatal dart,
And wing'd the shaft that quiver'd in his heart;
Keen were his pangs, but keener far to feel,
He nursed the pinion which impell'd the steel.

Mr. BRUMM. Mr. Chairman, I look upon the proposed action of this House on the bill now pending as being in the nature of a motion in arrest of judgment and for a new trial, or as an appeal; at least the rules of evidence and of practice are applicable in the jurisdiction of this bill.

To set aside the verdict of a jury the *prima facies* are changed. The court-martial that tried Fitz-John Porter went upon the theory that he was innocent until he was proven guilty. The *prima facies* having been changed, it is our duty to treat him as guilty until you have proven him to be innocent. The burden of proof is shifted, and you gentlemen must make out your case beyond a reasonable doubt before you have the right to ask the vindication of this guilty man.

I ask whether there is any material testimony which was not before the court of competent jurisdiction that tried Fitz-John Porter which was not traversed by that court except the question as to the relative position of the rebel army? Not one material fact; and therefore before any court in Christendom the new testimony which has been spoken of would amount to mere nothing. All of it is testimony that was traversed by the court-martial, or could have been had, except that concerning the relative position of the rebel army. And that can have no bearing on the guilt or innocence of Porter.

I care not where Longstreet was; I care not whether Porter could have struck his right flank or his left flank; I care not whether he faced Longstreet or not; his order was direct, positive, and unmistakable.

As has been stated here by the friends of Porter, that McDowell did not order him to fight, *i. e.*, did not say "go in here," but only said, "Porter, you are too far out; that is not the *place to fight*." Well, sir, if that was not the *place to fight*, why did not Porter go to the proper place to fight, and not remain idle the whole day in sight and hearing of the fight? The only inference to be drawn from your own statement of McDowell's order is that Porter was to go in *some place to fight;* yet he absolutely refused to go in at any place, thus disobeying the spirit as well as the letter of the order.

Now, what is the defense? Darkness, rain, mist, wagons. Great God! have men no other defense for refusing to obey an order in time of war than darkness, mist, rain, and wagons? Had it been Napoleon he would have set the flambeau to the wagons and burned them up; he would have broken them to pieces and passed along, allowing no such thing as wagons to have interfered with him.

And will you tell me that the danger of Porter being cut to pieces was any excuse for not obeying the orders which he had received? When Napoleon on a certain occasion was met by his marshal and told that if he crossed the bridge it would cost him the half of his army, Napoleon's reply was, "I had rather lose half my army to-day than the whole of it to-morrow." If Porter's corps would have been cut to pieces, that was no matter of his. Perhaps it would have been better had it been cut to pieces than that the battle of the 30th should have turned out as disastrously as it did.

[Here the hammer fell.]

Mr. BOUTELLE. I now yield to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I do not expect in the brief time allotted me to discuss in detail the merits of the bill now under consideration. I do want, however, to enter my protest against the utterances of certain gentlemen in regard to military courts. Again and again during this discussion they have been maligned, traduced, and calumniated as unworthy the respect or confidence of modern civilization. They have been held up before this House as a mockery of justice and as a stigma upon the age in which we live. As very little reply has been made to this sort of argument I wish to say a word in regard to military courts.

For more that two years during the late war I had the honor of serving as judge-advocate of various military courts. And after the war I served for some considerable time as citizen judge-advocate, closing up the business of the military district and department of which I had been for a time judge-advocate. These courts were held in city and camp, sometimes in one State and sometimes in another. Of the prisoners tried by these courts some were executed, some were imprisoned, some were sent to the Dry Tortugas, some were acquitted, and some received that mild sort of sentence adjudged against Fitz-John Porter—were cashiered, that is, they lost their insignia of rank and that other right so dear to every American citizen, the right of holding office. I have also practiced law in the civil courts for more than twenty years, in the State courts, and in the United States courts, and I am frank to say, in the face of all this glorification of our civil jurisprudence to which we have been listening from the other side of the House, that in my judgment the findings and sentences of military courts are entitled to as much respect and confidence as any jury system the world ever saw. Why should it be thought otherwise? Were not the officers of the Army, who are found in such large numbers on this floor, just as competent as the masses from which the average jury is chosen? Military courts sometimes make mistakes; juries do the same.

And while I do not propose to discuss the constitutionality of military courts, I want to say that no civilized nation, in this age or in any other age, has ever been able to dispense with them. Without military courts there would be no discipline in the Army or Navy, and without discipline the Army and Navy would be utterly powerless. Destroy this system of compelling obedience to orders and this Government would not live a single day.

The offense for which Fitz-John Porter was tried was cognizable only in a military court, and could have been tried in no other. If he could ignore the orders of General Pope, every other subordinate could do the same; and then, indeed, the war would have been "a failure."

And if these courts are authorized by the Constitution and the laws of the country, as we hold they are, this political body, this legislative branch of the Government has no more right to interfere with the decision of the military court that sat in the case of Fitz-John Porter than it has to interfere with the decisions of the Supreme Court of the United States. If, however, we are wrong in this, if there was a want of jurisdiction of the person of Fitz-John Porter or of the offense for which he was tried, in the court that tried him, or if the proceedings of that court were in any way illegal, he has a complete remedy at law; he has an adequate remedy in the civil courts of the country, and should appeal to them, and not to this House. The courts of this country are always ready to break the shackles, to open the prison doors to any American citizen, black or white, bond or free, who is entitled to his liberty. No form of trial, no mockery of jurisprudence can stand in the way of our grand judicial system, which scrutinizes with eager eye and jealous care the rights and liberties of all our citizens.

But the friends of Fitz-John Porter are not content with glittering generalities as to the competency of military courts in general, but this particular court is arraigned before the bar of this House for gross misconduct and gross injustice. As to the *personnel* of this court I have but little to say. Charges had been preferred against a general of the Army who was entitled by military law to be tried by his peers, and such men as General Hunter, General Hitchcock, General Ricketts, General King, General Prentiss, General Garfield, and others were convened for this purpose. Illustrious names in American history! General Holt, of Kentucky, who was then Judge-Advocate-General of the Army, was made judge-advocate of this court. Did not the Government honor Fitz-John Porter in giving his case into the hands of nine distinguished generals, and in appointing a judge-advocate who was alike distinguished for his eminent fitness for this position?

The names of these men, a majority of whom to-day sleep in the arms of death, are themselves a guarantee of a patient, impartial, and fair trial. Fitz-John Porter himself, and his distinguished counsel, Reverdy Johnson, gave their assent to the eminent fitness of this tribunal, and declined to object to a single member. Why should they? They were mainly educated where Fitz-John Porter was educated, had served in the same army in which he had served, and many of them were his warm personal friends. Could he have chosen a court more likely to be favorable to him than this, if he believed in his own innocency? And yet this is the court whose integrity is now on trial.

The distinguished gentlemen on the other side in their denunciation of the proceedings of this court have seen fit, as I before remarked, to be specific in their charges of misconduct, which are as follows: first, that the court-martial before whom Fitz-John Porter was tried permitted General Holt, the judge-advocate, to remain in the room with the members of the court when they had retired for deliberation and for the decision of certain law questions which had been previously argued and submitted; second, that General Rufus King brought disgrace upon the court by coming down from his high position as judge or juror and giving testimony as to some matter of fact of which he had personal knowledge; third, that during the progress of the case an order was read from the Secretary of War authorizing the court to sit without reference to hours and directing the court to proceed as rapidly as the ends of justice would permit.

These are the so-called grave charges which have been preferred against this court, and for which its proceedings are now to be reversed.

Let me say a word as to the fairness of such accusations. As to the first charge, I need only say that General Holt simply did as every judge-advocate does, in every military trial, whether it be a military commission or a court-martial, whether the judge-advocate be a military or citizen judge-advocate. The judge-advocate is the recorder of the court, and is required by law to remain with the court when it is cleared for the decision of questions of law, or when it is cleared for any purpose whatever, and the law requires him to call the roll of the members of the court, beginning always with the junior officer, and record not only the vote of each member but the result of the vote so ascertained. The judge-advocate takes no part in the deliberations of the court after it is cleared, and is as much forbidden by his oath from doing so as he is from disclosing what occurs during these secret deliberations. The court-martial was not as well off as your committees are. It had no clerk; the judge-advocate was its only clerk, its only recorder.

A great deal has been said eulogizing the Schofield board as being without spot or blemish or any such thing, and yet it had a judge-advocate, though he was called a recorder, which means the same, and I see from the report that he was not only permitted to be present during the deliberations, but actually took part in them, and was assigned the duty of collecting and collating testimony.

And gentlemen forget in this connection that a judge-advocate is not a mere prosecutor; that he is himself an officer of the court, whose duty it is to see that the innocent are protected as well as that the guilty are punished. And my knowledge of General Holt is that no man in this broad land of ours had a higher sense of justice or did his duty more faithfully than Judge-Advocate-General Holt.

As to the second charge, permit me to say there was no impropriety whatever in General King giving this testimony. He was authorized to make his statements under oath to that court, just as members of our grand juries are to the grand jury before whom a matter is being heard. And yet who ever heard of an indictment being quashed for this reason? But allow me to say further, if this invalidates the decision of that court, how much more fatal will be the objection to the tribunal before which this case is now being heard? Here are gentlemen before me who have been making statements of fact, men who have been pleading the cause of Fitz-John Porter, who propose to act as judges in the final vote soon to be taken. The personal friends and champions of his cause are here making statements not under oath, and not only making statements, but making prepared arguments in his favor. And these same men propose to vote for the restoration of Fitz-John Porter to his former place in the Army on the ground that the sentence of the court that tried him should be reversed because a single member of that court gave testimony. Oh, consistency, what a jewel thou art!

As to the third charge I can make the same answer. The tribunal which tried and convicted Fitz-John Porter sat for forty-five days, with no business before it but this case; and if hurried a little by the order of the Secretary of War (and we have no assurance that it was, for the testimony of the defense was closed before that order was read to the court), it spent nine times as much time in the consideration of this case as this House proposes to give it under the limitation which has been fixed by the gentlemen in charge of the bill.

The gentleman from New Jersey [Mr. PHELPS] makes the objection that possibly—yes, possibly (he does not know, nor pretend to know)—the decision of that court may have been made by five votes in favor of conviction and four votes against it. We do not know this; he does not know it. The law wisely sealed the lips of the court, and the lips of the judge-advocate as well, on this matter. And whether the vote stood five to four, six to three, seven to two, eight to one, or nine in favor, it is the judgment of the court all the same. If this were an objection to the findings and sentence of that court-martial, it would be an objection to the judgments of the Supreme Court of the United States, which are sometimes reached by a majority of one, and yet it is the decision of the court as much as if the judges were unanimous. And when such a decision is made, whether right or wrong, it stands, and all the power of this Government, its Army and Navy, its blood and its treasure, stand pledged to its execution. I have somewhere heard of a decision of eight to seven which decided who should be President of the United States, and I do not think my distinguished friend from New Jersey would want the decision reversed for this reason even at this late date.

Other gentlemen, less extreme in their views, have not denounced military courts to such an extent as those to whom I have before referred, but content themselves by saying that they are in favor of subordinating the military tribunals and military power to the civil. That sounds well; we have heard it before. The question is, however, how much subordination do you favor? If the theory of subordination which prevailed among certain classes during the war should be adopted, or had it then been adopted, our military courts and our Army and Navy would have been subordinated out of existence. No more money, no more men, no arbitrary arrests, no military despotism. That is what such subordination meant then. Does it mean less now?

Reverse the decree of 1862, annul and efface the findings of the highest military court ever convened in this country, stigmatize the heroes of the war, cover with shame and reproach the name and memory of the immortal Lincoln, the lamented Garfield, the indefatigable Stanton, the brave and true Halleck, and you will have done a great deal more than subordinate the military to the civil.

Mr. Chairman, we are asked here in our official capacity as the Congress of the United States to place the seal of condemnation on the decision of a military court that has stood unscathed, unreversed, and above reproach for twenty-two years; a court that was convened in time of war, when the spot where it sat was red with the blood of fallen heroes, when the hills and valleys which stretched out in every direction were trembling beneath the tread of marching armies, and when the whole heavens were dark with the smoke of battle. The life of the nation was in peril, and the men who were charged with rescuing it from the jaws of death were struggling to suppress the rebellion and save to generations to come the priceless boon of constitutional liberty.

An officer of the Government who had been educated and honored by its liberality, knowing the rules of war and the path of duty, under an oath to obey his superior officers, in the hour of battle refused to obey the orders of the commander whom President Lincoln had placed over him. Charges were preferred; a fair and impartial trial was had; the accused was found guilty; the findings and sentence were approved by the President, and all was done according to that law which is alone applicable to the vocation upon which Fitz-John Porter had voluntarily entered. And now it is proposed that the decree of this court shall be reversed by that branch of the Government whose only duty is to make laws, not to construe or enforce them. It matters little now to this Government whether Fitz-John Porter go on the retired-list or not so far as he himself is concerned, but this precedent may come back like a thunderbolt thrown from the hand of the Eternal and shake this Government to its very center. There are gentlemen on this floor who profess to guard with great care the encroachments of one branch of the Government on another, and now they are ready to usurp the powers, and absolutely annul the decree of a constitutional and legal court. This is now the *argumentum ad hominem* of the hour, and it may prove the *argumentum ad ignorantiam*.

A labored effort has been made in this discussion to eliminate from it all political allusions. In my judgment it is a political question, and I propose to consider it as such so far as it may be necessary in order to present my views. This opposition to courts-martial is not a new feature with a certain political party that now dominates this House. If it were I should make no objection to the arguments on the other side. I have seen too much and know too well the character of this antagonism to military courts. During the time I was judge-advocate I learned this peculiar fact: that if we tried a prisoner for going to sleep on his post, for murder, or theft, we had no trouble in executing the sentence—none whatever; but if we tried a prisoner for any crime that smacked of treason or disloyalty, there were always men, influential and prominent men, who interfered and used every influence in their power to rescue the prisoner from the sentence of the court. And more than this, in many localities in the North it was utterly impossible to convict a prisoner in a civil court of any offense which assumed a political phase, and during the war a great many cases somehow or other took on this aspect.

In the town in which I reside, a Government officer, a provost-marshal, was shot dead in his own door-yard in the presence of his wife and children. The murderers were arrested a few days later, in the same county, concealed in a barn, at noon-day. The evidence of their guilt was overwhelming, and yet we did not dare in that county to try that case before the civil court because of this political element. A certain class of newspapers and a certain class of men espoused their cause and at once became their champions. The man whom they murdered had

been a remarkably vigilant officer; had arrested deserters, had ferreted out frauds upon the Government, and done his duty faithfully and well.

The murderers were total strangers, not a single person in the town knew either of them, and yet they had hundreds of friends who openly declared their innocence and extended to them their sympathy. We applied to General Hooker, first for a guard to protect the jail, and subsequently for a military court to come there and try them, and he granted both requests. And I shall never forget the howl that went up about that military court; how it was denounced by certain newspapers, and how in the opinion of many it ought to be driven from the county at the point of the bayonet. So great was this excitement that it continued to the end of the trial, which lasted fully three months, and when the testimony was carried to Cincinnati by the order of General Ord, whose remains were spoken of in this House only a few days since, he deemed it his duty, owing to the political excitement, to approve the record himself, and conceal from the public the order he made for the execution of the prisoners, allowing no one to know the result except the prisoners and the officers in the camp in charge of them until the culprits were ready for interment and when interference with the sentence was impossible. He took the responsibility of approving the sentence and of seeing it executed, after which he forwarded the three thousand pages of testimony to the President. When asked why he concealed the fact that they were to be executed from the press and the public, he said he was determined to avoid the interference of certain politicians who always interfered in such cases; who misled and improperly influenced the President. He knew by experience what that was, and in this case he proposed to avoid it.

I know, Mr. Chairman, another case which occurred in another State where a Government officer was shot down under like circumstances. This case was tried before a civil court. Forty jurors were called, from whom the panel was to be chosen. Twenty of these were Republicans and twenty were Democrats. Every Republican when interrogated said he had formed and expressed an opinion, and hence they were all excluded from the jury. The Democrats, or at least twelve of them, said they had not formed or expressed any opinion, and the case was tried to them. The result was that the bloody-handed murderer was acquitted. This is only an illustration of the beauties of our civil system, which lie so near the heart of some of the gentlemen on the other side of this Chamber.

Not only this, but it often occurred that men who were tried and condemned by military courts became not only martyrs, but heroes. I once knew an officer who was cashiered for cowardice on the eve of a battle and sent home in disgrace. He had scarcely reached home until he was chosen sergeant-at-arms of a Democratic State senate, and became at once "a bigger man than old Grant." How many such instances can you name?

There was another man, little known in the country except as his name was connected with a bill which he had introduced in Congress for the dissolution of the Union. He, too, was tried and convicted before a military court for disloyal acts. This court was convened in Ohio by General Burnside under that celebrated Order No. 38. The sentence was expatriation, and Vallandigham went to Canada—left his country for his country's good.

The old slave escaping to Canada used to sing:

> I'm on my way to Canada,
> That cold and dreary land;
> The dire effects of slavery
> I can no longer stand.

That was not Vallandigham's song. He went away not to escape the dire effects of slavery, but to serve out the sentence of a military court, and to this day his friends have an awful fear of such tribunals.

Strange to say, he had scarcely reached the fond embraces of his British cousins when he was nominated for governor in the great State of Ohio by the great Democratic party. This is what a military court did for Vallandigham. And, in this connection, I must call the attention of the House to a little bit of history which will show what kind of atmosphere Fitz-John Porter was breathing, which may explain why he was so ready to criticise the Government and so obstinate in his disobedience to the orders of General Pope.

The convention which nominated Vallandigham for governor sent seventeen distinguished Democratic statesmen, representing the then seventeen Congressional districts of that State, to Washington for the purpose of procuring the revocation of the sentence of banishment, which still separated this patriot martyr from his friends in Ohio. This committee, as I now remember, went first to New York, organized, elected a chairman and secretary, prepared a state paper, which they brought to Washington and handed to President Lincoln. The seventeen Ohio Democrats were all present and looked grave and solemn. Lincoln read it, and in a little while he handed them two papers, one the duplicate of the other, and said to them that if a majority of them, each acting for himself and representing nobody, would indorse and return one of these paper agreeing to three things, he would revoke the sentence and permit Vallandigham to return. The three things which he asked these Democratic statesmen to consent to were in substance these:

First. That there is now in existence a rebellion, and that the Army and Navy can be properly employed to suppress it. To this, Mr. Chairman, they refused their assent. Hear the next. In the second place he asked them, or a majority of them, to promise that they would not discourage enlistments or encourage desertions from the Army. This, too, they refused. In the third place he asked them to agree to use their influence, so far as they had any, in favor of clothing, feeding, and paying the Union soldiers. This they likewise refused. Yes, Mr. Chairman, these seventeen Democratic statesmen, representing all the Congressional districts of the State, preferred to let their great leader Clement L. Vallandigham languish and pine across the border in Canada rather than assent to these three propositions.

I refer to this for the purpose of letting in on the military court that tried Fitz-John Porter a little of the light that then shed its rays all through the North. Is it strange that Fitz-John Porter should be found guilty of disobedience of orders and of misbehavior in the presence of the enemy, when so many of his friends were crying, "Good Lord, good devil; for we don't know into whose hands we will fall?"

Deny it as you will now, there was a time when disloyalty ran riot in the North, when the air was full of sympathy for the rebellion, when State and county conventions were bold in their expressions of disloyalty, when men openly rejoiced at rebel victories and groaned over our success, when thousands of men were ready to hail with gladness the news of the success of the Southern army. Secret organizations, such as the Sons of Liberty and Knights of the Golden Circle, were in full bloom in several of the largest States. And I have in my possession now some of the relics of Greek fire and maps of rebel prisons found on the persons of men who were drilling Copperheads by moonlight in Southern Indiana. The scheme was, as claimed by the prisoners themselves, to release twenty thousand rebel prisoners, march them to the arsenals and arm them, and then with fire and sword sweep the entire North as with a besom of destruction. This was the scheme that had its allies in the North, and this was the absolute necessity for military courts. In such times as these civil courts are wholly inadequate.

These men, be they who they may, who sympathized with the rebellion and refused to give a cordial support to the Government in its effort to suppress it, became somehow or other the friends of the Democratic party as it was then constituted. Why was McClellan nominated in 1864? Was it because of his "masterly inactivity" or was it because he was a successful general? It could not be the latter, for the same convention that nominated him declared the war a failure.

I do not mean, Mr. Chairman, to charge the Democratic party with disloyalty during the war. By no means. Democrats and Republicans fought side by side in every battle and sleep side by side in every cemetery. But all these men who were supposed to have a taint of disloyalty were Democrats. If that is any honor, the Democratic party is entitled to it; if it is any disgrace, they can not complain of the truth of history.

It is worse than idle to claim that there is no politics in this bill. Who will deny that the hope of the success of Fitz-John Porter's bill in this House lies in the fact that there is here such a large Democratic majority? If there were as large a Republican majority no one would expect the passage of the bill, and the fact that a few Republicans will vote for the bill and a few Democrats against it does not in anywise rebut this proposition.

I have deemed it proper, Mr. Chairman, in view of my personal knowledge of military courts, to present my views in regard to them, and to say what I consider deserves to be said in their behalf, in view of the severe manner in which they have been maligned. I have attempted to show how inadequate the civil courts were during the recent war either to punish the guilty or to protect the innocent. I have also attempted to show that this hatred of military courts is no new thing, that it had its origin in the late war, and that the sympathy here extended to Fitz-John Porter comes mainly from the same party who extended like sympathy to men charged with disloyalty during the war. I can not consent that these gentlemen who have so maligned military courts, and who have held up to public execration some of the noblest men the world ever saw, shall be permitted to forget their own record.

I have nothing to say, Mr. Chairman, in this discussion, about the men who vacated their seats in this House and in the Army and Navy, and went boldly into the thickest of the fight under the flag of the rebellion. They showed the courage of their convictions and voted as they shot. They had the virtue of consistency. If Fitz-John Porter's sympathies were not with the North, if he did not love his country enough to follow any leader his country placed over him, he should have followed Lee. If all the men whose sympathies were with the rebellion had gone with the South we then would have known where they were, and the war would not have been prolonged as it was.

Abraham Lincoln said, when interrogated as to the punishment of Vallandigham, that the man who dissuaded a soldier from enlisting in the Union Army or the man who persuaded a soldier to desert was as much a traitor as the rebel who shot down a Union soldier in the front ranks of the Army. This is the theory of the Republican party, and this is the theory that so many Democratic leaders, not all, so persistently condemn. This is the reason why the former has stood by military courts during all the years of the war, and this is the reason why

the Democratic party, in the main, has always been, as it is now, opposed to them.

Do the friends of Fitz-John Porter believe their own assertions in regard to his innocence? Do they believe he was as true a patriot and as brave a soldier as ever followed any flag or fought any battle? Do they believe that the court which tried him and sentenced him to be cashiered did him gross injustice? If they do, why do they not propose in this bill to do him justice? If he was innocent, the present bill is an insult. If he was innocent, he is entitled to all his pay for the years of his disability, and then he would not be compensated. This bill only proposes to restore him to the pay of colonel and then to place him on the retired-list. This of itself is a confession that his friends have not full faith in his innocence or in their ability to vindicate him, even in this political tribunal. If I could vote for the passage of this bill I could vote for his complete restoration and for the fullest compensation for all the years since his conviction.

It is from no feeling of malignity toward Fitz-John Porter that I oppose the passage of this bill. On the contrary, my sympathies have been touched by the earnest appeals in his behalf. But it is because I tremble for the safety of this Republic when it is proposed to ignore the precedents of the past and invite endless complications for the future.

I have not attempted to discuss the evidence or facts upon which the court reached its conclusions. There are reasons above and beyond these more important to this Government than the life or the liberty of any one individual—questions which may in the near future involve the life of the Republic itself. If the finding of the court that tried Fitz-John Porter can be set aside by partisan interference, what court in the land is safe in its jurisdiction? The judgments of the Supreme Court of the United States can all be set aside. The findings and sentences of every military court that sat during the war can be reversed, so far as any part of the sentences remain unexecuted.

Mr. Chairman, in behalf of the soldiers of my native State, many of whom sleep to-day in unmarked graves; in behalf of those brave and true patriots who cast aside party affiliations, who left home and wife and children to follow their country's flag and die, if need be, to save it from dishonor; in behalf of my country, so deeply interested in the decision of this hour, I desire to enter my protest against the passage of this bill.

Mr. BOUTELLE. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, I had hoped to be able to occupy more than five minutes in the discussion of this case; and in order to fit myself for the discussion I have given careful study to all the proceedings of the different courts, all the maps that have been filed, and all the data that were within my reach, and I have concluded, at least to my own satisfaction, that I can not vote for this bill. I can not vote for it, Mr. Chairman, because of the questions involved in the merits of the case as I find them. I believe that there can be no question that those who bring to the study of this case a mind undivided by other considerations than the determination to do exact justice between this party and the Government must arrive at the conclusion that the court which originally tried General Fitz-John Porter was right and that its judgment was correct.

But aside from that I could not now vote for this proposition. I am asked by the friends of this bill to place myself in the attitude of one reviewing the judgment of a court of ample power. I am asked, in other words, to set aside a verdict. Why? They tell me because there is newly discovered evidence; they tell me because there was conflict at least in the testimony of the witnesses who appeared in the court below. No one can dispute the proposition that there was conflict in the evidence; that the various propositions were denied by some and affirmed by others.

What is the duty of a court of review when there is conflict in the testimony? It is to allow the verdict to stand, because those who have seen the witnesses, those who have heard them testify, those who have had an opportunity to test and judge of their credibility are more competent to determine where the actual verities of the case are and what particular witnesses should be believed or disbelieved. You, gentlemen, ask me to overturn this well-established, this universal rule, recognized by all the courts of this country. You ask me to reverse this verdict because you say there is newly discovered evidence. Evidence of what character? Was there brought before the court of review or is there now urged here a particle of evidence that does not bear upon one of the disputed propositions in the court-martial? The whole of this newly discovered evidence is at best but cumulative in its character. There is none bearing upon points that were not in controversy before the court-martial.

What is the rule of courts in cases of this kind? Are new trials given upon newly discovered evidence that is merely cumulative in its character? Where do you find the court that will sustain a proposition of that kind? So that whatever the merits of the case, leaving them entirely out of the question, I can rest my judgment on this matter upon well-defined, well-recognized, and undisputed propositions of law that no one of the gentlemen upon the other side will in my judgment deign or dare to gainsay.

[Here the hammer fell.]

Mr. BOUTELLE. How much time, Mr. Chairman, have I remaining?

The CHAIRMAN. Two minutes.

Mr. BOUTELLE. I yield those two minutes to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER, of Pennsylvania. Mr. Chairman, I had not intended to occupy the time of this House in discussing this question, but inasmuch as I have paired with my colleague [Mr. RANDALL], who is necessarily absent, and who if present would have voted ay, I desire to place myself on record, and it is the greater pleasure for me to do so, for the sentiments of my constituents are in accord with my own convictions.

I am opposed to the passage of this bill, not because I believe Porter was disloyal to his country on those three days in August of 1862 in the common acceptation of that term; not because I believe Porter held back from fear, but because I believe Porter on the 28th and 29th days of August, 1862, cherished such an animus toward those who had removed McClellan, and had such an animus toward Pope, that he failed to do his whole duty, and was guilty, during those two days, of such acts of insubordination toward his superior officer that justified the finding of the court-martial.

I believe, sir, that Porter did not wish to see Pope successful in that campaign.

In the language of a distinguished soldier and statesman of this country who had the intelligence and the ability to study and decide this question, General Jacob D. Cox, a soldier speaking to soldiers of the Society of ex-Army and Navy Officers of Cincinnati, on February 28, 1882:

> To remit the remainder of a continuing punishment by restoring him to citizenship, like other acts of amnesty and oblivion, would be magnanimous.

This has been done.

> But to vote him a triumph, to record his conduct as the model of chivalry and excellent soldiership, to enrich him from the public Treasury, to restore him to his rank, to retire him on pay ten times as great as the pension your maimed and crippled comrades of similar grade are receiving, is to do dishonor to every one who really threw his soul into the struggle for his country.

The CHAIRMAN. The time limited by the order of the House for general debate on this bill has expired. The bill will now be read for amendment and discussion under the five-minute rule.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank, together with all the rights, titles, and privileges, held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863, and, in his discretion, to place him on the retired-list of the Army as of that grade, the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only; but this act shall not be construed as authorizing pay, compensation, or allowance prior to appointment under it.

Mr. LAIRD. Mr. Chairman, I move to amend by striking out the last word. Believing as I do that there is no place where the honor of an American soldier ought to be so safe as in the hands of the Representatives of the whole American people, I desire to say before this vote is cast that I shall vote first, last, and all the time for the vindication of the honor of General Fitz-John Porter. [Applause.]

And let me remark to the gentlemen who seek to bring the menace of future punishment to bear upon the discharge of present duty that if I knew this act of mine would end my bodily existence as you say it may end my official one, then still would I do it; and I would thank God that my loyalty to my country as I understand her honor, that my loyalty to my general as I understood my duty, that my loyalty to the truth as I know it to be, was strong enough to lift my conduct above the possibility of ignominious change to come from cowardly considerations affecting my life or future condition.

I do this not because I am guided by the judgment of the Schofield board or the statement of Ulysses S. Grant, for I have not read the one and I have never considered the other. Nor are the convictions that I here hastily express the growth of a day; they are as old as the injustice he has suffered. I do it because I was with Fitz-John Porter from the siege of Yorktown until the attack of the enemy across the Chickahominy, from that attack to the battle of Hanover Court-House, and from that to Mechanicsville, from that to Gaines's Mill, and throughout his career except when I was disabled by wounds [applause]; and I want to say, Mr. Chairman, it is my deliberate judgment, speaking of what I know of Fitz-John Porter, that in all the great battles of the English-speaking race from Bannockburn to Gettysburg there has not been made by any soldier a record which demonstrates greater loyalty to the cause of his country than that made by Fitz-John Porter. Having seen him on all his battlefields, I believe it can be said of him in action as was said of the soldier of old:

> He was swifter than an eagle; he was stronger than a lion; and from the blood of the slain and the fat of the mighty his sword returned not empty.

Mr. STEELE. Does not the gentleman think Porter had his wings clipped at the battle on the 29th August, 1862?

Mr. LAIRD. At least his wings did not take him to the rear on that day, as it did McDowell, who brought the courage of a quartermaster to bear upon the tasks of a hero; and yet you say McDowell ought to be promoted because he went to the rear, and because Porter did not he ought to be shot.

McDowell was ordered to move on the night of the 27th the same as Porter. So were Reno and Kearny. Reno and Kearny did not report until noon; Porter reported at 8 o'clock in the morning; and McDowell did not move at all. The court of inquiry in his case condemned what he did, but excused it on account of his conduct on the 30th.

You who are so ready to condemn Porter for his delay of two hours on the 27th, why is it you never mention that his corps received orders at Harrison's Landing at 5 p. m. of the 14th of August to join Pope and at 7 o'clock was under way for Fortress Monroe? At sunrise on the 18th, though detained forty-eight hours to guard bridges and trains, it encamped after a march of sixty miles at Hampton, having covered sixty miles in thirty-five hours, and by its rapidity reached Fortress Monroe on foot ahead of the division of Reynolds, that came by transport.

I will give the gentleman another illustration of what I mean, and it is with pain that I am obliged to refer to the fact that in all this debate there has not been on your side a single mention of the gallant conduct of Fitz-John Porter and his corps on the 30th of August, 1862. When the Fifth Corps, headed by General Porter, moved to the assault of Jackson's troops in the sunken road, and when the effort to deploy the column had resolved itself into a great rush to get to the front where men could fire—not at the enemy behind earthworks or a railroad embankment, but in a cut where nothing was visible but their heads, and when the column was being cut down in platoons by the confederate artillery, firing over the heads of their own men—there came ringing through the din of the battle the order of their general, "Fix bayonets, and jump into the ditch and bayonet them," and in a moment more, had not Longstreet swept across our rear, the bayonets of the Fifth Corps would have been warmed in the marrow of the troops of Jackson.

Was that the language and the conduct of a traitor and a coward? Since the Dutch king proclaimed that he would tear down the dikes and let in the ocean there has not been a braver speech.

On the question of discretion I wish to say a word. I will cite an instance that will perhaps come home to the gentleman from Michigan [Mr. HORR]. He said there is no discretion, and there ought to be none, on the part of a subordinate over the orders of a superior. When the columns of the confederates at Gettysburg were advancing across the flank of the second brigade of the first division of the Fifth Army Corps, Colonel Jeffers, of the Fourth Michigan, holding the right of the line, asked leave of General Switzer to change front, and Switzer asked General Barnes, commanding the division, and that general sent back word, "Tell General Switzer to advance with the second brigade." And when the request was repeated and Barnes had again ordered the advance it did advance, to certain and senseless destruction, for the right of the brigade was surrounded in a minute, and the Fourth Michigan, as brave a regiment as ever leveled a musket, was annihilated without an opportunity to return an effective blow, and Jeffers fell stabbed to death with bayonets while fighting with a naked saber over his colors.

Let the advocates of "no discretion" tell me if their science of war teaches that subordinates in the face of a better knowledge shall obey murderous orders, and slaughter thousands, and stand guiltless in history? We asked no immunity from death; we did ask that our lives should be not thrown away, and that we be not put where we were to be shot in the back. And when the gentleman from Michigan heard this, did he go and stand before the battle-graves of this regiment, and looking into the gaping bayonet-stabs in the body of Jeffers, sing, therein being assisted by the gentleman from Indiana—

> Theirs not to make reply,
> Theirs not to reason why,
> Theirs but to do and die?

[Laughter and applause.]

One word to the gentleman from Indiana. You say that Lincoln approved the sentence of the court-martial with a full knowledge of all the evidence. I deny it. Abraham Lincoln, "so slow to smite, so swift to spare, so great and merciful and just," never approved that sentence with a knowledge of the evidence. I loved the memory of the dead Lincoln and all who died with him for the greatest cause that ever moved mankind, and I love the honor of the flag and the nation for which they died, and because I do I vote for the passage of this bill. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. HENLEY. I move a *pro forma* amendment.

Mr. STEELE. I rise to oppose the amendment of the gentleman from Nebraska.

Mr. LAIRD. I withdraw it.

Mr. STEELE. He has no right to withdraw it.

The CHAIRMAN. Does the gentleman object?

Mr. STEELE. I do.

Mr. HENLEY. I renew the amendment.

Mr. STEELE. I rise to oppose the amendment.

The CHAIRMAN. It may be opposed by the gentleman from California.

Mr. STEELE. Has the gentleman risen to oppose it?

Mr. HENLEY. If the gentleman desires to know he has the emphatic response, yes.

The CHAIRMAN. The gentleman from California has the floor.

Mr. HENLEY. Now, Mr. Chairman, after the very exhaustive and absolutely unanswerable arguments of the gentleman from New Jersey [Mr. PHELPS] and others supporting this bill I shall not attempt to shed any additional light on it; and the only expectation I have in taking the floor on this occasion is merely to speak of the record, which has been somewhat marred by certain action taken by gentlemen opposing this measure. The gentleman from Indiana [Mr. CALKINS] made an assault on General Grant this afternoon, to which, I say to him and to the House, members urging this bill have every disposition in the world to make proper and adequate response, but we are tortured by the apprehension that if we should do so the gentleman from Indiana might follow the example of the gentleman from Michigan [Mr. CUTCHEON] on the same side, and the result would be that in the morning we would find ourselves replying to something that did not exist in the RECORD. [Laughter and applause.]

How does this come? Gentlemen on the other side must pardon us for expressing some slight doubt as to the sincerity of their professions. The gentleman from Michigan [Mr. CUTCHEON] delivered a speech on this floor which contained a calumnious intimation in reference to General Grant, and it was applauded to the echo by his friends on the other side.

Lo and behold! it seems that the gentleman from Michigan concluded that he had better resort to a little penitential sorrow and accompanying sackcloth in that particular matter, because he takes a night and goes into prayerful meditation upon the subject, and in the morning when the RECORD comes out, or the succeeding day, we find that he has stricken out of his speech every defamatory allusion to General Grant; and not only that, but excluded the applause with which it was greeted and the expression of astonishment—[applause on the Democratic side]—I repeat the expression of astonishment that that applause elicited from the gentleman from New York [General SLOCUM], who expressed his unbounded surprise that anything defamatory of General Grant should escape the lips of a gentleman upon the other side of this House.

Now, Mr. Chairman, for these reasons gentlemen must pardon us for a little incredulity for their good faith in this matter or we must attribute these opinions to their partisan views.

Another thing: We learned from the gentleman from Indiana [Mr. STEELE] a fact which I have no doubt afforded to both sides a keen sense of genuine amazement. We learned from the gentleman that when General Schofield presided over the board of inquiry upon which he was appointed by the President of the United States, and after calling witnesses after witnesses, ransacking all parts of the continent for testimony, proceeding with all the solemnity of a court, administering oaths and probing this matter to the very foundation, we learned that he had an object in view, and that he did it—why? When he rendered his judgment exonerating Fitz-John Porter he did it, we are to infer, not because he believed Fitz-John Porter innocent. Oh, no! That is not the suggestion of the gentleman from Indiana. Not because he acted from any honorable motive which should prompt a man to act in any case. No; nothing of the kind. But, according to the gentleman from Indiana, he did it because at that time he was a candidate for the nomination for the Presidency at the hands of the Democratic convention.

Now, Mr. Chairman, did not the gentleman charge that directly? Did the gentleman from Indiana not charge that he knew that all of the evidence pointed to the fact that General Schofield at that time was a candidate for the Presidential nomination at the hands of the Democratic party? The gentleman has never retracted that assertion. Let me ask, did any of you ever before hear that General Schofield was a Democrat?

Mr. STEELE. You never heard that Greeley was a Democrat either, but you took him up. [Applause on the Republican side.]

Mr. HENLEY. What?

Mr. STEELE. I say in response to the gentleman that nobody ever heard that Greeley was a Democrat, and yet you took him up and gave him the nomination.

Mr. HENLEY. Does the gentleman from Indiana insist on his statement, or will he reiterate it, that General Schofield was a candidate for the Presidency at the hands of the national Democratic convention; that he did conspire with Senator Randolph in order to get that nomination, and as a motive for rendering a judgment of exoneration of Fitz-John Porter he did that? I ask the gentleman that question.

Mr. STEELE rose.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HENLEY. I had prepared some observations upon this question none of which I have touched. I therefore ask leave to print some in the RECORD.

There was no objection, and it was ordered accordingly. [See Appendix.]

Mr. STEELE and Mr. CALKINS addressed the Chair.

Mr. SLOCUM. There was an amendment——

Mr. CALKINS. If the gentleman from California has referred to me as the gentleman from Indiana who made remarks defamatory of General Grant in any manner, I wish to say that the statement is entirely gratuitous and without foundation in fact.

Mr. SLOCUM. There was an amendment proposed the other day to amend this bill so as to provide against giving back pay. I accept that amendment. I move that the committee do now rise and report the bill back to the House with a favorable recommendation.

Mr. STEELE. I have an amendment to offer.

Mr. CUTCHEON. I wish also to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment submitted by the gentleman from New York.

The Clerk read as follows:

In line 17, strike out all after the words "prior to" and insert "the passage of this act."

The CHAIRMAN. Without objection this amendment will be considered as agreed to.

There was no objection.

So the amendment was agreed to.

Mr. SLOCUM. I move that the committee do now rise and report the bill to the House with a favorable recommendation. [Cries of "Vote!" "Vote!"]

Mr. STEELE. I wish to offer an amendment.

Mr. HENDERSON, of Illinois. Mr. Chairman, I wish to say a word on the subject before closing this debate.

Mr. REED. I rise to a point of order.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise.

Mr. HENDERSON, of Illinois. I move that the House do now adjourn.

The CHAIRMAN. The House is not in session.

Mr. HENDERSON, of Illinois. Then I move that the committee rise. I do this because I want to say to the gentleman from New York that we consented to limit the general debate upon this bill to three hours and forty-five minutes with the understanding that there should be a discussion under the five-minute rule.

The CHAIRMAN. The gentleman from Illinois is out of order. The gentleman from Maine rises to a point of order and will state it.

Mr. REED. I suggest that the Committee of the Whole House can not report this bill so long as gentlemen are ready to offer amendments.

Mr. STEELE. Substantial amendments.

Mr. REED. And a number of gentlemen have addressed the Chair announcing their purpose to offer amendments. I suppose there can be nothing clearer than that.

The CHAIRMAN. The point of order is well taken so far as pending amendments to the section are concerned. But it is in order for the gentleman from New York to move that the committee rise with the view of obtaining from the House an order to close or limit debate.

Mr. REED. Is it in order for the Chair to instruct the gentleman from New York thus publicly in his movements? The gentleman from New York has himself had experience.

Mr. STEELE. I desire to say that I have amendments to offer.

Mr. CUTCHEON. And I also have amendments.

The CHAIRMAN. The gentleman from New York [Mr. SLOCUM] moves that the committe rise. That motion is in order.

The question was taken; and there were—ayes 154, noes 78.

Mr. REED. I call for tellers.

Tellers were ordered.

The CHAIRMAN. The Chair appoints as tellers the gentlemen from New York, Mr. SLOCUM, and the gentleman from Maine, Mr. REED.

The committee again divided; and the tellers reported—ayes 161, noes 77.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House had had under consideration the bill (H. R. 1015) for the relief of Fitz-John Porter, and had come to no resolution thereon.

The SPEAKER. The gentleman from New York (Mr. SLOCUM) is recognized.

Mr. REED. I will say to the gentleman from New York that about fifteen minutes of debate are desired on this side, together with the right to us, I suppose, of offering in committee whatever amendments may be desired.

Mr. SLOCUM. Will that satisfy the other side of the House? If they will be content with that, I have no objection.

Mr. STEELE. I want fifteen minutes myself. I have three amendments I wish to offer.

Mr. SLOCUM. I desire to know if the proposition of the gentleman from Maine [Mr. REED] will satisfy that side of the House.

Mr. REED. If the gentleman will say twenty-five minutes I believe that will satisfy this side.

Mr. SLOCUM. Take all you want. Take your twenty-five minutes and then give us a vote.

Mr. STEELE. Now let us adjourn.

Mr. SLOCUM. I claim the floor.

Mr. REED. Will the gentleman from New York make the motion that we shall have twenty-five minutes for debate on this side?

Mr. COX, of New York. Will that satisfy gentlemen on that side of the House?

Mr. REED. As I understand it that arrangement will be satisfactory.

Mr. STEELE. The understanding being that the twenty-five minutes will be for the use of those opposed to the bill.

Mr. REED. That debate in committee shall close in twenty-five minutes on this side; but after that it is our right without any agreement that amendments can be offered, but without debate.

Mr. COX, of New York. Does the gentleman from Maine propose to have the vote to-night also?

Mr. REED. You can put the bill in such a shape that you can get a vote to-morrow, or you can have the vote to-night if the House desires it.

Mr. SLOCUM. In the management of this bill I have tried to be exceedingly fair to the other side of the House. They have never made a request that has not been conceded. They have never asked an extension of time that has not been granted. They have occupied twice the time that has been occupied by this side of the House. I now again give way to you. Propose all your amendments. Take the twenty-five minutes by yourselves, but give us a vote after that.

I now move that the House resolve itself into Committee of the Whole House with the understanding that there be a debate of twenty-five minutes on amendments pending.

The SPEAKER. That understanding can only be made by unanimous consent. The gentleman from New York asks unanimous consent that when the House again resolves itself into Committee of the Whole House the further time allowed for debate be limited to twenty-five minutes, to be occupied by opponents of the bill, after which, of course, amendments may be offered, but without debate.

Mr. COX, of New York. After which the committee will rise.

The SPEAKER. That will follow.

Mr. KEIFER. It is in accordance with the understanding that some of the gentlemen who want debate may have it on amendments yet to be offered.

The SPEAKER. The Chair thinks the understanding as stated from the Chair would not interfere with that privilege. Is there objection to this understanding? The Chair hears none, and it is so ordered by the House.

Mr. CANNON. I move that the House do now adjourn.

Mr. HISCOCK. I would like to inquire of gentlemen on that side whether if there be a final vote on this bill to-night they intend to have a session to-morrow?

Several MEMBERS. No.

Mr. HISCOCK. Then I hope we will have a vote on the bill to-night.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] moves that the House adjourn.

The motion was not agreed to.

Mr. SLOCUM. I move that the House do now resolve itself into the Committee of the Whole House.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House and resumes consideration of the bill (H. R. 1015) for the relief of Fitz-John Porter. By order of the House all debate under the five-minute rule is limited to twenty-five minutes, to be occupied by those opposing the bill on pending amendments or such further amendments as they may offer. The Chair recognizes the gentleman from Indiana [Mr. STEELE].

Mr. BAYNE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. Is the amendment of the gentleman from New York [Mr. SLOCUM] pending?

The CHAIRMAN. That amendment has been agreed to and is a part of the bill.

Mr. STEELE. Mr. Chairman, I desire to move to amend the bill by striking out all after the word "appoint," in line 5, and inserting in lieu thereof the words "Ward B. Burnett, late brigadier-general of volunteers and a lieutenant in the United States Army." I propose here the name of a man of whom I hold the certificate from Andrew Jackson, jr., that he was the bravest of all the men in the Mexican war [great laughter on the Democratic side] and was so judged by his comrades.

A MEMBER. Andrew Jackson was dead then.

Mr. STEELE. I am very glad to know that there is one of my friends on the Democratic side here who seems to know that Andrew Jackson is dead. I wonder that you do not seem to know he had a son! Let me read the certificate carrying out a bequest of his father of a gold medal to General Burnett:

THE HERMITAGE, TENNESSEE, *August* 17, 1859.

Bequeathed by Maj. Gen. Andrew Jackson "to that patriot of New York city who (should our happy country not be blessed with peace) shall be adjudged by

his countrymen to have been the most distinguished in defense of his country and our country's rights," and awarded under that bequest, by the general voice of his brothers in arms, to Bvt. Brig. Gen. Ward B. Burnett, colonel of the First Regiment New York Volunteers in the late war with Mexico.

ANDREW JACKSON, JR., *Trustee.*

I want to say further that this man is now blind and helpless. He was a graduate of West Point. Let me appeal to your sympathies on that ground, if no other will influence you. He is not the man who on the 29th day of August, 1862, received positive orders to go into battle, and instead of doing so went two and five-eighths miles to the rear and laid there all day. He is a distinguished soldier who gave the best of his life to his country and lost his sight from a wound received in its service.

I now want to call the attention of gentlemen to this fact, that in all the discussion here they have not controverted the assertion which I made, and now make, that Fitz-John Porter did not even make a reconnaisance to find out whether there was an enemy that he might attack either in his front or right. Every single particle of the evidence will show that he could have attacked a portion of Longstreet's army that was on his right front if he had tried to do so. Colonel Marshall and a colonel of a New York regiment say that they saw the troops of the enemy to our right and front, and there is no evidence that Porter wanted to go into the fight. On the contrary, the insubordinate dispatches he sent to Burnside, the fact that he made no attempt to find if there was an enemy in his front, or if he could comply with his orders to join on the left of our army and press whatever enemy he might find to fight, was utterly disregarded. Longstreet has said that "finding that Porter had withdrawn from my front enabled me to send two of my divisions to the assistance of Jackson." He does not say that he waited for orders, but that he found it possible (owing to the want of spirit in Porter) to spare troops to fight the gallant men of Sigel, Hooker, King, and McDowell.

On the contrary, there is the evidence of General McDowell, who says that after talking the whole matter over with Porter he left him with the distinct understanding that he was going to put his troops in there; which, under the modification of the joint order, he was authorized to do. He directed him to go in there, but he did not do so. McDowell says that if he had done so he believes (and others testify to the same effect) that our victory on that day would have been a glorious one.

[Here the hammer fell.]

Mr. HENDERSON, of Illinois. Mr. Chairman, I had not intended to discuss this bill. I do not pretend to be much of a military man myself nor to have much of a military reputation. It is true I served as an officer in the late war, and think I know the difference between a brigade and a division; but I have been inclined to accept the judgment of the gentleman from New York [Mr. SLOCUM] who has charge of this bill when he says that there are not ten men in this House who are capable of acting upon it intelligently.

I have regretted one thing in the discussion of this bill, and that is that some of the friends of the bill, who advocate its passage, seem not to be more inclined to build up Fitz-John Porter than they are to pull down some other men who, in my honest judgment, are his equals, if not his superiors.

I desire, Mr. Chairman, to say a word for General John Pope, a native of my own state, who has been spoken of here disrespectfully by a number of gentlemen in their advocacy of this bill. I know something of his military character and of his military operations during the late war, and I am sure that no man, no patriot in all this broad land, ever justly complained that General Pope was not at the front with his command when he was needed there.

And I believe as much as I believe anything that General Pope did not have the cordial support and good-will of Fitz-John Porter and some of the subordinate officers under him at the second battle of Bull Run. The conviction is forced upon my mind that even if Pope was a weak man, as some claim, he never derived any strength from Fitz-John Porter; that if he was an unskillful general, he never had the benefit of any counsel from Fitz-John Porter.

But I believe him to have been a brave and gallant officer, who was always ready and willing to do his duty, and that he deserves better of his country than some of his maligners. It is proper that I should say this much of General Pope, as a Representative from the State in which he was born.

I shall not at this late hour attempt to discuss this bill, and could not do it in five minutes if I desired to do so. I want to say that, accepting as largely true what the gentleman from New York [Mr. SLOCUM] has stated to this House, I think that this case was once tried by men who were better prepared to try it than we are here in this House. It was tried by honorable men, by high-minded men, by military men, by men of character and of judgment, who had the witnesses before them, and who scanned their evidence as they were capable of scanning it. For one, I am disposed to let the matter rest with them, and not disturb the judgment of the court-martial which found Fitz-John Porter guilty.

Mr. Chairman, the passage of this bill is urged as a vindication of Fitz-John Porter; but pass it, and while in the estimation of the people in some parts of the country it would be regarded as a vindication, I tell you in other parts of the country thousands and tens of thousands will still believe that the judgment of the court-martial, approved by Abraham Lincoln, was a just judgment, and that Fitz-John Porter was justly condemned.

[Here the hammer fell.]

Mr. PETERS. Mr. Chairman, I rise to oppose this bill. The question for each member of this House to determine is, shall the decision of the court-martial in the case of General Fitz-John Porter stand? If it was right in January, 1863, it is right now. If it was wrong then, it is wrong now. If it was right in 1863, it should stand as firm as the Government in the interest of which the decision was made. If it was wrong then, the decision of the court-martial should fall, the stars should be replaced upon Fitz-John Porter's shoulders, and the emoluments so wrongfully withheld from him should be willingly, speedily, and publicly given to him. Time never changes a right to a wrong. Circumstances, however potent, can work no miracle of this character. Either the decision of that court-martial was right or it was wrong.

The issue is simplified by the friends of the bill. They insist upon its passage not as an act of mercy, but as an act of justice. Fitz-John Porter, through the medium of the advocates of this bill, asks this not as a favor but as a right. If the claim made by him is just, then this bill is unjust to him, because it does not give him his rights.

If the decision of the court-martial was wrong, then Porter is entitled not only to be restored to his rank, but he is by every law of justice and equity entitled to the pay of that rank during all these years. Not a single man who votes for this bill can consistently refuse to vote for a measure to give him the pay. There is no use mincing words upon this matter. If I believed the act of the court-martial was wrong, I would insist upon an amendment to this bill giving him the pay out of which he has been wronged.

If the advocates of this bill believe in it as an act of justice, then I appeal to them to do this man full justice and act consistent with professions.

Was the decision of that court-martial right in 1863?

The judgment of any organization of men, or of any individual, is fallible. We determine the correctness of human judgment by various human tests, and if it bears the scrutiny of these tests we can safely rely upon its correctness.

Apply every known test to the decision of this court-martial, and see the result.

Who were these men composing this court-martial? Were they mere boys? Were they men without age and experience?

General Hunter was 60 years old at the time he became a member of this court-martial. He graduated at West Point in 1822, and had therefore seen forty years of service in the Army. The fires of youth had waned; the ambitions of manhood had been satisfied; and, crowned with age, a large experience, and a spotless reputation, he assumed the duties of judging the conduct of his brother officer. General Hunter graduated at West Point the same year that Porter was born, and had therefore seen as many years of service in the Army as Porter had seen years in life.

General Hitchcock was 64 years old at the time of this court-martial, and had seen forty-five years of service in the Army. He graduated at West Point in 1817. He was too old for the activities of war, but not too old for counsel, for calm, matured judgment.

General King was 48 years old and a graduate of West Point in the class of 1833. He was adjutant-general of the State of New York from 1839 to 1843, and at the outbreak of the war was the representative of this country at the court of Rome. He was therefore not only of mature age, a soldier by education, but he had also the experience of a statesman to enlarge his judgment.

General Ricketts was 46 years old, with twenty-three years' experience in the Army, having graduated at West Point in 1839.

General Casey was 55 years old and a graduate of West Point in the class of 1826. He had therefore a ripe experience of thirty-six years in the Army.

General Buford, also 55 years of age, graduated at West Point in 1827, and after eight years of service in the Army became a civil engineer, a railroad man, and at the outbreak of the war was engaged in banking.

Thus six of the nine men on this court-martial were men of military education. The youngest of them was six years older than Porter, and all, with the exception of General Buford, had far more military experience. They constitute one more than a majority of the court-martial.

The remaining members were General Prentiss, 43 years of age; General Slough, 33 years of age, and General Garfield, 31 years of age. These three men had no personal acquaintance with Porter, had never served either in the Army of the Potomac or the Army of Virginia.

General Prentiss served in the Mexican war as the adjutant of the First Illinois Volunteers, and from the outbreak of the rebellion to the time of this detail had no connection with an Eastern army.

General Slough was a lawyer by profession, an Ohio man by birth, and began his military experience as colonel of the First Colorado Volunteers.

Of General Garfield, the youngest member of this court-martial, I need not speak. After he had rendered his decision he returned to the West, and the distinguished general, now member from California, selected him as chief of staff.

Thus I have at some length given the *personnel* of this court-martial to establish the ability of this court to render a righteous judgment.

Twenty years of scrutiny by the counsel and the partisans of Porter have resulted in but one unfavorable criticism upon either of these men in relation to their action as members of that court-martial. We have heard that criticism repeated in the discussions upon this floor. It is true General King was sworn as a witness, but where is the man who dares charge that the testimony of this man was untrue. If it was true testimony, then it was General King's duty to his country, to Porter, and to his associates upon the court-martial to make that testimony known, not in a cowardly and illegal manner in private conversation with them, as he could have done by reason of his relation to them, but in a public manner, under oath, and subjecting himself to the law for swearing falsely, as well as to the cross-examination by General Porter's counsel. Away, then, with such a flimsy charge! These men, then, not only had the ability, the capacity, but they had honesty of purpose, and were free from bias or prejudice against Porter.

It will not do to charge that a sacrifice was demanded to shield men high in authority. If that be true, why select such men as constituted this court-martial? If General Halleck or the Secretary of War was actuated by such unholy motives, it would have been no more dishonorable to have caused the selection of men who would have convened to convict. Men could have been selected who could conscientiously have convicted Porter without spending forty-five days in hearing testimony and in deliberation. A court-martial composed of distinguished generals could have been convened which could have conscientiously convicted and sentenced Porter to be shot upon the testimony of General Pope alone. In the light of forty-five days consumed in the hearing of testimony and in deliberation, let us hear no more of such unjust and unwarranted aspersions.

What were the opportunities possessed by this court-martial for holding a full and fair and complete investigation? The order convening it was issued November 25, 1862. This body continued in session for forty-five days; certainly an ample time in which to investigate the guilt or innocence of one man.

It is true, as has been stated upon this floor, that at some period during the sitting of this court-martial an order was issued by the Secretary of War which seemed to have for its object the concluding of the proceedings of the court-martial, but when it is known that this order was not issued until after the evidence of General Porter had all been presented to the court-martial, and while the Government was presenting its rebuttal testimony, it will be seen at once that if the order had any effect at all, its effect must have been favorable to General Porter and not favorable to the prosecution. Therefore the issuance of this order ceases to be a factor on the side of General Porter. But the order had this significance and as a circumstance tended to prove this fact, namely, the proceedings of this court-martial were of a careful and deliberate character; that the charge of hasty action or hasty conclusions could not be made and was not made even by General Porter himself until fifteen years after its deliberations had been concluded. If the distinguished counsel that represented General Porter on that occasion had been satisfied the action of the court-martial was hasty, even though he might not have alluded to it in his argument before that body, certainly at some subsequent time, after all reasons of a politic nature for withholding criticism upon the actions of this board had disappeared, he would have made this charge, and not have left it to be discovered for the first time fifteen years after the dissolution of this court-martial by the friends of his client.

But what were the opportunities for a careful examination of the question at issue by this court-martial? It must be conceded these opportunities were of the very highest order; the occurrences that had taken place on the 27th, 28th, 29th, and 30th days of August were fresh in the memory of the living. Not only fresh in the memory of those who were opposed to General Porter, who had not been connected with him in the Army, and who at that time believed him to have been guilty of disobedience to orders, but they were also fresh in the minds of his friends and the generals who were commanding divisions in his corps, as well as the colonels of his regiments, the captains of his companies, and the privates who marched in the ranks. It has been asserted here—and I am not prepared to contradict it—by the distinguished gentleman from New York that not a single soldier who served in Fitz-John Porter's corps on those disastrous days but what to-day believes him to have been unjustly condemned. Be it so, concede it all, and what does it argue? It argues simply that every one of his corps of eight thousand men were friends of his then, believed in him then, and if there was a single circumstance or a single iota of evidence that would be favorable to the acquittal of their honored and loved chief they would not have withheld it from this court-martial. So that every single fact known in his favor we may reasonably assume was presented to this court-martial, and was faithfully and carefully considered by them.

In addition to this, all this evidence was accessible at the time. This court-martial held its meetings at such a convenient place to the army that there was no difficulty in General Porter obtaining evidence of every man connected with his corps before that court-martial, and every opportunity was afforded him to present to that court-martial every single circumstance that could in the least be favorable to him. And, on the other hand, it was difficult for the Government to obtain testimony, because we all know that it is much easier to obtain testimony favorable to acquittal than to conviction; and there were, doubtless, many persons who knew of facts which would have been favorable to the prosecution of General Porter, but withheld them for the very reason they did not desire to be instruments in securing his conviction. Notwithstanding I had the honor to belong to a regiment that was the extreme left of the Union line on the 30th day of August, which was connected with the First Corps during all that series of battles, yet I do not now recollect and have never heard of a single witness from my regiment, my brigade, or my division that was subpœnaed before that court-martial. And yet I know, and there are others upon this floor who know, that the most damaging testimony to General Porter could have been obtained by subpœnaing some of the general officers who commanded brigades and divisions in the First Corps upon that day. And not only from them, but also from the privates and sergeants and line officers who on the 28th and 29th realized the effect of his disobedience of orders.

But it is urged that this court-martial was held in the time of great excitement, and the gentleman from New Jersey [Mr. PHELPS] said something about the "powder-begrimed visages of these generals fresh from the field of disaster to our arms." The stern and unrelenting facts of history destroy not only the poetry of the statement, but controvert the statement itself.

There was a time of excitement about the first days of September, when Lee and his victorious troops were hovering like a great threatening cloud about the capital of the nation. Then there was "rushing to and fro" and "mounting in hot haste the steed," and the powder-begrimed veteran, as well as the new recruit, poured into and through Washington to check Lee's advance into Maryland. It is true these were exciting times, but before the October days came the battles of South Mountain and Antietam had been fought and Lee was forced back to Winchester, and long before the order for this court-martial issued he had been forced back beyond the Rappahannock, and the capital was safe.

The country had learned a lesson. The administration had learned it also. Both had been taught, at the expense of tens of thousands of precious lives, that a general might be the idol of his army and yet be a military failure; that a man might be a great engineer but a very small general; that he might be good on parade but worthless in aggressive warfare. The administration removed General McClellan for incompetency, and, though the Army murmured at the time, subsequent events proved the wisdom of the action; and here let me say, in the light of history as recorded in the dispatches that passed between Halleck and McClellan, so admirably collated and so forcibly presented to this committee this day by the gentleman from Indiana [Mr. CALKINS], McClellan should not only have been removed from the command of the Army, but should also have been cashiered for his inexcusable and reprehensible delays in obeying the orders of his superiors. There is only this difference between his action and that of Porter: McClellan obeyed, but with a tardiness that rendered his obedience worthless, but Porter did not even obey.

But I have diverged from the line of my argument. I say at the time of the convening of this court-martial the excitement had subsided, the Northern invasion of Lee had been checkmated, the capital was safe, and the old line of the Rappahannock re-established. But it is urged these men composing this court-martial were unconsciously influenced by the power of the war administration and the desire to court its favor.

"Mark, how plain a tale shall put that statement down." Hunter and Hitchcock and Casey and Buford were "in the sere and yellow leaf" of life; too old to reasonably expect to obtain important commands. King resigned his commission in the Army and resumed his duties as minister to Rome. Not one of this body received promotion afterward, save such as they would have received by reason of regular succession, except General Prentiss, and he won his honors not by his conduct as a member of this court-martial, but by his well-conducted defense of Helena, Ark., July 4, 1863.

What is there, then, that can truthfully be charged against the members of this court-martial that can weaken the weight that should be given to their decision? That they were honest and capable is practically conceded. That they were free from bias and prejudice has been shown. That they acted deliberately, and decided after full, fair, and careful investigation, must also be conceded. That their opportunities to ascertain the truth were ample, and that they improved them is beyond question. Apply every human test, and each and all affirm the judgment. It was right in 1863 and it is right now. It was just then; it is just now.

Opinions of men who knew nothing of the circumstances at the time may change.

It was stated in the opening argument of the gentleman from New York [Mr. SLOCUM] that every one of the men of Porter's corps believes him innocent. I thought the statement an extravagant one at the time; a conclusion prompted by sympathy and long friendship, and not based upon reliable information.

The statements of the gentleman from Maine [Mr. BOUTELLE], as coming fresh from some of Porter's men in that State, show how nearly correct was my judgment of that statement. Not only this, Mr. Chairman, but I have also what I think to be reliable information, that one of the men who commanded a division of Porter's corps during these last days of August, 1862, has disclosed within a few days his belief in the justice of the decision of the court-martial.

But concede the correctness of the claim made by the gentleman from New York, and I meet it with the statement that every man who served in Sigel's corps and McDowell's corps and Heintzelman's corps upon the 28th and 29th of August, 1862, has an abiding faith and belief in the justness of the verdict rendered. Ay, more than this; they believe firmly the judgment of that court-martial to have been one of much more mercy than was deserved. I speak thus with no harsh feeling, and with the full belief that I am voicing the sentiments and present feeling of the men who fought under those various leaders upon those eventful days.

In addition to all of this, there was a history connected with the war which may be called an unwritten history; it was the history of the camp-fire. It was a history not found in the historical works of the rebellion, but a history, nevertheless, as deeply and as strongly impressed upon the mind of the subordinate as the history that was made by the generals at the various headquarters, and by correspondents of the press who always obtained their information at those headquarters. This history of the camp-fire, repeated after the day's battle or march had ended, in occurrences coming within the range of the observation of the soldiers in the ranks, was many times even more correct than that obtained by the press correspondents at the headquarters tent. And I assert that this unwritten history, impressed upon the mind of almost every soldier in Sigel's and McDowell's commands immediately after this series of battles which culminated in the second Bull Run disaster but confirms in every particular the correctness of the judgment of this court-martial. On the night of the 28th the unwritten history of the camp-fire declared the corps of Porter to be near at hand. Many troops of the Army of Virginia and the old Army of the Potomac had never met, and the circumstance of the Army of Virginia being re-enforced by one of the finest corps of the old Army of the Potomac was an important one, and was freely and fully commented upon around the camp-fire. It was understood on the night of the 28th that the assistance of this valuable ally might be relied upon and could be confidently expected during the apprehended engagement on the 29th, and the inquiry upon the day of the 29th, during much fighting, was frequently made in the ranks and by the line officers, Where is Fitz-John Porter's corps? Why do we not hear from them? Every single impression created by that unwritten history and revived in the recollections of the soldier of to-day by the incidents connected with his company or his regiment as brought out in this discussion simply confirms the belief in the justice of the finding of this court-martial.

It is idle to argue that Fitz-John Porter did not disobey orders, because it is conceded by his friends that he failed to obey; but it is urged by way of a plea of confession and avoidance, that although he did not obey the order, he was justified in not obeying it; and however eloquent the appeals of his defenders may be, however logical their arguments may be, they all fall to the ground and become truly futile when they seek to contradict a fact which every soldier connected with the Army of Virginia at that time knew to be a fact. It is idle to talk about the darkness of the night as an excuse for not marching, because there are soldiers of the Army of Virginia upon this floor who know they did march that night, and the fact that they did march upon that night is a complete refutation of the paltry excuse presented by Porter and his friends. In addition to that, there was no rain, as all will remember who remember anything about the night of the 27th. The rain came after the battle, on the night of the 30th, after the disaster; and how many there are who know that the night of the 30th was pitch darkness compared with the nights of the 27th and 28th. Not only was it dark, but a constant rain was falling, and yet troops marched that night. They marched to Centreville; they marched in the direction of Washington; they marched, as we supposed then, to the protection of the capital, which was at the mercy of the confederate victorious hosts, as many believed at that time. They not only marched that night, but they fought that night; and certainly if troops could march and fight when the night was dark and rainy, Fitz-John Porter with his corps could have marched when he had but the darkness with which to contend.

We have shown, then, that this court-martial was composed of men of the highest order of intelligence and experience; that they were men whose motives had never been impeached, whose conduct in the management of this case and the decision rendered has not been criticised, and whose opportunities for a full, fair, and impartial investigation were such as could not be excelled by any subsequent board or body of men that could be organized to consider the same case. In addition to this three of this court-martial are still living. They are old men to-day. They are men still of high character, of undoubted integrity, and, by reason of their age, can not expect to engage longer to any great extent in the conflicts of life. In short, by reason of their age these men have passed beyond the scope of human ambition and are contemplating the end of their lives. The discussion in relation to the case of General Porter has been going on for years. The attention of these men has been called to it, and to the allegation by him and friends that the court-martial which tried him had rendered against him an unjust judgment. No pride of opinion could prevent these aged veterans now from acknowledging the error of their judgment, and thus, in their declining years, doing justice to the man whom they had innocently wronged, if they believed in the least he had been wronged by their judgment; but yet there has not been one single word or syllable from any member of this court-martial which would lead us to believe that any single one of that distinguished body ever changed his judgment; on the other hand, by their silence upon this question we must infer they are satisfied with their decision, and feel, even in the evening of life, no injustice has been done to General Porter.

I will not detain the committee by going into a detailed discussion of the evidence in the case. Every phase of it has been ably and fully discussed, but I stand by the decision of that court-martial. I believe its judgment was correct. If this bill was an appeal of a penitent man for mercy, I might look at it differently, but the friends of the measure upon the floor of this House demand its passage, not as an act of mercy, but as an act of justice. To this claim I can not give my assent. It is true that Porter's head is covered with the snow that never melts, but I remember also that there are other heads covered with gray hairs: mothers whose boys died because Porter disobeyed orders; wives whose husbands died because Porter allowed his hatred for Pope and his love for McClellan to eclipse his love for his country. With the vision of these gray hairs impressed upon my mind I may forgive, but I will not forget. "May my right hand forget its cunning and my tongue cleave to the roof of my mouth" if I ever forget the dead hero or his living relation and join in this action with unseemly haste to replace the stars upon the shoulders of a disobedient general.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Alabama [Mr. OATES] asks leave to print in the RECORD some remarks on this bill. The Chair hears no objection. [See Appendix.]

Mr. CALKINS. I wish to offer an amendment but not to discuss it.

The CHAIRMAN. One amendment is pending.

Mr. CALKINS. I desire to offer this as a substitute for the bill.

The CHAIRMAN. It may be offered now, but it can not be voted on until after the amendment of the gentleman from Indiana [Mr. STEELE].

Mr. CALKINS. I do not wish it to be voted on now, but only to be considered pending as a substitute.

The CHAIRMAN. Does the gentleman wish to have it read now?

Mr. CALKINS. No, sir; I do not wish the reading to occupy the time limited for the five-minute debate.

Mr. ROBINSON, of Ohio. Mr. Chairman, I shall occupy but a few moments. I merely wish to enter my protest against the passage of this bill. It was my fortune to bear an humble part in the campaign now in question. I commanded the rear guard from Robinson's River to the battlefield. I marched all night with my men on the nights of the 25th, 26th, and the 28th of August. I say then that it is childish for men here on the floor of this House to say that it was impossible for Fitz-John Porter to march his command on the night of the 28th.

The night was dark, it is true, but a good portion of Sigel's troops marched that night, a large portion of McDowell's troops marched that night, and if Fitz-John Porter had seen proper to have carried out that order he could have marched his command too. It would have been an easy matter. I appeal to my friend from New York [General SLOCUM,] the author of this bill, and ask him the question how such an excuse as that would have been received by him when he commanded the left wing of the army in Georgia? I venture to assert that the officer who sent such an excuse and who refused to obey his commands would have been dismissed from the service at once for disobedience of orders. Now, gentlemen, the truth of the matter is that Fitz-John Porter did not move his troops for eight hours on that day; that he lay all day within the sound of the cannon. At 12 o'clock on the 29th of August, General Sigel sent a letter to General Kearny informing him that it was impossible for Longstreet to arrive upon the field with his command that afternoon, and urging him to swing in on his right and make an attack at once. And he also in that letter requested General Kearny to inform General McDowell of that fact. Now, gentlemen, it is true that General Longstreet did not arrive there until the afternoon of the 29th; and all of that afternoon, all that day, while the enemy's guns were heard in the distance, Fitz-John Porter did not move his command. What was Fitz-John Porter there for, if not to fight? What was he doing there? I ask the question, Why did he hold in reserve twelve thousand troops? Ah! my friends, the answer is palpable to all who know the facts. These differences had grown up at West Point. There was a difference that had grown up in the old Army between those officers which is the nucleus of that question.

Mr. CUTCHEON. Mr. Chairman, I propose a further amendment to the bill by striking out the words, in lines 8 and 9, "together with all the rights, titles, and privileges," &c.

I think the bill will be more perfect without that. That would leave the bill simply to restore him—

to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863, &c.

These are the words of the bill as it would read if amended. Now, General Porter held in addition to that the rank of major-general of volunteers. I do not understand that it is proposed by anybody here to restore him to the grade and rank of major-general of volunteers. As the bill now reads without the amendment I have suggested it would restore him to that rank and grade.

Now, I have a word to say by way of reply to the remarks of the gentleman from California, I believe. He seems to be exceedingly anxious lest I have not sufficient reverence and respect for my great leader, General Grant. I want to say to that gentleman, and I want to say to every gentleman on that side of the House, that I believe I love and venerate General Grant better than any man on that side ever has or dares to do. [Applause on the Republican side.]

I followed General Grant in the Vicksburg campaign when Pemberton surrendered. I followed him on the bloody field of the Wilderness. I shed my blood on the field at Spottsylvania Court-House. I followed him into the smoking hell of the Crater at Petersburg. And I yield to no man upon this floor or anywhere else in my appreciation, my honor, and devotion to the military genius and statesmanship and the unequaled patriotism of General Grant. [Applause on the Republican side.]

When General Grant first ran for the Presidency of the United States I had the honor to be one of the Presidential electors of the State of Michigan. This right hand wrote every ballot that was cast for him in that college; this right hand wrote the report of the electoral college of 1868. Again and again I have followed him upon the battle-field. Again and again I have followed him in the affairs of State, always to honor him, never to traduce him or detract from his honor. And yet General Grant is a man like ourselves, a man with like passions, a man with all the feelings of humanity. He is a man with like motives, a man influenced by the same incentives as ourselves, and I but simply called the attention of this House and the country to the fact that a certain collocation of circumstances had conspired to defame him. I call attention to the fact that for eighteen years, when invoked in his official capacity to undo the injustice alleged to have been done to Fitz-John Porter, he was silent and declined. But in another epoch, surrounded by circumstances unexplained by anything which appeared in this record, he reversed his opinion.

Now, just one word in reply to my friend from Nebraska.

Mr. HENLEY rose.

Mr. CUTCHEON. I do not yield. One word in reply to my young friend from Nebraska [Mr. LAIRD]. I honor his devotion to his leader. I honor the enthusiasm with which he advocates his old corps commander. But, Mr. Chairman, my friend from Nebraska speaks as most men have spoken on that side of the question. He speaks from his heart, and not from his head or his judgment. In that campaign he was a boy of thirteen, and with the enthusiasm of a boy of thirteen he followed the flag of his leader; and he gives us here to-day the outcome of the judgment of a boy of thirteen, and not that of his mature years.

Mr. HENLEY. The gentleman from Michigan [Mr. CUTCHEON] leaves the members on this side of the House somewhat in a condition of embarrassment. I want to know, if all this which he said about General Grant is true, why he struck it out of the RECORD. [Applause on the Democratic side.]

Mr. CUTCHEON. If a gentleman who got the floor on this question by pledging himself to the House that he was to speak against the amendment of the gentleman from Nebraska and then never uttered a word on that amendment—if that gentleman is entitled to an answer I will answer him. I left that out of the RECORD simply because I had a mind to leave it out. [Ironical cheers on the Democratic side.] And furthermore, in my judgment, the RECORD as amended said all I desired to say.

The CHAIRMAN. By order of the House all debate on this bill is closed. The gentleman from Indiana [Mr. STEELE] has offered an amendment which will be the first voted upon. The Clerk will report it.

The Clerk read Mr. STEELE'S proposed amendment, as follows:

In line 5 strike out the words "Fitz-John Porter" and insert the words "Ward B. Burnett."

In the same line strike out the word "major" and insert "brigadier."

In line 6 strike out the words "and a brevet brigadier-general" and the word "colonel" and insert the words "a lieutenant."

And in line 8 strike out the words "of the same grade and rank, together with all the rights, titles, and privileges held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863."

So that it will read:

"That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Ward B. Burnett, late a brigadier-general of the United States volunteers and a lieutenant of the Army, to the position of colonel in the Army of the United States, and, in his discretion, to place him on the retired-list of the Army as of that grade, the retired-list being thereby increased in number to that extent, and all laws and parts of laws in conflict herewith are suspended for this purpose only; but this act shall not be construed as authorizing pay, compensation, or allowance prior to the passage of this act."

The amendment was not agreed to.

The CHAIRMAN. The gentlemen from Indiana [Mr. CALKINS] has sent an amendment to the Clerk's desk which will next be reported.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the President of the United States shall have the power to convene a general court-martial, consisting of seven general officers not below the rank of brigadier-general, at such time as he may see fit, who shall have power to retry the case of Fitz-John Porter.

"The said court-martial shall consider the evidence originally introduced before the court-martial and such other testimony as the said Fitz-John Porter may produce, and likewise such other testimony as the United States may produce.

"The said court-martial hereby authorized shall have all the powers of a general court-martial.

"The Judge-Advocate-General of the Army shall attend at the trial on the part of the Government, assisted by one counsel from civil life to be selected by him.

"Said court-martial shall find and report whether in their judgment the said findings and judgment of said original court-martial ought to stand, and make such other recommendations as to it shall be deemed best.

"Said court-martial shall sit with open doors and their proceedings shall be public."

The amendment was not agreed to.

Mr. CONVERSE. I move to amend the bill by striking out the words in line 12 "in his discretion;" the object being to make the retirement compulsory in case Porter is restored.

Mr. KEIFER. That is not debatable.

The CHAIRMAN. It is not debatable. The amendment will be read.

The Clerk read as follows:

In line 12 strike out the words "in his discretion;" so that it will read:

"That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank, together with all the rights, titles, and privileges held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863, and to place him on the retired-list of the Army as of that grade," &c.

Mr. SLOCUM. I accept that amendment.

Several members called for a division.

The committee divided; and there were—ayes 137, noes 59.

So the amendment was agreed to.

Mr. CUTCHEON. I now ask a vote on my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 8 and 9 strike out the words "together with all the rights, titles, and privileges;" so that it will read:

"That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army," &c.

The question being taken, there were—ayes 71, noes 142.

So the amendment was not agreed to.

Mr. SLOCUM. I move that the committee rise and report the bill to the House.

The CHAIRMAN. In absence of objection the preamble will be considered as agreed to.

There was no objection.

The motion of Mr. SLOCUM was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House had had under consideration the bill (H. R. 1015) for the relief of Fitz-John Porter, and had directed him to report back the same with amendments.

Mr. SLOCUM. I demand the previous question on the engrossment and third reading of the bill.

The SPEAKER. The amendment must be first disposed of. The question is first on agreeing to the amendment, which will be read.

The Clerk read the amendment, as follows:

In line 12, strike out the words "in his discretion."

Mr. SLOCUM. I believe that amendment endangers the bill, and I ask the House not to agree to it.

Mr. CONVERSE. I desire to make a suggestion or two about that amendment.

Mr. MAGINNIS. Is debate in order?

The SPEAKER. The gentleman from New York [Mr. SLOCUM] demanded the previous question on the engrossment and third reading of the bill, but the bill had not then reached that stage.

Mr. CONVERSE. I understand that the friends of General Porter expect that he will be placed on the retired-list if restored to the Army. The object of this amendment, as I understand it, is to make that compulsory; that if he is restored he shall be placed on the retired-list.

Now, there are persons, myself among the number, who believe it would not be right to place General Porter over men who have been serving in the Army now for twenty years while he has been out of it, though we are entirely willing to restore him so far as we can. For one I am unwilling to punish those who have been in the Army and have been rendering service twenty years while he has been out of it.

Mr. MAGINNIS. The friends of General Porter are willing to leave that matter to the discretion of the President of the United States.

Mr. SLOCUM. Then vote down the amendment.

The question was taken upon the amendment, and it was not agreed to; there being, on a division—ayes 80, noes 134.

The next amendment from the Committee of the Whole House was, in line 17 of the printed bill to strike out the words "appointment under it" and to insert in lieu thereof the words "the passage of this act;" so that it will read:

But this act shall not be construed as authorizing pay, compensation, or allowance prior to the passage of this act.

The amendment was agreed to.

The question was upon ordering the bill as amended to be engrossed and read a third time.

Mr. SLOCUM. I call the previous question on that.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. SLOCUM. Do I understand that I now have an hour to close the debate on this bill?

Mr. REED. I make the point of order that there can be no debate after the previous question has been ordered.

The SPEAKER. The previous question was ordered upon the engrossment and third reading of the bill, but has not been ordered on the passage of the bill.

Mr. REED. The gentleman from New York now proposes to close the debate on the bill.

Mr. SLOCUM. I take the floor and move the previous question on the passage of the bill.

Mr. REED. That is right.

Mr. SLOCUM. I withdraw the demand for the previous question, and yield my time to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. Some time ago an agreement was made that this side of the House should occupy twenty-five minutes in debate, and the reason given was that the other side would not occupy any more time, and we could take the vote on the bill to-night. I say this is not in good faith.

The SPEAKER. That is not a point of order. The agreement made by the House related alone to debate in Committee of the Whole, and not to debate in the House under the rules.

Mr. WHITE, of Kentucky. I give notice now that when the gentleman from Pennsylvania [Mr. CURTIN] has closed I will move, under the rules of the House, to recommit this bill, and occupy an hour myself. [Laughter.]

The SPEAKER. The gentleman from Pennsylvania [Mr. CURTIN] is entitled to the floor.

Mr. CURTIN. Mr. Speaker, I am quite sure that I can say nothing that is new on this very important question, which involves the citizenship and the honor of an American soldier. Yet from my knowledge of the man, and my connection with him, it is proper, with the honor afforded me of closing this debate, that I should be heard.

Mr. HISCOCK. Is it proper to inquire how long a time is now to be given to debate?

Mr. CURTIN. An hour.

The SPEAKER. Under the rules of the House there is one hour for debate.

Mr. HISCOCK. And it is then the intention of gentlemen on the other side to press a vote to-night?

The SPEAKER. The Chair is not advised what the intention on "the other side" is.

Mr. CURTIN. I do not know the rules of this House, but I understand that the gentleman who has charge of this bill, and who has conferred upon me the honor of closing this debate, has the right to an hour and has given it to me. Now what do you mean? Do you mean to take it from me?

Mr. WHITE, of Kentucky. I mean no disrespect to the gentleman from Pennsylvania [Mr. CURTIN], but the gentleman from New York gave away his right to that hour in the agreement which was made about the debate.

The SPEAKER. The gentleman from Pennsylvania will proceed.

Mr. CURTIN. I know Fitz-John Porter well, have known him all his mature life. He was appointed from Pennsylvania a cadet at West Point, where he was instructed as a soldier. In his birth and his lineage from the Revolution which gave this country its liberal and matchless Constitution, the Porters have defended it upon the water and upon the land. When the late unhappy war commenced and dark clouds covered all this great country, and the people of the North were aroused from their peaceful pursuits to face the fact that war, cruel, savage war, existed, Fitz-John Porter was the first military officer sent to Pennsylvania to assist in the organization of troops for the defense of the Government and to meet the necessities of the war forced upon us. Washington, the capital of the country, was shut out from communication with the North and West; there were no means of communication between the capital and the country at large. Being at that time the executive of Pennsylvania, from necessity I depended much upon the military judgment sent to assist me. Fitz-John Porter was the most enlightened, most sleeplessly vigilant and ardent advocate of immediate military discipline, of the levying of troops, and the enforcement of obedience to the law that came to me through that long struggle.

Now, Mr. Speaker and gentlemen on the other side of this Chamber, if you will turn to the records you will find one significant fact not so much for the living as in justice to the dead. The first citizens of this country that ever asked a rehearing for this soldier, with a view to redressing any wrong he might have suffered, were Horace Greeley of New York, Henry Wilson of Massachusetts, and myself. [Applause.] Surely the fidelity of the two persons I have named will not be doubted, and the presentation or application thus made to the Government for the redress of the wrongs done to this man was made after full consideration of all the facts and in the presence of all the lights which subsequent history had shed upon the eventful period through which we had just passed.

General Fitz-John Porter never approached or importuned me to be his advocate. Since the pendency of this bill, or since the meeting of Congress, I have not seen him here. As to the merits of this bill, it is a question on which men may have opinions on the one side and on the other, depending very much upon how you approach the facts, but I was surprised to hear a distinguished member of this House [Mr. KEIFER] say over and over again in his speech that General Fitz-John Porter was a coward. Before God I say I never knew a Porter who was a fool or a coward. [Applause.]

That was the opening speech of this debate in opposition to the bill, and, from its character, must be regarded as the presentation of the views of those who are inspired by political bias in their action on the measure. There was much of the dust and smoke and sulphur of battle in it; there was the rattle of rifle and of musketry; the detonation of heavy guns, and amidst all the strife which the gentleman drew from his imagination, above the noise and confusion and roar, the culmination of his rhetoric was the cry that Fitz-John Porter was a coward. He is the first man who has ever put that statement in print; indeed, he is the first who ever had the temerity to say it, and I trust he will never say it again to ornament his rhetoric or logic.

Now, Mr. Speaker, I propose for a few minutes to turn the attention of this House to a portion of the history of that dreadful war which I would be glad to forget, with all its horrors, and do most sincerely regret that in this instance we must fight it over and revive its painful recollections, when justice is asked, sheer justice to an American citizen, and one who has been wronged, grievously wronged. I was then in an official position where I was forced to watch with painful anxiety the advance of armies, the terrible battles; and the gentlemen on the other side are not the only persons who mourn over the graves of the slain. I had occasionally the satisfaction to rejoice over the success of our armies, but in the beginning of the war that satisfaction did not often occur.

When the war commenced, and the Government called for troops for a hundred days, the great State of Pennsylvania, not believing that the struggle was to end in so short a period, organized an army of 15,800 men; thirteen regiments of infantry, one regiment of artillery, and one of cavalry. The troops were fully armed and equipped, and were encamped in different parts of the State; they were mustered in for "three years or during the war," and their muster provided that they should be transferred to the Government of the United States when that Government should demand their presence in her armies. Not once, Mr. Speaker, but constantly they were offered to the service of the Government of the United States and refused. They would have been at Bull Run, but the Government officially declined to receive them. You understand what occurred there. I suppose every man on this floor realizes all that occurred in that disastrous battle, and who knows but that the presence of such a body of splendid troops would have turned the tide of battle? About 1 o'clock on Monday morning I received a telegram from General Scott saying:

We learn you have troops in Pennsylvania; send them forward immediately. Johnston has joined Beauregard.

Not long after a similar telegram came from the President. These regiments were poured into Washington in forty-eight hours, and was the only army then available for the defense of the capital. What might have been the result of Bull Run if that army had been accepted and added to the army of McDowell in the field? Yet who charges any disloyalty upon the men who refused to take them earlier? After Bull Run and its disasters a general had to be misplaced. General McClellan is spoken of to-day on this floor in not very complimentary terms, yet I think that sufficient knowledge or consideration of the facts connected with that gentleman would have prevented such remarks. He graduated with distinguished honors at West Point; had served through the Mexican war; had observed the Crimean war under a commission from his Government, and had made one of the most admirable reports ever made upon a war in this or any other country; had commanded troops in West Virginia, had there shown enterprise, energy, and activity, and had closed the campaign with success. The Government made him the General of the Army. He promptly obeyed

the order of the President; left the Army of West Virginia, where he had won honor and fame, and not a laurel that he there won ever faded when placed on the brow of our colleague General ROSECRANS, who succeeded him in command. [Applause.]

General McClellan gave to the Army a perfect organization; all the appliances necessary to make it efficient or to give as large a share of comfort to the men as is possible to give to troops in the field. He made his plan for the campaign of the coming season. That plan has received the approbation of the military minds of this and foreign countries. He proposed to transport the larger part of his army by water, and to approach by the long line of the triangle to Richmond by way of the Peninsula. McDowell, with an army numbering more than forty-five thousand men, under this plan of the campaign was to approach Richmond from Washington or its defenses by the short line of the triangle.

When General McClellan had transported his army to the Peninsula and had commenced his approach, Stonewall Jackson, perhaps the most enterprising and energetic general of the confederate army, dashed into the Shenandoah Valley, attacked in detail three armies commanded by improvised generals put there by the Government, defeated them, and after those triumphs he returned by rapid marches, placed his forces again in the army commanded by General Lee, and took part in the battle of Gaines's Mill, where General Fitz-John Porter was in supreme command; the very gentleman who is to be the beneficiary of the legislation now proposed. Unfortunately for this country, unfortunately for the Government at Washington, still more unfortunately for those who contended against the Government, McDowell's forces were withdrawn into the defenses at Washington, though that officer declared at the time that he should proceed toward Richmond, as all the army down in the Shenandoah Valley and General Jackson had returned to the army of General Lee.

It is quite unnecessary for me to say that Richmond did not fall, and it is a historical fact that up to the time they received the newspapers of the North announcing that McDowell's force was not to march in the direction of Richmond the confederate government scarcely expected to hold the city and were prepared to leave. When they received the usual notice through the papers of the North of this unfortunate action of the authorities at Washington they felt they were safe. To say the least of it, that was a grave mistake on the part of the Government here, to intrust a general with the command of armies, and then, after full knowledge of the plans by which he intended to conduct his campaign, to withold his right arm when he intended to strike a blow at the enemy which might be fatal; and yet, sir, no one then charged and no one now charges the living or the dead with infidelity or disloyalty.

Mr. Speaker, domestic war in this country was unexpected; it was sudden in its opening; it was new to our people and our Government; and I am not here to charge disloyalty upon those who in their ignorance made gross mistakes. When the Army returned from Virginia it was necessary that public sentiment should be settled in some way, so as, if possible, to relieve the Government of any charge of incompetency to conduct its affairs to success, especially as the chief duty of those intrusted to its administration was to conduct a great war; so McClellan was said to be tardy by some, to be incompetent, and it was even said at the time, and not in whispers, that he was disloyal, and he was removed from his command of the Army. The generous public accepted the action as proper, and the people of this country once more renewed their fidelity to the Government and their disposition to support the citizens intrusted with its administration.

General Pope was then placed in command of the army. He came from the West; his proclamations glittered with generalities and rattled with brilliant rhetoric. [Laughter and applause.] I remember to have read them all at the time, and have no recollection of any other such productions in the history of peace or war. [Laughter.] If not as logical, they were even more brilliant and beautiful than the rhetoric of the gentlemen who stand here on this floor to defend him and to accuse General Porter. [Renewed laughter.] General Pope scorned the comforts of hotels or boarding-houses or cabins or tents, and proclaimed his headquarters to be in the saddle. [Renewed applause.]

At the time all this occurred the American people glowed with the expectation of seeing a brilliant military meteor come from the West who would lead the army to quick and rapid success and thus make a contrast to the man they called "Tardy McClellan." Now, Mr. Speaker, I will not fight the battle of Bull Run over again; that has been done often enough on this floor, and it is enough for me to say that the Army suffered defeat, and that the President of the United States in person asked McClellan to resume the command again. I repeat, Mr. Speaker, that I will not fight that battle over again which terminated so disastrously and led the President once more to place General McClellan in command, and really I must doubt whether the history of that battle has been much improved by gentlemen on the other side, and I am forced to say, without intending any disrespect to any of my colleagues or gentlemen on this floor, that some of the newspaper correspondents gave at the time quite as good an account of that battle as has been given in this discussion with so much deliberation and which seems to be inspired by distrust and hatred growing out of politics.

Mr. Speaker, human passions are the principal agencies in all political affairs. That is the teaching of history in all the past; you can not separate passion, prejudice, ambition, and the hope of power from the politics of to-day; and if that philosophy be correct, it is demonstrated in the unseemly and unjust opposition to the gentleman who is to be restored to citizenship by this bill. I could not improve on what has been so well said in the history of this battle in marshaling the facts by my colleague [Mr. BAYNE], who was a soldier in the war and surely has a right to be heard in the defense of a soldier's honor.

And who upon this floor who listened impartially to the presentation of this case by the gentleman from New York [Mr. RAY], who also was a soldier in the late war, or by the enthusiastic gentleman from Nebraska [Mr. LAIRD], whose opinion should not be taken because he was only thirteen years old according to the representations of one gentleman when he enlisted in the service and served as a private soldier, but whose services were welcome even at that tender age. I take their history of this battle and their solution of the orders given to General Porter, and accept the speech of the gentleman from New Jersey [Mr. PHELPS], so remarkable in the clearness of its logic and the beauty of its diction, that when the distinguished gentleman closed General Fitz-John Porter would have been vindicated by acclamation by all the people of the country if present. [Applause.]

It is said Fitz-John Porter was slow to obey orders. General Thomas was slow, and the gentleman from Michigan, if he did not know it at the time, must well know now that there was a clamor against General Thomas because of his tardy movements in Tennessee. Stalwart, sturdy, brave Thomas drew his enemy to the place where in the plan of his campaign he intended to offer him battle. The newspapers clamored that Thomas was not fit to command the army. He was superseded and the commission was on its way to the hands of another general to take command in his stead. General Grant himself was about to leave and take command in person when the news was proclaimed to the country that General Thomas had met his enemy and destroyed the army in a single terrible battle, and General Thomas went to his grave and left a sweet memory behind him as one of the bravest and grandest men that ever served in that or any other war. [Applause.]

If General Thomas had been superseded, or if he had taken the direction of the Government and had forced a battle before he was prepared, he too would have been condemned. Why, gentlemen must not forget that in the very beginning of the war it was said, semi-officially if not officially, when another great general demanded two hundred and fifty thousand men for service in the West, that he was crazy, absolutely crazy. The first time I ever heard of General Sherman as distinguished, the announcement was accompanied by the assertion that he was a crazy man, and it was said that he was demanding more troops than it was expected the Government could possibly need to suppress insurrection and compel obedience to the law. They said no sane man could ask so large an army as two hundred and fifty thousand men; but before the war closed the Government had nearly one million one hundred thousand men in the field. And before the war was over many true and good men wished that that craze of Sherman had extended to some other generals who commanded troops.

Gentlemen on the other side now say Sherman was a grand old man. Well, that is true. He served with much distinction at Vicksburg, and in long marches through Mississippi, and in his approach to Atlanta against one of the most experienced and skilled military men of this or any other country [Jos. E. Johnston], and with what courage he then swung off and made his romantic march to the sea and then conquered the coast by the reverse. After all, Mr. Speaker, if the Government was correct in saying that General Sherman was crazy in the beginning of the war, there is a consolation in feeling hopeful that we may be supplied hereafter with more generals afflicted with the same disease. [Laughter and applause.]

When Grant assailed Cold Harbor, a fortified line, and his army lost ten thousand men and the enemy not more than five hundred, and when the army positively declined to make another assault, no one accused him of being a traitor. No one ever mentioned such an insinuation or made such a suggestion. It was more wood to the fire, more men to the front, more vigor and more power at the North to compel obedience to the law. General Porter could not expect to avoid his share of trouble, and victims were required there, just because the failure of McClellan's campaign, broken up by the council at Washington, had to be explained. That was all.

Now, Mr. Speaker, if General Porter violated orders, if he did what was alleged or charged against him, if he treated with disrespect or contempt General Pope, who was in supreme command, let me say that General Pope ought to have known and did know, and it is alleged on this floor that he knew, that General Porter had disobeyed orders on the 27th of August, 1862, and then and there General Pope should have arrested him. He had the power and that was his *duty*. He should have taken from General Porter's shoulder the insignia of his rank and the sword from his side. He should have done just what Washington did with Lee at Monmouth on the field or what Sheridan did with Warren at the Five Forks.

The history of war is full of events of this character, where military men have been degraded on the field by their superiors, and no one on this floor will attempt to deny in his opposition to this bill that Pope

knew, as they allege, that Porter disobeyed orders on the 27th, and that he was in his command on the 28th and 29th, and fought in Pope's presence on the 30th under his command. And yet, in the exercise of his power as commander of the army, he could have placed his subordinate officer under immediate arrest, and in irons if necessary. Accepting, therefore, as settled by the admissions on both sides that General Pope knew at the time that Porter had disobeyed his orders and caused a disaster to his army, it is not unjust to say that with all that knowledge if he then believed it and did not put him under arrest he was unfit to command the army, and if Pope believed that Porter was a traitor to him or his country or had disobeyed orders, it is most remarkable that he continued to command him and witness his active struggles a few days afterward to arrest the progress of the enemy toward the capital of his country.

The army that had fallen to pieces under the command of General Pope, and the disorganization of which terminated his military career in the East, was taken by McClellan, at the request of the President of the United States, and reorganized. The army was marched under McClellan's command to South Mountain, fought a battle there, and a little later fought the battle of Antietam, and surely the gentlemen on the other side know the historical fact that the battle of Antietam produced your freedom proclamation. President Lincoln wrote the freedom proclamation at the Soldiers' Home during the summer. He produced it to his Cabinet early in the month of September or late in August, and at the time "said he was responsible for the act, as it gives the policy to the war," and declared that he did not hold any member of the Cabinet responsible. He did not ask their opinions of the policy of the proclamation, but said that he would receive suggestions as to the change of words or sentences, and very few if any were made.

One or two suggestions were made by Secretary Chase, who was then Secretary of the Treasury, but Mr. Seward said: "While we accept the conclusion of the President, I would suggest that he had better wait for a military success;" and that caused the great President to pause and hesitate, and after Antietam, regarding that battle as a military success, the proclamation was issued. The battle occurred on the 17th of September and the proclamation was issued on the 22d. General Porter remained in command with General McClellan, and was in the engagements to which I have just referred. After the battle of Antietam General McClellan was removed from the command of the army, and his removal was disapproved by the masses of the American people. No man during all the war, commanding troops in the service of the Federal Government, had the confidence of the officers and soldiers that General McClellan had inspired. All who lived at the time or have read honestly know that truth. And so great was the disappointment at his removal that there was even danger of insubordination.

The removal of General McClellan disturbed the country seriously, and General Pope having failed to put General Porter under arrest immediately, the public sentiment was well known and demonstrative that something had occurred that was improper, and public sentiment had to be relieved once more by some positive action on the part of the Government, and so General Porter was accused. The career of the man who had failed to put him under arrest, and who was heralded from the West as a gentleman who had large military experience, who had earned success in battles on the Western rivers, and from whose future military service the country expected so much, ended in disappointment. I have heard much said here of the wonderful military genius of General Pope. Gentlemen who say they knew him intimately speak of his early promise, of his services in the war with Mexico, and his successes in his various commands in the armies during the war of the rebellion; and then the rhetoric of his proclamation was quite in harmony with the declaration of his friends in their opposition to this bill.

Forced into the war, Mr. Speaker, and holding an official position where it became my duty to offer all the moral and physical powers of a great State to the defense of the Government, surely I desired it to terminate, and with a view to that it is not improper for me to say here at this time that after the disasters of Bull Run and until a few days after the close of Antietam the great State of Pennsylvania contributed to the service of the Government more than thirty thousand men. There was no disaster to our armies during the war which caused greater distress than that at Manassas and Bull Run. Indeed, for a time strong, faithful, and loyal men hesitated as to the future, and it required the recall of McClellan and his restoration to an army he had so long commanded, organized, and disciplined—an army that gave him their confidence, and as an earnest to the people of the country who had not lost their confidence in him to check their growing discontent.

So far as the State of Pennsylvania was concerned, her people were willing to give all the material force and power of the State to sustain the Government, but the removal of McClellan caused great disappointment at the time, as all know who either lived during that war or ever read its history with attention and with a disposition to judge fairly of men and events. General Burnside was placed in command when McClellan was removed. He is dead; but he was as kind and good-hearted a man as ever lived, and I will say nothing in reproach of either the man or the services he rendered to his country during his life. But he, either acting on his own judgment or, much more likely, under instructions from Washington, sat down with his army at Falmouth and waited until the enemy erected batteries on the other side of the river to receive him, and then threw his army across, not to a battle, but to a slaughter; and it is remarkable and may be regarded as one of the fortunate events of the war that one single man of that army ever returned. Twenty-three thousand remained on the other side or were carried back wounded. General Burnside accepted the situation and declared his unfitness to command so large an army, and I utter no disrespect to his memory (for he was an excellent soldier and a loyal, true man) when I say that the country accepted his declaration as true.

Of course General Burnside retired from the command of that great army, and General Halleck, who was here at the capital, assumed, in connection with the Secretary of War and the counsels surrounding him, to direct the movements of the Army from the capital. What effect can it have upon this case to repeat so often the story of the battle of Marengo, as it is done in very florid language by the gentlemen opposed to this bill? Marengo has been rehashed and served up to this House three times. I propose to turn the attention of this House to the condition of affairs some time before the battle of Marengo, and may find better illustration of the reasons of failure here. Frederick the Great had changed the military system of the world once more. Armies operated in straight lines or angles and lines of fortifications, and in a system of warfare thus to be conducted on scientific principle there was always the presence of the quartermaster and commissary supplies in abundance; operating, as it was termed, from a base.

In Austria the aulic council was established, and that body had charge of the military affairs of the empire and directed and controlled the movements of troops in the field. They directed the number of men, and on their maps in their council they moved armies at a distance from the capital, and an officer in command of an army of Austria at that time who violated the orders of the aulic council was in danger of losing his head, and certainly his command. We imitated that council here in Washington, and it is neither unreasonable nor unjust, but faithful to the truth of history, to say that most of our disasters resulted from the fact that the movements of the armies were directed from this center, and not by the will or plans of the generals in command in the field.

In the beginning of the French revolution the Austrians sent three armies into Italy, commanded by well-trained soldiers, each one being directed where he was to move his armies, where he was to get his means of supply, on what lines and angles he should move—positive directions as to their future action. The French people, at that time in the throes of a fearful revolution, had broken down absolute power, had crushed the remnants of feudalism and vassalage into the earth, and in their attempt to gain freedom and to vindicate the rights of humanity they incurred the hostility of all the centralized governments of Europe. A man suddenly appeared in the field. Educated as a soldier, he had attained some distinction as a subordinate officer at Toulon and had quelled insurrection at Paris. He came from the people, and defying low birth and iron fortune, became a captain of men. He led thirty-five thousand ill-fed, ragged Frenchmen, without a commissary or a quartermaster department at all, and inspired by the love of liberty he dashed inside the scientific lines of the Austrians and destroyed three armies, either of them of superior force to his own, conquered Italy, humiliated the Austrian Government, and took and destroyed the council. And if Napoleon Bonaparte had died then he would have left a better memory behind than after his ambition robbed him of his patriotism. [Laughter.]

I say he not only destroyed their armies and gave freedom to Italy, but he took the council. There was the result of an attempt to control armies from the central government, and it would certainly have been as well for our country if our Central Government had taken counsel from such a result, as history is philosophy teaching by example. When General Grant came to Washington he was put in supreme command of all the armies of the Republic, and the counsels at Washington ceased to control. From the day Grant was put in command no military disasters occurred. The armies were successful, as these gentlemen who surround me, and who served in the army of the confederate states, so fully understand. It is said that Grant's testimony is not to be taken in its full force because, as I understand the allegation, he was charged the other day in this House with some kind of understanding that he was to be promoted in rank and thus retired, and his advocacy of General Porter would be alloyed with the dross of money and the gratification of his ambition.

Why, Mr. Speaker, there never has been one day since I have had the honor of a seat in this House and have been allowed to vote, although opposed to General Grant politically, on which I would not have voted to restore him to the Army and give him pay for the service he has rendered to his country. And so far from there being combination on either side of the Chamber to make any opposition to such a measure, I have never heard it mentioned, except by a few of the Democratic members that have said to me they would vote as I did in casual conversation. I never objected to it, and it was quite unnecessary for the gentleman from Michigan [Mr. CUTCHEON] to say that any impression prevailed on this side of the House that any bargain of that kind

had occurred. I congratulate that gentleman on his good taste in the fact that he did not publish what he said in his speech. [Laughter.] The repentance of the man who two thousand years ago repented in his last hour was not too late, but very close on the margin. It is said by one of the Scotch poets:

Between the saddle and the ground,
Mercy was asked and mercy found.

So between the time that eloquent gentleman delivered his speech and the time the printer put it in type he repented [laughter], because he knows that General Grant's testimony, which is certainly the greatest military authority in this country, is added to this case. Certain remarks of the gentleman from Michigan [Mr. HORR] the other night were admirably replied to by the gentleman from Kentucky [Mr. WOLFORD] to-day. That gentleman took the House by surprise by his reply to the gentleman from Michigan. The gentleman from Michigan amused the House with his grotesque wit, as he always does, and when he appealed to the gentlemen on this side he said: "You were in the rebellion against this Government and have no right to vote on this matter; for this is our business; this is our general and not yours." Well, sir, I do not admire any such principle, nor can I think that any logic of the American citizen can reach it. I don't believe any such thing. If we are of any consequence here or in the family of the nation of the world we have nationality.

Twenty years have returned us to peace and, I pray God, to fraternity. The gentleman from Michigan remembers what we fought these men for. It was to keep union in the Government. We did not desire the union of the States to be broken, because we thought that throughout its borders its blessings and benefits could be enjoyed as a great country instead of being divided into factions and segments and subjected to domestic strife. The people of the North were put in the field and called to arms to maintain the Government, to maintain the great nationality, this dead-level of social equality, this grandeur of individual rights, this invitation to the arts of industry and thrift and virtue. We fought in order that the example we have set to all the world may not be broken, for, Mr. Speaker, six thousand years of rule of humanity stand parallel with one hundred years of rule of this great people. Either the rule of six thousand years was wrong or we are wrong. There have been times in the history of humanity when there were ephemeral efforts of the government of man for himself, but they failed. Thus this Government was framed and set up after the light and knowledge of years had made this great country the only true republican form of government ever given to humanity.

And, Mr. Speaker, when the war was over we invited the States to reform their governments and send their Representatives to these Halls. They are the peers of the gentleman from Michigan. [Applause.] There is not a maimed man who fought in that unhappy war on this floor who is not a peer of the Speaker, the President of the United States, and they are to be taken into full fellowship as a part and parcel of the country, and I regret from my heart to hear such appeals from gentlemen representing a constituency in this Chamber. He says "stand aside" to American citizens. Fitz-John Porter is an American citizen, you are American citizens, every man on this floor is an American citizen and is nothing more, and in the morning and in the evening we should all thank the Almighty that we are American citizens; and all those inside and outside who obey the law and stand by the Government of this country are peers, and no more, no matter whether they are honored by official position or in the walks of private life, and I hold it to be the paramount duty, as it is the right, of every member of this House, no matter where from or what his antecedents, to vote on a question which involves the rights of an American man.

After the war there was a free forgiveness of those who differed from us on principle, but, as we in the North believed, attempted without cause to break down the Government. Why? Mr. Speaker, it was because they believed that they had just cause for resistance that prolonged the war. But for such a measure of sincerity in that belief they could never have put vast armies in the field and continued until their whole country was in desolation. Complaint, running through many years since the war, has constantly been made that the South is largely represented on this floor by soldiers and brigadiers, as they are generally called. I accept their presence here as better men than those who sent them into the field to fight. I take it for granted that in the North as well as in the South the man who believed he was right, although he was in error and fought in that great war, is a better man than the quartermaster, the paymaster, the sutler, or the contractor of the army, and the gallant men who persuaded them to go out to fight. [Great applause.] That is the class, those are the men who, on both sides, in persuasive eloquence asked soldiers to go into the war. From every battlefield came up expressions in sympathy with the people, and to every battlefield hearts and prayers went out from home.

The war left the South in poverty, absolute poverty, and it was not creditable in their poverty to send the carpet-bagger and the official thief down there to steal what little was left. [Great applause.]

Yes, Mr. Speaker, the war left the South in poverty, and it is not unjust to say that to some extent it blistered the morality of the North as all wars demoralize people. Every candid man on this floor will admit that it will take a long time to blot out the effects of the war even with those who were successful. We are now asked to deal with a soldier sent to West Point from Pennsylvania; a man who for twenty-two years has suffered injustice. Yet men on the other side of the House turn to us here and say that citizens of the United States, elected to represent the people of the United States, have no right to vote on this question and should stand aside.

In the speech of the witty gentleman from Michigan [Mr. HORR] there was interpolated by another member of the House something about Agamemnon and Ajax, and the Lord knows what. [Great laughter.] I did not understand it then, and I fail to understand it now. [Renewed laughter.] But one thing we all did understand, and that was that five minutes was put into the speech of the gentleman from Michigan by arrangement; anybody could understand that perfectly. You are asked to deal with an American citizen, and each one of you here represent a part of this great country, once more united, covered by the same Constitution, and with the same interest in the glories of the Revolution and the history of our armies. Yet it was asked, it was impertinently asked, that you should stand aside and leave this quarrel to us.

Well, if you should leave it to the Representatives of the North, from the indications made on that side of the House I am not sure that Fitz-John Porter would lose this bill; indeed it would seem from the opposition made that the Republican members of this House would not vote to continue the stain upon him.

When I first saw Fitz-John Porter, Mr. Speaker, he was young; his eye was brilliant; his hair was dark; he was the model of a young soldier. It was at Harrisburg at the beginning of the war when Washington was shut out from us. There were sixteen thousand militia there that Porter desired to take to Baltimore. They were not clad, barely armed, and no comforts for them could be improvised at the time. I can see him now as he then presented himself when he said, "If you will give me this army I will march it to Washington if I have to march over the ashes of cities; but if you do not give me this army, and Washington should fall, you will be responsible." And I yielded the force to his command, and he approached and covered Baltimore and held all hostile movements in check in that direction, and this man is now accused of being a traitor who thus promptly acted for himself and controlled the first movements of troops toward the capital of the country. [Great applause.]

In the beginning of the war, when everything was disjointed and in confusion, the newspapers of the North kept up a continuous cry of "On to Richmond." That was the newspaper clamor; but those who were engaged in the organization of troops and in levying men for the service learned too much of the difficulty of raising armies and the necessity for discipline to join in that cry. And those with conservative views during that trying period of our history knew quite well and noticed that there was always somebody between our armies and Richmond, and gave us great trouble before we did get there after four long years of hard fighting. As the quota of Pennsylvania before we called out our three-years' men, twenty-three regiments were placed under the command of General Robert Patterson, of Philadelphia. Some one to-day over on the other side spoke of General Patterson in language far from complimentary of that old man, who is now in his grave. I would not mention his name, as he is dead, except for the remark to which I have referred. I think it was my colleague from the Schuylkill district.

Mr. BRUMM. You are mistaken, governor; it was not I.

Mr. CURTIN. I beg my colleague's pardon. I might have been sure he could not do any such injustice as that to General Patterson's memory. General Patterson was a foreigner, who came to this country in his youth and made it the country of his adoption. In 1812, with a captain's commission, he raised a company in Pennsylvania and with it marched to Canada, arriving at the camp of General Scott's army at midnight. The next morning he engaged in battle and served faithfully and gallantly through that war. In the beginning of the war with Mexico he was made a major-general, and as second in command joined General Scott at Vera Cruz, engaging in every battle of that war until the fall of Mexico and the restoration of peace.

When the late civil war commenced he was put in command of a district—Pennsylvania, Maryland, and Delaware. Communications were entirely broken with Washington, and he took command of the forces in the Shenandoah Valley. It was charged upon General Patterson that he withheld his forces when he could have held Johnston, who was in his front and who passed to Bull Run, and secured that success. General Patterson asked for a court of inquiry, but his application was declined. The President said to him: "General Patterson, you can afford to wait." That old man waited until the war was over, and then he published a vindication so perfect that those who had accused him of treachery blushed, and the men who would have mobbed his house in Philadelphia were ashamed of their conduct. That citizen-soldier died, having served his adopted country well. He was followed to the grave by the benedictions of his fellow-citizens, and when the coming sun of spring breaks the ice-bound earth and it smiles in flowers, the first and freshest are gathered to be put upon the grave of that old Irish hero, who, in pride I can say, honored me by his friendship.

Why, Mr. Speaker, General Thomas was accused, Sherman was accused, General Grant was complained of, and now, when we have here a victim of the mistakes in Washington, for all made mistakes, it is asked that this House shall restore him to his rights. He is not now that handsome soldier that I saw in his youth. His hair is gray and his eyes are dim. His children are above all others interested in having the stain removed from their father. Technically it is said we can not reverse the decision of the court. When it is proposed in the American Congress to do justice to an American citizen, high or low, let the member who will cast his vote on such technicality settle his technical doubts in eternity, for there is a higher law, that men shall do justice one to another. Charity and justice go hand in hand. This man now asks simple justice from his country, and that is all.

I do not care whether the court of review had a right to examine witnesses on oath or not. It can not make the slightest difference in the discharge of duty in these Halls, nor can it make any difference whether the court was constitutional or not. Military courts and civil courts are entirely different. The one class is rigid, fierce, executing its sovereign will and decrees at once; the other takes care of the rights of persons and property. The humblest man in all this great country can appeal from the verdict of a jury or the judgment of a court, however trifling the amount in controversy. And when one is accused or found guilty of crime, in every State in this Union there is the right of appealing for a review by the courts of errors. Here is a man who many years since, in the excitement of the war, was under the mandate of the Secretary of War to hurry through the proceedings condemned by a court-martial, and who for twenty-two years has been asking a rehearing. The President gave him a court of inquiry.

As the question now presents itself to us we are not to determine it by rigid rules or by technicalities; it is the truth we are seeking, the plain, open truth. This man has appealed from the judgment of that military court; his appeal is here. It is sustained by the judgment of the court of inquiry, composed of eminent men sitting in a time of profound peace, when no victim was demanded, having before it all the evidence presented to the former court, supplemented by the testimony of officers of the Army of the United States and of the confederate army who were engaged in the battle; and more than all, supported and sustained by the opinion of General Grant, which must be regarded as the highest military authority in this land. He appeals to the Representatives of the people, and from this Chamber, representing the American people, his appeal wings its way and is now pending before the august tribunal of the American public. Fifty millions of people are interested that no man shall be injured by public or private law, by military or civil law. To such a tribunal this man now appeals. He appeals on the facts as presented. He appeals on the highest military authority; he appeals as an American citizen, and the question is far above politics, with all its aspirations, its honors, its emoluments.

Let us do justice, simple justice, in plain words which all men can understand, whether they be military men or civilians. If this man has been wronged, let us give him justice. Technicalities born of the ingenuity of man often stand in the way of truth and right, but simple justice flows from the throne of the Almighty, and let us take counsel from our hearts in dealing with this our fellow-citizen. I know full well that many of the gentlemen on the other side will vote for this bill, and I am glad to hear that some who differ with me in political opinions will vote in that way. I know full well how my colleague from the Allegheny district [Mr. BAYNE] will vote, as he has spoken, but do not know how the gallant soldier who stands in my front will vote. He gave the first fresh years of his matured life to the service of the country and stood in the leaden hail of battle with the general we desire to relieve.

Having served with Fitz-John Porter, he certainly will not tolerate for one moment the imputation that he was a coward. He has reason to know of his courage and his skill as a military commander, and if he has doubts I trust he will lean to the vindication of an honest, faithful man rather than to follow the progressive and rigid politics of his surroundings. To him and my colleagues on both sides of this Hall I appeal to remember the honor and the character of Pennsylvania. They all know of this man, they all know of the blood that runs in his veins, and in making that appeal to my colleagues I know it will go down to the body of the people. It is a soul-born sentiment or truth that in Pennsylvania we love to do homage and pay respect to the martial virtues, and let it be understood that the fair fame of that historic State has never been tainted by the accusation of infidelity or treason to any of her citizens, soldiers, or statesmen.

But forcible as the appeal which this bill makes to my colleagues in this enlightened presence of their pride in Pennsylvania, the case of General Porter appeals to every man upon broader, more far-reaching, and grander grounds. Proud as we are to be Pennsylvanians, there is a title of broader significance and still more dear to us all and to every man within our borders who can stand up and say to all the world, and feel the full significance of the declaration, I am an American citizen, and will do justice to my peer and my brother either in private or official life when I know that injustice has been done him. Here we are standing in the presence of an appeal by the citizen to the Representatives of the people; and as they represent the people and are supposed to present public sentiment in its truth and right, from its Representatives it goes to the entire country, and will carry the appeal to the grand inquest of the American nation.

It should be the pleasure, as it is surely the duty, of the Representatives of the American people to wipe away the stigma from General Porter and to proclaim to all the world that we have restored him to his rights, made him once more a citizen. And I declare, as I understand it, that this bill wipes out every stain from the character of the man, it being the solemn adjudication of the Government as represented in these Halls. [Loud applause.]

Mr. Speaker, a code of morality which would be applicable to a man but should not control the actions of communities or States or nations would be a delusion and a fraud, and a Representative of the people in these Halls who is controlled by prejudice, or whose judgment is warped by excitement, and most of all by the rigid bonds of political fellowship, must be forgetful of the morality which should guide him in his search for truth and justice. And now, when we are once more a united people and restored to fraternal relations, to concord and peace, when we are all interested in the progress and enlargement of the glory and power of this great people, let us do justice to every man within our borders, whether he be of high or low birth, whether he be soldier or civilian, and searching for that justice which God has stamped on the human heart, let us take from this man the ban under which he has rested for many long, weary years, and give to his children that pride which they must feel in a father who served his country faithfully in a name that never was before tainted, and the consolation of knowing that they are not the children of a traitor to his country; but they shall rejoice and give to their country that fidelity that is due to it from every American citizen, and that after long years of suffering their father's name has been restored in all its brightness and from his country he has at last received justice.

And when that work has been accomplished, the citizens honored by the right of representation upon this floor can find consolation and just pride in the truth that they too have performed their duty to their country, their constituents, and their fellow-citizen. [Great applause.] Mr. Speaker, I demand the previous question on the passage of the bill.

The previous question was ordered.

Mr. WHITE, of Kentucky. Is it in order to move to amend the title of the bill?

The SPEAKER. The title is the last thing to be considered.

Mr. WHITE, of Kentucky. I desire to amend the title of the bill at the proper time.

Mr. BLAND. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 184, nays 78, not voting 58; as follows:

YEAS—184.

Adams, J. J.	Eldredge,	Lore,	Seymour,
Alexander,	Evins, J. H.	Lovering,	Shaw,
Arnot,	Ferrell,	Lowry,	Singleton,
Bagley,	Fiedler,	Lyman,	Skinner, T. G.
Ballentine,	Findlay,	McAdoo,	Slocum,
Barbour,	Finerty,	McMillin,	Smith,
Bayne,	Follett,	Matson,	Snyder,
Beach,	Foran,	Maybury,	Spriggs,
Belmont,	Forney,	Miller, J. F.	Springer,
Bennett,	Fyan,	Mitchell,	Stevens,
Blanchard,	Gibson,	Morgan,	Stewart, Charles
Bland,	Glascock,	Morrison,	Stewart, J. W.
Blount,	Graves,	Morse,	Stockslager,
Boyle,	Green.	Moulton,	Storm,
Breckinridge,	Greenleaf,	Muldrow,	Sumner, C. A.
Broadhead,	Halsell,	Murphy,	Sumner, D. H.
Buchanan,	Harmer,	Murray,	Taylor, J. M.
Buckner,	Hatch, W. H.	Mutchler,	Thompson,
Burleigh,	Haynes,	Neece,	Throckmorton,
Cabell,	Hemphill,	Nicholls,	Tillman,
Caldwell,	Henley,	Oates,	Townshend,
Candler,	Herbert,	O'Hara,	Tucker,
Carleton,	Hewitt, A. S.	O'Neill, J. J.	Tully,
Cassidy,	Hewitt, G. W.	Patton,	Turner, H. G.
Clardy,	Hill,	Pierce,	Turner, Oscar
Clay,	Holman,	Peel, S. W.	Van Alstyne,
Clements,	Hopkins,	Phelps,	Vance,
Cobb,	Houseman,	Poland,	Van Eaton,
Collins,	Hunt,	Post,	Ward,
Connolly,	Hurd,	Potter,	Warner, Richard
Cook,	Hutchins,	Pryor,	Wellborn,
Cosgrove,	James,	Pusey,	Weller,
Cox, S. S.	Jeffords,	Rankin,	Wemple,
Cox, W. R.	Jones, B. W.	Ranney,	Wilkins,
Crisp,	Jones, J. K.	Ray, Ossian	Williams,
Culberson, D. B.	Jones, J. T.	Reagan,	Willis,
Curtin,	Jordan,	Reese,	Wilson, W. L.
Dargan,	Kean,	Riggs,	Winans, E. B.
Davidson,	King,	Robertson,	Wise, G. D.
Davis, L. H.	Kleiner,	Robinson, W. E.	Wolford,
Deuster,	Laird,	Rockwell,	Wood,
Dibrell,	Lamb,	Rogers, J. H.	Woodward,
Dockery,	Lanham,	Rogers, W. F.	Worthington,
Dorsheimer,	Le Fevre,	Rosecrans,	Yaple,
Dowd,	Lewis,	Scales,	York,
Duncan,	Long,	Seney,	Young.

NAYS—77.

Adams, G. E.	Davis, R. T.	Lawrence,	Russell,
Anderson,	Dingley,	McCoid,	Ryan,
Atkinson,	Dunham,	McCormick,	Skinner, C. R.
Barr,	Ellwood,	McKinley,	Spooner,
Bingham,	Evans, I. N.	Milliken,	Steele,
Boutelle,	Goff,	Morey,	Stephenson,
Brainerd,	Guenther,	Morrill,	Stone,
Breitung,	Hanback,	Nelson,	Strait,
Brewer, F. B.	Hart,	Nutting,	Struble,
Brewer, J. H.	Hatch, H. H.	Parker,	Taylor, E. B.
Browne, T. M.	Henderson, T. J.	Payne,	Taylor, J. D.
Brumm,	Hepburn,	Payson,	Thomas,
Calkins,	Hiscock,	Peelle, S. J.	Wadsworth,
Campbell, J. M.	Holmes,	Perkins,	Wakefield,
Cannon,	Hooper,	Peters,	Washburn,
Converse,	Horr,	Pettibone,	Weaver,
Culbertson, W. W.	Houk,	Price,	White, Milo
Cullen,	Johnson,	Reed,	Whiting.
Cutcheon,	Keifer,	Robinson, J. S.	
Davis, G. R.	Lacey,	Rowell,	

NOT VOTING—58.

Aiken,	Elliott,	Jones, J. H.	Paige,
Barksdale,	Ellis,	Kasson,	Randall,
Belford,	Ermentrout,	Kelley,	Ray, G. W.
Bisbee,	Everhart,	Kellogg,	Rice,
Blackburn,	Geddes,	Ketcham,	Shelley,
Bowen,	George,	Libbey,	Talbott,
Brown, W. W.	Hammond,	McComas,	Valentine,
Budd,	Hancock,	Mayo,	Wait,
Burnes,	Hardeman,	Milard,	Warner, A. J.
Campbell, Felix	Hardy,	Miller, S. H.	White, J. D.
Chace,	Henderson, D. B.	Mills,	Wilson, James
Covington,	Hitt,	Money,	Winans, John
Dibble,	Hoblitzell,	Muller,	Wise, J. S.
Dunn,	Holton,	Ochiltree.	
Eaton,	Howey,	O'Neill Charles	

So the bill was passed.

During the roll-call, when his name was called,

Mr. HARDEMAN said: Mr. Speaker, I ask to be excused from voting.

The SPEAKER. It is not in order to make that request at this time.

Mr. HARDEMAN. I wanted to state the reason for the request. I believe that there is magnanimity enough in the Representatives from the North on this floor to pass this bill without my vote and do justice to Fitz-John Porter. I therefore ask to be excused. If my vote is necessary, I shall vote "ay."

Mr. WHITE, of Kentucky. I desire to say that, considering this a political question, I have not voted. I am paired with my colleague Mr. BLACKBURN. If he were present here, I suppose he would vote "ay." I should vote "no."

Mr. BROWN, of Pennsylvania. I desire, Mr. Speaker, to recall my vote, as I am paired, but had forgotten it at the time of voting, with my colleague Mr. ERMENTROUT. If he were present, he would vote "ay." If I were not paired, I should vote "no."

Mr. MCMILLIN. I am paired with Mr. RAY, of New York, but as he and I were of the same opinion in this case I have voted.

Mr. COX, of New York. My colleague Mr. MULLER left here on an urgent telegram at 4 o'clock and was not able to secure a pair. If he were present, he would vote "ay."

Mr. WEAVER. My colleague Mr. VALENTINE is absent from the House on account of sickness. If he were present, he would vote "no."

The following pairs were announced from the Clerk's desk:

Mr. HOWEY with Mr. HITT, on this bill. If Mr. HOWEY were present, he would vote "ay;" Mr. HITT, "no."

Mr. EATON with Mr. WAIT, for this day. If Mr. EATON were present, he would vote "ay;" Mr. WAIT would vote "no" on this bill.

Mr. BUDD with Mr. GEORGE, on all questions until further notice.

Mr. KELLEY and Mr. DARGAN, on all questions until further notice.

Mr. KASSON and Mr. TALBOTT, on this bill. Mr. TALBOTT would vote "ay;" Mr. KASSON, "no."

Mr. MILLER, of Pennsylvania, with Mr. RANDALL, on this bill. Mr. RANDALL would have voted "ay;" Mr. MILLER, "no."

Mr. ELLIS and Mr. CHASE, on all questions for this day. Mr. ELLIS would vote "ay" on this bill.

Mr. ERMENTROUT with Mr. BROWN, of Pennsylvania, on this vote.

Mr. HOLTON with Mr. COVINGTON, until Tuesday, the 5th of February.

Mr. PAIGE, with Mr. WILSON of Iowa, for to-day.

Mr. WARNER, of Ohio, with Mr. KETCHAM, until February 6.

Mr. MILLARD, with Mr. POST, of Pennsylvania, on all political questions, from January 31 until this pair is withdrawn by notice on both sides.

Mr. POST, of Pennsylvania. I desire to say in connection with this announcement that this bill for the relief of Fitz-John Porter was specially excepted from the operation of that pair, and I have therefore voted.

Mr. VALENTINE with Mr. HARDY, from to-day until Monday.

Mr. MONEY with Mr. WADSWORTH, on all questions, from January 17 until further notice.

Mr. CAMPBELL, of New York, with Mr. RICE, on all political questions, to February 8.

Mr. BURNES with Mr. MCCOMAS. Mr. BURNES would vote "ay;" Mr. MCCOMAS, "no."

The result of the vote was then announced as above recorded.

On motion of Mr. HATCH, of Missouri, by unanimous consent, the reading of names was dispensed with.

Mr. SLOCUM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WHITE, of Kentucky, addressed the Chair.

Mr. SLOCUM. I demand the previous question on the title of the bill.

Mr. WHITE, of Kentucky. I move to amend the title.

The SPEAKER. It is not in order to make that motion pending the demand for the previous question.

Mr. WHITE, of Kentucky. I made my motion before.

The SPEAKER. The gentleman made the motion before the bill was passed; it was not then in order.

Mr. WHITE, of Kentucky. Then I shall call for a quorum upon this vote.

The SPEAKER. The Chair does not know that a quorum is not present.

Mr. WHITE, of Kentucky. I call for a division, then.

The House divided; and there were—ayes 87, noes 2.

Mr. WHITE, of Kentucky. I only desire to say, with the permission of the House, as I do not wish to consume time in demanding the presence of a quorum, that it was the duty of a soldier to fight. General Porter got orders to fight and did not go; and for that reason I have felt it my duty to vote against restoring him to the Army. If I had been recognized I would have offered an amendment to this bill amending its title so as to read, "for the benefit of Fitz-John Porter, and for other purposes," believing as I do that it is the purpose of the men who are pushing this bill, friends of General Porter, whether here or elsewhere, to introduce another bill at the next session of Congress to give him an enormous sum of money. I believe, furthermore, that it is a part of the plan of the Democratic party to undo—— [Cries of "Regular order!"]

The SPEAKER. The "ayes" have it, and the previous question is ordered.

The title was ordered to stand as in the bill.

ADJOURNMENT OVER.

Mr. MORRISON. I move that when the House adjourns it adjourn to meet on Monday next.

The motion was agreed to.

Mr. MORRISON. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 7 o'clock and 25 minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Papers relating to the claim of W. G. Adkisson—to the Committee on Claims.

By Mr. W. R. COX: Papers relating to the claim of Giovanni Pace—to the Committee on Foreign Affairs.

By Mr. DAVIDSON: Papers relating to the improvement of Pensacola Harbor, Florida; papers relating to the improvement of Key West Harbor, Florida; papers relating to the improvement of Tampa Bay, Florida; and papers relating to the improvement of Apalachicola Bay, Florida—severally to the Committee on Rivers and Harbors.

By Mr. ELDREDGE: The petition of Jacob M. Van Riper and 39 others, for the passage of a law giving to all soldiers in the Union Army in the late civil war 160 acres of land—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. FERRELL: The petition of citizens of Philadelphia, Pa., for an appropriation for jetties at Carson's and Townsend's Inlets, on the coast of New Jersey—to the Committee on Rivers and Harbors.

By Mr. FORAN: The petition of members of the Board of Trade, merchants, and manufacturers of Cleveland, Ohio, asking that retaliatory measures be adopted against those foreign countries that discriminate against the hog product of the United States—to the Committee on Commerce.

By Mr. HOUK: Papers relating to the claim of Robert K. Byrd—to the Committee on War Claims.

By Mr. KLEINER: The petition of Armer Reed Post, Grand Army of the Republic, of Folsomville, Ind., relative to pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LUNA: Papers relating to the claim of Hugo Nedeless—to the Committee on Claims.

By Mr. MORGAN: Memorial of James Marguess Post, Grand Army of the Republic, relative to bounties and pensions—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. NELSON: Petition asking for a mail-route in Minnesota—to the Committee on the Post-Office and Post-Roads.

By Mr. O'HARA: Papers relating to the claim of Douglass Syphax and others—to the Committee on War Claims.

By Mr. PARKER: Papers relating to the improvement of the harbor at Waddington, N. Y.—to the Committee on Rivers and Harbors.

By Mr. ROBERTSON: The petition of D. D. Riley and others, citizens of Grayson County, Kentucky, for one hundred and sixty acres of land for officers and soldiers of the Federal Army, without regard to settlement—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. SMITH: The petition of 82 citizens of Lancaster County, Pennsylvania, to redeem the trade-dollars and to suspend the coinage of silver dollars—to the Committee on Coinage, Weights, and Measures.

By Mr. YOUNG: Papers relating to the claim of Coronna, Taussig & Co. and others—to the Committee on Ways and Means.

Also, the petition of Dixon S. Boswell, asking for compensation for property taken during the late war—to the Committee on War Claims.

SENATE.

MONDAY, *February* 4, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Thursday last was read and approved.

COMMITTEE SERVICE.

Mr. GIBSON was, on his own motion, excused from further service upon the Committee on Claims.

LAKE TRAVERSE INDIAN RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 29th instant from the Secretary of the Interior, submitting, with accompanying papers, a report of the Commissioner of Indian Affairs upon the subject of the right of way of the Chicago, Milwaukee and Saint Paul Railway Company through the Lake Traverse Indian reservation, in Dakota.

The subject is commended to the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 31, 1884.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in further compliance with a resolution of December 4, 1883, a report, received through the Secretary of War, of Dan. C. Kingman, Corps of Engineers, of his operations in the construction and improvement of roads and bridges in the Yellowstone National Park, with his views as to the amount that should now be appropriated therefor; also letters from Mr. Rufus Hatch, of New York, respecting the lease to him and others of sites within the park for hotel purposes.

The PRESIDENT *pro tempore*. The former reports on this subject, the Chair thinks, were laid upon the table for the time being. If there be no objection, this letter, together with the accompanying papers, will be printed and laid on the table.

Mr. HARRISON. A bill is under consideration and has not yet been reported from the Committee on Territories on that subject, and I suggest whether it would not be proper that the letter and accompanying papers should be referred to that committee.

The PRESIDENT *pro tempore*. The Chair can only state that one or two previous communications upon the same subject were, on motion of the Senator from Missouri [Mr. VEST], laid on the table.

Mr. HARRISON. I ask the attention of the Senator from Missouri. I was suggesting that, as this matter is under consideration by the Committee on Territories, this and the previous reports upon the same subject had better be referred to that committee.

Mr. VEST. I have before me now the bill agreed upon by the Committee on Territories, and am only waiting that order of business in order to report it. We should have moved before this time that the answer of the Secretary of the Interior to a resolution which I had the honor to offer should be referred, except for the fact that I knew the bill would be reported, and then the whole matter could be before the Senate in printed form. I take it that a better course would be to allow this communication, as the Chair suggests, to be printed, and then it can be considered together with the former report when the bill comes before the Senate.

Mr. HARRISON. I make no objection if the bill, as I now understand, is to be reported from that committee to-day.

The PRESIDENT *pro tempore*. The letter, with the accompanying papers, will be printed and laid on the table, if there be no objection.

Mr. VEST. That is the better course.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Postmaster-General, in response to a resolution of the 29th ultimo, calling for the causes of delay in the adjustment of the salaries and pay of postmasters under the act of Congress of March 3, 1883; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 20th ultimo, a report of the Commissioner of the General Land Office relative to lands certified or patented for the benefit of railroad companies since December, 1875, in alleged contravention of a decision of the Supreme Court of the United States rendered during that year; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, submitting a report of the commission appointed December 22, 1882, to re-examine and ascertain the damages accruing to certain Chippewa Indians, in the State of Minnesota, growing out of the construction, in compliance with law, of reservoirs upon their reservations; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of Indian Affairs in relation to the action of the Cherokee national authorities in the distribution of the $300,000 appropriated March 3, 1883, to be paid into the treasury of the Cherokee Nation out of funds due under appraisement for Cherokee lands west of the Arkansas River, and recommending such additional legislation as will protect the rights of those who are citizens of that nation by adoption; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a resolution of the Legislature of the State of Ohio, transmitted to the presiding officer by the governor of that State. It will be read.

The Chief Clerk read the resolution, as follows:

Joint resolution requesting our Senators and Representatives to so adjust the tariff as to encourage productive industries at home.

Be it resolved by the General Assembly of the State of Ohio, That we favor a tariff for revenue limited to the necessities of the Government, economically administered, and so adjusted in its application as to prevent unequal burdens, encourage productive industries at home, and afford just compensation to labor, but not to create or foster monopolies; and that the governor of Ohio be requested to forward copies of this resolution to each of our Senators and Representatives from Ohio at Washington.

A. D. MARSH,
Speaker of the House of Representatives.
ELMER WHITE,
President pro tempore of the Senate.

Adopted January 26, 1884.

Mr. HOAR. Did the governor of the State of Ohio furnish to the Chair any exposition or definition of the resolution in addition to what has been laid before the Senate?

The PRESIDENT *pro tempore*. The Chair thinks that is not a parliamentary question. The governor of Ohio transmitted the resolution to the Chair in his official capacity, addressed to the Chair as President of the Senate.

Mr. CONGER. I did not hear the reading of the resolution exactly. Does it purport to be the resolution of a political convention or of the Legislature of a State?

The PRESIDENT *pro tempore*. It is a resolution of the Legislature of the State of Ohio, transmitted by its executive magistrate to this body. The resolution will be laid on the table, if there be no objection.

Mr. PENDLETON. I present the petition of W. Pike Post, No. 377, Grand Army of the Republic, of Martinsville, Ohio, praying for legislation to give pensions to every surviving enlisted man for the remainder of his life; second, for arrears of pensions to make good the deficiency of his pay in the Army during the late war; third, to prevent a reduction in the revenues of the Government. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PENDLETON presented a petition of the Board of Trade of Gallipolis, Ohio, praying Congress to provide for sick and disabled seamen in that inspection district; which was referred to the Committee on Commerce.

Mr. FRYE. I have a petition which is directed to me, but which evidently was intended for the Congress of the United States. Therefore I ask that it may be assumed to be so, and I will present it. It is the petition of Henry Little and other members of Burnside Post, No. 47, Grand Army of the Republic, of Auburn, Me., praying that pensions be granted to ex-prisoners of the late war.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to present a paper addressed to him but intended for consideration in the Senate. If there be no objection it will be received and referred to the Committee on Pensions.

Mr. HOAR. I present the petition of George B. Proctor, of Fitchburg, Mass., and others, officers of the Army in the late war, praying for the redress of certain grievances by them suffered. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HOAR presented the petition of Samuel M. Blair, of Middlesex County, Massachusetts, praying to be paid his (loyal owner's) share of

the proceeds of certain turpentine seized at Savannah during the late war; which was referred to the Committee on Claims.

Mr. LAPHAM presented a memorial of honorably discharged soldiers and sailors of the United States residing in New York, protesting against the passage of the bill proposing a change in the method of paying pensions; which was referred to the Committee on Pensions.

He also presented the petition of Peter J. Reuss, late surgeon of the Seventh Regiment, New York Volunteers, praying for an increase of his pension; which was referred to the Committee on Pensions.

He also presented resolutions of Carpenter Post, No. 321, Department of New York, Grand Army of the Republic, relative to the pensioning of the veterans of the late war by the Government of the United States; which were referred to the Committee on Pensions.

Mr. MORRILL. I present the petition of M. H. Buckham, president of the University of Vermont, and several professors of that institution, representing that there are "wide differences between the laws of the several States as to the causes of divorce and the jurisdiction of their courts over suits for divorce by or against non-residents," and they ask that such a law may be passed as will provide for a thorough inquiry into the various matters referred to and the collection of statistics of divorce from the reports and authorities of the several States as a basis for future legislation. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HALE presented a memorial of the Philadelphia Maritime Exchange, in favor of the passage of the bill (S. 234) to relieve ships and vessels from compulsory pilot fees; which was referred to the Committee on Commerce.

Mr. CULLOM presented a memorial of merchants of Chicago, remonstrating against the repeal of the act of 1879 permitting vinegar-makers to use the vaporizing process; which was referred to the Committee on Finance.

Mr. MILLER, of California. I present a petition of the board of health of San Diego, Cal., praying for the establishment of a quarantine on the boundary line between California and Mexico. I do not know to what committee the petition should be referred. As it relates to a question between the United States and the States in regard to the matter of quarantine, probably it should be referred to the Committee on Commerce. I move its reference to that committee.

The motion was agreed to.

Mr. MILLER, of California, presented a memorial of citizens of Stockton, Cal., protesting against proposed legislation by Congress to allow settlers upon lands within the claimed limits of the rejected Moquelamos grant to enter that land under the homestead and pre-emption laws, and praying that the matter may be judicially determined; which was referred to the Committee on Public Lands.

Mr. HARRISON presented the petition of G. M. Findley and 25 others, ex-Union soldiers and sailors, praying for the passage of a bill pensioning every soldier and sailor of the late war at $8 per month from date of discharge; which was referred to the Committee on Pensions.

He also presented the petition of Thomas J. Richards and 26 others, ex-soldiers, praying for the passage of an act extending the benefits of arrears of pensions to all pensioners; which was referred to the Committee on Pensions.

He also presented the petition of Thomas J. Richards and 24 others, ex-soldiers, praying for the passage of the bill commonly known as the equalization-of-bounty bill; which was referred to the Committee on Military Affairs.

He also presented the petition of Rev. Ross C. Houghton and 10 others, ministers of the Gospel, resident at Indianapolis, Ind., praying that an adequate appropriation may be made for the education of the Indians; which was referred to the Committee on Indian Affairs.

Mr. GROOME. I present a letter addressed to myself from Samuel I. Kinna, of Frederick County, Maryland, in regard to a modification of the law with relation to granting honorable discharges to soldiers charged with desertion, and, treating it as a petition, I ask that it may be referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent to present a letter addressed to himself on the subject of the discharge of soldiers now appearing on the rolls as deserters. The Chair thinks that questions of that kind, respecting the regularity of discharges from the Army, have generally been referred to the Committee on Military Affairs.

Mr. GROOME. Very well; let that reference be made.

The PRESIDENT *pro tempore*. The paper will be referred to the Committee on Military Affairs.

Mr. HARRIS. I present severally the petitions of William J. Ward and James B. Blackwell, guardian of Willie Blackwell, a minor, praying that compensation be made for certain commissary supplies furnished to the Army of the United States. I move that the petitions be referred to the Committee on Claims.

The motion was agreed to.

Mr. LOGAN. I present sundry petitions, signed by soldiers in different parts of the country, principally the States of Missouri and Colorado, praying for the passage of a law conferring the benefit of pensions on soldiers generally. The character of the legislation desired is set forth very fully in the prayer of the petitions. I move the reference of the petitions to the Committee on Pensions.

The motion was agreed to.

Mr. LOGAN presented two petitions of citizens of Oakland, Cal.; a petition of citizens of Appleton, Wis.; and the petition of John Hewitt, superintendent of schools, Waukesha County, Wisconsin, praying for an appropriation for education in Alaska; which were referred to the Committee on Education and Labor.

He also presented a petition praying for the relief of certain officers who have served a certain number of years as captains, &c.; which was referred to the Committee on Military Affairs.

He also presented the petition of John E. Ayres, late private Company E, Eighth New York Cavalry, praying that he be granted $2.50 an acre for one hundred and sixty acres of land in lieu of other land; which was referred to the Committee on Public Lands.

He also presented a petition of ex-soldiers and sailors, citizens of Rock Island, Ill., praying for the enactment of a law to give every honorably discharged soldier and sailor of the late war one hundred and sixty acres of land without any requirement whatever; which was referred to the Committee on Public Lands.

He also presented the petition of William Logan, late a teamster in the United States Army at Fort Lewis, Colo., praying that he be granted a pension; which was referred to the Committee on Military Affairs.

He also presented the petition of G. M. Scott Post, No. 260, Grand Army of the Republic, of Illinois, praying the passage of a bill granting a pension of $8 per month to every man who served thirty days in the Army and who was at least once exposed to an enemy's fire in the war of the rebellion; which was referred to the Committee on Pensions.

He also presented the memorial of Thomas A. Smyth Post, No. 1, Grand Army of the Republic, remonstrating against the National Congress granting back pay and restoration to Fitz-John Porter; which was referred to the Committee on Military Affairs.

Mr. VEST presented a petition of Burnside Post, No. 18, of the Grand Army of the Republic, of Pleasant Hill, Mo., praying that Congress make an appropriation of such amount as may be necessary to pay the difference between the amount agreed to be paid soldiers in the late war and the actual value of the currency paid; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin. I present the petition of A. C. Brown and others, citizens of Marinette, Wis., representing that they purchased Government land in the Upper Peninsula of Michigan of the United States in the regular way, and that it now appears that those lands are within the Ontonagon and Brulé River Railroad grant. They ask that their titles be confirmed. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. SAWYER presented the petition of Benjamin T. Rogers and 6 others, citizens of Wisconsin, praying for the passage of the bill to confirm title to settlers on the Ontonagon and State-line grant in the Upper Peninsula of Michigan; which was referred to the Committee on Public Lands.

Mr. MITCHELL presented six petitions of citizens of Pennsylvania, praying for the redemption of the trade-dollar and that the coinage of the silver dollar be discontinued; which was referred to the Committee on Finance.

He also presented resolutions of the Philadelphia Maritime Exchange, in favor of the passage of the bill (S. 234) to relieve ships and vessels from compulsory pilot fees; which were referred to the Committee on Commerce.

Mr. JONAS presented the petition of the Louisiana parishes of East and West Feliciana, East Baton Rouge, Livingston, Saint Helena, Tangipahoa, Washington, and Saint Tammany, praying to be granted certain remuneration claimed to be due them as the corporate successors and presumptive heirs of the defunct State of West Florida; which was referred to the Committee on Public Lands.

Mr. CALL. I present a petition of citizens residing along the Manatee River, Florida, praying for an appropriation for the improvement of that river. The petition is quite a lengthy one, and states the very great importance of that improvement to the commerce of the Gulf. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PLUMB presented a petition of citizens of Taos, N. Mex., praying for an appropriation for education in Alaska; which was referred to the Committee on Education and Labor.

Mr. JACKSON presented the petition of R. K. Baird, late private Company E, Second Ohio Volunteer Cavalry, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. HARRIS presented the petition of Nathaniel Blain, of Fayette County, Tennessee; the petition of Mrs. E. P. Cantrell, of McNairy County, Tennessee; the petition of William H. Hill, of Shelby County, Tennessee, and the petition of A. W. Cole, P. R. Bough, and S. F. Jordan, heirs of Mrs. F. A. Cole, deceased, late of Shelby County, Tennessee, praying compensation for property taken and used by the United States Army during the late war; which were referred to the Committee on Claims.

ALLEGED ELECTION OUTRAGES IN VIRGINIA AND MISSISSIPPI.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom was committed the duty of making certain investigations, to report a resolution and ask for its immediate adoption.

The PRESIDENT *pro tempore*. The resolution will be read for information:

The resolution was read, as follows:

Resolved, That the investigation into certain alleged occurrences in the States of Virginia and Mississippi ordered by the Senate by its resolution of January 29, 1884, to be made by the Committee on Privileges and Elections, may be made by any subcommittee thereof, and that said committee or subcommittee shall be authorized to proceed to said States, or either of them, and to sit wherever it may be found necessary for the purposes of said investigation, and, if necessary, to appoint an additional clerk, and that the expenses of said investigation be paid from the appropriation "for special and select committees," upon vouchers approved by the chairman of the committee making the same; and that the committee have authority to cause its proceedings and testimony taken to be printed from time to time as it may see fit, exclusively for its use.

The Senate, by unanimous consent, proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Massachusetts to Rule XXV, which provides that to the Committee to Audit and Control the Contingent Expenses of the Senate there "shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate, or creating a charge upon the same." This resolution appears to provide an appropriation, although it says it shall "be paid from the appropriation for special and select committees."

Mr. HOAR. If the Chair will pardon me, the expenditure from the contingent fund of the Senate has already been directed by the resolution which passed the other day, and this resolution provides for applying that expenditure from the fund which is appropriated expressly for select committees. I suppose that by unanimous consent, if there be any technical question, it can be done.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the memorial of the Chamber of Commerce and Board of Trade of San Francisco, Cal., on the subject of bankruptcy, reported a bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States; which was read twice by its title.

Mr. HOAR. I will introduce a resolution to-day or to-morrow for printing extra copies of the bill for the convenience of Senators, which I suppose will have to go to the Committee on Printing.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HOAR, from the Committee on the Judiciary, to whom were referred the following bills, asked to be discharged from their further consideration; which was agreed to, and the bills were postponed indefinitely:

A bill (S. 26) to establish a uniform system of bankruptcy;

A bill (S. 580) to establish a uniform system of bankruptcy throughout the United States; and

A bill (S. 731) to repeal chapter 160 of the laws of 1878, entitled "An act to repeal the bankrupt law," approved June 7, 1878.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 437) to provide for the appointment of official stenographers for the circuit and district courts of the United States for the several Territorial courts and for the supreme court of the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1369) to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments, reported it without amendment.

Mr. VEST, from the Committee on Territories, to whom was referred the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, reported it with an amendment.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 206) making an appropriation for the purchase of ground and the erection thereon, in the city of Washington, of a building to be used as a hall of records, reported it with amendments.

Mr. LOGAN, from the Committee on the Judiciary, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 69) to amend an act approved June 5, 1882, re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award;

A bill (S. 417) for the relief of William H. Whiting;

A bill (S. 573) amending an act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award, approved June 5, 1882;

A bill (S. 769) amendatory of and supplementary to an act entitled "An act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882;

A bill (S. 901) to amend and supplement an act entitled "An act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882; and

A bill (S. 1211) to amend and supplement an act entitled "An act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882.

Mr. LOGAN, from the Committee on the Judiciary, to whom was referred the bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes, reported it with amendments.

Mr. LAPHAM subsequently said: I move to reconsider the vote by which the bill (S. 573) amending an act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award, approved June 5, 1882, reported adversely this morning, was postponed indefinitely, and that the same be placed on the Calendar.

The motion to reconsider was agreed to; and the bill was placed on the Calendar with the adverse report of the committee.

Mr. GROOME, from the Committee on Education and Labor, to whom was referred the bill (S. 141) to fix and regulate the hours of labor of laborers, workmen, and mechanics employed by the Government of the United States, reported it with amendments.

Mr. BLAIR, from the Committee on education and labor, to whom was referred the bill (S. 140) to establish a bureau of statistics of labor, reported it without amendment.

Mr. MORRILL, from the Select Committee on Additional Accommodations for the Library of Congress, to whom was referred the bill (S. 1139) authorizing the construction of a building for the accommodation of the Congressional Library, reported it without amendment.

Mr. MORRILL. I desire to give notice that I shall endeavor to call up the bill in the course of the week. I shall ask the unanimous consent of the Senate to do so perhaps on Thursday or Friday.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 235) to provide for the erection of a public building in the city of Augusta, Me.;

A bill (S. 55) to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada;

A bill (S. 160) for the erection of a public building at Camden, N. J.;

A bill (S. 182) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, R. I.;

A bill (S. 52) providing for the erection of a public building at Waco, Tex.; and

A bill (S. 53) providing for the erection of a public building at San Antonio, Tex.

He also, from the same committee, to whom was referred the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 146) making appropriation for the erection of a public building at Greenville, S. C., reported it with an amendment.

Mr. PUGH. I am instructed by the Committee on Privileges and Elections, to whom was referred the bill (S. 2) to amend chapter 1 of the Revised Statutes in reference to the election of Senators in Congress, to report the same with the recommendation that it do not pass. I am also instructed by the committee to report that in its opinion a recital by the governor of the State that the person named for Senator was legally elected is all that is required under the existing law. The Senator from Arkansas [Mr. GARLAND] who introduced the bill desires that it shall be placed on the Calendar.

The PRESIDING OFFICER (Mr. FRYE in the chair). The bill will be placed on the Calendar with the adverse report of the committee.

Mr. GEORGE, from the Committee on Education and Labor, to whom was referred the bill (S. 176) to protect employés and servants engaged in foreign and interstate commerce, and employés and servants in the District of Columbia and the Territories of the United States, reported it with an amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 78) for the erection of a public building at La Crosse, Wis., reported it without amendment.

Mr. CALL, from the Committee on Education and Labor, to whom was referred the joint resolution (S. R. 32) providing for the payment of laborers in Government employ for certain holidays, reported it with an amendment.

PAY OF HOUSE COMMITTEE CLERKS, ETC.

Mr. ALLISON. I am directed by the Committee on Appropriations,

to whom was referred the joint resolution (H. Res. 116) fixing the time when the pay of certain clerks to committees and other employés of the House of Representatives shall begin, to report it without amendment, and I ask that it may be put upon its passage.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment.

Mr. CALL. I wish to say a word upon the joint resolution. I, as a member of the Committee on Appropriations, dissented from the propriety of passing such a measure, and I wish to state in a very few words why I did so.

The joint resolution divests the House of Representatives of its power to say when the duties of its employés shall commence. If it can not fix the time when their pay commences, it can not fix the time when their duties shall commence.

The Constitution says that "each House may determine the rules of its proceedings." To my mind it is very clear that this can not be true and at the same time another House of Congress prescribe the time when compensation shall commence, for the Senate might say, "We will not agree until the end of the session that their pay shall commence," if they have any power to limit the time when the duties shall commence. I find in Story upon the Constitution very briefly the following words, which I shall read, as giving my reasons for opposing the joint resolution:

SEC. 837. The next clause is "Each House may determine the rules of its proceedings." No person can doubt the propriety of the provision authorizing each House to determine the rules of its own proceedings. If the power did not exist it would be utterly impracticable to transact the business of the nation, either at all, or at least with decency, deliberation, and order. The humblest assembly of men is understood to possess this power, and it would be absurd to deprive the councils of the nation of a like authority.

It is very clear to me that if the Senate can limit the time when the House employés shall commence to perform their duties or when their pay shall commence, or if the House can limit the time when in the discretion of the Senate the duties of its employés shall commence or their pay, then each House is not the absolute judge and can not determine the rules of its proceedings.

Further, this is not a measure for the appropriation of money. It is to fix the time when the pay of these clerks shall commence, and that by law, thus divesting each succeeding House of the absolute authority which each succeeding House of the Legislature has of the power to determine the rules of its proceeding, to say what shall be the manner in which their servants shall perform the duties attached to the legislative proceedings of that body.

What is included in the words "Each House may determine the rules of its proceedings?" And how shall we ascertain it? The rule is clear by which all language is ascertained by the ordinary meaning of the words and by the object or purpose of their use. Rule of proceeding is the customary method.

The method of procedure in all legislative bodies is by committees, clerks, bills, resolutions, and records or journals, and by order and decorum. No one will deny that these methods or rules of proceeding are necessary, and, if so, they include all things necessary to their existence. The only question is whether the payment of money or compensation is necessary for these methods or rules—whether you can have a journal without paying for the book in which it is kept or clerks without compensation for their labor. In other words, the customary and necessary means to any object or purpose are included in the requirement that the purpose or object shall be accomplished.

The constitutional object or purpose here is two separate legislative bodies, each of them "determining the rules of its proceeding." The conclusion demanded is that whatever is necessary for the separate performance of the legislative duties of each is included and intended in this requirement. But the argument of the committee must be that the time when the officers of each House shall commence the performance of their duties and the time when their pay shall commence shall not be fixed by each House, but shall be fixed by both Houses.

It is said that instead of "each House" determining what is necessary to its procedure, two Houses formerly existing made a law which has taken the place of this constitutional provision and requires both Houses to fix by law the time when the pay of the employés shall commence.

This is only to affirm that the Revised Statutes have changed the organic law. I do not agree with this reasoning, and therefore shall vote against the bill.

Mr. ALLISON. The joint resolution is necessary from the fact that the Revised Statutes provide that no one can receive compensation for any duty performed until he shall have taken an oath of office. The clerks of several committees of the House of Representatives have been performing service without taking that oath, and this is simply to relieve the House from the provision which is contained in section 1756 of the Revised Statutes, which requires the oath to be taken before any compensation can be paid. It is a matter that has passed the House of Representatives several times. A similar resolution was passed in 1880, and one I believe in 1878.

Mr. BECK. I hoped the Senator from Iowa would read the clause of section 1756 of the Revised Statutes which induced all of the committee, I believe, except the Senator from Florida [Mr. CALL] to recommend the passage of the joint resolution. It is a House joint resolution. They send it to us. They desire that we shall agree to what they have done, and the committee agreed to do it without dotting an "i" or crossing a "t." We are allowing them to do just what they desire, which is to pay these clerks from the time they began the discharge of their duties before they were sworn in. They could not be sworn in because the committees were not appointed, and yet the gentlemen who were to be chairmen of those committees had the clerks there at work not knowing what day they could be sworn in, and they now ask us to agree to a joint resolution which they send to us, to which we say "certainly." Section 1756 of the Revised Statutes reads thus:

Every person elected or appointed to any office of honor or profit, either in the civil, military, or naval service, excepting the President and the persons embraced by the section following, shall, before entering upon the duties of such office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe the following oath.

They ask relief from that provision in the Revised Statutes. We say "yes;" and that is all there is of it.

The joint resolution was ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1015) for the relief of Fitz-John Porter;

A bill (H. R. 3520) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads; and

A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

The message also announced that the House further insisted on its disagreement to the amendment of the Senate to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WALDO HUTCHINS of New York, and Mr. W. H. CALKINS of Indiana managers at the further conference on its part.

The message further announced that the House insisted upon its disagreement to the amendments of the Senate to the joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. E. J. ELLIS of Louisiana, Mr. W. S. HOLMAN of Indiana. and Mr. THOMAS RYAN of Kansas managers at the conference on its part.

BILLS INTRODUCED.

Mr. MCMILLAN. Is the introduction of bills in order?

The PRESIDING OFFICER (Mr. FRYE in the chair). The hour of 1 o'clock has arrived, and the Calendar of unobjected cases is in order.

Mr. HARRIS. I ask that the morning business be continued until we have concluded it, notwithstanding the expiration of the morning hour.

The PRESIDING OFFICER. The Senator from Tennessee asks that morning business be continued, notwithstanding the hour has arrived for the consideration of the Calendar of unobjected cases. Is there objection? The Chair hears none, and it will be so ordered.

Mr. MCMILLAN introduced a bill (S. 1373) granting a right of way to the Cinnabar and Clark's Fork Railroad Company; which was read twice by its title, and referred to the Committee on Railroads.

Mr. CONGER introduced a bill (S. 1374) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon; which was read twice by its title, and, with the accompanying petition and map, referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 1375) to enable the people of the Territory of Dakota to form a constitution; which was read twice by its title, and referred to the Committee on Territories.

Mr. HOAR introduced a bill (S. 1376) for the relief of Francis S. Davidson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 1377) granting a pension to Jeremiah P. Swatzell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1378) for the relief of F. C. Bulkley; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FAIR introduced a bill (S. 1379) for the relief of John M. Dorsey and William F. Shepard; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1380) for the relief of Philip Felsenthal; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1381) for the relief of certain settlers on

the Duck Valley Indian reservation in Nevada; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 1382) for the relief of Louis B. Epstein; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1383) to prevent the retroactive operation of that portion of the naval appropriation act of August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service, printed on page 285 of volume 22 of the United States Statutes at Large; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. JONAS (by request) introduced a bill (S. 1384) for the relief of James S. Clark & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCPHERSON introduced a bill (S. 1385) to carry into effect the conclusion and recommendation of a board of rear-admirals convened under a joint resolution approved February 5, 1879, in the case of Capt. Henry Erben, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MORGAN introduced a bill (S. 1386) for the erection of a public building at Huntsville, Ala.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAMPTON introduced a bill (S. 1387) to provide statuary and historical tablets for the Saratoga monument; which was read twice by its title, and referred to the Committee on the Library.

Mr. BLAIR introduced a bill (S. 1388) to increase the pension of Ward B. Burnett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MAXEY introduced a bill (S. 1389) to provide a suitable building for the United States courts, post-office, and internal-revenue offices in the city of Tyler, State of Texas; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SHERMAN introduced a bill (S. 1390) for the relief of James J. Johnston; which was read twice by its title, and referred to the Committee on Patents.

Mr. COCKRELL (by request of a reputable attorney in the city of Washington) introduced a bill (S. 1391) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES introduced a bill (S. 1392) to compensate John W. Smith for losses sustained by him during the war of the rebellion; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN introduced a bill (S. 1393) to reimburse Frailey and De Verne for money paid into the Treasury of the United States; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1394) for the relief of the Illinois Normal University at Carbondale, Ill.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1395) to amend section 4787 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1396) for the relief of H. L. Newman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1397) for the relief of George Maxwell; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 1398) granting an increase of pension to Andrew J. Bolar; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 1399) for the relief of William C. Dodge; which was read twice by its title, and referred to the Committee on Patents.

Mr. SHERMAN introduced a bill (S. 1400) for the relief of Edward C. Garlick; which was read twice by its title, and, with the accompanying paper and the papers on file relating to the case, referred to the Committe on Claims.

Mr. FRYE introduced a bill (S. 1401) relating to sea-letters, passports, and evidences of title to vessels; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. WILSON introduced a bill (S. 1402) to prevent the advertisement of lotteries in the District of Columbia and the Territories of the United States, to prevent the sale of lottery tickets therein, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FAIR introduced a joint resolution (S. R. 52) appropriating $1,200 for the purpose of transferring the remains of soldiers interred at Fort Churchill, Nev., to the soldiers' cemetery at Carson City, Nev.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORRILL introduced a joint resolution (S. R. 53) authorizing the printing and binding of additional copies of the Tariff Compilation of 1884; which was read twice by its title, and referred to the Committee on Printing.

D. C. ALLEN.

Mr. COCKRELL. On the last day of our session, from the Committee on Claims, the bill (S. 385) for the relief of D. C. Allen was reported adversely. I have been informed that there is additional testimony, and I ask that the order indefinitely postponing that bill be set aside and that the bill be placed upon the Calendar. I did not observe the report at the time it was made.

The PRESIDING OFFICER. The Senator from Missouri asks that the order indefinitely postponing the bill named by him be reconsidered. Without objection it will be so ordered. The Senator asks that the bill be placed on the Calendar.

Mr. HOAR. Is not that a case which I reported?

Mr. COCKRELL. No; the Senator from West Virginia [Mr. KENNA] reported it.

The PRESIDING OFFICER. The bill will be placed on the Calendar unless objection be made.

Mr. COCKRELL. I will not ask that it be recommitted until we get the additional testimony.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

THOMAS H. REEVES.

Mr. COCKRELL. Some days ago the Senator from Kansas [Mr. PLUMB] the chairman of the Committee on Public Lands reported adversely the bill (S. 352) for the relief of Thomas H. Reeves. I had stated to him at the time, or just about the time he reported it, that I should have no additional evidence, and suggested that he report the bill; but before the report was made I received information from the parties concerned that the additional evidence would be furnished and I aimed to communicate that fact to him, but did not give him the information until after he had made the report. I ask that the order indefinitely postponing the bill may be reconsidered, and that the bill may be placed on the Calendar.

The PRESIDING OFFICER. The Senator from Missouri asks that the order indefinitely postponing Senate bill 352 be reconsidered. Is there objection? The Chair hears none, and it is reconsidered. The Senator further asks that the bill be placed on the Calendar. It is so ordered, there being no objection.

ELIZABETH GORDON.

Mr. GROOME. On the 29th ultimo the Committee on Pensions made an unfavorable report upon the bill (S. 650) for the relief of Elizabeth Gordon, and the bill was indefinitely postponed. With the consent and approval of the Senator who made that report, I ask that the vote by which the bill was indefinitely postponed may be reconsidered.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Is there objection to reconsidering the vote by which the bill named by the Senator from Maryland was postponed indefinitely? The Chair hears none, and the vote is reconsidered.

Mr. GROOME. I now move that the bill be again referred to the Committee on Pensions.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. BAYARD submitted an amendment intended to be proposed by him to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes; which was ordered to lie on the table and be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him as a substitute for the bill (S. 1155) to provide for the issue of circulating notes to national banking associations; which was ordered to lie on the table and be printed.

Mr. HARRIS. By request I offer an amendment in the nature of a substitute for the bill (S. 408) concerning Federal elections. I ask that the amendment be printed and referred to the Committee on Privileges and Elections, where the bill referred to is now pending.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Tennessee submits an amendment to a pending bill, and moves that it be printed and referred to the Committee on Privileges and Elections.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PLUMB, it was

Ordered, That the attorney for the heirs of Samuel H. Meyer, deceased, is hereby permitted to withdraw from the files of the Secretary of the Senate the papers in their claim for relief.

On motion of Mr. BECK, it was

Ordered, That the papers in the case of the Madison Female Institute be withdrawn from the files and referred to the Committee on Claims.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers in the claim of Louis C. Madeira and Emilio F. Cabada be taken from the files and referred to the Committee on Claims.

On motion of Mr. HAWLEY, it was

Ordered, That the papers in the case of Lydia T. Hadlock, executrix, be withdrawn from the files and referred to the Committee on Claims, additional evidence having been presented since an adverse report was made.

On motion of Mr. HAMPTON, it was

Ordered, That the papers relating to Senate bill 1210, Forty-seventh Congress, be withdrawn from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. PLATT, it was

Ordered, That the papers in the case of Betsey A. Mower be withdrawn from the files of the Senate, no adverse report having been made.

On motion of Mr. MORRILL, it was

Ordered, That the papers accompanying the following numbered bills of the Forty-seventh Congress be taken from the files of the Senate and referred to the Senate Committee on Finance: S. 551, 695, 1023, 1696, 2403.

On motion of Mr. GEORGE, it was

Ordered, That the Hon. E. Barksdale, representative of the heirs of Henry E. Sizer, deceased, be authorized to withdraw from the files of the Secretary's office the papers and documents accompanying the bill for the relief of Henry E. Sizer, being Senate bill 380 of the first session of the Forty-sixth Congress, upon his complying with the rule on this subject.

SUPERVISING ARCHITECT.

Mr. BUTLER submitted the following resolution; which was read:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to forward to the Senate the testimony taken by a committee of the Treasury Department during the last summer, and the report of said committee, touching the administration of the Supervising Architect's office by Supervising Architect Hill. And that the Secretary of the Treasury communicate to the Senate, under and by virtue of what provision of law the Supervising Architect is appointed, and the scope and extent of his powers under such appointment; whether he executes an official bond, and whether he disburses public money in virtue of his appointment as Supervising Architect; and, if so, from which appropriation, and for what purpose.

Mr. BUTLER. I ask for the present consideration of the resolution.

Mr. CONGER. Let the resolution be printed and lie over.

The PRESIDING OFFICER. Objection is made, and the resolution will lie over under the rule, and be printed.

CRIMES OF INDIANS UPON INDIANS.

Mr. MORGAN. I offer the following resolution, and ask for its present consideration:

Resolved, That the Attorney-General be directed to send to the Senate copies of the correspondence between the Department of Justice and the Department of the Interior concerning the case of Johnson Foster, a Creek Indian, who was accused of the unlawful killing of Robert Poisal, an Arapaho Indian, in the Indian Territory, in September, 1882; and a copy of any opinion of the Attorney-General given in that case relating to the jurisdiction of the courts of the United States over such crimes committed by one Indian against another Indian within the Indian Territory.

Mr. EDMUNDS. I think that had better be printed and lie over, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama asks for the present consideration of the resolution, but there is objection. The resolution will lie over under the rules, and be printed.

ISSUE OF UNION PACIFIC OBLIGATIONS.

Mr. VAN WYCK. I ask for the present consideration of the following resolution:

Whereas by section 4 of an act "making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, it was provided "no dividend shall hereafter be made by said company but from the actual net earnings thereof; and no new stock shall be issued on mortgages or pledges made on the property or net earnings of the company without leave of Congress, except for the purpose of funding and securing debt now existing or the removal thereof. Any director or officer who shall pay or declare, or aid in paying or declaring, any dividend or creating any mortgage or pledge prohibited by this act shall be punished by imprisonment not exceeding two years, and by fine not exceeding $5,000."

Resolved, That the Secretary of the Interior inform the Senate whether the Union Pacific Railroad Company has issued any new stock or made any mortgage, pledge, lease, running arrangement, or other traffic contract since March, 1873.

The resolution was considered, by unanimous consent, and agreed to.

Mr. HAWLEY. I believe the preamble is subject to action yet.

The PRESIDING OFFICER. It is.

Mr. HAWLEY. I do not know what the preamble is. I have a general objection to agreeing to preambles. I am perfectly willing to agree to the resolution, but before agreeing to a preamble I should like to read and study it. I agreed to the resolution because I can remember that, but I do not know how much of an indictment the preamble is.

Mr. VAN WYCK. The preamble merely recites the act of Congress passed in 1873, a clause of an appropriation bill.

Mr. HOAR. The preamble does not say what corporation that applies to.

Mr. VAN WYCK. It applies to the Union Pacific Railroad Company.

Mr. HOAR. Let it be read again.

Mr. VAN WYCK. The preceding part of the act quoted refers to the Union Pacific Railroad Company, and it was not necessary to put in the whole of the act.

The PRESIDING OFFICER. The resolution is passed, and the preamble will stand unless objection be made.

PRINTING OF A BILL.

Mr. HOAR submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 3,000 extra copies of the bill to establish a uniform system of bankruptcy, reported from the Judiciary Committee on the 4th day of February, 1884, be printed in pamphlet form for the use of the Senate.

COLORADO SCHOOL LANDS.

The PRESIDING OFFICER. If there be no further "concurrent or other resolutions," the Calendar of unobjected cases is in order. The first business on that Calendar will be laid before the Senate.

The Chief Clerk announced as first in order the bill (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;" and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDING OFFICER. There is an amendment offered by the Senator from California [Mr. MILLER] pending to this bill.

Mr. MILLER, of California. An objection was made to that amendment by several Senators, though I do not think the objection well founded, that it seemed to endanger the passage of the bill of the Senator from Colorado. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MILLER, of California. The Committee on Public Lands have reported a bill for California precisely like the amendment I offered to this bill, and at the proper time I shall ask to have that bill considered.

The bill was reported to the Senate without amendment.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MILLER, of California. Mr. President——

The PRESIDING OFFICER. The next bill in order will be announced.

Mr. MILLER, of California. I ask unanimous consent to take up Senate bill 1024, precisely like the one just passed, applicable to California. It is Order of Business No. 110.

The PRESIDING OFFICER. The Senator from California asks unanimous consent to take up Order of Business No. 110 on the Calendar. Is there objection?

Mr. HARRIS. Let the title of the bill be read for information.

Mr. CAMERON, of Wisconsin. I think I shall object. Let the Calendar go on in order.

Mr. MILLER, of California. Very well.

The PRESIDING OFFICER. The Senator from Wisconsin objects. The next bill on the Calendar will be proceeded with.

OREGON AND WASHINGTON INDIAN WAR EXPENSES.

The bill (S. 936) to provide for the payment of so much of the expenses incurred by the Territories of Oregon and Washington in the suppression of Indian hostilities therein in the years 1855 and 1856 as have not been heretofore provided for and paid was announced as next in order.

Mr. HOAR. I move that that bill be referred to the Committee on Claims. It seems to have gone to no committee of the Senate as yet.

The PRESIDING OFFICER. The Senator from Oregon [Mr. SLATER] who introduced the bill is absent and sick, and requested that this bill lie on the table for the present before it shall be referred. The Chair hears no objection, and such order will be made. The bill will lie on the table for the present.

Mr. HOAR. Very well.

SPECIAL ASSISTANT ATTORNEYS.

The PRESIDING OFFICER. The next business in order is the resolution submitted by the Senator from Nebraska [Mr. VAN WYCK] directing the Committee on the Judiciary to examine and report what legislation, if any, is necessary to restrict the appointment of special assistant attorneys, &c.

Mr. VAN WYCK. I ask that that lie over without prejudice. All the information called for has not yet been returned to the Senate.

The PRESIDING OFFICER. Is there objection to the resolution lying over without prejudice? The Chair hears none, and the next business on the Calendar will be stated.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

The joint resolution (S. R. 21) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company was considered as in Committee of the Whole.

The preamble recites that the Kansas City, Fort Scott and Gulf Railroad Company, successor to the Kansas and Neosho Valley Railroad Company, has, under and in accordance with the provisions of "An act to secure the rights of settlers upon certain railroad lands, and to repeal the first five sections of an act entitled 'An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River,' approved July 25, 1866," restored to the United States all the unsold lands received by it

under its land grant and paid into the Treasury the proceeds of all lands sold. The resolution therefore provides that the Kansas City, Fort Scott and Gulf Railroad Company, successor to the Missouri River, Fort Scott and Gulf Railroad Company, shall be entitled to the payment in full of all compensation earned heretofore by the last-mentioned company in transporting mails and military and other supplies for the Government to the same extent and effect as though no lands had been granted for the benefit of the company.

Mr. COCKRELL. Is there any report?

The PRESIDING OFFICER. There is a report.

Mr. COCKRELL. Let it be read.

The Secretary read the following report, submitted by Mr. SAWYER January 9, 1884:

The Committee on Railroads, to whom was referred the joint resolution (S. 21) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company, have had the same under consideration, and report the same back as follows:

By an act of Congress approved July 25, 1866, there was granted to the State of Kansas, to aid in the construction of a railroad "from the eastern terminus of the Union Pacific Railroad, Eastern Division, at the line between Kansas and Missouri, at or near the mouth of the Kansas River, on the south side thereof, southwardly through the eastern tier of counties in Kansas, with a view to its extension so as to effect a junction at Red River with the railroad now being constructed from Galveston to Red River at or near Preston, in Texas," and known as the Kansas and Neosho Valley Railroad Company, "every alternate section of land or parts thereof designated by odd numbers, to the extent of ten sections per mile on each side of the road, to be selected within twenty miles from the line of said way," * * * "not granted, reserved, or sold, and to which the right of homestead settlements or pre-emption had not attached at the date of definite location thereof" (14 Statutes, 236). A map showing the definite location of said road was filed in the Department of the Interior June 27, 1868, and the lands inuring to said grant on the line of the road thus established were subsequently withdrawn from settlement for the benefit of the road, namely, under dates of June 12 and October 4, 1869.

A map showing that the road had been constructed in accordance with the conditions of the granting act was filed in the General Land Office in January, 1871.

The name of said road was changed from the "Kansas and Neosho Valley Railroad" to the "Missouri River, Fort Scott and Gulf Railroad Company" by decree of the probate court of Johnson County, Kansas, on October 5, 1868, and was subsequently again changed to that of the Kansas City, Fort Scott and Gulf Railroad Company.

By an act of Congress approved March 3, 1877, entitled "An act to secure the rights of settlers upon certain railroad lands, and repeal the first five sections of an act entitled 'An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to the Red River,' approved July 25, 1866," the first five sections of said act of July 25, 1866, were repealed. By the second section of said act of March 3, 1877, the Secretary of the Interior was directed to issue no more patents to said company, and to withhold all patents not delivered.

The subsequent provisions of the latter act required the company to accept of the terms, conditions, and impositions thereof, including the reconveyance of all the lands patented to it, the repayment of all moneys received from the sale of lands, the cancellation of all outstanding contracts for the sale thereof if the contracting parties should consent in writing thereto, the repayment to purchasers of all moneys paid on outstanding contracts. These provisions have been complied with and performed by said company within the time named, and the papers evidencing such performance are now on file in the Department of the Interior.

In 1869 the construction of the road was commenced and within two years was completed through and beyond all the public lands from which its grant could have been satisfied.

By reason of the existence of this land grant, the Missouri River, Fort Scott and Gulf Railroad Company, between the date of its construction and the taking effect of the act of March 3, 1877, was subjected to certain deductions from its regular and proper charges for the transportation of the mails of the United States, and also of certain military and other freights of the Government, which it is the purpose of the joint resolution under consideration to cause to be paid to the company.

As stated above, the company has complied with all the provisions of the act of March 3, 1877. In other words, it has conveyed to the United States all the lands received by it by virtue of said grant and not sold by it, and it has paid into the Treasury the proceeds of all the lands of said grant by it sold, so that the Government has been restored to the condition it was in practically before said grant was made, and the railroad company has had no benefit whatever from the grant. The amount of compensation withheld from said company in consequence of said grant being 50 per cent. of the regular charges for the transportation of freight, and 20 per cent. of the regular charges for transportation of the mails between the date of the construction of the road and the taking effect of the act of March 3, 1877, is about $25,000, which it is the purpose of the joint resolution to require the repayment of.

Your committee deem it only fair and equitable that as the Government has been placed in its original condition, it should now do the same by the railroad company, and therefore recommend the passage of the joint resolution, with certain formal amendments submitted.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. Is there objection to the preamble? The Chair hears none, and the preamble will stand.

MARCUS RADICH.

The bill (S. 975) for the relief of T. J. Boyles, administrator of the estate of Marcus Radich, deceased, was considered as in Committee of the Whole. It provides for the payment to T. J. Boyles, administrator of the estate of Marcus Radich, deceased, of Houston, Tex., of $440, in full for the rent of two buildings belonging to Radich, in Brownsville, Tex., one of which houses was occupied by the United States military authorities from August 21, 1865, to December 31, 1865, at the rate of $60 per month, and the other was occupied by the United States authorities from January 31, 1866, to March 31, 1866.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE A. SPENCE.

The bill (S. 431) for the relief of Sallie A. Spence was considered as in Committee of the Whole. It provides for the payment to Sallie A. Spence of $100, for rent of a building at Murfreesborough, Tenn., used and occupied as a hospital, under contract with the proper military officers, during July, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. J. P. WILLIAMS.

The bill (S. 379) for the relief of Mrs. J. P. Williams was considered as in Committee of the Whole. It provides for the payment to Mrs. J. P. Williams of $900, without interest, being the amount due to her on her contract with the United States, as appears by certified accounts on file in the Treasury Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. A. HENRY AND OTHERS.

The bill (S. 537) for the relief of J. A. Henry and others was considered as in Committee of the Whole. It provides for the payment to the following-named persons, or to their legal representatives, of the amounts due on their contracts with the United States, as appears by certified accounts on file in the Treasury Department, namely: To J. A. Henry, $52; to Robert Stevenson, $54; to L. T. Green, $51; to Masonic Hall Company, Atlanta, Ga., $475; to E. Rouff, $45; to E. C. Clements, $200; to R. W. Corbin, $22.50; to Mrs. M. J. Donahoe, $345.50; to N. C. Blonton, $430.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES VANCE AND WILLIAM VANCE.

The bill (S. 677) for the relief of the estates of James Vance and William Vance was considered as in Committee of the Whole. It provides for the payment to the legal representatives of James Vance, deceased, and to the legal representatives of William Vance, deceased, of $5,500, in full payment for the use of buildings at San Antonio, Tex., between August 5, 1865, and August 20, 1866.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. CULLOM. It seems to me these bills ought to be read at length, so that we may know what they are.

The PRESIDING OFFICER. The bills are read at length.

Mr. CULLOM. I did not hear this one read.

The PRESIDING OFFICER. The bill has been read at length. The question is on its passage.

The bill was passed.

JAMES BRIDGER.

The bill (S. 380) for the relief of James Bridger was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That James Bridger be, and he is hereby, authorized to commence his suit in the Court of Claims against the United States, at any time within one year after the passage of this act, for the value of the improvements by him erected and constructed at Fort Bridger, situated in Green River County, in the Territory of Utah, and appropriated by the United States to its own use; and the Court of Claims shall have jurisdiction to hear and determine the said claim free from the bar of the statute of limitations; and said claimant and the United States shall have the right to use as evidence before said court any papers or documents in the War Department in relation to said claim, and any other competent testimony relative to the claim; and said court shall render judgment in favor of said claimant for the value of said improvements as found by said court.

Mr. PLATT. Let the report be read, if it is not a long one.

The PRESIDING OFFICER. It is two pages.

Mr. PLATT. Then let the Senator reporting the bill explain it.

Mr. CAMERON, of Wisconsin. In 1843 James Bridger located certain lands in the present Territory of Utah, that is, he went upon them and took possession. He erected improvements on those lands, which were subsequently known as Fort Bridger. In 1857, when General Johnston went to Utah with his army, he took possession of Bridger's improvements and lands. He entered into a contract with him, or some proper officer entered into a contract with him, by which it was agreed that the Government should pay him $10,000 when he showed that he had a good title to the land, and a certain yearly rent was agreed to be paid also. Bridger has never been able to show that he had a valid title to the land, and the Government subsequently issued an order making it a military reservation. The Government is still in possession of the lands that were in the possession of Bridger at that time, and the War Department is now improving the buildings and erections on the land with the view of making it a permanent fort. This bill simply provides that Bridger may go into the Court of Claims and prove the value of the improvements on the land at the time it was taken possession of by General Johnston, and get judgment for the value of those improvements.

Mr. PLATT. And not for the land itself?

Mr. CAMERON, of Wisconsin. Oh, no.

Mr. COCKRELL. I would suggest, in view of the fact that it has been reported to us that the claimant, James Bridger, is dead, and that fact is not conclusively known yet, there be inserted as an amendment to the amendment the words, "or his legal representatives," imme-

diately after the name "James Bridger," so that it will do for either. I move that amendment to the amendment.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CAMERON, of Wisconsin. Let the title be amended so as to read "A bill for the relief of James Bridger or his legal representatives."

The PRESIDING OFFICER. That amendment will be made unless objection be interposed, and the title will stand as amended.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 31st ultimo approved and signed the following acts:

An act (S. 713) to remove the political disabilities of Samuel H. Lockett, of Alabama; and

An act (S. 1256) for the removal of the remains of the late Maj. Gen. Edward O. C. Ord, United States Army, from Havana, Cuba, to Washington, D. C.

PRIVATE LAND CLAIMS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business, which is Senate bill No. 19.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from New Jersey [Mr. MCPHERSON] to clause 7, section 12.

Mr. BAYARD. I submitted to the Senate at its last meeting my reasons why it would be inadvisable, and I think unlawful, for us to adopt the amendment of the Senator from New Jersey. I trust therefore the Senate will decline to accede to it.

The PRESIDING OFFICER. The pending amendment will be read.

The SECRETARY. The amendment is, after the word "quantity," in line 46 of section 12, to strike out "than eleven square leagues," and after the word "land," in line 47, to strike out down to and including the word "quantity," in line 49, as follows: "to or in the right of any one original grantee or claimant, or in the right of any one original grant to two or more persons jointly, nor for a greater quantity;" so that the whole clause will read:

> No confirmation shall in any case be made or patent issued for a greater quantity of land than was authorized by the respective laws of Spain or Mexico applicable to the claim.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

Mr. CONGER. In section 3, line 6, I move to strike out the words "when the person testifying is dead;" so as to make the section read:

> SEC. 3. That the testimony which has been heretofore lawfully and regularly received by the surveyor-general of the proper Territory or State, or by the Commissioner of the General Land Office, upon all claims presented to them, respectively, shall be admitted in evidence in all trials under this act, so far as the subject-matter thereof is competent evidence; and the court shall give it such weight as, in its judgment, under all the circumstances, it ought to have.

I have commented on this clause heretofore, and shall merely refer to it now. Testimony has for thirty years been authorized to be taken before the surveyor-general, who was appointed a commissioner under the law; the parties interested have at very great expense obtained testimony which, if not received now, by reason of the lapse of time and the loss of witnesses, can never be restored. This bill excludes the receipt of such testimony, unless the witnesses are dead; and this exclusion applies not only to the verbal testimony of witnesses, but to documents and papers. There is a proviso still remaining in the bill that the court shall give the testimony received where the witnesses are dead such weight as, in its judgment, under all the circumstances, it ought to have. In view of that restriction, I see no reason why all the testimony taken under the laws heretofore passed should not be received in the examination of these cases.

Mr. BAYARD. I certainly hope the Senate will not adopt the amendment of the Senator from Michigan. In the first place, this bill for the first time in the legislative history of these claims provides for a trial and hearing on both sides before a judicial tribunal. The hearings and the examinations heretofore in regard to these vast unmeasured bodies of land have been in a great degree *ex parte;* the character of testimony which has sought to sustain many of these grants has been vague and unsatisfactory to a great degree. The consequence has been that, for want of a proper representation upon the part of the respondents, large bodies of land have been confirmed by Congress in what has subsequently turned out to be absolute ignorance of what they were doing. The limitation affixed by the committee was one of long deliberation and careful consideration. It applies the regular, the usual rule of evidence in courts to cases of this character. If the witness be alive there is no hardship that he shall be produced and be cross-examined, because an examination without a cross-examination may prove, as we all know in common experience, entirely illusory. The half truth may be worse than the whole lie.

In the present case there is no hardship, because if the witness be dead his deposition can be read with what force it may be entitled to before the tribunal; and if he be alive the rights of counter-claimants, now provided for for the first time, can be tested by compelling his presence and subjecting him to the usual tests for the evisceration of truth. It would be the greatest error, it would be an assault upon justice, to permit a great mass of depositions, which are in reality but little more than mere *ex parte* affidavits, to be received as evidence in the cases involving the large amounts and the valuable properties affected by this bill.

I trust therefore that the careful consideration of the committee will not be disregarded, and that the Senate will sustain them in throwing around these cases this necessary safeguard for the protection of private rights as well as public rights, which was designed by the clause in question. If the witness be dead his deposition may be read; if he be alive there is no reason why he should not be called and subjected to cross-examination. Therefore whether you look at the private interest or the public interest, both demand alike that this safeguard and protection should be maintained. I trust the Senate, in the face of the loose character of the testimony, the hearsay oftentimes which has crept in, will not permit this safeguard to be stricken out of the bill.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Michigan [Mr. CONGER].

Mr. CONGER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. As has been said by the Senator from Delaware, the surveyor-general of New Mexico and the Commissioner of the General Land Office in the investigations which have been authorized by existing laws were of course allowed to receive and doubtless did receive *ex parte* affidavits. Very likely in many of these cases the surveyor-general may never have looked upon the face of the person whose testimony was presented; very likely he had no other evidence of the existence of such person as the witness who assumed to testify except his signature, real or pretended, to the paper which was presented to him and the authentication of the officer before whom the oath purported to have been taken.

Now, Mr. President, as we are providing here a scheme by which these titles shall be brought to the tests of legal evidence, the rules of evidence that are in force in the courts of the country, it seems to me that it would be entirely out of character to say that everything which had been admitted as evidence by a surveyor-general in any of these Territories or by the Commissioner of the General Land Office should by the reason of the fact that he had received it as evidence be evidence before the court. It might very well be that the evidence was incompetent by reason of some rule of law such as the Senator from Delaware has suggested; a court would possibly exclude it because it was hearsay testimony; but under the section, as the Senator from Michigan proposes to amend it, such testimony must be received. The hearsay statements, by the section as amended, would necessarily be received as evidence in the case.

This makes interminable confusion of rule. If there be anything in the suggestion of the Senator from Michigan that some of these witnesses are remote from the points where they would have to testify, and that it would be subjecting the claimants to unnecessary expense to require them to produce the witnesses again in court, his amendment, I think, should be so framed, if it is allowed at all, as that the court should have to judge of the question whether the evidence was admissible in itself under the rules of law, and should further have the power, upon any suggestion of fraud or deceit or forgery in connection with the testimony—upon any such suggestion from the adverse claimant or from the district attorney of the United States—to compel the production of the witness in open court, that he might be cross-examined, or to exclude his testimony. It may be that there might be some of this evidence that would be competent by the rules of law that would be difficult to obtain again, the authenticity and genuineness of which might not be challenged by the Government. If there should be any such, I would see no objection to allowing it to be introduced; but it does seem to me, if we are to proceed to test these titles in courts of law, that it would be—I will not use the term that was upon my lips; but it would certainly be anomalous to dump in upon these courts of law a mass of papers such as have been accumulated by the surveyor-general, and to compel the receipt of all that as evidence without reference to whether it conformed at all to the recognized rules of evidence in courts of law and equity.

Mr. CONGER. Mr. President, the result of the adoption of this bill without the amendment would be to make a farce of all the labors and all the expense of about nine hundred claimants who have taken testimony under the provisions of a law passed in 1854. Many of them having died long ago, their heirs have gone on and taken testimony. This has involved an expense of thousands and hundreds of thousands of dollars in the aggregate. This would make that labor and that ex-

pense performed in accordance with the only law authorizing testimony to be taken a perfect farce.

I am no friend of these claims. I do not care how quickly they are swept out. I have no doubt many of them are forged and false and fraudulent claims. I would rather the matter should be disposed of in some manner to protect those who have legal claims. But there have been reports made to Congress, at intervals of five to ten years, from 1857 up to the present time, by committees of the Senate and by committees of the House, stating that this testimony had been taken at great expense. Congress has acted upon this testimony in every case which has been presented to Congress and disposed of; and in every case where a claim has been passed Congress has acted solely upon this kind of testimony in passing the claim. There are, it is said, about nine hundred claims pending on the testimony already taken before the surveyor-general under the provisions of this law. A commissioner of the General Land Office in one of his reports made the following statement to Congress:

It might perhaps be suggested that, inasmuch as in the majority of the cases these claims will have to go into court for the final adjudication of title, the commission might be dispensed with and the courts vested with original and exclusive jurisdiction in all cases. This course would be open to the following objections:

First. Delay, which is the principal objection against the present mode of settling these claims under the act of 1854. In this connection it should be taken into consideration, first, that the courts already have all of the legitimate business they can attend to; and second, that if the adjudication of the title in these cases were made an original proceeding in the courts, the whole case would have to be made up in the court, requiring in each case a period varying from two or three days to a week or ten days, according to the particular circumstances in each case, while, on the other hand, if the case is brought into court in the form of a complete transcript of the proceedings of the commission thereon it can be disposed of in a comparatively much shorter time.

If the confirmation of these claims were left entirely to the court, it would in my judgment be a low estimate to fix the limit within which they would all be confirmed at twenty-five years.

Second. The commission, as constituted in the proposed bill, with its interpreters and two law agents, one of whom is required to be skilled in the Spanish language, furnishes a more perfect and effectual means for the protection of the interests of the United States than if the adjudication of these claims were devolved upon the courts. The bill contemplates that one of the law agents shall be in constant attendance upon the commission, while the other, whose duties will be more in the nature of a special attorney or agent, is abroad collecting testimony in behalf of the Government. In many instances it will be necessary for each agent to visit the premises in person to procure the information and witnesses necessary to a proper defense of the interests of the Government. The district attorneys could not possibly perform these duties, if it were required of them, for the reasons, first, that outside of the time necessary to the discharge of the duties properly pertaining to their respective offices they would have but little time to devote to these duties, and second, that it would be necessary, in order to properly perform them, for the district attorney of each judicial district to be familiar with the Spanish language.

In this same report of General Williamson, a careful head of the Land Office, he stated to Congress that if the testimony had to be taken again and the cases commenced *de novo* you might safely calculate that it would take over twenty-five years for any court to hear and finally determine these proceedings.

Mr. DAWES. Will the Senator do me the favor to tell me what are the processes by which this testimony has been taken? The Senator says it was taken in conformity with the old law. I am ignorant of the provisions of that law myself, and I should like to know in what manner this testimony of which he speaks has been taken, what has been the rule of law, and what efforts have been made to bring out the whole facts.

Mr. CONGER. I can not answer fully.

Mr. DAWES. I think the Senator can tell in general the provisions of the law. I acknowledge my ignorance of this law.

Mr. HAWLEY. I have the statute right here, and if the Senator from Michigan is willing I will read a portion of it.

Mr. CONGER. Certainly.

Mr. HAWLEY. The statute of July 22, 1854, is as follows:

SEC. 8. *And be it further enacted*, That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior—

I have not those instructions—

to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico; and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo of 1848, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States, and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos, respectively, and the nature of their titles to the land.

It goes on to say that such report shall be made to the Secretary of the Interior and laid before Congress, with a view to confirming *bona fide* grants.

Mr. DAWES. That does not quite give the information which I am after—whether in practice there has been any such thing as cross-examination by an adverse claimant or by the United States, or whether it is a fact, as was suggested by the Senator from Delaware, that affidavits were received. All its value, it seems to me, would depend on answering that question.

Mr. CONGER. Mr. President, an officer of this Government was directed by law to inquire into and examine these cases. He was required to go upon the ground and ascertain and find the boundaries of any claim presented to him which had boundaries defined. He was bound by law to have presented to him whatever of muniments of title there might be in the hands of the claimants, to take testimony, hear statements both for and against the confirmation of the claims, and take testimony where there were conflicting or overlapping claims. This was the law first for the Territory of New Mexico, and then it was extended over the other Territories mentioned in the bill, conferring the authority on the surveyor-general in each under the instructions of the Department, which I have not, for all these matters are very voluminous, and from year to year these reports were made by the surveyors-general of these Territories and States respectively. Large masses of testimony were returned with the surveys which must be used, and the only ones which can be used, but yet under the provisions of this bill there has got to be a new survey, new lines, new testimony, new proof of landmarks which have been entirely destroyed and obliterated and cannot possibly be replaced in many instances. By the provisions of this bill all that testimony, all these surveys, all these official proceedings, are thrown out, unless perchance it be testimony of some person who has since died; and there has been room for a great many to die from that time to this all over these Territories. The reports show that somewhere between six and seven hundred cases have been reported; in each one there is a great pile of surveys, examinations, and official records which are legal in their nature, and by virtue of the law ready to be presented, I presume, with affidavits made here and there, for and against claims. I presume, as in all such cases, there is conflicting testimony; there is no doubt about it.

I call the attention of the Senator from Delaware to the fact that the custom and usage and laws passed to settle land claims under all other treaties with all other people have been by commission. It was so with Great Britain, with Spain in regard to Florida, with France in regard to all the northwest territory bordering upon our northern frontier, and which we received subject to the stipulations of the treaty of 1763 between France and England, continued through the English occupation of that territory; and by our treaty with England we were required to recognize the old stipulations of the French and English treaty of the last century, of 1763, as well as the stipulations of the treaty with Great Britain in the surrender of that territory and the definition of its boundaries. In those cases the land claims were settled by a commission, and by a commission of three persons, except in one case, where there were five, if I remember aright.

In 1854 Congress in its wisdom thought that the commission should be confined to a single person, a recognized officer of this Government, the surveyor-general of the Territory within which the claim might lie, who had ability and authority to make all necessary surveys himself, to go upon the ground to see the landmarks; when the claim was bounded by rivers or mountain ranges or had natural landmarks, either of tree or rock or hill or river or creek, to personally find where the boundaries were and define them by his survey. That has been done for almost thirty years, with those living around him to point out and assist in defining these boundaries, with the testimony of those then living who knew, with the old documents, perhaps since destroyed, not preserved and reported to this Government, copies of which only were presented as a part of the proof. From time to time these examinations and surveys and reports of the surveyor-general have been sent to Congress. I have them here in the report of the committee, from which I have read a letter, as long ago as when General Williamson was Commissioner of the General Land Office. I have also the report of the present Commissioner, Mr. McFarland, which I will read:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 9, 1882.

SIR: Complying with the direction for report contained in the reference, dated 1st instant, of the Assistant Secretary of a letter to you, dated 31st ultimo, from Hon. George C. Hazelton, of Committee on Private Land Claims, House of Representatives, inclosing H. R. 3149, entitled "A bill to provide for ascertaining and settling private land claims in certain States and Territories," and making certain inquiries in connection therewith, I have the honor to state that the total number of claims, including pueblos, reported to Congress by the surveyor-general of New Mexico, under the eighth section of the act of July 22, 1854 (10 Statutes, page 309), is..... 141

Of this number there have been confirmed by Congress.....	64	
Rejected by the Supreme Court of the United States under fifth section act of June 21, 1860	1	
		65
Pending in Congress		76

Relative to Colorado and Arizona, would say in reply that under act of February 28, 1861 (Statutes 12, page 172), the surveyor-general of Colorado has reported one claim, and under act of July 15, 1876 (16 Statutes, page 304) the surveyor-general of Arizona has reported thirteen claims.

As none of the claims reported by the surveyors-general of Colorado and Arizona have been confirmed, the number pending in Congress is the same as reported, to wit, fourteen.

From the foregoing it will be observed that the number of claims reported by the surveyor-general of New Mexico is.....		141
Reported by surveyor-general of Colorado.....		1
Reported by surveyor-general of Arizona.....		13
Making a total of claims reported.....		155
Of this number there have been confirmed by Congress.....	64	
Rejected by the Supreme Court of United States under fifth section of act June 21, 1860.....	1	
		65
Total pending in Congress.....		90

Of the 90 claims pending in Congress as aforesaid, three were rejected by the surveyor-general of New Mexico, and two were rejected by the surveyor-general of Arizona, and the case of the Una de Gato, originally recommended for confirmation, was, upon reinvestigation, subsequently reported as fraudulent.

It may be proper to state in this connection that in the claim of Gervacio Nolan, numbered 39, and that of Jose Sutton, numbered 45, both in the Territory of New Mexico, adverse reports were made by the proper committee of Congress. These claims are also included in the number pending as aforesaid.

In response to the second clause of the second question in Mr. Hazleton's letter, I inclose herewith a copy of office letter dated January 9, 1878, to the honorable Secretary of the Interior. This letter estimates the total number of grants in New Mexico to be 1,014. I find upon examination of the report of the surveyor-general of New Mexico of August 22, 1881, that up to that time only 190 claims, including pueblos, had been filed with him, and deducting the 141 which had then been reported by him, would leave 49 still pending in his office and 824 claims yet to be filed with him, assuming that none have been filed since that date.

While I have no means of determining the accuracy of the statement contained in said letter as to the probable number of grants in New Mexico, which may or may not be overestimated, yet I concluded to transmit a copy of the same, and the information upon that point may be accepted for what it is worth.

From the most reliable information in the possession of this office, it is believed that the number of claims to be reported by the surveyor-general of Arizona will not exceed 11. All the claims pending in Congress, with the exception of about 12, have been surveyed, and the preliminary surveys are found, upon examination, to cover an area of about 5,500,000 acres.

This office is not advised of the existence of any private land claims in the State of Nevada nor in the Territory of Utah.

Mr. Hazleton's letter and inclosure are herewith returned.

I am, sir, very respectfully, your obedient servant,

N. C. McFARLAND, *Commissioner.*

Hon. H. M. TELLER,
Secretary of the Interior.

Three successive Commissioners of the General Land Office, three successive Secretaries of the Interior, up to the present time have urged upon Congress to appoint a commission and turn over to a commission all the documents, papers, surveys, and files in each of these cases. From time to time the House of Representatives has passed a bill providing for the appointment of a commission in accordance with the usage and customs of the country in all past time. It has been met in the Senate from time to time by a bill requiring cases to be commenced *de novo* in the courts—for this is not a new bill; it has passed the Senate, I think, three times—a bill sending these claims to the courts, and as many times the House of Representatives has refused to pass a bill imposing upon claimants the additional expense and trouble, ay, the impossibility, of again bringing to the attention of Congress all the proof to which they are entitled in the settlement of these cases.

There is a conflict, and we may as well notice it, which may prejudice my view of the case with some, a conflict between those who entertain my views and those who seek to send these claimants to courts already overburdened with business, and when one point is there decided to send them to another court, and from that to another, until every case shall finally land in the Supreme Court of the United States. The Commissioner from whose report I have read well says that with the business of these courts it is impossible for any court having charge of all these claims and taking testimony anew in all these matters to get through a fair examination of them in twenty-five years. Sir, without some new organization of the Supreme Court of the United States it is impossible that the men now living and acting as judges there or their successors, who may be young when appointed, shall be alive to determine the last of these claims. We know, the Committee on Private Land Claims which reported this bill knows full well, that no case in the Supreme Court can hope to be reached now in less than three years from the time it is presented there unless by special act of Congress the case is given precedence.

What kind of encouragement is it to a man who may have a just and legal claim sanctioned by treaty to be put off to such a remedy? How does this Government stand before the civilized nations of the world after having permitted claimants for thirty years under the authority of the laws to present their case and make their proof till they are old and worn and wearied, and some of them gone to their graves—how does it look in the view of the civilized world for us to pass a bill such as this committee has introduced to require the very claimant who has had the claim far back in Mexican times running along till now hoping from year to year that Congress would take up the testimony and pass upon it—how does it look in the face of the civilized world to have these men whose rights have been and are nominally protected by the solemn obligations of solemn treaties required to commence anew their cases, and commence anew the struggle to retain their homes and their land upon which they and their fathers have lived for two hundred or three hundred years, and to which now they have a mere right of occupancy, with their titles suspended in Congress, that half-way house between the hell of destroying their claim and the heaven of giving them their rights under the treaty!

I say that is a mockery of justice to which all good men should look; it is a mockery of justice to compel these men to begin again in the courts the assertion of their rights and the prosecution of their claims. You might better say to them at once, "We will forfeit all these claims because forsooth somebody wants your land;" better say at once to the Mexican nation with whom we made this solemn treaty, "We are carrying out treaty stipulations; for thirty years we have had laws to carry out treaty stipulations; we stand before the world acting in good faith because we have had the surveyor-general before whom these men might go; they have acted under our laws; we have given them the privilege of doing it; they have gathered together piles and piles of documents and surveys at great expense; we have fulfilled the treaty; but now there comes a time in the year of grace 1884 when the wisdom of Congress thinks these claimants should be delayed longer and when we can set aside the law, and while nominally and sneakishly conforming to the treaty we place impediments in the way of the successful prosecution of the claims of these people until they shall be discouraged and give them up to the rapacity of the nation." That is the way it looks to me.

I doubt whether many of these claims are not fictitious. I have no reason to believe but that many of them have been trumped up by those whose ancestors perhaps dwelt for a time upon these lands or on which some of them built an adobe house. That is not for me to determine. The Government did not stop to say to another nation: "If there is any wrong in these things we will throw away all the claims." No, in the face of the world we made an honorable, fair treaty; in the face of the world we pledged the faith of this new, young, growing Republic of ours, which professes so much love for the dear people, which protects the right to land above every other right in our whole borders, that we would look on those who owned these lands when Spain ceded them to Mexico and when Mexico ceded them to us as having all the rights of citizens of our country and as entitled to protection in their property.

I would leave the case to anybody who will examine the law of 1854, and go to the Land Office and look at the multitude of testimony and files and surveys that have been presented there, and see how one after another of the original claimants has passed away and their heirs and legal representatives have been submitting papers. This bill proposes to send them back without a particle of their old proof, or surveys, or documents, or testimony, to begin again in the Territorial courts (of which there are three or four in a Territory), and the provisions of this bill give them no benefit of what they have done under the law; but they must fight their battle for their land over again.

Sir, in my judgment it would be a foul stain upon the good faith of this Government to pass such a bill with such a provision. I think the bill itself is entirely wrong in principle and theory. I shall ask the Senate at the proper time to adopt the substitute which has been adopted several times by the House, which has been recommended to Congress by three successive Secretaries of the Interior, and recommended by the Commissioners of the General Land Office several times, and has received the approval of the governors and people and claimants in the Territory mainly concerned, and of all who favor and of all who are opposed to the granting of these claims. I shall ask it to see if it may not be possible that we may preserve the good faith and fair fame of our Republic as well in regard to Mexican greasers as to our own people.

But my point now is that this amendment is a proper and a necessary and an honorable one. I want the votes of Senators for it, and therefore I called for the yeas and nays, so that it may be seen whether we will pay any regard to our treaty obligations, whether with all our love for the great people we represent we will protect even the poor Mexican in his rights.

Mr. MANDERSON. Mr. President, I do not know that I can throw any light on this subject, but being a member of the committee that reported this bill, I desire for a few moments only to reply to some of the suggestions of my esteemed friend the Senator from Michigan [Mr. CONGER].

I understand his amendment to the third section to be that we shall strike from the sixth line the words "when the person testifying is dead," and he advocates this change in the interest, he says, of right, good faith, and justice. Well, sir, in the interest of right, good faith, and justice it seems to me that this language should be retained instead of being stricken from the section.

We propose to establish by section 3 a rule of evidence that shall control the courts where the litigants having these private land claims shall go. I submit that it is a very strange departure from the usual rule that where there are living witnesses who can be produced to undergo examination and cross-examination and where the truth may be sifted by such cross-examination, *ex parte* affidavits should be taken and used in court instead of the production of witnesses who are living. I submit that the testimony which has been taken before the surveyors-general of the different States and Territories before which these peculiar claims may have been, without notice to the adverse party, without a chance for cross-examination, ought not to be received in the courts before which these cases are to be tried where the witnesses are now alive and can be produced. Surely every lawyer upon this floor will agree with me as to the evil of deciding cases by that class of testimony. It has been my fortune in the few weeks that I have been in this body to spend many hours in the committee-rooms of two committees, one the Committee on Claims, the other the Committee on Private Land Claims, and I have frequently waited when *ex parte* affidavits have been brought into those committee-rooms for the opportunity to see the witness who has sworn on paper without any chance for the adverse party to cross-examine him.

Mr. JONES, of Nevada. I should like to ask the Senator if it is not true that in these cases the United States is the adverse party, and

if its own officer charged with this particular duty was not on the ground to cross-examine and with the power to send for all the witnesses he desired.

Mr. MANDERSON. That may be so. It may be that the surveyors-general of the States and Territories had that power; but I think it will be found to be in fact a power that has been but seldom exercised, and the testimony which it is proposed shall be taken into the courts that shall adjudicate these claims has not been taken in the shape of cross-examination by an officer of the Government, but consists of affidavits taken by parties in interest and merely filed with the surveyors-general. I protest against the use of that sort of testimony for the purpose of establishing good faith, right, and justice. I say it is not good faith or justice to parties that they should not have the opportunity where the witness is living to subject him to a cross-examination.

Mr. CONGER. Will the Senator allow me to make a suggestion?

Mr. MANDERSON. Certainly.

Mr. CONGER. I desire to say that the testimony was taken under the provisions of the law of 1854. If the gentleman has examined any of the cases he will see that it was in the nature of examination and cross-examination according to the usual forms of testimony. I do not want to be understood that that is the character of all the testimony; but that was the usual form of the testimony.

Mr. MANDERSON. Unquestionably there are cases where there has been cross-examination of witnesses, and their examination has been under notice to the adverse party; but I submit that it will appear by the records of the Private Land Claims Committee of the Senate that the mass of the cases which have been adjudicated in times past, and most of the cases now pending, have been attempted to be confirmed upon simple *ex parte* affidavits, and that there has been no opportunity to those having adverse interests to cross-examine.

Mr. BAYARD. I will say that the only witnesses called were such as the tribunal, consisting of the surveyor-general alone in a judicial capacity to do right between the parties, called for. There was no one there representing one side, where there were persons representing only the other side.

Mr. CONGER. But he was the Government officer himself; he was the officer of the Government representing its interests.

Mr. MANDERSON. Yes, but we understand how very slackly many officers of the Government perform the duties devolved on them, and I think it will appear that that is the fact more in the offices of surveyors-general where they come to adjudicate the matter of private land claims than in any other instance.

But my friend the Senator from Michigan says that this will work manifest injustice, because here are surveys and records of officers that can not be produced under this bill. I do not understand that that is the effect of the language of section 3. Records of public officers, surveys made and made of record by surveyors do not die. The statute provides that they may be introduced as evidence by the simple certificate of the surveyor-general in any of the courts of the country, and even supposing the surveyor-general or his assistants who made the original surveys were dead, the chances are that their records still live and that over the seal of the surveyor-general and his certificate, made perhaps many years ago, they are as competent proof as though every man who ran a chain was yet living to give the detail of the survey.

I do not think that during the consideration of the pending proposed amendment any argument or discussion upon the question whether these are proper tribunals to try these causes is in order, but replying to the distinguished gentleman, I will simply say this: I agree with this committee that the proper tribunal to try these cases is the regularly established courts of the country. I do not believe in the creation of special tribunals for the trial of special causes; I do not believe in commissions. The courts of the country, open to all litigants under the well-defined rules governing the admission of testimony, are the proper places to try interests so important as those that arise under the treaty with Mexico. And I believe, sir, that it will be found that justice will be better meted out, that the good faith of the treaty will be better kept by going to these regular tribunals. If they are overcrowded with work enlarge them. If it so be that many years must be occupied, by reason of the heavy dockets of these Territorial courts and the immense press of business around the Supreme Court of the United States, enlarge the courts; make them more abundant; make some court between the Supreme Court and the Territorial courts that shall pass upon these questions; but I do not believe in the organization of any special commission while these courts exist and are competent to afford substantial justice.

I shall oppose the proposed amendment of the Senator from Michigan.

Mr. HAWLEY. Mr. President, I have been listening to this debate with some interest. I said to the Senator from Delaware when the bill was taken up I was anxious to be informed. We are coming, I suppose, somewhere near a conclusion of the debate, and yet I am not informed of the necessity or justice of this bill, and the more I hear about it the more dissatisfied I am with it. In the hope that I may get some further or better light I may as well now as at any other time state why I do not like the measure.

When we acquired certain territory from Mexico we made the usual covenants that a civilized government might be supposed to make under the circumstances, guaranteeing to all the Mexicans in that land the right to remain or to go away, to hold their lands or to sell them and take away the proceeds, all without cost, tax, or embarrassment of any description whatever. That was our guarantee. After we had taken full possession—and we were deliberate about it all—in 1854 we passed a very reasonable, sensible, and humane bill. Here were many thousands of Mexicans scattered about the territory, some occupying larger, some smaller grants; many of them living in the pueblos where they had village lots. Under the act, which I have already read once and need not read again in full, we made it the duty of the surveyor-general, under such instructions as might be given him by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to land under the laws, usages, and customs of Spain and Mexico; and for this purpose he was to issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises.

Then he was to "make a full report on all such claims as originated before the cession of the Territory to the United States by the treaty of Guadalupe Hidalgo of 1848, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos, respectively, and the nature of their titles to the land."

All this was to be laid before the Secretary of the Interior, who was to lay it before Congress, with a view to confirm all the *bona fide* grants. Under that we have gone on these thirty years—theoretically gone on. Action under it has been suspended for three or four Congresses, while an attempt has been made to get this bill through, the general judgment of Congress having been against it for all these years, but it has determined friends. Now, let us see what sort of a bill it is.

What is the case? About seventy claims for considerable tracts have been confirmed in New Mexico. The Secretary of the Interior made reports forwarding the reports of the surveyor-general several times concerning the pueblos, and the claims in the little villages were confirmed; most of those are out of the way. What remains? Some of the larger grants have never been disposed of, and outside of the pueblos but not included in the great grants are a number of small grants, small holdings, six, ten, twenty, sixty, one hundred and sixty, two hundred, or three hundred acres, as I am informed by gentlemen familiar with the Territory. Some of the people holding the larger grants have made their due application to the Interior Department. The surveyor-general has been upon the land or near it; he has summoned witnesses as provided for in the statute of 1854; he has looked at the papers; he has made formal report to the Secretary of the Interior in favor of various grants, and the Secretary of the Interior has laid those facts before Congress, recommending the confirmation of the claims.

With regard to other landholders, they are exactly where they were when the treaty of Guadalupe Hidalgo was made. They are raising a few acres of grapes and grain; pasturing probably a few cattle; they have a mustang; they are living in the little hut where they lived before we brought them under the American flag.

Now this law is proposed. What does it effect? What should we suppose ought to be done? I should say one of two or three things. First, continue the process under the law of 1854, but more energetically and more thoroughly. Then I should say that an easy way of doing it without disturbing these people unnecessarily or causing them great expenditure would be to appoint an honest commission of three, or five, or seven, with power to subdivide itself, if need be. Let it go into the Territory, and let it summon people to come there and present their claims, and let it make careful examinations, with full power of summoning witnesses and cross-examining; let there be attorneys for the Government with the commission to assist in the inquiry. Take this or any other most expeditious, just, and paternal way. Treat these people not as if they were trespassers to be put out of the lands, but treat them as respectable people in those lands where they and in many cases their fathers have been, in some cases, for many generations.

But the bill says that these people, big and little, the ten-acre fellows and the two-hundred-thousand-acre men "may," meaning "shall," come into court, dropping all they have hitherto done before the Department of the Interior, dropping the whole of it dead—may come into court and make a full statement by petition of their claim to this land. "Claim," sir! Why, they are in, and have been, some of them, one hundred and fifty years. Why do you wish to make them come and make a claim? They can not understand how they are to "claim" the land that nobody ever claimed against; and yet you say they must.

That is not all. You say each petitioner shall give bonds for the costs in his case. That is not all. You say that if he proves before the inferior court in the Territory that the land is his under Mexican and Spanish title, the United States attorney for the Territory shall appeal to the supreme court of the Territory, the bond for costs remaining. You go on to say that if the supreme court of the Territory decides in favor of this old Spaniard or Mexican, the United States attorney shall certify the record up to the Attorney-General of the

United States; and then if the Attorney-General of the United States fails to give any direction in the case, the Territorial attorney shall bring the case before the Supreme Court of the United States. It requires a positive prohibition on the part of the Attorney-General of the United States to keep the case from going to the Supreme Court of the United States. A man as peaceably in possession as any one of us—and I venture to say there are large numbers of them who have been on those lands longer than any man in the Senate has been on any land anywhere—is to be attacked and carried through eight years of litigation, giving bonds to pay the costs in either and in any event; no matter how the suit turns out he is to pay the costs.

Mr. LAPHAM. The Supreme Court here tries the fact also.

Mr. HAWLEY. I suppose so. The Supreme Court of the United States, as the learned Senator from New York says, may try the whole question of fact for the third time.

Now, what is the real process of this bill? It looks like permitting a wronged citizen to appeal to the great sovereign for justice. Put in plain English, this is the case: The United States attorney in the Territory shall bring suit against every Mexican he can find, and every Spaniard he can find claiming to have a title older than the treaty of Guadalupe Hidalgo. That is it; he shall bring a writ of ejectment against him and try the title, compel him to give bond, and carry him to the Supreme Court of the United States, where he shall not recover costs if he wins in the ordinary form, but shall pay all costs, lose or win. That is the case.

What does the treaty say? What did we promise in behalf of these people?

> Mexicans now established in Territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic—

Now, this is the essence—

> retaining the property which they possess in the said Territories, or disposing thereof and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

Mark this: "without any contribution, tax, or charge whatever."

And yet the very first step that you take is against a man in peaceable possession, who may have been there for two hundred years, to compel him to give bond for the costs of six or eight years of litigation. Is that keeping the treaty in spirit or in letter? That is not all.

After all the explanations that Senators have given or have undertaken to give here, I can not clearly discover who has to come forward and make petition to be established in his already indisputable title. I was told by one Senator—I wrote his words down at the moment—"if the title is complete they want nothing of the United States." Another Senator said, "If a man has had juridical possession delivered to him under a Spanish or a Mexican grant, his title is complete, and he needs no further confirmation from the United States." That is a mistake. If he has had juridical possession delivered to him under a Spanish or a Mexican grant he may consider his title complete, and may never have heard a question of it for a hundred and fifty years, but I would not advise him to stand upon that. He shall go to the court, because if perchance he really has made any mistake, if he has really anybody burrowing under him, and if he has delayed going to court for three years he is gone, he has lost his land forever. All that he has got to do to lose his property is to sit still in his ranch, and in three years his title is in the United States Government; his claim "shall be deemed and taken in all courts and elsewhere to be abandoned and forever barred."

What, then, is the use of saying in the beginning of this proposed act that it may be lawful for any person claiming under this title to come to the United States court, when a little further on you say if he does not come in three years he shall lose his whole title forever?

If the title is complete, said one Senator, they want nothing of the United States. Let us see. In line 9, upon the first page, the bill refers to persons claiming "by virtue of such lawful incomplete Spanish or Mexican grant, concession, warrant, or survey as the United States are bound to recognize and confirm." But if you turn over to the second page, to lines 27, 28, and 29, you see that they are required to state in their petition "whether the said claim has heretofore been confirmed, considered, or acted upon by Congress." What are they doing in that court if their claim has been acted upon and confirmed by Congress? Is it not a "complete" title? Yet the bill evidently contemplates that such people should all, and would far better, come into court to have the whole question tried over again. They shall come there and state whether the claim has been confirmed or not. Suppose the man says it has been confirmed by act of Congress, is the court then ready to say, "You go out with a clear title?" If that is so, what does it mean when it only provides that any persons claiming by an incomplete title may go there? No man in the whole Territory, claiming under Spanish or Mexican authority, can afford to risk his estate under the provisions of this bill; all must go to court.

There is an attempt in the twelfth section and in the seventh paragraph of it, merely an attempt, to do a wrong; and in a hasty way an hour ago (I do not think the question was understood, very few Senators were here, it was the usual lunch hour), a very sensible amendment, so in my judgment, was voted down, and the paragraph stands as it is in the printed bill, that "no confirmation shall in any case be made or patent issued for a greater quantity than eleven square leagues of land," &c. That is the essential part of it.

Suppose we enact that? Is it going to make one cent's worth of difference with the man who has a lawful Spanish grant for eleven and a half leagues, and has lived on it for one hundred years? Have you barred him? Can he not bring suit against any trespasser for the extra half league? I think he can. I do not think you will have deprived that man, except so far as force deprives him. I do not think you will have taken away his legal title at all.

The Senator from Nebraska [Mr. MANDERSON], who addressed us a short time ago, says he does not wish to have special tribunals established, but would rather these men should all go before the existing courts in these Territories. Very well; let us take him at his word, in the full breadth of his statement. Leave these people where they are. The courts are open to them. If any man has a cause for attacking their titles let him call them to the courts. But you have reversed the operation. These people may come to the court, but if they do not come in three years you say to them, "You have lost your land forever." They may come to court if they will guarantee the payment of the costs of six years' proceedings, to be paid whether they win or lose.

There is much talk of these claims, as if they were all illegitimate, consisting of musty old papers, forged or stolen and brought in to establish title to great tracts of land. They are not. I am assured by gentlemen who know about the subject that many of these claims, or what would be claims under this bill, which are peaceable titles now, are held by small farmers. There is a great mistake about the large tracts. Some seem to think because a patent speaks of a hundred thousand acres, or five, six, eight, ten, or eleven leagues of land, that the tract is owned by some hidalgo, some great ranchero, who is the lord of thousands and hundreds of thousands of cattle; but it is an error. The original grant may have been under one name; it may be known, if you please, as the Smith, or Jones, or whatever it may be grant; but there are very likely hundreds, it may be thousands, of people upon it.

It would take too long to tell the whole story, but I could give a brief history of one of these grants. That is why I came to pay attention to the bill. This brief was laid casually in my hands for examination. I read it, and therefore I listened to the discussion. Here is one of these large grants. In 1806, or thereabouts, a Spanish ensign applied to the lieutenant-colonel commanding at Santa Fé for a grant of land. Spain had a great deal of land and was generously at work giving it away, as we have been giving ours away, to promote settlements. The colonel ordered the alcalde of that region to go out and examine such land with a view to giving it away. The alcalde made a report that it could properly be done; and so the alcalde starts out with the twenty-six people who were to have lots of land given them, and proceeds in his quaint way to say:

> On the 1st of March, in this year 1808, I, Manuel Garcia de la Mora, chief alcalde of the town of La Canada, proceeded to the rancho of San Joaquin, and in view of, and in obedience to, the foregoing decree of Lieut. Col. Joaquin del Real Alencaster, governor of this royal province, I, said chief alcalde, proceeded to the Chama River cañon, called the San Joaquin cañon, accompanied by the twenty-five settlers, and there appearing also fourteen other citizens without land, and his excellency having given me verbal instructions to the effect that should other persons come forward to increase the settlement land should also be assigned to them, with the same rights as the others enjoy, and all the settlers being assembled, I proceeded with the distribution of the land to them, as appears from the quantities of land they received, noted in the list and certified by me—

Now, hear—

> and into the possession of which I placed them, taking them by the hand and leading each settler over his own piece of land, and placing him in possession in the name of the king, whom may God preserve! And they ran joyfully over the land, plucking up weeds and casting stones, and shouting aloud, "Long live the king that protects and helps us!"

That is the official document which is the title of these poor fellows to their land. This certificate is a part of the muniments of title in the case of one of these grants. It is not the great possession of one lord of the land, but is inhabited this day by hundreds of the descendants of the forty persons who were then put in possession by turf and twig as well as by written muniments of title. This very grant was some seven or eight years ago finally approved, and I should say that it was approved after a contest in the territory under Mexican control in 1832. It was also cordially approved years ago by our surveyor-general. It has been reported by the Secretary of the Interior to Congress several times; twice favorable reports were made upon it by committees of the House. I do not know whether they had a just title or not. I know nothing about it any further than I have stated. It has been surveyed, approved by the Interior Department, and sent here. It is not one man's grant; it is the possession of hundreds of people claiming under one original grant, and they are to be sent back now to bring a petition in their own behalf. That is a large possession. Who owns it now, or how many of them, I do not know. They can combine and one petition will answer for the whole of them. But in the case of these small farms I advise, and I think the distinguished Senator from Vermont [Mr. EDMUNDS] who is I suppose the father of this measure and will undoubtedly defend it now—I think the distinguished Senator from Vermont will advise a man in New Mexico who holds not

over 2,000 acres of land in the ordinary poverty of that land, in preference to going to the Territorial court, to the supreme court of the Territory, and to the Supreme Court of the United States under bond to pay expenses—I advise him, and I think, I say, he will advise him, to saddle his mustang and go to Mexico or to some region out of the reach of the Committee on Private Land Claims.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Senator from Michigan [Mr. CONGER].

Mr. EDMUNDS. I think I ought to say one word, although I dislike to do it situated as I am; but as I was a member of the Committee on Private Land Claims for several years when this bill was under consideration Congress after Congress, and always reported favorably and always passed by the Senate when it was reached by a very large majority, I think I ought to say a word or two.

The Committee on Private Land Claims and its members, in the course of the six or eight or ten years that the matter has been under consideration, have received a great many letters from the kind of settlers that my friend from Connecticut [Mr. HAWLEY] speaks of, the men of small holdings. Without a single exception, so far as I remember, all the possessors of these small holdings implore us by passing a bill of this character to secure them in their possessions against great and powerful people who wish to clean them out and everybody else. I think if my friend from Connecticut, in respect of the Cañon de Chama grant, were a little further informed he would find that a powerful person or a combination of persons claim to have become the proprietors of every one of those small holdings and of all the surrounding country within the exterior pasturage limits that the community was given, and wish to have the thing confirmed in a lump. Their point before us was not the trouble about the small settlers, but the eleven-league men. The small settler never has any eleven leagues nor any hundredth part of it. One gentleman who represented the Cañon de Chama grant—I thought I recognized the color of the paper when I saw my friend have it—gave the committee, when we were unable to see that a grant to a community of a right of pasturage left people who claimed to be the successors of those small holdings the owners in fee of the vast pasturage surrounding, fair notice, as he said, that while we might pass this bill through the Senate it should never become a law until we let them into the whole extent of their grand claim outside of the small holdings, which would not embrace five hundred acres altogether, which was of no possible account to them, upon the ground that a community right of pasturage granted to a town gave a legal title in fee to all the land over which the pasturage went when the settlers had long since abandoned their little holdings, and there was not any community left at all. So I think we may dismiss the Cañon de Chama.

The whole state of the case is just this, Mr. President: It is true, as it is true in every case where you are to ascertain rights, that some people will be put to expense that they can ill afford to bear. Justice can never be administered in any other way. It never has been, and it never will be. The only question is, how you can best administer it.

In respect of every one of these grants to small holders, as in the case of the Cañon de Chama, if there are any people left there now, one section of the bill provides for a single application in the name of the community (where there was a community grant that is done up all at once) and provides for every settler who has any rights left petitioning, without their all being obliged to bring their separate petitions. It all stands on the original grant, and whatever rights there are are provided for.

But the real difficulty with this bill, the real obstacle in respect of its progress, is the one that was so candidly stated to me; not the difficulties of these small holders, every one of whom that we have ever heard implores us to pass it for their protection against powerful influences, but the influence of gentlemen who wish to obtain (and they have a right to do it if they can) these enormous grants contrary to the policy and the laws both of Spain and of Mexico, and in the hope that if we do not limit it some things can happen that have happened so often before when there was no limitation of enormous grants being confirmed which turned out to be utter and entire frauds. We therefore thought it was better for the public interest, for the interest of these small holders, to limit the jurisdiction of this inquiry to what the laws of Spain and Mexico required in those cases, and if anybody could show a case where a larger grant ought to be confirmed, to let him come to Congress afterward and make his special case.

Now a word as to incomplete titles, and then I am done. There was great force in what my friend from Connecticut said in respect of forcing a man who had been in possession of his little holding, him and his ancestors, for two hundred years, and who had a complete title under the Spanish and the Mexican laws, to go to the expense of coming into court and proving it over again. While many of these larger holders, who wanted to get title under a patent by act of Congress, urged us most strongly to take in all grants, complete as well as incomplete, it seemed to us unjust, and that anybody who is willing to stand upon the title he had should not be obliged to bring it forward, but those who were willing to admit that they required some further action of the Government, that they had not got a complete title under Mexico or Spain, should come forward in order that the public and private ownership might be settled.

That is the whole of the story, and therefore, following the suggestion of my friend from Connecticut, or following that idea (he did not suggest it to us of course), we thought it was better to only apply the bill to the case of incomplete grants, and leave those who had good titles without being put to any expense.

Mr. HAWLEY. Will the Senator kindly allow me to ask, then, what are we to understand by the twenty-seventh, twenty-eighth, and twenty-ninth lines, on page 2, that the petitioner is to state "whether the said claim has heretofore been confirmed, considered, or acted upon by Congress?" If it has been confirmed by Congress, that drops the proceeding immediately.

Mr. EDMUNDS. That would dismiss the case at once; that would end it. In the other case it might happen that there was still another aspect of it, as we endeavored most carefully to provide for every contingency, where there was still in respect of one of these grants a question of boundary that a man claimed more than apparently he would be entitled to on the papers under his complete grant, and claimed there was an addition to it, so as to compel every claimant to state the whole history of his claim. Ordinarily it would happen, if he stated what the history of his claim was, that he had got a grant which by a simple application of Spanish and Mexican law would show the court where it was. If he had got the case which he brought forward, where it appeared to them that his claim was complete, they would drop it at once and say, "You are all right; it is not necessary to go on with this case at all; we have no jurisdiction over it." In other cases it might happen, and so we added that provision for both purposes, that a man who claimed that in respect of part of his grant his title had become complete, in respect of some other part, as to boundary or something, it was not, and he wanted that tried, so as to make an end of every point of dispute.

That was the object of it, and I submit to my friend from Connecticut that in that view it ought to be considered a good one.

Mr. HAWLEY. The Senator will allow me another suggestion—one I made in my remarks, but he did not notice it; he did not remember it, perhaps. I see here provided in section 11 of the bill—

> That all claims which are by the provisions of this act authorized to be prosecuted shall, after three years from the taking effect of this act, if no petition in respect to the same shall have been filed as hereinbefore provided, be deemed and taken, in all courts and elsewhere, to be abandoned, and shall be forever barred.

Suppose a manuel, somebody or other in one of those cañons, having been there a long time, considering his title to be absolutely secure, does not go at considerable expense and employ a United States citizen, a lawyer, to go up to court and give bond, but stays and attends to his own business, and there happens to be some little flaw in his title, something that might have been defended against. It is all very easily supposable. At the end of three years, this man in possession there, thus far undisputed possession, the claim is to be considered as forever abandoned and barred; it becomes United States property, falls under the Commissioner of the General Land Office, and is open to the ordinary operations of the land laws. Now, I do not think that is a fair proceeding; I think it would be a monstrous one, if I am right in my supposition.

Mr. EDMUNDS. It certainly is, as my friend from Connecticut, states it. It is the case of every man in a government of laws where other people's rights are concerned as well as his own, who happens to meet, as will sometimes occur, with misfortune just such as my friend has stated. It is very hard indeed in that case. That was the precise provision in the California land commission act, and it must be a provision in every act which makes an end of disputes. It has happened in more than one instance, I remember, though I do not remember the names of them, where exactly that thing has occurred that some poor settler away up in the mountains or somewhere did not come forward, although the law about California made claimants everywhere, with perfect as well as imperfect titles, come forward, and they were barred too, just the same. It happened that some people did not come forward. They appealed to Congress, and Congress in every instance where it appeared that their claim was a just one, made provision for it. It is one of those things that are necessary in respect of making an end of disputes so as to secure everybody in his possession, and to allow the rest of the land to be disposed of, that you shall have a limitation and a provision to end the affair; and it will happen always, if you take a large number of cases in this world, that there will be here and there one where it works very hard indeed.

Mr. HAWLEY. I understand perfectly well from the little law I have read what the law means by its being in the public interest that there shall be an end of litigation, but I submit that the committee in this case reversed all these operations. Why does not the committee say that if this Mexican manuel, in the cañon aforesaid, has been in peaceable possession twenty years he shall have acquired an absolute title. On the other hand, they say that if he does not come forward in three years and establish one he shall lose everything.

Mr. EDMUNDS. If my friend will pardon me, as he asks me the question, because we give him a law that we give to no other citizen of the United States. No man settling on the public lands of the United States gets any title by possession. That subject was considered

by the committee, and it was discussed whether it would not be better to say that any possession, after a long length of time, should be conclusive evidence of title; but that was contrary to the whole land policy of the United States from its foundation down to this day; and so we thought we were not justified in making an innovation of that character. That would be a question for the court on raising a presumption of his making out a good title if he had a long possession.

Mr. HAWLEY. But this is not a case of acquired title upon public lands of the United States. It is a simple transfer under the treaty of the Mexican there in lawful possession to us with his rights unimpaired. Our law of 1854 recognized that, and declared that all these claims should be left as they were, set-off and defined, and not included in United States land, for we promised by the treaty to hold them sacred as private property duly conveyed, the title to which had absolutely passed. I am not talking about acquiring possession of the United States lands against the Government or an adverse holding.

Mr. EDMUNDS. Every settler here has a title from the Government where he lives (take it Mexico before the acquisition of this territory), or he has not, and this is exactly one of the ways to find out on which side of the truth he stands, whether he has a title or not. We can not take the question in advance. If he has a title we protect him; if he has not a title and has not any rights which entitle him to have a title in equity and justice under the laws of Mexico, then we say, "the land you are on is the public land, and you have no right to it." The Mexican can acquire no title against his government by possession any more than the American citizen. The law is the same everywhere about that. There is the answer to that. It begs the very question.

The point is to find out whether a Mexican had a good title from his government or had a title that the government would have been bound to make good in the regular course of proceeding; and this tribunal is instituted to find out that thing. It is not necessary, therefore, to say there may be a case where the court will decide wrong; there may be a case where the man will fail to come forward when he has really got a good title and ought to be protected. That must happen everywhere in human affairs, and when such a case is presented as there have been from California Congress is only to do the best it can for him as a mere matter of grace and generosity and of duty, if it is within our reach; but the law must go on uniformly applied to everybody alike. The law merely provides for separating private rights from public rights, and that is all there is to it.

I admit, as my friend from Connecticut says, that it will happen, probably in one case in a hundred under this bill, as it did under the California law and all other laws, that some man will be wronged; as it happens in one case in a hundred in the great judicial tribunal next door to us that probably in one case in a hundred, if the same judges ten years afterward, looking over the same facts again or additional facts with those, would say, "We made a mistake; we decided the case wrong against this man." But that is the fault of human society, and we can not help it.

Now, I will say one word as to the act of 1854, which I think my friend from Connecticut puts a somewhat incorrect construction upon. I think on a careful reading of the whole of that act, and the history of all that had taken place before it in respect of the Louisiana purchase and the Florida lands, he will find that the act of 1854 was merely a public inquiry under the authority of Congress for the information of Congress in order that it might proceed to do what it thought was fit in all the cases or in each case.

Mr. HAWLEY. Certainly; I never claimed anything else.

Mr. EDMUNDS. It compelled no man to go before the surveyor-general; it authorized him to compel no man to come before him. He could summon a witness but he could not make him come. He had none of the powers of a court, except the power of a magistrate to administer an oath to anybody who was willing to take it. If he asked a question of a witness and the witness refused to answer, that was the end of it, he could not do anything about it.

It is a misconception to suppose that any rights have been acquired either as to proof or anything else under the act of 1854. We should have been very glad to have provided, if from our experience in such affairs it would have been safe, that all the affidavits and other things that were taken by the surveyor-general might be used over again; but we had found from sad experience in a study of all the history of transactions of this kind that that would open the door to frauds that all of us would be ashamed of in a very short time. Therefore we felt obliged to provide that this matter should be proved up anew where witnesses could be compelled to attend and testify and where they could be compelled to answer questions, and if they were dead then we went to the extent of saying that these affidavits of no more legal importance than that any one of us might give and totally inadmissible in a court of justice, might be received in order to promote, as far as we could in safety, the general interest of all these settlers.

Mr. HAWLEY. The treaty says that these Mexicans shall have all their rights and all their lands "without their being subjected on this account to any contribution, tax, or charge whatever." If the charge had been one incident only to a summons before a convenient tribunal established there, with a hearing and an end to it, even though it would have been a contribution levied then to establish a right on the part of the people we are guaranteed to protect, one could have said less; but the bill levies this contribution upon them: a trial in the lower court, an appeal from that trial, if it be favorable; a trial in the higher court, an appeal from that if it be favorable; a trial in the Supreme Court of the United States, unless the Attorney-General expressly prohibits it. I should like to know from the gentleman's experience (he knows much more about it than I do) what would be the probable charge to a Mexican of four to six years in the Territorial courts and about three years in the Supreme Court of the United States upon a land case, and how much one thousand acres of average New Mexico land would be worth to the man in comparison with that cost.

Mr. EDMUNDS. I can say as I have got into this debate (and I am sorry for it, because I do not like to do it), that relatively the cost would be considerably less than in attempting to get through Congress any private land claim or any other private claim of any kind by a citizen of the United States. But that is not a complete and an entirely fair answer; that is only relative. If it be necessary that Mexican citizens who had property when this territory was acquired, or claims to property, shall be called upon to perfect their titles, if they had any, to do them justice it is necessary that they should be called upon to do something about them. You can not force justice upon a man. It would be barbarous and wicked to proceed *ex parte* and say that the United States will proceed through its courts without any notice to these people and call upon them to bring forward their title and set up their claims. They are claims not of perfected property but claims upon the justice and legal obligation of the Government under the principles of public law to complete a transaction that they had not yet ended with the Government of which they were formerly citizens or subjects.

The reason for this appeal business I will tell my friend from Connecticut, and I am sure he will sympathize with it. In the Territories a great many people have said (and I am afraid sometimes with some truth, and if it happens once in twenty times that is enough) there is now and then a judge who is under some bias. The bias is generally against the small holder and in favor of the man who has a big mine, or a big ranch, or a big land speculation. We were afraid as a matter of justice to the men who threw stones and tossed grass and said "Long live the king," that their case might be magnified into an enormous thing by their selling out and covering a great deal of land, or else the other way. We provided, therefore, that when the single judge, for that is what it is in the district of the Territory, had gone through with the case, had taken all the testimony, made up his opinion on it, like a master in chancery, it should be brought before the full bench in order that judges from other parts of the Territory by consulting together might exercise some restraint and control over this one single disposition of what might be very important interests to the settlers and to the public interests of the United States. Thus we had been told sometimes (and there is sad experience in the Supreme Court of the United States; it runs all through the reports about these land cases) that a very large percentage even of those that were disposed of in the district courts of California, for instance, after they went to the district courts there, turned out to be very bad cases after all, and that the interests of the settlers and the small holders would become swamped by great combinations, fraudulent combinations on fraudulent titles. Then appeals were provided to be taken to the Supreme Court of the United States very much in the way that these are, only they were not required to be reported to the Attorney-General. Some appeals were taken, one notable one, where we are now called upon in the Committee on Private Land Claims to correct an error against one of these frauds, where an appeal was taken and was dismissed, as it was said, on the motion of a public officer of justice who was counsel for one of the claimants. That may not be true, but that is the story; and then we are called upon to make that good; the Supreme Court never got a chance to get hold of it.

We thought it was right for the public interest, for the safety of the settlers, and for the safety of the people of the United States, looking to the welfare of these Territories, to have every case from the supreme court of the Territory reported to the Attorney-General of the United States, and put in such a shape that no snap judgment should be got either way, in order to secure these great public interests that I am speaking of, and these small holders against great combinations. That is troublesome, I admit; but that every man may be protected in his rights, if he claims any, and that the public may be protected in their rights, you must have some means of accomplishing those purposes. We thought that that was the least obnoxious one that could be suggested, and if any better way could be named I certainly for one would be glad to adopt it.

Mr. HAWLEY. May I ask the Senator one question? He would appeal from his own court in the lowest instance through a general caution, a general fear of his own courts. Now, if he again loses his case in the higher courts, would it not be fair for him to pay the costs?

Mr. EDMUNDS. No, Mr. President, the appeal from the single judge to the three in the Territory or the four—there are perhaps only three in any of the Territories covered by this bill—is a thing that occasions no expense. It merely removes the papers, the evidence to all the judges together, like a report of a committee to this body, for review.

When that court has decided in favor of the claimant, then all there is—although my friend puts it in a strong and back-handed way—is that there shall be a report to the Attorney-General, so that the Department of Justice shall have its attention particularly called to each case and that no slip in the Department of Justice, no contrivance of clerks or anybody else, shall prevent the Supreme Court of the United States from reinvestigating that case if, on examination by the Department of Justice, it appears proper that they should do so. It is true, I repeat, that in some cases that will be hard and expensive, but our sad experience has shown that the interest of the settler, the interest of the small holder, the interest of the people of the United States who wish to settle on the public lands in the regular way, requires that we should put up every possible safeguard against the enormous frauds that have so often happened.

Mr. HAWLEY. I understand, then, that in the second trial in the Territory before the supreme court of the Territory it is not to cost anybody anything?

Mr. EDMUNDS. Very little.

Mr. HAWLEY. I will go there with my cases.

Mr. CONGER. When a case is sent to the courts why should not all the papers in the case in the Department, all the files connected with it, be sent to the courts. Is not that the usual provision of law? This is the first instance I know whereby the provision of law, all possible testimony of every description, as I have said before, is to be withheld from the court, unless it be the testimony of a witness who is dead. Now, the Senator from Vermont—I have asked his attention to this and he is going away just at the wrong time.

Mr. EDMUNDS. I will come back, then.

Mr. CONGER. He did not reply to any suggestions I made because perhaps they were unworthy of notice.

Mr. EDMUNDS. No; I was not in when my friend spoke.

Mr. CONGER. I want somebody on this committee to tell the Senate why every law referring cases pending in Congress, as these are, to some commission or court for adjudication has sent all papers and files in the case to have their proper weight as the court might think best, and why this of all others is excluded, and all the testimony is to be taken again.

Mr. EDMUNDS. Do you want an answer now?

Mr. CONGER. In a moment. From the beginning my objection was to this bill in that respect. I have reiterated, from time to time, the objection to that provision of this law; and whether it is so immaterial that it does not merit any response at all, or whether the whole practice of the Government heretofore in regard to the Court of Claims and special courts has been so wrong that it is changed now, I can not tell; but it seems to me to be a great hardship. Believing it to be so, I have honestly presented it here, and no one has ever said one word justifying such a provision so contrary to all rules.

Now, I have this to add, that under this bill with that clause stricken out the United States, through its officers, may dispute any testimony on file, may call any witness to disprove what is already on file among the proofs. There is no restriction upon it, and I say that the claimant should have the right to such files and surveys and testimony as he has taken for perhaps thirty years, and not have all swept away by this bill. I should like to know why not.

Mr. EDMUNDS. Mr. President, I most respectfully deny that there is any such rule of law or practice of the Government of the United States as my friend from Michigan describes, if I correctly understand him. I do not understand when a case is sent from a Department to the Court of Claims or from this body or the House of Representatives to the Court of Claims, that anything which goes there among the papers is evidence at all that would not be evidence if the party had produced it originally before that court. If it be a deed, a contract, a grant, a release, he can present it and have the benefit of it if he can prove that it is authentic. But I confess that my knowledge of law is so limited that I do not know any statute of the United States or any decision of any court which holds that when cases are sent to the Court of Claims affidavits that a claimant against the Treasury has presented are evidence there for any purpose whatever.

Mr. CONGER. I have not the law here, but I ask the Senator, if he will permit me, whether in the cases referred to the Court of Claims in later years under his administration there is not an express provision that the files and the papers in the case shall be sent to the Court of Claims and that they shall give such weight to them as shall seem to the court just; and there is the additional provision that additional testimony may be taken and presented to the court. That is the law.

Mr. EDMUNDS. I remember the first part of what my friend from Michigan says that all papers relating to any claim that goes to the Court of Claims, which are in the Departments, are to be sent to that court; but I do not remember the phrase that he adds that that court shall treat them as evidence, except upon the ordinary principles of law, that whatever would be evidence if the party presented it then and there would be evidence, and if it was not he would make it up. If my friend can show me any such absurdity as that, I should like to see it.

Mr. CONGER. I accept that invitation with great pleasure, because I have the statute right before me, and I dislike always to put my own individual words or my recollection in competition with the Senator from Vermont.

Mr. EDMUNDS. There is no competition; I only say I do not know any such law.

Mr. CONGER. I read from the statutes of the United States passed at the second session of the Forty-seventh Congress, page 485, chapter 116:

An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government.

That heading could very properly be applied to this bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt.

Mr. EDMUNDS. Yes; I remember it so far.

Mr. CONGER. That is what I have said, that these documents should all be presented to the court, and as this bill says the court should give them such weight as in their judgment they are entitled to. That is in this bill.

Mr. EDMUNDS. You did not read that in the statute.

Mr. CONGER. It is not in the statute.

Mr. EDMUNDS. I thought not.

Mr. CONGER. Of course it is not in the statute. By the bill which the gentleman reported, and which passed, all these papers are sent to the court, and they are to consider them as proof, vouchers, papers, statements; but in this bill is the additional provision that the court shall give them such weight as they are entitled to if the witness is dead.

Mr. EDMUNDS. That goes a great deal further than the act about the Court of Claims which the Senator has read. This bill goes a great deal further than that, because that bill only sends cases to the Court of Claims and they do not then make a final judgment. They only report to Congress. Even in that case the law that sends a claim to the Court of Claims does not provide what effect shall be given to that mass of papers, affidavits or whatever it may be. It says the court shall have those papers before them, but I could readily approve and I think I would have voted for it in that bill which provides that the whole shall again be reported to Congress, just like the surveyor-general of New Mexico was to do, that the court should take affidavits and anything else and that they should give weight to everything as far as they thought it entitled, because we finally rehear the whole thing, and as we have to rehear it, not on cross-examination but as a body going on probabilities, it was in the line of justice. But here Congress has nothing to do with the final re-establishment of these claims, leaves it to the judiciary, and leaving it to the judiciary we apply, as every country has done and must do, judiciary rules; that is, for the finding out of truth in the regular way where the witness can face the court and the cross-examining counsel and can be compelled to tell all that he knows, instead of a part of it.

Mr. CONGER. Now, Mr. President, for further comment upon what I have said and what the Senator from Vermont has said, I will read this provision, section 3, as it would stand if the words are stricken out which I have moved to strike out:

That the testimony which has been heretofore lawfully and regularly received by the surveyor-general of the proper Territory or State, or by the Commissioner of the General Land Office, upon all claims presented to them, respectively, shall be admitted in evidence in all trials under this act—

Leaving out "when the person testifying is dead"—

so far as the subject-matter thereof is competent evidence; and the court shall give it such weight as, in its judgment, under all the circumstances, it ought to have.

This provides, unlike the bill I have read and all other bills which I have examined, that the testimony shall be sent to the court, but it puts in a restriction that it shall not be used except where the person giving the testimony is dead. All live witnesses, all witnesses that can be cross-examined, all vouchers and documents, all living persons are shut out by this provision, and I have not yet heard any defense of it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. GARLAND. The Senator from Delaware who has charge of this bill has been called from the Senate on account of the illness of one of his children. He desires to be here during the progress of the bill. I move that the Senate proceed to the consideration of executive business.

Mr. BOWEN. Will the Senator give way a moment? As I understand the condition now, there is the original bill before the Senate and the substitute offered by the Senator from Michigan.

Mr. GARLAND. The pending question is on the amendment to section 3.

Mr. BOWEN. I wish to offer at this time a substitute for the original bill and for the one offered by the Senator from Michigan. I ask to have it printed.

The PRESIDING OFFICER. The proposed amendment of the Senator from Colorado will lie on the table and be printed.

Mr. GARLAND. I renew my motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 4, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Friday last was read and approved.

CORRECTIONS.

Mr. BISBEE. On last Friday I was paired with the gentleman from Texas [Mr. JONES] on the Fitz-John Porter bill. By inadvertence the pair was not reported to the Clerk. I ask that this statement shall be put in the RECORD. I would have voted "no," and Mr. JONES "ay."

Mr. HARDEMAN. On Friday I asked to be excused from voting on the Fitz-John Porter bill. I was denied the privilege, and then stated I should vote "ay." I am recorded as not voting. I ask that my name be recorded as having voted "ay."

The SPEAKER. Did the gentleman vote?

Mr. HARDEMAN. Yes, sir; after my request to be excused from voting was not granted, I voted. I wish to be entered either as excused or as having voted.

The SPEAKER. The Chair on Friday did not understand whether the gentleman voted or not. He rose and made a statement.

Mr. HARDEMAN. I said then if I could not be excused I would vote "ay."

The SPEAKER. The gentleman from Georgia states that he did vote and voted "ay." Is there objection to recording his vote?

There was no objection.

MEMBER SWORN IN.

Mr. CRISP. I rise to a question of privilege. My colleague from Georgia, Mr. HAMMOND, is in the House and desires to be sworn in.

Mr. N. J. HAMMOND appeared and qualified by taking the oath prescribed by section 1757 of the Revised Statutes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HILL, for ten days, on account of important business.

To Mr. HOWEY, from February 1 until the 7th instant, on account of important business.

To Mr. HEMPHILL, for three days, from February 1, on account of sickness in his family.

To Mr. POST, of Pennsylvania, for one week, on account of important business.

To Mr. SINGISER, until Tuesday, February 5, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. VANCE, by unanimous consent, leave was granted to withdraw from the files of the House the petition of North Carolina Cherokee Indians, dated Tahlequah, December 1, 1881, for final settlement with the United States and for reimbursement of moneys for lands in North Carolina.

E. H. GEORGE AND H. W. WALKER.

Mr. ERMENTROUT. I desire to make a privileged report from the Committee on Accounts, and ask for its immediate consideration.

The Clerk read the report, as follows:

The Committee on Accounts, to which was referred the following resolution—

"*Resolved*, That the Clerk of the House be directed to pay out of the contingent fund of the House to E. H. George the sum of $125, and H. W. Walker the sum of $250, the said compensation being for services rendered in closing and opening new books in the office of the Sergeant-at-Arms and preparing mileage reports for payment"—

respectfully report that they have carefully considered the same, and ask its passage.

The SPEAKER. The question is on agreeing to the resolution reported by the Committee on Accounts.

The resolution was adopted.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DUNN. I ask unanimous consent to present and have printed in the RECORD a very short petition.

Mr. COX, of North Carolina. I object.

COMMITTEE CHANGES AND ADDITIONS.

The SPEAKER. The Chair announces some additions to the committees authorized by resolutions of the House and some changes in committee assignments. The Chair desires to state that the changes have been made by request of the members affected by them.

On Rivers and Harbors, Mr. JOHN R. THOMAS, of Illinois, in place of Mr. JONATHAN CHACE, of Rhode Island.

On Foreign Affairs, Mr. W. W. EATON, of Connecticut, in place of Mr. GEORGE D. WISE, of Virginia.

On Naval Affairs, Mr. GEORGE D. WISE, of Virginia, in place of Mr. W. W. EATON, of Connecticut.

On District of Columbia, Mr. NICHOLAS E. WORTHINGTON, of Illinois, Mr. FRANCIS W. ROCKWELL, of Massachusetts.

On Education, Mr. FRANCIS W. ROCKWELL, of Massachusetts, in place of Mr. SETH L. MILLIKEN, of Maine.

On Levees and Improvements of the Mississippi River, Mr. JONATHAN CHACE, of Rhode Island, in place of Mr. JOHN R. THOMAS, of Illinois.

On Committee on Expenditures in the State Department, Mr. GEORGE R. DAVIS, of Illinois, in place of Mr. WILLIAM T. PRICE, of Wisconsin.

On Expenditures in the Department of Justice, Mr. CHARLES F. CRISP, of Georgia, Mr. SETH L. MILLIKEN, of Maine.

On the Select Committee on Alcoholic Liquor Traffic, Mr. WILLIAM T. PRICE, of Wisconsin, in place of Mr. GEORGE R. DAVIS, of Illinois.

AGRICULTURAL COLLEGES.

Mr. HOUK. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Whereas by an act of Congress approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," many of the States and Territories of the United States received grants of public lands "for the endowment and maintenance of at least one college, where the leading object shall be, without excluding scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."

And whereas a number of institutions have availed themselves of the benefits of this fund and it is doubtful whether in some instances the true intent and purpose of this act of Congress is carried out by promoting or endeavoring to promote as the leading object "the liberal and practical education of the industrial classes in the several pursuits and professions of life:" Therefore,

Be it resolved, That the Committee on Education be specially charged with the duty of inquiring into the working and management of such institutions as may be using the fund so appropriated, and of reporting specifically in the case of each; also to recommend such measures as will secure to the industrial classes the benefits intended by such act.

Resolved, That said committee shall have full power to send for persons and papers and witnesses, and to exercise all other powers requisite to the making of a thorough investigation into the facts in each case.

The SPEAKER. Is there objection to the present consideration of the resolution just read?

Objection was made.

Mr. HOUK. I believe if the House will hear me for one moment the objection would be withdrawn. The adoption of this resolution can do no one any harm, and under it we can certainly ascertain whether this fund is properly used for the purposes for which it was appropriated. I have reason to believe that in some colleges it is not so used.

Mr. MONEY. I call for the regular order.

The SPEAKER. The call for the regular order is in the nature of an objection.

Mr. HOUK. Then I ask that the resolution be referred to the Committee on Education.

There was no objection, and the resolution was referred accordingly.

SMOKING IN THE HALL.

The SPEAKER. Complaint has been made to the Chair that there is smoking on the floor of the House. The Chair desires to call the attention of members to the rule, which will be read by the Clerk, and to state that he will instruct the officers of the House to see that it is rigidly enforced.

The Clerk read as follows:

While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause. (Rule XIV, clause 7.)

Mr. KASSON. I hope that rule will be enforced.

MARSHALS OF WEST VIRGINIA.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a reply to a resolution of the House of Representatives asking for complete lists of marshals and deputy marshals in West Virginia for 1882 and 1883, adopted January 21, 1884.

Mr. GIBSON. I would like to have that communication referred to the Committee on Expenditures in the Department of Justice. It is proposed to follow it up with some other resolutions which have been referred to that committee.

The SPEAKER. It will take that course; the Chair thinks that is the proper reference.

The communication was accordingly referred to the Committee on Expenditures in the Deparment of Justice.

CONTINGENT FUND OF NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting a detailed statement of the expenditures of the contingent fund for the Navy Department, &c., for the fiscal year ending June 30, 1883; which was referred to the Committee on Expenditures in the Navy Department.

BUREAU OF CONSTRUCTION AND REPAIR.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, asking for a deficiency appropriation for the Bureau of Construction and Repair; which was referred to the Committee on Appropriations.

CONSULAR FEES, ETC.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting a statement of fees collected, accounted for, and reported by the various diplomatic and consular officers of the United States during the fiscal year 1882–'83, together with a tariff of consular fees and a full list of consular offices; which was referred to the Committee on Appropriations, and ordered to be printed.

CHIPPEWA INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a copy of a communication from the Commissioner of Indian Affairs, submitting papers and reports of Messrs. Marshall, Gilfillan, and Sibley, appointed December 22, 1882, to re-examine and ascertain the damages occurred to the Chippewa Indians residing upon Lake Winnebagoshish and Leech reservations, in Minnesota, &c.; which was referred to the Committee on Indian Affairs.

EMPLOYÉS OF STATE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting the names of all persons employed in his Department, and recommending no change in the clerks and other employés; which was referred to the Committee on Expenditures in the State Department.

NEW YORK SHIPPING COMMISSIONER.

Mr. REAGAN. I desire to submit a privileged report from the Committee on Commerce. That committee, to which was referred a resolution of inquiry, instruct me to report the same back to the House and recommend that it be adopted.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to this House what sum or sums have been paid into the Treasury by the shipping commissioner of the port of New York under the act of Congress passed June 7, 1872, entitled "An act to authorize the appointment of shipping commissioners," &c.

The resolution was adopted.

Mr. REAGAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MONEY. I renew the call for the regular order.

The SPEAKER. The regular order being called for, this being Monday, the Chair will proceed to call the States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. Under this call memorials and resolutions of State and Territorial Legislatures are in order; also resolutions calling for executive information for reference to their appropriate committees.

ALGERNON M. COOK.

Mr. HERBERT introduced a bill (H. R. 4387) for the relief of Algernon M. Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOURNING KETLER.

Mr. HERBERT also introduced a bill (H. R. 4388) for the relief of Mourning Ketler; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

LOUIS STALLINGS.

Mr. HERBERT also introduced a bill (H. R. 4389) for the relief of Louis Stallings; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

REFUND OF PUBLIC-LAND PAYMENTS.

Mr. HERBERT also introduced a bill (H. R. 4390) prescribing the proof to be made on applications for the refund of moneys paid for lands erroneously entered; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AMENDMENT OF RULES.

Mr. OATES. The resolution which I send to the desk is submitted for reference to the Committee on Rules at the unanimous request of the Committee on the Revision of the Laws.

The resolution was read, as follows, and referred to the Committee on Rules:

Resolved, That subdivision 3 of Rule XI be, and the same is hereby, amended so as to read as follows, to wit: "To the revision and codification of the statutes of the United States and to the amendment and revision of statutes which do not peculiarly appertain to the jurisdiction of other committees other than the Judiciary."

JURISDICTION OF UNITED STATES COURTS.

Mr. PEEL, of Arkansas, introduced a bill (H. R. 4391) to amend section 2, chapter 137, Statutes at Large, of an act entitled "An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RAILROAD FROM LAKE SUPERIOR TO PUGET SOUND.

Mr. ROGERS, of Arkansas (by request), introduced a bill (H. R. 4392) supplementary to an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific coast, by the northern route," approved July 2, 1864; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

NATHANIEL JOHNSON COFFIN.

Mr. HENLEY (by request) introduced a bill (H. R. 4393) granting arrears of pension to Lieut. Nathaniel Johnson Coffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DIRECT TAX OF 1861.

Mr. HENLEY also submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to furnish the House of Representatives with a tabulated statement showing as follows, to wit: The amount of money apportioned to and assessed upon the several States and Territories and District of Columbia under the act of Congress approved August 5, 1861, and acts supplemental thereto and amendatory thereof; the amount paid by and allowed to each thereof, with dates of each respective payment and allowance; the amount of the credits on account of the 10 and 15 per cent. deduction named in said acts, and dates of each of such credits; the amount of credits allowed each thereof from other sources, stating the source and nature and authority of such credits and dates thereof, respectively; the total amount after deducting all such credits, allowances, and deductions; the total amount paid by and the total amount due by each and all thereof, respectively, and now remaining unpaid, including all taxes, collected and uncollected, proceeds from sales for non-payment of taxes, including amounts bid in excess of taxes, purchase-money refunded, and balance of proceeds from sales, as shown by the records of his Department at this date.

POST QUARTERMASTER-SERGEANTS.

Mr. ROSECRANS introduced a bill (H. R. 4394) for the appointment of post quartermaster-sergeants in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES T. MARTIN.

Mr. ROSECRANS also introduced a bill (H. R. 4395) for the relief of Charles T. Martin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB ABELE.

Mr. ROSECRANS also introduced a bill (H. R. 4396) granting a pension to Jacob Abele; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMUNICATION BETWEEN UPPER MISSOURI AND COLUMBIA RIVERS.

Mr. BELFORD introduced a bill (H. R. 4397) to authorize a preliminary examination and survey of the passes between the Upper Missouri and Columbia Rivers, for the purpose of ascertaining the distances between the navigable waters of said rivers and the practicability of uniting said rivers by canals or otherwise; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

SETTING ASIDE OF FRAUDULENT LAND PATENTS.

Mr. BELFORD also introduced a bill (H. R. 4398) directing the Attorney-General to institute proceedings touching mines or mill-sites where the patent has been fraudulently obtained; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ALBUQUERQUE, N. MEX.

Mr. BELFORD also introduced a bill (H. R. 4399) to confirm the title of the residents thereof to the town or community grant of the town of Albuquerque, N. Mex., and for the allotment and disposition of the lands in said grant; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DISTRIBUTION OF GENEVA AWARD.

Mr. EATON (by request) introduced a bill (H. R. 4400) to define and supplement an act entitled "An act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIBERY IN ELECTIONS.

Mr. EATON (by request) also introduced a bill (H. R. 4401) to punish officers of the Government and others for the illegal use of money or other thing of value in elections, and for other purposes; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

DANIEL CUSICK.

Mr. WAIT introduced a bill (H. R. 4402) granting a pension to Daniel Cusick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELLEN CALL LONG AND MRS. MARY K. BREVARD.

Mr. DAVIDSON introduced a bill (H. R. 4403) for the relief of Mrs. Ellen Call Long and Mrs. Mary K. Brevard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HERMAN RUGE.

Mr. DAVIDSON also introduced a bill (H. R. 4404) for the relief of Herman Ruge; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MALLORY LOT, AT KEY WEST, FLA.

Mr. DAVIDSON also introduced a bill (H. R. 4405) for the purchase of the Mallory lot, at Key West, Fla., for naval purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PUBLIC BUILDING, TALLAHASSEE, FLA.

Mr. DAVIDSON also introduced a bill (H. R. 4406) for a public building at Tallahassee, Fla.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RELIEF OF DISABILITY.

Mr. BISBEE introduced a bill (H. R. 4407) to relieve private soldiers in the United States Army from disabilities imposed by section 1218 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OFFICES AND DUTIES OF PRESIDENT AND VICE-PRESIDENT.

Mr. HAMMOND introduced a bill (H. R. 4408) to amend the Constitution as to the offices and duties of the President and Vice-President of the United States; which was read a first and second time.

The SPEAKER. It would seem this bill should be referred to the Committee on the Judiciary.

Mr. HAMMOND. I move its reference to the Select Committee on Law respecting Election of President and Vice-President.

The SPEAKER. In the opinion of the Chair the proper reference would be to the Judiciary Committee.

Mr. HAMMOND. I much prefer the reference to the Committee on the Judiciary, and will submit that motion.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF CAUSES.

Mr. HAMMOND also introduced a bill (H. R. 4409) to amend section 643 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTEREST ON JUDGMENTS.

Mr. HAMMOND also introduced a bill (H. R. 4410) to amend section 1090 of the Revised Statutes relating to interest on judgments rendered by the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADMINISTRATION OF OATHS.

Mr. HAMMOND also introduced a bill (H. R. 4411) to amend section 101 of the Revised Statutes of the United States so as to allow the chairman of a subcommittee of a committee of either House to administer oaths; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HANNAH SIMS.

Mr. CANDLER (by request) introduced a bill (H. R. 4412) for the relief of Hannah Sims; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN M. RICH.

Mr. CANDLER (by request) also introduced a bill (H. R. 4413) for the relief of John M. Rich; which was read a first and second time, referred to the Committe on War Claims, and ordered to be printed.

PAY DEPARTMENT OF THE ARMY.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 4414) concerning the Pay Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY SLAUGHTER.

Mr. MOULTON introduced a bill (H. R. 4415) to increase the pension of Henry Slaughter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TARIFF.

Mr. MORRISON introduced a bill (H. R. 4416) to reduce import duties and war-tariff taxes; which was read a first and second time.

Mr. MORRISON. I move its reference to the Committee on Ways and Means.

Mr. McKINLEY and Mr. CONVERSE asked for the reading of the bill.

The bill was read *in extenso*.

The bill was referred to the Committee on Ways and Means, and ordered to be printed.

JACOB MILLER.

Mr. CULLEN introduced a bill (H. R. 4417) granting a pension to Jacob Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT NEWMAN.

Mr. CANNON introduced a bill (H. R. 4418) for the relief of Robert Newman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISAIAH HUMRICKHOUSER.

Mr. CANNON also introduced a bill (H. R. 4419) for the relief of Isaiah Humrickhouser; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES S. ROBERTS.

Mr. RIGGS introduced a bill (H. R. 4420) granting a pension to James S. Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES C. WHITESIDE.

Mr. RIGGS also introduce a bill (H. R. 4421) for the relief of Charles C. Whiteside; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. DAVIS.

Mr. RIGGS also introduced a bill (H. R. 4422) to increase the pension of William B. Davis, a soldier in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EDWARD T. CLINE.

Mr. NEECE introduced a bill (H. R. 4423) granting a pension to Edward T. Cline; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEREMIAH MOYNIHAN.

Mr. NEECE also introduced a bill (H. R. 4424) granting a pension to Jeremiah Moynihan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GILES C. HAWLEY.

Mr. NEECE also introduced a bill (H. R. 4425) to amend the military record of Giles C. Hawley and to place his name upon the pension-roll; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES P. GRIFFITH.

Mr. TOWNSHEND introduced a bill (H. R. 4426) granting an increase of pension to James P. Griffith, Company I, Forty-eighth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES J. LYELL.

Mr. TOWNSHEND also introduced a bill (H. R. 4427) granting a pension to James J. Lyell, Company G, Eleventh Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROMULUS J. MOSS.

Mr. TOWNSHEND also introduced a bill (H. R. 4428) granting a pension to Romulus J. Moss, captain of Company A, Fourth United States Colored Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. O. HARDING.

Mr. PEELLE, of Indiana, introduced a bill (H. R. 4429) for the relief of J. O. Harding, late sergeant and acting lieutenant of Company C, Seventy-ninth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES C. WHEAT.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 4430) granting a pension to James C. Wheat, late private Company B, Forty-ninth Regiment Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEROY C. RANKIN.

Mr. MATSON introduced a bill (H. R. 4431) granting a pension to

Leroy C. Rankin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RENT OF POST-OFFICES.

Mr. WOOD introduced a bill (H. R. 4432) to empower the Postmaster-General to rent or purchase post-office room for postmasters of the third class as designated in the Postal Regulations; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SILAS QUACKENBUSH.

Mr. WARD introduced a bill (H. R. 4433) for the relief of Silas Quackenbush; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM PIKE.

Mr. WARD also introduced a bill (H. R. 4434) for the relief of William Pike; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES FROSCHAEUR.

Mr. LAMB introduced a bill (H. R. 4435) granting a pension to James Froschaeur; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MIAMI INDIANS OF INDIANA.

Mr. STEELE introduced a bill (H. R. 4436) to reimburse the Miami Indians of Indiana for moneys improperly taken from them; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AUSTIN P. COX.

Mr. COBB introduced a bill (H. R. 4437) for the relief of Austin P. Cox; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER SPENCER.

Mr. COOK introduced a bill (H. R. 4438) for the relief of Alexander Spencer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. WALLACE.

Mr. COOK also introduced a bill (H. R. 4439) granting a pension to John R. Wallace; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BOSTATER.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 4440) for the relief of John Bostater; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMY L. DE WITT.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 4441) for the relief of Amy L. De Witt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCES H. PLUMMER.

Mr. HEPBURN introduced a bill (H. R. 4442) for the relief of Frances H. Plummer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD W. BARNES.

Mr. PUSEY introduced a bill (H. R. 4443) for the relief of Richard W. Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES A. MALLORY.

Mr. WILSON, of Iowa, introduced a bill (H. R. 4444) for the relief of Charles A. Mallory; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. L. QUACKENBUSH.

Mr. WILSON, of Iowa, also introduced a bill (H. R. 4445) for the relief of C. L. Quackenbush; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTIONS 2970 AND 2983 REVISED STATUTES.

Mr. KASSON introduced a bill (H. R. 4446) to amend sections 2970 and 2983 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMENDMENT OF RULES.

Mr. KASSON also submitted the following resolution; which was read, and referred to the Committee on the Rules:

Resolved, That the third paragraph of Rule XXI be amended by striking out all after the word "progress," in line 5, and inserting in lieu thereof the following: "not including propositions for the increase of salaries: *Provided*, That it shall be in order further to amend such bill upon the recommendation of the committee having jurisdiction of the subject-matter of the amendment proposed, the same being germane to the clause of the bill affected thereby."

SALE OF PACIFIC RAILROADS.

Mr. ANDERSON introduced a bill (H. R. 4447) to prevent the sale of certain Pacific railroads before certain United States bonds, with interest, shall have been fully paid; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

ROBERT R. HUGHES.

Mr. RYAN introduced a bill (H. R. 4448) for the relief of Robert R. Hughes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. L. WHITAKER.

Mr. MORRILL introduced a bill (H. R. 4449) for the relief of J. L. Whitaker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROMOTION OF AGRICULTURE.

Mr. HANBACK introduced a bill (H. R. 4450) for the promotion of agriculture, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

FORT HAYS, KANSAS.

Mr. HANBACK also introduced a bill (H. R. 4451) to provide for the disposition of a portion of the Fort Hays military reservation, in the State of Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. W. PATTERSON.

Mr. PETERS introduced a bill (H. R. 4452) for the relief of J. W. Patterson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. SIMMONS.

Mr. PETERS also introduced a bill (H. R. 4453) granting an increase of pension to William H. Simmons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOMESTEADS.

Mr. PETERS also introduced a bill (H. R. 4454) to amend section 2290 of chapter 5 of the Revised Statutes of the United States in relation to homesteads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DAVID A. HAWK.

Mr. PETERS also introduced a bill (H. R. 4455) to remove the charge of desertion from the military record of David A. Hawk; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POTTAWATOMIE INDIANS.

Mr. PERKINS introduced a bill (H. R. 4456) to enable the Secretary of the Interior to make settlement with the Pottawatomie Indians residing in Kansas and the Indian Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

J. G. CRAWFORD.

Mr. PERKINS also introduced a bill (H. R. 4457) granting a pension to J. G. Crawford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARLAN JACKSON.

Mr. PERKINS also introduced a bill (H. R. 4458) granting a pension to Harlan Jackson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB JOHNSON.

Mr. CLAY introduced a bill (H. R. 4459) for the relief of Jacob Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OFFICIAL TERMS, ETC.

Mr. WILLIS introduced a bill (H. R. 4460) to repeal sections of the Revised Statutes restricting the term of certain officers to four years, and for other purposes; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

MRS. FRANCES MARSHALL.

Mr. WILLIS also introduced a bill (H. R. 4461) for the relief of Mrs. Frances Marshall, widow of General Humphrey Marshall, of Louisville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THIERMAN & FROST.

Mr. WILLIS also introduced a bill (H. R. 4462) for the relief of Thierman & Frost, of Louisville, Ky.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

C. E. COUTY.

Mr. WILLIS also introduced a bill (H. R. 4463) for the relief of C. E. Couty, of Louisville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS BAILEY.

Mr. WILLIS also introduced a bill (H. R. 4464) granting a pension to Thomas Bailey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS GRAY.

Mr. WILLIS also introduced a bill (H. R. 4465) granting a pension to Silas Gray, dependent father of John M. Gray, of Louisville, Ky.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SELBY.

Mr. WILLIS also introduced a bill (H. R. 4466) granting a pension to John Selby, dependent father of George Selby, of Louisville, Ky.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT MAYSVILLE, KY.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 4467) for the erection of a public building in the city of Maysville, Ky.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM BUCKNER.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 4468) for the relief of William Buckner, of Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW S. HERRON.

Mr. LEWIS introduced a bill (H. R. 4469) for the relief of the heirs of the late Andrew S. Herron, late Representative-elect from the State of Louisiana; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JOEL S. ROGERS.

Mr. MILLIKEN introduced a bill (H. R. 4470) to rerate the pension of Joel S. Rogers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEFFERSON SAVAGE.

Mr. MILLIKEN also introduced a bill (H. R. 4471) for the relief of Jefferson Savage; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SETTLERS ON PUBLIC LANDS.

Mr. MILLIKEN also introduced a bill (H. R. 4472) for the relief of settlers on the public lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LEVI HERZOG.

Mr. HOBLITZELL introduced a bill (H. R. 4473) for the relief of Levi Herzog; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY LUCKETT.

Mr. FINDLAY introduced a bill (H. R. 4474) for the relief of Mary Luckett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. KRANTZ.

Mr. McCOMAS introduced a bill (H. R. 4475) granting a pension to William H. Krantz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNE R. VOORHEES.

Mr. HOLTON introduced a bill (H. R. 4476) granting a pension to Anne R. Voorhees; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN R. BOND.

Mr. HOLTON also introduced a bill (H. R. 4477) for the relief of John R. Bond, late of the United States Navy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HATTIE HOYT.

Mr. RUSSELL introduced a bill (H. R. 4478) for the relief of Hattie Hoyt; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LIEUT. JOHN C. RHOADES.

Mr. RUSSELL (by request) also introduced a joint resolution (H. Res. 146) conferring naval appointment on Lieut. John C. Rhoades; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

STAFF OFFICERS OF THE NAVY.

Mr. MORSE introduced a bill (H. R. 4479) to equalize the rank and pay of certain staff officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RETIREMENT OF NAVAL OFFICERS.

Mr. MORSE also introduced a bill (H. R. 4480) to authorize the retirement of officers of the Navy after thirty years' honorable service; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. COLLINS introduced a bill (H. R. 4481) to amend section 3013 of the Revised Statutes; which was read a first and second time, referred to the Committee on Revision of the Laws, and ordered to be printed.

LIFE-SAVING STATIONS.

Mr. LONG introduced a bill (H. R. 4482) to establish life-saving stations at Gay Head and Point Allerton, Massachusetts; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REVENUE-MARINE SERVICE.

Mr. LONG (by request) also introduced a bill (H. R. 4483) to promote the efficiency of the revenue-marine service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDINGS AT EAST SAGINAW, MICH.

Mr. HORR introduced a bill (H. R. 4484) for the erection of a public building in the city of East Saginaw, Mich.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HARBOR OF REFUGE, LAC LA BELLE, MICHIGAN.

Mr. BREITUNG introduced a bill (H. R. 4485) to provide for the survey of Lac la Belle, on Keweenaw Point, in the State of Michigan, for the purpose of a harbor of refuge; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

UNITED STATES COURTS IN MICHIGAN.

Mr. HATCH, of Michigan, introduced a bill (H. R. 4486) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. ELDRIDGE introduced a bill (H. R. 4487) to donate condemned cast-iron cannon and cannon-balls to Post No. 41, Grand Army of the Republic, Department of Michigan, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RICHARD UNDERWOOD.

Mr. YAPLE introduced a bill (H. R. 4488) granting a pension to Richard Underwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. WASHBURN introduced a bill (H. R. 4489) to authorize the construction of a highway bridge across the Mississippi River at Anoka, Minn., above the Falls of Saint Anthony; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ZENIA BANKER.

Mr. WAKEFIELD introduced a bill (H. R. 4490) for the relief of Zenia Banker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WADDAMS.

Mr. WAKEFIELD also introduced a bill (H. R. 4491) for the relief of John Waddams; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. PAULINE E. AND CHARLES MILLIKEN.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 4492) for the relief of Mrs. Pauline E. Milliken and Charles Milliken; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 4493) granting a pension to all persons who served in the Army or Navy of the United States in any war who were honorably discharged and who have not received a pension; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MAIL CONTRACTS.

Mr. MONEY introduced a bill (H. R. 4494) to regulate the letting of mail contracts; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CHARLES H. JOHNSON.

Mr. SINGLETON introduced a bill (H. R. 4495) for the relief of Charles H. Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL HERD.

Mr. SINGLETON also introduced a bill (H. R. 4496) for the relief of

Samuel Herd, of Scott County, in the State of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILEY A. PULLIN.

Mr. SINGLETON also introduced a bill (H. R. 4497) for the relief of Wiley A. Pullin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES G. GILMER.

Mr. SINGLETON also introduced a bill (H. R. 4498) for the relief of Charles G. Gilmer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TURNER BOBBITT.

Mr. SINGLETON also introduced a bill (H. R. 4499) for the relief of Turner Bobbitt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HELEN LOGGINS.

Mr. SINGLETON also introduced a bill (H. R. 4500) for the relief of Helen Loggins, administratrix of estate of Tillman Loggins, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PASCHAL D. HAMMACK.

Mr. SINGLETON also introduced a bill (H. R. 4501) for the relief Paschal D. Hammack; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM HESTER.

Mr. BARKSDALE introduced a bill (H. R. 4502) for the relief of William Hester, postmaster at Terry, Miss.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY E. HOLTZMAN.

Mr. MULDROW (by request) introduced a bill (H. R. 4503) for the relief of Mary E. Holtzman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIAS CLEVELAND.

Mr. ALEXANDER introduced a bill (H. R. 4504) for the relief of Elias Cleveland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS.

Mr. COSGROVE introduced a bill (H. R. 4505) to extend the provisions of an act approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MISSOURI RIVER COMMISSION.

Mr. GRAVES introduced a bill (H. R. 4506) to provide for the appointment of a Missouri River commission for the improvement of said river from its mouth to its headwaters; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UTAH EXPEDITION.

Mr. GRAVES also introduced a bill (H. R. 4507) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. SARAH COX.

Mr. GRAVES also introduced a bill (H. R. 4508) for the relief of Mrs. Sarah Cox; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MISSOURI LAND GRANTS.

Mr. CLARDY introduced a bill (H. R. 4509) granting to the State of Missouri certain public lands heretofore granted that State to aid in the construction of railroads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. BUCKNER (by request) introduced a bill (H. R. 4510) authorizing the construction of a bridge across the Mississippi River at or near the Chain of Rocks, in the northern part of the city of Saint Louis, Mo.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GABRIEL NEUDECKER.

Mr. BUCKNER (by request) also introduced a bill (H. R. 4511) to extend patent of Gabriel Neudecker for process of preparing tobacco for manufacture; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ALEXANDER SMILEY.

Mr. DAVIS, of Missouri, introduced a bill (H. R. 4512) for the relief of Alexander Smiley; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN A. HAWK.

Mr. DOCKERY (by request) introduced a bill (H. R. 4513) for the relief of John A. Hawk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER CLOUD.

Mr. FYAN introduced a bill (H. R. 4514) for the relief of Alexander Cloud; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROLLY WEST.

Mr. BLAND introduced a bill (H. R. 4515) for the relief of Rolly West; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK HESS.

Mr. BLAND also introduced a bill (H. R. 4516) for the relief of Frederick Hess; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 4517) providing for the condemnation of lands and materials for purposes of Mississippi River improvement; which was read a first and second time, referred to the Committee on Levees and Improvements of the Mississippi River, and ordered to be printed.

JURISDICTION OF MISSISSIPPI RIVER COMMISSION.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 4518) defining the powers and jurisdiction of the Mississippi River Commission, and authorizing the appropriation of land and material for the improvement of the Mississippi River and its navigable tributaries, prescribing the manner of assessing damages for property so appropriated, and providing penalties for acts in hinderance or injury of such improvements; which was read a first and second time, referred to the Committee on Levees and Improvements of the Mississippi River, and ordered to be printed.

E. PENROD.

Mr. CASSIDY introduced a bill (H. R. 4519) for the relief of E. Penrod; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

B. REINHART & CO.

Mr. CASSIDY also introduced a bill (H. R. 4520) for the relief of B. Reinhart & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES D. ROBERTS.

Mr. CASSIDY also introduced a bill (H. R. 4521) for the relief of James D. Roberts; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. J. TURNER.

Mr. CASSIDY also introduced a bill (H. R. 4522) for the relief of A. J. Turner and the heirs of Samuel Turner, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PHILIP FELSENTHAL.

Mr. CASSIDY also introduced a bill (H. R. 4523) for the relief of Philip Felsenthal; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

D. O. ADKINSON.

Mr. CASSIDY also introduced a bill (H. R. 4524) for the relief of D. O. Adkinson, postmaster at Virginia City, Nev.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE BRITTON.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 4525) granting an increase of pension to George Britton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANN CORBIN.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 4526) granting a pension to Mrs. Ann Corbin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LISSETTA W. SPAULDING.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 4527) granting a pension to Lissetta W. Spaulding; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN RAMSEY.

Mr. MCADOO introduced a bill (H. R. 4528) for the relief of John Ramsey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MEDALS FOR SURVIVORS SLOOP-OF-WAR CUMBERLAND.

Mr. MCADOO also introduced a bill (H. R. 4529) to provide proper

medals for the survivors of the officers and crew of the United States sloop-of-war Cumberland; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PATRICK FOLEY.

Mr. KEAN introduced a bill (H. R. 4530) granting an increase of pension to Patrick Foley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD P. VOLLUM.

Mr. ROBINSON, of New York, introduced a bill (H. R. 4531) for the relief of Edward P. Vollum; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HUGH O'NEIL.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 4532) granting a pension to Hugh O'Neil; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EXPORT TAX ON COTTON.

Mr. ROBINSON, of New York, also introduced a joint resolution (H. Res. 147) proposing an amendment to the Constitution of the United States providing that an export tax such as Congress may deem just and proper for the encouragement of the home manufacture of our domestic products may be laid on raw or unmanufactured cotton.

Mr. ROBINSON, of New York. I ask that the joint resolution which I have introduced may be read at length for the information of the House.

The joint resolution was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

STEAMBOAT INSPECTION SERVICE.

Mr. COX, of New York, introduced a bill (H. R. 4533) to amend section 4488 of the Revised Statutes governing the steamboat inspection service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

VETTERLIN & CO.

Mr. COX, of New York, also introduced a bill (H. R. 4534) for the relief of the creditors of Theodore H. Vetterlin and Bernard T. Vetterlin, bankrupts, individually and as copartners in New York under the firm name of Theodore H. Vetterlin & Sons, and in Philadelphia under the firm name of Vetterlin & Co., and to release the interest of the United States in the remaining assets belonging to the estate of the said bankrupts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPORT LAWS.

Mr. COX, of New York, also introduced a joint resolution (H. Res. 148) to interpret the effect of certain revised statutes as to imports, &c.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. COX, of New York, also introduced a joint resolution (H. Res. 149) giving consent of Congress for the erection of a bridge over the Hudson River and to constitute the same a post-road; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COL. GUY V. HENRY.

Mr. WADSWORTH introduced a bill (H. R. 4535) for the relief of Col. Guy V. Henry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SECOR & CO.

Mr. DORSHEIMER (by request) introduced a bill (H. R. 4536) for the relief of Secor & Co. and Zeno Secor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPORTS OF COAL, ETC., FROM CANADA.

Mr. DORSHEIMER also introduced a bill (H. R. 4537) to admit free of duty coal, iron ore, and coke, the production of the Dominion of Canada; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ACCOUNTS OF ARMY AND NAVY OFFICERS.

Mr. ROGERS, of New York (by request), introduced a bill (H. R. 4538) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIGHTER PIRATE.

Mr. ADAMS, of New York, introduced a bill (H. R. 4539) to issue American papers to the lighter or barge Pirate, now at New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SCHOONER C. C. BROOKS.

Mr. ADAMS, of New York, also introduced a joint resolution (H. Res. 150) referring to the Court of Claims the claim of James E. Kelsey, John Laughlin, Theron Kelsey, and others, against the United States for damages done to the schooner C. C. Brooks; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE BARLOW.

Mr. BAGLEY (by request) introduced a bill (H. R. 4540) for the relief of George Barlow; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY HUNTER.

Mr. SLOCUM introduced a bill (H. R. 4541) to grant a pension to Mary Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHTS ON HUDSON RIVER.

Mr. VAN ALSTYNE introduced a bill (H. R. 4542) to establish lights on the Hudson River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT ALBANY, N. Y.

Mr. VAN ALSTYNE also introduced a bill (H. R. 4543) to provide for the completion of the custom-house building at Albany, N. Y.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PRIVATE LAND CLAIMS IN FLORIDA, ETC.

Mr. MULLER (by Mr. VAN ALSTYNE) introduced a bill (H. R. 4544) to revive and amend an act entitled "An act for the private adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes," approved January 22, 1860; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SECTION 3339 REVISED STATUTES.

Mr. HARDY introduced a bill (H. R. 4545) to amend section 3339 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WIDOW OF WESLEY SCRIPTURE.

Mr. JOHNSON introduced a bill (H. R. 4546) for the relief of the widow of Wesley Scripture; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT WALTER AND OTHERS.

Mr. NUTTING (by request) introduced a bill (H. R. 4547) to amend the record of Robert Walter, Hancock H. Haynie, and Benjamin S. Magar, late acting masters, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CORDELIA GALE.

Mr. NUTTING also introduced a bill (H. R. 4548) granting a pension to Cordelia Gale, widow of Ebben G. Gale, deceased, late of Company D, Second Michigan Cavalry, in the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID W. JONES.

Mr. BURLEIGH introduced a bill (H. R. 4549) for the relief of David W. Jones; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RUDOLPH LOBSIGER.

Mr. HUTCHINS introduced a bill (H. R. 4550) for the relief of Rudolph Lobsiger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM CLABAUGH.

Mr. HUTCHINS also introduced a bill (H. R. 4551) to provide for the issue to William Clabaugh of bonds of the District of Columbia on account of the M-street bridge across Rock Creek, in the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WILLIAM C. H. WADDELL.

Mr. HEWITT, of New York (by request), introduced a bill (H. R. 4552) for the relief of William C. H. Waddell, of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REGISTRATION OF TRADE-MARKS.

Mr. GREENLEAF introduced a bill (H. R. 4553) to amend the law in relation to the registration of trade-marks; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

W. P. PAYNE.

Mr. VANCE introduced a bill (H. R. 4554) for the relief of W. P. Payne; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY GIBBS.

Mr. VANCE also introduced a bill (H. R. 4555) granting a pension

to Henry Gibbs; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSEPH WILLIAMS.

Mr. VANCE also introduced a bill (H. R. 4556) granting a pension to Joseph Williams, of Batteries F and K, Second United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLOMON MESSER.

Mr. VANCE also introduced a bill (H. R. 4557) granting a pension to Solomon Messer; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CAPT. W. W. HOGSED'S COMPANY OF HOME GUARDS.

Mr. VANCE also introduced a bill (H. R. 4558) for the relief of Capt. W. W. Hogsed's Company of North Carolina Home Guards; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM DAVIS.

Mr. VANCE also introduced a bill (H. R. 4559) for the relief of the estate of William Davis, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LICENSED LIQUOR SALOONS IN DISTRICT OF COLUMBIA.

Mr. VANCE (by request) also introduced a bill (H. R. 4560) limiting the number of licensed liquor saloons in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PORT OF ENTRY AT WASHINGTON, N. C.

Mr. SKINNER, of North Carolina, introduced a bill (H. R. 4561) providing for the establishment of a port of entry at Washington, N. C.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN ROBERTS.

Mr. COX, of North Carolina, introduced a bill (H. R. 4562) granting a pension to John Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOOD FRIDAY A LEGAL HOLIDAY.

Mr. COX, of North Carolina, also introduced a bill (H. R. 4563) declaring Good Friday to be a legal holiday; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CULTIVATION OF FRUITS.

Mr. GREEN introduced a bill (H. R. 4564) to encourage the cultivation of fruits; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

J. H. STIPE.

Mr. YORK introduced a bill (H. R. 4565) to pay J. H. Stipe, of Forsyth County, North Carolina, $300; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MILES DUNNING.

Mr. YORK also introduced a bill (H. R. 4566) to remove the charge of desertion against Miles Dunning, late of Company A, Third Kentucky Volunteer Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES M'MULLIN.

Mr. MURRAY introduced a bill (H. R. 4567) granting an increase of pension to James McMullin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. KONKLE.

Mr. MURRAY also introduced a bill (H. R. 4568) granting a pension to Andrew J. Konkle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID URBANSKY.

Mr. MURRAY also introduced a bill (H. R. 4569) granting a pension to David Urbansky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES WOODARD.

Mr. MURRAY also introduced a bill (H. R. 4570) granting a pension to James Woodard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HARRIS.

Mr. MURRAY also introduced a bill (H. R. 4571) granting a pension to William Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN DOUGLASS.

Mr. MURRAY also introduced a bill (H. R. 4572) granting a pension to Martin Douglass; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATTHEW MURHPY.

Mr. MURRAY also introduced a bill (H. R. 4573) granting a pension to Matthew Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE MARTIN.

Mr. WILKINS (by Mr. MURRAY) introduced a bill (H. R. 4574) granting a pension to Caroline Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERNEST GRASSER.

Mr. WILKINS (by Mr. MURRAY) also introduced a bill (H. R. 4575) granting a pension to Ernest Grasser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FERDINAND KEYSER.

Mr. WILKINS (by Mr. MURRAY) also introduced a bill (H. R. 4576) granting a pension to Ferdinand Keyser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENCOURAGEMENT OF HOME INDUSTRY.

Mr. CONVERSE presented a joint resolution of the Legislature of the State of Ohio, requesting the Senators and Representatives of that State to procure such an adjustment of the tariff as to encourage productive industries at home; which, upon the request of Mr. CONVERSE, was read, and referred to the Committee on Ways and Means.

DANIEL M. HALL.

Mr. GEDDES introduced a bill (H. R. 4577) granting a pension to Daniel M. Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELECTA L. HENRY.

Mr. GEDDES also introduced a bill (H. R. 4578) granting a pension to Mrs. Electa L. Henry, widow of James A. Henry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM OSTER.

Mr. GEDDES also introduced a bill (H. R. 4579) granting a pension to Abraham Oster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. H. DAVIS.

Mr. MCKINLEY introduced a bill (H. R. 4580) for the relief of J. H. Davis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARREARS OF PENSION.

Mr. MCKINLEY also introduced a bill (H. R. 4581) to repeal the proviso of section 2 of the act of March 3, 1879, making appropriations for the payment of arrears of pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS MACKEY.

Mr. MCKINLEY also introduced a bill (H. R. 4582) granting a pension to Thomas Mackey, late first lieutenant Company I, Ninety-eighth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN WILLIAMS.

Mr. MCKINLEY also introduced a bill (H. R. 4583) granting a pension to Benjamin Williams, late first lieutenant Company E, Twenty-third Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. W. COATES.

Mr. MCKINLEY (by request) also introduced a bill (H. R. 4584) for the extension of the patent granted to A. W. Coates, of Alliance, Ohio, for improvement in horse-rakes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PUBLIC BUILDINGS AT AKRON, OHIO.

Mr. PAIGE introduced a bill (H. R. 4585) to provide for the erection of a public building at Akron, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ESTATE OF HON. J. T. UPDEGRAFF, DECEASED.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 4586) for the relief of the estate of the late Jonathan T. Updegraff, late Representative-elect from the State of Ohio; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ISAAC N. WINKLER.

Mr. MCCORMICK introduced a bill (H. R. 4587) for the relief of Isaac N. Winkler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH WALTON & CO.

Mr. BAYNE introduced a bill (H. R. 4588) for the relief of Joseph Walton & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANNA ROGERS.

Mr. BAYNE also introduced a bill (H. R. 4589) granting a pension to Anna Rogers, widow of John E. Rogers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT WHITE.

Mr. BAYNE also introduced a bill (H. R. 4590) granting a pension to Robert White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. BANNER.

Mr. BAYNE also introduced a bill (H. R. 4591) granting a pension to William H. Banner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EIGHT-HOUR LAW.

Mr. HOPKINS introduced a bill (H. R. 4592) to pay to employés of the Government wages hitherto witheld in violation of the eight-hour law; which was read a first and second time.

The SPEAKER. The Chair thinks this provides simply for payment of claims, and under the rules should go to the Committee on Claims.

Mr. HOPKINS. I was uncertain to which committee it should be referred.

The bill was referred to the Committee on Claims, and ordered to be printed.

JAMES WEEKS.

Mr. STORM introduced a bill (H. R. 4593) for the relief of James Weeks, of Pennsylvania; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REUBEN MOYER.

Mr. STORM also introduced a bill (H. R. 4594) granting a pension to Reuben Moyer, late private Company A, Fourth Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA J. M'ILVAINE.

Mr. BOYLE introduced a bill (H. R. 4595) granting a pension to Martha J. McIlvaine, widow of Robert J. McIlvaine, deceased, late of Company K, Eighth Regiment Pennsylvania Reserves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRACTICE IN UNITED STATES DISTRICT AND CIRCUIT COURTS.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 4596) regulating the practice in the district and circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FIRST LIEUT. A. R. EGBERT.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 4597) for the relief of First Lieut. A. R. Egbert, Second Regiment United States Infantry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICHARD C. RIDGWAY AND OTHERS.

Mr. BINGHAM introduced a bill (H. R. 4598) for the relief of Richard C. Ridgway and others; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMY C. CAPWELL.

Mr. CONNOLLY introduced a bill (H. R. 4599) for the relief of Amy C. Capwell, late postmistress at Factoryville, Pa.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ASST. SURG. CALVIN DE WITT.

Mr. BARR introduced a bill (H. R. 4600) for the relief of Asst. Surg. Calvin De Witt, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS H. REYNOLDS.

Mr. PATTON introduced a bill (H. R. 4601) for the relief of the widow and heirs of Thomas H. Reynolds, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. JACOB BASH.

Mr. PATTON also introduced a bill (H. R. 4602) granting a pension to Mrs. Jacob Bash; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID T. FAITH.

Mr. PATTON also introduced a bill (H. R. 4603) granting a pension to David T. Faith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL CARNEY.

Mr. PATTON also introduced a bill (H. R. 4604) granting a pension to Samuel Carney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN EDMISTON.

Mr. PATTON also introduced a bill (H. R. 4605) granting a pension to Ellen Edmiston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER GUESS.

Mr. PATTON also introduced a bill (H. R. 4606) granting a pension to Peter Guess; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE, ERIE, PA.

Mr. BRAINERD presented memorial and resolutions of the senate and house of representatives of the State of Pennsylvania, praying for the re-establishment of the light-house at Erie, Pa.; which was referred to the Committee on Commerce, and ordered to be printed.

FREDERICK KOONTZ.

Mr. CAMPBELL introduced a bill (H. R. 4607) granting a pension to Frederick Koontz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTENSION OF CONGRESSIONAL CEMETERY.

Mr. DIBBLE (by request) introduced a bill (H. R. 4608) granting parts of certain streets in Washington city to the vestry of Washington parish for the use of the Congressional Cemetery; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CLAIM OF SOUTH CAROLINA.

Mr. DIBBLE also introduced a bill (H. R. 4609) providing for the payment to the State of South Carolina of the sum ascertained to be due to the said State under chapter 98, section 12, of the Statutes at Large, approved June 7, 1862; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD W. SANDERS.

Mr. EVINS, of South Carolina, introduced a bill (H. R. 4610) to empower Edward W. Sanders to bring suit in the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY MURPHY.

Mr. EVINS, of South Carolina (by request), also introduced a bill (H. R. 4611) for the relief of Mary Murphy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES M. M'KAMEY.

Mr. HOUK introduced a bill (H. R. 4612) for the relief of James M. McKamey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

P. M. SHANNON.

Mr. HOUK also introduced a bill (H. R. 4613) granting a pension to P. M. Shannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK A. THOMPSON.

Mr. HOUK also introduced a bill (H. R. 4614) for the relief of Frederick A. Thompson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID BRIGHT.

Mr. HOUK also introduced a bill (H. R. 4615) for the relief of David Bright; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. LAURA J. STOVALL.

Mr. YOUNG (by request) introduced a bill (H. R. 4616) for the relief of Mrs. Laura J. Stovall, of Memphis, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNIFORM BALLOT-BOXES.

Mr. YOUNG (by request) also introduced a bill (H. R. 4617) to provide for a uniform ballot-box to be used in the Federal elections, and appropriating money for the same; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUITS IN COURT OF CLAIMS.

Mr. YOUNG (by request) also introduced a bill (H. R. 4618) to authorize suits in the Court of Claims in certain cases therein named; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ISAAC CRAWFORD.

Mr. PETTIBONE (by request) introduced a bill (H. R. 4619) for the

relief of Isaac Crawford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH D. LONG.

Mr. PETTIBONE (by request) also introduced a bill (H. R. 4620) granting a pension to Joseph D. Long; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY MILLER.

Mr. PETTIBONE (by request) also introduced a bill (H. R. 4621) for the relief of Nancy Miller; which was read a first and second time, referred to the Committee an Invalid Pensions, and ordered to be printed.

MRS. MARTHA SMITH.

Mr. PETTIBONE (by request) also introduced a bill (H. R. 4622) granting a pension to Mrs. Martha Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAULINA JONES.

Mr. PETTIBONE (by request) also introduced a bill (H. R. 4623) for the relief of Paulina Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. JOHN W. HARTMAN.

Mr. PETTIBONE (by request) also introduced a bill (H. R. 4624) for the relief of Dr. John W. Hartman, late surgeon Third Tennessee Mounted Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID WOOD.

Mr. PETTIBONE (by request) also introduced a bill (H. R. 4625) to remove the charge of desertion against David Wood; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID N. HARRISON.

Mr. PETTIBONE also introduced a bill (H. R. 4626) for the relief of David N. Harrison; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEWIS F. SELF.

Mr. PETTIBONE also introduced a bill (H. R. 4627) for the relief of Lewis F. Self; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WIDOW OF HON. E. W. M. MACKEY.

Mr. PETTIBONE also introduced a joint resolution (H. Res. 151) to pay the salary for the unexpired term of the late Hon. E. W. M. MACKEY, deceased, to his widow; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

HENRY BROWN.

Mr. DIBRELL introduced a bill (H. R. 4628) to correct the military record of Henry Brown, late of Company K, Tenth Tennessee Cavalry, and Company M, Eighth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM C. SHELTON.

Mr. DIBRELL also introduced a bill (H. R. 4629) for the relief of William C. Shelton, late lieutenant-colonel Seventh Regiment Tennessee Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLAIMS FOR ARMY SUPPLIES.

Mr. DIBRELL also introduced a bill (H. R. 4630) in relation to the examination of claims for army supplies; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM C. SHELTON.

Mr. DIBRELL also introduced a bill (H. R. 4631) for the relief of William C. Shelton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TEXAS JUDICIAL DISTRICTS.

Mr. OCHILTREE introduced a bill (H. R. 4632) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts," and to provide for holding terms of the court of the western judicial district of Texas at the city of Laredo, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 5390 REVISED STATUTES.

Mr. OCHILTREE also introduced a bill (H. R. 4633) to amend and correct section 5390 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EXPENSES OF RAIDS, ETC., IN TEXAS.

Mr. OCHILTREE also introduced a bill (H. R. 4634) to authorize the Secretary of War to ascertain and report to Congress the amount of money expended and the indebtedness assumed and incurred by the State of Texas in repelling, suppressing, and guarding against invasions, raids, incursions, and hostilities by Indians and Mexicans; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN FRIERY.

Mr. OCHILTREE also introduced a bill (H. R. 4635) for the relief of John Friery; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATES OF J. AND W. VANCE.

Mr. HANCOCK introduced a bill (H. R. 4636) for the relief of the estates of James Vance and of William Vance; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN MELLIFONT AND ELLEN RIORDON.

Mr. HANCOCK also introduced a bill (H. R. 4637) for the relief of John Mellifont and Ellen Riordon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPAYING INTERNAL-REVENUE TAXES.

Mr. HANCOCK also introduced a bill (H. R. 4638) to provide for repaying internal-revenue taxes illegally collected; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HEIRS OF PETER GALLAGHER.

Mr. HANCOCK also introduced a bill (H. R. 4639) for the relief of the heirs of Peter Gallagher; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN C. FRENCH.

Mr. HANCOCK also introduced a bill (H. R. 4640) for the relief of John C. French; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS GILBEAU.

Mr. HANCOCK also introduced a bill (H. R. 4641) for the relief of Francis Gilbeau; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WITNESSES IN FEDERAL COURTS.

Mr. HANCOCK also introduced a bill (H. R. 4642) to amend an act to make persons charged with crimes and offenses competent witnesses in the United States courts, passed March 16, 1878; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEWIS HORST.

Mr. HANCOCK also introduced a bill (H. R. 4643) for the relief of Lewis Horst; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SABINE PASS, TEXAS.

Mr. MILLER, of Texas, presented a joint resolution of the Legislature of the State of Texas in favor of a suitable and adequate appropriation to secure deep water at Sabine Pass; which was referred to the Committee on Rivers and Harbors.

GALVESTON HARBOR.

Mr. MILLER, of Texas, also presented a joint resolution of the Legislature of the State of Texas urging the passage by Congress at its present session of an act for the improvement of the entrance to Galveston Harbor on the basis of the pending proposition of Capt. James B. Eads; which was referred to the Committee on Rivers and Harbors.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. MILLER, of Texas, also presented a joint resolution of the State of Texas urging the passage of a bill now pending before the Congress of the United States which has for its object the granting of the right of way through the Indian Territory to the Gulf, Colorado and Santa Fé Railroad Company, or to any reliable company; which was referred to the Committee on Indian Affairs.

MRS. CLARISSA S. DROWN.

Mr. POLAND introduced a bill (H. R. 4644) granting a pension to Mrs. Clarissa S. Drown, as dependent mother of her adopted son, Herbert A. Drown, late private Company K, Tenth Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET POLAND.

Mr. BARBOUR introduced a bill (H. R. 4645) for the relief of Margaret Poland, widow and administratrix of the late Alexander Poland, Loudoun County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM BUSHBY.

Mr. BARBOUR (by request) also introduced a bill (H. R. 4646) for the relief of William Bushby; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SARAH HOLROYD.

Mr. BARBOUR (by request) also introduced a bill (H. R. 4647) for the relief of Mrs. Sarah Holroyd, widow and administratrix of the estate of John Holroyd, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROAD TO FREDERICKSBURG NATIONAL CEMETERY.

Mr. JOHN S. WISE (by request) introduced a bill (H. R. 4648) to provide for macadamizing the road from the railroad to the national cemetery in the city of Fredericksburg, Va.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT FORTRESS MONROE, VA.

Mr. LIBBEY (by request) introduced a bill (H. R. 4649) to provide for the erection of a post-office at Fortress Monroe, Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FRANCIS M. SHEAR.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 4650) granting a pension to Francis M. Shear; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON WATER SUPPLY.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 4651) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington," and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ST. LUKE'S PROTESTANT EPISCOPAL CHURCH.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 4652) for the relief of St. Luke's Protestant Episcopal church, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

B. F. SHUTTLEWORTH & BROTHER.

Mr. GOFF introduced a bill (H. R. 4653) for the relief of B. F. Shuttleworth & Brother; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD GOYIN.

Mr. GUENTHER introduced a bill (H. R. 4654) for the relief of Richard Goyin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IRA J. J. TURNEY.

Mr. GUENTHER also introduced a bill (H. R. 4655) granting a pension to Ira J. J. Turney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER MITCHELL.

Mr. GUENTHER also introduced a bill (H. R. 4656) for the relief of Peter Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK SCHUETTE.

Mr. GUENTHER also introduced a bill (H. R. 4657) granting a pension to Frederick Schuette; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA GAERTNER.

Mr. GUENTHER also introduced a bill (H. R. 4658) granting a pension to Anna Gaertner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL KANE.

Mr. DEUSTER introduced a bill (H. R. 4659) for the relief of Michael Kane; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONSTITUTION FOR DAKOTA TERRITORY.

Mr. MAGINNIS (by request) introduced a bill (H. R. 4660) to enable the people of the Territory of Dakota to form a constitution; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

FRANK G. VALLEREAUX.

Mr. MAGINNIS (by request) also introduced a bill (H. R. 4661) to restore the pension of Frank G. Vallereaux; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WALLA WALLA MEADOW RESERVE.

Mr. BRENTS introduced a bill (H. R. 4662) to restore the abandoned military meadow reserved in Walla Walla County, Washington Territory, to the public domain, and to dispose of the same to the settlers thereon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories. Several gentlemen were absent when their States were called, and if there be no objection the Chair will recognize them to present bills and joint resolutions for reference as under the call just completed.

There was no objection, and leave was granted accordingly.

BARBARA A. SMITH.

Mr. ERMENTROUT introduced a bill (H. R. 4663) granting a pension to Barbara A. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT BRUNSWICK, GA.

Mr. NICHOLLS introduced a bill (H. R. 4664) to appropriate $100,000 for the erection of a public building in the city of Brunswick, State of Georgia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES S. DASKAM.

Mr. WELLER (by request) introduced a bill (H. R. 4665) granting a pension to James S. Daskam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL F. DALY.

Mr. WELLER (by request) also introduced a bill (H. R. 4666) to increase the pension of Michael F. Daly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELIEF OF GREELY EXPEDITION.

Mr. WELLER introduced a bill (H. R. 4667) for the relief of the Lady Franklin Bay expedition to the Arctic regions; which was read a first and second time (the second reading being in full upon the demand of Mr. WELLER), referred to the Committee on Appropriations, and and ordered to be printed.

NATHANIEL POND.

Mr. STRAIT introduced a bill (H. R. 4668) for the relief of Nathaniel Pond; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. MARTHA MADDOCKS.

Mr. STRAIT also introduced a bill (H. R. 4669) for the relief of Mrs. Martha Maddocks; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM C. DODGE.

Mr. STRAIT also introduced a bill (H. R. 4670) for the relief of William C. Dodge; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARGARET R. CLUNE.

Mr. STRUBLE introduced a bill (H. R. 4671) granting a pension to Margaret R. Clune; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK S. HILLARD.

Mr. DINGLEY introduced a bill (H. R. 4672) granting a pension to Frank S. Hillard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN P. CLUM.

Mr. OURY introduced a bill (H. R. 4673) for the relief of John P. Clum, late postmaster at Tombstone, Ariz.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LINDSAY RIDGEWAY.

Mr. SPRINGER introduced a bill (H. R. 4674) for the relief of Lindsay Ridgeway; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PATRICK CARROLL.

Mr. SPRINGER also introduced a bill (H. R. 4675) granting an honorable discharge for Patrick Carroll, Company E, Fourteenth Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COURT OF APPEALS.

Mr. SPRINGER (by request) introduced a bill (H. R. 4676) to establish a court of appeals; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SPRINGER. This bill has been sent to me by a prominent lawyer of Illinois, and is introduced at his request.

GEORGE W. BALDWIN AND OTHERS.

Mr. WARD introduced a bill (H. R. 4677) for the relief of George W. Baldwin, Charles L. Baldwin, and Dora Thompson, the only heirs at law of William F. Baldwin, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RULES.

Mr. RANDALL. Under instruction from the Committee on the Rules, I submit the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the rules of the House of Representatives of the Forty-sixth

Congress, as amended by this House, be the rules of the House of Representatives of the Forty-eighth Congress until further order of the House.

Mr. RANDALL. Mr. Speaker, the effect of this resolution, if adopted, will be to bring into force in this House the rules of the Forty-sixth Congress except as amended by the present House. This House has changed Rules X and XI by the creation of two committees, the Committee on Rivers and Harbors and the Committee on Labor. This resolution also adopts the change made by increasing the membership of seven other committees of the House, the Committees on Banking and Currency, Foreign Affairs, Military Affairs, Post-Office and Post-Roads, Territories, Public Buildings and Grounds, and the District of Columbia.

One effect of the adoption of the resolution will be to change the eighth clause of Rule XVI, and to restore the rule as it was made in the Fortieth Congress and agreed to in the Forty-sixth Congress on the report of the Committee on Rules.

I ask that the Clerk will read the eighth clause of the sixteenth rule, showing the difference between it and the rule of the Forty-seventh Congress, and then that he will read the rule I send to the Clerk's desk to be incorporated in lieu of it.

The Clerk read as follows:

8. Pending a motion to suspend the rules, or on any question of consideration which may arise on a case involving the constitutional right to a seat, and pending the motion for the previous question, or after it shall have been ordered on any such case, the Speaker may entertain one motion to adjourn; but after the result thereon is announced he shall not entertain any other motion till the vote is taken on the pending question; and pending the consideration of such case only a motion to adjourn or to take recess (but not both in succession) shall be in order; and such motions shall not be repeated without further intervening consideration of the case for at least one hour.

Mr. RANDALL. I ask the Clerk to read now the rule we propose in lieu of what has been read.

The Clerk read as follows:

Pending a motion to suspend the rules the Speaker may entertain one motion that the House do now adjourn, but after the result thereon is announced he shall not entertain any other dilatory motion until the vote is taken on suspension.

Mr. RANDALL. That is the rule which was adopted originally in the Forty-fifth Congress, and reaffirmed in the Forty-sixth Congress on the report of the Committee on Rules, but which was changed in the Forty-seventh Congress.

Mr. REED. I desire to offer the following amendment:

The Clerk read as follows:

That clause 2 of Rule XXIV be amended so as to read as follows:

"2. On all days other than Monday, as soon as the Journal is read and approved, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports of committees, which shall be appropriately referred and printed and a copy thereof mailed by the Public Printer to each Member and Delegate: *Provided*, That during such morning hour it shall be in order to consider such bills as would otherwise go to or are already on the House Calendar, if the committee in charge when called shall so direct. The Speaker shall call each committee in regular order, and if the Speaker shall not get through the call of committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the measure last under consideration; but whenever any committee shall have occupied the morning hour on one day it shall not be in order for such committee to report further until the other committees shall have been called in their turn."

That clause 4 be so amended as to read as follows:

"4. After one hour shall have been devoted to reports from committees, except on the second and fourth Mondays of each month, it shall be in order to proceed to business on the Speaker's table, to the Committee of the Whole House on the state of the Union, or to the House Calendar, motions therefor having priority in the order named. The morning hour shall continue until the House determines to go to other business."

That clause 5 be so amended as to read as follows:

"5. When the House proceeds to the Speaker's table the business shall be disposed of in the following order:

"First. Messages from the President and other executive communications.

"Second. Messages from the Senate and amendments proposed by the Senate to bills of the House.

"Third. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees or put on their passage; and the motions so to refer shall have precedence of all motions touching their disposition.

"Fourth. Engrossed bills and bills from the Senate on their third reading."

That clause 6 be amended so as to read as follows:

"6. When a motion is made that the House resolve itself into the Committee of the Whole House on the state of the Union it shall be in order, pending that motion, if directed by a committee, to move to designate a bill to be first considered in the committee, which motion shall not be subject to amendment or debate, and only one designation shall be pending at a time. If no bill be designated, or, being designated, is disposed of in committee, it shall then consider first bills for raising revenue and general appropriation bills, and then other bills on its Calendar.

"7. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days."

Add to Rule XXIV the following clause:

"8. After the morning hour, on the second and fourth Mondays of each month, it shall be in order to consider legislation relating to the District of Columbia, unless dispensed with by a two-thirds vote of the House."

That there be added to Rule XXIV the following clause:

"9. Before the morning hour it shall be in order to proceed to the consideration of unfinished business other than that in the morning hour or on the Speaker's table, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules."

Mr. REED. As the matter stands, Mr. Speaker——

Mr. REAGAN. Before the gentleman proceeds to argument, let me suggest whether it would not be better to let it lie over for to-day. Do not the rules require that?

Mr. RANDALL. I personally have no objection to having it go over.

Mr. KASSON. I wish I might connect with that proposition an order to have it printed with the original text. One part I understood, and the other needs careful consideration.

Mr. RANDALL. In that connection it is right for me to say the gentleman from Maine has the authority of the committee to offer this amendment, and at the same time it is also due I should say the majority do not approve of its adoption.

I am content, however, to allow the report to go over and to be printed, because I consider that to be only a reasonable request. But in connection therewith there is this point which I wish to arrange with gentlemen on the other side; that in consequence of its remaining over, instead of being acted upon at once, there shall be no advantage taken of the Chair by the suggestion that we are acting under no rules at the present time.

Mr. REED. That you may rely upon.

Mr. RANDALL. Then I have no objection whatever to its going over, and as I am compelled to be absent to-morrow, I should like to have it go over until Wednesday next, if it meets the wishes of gentlemen.

Mr. REED. That, of course, would not be objected to.

With the consent of the House I will now make the remarks which I desire to make explanatory of the amendment I have offered, in order that they may also appear in the RECORD in connection with the report of the committee and the proposed amendment.

Mr. RANDALL. Then I will, after the gentleman from Maine has concluded, state my views, or rather the views of the majority of the committee, so that all of them may appear together.

Mr. CALKINS. That is right.

The SPEAKER. The Chair will state that if the understanding suggested by the gentleman from Pennsylvania be adopted, the Chair will continue to administer the rules of the House as they have been heretofore administered until this matter is disposed of.

Mr. KASSON. The Chair will have unanimous consent in that regard.

Mr. BUDD. Will the gentleman from Pennsylvania permit me to send to the desk and have read a proposed amendment which I desire to offer to the rules?

Mr. RANDALL. I have no objection whatever to the reading of the proposed amendment. Then it will be in order for the House by voting down the previous question, which I shall in due time ask, to let in all such amendments.

Mr. BUDD. I desire now to offer an amendment to Rule XXIV, so that it may go into the RECORD with the report of the committee and the other proposed amendments.

Mr. RANDALL. Let it be read for the information of the House, and that will take it into the RECORD.

The SPEAKER. The Chair understands that it is presented to be read now for information only.

Mr. RANDALL. I have yielded for that purpose.

Mr. KEIFER Only for information, but not to be considered as pending.

Mr. BUDD. I desire to offer it as a pending amendment.

Mr. KEIFER. I object to that.

Mr. BUDD. Let it then go into the RECORD.

Mr. RANDALL. I have no authority from the Committee on Rules to permit the introduction of any other amendments.

Mr. BUDD. Well, then, I offer it to be read for the information of the House.

The SPEAKER. The proposed amendment will be read.

The Clerk read as follows:

Add to Rule XXIV additional clause as follows:

"When any public bill or resolution shall have been referred to a committee, and the committee shall fail or refuse to report said bill or resolution back to the House of Representatives, either favorably or unfavorably, for thirty days, it shall be in order for the member who offered the bill or resolution, on any Monday, immediately after the morning hour, to move to discharge the committee from the consideration of the bill or resolution, and the House shall then dispose of the bill or resolution by recommittal or by final action, such as a majority of the House may determine."

The SPEAKER. The gentleman from Maine is recognized.

Mr. RANDALL. It has been suggested around me that the debate on this subject might also go over.

Mr. REED. I will state to the gentleman from Pennsylvania that as a matter of course the report as read and the pending amendment, without an explanation, would give the House very little idea of their purport and importance.

Mr. RANDALL. The gentleman had better go on, then, with his argument.

Mr. REED. Mr. Speaker, I simply desire to explain what this amendment means. I have no doubt that the importance of the subject on which I shall now address the House will give me a hearing, because on the decision of the House upon the amendment which I have presented depends the conduct of the business of a great nation. We are authorized by the Constitution of the United States to make rules, not for the hinderance of business, but for the transaction of the business of

this House and of the country. The rules which the majority purpose to adopt are substantially the rules of the preceding House, with the omission of the clause in regard to dilatory motions attending the consideration of contested-election cases. Under the clause relating to election cases we were enabled to prevent filibustering on the consideration of the question of the right of a member to a seat upon this floor. The committee now propose to annul that rule and go back to the old system.

I have not, Mr. Speaker, the slightest objection to that, because the effect, in my judgment, will be the same. With a Republican minority, there will be no necessity of preventing filibustering in the consideration of election cases; and I sincerely believe that in the future, having learned from the past, there will be no need of it even if we should have that happy result which I hope for in the next Congress, a Democratic minority much smaller than we have ever had before. [Laughter.]

Now the amendment which I propose, in order to be understood, must be taken in connection with a description of the present system of rules. Under the present system, when a bill is presented here in the House it goes, as a matter of course, to its appropriate committee. When it comes out of that committee it goes upon one of three calendars: first, the Calendar of the Committee of the Whole House on the state of the Union, if it be a bill appropriating money; or, second, it goes to the Private Calendar, and is considered in Committee of the Whole on Friday; or, if it is a bill of a public nature and does not appropriate money, it goes to what is called the House Calendar. The principle of our present rules is that every question shall be taken up in the order in which it finds itself upon the calendars, and if the House were to transact all its business, and act upon every bill so reported, that system would be perfection itself, because it would only be a question of time as to when any measure would be acted upon.

But, unfortunately, Congress does not do all its business. It does not do even 10 per cent., I think I may safely say that it does not do 8 per cent., of its business. Now, if Congress does not do but 8 per cent. of its business, the question is which 8 per cent. shall it do? In other words, how shall the selection be made? Your present system says that it shall be made by considering whether it is first on one of these calendars or not. Now, do you not see that the effect is to confine the business of this House to those cases which get earliest on the calendars. And what kind of cases are those? Are they cases which demand consideration? Are they cases which require deliberation? Not at all. On the contrary, they are cases which require the least deliberation and which are of the least importance to the country.

That is the immovable system on which you have to do your business. What is the effect of it? Why, when a man finds that his bill is on the third page of the Calendar, he just gives it all up; and he has resort to an entirely different system. What is that system? Why, it is the system of asking unanimous consent. You will say, "Is not that a good system? If a bill can be passed that does not have any objector to it, is not that a good bill to pass?" Well, now, that sounds well. But what is the effect of it? The effect is that the responsibility is thrown upon one man, and he has to incur the personal odium of objecting to a bill under circumstances that do not quite justify it.

I hear a bill read and it occurs to me that it is not a proper bill; but I have not any special information on the subject, and while I am considering whether I will incur the enmity of my fellow-member by objecting to that bill, and on grounds that may turn out to be utterly insufficient on examination, I hear the voice of the Speaker sounding through the Hall: "No objection is heard," and away goes the bill. One-half at least of the bills for public buildings of the last session of Congress were passed in that way; and it is a most vicious and pernicious system of legislation.

I tell you if you dam up waters they have got to go over the top of the dam. If you obstruct the public business some of it is going to be done; and it is to depend not on the justice of the measure but the impudence of the member. It is merely a question whether he can worry the Speaker into a recognition. And he is going to take that time to demand recognition when the man is outside of the Hall of the House who is opposed to his bill. Why, sir, the regular programme of procedure is to station men in different parts of the House and rush at the man who evinces any disposition to oppose the bill that is up; and before the House knows what has happened the bill is through.

I say this system of legislation is vicious in the extreme, and the effect of it on the Speaker is certainly to destroy all peace of mind he can possibly have toward the end of a session. He is simply torn in pieces by the requests and demands of members, each one of whom is looking after his own interests and is regardless of the interest of everybody else.

There is but one other way of doing business; and that is also dependent upon the recognition of the Speaker. You must get a suspension of the rules under a two-thirds vote of the House. Now, I say to you gentlemen that the object of Congress is to do the business of the country. That is what we come here for. That is what we are paid for. In this country the business of every legislative body is done and ought to be done by its majority. If it is a bad majority, they take the consequences of their action. And the people are our final governors.

Some men may say that if a majority have the control of the House there will be bad bills passed. I do not doubt it. And I tell you that is one of the risks of the republican form of government, that the people and their representatives may occasionally do wrong; but it is worth while to do the business of the country in the proper way and under the guidance of the majority.

What is the system which I propose and to the explanation of which I desire to have the attention of the House? It is in no respect a novelty. It is the old system that prevailed here before I was a member of Congress, a system, however, somewhat curbed and controlled, because the whole business is placed in charge of the appropriate committees of the House.

I propose first that we shall have a morning hour, and that that morning hour may last all day, if the House choose, and sixty minutes whether the House chooses it or not. During that morning hour any committee may report bills until it gets through, and demand present consideration of them; but with this limitation, that if they have taken up one day in reporting bills they may go on and finish the bill under consideration, but after that the next committee shall have its chance. I am bound to say to you that this will not afford the House a great deal of relief; but it will afford it the relief of steady, systematic work, and every man knows how much can be done if a little is done every day.

Mr. BLAND. May I ask the gentleman a question?

Mr. REED. Yes, sir.

Mr. BLAND. Is that the rule we had formerly, before the adoption of the new rules?

Mr. REED. That was the former rule before the codification. Originally it was held that the morning hour could extend over the whole day, but the late Speaker of the House, Mr. RANDALL, of Pennsylvania, when he came to the chair, held that that hour was strictly limited to sixty minutes; and then, as I am informed—I speak only from information—the choke in the business began. The House was not allowed to get out of the cast-iron tube of sixty minutes in diameter into which it was got by that rule. I do not enter any question whether that ruling was correct or not. I speak of it simply as a historical fact.

The next difficulty is this: When you come to consider business on the Calendar of the Committee of the Whole, except appropriation bills, which have the right of way, what is your condition? If you want to get at a bill which is on the second page of the Calendar, you must in the first place object to the first bill on that Calendar. Then the chairman of the Committee of the Whole goes out of the committee, the Speaker takes his place, and the question is put to a vote of the House whether it will consider that bill or not to which objection was made. The vote is taken, and then the chairman goes back into committee, and if the House has refused to consider that first bill, the second bill is called up and you object to that. Out goes the chairman again, in comes the Speaker, and there is another vote by the House. Then out goes the Speaker, in comes the chairman, and the third bill is reached and you object to that. Out goes the chairman, in comes the Speaker, and there is another vote of the House; out goes the Speaker, in comes the chairman, and so you go on. That is perfect child's play. You can not in a day's time in that way get over two pages of the Calendar to save your life.

In other words, when a bill is on the third page of the Calendar of the Committee of the Whole there is no way of getting at it except by unanimous consent, and that is a one-man power, for any one man can object and stop it. Now, occasionally the one-man power is a good thing. My friend from Indiana [Mr. HOLMAN] is an admirable illustration of the virtues and, in some cases, I think, of the vices of the one-man power. [Laughter.] He sometimes stops a very bad thing, and sometimes he stops a very good thing. I do not know that I can say exactly where the balance is.

The proposition that I make is that any committee of this House may come into the House and have a vote on the consideration of any proposition that they may indicate. That gives everybody notice of what is going on. The committeemen on both sides will notify their fellow-members of the House of what the committee proposes to do. In that way any committee may come in and propose to go into Committee of the Whole on the state of the Union and take up for consideration a particular bill. If a majority of the House shall vote to consider it, then it will be considered.

I know what that will result in; it will result in the consideration and passage of a great many bills I do not believe in. But the question is not what I believe in, but what a majority of this House, elected by the people, may believe in. If you gentlemen on the other side are willing to do any wrong things, I am willing to risk your punishment by your superiors, the people. And if my side was in the majority and was willing to do wrong, I should be willing to risk my punishment by my superiors.

My next proposition is that the House may proceed to the consideration of business on the Speaker's table when the House wishes, with the same limitation as now.

There are many limitations in my propositions which I have made to accommodate myself to the views of other gentlemen as well as my own. Under these limitations we will be enabled to go to all the calendars, whereby we can transact public business and take up such bills

as the majority of the House are willing to take up. I proposed these rules in the last Congress, and members on my side of the House were willing to adopt them. But gentlemen on the other side, fearing that there was some partnership in it, were unwilling to adopt them, and by declining to vote, as we had a very small majority here, they kept us from adopting them. We never could get a quorum here except for those non-partisan judicial performances which are called election cases. [Laughter.]

I now offer these propositions to a Democratic House in the same good faith in which I offered them to a Republican House, because I believe in the government of the people, and I am not afraid of the government of the people through their representatives. There are times, and I see the examples in front of me now, when I think the people make dreadful mistakes [great laughter]; but I believe they can be rectified by allowing men to act out the wishes which the people set in motion. If the people do foolish things and suffer the consequences of them, they will not be likely to repeat their foolishness.

There in small compass is the whole business so far as it involves change of system. I propose also by one of my amendments to give two days for the Committee on the District of Columbia, to enable them to transact their business. For my part I think it is due to them, under all the circumstances, that they should have that privilege.

There is one other change which I propose, which is to give unfinished business precedence, the same that it had before; and that any parliamentarian will see is the natural, necessary, and proper change to be made if the other changes are also made.

I sincerely hope that all party feeling on this question may be put aside, and that gentlemen will vote upon it with reference to their duty toward the House. You can at once perceive that I can have no partisan motive on this subject, that no partisan question can arise in my mind about it, because I submit the proposition to a House which is overwhelmingly Democratic.

Mr. RANDALL. The method of transacting business proposed by the gentleman from Maine [Mr. REED] will be recognized by all who were members of the last House as substantially the same as was then pending, and which the minority of that House prevented the consideration of. In renewing it now the gentleman from Maine exhibits his consistency and establishes his sincerity; and the majority of the Committee on Rules, so far as they can, establish the judgment of what was then the minority of the House.

I do not wish to discuss this question in the light of any partisan advantage. I argue that the proposition of the gentleman from Maine will establish and extend the old rule. He is in error when he states that I first held that the hour for morning business meant sixty minutes. Before I became Speaker of this House that dial was placed in front of the Clerk's desk so that members might be able to see when the sixty minutes of the morning hour were up. When I was called upon to decide upon that point, I gave what I conceived to be a common-sense construction of the rule. If an hour was three hours, if an hour was one hundred and eighty minutes, the rules ought to say so; and when the rule said an hour, I held it absolutely meant sixty minutes.

The proposition of the gentleman from Maine enables this House to inject, out of order, into the morning hour, whether it be limited to sixty or one hundred and eighty minutes, a bill which may block the business of that hour, as we have seen under the old rule, for days and weeks—yes, for months. When the Committee on Rules proposed this change in the Forty-sixth Congress, they submitted a report from which I ask the Clerk to read an extract, as it bears upon the proposition now immediately under consideration.

The Clerk read as follows:

> In the revision submitted by the committee it is proposed to have a daily call of all the committees, all business reported, save that to which no objection is made to its "present consideration," to go to the Committee of the Whole House, whether public or private, and to a House calendar composed only of bills not making appropriations of money.
>
> This plan secures two desirable objects, viz:
>
> First. The printing of all bills and accompanying reports, thus giving time for their examination by members before consideration; and
>
> Second. Saves unnecessary waste of time in preventing, by what is known as "filibustering" in the morning hour, the consideration of a bill reported by a committee, thus blocking the way against reports from other committees to which little or no objection would be made.
>
> Numerous instances might be cited, during the past few years, where the "morning hour" has been consumed by dilatory motions for days and even weeks, thus making it possible at the close of the session to defeat action on an important bill, which could only be reported by unanimous consent or by a suspension of the rules by a two-thirds vote, which vote might not be obtained.

Mr. RANDALL. That was not a partisan report. We reported it with unanimity, the committee being composed of three of the then majority in this House, and two of the minority. It enabled every bill to have consideration in its order, and did not permit a bill to be placed, by a majority of the House, ahead of any other bill. But it granted to the House the power, at any and all times, to reach a bill when a majority of this House so desired, but to do so in an orderly and just way, so that every bill, when its title was read, could have the opportunity of being then considered. It did not allow a bill to be displaced improperly by momentary pressure, the momentum, perhaps, of immense sums of appropriation.

How has that rule worked? I can not better illustrate this than by saying to the House that three times this session we have been upon the House Calendar. We have also been in Committee of the Whole upon the Private Calendar and in Committee of the Whole on the state of the Union. This rule has allowed the reaching of bills on the Private Calendar on Friday. True, we have not considered many bills on that Calendar; but all of us understand the reason.

Mr. CALKINS. My friend knows that we have not in Committee of the Whole considered a single general appropriation bill; and it is those that choke up other business.

Mr. RANDALL. That is no fault of mine, as the gentleman well understands.

Mr. CALKINS. I am only stating the reason why we have gone to the Calendar so often; it is because we have had no general appropriation bill before the House.

Mr. REED. How many times did we go there in the last Congress?

Mr. RANDALL. I do not remember. The last session was a short session, and in all short sessions——

Mr. REED. How many times during the last Congress? I did not confine my inquiry to the last session. We did not go to the general Calendar but twice during the whole of the last Congress, and then we disposed of a couple of unimportant bills.

Mr. RANDALL. The gentleman well understands that at the short session of Congress the general appropriation bills necessarily take up a large portion of time——

Mr. REED. I applied my inquiry to the whole Congress.

Mr. RANDALL. If the gentleman will be quiet I will answer him.

Mr. REED. I want you to understand me, that is all.

Mr. RANDALL. At the last session the appropriation bills and the tariff bill took up practically the whole session to the exclusion of everything else. I am not able to answer distinctly how often we went to the Calendars in the last Congress, but I will endeavor to learn and apprise the gentleman. But it was not the fault of the rules that we did not go there oftener; it was because a majority of the House did not want to go there, the reasons for which are perhaps as well understood by the gentleman as they would be if I should go into any lengthy explanation.

Now, the gentleman says that the Speaker is going to be "crushed" at the end of the session unless he is relieved in the manner proposed in the gentleman's amendment. In reply to that suggestion I will only say that the Speaker does not seem to fear that "crushing," for he unites cordially in recommending that this amendment shall not be adopted.

Mr. REED. He will feel differently toward the end of the session.

Mr. RANDALL. Now, as to the business of the District of Columbia the gentleman has thrown out a thought which may engage the attention of members of the District Committee. There is no controversy whatever in the Committee on Rules as to the days and the number of days that this committee shall have; and whether the amendment proposed by the gentleman from Maine be adopted or not, the Committee on Rules will report (I think with unanimity) that the Committee on the District of Columbia be allowed two days in each month. The proposition of the gentleman from Maine changes the order of the unfinished business. It really creates two classes of unfinished business, which in my judgment, to say the least, is confusing.

This much I wish to say in quick reply to the remarks of the gentleman from Maine in favor of the amendment which he has proposed, so that my objections, such as they are, should go out in connection with this proposition, together with the facts he has indicated as prompting him in urging the adoption of his amendment. As a minority member at the last session of Congress I was entirely opposed to his proposition when it was then offered. I thought then it was a change of the rule which would be dangerous and might lead us in an unfortunate direction. Reflection and experience since then have only confirmed me in the judgment at which I then arrived. I may say, too, that the minority of the Committee on Rules, then opposed to reporting the gentleman's proposition, have in this Congress become the majority and control the action of the Committee on Rules, and now sustain me in making the report on their behalf to the House in favor of the rule which I have had read at the Clerk's desk, and in opposition to the proposition submitted by the gentleman from Maine.

I will now demand the previous question.

Mr. ANDERSON. Will the gentleman permit me to offer an amendment, so that it may be printed for information?

Mr. REAGAN. I thought it was the general understanding that this subject was to go over.

Mr. RANDALL. In demanding the previous question on the report of the committee I am only acting in obedience to what I believe to be the instruction of the Committee on Rules.

Mr. REAGAN. It seems to me that these rules ought to be discussed fully, so that they may be modified wherever they shall be found defective.

Mr. WHITE, of Kentucky. I have an amendment to offer, and I ask the gentleman to yield to me for that purpose.

Mr. RANDALL. I am willing to hear amendments any gentleman may desire to submit. I do not object to their being offered for information of the House and ordered to be printed in the RECORD. If the

House then, after fully considering them, shall not want the previous question ordered, the majority can refuse to do so. The House can then vote down the previous question and allow the fullest consideration and discussion of every amendment which any gentleman may desire to offer.

Mr. KASSON. Will the gentleman from Pennsylvania state whether he accepted the proposition that this subject should go over for one or two days?

Mr. RANDALL. I did; long ago.

Mr. KEIFER. Then I suggest that it go over at this point, without further debate, in pursuance of the agreement entered into by unanimous consent of the House.

The SPEAKER. To what time?

Mr. RANDALL. I said I would consent to the subject going over after there had been some explanation.

Mr. REAGAN. I think it would be as well to let the matter go over without the previous question, because we may want some modification of other rules. I think the whole subject should be thrown open to discussion.

Mr. RANDALL. I do not ask that the previous question shall be ordered at this time, but I merely want my demand for the previous question pending. I do not wish to take away from gentlemen the opportunity to offer amendments so that they may be printed for information in the RECORD.

Mr. REAGAN. Will that not preclude us necessarily from the opportunity of expressing our views generally and suggesting such amendments as we may deem to be proper?

Mr. RANDALL. It is altogether foreign to my purpose—foreign to any motive I had in connection with the subject—exactly opposite to what I want to do. I want the fullest discussion and the widest opportunity given to the House in connection with its rules, to afford every opportunity to change them as the majority of the House may deem best.

Mr. ANDERSON. Will the gentleman permit me to offer an amendment, so that it may be printed?

Mr. RANDALL. Certainly. I merely wish to suggest to the House and to the Chair that by demanding the previous question I merely desire to retain control over the report of the Committee on Rules which I have had the honor to submit.

The SPEAKER. As the Chair supposes, the whole matter was to lie over, but the day to which it was to lie over was not indicated.

Mr. RANDALL. I do not agree with some gentlemen that under the rules this report might lie over. I am inclined to believe, as has been heretofore decided on a report coming from the Committee on Rules, that no right of objection, compelling the report to lie over for one day, exists on the part of any member.

Mr. REAGAN. As I understand, the gentleman from Pennsylvania agreed that this report should go over for a day or two, so it might be fully considered. To meet his convenience, as I understand, it was agreed that it should go over to Wednesday next.

Mr. RANDALL. I still agree to that.

Mr. KASSON. I ask the gentleman from Pennsylvania whether the agreement touching the going over of this could not be so changed that instead of being taken up on Wednesday it should be taken up on Thursday. My reason for this suggestion is that this morning I introduced a very important proposition, which was referred to the Committee on Rules, and on Wednesday next I am likely to be absent, and Thursday will suit me better.

Mr. RANDALL. As the absence of rules is not to be taken advantage of by anybody I am willing to let it go over to Thursday.

Mr. KASSON. That was agreed to unanimously on both sides this morning.

Mr. RANDALL. I am content to leave it for consideration until Thursday next, if that is the wish of the House.

Mr. KASSON. I shall be very much obliged personally for the delay, because of necessary absence on Wednesday, and also because of the measure to which I have referred.

Mr. RANDALL. I do not want it to come up to-morrow, for the reason, as I have said, that I must be necessarily absent, and am willing to extend the same courtesy to others.

Mr. REED. I have no objection to its going over until any day this week.

Mr. TURNER, of Kentucky. I desire to ask the gentleman from Pennsylvania a question.

Mr. WHITE, of Kentucky. Will the gentleman from Pennsylvania allow an amendment to be offered now?

Mr. RANDALL. I will first hear the question of the gentleman from Kentucky who first addressed me.

Mr. TURNER, of Kentucky. On the 7th day of January last I offered an amendment to Rule XXIV, which appears in the RECORD of January 8. It was referred to the Committee on Rules, and as I understand they have never acted upon it.

Mr. RANDALL. I was not instructed by the committee to make any report upon that subject.

Mr. TURNER, of Kentucky. I know it; but I wanted information——

Mr. RANDALL. I am not at liberty to say when the Committee on the Rules will be prepared to report upon the matter; nor do I admit the statement of the gentleman to be entirely correct that they have as yet failed to consider the subject.

Mr. TURNER, of Kentucky. There is no report to show. There is no evidence of any action on the part of the committee.

Mr. RANDALL. I have no authority from the committee to inform the gentleman as to the status of the matter.

Mr. TURNER, of Kentucky. My principal object, however, in rising at this time was to ask the gentleman from Pennsylvania in charge of this report if he has any objection to having this amendment printed in the RECORD, together with the report of the committee, for information, in order that it may come before the House at the same time the report of the committee is to be acted upon.

Mr. RANDALL. I have no objection to that.

Mr. WHITE, of Kentucky. I now desire, with the consent of the gentleman from Pennsylvania, to offer an amendment to be read.

The SPEAKER. It can only be read for information at this time.

Mr. WHITE, of Kentucky. I desire to have it read for information now, but hope to get action upon it when the report of the committee is before the House.

Mr. RANDALL. I yield to have it read for information and printing in the RECORD.

Mr. TURNER, of Kentucky. I ask that the amendment which I have already offered be read also for the information of the House.

The Clerk read as follows:

Add to Rule XXIV additional clause as follows:

"When any public bill or resolution shall have been referred to a committee, and the committee shall fail or refuse to report said bill or resolution back to the House of Representatives, either favorably or unfavorably, for thirty days, it shall be in order for the member who offered the bill or resolution, on any Monday, immediately after the morning hour, to move to discharge the committee from the consideration of the bill or resolution, and the House shall then dispose of the bill or resolution by recommittal or by final action, such as a majority of the House may determine."

Mr. BELFORD. I desire to ask the gentleman from Pennsylvania a question.

Mr. WHITE, of Kentucky. I have offered an amendment which I desire to have read.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Amend Rule X by inserting after the line "on Revision of the Laws, to consist of eleven members," the following, to wit:

"On Political Rights of Women, to consist of eleven members."

Mr. TURNER, of Kentucky. I hope, Mr. Speaker, when this matter is brought before the House for consideration the gentleman from Pennsylvania will consent to give us a vote upon the amendment which I have offered, an amendment which affects the rights of every member, and without which seven men on any committee can prevent the action of a majority of the House by refusing to report back a bill. I have offered this amendment at every session for the last five sessions, and it has been referred to the Committee on Rules and they have failed to make any report, thereby showing the necessity of this rule, for a majority of the committee have prevented a vote on this important amendment, asserting the right of a majority of this House to control instead of a committee.

Mr. RANDALL. I will say to the gentleman from Kentucky that I am a mere creature of the House obeying the instructions of the committee. All that is necessary for the House to do to obtain a vote upon that proposition, if it desires it, is to vote down the previous question. I am not, however, instructed by the Committee on Rules to permit a vote on the amendment.

I will now hear the question of the gentleman from Colorado.

Mr. BELFORD. I desire to ask my friend from Pennsylvania a question. It will be recollected that when the rules of the last House were adopted we had in this House a lengthy discussion on that subject. I wish to know now whether we are about to adopt rules for our guidance and government on a report from the Committee on Rules, who propose to place a yoke on our necks, without allowing us who are not members of that select oligarchy an opportunity of discussing that question at some length?

Mr. RANDALL. The very great liberality which I have shown in allowing every amendment to be read and printed so as to give to each member an opportunity of reflecting upon these different propositions is a full answer to the inquiry of the gentleman that the Committee on Rules does not propose the kind of yoke he refers to.

Mr. BELFORD. I desire that there shall be three to four hours allowed for the discussion of this matter.

The SPEAKER. The matter is only open at present for the presentation of amendments.

Mr. ANDERSON. I submit the following amendment, which I desire to have printed in the RECORD.

The Clerk read as follows:

Resolved, That Rule XXXIV be amended by adding the following words:

"*Provided*, That an ex-member of Congress, on and after the fifth day from his first admission to the floor of the House, shall only be admitted thereto during the remainder of that Congress by an order of the Speaker; nor shall the Speaker issue said order until such ex-member shall have certified upon his honor as a man that he is not personally, pecuniarily, or professionally inter-

ested, either directly or indirectly, in the passage or defeat of any claim, bill, or other measure pending before Congress or any of its committees; that he is not, either personally or professionally, in the employ, service, or interest, either directly or indirectly, of any railroad, telegraph, or other company, corporation, person, or combination of corporations or persons having a pecuniary interest in the passage or defeat of any claim, bill, or measure pending before Congress or its committees; and pledging his word that, while the House is in session, he will in no way communicate with a member thereof respecting any claim, bill, measure, or action which may affect the welfare of any railroad, telegraph, or other company, corporation, person, or combination of corporations or persons having an interest in legislation pending before Congress. The Committee on Rules, upon ascertainment of any violation of this proviso, shall immediately declare the offender forever deprived of the privilege of the floor as an ex-member of Congress."

Mr. RANDALL. Mr. Speaker, I want to say in reference to this proposition that the committee have recognized fully the fact that there is an abuse existing in relation to this privilege extended to ex-members. They have not proceeded in it far enough to be able to make a recommendation thereon to this House so as to cut in between the case of ex-members who come here in the interest of legislation and those who come here from higher motives or for purposes of pleasure.

Mr. ANDERSON. Will the gentleman allow me this question: whether the Committee on Rules will probably be able to recommend some action which will meet both sides of this question? If so, I do not care to press this.

Mr. RANDALL. I would rather the gentleman should press it. Let the House have the fullest opportunity of reflection upon the subject. We all who have been here for many years realize the great advantage that comes to legislation by reason of exclusion from the floor of all persons who have no legitimate right to claim that privilege.

Mr. MAGINNIS. I desire to offer an amendment which I send to the desk.

The SPEAKER. It will be read for the information of the House.

The Clerk read as follows:

Amendment to the rules:

"That the second and fourth Mondays in each month, after the morning hour, shall be devoted to the consideration of reports of committees in relation to the business of the District of Columbia and of the Territories of the United States, not to include propositions for the admission of new States."

Mr. O'NEILL, of Missouri. I send to the desk an amendment to Rule XI, so that bills relating to the improvement of the Mississippi River, as well as bills relating to levees, may be referred to the Committee on Levees and Improvements of the Mississippi River.

Mr. RANDALL. If the gentleman from Missouri will tell me his object, and the effect of his proposition, I may be able to say whether the Committee on Rules have had his amendment under consideration.

Mr. O'NEILL, of Missouri. The object is this: The House will remember when this question was presented, on the reference of a bill making a million-dollar appropriation, to one of two committees, the main argument used in this House was that under the rules the only bills properly referable to the Committee on Levees and Improvements of the Mississippi River were measures relating to levees exclusively. It was argued that the rules did not permit any broader reference than that. Now, beyond that, independent of any question about the reference of an appropriation bill—I have no intent in this indirect way to bring that question here—I do think the rules should be intelligible; that is, they should plainly show what can properly go to one committee and what to another. And unless you amend that portion of the rule, strictly speaking, no bill can go to the Committee on Levees and Improvements of the Mississippi River, except bills relating to levees.

Mr. RANDALL. I will answer the gentleman from Missouri by saying that while the individual members of the Committee on Rules did not commit themselves except as they have heretofore done on a yea-and-nay vote in the House on the proposition referred to by the gentleman from Missouri, and hence make no recommendation with reference to it, yet they could not shut their eyes to the fact that the House had delivered its judgment in relation to this matter, and they considered themselves, in consequence of that vote, somewhat restricted in relation thereto.

Mr. O'NEILL, of Missouri. I ask the Clerk to read my amendment.

Mr. KEIFER. Those amendments, as I understand, are being read merely for information?

The SPEAKER. They are read for information and to be printed in the RECORD with the report of the committee.

The Clerk read the amendment proposed by Mr. O'NEILL, of Missouri, as follows:

Amend section 22, Rule XI, so as to read:

"To the improvement of the Mississippi River, its levees and tributaries, to the Committee on Levees and Improvements of the Mississippi River.

Mr. O'NEILL, of Missouri. I also ask the Clerk to read another amendment, which I send to the desk.

The Clerk read as follows:

Amend Rule XIV by striking out, wherever they occur, in rules relating to time allowed for debate, the words "one hour" and inserting "thirty minutes."

Mr. KASSON. In view of the situation in which the amendment of the rules is now placed, I ask consent that the resolution for the amendment of Rule XXI which I submitted this morning, and which was referred to the Committee on Rules, may be printed with the others, that it may be considered when the other amendments are pending.

The SPEAKER. If there be no objection, it will be so considered.

The amendment proposed by Mr. KASSON is as follows:

Resolved, That the third paragraph of Rule XXI be amended by striking out all after the word "progress," in line 5, and inserting in lieu thereof the following: "not including propositions for increase of salaries: *Provided*, That it shall be in order further to amend such bill upon the recommendation of the committee having jurisdiction of the subject-matter of the amendment proposed, the same being germane to the clause of the bill affected thereby."

Mr. COX, of New York. I submit the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That a select committee to ascertain the results of the Tenth Census be appointed, to have the same number of members, duties, privileges, and power as the committee of the same name had in the last Congress; and that said committee be authorized to employ a clerk.

Mr. SKINNER, of New York. I send to the desk an amendment which I ask the Clerk to read.

The Clerk read as follows:

RULE —. There shall be appointed by the Speaker at the beginning of each Congress a committee, consisting of fifteen members, eight members from the party in control of the organization and seven members from the opposition, to be known as the Executive Committee of the House of Representatives. It shall be the duty of said committee to consider all bills which may be reported favorably from any other of the standing committees of the House, and to determine which of said bills shall have preference in being brought before the House for consideration. In the order of such preference such bills shall be reported to the House without amendment, and placed upon a calendar to be known as the Executive Calendar. And it shall be in order at any time after the reading of the Journal and expiration of the morning hour for the chairman of such Executive Committee, or any member thereof, when acting under the instruction of said committee, to call up any bill upon the said Executive Calendar for consideration. If his said motion be sustained by a majority vote of a quorum present the bill shall be considered under consideration. The said Executive Committee shall fix the time to be allowed for debate upon each bill so reported, and such time shall not be extended except by a majority vote of a quorum present. At the expiration of said time so fixed or extended a vote shall be taken upon the question without further debate. Nothing in this rule shall prevent the offer of amendments to the bill when under consideration, or to interfere with the preference already given to the consideration of appropriation or revenue bills, or to prevent the consideration of any of the other calendars of the House whenever the House may so direct.

The SPEAKER. In accordance with the understanding the consideration of the report of the Committee on Rules will be postponed until Thursday next, and, together with the pending amendments and the amendments which have been read for information, will be printed in the RECORD.

JUDGE SAMUEL B. AXTELL.

Mr. SPRINGER. I rise to a question of privilege. I present the memorial of Richard W. Webb, a citizen of the Territory of New Mexico; and also a resolution, which I ask the Clerk to read.

Mr. KEIFER. Subject to the privilege of raising the question whether it be a matter of privilege or not.

Mr. SPRINGER. It relates to the impeachment of a judge in the Territory of New Mexico.

Mr. KEIFER. Is this in order now?

The SPEAKER. The Chair supposes if the resolution relates to the impeachment of a public officer, or to the institution of an investigation for the purpose of such impeachment, it would be a matter of privilege.

Mr. KEIFER. A resolution of inquiry could go in under the call.

The SPEAKER. The Chair does not know what the resolution is until it is read.

Mr. SPRINGER. The petition is very short, occupying just one page, and it explains the resolution itself. Let the petition be read first.

The SPEAKER. The question as to whether it is a matter of privilege is reserved.

Mr. SPRINGER. Let the Clerk read the petition first. It will disclose the facts.

Mr. KASSON. The petition is not a matter of privilege, while the resolution may be.

Mr. SPRINGER. The petition is referred to in the resolution and is a part of it.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the petition of Richard W. Webb and accompanying statement of charges against Samuel B. Axtell, chief-justice of the supreme court of the Territory of New Mexico and judge of the first judicial district thereof, be referred to the Committee on the Judiciary and printed, and that the Committee on the Judiciary be directed to inquire and ascertain whether the allegations contained in the foregoing charges and specifications are true, and whether the conduct of the said chief-justice or judge has been such as to render him unfit to discharge the duties of the office of chief-justice or judge, as aforesaid, and report thereon to the House such action, to be taken by impeachment or otherwise, as they may advise; and in making such examination and investigation the said committee have power to send for persons and papers.

Mr. KASSON. That is clearly not such a question as entitles the memorial to present consideration. I will say to the gentleman from Illinois my only ground of objection is that one person who may or may not be responsible might in this way spread before the whole country charges which have not been examined by any committee, and of which we have no evidence or authentic information. I think the gentleman from Illinois must himself see the propriety of this going to the committee. For that reason I must object to the memorial being

read, but I do not object to the memorial and resolution going to the committee.

Mr. SPRINGER. Will the gentleman allow the memorial to be read? It is very short and will explain the full purpose of the resolution.

Mr. KASSON. I have just given the reasons why we ought to object to that on principle. I do not object to the resolution being received and referred to a committee; but I make the point of order that it is not in order to read the memorial at this time.

The SPEAKER. Does the Chair understand the gentleman from Illinois [Mr. SPRINGER] to ask for the reading of the charges or for the reading of the petition asking for an investigation?

Mr. SPRINGER. I ask for the reading of the memorial, which is very short, only one page of manuscript, and that will explain the matter more fully.

Mr. KASSON. I submit to the Chair that this is simply a resolution of inquiry, with an accompanying paper, and as such, under our custom and rules, ought to go to a committee.

Mr. SPRINGER. It simply instructs the committee to inquire into the "foregoing charges and specifications."

Mr. HISCOCK. I ask the gentleman why he can not be content to let the resolution go to the Committee on the Judiciary in the first instance, and then the committee can report it back to the House for adoption if they deem it proper to do so?

Mr. KASSON. That is all that the House can be prepared to act upon at this time. I have no objection to the resolution being referred to the committee, and the committee can then make the inquiry.

Mr. SPRINGER. The resolution itself is a reference of the matter to a committee; let the resolution be adopted.

Mr. KASSON. It is a serious thing to put any kind of sanction by this House to a charge against a public officer, of which I have said I myself never have heard anything. I hope the resolution will be referred to the committee.

Mr. SPRINGER. I ask to have the memorial read.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] claims that this is a matter of privilege. No charges, so far as the Chair knows, have been made on the floor of the House, and no charges have been read against this officer. As the Chair understands it, the gentleman from Illinois does not ask that the charges be read, but that the memorial asking for an investigation be read. The doubt which the Chair has about the matter——

Mr. SPRINGER. The memorial itself states the charges, if the Chair will have it read. I have asked that the memorial be read as a part of the resolution, and the House can not act intelligently upon the resolution until the memorial has been read.

The SPEAKER. The Chair will state that having looked at the memorial he finds that it does contain charges against a judge of the United States court in the Territory of New Mexico. Upon that the gentleman from Illinois [Mr. SPRINGER] offers a resolution that the memorial and charges be referred to the Committee on the Judiciary for investigation. The question is made that this is not a matter of privilege. Of course the Chair is somewhat familiar with rulings made upon similar questions heretofore, but is willing to hear gentlemen on the point of order.

Mr. SPRINGER. I think that gentlemen on the other side will understand the question much better if they will allow the memorial to be read.

The SPEAKER. A paper not to be acted upon by the House can not be read except by unanimous consent. The gentleman offers a resolution and then asks that another paper be read.

Mr. SPRINGER. Then I ask that the memorial be read as a part of my remarks. It is really a part of the resolution itself, and the resolution is without any meaning unless the memorial is read.

Mr. KASSON. In reply to the gentleman from Illinois [Mr. SPRINGER] I will say that no remarks are now in order except by unanimous consent, unless this is a question of privilege. If it is in the first instance a question of privilege, then we may discuss it, and the gentleman if he chose to do so might have the memorial read as a part of his remarks.

The point I make is that this is not a question of privilege, for it is not a resolution of impeachment, but simply a resolution instructing the Committee on the Judiciary to inquire into a certain thing. But that resolution itself is not in order at this time.

I only wish to add further, that I do not desire to make any objection to referring the whole subject to a committee; it ought to go there if it has the sanction of one member of this House. What I object to is that it is not in the form of a question of privilege, and no remarks upon the subject are now in order. I do not object to the whole thing being referred to a committee.

The SPEAKER. The doubt which the Chair entertains on the subject arises from the fact that the resolution itself does not make any charges or recite any charges or direct an impeachment. It simply proposes to refer a memorial to a committee with instructions to examine into charges which it is assumed are contained in the memorial. The Chair would like to hear the opinions of gentlemen upon this question, because its proper decision may be of importance hereafter.

Mr. RANDALL. If the resolution is in the nature of an impeachment it is a question of privilege, although the rules do not make mention of that as one of the privileged subjects. Neither do the rules recognize the report of the Committee on Elections as a privileged subject. Yet both impeachments and the right of a member to a seat here are constitutional questions which rise above the rules of the House.

The gentleman from Illinois who introduced this resolution ought to tell us, so that we can vote understandingly, whether it is a resolution of impeachment or not.

Mr. SPRINGER. I have stated to the House that the memorial which accompanies the resolution, and to which the resolution refers, does state that this judge has been guilty of high crimes and misdemeanors. It specifies them in detail to the number of eight or ten, and specifications accompany them, with the names of witnesses upon whom the petitioner relies to prove every one of the charges. I ask that they be referred to the Committee on the Judiciary, and that that committee have authority to send for persons and papers to ascertain the truth of the statements contained in the memorial.

The charges are specific, and the names of the witnesses relied upon to make good the charges are given.

Mr. RANDALL. Then this is a step in the direction of impeachment.

Mr. SPRINGER. It is an allegation that this judge is guilty of high crimes and misdemeanors. The charges are set forth in plain language and in a comprehensive manner. I ask this House to investigate them.

I will state to gentlemen on the other side that I have some knowledge myself of the condition of affairs in the Territory of New Mexico, as I was there upon a visit during the last summer. I know the gentleman who presents this petition. He is a reputable, honorable citizen, and a member of your own political party. He is backed by almost the entire bar of the Territory, as gentlemen will see by examining the names accompanying this paper. There is an almost general demand from the bar and the citizens of New Mexico that this investigation shall be made. I hope that gentlemen on the other side, in the interest of the pure administration of justice, will withdraw all opposition and allow this matter to go where it belongs, to the Committee on the Judiciary for investigation.

Mr. KASSON. Allow me to answer that by the simple statement that there is no question of "sides" here at all. The point of order is made on the gentleman's resolution. He does not himself propose an impeachment. This is a resolution of inquiry, directing a committee to inquire into the matter. I have repeatedly stated that there will be no objection to the committee taking jurisdiction of the subject-matter if, as the gentleman from Illinois says, this memorial is a respectful one. The point of order I make is that the memorial does not in any way strengthen the resolution, because what a member of the House does not propose here in order to give jurisdiction a man in New Mexico can not. It is upon the resolution that the question of privilege is to be decided. I hope that the gentleman from Illinois and the Speaker will not misunderstand me. There is not the slightest hostility to an investigation upon the statement of the gentleman from Illinois. What we object to is spreading broadcast unsupported charges against judicial character before there has been the slightest inquiry by any committee of the House whether there is ground for believing them to be true. If they should be found true, the gentleman will find every one of us voting to sustain an impeachment. But I do object to this system of slandering official character without the facts being substantiated by some organ of this House in the first instance.

Let the matter go to a committee. Let them inquire. Let them report an impeachment if the facts justify it. But I do object to getting in on this floor, under the form of a resolution of inquiry, a lot of as yet unsupported charges against the judicial character of a man about whom I know nothing except that he is a judge and *prima facie* entitled to our respect and fair treatment.

Mr. SPRINGER. Will the gentleman allow me to ask him one question? Suppose this resolution be referred to the Committee on the Judiciary, what will be their powers in the premises?

Mr. KASSON. The reference of the resolution with the memorial gives the committee entire jurisdiction to report an impeachment of this officer if they find the facts justify it.

Mr. SPRINGER. But they will not have power to send for persons and papers.

Mr. KASSON. We will give them that power; there is no objection to that.

Mr. SPRINGER. That is all there is in the resolution.

Mr. KASSON. Whenever the committee ask that power they can have it without objection.

Mr. COX, of New York. Mr. Speaker——

The SPEAKER. Before the gentleman from New York [Mr. COX] proceeds, the Chair would like to call his attention to a point which he conceives to be involved in this question. If a member on the floor should prefer articles of impeachment against a public officer, the Chair has no doubt that it would be a privileged matter under the Constitution, because this House possesses the power of impeachment. But this is not a resolution proposing to impeach any one; it simply instructs

the Committee on the Judiciary to inquire into the truth or falsity of certain charges made against a public officer in a memorial which has been presented. The inquiry may result in an impeachment or it may not; but the doubt which the Chair has arises upon the distinction between a mere proposition to investigate charges against a public officer and a proposition to impeach that officer.

Mr. COX, of New York. May I speak to that proposition a moment?

Mr. KASSON. The point of order is sustained, as we understand.

Mr. COX, of New York. I do not believe we ought at present to allow this matter to come in as a question of privilege. Why should we undertake on a mere memorial to slime over anybody? *Non constat* this judge may be as virtuous and just an officer as any other judge in the country. This is not a question of privilege—at least not now. Send the matter to your committee; and if upon examining the memorial they think it serious enough, let them ask for authority to send for persons and papers.

Mr. KASSON. That is sensible.

Mr. COX, of New York. If the matter should come up hereafter in the form of a proposition for impeachment, it then becomes a question of privilege; not till then. I hope my friend from Illinois will consent that this matter shall be sent now, just as it stands, to the Committee on the Judiciary, which has jurisdiction of such matters.

Mr. SPRINGER. The gentleman from New York has stated all that I have desired to accomplish by the introduction of this resolution, that the Committee on the Judiciary be placed in such a position that they can look into these charges and report whether there is a case here which requires action on the part of the House. I have no objection to referring the matter to the committee with instructions (if they deem it proper) to send for persons and papers in making the inquiry.

Mr. KASSON. That is right.

The SPEAKER. If there be no objection——

Mr. BELFORD. I object.

Mr. REED. If the Judiciary Committee regard that matter as something they wish to investigate, they can come to the House and ask for permission to send for persons and papers.

Mr. KASSON. That is understood.

Mr. REED. This is a question of right procedure. It is not usual to make it a matter on which capital can be made. It is a question of right procedure, and every member of the House knows it is not correct procedure upon the single memorial of an individual to give to a committee power to send for persons and papers and thus initiate proceedings. It is proper such a thing should go to a committee, and if the committee deem there is proper occasion for it they can send for persons and papers, and if, after sending for persons and papers, they deem it is a proper case for impeachment they can prefer articles of impeachment. Any other method is unjust.

Mr. SPRINGER. I desire to accommodate my friend.

Mr. REED. It is not a question of consideration; it is a question of decency. [Laughter.]

Mr. SPRINGER. I wish to make it as easy for you as possible.

Mr. REED. The gentleman says he wishes to make is as easy for us as possible. If that be so, then he would not appear on the floor at all. [Laughter.]

Mr. SPRINGER. The gentleman from Illinois does not occupy the floor half the time that the gentleman from Maine does, and always with this difference, that I never speak without having something to say. [Laughter.]

Mr. BELFORD. I wish to ask the gentleman from Illinois a question.

The SPEAKER. The gentleman from Illinois has accepted——

Mr. BELFORD. But I have not accepted it. [Laughter.]

Mr. SPRINGER. On that I demand the previous question.

Mr. BELFORD. I wish the gentleman from Illinois to answer this——

Mr. SPRINGER. I will answer the gentleman from Colorado.

Mr. BELFORD. You spent a summer in New Mexico.

Mr. SPRINGER. That has nothing to do with it.

Mr. BELFORD. I am coming to it, and I hope the gentleman will not object.

Mr. SPRINGER. Come to your statement or question which you propose to ask.

Mr. BELFORD. It is impossible for me, like the gentleman, to come to a conclusion without any intermediate steps. [Laughter.] You spent a summer in New Mexico investigating some claims there which were attacked——

Mr. SPRINGER. No; I did not.

Mr. BELFORD. I so understood it. I say the gravamen of the charges against Judge Axtell is based on this and nothing more, that certain citizens of New Mexico had acquired title to a large and valuable tract of land—— [Cries of "Regular order!"]

Mr. SPRINGER. I demand the previous question.

Mr. BELFORD. Just wait.

The SPEAKER. The regular order has been demanded, and the merits of the charges against the officer——

Mr. SPRINGER. I know nothing about the matter to which the gentleman refers. I have had nothing to do with the matter and know nothing about it.

Mr. BELFORD. I say that is the substance of the charges. Now these jumpers—— [Cries of "Regular order!"] I say you seek to impeach—— [Cries of "Regular order!"]

The SPEAKER. The subject-matter of the memorial is not before the House for debate, and, there being no objection, the memorial and accompanying resolution will be referred to the Committee on the Judiciary.

There was no objection, and it was so ordered

APPROPRIATIONS FOR CERTAIN DESTITUTE INDIANS.

Mr. ELLIS. Mr. Speaker, I present at this time the report of the conferees on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution appropriating $50,000 for certain destitute Indians. I ask that the report be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution appropriating $50,000 for the support of certain destitute Indians having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out from said amendment the words "not exceeding $5,000" and insert in lieu thereof the following: "three thousand dollars, or so much thereof as may be necessary;" and add at the end of the amendment the following: "which advertisement shall be made for ten days in at least four of the principal cities of the West;" and the Senate agree to the same.

E. JOHN ELLIS,
WILLIAM S. HOLMAN,
THOMAS RYAN,
Managers on the part of the House.

W. B. ALLISON,
JOHN A. LOGAN,
JAMES B. BECK,
Managers on the part of the Senate.

The SPEAKER. The within statement accompanying the report, required by the rules, will now be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the joint resolution appropriating $50,000 for certain destitute Indians submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report:

If the action of the conferees is concurred in, the joint resolution will appropriate $100,000, of which sum $3,000, or so much thereof as may be necessary, will be available for telegraphing and making purchases of supplies, including cost of advertising, which advertisement shall be made for ten days in at least four of the principal cities of the West.

E. JNO. ELLIS,
WM. S. HOLMAN,
THOS. RYAN,
Managers on the part of the House.

Mr. ELLIS. Unless some gentleman desires a further explanation I shall ask the adoption of the report.

Mr. REAGAN. I wish to ask the gentleman from Louisiana if he can state to the House whether there was any appropriation for the purposes contemplated by this resolution in the appropriation bill of the last year; and, if so, please to state the amount.

Mr. ELLIS. I have not the information asked by the gentleman from Texas at hand, but I can get it by sending to the committee-room for it. I could only give him now the approximate figures.

Mr. MAGINNIS. There was an appropriation made for this purpose. I think about $45,000 was appropriated, although I am not certain as to the exact amount.

Mr. CHACE. What was the question of the gentleman from Texas?

Mr. REAGAN. My question was whether there had been a certain amount appropriated for this specific purpose during the last year; and, if so, how much.

Mr. ELLIS. The amount appropriated for the Crows last year, or the fiscal year ending June 30, 1884, was $105,000. The amount appropriated for the support of the Indians at Fort Belknap, at Fort Peck, and at Blackfeet agency was $138,000.

Mr. REAGAN. Were those two items for the benefit of the same Indians that this appropriation is for?

Mr. ELLIS. Yes, sir.

Mr. BLOUNT. Let me ask the gentleman whether the appropriations of last year were the usual appropriations for this purpose?

Mr. ELLIS. No; they were much less than the usual appropriations.

Mr. BLOUNT. And hence the deficiency?

Mr. ELLIS. Yes, sir. Furthermore, these Indians have been heretofore totally supported by the Government. While we have been giving largely in excess of the appropriations for the current year, they have been supported in part by the buffalo which were plentiful upon their hunting-grounds. But this year they have entirely disappeared, and these Indians have been put upon a soil to work it which absolutely requires irrigation before it will produce anything. Their attempts at farming have been entirely unsuccessful, their crops having been totally destroyed by frosts and drought, and they are now in a condition of absolute starvation.

Mr. BLOUNT. I would like to ask the gentleman from Louisiana in this connection, since only about seven months of the fiscal year have

passed, how such a deficiency can have arisen? He has just stated that the appropriations of last year were less than usual. Now, were the appropriations only such in amount as to justify this additional appropriation when but little more than half the year has passed, or does the necessity for an immediate appropriation grow out of the condition of these Indians at this time?

Mr. ELLIS. I think, in the first place, the appropriation of last year was inadequate. I think it was far less than should have been given. But this appropriation is attributable particularly to the other causes, the failure of their crops and the absence of game.

Mr. RYAN. If the gentleman will allow me, I will state that if the same condition of things had existed in regard to these Indians during the present fiscal year as existed in former years, the appropriation would have been nearly if not fully adequate. But, as I understand it, their crops have utterly failed, and the game upon which they have been accustomed heretofore largely to subsist has entirely deserted that part of the country. Hence this deficiency.

Mr. BLOUNT. I would like to ask the gentleman in that connection whether the estimates for the last year were less than usual.

Mr. RYAN. I am not certain as to that.

Mr. BLOUNT. I would also like to know if the Committee on Appropriations have seen proper on their own motion to make this recommendation.

Mr. RYAN. The appropriations were less than for the preceding year, and——

Mr. HISCOCK. Let me say that the policy pursued in this case is the same which prevailed in other cases, that where these Indians have been placed in a condition to begin farming operations they have been supplied with cattle, grain, and feed, and other necessaries until they have become, to some extent, able to support themselves. Then these supplies are gradually reduced, and they are compelled to look to agriculture alone for their support. That was the policy, as was stated by the gentleman from Louisiana, who was upon the committee during the last year, and who was fully conversant with the plan which had been adopted in that respect.

Mr. BLOUNT. I have no doubt that what the gentleman says is entirely correct, but what I wish to know is whether or not these reports were made to the Committee on Appropriations of last year by the Department, whether in that appropriation bill these provisions were made on the suggestion of the Department or whether they came from the committee on its own motion.

Mr. HISCOCK. Were made upon consultation with the gentleman who had charge of this matter in the Interior Department.

Mr. BLOUNT. The report of the committee was made after that consultation?

Mr. HISCOCK. Yes, sir.

Mr. BLOUNT. And in less than seven months this deficiency is asked for?

Mr. HISCOCK. I am not prepared to say whether the committee may not have reduced the appropriation somewhat below the estimate of the Department. But I am prepared to say it was after full consultation, and as the gentleman from Louisiana [Mr. ELLIS] will bear witness, it was supposed a sufficient amount was given. And a sufficient amount was given if the crops had been good and the other conditions the same as in previous years.

Mr. CHACE. My information from the Department is that the appropriation last year was not what the Department asked for.

Mr. RYAN. It was not what the Department asked for.

Mr. ELLIS. I yield to the gentleman from Montana [Mr. MAGINNIS].

Mr. MAGINNIS. I would like to make one statement in regard to one of these tribes of Indians, because I never could understand upon what ground the Committee on Appropriations or the House have justified the constant reductions that have been made in their annuities. Some ten years ago a treaty was made with those Indians by which they gave up certain portions of their lands and we occupied them. The consideration was to be $50,000 a year. That treaty was never ratified by the Government.

Mr. CHACE. It was made in 1868.

Mr. MAGINNIS. Yes, but never formally ratified by the Government. Yet the Government went on and took all the benefits of it; and then when the Indians came in and claimed the $50,000, Congress, after allowing it for some years, cut it down year after year until the last committee cut it down almost to nothing. I always thought if not a breach of treaty it was a breach of faith.

Mr. REAGAN. I desire to be permitted to say a few words.

Mr. ELLIS. I yield to the gentleman from Texas.

Mr. REAGAN. Mr. Speaker, our Indian policy and the manner of its administration are justly calculated to awaken suspicion on this floor and throughout the country. And we have here now the extraordinary fact that at the expiration of half the year we are called upon to appropriate an additional $100,000 over the appropriations that were made at the beginning of the year and which it was supposed would be sufficient. I say the fact that now at the expiration of half the year $100,000 additional is asked for these fifteen thousand Indians will, of itself, awaken the inquiry as to how many Indian agents and contractors for supplies are to be benefited by this appropriation.

When we think of an expenditure of seven or eight millions of dollars a year for these Indians, besides what they ought to make toward their own support, and when that is spent that we have to supply deficiencies, such requests as these in connection with the history of the management of Indian affairs in this country awaken at least inquiry and comment. It seems to me the amount asked for by the committee of the House, $50,000, was extravagant and unnecessary; and now an additional $50,000 added to that, it seems to me, ought to secure a rejection of the report of the committee.

Mr. ELLIS. I desire to say one word in reply to the gentleman from Texas. So far as the committee has been able it has guarded the appropriation, limiting the expense of purchasing and advertising, and guarding the Government as far as legislation could guard the Government. In reply to the assertion that these people are not entitled to the humanities of the Government, I must say that I totally dissent from the views of the gentleman from Texas.

Mr. REAGAN. I was rather arguing against the rascalities of the Indian agents.

Mr. ELLIS. It is, sir, the fault of your race and the fault of your Government that these people are reduced to the condition that they are in now. You have taken their lands, you have violated your treaty obligations until the recital of your conduct toward them is enough to make the face of every honorable and honest American burn with shame. Your civilization has driven the game from them on which they have subsisted year by year. The Government has adopted the more humane policy of endeavoring to civilize them and teach them to work. And now, in the infancy of this policy, when they have gone upon these reservations, when they have been placed upon inhospitable soil without means of irrigation, with crops failing and with game disappearing and when they are in a condition of starvation, the gentleman prates about the injustice of the Government making these appropriations. I say they are sanctioned by every law of humanity and by every principle of civilization.

I move the previous question on the report.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. ELLIS moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the House do now adjourn.

The question being taken, there were ayes 137, noes not counted.

So the motion to adjourn was agreed to; and accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred, as follows:

By Mr. BARBOUR: Papers relating to the claim of William Sherwood—to the Committee on War Claims.

Also, petition of Bennett Wright, for compensation for stock driven off by order of General Sheridan—to the same committee.

By Mr. BELMONT: Petition of G. H. Nichols and 164 others, citizens of New York, asking an appropriation for the improvement of Maspeth Creek, New York—to the Committee on Rivers and Harbors.

Also, petition of B. O. Robinson and 41 others, for the establishing of a harbor of safety at Horton's Point—to the same committee.

Also, petition of Margaret Madden, asking for the passage of special act for her relief—to the Committee on Invalid Pensions.

Also, petition of John E. Dowley and 5 others, United States bailiffs of New York courts, asking an increase of salary—to the Committee on the Judiciary.

By Mr. BLANCHARD: Petition of the postmaster at Bellevue, La.—to the Committee on the Post-Office and Post-Roads.

Also, petition of the postmaster at Alexandria, La.—to the same committee.

By Mr. BOYLE: Petition of citizens of Westmoreland County, Pennsylvania, for the relief of Martha J. McIlwain—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: Petition of William Diebrey, commissioner of Maine, and 1,024 others, in favor of the construction of bridges across the Saint John and Saint Francis Rivers—to the Committee on Foreign Affairs.

Also, memorial of C. F. Hammond and 132 others, of Madawaska territory, to authorize the State of Maine to build bridges on the boundary line—to the same committee.

Also, memorial of the teachers and scholars of Fort Kent training-school, in favor of constructing bridges across the Saint John and Saint Francis Rivers—to the same committee.

By Mr. BREITUNG: Petition of C. F. Smith Post, 175, asking a grant of 160 acres of land to each honorably discharged soldier or sailor, &c., of the late war—to the Committee on the Public Lands.

By Mr. BUCKNER: Two petitions of citizens of Franklin County, Missouri, for the improvement of the Mississippi River—severally to the Committee on Rivers and Harbors.

Also, the petition of Louisa Holterman, for the extension of patent process for preparing tobacco—to the Committee on Patents.

By Mr. BUDD: Communication of A. C. Bingham, mayor of Marysville, Cal., relative to H. R. 102, and requesting amendments thereto—to the Committee on Rivers and Harbors.

By Mr. BURLEIGH: Petition of Charles E. Noyes and others, relative to schools in Alaska—to the Committee on Education.

By Mr. BURNES: Papers relating to the improvement of the Missouri River, &c.—to the Committee on Rivers and Harbors.

By Mr. CALDWELL: Petition for the relief of J. H. Adams—to the Committee on Claims.

By Mr. CALKINS: Petition of citizens of Charlestown, asking for an appropriation for educational purposes in Alaska—to the Committee on Education.

Also, resolution of Elmer Post, Grand Army of the Republic, Elkhart, Ind., relative to changing fictitious names of soldiers of the late war on the rolls—to the Committee on Military Affairs.

By Mr. J. M. CAMPBELL: Affidavit relating to the pension claim of I. W. Bunker—to the Committee on Invalid Pensions.

By Mr. CASSIDY: Papers relating to the improvement of the Colorado River—to the Committee on Rivers and Harbors.

By Mr. CLARDY: Petition for the relief of Luigi Botta—to the Committee on War Claims.

By Mr. CONVERSE: Petition of S. E. Bell and 44 others, citizens of Coshocton County, Ohio, praying a retention of the tariff of 1867 on imported wool—to the Committee on Ways and Means.

By Mr. DARGAN: Papers relative to the improvement of the navigation of the Great Pee Dee River, South Carolina; petition of citizens of the South on the same subject; and papers relating to the improvement of the Waccamaw River—severally to the Committee on Rivers and Harbors.

By Mr. DAVIDSON: Papers relating to a public building at Key West, Fla.—to the Committee on Public Buildings and Grounds.

By Mr. G. R. DAVIS: Petition of William M. Hoyt & Co. and 35 others, against the repeal of the law relating to the manufacture of vinegar; and of Gray, Burt & Kingman, on the same subject—severally to the Committee on Ways and Means.

Also, papers relating to the claim of Thomas Lynch—to the same committee.

By Mr. DIBRELL: Petition for the relief of W. C. Shelton—to the Committee on War Claims.

Also, communication from the mayor, aldermen, and others, relative to the improvement of the Tennessee River—to the Committee on Rivers and Harbors.

Also, papers relating to the claim of William C. Spencer—to the Committee on Military Affairs.

Also, papers relating to the claim of Joseph Ruohs, and of William I. Witcher and B. Walden—severally to the Committee on War Claims.

By Mr. DOCKERY: Memorial of S. A. Hurlbut Post, No. 32, Grand Army of the Republic, as to bounty, &c., for certain soldiers of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. DORSHEIMER: Petition of Henry Hecking, for arears of pension—to the Committee on Invalid Pensions.

By Mr. DUNCAN: Petition of William H. Small, for a pension—to the same committee.

By Mr. ELLIS: Memorial of the Florida parishes of Louisiana in regard to their rights to public lands—to the Committee on the Public Lands.

Also, papers relating to the claim of Mrs. Elizabeth R. McCracken, of Louisiana—to the Committee on Invalid Pensions.

By Mr. FOLLETT: Petition of merchants, manufacturers, and bankers of Cincinnati, Ohio, protesting against the passage of the bankrupt law—to the Committee on the Judiciary.

By Mr. GLASCOCK: Memorial of the Board of Commerce of San Francisco, Cal., relative to increasing the naval force—to the Committee on Naval Affairs.

Also, memorial of the Board of Trade at Sacramento, Cal., relative to the construction of a Government building at Sacramento—to the Committee on Public Buildings and Grounds.

Also, memorial of the Board of Trade at Los Angeles, Cal., for a Government building at Los Angeles—to the same committee.

By Mr. HAMMOND: Petition of Lawson Craddock & Co. and others; of Hightman, Hallman, and others; of Howard, Wood & Co. and others; of Oglesby & Meadow and others, citizens of Atlanta, Ga.; and of citizens of Farmington, Ga., for an appropriation for the payment of a rebate on tobacco—to the Committee on Appropriations.

Also, petition of T. P. Westmoreland, for a fee for representing the United States in a murder case at Atlanta, Ga., in the United States court—to the Committee on Claims.

By Mr. HARDY: Petition of several persons engaged in the manufacture and sale of weiss-beer, as to the construction of section 3354 Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. HART: Petition of Judge Ace Gregg and A. R. Cramer, for the relief of T. J. Lindsay—to the Committee on Invalid Pensions.

Also, petition of Post 371, Grand Army of the Republic, Martinsville, Ohio, asking for laws pensioning soldiers—to the same committee.

By Mr. W. H. HATCH: Memorial of William McKee Post, No. 110, Grand Army of the Republic, Kahoka, Mo., as to equalization of bounties, pay, &c., to soldiers of the late war—to the same committee.

Also, the petition of 71 citizens of Missouri, for the improvement of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Papers relating to the claim of John Bostater—to the Committee on Invalid Pensions.

By Mr. A. S. HEWITT: Petition of C. H. Waddell, of New York—to the Committee on Claims.

By Mr. HISCOCK: Petition of the Bureau of Labor and Charities of Syracuse, N. Y., for a postal savings depository—to the Committee on the Post-Office and Post-Roads.

By Mr. HOPKINS: Petition of 30,000 mechanics from all parts of the Union, of several thousand citizens of Ohio, of several thousand citizens of different States, and of several thousand citizens of Pennsylvania, in favor of a bill to prohibit the importation of labor under contracts made abroad—severally to the Committee on Labor.

By Mr. HUNT: Papers relating to the claim of Alexander Judice—to the Committee on Private Land Claims.

By Mr. JAMES: Petition of George Chappel, for a special act to be passed removing disability to his obtaining letters patent—to the Committee on Patents.

By Mr. KEIFER: Memorial of citizens of Hillsborough, Ohio, for an appropriation for education in Alaska—to the Committee on Education.

Also, petition of P. P. Mast & Co. and others, relative to the education and voluntary citizenship of the Indian—to the Committee on Indian Affairs.

By Mr. KLEINER: Papers relating to claim of Brownlee George—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolution of the executive committee of the Michigan State Agricultural Society, for the prevention of pleuro-pneumonia in cattle—to the Committee on Agriculture.

Also, resolutions of the Farmers' Club in Norvell, Mich., on the same subject—to the same committee.

By Mr. LAWRENCE: Papers relating to the claim of C. S. Peugh—to the Committee on the District of Columbia.

By Mr. LONG: Petition of the Boston Marine Society, for life-saving stations at Gay Head and Point Alberton, Mass.—to the Committee on Commerce.

By Mr. McKINLEY: Papers relating to the claim of John H. Jones and Thomas D. Harris—to the Committee on War Claims.

By Mr. MORGAN: Memorial of Webster Post, No. 121, Grand Army of the Republic, Cora, Mo., and of Seamon Post, No. 87, Colfax, Mo., relative to bounties, pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, memorial of T. H. Richardson Post, No. 92, Grand Army of the Republic, of Lancaster, Mo.; of Burnside Post, No. 18, Grand Army of the Republic, Pleasant Hill, Mo.; and of O. P. Morton Post, No. 16, Grand Army of the Republic, Joplin, Mo., relative to pensions and back pay—severally to the same committee.

By Mr. MOULTON: Petition of 500 citizens of the seventeenth Congressional district of Illinois, relative to the improvement of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. MURRAY: Petition of Martin Douglass, of Andrew J. Konkle, of William Harris, and of Daniel Urbausky, for a pension—severally to the Committee on Invalid Pensions.

By Mr. NELSON: Memorial of the Chamber of Commerce of Saint Paul, Minn., to increase the United States Navy—to the Committee on Naval Affairs.

Also, petition of James R. Walker, for compensation for medical services among the Indians—to the Committee on Claims.

Also, petition of James Chambers, for an amendment to the pre-emption laws—to the Committee on the Public Lands.

By Mr. NICHOLLS: Papers relating to the appropriation of $75,000 for the improvement of the harbor of Brunswick, Ga.—to the Committee on Rivers and Harbors.

Also, memorial of the pilots of Savannah Bar, on the subject of pilotage—to the Committee on Commerce.

By Mr. S. J. PEELLE: Papers relating to the claim of Capt. J. H. Estes—to the Committee on the Post-Office and Post-Roads.

By Mr. PETTIBONE: Papers relating to the claim of Joseph D. Long and of Isaac Crawford—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Dr. John W. Hartman—to the Committee on War Claims.

By Mr. POLAND: Petition of Paschal P. Ripley and many others, officers and soldiers of the Vermont volunteers, in support of various bills pending enlarging the pension laws—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. RANKIN: Remonstrance of citizens of Manitowoc, Wis., against the passage of House bill 3317—to the Committee on Ways and Means.

Also, petition of Anna Gaertner for a pension—to the Committee on Invalid Pensions.

Also, petition for a pension for Frederick Schuelte—to the same committee.

By Mr. REED: Petition for the survey of York Harbor, Maine—to the Committee on Rivers and Harbors.

By Mr. RIGGS: Petition of William Huddleston, for increase of pension—to the Committee on Invalid Pensions.

By Mr. J. H. ROGERS: Petition of citizens of Ozark, Ark., for the consolidation of the land office at Dardanelle and Harrison, Ark.—to the Committee on the Public Lands.

By Mr. ROSECRANS: Petition of the heirs and legal representatives of certain officers of the army of the Revolution, for relief, &c.—to the Committee on Claims.

By Mr. RUSSELL: Papers relating to the claim of Charles Watson—to the Committee on Military Affairs.

By Mr. RYAN: Petition of citizens of Kansas, for an appropriation for education in Alaska—to the Committee on Education.

Also, petition of soldiers and sailors of Kansas, for equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. T. G. SKINNER: Papers relating to the improvement of the Perquimans River, North Carolina, and to the improvement of the harbor at Edenton, N. C.—severally to the Committee on Rivers and Harbors.

By Mr. SNYDER: Petition of James M. Mason, to accompany House bill 3823—to the Committee on Claims.

Also, petition of Elias S. Bronson and others—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CHARLES STEWART: Petition from citizens of Orange and Jefferson Counties, Texas, for the improvement of the harbor at Sabine Pass—to the Committee on Rivers and Harbors.

By Mr. STOCKSLAGER: Application for post-routes in Indiana—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSHEND: Petition for a pension of Romulus A. Moss—to the Committee on Invalid Pensions.

By Mr. VANCE: Petition of citizens of the District of Columbia, relative to the unlawful occupation of Government land in the District of Columbia by the Baltimore and Potomac Railroad Company—to the Committee on Public Buildings and Grounds.

Also, the petition of Shelton Nancy and others, for relief—to the Committee on Invalid Pensions.

Also, papers relating to the claim of W. P. Payne—to the Committee on Military Affairs.

Also, papers relating to the claim of S. B. West, administrator, &c.—to the Committee on War Claims.

By Mr. WARNER: Petition for the relief of Joseph Thompson—to the same committee.

Also papers relating to claim of Charles H. Edmondson, deceased—to the same committee.

By Mr. J. D. WHITE: Petition for the relief of James B. Blackburn—to the Committee on Invalid Pensions.

By Mr. MILO WHITE: Memorial of the Saint Paul Chamber of Commerce, on increasing the Navy—to the Committee on Naval affairs.

By Mr. WILLIS: Papers in the case of C. E. Conty, of Mrs. Frances Marshall, of Mary T. Duncan, of Hamilton T. Figg, of Theodore Schwartz, and of H. S. Saunders—severally to the Committee on War Claims.

By Mr. W. L. WILSON: Memorial for the relief of Saint Luke's Protestant Episcopal church, Washington, D. C.—to the Committee on the District of Columbia.

By Mr. WINANS; Memorial of A. A. Carr and others, asking for one hundred and sixty acres of land for honorably discharged soldiers and sailors of the late war, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. G. D. WISE: Petition of citizens of Bowling Green, Va., for a post-office building—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Commercial Club of Richmond, Va., in opposition to a bankrupt law and for a uniform exemption, &c.—to the Committee on the Judiciary.

Also, resolutions of the Virginia State Agricultural Society, in favor of the extension of the Signal Service to the agricultural portions of the country—to the Committee on Agriculture.

By Mr. WORTHINGTON: Petition of Brinton Levis, for increase of pension—to the Committee on Invalid Pensions.

By Mr. YAPLE: Petition of Richard Underwood, for a pension—to the same committee.

By Mr. YORK: Petition of North Carolina Cherokee Indians, for the passage of House bill 1118—to the Committee on Indian Affairs.

Also, the petition of Jacob M. Pruitt, asking to be placed on the pension-rolls—to the Committee on Invalid Pensions.

By Mr. YOUNG: Papers relating to the pension claim of Julia A. Darrell—to the same committee.

Also, petition of Samuel H. Chapman, survivor of three wars, for a pension —to the same committee.

SENATE.

TUESDAY, *February* 5, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with law, an abstract of the militia force of the United States, organized and unorganized, according to the latest returns received at the office of the Adjutant-General of the Army.

The PRESIDENT *pro tempore*. This communication, together with the accompanying reports, if there be no objection, will be printed and referred to the Committee on Military Affairs.

Mr. COCKRELL. I do not think this communication needs any reference to the Committee on Military Affairs. A bill touching that subject has been reported and is upon the Calendar. I move that the communication be printed and laid upon the table.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 1015) for the relief of Fitz-John Porter was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 3520) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

COMMITTEE SERVICE.

Mr. WILSON. Mr. President, I desire to submit a request to the Senate this morning to be relieved from further service as chairman of the Committee on Mines and Mining.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator to desire to be relieved from further service on the committee as well, or only from the chairmanship?

Mr. WILSON. Only as chairman of the committee.

The PRESIDENT *pro tempore*. The Senator from Iowa asks consent to be relieved from further service as chairman of the Committee on Mines and Mining. Will the Senate grant the request?

The request was granted.

Mr DOLPH. I ask to be relieved from further service upon the Select Committee on Additional Accommodations for the Library of Congress.

The PRESIDENT *pro tempore*. The Senator from Oregon asks the Senate to relieve him from further service upon the committee in respect to additional accommodations for the Library of Congress. Will the Senate grant the request?

The request was granted.

Mr. LAPHAM. I desire to be relieved from my position as chairman of the Select Committee on Woman Suffrage; not from service on the committee, but simply to be relieved as chairman.

The PRESIDENT *pro tempore*. The Senator from New York asks that the Senate discharge him from further service as chairman of the Select Committee on Woman Suffrage. Will the Senate grant the request?

The request was granted.

The PRESIDENT *pro tempore*. The Chair presents as a matter of privilege a letter from Mr. JONES, Senator from Florida, asking to be discharged from further service upon the Committee on Woman Suffrage. Will the Senate excuse the Senator from Florida from further service on that committee?

The request was granted.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Franklin Fairbanks and Horace Fairbanks, of Saint Johnsbury, Vt., praying for a thorough inquiry into divorce matters and the collection of divorce statistics from the records and authorities of the several States as a basis for future legislation; which was referred to the Committee on the Judiciary.

He also presented resolutions of the American Laryngological Association of New York, urging the erection of a fire-proof building for the library and museum of the Surgeon-General's Office; which was referred to the Committee on Public Buildings and Grounds.

Mr. COKE presented the following joint resolution of the Legislature of Texas; which was read, and referred to the Committee on Indian Affairs:

Joint resolution.

Whereas notice is given by John D. Miles, United States Indian agent, Cheyenne and Arapaho agency, Indian Territory, dated October 16, 1884, that all that portion of the cattle trail known as the "Western cattle trail," which passes through the Cheyenne and Arapaho Indian reservation, Indian Territory, and heretofore used from Texas to Kansas, can no longer be used for trail purposes, as that part of said Cheyenne and Arapaho reservation through which the said trail passes has been leased for grazing purposes: Therefore,

Be it resolved, That the senate and house of representatives of the Eighteenth Legislature request the United States Congress through our honorable Senators

and Representatives to bring the matter before said body, and to use their influence to have said cattle trail opened.

J. W. BOOTH,
Chief Clerk House of Representatives.

Mr. COKE presented a concurrent resolution of the Legislature of Texas; which was read, and referred to the Committee on the Judiciary, as follows:

H. C. R. No. 2—Concurrent resolution.

Whereas the frequent commission of crime in the Choctaw and Chickasaw Nations within the Indian Territory, contiguous to the northern border of this State, often affecting the personal and property rights of our own citizens, demands a more efficient and prompt remedy than is or can be afforded by any existing Federal jurisdiction, by reason of their great distance from the place of holding the courts: Therefore,

Resolved by the house of representatives (the senate concurring), That the Congress of the United States are respectfully requested to provide by law for a term of the Federal court at some accessible and convenient point within and near the northern border of this State, with jurisdiction of offenses committed within said Territory.

Resolved, That our Senators and Representatives in Congress be furnished by the secretary of state with copies of this resolution, and they are urgently requested to advocate the passage of a law providing for such Federal court, with jurisdiction as aforesaid.

THE STATE OF TEXAS,
Department of State.

I, Joseph W. Baines, secretary of state of the State of Texas, do hereby certify that the foregoing is a true copy of the concurrent resolution passed by the Eighteenth Legislature of the State of Texas, approved January —, A. D. 1884, and now on file in this department.

In testimony whereof I have hereunto signed my name and have impressed hereon the seal of the State at Austin, Tex., this January 31, A. D. 1884.

[SEAL.] J. W. BAINES, *Secretary of State.*

Mr. HARRIS. I present a preamble and resolution adopted by the Cotton Exchange of the city of Memphis, calling attention to and earnestly urging the propriety of the erection of a retaining wall for the bank of the custom-house in that city. I ask their reference to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. Are the resolutions addressed to the Senate?

Mr. HARRIS. The resolutions are not addressed at all. They are in the form of instructions, urging the two Senators from the State of Tennessee to urge the matter upon Congress.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent to present resolutions in the nature of a memorial on the subject which he has named. If there be no objection, they will be received and referred to the Committee on Public Buildings and Grounds.

Mr. WILSON. I have received a preamble and series of resolutions adopted by Shelladay Post of the Grand Army of the Republic, of Monroe, Iowa, which were evidently intended for the consideration of the Senate, in favor of granting to the soldiers and sailors who served in the Union Army during the war of the rebellion a uniform pension of $8 per month. I ask that they be received and referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to present a paper intended for the consideration of the Senate, the nature of which he has described. If there be no objection, it will be received and referred to the Committee on Pensions.

Mr. SHERMAN. I present the memorial of George E. Welles, a citizen of Toledo, Ohio, stating that he is the owner of land in the State of Iowa, conveyed by that State to the Des Moines Navigation Company; that he has paid taxes on it for thirty years and secured possession of it; that his title is good; and he protests against the passage of the bill now pending in Congress directing that he be sued in the name of the United States for the purpose of destroying or clouding his title. The controversy is familiar no doubt to the Senate, known in olden times as the Des Moines navigation grant. I do not know to what committee it should be referred.

The PRESIDENT *pro tempore*. The Chair is of the impression that the Committee on Public Lands has that subject under consideration.

Mr. SHERMAN. Very well, let it go there.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Public Lands.

Mr. MITCHELL presented the petition of Cornelius R. Roland and 41 others, citizens of Lancaster County, Pennsylvania, praying for the passage of an act to redeem the trade-dollar and to suspend coinage of other silver dollars; which was referred to the Committee on Finance.

Mr. MCMILLAN presented the petition of Capt. Anson Northup, a citizen of Minnesota, praying compensation for expenses incurred and services performed during the rebellion in the Indian war in Minnesota in 1862; which, with the papers on file in the case, was referred to the Committee on Military Affairs.

Mr. GARLAND presented the petition of George W. Murphy and other attorneys of the city of Hot Springs, Ark., praying for an increase of the salary of the United States judge for the eastern district of that State; which was referred to the Committee on the Judiciary.

Mr. MILLER, of New York, presented a memorial of Grand Army posts of New York, remonstrating against the proposed method of paying pensions; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. COKE, from the Committee on Indian Affairs, to whom was referred the bill (S. 48) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes, reported it with amendments.

Mr. BECK, from the Committee on Finance, to whom was referred the bill (S. 10) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary, reported it without amendment, and submitted a report thereon.

Mr. MAXEY, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and they were postponed indefinitely:

A bill (S. 924) for the relief of First Lieut. M. O'Brien, Fourth United States Artillery;

A bill (S. 798) for the relief of William D. Haley;

A bill (S. 726) for the relief of Calvin S. Montague; and

A bill (S. 1147) to complete the military record of Alexander Fisher.

Mr. MORGAN, from the Committee on Foreign Relations, to whom were referred the joint resolution (S. R. 2) for the relief of Helen M. Fiedler and the bill (S. 223) for the relief of Helen M. Fiedler, submitted an adverse report, which was agreed to; and the joint resolution and bill were postponed indefinitely.

He also, from the same committee, reported the following resolution; which was placed on the Calendar:

Resolved by the Senate, That the President of the United States be requested to bring to the attention of the Emperor of Brazil the claim of Helen M. Fiedler, executrix of Ernest Fiedler, deceased, against the Government of Brazil, growing out of a contract alleged by said claimant to be obligatory on that government, for the hire of the ship Circassian, to transport emigrants from the United States to Brazil in the year 1867, with a view to ask said government to consider the said claim, and to provide for the allowance and payment of such sum as shall be found just to such claimant.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 147) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal., reported it with amendments.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 940) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed, or to be filed, by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and to report to Congress, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 205) to authorize the Secretary of the Treasury to examine certain vouchers filed by the State of Missouri for pay due to the officers and men of the militia of said State for military services, as evidenced by the proper pay-rolls heretofore filed with, accepted by, and paid upon by the Government of the United States, and to report to Congress, reported adversely thereon, the subject-matter being covered in the preceding bill; and it was postponed indefinitely.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 851) to provide for the payment of ten claims for depredations committed by the Ute Indians at the time of the massacre at the White River agency in 1879, reported it without amendment.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. 908) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes, reported it with an amendment.

Mr. HAMPTON, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 230) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities;

A bill (S. 300) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army; and

A bill (S. 421) for the relief of Thomas J. Miller, of Washington Territory.

He also, from the same committee, to whom was referred the bill (S. 556) for the relief of A. H. Von Luettwitz, submitted an adverse report thereon; and the bill was postponed indefinitely.

GUANO ISLANDS.

Mr. SHERMAN. I was directed a few days since by the Committee on Foreign Relations to report back the bill (S. 874) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands, with a recommendation from the Committee on Foreign Relations that it be put on its passage at once on account of the inconvenience of the restriction now upon commerce. It was laid over informally at the suggestion of the Senator from North Carolina [Mr. RANSOM]. I will ask, therefore, the unanimous consent of the Senate to let it be passed now. It will take but a moment, as I am satisfied no one will object to it.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the Senate now consider the bill named by him. Is there objection to the present consideration of this bill?

Mr. BECK. I do not propose to object to the consideration of the bill, for I know nothing about it, but I shall object whenever I can to any interruption of the regular morning business until the reports of committees and the introduction of bills are called for. I now object until they are called.

Mr. RANSOM. I hope as this bill was put over at my suggestion that the Senator from Kentucky will not object to its consideration to-day.

The PRESIDENT *pro tempore*. The Chair will suggest that after resolutions are gone through with, it will be in order for the Senator from Ohio to move to take up the bill.

Mr. BECK. That is right.

Mr. SHERMAN. I will wait until then, and I will only say now that I make the motion at the earnest request of persons engaged in commerce, who say that this restriction is a very great interference with a commerce which is of importance to the whole country, and any Senator who hears the section read would certainly allow the bill to be passed.

Mr. BECK. I do not object to the bill, for I know nothing about it, but I do object to the interruption of the regular order.

Mr. SHERMAN. All right.

The PRESIDENT *pro tempore*. Reports of standing committees are still in order.

REPRINTING OF BILLS.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a resolution to print Senate bills 140, 141, and 398, to report the same with an amendment striking out the last two, which have been already reprinted with the reported amendments, and to reprint the first one. I ask for the present consideration of the resolution.

By unanimous consent the Senate proceeded to consider the following resolution, submitted by Mr. BLAIR on the 29th ultimo:

Ordered, That Senate bill 140 to establish a bureau of statistics of labor; Senate bill 141 to fix and regulate the hours of laborers and workmen and mechanics employed by the Government of the United States; and Senate bill 398 to provide temporary aid to common schools, be reprinted, the files being exhausted.

Mr. BLAIR. Senate bill 140 is the only one which the committee desire to have reprinted.

The PRESIDENT *pro tempore*. But the Chair understands this is a resolution referred to the committee. If the Chair is right about that, the Chair must submit the question on the amendment proposed by the committee.

The amendment reported by the Committee on Printing was read, being to strike out, after the word "labor," in line 1, the words:

Senate bill 141, to fix and regulate the hours of laborers and workmen and mechanics employed by the Government of the United States; and Senate bill 398, to provide temporary aid to common schools.

So as to read:

Ordered, That Senate bill 140, to establish a bureau of statistics of labor, be reprinted, the files being exhausted.

The amendment was agreed to.

The resolution as amended was agreed to.

PRINTING OF A BILL.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a resolution to print 3,000 extra copies of the bankruptcy bill, to report it without amendment and to recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That 3,000 extra copies of the bill to establish a uniform system of bankruptcy, reported from the Judiciary Committee on the 4th day of February, 1884, be printed in pamphlet form for the use of the Senate.

BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 1403) to repeal certain laws relating to permanent and indefinite appropriations; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. ALLISON introduced a bill (S. 1404) to authorize the location of a branch home for volunteer disabled soldiers in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 1405) for the erection of a public building at Jacksonville, Fla.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GARLAND introduced a bill (S. 1406) for the relief of Simon Severe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 1407) to amend the pension laws, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM (by request) introduced a bill (S. 1408) to place the name of Mrs. Kate L. Cushing, widow of the late Commander William B. Cushing, on the pension-roll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIR introduced a bill (S. 1409) to fix the salary of the judge of the district court of the United States for the district of Nevada; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. RIDDLEBERGER introduced a bill (S. 1410) for the relief of John S. Braxton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. COKE introduced a bill (S. 1411) for the relief of Santiago De Leon, of Victoria, Texas; which was read twice by its title, and referred to the Committee on Claims.

Mr. HAMPTON introduced a bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1413) to empower the Secretary of War to audit the claim of the State of South Carolina for rent alleged to be due for the use and occupation of the Citadel Academy, of Charleston; which was read twice by his title, and referred to the Committee on Military Affairs.

Mr. BECK introduced a bill (S. 1414) for the relief of the Russellville and Logan County Agricultural and Mechanical Association; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES (by request) introduced a bill S. 1415) to amend the record of military service of Seth Bonney; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAWYER introduced a bill (S. 1416) granting a pension to Mrs. Charlotte Hackett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GROOME (by request) introduced a bill (S. 1417) to enable Martron D. Lewis, public administrator of the city of Saint Louis, in the county of Saint Louis, and State of Missouri, having charge of the estate of Gabriel Neudecker, deceased, to make application to the Commissioner of Patents for the extension of letters patent numbered 70012, for a process of preparing tobacco, granted October 22, 1867, to said Gabriel Neudecker, deceased; which was read twice by its title, and referred to the Committee on Patents.

Mr. PLATT introduced a bill (S. 1418) for the relief of Evalina P. Low; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORRILL introduced a joint resolution (S. R. 54) to authorize the printing of the journal of the joint committee of Congress of December, 1865.

Mr. MORRILL. I will state, with the leave of the President and the Senate, that this is the journal of the committee of fifteen authorized in December, 1865, on reconstruction. It is a journal that never has been printed. All the results of the work of that committee were printed when presented to Congress, but this contains the various propositions that were from time to time offered and the votes of the committee. It will be found to be an interesting document on all sides of the Chamber. At the decease of Senator Fessenden, who was chairman of the committee on the part of the Senate, this book [exhibiting], containing a very well-kept, clear journal for a year, was transferred to Portland, Me., and not until recently has it been ascertained that it was in existence. It must be a document of too much importance to remain out of print.

The PRESIDENT *pro tempore*. Does the Senator from Vermont ask that this joint resolution be now put on its passage?

Mr. MORRILL. No; I merely ask that it be referred to the Committee on Printing.

The joint resolution was read twice by its title, and referred to the Committee on Printing.

AMENDMENT TO A BILL.

Mr. MORRILL submitted an amendment intended to be proposed by him to the bill (S. 1155) to provide for the issue of circulating notes to national banking associations; which was ordered to lie on the table, and be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MCMILLAN, it was

Ordered, That the papers in the case of John Johns, late captain of the First Minnesota Battery, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. DOLPH, it was

Ordered, That the papers relating to the claims of contractors on the steamer Thomas Corwin be taken from the files and referred to the Committee on Claims.

On motion of Mr. HAMPTON, it was

Ordered, That the papers relating to Senate bill 1082 and Senate bill 1477, Forty-seventh Congress, first session, be withdrawn from the files and referred to the Committee on Military Affairs.

On motion of Mr. MORGAN, it was

Ordered, That the papers in the case of J. C. Hamner, administrator, be taken from the files and sent to the Committee on Claims.

Ordered, That the papers on file in the case of Robert Otis, administrator of Heirn, be taken from the files and referred to the Committee on Claims.

CRIMES OF INDIANS UPON INDIANS.

Mr. MORGAN. The order of resolutions being reached, I ask for the consideration of the resolution I offered yesterday.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered yesterday by the Senator from Alabama [Mr. MORGAN] and laid over under the rules. It will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Attorney-General be directed to send to the Senate copies of the correspondence between the Department of Justice and the Department of the Interior concerning the case of Johnson Foster, a Creek Indian, who was accused of the unlawful killing of Robert Poisal, an Arapaho Indian, in the Indian Territory, in September, 1882; and a copy of any opinion of the Attorney-General given in that case relating to the jurisdiction of the courts of the United States over such crimes committed by one Indian against another Indian within the Indian Territory.

Mr. MORGAN. My object in offering the resolution is to get information from the Department of Justice in respect to the case mentioned there. Similar to that was the case of Crow Dog, decided in the Supreme Court of the United States, for the killing of Spotted Tail, a Sioux Indian, in the Indian Territory. I am trying to get the facts now, so as to bring to the attention of the Senate and its Judiciary Committee or its Committee on Indian Affairs the state of the law in respect to homicides and other grave offenses committed by one Indian upon another within the limits and jurisdiction of the United States.

The resolution was agreed to.

SUPERVISING ARCHITECT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from South Carolina [Mr. BUTLER], which lay over under the rules.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to forward to the Senate the testimony taken by a committee of the Treasury Department during the last summer, and the report of said committee touching the administration of the Supervising Architect's Office by Supervising Architect Hill. And that the Secretary of the Treasury communicate to the Senate under and by virtue of what provision of law the Supervising Architect is appointed, and the scope and extent of his powers under such appointment; whether he executes an official bond, and whether he disburses public money in virtue of his appointment as Supervising Architect, and, if so, from which appropriation and for what purpose.

The resolution was agreed to.

COMMITTEE APPOINTMENTS.

Mr. SHERMAN. I offer for adoption the following resolution, designed to fill the vacancies on committees:

Resolved, That the hereinafter-named committees of the Senate shall be constituted as follows:

On Additional Accommodations for the Library of Congress—Messrs. Voorhees (chairman), Butler, Bayard, Morrill, and Miller of California.

On Agriculture and Forestry—Messrs. Miller of New York (chairman), Blair, Plumb, Van Wyck, Sawyer, George, Williams, Fair, and Gibson.

On Commerce—Messrs. McMillan (chairman), Jones of Nevada, Conger, Frye, Miller of New York, Dolph, Ransom, Coke, Slater, Vest, and Gorman.

On Expenditures of Public Money—Messrs. Wilson (chairman), Harrison, Plumb, Platt, Beck, George, and Kenna.

On Fish and Fisheries—Messrs. Lapham (chairman), Sewell, Frye, Palmer, Morgan, Groome, and Farley.

On Manufactures—Messrs. Riddleberger (chairman), Sabin, Dolph, Pike, Williams, Colquitt, and Butler.

On Mines and Mining—Messrs. Bowen (chairman), Jones of Nevada, Van Wyck, Wilson, Hampton, Fair, and Camden.

On Territories—Messrs. Harrison (chairman), Platt, Conger, Manderson, Cullom, Butler, Garland, Vest, and Jones of Florida.

On Woman Suffrage—Messrs. Cockrell (chairman), Fair, Brown, Anthony, Blair, Palmer, and Lapham.

On Claims—Messrs. Cameron of Wisconsin (chairman), Hoar, Pike, Dolph, Manderson, Jackson, George, Fair, and Kenna.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. FRYE. I ask to be excused from further service upon the Committee on Fish and Fisheries.

The PRESIDENT *pro tempore*. The question being one of privilege which is now pending, the Senator will suspend until this resolution is disposed of, when the Chair will entertain his request. The question is on agreeing to the resolution.

The resolution was agreed to.

The PRESIDENT *pro tempore*. The Chair will now recognize the Senator from Maine.

Mr. FRYE. I ask to be excused from further service upon the Committee on Fish and Fisheries.

The PRESIDENT *pro tempore*. The Senator from Maine asks to be excused from service upon the Committee on Fish and Fisheries. Will the Senate grant the request?

The request was granted.

Mr. CAMERON, of Wisconsin. I ask that the vacancy upon the Committee on Fish and Fisheries be filled by the Chair.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the vacancy upon the Committee on Fish and Fisheries occasioned by the retirement of the Senator from Maine [Mr. FRYE] be filled by the Chair. That order will be entered if there be no objection. The Chair hears none. The Chair appoints the Senator from Massachusetts [Mr. DAWES] to the place made vacant by the retirement of the Senator from Maine.

PROTEUS COURT OF INQUIRY.

Mr. BUTLER. I offer the following resolution:

Resolved, That the President be requested, if in his judgment not incompatible with the public interest, to communicate to the Senate the record of the proceedings, testimony, and findings of the court of inquiry in relation to the events connected with the loss of the steamer Proteus in the Arctic Ocean.

Mr. HALE. Let that lie over a day.

The PRESIDENT *pro tempore*. The resolution will go over under the rule.

DESTITUTE INDIANS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians.

Mr. ALLISON. I ask consent to present the report of the committee of conference on the joint resolution which has just come from the House.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Iowa submits a conference report, which will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out from said amendment the words "not exceeding $5,000" and insert in lieu thereof the following: "three thousand dollars, or so much thereof as may be necessary;" and add at the end of the amendment the following: "which advertisement shall be made for ten days in at least four of the principal cities of the West;" and the Senate agree to the same.

W. B. ALLISON,
JOHN A. LOGAN,
JAMES B. BECK,
Managers on the part of the Senate.

E. JOHN ELLIS,
WILLIAM S. HOLMAN,
THOMAS RYAN,
Managers on the part of the House.

The PRESIDING OFFICER. Will the Senate consider at this time the report of the committee of conference. The Chair hears no objection. Will the Senate agree to the report?

The report was agreed to.

GUANO ISLANDS.

Mr. SHERMAN. I now move that the Senate proceed to consider the bill to which I referred a few minutes ago.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate proceed to the consideration of Senate bill No. 874.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 874) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands.

Mr. SHERMAN. In order to place on record the grounds of this brief bill I will state that the law which authorized our citizens to acquire interests in guano islands in South America provides that—

No guano shall be taken from any such island, rock, or key, except for the use of the citizens of the United States or of persons resident therein.

But it provides that—

This section shall, however, be suspended in relation to all persons who have complied with the provisions of this title for five years from and after the 14th day of July, 1872.

The guano that is imported into this country is now used to mix with phosphate in South Carolina and perhaps elsewhere, and has become a very important article of commerce. The result has been that Congress has twice suspended the operation of this prohibition against the exportation of guano. This bill simply continues that suspension, and allows Americans to bring the guano here and mix it with phosphates and ship it abroad, mostly to Germany. It is plainly and properly right; but I think it ought to go further; I think the law itself ought to be repealed; but the Committee on Foreign Relations thought it was better merely to suspend it for the time being, in the hope that Congress will in due time repeal the law, which is now no longer necessary and is practically obsolete.

Mr. INGALLS. Had we not better have the section read at length from the Secretary's desk?

Mr. SHERMAN. I will have it read. I send it to the desk.

The PRESIDENT *pro tempore*. If there be no objection, the section of the Revised Statutes referred to will be read at the desk.

The Chief Clerk read as follows:

SEC. 5574. No guano shall be taken from any such island, rock, or key except for the use of the citizens of the United States, or of persons resident therein. The discoverer, or his widow, heir, executor, administrator, or assigns, shall enter into bond, in such penalty and with such sureties as may be required by the President, to deliver the guano to citizens of the United States, for the purpose of being used therein, and to none others, and at the price prescribed, and to provide all necessary facilities for that purpose within a time to be fixed in the bond; and any breach of the provisions thereof shall be deemed a forfeiture

of all rights accruing under and by virtue of this title. This section shall, however, be suspended in relation to all persons who have complied with the provisions of this title for five years from and after the 14th day of July, 1872.

Mr. SAULSBURY. Mr. President, I believe this is the second time since I have been a member of the Senate when there has been a proposition to suspend the operation of this act. The provision of the entire act, which I do not think was explained fully by the Senator from Ohio, was that a discoverer of any island upon which there was a deposit of guano or other fertilizing substance should have the exclusive right to use the deposit upon that island on condition that he should sell it only to people in the United States, at a certain fixed price, prescribed in the statute; but it was provided, when the law was enacted, that the operation of it should be suspended for five years, so that the discoverer might sell to foreign countries at an enhanced price to that fixed by the Government. The first suspension, I believe, was in 1872. In 1877, when this suspension had expired, the proprietor of a certain island in the Caribbean Sea, I think, who had discovered guano, came up and secured a further suspension of the operations of the act.

So there have been at least ten years since I have been in the Senate during which the citizens of the United States have been deprived of any advantages under this act or of any benefit from the discovery of these islands. The Army and Navy are pledged to the protection of the discoverers of these islands against anybody else, against any other citizen of the United States going there and seizing any deposits which may be on the islands; but the United States made that pledge upon the condition that the discoverers of these fertilizing ingredients should sell them exclusively for the benefit of the people of this country. The proposition now to suspend the operation of it still further is saying to the people of this country, "You can not now secure any of these increased fertilizing properties without this law being suspended and their being exported to foreign countries, where they can get a larger price than they are allowed to charge citizens of the United States."

I think we ought to legislate for the interest of the people of this country as well as for the interest of those persons who have discovered these islands and are making fortunes out of them. I do not know about the opportunities for the exportation of fertilizers, but I know that five years ago parties came here and said they could not live at the price fixed by the statute for the sale of guano to American citizens, and could procure a larger price by sending it to foreign countries, and they asked for a suspension for five years more in order that they might develop in these islands the deposits of guano and sell them to American citizens at the price named in the statute. I do not think we are legislating in the interests of the people of this country; I think, on the contrary, we are denying them the benefit which they would derive if this act were not suspended.

I do not know anything about the operations of these gentlemen, whether they are profitable or not, but I do know that the provisions of the statute require them to sell guano to the people of this country at a certain price in consideration of the fact that they should have the exclusive right to take these deposits and that the Government of the United States pledged itself, pledged the Army and the Navy if necessary, to protect them in the exclusive use of the deposits. I am opposed to the further suspension of this act. If there is any benefit to accrue from the act to the farming interest of this country I am in favor of the farming interest having that benefit.

Mr. RANSOM. Some days since, when the bill was reported by the Senator from Ohio and unanimous consent was asked for its immediate consideration, knowing what a very deep interest the people of my State feel in the subject of agricultural fertilizers, I requested that the bill should be laid over until I could have an opportunity of examining it. I have done so as well as I could, and I find no reasonable objections to its passage.

When the islands were discovered in reference to which the statute was passed, one provision of which is now proposed to be suspended, they were perhaps the only islands or places which were known to contain that character of fertilizer. Within the last fifteen years in the State of South Carolina immense beds of phosphates, far exceeding any previous conception, have been discovered, and those phosphates are now being sent from the port of Charleston all over the world, at least wherever commercial fertilizers are used, and they are sent at comparatively a low price. That discovery has reduced the price of phosphatic guanos all over the world; and now the owners of these islands, if I understand rightly, simply ask that they may export their guano to other countries just as the owners of the deposits in South Carolina export theirs. This seems just and reasonable. They are American citizens, and it is the duty of this Government to protect their persons, their property, and their pursuits.

I can say to my friend from Delaware that he can not be more sincere than I am in wishing for cheap fertilizers, but the discovery of the beds of phosphate has already reduced the price of this character of guano at least 100 per cent. Phosphates from South Carolina are now competing with guano, or rather fertilizers of phosphatic character, and must successfully compete with them in all countries with which we trade in that article of commerce. It seems to me on reflection that I ought not to object to the owners of these islands having the same right with other people to send the results of their labor where they please. The competition in this country can not well be made greater than it is now, and if I understand the question rightly already the competing companies around Charleston and competition from abroad have reduced the price to a very low or reasonable standard. I do not see any benefit to come to our farmers by not allowing this as it seems to me very proper request. If I could see that the restriction would make the cost of fertilizers cheaper I would be the last man to advocate this bill.

Mr. SAULSBURY. These deposits are very different from those in South Carolina. South Carolina phosphate has been used for a number of years. I have had it used on my land, but I prefer a different phosphate than that which is made from South Carolina rocks and costing perhaps a little more money. The deposit here is of a very different character from that of South Carolina rock. It is called guano; but the South Carolina rock is nothing but rock that has been reduced by acids and other ingredients in order to bring out the fertilizing properties there are in it. These are deposits of guano, which does not come in competition with South Carolina rock nor any other phosphates that are used, but is a different, distinct fertilizer. The discoverers of these islands secured the absolute right to use these deposits upon the express condition that they would furnish the guano to the people of the United States at certain fixed prices named in the statute. It is part of their contract with the Government of the United States, the Government pledging itself to secure to them the exclusive right to take these deposits and sell them, and pledging the protection of the Government to those parties having a monopoly, and in consideration of the pledges made by the Government they agreed to sell exclusively to the people of the United States.

Mr. MCPHERSON. Will the Senator yield for one moment for a question?

Mr SAULSBURY. Certainly.

Mr. MCPHERSON. In what act of Congress other than the one named by the Senator from Ohio, whose operation he seeks to suspend, is the authority found for protecting the discoverers of guano islands?

Mr. SAULSBURY. If Senators will look at the Revised Statutes they will find the whole of title 72 refers to that subject. This bill only relates to a certain section of that title.

Mr. MCPHERSON. If the operation of the law be suspended as proposed by the Senator from Ohio, will it withdraw from the discoverers the protection which the Government has heretofore guaranteed to them?

Mr. SAULSBURY. It will withdraw none of it. It simply gives them exemption from their own obligation for five years.

Mr. MCPHERSON. Then upon a piece of territory which some citizen of the United States has happened to discover where guano exists, the Government by some other statute has got to afford him protection. What does the Senator from Delaware understand to be the measure of that protection or in what way is it to be given?

Mr. SAULSBURY. I will read the whole of title 72.

SEC. 5570. Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States.

SEC. 5571. The discoverer shall, as soon as practicable, give notice, verified by affidavit, to the Department of State of such discovery, occupation, and possession, describing the island, rock, or key, and the latitude and longitude thereof, as near as may be, and showing that such possession was taken in the name of the United States; and shall furnish satisfactory evidence to the State Department that such island, rock, or key was not, at the time of the discovery thereof, or of the taking possession and occupation thereof by the claimants, in the possession or occupation of any other government or of the citizens of any other government, before the same shall be considered as appertaining to the United States.

SEC. 5572. If the discoverer dies before perfecting proof of discovery or fully complying with the provisions of the preceding section, his widow, heir, executor, or administrator shall be entitled to the benefits of such discovery, upon complying with the provisions of this title; but nothing herein shall be held to impair any rights of discovery or any assignment by a discoverer heretofore recognized by the United States.

SEC. 5573. The discoverer, or his assigns, being citizens of the United States, may be allowed, at the pleasure of Congress, the exclusive right of occupying such island, rocks, or keys for the purpose of obtaining guano, and of selling and delivering the same to citizens of the United States, to be used therein, and may be allowed to charge and receive for every ton thereof delivered alongside a vessel, in proper tubs, within reach of ship's tackle, a sum not exceeding $8 per ton for the best quality, or $4 for every ton taken while in its native place of deposit.

SEC. 5574. No guano shall be taken from any such island, rock, or key, except for the use of the citizens of the United States or of persons resident therein. The discoverer, or his widow, heir, executor, administrator, or assigns, shall enter into bond, in such penalty and with such sureties as may be required by the President, to deliver the guano to citizens of the United States, for the purpose of being used therein, and to none others, and at the price prescribed, and to provide all necessary facilities for that purpose within a time to be fixed in the bond; and any breach of the provisions thereof shall be deemed a forfeiture of all rights accruing under and by virtue of this title. This section shall, however, be suspended in relation to all persons who have complied with the provisions of this title for five years from and after the 14th day of July, 1872.

SEC. 5575. The introduction of guano from such islands, rocks, or keys shall be regulated as in the coasting-trade between different parts of the United States, and the same laws shall govern the vessels concerned therein.

SEC. 5576. All acts done, and offenses or crimes committed, on any such island, rock, or key, by persons who may land thereon, or in the waters adjacent thereto, shall be deemed committed on the high seas, on board a merchant-ship or vessel belonging to the United States, and shall be punished according to the laws of the United States relating to such ships or vessels and offenses on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

SEC. 5577. The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer or of his widow, heir, executor, administrator, or assigns.

SEC. 5578. Nothing in this title contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys after the guano shall have been removed from the same.

Mr. McPHERSON. Then if I understand aright from the reading of that law the Government is by this bill relieved from no responsibility to protect either the discoverer or his heirs upon the filing with the proper officer of the Government of the fact of his discovery. All that the Government or the people of this country were to receive in exchange for that protection was guano at the price fixed by the statute. If I understand the Senator from Delaware aright he says that for ten years continuously they have been relieved from the operation of that section. Therefore neither the Government nor the people of this country have received any benefit for the protection the Government affords. Hence I think it is a clear case that there should be no longer any suspension of the operation of a law which requires the Government under any conditions which may arise to give protection from which no results whatever are received of a beneficial character.

Mr. SAULSBURY. I want to say to the Senator from North Carolina that if he has any idea that by the suspension of this law he will benefit the owners of deposits of phosphates in South Carolina, he is very much mistaken, for this guano is not of the same nature and will not come into competition with the South Carolina rock, or the guano made out of South Carolina rock. As I understand, it is a distinct species of guano found in the Caribbean Sea or somewhere in the southern waters, and this suspension is simply to deprive the farming interest of this country of any advantage which might accrue to them from having access to those fertilizers. I am therefore opposed to any further suspension of the operations of the act.

Mr. SHERMAN. Mr. President, I am inclined to think that if Senators, the Senator from New Jersey especially, would take the trouble to understand this bill they would not oppose it.

In 1856 the Government of the United States first undertook to protect the voyages of discovery made by our merchants to the islands and little rocky cells off the coast of South America. Our merchants, like merchants from all parts of the world, were seeking guano wherever they could find it. This law was passed in 1856, twenty-seven or twenty-eight years ago, encouraging our merchants to go and find these deposits of guano wherever they could, and promising them if they did make such discoveries on land to which no other nation had a claim, on barren, uninhabited places to which no nation of the world claimed a right of title or possession, they might go and occupy them, and take the guano there, load it on American vessels, and bring it to this country.

That has been the law from that time to this. Under it large investments have been made. I am told that in Baltimore, where the business is mainly conducted, large investments have been made in this commerce. In the law there was a restriction that all this guano should be brought to the United States and sold to citizens of the United States, under severe penalties. It was found afterward that there was not a market for all the guano in this country. This prohibition actually denied to our own citizens the right to take their property to a place where they could find a market for it. This guano did not command a price that would justify its being brought here and sold, and thereupon Congress suspended from time to time the operation of this prohibitory clause, and allowed our merchants who had discovered this guano to bring it here to mix it with other guano and with other natural manures, such as the phosphates of South Carolina, and export the product abroad. In this way a very valuable commerce has sprung up, confined, I think, mainly to Charleston and Baltimore; at least it is so stated to me. In this way a profitable commerce has been carried on without injuring a mortal man in the United States. This guano is mixed with our own natural phosphates and taken to Germany, which, being an old country, requires artificial manures, and consumes in a great measure the larger proportion of the guano thus found on the Pacific coast.

Congress has twice suspended the operation of the section which prohibits this guano being exported, and this is the third suspension as I understand. The time expired, I believe, last summer. A bill, if I am correctly informed, passed the Senate last session without objection making this suspension, but it failed for want of time in the other House, and it is now brought up again mainly upon the petition of Baltimore merchants. I have seen a very strong letter from Mr. Whyte, once Senator from Maryland, who said it was very important, that this commerce was going on, and that its interruption would be a serious detriment to the commerce of Baltimore, and urging the passage of this bill so that this commerce which had been going on for ten years might be carried on with profit and safety free from the restriction of the section referred to in this bill.

That is all there is of the case. I did not suppose there would be any controversy about it.

Mr. McPHERSON. Why does not the Senator ask for the repeal of the whole law, including the protective features? He states in his speech that a very great trade has been built up without any injury either to this Government or to any of its people. Suppose that the protection accorded in the first section of the act were demanded by the parties owning the guano, there would be some injury to the Government under its promise to protect, without there being any corresponding benefit to the people by securing to them the guano.

Mr. SHERMAN. God forbid that we should withdraw any protection from any man engaged in American commerce on the high seas. This provision of section 5577 of the Revised Statutes authorizes the President to protect these people in the enjoyment of their rights. Remember they are American citizens, must be American citizens, and the protection of the United States is extended to American citizens engaged in lawful commerce on islands in the ocean not claimed by any other government in the world. Why should not the Government of the United States protect American citizens in that foreign commerce? Even in the absence of all law it would be the duty of the President of the United States, where the commerce was lawful, to protect it. The President now is bound to protect American citizens engaged in foreign commerce with any civilized or savage nation, and much more so to protect American citizens engaged in commerce in robbing these barren islands of the only treasure they possess.

Why, sir, the principles of the law are plain and simple. This law was passed years and years ago to protect commerce, to induce our people to go off over the high seas and get this valuable manure and bring it here, and then when there was not a market here the restrictive clauses of the law have been from time to time suspended. I am told that this guano is nearly all brought to two ports and there mixed with other material, mainly our natural phosphates, and then sent largely to Germany and to the old countries, where the soil has been exhausted by the tillage of two thousand years. Now for us to break down this little commerce, it appears to me, is only in harmony with what seems to have been the policy of the Government of the United States for twenty-five years, to break down all our commerce with all the nations of the world.

Mr. CONGER. Mr. President, I think that the ordinary complaint of the planters and farmers of the United States that all legislation of Congress, how much soever in the first it may tend to their benefit, terminates in their injury and wrong, is receiving from day to day assurance of verity. I have been surprised myself when I read in the papers and hear from planters and farmers the constant complaint that Congress is ruled by lawyers, that they do not have representatives to take interest in their matters. I have been surprised, I say, to find from day to day some provision of law enacted to the direct injury of the planting and farming population of the United States; and this is a remarkable instance of it. I will not stop now to say how adroitly my free-trade friend from Carolina works the provisions of this bill in a roundabout way to protect his phosphate deposits there instead of coming directly to the protectionists and imposing a duty upon rival phosphates. He is ingenious, shrewd, quiet; his argument is strongly for protection of the industries in his State. That is just what I believe in doing; but he attacks it from away off, in remote, unknown seas, goes out of this country away from home, and protects his phosphates by attacking industries in the Pacific Ocean, and avoids the responsibility of his being a protectionist for the phosphates of Carolina. I refer to the Senators from both Carolinas. They are for protecting their phosphates in a roundabout way, not in the direct way that other protectionists protect their industries.

Mr. BUTLER. I have not opened my mouth about this bill.

Mr. CONGER. I know it; but it was to draw an expression of opinion from the gentleman that I was making these suggestions. I shall be successful before I am through.

Mr. BUTLER. I think I shall disappoint the Senator from Michigan, as I did the other day.

Mr. CONGER. It has always seemed a curiosity to me that the Senator from South Carolina who last spoke throws the whole responsibility of these tremendous contests upon his colleague, and he may do so now, while claiming the credit at home of protecting such important industries of his people. It is possible I may not succeed in getting such an expression of opinion from the Senator.

Mr. BUTLER. The Senator is certainly laboring under a delusion entirely. He either comes into the Senate and does not know what has been said, or he is putting up a man of straw to knock him down. I have not opened my mouth about phosphates, and care very little about them.

Mr. CONGER. I said I desired to hear the opinion of the Senator in regard to the phosphates in his State at some time.

Mr. BUTLER. When the proper time comes I shall give my opinion, but I do not believe that I will gratify the Senator just now.

Mr. CONGER. The Senator rose himself. I did not invite him to rise.

Mr. BUTLER. I simply rose to correct the Senator.

Mr. CONGER. I supposed he was coming into the fight.

Some years ago American citizens discovered, in distant islands of the Pacific Ocean and upon islands not occupied or claimed by any country or any inhabitant, valuable deposits of guano. The people of the United States and Congress representing that people desired to preserve some of those deposits, of a very valuable and the most valuable fertilizing material perhaps ever discovered, for our own planters, for our own farmers, and they passed a law pledging the faith of this Gov-

ernment that if our citizens would discover those islands they would protect them, the law says, with the Army and the Navy and the whole power of the Government, making them for the time being American islands, American property, with the laws of America extended over them. They offered that protection to persons engaged in that commerce; and now I ask the attention of the Senator from Ohio. They said to all persons who would discover such islands and bring them under the provisions of this law that they might bring the guano from the islands to the United States free of duty, without any charge. For that purpose those guanos were put on the free-list. That encouraged commerce. What does the gentleman say now? He desires this guano to be brought to the United States if it can be; and I can not see how repealing the provision that requires it to be brought to the United States will encourage its coming here, any more than to be brought to the United States to be re-exported from here to the farmers and producers of Germany, as if we had no worn-out lands demanding these fertilizers for our own use.

Sir, there are millions of acres of lands on the Atlantic coast, North and South, whose production would be doubled every year by the use of a cheap fertilizing mineral or deposit of this kind. It was thought by farmers and planters that this law would cause occasional discoveries of guano, and bring the deposits found upon islands discovered by our citizens necessarily to the United States; and for a time that was the case. We had guano more plenty in the United States after the first discovery of these islands and conveying the material here than we ever had before; but unfortunately the operation of the law was suspended first for five years, and then for five years more, until in point of fact we have now received no benefit from this law, until in point of fact we only protect the islands; we extend our laws over them and make it the duty of our naval vessels to visit them from year to year, and the agriculturists of the United States get no benefit whatever. Now, why repeal a law requiring those to whom we have granted these peculiar favors to bring those deposits to the United States for the benefit of our own people? Sir, one can travel down the coast line of railway from here to Florida and see thousands and thousands of acres as desolate as if the blast of death had come over them, which need but a cheap fertilizer to make them bloom like the rose, to make them productive. There are thousands of acres of cotton-land one can see even in passing along the railroad which are deserted to-day because fertilizers like guano are not brought into this country and can not be obtained cheap enough to be used in producing the cotton. Every man knows it who travels in that region, especially those who live there.

But, sir, it is not only used along this coast; the product is sent to all the Middle States and to the Western States; for there is no fertility of soil that will warrant continued production upon the same piece of land year after year without restoring the fertilization which has been taken away with the crop. I speak in behalf of the planter and of the farmer, and I demand that for five years at least we shall have under the provisions of this law the introduction and importation of the produce of these islands for the benefit of the planters and farmers of the United States. I am opposed to its repeal. It has been a dead letter on our statute-book almost from the beginning till now, except that it has imposed continual obligations on the Government without one corresponding benefit to our people.

Mr. BUTLER. I would simply state for the information of the Senator that we have not a pound of guano in South Carolina except that imported or manufactured there; nothing but the phosphate rock found there, called the land and marine phosphates. So I do not see what this bill has to do with the phosphate interest of South Carolina, except perhaps to give the manufacturers of phosphate rock some additional ingredients with which to improve it. That is about the only interest it seems to me we have in it. There is not a pound of guano found on the coast of South Carolina or anywhere within its limits.

Mr. CONGER. The discovery of phosphate in South Carolina and some of the Gulf States is comparatively recent. The conversion of it to a powdered state for a fertilizer is still more recent. The deposit may be of great value to the agriculture of the country. I hope it will be hereafter. Up to this time the rock has been quarried and used to make riprap. You can find it at New Inlet; you can find it along the coast. I saw this rock (which might be ground and converted into a fertilizer of some considerable value) deposited as riprap to prevent the encroachment of the ocean into the river.

Mr. BUTLER. May I inquire where the Senator saw that?

Mr. CONGER. At New Inlet, on the Cape Fear River, the same kind of shell-rock.

Mr. BUTLER. We have some pretty enterprising men down there who are paying pretty high prices per ton for it.

Mr. CONGER. Brought from up the river, from the plantation of a Mr. French. I am acquainted in that part of the country; I want the gentleman to understand I know men by name.

Mr. BUTLER. I am glad to know the Senator is acquainted.

Mr. CONGER. I have examined it myself.

Mr. BUTLER. I do not think the Senator is giving a very striking manifestation of his knowledge of phosphate rock, if he will pardon me for saying so.

Mr. CONGER. Now, sir, another point. There is no comparison in the odor or smell, no likeness between the ground rock to which the Senator alludes, the phosphate rock of the South, and guano; and yet the Senator says that in Carolina there is no guano, and that it is this ground phosphate rock; and yet let him go along the warehouses of the ports in his State and he will know that there is guano in store and along the railroads, where it is transported into the interior.

Mr. BUTLER. That is after it is manufactured.

Mr. CONGER. No; it is the guano itself. I am astonished at the assertion that no guano from the islands of the ocean is brought to Carolina to be used by the planters there.

Mr. BUTLER. I did not say that.

Mr. CONGER. Well, I understood the Senator to say, and I think the RECORD will bear me out in understanding him to say, that there was no guano used in Carolina.

Mr. BUTLER. Oh, no. The Senator is under a very decided misapprehension as to what I said. I will simply repeat what I said, that there are no guano deposits in South Carolina. There are phosphates of rock that are manufactured and converted into what are known as commercial fertilizers, but there are no guano deposits in South Carolina. That was all I said.

Mr. CONGER. Can it be possible that the gentleman should find it necessary to inform us that the deposits of birds in tropical regions are not found in Carolina? Why did he not tell us that there was no Vesuvius in Carolina?

Mr. BUTLER. I was not informing the Senate; I was informing the Senator from Michigan, who is in a state of ignorance about it.

Mr. CONGER. Why did he not inform us that Lady Franklin Bay is not in Carolina? I know that it is generally supposed that everything is in Carolina by presumption, but who ever dreamed that there were guano deposits in Carolina, and why should the gentleman assert that there are none? That is presuming too much upon the ignorance even of myself, to say nothing of honorable members of the Senate.

Mr. BUTLER. I was presuming entirely upon that when I made the statement.

Mr. CONGER. The gentleman says he was presuming upon my ignorance, but he should not have offended the good sense of all Senators here by rising with such dignity and solemnity and saying that there are no guano islands in Carolina.

Mr. BUTLER. I did not say that, either.

Mr. CONGER. Denying a proposition that no Senator, and no doorkeeper, and no page upon the floor, and no person in the galleries around us but what knew as well as the Senator from Carolina that there were no guano islands in Carolina. With all its grand accumulation of wealth, and glory, and honor, and representation, there are no guano islands in Carolina. The Senator tells me that he rose up in his place and made the striking remark that there were no guano islands in Carolina.

Mr. BUTLER. Very striking, Mr. President; there is no doubt about that.

Mr. CONGER. After disposing of that little by-play I come to the subject again. The material point is that this law was passed imposing great obligations upon our Government, as the debates at that time will show, reaching to a stretch of constitutional power which our constitutional lawyers then met in the best way they could by passing this law, intended to benefit the farmer and the planter of the United States, protecting those who discovered the islands, to accomplish that purpose permitting the guano from these far-off islands to come into the United States free of duty and the vessels engaged in the trade to have all the benefits of the laws protecting our coasting trade, as you will see by the provisions of the section of the Revised Statutes. It has been suspended time and again, I do not know what for heretofore, but now it is to be suspended that our friends from South Carolina may make coffer-dams in the beds of rivers and blast out rock, and if they ever find anybody enterprising enough to erect a mill, to grind it up into powder for my constituents in Michigan.

The bill ought not to pass. The people of this country ought to have some benefit of the law. The fertilizer should be brought here to give to our people the right to use it.

I make the remarks that I have made here more for the purpose of satisfying the planters of Carolina and the farmers of Michigan that at least there is one person here who will look to their interest a little in the repeal of these laws, and enable them to procure with somewhat greater facility and cheapness the best fertilizer known in the world. Let those who have different views upon it express them and repeal this beneficial law or suspend it, if they desire.

Mr. RANSOM. Mr. President, I dislike to detain the Senate for even a moment on this question. If the Senator from Michigan had done me the honor to listen to what I said he would have seen that his criticisms upon me or my friend from South Carolina, either, would not have been quite just.

I objected to the passage of the bill a week ago when the Senator from Ohio called it up, so that I might look into it and see if the interests of the farmers of the country were prejudiced thereby. As I said this morning, upon examining this measure I thought I saw in it no injury to those interests, and I felt it to be my duty to withdraw the

objection which I had expressed the other day. My experience with the Senator from Michigan has taught me great prudence. As a late Senator from Kentucky once said to one of my colleagues that "the Senator from Vermont was about the last Senator with whom he would court a controversy," I may truly say that the Senator from Michigan is the last Senator with whom I would invite a colloquy in the Senate at any time. I may venture to say, however, it really seemed to me like a dream of the Senator when he alluded to the adroit and rather devious way in which the Senator from North Carolina was presenting his proposition. Afterward he seemed to be alluding to the Senators from South Carolina and not to myself. The Senator himself, usually so direct and accurate, appeared not to be very confident of his position and was evidently "varying from the pole."

But be that as it may, an investigation of this matter so far as I have been able to make it has satisfied me, as I think it will satisfy the Senate, that this prohibition will affect prejudicially the guano which is taken from the islands belonging to citizens of the United States without doing one particle of good to any farmer in our country. If I am wrong about it, I hope some Senator who is better informed will correct me, or that some person who hears this debate will correct me that I may make it right.

I do not know of any guano belonging to American citizens upon the islands discovered by them which is not of a phosphatic character. I do not know of any ammoniated guano that is brought to this country from any American possession. I am informed that nearly all the ammonia which is used in what has been termed commercial fertilizers in this country is obtained from Peruvian guano or from blood at the slaughter-houses around the great cities, and the hair, fish, and other material found in this country or imported from abroad. I am not aware of any island owned by American citizens from which what I will call ammonia-guano is exported anywhere.

My friend from South Carolina and the Senator from Ohio suggested that these guanos which were taken from our islands and brought here were essential elements in the manufacture of our home-made guanos. That may be so to a very limited extent, but my very decided impression is that those guanos are almost universally of a phosphatic character, and will not sell in this country in consequence of the competition with the phosphatic rock around Charleston for a price that will remunerate for the digging and transporting of the same. That is my belief. There have been perhaps a few cargoes of guano occasionally brought to Baltimore, to Norfolk, and to Wilmington from those islands with some trace of ammonia, but as a general rule the experiment has failed and the importation has been abandoned.

Let me say to my friend from Michigan, and I use that word in earnest, when he supposed that I was dreaming of protection even to a Carolina interest he was greatly mistaken. The principal reason that induced me to favor the measure brought forward by the Senator from Ohio was that I knew from my own experience that acid phosphates were brought here from England and sold at a competing price, and actually reduced the cost of American production. The phosphatic rock is transported from Charleston, carried to England, ground, dissolved by the application of sulphuric acid, is brought back here, and then sold at a price that compels the American manufacturer to lower his rates. There is not a manufacturer of guano in this country who can dispute that fact.

I know from the clock that if this discussion goes on we shall not have time to pass the bill this morning. I simply desire to say that as I understand it this prohibition will do no good to the American farmer, but will simply destroy the interest of the American owners of the islands. With the information just given us by the Senator from Michigan, which is in part correct and part erroneous, I hope that the phosphatic deposits which constitute the great source of the mineral fertilizers will be found in North Carolina, in South Carolina, and the other Southern States in quantities sufficient to supply for hundreds of years perhaps the whole world.

I regret to say to my friend that he is mistaken in one part of his statement just made. He did find phosphate rock in the embankments and the sea-walls around New Inlet at the mouth of the Cape Fear, but if he had inquired he would have been told that the phosphatic percentage in those rocks was too small to make their reduction and their transportation profitable. He would have found that very near the city of Wilmington Mr. French, of whom he speaks, an intelligent and energetic citizen of our State, is making lime from that rock on a very large scale. And had he pursued his inquiries he would have learned that there had been other discoveries of phosphate deposits in that part of North Carolina which promised great results.

But, Mr. President, I can not see and the Senate will not see the justice or the propriety of compelling our citizens to import phosphatic guanos to Charleston when Charleston last year exported over two hundred thousand tons of phosphates to Europe.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is, Shall the bill pass?

Mr. CONGER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN].

The roll-call having been concluded, the result was announced—yeas 36, nays 4; as follows:

YEAS—36.

Allison,	Dawes,	Hampton,	Morgan,
Bayard,	Dolph,	Harris,	Morrill,
Beck,	Edmunds,	Harrison,	Pike,
Blair,	Fair,	Hawley,	Platt,
Butler,	Garland,	Jackson,	Ransom,
Call,	Gibson,	Jonas,	Sewell,
Cameron of Wis.,	Gorman,	Lamar,	Sherman,
Coke,	Groome,	Maxey,	Vest,
Colquitt,	Hale,	Miller of Cal.,	Wilson.

NAYS—4.

Conger,	Mitchell,	Saulsbury,	Vance.

ABSENT—36.

Aldrich,	Frye,	Logan,	Pugh,
Anthony,	George,	McMillan,	Riddleberger,
Bowen,	Hill,	McPherson,	Sabin,
Brown,	Hoar,	Mahone,	Sawyer,
Camden,	Ingalls,	Manderson,	Slater,
Cameron of Pa.,	Jones of Florida,	Miller of N. Y.,	Van Wyck,
Cockrell,	Jones of Nevada,	Palmer,	Voorhees,
Cullom,	Kenna,	Pendleton,	Walker,
Farley,	Lapham,	Plumb,	Williams.

So the bill was passed.

OFFICIAL GAZETTE OF THE UNITED STATES.

Mr. HAWLEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Printing be, and the same is hereby, instructed to inquire into the economy and feasibility of the publication of an "Official Gazette of the United States," to contain the advertisements for proposals for contracts, the general orders and announcements by the heads of the Executive Departments, the more important appointments, and such other matter as is now published by the different branches of Government as advertisements or in special sheets; and that the expense of the present methods of giving such information to the public be given in detail.

NATIONAL BANK CIRCULATION.

Mr. BAYARD. I ask that the bill (S. 1155) to provide for the issue of circulating notes to national banking associations be made the special order for Wednesday of next week at 2 o'clock.

The PRESIDING OFFICER. Is there objection to making the special order suggested by the Senator from Delaware?

Mr. HOAR. Will the Chair repeat the request?

Mr. HAWLEY. I did not understand what the proposition was.

The PRESIDING OFFICER. The Senator from Delaware will please restate the exact object of his request.

Mr. BAYARD. The bill which I desire to make a special order, at the suggestion of certain Senators around me who propose to debate it, is a bill to provide for the issue of circulating notes to national banking associations. It is one of a good deal of public interest, and I think it is well to have it fixed, if we may, for discussion at that time.

The PRESIDING OFFICER. Is there objection to making the bill the special order for the hour and day named by the Senator from Delaware?

Mr. ALLISON. And to be continued until disposed of? Is that the idea of the Senator?

The PRESIDING OFFICER. It would become necessarily the unfinished business.

Mr. ALLISON. It may be ousted by some other bill. I think it ought to be disposed of, however.

Mr. BAYARD. There will be no bill in the way, I think. The time is a week from to-morrow.

Mr. ALLISON. Very well.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the special order will be so noted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the second amendment of the Senate to the bill (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes, and had agreed to the first amendment of the Senate to the said bill with an amendment; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 116) fixing the time when the pay of certain clerks to committees and other employés of the House of Representatives shall begin; and it was thereupon signed by the President *pro tempore*.

APPROPRIATIONS FOR DEFICIENCIES.

Mr. ALLISON. I ask unanimous consent to take from the table the appropriation bill from the House of Representatives in order that I may move a concurrence in the House amendment. It will take but a moment.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Is there objection to considering the proposition suggested by the Senator from Iowa at this time? The Chair hears none. The Chief Clerk will report the amendment of the House of Representatives.

The Chief Clerk read as follows:

Resolved, That the House concur in the second amendment of the Senate to the bill (H. R. 3949) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes, and concur in the first amendment of the Senate to the said bill, with an amendment as follows: At the end of said amendment add:

"*Provided*, That the whole sum appropriated by this paragraph shall not exceed $20,000."

Mr. ALLISON. This amendment suggested by the House makes more clear and definite what was intended by the Senate; therefore I move a concurrence in the House amendment.

The amendment was concurred in.

PRIVATE LAND CLAIMS.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories, the pending question being on the amendment of Mr. CONGER, in section 3, line 6, after the word "act," to strike out the words "when the person testifying is dead;" so as to make the clause read:

Shall be admitted in evidence in all trials under this act so far as the subject-matter thereof is competent evidence.

Mr. GARLAND. Mr. President, the reasons assigned by the Senator from Vermont [Mr. EDMUNDS] and the Senator from Indiana [Mr. HARRISON] yesterday against the amendment of the Senator from Michigan [Mr. CONGER] are sufficient to my mind, and I shall not take up the time of the Senate in discussing that amendment. It simply undertakes to reverse all the rules of evidence known upon that particular idea to the courts and to the law of the country. That has been, I think, sufficiently answered already.

The bill before the Senate in its general aspect is a very important bill, and involves possibly some of the most delicate and important questions that a bill could present to the Senate—questions which I think should a long time since have been settled by a proceeding like the one that is now contemplated in this bill. The chief difficulty I imagine that exists at this day in reference to the adjustment of these land claims arises from the fact that a judicial tribunal, strictly speaking, was not intrusted with their settlement from the start, not only in the particular area of country embraced by this bill, but also in that which was embraced in California, which took in land grants of this character, and which were attempted to be disposed of by the acts of 1851 and 1853.

The litigation that the treaty of Guadalupe Hidalgo brought to our country and to our courts has been, I think, the most remarkable that has ever been witnessed in any country, and it should have been concluded many years since. It is now thirty years since the first important case found its way from the land commission in California to the courts there on appeal from that commission and to the Supreme Court of the United States, and from that time almost continuously up to the present day cases in great number, involving an immense deal of property, arising under the treaty have come to the courts, and they have been determined with a singular uniformity upon the main proposition that is involved in this bill.

If you go back to the first important case that came up involving the construction of the treaty and of the rights and duties and obligations of the United States arising under the treaty in reference to private land claims, you will find that the law has been laid down with great clearness, with great strictness, and has been adhered to as laid down in that case with a singular uniformity, with as little variation as it is possible for courts to vary upon such important questions as were involved in the case. I allude to the historic case of Frémont, which was known as the Mariposa grant in California, which was referred to by the Senator from Delaware [Mr. BAYARD]. I beg leave to refer to it a little more at large in order to get at the vein, that in my mind runs through the entire system of land grants coming to us under the treaty with Mexico. I read from that case as reported in 17 Howard, page 556:

This brief statement—

Says the judge delivering the opinion—

This brief statement of the facts in these cases shows that the parties had acquired no right, legal or equitable, to these lands under the Spanish Government. The instruments under which they claimed were evidently not intended as donations of the land, as a matter of favor to the individual, or as a reward for services rendered to the public. They were intended to promote the settlement of the Territories and to advance its prosperity. But up to the time when Spain ceded them, the parties had done nothing to accomplish the object or to carry out the policy of the government. They had evidently no claim, therefore, upon the justice or conscience of the Spanish Government. It had not granted them the land, and they had done nothing which, in equity, bound that government to make them a title. And when Spain ceded the Territories to the United States, it held these lands as public domain as fully and amply as if those concessions or authorities had never been given; and the United States received the title in the same full and ample manner; neither the legal nor equitable right to them, as public domain, had been impaired by any act of the Spanish authority, nor had any right been conveyed to or vested in the claimants.

* * * * * * *

There can be no question as to the power of the governor of California to make the grant; and it appears to have been made according to the regular forms and usages of the Mexican law. It has conditions attached to it, but these are conditions subsequent. And the first point to be decided is whether the grant vested in Alvarado any present and immediate interest; and, if it did, then, secondly, whether anything done or omitted to be done by him during the existence of the Mexican Government in California forfeited the interest he had acquired and revested it in the government?

* * * * * * *

It is argued that the description is so vague and uncertain that nothing passed by the grant, and that he had no vested interest until the land was surveyed and the part intended to be granted severed by lines or known boundaries from the public domain. But this objection cannot be maintained. It is true—

This is the point to which I call the attention of the Senator from Missouri [Mr. VEST], who by his argument made the impression upon my mind that if there was any semblance of a claim, or any mere promise of a claim, or anything looking toward a claim, or staggering toward a claim, the Government of the United States was bound to protect that under the treaty with Mexico. Now, say the court—

It is true that if any other person within the limits where the quantity granted to Alvarado was to be located had afterward obtained a grant from the Government by specific boundaries before Alvarado had made his survey, the title of the latter grantee could not be impaired by any subsequent survey of Alvarado. As between the individual claimants from the Government the title of a party who had obtained a grant for the specific land would be a superior and a better one. For by the general grant to Alvarado the Government did not bind itself to make no other grant within the territory described until he had made his survey. But as between him and the Government he had a vested interest in the quantity of land mentioned in the grant. The right to so much land, to be afterward laid off by official authority, in the territory described passed from the Government to him by the execution of the instrument granting it. (Frémont *vs.* United States, 17 Howard, 556-558.)

The Government, says the court, did not consent that Alvarado should have an indefinite and an uncertain claim, to be located and fixed so far as he and a second claimant were concerned at his pleasure, but as between him and the Government he had such a claim; that before he segregated it from the public domain, before he had it marked by proper boundaries, all that country lying between the mountain and the river upon the one and the other side was not subject to his choice; that the Government did not compel itself and bind itself to refrain from selling public land simply because there was an indefinite and an uncertain and an unlocated claim somewhere upon that particular domain.

While it is true that under the treaty the United States simply took the position of the Mexican Government in reference to these claims, yet she took no more than that position. The idea that seems to exist in the minds of some Senators that a mere promise or a mere effort, if you please, to make out a claim is such a title as the Government must respect, has never been sustained in any of the cases from that of Frémont down to the one hundred and fifth volume of the United States Reports, and claims have come to the Supreme Court from the tribunals out there involving millions and millions, and countless millions almost.

As I said before, there is no deviation from this ruling by the Supreme Court in the Frémont case, but it has been followed up. I shall weary the Senate only by a reference to one or two of the chief cases.

Very soon afterward, in 22 Howard, came the case of Teschmaker, and that was a claim by the bye, for sixteen square leagues. The commission ruled against the claim, the court in California reversed the ruling, and the Supreme Court of the United States reversed that ruling and remanded the case. In deciding that the court says—I read the syllabus:

Where none of the preliminary steps required by the act of 1824 and regulations of 1828.

As stated by the Senator from Delaware, there ran clear through these entire grants, and from the foundation of them, the law of 1824 and the regulations of 1828 made under those laws.

Mr. BAYARD. The law of 1823.

Mr. GARLAND. But the law of 1824 was simply amendatory of the act of 1823, carrying it out, and it is called the act of 1824, I notice, in all these cases, with the regulations of 1828 made under them.

Where none of the preliminary steps required by the act of 1824 and regulations of 1828 have been observed or shown, as there required, previous to the grant, and no record of the title, as also there required, and but slight evidence of possession, either as to value or permanency, the proof of the genuineness of the official signatures to the grant is not sufficient. Evidence, under the circumstances of grants in California, should be given so as to make the antedating of the grant irreconcilable with the weight of the proof; otherwise, there can be no protection against imposition and fraud.

The record of the title must be shown or its absence accounted for to the satisfaction of the court. (United States *vs.* Teschmaker *et al.*, 22 Howard, 392.)

That is but a continuation of the doctrine as laid down in the Frémont case. There came pretty soon afterward in 23 Howard the case of United States *vs.* Rose *et al.*, in which the court say:

We agree that every species of title that originated in the rightful exercise of legitimate authority, and existed under the safeguard of Mexican laws at the date of the acquisition of California by the United States, is protected by the treaty of cession. The change of the government does not alter the relations of the inhabitants in this particular. This court is charged with the duty, in the last resort, to recognize the validity of all such claims. But it is the duty of the court to distingish between rights acquired under the laws and usages of Mexico and claims depending upon the mere pleasure of those who were in power—between the vested estate and the hope or expectation of favor or

bounty. The license of the governor to the applicant to make a temporary occupation until he could inform himself, so as to act considerately or intelligently, we think, can not be treated as conferring a property in the land. (23 Howard, 272, 273.)

So it is not true that the mere efforts at a title, the mere promise of a title, or the mere expectation of a title, to use the language of the court, is such a right as the Government of the United States under this treaty could protect.

Following immediately afterwards is the Osio case in the same volume in which the same doctrine is enunciated. In passing I may say that out of the case of Rose came the celebrated claim of General Sutter, who followed it from time to time through the courts, before the commission, and before Congress until finally the old man died and left his claim still, so far as the merits of it are concerned, undetermined. But these particular portions of it as ruled upon by the Supreme Court are ignored under the treaty as amounting to nothing.

Following on down through the cases that the Senator from Delaware read, the Carpenter and the Montgomery cases in 13 Wallace, the Rodrigues case in 1 Wallace, and the historic case of McGarrahan, to which I will make a more extended allusion after a while, this has been the doctrine as announced first by the Supreme Court. Therefore, closing up at last in the ninety-fifth volume of United States Reports, in what they determined to be juridical possession under one of these claims, there is no gap left upon which a difference could be found, in my judgment, so as to make out a claim under this bill as it contemplates it should be made out to meet with the requirements of these well-adjudicated cases.

In the case of Van Reynegan, in the ninety-fifth volume, the court says:

The grant is not set forth in the record; but we must presume that it was in the ordinary form of grants made by former governors of California, under the Mexican colonization law of 1824, as under no other law were those governors empowered to make grants of the public domain.

This opinion was delivered by Judge Field, who passed also upon many of these cases in the district court in California and in the supreme court of the State of California, where they came legitimately before him.

Those grants were sometimes of tracts designated by well-defined boundaries, sometimes of a specified quantity of land lying within extreme boundaries embracing a greater amount, and sometimes of places by name where these were well known and thus capable of ready identification. All of them were made subject to the approval of the assembly of the department; and, until they received such approval, the estate granted was liable to be defeated.

That was the doctrine enunciated in the Teschmaker case that I read from 22 Howard.

And, when the approval was obtained, there was another proceeding to be taken, which was essential to the complete investiture of title, and that was, a formal delivery of possession of the property by a magistrate of the vicinage, called, in the language of the country, the delivery of juridical possession. This proceeding involved the establishment of the boundaries of the tract, when there was any uncertainty repecting them. If these were designated in the grant, it required their ascertainment and identification; if they were not thus designated, it required the measurement of the quantity granted and its segregation from the public domain. The regulations prescribed by law for the guidance of the magistrate in these matters made it his duty to preserve a record of the various steps taken in the proceeding, to have the same attested by the assisting witnesses, and to deliver an authentic copy to the grantee.

Ordinarily the boundaries thus established would be accepted as conclusive by our Government. Unless there is something in the decree of confirmation otherwise limiting the extent or the form of the tract, they should control the officers of the United States in making their surveys. (95 United States Reports, 34, 35.)

Now at last the court comes to a definition of what is meant by juridical possession, which was stated the other day by the Senator from Delaware. When a claim is of that character it is a complete and a consummated claim. As a matter of course this bill does not attempt to deal with claims of that sort. Whoever may have a claim of that character can stand upon his claim and bid defiance to any assailers. It is not intended to deal with claims of that character, that are complete, that are perfected, but it is these inchoate, incomplete titles in which something else is yet to be done. That is the purport of the bill, and that is as far as it pretends to go.

Then going from a complete or perfect grant, if we look at Miller *vs.* Dale (92 United States Reports, 473), we shall find a definition of a floating grant as distinguished, and upon the consummation of which the Government does not wait in disposing of the public domain; and in passing on this the Supreme Court go back to Frémont's case (17 Howard), and Henshaw's case (18 Wallace).

I made an allusion a few moments ago to the McGarrahan case. If there is one thing in the world which has occurred in this country to show the necessity of a proceeding of the character proposed by the bill it is the history of the case of McGarrahan. That case has been five times before the Supreme Court of the United States, three times in the name of Gomez, the original claimant, under whom McGarrahan claims, and twice in the name of McGarrahan himself. It is still pending before Congress, and upon a mere question at last whether the conditions subsequent have been complied with in order to identify his claim to the Panoche Grande in California. It is now thirty-odd years since the claim first made its appearance in the judicial tribunals or the quasi-judicial tribunals of the country, and it has been hanging entirely upon that one point. It is not for me to pass any judgment, and I am not attempting to do so, upon the claim, but I simply say that the long, the tedious, and the wearisome proceedings attending that case are sufficient to justify the calling in at last of the eye-glasses of a court to scrutinize these claims and try them by strict and unbending rules of evidence and the unbending laws of the country pertaining to grants of this character. Twice that case came to the Supreme Court upon a mere muddle, if I may use the expression, as to the regularity of the proceedings in perfecting the appeal to the district court of California, and still McGarrahan is before Congress asking for relief here.

Commissions have been tried. The Senator from Oregon [Mr. DOLPH] the other day gave very good reasons why a commission would not answer this purpose. The Supreme Court in the case of Rodrigues, cited the other day by the Senator from Delaware, showed that a commission would not do to try these cases. So far as the surveyor-general is concerned the litigation that has come here from New Mexico with the statement made by the Senator from Oregon the other day is sufficient to show that such proceedings will not do to dispose of these grants. When a surveyor-general reports any one of these cases, being simply a mere agent to collect the testimony and to certify it to Congress, Congress having to pass upon it, there is a finality of it when it is so passed upon. In the one hundred and third volume of the United States Reports the case of Adams *vs.* Norris was decided, and that decision precludes all question afterward. But why bring them before Congress, as these claims have been resting here, the McGarrahan claim and the Sutter claim and a hundred others that could be named, when really it is the object and desire of the country, it seems to me, to get them out of Congress and send them somewhere else?

Our formerly respected colleague in this body Judge Davis of Illinois rendered the decision of the Supreme Court in Tameling *vs.* The United States (93 United States Reports, 661), where it was held that patents were quitclaims merely, and confirmations by Congress on the report of the surveyor-general were final.

This bill proposes, as the Supreme Court has decided repeatedly in reference to the California grants, that no title emanating from the Government shall be anything more than a mere quitclaim. She does not undertake to defend and to warrant the title, but she merely makes a quitclaim, as has been decided repeatedly was the operation of a deed or patent under the California grants on the cases tried coming through the commission in California.

If there is any use in this country for a court, if there is any such part of the Government that is necessary, let me ask what more important questions and what more necessary questions than considering treaties, considering grants of land, could be submitted to a court, and what higher purpose is there of a court in the country than to pass upon such questions as these? Here are the laws of nations, the relative rights and duties and obligations springing out of this treaty and the land laws of the country from its earliest history to the present day, and all the various commissions that have been organized for the unsettled lands of Louisiana, of Missouri, and of Arkansas, which have got to come up and be considered parallel with this matter.

How much better can a right be secured or guaranteed than through the ordeal of a judicial tribunal where you can compel the attendance of witnesses, where you can have the benefit of cross-examination, and subject witnesses to the test of all the rules and laws of testimony and of the duty of proceeding in courts proper, with the right of appeal guaranteed amply, as this bill does?

I can not see that there can be one particle of objection to the bill. Of course it is not a perfect bill, as it could not be, especially after delaying so long a time as this to prepare and to frame and to pass such a bill as this should be. If we are to go on without a settlement of these land claims, unless something of this sort is resorted to, we are to go on so far as we can now calculate to an indefinite period of time, longer even than we have been going on since the acquisition of this great territory; because in point of fact, as I understand, the real settlement of these matters, the real adjustment of them has not yet been touched.

Mr. BAYARD. And the necessity for a decision is increasing every day.

Mr. GARLAND. As suggested by the Senator from Delaware the necessity of a decision of them is increasing every day. We want Congress to be relieved of this kind of labor. It is not legislative labor in fact, but it is the purest and the most essential of judicial labor.

Although the amendment of the Senator from New Jersey [Mr. MCPHERSON] was voted down, still I wish to make allusion to that. So far as I can see, running through these entire cases there has been but one claim propounded that was over eleven leagues, the limit mentioned in the bill. Running back through the decisions relating to all these grants, to the acts of 1823 and 1824, as described in one case, the act of 1824 and the rules and regulations of 1828, as described in another, it is singular that they all point to the eleven leagues. But, as suggested by the Senator from Vermont [Mr. EDMUNDS] yesterday, if any one has a greater claim than that, he can propound that to Congress and let Congress in its conscience and sense of equity do what it thinks best.

Something was said the other day in reference to the third clause of section 12, the mining feature. That has become a very important matter, and I think that the bill upon that point is eminently proper. Some Senator, I have forgotten who, objected the other day to it. I

hold the one hundred and seventh volume of the United States Reports in my hand, and here is the case of McLaughlin *vs.* The United States. The court in deciding that case says:

> This being the first case of the kind in this court, a class of cases which may possibly be indefinitely multiplied, it is to be regretted that it was not more fully presented in the circuit court. Many interesting questions might arise in this class of cases not proper to be considered in this case. For instance, the nature and extent of mineral found in the land granted or patented which will bring it within the designation of mineral land in the various acts of Congress, in which it is excepted out of grants to railroad companies, and forbidden to be sold or pre-empted as ordinary or agricultural lands are.
>
> Suppose that when such land has been conveyed by the Government, it is afterward discovered that it contains valuable deposits of the precious metals, unknown to the patentee or to the officers of the Government at the time of the conveyance, will such subsequent discovery enable the Government to sustain a suit to set aside the patent or the grant?

This is a very important matter, the patent being given ordinarily under the existing laws, and it is afterward discovered that the tract contains valuable minerals. "Will such subsequent discovery," says the court, "enable the Government to sustain a suit to set aside the patent or the grant?"

> If so, what are the rights of innocent purchasers from the grantee, and what limitations exist upon the exercise of the Government's right? We can answer none of these questions here, and can only order that the decree below be affirmed.

This bill, whether this decision was before those who framed it or not, seems to provide for the contingency that the court suggests and the query propounded by the court upon that point. I think the bill is eminently proper and wise and meets here the very difficulty pointed out by the court, which necessarily would if left open be a very serious matter to the Government and possibly to innocent purchasers as stated.

I wish now to call the attention of the Senator from Delaware to one or two points in the bill somewhat specifically. In section 2, from line 35 down to line 40, after providing for appeals, the bill reads:

> Which supreme court shall retry the cause, as well the issues or questions of facts as of law, and may hear testimony in addition to that given in the court below, and may amend the record of the proceedings below as truth and justice may require.

I am not satisfied with that provision in the bill, although I favor the bill in the main, and I wish the Senator from Delaware, at some time before we finish the consideration of the measure, would explain the necessity of it. We know that the Supreme Court is an appellate court, as a rule, and in cases of appeal it does nothing but examine the record to see whether any error of law has been committed. I mean now as to the law of a case proper; but there should be a very good reason for letting them retry a case, it seems to me, and burdening them in that way by trying a case *de novo* in that court. I would much prefer, from my knowledge of the proceedings of that court and of litigation generally, that the court should be held simply to be an appellate court to, dispose of questions of law arising in the record.

Mr. BAYARD. Would it be convenient for the Senator for me to reply now?

Mr. GARLAND. Perfectly convenient, if the Senator will do so.

Mr. BAYARD. Perhaps this is as good a time as any other to make such a reply as I am best able to do.

In the first place, the Senator is aware of the original jurisdiction of the Supreme Court. Of course the testimony is taken there, and taken there first; so that all the means of obtaining testimony, the machinery for it, under the rules of the court already exist. It is true that as an appellate court usually testimony is not taken in the court above; it relies upon the error of the instructions of the court below, upon the action of the court below or upon the testimony as it is contained in the record sent up. At the same time, in admiralty proceedings the Senator is aware that the circuit court and the Supreme Court of the United States sitting in appeal do retry the case to the extent of taking new testimony. That is a matter of the practice of that court. Why they should make the admiralty proceedings an exception to their common practice I will not state.

I remember that when this objection was urged by a Senator, I believe then from New York, at the time this bill was discussed last, in 1881, the reply was made by Judge Davis, then a Senator from Illinois, that it was frequently the case in the Supreme Court that they took additional testimony.

In the present case I suppose it was from that abundance of caution which the experience of the trial of this class of cases has shown to be necessary. In point of truth, forgery of title, forgery of handwriting, of depositions, has become a fine art in these titles of Spanish and Mexican origin. That is the language used by the land commission, by the Commissioner of the General Land Office, in which he speaks of this modern art growing in its dexterity for the manufacture of ancient titles. Oftentimes the fraud that might be successful in one court or for a limited period is capable of detection and exposure by the transfer to a new tribunal with a little longer period.

One of the cases to which the Senator has referred (and I will not name it, for I desire to do no prejudice), a case from the district court of California, was reversed by the Supreme Court of the United States upon the discovery of the collusion and fraud of a district attorney of the United States in procuring the confirmation of a title by the district court on appeal from the California land commission in which he himself was a party half in interest. That is but one illustration of the class of cases we are to meet growing out of the unsettled and the vague and the naturally fraudulent results of the California and Mexican acquisition.

The Senator will remember how, many years ago, Mr. Stanton, afterward the Secretary of War, was sent out as a special agent of the United States Government to California to examine into the exact condition of the so-called archives of the Mexican Government, and the condition of land titles as there registered under their very loose form. He came back, and I well remember the class of legislation he suggested, and it found its way under his recommendation on the statute-books, creating special remedies to meet the peculiar class of crimes committed under their loose form of recording land titles and the like. The frauds in those titles were almost infinite in number and infinite in variety.

From the growth of such a soil as that, and with the dangers which we have seen flowing from such a source, it is a wise precaution, I submit to my friend from Arkansas, and one that for no light reason should be abandoned, that up to the very finality of decision there should be the means of the most full and plenary proof, the means of detecting these ingenious frauds, and the means of giving the court having jurisdiction to try also the jurisdiction to take new testimony to meet the case. I submit to the Senator that the provision in question was to my knowledge carefully debated and considered by gentlemen in the committee who I know possess his especial confidence; and they believed that it was not unusual, or that it was not a matter without precedent and useful precedent, to allow the Supreme Court to take new testimony and retry the case upon new facts as well as upon the law.

Mr. GARLAND. Mr. President, I had noticed the provision in this bill whenever it came before the Senate, and I never before heard the particular reasons given and I had not in my mind really worked them out. It is such an innovation upon the existing law and the rule as distinguished from law that I desired very much to have an explanation of it. The parallel as to the matter of admiralty would not hold. It is not worth while to enter into a discussion with the Senator from Delaware upon that to show the peculiar reasons appertaining to admiralty proceedings why certain things should not be done. The reasoning applicable to admiralty cases can not be applied to a proceeding of this character; but when the Senator speaks of the imposition by false testimony and frauds of other descriptions perpetrated in connection with Mexican and Spanish land grants, he strikes something that I am somewhat familiar with by the reading of these cases. In the case of Castillero, which is reported in 2 Black, I think—I have not got it here—which takes up two-thirds of the volume, the Supreme Court is greatly troubled all the time by false testimony. So in one of the cases in 22 or 23 Howard that I read from a few moments ago. As a guarantee against all this, as a protection, I will make no objection to the provision, but it is something that did not strike me favorably on the mere reading of it. Still, it having been reported so often by this committee based on the idea suggested by the Senator from Delaware to protect against false swearing and false proceedings of every character attached to these claims, I am willing to let it go.

Now, I wish to call the Senator's attention to another matter, as to the limitation in this bill of three years. Did it occur to the committee, or has it occurred to the Senator from Delaware, that it would be well to put in the ordinary reservation of the rights of married women, minors, &c.? I think that should be put in, the ordinary exception to statutes of limitation. I do not wish to offer it as an amendment, but I suggest it to the Senator from Delaware, unless good reasons to the contrary have presented themselves to the committee, that a saving clause of that character should be put in to this limitation. I agree with him and with the committee that a limitation should be fixed, and three years would be sufficient to work up these claims, because within this length of time no person, unless it be a married woman or a minor or some one beyond sea, could be taken unaware, could be said not to have notice of this proceeding.

So while I am perfectly willing that the three years' limitation should be placed in the bill, I think the Senator himself will agree to have the usual exception, unless some very good reasons have been given to the committee of which I have not the benefit.

Mr. BAYARD. I suppose, as a matter of fact, that the claims having been so ancient, as the obligation of the United States dates back to 1848 in regard to these Territories and thirty-six years having passed, the statute of limitations ought to have been, as the Senator well says, adopted long ago. Much of the trouble in this case, a great deal of the trouble now existing is that the lands have grown to great value, and therefore the litigation over them is stimulated. Therefore, to put the limitation now at three years was thought to be a very liberal time. I can say, however, that if there are the rights of minors or persons under legal disability I do not know that there is any reason why the usual exception which accompanies most statutes of limitation should not be put in the bill.

Mr. GARLAND. I think it would be better to put it in, to make a good, safe bill, and I suggest it to the Senator.

Mr. BAYARD. From the general character of the grants it may be that there are no minors to be affected.

Mr. GARLAND. Now a few words in regard to the amendment of the Senator from Missouri [Mr. COCKRELL], and I shall have said all that I care to submit to the Senate. This is an amendment, I think, of some importance and some value to the bill, offered by the Senator from Missouri.

That the Attorney-General of the United States, for the purpose of correcting the boundaries of any survey where said boundaries are incorrect, is hereby empowered to authorize the use of the name of the United States as plaintiff, and to order suits in all cases where he becomes satisfied that false and fraudulent surveys have been made, so as to embrace lands by said fraudulent surveys which do not fairly and honestly belong to the tract or tracts of land covered by the grant; and this rule shall apply to all grants where the tract has been enlarged by false and fraudulent surveys. And it shall be the duty of the Attorney-General to order suits for the forfeiture of such grants, or their correction, so as to make them embrace only the lands properly covered by said grants, in all cases where the tracts of land covered by the grants have been enlarged by such fraudulent surveys.

I would suggest to the Senator from Missouri to make that general, whether these grants have been enlarged by fraudulent surveys or enlarged by fraud of any sort, so that there is a larger claim than there should be, it should be corrected by proper proceedings. It should be, as the law says, reformed and brought down to the proper dimensions, so that if there are claimants to the other portion of it they can assert their claims; or, if not, it should fall back into the public domain, where it legitimately belongs. In some of these cases, as in the Sutter claim, there were half a dozen different claimants seeking to identify the property.

Mr. BAYARD. May I ask my friend why should not such a provision as this be put in a general public law? Why should it be confined to the Territories named?

Mr. GARLAND. I admit that.

Mr. BAYARD. Therefore it had better be the subject of a separate act.

Mr. GARLAND. I admit that; but I was speaking to the case in hand, the proposition before us. If the amendment is to go in at all, I think the Senator from Missouri had better modify it in the way I have stated.

I have said all that I care to say upon this bill and the different amendments suggested to it. I think the bill wise, and one that should be passed. It is high time we should put this matter in some definite shape to get rid of it by a judicial inquiry, and not by dealing with commissions and before Congress. We should relieve Congress of this burden which does not legitimately belong to it. If any claims under the seventh clause of the twelfth section of the bill should overlap and go beyond eleven leagues, that would be a matter which Congress would have discretion to act upon and according to its best judgment to deal with. I think the bill embraces everything else that is right and proper, and is about as good a bill as we are likely to get, and I hope it will meet the approbation of the Senate.

Mr. VEST. Mr. President, I want to say a word in reply to some remarks of the Senator from Arkansas [Mr. GARLAND], and I do not propose to discuss the bill any further. It is very evident that unless there is some radical change in the indifference of the Senate to this bill, which has been discussed for several days, it is to go through as it was reported by the committee, without reference to its merits.

The Senator from Arkansas, to whom I always listen with great pleasure, asserts what every lawyer knows to be a fact, that the people in the Territory acquired by the United States from Mexico under the treaty of Guadalupe Hidalgo and under the Gadsden purchase have the same rights, by international law and the provisions of those treaties, under this Government that they had under the Government of Mexico. Their property rights and titles are in fact the same, and any enactment by Congress which takes away from them one scintilla of their proprietary interest or title is an absolute violation not only of international law, but of the plain provisions of the treaties.

This being conceded by all lawyers to be the fact, what do we find in this bill? The scheme of the bill, if I may so speak, the legislative scheme, is to put all these questions as to title and as to these grants before the Federal courts for adjudication and settlement.

The Senator from Delaware may be right in his construction of the colonization act of 1824 of Mexico or I may be right. I may concede that he is right, but different constructions have been put upon that law in regard to the limitation to eleven square leagues of land. Why, I ask—and I have heard no answer to it, and I have listened to the Senator from Delaware and the Senator from Arkansas and I have never heard any answer to the question—why is that inquiry taken away from this judicial tribunal? Why is not the question left open for adjudication in the Federal courts as to what was the real meaning of the colonization act of 1824? This committee undertake to say by this clause that the Federal courts shall not pass on the meaning of that law. They put upon us an iron rule, that never in any case shall any claimant, no matter how he claims, under a grant from the King of Spain or under the colonization act of Mexico of 1824, take more than eleven square leagues of land? Is not that a judicial question? Is not the construction and meaning of the Mexican act of 1824 a question for the courts? All these are judicial questions, which are left to the courts, the Senator says, and yet this bill cuts off this identical question, says that not more than eleven square leagues shall be granted, and we are told that is perfectly right and proper. If the Senator from Delaware were not the author of the bill, the father of it, I should be inclined to say that the whole bill is a fraud. What right has this committee now to step in and hermetically seal the lips of the court on the meaning of the act of Congress of Mexico of 1824, and yet say to the country and to Congress, "We want the judicial determination of all the questions at issue?" The Supreme Court of the United States, from Peters's Reports down to Wallace's Reports, has decided that by the treaty of Guadalupe Hidalgo these people are entitled to that land, with the same rights they held as Mexican citizens.

Now as to the mining clause. I had some connection once with a case in which I was called upon to examine one of these Spanish grants, and I became somewhat familiar with the legislation and decisions on the subject. We have in this bill one of the most remarkable provisions which I have seen in any legislation before Congress. The bill provides in the third clause of section 12:

Third. No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals of the same, unless the grant claimed effected the donation or sale of such mines or minerals to the grantee, or unless such grantee has become otherwise entitled thereto in law or in equity; but all such mines and minerals shall remain the property of the United States, with the right of working the same, which fact shall be stated in any patents issued under this act.

I undertake to say that that is an innovation upon the practice of the Government of the United States in issuing patents for land within our jurisdiction. The unvaried practice of the United States has been that when a patent is issued to a grantee it covers everything upon the surface and under the surface. It did so in the Galena lead mines; it did so in the mines in my own State of Missouri; it has always been so. And over and above that I say that was not the law of Mexico, and this Congress has no right to enact and put upon the statute-book any enactment which takes away one particle of the mining rights of any citizen upon this ceded territory.

What was the law of Mexico in regard to mines and minerals? Under the custom of the grants from the Crown of Spain all mines, all mining privileges, particularly gold and silver and precious metals, were reserved to the king.

SECTION 1

I read from the mining laws of Spain—

SECTION 1. The mines are the property of my royal crown, as well by their nature and origin as by their reunion, declared by the fourth law of the thirteenth title of the sixth book of the new compilation (of laws and statutes).

SEC. 2. Without separating them from my royal patrimony, I grant them to my subjects in property and possession, in such manner that they may sell, exchange (pass by will, either in the way of inheritance or legacy), or in any other manner dispose of all their property in them, upon the terms on which they themselves possess it, and to persons legally capable of acquiring it.

SEC. 3. Be it undexstood that this grant is made upon two conditions: First, that they (my subjects) shall pay to my royal treasury the proportion of metal reserved thereto; and, secondly, that they shall carry on their operations in the mine subject to the provisions of these ordinances, on failure of which, at any time, the mines of persons so making default shall be considered as forfeited, and may be granted to any person who shall denounce them accordingly.

That was the old Spanish law and is now the Mexican law. Section 14 of the laws of Mexico provides:

SEC. 14. Any one may discover and denounce a vein, not only on common land, but also on the property of any individual, provided he pays for the extent of surface above the same, and the damage which immediately ensues therefrom, according to the valuation of surveyors on both sides, and arbitration in case of disagreement; the same is to be understood with regard to denouncing convenient places for erecting establishments, and also waters for moving the machines employed for the reduction of ores, commonly called reducing establishments (*haciendas*), provided in each case that no more of the water be used than is necessary for such purposes.

That is the law of Mexico. That was the law at the time of the negotiation of the treaty of Guadalupe Hidalgo. What does the bill say? This bill gives the title to all the mines on any land, after the patent issues, to the Government of the United States forever.

Mr. BAYARD. The Senator desires, I suppose, to get the whole of the law. I would refer him to the Mexican act of the 8th of November, 1846; he will find it at page 634 of Rockwell's Spanish and Mexican Law, title mines and mining:

SEC. 31. The confederation reserves to itself the mines discovered and to be discovered in the public lands, and which were not known at the time the lands may have been entered.

I take that to be a refutation, full and complete, of the Senator's position.

Mr. VEST. I do not understand that to be the law of Mexico. I do not understand it to have been the old Spanish law. The Senator says that was an act of two years before the treaty of Guadalupe Hidalgo.

Mr. BAYARD. Two years before the treaty.

Mr. VEST. At any rate, whether the Senator be right or myself, one thing is very certain, that if there was a reservation of the mines of the gold or silver in lands, the grants from Mexico or from Spain did not reserve the surface of the ground. I take it the Senator from Delaware will not dispute the Mexican law to be that any citizen could denounce a mine on public lands, if he pleased, or on the land of individuals. I ask the Senator from Delaware if that is not the Mexican law?

Mr. BAYARD. The Mexican law in regard to mining and our own differ. They had a regular system of mining laws. Whether they extended or not to the territory embraced by this bill, I can not an-

swer. When the bill was under discussion before, it was asked why not combine with this special act provisions respecting the mines, and the answer was that it was better for us to make that the subject of a separate general regulation, not to mingle the question of the land grants with the question of the mineral grants except to reserve them to the United States so that they might be treated according to the general law on this subject. It is clear that the Spanish grant did not convey minerals. Under the Spanish law and under the Mexican law it did not convey the minerals, but on the contrary by express provision the ownership of minerals was expressly reserved in all cases.

Mr. VEST. In the case of Frémont *vs.* The United States (17 Howard, page 565) the court said:

In relation to that part of the argument which disputes his right upon the ground that his grant embraces mines of gold or silver it is sufficient to say that, under the mining laws of Spain, the discovery of a mine of gold or silver did not destroy the title of the individual to the land granted. The only question before the court is the validity of the title.

That was a Spanish grant; but under this act proposed now to be enacted what is the result of the legislation? All the surface of the grant is reserved to the United States for the purpose of working the minerals upon it. Where is the limitation of this right? Twenty-five thousand years from now any citizen can enter on that land, put somebody else to work that mine, and under my patent I can not say a word. I presume there are cases in which grants of land under the old Spanish Government have remained in the family, not twenty-five thousand years, but they have remained there for centuries. There is no limitation upon this right, none whatever. I say that that is not the Mexican law, nor was it the Spanish law. In neither case was this the practice.

But, Mr. President, it is useless to discuss this question. I simply desired to say what I thought in regard to these two clauses. I expect to vote against the bill in its present condition.

Mr. CALL. Mr. President, I wish to make a very few remarks on the bill. The questions raised in the bill are matters which have long, in my judgment, been settled in the legislation of the country. In the case of the acquisition of Florida these questions all arose and received very full consideration. The Supreme Court in 1840, in the case of The United States *vs.* Wiggins, decided in regard to a treaty entirely similar in all respects to that of Guadalupe Hidalgo with Mexico in respect to public lands—

That the perfect titles made by Spain before the 24th of January, 1818, within the ceded territory are "intrinsically valid and exempt from the provisions of the eighth article is the established doctrine of this court, and that they need no sanction from the legislative or judicial departments of this country." (The United States *vs.* Wiggins, 14 Peters, page 351.)

That was an affirmation that wherever the grant was a completed grant, wherever the parties were in possession, the court had judicial cognizance, and the treaty being the supreme law, the right of the parties was established, so conclusively established, that the Supreme Court used the following language in 1833 in the case of The United States *vs.* Percheman:

A cession of territory is never understood to be a cession of the property belonging to its inhabitants. The king cedes that only which belonged to him. Lands he had previously granted were not his to cede. Neither party could so understand the cession; neither party could consider itself as attempting a wrong to individuals condemned by the practice of the whole civilized world. The cession of a territory by its name from one sovereign to another, conveying the compound idea of surrendering at the same time the lands and the people who inhabit them, would be necessarily understood to pass the sovereignty only, and not to interfere with private property. (United States *vs.* Percheman, 7 Peters, page 87.)

In regard to the amendment of the Senator from Michigan, proposing that commissioners should be appointed, the court long ago declared that the judicial department of the Government was the only department which could finally decide upon the private rights, upon the grants, the possession of which was already complete. The defective point in many of the grants was that the land had not been separated from the public domain before the treaty, and that act of separation under the Spanish law was decided by the Supreme Court to be necessary, and all the grants in the Territory, which is now the subject of this bill, before becoming perfect grants required separation from the public domain and survey by the public authority. The court say upon this subject:

It would seem from the title of the act and from this declaratory section that the object for which these commissioners were appointed was the ascertainment of these claims and titles. That they constituted a board of inquiry, not a court exercising judicial powers and deciding finally on titles. By the act "for the establishment of a territorial government in Florida," previously passed at the same session, superior courts had been established in East and West Florida, whose jurisdiction extended to the trial of civil causes between individuals. These commissioners seem to have been appointed for the special purpose of procuring promptly for Congress that information which was required for the immediate operations of the land office. In pursuance of this idea the second section directs that all the proceedings of the commissioners, the claims admitted, with those rejected, and the reason of their admission and rejection, be recorded in a well bound book and forwarded to the Secretary of the Treasury, to be submitted to Congress. To this desire for immediate information we must ascribe the short duration of the board. Their session for East Florida was to terminate on the last of June in the succeeding year; but any claims not filed previous to the 31st of May in that year to be void and of none effect.

These provisions show the solicitude of Congress to obtain, with the utmost celerity, that information which ought to be preliminary to the sale of the public lands. The provision that claims not filed with the commissioners previous to the 30th of June, 1823, should be void can mean only that they should be held so by the commissioners and not allowed by them. Their power should not extend to claims filed afterward. It is impossible to suppose that Congress intended to forfeit real titles not exhibited to their commissioners within so short a period. (*Ibid.*, page 90.)

We have therefore a complete series of adjudications upon this question that wherever the possession was complete, wherever the parties were in possession, for the language of the treaty of Guadalupe Hidalgo, as of all preceding treaties, was "ratified and confirmed," they needed no confirmation. The grants made by the Spanish Government were by the treaty ratified and confirmed, and that language has been construed by the Supreme Court in all these cases to refer to completed grants, leaving them subject to the judicial power of the country, both as between the United States and the grantees, and as between private individuals the court held that the law of nations as well as the treaty protected individuals in all their rights of property, and it was only in respect to the severance of the land from the public domain in inchoate grants that the political power was required to act by legislation. By all these treaties the United States bound itself to take the place of the government making the cession, and to confirm and complete these inchoate grants where the conditions of the grant had been performed by the grantee in good faith.

It is in respect to such grants alone that the power of the Government, after a period of nearly forty years, is now sought to be examined.

In regard to that provision of this bill which limits the judicial power in its application to inchoate or incomplete titles to eleven square leagues, I think that is a reasonable reservation, not, as the distinguished Senator from Missouri claims, a violation of the treaty, for it does not declare that there may not be by Congress a confirmation of a greater grant if imperative public reasons or reasons of justice so require, but that grants from the public lands of areas great enough to constitute States should not be committed to the positive rules which ought to govern and must govern courts of law, that the sovereign legislative power should reserve to itself the right to decide upon the appropriation of vast bodies of public land; that the possession of such vast areas of land by individuals is so inimical to the character of this Government, and so unfriendly to the general welfare in withholding them from actual settlement and cultivation, that the power of accomplishing this result should not pass beyond the control of the legislative power. I am opposed to any legislation which shall remove the public lands from the opportunity of actual settlement and cultivation by the people of the United States under the homestead laws.

I think, sir, that the reservation of the power of confirmation of a greater body than eleven square leagues is a proper and safe provision in this bill and it meets my entire approval.

So far as the amendment of the Senator from Michigan is concerned which proposes to limit the location of this scrip to the State or Territory in which it was originally made, I think that is eminently proper. I am opposed, if it can be avoided, to issuing scrip, and I desire to express my opinion here that the practice of issuing great quantities of land-scrip to be located at the discretion of the owner on the public land of the country, or to be held in reserve and by some collusion with the clerks of the Land Office to be located upon particular and valuable tracts of land as they come into market, will become, as it has in the past, a great public evil, and that the Government had better pay the money out of the Treasury as indemnity and reserve the land for actual settlement and the use of the people of the country than to allow this land-scrip to be floated and located, often fraudulently, upon the valuable portions of the public domain before the people of the locality had notice of it. I approve, therefore, and shall vote for the amendment of the Senator from Michigan which proposes to limit the location of this scrip to the Territory of the grant, the Territory in which the grant lies, and not beyond it. And the most serious objection I have to the bill is that it provides for the issue and location of this scrip. I am in favor of approving and confirming rights acquired by the locations of land-scrip on the public domain when it has been made in good faith and without collusion with any of the authorities in the land offices of the Government; but I am opposed to creating new opportunities of wrong by the further issue of land-scrip.

Mr. DOLPH. I should like to make a single suggestion to the Senator from Florida, and that is that in the case of the Territory of Utah there is no land subject to private entry and therefore there would be no land in that Territory on which the proposed scrip could be located. I am not sufficiently informed to say whether that is the case in the other Territories, but I am apprehensive that it is. I do speak by authority when I say that in the Territory of Utah there is no amount of that kind of land.

Mr. CALL. Then I think there had better be an indemnity in money provided. If it be impossible to do justice, if an indemnity must be provided, it had better be an indemnity in money than have this scrip floated upon land worth perhaps $5, $10, or $20 per acre, and perhaps a great deal more than that in some cases. This scrip may be held and has been held for years unlocated, awaiting the increased value of land by the settlement of the country, and is then located on all the lands which are in process of settlement, and high prices, beyond the means of the actual settlers to pay, demanded for it. I am opposed to all legislation which may have this result or to any extent aid in accomplishing it.

Mr. DOLPH. I do not agree with the Senator, but I will not occupy his time to state my reasons.

Mr. CALL. I shall be glad to hear the Senator's suggestions, but it seems clear to me that when the Government sells the land of another and receives money for it they are bound in good faith only to pay the money received for it. They can not be under any obligation to pay more for the land than it was at the time worth. They can not be under obligation to give the grantee the opportunity of selecting more valuable lands in place of those sold, or to allow him to wait until the people have settled in large numbers in some section and then locate large bodies of the land which they have made valuable. The Supreme Court in the case of Smith *vs.* The United States says:

> As the United States have put themselves in the place of Spain, we must view this selection thus made as if Louisiana had never been ceded to them. But neither in this nor the record of any of the cases which have been before us have we seen any evidence of any law of Spain, local regulation, law, or usage which makes a private survey operate to sever any land from the royal domain. On the contrary, all the surveys which have been exhibited in the cases decided were made by the surveyor-general of the province, his deputies, by the special order of the governor or intendant, or those who represented them. No government gives any validity to private surveys of its warrants, or orders of survey; and we have no reason to think that Spain was a solitary exception, even as to the general domain, by grants in the ordinary mode for a specific quantity to be located in one place. *A fortiori*, where a grant, *sui generis*, might by its terms be so split up as to cover every saline, mineral, and water-power site in the whole territory. Of all others, the survey of such a grant ought to be made by an authorized officer. If the grant was a lawful authority for such selections, its execution by survey ought to be so supervised that the selections should be made in a reasonable time, quantity of land, and number of spots selected.
>
> We can not believe that Spain would have ever consented to the exercise of such a right by an individual over all the most valuable portions of her domain when she did not permit the appropriation of her ordinary lands to be so made; still less that a claim of this description would have been perfected into a complete title had she remained in possession of Louisiana, or that it ought so to have been. The claim was unreasonable in its nature, excluding the government from all control over locations made on a sweeping grant, which by small subdivisions might be a monopoly of every valuable spot in both provinces. Such a grant, with such privileges, has no equity in it as against the Government of Spain or the United States standing in their place. There appears no law, usage, or custom to authorize it, and it is incompatible with those rights which every government reserves to itself of directing by its own officers the surveys of its lands, either on specific grants or orders of survey for vacant lands.

The policy indicated in these observations of the court has the approval of my judgment, and I doubt very much the wisdom of confirming grants of eleven leagues of land where it is susceptible of cultivation.

It is upon this principle that this bill proceeds in reserving the right of confirmation of a sweeping grant. I think eleven leagues is a sweeping grant, and if over that amount, its confirmation should certainly be reserved to the sovereign political and legislative power of the country. This proposition is sustained by the reasoning of the court, which is wise, by the facts in our experience, by our knowledge of the grave evils of giving vast bodies of the public domain under these ancient and shadowy grants. An eminent man, who had the reputation of being a learned and honest judge of the superior court of the United States for the Territory of Nevada, is reported to have said that these large grants were surrounded by "*chevaux-de-frise* of frauds and perjuries."

The evil was encountered in the early history of the State of Florida in the case of the grant to the Duke of Alagon, and a very famous litigation arose. At the time of the treaty there was a very considerable part of the 30,000,000 acres then supposed to be contained in the two Floridas granted to an eminent person in Spain, known as the Alagon grant, and intended to come within the provisions of that treaty. It was long the subject of litigation, and finally decided by the Supreme Court upon the proposition that under the laws of Spain an absolute severance of the public domain from the grant was necessary to constitute a completed grant, and that a grant not in possession and a grant the conditions of which had not been in that respect complied with had no standing in the courts of the country and no obligation under the treaty.

Beyond these objections I see in this bill nothing whatever but a compliance with the established law in the treaties which have preceded that of Guadalupe Hidalgo, which are the same in all their substantial provisions with the treaty of Guadalupe Hidalgo, and which have been adjudicated time and again; and in subjecting these grants to the extent of eleven leagues to the judicial power of the country, the bill does no more than our Constitution and laws do in giving each of the Departments their own specific powers, and to the judicial power the application of the law to the protection of individual right to the extent to which it is limited.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Michigan [Mr. CONGER], on which the yeas and nays have been ordered.

Mr. HARRISON. I ask that the amendment be again read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. The amendment is in section 3, line 6, after the word "act," to strike out "when the person testifying is dead."

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN].

Mr. HOAR (when his name was called). I am paired on this question with the Senator from Indiana [Mr. VOORHEES]. I do not know how he would vote if he were present, and I do not know how I should vote.

The roll-call was concluded.

Mr. CALL. My colleague [Mr. JONES, of Florida] is detained from the Chamber by reason of illness.

The result was announced—yeas 11, nays 34; as follows:

YEAS—11.

Conger,	Jones of Nevada,	McPherson,	Plumb,
Hawley,	Lapham,	Mitchell,	Vest.
Ingalls,	Logan,	Platt,	

NAYS—34.

Bayard,	Cullom,	Harris,	Morgan,
Beck,	Dawes,	Harrison,	Morrill,
Blair,	Dolph,	Hill,	Pike,
Bowen,	Edmunds,	Jackson,	Pugh,
Call,	Fair,	Jonas,	Ransom,
Cameron of Wis.,	Garland,	Lamar,	Vance,
Cockrell,	Gorman,	McMillan,	Wilson.
Coke,	Groome,	Manderson,	
Colquitt,	Hampton,	Maxey,	

ABSENT—31.

Aldrich,	Frye,	Miller of Cal.,	Sewell,
Allison,	George,	Miller of N. Y.,	Sherman,
Anthony,	Gibson,	Palmer,	Slater,
Brown,	Hale,	Pendleton,	Van Wyck,
Butler,	Hoar,	Riddleberger,	Voorhees,
Camden,	Jones of Florida,	Sabin,	Walker,
Cameron of Pa.,	Kenna,	Saulsbury,	Williams.
Farley,	Mahone,	Sawyer,	

So the amendment was rejected.

Mr. CONGER. In line 17 of section 9, after the word "respectively," I move to insert the words "in which each claim shall exist."

The object of the amendment is, if scrip—which I think very objectionable—is to be issued, to make it certain that it shall only be used in the State or Territory in which the claim is located.

Mr. PLUMB. The Senator from Oregon stated a few moments since that there were no offered lands in the Territory of Utah, one of the Territories covered by the provisions of this bill. I think it probable that that is equally true of all the Territories specified in the bill. The consequence is that there will be no indemnity practically under this provision at all, but we shall provide for the issuance of a large amount of scrip, the holders of which will then besiege Congress, as we know from similar cases which have occurred heretofore, for indemnity of various kinds. I should hope that the Senate would not enter in advance upon this delicate and difficult and dangerous question. Plainly, I think this section ought to be stricken out of the bill *in toto*.

It will be abundant time for Congress to say what remedy these people shall have after we have ascertained in some authentic way that they are entitled to some; but to put this power in the hands of the court to make it to the interest of the claimant to get up a juggle about boundaries to get indemnity scrip, which can not possibly be worth less than five or six times the value of the land that was granted, is simply to open the door to a fraud of the greatest magnitude. Therefore I shall move to strike out this entire section. If this bill passes we shall have plenty to do hereafter in repairing the damage it will do, and it will not hurt anything to have this particular subject especially left to be dealt with when we know all the facts of the case.

Mr. HARRISON. Will the Senator from Kansas allow me to ask him if this entire section is stricken out, is there anything remaining in the bill which will secure to the persons to whom the Government has issued patents for lands sold possession and title to the lands, or will they not be left to be evicted after the grant is confirmed? The Senator will notice in the body of the ninth section, which he proposes to strike out, a provision that the claimant whose grant is confirmed shall release to the occupant the tracts which have been sold by the Government; otherwise he might bring ejectment, probably.

Mr. PLUMB. Very well; that is another objection I have to this bill. It proposes without information to say that if any one holding a grant has been illegally dispossessed of any portion of it he shall be content with the spoliation that has been committed upon him and shall within twelve months relinquish his claim to the man who has despoiled him.

Mr. BAYARD. Will the Senator please turn to some section of the bill which provides that?

Mr. PLUMB. Section 9 is the one which reads that way to my limited comprehension. This deals with two very difficult questions. It is assumed in the first place that the United States Government has sold lands which belonged to the grantees of Mexico, and which by the treaty we were obligated solemnly to confirm to their possession and to their right. We propose, then, to legalize, as I said, that spoliation. In addition to that, and what is perhaps worse—certainly it will be worse in its financial consequences and in its consequences to the public domain—we propose to put it in the power of the claimants themselves to get up a controversy about the question of their grants, whereby and as the result of which they will get scrip which they can locate upon lands vastly more valuable than the lands covered by their grants.

Mr. President, it will be time enough for Congress to deal with that question when we have some facts and the result of adjudication to be

had under this bill if it is to become a law, and not to enter upon that system in advance of giving the court a power which, as I said, is not only dangerous on its face but dangerous in view of that which we know has heretofore transpired in cases substantially similar. I therefore move to strike out section 9.

Then, Mr. President, if that shall be done it will be time for somebody to move that the court passing upon this question shall make a report of every particular case decided by it, and as to whether in any case tried and decided any grantee of the Government of Mexico has been dispossessed of any part of his proper and legal holding, and, if so, to what extent, and whether that occurred by reason of some trespass or otherwise which has been encouraged and permitted under the authority of the United States represented by its patent.

The PRESIDING OFFICER. The motion of the Senator from Kansas to amend will remain suspended until the motion pending to perfect the section has been disposed of.

Mr. BAYARD. I was about to ask what would be the parliamentary order. The Senator from Michigan offered an amendment to the section, and the Senator from Kansas moves to strike out the entire section.

The PRESIDING OFFICER. The amendment proposed by the Senator from Michigan is first in order, and all motions tending to perfect the section will be disposed of before the question can be taken on the motion of the Senator from Kansas to strike out.

Mr. BAYARD. Then, Mr. President, I think perhaps both these propositions can be intelligently discussed together.

Mr. CONGER. If the Senator will allow me, I rose to withdraw my motion, being in favor of the other proposition, if after inquiring of the Chair I should learn that it will be in order to offer my amendment in case this motion fails.

The PRESIDING OFFICER. Of course the motion of the Senator from Michigan would be in order after a motion to strike out simply should be put and lost.

Mr. CONGER. Then, if the Senator from Delaware will allow me, I will withdraw the amendment I offered.

The PRESIDING OFFICER. The motion to amend made by the Senator from Michigan is withdrawn. The question is on the motion of the Senator from Kansas [Mr. PLUMB].

Mr. BAYARD. That motion is to strike out section 9 of the bill?

The PRESIDING OFFICER. It is.

Mr. BAYARD. I wish to be heard on that question. I do not think in the course of this discussion any proposition has been made or will be that will show the necessity for such a bill as this as much as the motion of the Senator from Kansas and the argument made in support of it. What does this section provide?

> That if in any case it shall so happen that the lands decreed to any claimant under the provisions of this act shall have been sold or granted by the United States.

Why, Mr. President, if the United States have made great errors in their grants heretofore, if they have given men principalities of land in these Territories not knowing what they were granting and giving, this bill is intended to put an end to such occurrences. How comes it that the Congress of the United States have confirmed grants amounting to nearly two million acres in one case to a single claimant? Simply because there was no machinery of law provided for testing the amount of land granted, much less the title. The whole system of the California commission, as I showed the other day by citing the decision of the Supreme Court of the United States, has been to "make confusion worse confounded" in respect of the whole of this territory so rapidly growing into value and importance. This is the first time that the Congress of the United States have taken the right step for the adjudication of questions of law and of fact connected with this important Territory. They have satisfied themselves heretofore with allowing a mere officer of inquiry, a surveyor-general, to call before him the best testimony he could get or that which he thought or believed or said was the best he could get to ascertain almost fabulous tracts of lands, and then upon his report to confirm them by a vote of the Senate which, as we see in regard to this present bill, has scarcely contained the half part of a quorum at any period during the discussion except perhaps when a vote was to be had.

Now it is proposed to take regular, orderly, fair, judicial proceeding for the purpose of ascertaining the rights of any claimant, great or small, and giving him the rights that any citizen of the United States could have for the purpose of ascertaining his rights of property under this treaty with Mexico; and it carefully provides that if these mistakes have been made, and we know they have been made, he shall have a remedy. I read the other day from a case in the Supreme Court the statement by the court that owing to the loose system of description in the Mexican diseños and what passed by the name of maps drawn by rude herdsmen they had been compelled to follow maps, to follow the description, to follow the judgment of the commission which had become final for want of an appeal, and to adjudge the same land and the same title to three different parties, knowing the fact that it was a three-headed judgment granted under the laws of the country and which this bill is intended hereafter to prevent, but which the Senator from Kansas would, it seems, object to its preventing.

When the United States shall have by its law, followed and obeyed by its citizen, given his land to another, and by judgment of their own courts show that he was entitled to so many acres of land, can it be that there is to be no relief; that having by reason of the imperfection of the machinery of its own to ascertain justice given the land of A to B, admitting that it was the land of A, there is to be no remedy, and that B is not to be compensated by the Government whose laws he has obeyed and whose instructions he has followed for the lands whereof he has been evicted by the action of the Government itself? Is he to have no relief? Justice, equity, decency, respect for the opinion of mankind, call for a remedy in such a case as that, and that is precisely the remedy which the ninth section provides, that as the mistakes growing out of these imperfect descriptions, these illimitable boundaries, these vague outlines, shall have worked injustice, there shall be, so far as the Government may carefully do, an equivalent provided. If the land of one man has, under color of a judgment of a court or of any tribunal provided by the law, been taken from him, an equivalent shall be supplied from the national domain by language carefully guarded.

Why, Mr. President, it is not peculiar to this case with Mexico more than to every acquisition. The treaty with France that gave us Louisiana, the treaty with Spain that gave us Florida, every such treaty provides that where owing to irregular mismeasurements and vagueness of description a man has failed to receive that which the courts and the law have awarded him he shall have an equivalent given to him for that of which he has been inadvertently and unjustly deprived. This section provides that common act of justice. This law will go far to make such acts of injustice in the future difficult, if not impossible; and if in the vague definition of boundaries over these rude and half-civilized countries mistakes as to lines of survey and boundary should exist, the man who fairly followed the law and accepted its judgment and decree shall not lose the value of his property, although he may lose the property itself. It can not be given to two, and where one is in by the judgment of the law of the land and the other is yet entitled to an equivalent, he shall have it in the shape provided for by this section.

Now, what is the section? It is a section carefully guarded to provide against results which have heretofore come from giving equivalents too loosely. I have heard in the Chamber here the case of the heirs of Thomas B. Valentine cited as one under which great oppression to the community was worked. In April, 1872, an act for the relief of Thomas B. Valentine was passed, by which that party or his heirs was permitted to take an appeal from the final decision and decree of the circuit court to the Supreme Court of the United States:

> And a decree under the provisions of this act, in favor of said claim, shall not affect any adverse right or title to the lands described in said decree; but in lieu thereof, the claimant, or his legal representatives, may select, and shall be allowed, patents for an equal quantity of the unoccupied and unappropriated public lands of the United States, not mineral, and in tracts not less than the subdivisions provided for in the United States land laws, and, if unsurveyed when taken, to conform, when surveyed, to the general system of United States land surveys; and the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall be authorized to issue scrip, in legal subdivisions, to the said Valentine, or his legal representatives, in accordance with the provisions of this act.

I understand that under that language and the condition of our general land laws what is termed a general float in the shape of land scrip was granted to this party, and he or his assigns located their patents upon any land unoccupied and unappropriated, and the consequence was that this scrip, as I understand, was taken around and became a source of black-mailing upon people in possession all over the country. With such an act as the Valentine act before us and the consequences of that act of which the committee had been informed, the unexpected uses or rather abuses which had taken place under it, the committee sought carefully to prevent the recurrence of any such thing. Therefore they said that when any claimant should find that the land decreed to him had been sold or granted theretofore by the United States, he should apply to the Commissioner of the General Land Office, and upon filing a release to the Government of the right and title to the lands so sold or granted to the United States, should receive "scrip for an equal amount of acres so released, in quantities not exceeding six hundred and forty acres each, which scrip shall be assignable in such form as may be prescribed by said Secretary, and shall be receivable, acre for acre, in payment for any public lands"—not generally—"in either of said Territories or States respectively that may be subject to private entry at the minimum price."

What lands are subject to private entry? Only those that have been offered for sale publicly by the Executive and withdrawn. Those, and those alone, are the subject of private entry. Here, then, is a carefully guarded provision for a rightful claimant, adjudged to be a rightful claimant by law and after due hearing, to receive an equivalent at the rate stated, acre for acre, of the lands subject to private entry at the minimum price.

I am glad the amendment of the Senator from Michigan was withdrawn, because I think upon reflection he will see that as the land so to be entered by private entry must be within these Territories and the two States mentioned there is a restriction which makes it additionally safe to pass the bill. But as to the proposition that when the Government by its own tribunal has adjudged its citizen to be a just claimant upon it for a body of land, it shall therefore have sold and parted with

and granted away that land, there shall not be a compensation, it would be a defect in morality, a defect in justice that no law of the United States relating to this subject has ever before failed in to my knowledge.

I hope, Mr. President, that the amendment of the Senator from Kansas may be rejected.

Mr. MAXEY. Mr. President, I do not intend to discuss this bill further than to endeavor, if I can, to be relieved of a difficulty I have in my mind in regard to the seventh subdivision of section 12. The general purpose of the bill is unquestionably right. It is to prevent great frauds in the segregation of the public domain under claims by claimants securing a larger amount than the claims call for. That is the general object; but if the Senator will notice the seventh subdivision, it says:

> Seventh. No confirmation shall in any case be made or patent issued for a greater quantity than eleven square leagues of land to or in the right of any one original grantee or claimant, or in the right of any one original grant to two or more persons jointly, nor for a greater quantity than was authorized by the respective laws of Spain or Mexico applicable to the claim.

It will be seen, therefore, that it makes no difference what may be the equity of a party in possession, he can not under any state of case get more than eleven leagues. Suppose, for example, that a citizen of Spain or of Mexico files his petition in due form of law, asking for eleven leagues, setting forth his condition, the number of his family, and his occupation, as required by their laws, accompanied by two assisting witnesses, and a survey is ordered, and the survey is actually made, and he is placed in the actual possession of his land by virtue of that survey. It then becomes the duty of the governor to send out a commissioner to issue the final concession or grant. That is done in the form of two papers, which are duplicates of each other, one the protocol which is filed in the land office to evidence the fact that that land has been segregated from the public domain, the other the *testimonio* we give to the party as the evidence of his title. That is his grant, and this is done before a notary public in the presence of the commissioner and assisting witnesses.

Now, suppose all that has been done, suppose the man has filed his petition, has been put in the actual possession, the survey has been actually made, and for some cause the governor has failed to send a commissioner to issue the final concession or grant. That man, according to this bill, may have been in possession, he and his heirs, for one hundred years, actually claiming to the out-boundary, and there may not be any fraudulent excess or an excess so great as to presume fraud, but an actual excess such as is common in all the great grants made in that Spanish country. Suppose that on the eleven-league grant there is an excess of 10 per cent. and he and those claiming under him have had that land for years, as many of them have for two hundred years—if there is an excess under this bill, that excess, although the Government of Mexico when the treaty of Guadalupe Hidalgo was made, except the naked, legal title, had no equity whatever, and all the equities are in the claimant—yet because the protocol and the *testimonio* have not been issued the party is deprived of all that surplus, whatever it may be, over and above the eleven leagues. I think that would be more than has ever been done in any country where the same system of surveying has been practiced as in Mexico.

Take the State of Texas, for example, where we had forty-six hundred and sixty acre grants. There are few of them that have not an excess. Patents have been issued for that land, and the excess often appears as high as 10, 15, and 20 per cent. There was no fraud about it. The land was less valuable at the time those surveys were made than anything else. The State has never yet claimed or pretended to set aside the excess, although the State may, where there is an important excess, through its proper district attorney file a petition to have it set aside on the ground of fraud.

While I agree with the general proposition of this bill and believe it to be right, there ought to be a guard for those who have been in the possession of their land where the failure of the final formalities has been without their fault, where the final papers had not been issued, and where the excess is but a fair and reasonable excess according to the theory of surveying at that time. I believe there ought to be in this bill some provision made to keep those parties who are honestly there in the possession of their land without having part of it taken from them. It does not strike me that that would be right.

Mr. PLUMB. Mr. President, I do not differ at all with the purpose the committee had in view in reporting this bill, nor do I design by this amendment to be understood as saying that if anybody has had actually taken from him by the authority of the Government of the United States any of the lands granted to him by the Government of Mexico he should not have indemnity. What I do say is that it is unwise to place the power of fixing this indemnity in the hands of a court; that it should be reserved to Congress to deal with the question hereafter when all the facts can be laid before it.

Mr. President, it would be possible—I do not say it would be probable—to make a location of a grant by collusion in such a way as to cover lands granted by the United States heretofore, and obtain by that act scrip greatly more valuable than the land covered by the grant. I appeal now to that which every one on this floor who has had to deal with these questions heretofore knows, and that is that every single act granting scrip, whether upon the authority of the Supreme Court or the authority of Congress, has resulted finally in frauds upon the public.

Either this scrip is good for something or it is good for nothing. If it is good for nothing, then where is the measure of justice which the Senator from Delaware proposes? I say that I do not believe there is an acre of offered land within the Territories covered by this bill, and if that be true, then these people would take nothing by their scrip. What would result? The obligation of the United States would be outstanding in behalf of these people, who would then appeal and justly to Congress to legislate in such a way as to give that scrip value, and thus we should be confronted with the final determination of that question in these Halls.

This question of whether the party shall have indemnity for lands taken out of his grant or not is also a question that ought to be left to be settled after the facts are all known. If the Government shall award to the grantee of Mexico lands covered by patents on the part of the Federal Government, then the question as to which shall prevail will be a question which Congress will decide and which should not be settled by the courts, because in this case there is no method of determining whether the grant obtained by the United States was obtained by fraud or not. It may have been collusive, and yet it is protected by this bill, the only limitation being that the land shall have been sold or granted by the United States; and as I said we are entering on dangerous ground here, we are opening this adjudication to the greatest possible inducement that can exist to get up collusive locations of grants in order that they may be compensated by scrip which will be located upon public lands of the United States largely greater in value than the land claimed under the grant from Mexico.

For that reason I think this section should be stricken out, that if we are to do justice to these people we at least ought to do it by a provision which will not do injustice to the Government of the United States and will not encourage fraud.

Mr. DOLPH. Mr. President, I desire to say that no obligation of the Government which will be created by this bill will be greater than the obligation that now rests upon the Government, an obligation arising under a treaty between two sovereign powers, an obligation upon the part of the United States to confirm to all the claimants under these Spanish and Mexican grants their claims as and when they may be established in a manner provided by law.

In regard to claims which were perfected claims, to which the claimants had a legal title under the laws of Spain or Mexico, the United States could not have granted away the title; the title was beyond the power of the United States to grant. In regard to these imperfect claims, the legal title to which passed to the United States under the treaty of cession, the United States might dispose of the legal title in spite of the equities of the private claimants, and may have done so. All that this bill undertakes to provide in that respect is that in case it shall be found when any of these claims shall be presented to the tribunals provided by this bill that the United States has granted away the legal title to any portion of any claims which may be established under all the safeguards provided by this bill, scrip shall be issued to the claimants in lieu of the land so granted, which scrip may be located on land subject to private entry.

I took occasion to say heretofore that there was no ground for the fears which have been expressed in regard to the practical operation of this section. As I then stated, no lands are subject to private entry except those which have been offered at public sale. It has not been the policy of the United States for the last quarter of a century to offer land at public sale, and the lands which are now subject to private entry are inconsiderable tracts, isolated from each other, scattered around over the States and Territories of the United States. Any scrip that may be issued under section 9 of this bill can never have a value to exceed a dollar and a quarter an acre. Why? Because any citizen of the United States may go to-morrow or as soon as the necessary steps can be taken and buy every acre of land subject to private entry in the United States at a dollar and a quarter an acre.

There are three classes of lands in the United States subject to entry under the general laws, lands subject to private entry, lands subject to entry under the pre-emption, homestead, and other general land laws of the United States, the minimum price of which is a dollar and a quarter an acre, and lands the minimum price of which is two dollars and a half an acre. The first are offered lands, known as lands subject to private entry; the second are the great body of public lands of the United States subject to entry under the land laws of the United States; and the last class are lands which lie within the limits of railroad grants, the price of which was increased when the odd sections were withdrawn from sale.

I consider this provision very inadequate compensation to those claimants who may have lost their land because the United States has granted it to others notwithstanding their equitable right. It is so inadequate, that in my judgment these claimants would never accept it if they had any other alternative. Congress, however, has never offered any other compensation for those lands which have been granted away, and the probability is that, inasmuch as they can not sue the United States under any existing law, and no other remedy is provided for them, they will accept this provision offered to them, and will take this scrip to be located on land subject to private entry. In as far as

concerns restricting these entries to lands subject to private entry within each State and Territory in which the lands are situated for which the scrip is issued, I would strike out that reference to the States and Territories and give the holders of the scrip an opportunity to locate it anywhere where that class of lands can be found within the United States. As I said before, the scrip can never be worth more than a dollar and a quarter an acre, because every acre of that class of land can be entered at any time by any citizen in any quantity at a dollar and a quarter an acre. I hope, therefore, the motion will not prevail.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. CALL. I merely wish to say in reply to what has fallen from the Senator from Oregon that within my knowledge scrip has been held for the purpose of being located on valuable military reservations which have been turned over to the Government, and lands worth hundreds of dollars an acre, and in some cases as much as a thousand dollars an acre, have been taken up under the Valentine scrip, and it is systematically held in that way for the purpose of appropriating valuable reservations of the Government which come into the market before the fact is known that they are subject to disposition by the Interior Department. I think it is a very valuable privilege.

Mr. DOLPH. I supposed that that matter was thoroughly understood. Valentine scrip is a very different kind of scrip. Valentine scrip may be laid on land subject to entry under the laws of the United States, on any land subject to entry under the provisions of the general land laws of the United States, and the value of that scrip arises from the fact that if a man wishes to enter a quarter-section of land, and does not wish to live upon it or cultivate it or comply with the other provisions of the general land laws of the United States, he may take some of this scrip and locate it on the land and secure his title at once without wating for the necessary time to intervene which is required in securing title to lands under the general land laws, and that whether he is qualified as a settler to take a claim under the laws of the United States or not. But the scrip contemplated by this bill is not like the Valentine scrip. It can be located under the provisions of the bill only on a certain class of lands, offered lands, lands subject to private entry, lands of which the Senator could buy every acre of the United States at a dollar and a quarter an acre, and can buy it at that price until the laws of the United States in that regard are changed. Therefore the fears which have been expressed in regard to the operation of this bill and the value of the scrip are groundless, because this scrip can never have a value greater than the price of the lands as they are now held by the United States.

It was suggested also that a great evil had grown out of the issue of this Valentine scrip, that it might be laid upon claims where other parties had valid rights. I undertake to say that there never was any scrip issued by the United States that could be located upon land where another person had a vested valid right, where the other parties had duly filed upon the lands under any existing law of the United States. That is a mistake.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB], to strike out the ninth section of the bill.

The amendment was rejected.

Mr. CONGER. Now I renew the amendment which I withdrew. I move to amend the bill, in line 17 of section 9, by inserting after the word "respectively" the words "in which each claim shall exist." The remarks of the Senator from Delaware, saying that that is now the meaning of the bill, make it proper to remove any doubt there may be about it by expressly confining the location to each Territory or each State in which the claim itself exists.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. CONGER called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN].

Mr. SAWYER (when his name was called). I am paired for the day with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. CALL. I wish to announce that my colleague [Mr. JONES, of Florida] is detained from the Senate by illness.

The result was announced—yeas 8, nays 37; as follows:

YEAS—8.

Conger,	Hawley,	Mitchell,	Plumb,
Harrison,	Lapham,	Platt,	Vest.

NAYS—37.

Allison,	Dawes,	Hoar,	Morrill,
Bayard,	Dolph,	Ingalls,	Pendleton,
Beck,	Edmunds,	Jackson,	Pike,
Bowen,	Fair,	Jones of Nevada,	Pugh,
Butler,	Garland,	Lamar,	Ransom,
Cameron of Wis.,	George,	Logan,	Sewell,
Cockrell,	Gorman,	McMillan,	Wilson.
Coke.	Hale,	Manderson,	
Colquitt,	Hampton,	Miller of N. Y.,	
Cullom,	Harris,	Morgan,	

ABSENT—31.

Aldrich,	Frye,	Mahone,	Sherman,
Anthony,	Gibson,	Maxey,	Slater,
Blair,	Groome,	Miller of Cal.,	Vance,
Brown,	Hill,	Palmer,	Van Wyck,
Call,	Jonas,	Riddleberger,	Voorhees,
Camden,	Jones of Florida,	Sabin,	Walker,
Cameron of Pa.,	Kenna,	Saulsbury,	Williams.
Farley,	McPherson,	Sawyer,	

So the amendment was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 24) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. CONGER. I ask the gentleman to withdraw that motion until the next amendment may be stated, which I offered as a substitute for the bill under consideration.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 5, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk began the reading of the Journal, when

Mr. BELFORD said: I ask unanimous consent that the reading of so much of the Journal of the proceedings of yesterday as relates to the introduction and reference of bills and joint resolutions be dispensed with.

There was no objection, and it was ordered accordingly.

The remainder of the Journal was then read, and as read it was approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KASSON, for three days, on account of a public engagement in Brooklyn; and

To Mr. MILLER, of Pennsylvania, for one week, to attend to pressing business.

MUTILATED AND LIGHT-WEIGHT COIN.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, inclosing a letter from B. G. Underwood, with petition of officers of banks and bankers, asking for relief in the matter of mutilated and light-weight gold and silver coin; also transmitting a report of the Treasurer of the United States, dated January 11, 1884, and of the Director of the Mint, dated January 24, 1884, to whom had been referred for remark the letter and petition mentioned; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

DISTRIBUTION OF CHEROKEE FUND.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting report of Commissioner of Indian Affairs in relation to the action of the Cherokee national authorities in the distribution of $300,000 appropriated in the sundry civil act of March 3, 1883, to be paid into the treasury of the Cherokee Nation out of the fund under appraisement for Cherokee lands west of the Arkansas River; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MILITIA FORCES OF THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting an abstract of the militia forces of the United States; which was referred to the Committee on the Militia, and ordered to be printed.

REPORTERS FOR COMMITTEES.

Mr. DOCKERY. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The SPEAKER. The resolution will be read, after which the Chair will submit to the House the request for its present consideration.

The Clerk read as follows:

Resolved, That the positions of stenographers of committees of this House be, and they are hereby, declared vacant; and hereafter, upon the request of a committee, the Speaker shall employ a reporter or reporters to report such proceedings as the committee may deem necessary, at a compensation to be fixed by the Committee on Accounts, which shall be paid out of the contingent fund of the House.

Mr. BELFORD. I rise to a point of order. It is utterly impossible

for us here who occupy seats in the rear of the Hall to understand what is going on.

The SPEAKER. The Chair recognizes the justice of the complaint of the gentleman, and appeals to members on the floor and in the rear of the seats to cease conversation and preserve order, so that public business may be intelligently transacted. The Chair thinks a great part of the confusion is occasioned by conversation in the rear of the seats, which prevents gentlemen on the back seats from hearing what transpires. [After a pause.] Is there objection to the present consideration of the resolution which has just been read?

Mr. HENDERSON, of Iowa. I think it had better go to a committee.

Mr. CALKINS. Is it proposed to consider the resolution now?

The SPEAKER. That is the request of the gentleman.

Mr. CALKINS. I think it had better go to a committee.

Mr. DOCKERY. Then I ask that the resolution be referred to the Committee on Accounts.

Mr. HOLMAN. Is it not a privileged report from the Committee on Accounts?

The SPEAKER. The gentleman did not offer it as a privileged report, and therefore the Chair was not called on to rule on that point. It will go to the Committee on Accounts if there be no objection, and if reported back by that committee will then be privileged.

The resolution was accordingly referred to the Committee on Accounts.

TARIFF ON FOREIGN WORKS OF ART.

Mr. BELMONT, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the President be, and he is hereby, requested, if in his opinion it be not incompatible with the public interest, to communicate to this House the correspondence concerning the representations made to this Government in relation to the existing tariff discriminations against the works of foreign artists, together with such other information on the subject as may be of record in the Department of State.

Mr. BELMONT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FLORIDA SPANISH CLAIMS.

Mr. BISBEE. I ask unanimous consent to submit a resolution of inquiry for present consideration.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas by the ninth article of the treaty with Spain, under which the territory of Florida was acquired, the United States stipulated and agreed as follows, to wit: "To cause satisfaction to be made for the injuries, if any, which by process of law shall be established to have been suffered by the Spanish officers and individual Spanish inhabitants by the late operations of the American army in Florida;" and

Whereas afterward, under an act of Congress entitled "An act to carry into effect the ninth article of the treaty concluded between the United States and Spain the 22d day of February, 1819," and in compliance with the authority conferred by said act, the judges of the supreme courts at Saint Augustine and Pensacola, Fla., received and adjusted the claims presented to them for said injuries, and in all cases decided by said judges in favor of the said claimants, the decisions, together with the evidence on which they were founded, were, as required by the said act of Congress, reported to the Secretary of the Treasury, who was by said act authorized to pay the amounts so reported due upon being satisfied that the same were just and equitable and within the provisions of the said treaty; and

Whereas in such decisions and reports so as aforesaid made to the Secretary of the Treasury the amount found due each claimant on account of injuries to his property was stated, and also the amount due on account of interest accrued from the date of the injury to the date of said decision and report was separately stated; and

Whereas it is alleged by the several claimants that the Secretary of the Treasury has declined to pay any of the said several amounts or sums of money reported due by the said judges on account of interest accrued as aforesaid; and

Whereas it is asserted and claimed by the said claimants that it was and is the duty of the Secretary of the Treasury, under the said act of Congress passed to execute the ninth section of said treaty, to pay to them the said several sums of money found to be due them by the said judges, including all sums of money found due on said interest account as well as all such sums as were found due for the value of property injured or destroyed: Therefore,

Resolved, That the Secretary of the Treasury be, and is hereby, requested to report to this House the aggregate amounts found and reported to be due the said claimants by the said judges, stating separately the amounts found due as principal and the amounts found due on account of interest. Also to report to the House the aggregate amount that has been paid on account of said claims, and the amount claimed to be due by the said claimants on account of interest as aforesaid, as shown by the decisions, judgments, and reports of the said judges to the Secretary of the Treasury, and the reasons, if any, under existing law, why the said claims for interest reported due by said judges can not be paid.

Mr. BLANCHARD. I object to the present consideration of the resolution. I think it had better go to a committee.

Mr. BISBEE. I ask the gentleman to withdraw the objection. If he would hear an explanation for a moment, I am sure he would do so.

The SPEAKER. Is the gentleman from Louisiana [Mr. BLANCHARD] willing to withhold the objection while a brief explanation is made?

Mr. BLANCHARD. Yes, sir.

The SPEAKER. The gentleman from Florida [Mr. BISBEE] can make his explanation, subject to the right of objection.

Mr. BISBEE. The only object of the resolution—— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. BISBEE. Then I ask that the resolution be referred to the Committee on Foreign Affairs.

There being no objection, the resolution was introduced, and referred to the Committee on Foreign Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. Res. 116) fixing the time when the pay of certain clerks to committees and other employés of the House of Representatives shall begin.

The message also announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;"

A bill (S. 379) for the relief of Mrs. J. P. Williams;

A bill (S. 380) for the relief of James Bridger or his legal representatives;

A bill (S. 431) for the relief of Sallie A. Spence;

A bill (S. 537) for the relief of J. A. Henry and others;

A bill (S. 677) for the relief of the estates of James Vance and William Vance;

A bill (S. 975) for the relief of T. J. Boyles, administrator of the estate of Marcus Radich, deceased; and

A joint resolution (S. R. 21) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company.

ORDER OF BUSINESS.

Several MEMBERS. Regular order!

Mr. WELLER. I ask the gentleman demanding the regular order to give way for a moment——

The SPEAKER. The regular order has been demanded by several gentlemen.

Mr. WELLER. Then I ask unanimous consent——

The SPEAKER. That can not be done when the regular order is insisted upon. The regular order is demanded for the purpose of putting an end to these requests for unanimous consent.

IMPROVEMENT OF HOT SPRINGS RESERVATION, ARKANSAS.

Mr. YOUNG. I rise to submit a privileged report from the Committee on Expenditures in the Interior Department.

The Clerk read as follows:

The Committee on Expenditures in the Interior Department, having in charge, by order of the House, the investigation of the manner in which the work on Hot Springs Creek, on the Government reservation at Hot Springs, in the State of Arkansas, is being conducted, and as to whether or not the money appropriated for its prosecution is being properly expended, and as to the general management of the Government property at that place, having further considered the matter, beg leave to report:

That they are now of opinion that an efficient and economical discharge of that duty will require a subcommittee of their number to visit Hot Springs and make a personal inspection of the work and to examine such witnesses as may be able to testify in relation to any of the matters the committee is directed to investigate.

The committee find that they can arrive at no satisfactory conclusion without the testimony of many witnesses who reside at Hot Springs, and to bring them here would involve a much larger expense than we are willing to recommend.

The committee therefore see no alternative but to send a subcommittee of their number to Hot Springs, as above indicated, or for a special committee to be appointed to take charge of the entire matter.

We think the sum of $1,500 would be sufficient to meet all the expense that need be incurred in pursuing either course indicated. The committee therefore recommend the adoption of the accompanying resolution:

Be it resolved by the House of Representatives, That a subcommittee of five members from the Committee on Expenditures in the Interior Department be directed to proceed to the town of Hot Springs, in the State of Arkansas, and make such investigation in respect to the work now being done upon Hot Springs Creek, on the Government reservation at that place, and in respect to such other matters as they have been heretofore directed by resolution of the House to investigate, and to report the result thereof as early as practical; that for the purpose of paying the expenses thereof the sum of $1,500 be, and the same is hereby, appropriated out of the contingent fund of the House, the same to be expended by the Sergeant-at-Arms under the direction of the committee.

The SPEAKER. The Chair does not understand that this is a privileged report.

Mr. YOUNG. The committee was directed to report at any time.

The SPEAKER. Then it is privileged. The question is upon the adoption of the resolution reported by the committee.

Mr. WHITE, of Kentucky. Is it in order to move to refer this report to the Committee on Accounts?

The SPEAKER. It is.

Mr. WHITE, of Kentucky. I think it had better go there and be considered in connection with other expenditures of similar character.

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] moves to refer the report just read to the Committee on Accounts.

Mr. YOUNG. Mr. Speaker, I would have no objection to that action myself; but the work which we have been directed to investigate is now at a standstill. If it is delayed longer much damage may result to the interests of the Government. If the investigation is to be made at all it ought to be made at once. The delegation from the State of Arkansas are unanimous in their desire that this report and resolution shall be adopted and the result of the investigation reported to the House.

Mr. THOMAS. I would like to ask the gentleman from Tennessee [Mr. YOUNG] a question. Is not the work at Hot Springs being done according to plans and specifications which are before the committee; and has not the committee received reports from duly authorized Government agents having charge of the work, so as to enable the committee to see fully what is being done and what is needed to be done, without going to the expense of sending a Congressional committee to the ground to investigate?

Mr. YOUNG. That is the very thing we are directed to ascertain, whether or not it is being done in accordance with the plans and specifications and whether or not the money appropriated for that purpose is being properly expended. We have had before us the Assistant Secretary of the Interior, and he desires that the matter shall be inquired into, and I think it just to his Department that it should be done.

Mr. WHITE, of Kentucky. The sum recommended by this committee for this trip to the Hot Springs, it seems to me, is not at all adequate when you take into consideration the amount which is required to defray the funeral expenses of members of Congress, as shown by the bills rendered to the Committee on Accounts. It strikes me, Mr. Speaker, there is a great difference in the recommendation of this committee beforehand and the reports of the Committee on Accounts after these trips have been made. I merely throw this out as a suggestion. I believe it will result in nothing more than a junketing trip. And, sir, I do not believe that the American people are in the humor to encourage anything of this sort, and as one member of Congress upon this floor I enter my solemn protest against it. It will not result in any investigation which will amount to anything, while it will cost more than $1,500, as we well know, when we consider for a moment that it takes from three to eight thousand dollars to bury a deceased member of this House. The Committee on Accounts is well aware of this fact, and, as the Committee on Accounts have already considered very carefully such subjects, I have thought it better to refer this matter to that committee, in order that they may report upon it and recommend how much ought to be expended for this junketing trip.

Mr. YOUNG. Mr. Speaker, it would be unjust to the committee I represent in submitting this report if I were to allow any insinuation such as the gentleman from Kentucky has seen proper to indulge in to pass without notice. I do not think there are any members of this committee who propose a junketing trip at the expense of the House. If the gentleman has that idea of public legislation I am quite sure it was not shared in by any member of the committee which recommended the making of this report. So far as I am concerned, and so far as they are concerned, and I am authorized to speak for all of them, none of us desire to go. It is a matter in which we have no personal interest whatever, and to meet my own views and my own business engagements I ought to remain here. It is simply a matter of duty to discharge in a proper and becoming manner what we have been directed by the House to do. We have had the matter under advisement for more than a week; we have examined all the testimony to which we could get access in Washington city, and we have come to the conclusion, unanimously on the part of the whole committee, that we could not do justice to ourselves in presenting any report to this House on the testimony which we have already received.

Mr. DUNN. Will the gentleman yield to me for a moment?

Mr. YOUNG. I will yield to the gentleman from Arkansas for a question.

Mr. DUNN. I desire simply to correct one statement made by the gentleman from Tennessee, and that is, that the delegation from Arkansas are unanimous in favor of this investigation. While I have no reason to question the correctness of the conclusion of that committee which recommended it, I wish to relieve myself of any responsibility. I have not been consulted about it, I do not know anything about it, and I have no information on the subject on which to base an opinion as to whether this investigation should be made or not. I simply do not desire to be put on record as advising it; I do not question the correctness of its judgment.

Mr. YOUNG. I made the statement on the authority of some of the gentleman's colleagues. I supposed every one had been consulted. It is a matter of no consequence to me. The gentleman who represents that district desires it, and I learn from other members of the delegation they were all of the same opinion. I now ask for the previous question.

Mr. WHITE, of Kentucky. Before the previous question is put I hope the gentleman will allow me to say that I have no objection to an investigation, not in the least, but I desire to say——

The SPEAKER. Does the gentleman from Tennessee yield?

Mr. YOUNG. I do not yield, but call for the previous question.

Mr. WHITE, of Kentucky. I wish to say a word in reply to what the gentleman has said.

The SPEAKER. The gentleman from Tennessee declines to yield.

Mr. YOUNG. I have no objection to any explanation the gentleman desires to make in justice to himself.

Mr. WHITE, of Kentucky. I have no objection to the investigation if it will amount to anything, but I remember distinctly the position taken by your side of the House in the Forty-fourth Congress——

Mr. YOUNG. I do not yield for any such harangue as that.

Mr. WHITE, of Kentucky. I supposed the gentleman yielded.

Mr. YOUNG. I thought the gentleman desired to make a personal explanation.

Mr. WHITE, of Kentucky. I am on the floor.

Mr. YOUNG. But I do not yield for any such discussion.

Mr. WHITE, of Kentucky. The gentleman can not take me off the floor in that way.

The SPEAKER. The gentleman from Tennessee says he yielded to the gentleman from Kentucky to allow him to make a personal explanation, but not for an argument.

Mr. WHITE, of Kentucky. The House in the Forty-fourth Congress, controlled by that side of the House, proposed to save forty millions of money by cutting down expenditures. Does this look like saving, when committees are sent out on junketing trips?

Mr. YOUNG. That is not a personal explanation. I insist upon the demand for the previous question.

The SPEAKER. The question is on ordering the previous question.

The House divided; and there were—ayes 116, noes 2.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. WHITE, of Kentucky, and Mr. YOUNG were appointed tellers.

The House again divided; and the tellers reported—ayes 174, noes 5.

So the previous question was ordered.

The SPEAKER. The first question is on the motion of the gentleman from Kentucky, to refer this report to the Committee on Accounts.

The motion to refer was not agreed to.

The question recurring on the adoption of the resolution, the House divided; and there were—ayes 92, noes 35.

Mr. SKINNER, of North Carolina. I demand the yeas and nays.

The yeas and nays were ordered—35 members voting in favor thereof.

Mr. PEELLE, of Indiana. Mr. Speaker, I ask that the resolution be again reported.

The resolution was again read.

The question was taken; and there were—yeas 104, nays 152, not voting 64; as follows:

YEAS—104.

Adams, G. E.	Ermentrout,	McAdoo,	Russell,
Anderson,	Follett,	McCoid,	Scales,
Arnot,	Forney,	McMillin,	Seney,
Bagley,	Fyan,	Miller, J. F.	Shelley,
Beach,	Glascock,	Milliken,	Springer,
Belford,	Graves,	Mills,	Stewart, Charles
Belmont,	Green,	Morrill,	Stockslager,
Bland,	Greenleaf,	Muldrow,	Storm,
Blount,	Hancock,	Muller,	Struble,
Breckinridge,	Hatch, W. H.	Mutchler,	Sumner, C. A.
Broadhead,	Henley,	Neece,	Talbott,
Brumm,	Hewitt, A. S.	Nicholls,	Thompson,
Buckner,	Hewitt, G. W.	Oates,	Throckmorton,
Cabell,	Hoblitzell,	Paige,	Tucker,
Caldwell,	Holman,	Patton,	Tully,
Calkins,	Hopkins,	Payne,	Van Eaton,
Cassidy,	Hunt,	Peel, S. W.	Wellborn,
Clardy,	Jones, B. W.	Potter,	Weller,
Converse,	Jones, J. H.	Pusey,	Wemple,
Cook,	Jones, J. K.	Reagan,	Wilkins,
Cox, S. S.	Jordan,	Reese,	Willis,
Cutcheon,	Kellogg,	Riggs,	Wilson, W. L.
Davidson,	King,	Robertson,	Winans, John.
Dibrell,	Le Fevre,	Rogers, J. H.	Wise, G. D.
Dorsheimer,	Lewis,	Rogers, W. F.	Worthington,
Ellis,	Lyman,	Rowell,	Young.

NAYS—152.

Adams, J. J.	Eaton.	Lanham,	Shaw,
Aiken,	Eldredge,	Lawrence,	Skinner, C. R.
Alexander,	Ellwood,	Libbey,	Skinner, T. G.
Atkinson,	Evans, I. N.	Long,	Slocum,
Ballentine,	Everhart,	Lore,	Smith,
Barksdale,	Evins, J. H.	Lovering,	Snyder,
Barr,	Ferrell,	Lowry,	Spooner,
Bayne,	Fiedler,	McComas,	Spriggs,
Bennett,	Foran,	McCormick,	Steele,
Bisbee,	Geddes,	McKinley,	Stephenson,
Blanchard,	Goff,	Matson,	Stevens,
Bowen,	Guenther,	Maybury,	Stewart, J. W.
Boyle,	Halsell,	Millard,	Strait,
Breitung,	Hammond,	Mitchell,	Sumner, D. H.
Brewer, F. B.	Hanback,	Morey,	Taylor, E. B.
Browne, T. M.	Hardeman,	Moulton,	Taylor, J. D.
Brown, W. W.	Hardy,	Murray,	Taylor, J. M.
Buchanan,	Harmer,	Nelson,	Thomas,
Burleigh,	Hart,	Nutting,	Tillman,
Candler,	Henderson, D. B.	Ochiltree,	Townshend,
Cannon,	Henderson, T. J.	O'Hara,	Turner, H. G.
Chace,	Herbert,	O'Neill, Charles	Turner, Oscar
Clay,	Hiscock,	Parker,	Van Alstyne,
Clements,	Holton,	Payson,	Wadsworth,
Cobb,	Hooper,	Pierce,	Wait,
Collins,	Horr,	Peelle, S. J.	Wakefield,
Connolly,	Houk,	Perkins,	Warner, Richard
Cosgrove,	Houseman,	Peters,	Weaver,
Cox, W. R.	Hutchins,	Pettibone,	Whiting,
Crisp,	James,	Poland,	Williams,
Culbertson, W. W.	Jeffords,	Pryor,	Wilson, James
Cullen,	Jones, J. T.	Rankin,	Winans, E. B.
Dargan,	Kean,	Ray, Ossian	Wise, J. S.
Davis, G. R.	Keifer,	Robinson, J. S.	Wolford,
Davis, L. H.	Kelley,	Rockwell,	Wood,
Dibble,	Kleiner,	Rosecrans,	Woodward,
Dowd,	Laird,	Ryan,	Yaple,
Duncan,	Lamb,	Seymour,	York.

ABSENT—64.

Barbour,	Dingley,	Howey,	Price,
Bingham,	Dockery,	Hurd,	Randall,
Blackburn,	Dunham,	Johnson,	Ranney,
Boutelle,	Dunn,	Kasson,	Ray, G. W.
Brainerd,	Elliott,	Ketcham,	Reed,
Brewer, J. H.	Findlay,	Lacey,	Rice,
Budd,	Finerty,	Mayo,	Robinson, W. E.
Burnes,	George,	Miller, S. H.	Singleton,
Campbell, Felix	Gibson,	Money,	Stone,
Campbell, J. M.	Hatch, H. H.	Morgan,	Valentine,
Carleton,	Haynes,	Morrison,	Vance,
Covington,	Hemphill,	Morse,	Ward,
Culberson, D. B.	Hepburn,	Murphy,	Warner, A. J.
Curtin,	Hill,	O'Neill, J. J.	Washburn,
Davis, R. T.	Hitt,	Phelps,	White, J. D.
Deuster,	Holmes,	Post,	White, Milo

So the resolution was not agreed to.

The following pairs were announced:

Mr. HILL with Mr. DUNHAM.

Mr. BUDD with Mr. GEORGE, on all questions until further notice.

Mr. MILLER, of Pennsylvania, with Mr. ROBERTSON, of Kentucky, from February 5 to February 12, inclusive.

Mr. RICE with Mr. CAMPBELL, of New York, on all political questions from and including January 30 to and including February 8.

Mr. MONEY with Mr. WADSWORTH, until further notice.

Mr. MILLARD, of New York, with Mr. POST, of Pennsylvania, until the pair is withdrawn on notice from both parties.

Mr. WARNER, of Ohio, with Mr. KETCHAM, from February 1 until Wednesday, February 6.

Mr. HOLTON with Mr. COVINGTON, from Thursday, January 31, until Tuesday, February 5.

Mr. WHITE, of Kentucky. I am paired with my colleague, Mr. BLACKBURN; otherwise I should vote "no."

Mr. ROBERTSON. I am paired with the gentleman from Pennsylvania [Mr. MILLER] on all political questions; but not regarding this as a question of that character, I have voted.

Mr. MCMILLIN. I am paired with Mr. RAY, of New York, on all political questions; but not deeming this a political question, I have voted.

On motion of Mr. TOWNSHEND, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. YOUNG. I ask that the committee be discharged from the further consideration of this subject.

The SPEAKER. That can not be done now.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. Mr. Speaker, I am directed by the Committee on Appropriations to report back House bill 3948 with Senate amendments, and recommend concurrence in said amendments, one with and the other without an amendment.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred House bill 3948, making appropriations to supply deficiencies on account of appropriations for the fiscal year ending June 30, 1884, in regard to the rebate of the tax on tobacco, and to provide for the expense of the meeting of the Legislature of the Territory of New Mexico, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows: They recommend concurrence in the amendment of the Senate numbered 2. They recommend concurrence in the amendment numbered 1, with an amendment as follows:

"At the end of said amendment insert the following:

"'*Provided*, That the whole sum appropriated by this paragraph shall not exceed $20,000.'"

Mr. BURNES. I ask the adoption of the report.

The SPEAKER. The question is upon agreeing to the report of the committee. Does the gentleman desire a division upon the amendments?

Mr. BURNES. No; let the vote be taken on all together.

The report was agreed to.

Mr. BURNES moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MINISTERS, ETC., ABSENT FROM DUTY.

Mr. CLEMENTS. I am instructed by the Committee on Foreign Affairs to make the privileged report which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of State be, and he is hereby, requested to inform this House how many and who of the foreign ministers, consuls, or agents of the United States to any foreign country have been absent from their post of duty since the 1st day of January, 1882, the time absent, and the reasons therefor, and whether their salary has been paid them during such absence, and the amount so paid in each case.

Mr. CALKINS. I desire to ask the gentleman reporting this resolution whether there was any resolution referred to the Committee on Foreign Affairs asking for this information.

Mr. CLEMENTS. This resolution was referred to the committee.

Mr. CALKINS. What is the report of the committee?

Mr. CLEMENTS. The committee report back the resolution with the recommendation that it be adopted.

Mr. CALKINS. I should like to hear the report read.

The SPEAKER. The Clerk informs the Chair there is no report accompanying the resolution.

Mr. CALKINS. Then I make the point of order.

The SPEAKER. Under the rules of the House the report can not be received unless there is a written report accompanying it. The Chair sustains the point of order.

Mr. CLEMENTS. I withdraw the report for the present.

REPORT OF DISTRICT HEALTH OFFICER.

Mr. SMITH. I desire to make a privileged report from the Committee on Printing. I am instructed to report back the joint resolution (H. Res. 24) with amendments. I ask the Clerk to read the report of the committee.

The Clerk read as follows:

The Committee on Printing, to whom was referred joint resolution H. Res. 24, submit the following report:

That the resolution do pass with the following amendments:

Strike out in line 6, after the word "Senate," the words "three hundred" and insert the words "three hundred and fifty."

And in line 7, after the word "and," strike out the words "twenty-one hundred" and insert the words "two thousand and fifty."

So that it will read:

"That the Public Printer be, and he is hereby, authorized to print 2,500 extra copies of the annual report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House of Representatives, and 2,050 for the use of the said health officer of the District."

The estimated cost of printing the additional copies of the report of the health officer of the district is $1,175.

The report is an important one, and, with the amendments submitted, we recommend the passage of the resolution.

The SPEAKER. The question is on agreeing to the amendments reported by the committee.

The amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMITH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RENT OF BUILDINGS FOR FOLDING DEPARTMENT, ETC.

Mr. HOLMAN. I desire to make a report from the Committee on Appropriations.

The SPEAKER. Is it a privileged report?

Mr. HOLMAN. It is not strictly speaking a privileged report. But the resolution refers to a matter that concerns the interests of the House.

The SPEAKER. The gentleman from Indiana asks consent to make a report from the Committee on Appropriations. He states that it is not a privileged report, but that it relates to a matter which it is of some importance should be immediately considered. The resolution will be read.

The Clerk read the resolution, as follows:

Resolved, That the resolution of the House adopted on the 21st day of December, 1883, authorizing the expenditure, under the direction of the Doorkeeper, of the sum of $1,420 to pay the rent of buildings to be occupied for the Folding Department of the House and for the transportation of public documents, be so modified and construed as to authorize the payment out of said sum of $1,420 the sum of $75 per month to a watchman employed at the buildings so occupied during the present session; and in addition to the sum named in said resolution there may be paid out of the contingent fund of the House the further sum of $130 for expense incidental to the transportation of public documents during the present session.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLOUNT. I wish to ask the gentleman from Indiana, will there not be occasion for watchmen after the close of the session?

Mr. HOLMAN. That can be provided for by the regular appropriation bill for the next year.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was adopted.

Mr. HOLMAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF DIGEST.

Mr. ROGERS, of New York. I desire to make a privileged report from the Committee on Printing.

The Clerk read as follows:

The Committee on Printing, to whom was referred the following resolution, namely—

"*Resolved*, That there be printed and bound, under the direction of the Journal Clerk, 250 copies of the Digest for the present session for the use of committees of the House, and officers of the two Houses, and heads of Departments and bureaus"—

having had the same under consideration, respectfully report that the additional number of copies proposed in said resolution are required to supply the committees of the House (fifty-four in number), the officers and clerical employés of the two Houses, and the heads of Departments and bureaus; that such distribution is in accordance with the past practice of the House, and that when not ordered by the House they have been printed on the requisition of the Clerk.

Your committee are advised that the volume has been stereotyped, and that the cost of printing the number of copies—paper, binding—proposed is $75.

Your committee are of opinion that the additional copies proposed should be printed, and accordingly report back the said resolution and recommend its adoption.

The resolution reported by the committee was adopted.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

Mr. HATCH, of Missouri. I move to dispense with the morning hour.

Many MEMBERS. "Oh, no."

The SPEAKER. The morning hour can only be dispensed with by a vote of two-thirds.

The question being taken, the motion was not agreed to (two-thirds not voting in favor thereof).

ENROLLED JOINT RESOLUTION.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 116) fixing the time when the pay of certain clerks to committees and other employés of the House of Representatives shall begin.

THOMAS B. SHANNON.

Mr. MCKINLEY, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (S. 332) for the relief of Thomas B. Shannon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SILAS Q. HOWE.

Mr. RUSSELL, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 329) for the relief of Silas Q. Howe, surviving partner of William G. Pate & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

COPYRIGHT TO FOREIGNERS.

Mr. DORSHEIMER, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 2418) granting copyrights to citizens of foreign countries; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

ALABAMA CLAIMS COMMISSIONERS.

Mr. TUCKER, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 1212) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes; which was placed on the House Calendar, and, with the accompaying report, ordered to be printed.

HENRY NEWMAN.

Mr. TUCKER, from the Committee on the Judiciary, also reported, as a substitute for House bill 3345, a bill (H. R. 4678) to remove the political disabilities of Henry Newman; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. WEBSTER.

Mr. TUCKER, from the Committee on the Judiciary, also reported, as a substitute for House bill 1038, a bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix of Isaac A. Verplank, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELECTION OF POSTMASTERS, ETC.

Mr. BROADHEAD, from the Committee on the Judiciary, reported adversely the joint resolution (H. Res. 51) proposing an amendment to the Constitution providing for the election by the people of the several States of postmasters, revenue collectors, marshals, and United States district attorneys; which was laid on the table, and the accompanying report ordered to be printed.

CHAIRMEN OF SUBCOMMITTEES TO ADMINISTER OATHS.

Mr. HAMMOND, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 4411) to amend section 101 of the Revised Statutes so as to allow the chairman of a subcommittee of either House to administer oaths; which was placed upon the House Calendar, and the accompanying report ordered to be printed.

INTEREST ON JUDGMENTS OF COURT OF CLAIMS.

Mr. HAMMOND, from the Committee on the Judiciary, also reported back with a favorable recommendation the bill (H. R. 4410) to amend section 1090 of the Revised Statutes, relating to interest on judgments rendered by the Court of Claims; which was placed on the House Calendar, and the accompanying report ordered to be printed.

REMOVAL OF CAUSES, ETC.

Mr. MOULTON, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 1578) to amend sections 1, 2, 3, and 10 of "An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE POTOMAC AT "THREE SISTERS."

Mr. REAGAN, from the Committee on Commerce, reported back the bill (H. R. 3810) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C.; and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on the District of Columbia.

The motion was agreed to; and it was ordered accordingly.

"ADAMS FLUME."

Mr. REAGAN, from the Committee on Commerce, also reported back the petition of M. J. Adams, inventor of Adams's flume, for establishing a permanent channel in the Mississippi River, &c.; and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Rivers and Harbors.

The SPEAKER. Under the rule the change of reference of a petition can be made through the petition-box by order of the committee to which it was referred. The change will be made in this case as indicated.

SAINT JOHN'S RIVER, FLORIDA.

Mr. REAGAN, from the Committee on Commerce, also reported adversely the bill (H. R. 152) to authorize the Secretary of the Treasury to construct beacons and light-houses on the Saint John's River, Florida; which was laid on the table, and the accompanying report ordered to be printed.

CARLTON ISLAND

Mr. REAGAN, from the Committee on Commerce, also reported adversely the bill (H. R. 1064) providing for the erection of a light-house on the head of Carlton Island, in Jefferson County, New York; which was laid on the table, and the accompanying report ordered to be printed.

LIGHT-HOUSE ON LAKE PONTCHARTRAIN.

Mr. REAGAN, from the Committee on Commerce, also reported adversely the bill (H. R. 2216) making an appropriation to erect a light-house at Mandeville, on Lake Pontchartrain.

Mr. ELLIS. I ask that that bill be placed on the Calendar.

The bill was accordingly referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PORT OF ENTRY, ETC., NEWBURG, N. Y.

Mr. GLASCOCK, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 1026) to constitute Newburg, in the State of New York, a port of entry and delivery; which was ordered to be placed on the House Calendar, and the accompanying report ordered to be printed.

FORT RANDALL MILITARY RESERVATION.

Mr. MAGINNIS, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 1684) vacating all that portion of the Fort Randall military reservation, in the Territory of Dakota, lying east of the Missouri River; which was ordered to be placed on the House Calendar, and the accompanying report ordered to be printed.

FORT RICE MILITARY RESERVATION.

Mr. MAGINNIS, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 1683) to abolish the military reservation of Fort Rice, in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale the same as other public lands; which was referred to the Committee of the Whole House on the State of the Union, and the accompanying report ordered to be printed.

CAMP DOUGLAS MILITARY RESERVATION.

Mr. DIBRELL, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 1782) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY MARCOTTE.

Mr. DIBRELL, from the Committee on Military Affairs, reported back adversely the bill (H. R. 1201) for the relief of First Lieut. Henry Marcotte; which was laid on the table, and the accompanying report ordered to be printed.

ORVILLE BURKE.

Mr. DIBRELL, from the Committee on Military Affairs, also reported back adversely the bill (H. R. 1196) for the relief of Orville Burke; which was laid on the table, and the accompanying report ordered to be printed.

EDWARD BYRNE.

Mr. LAIRD, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 75) for the relief of Edward Byrne; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FORT SMITH MILITARY RESERVATION.

Mr. HENLEY, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 39) donating a part of the abandoned military reservation at Fort Smith, Arkansas, to the city of Fort Smith, for the use and benefit of the free public schools thereof, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. ANDERSON. I desire permission to file the views of a minority of the Committee on Public Lands upon the bill just reported. I have had no opportunity to write out a minority report, as the bill was not acted upon in the committee until this morning.

The SPEAKER. The gentleman from Kansas [Mr. ANDERSON] asks permission to present in writing the views of a minority of the committee on the bill just reported, to be printed with the report of the majority. If there be no objection leave will be granted.

There was no objection.

IRON MOUNTAIN RAILROAD.

Mr. PAYSON, from the Committee on the Public Lands, reported back with amendments the bill (S. 353) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes; which was ordered to be placed on the House Calendar, and the accompanying report ordered to be printed.

CLAIMS FOR INDIAN SUPPLIES.

Mr. STEVENS, from the Committee on Indian Affairs, reported back with an amendment the bill (H. R. 842) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to June, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. STEVENS. The bill just reported is for the relief of private individuals. Should it not go to the Private Calendar?

The SPEAKER. The Chair thinks the bill is of a general character. It imposes certain duties on the Secretary of the Interior, and although it may result in an advantage to private individuals, it is general legislation.

MEXICAN POTTAWATOMIE INDIANS.

Mr. SKINNER, of North Carolina, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 1741) to provide for the final settlement with the Mexican Pottawatomie Indians of Kansas in accordance with certain treaty stipulations; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

SOUTHERN KANSAS RAILWAY COMPANY.

Mr. PERKINS, from the Committee on Indian Affairs, reported, as a substitute for H. R. 2030, a bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ELECTION OF TERRITORIAL OFFICERS.

Mr. HARDEMAN, from the Committee on the Territories, reported back adversely the bill (H. R. 1666) to provide for the election of a governor and secretary of the Territory by the people of the several Territories; which was laid on the table, and the accompanying report ordered to be printed.

PUBLIC BUILDING, MACON, GA.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 162) for the erection of a public building at Macon, Ga.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

UNITED STATES COURT-HOUSE, SPRINGFIELD, ILL.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 190) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, FORT SMITH, ARK.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 38) to provide for a building for the use of the Federal court, post-office, internal-revenue, and other civil offices, and a United States jail in the city of Fort Smith, Ark.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JAMES MAHONEY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 365) granting a pension to James Mahoney; which was laid on the table, and the accompanying report ordered to be printed.

CHARLOTTE M. COWARD.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 1920) for the relief of Charlotte M. Coward; which was laid on the table, and the accompanying report ordered to be printed.

SCOTT CORNELL.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 2093) granting a pension to Scott Cornell; which was laid on the table, and the accompanying report ordered to be printed.

ELKANAH HUDDLESTON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 563) for the relief of Elkanah Huddleston; and the same was referred to the Committee on War Claims.

LEMUEL J. BENNETT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 552) granting a pension to Lemuel J. Bennett; which was laid on the table, and the accompanying report ordered to be printed.

JOHN M. DORSEY AND WILLIAM F. SHEPARD.

Mr. LORE, from the Committee on Claims, reported back favorably the bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

O. L. COCHRAN.

Mr. TILLMAN, from the Committee on Claims, reported back favorably the bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER D. SCHENCK.

Mr. PRICE, from the Committee on Claims, reported back favorably the bill (H. R. 1266) for the relief of Alexander D. Schenck; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

YOST HARBAUGH.

Mr. PRICE, from the Committee on Claims, also reported a bill (H. R. 4681) for the relief of Yost Harbaugh; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM W. THOMAS.

Mr. ELLWOOD, from the Committee on Claims, reported back with amendment the bill (H. R. 691) for the relief of William W. Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. V. DAVIS.

Mr. ELLWOOD, from the Committee on Claims, also reported back adversely the bill (H. R. 1593) for the relief of J. V. Davis; which was laid on the table, and the accompanying report ordered to be printed.

DES MOINES RAPIDS.

Mr. DOCKERY, from the Committee on Claims, reported back adversely the bill (H. R. 465) for the relief of certain employés on the work for the improvement of the Des Moines Rapids of the Mississippi River; which was laid on the table, and the accompanying report ordered to be printed.

A. J. GUTHRIE, DECEASED.

Mr. BROWN, of Pennsylvania, from the Committee on Claims, reported back favorably the bill (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN F. SEVERANCE.

Mr. VAN ALSTYNE, from the Committee on Claims, reported back

favorably the bill (H. R. 2268) for the relief of John F. Severance; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY JANE VEAZIE.

Mr. McMILLIN, from the Committee on Claims, reported back adversely the bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased; and the same was referred to the Committee on War Claims.

GENERAL WARD BURNETT.

Mr. ROBINSON, of New York, from the Committee on Pensions, reported a bill (H. R. 4682) for the relief of General Ward Burnett; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PAY OF CERTAIN ARMY OFFICERS.

Mr. GEDDES from, the Committee on War Claims, reported, as a substitute for the bill (H. R. 1497) for the relief of certain officers of the Army for services actually performed during the rebellion, a bill (H. R. 4683) to pay certain officers of the Army for services actually rendered during the late war; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PAYMENT OF AWARDS, COURT OF CLAIMS.

Mr. GEDDES, from the Committee on War Claims, also reported, as a substitute for H. R. 1492, a bill (H. R. 4584) for the relief of certain citizens of Marion County, Tennessee; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH CARSON.

Mr. GEDDES, from the Committee on War Claims, also reported back the bill (S. 12) for the relief of Elizabeth Carson with an amendment in the nature of a substitute; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORT.

Mr. GEDDES, from the Committee on War Claims, also reported back with an adverse recommendation the bill (H. R. 1347) for the relief of Capt. Nicholas J. Bagley.

The SPEAKER. The report will be printed and the bill ordered to lie upon the table.

Mr. HOPKINS. I move that the bill and report be printed and referred to the Private Calendar.

The SPEAKER. Without objection that order will be made.

There was no objection.

Mr. STORM. I ask consent to submit a minority report in that case.

There was no objection.

JOHN C. HERNDON.

Mr. FERRELL, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 2158) for the benefit of John C. Herndon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT TALLY.

Mr. WELLER, from the Committee on War Claims, reported a bill (H. R. 4685) for the relief of Robert Tally; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. JONES, of Wisconsin, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 684) for the relief of Mrs. Eliza E. Hebert; which was ordered to be laid on the table, and the accompanying report printed.

Mr. ELLIS. I ask that this bill be referred to the Private Calendar.

There was no objection, and it was ordered accordingly.

Mr. JONES, of Wisconsin, from the Committee on War Claims, also reported back with an adverse recommendation the petition of Bishop E. Fitzgerald, of Little Rock, Ark.; which was ordered to be laid on the table and the accompanying report printed.

Mr. ROGERS, of Arkansas. Let that also go to the Private Calendar.

The SPEAKER. Without objection it will be so ordered.

There was no objection, and it was ordered accordingly.

FENDALL CARPENTER.

Mr. JONES, of Wisconson, from the Committee on War Claims. also reported back a bill (H. R. 4686) for the relief of Fendall Carpenter; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH R. SHANNON.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 2204) for the payment of the claim of Joseph R. Shannon; which was ordered to be laid on the table, and the accompanying report printed.

Mr. ELLIS. I ask that this bill be referred to the Private Calendar.

There was no objection, and it was ordered accordingly.

A. GATES LEE.

Mr. ROWELL, from the Committee on War Claims, reported, as a substitute for House bill 640, a bill (H. R. 4687) for the relief of A. Gates Lee; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BARRINGTON BEHYMER.

Mr. ROWELL, from the Committee on War Claims, also reported back with an adverse recommendation the bill (H. R. 1265) for the relief of Barrington Behymer; which was ordered to be laid on the table and, with the accompanying report, to be printed.

Mr. ROWELL. The gentleman from Ohio [Mr. MOREY] desires to have that placed upon the Calendar. I do not see him present.

The SPEAKER. Without objection the bill, with adverse recommendation, will be placed upon the Calendar.

There was no objection, and it was ordered accordingly.

ADVERSE REPORTS.

Mr. EVERHART, from the Committee on War Claims, reported back with an adverse recommendation the petition of Meshach Franklin, administrator of the estate of John K. Willburn; which was ordered to be laid on the table and the accompanying report printed.

Mr. STORM, from the Committee on War Claims, reported back with an adverse recommendation a bill and petitions of the following titles; which were severally ordered to be laid on the table and reports printed:

A bill (H. R. 1626) for the relief of the legal representatives of Daniel Bedinger, deceased;

Petition of Samuel Schiffer, for cotton taken under the act of March 12, 1863; and

Petition for the relief of James A. Richardson.

WILLIAM CLIFT.

Mr. STORM, from the Committee on War Claims, also reported a bill (H. R. 4688) for the relief of William Clift; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA W. PATTERSON.

Mr. ELDREDGE, from the Committee on the District of Columbia, reported a bill (H. R. 4689) for the relief of Eliza W. Patterson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. ELDREDGE. The committee further ask to be discharged from the further consideration of so much of the petition as relates to property destroyed during the war, and that the same be referred to the Committee on War Claims.

The SPEAKER. That can be done through the petition-box.

PATRICK COOK.

Mr. GUENTHER, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 1739) for the relief of Patrick Cook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARREST OF AMERICAN CITIZENS IN CENTRAL AMERICA.

Mr. CURTIN. I desire to make a privileged report. The Committee on Foreign Affairs, to whom was referred the resolution of inquiry which I send to the desk, have directed me to report the same back with an amendment.

The resolution was read, as follows:

Resolved, That the President of the United States is hereby requested to furnish this House, if in his opinion not incompatible with the public service, copies of all correspondence, telegrams, cablegrams, and other documents, and with all other information in his possession concerning the arrest on January 2, 4, and 6, A. D. 1883, by the Colombian Government of Central America, of Benj. S. Lewis, of Louisiana; Alexander Stewart and R. H. C. Burnham, of New York; Thomas D. Scott and C. H. Burns, of Missouri; A. S. Bardwell, of Mississippi; and Frank Sargle, of Illinois, all American citizens, and their imprisonment at Aspinwall for three months on mere suspicion, without specific charge or indictment, and denied even the privilege of a preliminary hearing.

Resolved further, That the President is further requested to inform the House what measures, if any, were taken by the Government of the United States to obtain the release of the said parties or their impartial trial.

The amendment was read, as follows:

Insert the word "alleged" in line 4 of the resolution; so that it will read, "alleged arrest."

The amendment was agreed to.

The resolution as amended was adopted.

Mr. CURTIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERFORMANCE OF PRESIDENTIAL DUTIES.

Mr. EATON. I ask unanimous consent that the bill (S. 22) to provide for the performance of the duties of the office of President in cases of the removal, death, resignation, or inability both of the President and Vice-President be taken from the Speaker's table and referred to the Select Committee on the Law respecting the Election of President and Vice-President.

There was no objection.

The bill (S. 22) was taken from the Speaker's table, read a first and second time, referred to the Select Committee on Law respecting Election of President and Vice-President, and ordered to be printed.

LOTTERIES, ETC., IN THE DISTRICT.

Mr. BROWNE, of Indiana, by unanimous consent, introduced a bill (H. R. 4690) to prohibit lotteries, lottery advertisements, and the sale of lottery tickets in the District of Columbia and the Territories, and matters connected therewith; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had agreed to the amendment of the House to the first amendment of the Senate to the bill (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expense of the meeting of the Legislature of the Territory of New Mexico, and for other purposes.

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians.

The message further announced that the Senate had passed a bill (S. 874) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

Mr. HATCH, of Missouri. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the special order assigned for to-day, the bill for the establishment of a bureau of animal industry.

Mr. WELLER. I ask the gentleman to yield——

Mr. HATCH, of Missouri. I insist on my motion.

The motion was agreed to.

DISEASES AMONG ANIMALS, ETC.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COBB in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the special order, being the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Agriculture shall organize in his Department a bureau of animal industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose. The salary of the chief of said bureau shall be $3,000 per annum; and the Commissioner shall appoint a clerk for said bureau, with a salary of $1,500 per annum.

SEC. 2. That the Commissioner of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business men, familiar with questions pertaining to commercial transactions in live-stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other contagious diseases. The compensation of said agents shall be at the rate of $10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under this act.

SEC. 3. That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other infectious or contagious disease is declared to exist, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious or infectious disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, in paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to extirpate the disease: *Provided*, That the authorities of said State or Territory shall assume and pay one-half of the expense of the valuation of the animals it is deemed necessary to slaughter, and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle.

SEC. 4. That whenever a State or Territory in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make provisions for its extirpation, or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

SEC. 5. That in order to promote the exportation of live-stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of pleuro-pneumonia, or any contagious or communicable disease, along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which live-stock are exported, and make report of the results of such investigation to the Secretary of the Treasury, who shall from time to time establish such regulations concerning the exportation and transportation of live-stock as the results of said investigations may require.

SEC. 6. That to prevent the exportation from any port of the United States to any port in a foreign country of live-stock affected with any infectious or contagious disease, and especially pleuro-pneumonia, the Secretary of the Treasury be, and he is hereby, authorized to take such steps and adopt such measures, not inconsistent with the provisions of this act, as he may deem necessary.

SEC. 7. That no railroad company within the United States whose road forms any part of a line of road from one State or Territory to another, or from a State into the District of Columbia, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation or transport from one State or Territory to another, or from any State into the District of Columbia, any live-stock affected with any contagious or infectious disease, and especially the disease known as pleuro-pneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any live-stock, knowing them to be affected with any contagious or infectious disease; nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, any live-stock, knowing them to be affected with any contagious or infectious disease, and especially the disease known as pleuro-pneumonia.

SEC. 8. That it shall be the duty of the Commissioner of Agriculture to notify, in writing, the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or through any infected locality, and by publication in such newspapers as he may select, of the existence of said contagion; and any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of, or person having control over, such cattle or other live-stock within such infected district who shall knowingly violate the provisions of section 7 of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $100 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 9. That whenever any infectious or contagious disease affecting domestic animals, and especially the disease known as pleuro-pneumonia, shall be brought into or shall break out in the District of Columbia, it shall be the duty of the Commissioners of said District to take measures to suppress the same promptly and to prevent the same from spreading; and for this purpose the said Commissioners are hereby empowered to order and require that any premises, farm, or farms where such disease exists, or has existed, be put in quarantine; to order all or any animals coming into the District to be detained at any place or places for the purpose of inspection and examination; to prescribe regulations for and to require the destruction of animals affected with infectious or contagious disease, and for the proper disposition of their hides and carcasses; to prescribe regulations for disinfection, and such other regulations as they may deem necessary to prevent infection or contagion being communicated, and shall report to the Commissioner of Agriculture whatever they may do in pursuance of the provisions of this section.

SEC. 10. That it shall be the duty of the several United States district attorneys to prosecute all violations of this act which shall be brought to their notice or knowledge by any person making the complaint; and the same shall be heard before any district or circuit court of the United States or Territorial court holden within the district in which the violation of this act has been committed, or the person or corporation resides or carries on or has his or its place of business.

SEC. 11. That the sum of $250,000, to be immediately available, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 12. That the Commissioner of Agriculture shall report annually to Congress, at the commencement of each session, a list of the names of all persons employed, an itemized statement of all expenditures under this act, and full particulars of the means adopted and carried into effect for the suppression of contagious diseases among domestic animals.

Mr. HATCH, of Missouri. I ask for the reading of the report.

The report was read, as follows:

The Committee on Agriculture, to whom were referred bill H. R. 876 and numerous other bills, resolutions, and petitions upon the subject of pleuro-pneumonia and other contagious or infectious diseases of live-stock, respectfully submit to the House the following report:

The committee unanimously recommend the prompt consideration and passage, by the House of Representatives, of the substitute for bill H. R. 876 herewith reported.

The committee have had this subject under constant consideration and investigation for several weeks. They have personally examined experienced and scientific veterinary surgeons, stock-raisers, and large farmers familiar with the characteristics, symptoms, and treatment of the disease of pleuro-pneumonia, and have laboriously and carefully examined all the written and printed information submitted or referred to the committee bearing upon this subject.

In explanation of the bill submitted by the committee, they state, briefly, that sections 1 and 2 provide for the creation of a bureau of animal industry in the Department of Agriculture, with ample authority and necessary force to collect information and to prescribe rules and regulations for the suppression and extirpation of pleuro-pneumonia, and to provide against the spread of other contagious diseases.

Sections 3 and 4 provide the plans and methods for the speedy and effectual suppression and extirpation of the disease known as pleuro-pneumonia, and the terms and conditions upon which the earnest and interested co-operation of the States is invited, and the penalty of quarantine by the President in case of their neglect or refusal to act.

Sections 5 and 6 provide for the exportation of live-stock from the United States upon such terms and conditions as the Secretary of the Treasury may from time to time prescribe, with the view of removing the present restrictions imposed by foreign governments upon this important trade, and to prevent more stringent enactments by them in the near future, now imminent, unless prompt measures are taken to secure proper investigation and inspection of such cargoes, with such official certificates of condition as will not be questioned by any foreign government.

In the judgment of your committee this can be accomplished only through

the Secretary of the Treasury, he having control of the customs department of the Government, without such a radical change of jurisdiction as would be neither desirable nor effective at this time.

The British Government, itself having suffered so severely from the same cause, has expressed great astonishment that the Government of the United States has not seen fit to take any measure whatever looking toward a restriction of this destructive plague; and now, from its recent action, it seems quite possible that unless measures of some sort are taken by the General Government at this session of Congress, that government will totally prohibit the landing of our animals on its shores. Notice of motions to this effect have already been made in both houses of Parliament.

The French Government recently published an edict prohibiting the importation of any of our pork products into France. This shuts us out of a trade which had already reached $19,000,000 annually, and was increasing at the rate of about $5,000,000 yearly. It is believed that if a veterinary division coul be established under some Department of the Government, with power to restrict the transportation of diseased animals, and those coming from and passing through infected districts, much might be done toward remedying the evil objected to by the French Government, and the trade partially, if not entirely, restored to its former footing.

Germany, from the same cause, has already placed a restriction upon the importation of these products, and there are indications that other countries whose trade, perhaps, in themselves is not of very great value, but which, in the aggregate, amounts to a very handsome sum, may follow the lead of France and Germany.

Sections 7 and 8 provide that the transportation from one State to another of any live-stock affected by any contagious or infectious disease, and especially the disease known as pleuro-pneumonia, shall be a misdemeanor, punishable by fine or imprisonment.

The committee deem it an essential condition in any attempt to prevent the spread of this disease that the removal from one State to another of diseased animals should be declared a misdemeanor under the law, and punishable according to the aggravation of the offense. They have no doubt of its constitutionality, or of the propriety and present necessity of its enactment.

Section 9 confers upon the commissioners of the District of Columbia ample power and authority to prevent the introduction, or, if found to exist within the limits thereof, to provide rules and regulations for its speedy and effectual extirpation.

Section 10 makes it the duty of the several United States district attorneys to prosecute all violations of this act which shall be brought to their notice or knowledge by any person making the complaint.

Section 11 provides for the appropriation of $250,000 to carry into effect the provisions of this bill. Various sums have been submitted to the committee as necessary for this purpose, but after a careful consideration of all the arguments presented the committee believe that the sum named is ample for the present emergency.

Section 12 makes it the duty of the Commissioner of Agriculture to report annually to Congress, at the commencement of each session, an itemized statement of all persons employed and expenditures made under this act.

In support of the general provisions and purposes of the bill submitted, and the necessity for prompt legislation, the committee respectfully request the attention of the House to the following extracts from certain memorials and resolutions referred by order of the House to the committee:

A memorial from a committee appointed "at a national convention of the live-stock breeders of the United States, representing twenty-two of the principal stock-growing States and Territories, held in the city of Chicago, November 16, 1883," presented to the House on the 15th day of January, 1884, and printed in full in the CONGRESSIONAL RECORD of Wednesday, January 16, 1884, at pages 450 and 451.

A resolution from the National Grange, Patrons of Husbandry, dated Washington, D. C., November 28, 1883, as follows:

"*Resolved*, That this National Grange memorialize Congress to adopt some measures to prevent the spread of pleuro-pneumonia and other infectious diseases of cattle, and to make such appropriation as may be necessary to carry those measures into effect."

The following preamble and resolution from the General Assembly of the State of New York, dated January 8, 1884:

"Whereas the subject of the existence in the United States of the contagious diseases of cattle, known as the lung-plague or contagious pleuro-pneumonia, and the necessity and practicability of its being suppressed, has during several recent sessions of Congress been presented for the consideration of both Houses without any effective action being taken, although earnest appeals have been made not only by individual members, but by legislative bodies, by agricultural associations, and by representatives of the dairy and grazing interest in many of the States; and

"Whereas it has been conclusively shown by the report of the commissioners appointed under the authority of Congress to consider the matter, and known as the Treasury Cattle Commission, that the disease in question is entirely of foreign origin; that its existence in any country threatens the supply of beef and milk to the inhabitants; that the neglect to extirpate in time has brought great calamity in some countries, while in others, in which proper and timely measures have been taken, it has been wholly driven out and kept out, and that, under the circumstances existing, the work can be effectually accomplished in the United States only by means of an organization unlimited by State lines, and such as Congress alone can authorize and establish, which shall exist for the purpose of harmonizing and unifying the action of the several States involved, and shall for that purpose be furnished with funds from the national Treasury, to be expended for an object which is national in its character and importance: Therefore,

"*Resolved* (*if the senate concur*), That the Senators of this State in Congress be instructed, and the Representatives of this State be requested, to use their best efforts to secure the enactment of a law to carry into effect the recommendations made by the Treasury Cattle Commission in its report transmitted to Congress in February, 1882, for the extinction of the lung-plague and to provide means therefor, or to secure such other legislation as may speedily and effectually accomplish the result."

The following resolution from the Kansas State Board of Agriculture, held in the capitol building, Topeka, Kans., January 10, 1884:

"*Resolved*, That our members in Congress be, and they are hereby, respectfully requested to favor such legislation as may be necessary to determine and clearly define the territory in the United States now infected with the disease among cattle known as pleuro-pneumonia, and to circumscribe and stamp out this much dreaded disease in this country by the purchase, if necessary, at the expense of the Government, and slaughter of all animals infected with the disease or known to have been exposed thereto."

Also the following joint memorial from the Legislature of Montana concerning pleuro-pneumonia in cattle:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the council and house of representatives composing the Legislative Assembly of the Territory of Montana, most respectfully represent:

That one of the chief industries of this Territory is the growing of neat cattle for export and sale, and many of our citizens have large sums of money invested in that business. We hear with alarm that contagious pleuro-pneumonia is prevalent among cattle in the States of New York, New Jersey, Pennsylvania, Virginia, Maryland, and the District of Columbia, and that it is a disease exceedingly difficult to cure, if it is not wholly incurable;

That the raising of neat cattle for export and sale on the pasture lands of the Western States and Territories is yearly growing in importance, and that herds of cattle kept entirely for milking and dairy purposes are not uncommon with those who are engaged in these industries; a laudable spirit of improvement is manifest, and every year a large number of thoroughbred cattle are brought from the older States to the grazing ranges of the West;

That the great transcontinental lines of railways and their network of branches are rapidly penetrating to all the valleys and grazing ranges of the West;

That there is imminent danger of the importation of diseased cattle into these grazing ranges, while the possibility of spreading the direful contagion all over the United States and Territories, by the indiscriminate use of cattle-cars that may have been used in the transportation of diseased cattle and thereby become infected, is deemed a serious cause of alarm;

That the system of breeding and rearing cattle on the great grazing ranges of the far West is such that if the contagion is once inoculated into the herds in these ranges, it would be a matter of utter impossibility to take any precautionary measures to check the ravages of the disease, and it would, of a necessity, have to be allowed to run its devastating course until it had swept the country from the Rio Grande to the British line, and every hillside and valley, every spring and water course, all the shady groves and natural places of resort for cattle would be contaminated by the carcasses of animals that had fallen by the disease, where, from the very nature of the surroundings, circumstances, and conditions, they must lie unburned, to spread the germs of contagion until nature shall counteract their effect. The efforts thus far put forth by the States where it exists for its suppression have proven wholly ineffectual, and the prevalence and spread of the disease is damaging our export trade in live cattle to the amount of many millions of dollars annually. In our judgment the disease is so widespread, so virulent, and so damaging to the cattle-growing interests as to become a matter of national importance well deserving your immediate action.

We, your memorialists, therefore respectfully request the passage of some measure by your honorable body which will tend to effectually eradicate this fearful disease; and if no better or surer method is offered, we would beg leave to suggest the purchase by the Government of all cattle affected by the disease and their immediate destruction.

Trusting that you will appreciate the vital importance of this matter to the business of cattle-growing, we, your memorialists, as in duty bound, will ever pray.

ALEXANDER E. MAYHEW,
Speaker of the House of Representatives.
GRANVILLE STUART,
President of the Council.

Also the following resolutions from the Stock-Breeders' Association of Minnesota, held at the Board of Trade rooms, Minneapolis, December 19, 1883, indorsing the action of the national convention of live-stock breeders of the United States, held at Chicago, and to which reference has been made:

"*Resolved*, That we heartily indorse the foregoing resolutions, and that we ask our Senators and Representatives at Washington to use all honorable means, when the matter is brought up for consideration, to secure such legislation for the protection of our cattle and meat products as the Secretary of the Treasury and the above committee deem expedient.

"*Resolved*, That we especially urge upon your consideration the enactment of some measure that will effectually prevent the shipment of calves or other stock from infected districts into other districts now clear of the disease, and recommend that the penalty for the violation of such enactment be made commensurate with the magnitude of the danger to which the cattle interests of the country are exposed by such shipments."

Also, similar resolutions from the Improved Live-Stock Association of the State of Iowa.

In conclusion, the committee submit the following statement, prepared by Dr. D. C. Salmon, veterinary surgeon of the Department of Agriculture, and submitted to the committee as the latest official information upon the existence, extent, and the present and prospective dangers to be apprehended from the spread of pleuro-pneumonia:

EXTENT OF PLEURO-PNEUMONIA, AND THE IMPORTANCE OF NATIONAL ACTION IN REGARD TO THE CONTAGIOUS DISEASES OF ANIMALS.

The extent of territory infected with contagious pleuro-pneumonia of cattle and the number of animals actually suffering from this disease are insignificant in comparison with the annual direct and indirect losses traceable to it and the danger to which our immense live-stock industry is continually subjected. In Connecticut two herds were infected during the past summer, in which twelve animals were exposed and seven contracted the disease. In one of these herds the affected animal was destroyed, and at last accounts no others had contracted the disease; in the other herd four animals had died, or had been killed, and two with very extensively diseased lungs remained in quarantine. Both of these were Jerseys, and the owner refused to have them destroyed. What has been done with them or what will be I am unable to say, as the State authorities seem powerless to proceed beyond quarantine, and this seems to have been by no means secure.

In the State of New York, although the disease is almost entirely confined to the western end of Long Island, to Staten Island, and New York city, these localities are quite extensively infected; and as there are more than 2,000 stables, some of which contain several hundred cows, and many of which contain from fifty to one hundred, it is the most dangerous district in the country at this time. Recent reports are to the effect that the disease is extending through the river counties and exists in herds located from fifty to sixty miles north of New York city. How many cattle are affected in these counties I am unable to say, but the existence of the disease here is really of much greater importance to the country at large than the number of diseased animals would lead one to suppose, because it is a district where many thoroughbred cattle are raised and from which they are shipped to all parts of the United States.

New Jersey was recently supposed to be nearly free from pleuro-pneumonia, but the fact that a number of cases occurred without the knowledge of the State authorities, that a still larger number of herds were lately known to be infected in Union and Essex Counties, and that a very extensive outbreak in Hunterdon County was recently traced by means of sick cattle shipped to the New York market and discovered by the inspector employed by the United States Department of Agriculture, who is stationed at Jersey City, leads to the suspicion that a thorough inspection of the State might bring to light still other cases. The Hunterdon County outbreak was one of the most extensive that has recently occurred. It was supposed to have originated from a car-load of cows brought from Pennsylvania; but where these were infected is not known. Seven herds, at last accounts, were in quarantine, and as all were large herds, containing from forty to seventy cattle, a large number of animals were exposed. Inoculation was extensively practiced to check the fatality; but in spite of this, reliable authority places the loss at over fifty head.

In Pennsylvania there has recently been another very extensive outbreak, which was the result of taking a car-load of fourteen cows from the Calvert stock-yards in Baltimore to Chester County. Most of these cows were taken into large dairying herds, which they thoroughly infected. In each of these

cases the Baltimore cows were the first to sicken, and a large proportion of the native cattle were soon affected with the same disease. These herds were visited the 3d of October by the veterinarian of the Department of Agriculture, in company with the State authorities, who killed eight of the animals in his presence in order to satisfy him as to the nature of the disease. The cases were typical cases of pleuro-pneumonia, and all those appearances were present which were recently accepted by the international veterinary congress held at Brussels as characteristic of contagious pleuro-pneumonia. In most cases a whole lung was hepatized; the inflammation was of different ages, showing the progressive character of the disease; the interlobular tissue was greatly distended with the exudation and the pleurisy was intense. According to an official report, dated October 30, the number of animals known to have been exposed was one hundred and four, and the number of sick ones that had been killed or had died was forty-six. A semi-official report of the present month places the number destroyed at seventy. It is now believed that the disease has been entirely overcome, and that the State of Pennsylvania is free from it.

In Maryland and the District of Columbia there are many infected herds in which a comparatively large number of animals annually contract the disease. By direction of the Commissioner of Agriculture a reliable inspector was sent to Baltimore late in October to learn the condition of the stables there as regards this disease. Nineteen stables, containing three hundred and ninety-eight animals, were examined. In twelve of these the infection was admitted; one had lost more than two hundred animals within three years; others had lost heavily for years; twelve sick animals were found; eighteen recent deaths were admitted; and three sick cows had just been sold or exchanged. This number of stables comprises but a small part of those in the vicinity of Baltimore, but it is believed that the number is sufficient to demonstrate the presence and dangerous character of the disease. We have no information of pleuro-pneumonia in the country districts of Maryland at any great distance from the cities. One or more herds near the District of Columbia have recently lost a number of cows, and at latest accounts had some sick. Within the District, without making any regular inspection, three infected herds have been found where from three to six animals are admitted to have been lost within the year.

In Virginia there are stables from which animals have recently been lost with symptoms of this disease, but none of these could be secured for examination, and therefore we can not be positive in regard to the nature of the disease.

Reasons for believing it contagious.

The first great reason for believing this to be contagious pleuro-pneumonia is the fact that nowhere in the country outside of the comparatively small strip of territory stretching from Connecticut to Virginia and east of the Alleghany Mountains have any cases been found which bear any close resemblance to the disease under consideration. If this disease were the result of climatic causes, or if it were produced by improper food and care, then we should certainly find it distributed over the whole country, or at least in all of those parts of it where similar conditions exist. It can not be originated by the manner of stabling and feeding cows near our Eastern cities, for substantially the same conditions exist at Rochester, Buffalo, Cleveland, Detroit, Chicago, Saint Louis, Cincinnati, and other Western cities, and no veterinarian has been able to find any similar cases of disease there, although special inspection has been made by competent persons.

The disease is not confined to stable cows, however, nor to those seasons of the year when acute lung diseases can be accounted for by the inclemency of the weather. The outbreak referred to in Connecticut occurred in the summer, in a country district, and where the cattle were running upon nice pasture fields. The extensive outbreaks in New Jersey and Pennsylvania also happened in summer, and were in the best farming districts of these States.

In this connection attention is called to the fact that in the State of Pennsylvania about ninety herds have been infected since March, 1879, and that notwithstanding the appointment of special agents in every part of the State, and the investigation of all cattle diseases wherever found, there was no disease resembling pleuro-pneumonia discovered except in eight of the sixty-seven counties of that State. The remaining fifty-nine counties have been free from any suspicion of this plague. What is even more significant is the fact that these counties are not distributed over various parts of the State, but that they join each other and are all in the southeastern corner of the State, where there is the greatest danger of infection by cattle brought from Philadelphia and Baltimore. With seventeen of these herds the infection was traced to cattle from Baltimore or other points in Maryland; with twenty-one it was traced to Philadelphia; with ten it was traced to cattle from herds in Pennsylvania known to be diseased.

The most favorable conditions of life were not sufficient to protect the cattle where this disease was introduced. I have already mentioned that a number of the outbreaks referred to occurred during the summer, and that the animals were running upon irreproachable pasture fields. Many of the affected cows were young and in fine condition. In Connecticut a Jersey bull, less than two years old, and two steers fit for beef were among the victims.

Again, the disease as we see it here does not occur in isolated herds a single case at a time, as does non-infectious lung diseases, but when it enters a herd a majority of the cattle are affected sooner or later. Some of the herds in Brooklyn and Baltimore have been losing cows from this plague for years, and one near the latter city, where but about fifty cows were kept at a time, has lost between 200 and 300 cows within three years.

These instances, all recent, are referred to, not as all the evidence bearing on this point, but simply as examples of what has been occurring for years past; and it is believed that they can not be explained on any other hypothesis than the contagiousness of the disease.

Danger greater than extent of infected territory and number of diseased animals would indicate.

Glancing over the territory which I have stated to be infected—and it must be confessed that it is not extensive, a single farm with perhaps five animals in Connecticut, about four counties in New York, as many in New Jersey, two or three counties in Maryland, and possibly a few stables in Delaware and Virginia. In most of the infected herds there are but one or two sick animals at a time, and frequently there are none; for where the disease has existed for a certain time the susceptible animals die off and only those which possess a certain immunity from it remain. As about 20 per cent. of all the animals exposed are able to resist the contagion indefinitely, a herd of comparatively insusceptible cattle is in time acquired, and the time necessary for this is shortened both in Baltimore and Brooklyn by the practice of inoculation. But these stables and grounds remain infected, and a large portion of the new cows brought into them contract the disease, unless they are previously protected by inoculation. The practice of inoculation does not destroy the infection; on the other hand it keeps it up, but it enables dairymen to keep their cows in infected stables without great loss, when without it more than half of the new cows brought into them would surely die.

Another fact of great importance brought out by the experiments of the French pleuro-pneumonia commission is that about 30 per cent. of the animals exposed to this disease show no symptoms of it beyond a slight cough. Such animals are probably as dangerous to others as those which have it in a more severe form, and yet they can be transported to various parts of the country without exciting the least suspicion. The animal which is supposed to have caused the outbreak in Connecticut was probably in this condition, as a careful examination of her lungs did not enable the veterinarians to detect any evidences of the disease; and yet pleuro-pneumonia existed in the stable from which she came, and her admission into the new herd was followed by the seven cases that have been mentioned. Similar instances are referred to again and again by the veterinarians of every country where the disease exists.

These infected districts, though small, are then a real danger to the whole country, because all the way from Connecticut to Virginia there is a large and increasing number of herds of thoroughbred cattle, which are frequently shipped to the West, and some of which have from time to time been infected with this disease. Fortunately the owners of thoroughbred cattle have generally had too much regard for their reputation to ship cattle when there was any disease in their herds, and the common cattle have not been sent to a sufficient distance to do much harm. But with the increased price of cattle a large number are being shipped from the East toward the West, and the danger of carrying the disease is consequently increasing. If the car-load of cattle shipped from Baltimore to Chester County, Pennsylvania, had gone to the ranges of the West they might have done irreparable harm. Again, the thoroughbred Jersey cow which went from an infected stable in New Jersey might as readily have been shipped to the West; and I have been informed that if the Connecticut outbreak had occurred a few months later one or more of the herds would have been sent, according to contract, to a Western State.

Now, while it is true that pleuro-pneumonia has existed in the East for forty years without having been carried to the West, it must be admitted, from what has occurred so many times in Pennsylvania and Connecticut, that there has been danger of this, and that this danger is increasing with the larger number of cattle now being shipped in that direction. No doubt this danger has been exaggerated, but the fact that there is danger, and that the disease, once carried to the Western herding-grounds, would probably be beyond our control, if we can judge from the experience of Australia and South Africa, is sufficient to show the importance of grappling with it while it can be so easily handled. The rapidity with which a disease spreads on these ranges when once introduced is illustrated by an occurrence of last summer in Southwestern Texas. A drove of cattle brought a communicable disease to that section which the Army surgeons believed to be contagious pleuro-pneumonia; but before any careful examinations could be made several hundred cattle had died and a large territory was infected. Fortunately investigations showed that this was not pleuro-pneumonia, but a disease which does not outlast a single season of the year. If it had proved to be pleuro-pneumonia, would it not have been a national calamity? With a large territory already infected, with no money and no power to control the disease, and occurring in summer months, before the State and national legislative bodies would convene, it is difficult to see how any effective measures could have been adopted.

The inefficiency of State action.

Though a number of attempts have been made by the States now infected to rid themselves of pleuro-pneumonia, these have generally or always failed because for various reasons the work was not thoroughly done. We saw the State authorities of Connecticut unable to exterminate the disease a few months ago when but a single herd contained sick animals. The stables of Brooklyn were never under complete supervision, and some could not be entered by the inspector even when the State of New York was most active in its endeavors at extirpation; and though the authorities of New Jersey have been engaged at the same task for five years, the State has probably never during that time been entirely free from pleuro-pneumonia. In Maryland the assertion has been made again and again that there were no cases of this disease in the State, and yet during any part of this time a thorough inspection could not have failed to reveal a considerable number. At best the attempts of the States have been spasmodic, and while one State was earnestly striving to accomplish something a neighboring one would allow the shipment of diseased cattle, and thus counteract the influence of the former. As a rule, therefore, State action has never been thorough, and the lack of unity of action between the States has prevented any lasting benefit, even when much has been accomplished.

Advantages of the work being directed by the United States Government.

A national direction of the work for the extermination of pleuro-pneumonia would overcome at once the discouraging features which have done so much to prevent the efforts of the individual States from being effective. With inspections in every infected State the shipment of diseased cattle would soon cease, new outbreaks would thus be prevented, and the danger which has so long menaced the great cattle interests of the country would be removed. The work would be more thorough and energetic, because those engaged in it would not be directly or indirectly dependent upon the good-will of the interested cattle-owners for their positions, and the plea of inability to pay for the diseased cattle which ought to be slaughtered would also be overcome. These have been the principal obstacles to the success of State action, and practically they are so great as to make it next to impossible for the States alone to free themselves from this plague.

The presence of pleuro-pneumonia costs annually more than would be necessary for its destruction.

Owing to the presence of pleuro-pneumonia in the United States, every steer shipped to Great Britain must be slaughtered within a certain time on the wharf where he is landed. This restriction upon the export cattle trade is said by competent authorities to make the price of our steers average $10 less than similar animals shipped from Canada. With over 100,000 beeves going abroad every year, this makes a loss of $1,000,000 annually, or enough to clear our country of the disease. Besides this there are the continual losses which are going on in the infected districts and the disturbed condition of trade from the many false alarms in regard to the spread of this disease, the entire annual losses being estimated by good authorities as high as $3,000,000.

Importance of investigating other diseases.

The proposition of establishing a permanent bureau for investigating the communicable diseases of animals is a matter of the greatest importance. While we have no more disease than other countries in proportion to the number of our animals, the enormous development of our live-stock industry has made the question of contagious diseases one of peculiar interest to us. The cause of these plagues, which has been an impenetrable mystery during all the past ages of the world, is being revealed by the science of to-day, and the infinitely small organisms which are able to produce such terrible havoc in our flocks and herds are at last being brought under subjection themselves, and their study has revealed much of the greatest value to us in our warfare against them. A country with so much at stake, with millions of dollars annually swept away by this class of maladies, can not afford to be idle. Other nations which have much less capital invested in animals than we have see the necessity for this work and are making provision for it; and it is to the credit of our country that we were one of the first to enter this field, and that results have been accomplished which will bear comparison with the investigations of any other country. But while much has been done, while millions of dollars have already been saved to our farmers by the facts thus far discovered, we have only made a beginning in the great work that is before us. Some of the most important diseases affecting our animals are still mysteries to us, and though they are distributed over large territories and decimate the live-stock, we are ignorant of their cause; we do not know how they are kept up from year to year; we have no means of combating them, and the idea of freeing ourselves from their ravages has scarcely dawned upon us.

A striking example of the necessity of such work is seen in the recent investigations of Texas cattle-fever. This disease has been advancing and infecting new territory for a century, and until the last year or two we knew nothing about it, and our best-informed veterinarians and stockmen did not suppose that it was found in one-fifth of the territory which has actually been overrun. These were points which it was necessary to understand before either legislative bodies or individuals could adopt intelligent measures for preventing the annual losses which have been most discouraging to the cattle industry in large sections of the country. And with every disease there are equally important points still to be investigated.

The laboratory and experiment station which have been fitted up during the past summer under the direction of the Commissioner of Agriculture for investigating contagious diseases make it possible to attempt the solution of questions which were formerly beyond our reach. The laboratory contains the most improved apparatus for such investigations, much of which was constructed according to new designs especially for this work, and it is safe to say that the facilities here are now equal to those possessed by investigators of similar diseases in any country, and in some respects they greatly surpass them.

In conclusion, I would say there is not a department of original research or of agricultural investigation in regard to which there is more pressing need for development than this, and none which promises to effect a greater saving. Our losses are now heavy, but they must increase as our animal population increases, as new diseases are introduced, and fresh areas are infected. But it is not alone a question of dollars; the investigation of animal *contagio* must throw new light on those human plagues which in our country alone sweep a quarter of a million of human lives out of existence each year. Some of these animal diseases are communicable to man, and have a greater influence over our health and lives than is generally supposed, and any means of controlling them cannot fail to have an important influence on human health as well.

Mr. HATCH, of Missouri. Mr. Chairman, members of the House who have listened attentively to the reading of the report will scarcely need to hear any suggestions that I have to make in support of this bill. The Committee on Agriculture very fully appreciate the burden laid upon them by the House in the preparation of a bill to meet the exigencies of this cattle question. At the very threshold we are met by the difficulty of harmonizing the power which exclusively belongs to the Federal Government and the powers which belong to the States over private property within their borders.

The committee in the preparation of this bill have been guided by a decision of the Supreme Court of the United States, which will be found in 5 Otto, page 465, Railroad Company against Husen. Without consuming the time of the House by reading any portion of this opinion, I will say it defines very clearly the powers which belong exclusively to the State as to the rights of quarantine, police regulations, and the destruction of private property within its borders, and the exclusive power belonging to the Federal Government to control interstate commerce.

This bill in its entirety assumes that the disease known as pleuro-pneumonia not only exists, but exists to an alarming extent east of the Alleghany Mountains, confined, as the report shows, at this time to parts of five States. That it is contagious and infectious, there can be no doubt at this day. That question has been too well settled to admit even of discussion. It has been determined by the experience in European countries and by the experience of this country that it is a virulent and violent disease, and that when it gets a foothold among the grazing herds in any section it requires years and millions of money to control it.

Holland and England and Australia have spent millions of dollars in their efforts to control this disease. In the judgment of your committee, the first step necessary in our country is to prevent the transportation of cattle affected with pleuro-pneumonia from one district or locality to another. That can be done only by invoking the Federal power.

In this bill we provide that no railroad company, steamboat corporation or company, or private person shall transport from one State to another cattle known to be affected with this disease. And, to bring the question of knowledge and of notice directly to the transportation company, we provide that a written notice shall be served by the Commissioner of Agriculture upon all such transportation companies within the infected district; so that under this bill, before any transportation company can be held liable, the disease must be located by the Department of Agriculture, and notice served on the transportation companies within the infected district.

When this bill was under consideration before in the House some objection was made to this power. If the provision of the bill in this regard can be strengthened or improved or in any way made better I will be very glad to receive a suggestion from any member of an amendment to that effect. But unless you can prevent the spread of this disease from the localities where it exists any bill that you can pass upon this subject will not be worth the paper upon which it is printed. The experience not only of this country but of all European countries proves conclusively that you must draw a cordon of fire around this disease before you can ever extirpate it; you must hem it in by quarantine and police regulations; you must prevent the transportation of cattle affected by this disease from one farm to another, which we admit can be done in our system of Government only by the State authorities. The transportation of such diseased cattle from one State to another is within the power of the Federal Government alone.

But the mere preventing the transportation of cattle affected by this disease will not extirpate it; it will not stamp it out. Other means are necessary for this purpose. This bill provides that after the inspection by the Federal authorities, after the location of the disease, after the notification to the State authorities, it shall be the duty of the Federal Government, in co-operation with the State authorities, to use all the means within its power to eradicate the disease, by quarantine, by local police regulations, and by the destruction of such private property as may be necessary for that purpose. That means the destruction of the animals that may be diseased and of such stables or barns as it may be thought expedient to destroy.

In the execution of a similar law in the State of Massachusetts there have been instances when it was deemed proper to destroy a barn. After the barn had been under quarantine and police regulations for more than a year it was decided by the highest veterinary surgeons of that day they could not rid the barn of the disease, and that the only way to extirpate the disease was to destroy the barn by fire. So virulent is the disease at times that all the means of disinfection known to science will not destroy it.

The most difficult point that has been submitted to the Committee on Agriculture to decide in connection with this bill has been the means by which co-operation of the State could be secured in the enforcement of this law. If, as some gentlemen perhaps will contend during this discussion and as delegations which have appeared before us have urged, the Federal Government alone should take this matter in hand, then you will prevent all efforts on the part of the State authorities to control this disease.

If the Federal Government is to go into the State of New Jersey, which State has already a law upon this subject, and makes an annual appropriation to carry it into effect, or into the State of West Virginia, or into Maryland, and say to either one of those States that we propose to take this matter in hand, you will paralyze all State efforts; the State will make no further appropriations; it will not appoint a force of officers to carry out any law, because by our legislation we will repeal all those State laws.

We have heard delegations from all the cattle interests of the country and representatives from every State where this disease exists. The Committee on Agriculture believe that the proposition submitted by them to the House is the best that can be devised for this purpose. That is, that the Commissioner of Agriculture, with the force placed at his command, shall, by proper investigation and inspection, locate this disease, notify the State authorities of the fact that it exists, and then invite the co-operation of the State. And from that point until the disease is exterminated it is proposed that the State and the Federal Governments shall each bear one-half of the expense of the destruction of private property necessary for this purpose.

By that means we secure not only the earnest but the interested co-operation of the State in the execution of this law. We secure what is better than that, the co-operation of the State authorities for the execution of the law within the limits of the State, because when we reach that point the power of the Federal Government ceases without the authority of the State. It is true that the Federal authority can go into a State and purchase in the market all the cattle in the State and destroy them after they are purchased. But the Federal Government can not go into the State of Maryland or New Jersey, for instance, and condemn private property; nor can it, under the decision of the Supreme Court to which I have referred, even put that property in quarantine or place it under police regulations. That power belongs exclusively to the State.

I am satisfied, from the information that we have upon this subject, that there is not a single State where the disease exists to-day that will not heartily and cordially co-operate with the Federal Government in the extinguishment of this disease, paying one-half of the expense of so doing, because the States are now making efforts to do it alone. Certainly they will not object to the Federal Government paying one-half of the expense.

Mr. GIBSON. May I ask the gentleman a question?

Mr. HATCH, of Missouri. Certainly.

Mr. GIBSON. Suppose that after the Commissioner of Agriculture has notified the State authorities that such a disease exists in that State, the State authorities shall hold that the disease does not exist there. Under the operation of your bill what will be the effect upon the State?

Mr. HATCH, of Missouri. The gentleman has rather anticipated my argument. I will come to that point in a few moments. With the information we have on this subject I do not believe that there will ever be any disagreement between the State authorities and the Federal Government as to the existence of the disease. The scientists who have appeared before this committee, the veterinary surgeons of eminence in the United States, the practical stockmen of the country who have experience in the treatment of this disease, are all so well agreed as to its symptoms, that any question of difference can hardly arise. But if under the operation of this bill the disease is located by the Federal authorities and the State authorities take issue with them, and the difference can not be settled, it will be very easy to determine the action of the Federal Government under the provisions of this bill. When the report is made by the Commissioner of Agriculture to the President of the United States the discretion is left with him to say, upon all the evidence presented to him, whether the disease exists in that State or not, and whether the State authorities refused either to co-operate with the Federal Government or to adopt measures of their own to suppress it; and if he believes that the disease exists, and is dangerous to the animal industries of the country, he has authority under the provisions of this bill to declare that State or that portion of a State in quarantine, and prevent the exportation of cattle from that locality.

Mr. GIBSON. Erect a Chinese wall around the State.

Mr. HATCH, of Missouri. Yes, sir; I would erect a Chinese wall around it; I would erect it high enough and broad enough to hem the disease in where it is and prevent States where it now exists from spreading it over the vast plains of the West. And I would make that wall a wall of fire if it were necessary, to prevent this disease from spreading west of the Alleghany Mountains. The States where it does exist have temporized with this question long enough. The demand for the passage of this bill comes at this time from the great cattle-growing regions of the Northwest. Delegations were before our committee from all the States of the Northwest, as well as from Montana and Dakota, pleading with us here for two weeks to report to the House some bill to prevent this disease reaching across the Alleghanies and getting into the herds of the cattle-breeding districts of the country. If the gentleman had paid attention to the reading of the report he would have become satisfied of the magnitude of this evil and the necessity for the passage of the bill.

The bill makes it a misdemeanor for any railroad or other corporation or any private person to transport cattle known to have this disease; and why should we not declare it a misdemeanor for any man having in his possession diseased cattle to ship them from one locality to another, or put them upon the market, so that individuals in any community in the United States may have such cattle imposed upon them, to spread the disease, which, as we know, exists to-day in the District of Columbia, where cattle infected with it are being slaughtered every week for the consumption of the inhabitants of this city?

I have no extravagant notions about the existence of this disease in the District of Columbia or in the localities in the five States named. I do not believe all the stories I have heard about the matter, but I do believe the reports of Dr. Salmon, veterinary surgeon of the Agricultural Department, and the reports of other men eminent in their profession. I am as well satisfied as I am of any proposition that I ever investigated in my life not only that the disease exists in the vicinity of Washington, but there is not a member of this House who has not eaten in this city within the last three months beef from cattle infected more or less with the disease. Such meat is placed upon the market here every week.

After the location of this disease by the Commissioner of Agriculture and the notice to the President, the bill gives him power in his discretion, in the event I have named, to declare a State or a portion of a State in quarantine, and to prevent the exportation of cattle from that section.

Gentlemen have said to me that this is a dangerous power to be placed in the hands of the President. Why is it any more dangerous than the power which was placed in his hands to declare in quarantine any State or part of a State inflicted with contagious yellow fever or similar diseases, as was provided in the bill which passed this House in the Forty-fifth and Forty-sixth Congresses? "But," says one, "that was for the protection of human life." Dr. Salmon in closing his report says:

> But it is not alone a question of dollars; the investigation of animal contagia must throw new light on those human plagues which in our country alone sweep a quarter of a million of human lives out of existence each year. Some of these animal diseases are communicable to man, and have a greater influence over our health and lives than is generally supposed, and any means of controlling them can not fail to have an important influence on human health as well.

Mr. BELFORD. Now, will the gentleman allow me to ask him a question?

Mr. HATCH, of Missouri. I will.

Mr. BELFORD. I have recently read a book, issued by the Government, I believe, touching the question of cattle disease; and I learn from this book that the disease is imported into this country through the thoroughbred stock, and that this bill is the product of the combined genius of the cattle kings of the great West who own Texas steers, with broad horns, that can run so fast that a telescope can not reach them. [Laughter.] Now, can it be that under this bill these men who own the common Texas herds are authorized to kill and destroy the men who own the thoroughbreds—the Jerseys, the Durhams, and the like? For they predicate their whole case upon this one idea—that if there be any disease, it is brought into this country by the importation of absolutely thoroughbred cattle.

I am going to vote for this bill, and I think it is well enough for us to go slow and determine the question whether this is not for the benefit absolutely of a few great cattle kings against some other men in this nation who have means enough to improve the common stock. Now the question is, how many cattle in this country have died from pleuro-pneumonia?

Mr. HATCH, of Missouri. In what time?

Mr. BELFORD. That is the question which I wish the gentleman to answer.

Mr. HATCH, of Missouri. In what time?

Mr. REAGAN. I hope he will answer the question of the gentleman and not the preamble.

Mr. BELFORD. I will take one year or ten years.

Mr. REAGAN. I hope the gentleman will answer so much as inquires whether the owners of broad-horns intend to kill off the men who own the Jerseys and short-horns? [Laughter.]

Mr. BELFORD. I wish to say in reply to the gentleman from Texas——

Mr. HATCH, of Missouri. I do not yield.

Mr. BELFORD. One moment.

Mr. HATCH, of Missouri. I do not yield further. I have yielded to the gentleman for a question and not for a speech.

Mr. BELFORD. I will move to extend your time. I wish to say I was in fear that the men who were running this bill through would go to work and kill off the thoroughbreds on the theory that the thoroughbred cattle imported this disease into this country. If that be the theory, I think we should have courage and manliness enough to stand up and at least slowly and deliberately investigate this question.

Mr. COX, of New York. Why do you vote for the bill?

Mr. BELFORD. I have not voted yet. [Laughter.]

Mr. HATCH, of Missouri. I am glad the gentleman from Colorado has had the opportunity to make his speech. If he had waited a little while I would have given him all the time he wanted and he could have made it more deliberately.

Now, Mr. Chairman, I will lay before this House before this discussion is over all the statistical information in the possession of the Committee on Agriculture as to the existence and extent of this disease and the number of animals slaughtered within the last five years which the veterinary surgeons were assured were affected by this disease. I have the tables here and will present them at the proper time.

So far as any question between the thoroughbreds and the long-horns of Texas are concerned I never heard of it before. I take it for granted that all the cattle interests of the country are equally concerned to prevent the spread of this dreadful disease. I would not like to introduce a bill into this House to destroy the long-horn interests of Texas, because that would include my distinguished friend who is in front of me as well as my distinguished friend on my right; and certainly if I should bring in a bill to destroy the thoroughbreds of the country, the gentleman from Colorado would be among the very first affected by it. [Laughter and applause.] There is no question between the men of Texas and the importers in regard to this bill at all. The fact is that the disease exists here and is located in a narrow strip of country east of the Alleghany Mountains. It is undeniable that the disease was imported into this country from Europe. It is another undeniable fact that it has been transported from one locality in the country to another for the last fifteen years. It is also true that it is time the Congress of the United States was taking some steps toward adopting some measure to prevent its spread farther west.

Now, Mr. Chairman, I propose to reserve the balance of my time until I have heard any objections which may be urged, and then will use whatever may remain of my hour in answering them.

Mr. WILSON, of Iowa. Mr. Chairman, it is difficult to get a hearing in this House on any question which seems at first blush to be detached from the ordinary duties of a member of Congress; but we are attacked by a common enemy, something beyond the power of man, individually, to deal with; something municipalities can not cope with; something that even States, as has been demonstrated for a number of years, have been unable to eradicate; and so the people throughout the length and breadth of the great West that is now threatened with a plague which existed long before the Christian era and scourged the herds of the Old World—the people generally come here and ask, as the only power in the land to give them assistance and protection, the aid of the Federal Congress to do what can not be done by individuals, municipalities, or States. It is high time Congress was doing something; and were it not that it is impossible almost to get the attention of the Federal Congress for anything pertaining to the industries of the country outside of the usual appropriation bills and requests of men coming here seeking something for their individual selves, it would be possible to get a hearing and action at once. But, sir, the men who represent forty millions of cattle in the United States, coming from more than one-half of the States of the Union, have taken up the matter themselves and met in a congress of their own, and have appealed to us to protect them against an enemy which strikes so seriously at their interests.

The men who rule the world eat beef. The good women of our country who are rearing future Congressmen make butter, and healthy children drink milk.

We are all affected by this foreign plague. The cattle of this country number at least forty millions, and they are worth at least one thousand millions of dollars. That is not an extravagant estimate, although it is one-sixteenth of what the whole of the United States and all of its values was rated at twenty years ago.

This disease we have now extending some three hundred miles along our Atlantic seaboard. It is here on the coast, and unless Federal power is invoked for its suppression it is here to stay. It has not gone beyond the Alleghany Mountains. It has not been the custom of this country, even in the improvement of stock, to ship cattle in any quantities from the East to the West. We have been moving, and constantly moving, vast numbers of them from our Western States to the East. But the improvement of our cattle in the West, as a general rule, came principally from the South. I speak advisedly, and I know what I am saying, when I say that the improvement of the cattle of Iowa is principally from Kentucky. We obtained cattle from the blue-grass region, and the short-horn blood of Kentucky, until the county I live in has perhaps fifteen hundred head of pedigreed short-horns, and the district I live in perhaps ten thousand, while the whole State of Iowa

has similar numbers of them in every county. We have improved our stock in that direction, and there was no disease in Kentucky cattle when the West drew upon that State.

This movement for the improvement of cattle is taking place all over the West. Our people are giving it careful attention throughout all the Western States. The Territories drew upon Iowa and other Western States when they improved, and got healthy cattle. Our people in that region are now turning their attention largely to the dairy. We make the best butter in the world, because we have the strongest grass from which to make it and the strongest grain. Enterprising men are going all over the world and bringing to our shores improved breeds of cattle. These are landed on our Eastern sea-coast right in the neighborhood where this pleuro-pneumonia or lung disease is existing. Our people are coming here to get Holsteins and Jerseys for the dairy, and we are in imminent danger of having the lung-plague taken to our States, or taken from here and disseminated among the cattle of our Western prairies.

Perhaps the most prominent reason why the Territories (that have 10 per cent. of all of our cattle), without any representation on this floor to vote, have not been contaminated by this lung-plague is because when they want to improve their breed of cattle they come to Iowa and Illinois, where this plague does not exist, and get their improved animals and take them to the West. It will be just as impossible to eradicate this plague from our Territories as it has been to drive it from the Russian steppes, where it has lodged for centuries, or from Australia, where it has ravaged herds since 1858, destroying 40 per cent. of their cattle in 1873, valued at $43,500,000, and, owing to free commons, still rages; or Africa, that was infected by a single animal that was taken there from Holland, and, owing to common pasturage, has no hope of eradication. All the history of the past admonishes us to save our beef-producing sections. We of the West only ask immunity from the cattle disease existing in the East. We are anxious to be taxed to purify Eastern herds, so that we may have a clean route to the seaboard, and a clean bill of health to present to the world when we send our cattle abroad.

We can not be assured, Mr. Chairman, how long we will be exempt unless some check is put on this matter. We suppose that it has not crossed the Alleghany Mountains. We do not know that to be a fact. We do not create it out there; we know that. No kind of climate will produce pleuro-pneumonia, because we have every kind from New Orleans to Saint Paul in the Mississippi Valley. No kind of abuse will produce pleuro-pneumonia, because we have used animals in all kinds of ways and weathers out West, and it has never come through abuse. Now, let us see where it comes from.

England got it—Ireland first in 1839, and she got it from Holland. She was improving her stock and introduced the plague in that manner, and it has been in Ireland ever since, because the men who own the grass in Ireland do not usually own the cattle. Yearlings are moved to a pasture this year, and the men who handle yearlings do not handle two-year-olds, so that next year they must be taken to another pasture. In this manner the stock are moved from year to year, and if they have the disease among them it contaminates those with whom they come in contact. Why, it existed in the steppes of Russia for hundreds of years, and the steppes of Russia have cattle going in common just as the prairies of the West have herds going in common. Wars brought it from the steppes of Russia to Eastern Europe, and commerce from there carried it to Western Europe and the British Islands. England got it in 1842, and since that time, according to the statement of the London Times, Great Britain and her dependencies have lost $500,000,000 of values from this cause. I remember well when I was a boy hearing the people talking about it. Here was farmer after farmer who was ruined by its taking off his cattle, so that many of them were compelled to leave the naked lands and come to the United States. They could not cure it. Sometimes a cow would linger along, and I recollect a saying that was common amongst the people at that time, that a cow could do worse than die. It was said that a cow could do worse than die, just as a politician can do worse than die. And some men, Mr. Chairman, in the height of their glory would do better to die at once when they have outlived their usefulness.

Now, the disease can be eradicated. The northern countries of Europe have had it and they have eradicated it. All the countries bordering north of the Cattegat have had it—Denmark, Norway, and Sweden—and they have all exterminated it.

Massachusetts got it in 1859. Massachusetts took hold and eradicated that disease. The people of that Commonwealth have the faculty of doing anything they do promptly and doing it well. They spent $77,000 through the State commission and stamped out the disease. The people of Massachusetts lost $250,000 in their herds before they got rid of it. The disease never got back there. And why? Because Massachusetts maintained a cattle commission, and they are not on the line of movement of animals. The West supplies New England with beef, and Western cattle are as healthy as the grass and pure air and water they exist on. Few herds for improving purposes have been imported into New England, and that people have learned to be on their guard.

Connecticut has had some of it, has some of it, and will have it. New Jersey has had it, has tried to eradicate it, and failed. And why? Because when New Jersey would go to work and appoint a commission and appropriate and isolate animals and attempt to stamp this disease out a butcher across the river would buy a herd of cattle at a reduced price and would bring it back. New Jersey spent $30,000 in the effort to eradicate the disease and almost gave it up in despair. It did not, however, give it up entirely, for that State is now spending $5,000 a year, wishing to hold the fort till the Federal Government steps in and helps.

I asked a man from Brooklyn who had made an inspection—I asked him, "What do you know personally about Brooklyn?" He said he inspected the stables of Brooklyn two months ago. "How many cows there?" "Five thousand." "How many have been exposed?" "Four thousand." "How many sick now?" "Five hundred." "What do you do with the sick ones?" He answered, "We send them to the butcher." Now, that looks like an outrageous proposition, to send a sick cow to the butcher. But let me tell you the temptation is fearful. All a man may have in the world may be his stock of dairy cows with which he furnishes his village with milk. These men learn to detect the approach of that disease before the most expert veterinarian could detect it, and they send their cows to the butchers.

The system pursued by dairymen is this: They buy a fat cow giving milk, keep her fat, and the moment they see any approach of pleuro-pneumonia they send her to the market. That is what is done now in most of the old countries; that is what is done in New York, done in Brooklyn, and it is done here. I went out the other day to a place within rifle-shot of this Capitol and saw three animals dissected. One had been kept there for experimental purposes. Two others had been bought. One had been bought three days before, having been found on the commons, by a trader for beef. She had acute pleuro-pneumonia. And the men who were successful in eradicating that disease in Massachusetts, the members of the commission of that State, were there. They recognized the disease in a moment. No other disease under the sun will produce such a lung as pleuro-pneumonia will. It is not seen anywhere else. Those men saw it in an instant. I brought part of the diseased lungs on this floor in a bucket on my way to the room of the Agricultural Committee. I wanted gentlemen to know something about it, that they might make an inquiry as to the effect this is to have on us who eat that beef. You can not tell the beef of animals affected by pleuro-pneumonia in the first stages of the disease from any other beef. But I do not want to eat it. The future will disclose what human ills follow it.

We must put ourselves in other people's places always before we judge them. It is difficult for the States to eradicate pleuro-pneumonia. The policy of the States has been to pay a small price. We want to authorize the payment of such a liberal price as will bring the diseased animal from its hiding. We want to have the disease stamped out speedily and effectually. We can keep it here a few years longer; and if we do it is only a question of time when it will go to the West, and it will then work such reformation in our Treasury Department here that the hundreds of millions there will vanish very quickly if you strike this great cattle interest.

Let me mention this as an illustration: You have heard of the soft corn in the West this fall. What has been the effect of it? The travelers could not sell so much because the West could not buy so much. The Eastern manufacturer could not sell so much because we had not the money to pay for it. The result was that the operative in the Eastern factories went out of employment because we had soft corn in the West. Those rich Western States are the great producing and buying States. They make money, and make it fast. And we spend it. It goes East and South. We do not keep it. The class of men in the West who may have soft corn are the men who did not graze their land with cattle. If you strike at the cattle industry we will come to have soft corn all along the line. It is an utter impossibility to maintain the fertility of the richest prairie without keeping cattle on the farm; and if that industry becomes paralyzed and crippled it will take from the resources of the United States enough to turn the balance of trade against us.

I do not want to weary the committee by talking too long. I presume other gentlemen would like to be heard. The bill will be fully discussed in the Committee of the Whole House. The committee have put themselves in possession of the facts that could be reached.

The Cattle Commission appointed by the President asked for a million and a half of dollars to begin this work. It will probably take that amount before they could get through. We propose to appropriate enough money to begin this thing. We have prepared a bill as carefully as we can prepare it. This matter requires one head, one directing mind, just as one man is required to guide the operations and movements of an army.

We do not know how far this disease has gone; we do not know how thoroughly it is intrenched. But we do know that it is here; we do know that there are five hundred diseased cows in the city of Brooklyn. We know that there are 1,500 in New Jersey, for we have heard from them. We know that the disease is in the District of Columbia. We know that diseased cows are brought to this market from the State of Virginia. We know that Baltimore gets cows infected with such disease and spreads it everywhere. We want to quarantine it, isolate it, extirpate it.

Inoculation will only perpetuate the disease. When a subject of this kind is under discussion we are sure to be beset by cranks. Some

men tell us that we can extirpate this disease by inoculation. Now it is true that inoculation with cow-pox protects against the ravages of small-pox. But inoculation with pleuro-pneumonia only begets pleuro-pneumonia. The animal is inoculated in a part where the disease will not prove fatal as it will in the lungs. The disease develops pleuro-pneumonia where it is inoculated, but the system resists it better when in that place than in the lungs.

If we depend upon inoculation, and it is the only palliation that has been found, it will only continue and perpetuate pleuro-pneumonia. Every man who has cows on his place, whether by birth or by purchase, must inoculate them. There is, therefore, no hope in anything but isolation and extermination.

Our bill provides that if the State will take hold and co-operate with us we will help it; if it will not, then we will quarantine it and not allow it to send an animal out of the State. We impose severe penalties for so doing. We do not interfere with anybody's ideas of State rights at all. We say to the States, "If you will help us we will pay half the expense; but if you do not and will not, then you shall not bring any of your cattle out of the State, and we will not allow any cattle to go through your State to anywhere else." That is the theory of the bill in a nutshell.

New Jersey and other States scourged with this disease will take hold promptly and endeavor to exterminate it. Then we will look to the quarantine of animals coming from abroad, so as to prevent the disease from coming into the country again. We now quarantine for ninety days. Every animal coming from abroad must remain where it is landed for ninety days. If any are diseased, they must be destroyed where they are landed.

Now, what a loss all this causes to the people of the United States. A great many cattle can be taken to British pastures and sold there for much more money than we can sell them for at home. The owners of those pastures would be glad to get them, but they want a clean bill of health, and I cannot blame them for that.

Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has spoken twenty minutes.

Mr. WILSON, of Iowa. I believe I will yield the floor.

The CHAIRMAN. The Chair will recognize the gentleman from Texas [Mr. LANHAM].

Mr. HOLMES. Will the gentleman permit me to ask him whether this is the unanimous report of the committee?

Mr. WILSON, of Iowa. It is the unanimous report of the committee.

Mr. HENDERSON, of Iowa. I would like to ask my colleague a question before he takes his seat, if he will permit me to do so.

Mr. WILSON, of Iowa. Certainly.

Mr. HENDERSON, of Iowa. Believing, as I do, that there are few in this House who are better informed on this subject than himself, I would like to ask him whether the manifestations of this disease are such that imposition can not easily be practiced? Let me explain briefly what I mean. Some members of this House (and I desire to be informed on the subject myself) fear that people might come in with their fancy stock, as the gentleman from Colorado [Mr. BELFORD] says, and failing to market that stock, will claim that it is diseased with pleuro-pneumonia, and get paid for the destruction of such stock. I would like the gentleman to direct his remarks briefly to that point. Does the disease so manifest itself that there may be little or no doubt of its existence? I believe it does.

Mr. WILSON, of Iowa. There is no doubt at all. A lung diseased by pleuro-pneumonia is like no other lung; and the disease is like no other disease. The moment a veterinarian puts his eye upon it he can tell it.

Mr. TUCKER. Then what is the use of a great big veterinarian surgeon to find it out?

Mr. WILSON, of Iowa. We want to know where it is.

Mr. TUCKER. You say everybody can tell it.

Mr. WILSON, of Iowa. I do not say that. I say a veterinarian can tell whether or not it is pleuro-pneumonia when he sees it.

Mr. HISCOCK. I would like to inquire of the gentleman from Iowa [Mr. WILSON] if there is any information in the possession of the Committee on Agriculture that will be submitted to the House indicating the States in which this disease now exists or has existed within the last year?

Mr. WILSON, of Iowa. Yes. If the gentleman will read the RECORD to-morrow morning he will find that information.

Mr. HISCOCK. I did not hear the report read. I would like to ask the further question if information will be laid before the House as to what has been done by those States, either in the direction of legislation or in the direction of appropriation, to control the disease in those States?

Mr. WILSON, of Iowa. Your State, for example, has passed a joint resolution asking us for legislation on this subject and sent representative men here to urge it.

Mr. HISCOCK. Oh, yes; it has asked a great deal of legislation that we here have not thought it necessary to enact.

Mr. WILSON, of Iowa. Your State has spent $60,000 in this direction and has quit; that is what it has done.

Mr. HISCOCK. That may be true with reference to New York, and I suppose pleuro-pneumonia has existed somewhat in New Jersey also, and in some parts of Pennsylvania, and at one time it existed in Massachusetts. I am not aware that it exists there now. What I am desirous to know is whether the States where it has existed have legislated upon this question; whether they have adopted police regulations with reference to it, and whether they are looking after the enforcement of their laws for the extermination of this disease.

Mr. WILSON, of Iowa. My understanding is that the States where pleuro-pneumonia has existed have severally taken hold of the matter with more or less vigor, but they have already discovered that it is impossible to prevent it being brought in from neighboring States; that they need Federal management, Federal supervision, Federal co-operation, which will quarantine a State for the protection of other States. This seems to be the conclusion which has been reached.

Mr. HISCOCK. But the legislation which has been had in those States, respectively, is not contained in any communication which the committee has made to the House.

Mr. WILSON, of Iowa. I am not aware whether we are in possession of the several acts which have been passed by the States. We have been reaching in every direction for information on this subject and have obtained a great deal, but we have not concerned ourselves so much with State legislation as with the existence of the disease.

Mr. HISCOCK. Do I understand the gentleman to say that the States themselves, through their Legislatures, have insisted that with their own power they can not exterminate this disease, and have, therefore, asked the aid of Congress?

Mr. WILSON, of Iowa. Yes, sir; that is the conclusion that has been reached by intelligent observers in the States that have tried by State law to eradicate the disease.

Mr. HISCOCK. Through their Legislatures? If not through their Legislatures, who have appeared to represent them?

Mr. WILSON, of Iowa. Most of them have, I think, through their Legislatures represented that very thing to us. It is a very well-known fact, from all the circumstances of the case and all the information we can get, that neither New Jersey nor New York could individually take hold and exterminate the disease unless it could quarantine against its introduction from other States.

Mr. HISCOCK. I differ with the gentleman on that question.

Mr. WILSON, of Iowa. Well, there is one thing upon which the gentleman can not differ with me—that those States have not succeeded in taking effectual measures against the disease. Does the gentleman mean to tell me that either of those States has cleaned out the disease?

Mr. HISCOCK. I am not advised how many cases there have been in these different States; I suppose the gentleman is.

Mr. LANHAM. Mr. Chairman, I have not yielded the floor.

The CHAIRMAN. The gentleman from Iowa [Mr. WILSON] was understood by the Chair to have yielded the floor, and the Chair recognized the gentleman from Texas [Mr. LANHAM], who then, as the Chair understood, yielded to the gentleman from Iowa.

Mr. LANHAM. The Chair labored under a misapprehension. I must insist that I had not yielded the floor.

The CHAIRMAN. The gentleman from Texas was recognized, but the Chair understood him to yield to the gentleman from Iowa.

Mr. LANHAM. Then I desire to correct the Chair.

Mr. WELLER. If the gentleman from Iowa yielded the floor I did not so understand.

Mr. WILSON, of Iowa. Well, I yield it now.

Mr. BELFORD. I want to ask the gentleman from Missouri [Mr. HATCH] one question.

Mr. LANHAM. Mr. Chairman, it is my purpose to make some remarks in opposition to this bill, but for the present I yield to my colleague [Mr. THROCKMORTON] to make a motion that the committee rise, with a view to an adjournment.

Mr. HATCH, of Missouri. I hope the committee will not rise now.

Mr. BELFORD. I hope the gentleman from Texas will allow me to ask the gentleman from Missouri a question.

Mr. THROCKMORTON. I move that the committee rise.

The question being taken on the motion of Mr. THROCKMORTON, there were—ayes 82, noes 81.

Mr. HATCH, of Missouri. I call for tellers.

Tellers were ordered; and Mr. HATCH, of Missouri, and Mr. THROCKMORTON were appointed.

The committee again divided; and the tellers reported—ayes 66, noes 96.

So the motion that the committee rise was not agreed to.

Mr. LANHAM resumed the floor.

Mr. HATCH, of Missouri. I ask the gentleman from Texas to yield a moment. Mr. Chairman, I have been informed since the vote was taken, that the gentleman from Texas [Mr. LANHAM] who is now entitled to the floor is unwell, and did not desire to proceed with his remarks this evening. I was not before apprised of that fact. I am perfectly willing, for the accommodation of the gentleman, that the debate be suspended until to-morrow, and I will move that the committee rise.

Mr. LANHAM. I thank the gentleman kindly for his courtesy.

The motion of Mr HATCH, of Missouri, was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COBB reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, had come to no resolution thereon.

MEXICAN SOLDIERS AND SAILORS.

Mr. HEWITT, of Alabama. I ask by unanimous consent to submit for adoption at this time the following resolution:

The Clerk read as follows:

Resolved, That bill (H. R. 3962) "granting pensions to certain soldiers and sailors of the Mexican war and other wars therein named, and for other purposes," be made the special order in the House as in Committee of the Whole on Thursday, the 14th day of February, 1884, after the morning hour, and from day to day thereafter until disposed of; not to interfere with general appropriation or revenue bills or reports from the Committee on Public Lands.

Several members objected.

Mr. TOWNSHEND. I move that the House do now adjourn.

Mr. ROGERS, of New York. I ask leave to submit a motion.

Mr. WELLER. I wish to introduce a bill. [Cries of "Regular order!"]

Mr. TOWNSHEND's motion was agreed to; and accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BROADHEAD: Numerous memorials from manufacturers, inventors, and citizens, asking for amendments to the patent laws, reduction of patent fees, &c.—to the Committee on Patents.

By Mr. CALDWELL: Papers relating to the claim of Mary Elizabeth Young—to the Committee on Claims.

Also, papers relating to the pension claim of Daniel A. Birchett—to the Committee on Invalid Pensions.

By Mr. CARLETON: Petition of H. H. Nims Post, No. 118, Grand Army of the Republic, Lexington, Mich., requesting a grant of one hundred and sixty acres of land to each honorably discharged Union soldier, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CONVERSE: Petition of the officers of the Wool-Growers' Association of Monroe County and 29 others, of the Wool-Growers' Association of Madison County, of J. B. Copper and 40 others, of the Wool-Growers' Association of Coshocton County, of C. Carroll and 14 others, of the Wool-Growers' Association of Belmont County, of Andrew Walz and 16 others, of J. G. Blue and 56 others, of T. S. Sharples and 62 others, of Ohio, asking a restoration of the tariff of 1867 on imported wools—severally to the Committee on Ways and Means.

Also, petition of J. C. Wright and 43 others, citizens of West Virginia; of J. Walker and 76 others, and of James Hamlin and 80 others, citizens of Colorado; of Nathan Weare and 10 others, of Weld County, Colorado; of H. Sanborn and 23 others, on the same subject—severally to the same committee.

Also, petition of John M. Small, president, and H. V. Pugsley, secretary of the State Wool-Growers' Association of Missouri; of C. Newkirk and 44 others; of M. Reed and 61 others, on the same subject—severally to the same committee.

By Mr. DAVIDSON: Resolution of the board of health of the city of Pensacola, Fla.—to the Committee on the Public Health.

Also, petition of 181 citizens of Myers, Fla., for the improvement of Punta Rassa Harbor and Caloosahatchee River—to the Committee on Rivers and Harbors.

By Mr. DINGLEY: Petition of citizens of Farmington, Me., for payment of rebate on tobacco, &c.—to the Committee on Appropriations.

By Mr. DOCKERY: Memorial of Osborne Post, No. 93, Grand Army of the Republic, asking for equalization of bounty, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. FINERTY: Memorial of the Western Associated Press, asking for the reduction of newspaper postage—to the Committee on the Post-Office and Post-Roads.

By Mr. FORAN: Petition of vessel-owners and citizens of Cleveland, Ohio, asking for an appropriation to further extend the breakwater at Marquette, Mich.—to the Committee on Rivers and Harbors.

Also, petition of citizens of Kansas City, Mo., remonstrating against the abuse and usurpation of the United States Army in the Indian Territory, &c.—to the Committee on Indian Affairs.

By Mr. GUENTHER: Petition of citizens of Appleton, Wis., to confirm the titles of *bona fide* purchasers of certain lands located in Michigan—to the Committee on the Public Lands.

By Mr. D. B. HENDERSON: Petition of citizens of Dubuque, Iowa, for repeal of duties on works of art—to the Committee on Ways and Means.

By Mr. HOLMAN: Memorial of the city of Lawrenceburg, Ind., for an appropriation to improve the Ohio and Great Miami Rivers—to the Committee on Rivers and Harbors.

Also, for a mail-route in Indiana—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLTON: Papers relating to the claim of the corporation of Roman Catholic Clergymen of Maryland—to the Committee on War Claims.

By Mr. HOPKINS: Petitions of citizens of Ohio, of Michigan, of Pennsylvania, and of West Virginia, in favor of a bill prohibiting the importation of foreign laborers under contracts made abroad—severally to the Committee on Labor.

By Mr. HOUSEMAN: Petition of S. L. Withey, J. W. Stone, E. F. Uhl, Shields Bulkley, and about 400 others, manufacturers, merchants, and business men of Grand Rapids, Mich., and of Thomas Heffran, Thomas Wayne, and 103 others, citizens of Ottawa County, Michigan, relative to the improvement of the Grand River from Grand Rapids, Mich., to Lake Michigan—severally to the Committee on Rivers and Harbors.

By Mr. HUTCHINS: Memorials in relation to an appropriation for education in Alaska—to the Committee on Education.

By Mr. JOHNSON: Petition of J. W. Bailey and others—to the Committee on War Claims.

By Mr. LANHAM: Petition of citizens of Cisco, Tex., for the removal of the Federal court from Graham, Tex., to some point on the Texas and Pacific Railway within the confines of the northern judicial district of Texas—to the Committee on the Judiciary.

By Mr. MORRILL: Petition of F. D. Mills and others, of Atchison, Kans., for increased compensation of United States circuit and district judges—to the same committee.

By Mr. MORSE: Papers relating to the claim of Eliza H. Powers—to the Committee on Claims.

By Mr. O'HARA: Petition of citizens of Raleigh, N. C., relative to the Freedman's Savings and Trust Company—to the same committee.

By Mr. CHARLES O'NEILL: Resolutions of the Philadelphia Maritime Exchange, for the passage of Senate bill 234 relative to compulsory pilotage fees—to the Committee on Commerce.

Also, communications relative to the bill for the relief of Lieut. A. R. Egbert, Second United States Infantry—to the Committee on Claims.

By Mr. PETTIBONE: Papers relating to the claim of Lewis F. Self—to the same committee.

By Mr. J. H. ROGERS: Petition of citizens of Arkansas, for the opening to actual settlement of the Territory of Oklahoma—to the Committee on the Public Lands.

By Mr. RYAN: Papers relating to the claim of Elijah Crudgington—to the Committee on War Claims.

By Mr. SNYDER: Papers relative to the claim of Samuel Martin—to the Committee on Invalid Pensions.

Also, papers relating to the claim of John Cook—to the Committee on War Claims.

By Mr. J. W. STEWART: Memorial of the Vermont Sheep-Breeders' Association, relative to tariff on wool—to the Committee on Ways and Means.

By Mr. THROCKMORTON: Joint resolution of the Legislature of the State of Texas, asking that the cattle trail from Texas through the Indian Territory be kept open—to the Committee on Indian Affairs.

Also, concurrent resolution of the Legislature of Texas, relative to the establishment of a branch of the Federal court on the northern border of Texas, having jurisdiction over offenses committed in the Chickasaw and Choctaw Nations—to the Committee on the Judiciary.

By Mr. WADSWORTH: Petition of C. J. Legg, for an extension of his patent—to the Committee on Patents.

By Mr. YORK: Petition of James Taylor, relative to the North Carolina Cherokee Indians—to the Committee on Indian Affairs.

SENATE.

WEDNESDAY, *February* 6, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting a report from Maj. Amos Stickney, of the Corps of Engineers, of the results of an examination and survey of Pearl River, Mississippi, made under his direction to comply with the requirements of the river and harbor act of August 2, 1882; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting a letter from the Superintendent of the Naval Observatory concerning the status of assistant astronomers on duty there, with a recommendation that they be commissioned, with the same pay and provision for retirement as provided by law for assistant naval constructors; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of December 18, 1883, certain information concerning the Texas Pacific Railway Company's mortgages; which, with the accompanying report, was referred to the Committee on Public Lands, and ordered to be printed.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 24) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia was read twice by its title, and referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. ALLISON. I present petitions of sundry citizens of Leon, Iowa; Colorado Springs, Colo.; West Point, Iowa; Huron, Dak.; Barada, Nebr.; Tabor, Iowa; Brooks, Iowa; Eagle Grove, Wright County, Iowa; De Smet, Dak.; and O'Neill, Nebr., favoring an appropriation for education in Alaska. These petitions I find on a common blank, and the parties signing them are requested to send them to me. I suppose that accounts for the number of them. I move that the petitions be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. ALLISON presented preamble and resolutions adopted at a meeting of Shelladay Post, No. 84, Grand Army of the Republic, of Monroe, Iowa, praying that all surviving soldiers and sailors of the late war honorably discharged shall receive a uniform pension of $8 a month for the remainder of their lives; which were referred to the Committee on Pensions.

Mr. HALE presented a petition of citizens of Fayette, Me., praying for an appropriation for education in Alaska; which was referred to the Committee on Appropriations.

Mr. GARLAND presented the petition of Joseph McGuckian, praying to be granted a pension for injuries sustained by him while acting as a messenger and watchman in the War Department; which, together with the papers on file in the case, was referred to the Committee on Pensions.

Mr. SLATER presented a petition of citizens of Oregon, praying for the forfeiture of the land grant of the Oregon Central Railroad Company; which was referred to the Committee on Public Lands.

Mr. PENDLETON. I present the petition of H. B. Banning Post, No. 198, Grand Army of the Republic, Department of Ohio; the petition of the Lytle Post, of the same organization, in Cincinnati; the petition of the Tenth Ohio Volunteer Veteran Association, and the Cincinnati Veteran Association, praying for the passage of a bill granting a land-warrant of one hundred and sixty acres, without condition of settlement, to every officer, soldier, and sailor in the war of the rebellion who has been honorably discharged and to the widows and minors of those who have died without receiving it. I move that the petitions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. LAMAR presented a petition of citizens of Mississippi, praying for the prohibition of the liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MANDERSON presented a petition from members of Scott Post, Grand Army of the Republic, Blue Springs, Nebr., ex-soldiers of the late war of the rebellion, praying that pensions be granted to the survivors of that war; which was referred to the Committee on Pensions.

Mr. ANTHONY presented the petition of A. W. Yates, of Bryant's Pond, Me., praying that pensions be granted to the soldiers of the war of 1812; which was referred to the Committee on Pensions.

Mr. LOGAN presented a petition of letter-carriers of Bloomington, Ill., praying for an increase of pay; which was referred to the Committee on Post-Offices and Post Roads.

Mr. SHERMAN. I present quite a number of petitions from citizens residing in different parts of the State of Ohio, praying that a land-warrant for one hundred and sixty acres of land be granted to each honorably discharged officer, soldier, or sailor who served in the United States Army and Navy during the war of the rebellion. These petitions are very numerously signed and there is a great number of them. I move that they be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BECK presented a petition of citizens of Kentucky, praying for an appropriation for education in Alaska; which was referred to the Committee on Appropriations.

Mr. CONGER presented resolutions of the common council of the city of Houghton, Mich., praying that the lands granted to aid in the construction of the Marquette, Houghton and Ontonagon Railroad be not forfeited; which were referred to the Committee on Public Lands.

Mr. BLAIR. I present a memorial of some gentleman who signs himself "Workingman." It covers a great variety of subject-matter, doctrine, reproof, and instruction upon the political problems of the times, taxation, anti-monopoly, the condition of the working people, and various other matters full of meat. I think, perhaps, it may as well be referred to the Committee on Education and Labor.

Mr. COCKRELL. Is that an anonymous communication?

Mr. BLAIR. It is anonymous; it is signed "Workingman." I am requested to present it.

Mr. COCKRELL. I raise the point of order whether an anonymous communication is to be received as a petition to the Senate.

The PRESIDENT *pro tempore*. The Chair can not receive it without unanimous consent.

Mr. BLAIR. It is not addressed to the Senate; it is addressed to me, with the request that I "make these things known to Uncle Sam;" and hardly knowing what to do with the paper I present it. If it is objectionable upon that ground I shall be glad to withdraw it.

Mr. COCKRELL. I think a number of us have received similar papers. The Senator can embody it in his remarks some time when he is making a speech.

Mr. BLAIR. I do not care at all to embody it in my remarks.

The PRESIDENT *pro tempore*. Debate is not in order. The paper can not be received, objection being made.

Mr. FRYE presented the petition of Mrs. Sallie Carroll, executrix and devisee of William T. Carroll, deceased, praying compensation for the value of the timber and wood taken from the tracts of land known as Sligo and the Dobbin farm, and used in the construction of Fort Slocum; which was referred to the Committee on Claims.

RRPORTS OF COMMITTEES.

Mr. ANTHONY. The Committee on Printing, to which was referred the bill (S. 1293) providing for distribution to members of Congress of ten charts and other publications of the Hydrographic Office for each session of Congress, have instructed me to report it without amendment and to recommend its passage. I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection?

Mr. INGALLS. What is the bill?

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill.

Mr. INGALLS. I think the experience of the Senate for the last few weeks shows that it is not conducive to the public interests that measures should be considered during the time allotted to strictly morning business. I therefore object to the consideration of the bill until after the morning business is concluded.

Mr. CONGER. I hope the gentleman will not object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CONGER. I ask the Senator from Kansas to withdraw his objection, if he is pleased to do so, at this time. This is a bill which I introduced providing that charts from the Hydrographic Office might be distributed to Senators and Members to meet the requests of their constituents for copies of these charts. I applied to that office and found there was no authority to furnish these charts to persons who desired them without some resolution or act of Congress, and I therefore introduced the bill. Such demands come very frequently for that class of charts, and they can not be furnished except by authority of law. Several gentlemen in the other House have informed me that they have received requests for the same charts, and, though this is a little matter, people are waiting to receive them. I hope the Senator will withdraw his objection and let the bill pass now. If it goes on the Calendar it may not be reached for a long time.

Mr. INGALLS. I feel that I can not, in justice to the interests that I believe are involved, withdraw my objection. I have witnessed, and I think every other Senator has, during the past three or four weeks a continual invasion of the rules that has resulted in serious detriment. We have observed on several occasions, where requests of this kind have been made, that the entire morning hour has been consumed in the consideration of measures which we were assured would take but a single moment, whereby "enterprises of great pith and moment" have been "turned awry" and lost "the name of action."

I think, therefore, Mr. President, that I shall insist at this time and hereafter upon the observance of the rule, saying to the Senator that after the conclusion of the morning business I will very cordially cooperate with him in securing action upon the bill.

Mr. HOAR, from the Committee on Claims, to whom was referred the petition of A. F. Baugh, administrator of the estate of Ashton Butterworth, praying compensation for the use of a cotton manufactory and machinery, submitted an adverse report thereon, which was agreed to; and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 36) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 371) for the relief of Charles P. Chouteau, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 558) for the relief of Isaac A. Meyer, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Joseph Dawson, praying for a pension on account of disability incurred in the discharge of his duty in the internal-revenue service, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 971) for the relief of Mrs. Priscilla W. Burwell, widow of Armistead Burwell, deceased, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 972) for the relief of Priscilla W. Burwell, widow and personal representative of Hon. Armistead Burwell, deceased, late of Vicksburg, Miss., submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HOAR. I am directed by the Committee on Claims, to whom was referred the bill (S. 595) to repay the State of Georgia $27,175.50, money advanced by said State for the defense of her frontiers against the Indians from 1795 to 1818 and not heretofore repaid, to make a favorable report thereon. This is the same bill which was passed by the Senate at the last session, the statement being made that some ancient vouchers had been discovered by the Senator from Georgia [Mr. BROWN] when governor of that State which established the claim of the State.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 445) for the relief of the heirs or legal representatives of Robert J. Baugness, deceased, submitted an adverse report thereon.

Mr. PLUMB. I ask that the bill may be placed upon the Calendar. The bill has heretofore been reported favorably and passed by the Senate.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. DOLPH, from the Committee on Claims, to whom was referred the petition of William H. Manning for relief for timber cut from his land by United States officers, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 571) for the relief of Casimiro Ginesi, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GEORGE, from the Committee on Claims, to whom was referred the bill (S. 273) for the relief of estate of Thomas Jones, deceased, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1055) for the relief of Thomas C. Ellison, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SEWELL. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 469) to increase the salaries and pay of the chaplains in the Army, to report it adversely. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 372) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, reported it with amendments, and submitted a report thereon.

Mr. MILLER, of California, from the Committee on Foreign Relations, to whom was referred the bill (S. 791) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, reported it with an amendment.

Mr. MILLER, of New York, from the Committee on Agriculture, to whom was referred the bill (S. 1127) to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, reported it with amendments.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 295) for the relief of Alfred G. Hatfield, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 520) for the relief of Francis Gilbeau, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 968) for the relief of Fielding Hurst, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (S. 1288) for the relief of Nathaniel C. Bateman, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

BILLS INTRODUCED.

Mr. HARRISON introduced a bill (S. 1419) for the relief of Rupert G. Hill; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LOGAN introduced a bill (S. 1420) to increase the efficiency of the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1421) for the relief of John Bostater; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 1422) making the city of Tacoma, in Washington Territory, in the customs district of Puget Sound, a port of delivery; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1423) making the city of Seattle, in Washington Territory, in the Puget Sound customs district, a port of delivery; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1424) for the erection of a public building at Port Townsend, Wash.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SLATER introduced a bill (S. 1425) to grant the Astoria and Winnemucca Railroad Company the right of way through the public lands and the right to construct bridges over navigable water courses; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALDRICH introduced a bill (S. 1426) defining sea-service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1427) granting an increase of pension to Abby S. Slocum; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 1428) to provide for indemnity to the State of Iowa due under various acts relating to swamp and overflowed lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORRILL introduced a bill (S. 1429) to provide for the erection of a public building at Montpelier, Vt.; which was read twice by its title.

Mr. MORRILL. I do not ask to have the bill printed at this time. I move that it be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. MCPHERSON introduced a bill (S. 1430) granting a pension to Sarah C. Hall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 1431) to increase the pension of Dileno Robinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PIKE introduced a joint resolution (S. R. 55) to provide for a rebate of duties paid on materials imported and used in the construction and equipment of ships built for the foreign trade; which was read twice by its title, and referred to the Committee on Finance.

PROTEUS COURT OF INQUIRY.

The PRESIDENT *pro tempore*. If there be no further bills or joint resolutions that order is closed, and "concurrent and other resolutions" are next in order. The Chair lays before the Senate the resolution offered yesterday by the Senator from South Carolina [Mr. BUTLER] which went over under the rule.

Mr. COCKRELL. I am requested by a reputable attorney of this city to ask for an order.

The PRESIDENT *pro tempore*. The Chair must first lay before the Senate the resolution that went over from yesterday. It will be read.

The resolution submitted yesterday by Mr. BUTLER was read, as follows:

Resolved, That the President be requested, if in his judgment not incompatible with the public interest, to communicate to the Senate the record of the proceedings, testimony, and findings of the court of inquiry in relation to the events connected with the loss of the steamer Proteus in the Arctic Ocean.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COCKRELL, it was

Ordered, That the papers in the case of James Monroe, late President of the United States, or his legal representatives, for services rendered by him in the Revolutionary war, be taken from the files and referred to the Committee on Revolutionary Claims.

On motion of Mr. RANSOM, it was

Ordered, That the papers in the case of Sophia B. Moore, of North Carolina, be withdrawn from the files and referred to the Committee on Claims, under the rules.

On motion of Mr. HILL, it was

Ordered, That the papers in the case of the removal of the Southern Utes be taken from the files and referred to the Committee on Indian Affairs.

On motion of Mr. GROOME, it was

Ordered, That the papers in the case of B. S. James be taken from the files of the Senate and referred to the Committee on Post-Offices and Post-Roads, there being no adverse report.

COMMITTEE ON POST-OFFICES AND POST-ROADS.

On motion of Mr. HILL, it was

Ordered, That the Committee on Post-Offices and Post-Roads have leave to sit during the sessions of the Senate.

CIVILIAN ENGINEERS.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to report to the Senate the number, pay, station, and duties of civilian engineers employed by the Government; also the stations and duties of the engineer officers of the Army.

SILVER LAKE, LOUISIANA.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to report to the Senate whether or not under the acts of Congress donating swamp lands to the State of Louisiana Silver Lake, in Caddo Parish, in said State, was included, and whether or not under these acts it has been listed to the State as swamp land; together with any other facts in his Department touching the same.

LONGEVITY PAY.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate copies of the decisions of the Second Comptroller, dated January 3, July 31, and August 16, 1883, on the claims of Gunners James Nash and Samuel Cross under the so-called longevity provisions of the naval appropriation act of August 5, 1882; together with a statement of the number and amounts of the claims allowed by said Comptroller and paid under said provisions and their respective dates of settlement, and whether the same were paid from current appropriations or reported to Congress and paid in pursuance of appropriations therefor.

ORDER OF BUSINESS.

Mr. CONGER. I ask unanimous consent to take from the Calendar the bill reported from the Committee on Printing in regard to hydrographic charts.

The PRESIDENT *pro tempore*. The Senate now proceeding under the eighth rule, the Senator from Michigan asks unanimous consent that the bill reported from the Committee on Printing this morning be considered. It will be read by title for information.

The CHIEF CLERK. A bill (S. 1293) providing for distribution to members of Congress of ten charts and other publications of the Hydrographic Office, for each session of Congress.

The PRESIDENT *pro tempore*. Is there objection that the bill be now considered?

Mr. PLUMB. I object.

The PRESIDENT *pro tempore*. Objection is made. The first case on the Calendar under the eighth rule will be announced.

The bill (S. 382) for the relief of the city of Glasgow, in the State of Missouri, and of certain citizens thereof, was announced as first in order upon the Calendar.

Mr. COCKRELL. I ask that that be passed over. It has been reported adversely and there is no intention of having any action upon it. I shall ask to have it stricken from the Calendar after I have had time to examine the report.

The PRESIDENT *pro tempore*. The bill will be passed over, if there be no objection.

DEVISEES OF DANIEL CARROLL.

The bill (S. 196) for the relief of the devisees of the late Daniel Carroll was considered as in Committee of the Whole. It provides that the devisees under the will of the late Daniel Carroll, of Duddington, deceased, their heirs or assigns, may prosecute a suit in the Court of Claims, according to the rules of practice and proceedings in that court, against the District of Columbia, to recover such damages, if any, as they have sustained by reason of the change of grade and the regrading of the streets around square No. 736 in the city of Washington.

Mr. HOAR. I think this must be a bill which came up on the last day, or the last but one, of the last Congress. I objected to it then, and after the objection I was spoken to by a gentleman who represented one of these devisees, who stated that it was a case of uncommon hardship by reason of the great injury to the estate of these persons, who were in straitened circumstances, and that my objection would prevent anything being done at the last Congress. So I withdrew the objection, and the bill passed the Senate; but it seemed to me then, and seems to me now, that this matter ought to be dealt with by a general law, and it was only the late period of the session which made me, very reluctantly, consent to the passage of the bill then.

If there be no provision of law by which persons may recover whose real estate is damaged by changes in the highways in the District of Columbia, that is probably because at some time the legislative power has been of opinion that it was not expedient that the public should compensate land-owners under such circumstances. I suppose the fee, the ownership, of the streets is in the United States in this District. Therefore the policy goes on the ground that they have a right to change the grade of their streets for their own purposes without any legal or moral obligations to adjacent proprietors. But if that be not a sound principle (and I suppose the policy in nearly all the States in the Union is otherwise, certainly it is in my own State), then it seems to me the Committee on the District of Columbia ought to frame a general law and not select a particular person who has been damaged and give him this bounty, which is not granted under the general policy of the law to others.

I would ask the Senator from Rhode Island who reported the bill why it is not now practicable to frame and report a general law on the subject, as it is early in the session?

Mr. ALDRICH. I will say in answer to the question of the Senator from Massachusetts that this is the same bill which was reported at the last session and objected to by himself, which afterward passed the Senate on his withdrawing his objection.

I will further say in answer to his suggestion about the policy of adopting a general law, that the committee have considered that subject but have not been able to reach a conclusion. There are some circumstances surrounding this case which seem to make it proper for the special action of Congress. The work was done after the taking away of a remedy which the parties would have had if it had been done at the time it was ordered, after the board of audit, which had the right to allow claims of this kind, had been abolished by act of Congress.

The Senator is mistaken in supposing that Congress has ever declared by legislative action or by lack of legislative action any such policy as that they would not allow claims for damages on account of changes of streets by the Government of the United States. Formerly the right to pay these damages rested in the legislative assembly of the District, afterward in the board of public works, and afterward in the board of audit established by Congress. The board of audit was subsequently abolished, in 1874, I think, and after that time no power to pass on claims of this kind resided in any of the District authorities.

This case is one certainly demanding the prompt action of Congress, for the reason that the devisees of Mr. Carroll, consisting of two old ladies, must be very near their last days; they are very aged and in a very infirm condition, and they need the relief which this bill proposes to give them. I certainly hope that the Senator from Massachusetts will not interpose an objection to the passage of this bill. The committee have under consideration the question whether they will present a general bill. If the Senator has any special case in his mind I am sure the committee will be ready to consider it.

Mr. HOAR. I will not interpose an objection, under the peculiar circumstances, against the judgment of the committee, which seems to be unanimous as far as the report goes. I wish to state, however, that a gentleman formerly from my own State presented to me a year or two ago an almost similar case, that of an aged man, who must have been more than 80 years of age, who had lived here some time, and whose very splendid property had been largely diminished by the action of the Government in a similar case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time and passed.

ORDER OF BUSINESS.

Mr. ANTHONY. Mr. President, I have conversed with my friend from Kansas [Mr. PLUMB]. I do not see him in his seat now, but I do not think he will interpose any objection to the consideration of the bill which I reported this morning, which is for the convenience of Senators, and therefore should be passed at once. I will wait, however, until he comes in.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The bill is not now in the Senate Chamber, but has been sent for. Does the Senator move to take it up out of its order?

Mr. ANTHONY. I will wait until the Senator from Kansas comes in.

Mr. COCKRELL. Let us go on with the Calendar. The Senator from Kansas will be in soon, no doubt.

The PRESIDING OFFICER. The next bill on the Calendar will be read.

WILLIAM H. BECK.

The bill (S. 538) for the relief of William H. Beck, assignee of A. Burwell, was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. HARRIS. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

DURATION OF PATENTS.

The next bill on the Calendar was the bill (S. 672) to amend section 4887 of the Revised Statutes, in relation to patents; which was read.

Mr. MCPHERSON. This bill is likely to involve a very long discussion. It can not be taken up in the morning hour and proper discussion had. I object to its present consideration.

Mr. PLATT. I trust the Senator will withdraw his objection for a moment.

The PRESIDING OFFICER. Does the Senator from New Jersey give way to the Senator from Connecticut?

Mr. MCPHERSON. I yield.

Mr. PLATT. I do not think that this bill ought to excite much discussion. I should suppose there was nothing in this bill which would not meet the approval of all the members of the Senate. I am aware that a bill is coming on the Calendar which will create a good deal of discussion. I think this is an important bill; I have not asked to have it taken up out of its order, but I think it ought to be taken up and considered. If the Senator desires time to examine it, I will agree to take it up to-morrow or some other day. I think, however, Senators, if they will examine this bill, will have no real objection to it, and that it will not excite opposition or discussion beyond an explanation of it. Still, if the Senator desires time to examine it, I will let it go over to-day without prejudice and have it taken up to-morrow morning.

Mr. MCPHERSON. It is a very important matter to undertake such a modification of the patent laws, and therefore I think it very unwise to undertake under a five-minute rule to discuss a question so important as this. Every Senator, it is well known, under the rule is confined to

one speech upon a question, whatever points may be raised on the opposite side.

Mr. PLATT. Has the Senator any objection to letting it pass over this morning without prejudice?

Mr. HARRIS. If the Senator from Connecticut will allow me, I desire to suggest to him that he make the bill a special order for any day he may choose that does not conflict with other special orders, to be taken up at 2 o'clock on a day designated.

Mr. PLATT. I will move, then, that the bill be made the special order for to-morrow at 2 o'clock.

Mr. MORGAN. I object to that arrangement. This bill, if it passes over in the morning hour on an objection to its consideration, retains its place on the Calendar and will be probably the next measure that will be considered by the Senate after we have passed through the morning hour. The objection made in the morning hour does not displace the bill in its position upon the Calendar. There is therefore no necessity for this constant effort to make bills special orders at a certain day. Let us proceed regularly with the Calendar. This bill will be reached as soon perhaps, or very soon after the bill under consideration as a special order has been disposed of. I object to making special orders.

Mr. PLATT. I had no desire to make any special order. What I desire is that the bill shall not lose its place upon the Calendar.

Mr. MORGAN. It does not lose its place under this objection.

Mr. HOAR. I wish the Senator from New Jersey would give me his attention. There has been some very serious and well-grounded complaint of the operation of the patent laws as working hardship upon some innocent purchasers of patented articles in the agricultural regions. There is a bill later on the Calendar which deals with that question which will bring that matter before the Senate. This bill is simply designed to correct a very clear injustice to inventors in our patent laws, to wit, that if an American inventor gets a foreign patent his patent here expires at the date of the expiration of his foreign patent, no matter what it may be. In some foreign countries a patent has to be frequently renewed. If the invention does not make it worth while for the patentee to have a renewal there he loses his patent here. This bill is simply to remedy that injustice. It is a plain case, about which I believe the entire Patent Committee was agreed. It presents one single point only.

While agreeing with the entire reasonableness of the Senator's suggestion that a matter affecting his people as it does mine should be examined by him, I hope he will be willing to let the bill go over until to-morrow and retain its place on the Calendar, because he will have the same right to make objection to-morrow that he has now, if on examination he thinks it worth while.

Mr. McPHERSON. I have no objection to that. I only objected to the present consideration of the bill because I wanted to examine it more thoroughly.

Mr. HOAR. Then it will stand to-morrow as it does now, and then the Senator or any Senator can object to it.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Massachusetts to the rule. The new rule under which we are now acting does not displace the bill. It goes over retaining its place on the Calendar, but except by unanimous consent it can not be resumed to-morrow under the new rule.

Mr. HOAR. The desire is to have unanimous consent that the objection shall not take it out of its place on the Calendar of unobjected cases for to-morrow.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent of the Senate that this bill be passed over informally, not losing its place on the Calendar. If there be no objection that will be considered to be the unanimous consent of the Senate. The next bill will be called in its order.

M. P. JONES.

The bill (S. 269) for the relief of M. P. Jones was considered as in Committee of the Whole. It provides for the payment of $24,597.75 to reimburse M. P. Jones for money deposited by him in the United States depository at Portland, Oreg., to complete the United States surveys along the line of the Oregon central military wagon-road in Southeastern Oregon, and to pay the expenses of the clerical work in the office of the United States surveyor-general of Oregon, the money having been deposited under the provisions of an act of Congress approved May 30, 1862, upon the surrender by him to the Commissioner of the General Land Office of the duplicate or triplicate certificates of deposit held by him.

Mr. MAXEY. Let the report be read.

The Secretary read the following report, submitted by Mr. DOLPH January 14, 1884:

The Committee on Public Lands, to which was referred the bill (S. 269) for the relief of M. P. Jones, report as follows:

That this claim has been repeatedly examined by committees of both Houses of Congress, and has always been reported favorably. It passed the Senate at the second session of the Forty-fifth Congress, and was favorably reported in the House, but was not reached on the Calendar. The Senate Committee on Public Lands, at the first session of the Forty-seventh Congress, unanimously recommended the passage of a bill identical with the one under consideration.

The facts are correctly stated in House Report No. 22, Forty-sixth Congress, and for convenience we adopt their statement, which is as follows:

"It appears in this case that M. P. Jones deposited to the credit of the United States in the city of Portland, Oreg., moneys for the survey of public lands in said State as follows:

	For surveys.	For office work.	
May 21, 1875	$19,470 00	$530	
September 13, 1875	4,896 00	104	
Total	24,366 00	634	= $25,000 00
That of this amount the United States have expended as follows	23,963 75	634	
Leaving unexpended	402 25	000	= 402 25
Leaving balance due M. P. Jones			24,597 75

"That under this deposit so made the United States made surveys of lands hereinafter described, and the United States surveyor-general for Oregon approved the maps of the same on January 3 and January 11, 1876, respectively, said surveys being as follows, to wit: Of the sixth, seventh, and eighth standard parallels south, and exterior lines of township 35 south, range 26 east; exterior lines of township 36 south, ranges 25 to 31 east; exterior lines of township 37 south, ranges 24 to 28 east; exterior lines of township 38 south, ranges 25 to 28 east; exterior lines of township 29 south, ranges 24 to 28 east; exterior lines of township 35 south, range 31 east; exterior lines of township 32 south, range 40 east; and subdivisional surveys of township 36 south, ranges 25 to 29 east; township 37 south, ranges 24 to 28 east; township 38 south, ranges 24 to 26 east; township 39 south, ranges 23 to 25 east; township 35 south, ranges 26 to 31 east; township 36 south, ranges 25, 30, 31 east; township 37 south, range 24 east; township 38 south, range 24 east; township 39 south, range 26 east; townships 31 and 32 south, range 41 east; township 30 south, ranges 43 and 45 east; township 31 south, ranges 42 and 44 east; township 3[illegible] south, range 39 east.

"That the township plats of surveys so made and so approved were filed with the proper register and receiver at the local United States land office on February 24, 1876.

"That this deposit of $25,000 was not made in accordance with the provisions of any law of the United States, but this amount of $25,000, when deposited by said M. P. Jones, was placed in the United States Treasury to the credit of the fund or appropriation entitled 'Deposits by individuals for the survey of public lands,' under acts and resolutions of Congress providing only for the deposits of money by actual settlers for the surveys of public lands.

"That the total number of acres surveyed by this district [deposit] was 531,782, and of which 237,731 passed to the Oregon central military wagon-road under an act of Congress.

"That the surveys made and paid for by said deposits inured to the benefit of the United States; said surveys were made under the supervision of the United States surveyor-general for Oregon in the same manner as other public-land surveys in said State were made.

"That if these surveys had not been made at that time and paid for with the moneys thus and so deposited by said M. P. Jones, that then the United States at some subsequent time would have surveyed the same townships, and at the same cost, and paid for the same from the appropriations made by Congress from time to time for the survey of the public lands in said State.

"That the grant by Congress to the Oregon central military wagon-road was made in a section of the country to which the public surveys had not been extended, and the terms of the grant require that this road should be completed within five years, and that the lands should be used for the purpose of paying for the construction of said road.

"That if the lands had not been surveyed in the manner they were, then the provisions of the act of Congress could not have been complied with.

"That Congress has refunded deposits of this character in similar cases (United States Statutes, volume 17, page 515), directing the payment to the Saint Paul and Sioux City Railroad Company the sum of $1,370 out of the appropriation of $50,000 for surveys in Minnesota; said $1,370 was deposited October 4, 1859, by said company, and in accordance with said act of Congress was refunded to them on July 12, 1873. (See also volume 18, United States Statutes at Large, page 213, appropriating $10,600 to reimburse the Chicago and Northwestern Railroad Company for surveys along the line of that road; money deposited August 20, 1872, and refunded August 20, 1874.)

"That a bill for the repayment of this amount of $25,000 to M. P. Jones (Senate bill No. 150) passed the Senate on the 15th day of June, 1878. (See Senate Journal, second session Forty-fifth Congress, page 716, June 15, 1878.) And which bill was thereafter referred to the Committee on Public Lands of the House, and by it favorably considered, and by it ordered to be favorably reported to the House with a recommendation that it should pass, but which report failed to be made to the House in time to be acted upon during the Forty-fifth Congress.

"That of the amount so deposited by said M. P. Jones ($25,000) the sum of $402.25 remains unexpended, and which unexpended balance has been refunded to said M. P. Jones, leaving still due him the sum of $24,597.75.

"The committee unanimously concur in recommending the passage of the the bill as amended."

After the favorable report of the Senate Committee on Public Lands to the first session of the Forty-seventh Congress, before referred to, had been made, a communication from Hon. S. J. Kirkwood, then Secretary of the Interior, inclosing a letter to him from the honorable Commissioner of the General Land Office, was received by the committee, which induced the committee to request the recommitment of the bill for further examination, but no further action of the committee was reported. Said communications relate to the grant of lands to the State of Oregon by the act of Congress referred to in the report hereinbefore set forth.

Assuming that certain lands which had been certified to the State of Oregon, or its grantees, under said act, and which are situated within the present limits of the Klamath Indian reservation, had been improvidently certified, and that at the time the advances were made by said Jones he was interested in said grant, and stating that the owners of the grant had refused to release such lands to the United States, the honorable Secretary of the Interior recommended that, on that account, M. P. Jones and his associates should not be reimbursed for the money advanced by them to the United States until such release should be given.

Your committee, having examined the correspondence and the evidence before the committee relating to said questions, find that the Senate Committee on Public Lands at the third session of the Forty-fifth Congress had the question of the title to the lands covered by the original grant in place to the State under said act which are situated within the Klamath Indian reservation under consideration, and unanimously reported (Report No. 731) as follows:

"After careful examination we report that, in our opinion, the grantees of the State have the title to these lands."

The bulk of the lands supposed by the honorable Secretary of the Interior to have been improvidently certified to the grantees of the State are a portion of the lands the title to which was under examination by said committee.

It further appears that the money deposited by said Jones was not used for the survey of the lands alleged to have been erroneously certified to said grantees, and it now appears to the committee that the greater portion of the money deposited by said Jones was advanced by other parties having an interest in hav-

ing said surveys made, but who were not interested in the said land grant, and that this claim is being prosecuted for their benefit to the extent of their respective advances.

Your committee, therefore, report that if there be any legal question as to the title of the present owners of said grant to any of the lands surveyed to the State or its grantees, and it is desired by the United States to try that question, the same should be submitted to some tribunal other than Congress.

Your committee, therefore, recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPITOL TERRACES AND STAIRWAYS.

The bill (S. 402) for the completion of the Capitol terraces and the stairways connected therewith, was considered as in Committee of the Whole.

It proposes to appropriate $777,588.98, or so much thereof as may be necessary, for the construction of the terraces along the north, south, and west fronts of the Capitol, and for the two grand stairways at the western front, at the head of Pennsylvania and Maryland avenues; the same to be erected in accordance with the plan already furnished by Frederick Law Olmstead, landscape architect.

Mr. MORRILL. Mr. President, this is a bill in accordance with the plans adopted by Congress in 1874. It is to be regretted, perhaps, that this part of the plan had not been first completed, but there was such a pressure for roads and tracks approaching the Capitol that it was deferred. If Senators will send for Executive Document No. 9 of the present Congress they will find a plat describing the whole plan and the estimated cost.

Mr. INGALLS. How much has been expended already?

Mr. MORRILL. About $50,000. I desire to say that when this plan is completed it will be in harmony with the grounds as they are already laid out. It is to complete the approaches on the west front of the Capitol with more imposing and handsomer stairways, and it is also to substitute a marble terrace in lieu of the present dirt terrace, which looks perhaps weak and incongruous with so large a building as the Capitol.

I will say that when the terrace shall be completed there will be ten additional committee-rooms, equal to the very best, in the basement of the Capitol, half of them perhaps for the House, and half for the Senate. It will also have seventy-four other rooms from 20 to 40 feet long and about 20 feet wide for the storage of documents and of wood, coal, and various things that are necessary to the Capitol, and much in the way elsewhere. Then there will be an underground railway at one end or the other for the admission of coal and documents, without daily crowding and interfering with the entrance of the Senate or of the House for their introduction.

I think any persons who have ever fully examined the matter will concede that it will be a vast improvement to the appearance of the Capitol and a great accommodation and convenience to the practical operations in and around this building.

I ask, as I do not desire to take up time, that I may have, as a part of my remarks, published in the RECORD an interview of the landscape architect, who is confessedly now perhaps superior to any person living on this continent or any other in his peculiar art of landscape architecture. I ask to have the interview which appeared in the Evening Star, or a portion of it, printed in the RECORD, that it may be seen hereafter by those who may choose to investigate the subject.

Mr. COCKRELL. I should like to ask the Senator from Vermont what is the estimated cost of the entire completion of the work under the plan?

Mr. MORRILL. The estimated cost of the entire completion is $777,588.98.

Mr. INGALLS. When will it be done?

Mr. MORRILL. In two years. The whole amount is proposed to be appropriated at once in order that contracts may be made for the materials. Probably not over one-half the sum will be required during the present year.

Mr. VAN WYCK. May I ask the Senator if he has the figures showing what the work has already cost, so far as it has been done?

Mr. MORRILL. So far as this matter is concerned, about $50,000.

Mr. VAN WYCK. Fifty thousand dollars for what has been done?

Mr. MORRILL. On the north and south sides and in front.

Mr. INGALLS. Mr. President, I think if we are to vote intelligently upon this subject we should be possessed of all the information which the Senator from Vermont has. The printing of the "interview" in the RECORD will not enlighten the intellect of any Senator who is called upon to vote this morning; and I would, therefore, suggest that if the alleged "interview" contains any information that is pertinent to the subject or would be advantageous, the bill lie over until to-morrow morning in order that we may read it.

Mr. MORRILL. I hope the Senator will not insist on that. I think I have given in substance the information that is contained in the interview, but there are some details of the matter here that I think will be found to be interesting reading to those who desire to see it. The additional space to be gained will be 1,300 feet long by 60 feet wide. It states various other small points. But I think I have given a sufficient amount of information to justify the Senator from Kansas in voting for the bill.

The "interview" referred to by Mr. MORRILL is as follows:

THE CAPITOL BUILDING—PROPOSED IMPROVEMENT OF ITS ARCHITECTURAL CHARACTER.

An explanation of the plan now being carried out—Architectural defects to be cured by the marble terrace—An interview with Mr. Frederick Law Olmsted—The old plan of the grounds modified to meet the requirements of the modern building—A movement wherein Washington city leads the world, &c.

The work on the marble approaches at the northeast corner of the Senate wing and the southeast corner of the House wing of the Capitol has progressed so far that one may form some judgment of the architectural effects which the comprehensive plan of improvement of which these approaches are a part is designed to produce. These approaches have been built in accordance with the design adopted by Congress in 1874, the chief feature of which is a terrace of marble, designed to supersede the present earthwork covering the basement story of the Capitol. The general plan of the grounds surrounding the Capitol has been made to harmonize with the contemplated improvement in the building when completed. The plan also makes allowance for the ultimate completion of the Capitol building itself according to Mr. Walter's designs, which provide for an advance of 30 feet in the central portico. A stairway of graceful design and imposing dimensions is, according to the plan, to take the place of the present shabby and mean-looking steps leading to the main western entrance.

The marble walls of the proposed terrace will vary in height at different points from 10 to 17 feet, as required to conform to the varying surface of the ground in which they rest.

Additional room to be provided.

While this plan is intended chiefly to enhance the architectural character of the building, the terrace will add largely to the basement room of the Capitol. The additional space thus to be gained will be 1,300 feet long by 60 feet wide, divided into rooms opening from a central corridor. Ten of these correspond in form and dimensions with the best of the present committee-rooms, each having two or three windows looking upon the existing courts in the same manner as those of the Architect's office in the basement. These courts are to be made attractive winter gardens. There will be, besides the rooms described, seventy-four rooms, varying from 20 to 44 feet in length and from 16 to 24 feet in breadth, most of which will resemble the present basement committee-rooms. These rooms, it is expected, will be used for the storage of coal, for the keeping of archives, for the temporary deposit of current documents, for extraordinary committee and clerks' rooms when needed, and for other purposes, for which additional room is demanded. The plan of this floor provides for a subway by which coal, ashes, and all goods not desirable to be passed through the upper entrances may be conveyed underground to or from a postern in the Government work-yard on South B street. It provides also for an enlargement of the present boiler-rooms.

The esplanade.

The plan provides that the esplanade or deck of the terrace shall be divided into two parts, the division running midway between the outer walls of the present building and the outer walls of the proposed new work. The inner one of these two parts is to be level with the foot of the several short flights of steps now opening from the porticoes; the outer one four feet lower. The two levels are to be connected by flights of steps opposite those from the porticoes. In line with the lower flights, and running parallel with the division between the two levels, there is to be a channel 8 feet wide, to be filled with soil and planted.

In looking toward the Capitol from the grounds this division of the terrace into two decks will not be apparent, but the eye will range over it, and the marble of the front of the terrace be thus massed with the marble of the main building just above the granite base course of the latter. Openings will be made through the outer wall of the terrace garden for lighting and ventilating the corridor below.

About $50,000 has been thus far expended on the work. The cost of completing it at the same rate will be about $700,000.

The work is carried on under the joint direction of Mr. Edward Clark, the Architect of the Capitol, and Mr. Frederick Law Olmsted, the landscape architect of the grounds.

The inception of the plan.

"Eight years ago," said Mr. Olmsted, when asked by a Star reporter for information regarding the inception of the plan, "I was asked by the Joint Committee on Public Buildings and Grounds to come to Washington and examine the Capitol grounds, which had just then been enlarged, with a view to a general scheme of improvement in adaptation to the enlarged Capitol. A great earthwork had been formed on three sides of the building from the material thrown out from its base, and this had been overlaid with turf, constituting a pedestal for the building, which I felt to be in various ways unsuitable. I concluded that no improvement of the Capitol grounds would be satisfactory while this great, incongruous earthwork interposed between it and the building. I therefore advised, as a preliminary step to a suitable design of the grounds, the adoption of an architectural terrace. This scheme was approved by Mr. Clark, the Architect of the Capitol; later by Mr. Walter, its original designer; then by the Joint Committee on Buildings and Grounds, and was finally adopted by Congress. The plan of the grounds since carried out is designed subordinately to it."

Why the turf terrace is objectionable.

"The more obvious objections to the present earthwork," explained Mr. Olmsted, "aside from its general inelegance, are: First, that it does not provide an adequately firm and stable footing for so ponderous a building when placed on a hillside—I mean that whatever the real security may be an adequate impression upon the mind in that respect is not made. The architectural terrace will produce an adequate impression, and the greater apparent firmness and more enduring strength of the building thus obtained will add greatly to its grandeur. Second, it is impossible in a climate like this, and under the local conditions of the Capitol, that turf shall be kept in nice or even decent condition when laid, as in this case, on steep formal slopes. If it can be kept tolerably green, as it never has been at the Capitol through any single summer, it will still be thin, weak, and shabby, a condition quite incongruous with the elegance of the superstructure.

"Finally, there is a common impression, now obtained by many in looking at the Capitol, which is expressed in the saying that it is 'squatty,' and that its dome appears of disproportionate height and weight. If you will look at this drawing, which shows the Capitol with the proposed terrace, you will see that the grounds of such an impression have been wholly removed.

"It was my expectation that the terrace would be built at once in advance of the improvement of the grounds. I have always regretted that it was not, because the design of the grounds is disconcerted by the presence of so conspicuous a feature, to which they are not at all fitted."

"Why was this not done?"

"Simply because there was a more pressing necessity for proceeding with the roads and other approaches to the Capitol, and Congress was not disposed to make sufficient appropriations for this work, and that which could be best done along with it and at the same time for the terrace."

Objections to the plan.

"What objections have been raised to the plan?"

"I know of but two; one, that the parapet would from certain points obstruct

the view of the building. This had, however, been provided for, as I have already explained, by the division of the terrace, which allows the top of the parapet to come below the plane of vision. The other is not really an objection to the terrace, but to the lack of more direct approaches to the building. There are twenty-one streets leading up to the boundary of the Capitol grounds. If lines of direct passage were to be kept open between all of these, and also between each of them and each door of the Capitol, it would be in every respect better to simply pave the entire area, as Michael Angelo did that of the great open place before St. Peter's, and depend for scenery solely on architectural works, fountains, obelisks, and loggias. But that was not the intention of Congress. To have any suitable sylvan and verdant effect it was necessary to secure some spaces of undisturbed breadth of surface. These have been secured at the least possible expense of directness and amplitude of transcommunication. They are all too few and too limited. To split them further into fragments would be ruinous."

"Why is granite being used instead of marble on the face of wall between the upper and the lower terrace?"

"Because," said Mr. Olmsted, "marble would be unpleasantly glaring. It will not be seen in any general view of the building, and there is no reason why this relief should not be given to those walking on the terrace."

The removal of trees.

"I would like," said the reporter, "to know something about the removal of trees on the Capitol grounds?"

"I have been told," said Mr. Olmsted, smiling, "that an impression has become fixed in many minds that I have ruthlessly destroyed many fine old trees. Near the close of the last session of Congress a member who shared this impression held me up to public odium as a vandal on account of it. I have since received a note from him acknowledging that he had been misinformed as to the facts and expressing regret that he should have made the statement. Some years before I was called to look at the ground, the District board of works had lowered the grade of the street on the east of the Capitol so that it appeared a great unfinished canal, and to pass from it toward the Capitol it was necessary to climb a bank in some places eight feet high. In doing this work the best of the large trees of the Capitol grounds had been partially undermined. It was absolutely necessary that openings should be made toward the Capitol on the level of the street. The question is, was it worth while to attempt to design a plan by which these openings could be made, leaving ridges between them to sustain a part of the old trees? I was advised that Congress had assumed that it would not be worth while, and after a careful examination of the trees I fully concurred in this judgment. The trees had been grown under most unfavorable circumstances, had been much misused, and were all in a decaying condition—I mean the older and larger trees, the loss of which has been so much felt. They had but a few years of life left in them, and had been planted upon a plan adapted to a ground of half the extent and to a building of less than half the dimensions of the present. I was instructed to lay out the grounds with reference to permanent arrangements in connection with the larger building and upon the larger scale. Before doing so I had a thorough expert survey of the trees made, the condition and prospects of each being noted. Nearly all of the larger trees on the east ground were found to be in a decaying condition. Such as were not were marked to be left where they were if practicable, and where they could not be left to be transplanted. If I remember rightly there were a hundred and thirty of the latter class, averaging a foot in diameter."

"How many of them are now living?"

"More than nine-tenths, certainly. Not one died in consequence of its removal. Two or three have been badly injured by storms, others by gas leaks, but nearly all are now in a much more flourishing condition than before their removal."

"You have been speaking of the east ground only," said the reporter.

"True. On the west there were three avenues, like this. [Mr. Olmsted illustrated by drawing a rough diagram of the west ground as it originally appeared, with an avenue through the center in addition to the two now existing.] Upon each side of these avenues stood rows of trees, mostly old silver maples. These thin wedges of green between the avenues had no landscape value. The plan adopted at my suggestion threw out the center avenue, trees and all. Now there are two approaches from the west, one from Maryland avenue, and one from Pennsylvania avenue, with a simple, quiet, unbroken spread of turf between them. This, I think, has some value. The rows of old trees were left on the old avenues retained, but provision was made for the future by setting out rows of young trees outside of them and widening the walks. Several of the old trees still remain, and you can see what their condition is, and from it judge what the condition must have been of the trees that have been removed. Nearly every storm brings down some of their limbs."

A movement in which Washington leads the world.

Mr. Olmsted, in answer to the reporter's inquiries, expressed himself as much admiring the general appearance of Washington city in its later aspect. "The tendency of all flourishing cities now is," he observed, "to divide into more and more distinct districts of residence apart from districts of work and trade, and in these to spread out—to increase more rapidly in extent relatively to population than cities have done hitherto. It results that streets are made wider, building sites larger, and trees and gardens are multiplied. In this movement Washington is leading the world, and, in the main, leading it finely. More than any other of our cities it is acquiring distinctively American characteristics, as of a state of society that has escaped from the necessity of town walls and from the restraints of monopolizing landlords, that can afford to march on in open order, and to straggle a little into the woods and meadows.

"Progress in this rus-urban direction," continued Mr. Olmsted, "may be seen to have been very considerable during the last twenty years in nearly all the notable towns of Europe—Rome, Florence, Milan, Genoa, Paris, Brussels, Frankfort, London, and Liverpool, for example. In all of these the country is coming into the town and the town stretching out into the country; and if we look back a century or two it will appear probable that we are now in the middle of a movement, the final result of which will be that to live in the compact blocks hitherto characteristic of towns will be thought a great hardship, if not positively barbarous. In time the beauty of towns will be found to lie largely in a form of scenery, of which the interest will consist, not in what we now call their decorations, but in the grouping of stately bodies of foliage with architectural masses.

Hints about trees and shrubbery.

"You ask if I have no criticisms to make upon what has been done," he continued. "From my professional point of view there are two defects that may be worth noticing. I am afraid that the street trees have not yet been given sufficient spaces of soil, and that unless these are soon enlarged their growth will be checked and they will become weakly and stunted as their roots attempt to push beyond the pits in which they are planted. On account of the health of the trees, also, the fashion of substituting concrete or asphalt for brick as a surface for the sidewalks is to be regretted. The other defect to which I refer grows out of an excessive use of herbaceous decorations on the street fronts of private houses. These are to be seen in perfection only for a short period, and during those parts of the year when the city is most occupied and visited the ground given to them is apt to appear positively forlorn. Another thing: it is difficult to keep deep grass slopes in nice order in this climate—impossible, I may say, except by a large annual bill of expense. Slopes formed upon long, graceful lines instead of being made formal, stiff, abrupt, and angular, as seems to be the fashion for the time, will be much nicer. There is room for a great improvement in this way, and also in a more general use of evergreen shrubbery and vines. In the selection of planting material for private places along the streets it is very desirable that plants should be selected that appear to advantage early in the spring and late in the fall, if not during the entire winter. The contrasts to be now observed in this respect as one drives through the streets are instructive."

Mr. INGALLS. It is rather a novel method of conveying information on a matter that involves the expenditure of a million dollars to have an "interview" published in the newspapers printed in the RECORD the day after the bill is to be voted upon.

I am free to say that the progress of the work so far does not I think justify any very sanguine expectations as to the great results that are predicted by the Senator from Vermont. As I understand him, there are to be ten additional committee-rooms provided. I can not understand how they can be provided except in some subterranean portion of the structure, so that they will be practically a part of the cellar of the edifice, rather than rooms that are calculated for human habitation.

In this connection I may say also that, without any pretense to architectural knowledge, without having had my intelligence trained by the contemplation of the great marvels of antiquity or of other lands than our own, I am not able to see that anything has been specifically accomplished in the work which has been hitherto done. The approach on the north side of the Capitol seems to be more in the nature of an excavation or a canal than an appropriate and dignified approach to a majestic structure like this; and the pavement has been so arranged that with every waterfall the entire surface is covered with a rippling stream that renders the whole space practially inundated, and it appears to me will result in serious injury to the remainder of the building unless other arrangements have been made for drainage than now appear.

Beyond that, the material that has been employed for the pavement seems to be insufficient. It is already in many places cracked; it has yielded to the elements or else has been insufficiently laid, and I observe also that the joints in that portion of the terrace that is constructed of Scottish granite, I believe, have already begun to separate and part, admitting the approach of water and the introduction of frost; so that unless something is to be done that differs from what has already been accomplished, I confess I should like to be further informed than I am at present upon a subject so important as this.

In this connection while we are speaking about the architecture of the Capitol and the various improvements that may be made, I want to suggest to the Senator from Vermont whether it would not be appropriate to make some provision at this time for the removal of that most incongruous group of statuary which now stands at the entrance of the grounds on Pennsylvania avenue. Sorrow, Mr. President, is usually secluded; men do not go into the market-place to weep for departed friends or in consequence of bereavement; and nations never mourn. So far as that group of statuary is concerned, it seems to me that it should be removed at once to some adjacent cemetery. It would be entirely appropriate upon some grassy plain by a still sheet of water and surrounded by weeping willows and other foliage that indicates the grief and melancholy of nature; but placed at the very entrance to the grounds of the Capitol, surrounded by fifteen-cent lodging houses and beer shops, and amid the continuous din and uproar of street-cars and herdics and vehicles going to and fro, with its snowy surface covered continuously with the feculent dust of the highways, I confess that it never has ceased to offend my sense of the appropriate and the decorous since it was first erected.

I do not know who has charge of these matters, but inasmuch as this bill for the continuation of the architectural decoration of the Capitol and its completion emanates from the committee of which the Senator from Vermont is the chairman, I would suggest that he take this subject also into consideration. I hope before we are called upon to act on this measure we shall have at least the information of which the Senator from Vermont is possessed.

Mr. MORRILL. Mr. President, I suppose we are all thankful that we have given the opportunity to the Senator from Kansas to distinguish himself as he always can in attacking any measure that comes before the Senate.

The PRESIDING OFFICER. The Senator will allow the Chair to interpose. It is the duty of the Chair to remind him that under the rule he can speak but once. The Chair will regard it as the unanimous consent of the Senate that the Senator proceed. ["Go on."]

Mr. MORRILL. I suppose that the chief amount of necessary information is possessed by every other Senator if not by the Senator from Kansas. I do not desire to defend in connection with this subject the statuary that is at the foot of the Capitol. Perhaps the location is as obnoxious to my sense of good taste as it is to that of the Senator from Kansas, although each figure by itself may be, and I think is, a fine work of art.

Mr. INGALLS. How did it get there? Who put it there?

Mr. MORRILL. Neither do I intend to defend the defective concrete pavement that is on the east side of the Capitol. That has turned out as a good deal of concrete pavement throughout the city heretofore has; but since that was put down I think they have ascertained how and where to obtain a much better article of concrete pavement.

This is entirely an independent matter from either the concrete pavement or the statuary at the foot of the Capitol. The document to which I have referred as Executive Document No. 9 explains fully the expense and the plan. I have stated the general results that will be effected. It will be admitted, I think, by all that this plan is the only one that has ever been suggested which has met with almost universal acceptance and exempt from any intelligent criticism; that is to say, it will give the Capitol the appearance of greater strength, of massiveness, of standing upon a firm foundation, and will be something equal to the size and weight of the dome that is now upon the Capitol. The general elevations are confessedly now too thin, too flat. When this is done there will be an evidence of strength, of solidity, that will be obvious to all.

Mr. President, I do not like to have this bill go over upon the criticism of the Senator from Kansas. I hope that every other Senator will be prepared to vote for this bill now, in order that it may go to the House of Representatives and be acted upon at the present session. I can say that it met with the unanimous approval of the Committee on Public Buildings and Grounds, of which I am not the chairman, and I hope it will meet with the general approval of the Senate.

Mr. VOORHEES. Will the Senator from Vermont, before taking his seat, allow me to ask him a question?

Mr. MORRILL. Certainly.

Mr. VOORHEES. As to the group which so offends the taste of the Senator from Kansas, and likewise my own, I would like to know of the Senator from Vermont whether he would accept as an amendment to this bill for the further improvement of the west front of the Capitol an amendment providing for the removal of the funeral furniture off Pennsylvania avenue to, say, the Soldiers' Home, out by the cemetery? I think that would go very far to reconcile not only the Senator from Kansas but some of the rest of us to vote for the bill.

Mr. MORRILL. I wish to say to the Senator from Indiana that I will not accept it as an amendment to this bill, because it is wholly outside of and irrelevant to it, but I will pledge him that I will vote for a proposition to properly remove it, where it will be more appropriate, at any time that a bill may be presented for that purpose.

Mr. VOORHEES. I thought it would be entirely in order on this bill to benefit the western view of the Capitol.

Mr. MORRILL. That is outside of the Capitol grounds.

Mr. COCKRELL. How did it get there?

Mr. MORRILL. It got here under the solicitation of the officers and Admiral of the Navy, and before the monument arrived here. I would say that so far as that monument is concerned, if it should be replaced, as I said to the Senator from Kansas this morning, with a large representation in bronze or marble of a buffalo lassoed upon the plains or pursued by dogs, I would much prefer it. [Laughter.]

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes; and

A joint resolution (H. Res. 121) appropriating $50,000 for the support of certain destitute Indians.

UTE INDIAN RESERVATION.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 241) to repeal section 8 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880.

Mr. ALLISON. Let section 8 of the act of 1880 be read.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The section referred to will be read. Will the Senator furnish the act?

Mr. ALLISON. The bill proposes to repeal a section of a statute. I should like to have the section read.

The Chief Clerk read as follows:

SEC. 8. That the hot springs located in what is known as "The Uncompahgre Park," in the Uncompahgre Valley, and four square miles of land surrounding said springs and within said valley, are hereby reserved, and withdrawn from settlement, occupancy, or sale, under the laws of the United States, and dedicated and set apart for the benefit and enjoyment of the people; and, so far as practicable, the provisions of sections 2474 and 2475 of the Revised Statutes are hereby made applicable to said tract.

Mr. COCKRELL. I should like to know why that is.

The PRESIDING OFFICER. There is a report in the case.

Mr. COCKRELL. The report does not explain anything. I have just read it.

Mr. HILL. There has been a report at a previous session which explained a similar bill, but the report made in connection with this bill does not go into explanations.

This reservation of the spring and four square miles was made in the act of 1880, but it is a fact well known for a long time that the spring has no value whatever. The spring has never been used. The waters have no valuable properties of any kind. It is found that some settlers are there who settled on the lands and improved them before the reservation was made, and their rights are interfered with. As the spring is of no value, it seems that there can be no objection to repealing the clause making the reservation.

Mr. INGALLS. What is to be done with the land? I did not understand the Senator from Colorado in that report.

Mr. HILL. The land becomes public land of the United States.

Mr. INGALLS. The bill does not say that.

Mr. HILL. It was reserved from the public lands, and this bill repeals the act making the reservation.

Mr. INGALLS. Unless there is some declaration to that effect it does not become public land, for it was in no sense a portion of the public domain, and therefore the public-land laws would not apply.

Mr. HILL. Will the Senator from Kansas explain to me why it was not a portion of the public lands?

Mr. INGALLS. It was an Indian reservation.

Mr. HILL. It was not a portion of the reservation.

Mr. INGALLS. That has been discussed a good many times. Why was it not part of the reservation?

Mr. HILL. At the time the act of 1880 was passed it was not a portion of the reservation.

Mr. DAWES. I see that this bill was referred to the Committee on Public Lands. There was referred to the Committee on Indian Affairs at this session a bill to correct some mistakes in the original act of 1880, and the Committee on Indian Affairs had the matter under consideration and reported the bill unanimously. I do not know why their attention was not called to this matter, or why this bill took a different course. It has reference to the same act to accept and ratify the agreement made with the confederated bands of Ute Indians.

Of course there was nothing wrong about it; but the Committee on Indian Affairs are entirely ignorant of the necessity of correcting the act of 1880 in this particular, although they were required by the Senate to reform that act and to remove some of the Indians from the place located by the act to another reservation in a distant Territory. It was found that that act required quite a band of these Indians to be located where there was no land, to be located nowhere, and they were obliged to be transferred to some other reservation.

As I said, I do not know that there was anything wrong in this, only it escaped the attention of the Indian Committee in this respect and for this reason.

Mr. HILL. I may be allowed to say a word in reply to the Senator from Massachusetts. The bill to which he refers relating to the removal of the Southern Ute Indians has nothing whatever to do with the portion of the reservation in the neighborhood of this spring. It is a different portion entirely. The spring was upon the public lands near the border of the reservation which was occupied by the Uncompahgre Indians.

Mr. DAWES. I have no knowledge of the desirability of preserving this little tract as a park. When the original act was before the Senate it was represented by those advocating it that here was a valuable spot, like the Hot Springs in Arkansas, that should be reserved, in the language of this section, for the use of the whole people of the United States. Of course the Senator has information about it that I have not. If it is of no more value than any other part of the public domain, I do not see why it should not be opened; but it has been my experience in the last twenty-five years that the more valuable as a public reservation one of these spots is, the more anxious the people are to have it opened as public domain, and as the value increases so increases the intensity of the desire to have it opened. I have but to allude to the new zeal that has sprung up in certain quarters to have the National Park appropriated to private use. There seems to be an almost irresistible zeal just at this moment to appropriate that whole National Park to private use.

I do not make these remarks intimating that the Senator has any such motive or that those who propose this bill have, but to suggest to the Senator that possibly there may be behind this a praiseworthy desire of profiting by getting possession of valuable real estate.

Mr. HILL. There were some *bona fide* settlers upon this land before the passage of the act of 1880. They are simply farmers living there and cultivating the soil in good faith. There are no speculators, speculators that I know of, concerned in this question.

Mr. DAWES. How could they be there if the land belonged to the Ute Nation?

Mr. HILL. They were not on the Ute reservation. It may have been thought by the Indians that the hot spring was on the reservation, but after making survey of the lines it was found not to be on the Ute reservation.

Mr. DAWES. Of course I do not antagonize the Senator.

Mr. HILL. From my own personal knowledge I can say that the spring is valueless, and is so regarded throughout that portion of the State. There is no reason why it should be reserved.

Mr. ALLISON. This was a subject of rather severe controversy a few years ago, and at that time I had occasion to make some examination in regard to it. An agent of the Indian Department reported to us that there was value in these springs. Of course I would not undertake to say, in the face of what the Senator from Colorado now says, that there is any special value in these springs, but there is one thing very certain, that the Indians believed that these springs were upon their reservation; they acted upon that idea; and that was one of the principal difficulties which originated the trouble in this region with the Uncompahgre Utes, that certain settlers or people went in there and took the valuable agricultural lands in this valley for agricultural purposes, and the Indians complained about it, and said the ground was on their reservation. Now, it may be that on some close and careful survey of that reservation and by some construction it may be shown to be outside of the reservation, but it was understood at the time by all the Indians that this was a part of their reservation. These people, in the face of that complaint and in the face of that claim on the part of the Indians, went in there and occupied these valuable lands.

I undertake to say that if this bill is passed the Government of the United States will not receive one dollar from these lands, and it is not expected that the Government will receive any sum for these lands. These settlers, as they are called, these people who went there in violation of law and without authority of law, are coming now after the lapse of three or four years to ask us to allow them to take these lands as though they were original homestead settlers under the authority of the United States. These lands are valuable; they are worth to-day from $50 to $100 per acre. I do not believe that it is fair and just on the part of the Government of the United States, after having expended all the money we have expended in regard to these Indians, to allow these settlers to take these lands at a nominal price.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. It is the duty of the Chair to inform the Senator that he has already spoken on this bill; but it will be understood to be the unanimous consent of the Senate that he may proceed, unless objection is made.

Mr. HILL. If there is no objection I should like to say a word. The question as to whether these lands were originally Indian lands or not it seems to me is of no importance now. The Indians ceded the lands to the United States; they parted with all the right and title they had in them. I can not see, therefore, that it makes any difference to-day whether this spring was on the Indian reservation or not.

As to these people getting title to the lands for nothing, I do not know under what conditions the Senator from Iowa supposes they can obtain titles without paying the Government.

Mr. ALLISON. What does the Senator expect will be paid for these lands?

Mr. HILL. The abandonment of this reservation does not give these parties any rights which they would not have under the general laws relating to the disposal of the public lands.

Mr. ALLISON. I understand that perfectly, but it was the fact that these people came in and took these valuable lands when they had no right to them, and now under that original claim they ask the Government to let them have the lands at a dollar and a quarter an acre or as homesteads, or whatever the law may be in reference to them.

Mr. HILL. They must take them on the same terms as they would take any other public lands.

Mr. ALLISON. But they have no right to so take them, having originally taken them wrongfully. That is my objection.

Mr. COCKRELL. What is the land worth?

Mr. HILL. I do not know; I can not say what the land is worth; I have no means of knowing. They are like any other farm lands in the mountain valleys, but whatever they may be worth, the title to them must be acquired in the same manner as to any other lands.

Mr. COCKRELL. How far is it from any town or city?

Mr. HILL. Nine or ten miles from the town of Ouray, the nearest village of any importance.

Mr. COCKRELL. Is the country thickly settled around it or simply grazing land?

Mr. HILL. That portion of the valley is settled with farmers. The whole valley nearly is settled now with farmers owning their tracts, of generally one hundred and sixty acres.

Mr. COCKRELL. It makes a great deal of difference whether the Government has reserved that land and held it until it is valuable, or whether it is part of the ordinary public domain, which any one can take and very few want to take.

Mr. HILL. These people were on the land long before the reservation was made.

Mr. COCKRELL. Before the Indian reservation was made?

Mr. HILL. Not before the Indian reservation was made; but, as I have said, this is not upon the Indian reservation. If it was, the settlers had no right whatever to be there; they were encroaching on the rights of the Indians; but they were allowed to remain there and they are there now, and I do not see that any injustice can be done to anybody by making these lands public lands of the United States subject to entry on the same conditions as any other public lands. The bill gives these people no peculiar rights or privileges, as I understand.

Mr. INGALLS. Mr. President, this is an old controversy, and one with which I am very familiar. The whole subject has been on more than one occasion before the Committee on Indian Affairs, and I am at a loss to know by what precedent or authority the bill could have been referred to the Committee on Public Lands at this session of the Senate. The Committee on Indian Affairs had ample advice about this whole subject. They have been long familiar with the efforts of squatters and unauthorized persons to obtain possession of this exceedingly valuable piece of property. When the Senator says that it was never included in the Indian reservation, he forgets the controversy which arose in consequence of the effort by a juggling survey to change the line so that it was thrown out of the Indian reservation. That matter was before the Committee on Indian Affairs at least two sessions ago, and it was the unanimous conclusion of the committee at that time that this land belonged to the Indian reservation and that there was an attempt to deprive the Indians of it by a fabricated survey by surveyors who were in collusion with the parties who were endeavoring to appropriate the territory.

Mr. HILL. May I interrupt the Senator to ask a question?

Mr. INGALLS. Certainly.

Mr. HILL. Did not the Committee on Indian Affairs at that time report favorably upon this bill?

Mr. INGALLS. Upon the bill for the perfection of the agreement made between the Government and the Ute Indians we did; but so far as this particular tract is concerned it has always been in controversy, and there never has been a doubt in my mind nor in the mind of any person who has taken the trouble to examine it that there has been a deliberate and studied and pertinacious and persistent effort to obtain possession of this territory in violation of the rights both of the Indians and of the Government of the United States.

Mr. President, this tract of land embraces four square leagues adjacent to the hot springs that lie near the town of Ouray. It is an important mining center in what is known as the Uncompahgre region, and long before the agreement was made by which the Indians agreed to release their right to this territory men had gone in there in violation of law and squatted upon the territory and made their farms and their gardens. It is practically absolutely indispensable, as I understand, to the support and maintenance and welfare of the mining population about Ouray. It comprises practically all the arable land there is in that valley which can be used for the purposes that I have mentioned, and this bill simply proposes to repeal the act, which was in itself a compromise, by which this land was segregated from the remainder of the reservation and the public domain for the purposes of a public park, and that provision of Congress has been nullified, because instead of being used as a public park it has, in fact, been cultivated, occupied by farmers and by gardeners and others as a source of profit in the raising of grain and vegetables for the purpose of supplying the miners of that locality.

The PRESIDING OFFICER. It is the duty of the Chair to lay before the Senate the unfinished business, the hour of 2 o'clock having arrived.

PRIVATE LAND CLAIMS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories.

Mr. COCKRELL. I have an amendment to offer. I have submitted it, and it has been printed. Let it be read.

Mr. INGALLS. I should like to offer an amendment to the text of the bill, if the Senator from Missouri contemplates offering a substitute.

Mr. COCKRELL. No, I want to offer an additional section.

Mr. INGALLS. Will the Senator allow me to give notice of my motion, which is to strike out, in section 2, after the word "courts," in line 35, the word "which" and what follows in lines 36, 37, 38, 39, 40, 41, and 42 to the semicolon. I should like to have it reported by the Secretary.

The PRESIDING OFFICER. The Senator from Kansas offers an amendment, which will be read.

Mr. BAYARD. I do not understand this. The Senator from Missouri has an amendment first which is intended to be offered.

Mr. COCKRELL. I yielded to the Senator from Kansas to let him offer his amendment now.

Mr. BAYARD. Very well.

The PRESIDING OFFICER. The amendment of the Senator from Kansas [Mr. INGALLS] will be read.

The CHIEF CLERK. Beginning in line 35, section 2, it is proposed to strike out—

Which Supreme Court shall retry the cause, as well the issues or questions of fact as of law, and may hear testimony in addition to that given in the court below, and may amend the record of the proceedings below as truth and justice may require; in which Supreme Court of the United States every question shall be open, and its decision shall be final and conclusive.

Mr. BAYARD. I hope the amendment will not be adopted.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Kansas.

Mr. INGALLS. Mr. President, I do not recall any important measure that has been before the Senate in the last ten years during the pe-

riod of my service here about which there has been so much said and so little known. We are absolutely without information as to what this bill is to accomplish or the necessity for the very extraordinary provisions that it contains.

This provision which I propose to strike out I believe is an anomaly in legislation. I do not think there can be found in the statute-books of the United States, from the inauguration of this Government down to the present time, a provision that the Supreme Court of the United States shall retry causes that are taken before it on appeal, questions of fact as well as of law; hear testimony in addition to what is given in the court below, and amend the proceedings below as truth and justice may require; giving them absolutely the authority to try these cases on appeal *de novo*, to hear oral testimony, and to amend the record as they see fit. I should be glad to hear from the Senator from Delaware some reason for this most extraordinary and anomalous provision.

In 1854, thirty years ago, by a statute that remains unrepealed, the surveyors-general of the United States for these districts were required to ascertain and report a full statement of all the grants that existed under and by virtue of the treaty with Mexico, and submit the report to the Congress of the United States for such action as it might deem proper to take; and why it is that after this long interval of time we are without information as to what action has been taken, what interests there are to be affected, how much property is involved, I know not. At the same time, without telling us whether there is one acre that will be affected by the provisions of this bill or twenty million acres, we are asked without instruction to agree to these extraordinary provisions and in effect nullify all that has been done by the court below by declaring that the Supreme Court of the United States shall act *de novo* in all these cases.

I have listened to this debate, which has now been proceeding for a week or ten days, with the vain expectation that at some time in its progress we should be advised of the reasons and the necessity for the adoption of this legislation; and I venture to express the hope that the Senator himself having charge of the bill will see the absolute impropriety of making such an innovation as this upon the long-established practice of the Supreme Court without some further explanation than we now have.

Mr. BAYARD. Mr. President, the length of the debate on this bill has undoubtedly been wearying to the patience of that little handful of the members of the body who have given it much attention. I know no member of the Senate who gives more careful, assiduous, and intelligent attention to the business of this body than the Senator from Kansas [Mr. INGALLS], and therefore it is that I am surprised to learn now that, although this very question to which he now refers was raised by the Senator from Arkansas [Mr. GARLAND] yesterday, as will be found on page 979 of the RECORD now lying on his table, the Senator from Kansas was not aware that such a question had been raised, and that an answer after one fashion or another had been made to it by me.

Mr. INGALLS. Not upon a motion to amend, I think.

Mr. BAYARD. Not upon a motion to amend, but precisely the question of inquiry as to the wisdom and expediency of the very provision which the Senator from Kansas now proposes to eliminate from the bill. I think it was suggested by the Senator from Arkansas that the provision was unusual and not according to his judgment; but after the statement which I then submitted to the Senate he concluded that it was better to allow it to remain in.

But, Mr. President, it is my duty to repeat in response to the question of the Senator from Kansas, and in opposition to the amendment which he now has offered, some of the reasons which I gave yesterday. That the Supreme Court sitting in cases in admiralty has always had this power, and frequently exercised it, is a fact which of course the Senator from Kansas is as well aware of as I am.

Mr. INGALLS. These proceedings are not in admiralty.

Mr. BAYARD. I did not say they were; I merely say that the Supreme Court has in proceedings in admiralty exercised the very right and power given in the present bill in cases relating to these land claims. This very objection was urged to the bill in debate in 1881, at the time the bill received the approval of the Senate. Judge Davis, of Illinois, who had been for so long a time a judge of the Supreme Court of the United States, met the objection by saying shortly that this practice had obtained and been frequently permitted in the Supreme Court. That was his answer, as will be found upon reference to the debates of that period; but I will say something more.

The experience of the last thirty years has shown that the statute of 1854, authorizing the examination by the surveyor-general upon this class of claims and their report to Congress for such action as Congress might see fit to take, has proved an absolute failure, and I will read again, as probably it may shorten this discussion, from the preliminary report of the general land commission. In speaking of the act of July, 1854, the land commission say:

> The law was singularly defective in machinery for its administration, and it imposed no limitation of time in the presentation of claims and no penalty for failure to present. Its operation has been a failure, amounting to a denial of justice both to claimants and to the United States. After the lapse of nearly thirty years, more than one thousand claims have been filed with the surveyor-general, of which less than one hundred and fifty have been reported to Congress, and of the number reported Congress has finally acted upon only seventy-one.

That is to say, favorably and unfavorably. If this was the working of this law for thirty years, it is obvious that some new legal machinery must be found to perfect the obligations of the Government of the United States under these two Mexican treaties. The substantial answer is the necessity of this right to the Supreme Court of the United States, at any moment prior to the finality of proceedings, to take new testimony and to retry the case where they shall believe that justice and right demand such action on their part. The remoteness of this Territory, its scanty population, the semi-barbarism of the people who have inhabited it, the utter irregularity in anything like registration of title or record evidence, the mingling of priesthood and law which has brought about misgovernment in this world wherever the two have met, have created such facility for the perpetration of frauds in the way of coining testimony, in the way of suppressing testimony, in the way of forging testimony in all of its forms, that it has been found necessary to meet them by the most careful examination. Such has been the experience of these thirty years; and the reason why Congress has acted only upon seventy-one out of one hundred and fifty cases has been that over and over again when they had confirmed these grants they have found that they had been hoodwinked by the *ex parte* presentation of cases involving the most enormous quantities of land. Do we not see to-day millionaires created out of men whom we knew a few years ago were bankrupts, and who by one means or another under the action of Congress have possessed themselves of enormous tracts of land in these Territories? We can read in to-day's papers of sales of the most magnificent ranches, of property that has been created out of this ill-considered, unstinted action of Congress in dealing with these lands.

Now it is proposed to create a tribunal that shall give to great and small in that locality the right to go into court to face their adversaries with for the first time the power and opportunity of cross-examination. They are to be confronted each by the rival claimant, the United States to be represented by its own law officer; appeals are to be taken from the findings of these courts below and appeals are facilitated step by step with the right to advance such questions in the hearing until they shall reach the Supreme Court of the United States.

If you ask why give that court under this law the unusual power—for it is unusual in ordinary civil cases—to retry the case and take new testimony, the answer is that some means must be given to keep *pari passu* with the frauds against the Government which may be committed just long enough for the perpetrator to be successful unless up to the very period of finality, before the final decision is given, the right exists to block the fraud and to expose it.

I said yesterday and I here repeat that a case that may be known to the Senator—I allude to it without desiring in the slightest degree to prejudice it, for it comes to a hearing upon its own merits hereafter—a case involving enormous values of a land and mineral character stood before the Supreme Court confirmed by the decree of the district court of one of the States; by collusion and fraud an appeal was taken, docketed, and dismissed in the Supreme Court. An affidavit was discovered in the record below and brought to the knowledge of the Supreme Court, and upon motion and argument duly had they recalled their mandate, they re-established their appeal, and they heard the case as though upon the appeal originally entered, and with what result? That with the power to detect this fraud and the power to exhibit this fraud they found reason to reverse that judgment and they prevented one of the grossest collusions between a district attorney of the United States and a claimant to obtain lands worth millions if not tens of millions in value, simply by the power to arrest it in considering this affidavit which came to the knowledge of the court just before the final decision was to be made in the case. I submit to the Senator that this provision is necessary in view of the temptation of the amount, the distance of the locality, the looseness of the whole social system in that part of the country, a system of registration of titles that scarcely rises to the dignity of being so named. Listen to what the commission say further on that subject. I read now from page 406 of part 1 of volume 25 of the executive documents of 1880–'81, and I will hand the Senator the book.

> With no statute of limitation as to the time of filing these claims, with paper titles of grant held by men and women, stored away in old boxes or carried about their persons, no one can form any estimate of the area yet claimed in New Mexico or Arizona. The surveyors-general and Commissioners of the General Land Office for years past have called upon Congress for the enactment of a statute of limitation as to the time of filing these private land claims. There may yet be 1,000 or 5,000. As time moves along the best evidence is fast passing away, which will necessitate more energy and expense on the part of the United States to head off the prospective modern manufacture of ancient muniments of title.

Then they proceed to give the history of these confirmations:

> June 30, 1880, there were sixty private land claims in Colorado and New Mexico pending in Congress for confirmation, embracing an area, so far as the same have been surveyed, of 4,294,672,473 acres. The largest contains 472,736.90 acres, and the smallest, 1,003.55 acres.

Now, I would submit to the Senator, knowing as I do his anxiety and care to effect justice and to protect the public interests here, whether he thinks it well to omit any precaution which experience has dictated in this precise class of cases to be especially necessary, and whether it is not better as it is not compulsory upon the Supreme Court to take

new testimony but only where justice shall demand, or it shall seem to them to demand, that they are not to be cut off by saying the record is closed and they can not hear new facts and take new depositions respecting them. I submit to him—for I am sure he has the same object that I have and that is to deal practically and wisely and according to the Constitution with this question, every day growing in importance, every day forcing itself more and more upon us, a question that standing where it is now acts as a paralysis upon the development of this Territory—whether he will set his opinion in this case against that which is not mine alone, for I should have great hesitancy in expressing my own opinion in opposition to the Senator and I should claim certainly no undue weight on that side, but it is that of those who have repeatedly and carefully examined the matter, and it has the approval of this very commission, and of the experience not of anything I may say but that continued practice before the Private Land Claims Committee can give to any man, for it has been my fortune to be associated with the labors of that committee for a great many years of my service in this body. One case is good until another case is shown. Claimants come there and present their case *ex parte* and all is as fair as the day. Sometimes even before we can report, with a disposition to examine carefully and report favorably, another case is shown that blows the first case into thin air. There are cases of that kind now pending before that committee in which we are called upon to meet a set of facts asserted on one side, and wholly disputed and denied on the other where I may say it is scarcely within reason to suppose that the cases are ingeniously conducted on either side. You can prove anything by affidavits, and you can prove anything by affidavits and yet avoid the penalties of perjury. Every practicing lawyer knows that fact.

Now, here is it wise to take from the court of last resort the power to transfix a fraud which has turned up only since the case was appealed from the tribunal below by saying that they shall not hear the case anew and take such testimony as may be brought to their knowledge by the Government officials representing the United States?

Mr. President, it is not an impeachment of public duty, but it is simply the statement of a plain fact of common experience that private interests are protected and prosecuted and followed much more zealously than those of the public. A man in public life has the sense of public duty, and he will perform that frequently at the cost of great private displeasure; he will make many enemies and no friends; and therefore it is that it is so easy for a man vested with public discretion, whether it be a vote in the Senate or action as a prosecuting officer, to be facile and gentle and generous with the property of the public. Talk as we may please about it, public spirit is a very rare quality; and in this case where you have well-feed ingenuity on one side and strong private interests, where you have these great land companies who are gathering up an amount of territory that is unwholesome and dangerous in a republic, I say that every safeguard which can be given to the courts to allow them to come at the truth of the case ought to be given and ought to be imposed by law; and I shall be sorry if any of the provisions of this bill, which have been so carefully and for years past considered and studied by the committee having it in charge, shall be stripped from it by the Senate unless there shall be some overpowering and overruling consideration of public duty for doing so.

No objection whatever can be urged to the right of the Supreme Court to take testimony anew for the purpose of detecting and overthrowing fraud where the case discloses the necessity for it—no objection except that of the absence of that right in ordinary practice and some possible inconvenience. The machinery is there. In other forms of contestation this very practice is allowed. Although it is true that causes of admiralty and maritime jurisdiction form the only class of cases in which at present the practice exists—I am speaking now of cases of appellate jurisdiction, for in cases of original jurisdiction of course the Supreme Court hears the case as any other court of original jurisdiction and takes testimony in the usual form—yet if in a class of cases so important and widespread as those of admiralty and maritime jurisdiction the Supreme Court exercises this power, it is an answer to the question put, and shows why it would be most convenient and proper to extend it to the present case.

I submit to the Senator from Kansas, and I trust he will be impressed by the argument, that in this class of cases we must consider the practical experience of the Government in attempting to carry out its duties so that the citizens shall get their rights and at the same time the public domain shall be protected. Therefore it is that I hope this provision, which I say is not one lightly adopted, which is not in the bill now for the first time—as I have heretofore said, twice it has been before the Senate and twice has met with its approbation—will be retained. I hope the motion to strike it out will not be pressed by the Senator, for I think it might prevent that which has often occurred before, the means of detecting a fraud just in time to prevent its success.

Mr. INGALLS. Mr. President, the Senator from Delaware describes the clause I propose to strike from the bill as one which confides a discretionary power to the Supreme Court of the United States which it may or may not exercise as it may think best in each case that may come before it. If that is the judgment of the Senator from Delaware, his interpretation of the clause does not coincide with mine. Listen to the language:

Which Supreme Court shall retry the cause.

There is no confiding of discretion, it appears to me, in that language, nor is there any selection of the cases in which this power shall be exercised, but in every case that may come to the Supreme Court of the United States on appeal from a Territory or from a State the Supreme Court shall retry the cause, not hear it upon the appeal, but "shall retry the cause, as well the issues or questions of fact as of law." If the Senator from Delaware thinks that is the employment of language which intrusts the Supreme Court of the United States with the discretion to try or not try as they may please any case that may come before them, then his understanding of the English language is different from mine. And the last clause is as follows:

In which Supreme Court of the United States every question shall be open.

That means, if I understand the use of language, that no point shall be considered as settled, but that absolutely in every cause that may come up, no matter whether there is allegation of fraud or not, the case shall be retried as to both the issues or questions of law and of fact, and that every question, whether of law or of fact, shall be an open question. If it does not mean that, irrespective of the allegation of fraud, irrespective of the allegation of misconduct in the courts below, the Supreme Court of the United States is to sit *de novo*, then I can not comprehend the use of the English language.

Mr. President, there are few episodes in American history that are more interesting than the Spanish colonization of New Mexico, stimulated through centuries by the desire for the precious metals, extending northward from the city of Mexico beyond the city of Denver, finally retiring and leaving little to mark its progress except the strange nomenclature of the peaks, the passes, and the streams upon which they resided during their brief colonization. They left behind them a hybrid population that was once fitly described by John Randolph in language that I do not care now to repeat. It is a rainless region, devoid of verdure, where the native population before the occupation by Americans, under the recent stimulus given to civilization by our railroad enterprises, consisted of men without courage and of women without virtue. But I think the Senator from Delaware goes too far when he assumes that this entire system of land grants is based upon perjury, upon forgery, upon the fabrication of titles, upon the manufacture of evidence to such an extent that it is to be presumed that the courts of the locality are either in collusion with the men who are conspiring to defraud the Government or are incapable of detecting frauds that are being perpetrated in the conduct of these causes. It is assuming too much to say with regard to this great system of land grants, which has been conducted in California to a successful and satisfactory conclusion, which in Arizona has been reduced down so that there are but twenty cases remaining undetermined, and those now here for adjudication——

Mr. BAYARD. How many did the Senator say?

Mr. INGALLS. Twenty in Arizona.

Mr. BAYARD. The Senator must have other information than mine.

Mr. INGALLS. The Senator should not misunderstand me. I do not mean the entire number of cases remaining undetermined, but in the Territory of Arizona undetermined.

Mr. BAYARD. I have heard that question asked in committee for the purpose of obtaining the opinion of apparently intelligent men upon the subject, and I never heard any attempt to give a positive answer. It was a mere estimate; mere guesswork. There were fewer in Arizona than there were in New Mexico; Arizona was carved out of New Mexico; but the claims remaining for the two Territories are, as I said, somewhere between 1,000 and 5,000. How many of them there are in Arizona I do not know; we have never been able to get a very decided opinion even from very well-informed persons on that point.

Mr. INGALLS. I understand that in California, where many of this class of cases were originally found, the whole matter has been adjudicated satisfactorily.

Mr. BAYARD. This bill does not apply to California.

Mr. INGALLS. So I understand. It appears that in California, where there has been a greater stimulus to immigration, where there has been a more active controversy about the possession of lands than in almost any other portion of our continent, these cases have been adjudicated satisfactorily by the machinery already provided by law.

Mr. BAYARD. Let me say to the Senator that he is mistaken. They have been adjudicated, but no man can look back over the history of that California adjudication and not pray to save any other country from such a scheme.

Mr. INGALLS. Well, Mr. President, I am not willing to cast wholesale imputations upon the integrity or upon the honor or the intelligence or uprightness of the tribunals of my country. I say that the contests which have arisen under the Mexican land grants in California have been adjudicated by the machinery existing to the satisfaction of those who are most directly interested, so that there is, and for a long time has been, practical acquiescence in the adjustment; and it has so far proceeded in the Territory of Arizona that, as I am informed by those whom I believe to be possessed of the requisite intelligence to form an opinion, there are not to exceed twenty cases to-day, and in those the testimony has been presented, is agreed upon, and will be accepted by all parties as entirely satisfactory for a basis upon which to decide the claims.

Now, Mr. President, when we have

Thus far into the bowels of the land
* * * march'd on without impediment,

when the courts have acted, when vast tracts have been determined and the ownership agreed upon, I am unwilling to say that in those cases which remain we shall assume that there is such a basis and substratum of personal fraud, that forgery has been reduced to a fine art and false-witness one of the habitual practices of society, that we can not trust a Territorial court, nor the State courts, but must overturn and subvert the whole fabric of our jurisprudence, and declare that in these cases, and these alone in civil practice, the Supreme Court of the United States shall retry them upon every question both of law and fact, assuming as the basis for that declaration that the testimony is fraudulent, that the witnesses are perjured, and that the written testimony and documents are fabricated. I think that is going too far, and I believe that upon further suggestion the Senator from Delaware himself will see that his assumptions have been too broad, that they are, as Burke said, an indictment against an entire people that can not with justice be sustained.

I can see no reason why we can not trust the ordinary system of courts under the safeguards that we throw around them for the punishment of perjury and of forgery with the detection of these cases; and I hope that the Senate will not assume, by agreeing to a provision so extraordinary as this, that the Supreme Court is to take it for granted that everything that has been done has been in pursuance of the action of courts below that have been either in collusion with crime or have been too stupid to detect it.

Mr. BAYARD. Mr. President, I do not want the suggestion of the Senator from Kansas to go unqualified, that there has been a sweeping charge against the judicial tribunals of the country by whom the California land cases have been settled. I said nothing of the kind; I intended to say nothing of the kind; but I did mean to say that, owing to the utterly loose and chaotic condition of Mexican law in those distant Territories at the time of their acquisition by the United States, all of those things that we consider safe, and regular, and usual were almost in every case wanting. To sustain that I will take the language of the Supreme Court of the United States, which I read to the Senate on the last day of January, in the case of Rodigues *vs.* The United States, and will read from the judgment of Mr. Justice Miller on this subject, complaining, as he says, that—

> No class of cases that come before this court are attended with so many and such perplexing difficulties as these locations by survey of confirmed Mexican grants in California.

Confirmed how? Confirmed by a commission, with an appeal to the district court. The court say that with such confirmation their hands are tied; they cannot retry the case however obvious it is to them that injustice has been done and that fraud has been successful. Said Judge Miller:

> The case before us is an example containing as many of the perplexities to which we have alluded as can well exist in one case. Its consideration requires an examination of three different claims which have, each independently of the other, been carried through the board of commissioners and courts and finally confirmed. (1 Wallace, page 589.)

It was for want of just such machinery as is suggested by this bill that such a condition of affairs could exist—three claims for the same land confirmed before the same courts, the same tribunals, and the Supreme Court unable to open the judgments to retry such a state of facts and law and to declare that which common sense and justice proclaims for itself, that there could be but one legitimate owner.

Mr. HARRISON. Will the Senator from Delaware allow me to call his attention to a suggestion that strikes me in this connection? I find that section 2 of the bill provides that these proceedings "shall be conducted as near as may be according to the rules of courts of equity." The part of the section which the Senator from Kansas moves to strike out it seems to me does not enlarge the jurisdiction of the Supreme Court in hearing the case on appeal in equity, except as it allows them to receive new testimony. In all appeals in equity, as I understand, they practically retry the case upon the record evidence which was submitted below; so that the only change which is made by this provision is that they are allowed, as in admiralty and prize cases, to issue a commission and take new testimony. If these cases are to be treated as equity cases in the beginning and the appeals as appeals in equity, all that is said in the clause which the Senator from Kansas has moved to strike out would be true of the practice on an appeal in one of these cases, except the clause which allows them to receive new testimony.

Mr. BAYARD. I do not think it is necessary for me to prolong this discussion. It is a matter for the Senate to consider. The question has been debated now more than once, and if Senators think that this safeguard against fraud in these cases is improper to be interposed, they will follow the suggestion of the Senator from Kansas. I can not but believe that this discussion must have affected the judgment of the Senator himself and would make him unwilling to weaken the force of a bill which so clearly has for its object the accomplishment of justice in a very difficult class of cases.

I hope the amendment will not be accepted.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Senator from Kansas [Mr. INGALLS].

The amendment was rejected.

Mr. BOWEN. I desire to offer an amendment which I submitted the other day and had printed. I presume that all pending amendments to the text of the bill are now disposed of.

The PRESIDING OFFICER. The amendment to be proposed by the Senator from Colorado is in the nature of a substitute. The Chair would suggest to the Senator from Colorado that if there be other amendments to the text of the bill they would take precedence of his amendment. Are there other amendments to be proposed to the text of the bill?

Mr. COKE. I wish to offer an amendment. At the end of section 11 I move to add the following proviso:

> *Provided*, That minors, married women, and persons *non compos mentis* shall have one year after the removal of their respective disabilities in which to make their claims under the provisions of this act.

Mr. BAYARD. I shall not object to that amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Are there other amendments to the text of the bill?

Mr. McPHERSON. I wish to give notice that when the bill is reported to the Senate I shall again move my amendment to the seventh clause of the twelfth section of the bill, and I shall probably have other amendments to offer then.

Mr. COCKRELL. I offer the following amendment as an additional section, to come in at the end of section 13, to be section 14 of the bill:

> That the Attorney-General of the United States, for the purpose of correcting the boundaries of any survey where said boundaries are incorrect, is hereby empowered to authorize the use of the name of the United States as plaintiff, and to order suits in all cases where he becomes satisfied that false and fraudulent surveys have been made, so as to embrace lands by said fraudulent surveys which do not fairly and honestly belong to the tract or tracts of land covered by the grant; and this rule shall apply to all grants where the tract has been enlarged by false and fraudulent surveys. And it shall be the duty of the Attorney-General to order suits for the forfeiture of such grants or their correction, so as to make them embrace only the lands properly covered by said grants in all cases where the tracts of land covered by the grants have been enlarged by such fraudulent surveys.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

Mr. BAYARD. I think that the bill is already sufficiently guarded in that particular. We are now for the first time bringing these parties into court, where they are to have their testimony tested under the rules of cross-examination. I think that this or some such provision ought to be the general law; it ought not to be confined to these Territories, if it be right and proper (and no one can doubt it) that where false and fraudulent surveys have been made so as to embrace lands which do not fairly and honestly belong to the tracts of land confirmed it should be the duty of the Attorney-General to order suits for the forfeiture of such grants.

I say to my friend from Missouri that under our present laws, while forfeiture may not take place, a rectification of false surveys can take place. I see that already proceedings have been taken, I think in Colorado, by the Attorney-General or under his direction, to break down a system of inclosing the lands along the river fronts by the wire fences which are now so expeditiously erected. That is under existing law. The power I think would exist equally in regard to these cases. If this proposed section be right (and I do not say it is not in the abstract), it ought not to be confined to these Territories and States; it ought to be the general law of the United States.

I ask my friend whether he would not be content to submit his measure to the Committee on Public Lands, that they may report a bill not simply as affecting the Territories now under consideration, but affecting all the public lands of the United States where false and fraudulent extensions of lines have been made by claimants. I hope he will not press it on the present bill. The charge has been already made that this bill is multifarious. It certainly is meeting with a great deal of objection, which I do not deprecate in the slightest, for the bill is very important, but it is a bill not so readily understood, for it deals with a very complicated and intricate subject. I therefore shall regret to find any additional section added to it. The present proposition is one which seems to me to be fair and wholesome enough, but it ought to be a provision of general law applied to all the States and all the Territories where there is public land.

Mr. COCKRELL. This bill relates directly to the private land claims in the States and Territories named. Some of those claims have been confirmed, and after the confirmation there have been extensions of the surveys, in fraud of the rights of private citizens. My amendment simply authorizes those parties to test the validity of the grants that have already been made, some by Congress. It is just, it is right; the Senator sees and recognizes it; and I hope the Senate will adopt it.

Mr. HARRISON. Does the Senator from Missouri think his amendment as framed would cover the case of a grant confirmed by an act of Congress?

Mr. COCKRELL. As to the boundaries.

Mr. HARRISON. I ask the Senator whether the phraseology is broad enough.

Mr. COCKRELL. I think it is. I think it would cover those cases where there is a question as to boundary—not as to the validity of the grant, only the boundary, the extension of it.

Mr. HARRISON. I see no objection to the amendment. I think it

is in the right direction. There have been complaints that some of the grants which have already been confirmed by Congress have been confirmed upon false testimony, and that the bounds of the grants as originally given by the Mexican authorities have been falsely enlarged. I think that the amendment is entirely in harmony with the provisions and the purposes of the bill, and that it should be adopted.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri. [Putting the question.] The ayes appear to have it.

Mr. BAYARD. Let us have the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. INGALLS. I did not clearly understand from the reading of the amendment precisely what the proposition of the Senator from Missouri is; as the yeas and nays are to be taken, I should like to have him state briefly what the object is.

Mr. COCKRELL. Let the amendment be read.

The Chief Clerk read the amendment.

Mr. MORGAN. Mr. President, I like the principle of the amendment offered by the Senator from Missouri. In the examination that I have had the opportunity of making of the land surveys and of the frauds that have arisen under those surveys I think there is great necessity for some such legislation; but it is entirely new. It is conferring a new jurisdiction upon the Federal courts. I am unable to say whether it is a jurisdiction at law or a jurisdiction in equity. The scheme as presented by the Senator's amendment is certainly a very perfect one. It needs elaboration, and it needs to be done with a great deal of care. Suppose you should file a bill in the name of the United States, or bring suit under the language of the amendment in the name of the United States for the purpose of rectifying the boundaries of a private land grant. You first find out the parties defendant. Who are they? The persons interested. I suppose your next inquiry would be whether there had been some false or fraudulent survey. The next inquiry is what would be a correct survey? And the next thing to be done would be an order of the court requiring a correct survey to be made.

There is no machinery in this amendment, neither is there any provided in the general law, so far as I am aware, which would enable any court of the United States to execute its decree in a proper manner. It seems to me that it would be a mistake to incorporate in a bill of this kind an entirely new juridical feature in our system, a new jurisdiction, a new method of procedure, an indefinite one, and one that I think is incapable of execution, unless, indeed, we should confer upon the courts the power to make such rules and regulations as would be necessary to enable a court to execute its decree after it had passed it.

Courts do not usually deal, *in rem* at least, with questions of boundary. They deal with questions of property and right between contestants, but in questions of boundary they do not deal *in rem*. I do not know of any court in the United States that has the power either through its equity side or its law side to direct the survey of a tract of land to be made for the purpose of rectifying the boundaries, unless there is some contestant and unless the decree of the court could confer the title upon some opposing party.

Mr. HARRISON. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN Yes, sir.

Mr. HARRISON. Would not a bill framed as suggested by the amendment of the Senator from Missouri necessarily involve a claim to a recovery by the United States, the plaintiff in the case, of any lands falsely included in the boundaries of any of these surveys? The suits ought not to be brought of course if the contest was between individuals; but if the lands which had been falsely included in the survey belong to the public domain of the United States, then it seems to me the court could decree that fact.

Mr. MORGAN. All the lands of the United States are separated by imaginary boundary lines; one proprietor is on one side of the line and another on the other. A tract of land is supposed to contain, or does contain according to a false survey, 3,000 acres. You cut it down to 2,000 acres. The other man's boundaries by law, after the manner in which we have disposed of the land to him, abut against the boundary which you have rectified. You have got to reach out then and see how much that other man is entitled to. In other words, if you went on the equity side you must have a bill of interpleader to establish the right, not only of the person interested in the particular reservation, but also the rights of all those who are upon contiguous land, so that the subject would spread itself out and would include a great deal more than is included in the amendment of the Senator from Missouri. Hence I contend that this subject ought not to be put in this bill in this meager form, but it ought to be the subject of a separate bill carefully prepared with a view to arranging and settling the boundaries of all contiguous proprietors where the lines may be drawn in. Such a bill, of course, as was suggested by the Senator from Delaware, ought to extend throughout the whole public domain.

Mr. COCKRELL. Will the Senator permit me to interrupt him?

Mr. MORGAN. Certainly.

Mr. COCKRELL. I am astonished at the suggestion of the Senator from Delaware, and now at that of the Senator from Alabama, who ought to know about public lands. There is no controversy about the subdivisions of a section or quarter section or anything of that kind. Here is a grant to a corporation thirty by forty miles square or five by ten miles square. There is an indefinite description running in a certain direction. The United States surveys do not run in that way at all. The boundaries have been made to lap over five or six miles on this side or the other side. The grantees claim that the boundary can be put there by the indefinite terms of description, the metes and bounds. Now, we want to test that question, because the United States owns whatever of the public land is not honestly and fairly included within the terms of the grant, and the bill will not apply to anything but private land grants. That is all there is about it. You can not make a bill that will apply to anything else; there is no other subject-matter for such a bill.

Mr. MORGAN. I suppose, though, there is such a thing, after all, as two private land grants abutting upon each other, and in a case of that kind the Government of the United States would not own the land, but the other party would own it, unless by some decree or in some way or other you had the power to adjust his rights in the same suit in which you cut down the first survey.

I do not pretend to know all about the public lands, and I think a man would claim very great wisdom if he assumed to understand all about the complicated system of public lands resulting from our very wild and vague legislation on that subject. But the Senator from Missouri evidently does not understand all about it either, because in respect to some of the Government surveys, as he calls them, there have been great frauds, and they have originated in this way: Men are permitted to run out beyond the boundary. The ordinary surveys run out upon townships and range lines, but after they have got a certain distance, a certain number of townships out into the wilderness, or wherever it may be, they stop and they survey the land off into sections and into other subdivisions, and in that way it is brought into the market. The lands are designated, they are paid for by private individuals who make private surveys subject only to the approval of the surveyor-general of the particular district in which they are made. Now, frauds have crept in; no, I do not say crept in; they have rushed in, they have come tumultuously in upon the public domain; and that is a subject which is giving at least to the Land Committee of this body a very great deal of concern as to how to correct those frauds and how to prevent them in the future. We can get a system, and I hope that the Senator from Missouri will introduce a system, by which we can reach this question in a proper sort of proceeding. It must be a peculiar one. It is bound to be statutory, and its definitions ought to be made very distinct, and the plan of it and all the means of its execution ought to be elaborated with a great deal of care. But the amendment does not do it. It simply hints at the subject. The amendment will only introduce into the bill a subject of difficulty and embarrassment to the courts. It does not clear up difficulties, it merely suggests them.

Mr. INGALLS. The amendment of the Senator from Missouri is not very critically drawn. It contains language that ought not to appear in a statute; it is vague and indefinite in many of its provisions. While it relates to a subject that merits consideration and that ought to be perhaps included in the bill by some provision, I do not think upon the casual inspection I have been able to give it that it would accomplish the result which he desires. The words "fairly and honestly," for instance, do not properly belong in legislation. If the land is included in the grant, it is included in it; it is not necessary to say "fairly and honestly" included in it.

Again, with regard to the authority conferred upon the Attorney-General, he is only empowered to act where he is satisfied that irregularities have existed. There ought to be some definition as to the allegations that should justify him in using the name of the United States. It ought not to depend upon such a vague and indefinite term as that he shall be satisfied that wrong has been done. Therefore, I shall not be able to vote for the amendment, although I think some legislation on the subject ought to be adopted.

There is another class of cases not mentioned in the amendment which require some consideration by the Senate. I have been through the country that is covered largely by these grants, as I suppose many members of the Senate have been. The streams are scanty; the mountains are either valuable for minerals or for the sparse timber that grows in those localities; the valleys are narrow, and the inhabitants depend for their agricultural subsistence upon irrigation. The banks of the little streams that flow down from the mountains are the chief habitation of the people who are not engaged in mining or in forestry. In violation of these grants, or supposing that they may have become extinct in consequence of the failure of their alleged owners to enforce them, people have gone in great numbers on this territory up and down the streams through the Rio Grande Valley and on its numerous tributaries, and there they have small holdings of cultivated real estate upon which they practice irrigation and from which they draw the scanty supplies necessary for their subsistence. There ought to be some legislation by which this class of proprietors shall be protected. If it appears that the alleged owners of those grants have slept for generations upon their rights, and, as in other cases, men have gone on in open, adverse, notorious possession to cultivate the lands, there ought to be some declaration that the owners of the grants should not be heard to say that these men had no claim.

I think the bill is faulty in not containing some provision to protect

those proprietors, and I would suggest to the Senator from Missouri, while the principle that he desires to incorporate is just, that it is not broad enough; it ought not only to authorize the Attorney-General to institute proceedings to annul fraudulent surveys and boundaries that have been secured by fraud but it also ought to protect that class of small proprietors who have been in open, notorious, adverse possession for a generation and perhaps two.

Therefore, if he will receive a suggestion from me I would say it would be advisable to prepare an amendment that would cover both these cases. I think it could be done without much difficulty; but the amendment as at present prepared I think would not meet my approbation, and probably not his upon more minute inspection.

Mr. BAYARD. Does the Senator suggest the idea of interposing the bar of time, of prescriptions against the Government?

Mr. INGALLS. I certainly would interpose the bar of prescription, the statute of repose, against any other citizen claiming against the Government. If the alleged owner, the alleged grantee, has slept for a generation upon his right, if he has neglected or omitted to enforce his claims, either by the courts of the country or by presenting them to Congress, to a satisfactory conclusion, I would say that he should not be allowed at any subsequent period to come in and oust those proprietors who have had this open and exclusive possession undisputed for such a long period of time.

Mr. BAYARD. Would not such possessory titles be respected and considered in courts of justice where possessory actions were brought for enforcement?

Mr. INGALLS. I think they should be, and I think there should be an express legislative recognition of the rights of this class of innocent, honest, and industrious people, who are too simple to take care of themselves. They constitute very largely the native or half-civilized population of New Mexico. They live in adobe houses, in huts, in shanties, in little pueblos up and down the valley of the Rio Grande and its tributaries. They are an upright, simple-minded, industrious population; they have no knowledge of law or of legislation, and we should be unjust to them if we passed a bill attempting to settle this great question without incorporating some provision to place them upon the same foundation as those who have claims under statutes and whose rights are always recognized.

Mr. BAYARD. We only propose now to settle the claims under the treaties with Mexico and to perform our treaty stipulations. I hope that we shall not be ingrafting some new code for private claims entirely outside of the stipulations of the treaties which, and which alone, this bill is proposing to carry into force.

Mr. PLUMB. Mr. President, I called the attention of the Senate to the class of persons in New Mexico to whom my colleague has referred, but I take issue with him in part in regard to their title. They are not, as a rule, trespassers upon any grant whatever. All any one has to do to be satisfied upon this point is to take the map of New Mexico and examine it. On the map of New Mexico is laid down every known grant, with its actual or assumed boundaries. There are thousands of people living in the Rio Grande Valley to-day who are there by reason of no written grant, but who are there by reason of a possession which was conferred upon them by the civil and military authorities at an early day, sometimes going back as far as two hundred years. They are just as much entitled to recognition under the law of Mexico and under the treaty whose provisions we are assuming to carry out as these people who hold a paper grant; and yet the fact that they are not covered by any grant is conclusively shown, as I have said, by an inspection of the map, wherein it will appear that the ground on which these people are situated is recorded as being public land of the United States, because the surveyor-general of New Mexico, under the instructions heretofore given to him, has only been required to recognize such grants as he found in the shape of the ordinary muniments of title given by the Government of Mexico.

I have here a letter which I received from a prominent citizen of Albuquerque, a Mexican, speaking of claimants of this kind and of the imposition and hardship and wrong which is being laid upon them. If there is a class of people who are entitled to our protection more than any other it is this class. I have no sympathy with men who have large grants; they can take care of themselves. The injustice comparatively that we do to them in compelling them to pay certain costs, &c., I am not concerned about; but this bill will undoubtedly result in wiping out and destroying quite a large land possession on the part of every single one of these small holders.

The Senator from Vermont [Mr. EDMUNDS] said to me the other day (I quote him now because I have no doubt he is willing to be quoted) that he had been besought on behalf of the small grant-holders to do something to prevent the large grant-holders from absorbing them. They have asked us for bread, and this bill gives them a stone. It is as destructive of their rights to-day as though the Congress of the United States should provide that the Army of the United States should sweep down the valley of the Rio Grande and turn every single one of them into its channel.

This letter, addressed to me and dated the 31st day of January, reads as follows:

MY DEAR SIR: Will you be good enough to amend the Albuquerque grant bill so that the commissioner can quiet the title to the valley lands between the Albuquerque grant and the Isleta grant? This valley is all claimed by old Mexican rights, but the absence of title records has enabled pre-emption and homestead claimants to dispute possession with the Mexican owners, and much litigation has followed.

Very respectfully, yours,

FELIPE GARCIA.

I have here a letter written by a former citizen of Kansas, whom I know very well, a gentleman of the highest character, a prominent merchant in the city of Albuquerque, who was here himself the other day, and who told me there were at least 10,000 men, women, and children living in the valley of the Rio Grande upon holdings of this particular kind who would be afforded no remedy whatever under this bill, but would be actually destroyed in all their rights of property by its passage. In speaking generally of this class of cases he says, referring to the Edmunds bill, No. 19, now before the Senate:

Section 10 would seem to cover such cases, but it certainly does not. For instance, the lands in the valley of the Rio Grande when first settled were laid off in narrow strips from 20 to 100 varas or yards wide, running from the river to the highlands, so that the settlers could have access to the river for water, and to the mesa or highlands for grazing, &c. Now, if each one of these settlers or his legal representatives is compelled to fight his case all through the courts, to and through the Supreme Court of the United States, give bond for costs, pay half expense of survey, plats, &c., they might as well abandon their homes at once; for the great majority of them are very poor, not having the common necessaries of life. Is it not a fact that these poor people were compelled by force of arms to become citizens of the United States, and also that their personal and property rights were guaranteed them by treaty? Is it just that they should be put to so much trouble and expense to establish their rights to their homesteads? Hundreds of them only own from three-acre to five-acre lots, on which they live and have small vineyards, and could not raise $50 to save them from execution; and yet the Government proposes to put them to all this expense, and even sell them out if they do not pay for half the expense of survey, &c. The Government surveys and plats lands at its own expense for other settlers, and why not for these?

And so on at great length. But that is not all the hardship. These people have no grant in the sense in which the term "grant" is used in the bill. They have nothing which they can prove up as title. The surveys of the United States have been extended over their holdings. Some of their lands, I doubt not, have already been entered under the homestead and pre-emption laws of the United States. Those simple-minded, inoffensive, innocent people do not take note of the fact that to some man situated in some part of the quarter-section of which he occupies the other part the possession belongs. He does not actually infringe upon that possession.

So the rights of this great Government are growing up around them in adverse hands ready to be used some of these days, and to put them out entirely. This bill, as I said, does actually consummate that very act. There is no provision whereby these people can get into court if they had ever so much money. There is no provision whereby they could get any recognition or standing in court. They were the settlers and soldiers, who at an early day the Government of Mexico, for the purpose of protecting its garrisons, authorized the commanders of the presidios to put upon lands anywhere within four leagues of the posts, stationed as they were in a chain extending from above Santa Fé clear down the Rio Grande to below El Paso, and there they have lived, father and son and father and son, some of them for three hundred years, simple-minded, as I said, knowing nothing about legal proceedings, at the very best that can be said to be turned over to be a prey to the lawyers of New Mexico under this bill, and at the worst, which is the obvious case, to be turned out without any rights whatever. If a grant-holder, a man owning eleven leagues of land, is entitled to the sympathy and to all the time that has been spent by Congress upon this bill, what shall I say for these people who have no means to assert their rights, and who under this bill will have no rights?

I have on my table dispatches which were sent down to me from the Land Office as indicating the steps which are being taken to-day for the purpose of depriving these people of their possessions. Here is a dispatch of the 5th day of January. I asked the Commissioner of the General Land Office, I may say, to send to me anything that he had to indicate the controversy which is going on there and the protection which his office is yielding. He sent me down these dispatches. I may say, however, that among other things, in a letter addressed to the Secretary of the Interior under date of March 24, 1880, the land then under consideration is described as being township 9 north, range 2 east, and township 10 north of the same range. Here is the dispatch of the Commissioner of the General Land Office to the register and receiver at Santa Fé, in New Mexico, some persons having applied to enter some of these lands. The dispatch is as follows:

Require applicants desiring to enter land in townships 9 and 10, 3 east, to submit proof positive that no part of the land is occupied or improved by other than themselves. Reject all other applications.

Why "reject all other applications?" Simply because the Commissioner of the General Land Office, realizing that those Mexicans are living there on what are known in his office and put down on the plats as public lands of the United States, knows that unless he does interpose the power of his office, simply leaving the question of its rightfulness to be determined hereafter, those lands will be taken away from the possession of those people. Here is a telegram that was sent:

Suspend plats of townships 9 north, ranges 2, 3, and 4 east, and townships 10 north, ranges 2, 3, and 4 east. No entries will be permitted by you in any of said townships. These lands are hereby withdrawn for the present.

Why? Simply because the Commissioner of the General Land Office

has ascertained in his official capacity that these lands are occupied in the manner I have described, and he is not willing to become a party to the wrong of their dispossession. But that can not go on forever. Entries slip through, we know how sometimes. Some man obtains his receiver's receipt, and finally his patent; he makes no disturbance of the Mexican until after the muniments of his title are complete, and then he turns up the owner of the quarter-section of land which is otherwise in the possession also of twelve or fifteen or twenty or perhaps fifty families; and the inevitable result follows. Those people can not complain; they can not make themselves heard in the case; they can not make themselves heard on this floor; they are absolutely and unqualifiedly as helpless, and more so, than the inmates of Saint Elizabeth's overlooking this city. As I said, they are entitled to our utmost consideration. In the forefront of every single bill that we pass for the adjustment of titles in New Mexico there ought to go a provision which shall guarantee to every one the full extent of what he is possessed of before ever the question of what any man shall have who is entitled to eleven leagues or more shall be considered.

Mr. HARRISON. Will the Senator from Kansas allow me to ask him a question?

Mr. PLUMB. With pleasure.

Mr. HARRISON. I have no interest in this bill except as I suppose it to tend in the direction of counteracting the schemes of land pirates to swell land grants beyond their proper proportion or to impose pretended grants upon the Government. I had supposed that it was in the direction and in the general interest of the class of persons in whose behalf the Senator from Kansas [Mr. PLUMB] is speaking, and I want to make an inquiry of him. Take the case of any such person as he has described, who has settled and made his little home within the limits of one of these grants. Is there any power in Congress to pass a law which shall take away the title of the person who holds under the Mexican grant and confer it upon one of those settlers unless he has some grant from the holder of the claim itself?

Mr. PLUMB. I am not talking about that class of people; I am talking about the class of people who are not within the limits of any grant whatever, but who are there in their own right.

Mr. HARRISON. Then will the Senator allow me to ask him another question? What has this bill to do with that class of persons? It does not make their case any worse; it leaves them just where they are. If the Senator will propose legislation in the direction in which he is now talking I am sure we shall all concur with him; but this bill does not affect the case of anybody not within the limits of a Mexican grant. If he is there and does not hold under the grantee, I do not see how we can protect him.

Mr. PLUMB. It is the vice of this bill that scarcely any man can tell exactly what it does cover, as I think. I can not at least. The first section provides for the settlement of incomplete Mexican grants. Those people had a grant in one sense. They were put on there, large numbers of them, as I said, by the commanding officers of the various posts. The posts themselves have disappeared; the remnants of them appear up and down the banks of the Rio Grande; some of them still remain, but not as military fortifications of course; some of them have entirely disappeared. Those people were put into possession by just as good authority as though they had been put in possession by the alcalde under the direction of the governor; but with the disappearance of the posts of course has been the disappearance of the records, and those people can not prove the fact. Who is there who can prove anything but possession where the possession has existed for three hundred years, no matter by what title it might have been bestowed, if that is gone? Where is the witness to testify to the lost record? As the Senator from Delaware said a moment ago, there is no presumption against the Government on account of continued possession. The possession of any one against the Government does not ripen into title.

Mr. MILLER, of California. I will ask the Senator from Kansas if those small holdings are not fenced off?

Mr. PLUMB. Some of the subdivisions are fenced and some of them are not. These people have lived together, largely related I have no doubt, and so the question as to whether there was a fence between their holdings or not was of no consequence. The outlines, the boundaries, of their possessions are known to themselves; they run in irregular directions; they do not correspond in any respect probably with the surveys of the United States, and no survey made under our plans would do them any good whatever. They must have the careful and skillful attention of some one specially directed to the segregation of their lands from the public domain.

Mr. MILLER, of California. Does the Senator say that they have no records of their possessions?

Mr. PLUMB. There is no record of the possession and probably never was. There probably was at some time a record of the fact that certain persons were put in possession of certain lands, but in the mean time those persons have disappeared, their immediate descendants have disappeared, and so on until the time covered by three or four or five generations of people has elapsed, and along with the general decay has been the disappearance of the evidence of their title except so far as the land is found in their possession.

Chapter 34 of the statutes of 1875 contains a recognition by Congress of precisely a similar class of people who are to be found in the Territory of Arizona, which we acquired by the same treaty. It is entitled "An act to grant title to certain lands in the Territory of Arizona," and reads as follows:

Whereas certain lands in Santa Cruz Valley, county of Pima, and Territory of Arizona, have for many years been occupied and possessed by persons of Mexican birth, who became citizens of the United States under the treaty of Guadalupe Hidalgo and the Gadsden treaty; and

Whereas the said persons desire to secure patents for said lands in the small and irregular tracts in which they were originally taken up under Mexican authority, and have been held and cultivated to the present time, and they can not do so under the existing land laws of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right and title of the United States to the land embraced in sections 2, 11, and 14, and the east half of sections 3, 10, and 15, of township 14 south, range 13 east, Gila and Salt River meridian, in the county of Pima, Territory of Arizona, be, and the same are hereby, relinquished and granted to the person or persons who have been in the actual *bona fide* occupancy or possession of said land, by themselves or their ancestors or grantors, for twenty years next preceding the date of the passage of this act, &c.

The register and receiver of the nearest land office were authorized, to carry out that act, to have the lands surveyed and to issue to those people such muniments of title as should answer their purposes and fix them in the possession thus recognized to be legal and proper under the treaties which it named, to wit, the treaty of Guadalupe Hidalgo and the Gadsden treaty.

Now we are settling this question. We shall not settle it again. Whatever is passed now while this question is under consideration will be the end of the legislation we shall make for New Mexico. Every one knows how the disposition to legislate upon some particular question rises to a high tide, and how after it has gone the reaction comes and nothing more is done of that kind for years at all events. That country is settling up rapidly. Adventurers of every description are going into the Rio Grande Valley and all the valleys of that Territory, seeking where to get possession. A Mexican is nothing more to them than an Indian is to the ordinary frontiersman where his possession stands in the way of acquiring land. He finds one of these settlers there who has no paper title, and an American has a very high regard for a paper title and for a patent but for no other kind of a title. Gradually they will be crowded out. They will make no complaint; they probably will not even have societies formed anywhere on this continent to stimulate the conscience of Congress and to protest against the injustice we are doing them. But the inhumanity of it will be no less great. Those people are entitled to our consideration; they are entitled to justice. They will not get it in this bill, and when the bill is passed it will be the first step toward the forcible dispossession of every one of the rights which they and those before them have had back to a time before the eastern half of the American continent was settled at all.

Mr. BAYARD. Perhaps I ought to be sufficiently admonished by the remarks of my friend from Missouri [Mr. COCKRELL] not to undertake to discuss a question as to the public land laws of the United States, because there seems to be some necessary logic by which to prove that I should have little knowledge on the subject. Yet nevertheless I do propose to make some reply to the Senator from Kansas [Mr. PLUMB] in regard to his denunciation of this bill and its effect. Without presuming to put my individual opinion of the propriety or force of the bill against his, yet I will array against the Senator from Kansas the opinion of those best informed, according to my judgment, of the condition of the public lands of the United States and of the legislation necessary for them.

The present Commissioner of the General Land Office has carefully examined the measure now before the Senate, and I am given to understand that aided by his criticism it has been in a large degree prepared and meets his entire approval. The former Commissioner of the General Land Office, Mr. John A. Williamson, was the chairman of the land commission which made its preliminary report in 1880, and I find at page 41 of their report a strong approval given to the "bill introduced into the Senate during the present Congress by the Hon. GEORGE F. EDMUNDS." That is the bill which we have now under consideration. I think there must be some strange misapprehension upon the part of these experts in the land laws of the United States and in the effects of this very bill when they are charging upon Congress the responsibility of some legislation that shall give to the smaller claimants the right to come into court and make good their claims—I say there must be strange blindness on their part when a measure that has so met their approval is met on the other hand by the denunciation of the Senator from Kansas. It was but the other day we heard his voice loud and eloquent here in defense of unmeasured land grants. He was not satisfied with giving eleven square leagues of land to any owner, but he proposed that the grant under the bill should be unlimited in extent.

Mr. PLUMB. Mr. President——

Mr. BAYARD. Am I not right?

Mr. PLUMB. No, sir; by no manner of means. I only said that was a question which the court should decide, and which Congress, in view of the doubt expressed about it, might well withhold its decision from.

Mr. BAYARD. When my friend from New Jersey [Mr. McPHERSON] moved to strike out that limitation and debated his amendment, he was corrected and assisted by the suggestion of the Senator from Kansas. I do not think I can be wrong as to the first part of his argument that he did object to Congress placing this limitation of eleven square leagues upon the land to be decreed by the courts to whom the question is to be intrusted. But be that as it may, his arguments then, as far as I could understand them, were in favor of unlimited and great holdings. To-day he seems touched only with sympathy for those who are so poor that they can not enter the courts and pay the costs and take advantage of their rights before the laws of the land.

There is one thing and one thing only that the law of this country and its institutions can produce. It can not make men equal in power and it can not make men equal in fortune. It can give them an equality before the law, but it can not furnish them with the means to enforce that right if Providence should have denied them a larger scale. All we can do in any case and all that any man can ask in any case is the right to be heard before an unprejudiced court, and that is fully done in this bill.

I do not care to continue the debate. It is but repeating, as I think, the statements already made and generally made, I am sorry to say, when not more than a dozen members of the Senate see fit to give the bill any attention. The Senator from Oregon [Mr. DOLPH], who is familiar with these questions by reason of the locality of his home and the consideration to the public land laws which he necessarily would give in that new and vast State, has stated here as his judgment that the plan of this bill is the very best ever yet proposed to Congress. The Commissioners of the General Land Office, both the gentleman holding that office and those who preceded him, have likewise given it their approval. Therefore, I am content to set such judgments as theirs against the sweeping denunciation of my friend from Kansas. I have no idea that there is injustice in any way to the humblest and the poorest.

As to the question of titles long and peaceably held, let me read a few words from a decision of the Supreme Court long ago rendered as to the question of titles acquired from Spain in what is now the State of Florida, decided in the case of The United States *vs.* Wiggins, cited by my friend from Florida [Mr. CALL] yesterday:

> That the perfect titles made by Spain before the 24th of January, 1818, within the ceded territory are "intrinsically valid and exempt from the provisions of the eighth article is the established doctrine of this court, and that they need no sanction from the legislative or judicial departments of this country." (The United States *vs.* Wiggins, 14 Peters, page 351.)

Insert the word "Mexico" instead of "Spain," and the year "1848" or "1853" instead of "1818," and you have precisely the same doctrine: "The titles we are now considering in that Territory, which were intrinsically valid and exempt, * * * need no sanction from the legislative or judicial departments of this country." Nor are they affected by the present bill. As has been said too often to need repetition, it is not the class of cases in regard to which the Senator from Kansas has shown so much solicitude that this bill affects. They need no sanction from the legislative or judicial departments of this country; they are complete in themselves, and they are held entirely independent of the provisions of this bill.

Mr. PLUMB. I have no special solicitude about the large grant-holders. Somebody before I came to the Senate did assist in making a great many improvident grants. Let every man defend himself on that matter as he sees fit. I have no defense to make. I have never voted for the confirmation of one of those grants, and as to the frauds which are being held up *in terrorem* in the Senate, under which millions of acres of land have been taken away from the public domain of the United States, none of those measures were enacted since I have been here, and I am free from all responsibility of that sort at least.

I myself believe that the law of Mexico does limit grants to eleven leagues, but I am not so confident in my own opinion, I am not so thoroughly grounded in that belief, that I am willing to take that opinion as against the opinion of others who are better informed than I am.

My argument in favor of the amendment of the Senator from New Jersey was simply and only that that was a judicial question, which ought to be decided by the courts and not by Congress, and I am not to be deterred from its advocacy by those who compose the Private Land Claims Committee of the Senate throwing in my face the charge that I am solicitous about the large grant-holders. If there be any men who have large holdings in New Mexico they do not have them by my vote; those laws were enacted by Congress before I ever had the privilege of voting upon that question here or elsewhere; and upon those who did that act must rest the responsibility of the great frauds which have resulted from that legislation.

If there is to be a recognition of the possession of these people, why is there not some provision in the bill which mentions them, which confirms their title? These people, as I said to-day, are not protected by the bill or by anything that can occur under it, but their only shelter is the practice of the General Land Office of the United States, which may change at any time.

I know that any amendment which could accomplish what I desire would be subject to criticism, but this subject has been before the Committee on Private Land Claims, and if they knew of the existence of this class of claims it seems to me singular that they did not introduce something for the benefit of those people into the provisions of the bill. But the bill has been brought in here and there has been an admonition substantially that we shall not amend it. It is not to be touched; and of course it comes under great authority, the leaders practically of both sides of the Chamber having united in its behalf, and the Senate, which heretofore could say with reference to the controversies between those two gentlemen that it could be happy with either one of them away, now feel doubly happy in the fact that they are united and that the Senate may follow after them. But I do not propose, in regard to a matter of which I have personal knowledge and of which any one ought to have knowledge who passes upon this bill under the responsibility of his oath as a Senator, to shirk in any way from that responsibility, or if occasion be to mollify in respect to that which I think ought to be done in order to protect substantially the only class of people who can appeal to us for any measure of sympathy or a measure practically of justice. The large grant-holders are in possession of their land; they practically do not need our help. So far as the grant-owners themselves are concerned they do not care whether the bill passes or not. When I consider the provisions of section 9 I have no hesitancy in risking whatever little reputation I have for prophecy in saying that the practice under the bill if it passes will justify my remark that the men who will get anything out of it will be the men who will get what does not belong to them, and that the men who are entitled to something under this Government will not get anything.

Mr. CONGER. Mr. President, the statements of the Senator from Delaware to the Senate, that this bill meets the approval of the Secretary of the Interior and the Commissioner of the General Land Office, in my opinion must have been made unadvisedly. I read from a letter of the late Commissioner of the General Land Office, Mr. Williamson, a distinct statement, which is printed in the report of my remarks, embodying the objections of that office to sending these cases in the first instance to the courts, and earnestly recommending the passage of a bill providing for a commission to prepare the cases, and, if not then satisfactory, that their report might be sent to the courts. That is again indorsed no later than June last by the present Commissioner of the General Land Office, recommending the passage of a commission bill.

I did not rise so much to refer to that as to protect myself against the charge of having made a misstatement in the Senate. I desire to say that the substitute, which is now upon the table, presented by me for this bill was prepared in the Land Office, printed there, and brought to me by the Commissioner of the Land Office within the last few days, stated to be the opinion of the Interior Department, with the approval of the Secretary of the Interior, as a proper bill to be passed. I had the recommendation of that Department that a House bill, which is identical with the measure I have offered as a substitute, before the last Congress met the approval of the Secretary of the Interior and the Commissioner of the General Land Office, and its passage was urged before the House.

I have stated these things and incorporated these statements and copies of parts of these communications in my remarks on this bill; and yet so utterly does the Senator from Delaware ignore a printed statement presented by me that he says this bill meets the approval of the Secretary of the Interior and this bill meets the approval of the Commissoner of the General Land Office, without a word from either of those officers to show any change of opinion from their opinions expressed at the last session of the last Congress, printed in the report of a committee of the other House; and without a word contradicting what I have said, except by innuendo, that the substitute which I have presented providing for a commission was prepared in the Interior Department, meeting the approval of both the Secretary and the Commissioner, this statement is made.

It is due to myself that I should call the attention of the Senate to it. It is due to the Secretary of the Interior and to the Commissioner of the General Land Office that I should, with some authority, deny that they approve this bill. There was printed with my remarks an extract from two points in the report of the Commissioner of the General Land Office, in which in express terms he objects to the passage of this bill and gives good reasons for it, first and second, which were read here in the hearing of the Senate.

Now, sir, there is no power of authority and no weight of influence and no length of continuance in this body that will authorize any one by mere force of authority, without noticing or alluding to what is made public here from the printed documents and records of this Government, either to make such an assertion or to deny the truth of what I have stated. There I leave it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN].

The roll-call having been concluded, the result was announced—yeas 20, nays 33; as follows:

YEAS—20.

Beck,	Garland,	Hawley,	Vance,
Bowen,	George,	McMillan,	Van Wyck,
Call,	Gibson,	Platt,	Vest,
Cockrell,	Harris,	Plumb,	Walker,
Coke,	Harrison,	Ransom,	Wilson.

NAYS—33.

Bayard,	Edmunds,	Lamar,	Morrill,
Blair,	Fair,	Lapham,	Pendleton,
Butler,	Groome,	Logan,	Pike,
Camden,	Hampton,	McPherson,	Pugh,
Cameron of Wis.,	Ingalls,	Mahone,	Sewell,
Colquitt,	Jackson,	Manderson,	Voorhees.
Conger,	Jonas,	Maxey,	
Cullom,	Jones of Nevada,	Mitchell,	
Dolph,	Kenna,	Morgan,	

ABSENT—23.

Aldrich,	Farley,	Jones of Florida,	Saulsbury,
Allison,	Frye,	Miller of Cal.,	Sawyer,
Anthony,	Gorman,	Miller of N. Y.,	Sherman,
Brown,	Hale,	Palmer,	Slater,
Cameron of Pa.,	Hill,	Riddleberger,	Williams.
Dawes,	Hoar,	Sabin,	

So the amendment was rejected.

Mr. PLUMB. I move what I send to the desk of the Secretary as separate sections to be added to the bill.

The Chief Clerk read as follows:

SEC. —. That all the right and title of the United States to the land in the Rio Grande Valley and elsewhere in the Territory of New Mexico occupied and possessed by persons who, or whose ancestors or grantors, became citizens of the United States by reason of the treaty of Guadalupe Hidalgo, be, and the same are hereby, relinquished and granted to the person or persons who have been in the actual *bona fide* occupancy or possession of said land, by themselves or their ancestors or grantors, for fifty years next preceding the date of the passage of this act; and it shall be the duty of the surveyor-general of New Mexico to hear and determine, subject to the approval of the Secretary of the Interior, the rights of the parties claiming under this act; and for that purpose the said surveyor-general shall have power to summon witnesses, administer oaths, and take testimony relative to such occupancy or possession: *Provided*, That no claim as aforesaid shall be of any validity under this act unless it shall have been duly filed with the said register and the said receiver within two years after the passage of this act: *And provided further*, That this grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land, or any part thereof, nor preclude a judicial examination and adjustment thereof, and shall not extend to any tract of land exceeding eighty acres in quantity.

SEC.—. That whenever it shall have been determined by the said surveyor-general, or, on appeal, by the Commissioner of the General Land Office or Secretary of the Interior, that any tract has been occupied as aforesaid, it shall be the duty of the surveyor-general for said Territory to cause the said claims to be surveyed in accordance with the lines of such occupancy, and to furnish approved plats of the same, upon the receipt and approval of which said plats, and field-notes thereof, by the Commissioner of the General Land Office, patents shall issue as in other cases.

SEC.—. That any part or parts of said designated lands that are not shown, to the satisfaction of the Commissioner of the General Land Office, to have been so occupied for fifty years, shall be held by him as open to settlement under the provisions of the pre-emption or homestead laws of the United States, and patents may be issued therefor for any number of acres not exceeding one hundred and sixty that parties complying with said legal provisions may desire to hold: *Provided*, That all existing occupants that have settled on said lands within a period of less than thirty years shall have the prior right to acquire the same under the homestead laws of the United States.

Mr. BAYARD. Mr. President, under the form of being an amendment that is really a substitute, not simply a different plan to effect the object of this bill, but to establish wholly a new system of land claim in these Territories. It is inconsistent with the bill; it is not germane to the bill; and the Senate can do no better if they desire to destroy the whole effect of the measure than to adopt the amendment. I hope it will be voted down.

Mr. PLUMB. I do not desire to reply to the Senator from Delaware. I knew, of course, that he would object to this as to all amendments. The amendment as read is substantially the bill that was passed for the settlement of a similar class of claims in Arizona. This bill, if passed, will act upon the Territory of Arizona on those claims settled, but with a similar class of claims in New Mexico unsettled. Congress very wisely, prior to the passage of any bill for the general settlement of land claims in Arizona, passed a bill recognizing and confirming the rights of these small holders.

Now, there are some amendments which should be made to the amendment I have proposed. I had intended to amend it so as to provide that the surveyor-general of New Mexico should settle these questions, because some claims will be found in at least two land districts, and I intended to limit it, so that it may be subjected to no possible objection, to claims not exceeding eighty acres in extent. If the amendment is adopted, those things can be corrected.

This amendment is not at all inconsistent with the scope of the bill; does not interfere at all with the jurisdiction of the court under the bill as described by the Senator from Delaware. Now I am taking him at his word. He says that this bill does not cover that class of claims, but leaves them exactly as it found them. Then I say that that is an important omission which ought to be corrected, and this amendment corrects it, and does not interfere with the jurisdiction of the district court at all, but simply goes along with it, and takes up a class of claims which, but for this amendment, according to the statement of the Senator from Delaware, would be absolutely left out, and must be provided for by further legislation, and in the mean time I beg Senators to observe that every year that goes by without these claims being settled increases the danger that there will be no claims to be settled, because these persons will be ousted of their possessions.

Mr. HARRISON. Mr. President, it is quite difficult to understand the scope of this amendment from merely hearing it read at the desk, and as we are not likely, I think I may say, to get a vote upon this bill this evening, I ask the Senator from Kansas if he will not be willing to put his amendment in such shape as he would suggest it and let it be printed, so that we may have it before us for closer inspection to-morrow.

Mr. PLUMB. It is now printed in the shape of Senate bill 1209, with the exception of immaterial amendments which adapt it to the position it would occupy in this bill. I am entirely willing, if the Senator from Indiana desires to have the matter go over for examination, that the Senate shall adjourn. It is now late.

Mr. HARRISON. There are some other amendments, and I was going to suggest to the Senator whether some provision ought not to be made withdrawing these lands, if they are now subject to entry under the laws of the United States, and requiring from the surveyor-general or the land office there some report as to these holdings. Instead of attempting to confer an absolute title now, would it not be wiser to put this in a shape that should require the land officers there to report any such holdings as are described in this amendment, and in the mean time protect these parties from the invasion of any who may attempt to go upon their holdings under the land laws? It seems to me if it were put in that shape it would meet general concurrence, and I for one do not see that it would in any serious sense destroy the harmony of the bill. There is not very much harmony about our legislation here anyhow; we are in the habit of putting almost everything in appropriation bills.

I make that suggestion. If it meets the views of the Senator from Kansas, this matter goes over and his amendment is on our tables to-morrow; if it does not meet his views, it will give some of the rest of us an opportunity to put it in that shape.

Mr. HOAR. This bill has been some six or seven days before the Senate, and, if I am not mistaken, nearly every day about 4 o'clock somebody suggests an amendment, and somebody else thinks the amendment would look a great deal better in print and we had better put it off until to-morrow. At the same rate, taking the time which this bill has occupied, it will take, if I have made correctly a hasty computation, about six years to finish the business now upon the Calendar of the Senate. We have not yet dealt with any appropriation bill or any of the very important measures which are still unreported from committees; and it seems to me this bill ought to be disposed of to-day if we sit until 5 or 6 o'clock. The Senate is thoroughly tired, through and through, out and out, with it. It has had four times more of its proportion of the time of the session than its importance warrants, though it is an important measure.

Mr. HARRISON. I was going to suggest to the Senator that there are other amendments which, I think, will occupy the time of the Senate quite as late as it will be willing to sit. So that withholding this amendment does not mean any protraction of the discussion of the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. HALE. I move that the Senate proceed to the consideration of executive business,

Mr. BAYARD. Before that is done I would like to have the amendment of the Senator from Kansas printed.

Mr. CALL. I wish to offer an amendment to the pending bill, to be printed.

The PRESIDING OFFICER. The amendment will be received and printed.

Mr. PLUMB. Following the suggestion which has been made by Senators on both sides of the Chamber, I ask that the amendment which I offered be printed.

The PRESIDING OFFICER. If there be no objection that order will be made. The Chair hears no objection.

Mr. HALE. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 26 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 6, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL AND JOINT RESOLUTION.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 3948) making appropriations to supply deficiencies on

account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes; and

Joint resolution (H. Res. 121) appropriating $100,000 for the support of certain destitute Indians.

APPOINTMENTS BY THE SPEAKER.

The SPEAKER. The Chair makes the following announcements:

For director of the Columbia Hospital for Women and Lying-in Asylum, Mr. I. N. EVANS, of Pennsylvania, in place of Mr. CHARLES O'NEILL, of Pennsylvania, resigned.

For directors of the Columbia Institution for the Instruction of the Deaf and Dumb, Mr. J. R. TUCKER, of Virginia, and Mr. W. H. CALKINS, of Indiana.

Consulting trustee of the Reform School of the District of Columbia, Mr. N. B. ELDREDGE, of Michigan.

ASSISTANT ASTRONOMER, NAVAL OBSERVATORY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Navy, transmitting proposed bill relating to assistant astronomer on duty at the Naval Observatory; which was referred to the Committee on Naval Affairs, and ordered to be printed.

ADVERTISING.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting account of the New York Herald for advertising; which was referred to the Committee on Appropriations.

ARMY OFFICERS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in answer to a resolution of the House of January 15, 1884, the name, rank, and regiment or corps of each Army officer borne on the sick report for long periods or continuously since July 1, 1876, to December 31, 1883, or who is now on sick leave; the length of time each officer who has been retired since July 1, 1882, to December 31, 1883, has been on the sick report or off duty previous to his retirement; the name, rank, and regiment or corps of each officer recommended by a board for retirement and date of retirement of each officer; the number of vacancies in the rank of second lieutenant September 1, 1879, and November 20, 1880; the names of civilians and of non-commissioned officers and enlisted men appointed second lieutenants in the one year ending June 30, 1880, and June 30, 1881; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. STEELE. I ask that be printed in the RECORD for the information of the House.

Mr. TOWNSHEND. It is too voluminous and will fill the RECORD.

Mr. STEELE. A resolution of the House calls for this information, and unless we can get it in this way we will not get it at all.

Mr. COBB. There was so much confusion we could not hear what it was.

The abstract was again read.

Mr. SCALES. Does that require unanimous consent? If so, I object.

Mr. RANDALL. My objection to this request is that it will fill a large space in the RECORD, and as it is going to be printed as a House document I see no reason for printing it in both ways.

Mr. STEELE. This is in reply to a resolution of the House. It is information called for by the House, and it ought to be placed before it in such shape as to be readily accessible.

The SPEAKER. Objection has been made to the printing in the RECORD.

DEPARTMENTAL ESTIMATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates of appropriation required for the various Departments to complete the service of the fiscal year ending June 30, 1884; which was referred to the Committee on Appropriations, and ordered to be printed.

TRUSTEE COLUMBIA HOSPITAL FOR WOMEN.

Mr. O'NEILL, of Pennsylvania, at his own request, was excused from serving as a trustee for the Columbia Hospital for Women and Lying-in Asylum.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. YOUNG for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. RYAN, by unanimous consent, leave was given to withdraw from the files of the House all papers relating to the claim of W. H. Powell.

MOTION TO RECONSIDER.

Mr. COSGROVE. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. COSGROVE. Before stating the question to the House, I desire to make announcement of the fact that my colleague Mr. O'NEILL was absent from the floor yesterday on account of sickness.

The question of privilege to which I refer is with reference now to entering a motion to reconsider the vote on the resolution reported by the gentleman from Tennessee, Mr. YOUNG, on yesterday; I refer to the authority of the Committee on Expenditures in the Interior Department to investigate subjects relating to the management of the Government property at Hot Springs. I voted in the negative, and wish to enter the motion to reconsider that vote and let that motion lie over. If the motion to reconsider shall prevail, then I will ask to introduce the resolution which I now send to the desk as a substitute, and ask unanimous consent that it be read for the information of the House.

The SPEAKER. Without objection the proposed resolution will be read.

The Clerk read as follows:

Be it resolved by the House of Representatives, That a special committee of three members, to be appointed by the Speaker, be directed to proceed to the town of Hot Springs, in the State of Arkansas, and make such investigation in respect to the work now being done upon the Hot Springs Creek, on the Government reservation at that place, and into the management of the hotel, the bath-house property, and hot-water privileges situated upon said reservation, under the act of Congress approved June 16, 1880, and report the result thereof as early as practicable, together with their recommendation as to what legislation is necessary and proper for the protection of the public interest and future management of said reservation and the property and hot water situated thereon.

That for the purpose of paying the expense thereof the sum of $1,000 be, and the same is hereby, appropriated out of the contingent fund of the House, the same to be expended by the Sergeant-at-Arms, under the direction of the committee.

The SPEAKER. The motion to reconsider will be entered

CLAIMS FOR COTTON.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent to introduce for reference the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That all petitions, memorials, and bills for the relief of parties claiming to be the owners of cotton seized by the Union authorities during the late civil war and sold and the proceeds of which have been paid into the Treasury of the United States, pending before the Committee on Claims or the Committee on War Claims at the close of the last session of the Forty-seventh Congress, and upon which no final action was taken by Congress, be, and the same are hereby, referred to the Court of Claims for investigation and report, in pursuance of the act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883; and it is hereby made the duty of the Clerk of this House, upon the application of any party seeking such relief, or his attorney, to transmit to the clerk of said court all such petitions, memorials, and bills, with accompanying papers or proofs pertaining to such claim, on file in his office.

The SPEAKER. Is there objection to the presentation of this resolution for reference to the Committee on the Judiciary?

There being no objection, the resolution was referred to the Committee on the Judiciary.

REPRINT OF A BILL.

Mr. RUSSELL. Mr. Speaker, I desire to offer the resolution which I send to the desk for present consideration.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That 10,000 additional copies be printed of the bill (H. R. 4416) to reduce import duties and war-tariff taxes for the use of the House.

The SPEAKER. Is there objection to the introduction of this resolution for present consideration?

There was no objection.

The resolution was agreed to.

Mr. RUSSELL moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL GOVERNMENT FOR ALASKA.

On motion of Mr. EVINS, of South Carolina, by unanimous consent, the bill (S. 153) providing a civil government for Alaska was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Territories.

MUSTER AND PAY OF CERTAIN VOLUNTEER OFFICERS AND MEN.

Mr. STEELE. I am instructed by the Committee on Military Affairs to offer an amendment to House bill No. 355, now on the Calendar, and ask to have the bill, with the amendment, printed for the use of the House.

Mr. HENLEY. What bill is that?

The SPEAKER. The title will be read.

The Clerk read as follows:

A bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

Mr. RANDALL. Let the amendment be read.

Mr. STEELE. This is offered by instruction of the committee.

Mr. TOWNSHEND. Let the bill and the report be read.

The SPEAKER. That can only be done by unanimous consent.

Mr. McMILLIN. Let the amendment be read for the information of the House.

The Clerk read as follows:

Insert after the word "commissioned," in the eighth line, "or were prevented from performing said duties under their respective commissions by reason of wounds received in the line of duty or by sickness in hospital or ever being prisoners of war."

Mr. RANDALL. That is the bill I introduced in the last session of Congress.

Mr. STEELE. That bill was offered by the gentleman from Pennsylvania in the last session.

The SPEAKER. If there be no objection, the bill will be reprinted with the amendment.

Mr. STEELE. Including the amendment.

The SPEAKER. Including the amendment.

There was no objection, and it was ordered accordingly.

ATTORNEYS PRACTICING BEFORE PENSION OFFICE.

Mr. MATSON. I offer the resolution which I send to the desk and ask for its present consideration.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to transmit to this House copies of all orders and correspondence relating to and preceding said orders in his office or in that of the Commissioner of Pensions relating to irregular practices on the part of attorneys practicing before the Pension Office, arising since the 30th of June, 1881, together with copies of all official charges against such attorneys and the papers relating to the same, and either copies or duplicates of all circulars used by attorneys practicing before the Pension Office which are deemed by the Commissioner of Pensions to be deceptive in their character and designed to defraud applicants for pension.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was adopted.

Mr. MATSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SNUG HARBORS FOR DISABLED SEAMEN.

Mr. THOMAS, by unanimous consent, introduced a bill (H. R. 4691) to authorize the purchase of snug harbors for disabled seamen; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES P. COWENS.

Mr. THOMAS also, by unanimous consent, introduced a bill (H. R. 4692) for the relief of James P. Cowens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK A. LEONING.

Mr. WEAVER, by unanimous consent, introduced a bill (H. R. 4693) granting a pension to Frederick A. Leoning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES CLARK.

Mr. WEAVER also, by unanimous consent, introduced a bill (H. R. 4694) granting a pension to James Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. WEAVER also, by unanimous consent, introduced a bill (H. R. 4695) to amend an act authorizing the construction of a bridge across the Missouri River opposite to or near the corporate limits of Nebraska City, Nebr., approved June 4, 1872; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF RULES.

Mr. WELLER. I desire to submit an amendment to the rules, that it may be read for the information of the House and may be printed in the RECORD.

The SPEAKER. The gentleman from Iowa [Mr. WELLER] desires to submit an amendment to the report made by the Committee on Rules, and asks that it be read——

Mr. RANDALL. Read for information?

The SPEAKER. Read only for information and that it be printed in the RECORD, as other proposed amendments have been.

The Clerk read the proposed amendment, as follows:

Amendment to Rule XXI by addition of section 7:

"SEC. 7. That no bill before the House shall be brought up for final action until a copy of such bill, with copy of the committee's report thereon, has been put on the desk of each member on the day on which final action is sought."

BRANCH SOLDIERS' HOME.

Mr. CURTIN, by unanimous consent, introduced a bill (H. R. 4696) to authorize the location of a branch home for volunteer disabled soldiers in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROSECUTIONS IN WEST VIRGINIA.

Mr. GIBSON. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Whereas the official reports of the Attorney-General and of the Commissioner of Internal Revenue for the years 1882 and 1883 show that nearly one-fifth of all criminal prosecutions in the Federal courts of the several States and Territories for those years were instituted in the State of West Virginia, and that most of such prosecutions were disposed of without trial and without profit to the United States; and

Whereas the letter of the Secretary of the Treasury transmitted to this House on the 4th instant, in regard to the expenses of such prosecutions and other matters relating to the Federal courts in that State, shows an unusual and increasing expenditure by the Department of Justice in the State of West Virginia: Therefore,

Be it resolved, That the Committee on Expenditures in the Department of Justice be instructed to examine and report as to the occasion or necessity, if any, for such increased expenditures, and for that purpose have power to send for persons and papers.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CALKINS. Let it go to a committee.

Mr. GIBSON. If the gentleman will hear me a moment he will see that there are reasons for action on the resolution at once.

Mr. CALKINS. I am opposed on general principles to giving power to any committee to send for persons and papers and make large expenditures unless where a committee of this House first reports a necessity for it.

Mr. GIBSON. I will say to the gentleman from Indiana that the information sought, or much of it, has already been submitted here by the Secretary of the Treasury, and that information is already before the Committee on Expenditures in the Department of Justice. But in conversation with the chairman of that committee some question was raised as to the power to report on this matter along with others. I do not suppose the resolution gives to that committee any other power than that they have now; it merely removes any doubt as to its jurisdiction over this subject.

Mr. CALKINS. Mr. Speaker——

Mr. TOWNSHEND. I object to debate, objection having been made to the present consideration of the resolution; and I call for the regular order.

Mr. GIBSON. Let the resolution, then, be referred to the Committee on Expenditures in the Department of Justice.

The resolution was referred to the Committee on Expenditures in the Department of Justice.

ORDER OF BUSINESS.

The SPEAKER. The regular order is called for, which is the call of committees for reports.

Mr. HATCH, of Missouri. I move to dispense with the morning hour for the call of committees for reports.

The SPEAKER. That requires a two-thirds vote.

The question was taken upon the motion of Mr. HATCH, of Missouri; and upon a division there were—ayes 121, noes 10.

So (no further count being called for) the motion was agreed to—two-thirds voting in favor thereof.

EXTRADITION TREATY WITH GREAT BRITAIN.

Mr. BELMONT. I rise to a privileged report.

The SPEAKER. The gentleman will present it.

Mr. BELMONT. I am directed by the Committee on Foreign Affairs to report back the resolution of inquiry which I send to the Clerk's desk with a recommendation that it be adopted.

The SPEAKER. The resolution will be reported.

The Clerk read as follows:

Resolved, That the President be requested to transmit to this House complete copies of all correspondence between this Government and that of Great Britain respecting the extradition of alleged fugitives from justice that has taken place since the date of the President's special message to Congress of December 23, 1876, announcing that the suspended extradition under the treaty of 1842 had been resumed; and that the aforesaid correspondence be accompanied by *projets* of any new extradition stipulations that may have been submitted by either government to the other since the suspension in 1876 of the operations under the tenth article of the treaty of 1842.

Mr. CALKINS. Let the report be read.

The Clerk read as follows:

Mr. BELMONT, from the Committee on Foreign Affairs, made the following report:

The purpose of the resolution is to enable the Foreign Affairs Committee and the House to examine all the diplomatic notes that have passed between the United States and Great Britain since December 23, 1876, on the subject of extradition, and also to examine any *projets* of new extradition arrangements that may have been made or may have been submitted by either government to the other.

The date December 23, 1876, is taken as a starting-point because the correspondence between the two governments up to that time has been printed. It will be remembered that in 1876 President Grant, exercising the power given to him by the stipulations of the eleventh article of the treaty of 1842, suspended the extradition proceedings under the tenth article. The British Government shortly thereafter abandoned its pretensions, and President Grant revived proceedings under the treaty of 1842. The question then in dispute was whether Lawrence, who had been charged in London by the Federal attorney in New York with the crime of forgery committed several times on distinct and separate charges—and who had consented in London to be surrendered on only one charge—whether he could be tried on the other charges in New York. While that was under discussion President Grant demanded from the British

Government the extradition of Winslow, also charged with forgery. The demand was refused, unless the President would say that Winslow should not be tried in this country excepting on the identical charge on which the surrender might be made. The promise was refused, and then President Grant suspended the tenth article of the treaty of 1842. When the extradition article was subsequently revived the country was told that negotiations were on foot for the conclusion of a more satisfactory convention. But no new treaty has been concluded.

The extradition stipulations in the Webster-Ashburton treaty of 1842 are contained in one brief article, and are now considered incomplete.

The treaty was negotiated in order to define and settle certain territorial boundaries. The articles respecting the final suppression of the African slave trade and the extradition of criminals were subordinate stipulations. The extradition article is little more than a repetition of the twenty-seventh article of the Jay treaty of 1794, enlarged as to crimes by adding to "murder" and "forgery" "assault with intent to murder," "piracy," "arson," and "robbery."

In 1843 an extradition convention was concluded between the United States and France, which specified the crimes of "murder," "intent to murder," "rape," "forgery," "arson," and "embezzlement."

Up to the treaty between us and the Hawaiian Islands of 1849, which only included the five offenses in the British treaty of 1842, the French and British treaties were the only extradition arrangements which the United States had with foreign governments. In 1850 came a treaty with Switzerland. Since then the United States have concluded some twenty extradition treaties, covering more than as many distinct offenses. Meanwhile the old treaty of 1842 between two such great commercial powers as the United States and Great Britain stands unenlarged and unimproved, with 3,000 miles of boundary on the north of us, with British colonies in the West Indies, and with unsurpassed facilities for almost daily departure from the jurisdiction of either country by swift ocean steamers. The existing British treaty only specifies, as I have said, murder, assault with intent to murder, piracy, arson, robbery, and forgery.

Neither burglary, the fabrication and circulation of counterfeit money, bonds, and bank-notes, embezzlement of public money or of private funds, kidnaping, larceny, nor indeed any of the modern commercial crimes are covered by the British treaty. No treaty arrangements exist between these two great English-speaking nations for a preliminary arrest and holding on an application made by cable, nor indeed are there any of the modern appliances for arrest and surrender such as are to be found in recent extradition treaties, and notably in the one concluded last year between us and Spain.

Besides the evident defects in the Ashburton-Webster treaty, to which allusion has been made, and especially the absence of any definite stipulations about the right and power of the demanding government to try for any other offense than the identical one on which the surrender was made, there is the other grave defect that the existing British-American extradition article says not a word about a surrender when the offense charged—as for example, murder—was inspired and committed with a political motive.

Neither is any reference made to political crimes in the treaties which we have with the Hawaiian Islands, with Bavaria, or with Prussia.

The other extradition treaties concluded by the United States exclude any surrender for a political offense.

France, 1843: "Any crime or offense of a purely political character."

Switzerland, 1850: "Those of a political character."

Two Sicilies, 1855: "Offenses of a political character," unless the political offender shall also have been guilty of some one of the crimes enumerated in article 22, which article specifies "murder" and "assassination."

Austria, 1856: "Not to any crime or offense of a political character."

Baden, 1857: "Crimes of a political character."

Sweden, 1860: "Any crime or offense of a political character."

Venezuela, 1860: "Those of a political character."

Mexico, 1861: "Any crime or offense of a purely political character."

Hayti, 1864: "Those of a political character."

Dominican Republic, 1867: "Those of a political character."

Italy, 1868: "Any crime or offense of a political character."

Salvador, 1870: "Any crime or offense of a political character."

Peru, 1870: "Any crime or offense of a purely political character."

Nicaragua, 1870: "Any crime or offense of a political character."

Orange Free State, 1871: "Those of a political character."

Ecuador, 1872: "Crimes or offenses of a political character."

Belgium, 1874: "Any crime or offense of a political character."

Ottoman Empire, 1874: "Any crime or offense of a political character."

Spain, 1877: "Any crime or offense of a political character, *nor for acts connected with such crimes or offenses.*"

It is to be borne in mind that while the British statute forbids the queen or any minister of the crown to surrender a fugitive for the commission of an offense of a purely political character, the laws of Congress make no allusion to the subject.

There was, not long ago, much excitement in this country, it will be remembered, over the rumor that the British Government had demanded of the State Department the extradition of Mr. Sheridan and one or two others, on the charge that one or all of them had been guilty of a conspiracy to murder Lord Cavendish in Dublin. It is proper that this House shall know officially what passed between the two governments in that relation. Did the British Government make or endeavor to make the demand on the State Department? It will be seen that the British-American treaty does not specify "conspiracy to commit murder," although it is true that a British statute enacted since the treaty of 1842 does declare that "murder" shall in England include "conspiracy to murder."

In the existing relations of the two countries with one another growing out of events in Ireland it is certainly of the utmost importance that this House shall know what views, if any, the British Government has taken and expressed on this question respecting the quantity and quality of political motive and purpose which can make murder an inextraditable offense in the eye of her own statute or in the eye of international law.

Can assassination ever be a political offense in the domain of public law? If assassination be defined as murder committed with premeditation and under the inspiration of private vengeance, would the assassin of President Lincoln or of Secretary Seward have been surrendered by the British Government if he had fled to Canada or Jamaica, and the American Government had made the demand? Would British statute have permitted a surrender? It is quite safe to say that the people of the United States will never consent that their Government shall surrender to a foreign power a participant in even an unsuccessful political revolution, rebellion, or civil commotion who has found an asylum on our shores and has been charged by the government he attempted to overthrow with murder, or forgery, or arson committed in the promotion, and only in the promotion, of such political revolt which had then passed beyond the condition of an ordinary violation of law. And for the reason, among others, that the tribunals of the demanding country can not be assumed to be sufficiently impartial to try such a political offender.

In more than a dozen of the extradition treaties made by the United States it has been stipulated that citizens of the country on which the demand is made shall not be surrendered; but, in a great part of those, the judicial tribunals of the foreign state takes jurisdiction of offenses committed by its subjects in foreign countries which the United States do not, because, under our system, an offense can only be tried in the State or district where committed, unless it was committed in an American vessel on the high seas.

There is another reason why this House should take cognizance of what, since 1876, has gone on between Washington and London in respect to extradition. The tendency is increasing among publicists in both countries to regulate extradition by statute, and by statute to give to the judicial tribunals power to arrest and order a surrender to a demanding government irrespective of treaty, and under conditions to be prescribed by the surrendering state. The reason of the tendency is that governments are beginning to see that it is for their interest to be rid of criminals. Caution is, of course, to be exercised in inflicting a sentence of surrender, but no more than in inflicting a sentence of punishment. One of the objections urged in this country against the extradition article in the Jay treaty of 1794 was, that a jury trial was not secured.

An objection against a general statute authorizing the judicial power to sentence a surrender has been, that, in the absence of a treaty, a foreign government might refuse to reciprocate and surrender to us fugitives from justice. But the answer has been made, that such a refusal would work an injury to the country refusing, by making of it a "Botany Bay" for criminals from other nations.

These are some of the reasons which have induced the committee to report the resolution.

Mr. CALKINS. Before the resolution is adopted by the House I would like to know from my friend from New York [Mr. BELMONT] whether he has investigated the subject so far as to be able to inform us about how much work this will impose upon the Department, and, if the information should be given, how much of a volume it will probably make when printed. I do not want to oppose the resolution, but I would like to have the House informed of about the number of pages this information will make.

Mr. HATCH, of Missouri. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH, of Missouri. I understood that this was a resolution of inquiry and privileged and was to be disposed of without debate.

The SPEAKER. It is a privileged report, but is debatable, unless the previous question is ordered upon it.

Mr. BELMONT. I will say in answer to the gentleman from Indiana [Mr. CALKINS] that it would depend entirely on what may have been done since the printing of the last correspondence, which was furnished to Congress December 23, 1876. It does not appear that since that time there has been a great deal of correspondence upon the subject. The purpose of the inquiry is to ascertain how much and only how much there has been. I do not believe that it will be voluminous at all.

Mr. CALKINS. Of course if the gentleman has investigated the subject sufficiently to ascertain that the correspondence concerning these treaties, protests, and the like that have taken place with regard to them will not be voluminous I have no objection to the adoption of the resolution.

The question was taken upon the adoption of the resolution; and upon a division there were—ayes 77, noes 11.

So (no further count being called for) the resolution was adopted.

Mr. BELMONT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HATCH, of Missouri. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of House bill No. 3967 for the establishment of a bureau of animal industry, &c.

Mr. CLEMENTS. I desire to submit a privileged report.

The SPEAKER. The Chair is in some doubt whether, if the gentleman from Missouri [Mr. HATCH] insists upon the consideration of the special order, these reports can take precedence. Does the gentleman from Missouri yield for the presenting of a privileged report?

Mr. HATCH, of Missouri. If it does not give rise to any debate I will not object.

The SPEAKER. The gentleman will present his report.

ABSENCE FROM DUTY OF MINISTERS, CONSULS, ETC.

Mr. CLEMENTS. I am directed by the Committee on Foreign Affairs to report back the resolution of inquiry which I send to the Clerks desk with a recommendation that the same be adopted.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of State be, and he is hereby, requested to inform this House how many and who of the foreign ministers, consuls, or agents of the United States to any foreign country have been absent from their posts of duty since the 1st day of January, 1882, the time absent, and the reasons therefor; and whether their salary has been paid them during such absence, and the amount so paid in each case.

Mr. CALKINS. Let the report be read.

The Clerk read as follows:

The Committee on Foreign Affairs, to whom was referred the accompanying resolution—

"That the Secretary of State be, and he is hereby, requested to inform this House how many and who of the foreign ministers, consuls, or agents of the United States to any foreign country have been absent from their post of duty since the 1st day of January, 1882, the time absent, and the reasons therefor, and whether their salary has been paid them during such absence, and the amount so paid in each case"—

beg leave to report, that they have had the same under consideration, and recommend its adoption.

Mr. CLEMENTS. I call the previous question on the adoption of the resolution.

Mr. CALKINS. I make a point of order on the report.

The SPEAKER. The gentleman will state it.

Mr. CALKINS. My point of order is that the report does not give to the House the information which is required by the rule, if I recollect it aright.

The SPEAKER. The Chair is not aware of the existence of any rule which prescribes the character of the report, other than that it shall be in writing.

Mr. CALKINS. The purpose of the rule is perfectly evident in requiring a report to be made. It is that the House may be informed why any proposition reported from a committee should be passed by the House; that is the purpose of the rule. Of course a merely formal report that a resolution or bill ought to pass can just as well be made verbally as in writing.

The SPEAKER. Still that is not a question of order. It may be a reason for opposing the resolution.

Mr. CALKINS. I move to recommit the resolution, with instructions to the committee to report to the House the reasons why in their opinion the resolution should be adopted.

The SPEAKER. The gentleman from Indiana [Mr. CALKINS], pending the demand for the previous question, moves to recommit the resolution to the Committee on Foreign Affairs, with instructions to report the reasons in favor of the adoption of the resolution.

The question being taken on the motion of Mr. CALKINS, there were—ayes 47, noes 63.

Mr. CALKINS. Mr. Speaker, I make the point that no quorum has voted. I do so only for the purpose of saying to the House—and there should be no party considerations about a matter of this kind——

Mr. BLOUNT. I object to debate.

The SPEAKER. The point having been made that a quorum has not voted, the Chair appoints as tellers the gentleman from Indiana, Mr. CALKINS, and the gentleman from Georgia, Mr. CLEMENTS.

Mr. CALKINS. If it is to be the construction that a committee reporting back a resolution of this kind is not required to submit any reasons in favor of its adoption, I have no objection. But it would seem desirable that when a report is made the House should have some statement of reasons upon which to act.

The SPEAKER. The tellers will take their places.

Mr. CALKINS. I withdraw the point, but in doing so I think it due to myself to say that I did not wish to make any contest on this matter. All I wanted was that we should have a construction by the House as to the sort of report that the rule requires.

Mr. HAMMOND. We understand that.

The SPEAKER. On the motion of the gentleman from Indiana to recommit the resolution with instructions, the ayes are 47, the noes 63. The motion is not agreed to. The question is now on ordering the previous question.

The previous question was ordered; and, under the operation thereof, the resolution was adopted.

Mr. CLEMENTS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISEASES AMONG CATTLE, ETC.

Mr. HATCH, of Missouri. I renew the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the special order, the bill for the establishment of a bureau of animal industry.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COBB in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the special order, being the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

Mr. LANHAM. Mr. Chairman, I regret that I have not had the time nor opportunity to bestow that degree of investigation upon this subject which its magnitude and importance demand. Had I fully understood and comprehended the nature and purpose of this bill when, a few days since, the expedition of its consideration was asked by the gentleman from Missouri [Mr. HATCH], who has it in charge, I should most assuredly have withheld my consent from allowing it to be made the special order of yesterday; for in my judgment there are planted within its provisions danger-signals to one of the greatest and most material interests in the Southwest, and especially in the State which I have the honor in part to represent, that ought not to be disregarded; and especially is my immediate district imperiled, for a vast portion of its territory is devoted almost exclusively to pastoral purposes. It may not be improper in this connection if I impart to this committee some information concerning its extent. In it there are more than 120,000 square miles. It is as large as the combined area of the ten States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, and Ohio, represented on this floor by sixty-one members. Over one-half of that territory is devoted to live-stock enterprise, and principally to the cattle interest, and it is by natural selection the home and paradise of the cowman.

The cattle business of Texas is certainly one of the most important industries of that great State. From it has been derived much of the material prosperity which obtains there to-day; it has built cities, invited capital, and attracted immigration from every State in this Union and from "across the great waters." I have been surprised to learn since I became a member of the House that I have many quasi-constituents on this floor and in the Senate Chamber, all the way from New York to Arkansas, who are directly or indirectly interested in the live-stock enterprises of my district, either from owning flocks and herds or tracts of land chiefly valuable for grazing purposes.

I deem it not unimportant if I invite attention for a few moments to the extent and materiality of the live-stock resources of Texas from official authority. I hold in my hand the report of the comptroller of public accounts of the State of Texas for the fiscal year from September 1, 1882, to August 31, 1883, which contains, among other things, a summary statement of assessments of property in the State of Texas for 1883, as shown by assessment-rolls on file in the comptroller's office, with an enumeration of the live-stock of that State as taken from tax renditions. We all know that tax-payers as a rule are not solicitous to render exaggerated estimates as to amounts and values of property, and it is safe to assume that there are in fact more domestic animals there than this enumeration indicates. As shown, there were of horses and mules 1,054,452, valued at $27,678,508; cattle, 6,054,488, valued at $71,393,319; jacks and jennets, 4,756, valued at $247,325; sheep, 4,491,600, valued at $9,228,234; goats, 444,454, valued at $517,601; hogs, 1,044,762, valued at $1,673,298; the aggregate number being 13,074,512, valued at $110,738,285. According to the Tenth Census reports the entire amount of cattle in the United States numbered 41,171,000. So I assume that there is to-day within the limits of the State of Texas over one-seventh of all the cattle in this great country.

I will further state, Mr. Chairman, and in this I speak with only approximate accuracy, that there are annually exported from the State of Texas, by driving or shipment, not less than 500,000 head of beef-cattle, and I believe that this estimate might be safely increased. From the district which I have the honor to represent the annual exportation is at least 200,000, and if I were to say that $25,000,000 is invested in live-stock in that district alone I believe it would be no misrepresentation.

But a few days ago my colleagues and myself had occasion to complain to the Secretary of the Interior that the great cattle-trail running from Texas through the Indian Territory, which has been used for many years and over which there are annually driven to northern points from 250,000 to 350,000 head of Texas cattle, had been closed. What capital, what motors have inspired this obstruction I know not, but I fear that it is but a part of a systematic plan which has for its object every impediment to cattle exportations from Texas. It is true, I believe, that in one State a statute was enacted that interdicted within its limits the entrance of Texas cattle during certain seasons of the year, predicated upon the idea, I suppose, of the existence of some sort of disease.

Mr. HATCH, of Missouri. What State does the gentleman refer to?

Mr. LANHAM. Missouri. And the bill now under consideration is reported and its conduct controlled by the distinguished gentleman [Mr. HATCH] from that State.

From these considerations, Mr. Chairman, it seems to me that Texas Representatives ought to apply their most rigid scrutiny to the bill now under consideration. I may "take counsel of my fears," but the apprehension exists in my mind that if this bill pass a severe blow may be inflicted upon a great and material industry of their State.

Now, my hostility to this bill, Mr. Chairman, is not actuated by the slightest apprehension that there exists to-day or ever has existed within the broad limits of the State of Texas one single, solitary, well-defined case of pleuro-pneumonia. Our climatic conditions, nutritious grasses, wholesome pasturage, the habits and treatment of our cattle, are not such as are calculated to encourage and propagate this plague. Nor is there any disposition upon the part of our stockmen to export or place upon the market any live-stock afflicted with disease. They take special pride in the grades of their cattle, the quality of their beef, and the merchantable condition of their herds. No country on this continent surpasses or perhaps equals Texas as a stock-growing region, or is more healthful and better adapted to that purpose. And it is shown in the discussion which occurred here yesterday, as well as in the report of the committee who approved this bill, that pleuro-pneumonia does not exist west of the Alleghany Mountains, and is confined to parts of five States. The gentleman from Iowa [Mr. WILSON] says:

> This disease we now have extending some three hundred miles along our Atlantic seaboard.

It is never found among the Western herds. If pleuro-pneumonia and its eradication be the object, and other contagious and communicable diseases" the incident, why not confine the operations of the bill and have its provisions to apply alone to infected localities *eo nomine?*

Now, sir, I desire to take up this bill *seriatim* and submit such criticisms and suggest such objectionable features as have occurred to me. Its caption is delusive and produces *prima facie* the impression that it ought to pass, because the inference is that it seeks the extirpation

of pleuro-pneumonia, to which no one is likely to object *per se*. I would not, if I could, embarrass or obstruct the passage of any salutary law which would accomplish that object in a proper way, with reasonable certainty and at reasonable expense; but I believe there are attendant and consequential evils involved in the passage of this bill infinitely more to be dreaded than the cattle-plague.

I have no great sympathy with bureaus or bureaucracy. They involve the lodgment of extraordinary power and authority in the hands of a few, and this bureau, I fear, would place the great transporting and commercial transactions in the live-stock of the country in the hands of a very few men, and afford the opportunity and instrumentality to designing persons to control the markets and the transit of domestic animals. While I do not say, by any means, that such is the purpose of the measure, or at all contemplated by its framers, still I fear that its possible operations may produce just such results.

The first section provides for the organization of a bureau of animal industry, with the appointment of a veterinary surgeon (this is the polite term for what used to be known in my country as a "horse-doctor") as chief thereof, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use. The legal interpretation of the words "the domestic animals," I suppose, is to include all those not *feræ naturæ;* and just here we are startled at the magnitude of the work. Horses and mules, jacks and jennets, cattle, sheep, goats, hogs, cats, and dogs come within the generic term of "the domestic animals." The number, value, and condition, the protection and use of each in the United States, are to be investigated and reported; not merely that, but "the causes of contagious and communicable diseases among them" are to be ascertained, together with "the means and cure of the same;" and then, superadded to these labors, is the "collection of information on these subjects." I will simply remark, in passing, that the multiplied work of the Tenth Census is not a circumstance in comparison with the labor herein contemplated. Then comes a salary of $4,500 for the chief and clerk—the addition of two more office-holders to the decimated ranks of that unfortunate class.

Section 2 provides for two additional agents, at a salary of $10 per day and all necessary expenses—gross amount incalculable of estimate—while engaged in "examining and reporting upon the best methods of treating, transporting, and caring for animals," &c., all to be appointed by the Commissioner of Agriculture. What are "the contagious and communicable diseases" intended? Arbitrary assumption may here step in and characterize such diseases as caprice or inclination may dictate as being "contagious and communicable." Pleuro-pneumonia may be lost sight of in the eagerness to extend the range and broaden the field of "veterinary" science and the desire to govern shipments and exportations.

The third section gives the power to the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the suppression and extirpation of diseases, and to certify the same to the executive authority of each State and Territory and invite their co-operation. Whenever such plans and methods shall be accepted, and such executive authorities shall signify their readiness to co-operate in the premises, the Commissioner may expend one-half of the money necessary in any State or Territory for the slaughter of diseased animals and in disinfection to extirpate the disease; and in the proviso following we find for the first time the fatal words, "quarantine of infected herds of cattle." It is noticeable that in the one hundred and fifty-eight lines of this bill the word "cattle" is only twice used, and in each case it is surrounded with an abatis of harsh phraseology in the shape of police regulations, prohibition of transportation, quarantine! Ordinary terms will do to apply to "live-stock" and "domestic animals," but when cattle are mentioned embargo is the word!

But, Mr. Chairman, when we come to section 4, which, in my judgment, is the most vicious and pernicious part of the bill, it seems that the optionary acceptance of the regulations of the Commissioner by the States and Territories is practically neutralized and rendered nugatory, for it allows, upon the presentation of facts by the Commissioner, the President of the United States to declare in quarantine any State or Territory, or part thereof, and to prohibit the transportation of cattle out of the same; and this applies independent of any acceptance of or co-operation by the States or Territories in the rules and regulations of the Commissioner.

Mr. HATCH, of Missouri. I do not want to interrupt the gentleman from Texas, but I am satisfied that when he comes to read the provisions of the bill carefully he will not be willing to have that remark stand in the RECORD as he has uttered it. That is not the provision of the bill.

Mr. LANHAM. I am making my criticisms upon the bill as I proceed and construing its salient features as I understand them, and the gentleman will have ample opportunity to respond. But I will read the entire section, which is as follows:

SEC. 4. That whenever a State or Territory in any section of which a contagious, infectious, or communicable disease exists, which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make provision for its extirpation or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

The Commissioner, receiving his information from the "horse-doctor" and the two agents "familiar with questions pertaining to commercial transactions in live-stock," may represent a certain state of facts to the President, it is possible, wholly imaginary, and may be derived from a competitive dealer and speculator, its ascertainment not even required to be upon oath or affirmation, which may block the avenues of trade, stop legitimate live-stock business, and paralyze in any locality one of the greatest industries of the country.

What oath do the "horse-doctor" and the two agents take? What bond do they give? To whom are they responsible? Who shall respond in damages to the stock-owner, stopped possibly with his herd *in transitu?* If it turn out that the condition of his cattle be misrepresented through careless inquiry or for sinister purposes, who shall recompense him for his delay, his expense, his depreciated property when it finally reaches a market, or the disbarkment of his cattle a thousand miles from their accustomed range, or turning them loose in the woods or upon the bleak barrens? Where is the remedy for that pastoral district or section of country that may be made the victim of fraud or misrepresentation during the market season?

Suppose that two rival cattle companies with large supplies of beef-cattle are seeking the Saint Louis or Chicago market, hailing from different States or Territories, or even the same; suppose that numerous small ranchmen from different localities are *en route*, either on foot or by shipment, eager to reach a rising market, whose aggregate herds will affect the demand; suppose given sections of the Western country are in active competition to furnish beef-supplies to the great cities of the North, and there is "a race for diligence" in reaching the nearest railroad stations; the excitement is intense, speculation is rife, business activities are strained to their utmost tension, the combative motives of buyer and seller are asserting their every energy, the voracious appetite of the "corner-men" is whetted to frenzy, all the machinery and *stimuli* of greed are in full play, all the multifarious agencies and influences of loss and gain are at work—how potential are the inducements to take advantage, how strong the temptation! The opportunity will be afforded by virtue of this bill, should it become a law, to enable one man or set of men to seriously impair, if not utterly destroy, the business prosperity of another. How easy a matter to circulate the report of the existence of pleuro-pneumonia or other contagious disease in any locality! How many *media* for the promotion of selfish advantage may be opened and employed! Avarice knows no bound. This is an era of bulls and bears, of corners and stock-exchanges, of bureaus and syndicates, when "moneyed might possesses the means abundantly of wearying out the right."

I believe that the States in their great reservation of rights are able to make their own local and police regulations, to govern their own internal affairs, and that every measure in any way tending to the impairment of their autonomy ought to receive the unwavering condemnation of their Representatives on this floor. Here the Federal Government says to the States: "If you do not voluntarily accept and comply with the terms of the Commissioner, suggested by the "horse-doctor" and bureau agents, we will coerce you, lay embargo upon your commercial transactions, and quarantine your exportations."

I by no means give my assent to the constitutionality of this bill, but in the brief time allowed me I have been compelled to pretermit a discussion of that view of the matter, and to confine myself to a limited consideration of the impolicy involved.

SEC. 5. That in order to promote the exportation of live-stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of pleuro-pneumonia or any contagious or communicable disease along the dividing lines between the United States and foreign countries and along the lines of transportation from all parts of the United States to ports from which live-stock are exported, and make report of the results of such investigation to the Secretary of the Treasury, who shall from time to time establish such regulations concerning the exportation and transportation of live-stock as the results of said investigation may require.

This scientific bureau, with its "horse-doctor" and peripatetic attachés, will, I suppose, go all along the line of Canada and the British possessions, up and down the Pacific and Atlantic coasts, along the Gulf of Mexico and the Rio Grande border, with power to make inquiry as to the subjects contemplated by this provision. When will the work of the bureau cease? How limitless is the field of its explorations! I apprehend that a necessity may arise to organize some new expedition to go out in quest of lost "horse-doctors" and bureau agents.

The seventh section interdicts any interstate railroad company or masters of steamboats or sail vessels from receiving for transportation from one State or Territory to another any live-stock affected with any contagious disease, and prohibits the delivery of such by any person, company, or corporation; and the eighth section provides for notice to be given by the Commissioner to the proper official of railroads and vessels of the existence of contagion, and also makes certain penal provisions in case of violation.

Here again, I conceive, is to be found a fruitful source of evil. The railroads "will serve whom they will serve." They will constitute themselves the judges of what stock they ought to receive for transporta-

tion and what they ought not to receive. Some men's cattle will be shipped and some will go unshipped. The penalties imposed will give to them an arbitrary option and power of refusal, and, besides, the notice brought to them may be predicated upon untrue and unfounded conditions. The door is again thrown wide open for misrepresentation and unfair advantage. It is often the case, as matters now are, that stockmen can only ship their cattle upon a compliance with the most rigorous terms and acquiescence in the limitation of liability upon the part of the railway lines; and in many instances long and weary drives are made rather than submit to their merciless exactions. Such troubles will be still further promoted and aggravated by the inevitable operations of this bill should its passage be accomplished. But even if the railroad companies are disposed to do right and to treat all alike, the restrictions laid upon them are such that their own safety and protection may often warrant a refusal to transport live-stock in consequence of imaginary *contagia* of some sort.

Then comes the section providing for prosecutions by United States district attorneys for violations when brought to their knowledge by any person making complaint, whether under oath the bill does not say. More Federal offenses, more oppressions to the citizen, more encroachments of judicial power. I congratulate the district attorneys and marshals, for railroad officials and cattle-men are not usually impecunious; but I groan for the people. The results of the bill for evil would be far-reaching, and affect not only the specific live-stock dealer, but every interest which stock-growing promotes and all exchanges that flow from it.

Last, but not least, $250,000 of the people's money, to be immediately available, is to be appropriated. This amount is glaringly insufficient and wholly inadequate for all the objects enumerated. It will hardly be "pocket change" for the bureau. The gentleman from Iowa [Mr. WILSON] says:

We propose to appropriate enough money to begin this thing.

The bureau, with its varied and comprehensive service and multiplied calls upon the fund, will soon exhaust and speedily consume this little sum, and, what is abhorrent to economical government, a deficiency of perhaps a million of dollars will arise in the early stages of the operations of the new law.

I was not astonished to hear the gentleman from Colorado [Mr. BELFORD] on yesterday speak in support of this bill, for it could not enter into the mind of any Representative to conceive a more magnificent method for "unlocking the vaults of the Treasury" and disgorging the public funds.

If I shall have subserved the purpose to elicit careful scrutiny and elaborate discussion upon this bill, to levy requisition upon its authors and supporters to maintain the necessity and propriety of its passage, and to warn this body to be careful how they vote upon it, I shall esteem myself most fortunate and feel that I have discharged a public duty; and with these remarks, Mr. Chairman, I now yield ten minutes of my time to my colleague [Mr. REAGAN].

Mr. REAGAN. I do not propose to occupy any time in the discussion of those branches of the question to which my colleague has referred. He has shown very fully the large interest which the State of Texas has in the question of cattle-raising. The remarks I propose to make will be directed to the constitutionality of the first four sections of the bill. And in making these remarks I desire to say, Mr. Chairman, that I realize fully the importance of the interest taken by the Committee on Agriculture in this subject, for it is one of very considerable interest to the American people; and whatever measure may be lawfully adopted for the purpose of carrying out the wishes of the committee I will gladly join them in. But there may be evils in a remedy like this that are greater than those which it is the purpose of the committee to remove.

The first section of this bill, an act for the establishment of a bureau of animal industry, &c., provides—

That the Commissioner of Agriculture shall organize in his Department a bureau of animal industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious and communicable diseases among them and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose.

This bill contemplates that this bureau shall engage in the collection of this information in all the States and Territories of the Union. Under our duplex system of government certain duties and powers are confided by the people of the United States to the State governments and certain duties and powers are confided by them to the Federal Government. The object of the constitutions, State and Federal, was to mark the boundary between the authority of the two, so that each government in full operation might move on in harmony without collision with the other.

Now, then, under what clause of the Constitution do we obtain power to send persons into the States for the purpose contemplated by the first section of this bill? I do not know myself under what clause it would be claimed. Possibly it may be claimed under the power to regulate commerce among the States. But that would not be a regulation of commerce among the States; that is, much of it would not. An inquiry into the number and value of domestic animals in the United States and about their protection and use, &c., is not the regulation of commerce, but is purely a domestic question for the action and determination of each State.

There are things that the Federal Government could do in connection with the subject of this bill. It can provide for the inspection of cattle or domestic animals *in transitu* from State to State or from or to a foreign country. And it can adopt regulations to prevent all that which constitutes interstate traffic, that is, traffic from State to State, or traffic from our country to foreign countries or from foreign countries to us; it can provide inspection to prevent the conveyance from State to State of such articles of interstate commerce as may be injurious to health or may be injurious in any way to the commerce or interests or policy of the country. But that applies only to that power of inspection and prevention which may relate to things passing from State to State, or to or from a foreign country, and can not warrant the going into a State and performing the various things mentioned in the first section of this bill. The second section of this bill provides:

That the Commissioner of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business men familiar with questions pertaining to commercial transactions in live-stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia and to provide against the spread of other contagious diseases.

That section clearly contemplates that this authority and power shall extend into a State and take hold of the domestic interests and business, so far as relate to stock of this kind, in the State, and does not seem to be directed at all to simply that part of it which might constitute a portion of the interstate traffic of this country. Except as to that, I repeat again Congress has no power to act. It derives all its power from that clause of the Constitution which authorizes Congress to regulate commerce among the several States, with the Indian tribes, and with foreign nations. Certainly the ownership and possession of herds of cattle and other domestic animals in a State, the condition and health of the cattle, the manner of caring for them, the means to be adopted for the suppression and extirpation of contagious diseases, pleuro-pneumonia and the like, are not questions which in the sense that the terms are employed here relate to interstate commerce; for these terms relate purely to domestic industries within the State, and subject alone to State authorities. The third section of this bill provides—

That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases.

Where? In the States and the Territories of the Union. Here again there is provision for the employment of the power of the Federal Government in connection with the purely domestic interests of a State, which under our constitutional form of government can not be tolerated; a government with certain powers of a national and international character conferred upon the Federal Government, while all the powers which relate merely to domestic interests have been left to the States. The section further provides:

And to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious disease is declared to exist, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, in paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to extirpate the disease.

Now, where are all these things to be done? On a State boundary, with reference to property passing from one State to another and thereby becoming interstate commerce? Or on a national boundary, with reference to property passing from one country to another? Not at all, or not wholly so; it is mainly with reference to property which is purely domestic, within the borders and jurisdiction of the State, and over which the Federal Government has no earthly power. There is then a provision—

That the authorities of said State or Territory shall assume and pay one-half of the expense of the valuation of the animals it is deemed necessary to slaughter and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle.

So that it points distinctly to the local internal interests of the State to be affected, with the consent of the State authorities. The fourth section of the bill provides—

That whenever a State or Territory, in any section of which a contagious, infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make provisions for its extirpation, or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

I admit that the closing provisions of this section may be within the

authority which Congress may properly exercise in regulating commerce between the States—interstate commerce. But this section presents a menace to the States, a command to them that they must do certain things which lie wholly within their own exclusive jurisdiction and control; and it would place us in the attitude of commanding the States of this Union to do things about which we have no right or authority to command them. Now, we ought not to do that.

If we expect to preserve liberty, if we expect to maintain law, if we expect to preserve property and personal rights, we ought to be careful at all times and under all circumstances to maintain the supremacy of the organic law, to preserve from violation both the Federal Constitution and the constitutions of the States. We can not do so by disregarding the provisions of the Federal Constitution, and by invading and disregarding and overthrowing the rights of the States which constitute this great Union.

I desired only to call attention to the first four sections of this bill, each of which, in my judgment, is undoubtedly violative of the Constitution of the United States, and neither of which, in my judgment, could be enforced by the decree of a court bound by the Constitution of the United States.

There are some other provisions of this bill which I would have liked to comment upon, but I do not deem it necessary. While I appreciate the labors of the Committee on Agriculture, while I sympathize with their efforts to preserve these great interests, I dissent only from the methods which have been recommended to be adopted, and which to me seem to be in violation of the Constitution. As I said in the outset, I would gladly co-operate with them in anything that seems to be constitutional in order to carry out their purpose.

I apprehend that in the end we will have to do as the State of Massachusetts has done. That State was suffering more, perhaps, than any other single State from this pluro-pneumonia among the cattle, and it took hold of the question, and by its own energy and its own means it eradicated this disease. The State of New York is now engaged in doing the same thing. Other States can do so constitutionally, and at their own expense, in their own way, and in their own time eradicate this disease, if they will only adopt the course which has been pursued in Massachusetts. There is then no expense to the National Government, and the burden falls upon those most directly interested in it.

There is in this bill a clause which is a little seductive in saying to the State that the Federal Government shall pay half the cost of this proceeding when done within the State. But we should be careful not to accept such a price for a violation of the Constitution of the United States and for the infringement of the rights of the States.

Mr. CANNON. Will the gentleman allow me a question right there?

Mr. REAGAN. I am now through my remarks.

Mr. LANHAM. I yield five minutes to the gentleman from Louisiana [Mr. HUNT].

Mr. HUNT. Mr. Chairman, according to my judgment the bill before the committee is dangerously unconstitutional. The Constitution of the United States left to the individual States the ordinary police power, and it can not be taken from them, either wholly or in part, and exercised under legislation of Congress. The police power of a State extends to the protection of the lives, the limbs, the health, the comfort, and the quiet of all persons, and the protection of all property within the State. The right to drain, the right to light, the right to provide measures of health—those rights which are concerned in living in a community where all men must surrender something for the public good—are involved within the police power. The Federal system, as I have already observed, left this police power in the States. It inheres in the States.

The Constitution of the United States, in dealing with the commercial power, has carefully reconciled this reserved right of the States with the general grants to the Federal Government. The Constitution declares that Congress "shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes;" and the Constitution goes on to recognize the right of a State to lay imposts or duties "absolutely necessary for the execution of its inspection laws." The readers of the history of the debates of that time will find, I venture to say, that the phrase "inspection laws," as employed in the Constitution, was intended to refer to laws for the preservation of the health of the people of the States. They will find that in the discussions of that time it was expressly understood that the power to enact laws which touch the internal economy, the health, the municipal government, the well-being, the quiet of the people, resided in the localities where intelligence concerning those subjects was most easily to be had.

Now what does this bill propose? The fourth section provides (and my time of five minutes will only allow me to deal with this section)—

That whenever a State or Territory, in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make provisions for its extirpation, or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country.

The power which was expressly reserved to the States, that power which is referred to in the reservation to the States of the right to levy duties or imposts necessary to execute their inspection laws, that power which is connected most intimately with police jurisdiction—the power to be used to preserve and protect the health of the citizens of the State—is expressly invaded by this section, which seeks to give to the President of the United States jurisdiction for the purposes of quarantine in the very heart of a State and within its circumscribed limits in a manner foreign to the nature, rights, duties, prerogatives, and limitations of the Presidential office.

[Here the hammer fell.]

Mr. LANHAM. I yield the residue of my time to the gentleman from Connecticut [Mr. EATON].

The SPEAKER. The gentleman from Connecticut will have ten minutes.

Mr. EATON. It certainly can not be expected, Mr. Chairman, that great questions of this character can be discussed in ten minutes. My remarks must necessarily be in the form of declaration rather than argument. Hence I declare that in my judgment this is the most mischievous bill that I have seen on the desks of members of this Congress—mischievous because it is in utter violation of the Constitution of the United States, mischievous because it takes from the States their power and their rights.

Why, sir, my State is a little one—small in territory, but valuable in its herds, as my friend from Missouri [Mr. HATCH] well knows. Perhaps no State in the Union has more valuable stock than the State of Connecticut; and we have for years past been doing our duty as a State to exterminate this disease. And I beg leave to say here that Connecticut does not desire the Federal administration to undertake to determine for her with regard to her rights in this cattle industry.

Mr. Chairman, this bill has a taking title. We all of us say we would be very glad and very happy to do anything that we can constitutionally to regulate this matter. Sir, I find myself with regard to this cattle question in the same difficulty that I found myself years ago with regard to a bill affecting the health of human beings. I did not believe that it was in the power of the Congress of the United States to determine what should be the police regulations with regard to the health of men, women, and children in the great State of New York. I did not believe that anybody to be appointed by Congress would have half the knowledge upon a matter of that kind that would be possessed by the people in the State of New York, who for a hundred or two hundred years had taken care of the health of that community. So I say, sir, that the title of this bill, before it is passed, ought to be changed. It should be declared to be a bill to abrogate and annul the Constitution of the United States and deprive the States of the rights which belong to them.

Why, sir, for one moment, and it can be for but a moment, look at the power this bill undertakes to give the President of the United States. Power to establish what some one calls a horse-doctor, and very well calls, too—to do what? Why, to declare the State of Connecticut in quarantine, and to send this horse-doctor or somebody else from here to Connecticut to tell our people what to do in regard to their safety and the health of their domestic animals.

Why, sir, this whole bill, although framed with the best intentions, is like many other things which are full of good intentions. It is a bad bill, a bill which ought to receive the attention of this House, a bill which strikes directly at the root of the rights of the State, a bill which undertakes to make the President of the United States the master of the people of this great confederation of States.

Sir, the State of Connecticut is sovereign, the State of Texas is sovereign, the State of Missouri is sovereign, in everything regarding the health of her people and the welfare and the property of her people. It is not within the power of Congress. Within the limit of the Constitution Congress cannot undertake to arrogate to itself this great power. [Applause.]

Mr. Chairman, I can not characterize this bill in ten minutes any more than my friend from Louisiana [Mr. HUNT] could in five in proper terms. But I ask gentlemen to examine it with care. This is one of the wedges which we have driven into the constitutional rights of the States. Beware of those wedges! They have been plenty in the past. Let us see to it there will be fewer of them in the future; for the safety of this great people rests on the sovereignty and the rights of the States. With those rights—I say rights, not assumed rights, but rights older than the Constitution, God-given rights—with those rights protected, cared for, and adhered to, this Government will go on until it will number hundreds of millions of people and hundreds of free and independent States. But, sir, it can not be done and will never be done if you undertake to take from the States their rights and give those rights to the confederated government.

Mr. Chairman, I notice you have hold of the gavel, and ten minutes more would do me no good so far as the discussion of this great question is concerned. It would require hours for its intelligible discussion, and therefore all I care to say further is to tell my associates on this floor, on this side and on the other side of the House—for in this particular we are all as one man; there are no Democrats and no Republicans so far as this bill is concerned—that we as the Representatives of a free and intelligent and sovereign people can not go for this bill, whether we be Republicans or Democrats. [Applause.]

Mr. BEACH. I do not propose to discuss this bill myself at this stage of the argument. I will yield for ten minutes to the gentleman from Kansas.

Mr. ANDERSON. Mr. Chairman, I desire to express my hearty support of this bill. In the last Congress precisely this measure I think was adopted, with the exception perhaps of the clause relating to the quarantining of a State in the event it failed to obey the authority vested in and exercised by the Commissioner of Agriculture in attempting to control this pleuro-pneumonia and other contagious diseases in any State.

I think we have passed the point where the United States either as a government or as a nation can attempt to segregate itself from the rest of the world. And it is an actual fact that by far the greater portion of our exports comes from the farms—consisting of agricultural products. It is also a fact that each year this country will more and more feed the nations upon the other continent; and also, that of our exports this beef or meat product will be a great and increasing factor.

But, Mr. Chairman, in this pleuro-pneumonia you have a disease which is threatening the very existence of the cattle industry, a disease which is proven to be incurable. It is known that you can not prevent it. When it gets into a herd all you can do is to kill the diseased animals. And it seems to me that when such a disease places in jeopardy one of the very greatest industries of our whole people we certainly have the constitutional power somewhere in this Government, perhaps on the general ground of the protection of the public interests and the rights of property, to create such executive machinery and pass such legislative enactment as may prove effective in controlling or suppressing that disease; and yet here to-day on this floor we are met with the old, old doctrine of State sovereignty and cry of State rights!

My esteemed friend from Texas—and I wish to say that this question is one of the few questions springing from different material interests over which Kansas and Texas meet in conflict—my esteemed friend from Texas General REAGAN stated the proposition substantially that under the clause of the Constitution with regard to regulating commerce you might go to the State line and inspect cattle, and perhaps that at the State line if you find a diseased animal you might kill it; that the General Government would perhaps have such power there, but that it would not have the power to go into the territory of a State. And he denies that the power to do this can fairly be derived from any other clause of the Constitution. Now, I would like to know just how wide a State line really is. It is not as wide as this strip of paper in my hand is thick. Here is a cow, let us suppose, standing over such a line, with her tail and body in Kansas, say, while her neck, head, and horns are sticking over into Missouri. [Laughter.] I suppose that under the Democratic construction of the State-rights doctrine you might possibly find a point the hundred-thousandth part of an inch wide just above the State line into which you might constitutionally put a knife and kill that part of the cow. But you would have no right to kill either part of the cow which was sticking over. [Renewed laughter.] I do not think, however, that you could legally under that constitutional doctrine—which, be it remembered, I do not at all concede—that you could legally seize the rest of the cow; and it seems to me, Mr. Chairman, that Democratic gentlemen are making a very fine point when they undertake to say that while the whole animal industry of the nation may be annihilated by this contagious disease this Government has neither the constitutional power, nor if it possesses it shall undertake to exercise its constitutional power, to go anywhere and protect this interest and save this industry except upon an imaginary line between two States. That is your Democratic State-rights doctrine! Yet when you come to vote levees for the Mississippi River, not for deepening the channel, but for improving the private property of private citizens on the banks, your theory does not count for much. When you come to many other things equally questionable which are legislated upon by Congress, I find that this extraordinary logic does not prevail with you gentlemen. But when the simple boon is asked of governmental action in doing the little which may be done toward preserving the vast herds of the country against the ravages of contagious diseases and toward thus protecting this great agricultural interest, then the Democratic gentlemen from Texas and Connecticut set up the bar of State sovereignty!

But, sir, are you ready and is the Democratic party willing to let whole herds of cattle in their agricultural States be destroyed and be mashed into "smithereens" before you will pass an act giving a Department of this Government any possible power which it can wield to prevent it, or to do any conceivable thing to stop it? That is what this issue amounts to. Is not that a nice position for the Democratic party to take as the "friend of the farmer?"

This bill does not do much, not as much as I would like to see done, in this direction. It comes far short of the effectiveness I would like to see assured. But one thing is certain, that the cattle in the far Western as well as in the Southern States are not beyond the reach of pleuro-pneumonia. Why? Because we of the West are improving our cattle, are getting better animals and breeding up our stock, purchasing thoroughbreds wherever we can and taking them West. We are buying them in Chicago, we buy them in Saint Louis and in New York, or wherever else we can get them. And so are men in the South. Suppose that in this way this disease is introduced, say at Galveston; suppose it obtains a foothold in a Texas herd; your herds will be destroyed, our Kansas and Colorado herds will be infected and destroyed, and it will be but a short time before the disease will spread all over this continent.

Now you may say that it is the duty of the State governments to stop it. Very well. I am with you in that, provided each State will perform its duty. But suppose they do not stop it. Will there be no remedy? Must all cattle be permitted to die? Is the General Government utterly without power? Must the old idea of State rights stand between the capital invested in these cattle, between that form of wealth, which constitutes a great factor in the agricultural prosperity of this nation and destruction? I do not so believe. The Republican party passed this bill, gentlemen, with the exception which I have mentioned. We really enacted its substance in the agricultural bill also. I think we are ready, as Republicans, to pass it again. The great mass of the Republican party is ready to stand between the agricultural interests of this nation and any disease that threatens a serious injury to it, and which can be prevented and controlled by the best efforts of the Government and all needed money.

Now, I venture the assertion that the great opposing forces here are the Texas cattle interest and the doctrine of State rights on the one hand, and on the other a broad and vigorous view of the power conferred upon Congress by the Constitution to pass such laws and to execute them with such precision as will prevent these diseases, disasters, and finally the destruction of these animals—Government action which shall seek to control the disease and seek to build up one of the very great industries of this nation. There are the two issues: Texas cattle and State rights on the one hand, and on the other a broad view of the constitutional power to protect our people and their property against disease by the arm of the General Government. That State-rights doctrine is not a Republican tenet; and I trust that the full power of the nation will be exerted in behalf of the agricultural interest by the passage of even a better bill than this.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed joint resolutions of the following titles:

Joint resolution (H. Res. 127) authorizing the Secretary of the Interior to detail from that Department two clerks to act as assistant clerks to certain House committees;

Joint resolution (H. Res. 113) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Antonio Barrios, of Guatemala, and José Victor Zavala, of Nicaragua; and

Joint resolution (H. Res. 117) to correct an error in the enrollment of an act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for other years, approved March 3, 1883.

DISEASES AMONG ANIMALS, ETC.

Mr. BEACH. I yield ten minutes to the gentleman from Mississippi [Mr. MULDROW].

Mr. MULDROW. The practical question here, it seems to me, is this: Is it desirable to eradicate this dreadful plague which exists in some of the States of this Union known as pleuro-pneumonia? When we consider the fact that England has been forced to expend about $500,000,000 to exterminate this disease within her own borders and within the borders of her dependencies, we may well consider that it may ultimately become, if it is not now, a question of vast importance to the stock-growing men of this country. There is a very deep interest felt in this matter among stock-raisers now in this land. Their sentiments were voiced but a short time ago in a convention which was held in Chicago, the largest and most important and most intelligent ever held on this subject on this continent. We ascertain also through the leading stock journals of this country that they are determined to press this matter upon the attention of Congress until their wishes in it have been fulfilled.

The leading stock paper in the West, the Breeders' Gazette, tells us that the cattle-growing interests will be satisfied with no child's play in this matter.

Mr. Chairman, it has been suggested here that this is a matter of police regulation which ought to be controlled and the remedies applied by the different States of this Union. We are informed by the best informed men of the country on this subject that that has already been attempted, and that it is a signal failure up to this time.

Massachusetts attempted it once, and may have succeeded. New Jersey has attempted it, and she has not succeeded. New York has not succeeded. Pennsylvania has failed, and it is said that more than one thousand cattle in the State of Maryland to-day are infected with this plague.

The Supreme Court, in the case of Railroad Company *vs.* Husen, construing the act of the State of Missouri to prevent the importation of Texas cattle within the borders of that State, decided that the police law of a State in this regard could not go to the extent of the exclusion

of all the cattle of a particular State of this country. If the States have not that power, then how is it possible to protect one State from the cattle of another infected with this disease? The Supreme Court in that case gave the solution that it came within the power of Congress under that provision of the Constitution which provides for the regulation of commerce between the States.

The States under that decision are powerless in this matter. They can adopt no effective means; they can apply no effective remedy. Are we then to sit here and let this plague extend all over this land instead of taking it in hand now and exterminating it by the expenditure of a few thousand dollars, whereas, if we neglect it, in a few years we may have to extirpate it by the expenditure of millions? It seems to me that that is not wise.

I do object to some of the particular features of this bill, one of which is that the Federal Government can declare in quarantine every particular district of a State. I can not conceive that the power of Congress goes that far. But we have certainly the power to say what animals infected by this disease shall not be carried from one State of this Union to another. That being the case, and the States being powerless in the premises, I think it is the bounden duty of this Congress to enact some measure by which the States in the great West and South can be protected from the ravages of this plague.

Every year cattle are now being transported from the North to the southern region of the country. In the West it is a prominent matter of trade and merchandise. The cattle of the country are carried from the West to the East, and other cattle are carried from the East to the West. And it is impossible from the nature of the disease to prevent its spread unless some extreme measures are adopted with reference to it.

Ordinarily I am opposed to legislation by Congress in aid of States. I think States ordinarily should be allowed to control their own quarantine and police regulations and their own commerce. But here is an extreme case. It is shown by the testimony of surgeons that this disease lingers in the animal sometimes for months before it becomes fatal, and the disease may be carried from one State of the Union to another unless it is crushed out by the plan of killing the diseased animal and paying the citizen the value of the property. If this is not done diseased animals will be carried from one State to another, and the cattle of the whole country may be infected.

Now, I think the bill is defective in not providing the machinery by which the condemnation shall be made of this private property. I do not think the United States can condemn property without a proper machinery, and the bill should furnish that, instead of leaving it to the Commissioner of Agriculture.

With these objections to this bill I am, in the main, in favor of it. I may state, however, another objectionable feature of it, which is that it leaves with the Commissioner of Agriculture the power to determine what force shall be necessary to carry into effect its provisions. I do not believe it wise to vest any such great power in the hands of one officer of the Government. The number of employés he is authorized to employ should be designated in the bill. It should be ascertained in the beginning how many would probably be necessary, and then it should be stated in the bill what force the Commissioner is authorized to employ.

In conclusion, while I am generally in favor of the objects of the bill, I propose, if I can get the floor at the proper time, to move to recommit it to the Committee on Agriculture, with a view to have it properly amended and perfected in the points which I have indicated.

Mr. BEACH. I now yield to the gentleman from Kansas [Mr. PETERS] fifteen minutes of my time.

Mr. PETERS. I am very much obliged to the gentleman from New York [Mr. BEACH] for his courtesy in giving me fifteen minutes in which to make a few remarks upon this bill, which I regard as a most important measure of legislation.

The question of the meat demand and supply of the world is one of the most interesting questions that can be studied. The more attention that is given to it the more interest will be felt in all legislation that may affect it. In other words, this is a bill that appeals not only to the American pocket, but it also appeals to the American stomach. It is a bill that has not only to do with the progress and prosperity of the country, but it has also to do with the breakfast-table of the American people.

It is a notable fact that wherever a nation increases in civilization and in intelligence just in the same ratio it increases in the consumption of meat. The United States to-day is the greatest meat-consuming country in the world; and I argue from that, and with great plausibility, that the United States is the most intelligent nation of the world.

The country that can produce a supply of meat for its own people, that can distribute that meat supply to its own laboring classes, and at the same time produce a supply for exportation to those countries which do not produce a sufficient supply for themselves, is a country that is prosperous, and its prosperity should be carefully guarded and protected by legislation.

The great competitors of the United States to-day in producing the meat supply for the world are Australia and South America. There are but three provinces of Europe that produce more meat than they consume, and those are Austria, Holland, and Denmark, and they produce but a small amount in excess of their consumption. All the remainder of Europe depends upon the importation of meat for its supply. The consumption of beef in England has been constantly upon the increase ever since the importation of meat from the United States began.

I have said that our principal competitors are Australia and South America. Yet we have a great advantage over those countries, for the reason that in order to reach the markets of Liverpool and Havre they must transport their meat across the equator and over the tropical line, while we can send our meats to those markets by the more northern and cooler routes.

What the United States must seek to accomplish by its legislation is to preserve and increase the great advantage which it has over the other meat producing countries of the world. If we fail to keep our meat pure, we place in the hands of our competitors an advantage to which they are not entitled by reason of location. If pleuro-pneumonia affects the meat supply of the United States it also affects the reputation of American meats in the markets of Europe. Whatever will keep high the standard of the reputation of American meat is a proper and just subject of legislation, and such legislation is in the interest of the people and all the people of the United States.

I wish to call attention to two features of this bill. I do not support it simply because it seeks to stamp out pleuro-pneumonia, but also because it seeks to stamp out that other disease which has been felt so fearfully in Kansas, the Texas fever. I am surprised that the gentleman from Texas should oppose this bill. I believe it is a bill that is in the interest of the great "cattle-drive" from the State of Texas.

The cattle-drive from the State of Texas is an interest that should not be underestimated. I need give only the figures for the last three years. In 1881 the amount of cattle that were transported from Texas into the Territories and the States north of it was 250,000 head; in 1882 it was 250,000 head; and in 1883 it was 275,000 head.

Now Kansas, as a State, does not object to the transportation of these cattle across our borders if they are healthy. She desires and does encourage the transportation of healthy cattle. But she does object, and strenuously objects, to the transportation of cattle that have become diseased by the carelessness of the drivers of those cattle into our own borders. I assert, and beyond the fear of successful contradiction, that the Texas fever is produced by the inordinate driving of cattle in times when they should not be driven.

I say therefore that it is in the interest of the cattle-drive from the State of Texas that this bill should pass, and that a flood of light should be thrown upon this question of the Texas fever. For these reasons I feel an interest in this bill.

We are importing from the eastern part of the United States thoroughbreds in order to let them mingle their blood with the long-horns of the Western States and Territories. The grazing plains of Kansas, Indian Territory, Texas, New Mexico, and Colorado can furnish a meat supply for the world. But if we are to meet pleuro-pneumonia from the East and Texas fever from the West, the result will be that our thoroughbred cattle will die of diseased stomachs or the Texas fever and our Texas long-horns will die of diseased lungs.

The fact is, as every man knows who has had experience in this matter, that where a herd of cattle has been driven too hard in coming from Texas it thereby incurs the disease known as Texas fever, and a thoroughbred can not even look a Texas steer of that kind in the face without at once becoming sick at the stomach. [Laughter.]

Now, we want to cut off this pleuro-pneumonia from the East and stamp it out, and at the same time we want to cut off and stamp out the Texas fever which is prevalent among the long-horns of the West.

And the bill includes not only those two diseases, but also all other diseases, and thereby will enable us successfully to compete in the markets of the world with those countries that are our formidable competitors.

I desire now to call attention to one clause of the report made by the committee on this bill:

> A striking example of the necessity of such work is seen in the recent investigations of Texas cattle-fever. This disease has been advancing and infecting new territory for a century, and until the last year or two we knew nothing about it, and our best informed veterinarians and stockmen did not suppose that it was found in one-fifth of the territory which has actually been overrun. These were points which it was necessary to understand before either legislative bodies or individuals could adopt intelligent measures for preventing the annual losses which have been most discouraging to the cattle industry in large sections of the country. And with every disease there are equally important points still to be investigated.

[Here the hammer fell.]

Mr. BEACH. I now yield ten minutes to the gentleman from Pennsylvania [Mr. LAWRENCE].

Mr. LAWRENCE. Mr. Chairman, I am not a member of the Committee on Agriculture, which reported this bill, but I desire to thank that committee for the very careful, methodical manner in which they have treated this subject. Having been myself before that committee, I happen to know that they have given it much time and thought. I was present, sir, when an intelligent delegation from Chicago and the Western country presented themselves to that committee, and in listening to the discussion on the subject before the committee I learned much that I had not known before. I rise now to say, after having given the subject some thought, that I am in favor of this bill.

Mr. Chairman, I have heard the remark made here frankly and publicly—one gentleman at least made such a remark in my hearing—that he did not believe there was any pleuro-pneumonia in the United States. I heard a very intelligent gentleman say yesterday in the course of this debate that pleuro-pneumonia is not known in the United States, that its existence is imaginary. Mr. Chairman, there is not an intelligent man in this House who, if he will read the testimony of veterinary surgeons before the committee, will not admit that this disease does exist in our country, and has been known as a specific, well-defined affection of the lungs.

I recollect very well, Mr. Chairman, that when I was a member of the senate of Pennsylvania the government of that State was called upon to deal with this subject; and I hold in my hand the act of Assembly which was passed by our Legislature to assist in "stamping out" the disease. At that time there were many men in the senate of Pennsylvania and in the lower house of our Legislature who ridiculed publicly the idea that pleuro-pneumonia existed in Pennsylvania. Yet in less than a month from that time it had been found necessary to kill within our State at least ninety animals infected with the disease. We appointed a commission on the subject. The governor was invested with plenary power. Officers of the State were sent to the counties of Chester, Delaware, and the city of Philadelphia, and the disease was found to exist there at that time—not in large herds but in small herds within and in the neighborhood of those eastern counties. By active measures we succeeded in eradicating the disease for the time—for the time merely.

But, Mr. Chairman, gentlemen who oppose this bill assert confidently that the General Government has nothing to do with this question; that its regulation belongs exclusively to the States. Now let me tell you our experience in the State of Pennsylvania. We have found it utterly impossible to eradicate this disease ourselves. Let me give you an illustration. A gentleman in New Jersey owned an Alderney cow and heifer slightly affected with this disease. He sold them to a gentleman residing in Pennsylvania, who did not know that they were thus affected. He took them into the State of Pennsylvania, and in less than one week from that time his whole herd was affected, and they had to be killed at once. Gentlemen must remember that this disease is like the leprosy, you can not cure it; to eradicate it you must kill the animal affected.

Gentlemen object to the General Government "invading" a State to interfere with disease of this kind. Why, sir, when the yellow fever breaks out in the South we do not hesitate to establish a quarantine. When it is necessary to save the lives of their citizens gentlemen in the South do not hesitate to call upon us in the North to aid them, and we send not only physicians but money to their assistance. Now, suppose this cattle disease breaks out on the plains of Texas, the State of my friend who has to-day made so eloquent a speech. Suppose it breaks out in the great herds of that State or on the vast plains of the West. How are you going to stop it? Do not gentlemen know that when this pleuro-pneumonia takes hold of those herds it may go from the Rio Grande away up North to the Canada line, and you can not stop it?

Gentlemen may say that there is no danger. That is not the fact. Did not the gentleman from New York tell you in the few minutes he occupied the floor that England had spent a hundred million dollars to "eradicate" this disease? Look at the sums which Massachusetts, Pennsylvania, New Jersey, and other States have spent in this direction. No intelligent man who will examine the subject can fail to see that this work must be done by the National Government, aided by States. The question has been fully discussed before the committee and the necessity of legislation by Congress clearly shown and proven.

But the States could never regulate it. They did not have the power. They could do it within their own limits, but they could not prevent the transportation of diseased cattle within their limits from other States. There must, of course, be acquiescence on the part of the General Government with the States in order to reach and destroy the disease effectually.

Now, the Commissioner of Agriculture, armed with the authority given to him by this bill, will ask the several States to co-operate with him, and no doubt the authorities of the State will promptly co-operate with him to destroy the disease if it exists in that State. Do you suppose if this disease existed on the great plains of Texas the governor of that State would hesitate for a single instant to co-operate with the Commissioner of Agriculture in its suppression in the State? Do you suppose that the governor of any State would refuse to co-operate to eradicate and extirpate this dreadful disease? Of course the law must be within the provisions of the Constitution, but on a question of common peril, on a question so vast as this, it is the duty and interest of the General Government to aid in preserving the great herds of cattle which roam all over the Western country.

Now, Mr. Chairman, have gentlemen thought how important this matter is to the health of the people, as well as how important it is for the success and prosperity of the great industry of stock-raising in the United States? Do you consider how necessary it is to the farming and agricultural interests that nothing should tend to the destruction of the great herds of cattle? I am a farmer. I worked on a farm for many years, and I believe I know something about what are the wants and needs of the farming interest. Let me tell you that the farming interest of this country asks for less legislation than any other class of men. Their industry is the basis of all other employments. You go to the earth for all you want almost. You get your food and your raiment from the earth. The boots and shoes you wear are made out of the hides of these steers which are raised upon the plains of the West. I say, then, it is important for all these reasons, and especially important to the people generally, that this bill should pass. It is not only in behalf of the interests of my own State but in behalf of the interests of all the States, because if this disease is not stamped out where it now exists it may become common throughout the country. You will see then if these herds of cattle are destroyed what havoc it will make in our supply of beef—an article used in this country in greater quantities than in any country in the world.

Look, too, what the enormous loss of capital will be if it should get into the herds of thoroughbred cattle, the Ayrshires, the Jerseys, the Durhams, and the other valuable herds of cattle, some of them worth from one to five thousand dollars each. If it should break out among them, who can calculate what the loss will be?

I believe this to be one of the most important questions before Congress, and one of the most important which could be brought before Congress at any session. I trust those upon this floor who represent agricultural interests will stand up to the support of this measure and see to it that it passes, so we may at least try what can be done in this way to eradicate this disease of pleuro-pneumonia. Let the Commissioner of Agriculture at least have a trial of the proposed method. He himself said, a few years ago, that he believed there was no pleuro-pneumonia in the country. He so thought at the time, but he is now of a very different opinion, for when he came to examine the subject in all its details, and got the figures, and heard the testimony, the conclusion was forced upon him that this disease did exist, not only in one State, but in many portions of the country. Like an honest man he said precisely what he found to be true, and he is earnestly in favor of Congress adopting such means as will extirpate the disease. He is anxious to get the power and the means and to employ the machinery necessary for that purpose.

The CHAIRMAN. The gentleman's time has expired.

Mr. LAWRENCE. I thank the gentleman from New York for his courtesy in yielding to me.

Mr. BEACH. I now yield for ten minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I hope the Chair will notify me after I have spoken five minutes.

The CHAIRMAN. The Chair will be glad to do so.

Mr. CANNON. Mr. Chairman, I have given the pending measure such attention as I could afford since it was taken up for consideration in the Committee of the Whole House on the state of the Union, and for some years I have had occasion to look generally into the subject. I have no hesitation in saying I am very heartily in favor of this bill. It may be that I am not a great constitutional lawyer. I used to practice the profession of the law in the State of Illinois, and perhaps might be considered a fair *nisi prius* lawyer. I find no constitutional stumbling-block in my way in voting for this proposition, and as to the great constitutional objection of which we have heard so much in this debate, I do not wish to talk about it at any great length. Suffice it to say, Mr. Chairman, that in my judgment a liberal construction of the Constitution should always be given where a great public good is to be subserved or where a great public evil is to be averted. Of course, in questions arising as to the protection of life, liberty, and property of the individual, we are to pursue a stricter construction of the Constitution.

Now, sir, I understand the fact to be we have very great interests involved in the raising of cattle which are deeply concerned in the protection of these interests from the spread of the disease of pleuro-pneumonia. As to animal industry in my State as well as in other States there has been experienced great trouble in reference to the exportation of beef cattle. It is not necessary for me to call attention in detail to the facts which have been presented in reference to the existence of pleuro-pneumonia. It can not be doubted that the disease does exist and it is equally undoubted that wherever it does exist it should be stamped out by the slaughter of all animals infected, and can be gotten rid of in no other way.

I grant you that Massachusetts stamped it out. I suppose New York would stamp it out. If we had it in Illinois I am satisfied we would stamp it out there. But suppose twenty States stamp it out and one does not, are all the balance of the States to be placed at the mercy of the one contrary State that will not take action in the matter? Are fifty millions of people to be placed within the power and at the mercy of three millions, of one million, or two hundred and fifty thousand people who insist upon non-action on the part of their States respectively? I take it not. I have not, I repeat, any hesitation on that subject when such a state of facts is presented. I have no hesitancy in avowing my belief that we have power under a liberal construction of the Constitution to take hold of the disease and stamp it out wherever we find it. My constituents, and the people generally of the West and, as I understand it, all over the country, want this protection extended to them by Congress. I think we have the power and the money. If it costs money let it be expended, it will be money well spent.

I now yield the remainder of my time to my colleague, Mr. ROWELL.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

A bill (S. 269) for the relief of M. P. Jones;

A bill (S. 402) for the completion of the Capitol terraces and stairways connected therewith; and

A bill (S. 196) for the relief of the devisees of the late Daniel Carroll.

DISEASES OF ANIMALS, ETC.

Mr. ROWELL. Mr. Chairman, I am surprised that objection to this bill should be made upon this floor from the State of Texas. We are told that her cattle industries represent one-seventh of the cattle industries of the United States. They might have said that that industry has less power to protect itself than the same industry in almost any other section of the country. I repeat, sir, that the cattle industries of Texas are less protected against the inroads of disease than in almost any other section of the country, because of the fact that herds of cattle roam over her plains and can not be confined in pastures as they are in other sections of the country.

If once this disease should find a foothold among the great herds of Texas they would soon cease to represent one-seventh of the cattle of this country. I undertake to say that there is no possibility of eradicating a disease of this kind except by national authority. We in Illinois know something about it. We tried once to protect ourselves against the inroads of the disease by legislative authority. After thousands of our cattle had died; after hundreds of our wealthy citizens had been bankrupted by the importation of Texas cattle and by the spread of Texas cattle fever in our State, we passed a law to protect ourselves. We made it a penal offense to import these cattle during the summer, when the disease would be communicated. We made the railroads responsible in civil damages for bringing them there. We made parties that imported them responsible in civil damages for having brought them and spread the disease. And yet the courts held that we had not the authority to make any such law. The United States courts and the State courts held that we were trenching upon the authority of the United States. So that when a State undertakes to make a law to protect itself the courts come in and tell them that is the business of the United States. When the United States attempts to pass a law and protect the people against the inroads of disease, some sensitive gentleman says you are trenching upon the rights of the States. And so between the two we fail and must submit to the destruction of our industries. Now it seems to me that an industry so large as this ought to be protected by sufficient authority.

[Here the hammer fell.]

Mr. BEACH. I now yield five minutes to my colleague from New York [Mr. NUTTING].

Mr. NUTTING. Mr. Chairman, I recognize in the introduction of this bill a very important measure. It is an important measure because it affects one of the greatest industries of this country.

We have heard very much, Mr. Chairman, upon this floor in the discussion of this bill in regard to the large herds of cattle which are raised upon the plains of our western country. While that portion of the industries of our country is very large indeed and very important, still when you take into consideration the number of cattle scattered over the United States outside of that, in the States of the East, South, and in some of the Western States, and in the Northwest, the number of cattle is doubtless very large, greater in the aggregate than the number represented by the herders' interest of the great West.

There is one thing which has come to my notice in the investigation of this bill, in the little time I have had to think about it and read about it, and that is in regard to the importation of cattle into foreign countries. I find, for instance, that when cattle were imported into England last year, and even for the last two years, the people who imported those cattle into England were obliged to have them killed within a very short time after they reached the docks, and upon the docks of England. And why? Simply because of the fear of disease among those cattle, caused by rumors of disease among American cattle. Now what does that mean? It simply means, for instance, as regards the hundred thousand head of beef-cattle which have been imported into England within the past year, that in that one branch of industry those who have imported the cattle have been injured to the extent of $1,000,000, for it is estimated that each head of cattle slaughtered in this compulsory manner damaged the owner to the extent of $10.

When one man in our country, or combination of men, is injured in this way we are all injured. If in one instance like this we are injured to the extent of a million of dollars, then I take it the Representatives of the people, when we come here and find it is necessary to pass a law to protect our people in that regard, should not hesitate because of the considerable appropriation that is asked for in this bill. The great State of New York has 1,500,000 milch cows. It is a great farming and dairy community. In addition to this, we have in this great State more than 1,000,000 neat cattle. When I say, Mr. Speaker, that New York, a part of which I have the honor to represent, has important interests to protect in this regard, it is not the value of these milch cows alone and the additional neat cattle that we are sensitive about, but it is the product of this great industry as well. The State of New York stands *first* in the great column of States having dairy interests.

In the fiscal year 1883, ending June 30, last, this great nation sent out of this country for foreign consumption, for which was received gold and good money to make the farmer and cattle-raiser and the country at large richer thereby—horned cattle, $8,341,431; fresh beef, $8,342,131; beef salted and canned, $3,742,282; butter, $2,290,665; cheese, $11,134,526; condensed milk, $180,505. The total amount thus received from foreign nations was the great sum, then, of $34,031,540.

Is this, then, an industry to be overlooked and treated lightly in our national council? "No" is the answer which will come up from one end to the other of our great land. A government is formed to protect. To protect what? First, the people; and, next, the material interests of the people.

We have not always protected our people, and shame to us for it; but we have thus far protected our people's material interests, and I hope and believe we shall always do this.

I have heard the objection made to this bill that it creates another bureau. That is not true at all. It does not create a new bureau; but it simply creates new powers in a bureau that already exists. That is all. That is the sum and substance of it.

I find, Mr. Chairman, that the expense which is incurred by other nations, of which I shall speak, for the promotion of their agricultural interests is very much more than the expense which we incur in America in that regard. For the last fiscal year, for instance, the expense of the Agricultural Department of the United Stutes was less than half a million dollars. England expends very much more than that; yes, five times that amount each year. And so each of several countries to which I might refer had I the time, especially the countries that are interested in the raising of cattle and the dairy industry, expend much more than is expended on this interest by the Government of the United States. And I say the people of the country whom we represent in this House will be faithfully represented when we pass this bill.

I hear objection made to the bill on another ground. The principle of State rights comes in here; the constitutional question, which is easily raised but not so easily answered perhaps—the question as to whether or not we can pass a law regulating material interests affecting the several States. When any material interest is so broad and so important as to require united and unified action to protect the interests of the whole people, then the Constitution is broad enough and comprehensive enough in its letter and spirit to permit necessary legislation upon the subject.

My opinion upon that question, given on the little examination which I have given it, is this: When it comes to legislation under the Constitution for the guidance of the people of a State alone and by itself, then perhaps we might be troubled with a difficulty; but I take it there is no difficulty in our legislating upon a question of interstate commerce when the subject of the legislation affects the whole people, as, for instance, where we pass from one State to another. That has been settled by a court of high judicial character, and I could, if I had the time, produce the authority.

[Here the hammer fell.]

Mr. BEACH. I yield the balance of my time to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. In my judgment no more important bill will be urged upon the consideration of this House this session than the one that is now demanding our attention. And representing, as I have the honor to represent in part, one of the great stock-growing States of this Union, I desire on the part of my constituency to urge, not as a partisan, not as a Representative of a peculiar section of the country, but as a Representative of a great nation, desiring the greatest good to the greatest number, the importance of this bill.

That this disease exists, that contagious diseases have existed, is in this argument admitted, and the necessity of legislation is conceded by all. Of course we may differ concerning the provisions of the bill. But legislation is the creature of growth. This bill may not be perfect in all its provisions. No bill is likely to be perfected at this session that will in every emergency and under all circumstances furnish relief and provide for every case. But it is necessary that we should commence, that we should make a beginning, that from experience and investigation we can determine what can be done, what may be accomplished for extirpating these diseases and for the purpose of protecting the great stock-growing interests of the country.

We have legislation upon almost every other subject. We have appropriations made for almost every other industry; and now when the stockmen of the country ask protection at the hands of this House, when they come here and demand that something shall be done for them and in their name, to protect them against infectious and contagious diseases and to secure immunity for millions invested in their business, the constitutional question is raised. It is said that we have not the power under the Constitution of the country to protect the property of these men against infectious and contagious diseases.

Mr. Chairman, it is not the first time that the constitutional question has been raised in debate. And history informs us that in the past some of these gentlemen have been mistaken concerning the constitutional powers of this Government, and I hope that this debate will satisfy them that they are mistaken now. That Congress has the power to

extend its aid, that we the Representatives of this nation have a right to enact this legislation, it seems to me, can not be questioned. In fact, in the last session of Congress the power of this legislative body to legislate upon this subject was recognized and exercised. We find an appropriation made giving to the Secretary of the Treasury $50,000 for the purpose of carrying into effect such legislation as we are now discussing and considering; for the purpose of creating quarantine if necessary, and for the purpose of establishing posts where diseased cattle may be examined and cared for and communities protected from them when so afflicted.

Now, as has been suggested, if Congress has not this power, where does it exist? Can the State authorities exercise it? Is it delegated to them by the Constitution of this country or by the constitutions of the States? As has been suggested here in argument, where the States have attempted to exercise this power such exercise has been declared to be unconstitutional.

Gentlemen speaking in opposition to this bill ask if a "horse doctor" shall be permitted to place sections of this country in quarantine? In answer I would suggest that if this disease exists in Texas, for instance, there must be some power somewhere to protect other sections and other States from being contaminated with it. Texas can not do it; Kansas can not do it; Missouri can not do it; Iowa can not do it. If, then, the power is not lodged in Congress under the Constitution of the United States, where does it exist? If Kansas, Missouri, Iowa, Nebraska, or any other State should attempt by legislative enactment to restrict importation or exportation of cattle afflicted with the Texas fever or with pleuro-pneumonia, such acts would be declared unconstitutional.

Hence, these men, knowing what has been the decision of the courts, come to the law-making power of this nation and ask protection from us; they demand adequate legislation in order that this great industry may not be stricken down and paralyzed. They ask that legislation shall be enacted which shall take care of these cattle when so afflicted, and that communities and States may be protected from their infectious and contagious effect. And by the provisions of this bill the fact must first be ascertained; then the Government may act.

This bill is not limited in its action to pleuro-pneumonia. It provides for protection against all infectious and contagious diseases of cattle. That other diseases exist is well known to us all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELFORD. Mr. Chairman, I hope I can receive the attention of this committee while I present a few facts worthy of consideration bearing on this great question. I regard this as the most important bill that we have been called upon to consider during this session of Congress or during the last Congress.

A thousand millions of property is involved in the bill upon which we are now called to act. There are 40,000,000 cattle in this Republic, one beef creature to every man, woman, and child in the United States. We should consider this question, not as partisans, and not as politicians, but as statesmen, and look at it as affecting public interests, the public wealth, and the public health of this great nation.

In this country $400,000 have been appropriated for the benefit of agriculture. In France, with a population of 37,000,000 of people, there has been appropriated annually seven millions of dollars to advance agricultural interests.

When the cattle-plague broke out in Massachusetts some years ago that State lost one-half of the value of that property in her borders, and has hardly yet recovered her loss from that time to this. When we have the consideration of 40,000,000 of cattle, representing hundreds of millions of dollars, I say it is a great and supereminently important question, and should be considered with deliberation and in a spirit of absolute justice.

Permit me, gentlemen of the committee, to call your attention to a few facts which I think should be known to every member of this House. I have here a table which I will incorporate in my remarks; but I desire to call attention to the steady growth of our exportation of horned cattle.

In 1872 we exported $565,799 worth of horned cattle; in 1873, $695,957; in 1874, $1,150,857; in 1875, $1,103,085; in 1876, $1,110,763; in 1877, $1,593,000.80; 1878, $3,806,818; in 1879, $8,379,200; in 1880, $13,334,195, and in 1881, $14,304,162. It will thus be observed that our exports of horned cattle have increased from $565,799 in 1872 to $14,304,162 in 1881.

Look at the vast growth of this great industry. Look at the exports that have been made to Europe in the form of horned cattle. I have not called the attention of the committee to the amount of meat we have sent abroad in the form of salted provisions. I have alluded to this only to call your attention to the vast importance of the great question with which we have to deal.

Mr. COX, of New York. Will my friend allow me to interrupt him a moment?

Mr. BELFORD. Certainly.

Mr. COX, of New York. If I have understood the drift of my friend's argumentation and statistics it is this, that our cattle trade has so increased, has become so aggrandized, as to be "supereminently important," to use the expression of my friend.

Mr. BELFORD. That is my exact language.

Mr. COX, of New York. And therefore it has so well taken care of itself under past conditions that it requires no further legislation!

Mr. BELFORD. I do not propose to go into any bout with the gentleman on the tariff question. [Great laughter.] I have simply called the attention of the committee to the vast growth of this industry and to the absolute necessity of passing some wise and judicious legislation for the protection of the cattle interests of this country.

I do not say we will do it by this bill, because unless it is amended I shall not vote for it. I propose to point out before I conclude my remarks what I conceive to be the substantial and inherent defects of this bill.

Gentlemen, do not defeat this bill on the narrow ground of State rights. I hope to God that when it comes to a matter of public health the question of State rights will be buried so deep beneath the bosom of the ocean that no diver ever can go down to bring it up.

Mr. Chairman, to show you and the House that I am not speaking from a Western standpoint, I desire to have read by the Clerk an extract from a most valuable document, prepared under the direction of the Treasury Department of the United States. It is called the "Report of the Treasury Cattle Commission on the lung-plague of cattle or contagious pleuro-pneumonia." I ask the Clerk to read the paragraph I have marked, and I hope members will give it attention.

The Clerk read as follows:

We have kept steadily in view the main object of our appointment, and have fully established the claim that the Western and Southern States, as well as the whole of New England, are free from this disease, and have set forth the conditions under which we believe that the cattle of these States could be shipped to Europe with a perfect guarantee of soundness as regards this plague. Finally, convinced that any permanent guarantee of continued immunity for our as yet uninfected States and our export cattle can only be secured by the extirpation of this disease from the continent, we have set forth those measures which in the light of history and science are the best calculated to secure its speedy and thorough extinction.

Mr. BELFORD. Now, Mr. Chairman, it will be observed from the report made by this commission appointed by the Treasury Department that none of this disease exists in the West or in the South. The statement is clearly, emphatically, and authoritatively made by the Treasury Commission that this disease does not exist either in the South or in the West. Where, then, does it exist? This commission further declares that it does not exist in New England. Then it must exist in New Jersey, in New York, in Rhode Island, and in Pennsylvania. Those are the States where this disease exists, if it exists at all. How did it come to this country? It came here in 1848, when it was landed on the shores of the city of Brooklyn. Beyond the borders of New York it has never yet extended one foot to the westward. I defy any man to point to the evidence of the fact that this disease exists in a single State west of the Alleghanies or west of the Mississippi River.

I desire to have it understood most distinctly that I will vote for any bill which will guarantee to the owners of cattle the broadest possible protection. I believe this cattle business is a part of the great commerce of our country; and, so believing, I think it is fully and clearly within the national authority.

One gentleman said to-day that he objected to this bill on account of its quarantine provision. Sir, there is nothing in that objection; and I will tell the House why. In the last Congress we enacted a provision which I ask the Clerk to read from the sundry civil appropriation act of August 7, 1882.

The Clerk read as follows:

To enable the Secretary of the Treasury to co-operate with State and municipal authorities, and corporations and persons engaged in the transportation of neat cattle by land or water, in establishing regulations for the safe conveyance of such cattle from the interior to the seaboard and the shipment thereof, so that such cattle may not be exposed to the disease known as pleuro-pneumonia or lung-plague, and to prevent the spread of said disease, and to establish quarantine stations and provide proper shelter for neat cattle imported, at such ports as he may deem necessary, the sum of $50,000, or so much thereof as may be necessary.

Mr. BELFORD. That was an enactment practically as broad in all its provisions as the one contained in this bill with reference to the establishment of a quarantine. It provides that a quarantine lasting three months shall be applied to foreign cattle as they land at our great ports. Whether that power is exercised by the President, or by the collector of customs, or by any supervisor is a matter of positive immateriality. But that is not my objection to this bill. I said yesterday I would vote for this bill, but after a careful consideration of its terms I will not vote for it unless it is radically amended and fundamentally reconstructed. Why? I propose to give a reason for the faith that is in me. I am not going to vote against this measure under the flimsy vesture of State rights. I believe this is a nation spelled, with a great N, held in the bosom of fifty millions of people, and I believe it is the duty of this great nation to protect the health of its people, whether they live in Connecticut or California. But what I object to in the bill is this: It authorizes some scientific crank [laughter], to be appointed by the Commissioner of Agriculture, to take charge of this whole subject and investigate the character and condition of the cattle to be shipped from one State to another. I say this is too great a power to be lodged in the hands of any one agent of this nation.

I say the only way to determine this question, when a man's cattle are charged with being infected with a dangerous disease, is to allow the owner conjointly with the Government agent to examine and a jury to pass on that question and be governed by the result. This bill provides no such remedy. It does not declare that the owner of a herd shall have any right whatever in determining the character of the disease, whether it is dangerous or not. I may have consumption, or be threatened with consumption, and are you going to pass a bill here saying to a Government agent that you find that the member from Colorado is weak in the lungs and shall not go from Washington to Denver? [Laughter.] And are you going to rest my right exclusively on his judgment, without allowing me to call in any competent authority to determine that fact? That is the fault, the fatal fault, of this bill, and unless it is amended, in my judgment, anxious and sincere as I am in my desire to protect this great interest, which involves a thousand million dollars, I shall vote to recommit this bill to the committee, with a view that it may be remodeled, refashioned, reframed, and purified and exalted to meet the judgment of the great body of the American people. [Laughter and applause.]

I now yield twenty minutes of my time to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Chairman, I entirely sympathize with some of the purposes which are sought to be secured by this bill. So far as those purposes are within the constitutional power of the country I am not only willing but desirous that power shall be exercised to the end which this bill seeks. But, sir, our Government is a system of self-government, of local self-government. There is nothing so significant in our Constitution, there is nothing so fundamental or organic in our system of government, as that which makes it in every fiber of its construction from top to bottom a system for enabling, for guaranteeing, for securing self-government within the States and by the people of this Union. Our Constitution is to be construed and administered to this end forever. If it departs from its purpose it will depart from the great purpose for which it was founded, and it will cease forever to accomplish the end for which it was made.

Now, sir, what does this bill do? In one section of the bill it provides for an appointee of the executive department of the Government to go over this land, upon the farm, into the barnyard, everywhere, make inventory, appraise—ah! it makes it his duty to inventory, appraise—and report on the condition, upon the value, upon all of this vast property, from the Gulf to the Canadas and from ocean to ocean.

Some idea has been given of the magnitude of this work by the gentleman from Texas [Mr. LANHAM] who has preceded me. But, sir, consider now some of the magnitude of that work. The work of your last census is nothing compared to this work. By whom is it to be done? By a branch of the executive department of this Government. By what instruments and agents is he to do it? The language of the bill is that he is authorized to employ a sufficient force for this purpose. Now, what force will be sufficient? Why, as has been said, $250,000 will not be ten dollars apiece for the force that would be required to enter on this work. Why is it necessary that this work should be done? Are not the States of this Union intelligent on this subject? Have they not administered and taken care of this great industry? It has been my fortune to see something of the condition of domestic animals in other countries as well as in this throughout the different States of the Union, and I undertake to say that this country can learn nothing from England or any other nation on the subject of domestic animals. Under the Constitution this, like all other domestic industries, is equally cared for by the States and the people of the States themselves. They compete together each to see which has most excellence in its system. While pursuing that course, if one State makes an advance it is instantly adopted in the other States. When one makes a mistake it is avoided by every other State in the Union.

No State makes a mistake but it is avoided by the other States in this Union. Our system of Government is so formed that so long as it has free play and so long as we do not attempt from a central source and power to interfere with the affairs and duties and the responsibilities of the people of the States themselves, it will carry this people forward and upward to as high a point as was ever before reached by human governments in the history of man. A most important and essential element of its progress is that it shall leave to the competition, to the experiment, if you will, to the trial of the States, each with the other, to say which shall do the best. What is there in our achievements as a people during the time that we have been a sovereign people that has not sprung from this very root?

I am not here, Mr. Chairman, to defend the doctrine of State rights merely. That is not the question at this time. This is no question of State rights. It is a question of State duties; it is a question of State responsibilities; and I am here to say in behalf of my State and her people that she is competent to discharge this duty herself, and is not willing to give the discharge of it, so far as this matter of inspection is concerned, and so far as anything is concerned outside of what comes under the terms commerce, external and internal, to any one else. She is not willing to part with her control over that question, because she believes she can do it better, that she understands it better, and intends to do it better than anybody else can do it for her.

Now, sir, in the second section of this bill it is provided that a board of officers shall be appointed, and for what purpose? They are to—

Report upon the best methods of treating, transporting, and caring for animals—

From the time they are born until the time they die, I suppose, throughout all the vicissitudes and all the conditions in which they may require care. Are the great States of this Union—empires in themselves, one of them of which we have heard this morning equal in area to five times the British empire—are the great States of this Union to delegate the power to an appointee of the Executive of this Government, with power to appoint a subordinate, who is to give them the information as to how they shall treat their domestic animals; or, in the words of the bill, "the best methods of treating, transporting, and caring for animals?"

This transportation, in so far as it is a matter of interstate commerce, may come properly within the purview of the bill. But this does not limit it to interstate commerce. And then the bill goes on and provides that they shall also reports—

As to the means to be adopted for the suppression and extirpation of this contagious pleuro-pneumonia, and to provide against the spread of other contagious diseases.

Now, what other contagious diseases? I happen to know from my own experience, for I have a pretty large farm for the East, and a good many cattle on which I bestow my care—I happen to know that there are a good many of these contagious diseases, and they are all perfectly understood by the people in the State. They are all managed in the State, and the knowledge of the people of one State is given to another, and their treatment is adopted if it be found good. The moment there is an improvement in the treatment, it is communicated from one State to the other, and no State is allowed to get ahead. There is not the slightest need to empower the executive department, with its appointees and subordinates, to spread this information among the people. There is nothing that this provision can do in behalf of the people on this subject that they are not all willing and able to do for themselves.

Then, sir, this Commissioner of Agriculture is to make rules for the extermination of these contagious diseases, and especially pleuro-pneumonia, and upon condition that the States in this Union so agree. But I will quote in this respect the language of the bill—

Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other infectious or contagious disease is declared to exist—

Then, and not until then, can they co-operate and be co-operated with in return by the General Government in the extirpation of that disease.

Why, has it come to this, Mr. Chairman, that these great empires are to be told they can not go forward in the extirpation of these diseases with the aid and countenance of the Federal Government unless they will adopt the methods of the Commissioner of Agriculture and the plans which he suggests and agree entirely to them? Now, sir, with all the respect that I have for this Commissioner of Agriculture, and I knew him many years ago when he was in Massachusetts, and had occasion to know him professionally, and have great respect for him as a man, I say that with all of that the State of New York is quite as competent, and there is not a State in this Union that is not quite as competent, to deal with this question as he and all the appointees that he can summon to his aid. I hope this bill will be recommitted to the committee with instructions to have it brought before us again in such shape as to secure the objects which may be legitimately secured by such a bill, a bill that shall be entirely within the constitutional power of this Government, that shall respect the relations of the States to the Government, and shall remember above all things that this Government was made for the purpose of securing and maintaining forever a republican form of government by giving the power of government to the States and within the States by the citizens of the States. [Applause.]

Mr. BELFORD. I yield two minutes to the gentleman from New York [Mr. HEWITT].

Mr. HEWITT, of New York. I will simply use the two minutes which the courtesy of the gentleman from Colorado has assigned me to have read the resolution of the Legislature of New York bearing not on this bill but on this subject.

The Clerk read as follows:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, January 8, 1884.

Whereas the subject of the existence in the United States of the contagious disease of cattle known as the lung-plague, or contagious pleuro-pneumonia, and the necessity and practicability of its being suppressed has, during several recent sessions of Congress, been presented for the consideration of both Houses without any effective action being taken, although earnest appeals have been made, not only by individual members, but by legislative bodies, by agricultural associations, and by representatives of the dairy and grazing interests in many of the States; and

Whereas it has been conclusively shown by the report of the commissioners appointed under the authority of Congress to consider the matter, and known as the Treasury Cattle Commission, that the disease in question is entirely of foreign origin, that its existence in any country threatens the supply of beef and of milk to the inhabitants, that the neglect to extirpate it in time has brought great calamity in some countries, while in others, in which proper and timely measures have been taken, it has been wholly driven out and kept out, and that, under the circumstances existing, the work can be effectually accomplished in the United States only by means of an organization unlimited by State lines,

and such as Congress alone can authorize and establish, which shall exist for the purpose of harmonizing and unifying the action of the several States involved, and shall for that purpose be furnished with funds from the national Treasury, to be expended for an object which is national in its character and importance: Therefore,

Resolved (if the senate concur), That the Senators of this State in Congress be requested and the Representatives of this State be requested to use their best efforts to secure the enactment of a law to carry into effect the recommendations made by the Treasury Cattle Commission in its report transmitted to Congress in February, 1882, for the extinction of the lung-plague, and to provide means therefor, or to secure such other legislation as may speedily and effectually accomplish the result.

Mr. BELFORD. I yield the balance of my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. There seems to be no division in the sentiment of this House with reference to the transcendent importance of this bill. We know how much of the wealth and what proportion of the industries of this country are invested in and devoted to agriculture. In the State that I in part represent more than a hundred millions of the capital of the State are invested in its flocks and herds. We know that these animals at any time are liable to great injury if not to destruction. This matter is one of such importance that year after year the General Assembly of that State has instructed its members in Congress to vote in favor of provisions similar to those in this bill, and the political parties of that State year after year have declared themselves to be in favor of suitable legislation in order that this pest may be stamped out. No one, I believe, on this floor is opposed to the results of the bill if they can be attained by methods that will not be harmful to their ideas of constitutional power. But certain opponents of this bill seem to be very sensitive lest the Constitution may be violated.

Now, Mr. Chairman, I want to call your attention to this fact, that in very many instances constitutional limitations from the very earliest days of this Government have been determined and interpreted in accordance with the supposed interests, political or otherwise, of the men announcing them. From the very earliest times your strict constructionists have been able to trample upon all of their own opinions whenever it became necessary to carry out some pet measure. Where can you find within the limits of the Constitution an authority for the purchase of foreign territory? And yet Mr. Jefferson, the father of all the strict constructionists politically, did not hesitate to put his hand into the Treasury of the United States and take therefrom $15,000,000 in order to buy foreign territory.

When the administration desired to make an attack upon the commerce of New England, who of the reigning party hesitated because of constitutional limitations to pass the embargo measures and the non-intercourse measures that destroyed the commerce of New England and for years tied their shipping rotting to their wharves prior to the war of 1812?

When you go a little further, sir, and it became necessary to carry out the views and institutions of a certain section and you wanted to purchase the Floridas, who hesitated then about the constitutionality of it? And not only that, not only to *buy* foreign territory, but to sell to a foreign nation millions of acres that we then owned? And I want to remind gentlemen from Texas who are now such sticklers upon this question that the very men whom they now assume to follow felt that they could find warrant in the Constitution not simply for this but to transfer the allegiance of men that were citizens of the United States. For you will remember that under the treaty of 1803 by which we acquired Louisiana we acquired a large portion of the now State of Texas. But by the treaty of 1819 we transferred all of our rights in Texas to the most arbitrary government that was then existing, and we took from men who were citizens of the United States their rights as citizens and made them subject to the King of Spain.

There was power enough in the Constitution to do this, and the very men whom you are now following, or are assuming to follow, are the men who felt they had the constitutional power to do it. Come down a little later, sir, to the fugitive-slave law. Where do you find in the Constitution the authority of the Government of the United States to put its hand on the escaping slave? The language of the Constitution is this:

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

No authority for the General Government to authorize its officers to invade a "sovereign State" to lay its hand upon a man there seeking an asylum not charged with crime; he shall be delivered up by the State authority. But if the State authority elected not to do that, you gentlemen felt that you had the power under the Constitution to arm not one officer but a thousand if need be and send them to invade the "sovereign States" for the purpose of executing such a law. Yet you had no authority save by implication. So, too, in the legislation to prevent the spread of yellow fever. Then you did not hesitate to say the Government had ample power to place men in quarantine. Coming down a little later, where do you find authority for the improvement of the private lands for the owner who lives along the margin of the Mississippi River? And yet you are putting your hand into the Treasury and taking from it millions of dollars annually in order to improve the private property of men who are the owners of that soil by building levees for their protection. I think I am correct in saying that when your interests lead you in that direction you can find broad warrant in the Constitution for the acts that seem at the time to be in consonance with your interests.

For my part, sir, I find no difficulty upon this subject. The Constitution provides that the Congress may regulate the commerce between the States. This bill, sir, does not propose to put its hand in any way upon the authority of a State until that State is about to invade another State with articles of commerce that are diseased and that imperil our interests. We feel that under this state of affairs we have the right to demand protection for ourselves.

Why, gentlemen say it is the duty and it will be the pleasure of the States themselves to enforce needed quarantine. But experience teaches us that they do not do it. And year after year the State of Missouri or the State of Kansas or the State of Iowa has been invaded by great herds of cattle from the State of Texas, carrying disease all along the line of their march, which has entailed millions of dollars of loss annually to each of those States. Would Texas, protect us against that? Their interests were to dispose of those herds while they yet had life enough to travel beyond the limit of their own border; and acting upon the selfish interests that pertain to them (no more perhaps than other men), they from year to year exposed us to these losses until we were compelled, in a feeble way it is true and most unsuccessfully, to strive to protect ourselves.

We had no adequate protection from this Texas cattle disease until there was such a change in the commercial relations of the two States or such a construction of new lines of travel as that the cattle either passed around us entirely or were carried swiftly through the State without stop. As I understand it, the objections that are urged to this bill on the ground of a want of constitutional power are against the fourth section of the bill. That section provides—

That whenever a State or Territory in any section of which a contagious, infectious, or *communicable* disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation fails to make provisions for its extirpation, or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

That section simply provides that when these animals are in a dangerously diseased condition they shall not be forced by their owners upon their reluctant neighbors; that is all. It simply provides that the infected cattle, the dangerous cattle, the cattle that would destroy this branch of the commerce of the country, shall not be permitted to invade other States.

It seems to me that we have had too many illustrations of the interpretation of the implied powers given to Congress by the Constitution to justify our quibbling now with regard to a matter of this kind. We have had legislative interpretations over and over again; we have had executive interpretations over and over again. We find that the gentleman from Texas [Mr. REAGAN] himself proposes to lay his hand upon the entire transportation of this country. We find that he proposes, if it may be necessary, to absolutely destroy the interest which an individual may have in a corporation in order to secure his ideas of economy in transportation and cheapness of rates.

Mr. REAGAN. Will the gentleman tell how I propose to destroy any property?

Mr. HEPBURN. To a certain extent by making such regulations as will render the property in certain instances not remunerative, and in that way affecting the stock of the company, and to that extent destroying the property of the stockholder.

Mr. REAGAN. Nothing of the kind.

Mr. HISCOCK. Any limitation is to that extent a destruction of the property.

Mr. REAGAN. All I propose to do is to punish certain crimes against transportation.

Mr. HEPBURN. I agree with the gentleman in the main in regard to many matters pertaining to transportation, perhaps not in regard to his pet child known as the "Reagan bill." Perhaps in regard to the general subject of transportation there would be no disagreement between him and me. The wonderment in my mind is how the gentleman can so interpret the Constitution of the United States as to give to himself the right to lay his hand ruthlessly in this manner upon hundreds of millions of dollars' worth of property, and then when this other question comes up, as much a subject of interest, or nearly so, to us as any other, he can see at once the bugaboo of State rights looming up before him and can find himself shriven of all power to help the people.

Mr. REAGAN. Will the gentleman allow me to explain to him——

Mr. HEPBURN. I know just exactly what your views are, and the country knows them, for they have been before the country for ten years and are well understood.

Mr. REAGAN. Do you think you fairly represent them, then, if you know what they are?

Mr. HEPBURN. I think I do.

Mr. REAGAN. I suppose that, without your consent, I can not

show that you either do not know my views, or, knowing them, do not represent them correctly?

Mr. HEPBURN. If my time can be extended I have no objection to any interruptions of this character. This bill affects something more than the mere question of property: it affects the health, and, through the health, the lives of our people. It affects not only our property and our herds here, but it affects all the commerce that we have of this kind and character with foreign nations. The mere fact that it is charged that this disease prevails among us, although, in fact, there may be but little of it, affects us every year to the extent of millions of dollars in our foreign trade.

We ask that a quarter of a million of dollars shall be appropriated for this purpose, and gentlemen hold up their hands in horror at the stupendous sum. Yet we are paying more money every year for the adornment of the city of Washington, for the beautifying and preservation of its squares, for the culture of flowers—more money by thousands of dollars than we pay out for the benefit of the whole interest of agriculture in the United States. Right here in this city and for this class of expenditures there is more money lavished every year than the aggregate of all the appropriations of Congress for the benefit of the great agricultural interests of this country.

We are now asking, I say, for but this meager sum; there can be no more spent than this amount. Gentlemen seem to fear that there is to be a multitude of officers appointed by the President to invade every section of the country. Let me remind them there are but few places to-day where this disease exists, and but few places where the necessity for the presence of these officers may be felt. Under the provisions of this bill there can be but few of them.

The great bulk of the expenditure of this $250,000 will be for compensating men whose herds have to be decimated to exterminate this disease. I sometimes doubt whether that is a wise provision. A man who has an animal liable to spread disease dangerous to the animals of his neighbors who will not extirpate the disease by destroying the animal ought to have it destroyed by some power superior to his own and at his own loss. But this bill provides for compensating him amply for that which perhaps is almost entirely worthless.

There is no provision of the bill in my belief that is not well guarded in order to meet the exigencies of the case. These are extreme cases, I will admit; but because they are such they seem to require what might otherwise be considered by some a dangerous exercise of power.

This bill is not directed alone against pleuro-pneumonia as it is known to cattle-men, but it applies to *all* contagious diseases of domestic animals. I remember one occasion during the period that the gentleman from California [Mr. ROSECRANS] was in command of the Army of the Cumberland when he lost from his corral in less than six weeks more than 7,000 animals belonging to the Government by a disease then called by experts who examined it pleuro-pneumonia. I know that we are liable to meet with losses of this character at any time; and when now there is little disease, comparatively, in existence; while the danger is not most imminent, I want to adopt those wise methods which will protect us from the terrible losses that may come upon us if we allow the disease to spread all over the country, reaching to such an extent that extirpation may not be possible except by the expenditure of millions.

From reading and from the testimony of gentlemen conversant with this subject I know that this disease is never removed from the system of an infected animal. Once there, it remains. It may not immediately destroy life; but it spreads contagion. It may not immediately kill the animal first affected, but it may destroy hundreds of others, for it is never entirely cured. Up to this time no results of science promise us any relief. There must be a destruction of the animal infected in order that we may be freed from the peril.

[Here the hammer fell.]

Mr. GIBSON. I now yield five minutes to the gentleman from Texas [Mr. REAGAN].

Mr. WELLER. Mr. Chairman, I rise to a parliamentary inquiry. I understand that as a member of the Committee on Agriculture I would be entitled to speak on this bill immediately after the gentleman from Colorado [Mr. BELFORD]. I desire to be informed whether I am correct.

The CHAIRMAN (Mr. MILLS). The present occupant of the chair, who is seeking to carry out the views of the permanent chairman of the Committee of the Whole, understands that the gentleman from Iowa [Mr. WELLER] will be next recognized.

Mr. REAGAN. Mr. Chairman, I avail myself of the courtesy of the gentleman from West Virginia [Mr. GIBSON] for the purpose of saying a word only. The gentleman from Iowa [Mr. HEPBURN] seems to be very greatly distressed because I find constitutional objections to this bill, while I do not find such objections to the Congressional regulation of interstate commerce, and a great many other things of which he speaks. If the gentleman had listened to the remarks I made to-day, he would have understood me as distinctly stating that there are within the powers of Congress, without violating the Constitution, measures which might be adopted for aiding in the prevention of the spread of disease among cattle. He would have heard me say that the power which Congress can exercise in this respect is that which is derived from the authority to regulate commerce among the States, and with foreign nations, and with the Indian tribes. Outside of this power, Congress has no authority over this subject. No court has ever held that under this power the Congress of the United States can go into a State and attempt to regulate its purely domestic and local affairs. Now this bill proposes to regulate the domestic and local affairs of a State, in plain violation of the Constitution, in disregard of all the opinions of the Supreme Court and other courts that have passed upon the provisions of the Constitution bearing on this subject.

Some of the speeches made by gentlemen on the other side would seem to imply that the men making them have never read the Constitution. Certainly they are made by men who have no respect for the Constitution, and regard it as no barrier to the exertion of their powers. If the Constitution has any purpose it is to point out what the Federal Government may do—that it may exercise certain national and international powers. No one ever dreamed that the object of the Constitution was to enable the Federal Government to go into the States and take the management of their local affairs.

Mr. HEPBURN. How about the fugitive-slave law?

Mr. REAGAN. The fugitive-slave law was passed pursuant to a provision of the Constitution which authorized its passage. If the gentleman had read the Constitution he would not have asked me that question. I had suspected before that he had never read it. [Laughter.] The Supreme Court sustained the constitutionality of the fugitive-slave law, and that court has generally been a law-abiding body.

Mr. BAYNE. I would like to ask the gentleman what provision of the Constitution authorized the enactment of a law for pursuing the fugitive slave into the States that had not the institution of slavery.

Mr. REAGAN. The Constitution confers on Congress all the powers necessary to execute the express provisions of the instrument. I refer to Article IV, section 2, clause 3; and to Article I, section 8, and clause 18, of the Constitution of the United States.

Mr. BAYNE. There is not a line or a word in the Constitution that authorizes it, and the decision of the Supreme Court was in violation of the Constitution.

Mr. REAGAN. Mr. Chairman, I saw to-day in Puck a picture with the words "The old hose won't work." Now, gentlemen had better let the fugitive-slave law alone. "The old hose" will not work. We had better argue a constitutional question on its merits, not appeal to the prejudices of the past. Is there nothing higher than prejudice to influence the minds of men who direct the legislation of this Congress? Are we here to consult for the best interests of the country, or are we here, like the gentleman from Iowa, to appeal to nonsense and to prejudice?

[Here the hammer fell.]

Mr. HISCOCK. I would like to ask the gentleman from Texas [Mr. REAGAN] a single question. I hope the gentleman from West Virginia [Mr. GIBSON] will yield for a moment longer.

Mr. GIBSON. I will if the question is pertinent to this bill.

Mr. HISCOCK. It is. I would not ask any other. I ask the gentleman from Texas whether he did not support the bill of 1879 creating a national board of health?

Mr. REAGAN. I can not say.

Mr. HISCOCK. I desire to call the attention of the gentleman to a provision in that bill. In section 3, after it provides that the board of health shall act in concert with the boards of health of the different States, it goes on to say as follows:

> And at such ports and places within the United States where quarantine regulations exist under the authority of the State, which, in the opinion of the National Board of Health, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the National Board of Health shall report the facts to the President of the United States, who shall, if, in his judgment, it is necessary and proper, order said Board of Health to make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, which, when so made and approved by the President, shall be promulgated by the National Board of Health and enforced by the sanitary authorities of the State where the State authorities will undertake to execute and enforce them; but if the State authorities shall fail or refuse to enforce said rules and regulations, the President may detail an officer or appoint a proper person for that purpose.

Mr. REAGAN. There were two bills. I am not certain whether I voted for that bill or not. [Laughter on the Republican side.] There was one of them I voted against. The gentleman from New York knows my position on that question; it was to prevent diseases coming into this from other countries.

Mr. HISCOCK. No.

Mr. REAGAN. There the power of Congress was exclusive, because the United States has control over foreign intercourse. I objected to interfering with the relations between the States.

Mr. HISCOCK. It was to prevent the introduction of yellow fever from one State to another, and I believe it had the unanimous vote from the Democratic side.

Mr. REAGAN. Oh, no!

Mr. GIBSON. I do not yield any further to the gentleman for this colloquy. I will yield, however, for five minutes to the gentleman from New York.

Mr. COX, of New York. Mr. Chairman, I think I am in a better condition, perhaps, than my friend from Texas to answer the query of

my colleague from Syracuse. I never favored that system of quarantining by which the rights and privileges of the States were overridden by Federal legislation. I never did. [Laughter and applause.] Every time when these Federal bills for quarantining came up, when there was a prospect of yellow fever or cholera, if I could not kill the bill I always got a proviso on it that it should not affect our State quarantine and our State relations. [Applause and laughter.]

Mr. HISCOCK. I wish to say, Mr. Chairman, in justice to my colleague, that he with a gentleman from Connecticut did stand up as a marked monument against this legislation. [Applause.]

Mr. COX, of New York. I have always been a monument in this House. [Laughter and applause.] The reason I have stood out so long and why I stand here to-day is because I am a representative of that peculiar cycle in relation to these Federal divisions as a State and to Federal legislation. After many years the old cycle comes around again, and I appeal to men of the Democratic faith if they believe in it——

Mr. BELFORD. I do not believe they do. [Laughter.]

Mr. COX, of New York. Well, the vote will test it. When my friend from Maine smiles about it I know he never had a particle of that kind of faith [laughter], and he never will have it. The State of Maine does not encourage it.

Mr. REED. It is a compliment to me for the past and a felicitation for the future. [Laughter and applause.]

Mr. COX, of New York. I only hope the gentleman's future in this world and in the next will be better than any man who lives in the State of Maine. [Laughter.]

But I desire, in the two minutes which are not quite gone, to say that the very form, structure, system, genius of our Federal policy demand that we should not have legislation in this sweeping kind of way. It is undertaking by Federal power to get the States to revise their municipal regulations.

It will not be well done. It is done against the interest as well as against the rights of the citizens; and though you may bring in a better bill, and though I hope one will come in to conform to our principle of interstate commerce under the Constitution, or of foreign commerce under the Constitution, I want to vote for no bill which will intrench upon the rights of the States or break in upon that old, well-ordered division of State and Federal sovereignty which is the refinement of our system and the honor of mankind. [Applause.]

Mr. HISCOCK. Let me ask my colleague a single question, whether in the last Congress he did not vote for every resolution which appropriated money for the sufferers by the freshets of the Mississippi?

Mr. COX, of New York. I do not think I did.

Mr. HISCOCK. Every single one, I believe.

Mr. COX, of New York. I may have voted for a good many bad bills that the chairman of the Committee on Appropriations brought in. I plead ignorance, because I never could get much out of him on the committee. [Laughter and applause.]

Mr. GIBSON. Mr. Chairman, the wide range that the discussion of this subject has assumed would, even without a close scrutiny or criticism of the bill itself and its provisions, convince any man who has paid any attention to it that it involves questions of vital importance to the people of every section of this country, and that it embraces not only questions of organic government but that it embraces also great industrial questions which now so much interest and agitate the land.

I regret very much that in the discussion of a measure intended to accomplish a great good in the protection of private property and the vested interests of this country we have not been able to treat it as a question alone of that character, but have had every sort of political prejudice injected and involved in the discussion. And when I remember what has been the course of gentlemen upon the other side for the last two or three years, I must confess my utter surprise to hear their attack on any thing like State rights. I remember that when the doctrine of State rights would enable them to steal the Presidency of this country they hugged it to their bosoms with lecherous embrace. I remember when their party became the ally of Mahoneism in the attempt to capture the State of Virginia with corrupt motives, nobody cried out for the rights of the States like gentlemen on the other side. It only goes to show, Mr. Chairman, that when we come to consider this subject we allow ourselves to be carried off by political prejudice and bias and drift away from the true question that is presented.

But let us for a moment undertake to consider this bill beyond the constitutional question, for that has been discussed; and before I go into a criticism of the bill, I must say that I wish to express my gratitude to the gentleman from New York for the very clear exposition he gave of some of the defects in it. I do not mean to charge that the intelligent Committee on Agriculture designedly got up this bill and put it here in the shape we find it. I believe they were honest in their intentions; but I think every member of this House will see that they have been overreached, and that the bill as it stands here is a fraud upon its face and intended to perpetrate a great wrong upon the people.

What has been said in defense of this bill? Has any man argued to you here that this is a bill to create a census bureau for cattle? Not a solitary argument has been used in defense of it. They have told you it was for the purpose of preventing the destruction of cattle, and that alone. They have told you it was for the purpose of the promotion or protection of the public health. Why, gentlemen, that is but the smallest part of it. That is not the only effect of the bill. It is not intended to affect, as we are told, all the States, but only certain portions of a few of the States. The real object, the effect of the bill, its purpose, is to secure an army of office-holders all over the land who shall take the place of the routed internal-revenue officials and pry into every man's household and ride over every man's farm. Why, I repeat, the diseases of cattle have but little to do with it. Listen but for a moment. We are told—

That the Commissioner of Agriculture shall organize in his department a bureau of animal industry, and shall appoint a chief therefor, who shall be a competent veterinary surgeon, whose duty it shall be—

What?

to investigate and report upon the number.

He must go into every county in every State and Territory of this Union. He must go upon every farm in every county. He must list the number of cattle, the number of horses, the number of sheep, and the number of hogs, and down to the very chickens that scratch about in his yard. Not only must he list the number of them, but he must get at their value; an assessment upon every farm in the country! Not only that, but he shall inquire into the condition of every domestic animal in the land; and, further than that, he shall inquire as to how these domestic animals are used. If he finds a man who has a hundred head of cattle, he must inquire and report whether ten are used as work-oxen; how many are used as cows, and how many are used for one purpose and how many for the other. And for the purpose of allowing him to execute this monstrous raid and to give him an opportunity of discharging its onerous duties, this committee added this wonderful clause, that he should have power, "and is hereby authorized, to employ a force sufficient for this purpose!"

Now, I say, gentlemen, this bill is a fraud upon its face. Every argument has shown it to be such, and not a single advocate of this bill has defended it upon any ground. Even the vigorous gentleman from Missouri who championed the bill has not undertaken to put it before the House in a light that can commend it to our judgment.

Why, sir, there is not a State in this Union that has not its own census upon these things. And you can go down here to the national Census Office, and there you can get all these censuses.

But this remarkable bill is to create an officer in every county, and to send them all over the country for the purpose of retaking the census. And where, sir, will it stop? Does it end in one year? Where is the limitation of it? The census is taken one year, according to this bill, and then it may be taken again in the next. The report upon the condition of the cattle of one year would amount to nothing to show what is their condition in the next. Of this bill, the handiwork of a Democratic majority and a Republican minority in this House, the result would be that you would have a whole host of thousands of office-holders riding throughout the land and fattening on the substance of the people. Let this bill be passed, and you would not have cattle enough in the country to pay their expenses by the time they were done with it.

And yet it is this feature of the bill which has been slurred over and covered in this way. The very point and pith of the bill is covered up. Every single advocate of it has told you he wishes to protect the people against diseased cattle, to build up the agricultural interest, and to take care of the health of the country. What limitation is there on this? Can you tell me any other act ever passed by this or any other Congress in which a subordinate officer has been given such unlimited power? And that subordinate officer, what is he? My friend from Texas [Mr. LANHAM] said a horse-doctor; my friend from Colorado [Mr. BELFORD] said a scientific crank. The advocates of the bill call him the one and the opponents of the bill the other. But we do know from common reputation in this country that we have no such thing as skilled veterinary surgeons who occupy that place in the scientific world that entitles them to the unlimited power of a bureau officer in this country.

But, Mr. Chairman, that is only one of the features of this bill. That I say is its chief feature. I have already expressed my utter astonishment that a committee, an intelligent committee of this House, would report a bill giving such unlimited power into the hands of a subordinate officer and opening the door of the Treasury so wide. That committee must have been carried away with the magnificent idea of my friend from Colorado in his desire to open the public Treasury.

But, Mr. Chairman, that is not all it proposes to give to those officers. It proposes not only that he shall take a census, but after he has taken this census it proposes that he shall adopt rules and methods and say in what kind of cars you shall carry your cattle, how far you shall drive them in a day, how often you shall feed them, where you shall stop with them. The second section of the bill says he shall adopt rules and those rules shall govern the transportation of cattle, and that no man shall transport cattle otherwise than according to the rules adopted by him.

Following the bill up we come to section 3. That is the most remarkable section, I venture to say, that has ever been found in any bill introduced into this House. What is it?

You have now this scientific crank or this horse-doctor bureau. You

have made him the arbitrator of the rights of the people in the questions of disease. He has reported to his chief officer, the chief of the Bureau of Agriculture; and they have laid down certain rules. Then those rules are what? Mark the language. Those rules laid down by this horse-doctor for the government of these things are certified to the chief executive of the State, and the chief executive of the State is told he has got to approve of those rules and submit to them under the threat of the State being quarantined or, as the gentleman from Missouri [Mr. HATCH] said, under the threat of a wall of fire being built all around it that will neither let others in nor themselves out.

I asked the gentleman from Missouri when he was discussing this matter: suppose, upon the statement of this officer, there was this disease and the authorities of the State declare the disease did not exist? How was that to be settled? Here is this scientific crank, or this horse-doctor, or this agent, or this chief of this new bureau; he sits down in the city of Washington and certifies that in the State of New York, or the State of Missouri, pleuro-pneumonia, pink-eye, distemper, lung-fever, hog-cholera, rot in sheep, or anything else exists. Thereupon the chief of the Agricultural Bureau telegraphs or writes to the executive of that State: "My subordinate has informed me that there exists contagious disease in your State. Now you must agree with me that I shall send my men there to slaughter the cattle all over your State; and not only that, but you must agree with me that your State will pay half the cost that my agents will fix, or I will build a wall of fire around you."

And yet gentlemen stand here and undertake to tell us that this is a fair bill; that it does not invade constitutional rights, that it does not invade every idea and every principle of good government. The governor of the State replies: "You are mistaken; no such thing exists; my veterinarian surgeons say it does not exist; my people say it does not exist." "Ah, but," says the chief of the bureau or the President, "I have a man here created by Congress, the supreme Legislature of this land, and he has declared that it exists, and I must take what he says in preference to your statement; and as you have not agreed with me to an unlimited call for which your State treasury will be responsible, I will declare a quarantine in your State, and no man shall come out of it with a hoof of cattle or take one in."

Mr. BROWNE, of Pennsylvania. Will the gentleman yield for a motion that the committee rise?

Mr. GIBSON. I yield for that purpose.

Mr. HATCH, of Missouri. I move that the committee rise.

Mr. GIBSON. The Chair will understand that I am entitled to the floor when the consideration of the bill is resumed.

The motion of Mr. HATCH, of Missouri, was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COBB reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, had come to no resolution thereon.

AMENDMENT OF THE RULES.

Mr. HERBERT. I ask consent to have read at this time a proposed amendment to the rules, so that it may be printed in the RECORD.

Mr. RANDALL. It is understood that it is read for information only, as other proposed amendments have been read.

The SPEAKER. It will be read merely for information, and printed in the RECORD, as other proposed amendments have been.

The Clerk read as follows:

Whenever the House is in Committee of the Whole House on the state of the Union and a bill is reached for consideration, and before its consideration is begun, one motion may be made that the committee lay that bill aside and take up any other on that Calendar, which motion shall be decided by a majority of the committee without debate.

Mr. WELLER. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Paper relating to the claim of Anna Rogers—to the Committee on Invalid Pensions.

By Mr. CANNON: Paper relating to the claim of Alexander Jolly—to the Committee on War Claims.

By Mr. G. R. DAVIS: Petition of Sprague, Warner & Co., Chicago, Ill., against the repeal of the law governing the manufacture of vinegar—to the Committee on Ways and Means.

By Mr. DIBRELL: Papers relating to the claim of Smith J. Walling—to the Committee on War Claims.

By Mr. GLASCOCK: Resolution of the board of trustees of Sacramento City, Cal., asking for an appropriation to erect a Government building at Sacramento City—to the Committee on Public Buildings and Grounds.

Also, petition of prominent business firms and others, on the same subject—to the same committee.

By Mr. GOFF: Petition of C. H. Beall and 29 others, praying for the restoration of the tariff of 1867 on foreign wools—to the Committee on Ways and Means.

By Mr. HARDY: Petition of Thomas Passenger, for relief—to the Committee on War Claims.

By Mr. HOUK: Memorial of William D. Watkins, late lieutenant, &c.—to the Committee on War Claims.

By Mr. KETCHAM: Petition of real-estate agents of the District of Columbia, for the repeal of the license tax as to them—to the Committee on the District of Columbia.

By Mr. LACEY: Memorial of Julia E. Revere, in relation to granting her an increase of pension—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: Petition, &c., for the relief of Clement A. Peck—to the Committee on Claims.

By Mr. McCOID: Petitions, papers, and resolutions relative to the Des Moines Rapids Canal pier—to the Committee on Rivers and Harbors.

Also, memorial of the city of Keokuk, Iowa, in relation to the harbor at that place—to the same committee.

By Mr. MATSON: Petition of Thomas A. Kennedy and 125 others, of Martinsville, Ind., asking that arrears be given all pensioners—to the Committee on Invalid Pensions.

By Mr. MITCHELL: Petition of citizens of Connecticut, for a resurvey of Long Island Sound, &c.—to the Committee on Appropriations.

By Mr. MULLER: Petition of P. H. & W Ebling and John Eichler and others, citizens of New York, that an act be passed authorizing the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York, &c.—to the Committee on Rivers and Harbors.

By Mr. CHARLES O'NEILL: Papers in the case of William S. Stockton—to the Committee on Military Affairs.

By Mr. PETTIBONE: Papers relating to the claim of John G. King—to the Committee on War Claims.

Also, petition of John G. Brown, asking for the removal of charge of desertion—to the Committee on Military Affairs.

By Mr. RYAN: Petition of several citizens of Kansas, for education in Alaska—to the Committee on Education.

By Mr. C. A. SUMNER: Papers relating to the claim of C. W. C. Dunnington—to the Committee on Claims.

By Mr. THROCKMORTON: Petition of citizens of Garvin, Wise County, Texas, for a mail-route—to the Committee on the Post-Office and Post-Roads.

By Mr. TUCKER: Petition of O. F. Bresee, of Virginia, in regard to the cargo of the Amy Warwick—to the Committee on the Judiciary.

By Mr. WAKEFIELD: Petition of 200 citizens of Southern Minnesota, asking a full investigation by Congress of all matters connected with the grant of lands to the State of Minnesota under act of July 4, 1866, to aid in the construction of the Southern Minnesota Railroad &c.—to the Committee on the Public Lands.

By Mr. WASHBURN: Memorial of the Chamber of Commerce of San Francisco, Cal., relative to increasing the United States Navy—to the Committee on Naval Affairs.

By Mr. WILLIS: Sundry papers, petitions, and resolutions relative to the improvement of the Harlem River, New York—to the Committee on Rivers and Harbors.

SENATE.

THURSDAY, *February* 7, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

UNION PACIFIC RAILWAY COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, with the accompanying paper, was referred to the Committee on Railroads, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication under date of the 2d instant from the Secretary of the Interior, transmitting the last annual report of the Government directors of the Union Pacific Railway Company.

The report accompanying the Secretary's communication has been sent to the House of Representatives.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 6, 1884.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Theodore W. Dwight and other citizens of New York, praying for the collection of divorce statistics, &c., as a basis for future legislation on that subject; which was referred to the Committee on the Judiciary.

Mr. LAPHAM presented a memorial of members of Gordon Granger Post, Grand Army of the Republic, Department of New York, who are honorably discharged soldiers and sailors of the United States, remonstrating against the proposed change in the method of paying pensions; which was referred to the Committee on Pensions.

Mr. CALL presented a petition of citizens of Saint Augustine, Fla.,

members of the Saint Augustine Yacht Club, praying for the improvement of the harbor at that place; which was referred to the Committee on Commerce.

Mr. GARLAND presented the petition of William B. Raiford, of Phillips County, Arkansas, praying compensation for property taken and used by the United States Army during the late war; which was referred to the Committee on Claims.

Mr. MITCHELL presented the petition of William H. Small, late private in Companies E and K, Fifteenth Pennsylvania Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented resolutions adopted at the ninety-ninth convention of the Protestant Episcopal Church in the diocese of Pennsylvania; resolutions adopted by the town council of Easton, Pa.; and resolutions adopted by the select and common councils of Philadelphia, Pa., favoring a certain platform of principles to govern the Indian policy of the United States; which were referred to the Committee on Indian Affairs.

Mr. HARRISON presented the petition of William B. Deckert and 20 others, members of Newton Red Post, Grand Army of the Republic, Indiana, praying that the CONGRESSIONAL RECORD be sent to each post of the Grand Army of the Republic; which was referred to the Committee on Printing.

Mr. MILLER, of California, presented a memorial of the Board of Trade of Sacramento, Cal., remonstrating against a forfeiture of the land grant to the California and Oregon Railroad; which was referred to the Committee on Public Lands.

He also presented a petition of Lincoln Post, No. 1, Department of California, Grand Army of the Republic, praying an amendment of the civil-service rules favoring honorably discharged soldiers and sailors of the late war; which was referred to the Committee on Civil Service and Retrenchment.

Mr. SAWYER presented the petition of H. B. Swain, F. O. Clarke, J. Connelly, and 15 other citizens of Michigan, and the petition of James Tobin, J. M. Longyear, D. H. Ball, R. W. Humphrey, and 27 other citizens of Michigan, praying for the passage of a bill confirming their titles as purchasers of public lands inside the Ontonagon and Brulé Railroad grant in Northern Michigan; which were referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 848) to amend section 2776 of the Revised Statutes of the United States so as to authorize the unloading of coal, salt, railroad iron, and other like articles in bulk, under the superintendence of customs officers, at the expense of parties interested, at places to be designated by the Secretary of the Treasury within the collection district, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 1019) for the relief of Peter K. Dederick, reported it with an amendment, and submitted a report thereon.

Mr. PLATT. The Committee on Patents, to whom was referred on the 10th day of January, 1884, the petition of William H. Ward, of Monongahela City, Pa., praying for the passage of a bill paying him for a bullet-machine furnished to the Navy Department, have directed the petition to be transmitted to the Court of Claims under the provisions of the act known as the Bowman bill, and I make report of that fact to the Senate.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred a petition of members of the police force of the District of Columbia who were in office during the year 1867, claiming the amounts due them under the joint resolution of Congress approved February 28, 1867, submitted a report thereon, accompanied by a bill (S. 1432) for the relief of the Metropolitan police force of the District of Columbia; which was read twice by its title.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (S. 1149) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, reported it without amendment.

Mr. ANTHONY. I am directed by the Committee on Naval Affairs, to which was referred the bill (S. 717) for the relief of John G. Rose, to report it adversely. I ask that the bill be placed on the Calendar, as one Senator on the committee desires me to do so.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the bill (S. 453) for the relief of Coronna, Taussig & Co., and others, reported it with an amendment, and submitted a report thereon.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (S. 1148) for the relief of William B. Moses, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1104) relative to acknowledgments of conveyances of land in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. VAN WYCK, from the Committee on Public Lands, to whom was referred the bill (S. 57) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas, reported it with an amendment.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 29) for the relief of the State National Bank of Boston, Mass., reported it with amendments, and submitted a report thereon.

ISRAEL DODGE'S LAND CLAIM.

Mr. DOLPH. I am instructed by the Committee on Public Lands, who were directed by a resolution of the Senate of December 11, 1883, to investigate the issue of certain scrip to the heirs of Israel Dodge, to submit a report, together with the testimony taken by the committee, and to ask that the committee be discharged from the further consideration of the subject.

The PRESIDENT *pro tempore*. That order will be entered if there be no objection.

Mr. COCKRELL. Will the testimony be printed?

The PRESIDENT *pro tempore*. The testimony seems to be voluminous. The Senator from Oregon did not move to have it printed.

Mr. DOLPH. I supposed, that being a part of the report of the committee, it would be printed.

The PRESIDENT *pro tempore*. Is there a written report?

Mr. DOLPH. There is a written report, and the testimony is appended to the report.

The PRESIDENT *pro tempore*. Then it will be printed, under the rule.

BILLS INTRODUCED.

Mr. CULLOM (by request) introduced a bill (S. 1433) for the relief of persons to whom the governors of the Northwest and Indiana Territories confirmed lands, which lands were afterward sold by the United States; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. LAPHAM (by request) introduced a bill (S. 1434) for the relief of Daniel W. Lee & Co., of New York city, N. Y.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PIKE introduced a bill (S. 1435) to fix the positions of the assistant astronomers at the Naval Observatory; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SHERMAN introduced a bill (S. 1436) granting a pension to Francis M. Cox; which was read twice by its title, and, with the accompanying paper and the papers on file relating to the case, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1437) to remove the charge of desertion from the military record of David A. Hawk; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1438) for the relief of Anna Holborn; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PLATT (by request) introduced a bill (S. 1439) to remove the political disabilities of Anderson Merchant; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BOWEN introduced a bill (S. 1440) to amend an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes," approved June 15, 1880; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. KENNA introduced a bill (S. 1441) to authorize the construction of bridges across the Great Kanawha River, and to prescribe the dimensions of the same; which was read twice by its title.

Mr. KENNA. In introducing this bill I desire to say that there is a difference of opinion as to the propriety of the height of the bridges authorized by it to be constructed so as not to interfere with navigation. Therefore I have left the height blank. There are also other provisions of the bill which I have not personally investigated to which I wish to give some attention and perhaps make some suggestions about. There is a general desire to have the bridges, but likewise a universal feeling against interference with the navigation. I shall place all available information on the subject before the committee, and hope that if the bill is not now it may be so formulated as to permit the bridges and save harmless the navigation.

I move that the bill be referred to the Committee on Commerce.

The motion was agreed to.

Mr. GIBSON introduced a bill (S. 1442) to amend an act entitled "An act to provide for the appointment of a Mississippi River commission for the improvement of the said river from the head of the passes, near its mouth, to its headwaters," approved June 28, 1879; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River and Tributaries.

Mr. PLUMB introduced a bill (S. 1443) granting a pension to Peter Riley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1444) granting a pension to William J. Hess; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 1445) to provide for the settlement of the rights of the States and of the corporations and persons interested in any grant of lands in aid of railroads and canals which shall be declared forfeited by an act of Congress; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LAPHAM introduced a bill (S. 1446) granting an increase of pension to Mrs. Lou. Gobright McFalls; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MILLER, of New York, introduced a bill (S. 1447) to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill or Kill von Kull, and to establish the same as post-roads; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS introduced a joint resolution (S. R. 56) for the relief of Martin and P. B. Murphy; which was read twice by its title.

Mr. HARRIS. The joint resolution provides for the payment of claims against the Light-House establishment growing out of the embezzlement and forgery of one of the officers of the Government, who, by the way, is now in the penitentiary. The joint resolution authorizes repayment out of the unexpended balances of appropriations heretofore made, and I suppose the Committee on Claims probably would be the proper committee to consider it. I move that it be referred, with the accompanying papers, to the Committee on Claims.

The motion was agreed to.

Mr. HARRISON introduced a joint resolution (S. R. 57) for the relief of Maria V. Brown, assignee; which was read twice by its title, and referred to the Committee on Claims.

ORDER OF BUSINESS.

Mr. MORRILL. I gave notice last week that I would ask the Senate this morning to take up for consideration the bill (S. 1139) authorizing the construction of a building for the accommodation of the Congressional Library. As it is a bill very like what has several times passed the Senate heretofore, I think it will take but a very short time, and it is important that the bill should pass and go to the other House in order to get early consideration. I ask unanimous consent to take up the bill now.

Mr. HOAR. I ask the Senator from Vermont to defer his request until the morning business is over. I have a resolution which I wish to offer, which I suppose will not occupy any time.

Mr. MORRILL. I will yield for that purpose.

The PRESIDENT *pro tempore*. It requires unanimous consent to proceed to the consideration of a bill at this time. After the order of resolutions is finished it will be open to the Senator from Vermont to move to proceed to the consideration of the bill.

Mr. MORRILL. Very well.

REFERENCE OF PAPERS TO THE COURT OF CLAIMS.

Mr. HOAR. I submit the following resolution, and ask that it be now adopted by unanimous consent:

Resolved, That any committee of the Senate which shall cause any claim or matter pending before it to be transmitted to the Court of Claims under the provisions of the act of March 3, 1883, shall report the fact of such transmission to the Senate, and such report shall be entered upon the Journal.

I desire to say in explanation of the resolution, that the act which was passed at the close of the last session, known as the Bowman bill, authorized any committee of the Senate to transmit any bill or matter pending before it to the Court of Claims for a finding upon the facts. The Journal shows the history of all bills and all resolutions which are pending in the Senate, and the list of bills contained in the bound volume of the RECORD shows also the history of all bills and petitions which come before this body. But under the new statute a bill may be referred to a committee and totally disappear from the Journal and from the RECORD. My desire is to provide that when a committee under this authority sends a matter to the Court of Claims it shall report the fact, so that the Journal and the RECORD will show the history of it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. GARLAND. Let it be again reported.

The resolution was read.

Mr. COCKRELL. That is exactly right, I think; but ought it not to be a standing rule, so that it will be published with our rules?

Mr. HOAR. I suppose it will become a standing rule. That is the reason why I asked that it be adopted by unanimous consent, that by a suspension of the standing rules it may be adopted without notice.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The question is, Will the Senate agree to the resolution?

The resolution was agreed to.

TORPEDO MACHINERY.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and is hereby, directed to transmit to the Senate the report of the so-called Selfridge board appointed to examine the torpedo machinery of the Destroyer and other papers in the Navy Department relating to the same.

GEOGRAPHICAL CONGRESS AT VENICE.

Mr. JONES, of Nevada, submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring therein), That there shall be printed in quarto form and bound by the Government Printer 5,000 copies of the report of the commissioner and delegate of the War Department to the third international geographical congress and exhibition at Venice, Italy; 1,000 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the War Department; and the style of the text, together with the accompanying plates and maps, to correspond with like publications of, and the latter from proofs corrected and approved at, the Engineer Department, United States Army.

CASE OF CARLOS AGÜERO.

Mr. CALL. I offer the following resolution:

Resolved, That the President of the United States be requested to prevent the delivery of Señor Carlos Agüero, now in prison at Key West, Fla., and held for extradition on the demand of the Government of Spain under the treaty of extradition, until it shall be ascertained that the charges against him are true, and that he is not held for political offenses; and that the President be requested to direct the Attorney-General of the United States to have an investigation of the case made and evidence taken; and if it shall be found that the said Señor Carlos Agüero has been arrested in the United States for political offenses alleged to have been committed in the island of Cuba, that he cause such proceedings to be had in conformity with law as will prevent the extradition of the said Señor Carlos Agüero.

The PRESIDENT *pro tempore*. What reference does the Senator desire?

Mr. CALL. I hold in my hand——

The PRESIDENT *pro tempore*. Does the Senator ask for the present consideration of the resolution or its reference?

Mr. CALL. I shall ask for its reference when I state the object of the resolution. I hold in my hand the proceedings of a mass-meeting of Cuban citizens of the United States, held at San Carlos Hall, in the city of Key West, Fla., on the 24th of January, 1884, for the purpose of taking action relative to the arrest and imprisonment of the Cuban patriot Señor Carlos Agüero, and it was resolved to issue the following address:

Our esteemed friend Señor Carlos Agüero has this morning been arrested in this city by the United States marshal and lodged in jail at the instigation and upon the unjust demand of the Spanish Government to the authorities at Washington, which arrest will be followed by the delivery of the prisoner to the sanguinary government that tyrannizes over our beloved Cuba, unless the American Government and American people carefully scrutinize the political history and tyrannical acts of Spain in the "ever-faithful" isle.

The Spanish Government has preferred charges and accuses Señor Agüero of being a highwayman and a robber, in order that under the provision of the recent extradition treaty he may be delivered up as an ordinary criminal, and thus again satiate its thirst in the blood of one of the most valiant soldiers of Cuban liberty; blotting his illustrious record in the opprobrious epithet of highwayman and robber, a name which Spain has always applied to the defenders of liberty in her American colonies. Highwaymen and robbers she called Bolivar, Sucre, San Martin, and other heroes of South American independence in the early part of the present century. Cut-throats and assassins she afterward called the defenders of Cuban liberty Joaquin Agüero and Narciso Lopez, and later the same epithets were applied to Carlos Manuel de Cespedes, Pedro Figueredo, Ignacio Agramonte, and all the officers, soldiers, and sympathizers of the noble cause of Cuban liberty.

No! Señor Agüero, who to-day languishes in jail at Key West under criminal charges preferred by the Spanish Government, is neither a highwayman nor a cut-throat. He bears the reputation of a valiant soldier and standard-bearer in the strife for Cuban liberty and independence, which record has been honorably won during the ten years of military service under the orders of Generals Agramonte, Gomez, Sanguili, Reeve, &c.

Upon the termination of the war, and peace being proclaimed at Zanjon in 1878, Chief Agüero retired to private life until the following year, when, in obedience to the orders of General Calixto Garcia, the leader of a new movement in Cuba, he again took up arms in defense of his country, when he was made a prisoner by the Spanish Government and condemned to die, but escaped in company with another patriot named Augusto Arango. After his arrest and escape Señor Agüero was not connected with the Cuban movement until December of 1882, at which time, acting in accord with and under instructions from the Cuban revolutionary centers and a number of our chief agents, he again took an active part by enlisting sympathy and support and seeking protection for his contemplated march towards the Cuban army in the interior of the island.

In obedience to these instructions Señor Agüero remained in Cuba until, under pressure of his advisers, who appeared to be acting in accord and with the concurrence of the Spanish Government, he left the battlefields with two of his companions and reached the city of Havana, where he remained unmolested, and where he publicly took passage for this city, where he arrived on the 15th of November last, and from whence he immediately proceeded to New York, having returned here within the past eight days. We invite the particular attention of the American people and the American Government to these facts, which illustrate the perfidy involved in the request of the Spanish Government for the delivery of Señor Agüero after having allowed the departure of himself and companions from Cuba within the past few months. The acts committed by Agüero, and upon which are based the demands of the Spanish Government for his extradition, are none other than those recognized and resorted to by all nations in time of war, and which the Cuban patriots have been justified in using at all times to combat the tyranny of a government which enslaves them.

I am requested by that large and respectable body of American citizens to bring this subject to the notice of the Senate and to ask that the resolution which I have offered may be passed.

Article 3 of the convention between the United States and Spain of 1877 declares "that the provisions of the convention shall not import claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses."

Article 4 of the convention of 1882 declares "all the provisions of the 5th of January, 1877, not abrogated by these additional articles, shall apply to these articles with the same force as to the said original convention."

It is, therefore, apparent that Agüero is not subject to extradition if

the offense charged against him was of a "political character or connected with such crimes or offenses," and that he has a right to the protection of this Government against such extradition. The Cuban citizens of the United States at Key West have a right to make this demand on the Government and to have it respected.

Their request is sustained by the established policy of the Government and by the traditional policy of other governments, who in all past time have allowed their territory to be an asylum for persons charged with "political offenses or acts connected with such crimes."

I move its reference, with the accompanying paper, to the Committee on Foreign Relations.

The motion was agreed to.

JOHN DUDLEY.

Mr. BECK. I offer the following resolution:

Resolved, That the Committee to Examine the Several Branches of the Civil Service be, and it is hereby, instructed to inquire into the cause of the removal of John Dudley, colored, laborer, on the rolls of the Senate. The committee is directed to reduce to writing the evidence which it takes in regard to this removal, and lay the evidence, together with its report, before the Senate. The committee is further directed to report what change, if any, in the rules of the Senate is necessary to protect its employés against dismissal from their positions.

Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Kentucky ask for the present consideration of the resolution?

Mr. HOAR. I call the attention of the Senator from Kentucky to the fact that there was a slip of the pen in drafting the resolution which, if he will read it he will wish to correct before it is adopted.

The PRESIDENT *pro tempore*. The resolution is not yet before the Senate. Does the Senator from Kentucky ask for its present consideration?

Mr. BECK. I will allow it to lie on the table until to-morrow morning, so that I may examine it. I wrote it at this moment.

The PRESIDENT *pro tempore*. The resolution will lie over.

Mr. BECK. I rose only to say that I first endeavored to have an investigation made by the Committee on Contingent Expenses of the Senate, but that committee had no authority, so they advised me; they had at one time, but the rule was changed.

This man is a colored laborer. He is from Kentucky, the only one I believe here from that State. He was a soldier for three years, and he wears a badge of the Legion of Honor. I suppose he will get the certificate of all the officers of the Senate that he is the best man they ever had—quiet, honest, faithful; and he has had family afflictions which have made him very dependent. That he has been dismissed summarily and without cause and to the detriment of the public service I have no sort of doubt; but I have no means of obtaining information to prove it except by having an investigation made. If reliance can be had upon the testimony of all his superiors, they will say that his place can not well be filled and never has been filled so well.

I will allow the resolution to lie over until to-morrow, when I think I shall lay the proof before the Senate of a most wanton case of dismissal of a very competent, good man.

Mr. CONGER. Is the resolution in a proper condition for an amendment at this time?

The PRESIDENT *pro tempore*. It is not. It went over under the rule at the suggestion of the Senator from Kentucky, and the debate that has taken place upon it proceeds by unanimous consent.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SLATER, it was

Ordered, That the papers of Jacob Fritz be taken from the files of the Senate and referred to the Committee on Public Lands.

On motion of Mr. COKE, it was

Ordered, That the papers relating to Senate bill 803, for the relief of Overton Love and others, be taken from the files and referred to the Committee on Claims.

Ordered, That the papers on file relating to Senate bill 804, for the relief of William Beddo and others, be taken from the files and referred to the Committee on Claims.

CONGRESSIONAL LIBRARY BUILDING.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" that order is closed, and the Calendar, under the eighth rule, is before the Senate.

Mr. MORRILL. I ask unanimous consent to take up the bill (S. 1139) authorizing the construction of a building for the accommodation of the Congressional Library.

The PRESIDENT *pro tempore*. The Senator from Vermont moves, as he has a right to move, that the Senate proceed to the consideration of the bill indicated by him. The question is on agreeing to the motion of the Senator from Vermont.

Mr. BECK. If the bill is taken up now, does it come under the five-minute rule as to debate?

Mr. MORRILL. No, sir.

The PRESIDENT *pro tempore*. It does not; it will be taken up by motion.

Mr. BECK. And open to unlimited debate?

The PRESIDENT *pro tempore*. Unlimited debate.

Mr. INGALLS. Until 2 o'clock.

The PRESIDENT *pro tempore*. Then the bill itself passes from the consideration of the Senate and the unfinished business comes up.

Mr. BECK. I only desire to say that I will vote to make the bill a special order for 2 o'clock to-morrow or any other day and to continue it until it is disposed of, but I do not believe that all the morning business ought to be stricken down to consider this bill, however important.

For one I am opposed to the bill. I am opposed to the proposed location of the Library building. I think there are many other places that would be far better. I think a building can be built almost for the cost of the ground it is proposed to build this on, and quite as good a one as may be desired. At any rate I desire to be heard; and I hope that the whole morning business will not be set aside, but that a day will be fixed, and that early, as early as to-morrow, if you please, at 2 o'clock, or the moment that the bill now pending as the unfinished business is disposed of, when the bill shall be considered.

Mr. MORRILL. This bill has been so frequently before the Senate and has received so large a support, that I do not think it will take longer than from now until 2 o'clock to dispose of it. I do not object to a disposition on the part of the Senator from Kentucky to debate it. All I propose this morning is to make a few remarks that will show the present condition of the Library and exactly what we propose to do, and I should be very glad of the opportunity to submit those remarks this morning.

Mr. INGALLS. If the Senator from Vermont desires the opportunity of submitting observations upon this bill, under the usage and precedent of course there can be no objection; but to attempt to pass a bill of the importance of the one which he mentions in the time between now and 2 o'clock seems to me to reach the very frontier of hardihood.

Mr. MORRILL. I am glad I have reached that.

Mr. INGALLS. When the Senator from Vermont states that this bill has been debated many times before, he forgets that there has been a very important change in the *personnel* of the Senate since that debate occurred. I am, like the Senator from Kentucky, entirely opposed to the whole scheme and system of the bill that the committee have reported; and while the matter is one of great importance and ought to be considered, I protest against the injustice that would be committed by attempting to limit the discussion of a subject like this, involving the appropriation of millions of dollars, to the short space of time between now and 2 o'clock. I will agree with the Senator from Vermont in fixing a time when this bill shall come up for debate, and I think he ought to consent to it, and I am quite sure on reflection he will be willing to do that.

Mr. BECK. I shall be very glad to have the Senator from Vermont make his statement to-day and let it be published in the RECORD. It may convince me. I know we want a Library. I desire to vote for one; I do not desire delay, but I do not think the debate can be closed before 2 o'clock. If he will make his remarks to-day, they will be very valuable no doubt, and have the bill made the special order for to-morrow at 2 o'clock and continue it, or at any time when he will give us an opportunity to consider it fairly, I shall be satisfied. That is all I ask.

Mr. MORRILL. Upon a conference with the Senator having charge of the Mexican land bill he agreed with me that we might pass this bill in the morning hour or before 2 o'clock, and if it should take a few minutes more than that he was willing to yield. I desire not to cut off any discussion by any Senator. Of course I despair of ever having a bill of this kind that will exactly please my friend from Kansas; but I think when it is explained it will satisfy a large proportion of the Senate, and that is all I desire to say at the present time, except that I should be glad to have the bill taken up in pursuance of the notice I gave last week that I would call it up this morning.

Mr. VOORHEES. I understand nothing is now before the Senate except the desire of the Senator from Vermont to be heard upon the bill which he has reported from the Select Committee on Additional Accommodations for the Library. I never heard of objection being made to such a request, nor do I understand that there is any objection to that in this case.

Mr. INGALLS. None, certainly, on my part.

Mr. VOORHEES. I understand so. I suggest, therefore, that the Senator from Vermont take the floor and make his remarks, and at the end of them we shall consider whether it is practicable or possible to go on with the subject or whether it shall go over to a day to be fixed.

Mr. HARRIS. I have no doubt that if the Senator from Vermont will ask the unanimous consent of the Senate to take up the bill for the main purpose I understand him to indicate, that consent will very cheerfully be given by the Senate; but I shall not only object but vote against any proposition to take this bill up to clog the way of the Calendar, not for the hours between now and 2 o'clock but for the next two weeks, at the end of which time the Senator from Vermont would find his bill still not passed and probably not disposed of.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont that the Senate now proceed to the consideration of the bill named.

Mr. HILL. I desire to ask what effect that will have on the consideration of the bill that was under consideration at the close of the morning hour yesterday?

The PRESIDENT *pro tempore*. Does the Senator mean the unfinished business, the land bill?

Mr. HILL. No, sir; the bill in relation to the act relative to the Ute Indian reservation.

The PRESIDENT *pro tempore*. It will have the effect to displace the bill that is first in order under the eighth rule, but it will not lose its place to-morrow. It will stand at the head of the list when proceedings under the eighth rule are again resumed.

Mr. COCKRELL. I want to know distinctly of the Senator from Vermont whether he intends to attempt to override the rules of the Senate and by a mere majority to set aside this Calendar and take up his bill in the morning hour and force all the other cases on the Calendar to remain until that is disposed of? If that is his proposition we will meet it. If he asks to submit his remarks this morning there is not a Senator, I will guarantee, who will object to it, and then after his remarks have been submitted at some other time the bill can be taken up and disposed of. I presume the Mexican land bill will not take all the rest of the session. I am perfectly willing just as soon as that is disposed of to let this bill come in, but I tell the Senator now that he will not pass his bill in the morning hour. We have some rights and other claimants have some rights here. We have got a Calendar and we have got a settled rule that we have established. It is the only rule under which we can do any business, and the Senator knows it as well as anybody else. Now, for him to be the first man to come in here and ask the Senate to trample down that rule, throw us into confusion and disorder now and during the whole residue of the time, I do not think is right. I hope the Senator will consent to make his remarks and then to fix a time when this bill shall be considered, and not undertake to force its passage this morning, which is a physical impossibility.

Mr. MORRILL. I have not proposed to set aside the rules of the Senate. I have made no motion that is not in order. I do not desire to proceed against the wishes of even a small number of the Senate. After I have finished my remarks I am perfectly willing to fix a time at some future day when the bill shall be considered.

Mr. COCKRELL. All right.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the motion of the Senator from Vermont?

Mr. CAMERON, of Wisconsin. I hope the Senator will not make that motion, but will withdraw the motion and ask unanimous consent that the bill may be taken up for the purpose of enabling him to submit his remarks upon it.

Mr. BUTLER. That will answer the same purpose.

Mr. MORRILL. I do not think there is much difference in the propositions.

Mr. CAMERON, of Wisconsin. There is a great deal of difference.

The PRESIDENT *pro tempore*. The Chair, of course, can only put the motions that are made. The pending motion is that of the Senator from Vermont, to proceed to the consideration of the bill named.

Mr. CAMERON, of Wisconsin. I appeal to the Senator from Vermont to withdraw that motion. I shall be compelled to vote against that motion, but I shall be very glad to be one to give unanimous consent that the bill may be taken up for the purpose indicated.

Mr. MORRILL. I yield to my friend from Wisconsin. Already about as much time as I should take up has been consumed; but I desire to keep myself in harmony not only with the Senator from Missouri but the Senator from Wisconsin.

Mr. CAMERON, of Wisconsin. All right.

Mr. MORRILL. I ask unanimous consent to take up the bill.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the bill named may be taken up for the purpose of his submitting remarks thereon. Is there objection? The Chair hears none; and the bill (S. 1139) authorizing the construction of a building for the accommodation of the Congressional Library is before the Senate for that purpose.

Mr. MORRILL. If I appear once more as the advocate of a new Library of Congress it is because the extreme want of it is getting to be unendurable, and because the bill before us, so far as the committee can judge, if not all that some would like, is all that our circumstances plainly require and all that is likely to obtain the favor of Congress. Having for many years urged attention to this subject, I confess that it would give me some pleasure to see the Library so greatly and immediately needed acceptably completed during what may remain to me of life, and completed while our present excellent Librarian, in his ambition and administrative vigor, is at his best. The bill has the approval of the special committee, and will not involve a larger expenditure than is rigidly required for an appropriate building nor more than will harmonize with the views of the most careful and prudent legislators.

In the present Library of Congress there is shelf-room for 280,000 volumes, and we had January 1, 1884, on hand, 513,441 volumes of books and 165,000 pamphlets, for which room is required. This plain statement of the facts shows that only one-half of the present stock of books and pamphlets can now be properly cared for, while the other half is lying around in promiscuous and dusty piles, unavailable for use and obstructive even to the use of such books as have the cleaner privilege of scanty shelf-room.

Last year we had large and valuable personal donations of books to the Library, which had to be stored in the crypt of the Capitol, where they are about as accessible as they would be in the Roman catacombs. Such a subterranean disposition of generous donations, were it to be but temporary, is not calculated to win many more exhibitions of similar liberality. If we may not anticipate for every year the full growth of 1882, which amounted to over 59,000 volumes, or nearly three times as many as in 1852 were to be found in the whole Library, yet the increase of the Library of Congress will forever be on a grand scale, and, like the annual growth of our country, will be greater and greater in every succeeding year. The prolific sources of this increase are known to all and need not be stated.

Beyond books and pamphlets, room has to be provided yearly for the copyright articles received, and these in 1882 amounted to 26,683.

There are no reading-rooms; no rooms for the display of manuscripts, of maps, of the graphic arts; none for even the official administration of the Library, and none for a bindery.

The distressing condition of the Library at the present time, with all of its proper and needful vacant spaces—floors, corridors, alcoves, and galleries—filled with the most inflammable substances, can not be regarded as free from grave and constant peril by fire. One careless spark would suddenly show how great a matter a little fire kindleth. The Library may be and is what is called fire-proof, but where there is combustible material in large abundance piled up all around, sufficient at any moment for a quick, hot, and smoking fire no possible building can give absolute security for its contents. The Library is now exposed to this extraordinary and daily increasing risk, and there is not an insurance office in this city that would accept such a risk on any terms less than extra-hazardous.

That new accommodations for the Library of Congress are inexorably demanded is a point no longer open to argument, and a new Library can no more be decently shunned by Congress than a new barn can be shunned by the farmer when the old one is found insufficient for even one-half of his stock.

This Library, while primarily for the use of Congress, is always, as the property of the nation, open to all the people without any ticket of admission, and derives its support, directly or indirectly, from the nation. It is, perhaps, the largest storehouse of human knowledge and of valuable materials for the use of scholars to be found in the United States. We guarantee by copyright to authors in the whole field of American letters their exclusive property, including literary, musical, and artistic productions. Of all these we receive in trust printed copies, and also receive ample fees to compensate the Government for their perpetual preservation. We are paid in advance for keeping the most perfect and complete record of the intellectual progress of our people as traced in "the art preservative of all arts," and its custody is intrusted to our honor and our enlightened sense of propriety. Our duty is obvious, and its neglect can not escape reproach.

I know that the ghosts of some ideas, which have suggested the possible avoidance of a separate Library building by some crude extension of the Capitol, or by finding room where there is none for the enlargement of the Library, still flutter around us, but when approached they will all vanish into "such stuff as dreams are made of." Not one of them will stand the test of a critical examination. There is no scientific trick by which a quart can be put into a pint cup, nor can anything of real or permanent value be gained by a topsy-turvy rearrangement of the existing compartments of the Capitol. Even more objectionable would be monster extensions from the center or from the wings, destructive alike of the beauty of the grounds and of the Capitol itself. All of these suggestions have had their quietus by an examination and an adverse report made by an authorized commission of architects, and if resurrected they will appear in the grave-clothes in which they were buried.

The present Capitol in its general outlines and fine proportions fitly represents the legislative Capitol of the Republic, and is not surpassed, perhaps not even equaled, in its classic simplicity and massive dignity by the legislative halls or parliamentary buildings of any other country. It is the best architectural work we have, an unmistakably legislative structure; and the Congress which should consent to its mutilation or to incongruous additions would earn an unenviable fame. The well-ripened judgment of the people will prove its sufficient protection against all such vagaries.

Were it possible for the two Houses of Congress to surrender room to shelter the slightest expansion of the Library within the present Capitol, and it then should be found such an encroachment or annoyance as to require a prompt removal, as it surely would, we might be told in the language of Æsop's porcupine, "No; let them quit the place that don't like it," and thus Congress would find itself far on the way toward getting temporary accommodations, or a clumsy, inconvenient, insufficient, and very expensive Library in exchange for the loss of a very fine Capitol. We can better defend the propriety of building a new Library than of a new Capitol. Both the Senate and House of Representatives now really need much more room for many purposes, and when a new Library shall be completed only the central part of the present Library will remain for a working library, and the two large wings will at once be utilized as Congress may then determine.

An examination of the present bill will show that it is nearly the

same as that perfected by the committee and presented by me February 23, 1883, and provides for a building at much less cost than what had been originally proposed. In other words, the committee, while still seeking to have a creditable and scholarly building, propose a less expensive style of architecture and a less expensive material than granite.

The plan of the exterior of the building now presented is in the Italian renaissance style, stripped of elaborate decorations, instead of the German Gothic, requiring pinnacles, flying-buttresses, and much perhaps for dainty show, and it will involve only about one-half the cost of the previous plan. The building will be characterized by great simplicity, and yet in the elegance of its proportions and quiet dignity it will not prove unworthy of our country, and the interior will be found to possess all of the varied and substantial merits required for extensive and practical use.

The character and merits of the plan will be indicated by the fact that it is the same plan as to the exterior elevations to which was awarded the first premium in a contest under the law of Congress ten years ago with more than thirty distinguished competitors, but now with a different and greatly improved interior arrangement under the advice of our Librarian, or a modification and adaptation of the foremost plans ever presented here or elsewhere known.

In dimensions it will be large and sufficient, 309 by 459 feet, and so designed as to permit extensive future additions of shelf-room without any enlargement of the building for generations to come. For the general reader there will be a central octagonal room one hundred feet in diameter, and other rooms for separate study, for exhibitions of some of the arts, and for various other important purposes, including the copyright and other administrative offices of the Librarian.

In the basement of the building, which will have two-thirds of its height above the level of the sidewalk, there will be rooms for a bookbindery, for bound newspapers, copyright work, packages, janitor, and for other special purposes. Even much smaller libraries have found a bindery not only economical, but nearly indispensable, and here it will be of great and special importance. There will also be an abundance of sunlight. The method of ventilation after much investigation will, it is believed, be of the most approved character, on what is known as the down-draft system, and such as will shield books on the topmost shelves from excessive heat and dust. This system has been adopted and tested elsewhere, and especially by the library of the Brown University at Providence, and that it has been entirely successful is shown by a letter to Mr. Smithmeyer from the librarian, dated December 21, 1883, in which he says:

> In regard to ventilation, what I wish to state is this: After a trial of five years I am satisfied that it is as near perfect as anything of that kind can be. (It is the system you advocate.) At any time during the day a match or paper (burning) applied to the surface of the ventilating shafts will be drawn downward. The temperature of the upper (third) story is precisely that of the lower. This I have verified by a thermometer time and again. Should be pleased to have you call and see for yourself. Facts are better than theories.

This is the testimony of Reuben G. Guild, the librarian, and we could hardly ask for anything better upon this most important and hitherto very troublesome problem.

It will undoubtedly be found practicable with a new Library to keep it open to public use many more hours of the week than heretofore, including evenings, and to this end appropriate means of heating and lighting will be supplied.

The expense of the building, considering its dimensions and its high and permanent character, will not be excessive, and will necessarily be spread over two or three years. After the exterior and central portions of the building are completed a considerable part of the cost may be postponed, as no more of the iron shelving, which is an expensive feature, will need to be supplied than may be required for immediate use; and some share of the inside finish can be postponed without hinderance to its early occupation.

The estimate of the architect, for the building, constructed with limestone or sandstone, with three hundred alcoves, or sufficient for 800,000 or 1,000,000 volumes, with the heating and ventilating apparatus, elevators, and other fixtures, is $2,323,600. When fully completed there will be seven hundred additional alcoves, which will cost $700,000 more; and the entire completion of the whole interior, including the basement, will require a further sum of $239,000. This is a carefully revised estimate, and shows that the building may be put into a condition of readiness to be occupied with very large accommodations at an expense already mentioned, and when it shall be hereafter completely finished, with a capacity to hold over 3,000,000 books, with facilities for even largely increasing even this vast stock when absolutely necessary, in addition to all of its other extensive and important accommodations, its ultimate cost will be $3,262,600.

This, the committee believe, is not extravagant, and, for a building that is to last for centuries, will be accepted as satisfactory. It will be far less than has been appropriated for public buildings in many other cities, and less than half the cost of the New York post-office; and yet in point of real dignity it ought to be superior to them all.

The cost of the site proposed, under any circumstances not to exceed $550,000, will be, comparatively, exceedingly moderate—less than it would be in almost any other part of this or any other city; and that it will be much the best and most accessible will hardly be disputed. There is and can be no jobbery behind it; nor can any party but the Government profit by its purchase.

Let it be borne in mind that the avenues, streets, and alleys, which will be taken without cost, are more than equal in extent to all the space to be bought and paid for. Beyond this, the value of the materials in the existing buildings and their foundations, which must be sold and removed or used in the construction of the foundations and inner walls of the new library, will be enough to make a very sensible reduction from the gross cost of the site. Preparations for the foundation on such high ground will be inexpensive, and the Library itself will forever be dry and healthy, unwholesome to none of its contents, whether of books or men. Economically considered, therefore, the site is not without solid and most important advantages. It will be worth all it will cost.

Appropriations are not refused for court-houses, post-offices, and custom-houses in near or remote States; and the cost of land alone, $1,491,200 at Philadelphia, $708,036 at Cincinnati, $368,882 at Saint Louis, $553,500 at Baltimore, $1,329,095 at Boston, and other sums at two hundred other places, as well as the cost of buildings, has been heretofore found practically necessary, and does not seem to have been begrudged, though the expenditures may appear to have been often chiefly of local advantage, and only asked for by the constituents of a single Representative or Senator, but when more accommodations are required here for the Library of Congress, an object wholly national, indispensable to Congress, and overflowing with public benefits, we have been subjected to protracted delays and confronted by the doubts of some statesmen, ever pregnant with fault-finding, who are not sure that our surplus of unshelved books might not be more wisely disposed of by a bonfire, as the Dutch get rid of surplus spices; and, if land must be purchased, they feel certain that some uninhabited or yet undiscovered spot or place can be found at a cheaper price.

The land which it is now proposed to acquire is in close proximity to the Capitol, and has been heretofore offered by most of the owners, over their own signatures, on the most favorable terms and for far less than has been paid elsewhere. If any now should be unwilling to part with their property at a reasonable price, it will be fixed by the court or by appraisers appointed by the court. The fact that it has long seemed inevitable that these squares would at some time be taken for public use has had the effect of retarding their improvement and depressing their value. The people of the United States do not desire parsimony in public expenditures for worthy objects when they get the worth of their money, and here the expenditure is not only worthy, but it is in the right place and the value of the acquisition incontestable. If Senators will look at it, or once travel around it, they will see that they can not be cheated in its purchase or condemnation. It is worth more to the United States than to any other parties. If not taken now, as I believe it will be, it will surely be taken by our successors.

When this subject was last considered here, so far as it could be settled by the Senate, the question as to the site of a new Library was settled by a large and a very decisive vote, more than two to one, in favor of taking some of the squares east of the Capitol. There are very few members of the Senate to-day who voted against that location, and of these few it may be hoped not all will now be found opposed to it.

It is evident that, unless we are willing to destroy the most attractive features now surrounding the Capitol, no invasion by any annex, and no offshoot in its front or rear, at one end or the other, can be permitted in any direction or upon any part of the present grounds, which are yearly more and more unfolding their wonderful beauty. We must submit to the conditions which we cheerfully accept everywhere else, and when a site for public use is absolutely required it must be taken and a just compensation paid.

Singularly enough, while there is apparently an unending struggle here in the political capital of the country to retain the few acres which were originally reserved for squares and for a small park, New York, the commercial capital of the country, is applying to the State Legislature for power to purchase large tracts of land for several additional parks. The commission appointed to select lands for these new public parks have made a report to the Legislature, from which I take the following statement:

Paris has 172,000 acres in parks, or one acre to every thirteen inhabitants; in Vienna the proportion is one acre to one hundred persons; in Chicago one to two hundred; in Philadelphia one to three hundred; in Brooklyn one to six hundred and thirty-nine; in New York one to 1,363, but New York proposes to buy 3,808 acres for additional parks, at an estimated cost of $2,000 per acre, or in the aggregate at the cost of $7,616,000. In the city of Washington, outside of the grounds surrounding the White House and the Capitol, and what used to be called the Mall, now strangled by the railroad, the public reservations are deplorably small. The public may be dazed by the multitude of minor triangular reservations at the intersection of the avenues and streets. There are on the plan of the city about two hundred of these pleasing trivialities, but hardly one of them in extent would be more than equal to a site for a common dwelling-house. Though small, they serve, however, to mark and punctuate the magnificent avenues with perennial points of admiration.

The conclusion that I would have drawn from this is not that we should follow the expensive example of New York in buying acres by the thousand for three or four new parks, but that Congress should preserve and protect from all absorption or devastation the very few acres in the meager open spaces which are now left in Washington. This city is destined to be visited, perhaps inhabited, by many persons devoted to professional, literary, and scientific pursuits, by those having more or less culture, who may find it a desirable winter residence; but, destitute of commercial and manufacturing advantages, and without even the shadow of political influence, it is unlikely ever to become, and I hope it never will become, a great and overgrown smoking metropolis. It is, however, most desirable that with clean streets we should have a clean people, and that the city should be distinguished for its wide intelligence, for the high personal character of its citizens, and become a leader among the prosperous cities of a Republic whose people as a whole it may fairly be claimed have more town and private libraries and are the best read of any people in the world.

For a great library a proper site is as essential as a proper building, and this consideration derives prominence now from the fact that some of our best public buildings unfortunately have not proper sites. It may be said that the cheapest site would be the most proper, but that would be an absurdity, as the cheapest might be found on the farthermost limits of the District or on the flats of the Potomac. The site should be conveniently near to the Senate and House of Representatives, and it must have its foundations resting on ground well drained and wholly free from dampness. The site east of the Capitol, contemplated by the present bill, fills all these requirements, and its great superiority over all others has been conceded even by some who have strangely urged that even the best site should not be purchased. It is elevated, dry, and only one square away from the Capitol, or not more than the distance from the Senate to the House of Representatives.

But there may be the embers of a contention that the Library should be placed on some part of the public grounds now owned by the Government. I have for many years had occasion to thoroughly examine that question, and I unhesitatingly say that there are no vacant grounds belonging now to the Government which even the pages of the Senate would recommend for a library site. The most of the existing very limited squares, triangles, and circles were created by the intersection and crossing of streets and avenues, but all these are too remote and insignificant for library purposes, and we have very little, in fact no ground left which is appropriate for any public building. We have, it is true, La Fayette Square, in front of the Executive Mansion, and Franklin Square, on K street, between Thirteenth and Fourteenth streets, but these small squares have been long elegantly laid out and planted with trees and shrubs. Not until Sitting Bull gets elected to Congress need we expect to have the proposition made to use such squares for building sites.

The only public square we ever had large enough to base even a poor argument upon, much less a good library, was Judiciary Square, and that, with only seven votes in its favor, was overwhelmingly rejected by the Senate. Since that the square has, I hardly know how, been jumped upon by the Pension Department, although its occupation by any building, as it seems to me, must be regarded ere long almost as a public calamity. We could not well afford with our limited possessions everywhere to part with so large a part of Judiciary Square in a region where for a mile square there is nothing else. It was an unexpected wrong precipitated upon those who have homes and families in that part of the city.

It is, therefore, a grave error to suppose that we now have anywhere suitable grounds which were reserved for and intended to be occupied by public buildings. The plan of the city was made under the direction of Washington, and where he said "Let there be light and fresh air" it will be better not to be in haste to blot out such vacant spaces with even an architectural display of bricks and mortar. Open spaces, rich in foliage and flowers, are as conducive to the health as to the beauty of the city, and they are all too few for the number of children here, which, during the better half of the year, throng and decorate them with a loveliness beyond the reach even of flowers. They should be wholly and sacredly preserved. The people of this city have some rights which Congress should feel it a point of honor to respect. The Capitol with its grounds has grown to be precious to the eyes of the American people, will grow to be worthy of the great Republic, and if we can do little to exalt it, let us do nothing to drag it down.

It happens that what is now proposed will be most for the advantage of Congress, studying that advantage only, but should it also happen to confer a slight local advantage upon the city of Washington, there is no reason why we should not accept of it for the capital of the whole country as gladly as we all would were it for a building in the capital of any State.

The fees paid into the Treasury on account of records of copyright are increasing every year, and for the past five years were as follows: 1879, $14,689.90; 1880, $16,303.50; 1881, $17,051.50; 1882, $18,554; 1883, $20,000—amounting to $86,898.90.

Hereafter this source of income will annually exceed the sum of $20,000, a sum which will much more than cover the interest on the cost of the site proposed to be purchased for the Library. It will, therefore, be noticed that the Library is an institution which earns a stable and independent cash income, and is at the same time receiving a still larger annual income in books and other publications, valued at not less than $25,000, which costs the Government nothing. Here, then, is an amount of $45,000 this year, and not less every succeeding year, which tends to show that the Library has some just claim to have a house and home large enough to hold the whole of its treasures now and hereafter.

Possibly some may not see their way clear to vote for a new library, as some votes were given in 1815 against the purchase of Mr. Jefferson's library, but all would regard it as a great mistake if the twenty-seven wagon-loads of books from Monticello had not been purchased.

It will be a grave mistake, possibly a calamity, to postpone the construction of a library for a single year; and I urgently ask that the Senate will appreciate the importance of at once taking care of the most valuable Library now existing on the American continent.

Mr. President, I now ask that this bill shall be made the special order for Tuesday next.

Mr. MORGAN. I object to that.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Vermont asks that the bill under consideration be made the special order for Tuesday next, at 2 o'clock the Chair supposes.

Mr. MORGAN. I hope that this bill, as well as every other one on the Calendar, will be allowed to take its regular course. We have just adopted a system of rules, which in themselves are very fine, to give every Senator and every committee here an opportunity to have his or its bill considered by the Senate in due and proper order. This is not a case of emergency; we have been at this subject for many years; and whether this bill shall be heard at the time designated or whether it shall be two weeks or three weeks later can not affect the welfare of the country.

I shall insist, although it is not a pleasant thing to have to do, that our rules shall be adhered to, so that we can get some benefit from the labors which our Committee on Rules have performed so ably in giving us a better system than we had before.

Mr. MORRILL. The Senator will remember that it was the general expression that there would be no dissent to making the bill a special order after this morning if I did not insist on any action at the present time, and I hope the Senator from Alabama will not object.

Mr. MORGAN. I do not want to set myself against the judgment of the Senate about this, but I shall ask a vote upon it. If a special order is made it must be done by a vote.

Mr. MORRILL. I move that the bill be made the special order for Tuesday next.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on the motion of the Senator from Vermont, that the bill under consideration be made the special order for Tuesday next, at 2 o'clock.

Mr. CAMERON, of Wisconsin. Under the rule I believe it requires a two-thirds vote to make any matter a special order.

Mr. MORGAN. I call for the yeas and nays on the motion.

Mr. MORRILL. I did not suppose the motion would be resisted after the general expression in favor of making the bill a special order. I hope there will be no objection. It is a very important bill, and it ought to go to the House early.

Mr. MORGAN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 45, nays 8; as follows:

YEAS—45.

Aldrich,	Hale,	Lapham,	Sawyer,
Anthony,	Hampton,	Logan,	Sewell,
Bayard,	Harrison,	McPherson,	Sherman,
Blair,	Hawley,	Manderson,	Slater,
Camden,	Hill,	Maxey,	Vance,
Colquitt,	Ingalls,	Miller of Cal.,	Vest,
Conger,	Jackson,	Mitchell,	Voorhees,
Cullom,	Jonas,	Morrill,	Walker,
Frye,	Jones of Florida,	Platt,	Wilson.
Garland,	Jones of Nevada,	Pugh,	
Gibson,	Kenna,	Ransom,	
Gorman,	Lamar,	Saulsbury,	

NAYS—8.

Allison,	Cameron of Wis.,	Fair,	Morgan,
Call,	Coke,	George,	Van Wyck.

ABSENT—23.

Beck,	Dawes,	Hoar,	Pike,
Bowen,	Dolph,	McMillan,	Plumb,
Brown,	Edmunds,	Mahone,	Riddleberger,
Butler,	Farley,	Miller of N. Y.,	Sabin,
Cameron of Pa.,	Groome,	Palmer,	Williams.
Cockrell,	Harris,	Pendleton,	

So the motion was agreed to.

PAPERS ON THE FILES.

Mr. MORGAN. I desire to offer a standing order, to be adopted by the Senate, in reference to the transfer of papers from the files of the Senate to the committees. I wish to inquire whether it will be in order for me now to do so?

The PRESIDING OFFICER. If there be no objection, it will be received.

Mr. MORGAN. I ask for its present consideration unless some one desires it to lie over.

The PRESIDING OFFICER. The resolution proposed by the Senator from Alabama will be read.

The Chief Clerk read as follows:

Ordered, That any papers on the files of the Senate relating to a bill or resolution referred by the Senate to any committee shall be taken from the files and sent to such committee on the written requirement of any Senator addressed to the Secretary of the Senate. But this order shall not apply to the papers in any case which has been reported adversely by a committee of the Senate.

The PRESIDING OFFICER. Is there objection to the consideration of this order?

Mr. INGALLS. Is that proposed by the Senator from Alabama as an addition to the standing rules of the Senate?

Mr. MORGAN. Yes.

Mr. INGALLS. I would suggest to the Senator that perhaps as the full effect may not be understood it had better be referred to the committee.

Mr. MORGAN. Let it be printed then and referred to the Committee on Rules.

The PRESIDING OFFICER. That order will be made in accordance with Rule XL.

UTE INDIAN RESERVATION.

The PRESIDING OFFICER. Under Rule VIII the Senate proceeds to the consideration of bills on the Calendar. The first bill will be reported.

The bill (S. 672) to amend section 4887 of the Revised Statutes in relation to patents was announced as the first in order.

Mr. HILL. I move to take up Senate bill 241 which was under discussion when 2 o'clock arrived yesterday. It was reached regularly on the Calendar.

Mr. PLATT. I suppose that at this hour a motion to take up the bill which was under consideration yesterday does not cause the one which is ahead of it on the Calendar and which was passed over without prejudice to lose its place, and with that understanding I have no objection to the motion of the Senator from Colorado.

The PRESIDING OFFICER. The Chair understands that it does not lose its place.

Mr. HILL. It will take but a few minutes to dispose of the bill which was under consideration yesterday.

The PRESIDING OFFICER. The Chair hears no objection to the suggestion of the Senator from Colorado.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 241) to repeal section 8 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880.

Mr. COCKRELL. There ought to be an amendment, it strikes me at the suggestion of the Senator from Kansas [Mr. INGALLS], "and that the lands referred to in said section are hereby restored to the public domain."

Mr. INGALLS. "And be disposed of under the public land laws of the United States."

Mr. COCKRELL. If they are restored to the public domain they can not be disposed of otherwise.

Mr. HILL. I do not believe there is any necessity for such an amendment. That is the only objection I have to it.

Mr. COCKRELL. It can not do any harm, but makes it explicit.

Mr. HILL. I shall not object.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL].

Mr. PLUMB. I should like to have the attention of the Senator from Colorado. What was the method prescribed for the disposition of the lands acquired from the Ute Indians, of which this is a part, in the bill which this amendatory of?

Mr. HILL. The act of 1880 provided that the lands which they ceded to the United States should be subject to cash entry only, but this tract as I claim was never a part of the Ute Indian reservation. It was south of the line surveyed and accepted.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DURATION OF PATENTS.

The bill (S. 271) for the relief of Louisa Boddy was announced as the next in order.

Mr. PLATT. I suppose Order of Business 41 retains its place, and is properly in order now.

The PRESIDING OFFICER. Does the Senator desire to call that up now?

Mr. PLATT. I may as well call it up now.

The PRESIDING OFFICER. Order of Business 41, being Senate bill 672, is the regular order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 672) to amend section 4887 of the Revised Statutes in relation to patents. It proposes to amend section 4887 of the Revised Statutes so as to read:

"SEC. 4887. No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent hereafter granted be declared invalid by reason of its having been first patented or caused to be patented in a foreign country, unless the same has been introduced into public use in the United States for more than two years prior to the application; but every patent hereafter granted for an invention which has, prior to the filing of the application for said patent, been patented in a foreign country, shall expire seventeen years from the date of the foreign patent, or, if there be more than one, seventeen years from the date of the earliest foreign patent, and in no case shall it remain in force more than seventeen years; but all applications hereafter made for patents for inventions previously patented in a foreign country, upon the invention of the same person, shall be made within two years from and after the date of such foreign patent, or, if there be more than one, from the date of the earliest foreign patent. No patent granted for an invention which had, prior to the grant of such patent, been first patented in a foreign country, and which has not expired at the date of the passage of this act, shall be declared to be invalid by reason of its not being so limited on its face or in its grant as to expire at the same time with the foreign patent, or, if there be more than one, at the same time with the one having the shortest term; but this section shall in no wise renew, revive, prolong, or extend any patent heretofore granted."

Mr. MORGAN. I hope the chairman of the committee will explain the necessity of this bill.

Mr. CAMERON, of Wisconsin. I will ask the chairman to state what change or changes this bill proposes to make in the law as it now exists.

Mr. PLATT. I will take the five minutes to which I am entitled to make a statement which I think will be satisfactory.

The present section 4887 provides that "every patent granted for an invention which has been previously patented in a foreign country shall be so limited as to expire at the same time with the foreign patent, or, if there be more than one, at the same time with the one having the shortest term, and in no case shall it be in force more than seventeen years."

As that law was understood up to a very recent period, and as the laws prior to the act of 1870 undoubtedly were, a patent issued in this country expressed to run for seventeen years was not determined by the expiration of a foreign patent if the application had been first made in this country for the patent. I have no doubt that when the law was drawn that was the intention, that the time of the expiration of a foreign patent granted for the same invention should not shorten the term of the American patent if the American patent was applied for before the foreign patent; but the decisions of the courts under this statute are to this effect: If the foreign patent has been granted before the American patent has been granted, then, although the American patent is granted for seventeen years, it expires at the expiration of the foreign patent.

The terms of patents in foreign countries are various, and they are liable to be forfeited in some countries by the non-payment of tax, by the failure to operate; and the effect of this statute under the construction of the courts is that a patent taken out in a foreign country so determines the term of a patent here that very often the term of the patent here is made to cease at the end of two years or three years or five years or ten years, according to the time during which it is in operation in foreign countries. For instance, in England a patent is granted for fourteen years, and it has to be renewed by the payment of a tax or is forfeited. If the person taking a patent fails to pay the tax, at the end of three years I believe it is, his patent is forfeited, and the American patent which has been granted for the same invention falls to the ground with it. So in Canada, a patent may be taken out for five years, ten years, or fifteen years. If taken out for five years, it may be extended and renewed so that it shall run for ten or fifteen years; but the courts hold that the term of five years for which it is taken out must determine the time for which the American patent shall run. So a man may have just this state of affairs, and I know of a case where just this state of facts existed: A person making an invention applied for a patent to our Patent Office first. He supposed that he was going to get his patent in the United States first. He then made an application for a Canadian patent. Some things delayed his patent here, so that his Canadian patent was first issued just twelve days before. By the decisions of the courts under this statute his United States patent, therefore, expires at the end of five years from the time it was granted, and that although he has renewed the Canadian patent and has got a patent for fifteen years in Canada.

It is manifest that these things are not right. It has grown up out of successive constructions which have been put upon the statute by the courts. Senators will see that there can be no reason in a law which provides in reality that if a person does not patent his invention abroad and gives it to the whole world, except the United States, free, and does patent it here, he can have a term of seventeen years; but if he happens to patent it abroad first and tries to protect himself abroad as he does here, then he is limited by the laws of the country where the patent happens to be first granted in relation to the time to which it shall extend.

There has been quite a pressure brought to bear upon the committee to report a bill which should apply to patents which have already expired by reason of the law as it stands. This the committee declined to do. They make this act applicable simply to the future, and then

they say to these persons who feel that particular hardship exists in cases by reason of the determination of their patents by the expiration of the term of a foreign patent that if there are special hardships they must present them to Congress as special cases, but that it would not be wise and right to pass an act which should have reference to what has already taken place, but only with reference to the future.

So far as I know this act meets the approval of everybody who has examined it.

Mr. COCKRELL. I should like to call the attention of the Senator to line 23 and the following lines, which seem to me to perpetuate patents which are now invalid and to bring them into life and existence.

Mr. PLATT. If the Senator will listen to me a moment I think he will see——

The PRESIDING OFFICER. The Senator can only proceed by unanimous consent, as his five minutes have expired.

Mr. PLATT. If the Senate will allow me to make the suggestion and the explanation that it may go along with my other remarks it may save time. ["Go on!"] The Senator refers, I think, to the paragraph beginning on line 23. If he will listen to my explanation he will see what that means. Not only have the courts held that patents thus issued in this country for seventeen years are determined by the expiration of the foreign patent, but they have held under this section that if a patent had been granted in a foreign country, no matter whether it had expired or not, and the Commissioner had failed, in writing out the patent, in issuing the letters patent, to state on the face of the letters patent that the patent issued in this country should expire, at the same time as the patent in the foreign country, then the entire patent was invalid from the start, because the patent had not been limited on its face to expire at the time when the foreign patent should expire by reason of the foreign law. All that this clause provides is that no patent shall be declared to be invalid because the Commissioner has not written out on the face of the patent that it shall expire at the time of the expiration of the foreign patent; and the very next lines after that sentence, lines 30 and 31, I think completely meet the fear which the Senator from Missouri has in his mind:

But this section shall in no wise renew, revive, prolong, or extend any patent heretofore granted.

The PRESIDING OFFICER. The Chair must call attention to the fact that the hour of 2 has arrived and the unfinished business must be taken up.

Mr. HOAR. I hope if there is any debate on this bill the Senator from Delaware will allow a vote to be taken upon it. I do not think there is to be debate.

Mr. BAYARD. I will with pleasure allow a vote. I have not delayed it by debate.

Mr. HOAR. The Senator misunderstands me. I suggested that the bill which has been up and has been explained may be passed now if there is no objection to it.

Mr. BAYARD. Oh! I misunderstood the Senator. If there is no objection to the bill, let it be voted on.

Mr. COCKRELL. If it goes over now, it will come up to-morrow morning. I want to read the explanation of the Senator from Connecticut. There is no printed report with the bill.

Mr. BAYARD. I call for the regular order.

Mr. COCKRELL. The bill of the Senator from Connecticut stands at the head of the Calendar and will come up in the morning.

The PRESIDING OFFICER. The hour of 2 o'clock has arrived, and the Senate proceeds to the unfinished business, which is Senate bill No. 19.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 2309) to authorize the Secretary of War to cause the remains of Capt. Walter Clifford, deceased, to be transported to his late place of residence and making appropriation therefor;

A bill (H. R. 2555) to change the name of "The National La Fayette and Bank of Commerce" to that of "The National La Fayette Bank;" and

Joint resolution (H. Res. 152) for the relief of E. H. George and H. W. Walker.

PRIVATE LAND CLAIMS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories.

Mr. BAYARD. I desire to submit a suggestion which I hope will meet the approval of the Senate. For more than a week this bill has been before the Senate and has been very thoroughly discussed, and I suggest now that at the hour of 4 o'clock debate upon the bill shall cease and that we vote upon the bill and upon such amendments as may then be offered.

The PRESIDING OFFICER. The Senator from Delaware suggests that by unanimous consent the debate shall cease upon this bill at 4 o'clock to-day. Is there objection?

Mr. CONGER. I am in favor of getting to a final vote on this bill as much as any one, but in the order of business all amendments to the bill itself must be introduced and discussed before we come to a substitute, and I should like to have the last five minutes if I say anything on the substitute submitted by me. I do not know any disposition that any one has to delay progressing as fast as possible with the bill.

Mr. BOWEN. I have offered an amendment to the substitute of the Senator from Michigan, but I have no desire whatever to discuss that substitute at length. I desire, however, to make my own record satisfactory and to explain briefly the reasons for my amendment. I am in favor of the judiciary settling this question, but I am not in favor of this bill as reported by the committee. I shall probably ask fifteen minutes of time to simply explain the reasons why I offered the amendment, and with the understanding that I shall have that time I am willing to adopt the suggestion. Having offered a substitute, I should like to explain why I offered it instead of the bill that comes before us from the committee.

The PRESIDENT *pro tempore*. The Chair understands the two Senators to object to the agreement suggested.

Mr. BAYARD. I did not quite understand the statement of the Senator from Michigan.

The PRESIDING OFFICER. He declined to assent to the understanding.

Mr. BAYARD. I regret it. I merely wish to say that the pressure of other measures has been suggested to me by Senators having them in charge, and the intimation given that they were getting impatient at the length of time this bill staid before the Senate. It was therefore with a due consideration to public business and to facilitate the conclusion of this measure at some time that I made the suggestion. I expected of course that the Senator from Colorado would make a full explanation of his substitute, and I had no design to prevent it; and as there are two hours from this time to the period proposed I supposed it could well be done.

I may say further that under our present rules it is in order to move at any time to lay an amendment upon the table without affecting the bill, and I propose during this discussion to allow the mover of any amendment fully to explain it, and then to make the motion that I have suggested in order that there may be some limitation upon debate.

As I have said, this bill has been before the Senate for more than a week. On one or two days of the discussion I think the Senator from Michigan was not in the Senate at the time, although measures that he had suggested were referred to in discussion.

But the matter is for the Senate to determine; it has control of its own business; and I made the proposition in the interest of facility, not with the slightest design of preventing discussion on the part of my friend from Colorado, but, on the contrary, welcoming it.

Mr. CONGER. It was only because the substitute which I had offered would be the last thing to be acted upon, with the amendment to it which the Senator from Colorado has offered, that I spoke of it in this way. The remark that the Senate is tired of this business did inadvertently cast some reproach upon the committee in bringing in a bill so little perfected, but I beg to say that the Senator from Massachusetts did not intend to make a very decided avowal of reproach upon the committee that they had not perfected the bill when he said the Senate was tired of it, because, as the gentleman must know, every committee is liable to bring in a bill which may meet with objection and meet with discussion. I make this avowal in behalf of the committee, that they may not consider themselves under the reproach of the Senator from Massachusetts for having brought in such an imperfect bill.

Mr. McPHERSON. Inasmuch as no agreement can be arrived at in respect to the time at which a vote shall be taken upon the bill, and as I agree substantially with the general plan of the bill, but am unalterably opposed to some of its provisions, what few suggestions I want to make upon it had better be made perhaps before the consideration of the substitute is brought before the Senate.

I am in favor of the plan of the bill, leaving the decision of all these cases where it properly belongs, to a judicial tribunal. I have watched the debate with vigilance and have listened to every argument made by the honorable Senators having charge of the bill to find some objection which could be reasonably or fairly urged to the amendment I had the honor to introduce, and I have been unable to find one.

The Senate will remember, not with any degree of pride, it is true, the untoward action of Congress some years ago in granting great blocks of land, amounting to tens of millions of acres, to corporations and individuals. Notwithstanding the gift and the unenumerated evils which have followed as a result, I do not think the honorable Senator from Delaware would for a moment support a proposition which had for its object the despoiling those grantees of one acre of land which they had honestly earned under the contract. How much stronger stands the case of those claiming title under the Mexican grants? We are not only bound to them under the contract of treaty which requires that we shall respect every right, but we occupy a still stronger position and a more responsible one. We are bound to them as trustees in the fulfillment of every particle of that treaty, express and implied.

It is true that here was a royal grant, royal in its magnitude and in its munificence, exciting the admiration of mankind, until our Republican friends undertook to distribute the national domain. Then the

grant-makers in Mexico, belittled and abashed, retired to the rear. But I do not understand that the magnitude of a grant or the question of its quantity has ever been considered as influential in a judicial tribunal in testing the right of a man to property.

Let us ask ourselves what, in fact, the Government of the United States acquired under the treaty of Guadalupe Hidalgo? And what perfect rights, if not perfect titles, existed in the territory covered by the treaty?

An answer to the inquiries cannot, I think, be given in better words than those of Chief-Justice Marshall, in a case under the Lousiana purchase in the case of Delassus *vs.* United States (9 Peters, 118):

> The sovereign who acquires an inhabited territory acquires full dominion over it; but this dominion is never supposed to divest the vested rights of individuals to property.

And in respect to the case then before him he says:

> The inquiry then is whether this concession was legally made by the proper authorities and might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the government under which the same originated, had not the sovereignty of the country been transferred to the United States.

It is evident that in that case Chief-Justice Marshall supposed that he was considering a title that was not complete at the time of the transfer of the sovereignty. It must, therefore, have been an "incomplete title." And in respect to such title he says:

> The right of property then is protected and secured by the treaty, and no principle is better settled in this country than that an inchoate title to lands is property.

He does not intimate that an "incomplete title" is one which the sovereign making the acquisition may complete according to rules and principles of his own devising. The completion is to be, as he says, "in conformity to the laws, usages, and customs of the government under which the same originated."

The United States, then, acquired the political dominion over the territory, but acquired no absolute, unencumbered title to any lands that theretofore were subject to or might be made subject to titles that were either perfect, or inchoate, or imperfect.

We are accustomed to speak of the unoccupied lands of those Territories as public lands; but strictly speaking they are not so, and were not at the time of the transfer of the dominion over them. In the language of Justice Catron, those lands were "encumbered, under the laws of nations, with all the equitable rights of private property therein that they were subject to in the hands of Mexico at the time of their transfer." (Frémont *vs.* United States, 17 Howard, 567.)

Strictly, then, we have no right to speak of public lands in the acquired territory until every perfect and imperfect or inchoate title has been determined and its limits fixed. When that is done what may remain will be public lands.

We do not stand in the position of giving anything to the parties protected by the treaty, the original grantees, their heirs or assigns. Mexico gave them their rights of property. By the treaty we agree to protect those rights of property, whatever they were, perfect or imperfect, by "guarantees equally ample as if the same belonged to citizens of the United States."

Does this bill, does this seventh subdivision of section 12, protect them in their property by guarantees equally ample as if the same belonged (originally) to citizens of the United States?

It has been supposed that a citizen of the United States having a perfect title to property, or if inchoate or imperfect having a perfect right to complete it, had some guarantee in the Constitution and laws that if his title or right was assailed by private individuals or by the Government, when brought before the courts of the country he could there have what it was his right to have, namely, all questions of fact and of law there determined by the court, not predetermined or prejudiced by any legislative body.

But the United States, having thus pledged its faith in the treaty, would now make itself the assailant in a suit in its own courts, and inform the parties who may there appeal to the guarantees of the treaty that the legislative branch of the Government has determined not very precisely what "imperfect titles" may be, but that it has definitely determined that under the treaty no "Mexicans" nor their "heirs" nor their "grantees" shall ever have a judgment in a United States court on any title under this bill for more than "eleven leagues of land."

Whence does Congress derive the power in a case of private rights to direct a United States court to give a certain interpretation or limitation to the "laws, usages, and customs" of a foreign government? Is that arbitrary power derived from or can it rest upon the "careful consideration" of the body of the laws, usages, and customs of Mexico and Spain that may have been given to them by a committee of this body, however distinguished as experts in Spanish and Mexican laws, usages, and customs they may happen to be?

I believe that lawyers say that foreign laws are to be proved in our courts as facts. Would a provision like this be thought possible or tolerated in any legislation in respect to a case between citizens where the force and effect of a foreign law might be brought in question? Is Congress or our Government so eager, after having seized dominion over that vast country, to now seize title to its domain that we must forget our faith pledged in the treaty and do violence to the rights of those holding titles, either perfect or inchoate, by a disregard of the well-settled rules for the determination of private rights?

As to what were the laws, usages, and customs in respect to grants at the time of the ratification of the treaty and what the colonization laws of Mexico, and whether in force and effect at any certain time, these are all clearly questions for the court; and the parties have a right to the judgment of the court, not of this Senate, upon those questions.

If it is as clear as the gentlemen of the committee, learned in the Spanish and Mexican law, would have us believe, that all "imperfect titles" must be classed under the colonization laws of Mexico and that those laws certainly do not permit a grant of more than eleven leagues, we surely may well leave that question, with the others, where it belongs, to be determined by the court.

Experience in the matter of grants in the Louisiana purchase and in the now State of California has surely informed us that Spanish and Mexican grants are various in form and style, and whether a certain grant may be considered perfect or imperfect, whether under the colonization law or standing independently of it, may be a question.

But the promoters of this bill inform us that where a man has a grant, and has "possession" under it, he is safe. He does not need to come into court under this bill.

But what is "possession?" How far does it extend? Have not our States found it necessary to define by statutes what shall constitute adverse possession? And may not the character and extent of a man's possession of lands in many States be determined somewhat by the question as to whether he has a paper title—whether he has inclosed his cleared land, or used the unclosed woodland?

Now, suppose a Mexican don, in consideration of some distinguished service, or for moneys paid, received a grant from his government years previous to the ratification of the treaty—the land to be selected in New Mexico or Arizona, within certain designated natural boundaries, and to include, say, fifteen square leagues.

Grants somewhat of that character, with boundaries quite undefined, I believe have been found to be not uncommon in our acquired Spanish possessions. The grantee did not have the land surveyed; there were no surveyors in those then wild, arid regions. He did not fence his grant. Fences were not required. He put his *rancheros* there. They grazed his flocks and herds along a water course and over a mesa; sometimes within the limits of his supposed grant, sometimes outside of it. He or his legal representatives are there to-day in about the same condition. What kind of a title has he, perfect or imperfect; and how extensive is his possession? If his title is considered by the court as imperfect, he can only have judgment for eleven leagues under this clause. If his title is considered perfect by the court, he is to be dismissed from the court without any judgment as to the extent of his right under his declared perfect title.

But, say the committee, if there be any cases of hardship caused by our determination to limit the court to decide on all the facts and law in the cases, the aggrieved party can come and supplicate the kindly consideration of Congress and Congress will doubtless relieve him. Indeed! And how has Congress been accustomed to relieve such supplicants? And by what right does this Congress assume to say to these parties having rights guaranteed by the solemn sanction of international treaty, rights capable of being properly and justly determined in the courts of the country, "You must get out of court, but you may come to some succeeding Congress and doubtless it will of its grace confirm your right?"

Is Congress the forum for decision indicated by the guarantees of the treaty? Most assuredly not. Would legislation like this be attempted in any other cases where the rights of individuals came in conflict with some supposed residuary rights of the Government? In this District we had, I believe, some time since a question as to whether private parties owned the water-front on the Potomac. Suppose Congress had attempted to determine that while the court might consider the question no judgment should be rendered in the case that permitted the lines of any person's grant to come within 100 feet of low-water mark. Who would propose such a measure? And yet these Mexicans and their heirs and assigns in these remote Territories have guarantees equally ample with the citizens of this District; guarantees that we are bound sacredly to regard.

A conflict in Government grants is not an unprecedented thing. Look at land titles in West Virginia; lapping sometimes three deep; unsettled for quite a century. Did it ever occur to any old Virginia jurist that the speedy, easy, and just way of determining the conflicts would be by enacting that the courts should recognize no man's claim to more than five hundred acres? (That would be about the relative scale of land grants by the governments of Virginia and old Spain and Mexico.) And, then, all parties who might feel aggrieved could come to the Legislature for its sympathy and await its mercy!

In the acquisition of a country that had been settled for about three centuries perhaps the presumption might well be that all its lands had been granted and were subject to private rights if not in actual occupation. What right have we to start with the presumption that they were, or that a large proportion of them were, public lands, and upon that presumption proceed to throw any parties holding grants, or rights

of whatever nature, upon the mercy of a Congress that represents the other party in interest to the contest?

The policy of Mexico has been referred to. In respect to grants the policy of Old Spain and Mexico is well known to have been most liberal. The colonization law of Mexico was only a part of it. That never precluded the supreme power of the national government from making grants. How often that power may have been exercised we can not here know. If exercised by "rightful authority," it conveyed a perfect right—a right which we, under the treaty, are bound to protect and execute. If anything whatever remained to be done after the making of the grant it only remained as an official duty, which we, as the successors of Mexico, are, by our proper officers, under the guarantees of the treaty, bound to discharge.

Why should any grantees of lands be required to come to Congress? That they may upon the one hand be charged with importunity and lobbying, or, on the other, be subjected to spoliation under the supposed popular cry of protecting the public domain!

Congress is no place to try land titles either great or small. It is no place to try them whether they be few or numerous. If in a certain class of cases the number be few, the courts can readily dispose of them; if numerous, surely Congress ought not to be hereafter troubled with them. If Senators wish to close this business by referring it to the courts, where it belongs, let us do so justly, honorably, impartially, and let the courts decide all the cases and all the questions involved.

The PRESIDING OFFICER. The pending question is upon the amendment offered by the Senator from Kansas [Mr. PLUMB], which will be reported.

The SECRETARY. It is proposed to insert at the end of the bill the following as additional sections:

SEC. —. That all the right and title of the United States to the land in the Rio Grande Valley and elsewhere in the Territory of New Mexico occupied and possessed by persons who, or whose ancestors or grantors, became citizens of the United States by reason of the treaty of Guadalupe Hidalgo, be, and the same are hereby, relinquished and granted to the person or persons who have been in the actual *bona fide* occupancy or possession of said land, by themselves or their ancestors or grantors, for fifty years next preceding the date of the passage of this act; and it shall be the duty of the surveyor-general of New Mexico to hear and determine, subject to the approval of the Secretary of the Interior, the rights of the parties claiming under this act; and for that purpose the register and the receiver shall have power to summon witnesses, administer oaths, and take testimony relative to such occupancy or possession: *Provided*, That no claim as aforesaid shall be of any validity under this act unless it shall have been duly filed with the said surveyor-general two years after the passage of this act: *And provided further*, That this grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land, or any part thereof, nor preclude a judicial examination and adjustment thereof, and shall not extend to any tract of land exceeding eighty acres in quantity.

SEC. —. That whenever it shall have been determined by the said surveyor-general, or, on appeal, by the Commissioner of the General Land Office or Secretary of the Interior, that any tract has been occupied as aforesaid, it shall be the duty of the surveyor-general for said Territory to cause the said claims to be surveyed in accordance with the lines of such occupancy, and to furnish approved plats of the same, upon the receipt and approval of which said plats, and field-notes thereof, by the Commissioner of the General Land Office, patents shall issue as in other cases.

SEC. —. That any part or parts of said designated lands that are not shown, to the satisfaction of the Commissioner of the General Land Office, to have been so occupied for fifty years shall be held by him as open to settlement under the provisions of the pre-emption or homestead laws of the United States, and patents may be issued therefor for any number of acres not exceeding eighty that parties complying with said legal provisions may desire to hold: *Provided*, That all existing occupants that have settled on said lands within a period of less than thirty years shall have the prior right to acquire the same under the homestead laws of the United States.

Mr. BAYARD. I have sent for the Senator from Kansas in order that he may be present when the vote is taken.

The PRESIDING OFFICER. The Chair has also sent for him.

Mr. BAYARD. I will merely remark that this amendment contains the text of a bill introduced by the Senator from Kansas and referred to the Committee on Private Land Claims on the 21st of January. It relates to a large class of small holdings in that Territory, and the committee have not yet had time to consider whether a bill should be reported for the purpose of especially protecting that class of occupants of small tracts of land who, according to the explanation of the Senator yesterday, have no muniments of title, and rely entirely upon verbal or traditionary licenses to possess and occupy rather than any formal title. But the amendment contains a doctrine in regard to which I hope the Senate will pause long before they agree, and that is that the statute of limitations shall be applicable against the Government. That never has been the law of the United States. I do not think it has been the law of any country with institutions similar to our own. Long ago, in 1832, the Supreme Court of the United States laid down this doctrine:

It is a well-settled principle that the statute of limitations does not run against a State. If a contrary rule were sanctioned, it would only be necessary for intruders upon the public lands to maintain their possessions until the statute of limitations shall run; and then they would become invested with the title against the Government, and all persons claiming under it. In this way the public domain would soon be appropriated by adventurers. Indeed it would be utterly impracticable, by the use of any power within the reach of the Government, to prevent this result. It is only necessary, therefore, to state the case in order to show the wisdom and propriety of the rule that the statute never operates against the Government. (Lindsey and others vs. The Lessee of Miller, 6 Peters, 673.)

This is not only the statement of a rule familiar to us all but it is a statement of the reasons for the rule as applied to the public lands.

I trust, therefore, under no show of a special mercy towards the small holders, for whose protection this bill has been in a large degree designed, will Congress consent to the adoption of a principle which all governments have held it necessary to deny in relation to the sovereignty.

I do not care to prolong the debate or the controversy on this measure. I am ready therefore that the Senate shall act upon the pending question. I consider while there is much in the theory of this amendment which I can understand as appealing to one's sense of commiseration for those who have no muniments of title, mere possession of small holdings, yet those possessions must have been under color of law or title to create such an occupation as the law favors, and which can ripen into a title recognizable in law. A man going into possession of the public land not having color of title can gain no title by any lapse of time. Mere possession will not enable him to maintain a suit against one who enters under title from the Government.

The amendment proposes (and there is an amendment suggested by the honorable Senator from Florida [Mr. CALL] to the same effect) to allow their ancestors or grantors that means, when stated conversely, their heirs or assigns, for the grantor, whether it be by deed of gift or of sale, or the word "ancestor," which implies inheritance, and amounts to this that a party can by mere possession gain title to public lands as against the Government or its grantee.

Sir, it would be the adoption of a very dangerous rule and is in violation of the established rule of this Government and lead to the overthrow of the sovereign power by the mere lapse of time without color of law or grant. I hope the amendment will not be adopted.

Mr. PLUMB. I want to call the attention of the Senator from Delaware to chapter 34 of the acts of the Forty-third Congress, second session, wherein he will find that precisely this question was settled by the passage of a bill which came from the Private Land Claims Committee.

Mr. BAYARD. Is that the same reference the Senator made yesterday?

Mr. PLUMB. The same one I made yesterday.

Mr. BAYARD. In regard to titles in Arizona?

Mr. PLUMB. In regard to titles in Arizona.

Mr. BAYARD. I read it in the RECORD this morning and heard it yesterday.

Mr. PLUMB. I think that is a complete answer to the objection the Senator makes about the question of acquiring title by limitation.

In view of the fact that there seems to be a recognition generally that something should be done to protect these people, I think it is incumbent upon the Committee on Private Land Claims either to assent to the amendment or to propose something else which will accomplish the same purpose. Manifestly the bill does not accomplish the desired end and was not intended so to do. If we are to legislate upon this question, why should we not attend to it at once? We shall not recur to this question again. If we do not protect these people now, they will not receive protection, but in the progress of the execution of the provisions of this bill they will be practically dispossessed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CALL. Mr. President, I wish to say a single word. I do not suppose there is any country in the world, either Spain, England, or any other, where an adverse possession of fifty years is not a good title. If there is, I have never read nor heard of it. The amendment of the Senator from Kansas simply proposes to affirm that fact as a proposition of law. I think it ought to be sustained. I hope the amendment will be adopted.

Mr. PLUMB. At the suggestion of the Senator from Colorado [Mr. BOWEN] I will amend my amendment by inserting after the words "New Mexico," in line 3 of the first proposed section, the words "and in the State of Colorado;" so as to read:

That all the right and title of the United States to the land in the Rio Grande Valley and elsewhere in the Territory of New Mexico and in the State of Colorado, occupied and possessed by persons, &c.

His statement to me was that there are, and I have no doubt there are, a large number of people in the State of Colorado similarly situated.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to amend his amendment as will be read.

The CHIEF CLERK. In line 3 of the first section of the proposed amendment, after the word "New Mexico," insert "and in the State of Colorado;" so as to read:

That all the right and title of the United States to the land in the Rio Grande Valley and elsewhere in the Territory of New Mexico and in the State of Colorado occupied and possessed by persons who or whose ancestors or grantors became citizens of the United States by reason of the treaty of Guadalupe Hidalgo be, and the same are hereby, relinquished and granted to the person or persons who have been in actual *bona fide* occupancy or possession of said land, &c.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas to his own amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment offered by the Senator from Kansas, on which the yeas and nays have been ordered.

Mr. MAXEY. I would suggest to the Senator from Kansas, in line 9 of his amendment, between the words "grantors" and "for," to insert "continuously." That would leave it beyond all doubt.

Mr. PLUMB. That is entirely acceptable.

Mr. MAXEY. The object I have in view is that the possession spoken of shall be continuous possession.

The PRESIDENT *pro tempore*. The Senator from Texas moves to amend the amendment of the Senator from Kansas by inserting after "grantors," in line 9, "continuously."

Mr. MAXEY. I would also add it, if the same amendment is necessary, to make the language harmonious in another part of the section.

The PRESIDENT *pro tempore*. The Senator will examine that for himself. The Chair is hardly authorized to direct such a correction. The question is on the amendment proposed by the Senator from Texas to the amendment of the Senator from Kansas.

Mr. BAYARD. Mr. President, irrespective of the merits of this proposition, which, as I said before, has been submitted to the Senate and referred to the Committee on Private Land Claims as Senate bill 1209, which is now pending before the committee and being there duly considered, I object to its being ingrafted upon the present bill. We are simply here providing legal machinery for testing the right in judicial tribunals of every claimant, great or small, providing for absolute equality before the law, giving the opportunity for the first time sn the history of this country's legislation with regard to this class of property for the private claimants to intervene in all cases to protect their interests.

I have here on my table a statement made by a party in interest before the public land commission of the United States in which he says that:

> The Government should enforce the construction of the laws in conflict with private grants by allowing settlers to intervene. The settlers are always posted in regard to getting testimony; but if the settlers are ruled out of court all sorts of perjury will be committed against the Government. Settlers who cultivate the soil can not fight unscrupulous speculators in the courts at their own expense, as they have all they can do to improve their farms to raise a scanty living for their families through hardships from early settlement. Speculators always reside in towns and cities, who care nothing for the settler except to sponge the price of the land out of him without any right or equitable title.

This man is one of the many who have complained, and it is in response to what I believe to be the just demand of this class of claimants that this bill has been framed. Now comes the proposition of the Senator from Kansas without any regard to the framework of this bill and proposes to ingraft a statute of limitation to quiet what? Not to quiet titles under the treaty, but simply to quiet possessory titles by raising the bar of the statute against the Government of the United States itself or those claiming under it. I hope the Senate may see that it is inconsistent, incongruous with the measure now before the Senate to ingraft this provision upon it, and that the question is a very serious one whether you will now reverse that policy of this Government and I say of all civilized governments heretofore pursued, and that is not to let the bar of the statute run against the Government.

Mr. MAXEY. Mr. President, twenty years' actual continuous possession even at common law raises a presumption of right, and in sixty years raises a conclusive presumption of right. Twenty years' possession is good against a writ of possession, and sixty years against a writ of right. So far, the common law. But it has been said that no time runs against the king. That is perfectly true; but I ask here where we are making a statute and a man has been in the continuous actual possession of the survey on which he is, he and those under whom he claims for fifty years peaceably occupying it without let or hinderance on the part of the Government or anybody else, is it just and fair on the part of the Government on a mere naked legal title to turn that man out?

This bill all the way through and the entire argument all the way through refers to grants, and the treaty refers to grants and says grants shall be confirmed. In the case which I put the other day and in many other cases where the title by long occupation and use and possession would be in any court regarded as a good title there is not a grant, because the Government has not technically parted with the legal title; and it is to reach that class of cases that the amendment of the Senator from Kansas is presented, and I think properly. It will save hundreds and thousands of the small settlers who have taken up parts of an eleven-league grant, for example, where the out-boundary has been made and it turns out to cover more than eleven leagues. There has been no actual parting with the legal title by the Government; and inside of the exterior boundaries of the grant have grown up villages and farms, the holders all claiming under that eleven-league claim. They have had possession not only for fifty years but from that up to one hundred and two hundred years; and yet on the theory of the bill these honest men are turned out and the rest of the land goes to some speculator who is waiting to grab the hard earnings of those who with their ancestors have been on the land for two or three centuries. I do not think that is right. While I am as much in favor of striking at fraudulent claims as any man can be and believe that fraud ought to be cut up by the roots, yet there is no reason for striking down the just with the unjust. If you can find men who are honestly entitled to have their homes and the roofs over their heads protected, protect them, and now and here is the right time and place, in my judgment, to do that.

Mr. HARRISON. Mr. President, I feel that I owe an apology for occupying any time on this question, but I do want to state briefly what seems to me to be the true aspect of the question.

By this bill we have proposed to subject to the severest scrutiny all of these Mexican and Spanish grants; we have provided every means known to the law for testing these grants, so that none of them shall be confirmed except those that are *bona fide* grants from Mexico or Spain. We have provided the means for ascertaining the bounds of the grants so that they may not be spread over territory not originally fairly included within the descriptions contained in the grants. Now, when under this bill any grantee from Spain or Mexico has established his claim to a particular tract of land under the treaty, I insist we have no power to say as against that claimant and grantee that any occupier or squatter upon any part of his grant shall control or have the land he is residing on. We have no more right to do it than by bill to establish the claim of any interloper or squatter upon the land of any Senator. We must leave the question between those occupiers of land which may be confirmed under any grant to litigation between those persons and the person in whose behalf the grant is confirmed. If as against the owner of that grant there has been such adverse possession as the courts would recognize, then that party will be secure in his holdings under the protection of the statute of rest; and if he has not been holding adversely, but has been holding under the grant, then the confirmation of the grant secures his title which is held under the grantee. So that as to any of these settlers who may find themselves upon grants which are confirmed by the court after these adverse proceedings have been instituted and been brought to a determination, I submit that Congress has no power to change the legal relations of the grantee and that person occupying a portion of the land.

But as to the public domain of the United States which is not found to be included in any of these grants, if there shall be upon that domain any *bona fide* settlers who under the loose laws of Mexico or Spain went upon this property supposing they had a right to make a home upon it and have dwelt there for the period mentioned in the amendment of the Senator from Kansas, for one I am in favor of releasing the rights of the Government of the United States to those persons. I am told there are many such men who have twenty or forty acres of land upon which they have a little vineyard. I think it would be unbecoming in the Government of the United States to set up title against these poor people. Therefore, as I said yesterday, if the Senator from Kansas will so amend his proposition as that it shall be distinctly limited to the public lands of the United States which we have a right to dispose of, to give or sell as we may please, and shall instead of establishing present title in these people simply secure them against the intrusion of any person who attempts to come in under the laws of the United States and jump their claims until we can have a report from the surveyor-general as to the rights in the particular case—that sort of a proposition I think would meet with general approval. It protects everybody that we have a right to protect, every one who is upon any land which the Government owns; but the question is whether this amendment may not extend, if it is carried in the form proposed, to the grants which are confirmed which are decided to be private property and to have been private property since the original grant, and certainly we can not honestly undertake to give away any portion of the grants which are thus confirmed. But as to the public lands, as I have said we have a right to say that as to those *bona fide* settlers who have dwelt so long upon the land that no intruder shall disturb their possession and when we have secured from the surveyor-general a report we shall then be in a position to pass a law which shall confirm to those of them who show an equitable right these little holdings which they have been possessed of so long.

Mr. PLUMB. Mr. President, I think the Senator from Indiana could have no doubt about the amendment which I proposed covering just precisely the land he speaks of and no other, because the very first words are "that all the right and title of the United States to the land," &c., not purporting to grant any other title except that which the United States has.

Mr. HARRISON. I would say to the Senator that this bill deals with some cases, or it has been said to deal with some cases, where the title of the claimant is an equitable one, where it might be held that the fee was in the United States; and, if so, certainly this language might be construed to pass that title of the United States.

Mr. BAYARD. I think the Senator from Indiana will agree that a measure of that kind should not be ingrafted upon the present bill. It is perfectly competent to make a separate and a carefully drawn measure that will meet this class of cases; but we are really now passing upon a different subject. The suggestion of the Senator from Indiana should be properly framed and can be properly framed in a separate measure. This amendment now of the Senator from Kansas in the shape of a

separate measure is before the Committee on Private Land Claims, and it only went there two weeks ago.

Mr. HARRISON. I would say to the Senator that it does not seem to me that the objection of irrelevancy lies to the amendment of the Senator from Kansas. We are dealing here with lands derived from Mexico under the treaty; we are assuming to confirm lands which were granted under the treaty. Now, in connection with that we find certain Mexican citizens, who came to us with the land, in the possession of certain small tracts of land. It seems to me that it is germane; and as the fate and final result upon a bill which is yet to be reported may be quite uncertain in this Congress, for one, being friendly to the bill as I have shown in what I have said upon it from the beginning, I would be willing to ingraft such an amendment as I have suggested.

Mr. MAXEY. The amendment of the Senator from Kansas, in my judgment, is not only strictly germane, but is proper to go on this bill. Why? The bill relates to grants, and I beg Senators not to become confused about the meaning of the word "grants." The treaty of Guadalupe Hidalgo refers to "grants." Of course, every lawyer will concede that whatever title the private citizen had when Augustin Iturbide overturned the Spanish Government in 1821 remained in the citizen under the Iturbide government, and when that in turn was overturned by the republic in 1824 the precise character of title that the citizen had in his land remained in him; and when, on the 2d of February, 1848, that country passed to the United States, whatever character of title the citizen had under the Mexican laws remained in him under the laws of the United States.

Now suppose that the citizen had acquired an equitable title from the Mexican Government—and that is the very class of cases I am trying to protect—suppose he had filed his petition, his land had been surveyed, he had been put in the actual possession of that land, but a grant had not passed from the government; the legal title was still in the government. In that condition the rights of Mexico ceased because the country had become the property of the United States; the equitable title of the occupant remained in him under the laws of the United States, but the legal title passed to the Government of the United States from Mexico.

The object of the Senator from Kansas, as I understand it, is that the United States shall be divested of any claim of title that she may have for the class of people who have been in the continuous, actual, peaceable, undisturbed occupation of their soil for fifty years under their claim. Is not that right? You may talk to me about no time running against the king, but I say that no government on this earth would be just to its citizens that would avail itself of mere naked technicalities. It is not the case of a squatter; it is the case of a man who has an equitable claim to the land, and who is in possession under an equitable claim with the legal title only remaining in the Government; and it would be unjust on the part of this Government to assert its naked legal title to strip him of land which he had been honestly occupying for fifty years under a survey and under a claim from the former government, emanating under the laws of Spain or Mexico as the case may be. I say it would not be just to the man to strip him of this land because there happened to be a little surplus in the quantity included between the exterior boundaries of his grant. But that is the effect of this, because this bill says in terms that no claim shall be allowed for a larger amount than eleven leagues, and it is true that in many instances men were in the honest occupancy of a survey which was more than eleven leagues long under an eleven-league claim. They have been there for fifty years constantly occupying it, and no one has interfered with them. The Government of Mexico has not interfered with them. The Government of the United States has not interfered with them up to the present time. Now, what will you do? Railroads have made the land valuable, and you propose to strike at the just with the unjust, you propose to strike down the honest poor man along with the fraudulent thieves and scoundrels who have been moving out their lines and making eleven leagues cover two million acres. Sir, while you strike at them, let an honest and upright Government protect the poor man. The amendment does it, because if a man has been in the actual undisturbed possession and occupation of the soil under his marked bounds for fifty years he ought not to be interfered with, and the amendment is not only germane but in my judgment it is honest.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment offered by the Senator from Texas [Mr. MAXEY] to the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kansas as amended.

Mr. EDMUNDS. If I may be excused for saying a single word (which I am sorry to feel it a duty to do) on this main amendment, I should like to call the attention of the Senate again to what my friend from Indiana has referred to, that this amendment as it stands will clearly oust the Mexican grantee or the Spanish grantee from his possession that we are bound to make good under the treaty against a fifty years' occupation of somebody who may have trespassed upon his lands, which is undertaking to determine by an act of Congress questions of private rights between two citizens.

I hope for that reason as well as for others that I might suggest in regard to dangers even as to the public lands that my friend from Kansas, whose good wishes to these settlers the Committee on Private Land Claims sysmpathize with most earnestly, will allow this matter of the Mexican grants *per se* to be disposed of by itself, and that we immediately proceed—for I am sure the committee will report in a week or two upon the other branch of the question about these settlers on the public lands or those that turn out to be public—to leave that to be carefully considered by the committee with such assistance as we can get from my friend from Kansas and others who are acquainted with the matter, and not in the haste of considering amendments that are offered in the Senate that have not been carefully talked over in a committee embarrass us and do injury where we are trying to do good.

Certainly I am confident on the first point I have made that it would be extremely unjust as well as dangerous to agree to the amendment in the form in which it now stands.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN].

The roll-call having been concluded, the result was announced—yeas 17, nays 28; as follows:

YEAS—17.

Bowen,	Hawley,	Maxey,	Van Wyck,
Call,	Ingalls,	Plumb,	Vest.
Coke,	Jones of Nevada,	Sawyer,	
Dawes,	Lapham,	Sewell,	
George,	McPherson,	Vance,	

NAYS—28.

Aldrich,	Colquitt,	Gibson,	McMillan,
Bayard,	Conger,	Gorman,	Manderson,
Beck,	Cullom,	Hampton,	Pendleton,
Blair,	Dolph,	Harris,	Pike,
Butler,	Edmunds,	Harrison,	Platt,
Camden,	Fair,	Jackson,	Pugh,
Cameron of Wis.,	Garland,	Jonas,	Sherman.

ABSENT—31.

Allison,	Hale,	Miller of Cal.,	Sabin,
Anthony,	Hill,	Miller of N. Y.,	Saulsbury,
Brown,	Hoar,	Mitchell,	Slater,
Cameron of Pa.,	Jones of Florida,	Morgan,	Voorhees,
Cockrell,	Kenna,	Morrill,	Walker,
Farley,	Lamar,	Palmer,	Williams,
Frye,	Logan,	Ransom,	Wilson.
Groome,	Mahone,	Riddleberger,	

So the amendment as amended was rejected.

Mr. PLUMB. I now offer an amendment to come in at the close of the bill as a separate section.

The Chief Clerk read the amendment, as follows:

SEC. —. That all the public lands of the United States in the Rio Grande Valley and elsewhere in the Territory of New Mexico and in the State of Colorado, occupied and possessed by persons who, or whose ancestors or grantors, became citizens of the United States by reason of the treaty of Guadalupe Hidalgo, and occupied by any person or persons who have been in the actual *bona fide* occupancy or possession of said land, by themselves or their ancestors or grantors, for fifty years next preceding the date of the passage of this act, be, and the same are hereby, withdrawn from entry and sale under the laws of the United States; and it shall be the duty of the surveyor-general of New Mexico to hear and determine the rights of the parties claiming such parcels of land, and to report all the facts to the Secretary of the Interior. Said surveyor-general shall have power to summon witnesses, administer oaths, and take testimony relative to such occupancy or possession: *Provided*, That all claims under this act shall be filed with the said surveyor-general within two years after the passage of this act: *And provided further*, That no claim shall be so heard or examined exceeding eighty acres in quantity.

Mr. BAYARD. I will merely say that that is to-day the subject of a separate bill now pending before the Private Land Claims Committee, who are disposed to give it early and as far as I know favorable consideration; but I am not prepared upon a measure of this kind to accept such an amendment. I hope therefore it will not be adopted.

Mr. HARRISON. I think the amendment proposed by the Senator from Kansas, as well as I can understand it from the reading of it, is in the line of the suggestion I have been making once or twice. It does not undertake to confirm title in anybody. It would not make any difference if by its terms it extended to all the land that may be covered by these grants, because it simply says that the lands are reserved from sale—that is all—and directs the surveyor-general to inquire into and report as to the equitable right of the class of persons described in the amendment. It parts with no title, it interferes with nobody's title, but simply says that intruders shall not jump these little claims, and that it is reserved for the future consideration of Congress after we have the report of the surveyor-general.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas.

Mr. BAYARD. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMDEN (when Mr. KENNA's name was called). I desire to announce the pair of my colleague [Mr. KENNA] with the Senator from Minnesota [Mr. SABIN].

The roll-call was concluded.

Mr. CALL. I am requested by my colleague [Mr. JONES, of Florida] to announce that he is detained from the Senate by sickness.

The result was announced—yeas 23, nays 23; as follows:

YEAS—23.

Blair,	Conger,	Jones of Nevada,	Sawyer,
Bowen,	Dawes,	Lapham,	Sherman,
Call,	George,	Maxey,	Vance,
Cameron of Wis.,	Harrison,	Mitchell,	Van Wyck,
Cockrell,	Hawley,	Plumb,	Vest.
Coke,	Ingalls,	Saulsbury,	

NAYS—23.

Bayard,	Dolph,	Harris,	Morgan,
Beck,	Edmunds,	Jackson,	Pendleton,
Butler,	Fair,	Jonas,	Pike,
Camden,	Garland,	Lamar,	Platt,
Colquitt,	Gibson,	McMillan,	Pugh.
Cullom,	Hampton,	Manderson,	

ABSENT—30.

Aldrich,	Groome,	Mahone,	Sewell,
Allison,	Hale,	Miller of Cal.,	Slater,
Anthony,	Hill,	Miller of N. Y.,	Voorhees,
Brown,	Hoar,	Morrill,	Walker,
Cameron of Pa.,	Jones of Florida,	Palmer,	Williams,
Farley,	Kenna,	Ransom,	Wilson.
Frye,	Logan,	Riddleberger,	
Gorman,	McPherson,	Sabin,	

The PRESIDING OFFICER. The amendment is rejected.

Mr. LAPHAM. I offer a substitute for section 11, which I send to the desk.

The CHIEF CLERK. It is proposed to strike out section 11 and to insert in lieu thereof:

All claims which may be prosecuted under the provisions of this act shall be forever barred unless a petition shall have been filed as hereinbefore provided within three years after notice on the part of the United States to the claimant requiring such claimant to institute proceedings as aforesaid: *Provided*, That minors, married women, and persons *non compos mentis* shall have three years after the removal of their respective disabilities in which to make their claims under the provision of this act after such notice.

Mr. LAPHAM. Mr. President, I am in full sympathy with the purpose of the Committee on Private Land Claims in providing some mode of quieting these titles, and I should be glad to see the provisions of this bill in such a form as to be able to support it. I can not do it in the present condition of the measure. The common-law bill, the bill to quiet titles, as it is termed, was a remedy for the repose of titles. In the State of New York we have dropped all those proceedings; we have a statutory provision which was framed by the late John C. Spencer, which has been in operation in that State since the year 1830. It provides in the main, as this bill is designed to provide, for a party in possession of real estate summoning all claimants in hostility to his title to come into court and have the question tried. It is denominated—the title of the law in that State is "A proceeding to compel the determination of claims to real property." It is a somewhat summary proceeding in the State of New York, although after the parties are all brought into court the provisions of the statute relating to actions of ejectment are made applicable to the trial and determination of the case. If this bill were designed, although in the form of a proceeding in equity, to reach the same result in a somewhat summary way, I should have much less difficulty with it than I have now and I should be able to give it my cheerful support.

I have been looking at the first section of this bill to see if I could determine upon whom it is operative, and the best interpretation I can give to it is that every person in possession of land under a claim of title from either the Mexican or Spanish Government whose claim has not been confirmed by act of Congress or otherwise finally decided upon lawful authority is bound to institute a legal proceeding under this act under the peril of losing his land.

Now, Mr. President, we see at a glance the magnitude of the scope of this bill thus interpreted, and I can give it no other interpretation. It has been said in the course of this discussion that more than a thousand claims have been presented under the laws of Congress, and to a certain extent adjudicated, the boundaries ascertained; the public officers have reached their conclusions, and reported them. But all those claims, as appears by the later provisions of the first section, are not to be regarded as in any way determining the right of individuals in possession of those lands. The petition is to state "whether the said claim has heretofore been confirmed, considered, or acted upon by Congress." Why should a person come into court under this bill on a petition stating that his claim has been confirmed by an act of Congress when the preceding provision of the bill expressly stipulates that those whose titles have thus been confirmed are not to proceed under this act? The petition is to state—

Whether the said claim has heretofore been confirmed, considered, or acted upon by Congress, or the authorities of the United States, or been heretofore submitted to any authorities constituted by law for the adjustment of land-titles within the limits of the said territory so acquired, and by them reported on unfavorably or recommended for confirmation, or authorized to be surveyed or not.

So it will be seen that a thousand claims, and probably five times a thousand claims, will be required to be prosecuted under the provisions of this act if it shall become a law. We have knowledge of the fact that of the thousand claims unacted on only seventy-one or seventy-two come within the term of having been finally decided or confirmed by act of Congress. Therefore all the rest of these claims are open for litigation.

To whom does this statute address itself? To every one of the claimants to land under grants from either of the governments who were parties to the treaties. They are all obliged to go first into their local courts; from there, if it be a Territorial court, they are obliged to go to the circuit court, and from the circuit court they are to come to the Supreme Court of the United States, and the Supreme Court of the United States, the United States being a party to every one of these proceedings, and having the right to come here by appeal, is to take jurisdiction of them as an original action, to retry them all upon both the questions of fact and the questions of law.

Why, Mr. President, you pass this bill in its present form with this right of appeal to the court of last resort, and there is no man living who will see the end of the Calendar in the Supreme Court of the United States; our grandchildren would not live to see it. Think of bringing witnesses from all these Territories to the city of Washington to testify before the Supreme Court upon these issues as to title! That is what this bill provides for. These questions are all to be opened as original questions; they are all to be retried here. I am sure in this respect this bill ought not to receive the favorable consideration of the Senate.

To whom, then, I repeat, is this proposition addressed? It is addressed to that class of land-holders who have been in possession of grants from the Government of Spain or the Government of Mexico almost time out of mind, men who have been reposing upon their titles for centuries. They are all invited by this bill to come into court, and obliged to come into court at the peril of losing their titles unless they do so, and have them established.

The amendment I have offered is designed to remedy the difficulties of this bill in one respect. It relates to the statute of limitations that is proposed to be interposed by the eleventh section. That section as recommended by the committee absolutely bars every claim to lands in these Territories and States unless petitions are filed within three years after the passage of this act. Here are persons who have been, as I have said, and their ancestors, occupying these lands for centuries, or for half a century or quarter of a century. They know nothing of the passage of this law; they may not even hear of the passage of the law within the three years; they are in remote sections; they are living in the confidence that they are safe; that their title is good, nobody has ever questioned it; and yet there may be an antagonism to the title which, after the lapse of three years, by this section as it is proposed, would cut them off forever.

The amendment I have offered is designed to require the United States to be the mover in this matter and to call upon every person in possession of the land to come into court and commence his proceeding, and if after notice to do that, after being required to do that, he refuses for three years to do so, then his claim shall be barred. It seems to me this is not unreasonable. We are passing this law for the purpose of ascertaining what proportion of these lands are the public domain. We are acting to a certain extent in hostility to the land grants secured by the treaty, and therefore, if we desire to shut out any claimant as against the United States from holding his land, we should move upon him and give him notice of this law and of the requirement that he shall institute proceedings under it.

I may not have exactly the appropriate language to accomplish what I have in view, but my idea is that before this bar shall commence to operate the Government shall advise the occupant that his title is in peril or may be in peril. Let the Government say to the occupant, "You must commence; we have passed a law to enable the courts to determine as between you and us, and as between you and anybody else, whether your title is valid or not; we have passed a law the design of which is to be a statute of repose as to all these titles; now we call upon you to avail yourself of the provisions of the law, and unless you do it within three years the doors of the courts are to be barred forever against you." What harm is there in requiring this much on the part of the Government? Why should not something of this kind be done before the statute of limitations begins to operate upon the occupants of these lands?

I do not wish to occupy time, there has been so much time consumed in the discussion of this bill. I have thus stated briefly the difficulties of the bill as they occur to me and the reasons why I suggest this substitute for the eleventh section. The latter part of my amendment is the clause introduced by the Senator from Texas [Mr. COKE] yesterday and adopted by the Senate. That is the exception of minors, married women, and persons *non compos mentis*. The Senate has passed upon that portion of my amendment. My amendment is designed to provide that the statute shall not commence to operate as a statute in bar of a claim until the Government has given notice to the occupant to institute proceedings.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. LAPHAM].

Mr. BAYARD. I will merely state that the bill already provides a reasonable and well-guarded statute of limitation with the usual exceptions in favor of persons under legal disabilities.

These claims, it seems to me the Senator has forgotten, are thirty-six years old under the treaty or thirty-one years old under the Gadsden purchase. It is not the case of a sudden interposition of the bar of the lapse of time upon an unconsidered class of claims, but for more than a

generation these claims have been well understood, have been pursued, have been acquired, and are thoroughly well understood in the public mind. The land commission have expressly stated as one reason for the growth of difficulty on this subject the lack of a bar of limitation upon such suits.

The committee carefully considered this point. They reported a reasonable and just period of delay, up to the beginning of which every man having a claim could readily present it in an inartificial, simple, easy manner. What is the reason that this is not sufficient? The Senator from Texas [Mr. COKE] suggested that persons *non compos mentis*, of nonage, under legal disability, should have the usual time after the expiration of the three years within which to bring their claims, and the Senate has adopted that amendment.

What, then, is the present idea of compelling the United States to give a notice? A notice to whom? To these parties, who may or who may not be ascertainable. The bill permits any man or set of men, owning or claiming much or little, to prefer their claim in their own way, setting it forth truly before a court of the locality, and it then gives them more than usual opportunity for the expedition of the final hearing of their case.

I submit that this being thoroughly provided for, the rights of infants, married women, and persons *non compos mentis* having been protected by the amendment of the Senator from Texas, there is no longer any necessity for further amendment in this case, and I trust the Senate will not agree to it.

Mr. LAPHAM. It seems to me that the honorable Senator is not quite right in saying that this is not a statute of limitations sprung suddenly and for the first time. The occupants of these lands have never had any notice or any reason to suppose that action hostile to their rights in the nature of this statute of limitation was contemplated by the Government. The very fact that they have been allowed for half a century to occupy those lands without any effort to establish their title or to defeat their title leads to the very opposite results. They are in repose; they are quiet; they are unaware of what is going on and of the hazards which this bill throws in the way of their claims.

What harm is there in requiring that this notice shall be given? Half of these occupants, perhaps two-thirds or three-fourths of them, could not read this bill if it were enacted into a law unless it should be translated into the language with which they are familiar. Men may lose their titles under the eleventh section of the bill, as the committee have proposed it, in utter ignorance of the opportunity furnished by it to come into court and to establish their titles.

There certainly is no harm in requiring the Government which institutes these proceedings to give notice to a claimant that he must proceed if he wants to save himself. It is a very simple thing to do. That is all my amendment provides, and all that I think is necessary to make this proposed statute (which as I said at the outset is a statute of repose) operative after three years upon all those who do not come into court after they shall have had notice and an opportunity to do so. To cut them off without that is conduct on the part of the Government which I think is to be severely censured.

The PRESIDENT *pro tempore*, The question is on the amendment proposed by the Senator from New York [Mr. LAPHAM].

Mr. BAYARD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. Let the amendment be read again.

The PRESIDENT *pro tempore*. The amendment will be again reported.

The CHIEF CLERK. It is proposed to strike out section 11 and to insert in lieu thereof:

All claims which may be prosecuted under the provisions of this act shall be forever barred unless a petition shall have been filed, as hereinbefore provided, within three years after notice on the part of the United States to the claimant requiring such claimant to institute proceedings as aforesaid: *Provided*, That minors, married women, and persons *non compos mentis* shall have three years after the removal of their respective disabilities in which to make their claims under the provisions of this act after such notice.

Mr. BAYARD. I ask the Secretary to read the text of the bill which it is proposed to strike out.

The Chief Clerk read as follows:

SEC. 11. That all claims which are by the provisions of this act authorized to be prosecuted shall, after three years from the taking effect of this act, if no petition in respect to the same shall have been filed as hereinafter provided, be deemed and taken, in all courts and elsewhere, to be abandoned, and shall be forever barred: *Provided*, That minors, married women, and persons *non compos mentis* shall have one year after the removal of their respective disabilities within which to make their claims under the provisions of this act.

Mr. LAPHAM. The Senate will see that there is only one point of difference between my amendment and the section as it now stands. The section as it now is makes this statute operative from the day we pass the law, while my amendment makes the statute operative from the day the occupant is given notice of the existence of this law.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. LAPHAM], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HAMPTON (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON].

The roll-call having been concluded, the result was announced—yeas 17, nays 26; as follows:

YEAS—17.

Bowen,	Ingalls,	Mitchell,	Vest,
Call,	Jones of Nevada,	Palmer,	Wilson.
Conger,	Lapham,	Plumb,	
Cullom,	Mahone,	Sawyer,	
Hawley,	Maxey,	Van Wyck,	

NAYS—26.

Aldrich,	Colquitt,	Gibson,	Morgan,
Allison,	Dawes,	Gorman,	Pendleton,
Bayard,	Dolph,	Harris,	Pike,
Beck,	Edmunds,	Harrison,	Platt,
Butler,	Fair,	Jonas,	Pugh.
Camden,	Garland,	McMillan,	
Coke,	George,	Manderson,	

ABSENT—33.

Anthony,	Hale,	McPherson,	Sherman.
Blair,	Hampton,	Miller of Cal.,	Slater,
Brown,	Hill,	Miller of N. Y.,	Vance,
Cameron of Pa.,	Hoar,	Morrill,	Voorhees,
Cameron of Wis.,	Jackson,	Ransom,	Walker,
Cockrell,	Jones of Florida,	Riddleberger,	Williams.
Farley,	Kenna,	Sabin,	
Frye,	Lamar,	Saulsbury,	
Groome,	Logan,	Sewell,	

So the amendment was rejected.

Mr. CALL. I move to add as additional sections to the bill the following:

SEC. —. That no confirmation under the provisions of this act shall affect an actual adverse possession for ten years next preceding the commencement of proceedings under this act of any part of a grant.

SEC. —. That on the filing of a petition, under oath, alleging an actual adverse possession of any grant, or part of any grant, for ten years next preceding the filing of said petition, in any case under this act where the title to said land so held in adverse possession may be affected by the decree rendered therein, the court shall take jurisdiction of the same, and on proof of such actual adverse possession shall order a survey of said land so held in actual adverse possession, which survey shall be made by the surveyor-general of the United States; and the said land so held in actual adverse possession shall not be included in said decree and shall not be affected by it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. CALL].

Mr. CALL. I shall not detain the Senate any further than to say that the amendment provides an exception or saving from the operation of the act of all persons in actual adverse possession for ten years preceding the commencement of proceedings, and provides that not being parties to the decree, they are not affected by it. That would be the law without this amendment; but presumption rises to a title. These poor people are as they were in my own State, where a large and extensive grant was confirmed in the grantee, but there was a presumption of title, and without saving it in the inferior courts to which they have access in trials of possessory right they will be uniformly deprived of that possession.

The other section of the amendment provides that by petition they may intervene and become parties, and if they establish to the satisfaction of the court an actual adverse possession for ten years preceding the commencement of the proceedings, their land may be surveyed by the authority of the United States and be excepted from the operation of the decree confirming the entire grant.

I have nothing further to say in defense of this amendment except that it is manifest to me that it is one for the protection of the poor people who occupy these large grants.

Mr. BAYARD. I will simply state that the amendment is directly in the line (except that it is more objectionable than that in my view) of the amendment of the Senator from Kansas [Mr. PLUMB], which has been already disapproved by the Senate. I trust that the amendment will not be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. PLUMB. In section 1, lines 9 and 10, I move to strike out the words "such lawful incomplete Spanish or Mexican grant, concession, warrant, or survey as," and to insert "any right or title derived from the Spanish or Mexican Government which;" so as to read:

That it shall and may be lawful for any person or persons or corporation or their legal representatives, claiming lands within the limits of the territory derived by the United States from the Republic of Mexico, and now embraced within the Territories of New Mexico, Wyoming, Arizona, or Utah, or within the States of Nevada or Colorado, by virtue of any right or title derived from the Spanish or Mexican Government which the United States are bound to recognize and confirm by virtue of the treaties of cession of said country by Mexico to the United States, &c.

The object of this amendment is that the court may be called on to pass upon every title and every right which the United States were bound to recognize and confirm by virtue of the treaty, and not put it within the narrow limit which the bill does of incomplete grants. Expressing what I at least can say for myself, I have very great doubt as to what the meaning may be.

The language which I propose is the language that was used in the law which created the commission for the settlement of similar grants in the State of California. It has had, therefore, a construction put upon it; we know what its action is. It is useless to pass a bill which

shall take up one class of rights and leave another class entirely undisposed of.

There can certainly be no objection to this amendment, I think, unless it may be on the part of some one who is especially anxious that the bill shall go through in the precise form in which it came from the committee. This court ought to take into consideration all the question of right and of title which the Government of the United States bound itself to protect and preserve by the treaty.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. BAYARD. This is but a repetition of the debate on questions raised a week ago in the discussion of this bill. I then explained, I thought satisfactorily, under question and answer, that this bill necessarily relates only to those incomplete grants and titles which it is the duty of the Government of the United States under treaty stipulation to consider and to perfect.

Yesterday in the course of the debate the language of the Supreme Court of the United States in the case of The United States *vs.* Wiggins, in 14 Peters, was cited by me to explain the difference between the duty of the United States under a law like this and the result of the treaty itself. Said the court:

> That the perfect titles made by Spain before the 24th of January, 1818, within the ceded territory are intrinsically valid and exempt from the provisions of the eighth article is the established doctrine of this court, and that they need no sanction from the legislative or judicial departments of this country. (The United States *vs.* Wiggins, 14 Peters, page 351.)

We are in this present case not dealing with perfect titles. They are, as the court say, "intrinsically valid and exempt;" "they need no sanction from the legislative or judicial departments of the country." It is, therefore, but repeating the statement made in the course of this debate over and over again of the object for which this bill was designed, and it would be in vain I think by repetition to strengthen the statement. The Senate I think must understand that the bill is designed to execute what remains to be executed of our treaty stipulations with the Government of Mexico in regard to the claimants of these lands. If they have a valid and intrinsic title, it is theirs, and, the Constitution being extended over that country, they have every legal right for its enforcement already. This law is not meant for such a case; it does not express itself as being meant for that; and to extend it to that would simply be to create an entirely new law from that which the Senate has been considering now for a week.

Mr. LAPHAM. Will the Senator allow me to ask him a question? Who is to determine whether the title has become complete and perfect within the language of the fifteenth and sixteenth lines of the first section?

Mr. BAYARD. I suppose the court before whom the suit is brought are to test this. If the Senator will read further, and see what the judgment of the court is to be, he will not be in doubt upon that subject.

Mr. LAPHAM. But suppose the occupant determines that his title is perfect; if he makes a mistake, then your eleventh section cuts him off forever. You put upon the occupant the peril of determining the question whether he has any defect in his title or not. That certainly ought never to be the law.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. I should like to have the amendment read.

The PRESIDENT *pro tempore*. The amendment will be reported.

The Chief Clerk read the amendment.

The question being taken by yeas and nays, resulted—yeas 13, nays 29; as follows:

YEAS—13.

Bowen,	Jones of Nevada,	Palmer,	Wilson.
Call,	Lapham,	Plumb,	
Conger,	Mahone,	Sawyer,	
Hawley,	Maxey,	Vest,	

NAYS—29.

Aldrich,	Colquitt,	Jonas,	Platt,
Allison,	Dolph,	Lamar,	Pugh,
Bayard	Edmunds,	McMillan,	Ransom,
Beck,	Fair,	Manderson,	Saulsbury,
Blair,	Garland,	Morgan,	Sherman.
Butler,	Harris,	Morrill,	
Camden,	Harrison,	Pendleton,	
Coke,	Jackson,	Pike,	

ABSENT—34.

Anthony,	George,	Jones of Florida,	Sewell,
Brown,	Gibson,	Kenna,	Slater,
Cameron of Pa.,	Gorman,	Logan,	Vance,
Cameron of Wis.,	Groome,	McPherson,	Van Wyck,
Cockrell,	Hale,	Miller of Cal.,	Voorhees,
Cullom,	Hampton,	Miller of N. Y.,	Walker,
Dawes,	Hill,	Mitchell,	Williams.
Farley,	Hoar,	Riddleberger,	
Frye,	Ingalls,	Sabin,	

So the amendment was rejected.

Mr. BOWEN. I inquire of the Chair whether there are any further amendments to be offered to the text of the bill. If not, I desire to offer at this time my amendment as a substitute for the substitute offered by the Senator from Michigan [Mr. CONGER].

Mr. CONGER. The amendment which I had offered is pending.

The PRESIDENT *pro tempore*. The Chair is informed that the Senator from Michigan [Mr. CONGER] gave notice of an intended amendment, as did also the Senator from Colorado [Mr. BOWEN].

Mr. CONGER. I have from time to time offered a substitute, but it was said that the text of the bill as it was should be perfected first.

The PRESIDENT *pro tempore*. In that case the amendment offered by the Senator from Michigan will be first considered. The Chair, according to custom, therefore (the Senator from Michigan having first given notice of his motion to strike out all after the enacting clause and to insert), will submit the amendment offered by the Senator from Michigan. It will be reported.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert in lieu:

That it shall and may be lawful for any person or persons, or their legal representatives, claiming lands within the limits of the territory derived by the United States from the Republic of Mexico and now embraced within the Territories of New Mexico, Wyoming, Arizona, or Utah, or within the States of Nevada or Colorado, by virtue of such lawful Spanish or Mexican grant, concession, warrant, or survey as the United States is bound to recognize under the treaties of cession of said country by Mexico to the United States, which at the date of the passage of this act have not been confirmed or rejected by Congress, or otherwise decided upon by lawful authority, to present an application in writing to the commissioners hereinafter provided for, setting forth fully the nature of their claims to the lands, and particularly stating the date, form, and nature of the grant or concession under which they claim, by whom and under what authority, and to whom or for what use or benefit the same was made, with a reference to the documentary or other evidence upon which the claim is founded, and a statement of the facts relative to possession by grantees and their successors of the lands claimed, the name or names of any person or persons in present possession of the same, or of any part thereof, or claiming the same, or any part thereof, otherwise than by lease or permission of applicants, a deraignment of applicant's title, or proof of his authority to represent the claim, and also the quantity of land expressed in the grant or concession, or claimed thereunder, where situate, and the exterior boundaries thereof, with a map showing the same as near as may be, and whether said claim has heretofore been confirmed, considered, or acted upon by Congress or other authority of the United States, or been heretofore submitted to any authorities constituted by law for the adjustment of land titles within the limits of said territory so acquired, and by them reported on unfavorably or recommended for confirmation, and asking in such application that the validity of such title or claim be inquired into and determined.

SEC. 2. That all unsettled claims as aforesaid which have heretofore been submitted to Congress, or transmitted by surveyors-general to the Commissioner of the General Land Office, or remaining on the files of the surveyors-general, shall be remanded to the commissioners for examination and settlement, as provided in this act.

SEC. 3. That for the purpose of ascertaining and settling private land claims as aforesaid in the States and Territories hereinbefore mentioned three commissioners shall be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be to thoroughly investigate and examine all claims brought before them as provided in this act, and to ascertain the authority and validity thereof, under the laws of Spain and Mexico and the treaties between the United States and Mexico, and the sufficiency of such claims to constitute property rights to the lands claimed under said laws and treaties at the date of the cession of territory as aforesaid; and said commissioners shall have power to compel the attendance of witnesses, administer oaths, and take testimony, and to do all and singular the acts and things necessary to be done to carry the provisions of this act into effect.

SEC. 4. That all claims not heretofore filed with the surveyor-general of the State or Territory in which the land is situated shall be presented to the commission hereby constituted within the period of two years from the date of the passage of this act; and all claims not presented within said period shall be deemed and taken in all courts and elsewhere to be abandoned, and shall be forever barred, and the lands claimed shall forthwith, upon the expiration of said two years, be deemed public lands of the United States, and be subject to settlement, and, when surveyed, to entry under the public-land laws, without further action by the Commissioner of the General Land Office.

SEC. 5. That the commissioners shall give due and public notice of the time and place for filing claims and of holding their sessions in each State and Territory. They shall appoint a secretary, skilled in the Spanish and English languages, who shall keep a permanent record of their proceedings; and all books, records, documents, and papers of the commission shall, upon the termination of the commission, be deposited in the General Land Office.

SEC. 6. That such clerks as may be necessary, not to exceed five in number, including two competent stenographers, shall be appointed by the commissioners, who may from time to time designate their secretary or either of their clerks to act as interpreter. Such special assistance shall also be employed by the commissioners from time to time as the nature of the service to be performed may require, and as may be authorized by the appropriation made by Congress for the expenses of the commission.

SEC. 7. That the commissioners, and all persons appointed or employed by them, shall, before entering upon their respective offices, take an oath to faithfully discharge the duties imposed by or under this act.

SEC. 8. That all process and subpœnas shall be issued by the commissioners, or a majority thereof, and shall run in the name of the United States, and be directed to the marshal of the United States for the proper judicial district; and the marshal shall appoint one or more deputies, who shall attend the sittings of the commissioners and execute all process issued by them, and shall receive the same compensation as allowed to the marshal for his attendance upon the district court and the performance of like services therein.

SEC. 9. That witnesses subpœnaed on behalf of the United States who shall testify before the commission shall be allowed the same per diem and mileage as witnesses in the district court of the United States, to be paid by the marshal in like manner, upon the certificate of the commissioners.

SEC. 10. That the President of the United States is authorized to appoint a law agent and an associate law agent, one of whom shall be skilled in the Spanish language, whose special duty it shall be to appear in behalf of and to represent the United States before the commission, and to collect evidence in behalf of the United States, to attend the sessions of the commissioners, and to be present on all occasions at the taking of testimony by or in behalf of claimants before the commission.

SEC. 11. That no decision shall be rendered in any case until all documentary evidences of title presented shall have been scrutinized, and the claim fully investigated, and parties and adverse claimants and protestants heard. Testimony shall be taken upon or in the vicinity of the land claimed in respect of all facts touching matters of original and present possession and occupation of the land claimed and of boundaries and limits; and such testimony shall be taken by the commission, or by one of the commissioners duly authorized so to do by the commission, in which case the commissioner taking the testimony singly

shall be accompanied by a clerk, acting as assistant secretary, and by an interpreter, and the law agent or associate law agent, and by a surveyor appointed and employed by the commission.

SEC. 12. That the commissioners shall have the power and authority, upon the hearing, proofs, and examination of claims, as provided in this act, to determine conclusively all questions of fact arising in said cases, and to finally decide upon the validity of the title under the grant or claim, and the stipulations of the eighth and ninth articles of the treaty concluded between the United States and the Republic of Mexico at the city of Guadalupe Hidalgo on the 2d day of February, in the year 1848, or the fifth and sixth articles of the treaty concluded between the same powers at the city of Mexico on the 30th day of December, in the year 1853; and either party against whom a final decision shall be rendered as aforesaid may remove the case in the manner hereinafter provided, if in a Territory, to the supreme court of such Territory, and if in a State, to the circuit court of the United States; and said supreme and circuit courts may thereupon review and affirm or reverse the decision of the commissioners.

SEC. 13. That any final judgment rendered in any case brought under the provisions of this act before the supreme court of a Territory, or before a circuit court of the United States, wherein the judges of such supreme court, or the judges sitting as a circuit court, certify, as provided by law, that their opinions were opposed upon any question which occurred on the hearing of said case, may be reviewed and affirmed or reversed by the Supreme Court of the United States, in the manner provided by law for the review of decisions of circuit courts on certificate of division of opinion.

SEC. 14. That in every case in which the commissioners shall render a final decision they shall file with the clerk of the supreme court of the Territory when the case is in a Territory, and with the clerk of the circuit court of the United States when the case is in a State, an authenticated transcript of their proceedings and decision, and of the papers and evidence on which the same were founded, and shall at the same time transmit a similar transcript to the Attorney-General of the United States. Either party may file in the proper court a petition, which shall be entitled "Petition in error," setting forth the errors complained of, and praying a reversal of the decision made by the commissioners. If the plaintiff in error shall be the private claimant, he shall be required by the clerk of the court, under the direction of a judge, to give reasonable security for all costs and charges which may accrue in prosecuting the petition in error to effect. Upon the filing of a petition in error as aforesaid, citation to the adverse party shall be issued by the clerk of the court, and be served, or publication made, as in the commencement of an action. A petition in error under this act shall operate and have the same effect, and be prosecuted under the same rules and regulations, as a writ of error sued out of circuit courts to district courts of the United States; but no decision of the commissioners shall be reviewed in the supreme court of a Territory or a circuit court of the United States unless the petition in error is filed within six months from the date of the filing in said court of the authenticated transcript of the record of the original case as hereinbefore provided.

SEC. 15. That proceedings in error shall be taken and prosecuted in behalf of the United States by direction of the Attorney-General, whose duty it shall be to take care that the interests of the United States are properly protected and defended in all cases in which the decisions of the commissioners shall be against the United States or in which the United States shall be the defendant in error.

SEC. 16. That the commissioners shall cause a limited number of copies of their proceedings and decisions to be printed and furnished for the use of claimants and adverse parties, the Attorney-General of the United States, the United States attorney for the proper Territory or district, the Commissioner of the General Land Office, and the surveyor-general for the State or Territory in which the land is situated.

SEC. 17. That when no petition in error shall be filed by either party within the period of six months from the date of filing in the proper court of the transcript of the decision of the commissioners in any case, such decision shall become final and conclusive; and it shall be the duty of the clerk of the court, at the expiration of said six months, to notify the Commissioner of the General Land Office that no petition in error has been filed in said court within the prescribed period, and to transmit to said commissioner a duly certified copy of said decision; and upon the final decision of any case taken into the supreme court of a Territory or a circuit court of the United States, or brought up to the Supreme Court of the United States, as provided in this act, it shall be the duty of the clerk of the court in which such decision shall become final to transmit to the Commissioner of the General Land Office a duly certified copy of such final decision.

SEC. 18. That upon the final rejection of any claim, and the filing in the office of the Commissioner of the General Land Office, as provided in the preceding section, of a certified copy of the final decision or decree in the case, the lands theretofore included in such claim shall be relieved from any and all reservation on account of such claim, and shall forthwith become subject to appropriation and entry as other public lands of the United States.

SEC. 19. That upon the final decision of any claim in favor of the claimant, and the filing in the office of the Commissioner of the General Land Office of a certified copy of the final decision or decree in the case, it shall be the duty of the Commissioner to direct the surveyor-general of the proper State or Territory to cause the quantity of land so finally confirmed to the claimant to be surveyed and set off conformably to such final decision or decree at the expense of the United States. In the location of such quantity the right of segregation shall remain with the United States, to be exercised in accordance with the election of the claimant, as near as may be, without interference with adverse rights or claims or the equities of *bona fide* inhabitants. Such location shall be made as nearly as practicable in one body of contiguous lands, if the quantity to be surveyed can be so found within exterior boundaries; but if intervening grants or other good cause render the location in one tract impracticable, then each separate location shall be made as nearly as practicable in compact form, and it shall be the duty of the Commissioner of the General Land Office to require due compliance with the provisions of this section.

SEC. 20. That whenever a survey shall have been made and platted, the surveyor-general shall give notice thereof, by publication once a week for four successive weeks in two newspapers having a general circulation, one published at the capital of the State or Territory and one nearest the land in question, and shall retain the survey and plat in his office for public inspection, and the filing of objections thereto, for the period of ninety days from the date of the first publication of notice as aforesaid; and if no objections are made to the survey within said period, he shall, upon his approval of the same, transmit a plat and descriptive notes thereof to the Commissioner of the General Land Office for his examination and approval or further direction. If objections to the survey shall be filed within said period of ninety days, the surveyor-general shall transmit the same, together with the plat and field-notes, and a report upon the case, to the Commissioner of the General Land Office, who may, if in his opinion the ends of justice would be subserved thereby, order a hearing upon said objections, or he may, in the case of any survey, require further report from the surveyor-general touching the matters indicated by him, or proof to be taken thereon, or may direct a new survey and plat to be made, or may overrule the objections filed. An appeal shall lie to the Secretary of the Interior from the decision and action of the Commissioner of the General Land Office relative to such survey, except orders for a hearing on other matter resting in the discretion of the Commissioner. Whenever the objections and appeals are disposed of, and a plat of survey approved by the Commissioner of the General Land Office, the President of the United States shall issue a patent to the claimant, subject to the provisions of this act; and the record of such patent in the General Land Office shall be deemed in law the delivery thereof to the party entitled thereto. The final approval of the survey and plat and issue of patent thereon shall operate as a release from reservation of all lands within the exterior boundaries of said claim not included in said survey and patent, and the excluded lands shall thereupon be subject to appropriation and entry as other public lands of the United States.

SEC. 21. That the claim to any lands granted for the establishment of a city, town, or village shall be presented by the corporate authorities of the city, town, or village, if incorporated; or if not incorporated, the claim may be presented by trustees for the inhabitants occupying and holding under such grant, or by the heirs or legal representatives of the respective grantees, according to the possession delivered under the grant by the Spanish or Mexican authorities, conformably to the laws, usages, and customs of said governments.

SEC. 22. That all the foregoing proceedings and rights shall be conducted and decided subject to the following provisions, as well as to the other provisions of this act, namely:

First. No claim shall be allowed that shall not appear to be upon a title lawfully and regularly derived from the Government of Spain or Mexico, or if incomplete, one that at the date of the acquisition of the territory by the United States the claimant would have had a lawful right to make perfect had the territory not been acquired by the United States, and that the United States is bound by the provisions of the treaty of cession to respect and permit to become complete and perfect.

Second. No claim shall be allowed that shall interfere with or overthrow any just and unextinguished Indian title or right to any land or place.

Third. No claim shall be allowed for any land the right to which has hitherto been lawfully acted upon and finally decided by Congress or under its authority.

Fourth. No proceeding, decision, decree, or act under this act shall conclude or affect the private rights of persons as between each other, all which rights shall be reserved and saved to the same effect as if this act had not been passed; but the proceedings, decisions, decrees, and acts herein provided for shall be conclusive of all rights as between the United States and all persons claiming any interest or right in such lands.

Fifth. No decision or decree concerning any claim under this act shall in any manner operate or have effect against the United States otherwise than as a release by the United States of its right and title to the land confirmed; nor shall it operate to make the United States in any manner liable in respect of any such grants, claims, or lands, or the disposal thereof, otherwise than as herein provided.

Sixth. No claim shall in any case be allowed or patent issued for a greater quantity of land than the quantity mentioned in the grant or juridical possession, nor for more than eleven square leagues under any one grant or concession, nor in any case for a greater quantity than was authorized by the respective laws of Spain or Mexico applicable to the claim; nor shall the exclusive claim of any individual or individuals under a grant for the colonization, settlement, or use of a town, village, or community be allowed or patent issued to such individual or individuals for a greater proportion of the allotted or common lands than the distributive share, according to the possession of the respective grantees from whom such individual claim is derived.

SEC. 23. That actual settlers on lands within the limits of rejected claims, or on lands excluded from the final survey of approved claims, shall have the exclusive right, for twelve months from date of such final decision, to enter under the homestead, pre-emption, timber-culture, desert-land, or town-site laws of the United States, as the same may be applicable thereto, in quantities authorized by said laws respectively, in the same manner as if no reservation under such claims had existed.

SEC. 24. That the commissioners appointed under this act shall be entitled to a salary of $5,000 a year each; the secretary of the commission shall be entitled to a salary of $3,000 a year; three of the clerks hereinbefore provided for shall be entitled to a salary of $1,800 a year each, and two shall be entitled to a salary of $1,200 a year each.

SEC. 25. That the actual traveling expenses of the commissioners, law agents, secretary, and clerks, including a per diem not exceeding $4 per day each, together with the general and incidental expenses of the commissioners, shall be allowed and paid by the Secretary of the Interior, on vouchers approved by the commissioners; and the Secretary of the Interior may detail a clerk from his Department to act as disbursing agent for the commission, who shall be entitled, in addition to his official salary, to his actual traveling expenses and per diem as herein provided.

SEC. 26. That section 8 of the act of Congress approved on the 22d day of July, 1854, entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," and all acts amendatory or in extension thereof or supplementary thereto, and all provisions of law inconsistent with this act, be, and the same are hereby, repealed.

Mr. CONGER. On page 2, line 17 of the proposed section 1, the words "or title" should be inserted after the word "concession," and the word "or" should be stricken out before "concession;" so as to read:

And particularly stating the date, form, and nature of the grant, concession, or title under which they claim.

The PRESIDENT *pro tempore*. That modification will be made. The Senator from Michigan has a right to modify his amendment.

Mr. BOWEN. I wish to offer my amendment at this time in the nature of a substitute for the substitute offered by the Senator from Michigan.

The PRESIDENT *pro tempore*. The Senator from Colorado moves to amend the amendment proposed by the Senator from Michigan by striking out the whole of the same and inserting what will now be read:

The Chief Clerk read as follows:

That any person or corporation who claims or may claim title to any real estate to which the United States has not issued a patent may commence in any court of competent jurisdiction and prosecute to final decree a cause in equity to quiet title to such real estate, to define and settle the extent and boundaries of the same, and to determine the nature of such title, as to whether the same includes agricultural or mineral rights or both.

SEC. 2. That in all causes which may be commenced and prosecuted under the preceding section the United States may be made party respondent, and all proceedings shall be conducted, as near as may be, according to the practice and rules of courts of equity in the States or Territories where such causes may be commenced, except that the answer of the attorney of the United States shall not be required to be verified by his oath.

SEC. 3. That appeals may be taken by either party from the decree of the court of original jurisdiction which may determine any cause under the provisions of this act, and in which the United States is a party, directly to the Supreme Court of the United States; and in all cases where such decree is adverse to the United States the same shall be deemed and held to stand appealed to said Supreme

Court without any act on the part of any one. All other decrees may be appealed from, within one year from the date of their entry, in the same manner provided for by law and the rules of courts in other causes; but no bond shall be required except for costs.

SEC. 4. That all causes which may be commenced and prosecuted under the provisions of this act in which the United States is a party shall take precedence to time of hearing over all other civil causes on the dockets of all courts of original jurisdiction, as well as in the Supreme Court of the United States.

SEC. 5. That any person in whose favor a final decree shall be entered by the Supreme Court of the United States, under the provisions and in pursuance of this act, shall be entitled, upon payment of usual and lawful fees, to one or more copies of such decree, duly certified under the hand and seal of the clerk of said court, and may file one of such certified copies in the office of the Commissioner of the General Land Office; whereupon the President of the United States shall execute and deliver to said person, his heirs or assigns, a patent for the real estate described in such decree; and if for any cause such patent shall not be so executed and delivered, such decree shall be received as evidence in all courts of a title in fee-simple.

SEC. 6. That no decree entered under the provisions of this act shall conclude or affect the private rights of persons as between each other, except such as may elect to and do become parties to the record in causes where such persons bring themselves in, by cross-bill or otherwise, for the purpose of having their rights determined, but such decrees shall be conclusive as between the United States and all persons whose rights are litigated and determined as parties to the record.

SEC. 7. That in all causes commenced and prosecuted under this act the complainant's bill shall except all lands lying within the boundaries of his claim held by private persons under the homestead, pre-emption, or mining laws of the United States, and shall expressly waive all claim and right to such lands so held, and all final decrees in favor of complainants shall except such lands so held from the operation thereof, as shall likewise all patents issued in pursuance of such decrees; but the complainant shall nevertheless be entitled to a money decree for an amount equal to the Government price of such lands so excepted, which money decree shall be paid to the claimant, his heirs or assigns, by the United States, out of any money in the Treasury not otherwise appropriated, upon presentation to the proper officers of the Government of a certified copy of the decree of the Supreme Court of the United States.

SEC. 8. That nothing in this act shall prevent claimants of real estate who have proceeded under existing laws of the United States, and who shall, at the date of the passage of this act, be applying to Congress, by bill, for confirmations of grants of the character provided for in the treaty concluded between the United States and the Republic of Mexico at the city of Guadalupe Hidalgo, on the 2d day of February, A. D. 1848, or the treaty concluded between the same powers at the city of Mexico on the 30th day of December, A. D. 1853, from proceeding in their efforts to procure such confirmations. Any of such claimants may, however, avail themselves of the benefits of the provisions of this act either before or after failure to secure such confirmations. All other of such claimants shall be entitled to proceed under the provisions of this act.

SEC. 9. That it shall be the duty of the Attorney-General of the United States to commence and prosecute, in the name of the United States, proceedings to reform the boundaries of any grant of land heretofore confirmed by Congress, upon being satisfactorily informed that such boundaries were unlawfully or fraudulently extended beyond the area described in the original grant before such confirmations were had.

SEC. 10. That section 8 of the act of Congress approved July 22, A. D. 1854, entitled "An act to establish the offices of surveyors-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," and all acts amendatory or in extension thereof or supplementary thereto, and all provisions of law inconsistent with this act, be, and the same are hereby, repealed.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Colorado to the amendment of the Senator from Michigan.

Mr. BOWEN. Mr. President——

Mr. JONES, of Nevada. The Senator from Colorado yields the floor that I may move that the Senate do now adjourn, which motion I submit.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 7*, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. STORM for the remainder of the week.

UNION PACIFIC RAILROAD.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Pacific Railroads, and ordered to be printed:

To the House of Representatives:

I transmit herewith for the consideration of Congress a communication, under date of the 2d instant, from the Secretary of the Interior, and the accompanying last annual report of the Government directors of the Union Pacific Railroad Company.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February 6*, 1884.

NEW YORK SHIPPING COMMISSIONER.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House of Representatives passed February 4, 1884, communicating a statement of the sum paid into the Treasury by the shipping commissioner of the port of New York under the act of Congress passed June 7, 1872; which was referred to the Committee on Commerce, and ordered to be printed.

CLERK DETAILED FOR COMMITTEE ON INVALID PENSIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, informing the House that in compliance with a joint resolution approved February 1, 1884, Mr. Alexander Vangruder, a chief of division in the Pension Office, has been detailed to act as assistant clerk to the Committee on Invalid Pensions during the remainder of the present Congress; which was referred to the Committee on Invalid Pensions.

STAR-ROUTE INVESTIGATIONS.

The SPEAKER also laid before the House a letter from the Postmaster-General, in reply to a resolution of the House of Representatives of January 30, 1884, directing reports made by special agents during the year 1881 having reference to the star-route investigations to be transmitted to the House of Representatives; which was referred to the Committee on the Post-Office and Post Roads, and ordered to be printed.

Mr. MONEY. I ask an order of the House at this time to print a communication from the Postmaster-General, which was referred the other day to the Committee on the Post-Office and Post-Roads, but not then ordered to be printed.

The SPEAKER. The substance of the communication will be read, so that the House may understand the request.

The communication was a letter from the Postmaster-General, transmitting the following reports; which were referred to the Committee on the Post-Office and Post-Roads:

1. Offers accepted and contracts awarded for carrying the mails under advertisements of October 16, 1882, January 15 and March 1, 1883;

2. Report showing the land and water mails established during the year ending June 30, 1883, other than those let by contract at the annual letting;

3. All allowances made to contractors during the fiscal year 1883 above the sums originally stipulated; and

4. Report of curtailments in the service and pay of contractors.

The SPEAKER. The Chair believes that it has been usual to direct the printing of these documents. When the document just read was laid before the House some days since, by omission no order was made for its printing. If there be no objection the order will now be made.

There was no objection, and it was ordered accordingly.

THE NATIONAL LA FAYETTE BANK.

Mr. FOLLETT. I ask consent to take from the House Calendar for consideration at this time House bill No. 2555, to change the name of "The National La Fayette and Bank of Commerce" to that of "The National La Fayette Bank." There is no objection on the part of the Committee on Banking and Currency of this House or the Comptroller of the Currency.

Mr. MILLS. Has that bill been reported from a committee?

The SPEAKER. It has been, and is now on the House Calendar.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. Does that bill refer to a national banking association?

The SPEAKER. That is not a parliamentary inquiry.

Mr. WELLER. Then I object, on the ground that it may possibly refer to one.

Mr. FOLLETT. It simply refers to the change of name.

Mr. WELLER. I am informed that it simply refers to the change of the name of a bank.

Mr. FOLLETT. That is all.

Mr. WELLER. Then I withdraw my objection.

The SPEAKER. Objection being withdrawn, the bill is before the House, and will be read.

The bill was read, as follows:

Be it enacted, &c., That the name of "The National La Fayette and Bank of Commerce," a corporation transacting business in the city of Cincinnati, county of Hamilton, and State of Ohio, shall be changed to "The National La Fayette Bank," whenever the board of directors of said bank shall accept the new name by resolution of said board, and cause a copy of said resolution, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance be made within six months after the passage of this act, and that all the expenses incident to such change, including engraving, shall be borne and paid by said bank.

SEC. 2. That the debts, liabilities, rights, privileges, and powers of the said National La Fayette and Bank of Commerce shall devolve upon and inure to the said National La Fayette Bank whenever such change of name is effected.

SEC. 3. That nothing in this act contained shall be so construed as in any manner to release the said bank from any liability or affect any action or proceeding in law in which said bank may be or become a party or interested.

The question was upon ordering the bill to be engrossed for a third reading.

Mr. FOLLETT. The sole purpose of the bill is to change the name of a bank so as to shorten that name. The form of the bill is in exact accordance with forms approved by the Comptroller of the Currency, and has met the approval of the Committee on Banking and Currency of this House.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill; and, being taken by a *viva voce* vote, the Speaker announced that the ayes appeared to have it.

Mr. WELLER. I demand a division.

The House divided; but before those in the affirmative were counted,

Mr. WELLER said: I perceive that the majority are opposed to me, and I withdraw the demand for a division.

So (no further count being called for) the bill was passed.

Mr. FOLLETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RUDOLPH JOHN MARTI.

Mr. JOHN S. WISE, by unanimous consent, introduced a bill (H. R. 4697) for the relief of Rudolph John Marti; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH LUFTON MERCHANT.

Mr. JOHN S. WISE also, by unanimous consent, introduced a bill (H. R. 4698) for the relief of Sarah Lufton Merchant; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REPORTING FOR COMMITTEES.

Mr. DOCKERY. I desire to submit, from the Committee on Accounts, a privileged report, which I send to the desk.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the following resolution, namely:

"*Resolved*, That the positions of stenographers of committees of this House be, and they are hereby, declared vacant; and hereafter, upon the request of a committee, the Speaker shall employ a reporter or reporters to report such proceedings as the committee may deem necessary, at a compensation to be fixed by the Committee on Accounts, which shall be paid out of the contingent fund of the House"—

having had the same under consideration, respectfully submit the following report:

That on the 5th of January, 1865 (second session Thirty-eighth Congress), the House by resolution authorized the Speaker to appoint a stenographic reporter, to continue in office until otherwise ordered by the House, whose duty was to report in shorthand, on the order of any committee of the House, such of its proceedings as were deemed necessary. On the 25th of July, 1866, the Speaker was authorized to appoint an assistant official reporter to the committees of the House; and on the 6th of March, 1867, it provided that the said assistant should continue in office until otherwise ordered by the House.

Under authority of the resolution of January 5, 1865, the Committee on Appropriations included in the legislative, &c., act, an item appropriating $3,650 as the annual salary of such stenographers (see Statutes at Large, volume 14, page 192), and in the following Congress (Fortieth) the legislative, &c., appropriation act made provision for both stenographers, their salaries being increased to $4,380 each. (See Statutes at Large, volume 15, page 93.)

In the Forty-second Congress the salaries of the stenographers was increased to $5,000 each per annum, which has since been their annual compensation.

Your committee are of the opinion that the present system of stenographic service for committees is wrong, and that it should be so changed as to provide payment for service actually rendered committees, the stenographer in each case to be employed, as now authorized by Rule XXXVI, by the Speaker, and the compensation to be fixed by the Committee on Accounts, and paid out of the contingent fund of the House.

For these reasons your committee recommend the adoption of the resolution as referred, believing that it is in the interest and direction of economy.

Mr. DOCKERY. Mr. Speaker, I have been directed by a unanimous vote of the Committee on Accounts to report favorably the resolution which has just been read at the Clerk's desk. The committee are of opinion that this resolution is in the direction of economy and will result in a considerable reduction of the expenditure necessary to report the proceedings of committees. Whether this expectation and desire of the committee shall be realized or not remains to be seen, but we feel safe in commending the resolution, because it proposes to pay only for actual service rendered to committees, not a dollar in excess of the work authorized and directed by the House. I hope the resolution will prevail.

Mr. KASSON. I wish to inquire of the gentleman who presents this report whether he desires to have a vote at once upon the resolution. I have been under the impression that the stenographers of committees had in some way become a part of our permanent law, not merely a matter of arrangement by the House, inasmuch as we have fixed their salaries by law. As this is a rather important question and is suddenly presented, I should be glad if the gentleman would allow it to go over until to-morrow, so that we may see the report in print and have time to examine the law.

Mr. DOCKERY. I will state to the gentleman from Iowa [Mr. KASSON] that I held back this matter yesterday at the request of some gentlemen. The report states what is the fact, that these stenographers are authorized simply by resolution of the House, not by law.

Mr. KASSON. Has the report been printed? I was absent from the city yesterday.

Mr. DOCKERY. No, sir; the report has just been submitted and read.

Mr. TOWNSHEND. Does it apply to the regular corps of official reporters at the desk here?

Mr. DOCKERY. No, sir.

Mr. COX, of New York. How much will this save to the Treasury?

Mr. DOCKERY. It is believed by the Committee on Accounts that it will save fully $5,000 during the present session.

Mr. COX, of New York. I see no reason why the resolution should not pass.

Mr. McMILLIN. Is it the object of the resolution to abolish these offices or simply to provide that the compensation shall be fixed by the Committee on Accounts, the reporters still being appointed as they are now?

Mr. DOCKERY. The answer to that question is contained in the resolution which has been read.

Mr. HAMMOND. Why not let the matter go over until to-morrow, so that we can all read the resolution in the RECORD and know what it means?

Mr. DOCKERY. Very well.

Mr. KASSON. I think it had better take that course.

The SPEAKER. The Chair will state that to-morrow will be private bill day, but it may be understood of course that this resolution shall be called up then.

Mr. KASSON. The gentleman can call it up as a privileged question.

Mr. REAGAN. Mr. Speaker, I think some action by the House or some one else is necessary in the matter of these committee reporters; and I desire to state why. During the last Congress we had a person sent to us in the Committee on Commerce to take down the discussion of a most important question, the report of which the House had authorized to be printed. The person who came there could not report, and we had to get along as best we could until we could obtain a competent reporter. Again in the present Congress the committee has been engaged in a hearing upon the same important subject; and the House has given the committee the discretion of having the examination printed. A person came before us to report, but in trying to revise the colloquial parts of a discussion in which I participated I was obliged to throw those notes aside. I could not understand the report furnished, and could not remember what had actually been said. And to-day I have received from Mr. Fink, who made an elaborate argument before us, a letter stating that he can not revise the report furnished, because it is unintelligible, and he asks permission to substitute the report made by his own reporter.

I state these things to show that something ought to be done. There ought to be a power somewhere which would enable us, when we require reporters, to obtain those who can do the duty which they are employed to perform.

Mr. DOCKERY. If it be the general understanding that this matter shall be taken up to-morrow, I do not object to its going over.

The SPEAKER. It is a privileged matter on which the gentleman is entitled to call for immediate action, or it can be understood by unanimous consent that it shall be taken up to-morrow.

Mr. BAYNE. I object, unless Saturday be fixed instead of to-morrow. I think that the consideration of private bills should not be interfered with.

Mr. REAGAN. Why not put it through now? Nobody wants to delay it.

Mr. TOWNSHEND. Let us dispose of it now.

The SPEAKER. The gentleman from Pennsylvania [Mr. BAYNE] objects to an order being made now by unanimous consent that the report shall go over and be considered to-morrow, but suggests that it go over until Saturday, as to-morrow is private bill day.

Mr. HOLMAN. I call for the regular order of business.

The SPEAKER. The regular order of business is the consideration of the resolution from the Committee on Accounts.

Mr. COX, of New York. Let us dispose of it now.

The SPEAKER. The regular order is called for.

Mr. DOCKERY. I insist on action on the resolution at this time.

The SPEAKER. The resolution will again be reported to the House.

Mr. TOWNSHEND. This is a privileged question.

The SPEAKER. The Chair has stated that the regular order is the consideration of the resolution now before the House.

Mr. KASSON. I ask for the reading of the resolution again.

The resolution was again read.

The SPEAKER. The question is on the adoption of the resolution just read.

The resolution was adopted.

Mr. DOCKERY moved to reconsider the vote by which the joint resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPERVISORS OF TENTH CENSUS.

Mr. PEELLE, of Indiana (by request), by unanimous consent, introduced a bill (H. R. 4699) for additional compensation to the supervisors of the Tenth Census; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

E. H. GEORGE AND H. W. WALKER.

Mr. ERMENTROUT. I rise to submit a report from the Committee on Accounts.

The SPEAKER. Is it a privileged question?

Mr. ERMENTROUT. I ask to present it now for present consideration.

The SPEAKER. The joint resolution will be read for information.

The Clerk read as follows:

Joint resolution (H. Res. 152) for the relief of E. H. George and H. W. Walker.

Resolved, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to E. H. George the sum of $125 and to H. W. Walker the sum of $250 in full compensation for services rendered by them in closing and opening new books in the office of the Sergeant-at-Arms of the House of Representatives and preparing mileage reports for payment.

Mr. ERMENTROUT. On last Monday——

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. HOLMAN. Does it come from the Committee on Accounts?

Mr. ERMENTROUT. It does. Last Monday I was instructed by the Committee on Accounts to report a resolution authorizing the payment of this money out of the contingent fund of the House. It was passed by the House without an objection; but the Comptroller of the Treasury says the money can not be paid out of the contingent fund, and that to do so will require the passage of a joint resolution. I therefore ask the passage of this joint resolution for that purpose.

Mr. TOWNSHEND. On what grounds does the Comptroller decide this can not be paid out of the contingent fund?

Mr. ERMENTROUT. I have not seen his opinion, but as the original resolution was in my charge as it passed the House, I was informed by those who are in interest that he has so ruled. I was also requested to ask that this resolution be substituted for the one passed on Monday.

There was no objection; and the joint resolution was received, read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ERMENTROUT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL ASSISTANTS, HOUSE POST-OFFICE.

Mr. BREWER, of New Jersey, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom was referred the following resolution of Mr. S. S. Cox: "That the Postmaster of the House of Representatives be authorized to employ four more assistants," respectfully report, that they have carefully considered the same, and ask its adoption with the following amendment, namely:

Add to the end of the resolution the following:

"During the present session only, at the rate of $100 per month, to be paid out of the contingent fund of the House."

Mr. HOLMAN. The resolution recommends the employment of four additional persons. I had supposed, owing to the increase in the number of members and in consequence of the additional labor performed by the House post-office, perhaps the addition of one or two persons would be all that would be required in order to make that service effective. An increase of two would certainly be ample.

Mr. COX, of New York. Will my friend allow me to say a word?

Mr. HOLMAN. Certainly.

Mr. COX, of New York. Only two more are ordered by this resolution than were in the last House, although the increase seems to give the Postmaster four. They are all needed by the increase of the area of the delivery by the increased number of members and by the increased work downstairs, and I hope my friend from Indiana will assist his friend. I ask attention to the following table of the force in the House post-office during the preceding Congresses:

Forty-first Congress, messengers	9
Forty-second Congress, messengers	12
Forty-third Congress, messengers	14
Forty-fourth Congress, messengers	14
Forty-fifth Congress, messengers	13
Forty-sixth Congress, messengers	13
Forty-seventh Congress, messengers	13
Forty-seventh Congress, messengers (by resolution)	2
Forty-seventh Congress, laborer	1
Forty-eighth Congress, messengers	13
Forty-eighth Congress, laborer	1

Mr. TOWNSHEND. Allow me to put in a word there.

Mr. HOLMAN. I know the efficiency and competency of the Postmaster of the House as well as my friend from New York, but the consideration which he would seem to indicate certainly would not justify any increase of the force in his office beyond what is absolutely necessary.

Mr. BELFORD. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. It is utterly impossible to hear at this part of the Hall the interesting colloquy going on between the gentleman from Indiana and the gentleman from New York. [Laughter.]

Mr. HOLMAN. I trust my friend from New Jersey will modify this resolution to provide for an increase of only two persons in the post-office of the House, as I think that number will be found entirely sufficient.

The increased number of the membership of this House does undoubtedly increase to a considerable degree the amount of labor devolving upon the Postmaster and his employés. But I know very well that the gentleman who now occupies the position of Postmaster of the House would not require or ask the House to grant any increase of his employés beyond what is imperatively demanded by the needs of the service to be performed. I trust that the increased membership of the House will not be urged therefore as a reason for increasing largely beyond the needs of the service the employés of the House. I would rather, in fact, see the officers of the House somewhat cramped and pressed in their work than to find that we have been creating supernumeraries and adding unnecessarily to our employés. If, sir, we are to urge retrenchment in the expenditures of the public service of this country we had better agree to let it begin right here under our own eyes.

Mr. BREWER, of New Jersey. If the gentleman from Indiana will permit me, I wish to say that this is a unanimous report of the Committee on Accounts, made after careful consideration, after looking thoroughly into the matter, and further that it is but an increase of two in this force over what we had during the last Congress. And further, as a reason why it is necessary to grant this increase of force, I ask to have read a letter from the Postmaster of the House, which will explain the whole matter.

The Clerk read as follows:

POST-OFFICE HOUSE OF REPRESENTATIVES,
January 21, 1884.

GENTLEMEN: In asking for an increase of messengers for this office, I respectfully submit the following reasons in favor of the resolution now before your committee:

First. The increase of membership, by the addition of thirty-two members.

Second. The increase of mail matter (which I am informed by the city postmaster amounts annually to 33⅓ per cent.).

Third. The expansion of territory by the growth of the city, requiring more time for the delivery of the mails.

For this increase there has been no provision, although the work is much greater than at any time in many years.

At this time I have one distributor at the city post-office, when there should be three, in order to insure accurate and early deliveries. There is but one distributor in the House office; it is impossible to get along with less than three, one of which should have exclusive charge of registered matter and the sale of stamps. The total increase will be four for the session. With this I am sure the work can be performed in a satisfactory manner.

Very respectfully,

L. DALTON,
Postmaster House of Representatives.

Mr. TOWNSHEND. Mr. Speaker, it must be evident to us all that the increased membership of the House has imposed a large increase of labor upon the post-office of the House, larger in that direction, indeed, than in any other branch of the service connected with the House. I know an instance which comes within my own knowledge where a man who is employed in that department is absolutely overworked, and who is doing now a service fully equal to that which is performed by two clerks in the department. He is the only one of the employés of our post-office who is located at the city post-office. He receives the entire mail for the House. His duties require him to be in attendance there during the whole day. I know there have been occasions when he has been on duty from 5 in the morning until 11 o'clock at night in order that he may receive the mail of members as it arrives and distribute it at the earliest possible moment. It is absolutely necessary to have an increase of the clerical force of our House post-office at the city post-office, and if it is not done our mail will be delayed in its delivery to us, as has been frequently the case in times past. It is a physical impossibility for the one man who is now employed there to discharge the duty which is required of him.

During the last Congress there were two men up there, and I do not know why there should not be the same force employed now, when the work is certainly largely increased. At present, owing to the limited force at his disposal, the Postmaster of the House preferred to employ but one person, who, as I have said, has to do the work of two clerks.

Mr. HOLMAN. I have already said that I thought an increase of one was necessary perhaps at the city post-office.

Mr. TOWNSHEND. I am not aware of the necessity which exists elsewhere. I have no doubt, however, it is urgent. But in the case I have mentioned I know it is absolutely demanded.

Mr. BREWER. I demand the previous question on the adoption of the report.

Mr. COX, of North Carolina. If in order I move to amend by inserting "two" instead of "four."

The SPEAKER. That is not in order pending the demand for the previous question.

The previous question was ordered.

The SPEAKER. The first question is on agreeing to the amendment reported by the committee.

Mr. MOULTON. Let the amendment be again read.

The amendment was again read.

The question was taken. The House divided; and there were—ayes 114, noes 9.

So the amendment was agreed to.

Mr. HOLMAN. Mr. Speaker, is this proposition subject to the same rule as a bill with reference to the motion to recommit with instructions?

The SPEAKER. The Chair thinks it is.

Mr. HOLMAN. Then I wish to move to recommit this report to the Committee on Accounts, with instructions to reduce the number to two.

I think it will be found that our present Postmaster, who is a very efficient officer, will be enabled to get along with the increase I propose.

Mr. STOCKSLAGER. I hope my colleague will withdraw that motion.

The SPEAKER. This is not debatable.

Mr. COX, of New York. The gentleman from Indiana has debated it.

The SPEAKER. The Chair understands the gentleman has submitted a motion.

Mr. COX, of New York. I desire only to say that we now have but two more than last year.

The SPEAKER. The question is on the motion of the gentleman from Indiana to recommit the report to the Committee on Accounts with instructions.

Mr. WHITE, of Kentucky. May I ask the gentleman from Indiana a question?

The SPEAKER. This is not debatable.

Mr. WHITE, of Kentucky. I wish to know simply whether they are to be selected by competitive examination, under the direction of the Civil Service Commission——

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana.

The motion to recommit was not agreed to.

The question recurring upon the adoption of the resolution as amended, it was agreed to.

Mr. BREWER, of New Jersey, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SIMON E. LEWIS.

Mr. STRUBLE, by unanimous consent, introduced a bill (H. R. 4700) granting a pension to Simon E. Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURTS IN GEORGIA.

Mr. HAMMOND (by request), by unanimous consent, introduced a bill (H. R. 4701) to change the times of holding the district and circuit courts of the United States in the northern district of Georgia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WITHDRAWAL OF SPIRITS FROM WAREHOUSE.

Mr. HAMMOND also, by unanimous consent, introduced a bill (H. R. 4702) to authorize the withdrawal from distillery warehouse without tax of alcohol and other spirits to be used in manufacturing or preparing drugs, medicines, and chemicals; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EXPENDITURE REFUNDED TO GEORGIA.

Mr. HAMMOND also, by unanimous consent, introduced a bill (H. R. 4703) to require the payment in cash to the State of Georgia of $35,555.42 appropriated for said State by "an act to refund to the State of Georgia certain money expended by said State for the common defense in 1777," approved March 3, 1883; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

Mr. YORK. I ask unanimous consent to make a report from the Committee on Pensions.

Mr. TURNER, of Kentucky. I object.

Mr. SPRINGER. That can be done under the call.

REPORT ON COCHECO RIVER, NEW HAMPSHIRE.

Mr. HAYNES. I ask unanimous consent to offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of War be, and hereby is, directed to furnish the House of Representatives with the report of Col. C. E. Blunt, of the Corps of Engineers, dated January 18, 1884, submitting results of recent examination of Cocheco River, New Hampshire, with estimated cost of further improvements, and papers accompanying the same.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. WHITE, of Kentucky. I would like to have some explanation of it. It is the duty of the Chief of Engineers to transmit to the Committee on Rivers and Harbors all such information without the adoption of a resolution of this kind. What is the occasion of such a resolution?

The SPEAKER. Is there objection?

Mr. WHITE. I object unless some explanation is given.

REMAINS OF CAPTAIN CLIFFORD.

Mr. CUTCHEON. I ask unanimous consent to make a report from the Committee on Military Affairs for present consideration.

The SPEAKER. The report will be read, after which the Chair will ask for objections.

Mr. CUTCHEON. I am directed by the Committee on Military Affairs to report back with an amendment the bill (H. R. 2309) to authorize the Secretary of War to cause the remains of Capt. Walter Clifford, deceased, to be transported to his late place of residence, and making appropriation therefor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to cause the remains of Capt. Walter Clifford, late of Company E, Seventh Regiment United States Infantry, to be transported from their temporary place of interment at Fort Bridger, Wyo., to his late place of residence, at Charlevoix, in the State of Michigan; and for that purpose the sum of $300, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

The amendment of the Committee on Military Affairs was read, as follows:

In line 5, after the word "Infantry," insert the words "together with the headstone erected over his grave."

Mr. HOLMAN. I presume there is a report accompanying the bill. I ask that it be read, inasmuch as I am not aware that that has been the practice of Congress heretofore.

Mr. CUTCHEON. I shall be glad to have the report read, the right of the gentleman from Indiana to object being reserved.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2309) to authorize the Secretary of War to cause the remains of Capt. Walter Clifford, deceased, to be transferred to his late place of residence, and making appropriation therefor, have had the same under consideration and report as follows:

Walter Clifford enlisted in the service of the United States March 19, 1860. August 18, 1863, he was mustered out and promoted second lieutenant Sixteenth Infantry. May 14, 1864, he was promoted to first lieutenant and transferred to the Thirty-fourth Infantry September 21, 1866. He was promoted to be captain July 31, 1867, and assigned to the Seventh Infantry. He was brevetted a second lieutenant for gallant and meritorious services at the battle of Chickamauga. Captain Clifford remained in the service continuously, principally upon the frontier, until his death at Fort Bridger, Wyo., February 23, 1883, of heart disease.

Captain Clifford left surviving him a widow and three small children, 11, 9, and 1 years old, respectively, with no means whatever but her pension, which is wholly inadequate for her support. The remains of Captain Clifford were buried by his company and comrades at Fort Bridger, a post about ten miles from the Union Pacific Railroad. The cost to the Government of transporting the remains to Detroit, Mich., as estimated by the Quartermaster-General, as shown by his report, submitted herewith, would be about $70. The expense of transporting said remains to his place of residence at Charlevoix, Mich., would be not far from the same. The committee are informed that after his decease Captain Clifford's company erected a handsome headstone at his grave, which his widow is very anxious to have removed with the remains. As this could be removed as ordinary freight it would add but a few dollars to the expense. This officer devoted his whole mature life to the service of his country, and finally died in its service, leaving those dependent upon him unable either to visit his last resting place, or to remove his remains to a place where the hand of affection can perform the rites so dear to the bereaved. Had this officer been discharged at his post he would have been entitled to his travel-pay, and it would seem no more than simple justice to his family that his remains should be restored to them. The committee believe that $100 will cover the entire expense, and believe it will be a wise expenditure; therefore recommend the passage of the bill, amended so as to include the headstone erected over his grave.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I should be very glad if the gentleman reporting the bill would state what has been heretofore the practice of the Government in the case of an officer dying absent from home.

Mr. CUTCHEON. I am not myself personally aware what has been the general practice. But General MAGINNIS, of Montana, my associate on the committee, is prepared, I believe, to answer that question.

Mr. MAGINNIS. The general practice heretofore running through a large number of years has been to make an appropriation in the Army bill of about $5,000 a year, out of which fund the Secretary of War causes these removals and interments to be made. The committee of last Congress denied that appropriation, and the Secretary, having no fund, makes this request to the House of Representatives.

Mr. KASSON. It is a little thing. It ought to be done.

Mr. MAGINNIS. As the gentleman from Iowa says, this is a little thing; and it is but an act of justice to the memory of a gallant soldier who served his country all his life.

Mr. CUTCHEON. I wish only further to say that I called on the Secretary of War, who said he would be very glad to transport the remains of this officer, but he had no funds at his disposal for such a purpose.

The SPEAKER. The first question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STAR-ROUTE FRAUDS.

Mr. EZRA B. TAYLOR. I call for the regular order.

Mr. SPRINGER. I ask the gentleman from Ohio to withdraw for a moment the call for the regular order that I may ask unanimous consent to submit for present consideration the resolution which I hold in my hand. When the gentleman hears the resolution read I am sure he will withdraw the demand for the regular order.

Mr. EZRA B. TAYLOR. Let the resolution be read.

Mr. SPRINGER. It modifies a resolution of inquiry heretofore addressed to the Postmaster-General.

The resolution was read, as follows.

Resolved, That the Postmaster-General, in complying with the request of the House of Representatives contained in the resolution of inquiry adopted on the 17th of January, and also the resolution adopted on the 30th of January, in reference to the correspondence between the Department of Justice and the Post-Office Department touching the prosecution of persons charged with frauds in connection with the star-route mail service, and the reports of special agents of the Post-Office Department relating thereto, is requested to withhold such parts of the papers called for the publication of which in advance of the commencement of suits may be, and probably would be, detrimental to the public interests.

The SPEAKER. Is the demand for the regular order withdrawn?

Mr. EZRA B. TAYLOR. It is.

The SPEAKER. If there be no objection to the present consideration of the resolution the question is on its adoption.

Mr. ROGERS, of Arkansas. I object.

Mr. SPRINGER. Will the gentleman withhold his objection to allow me to give an explanation?

Mr. ROGERS, of Arkansas. I withhold the objection for that purpose.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] will be recognized to make a statement, the right to object to the consideration of the resolution being reserved.

Mr. SPRINGER. This resolution is accompanied by a report from the Committee on Expenditures in the Department of Justice. That report is on the Speaker's table, and is made in reference to a letter sent to this House and referred by the House to that committee, in which the Postmaster-General advises the House that it would be against the public interest to publish certain parts of this correspondence and information. With a view to respond to the suggestion of the Postmaster-General the Committee on Expenditures in the Department of Justice have instructed me to report this resolution.

The resolution simply asks the Postmaster-General to withhold such parts of that information as would, if published, be detrimental to the interests of the Government. There are numerous cases in the Post-Office Department in reference to the amounts that may be recovered of individuals for overcharges in the postal service. Those cases contain briefs of the names of witnesses, what they will testify, and where they reside. It was thought by the Postmaster-General that if this information was given to the public it would greatly embarrass the officers of the Government in their endeavors to recover the amounts which the Government expects to recover in those cases.

Mr. BROWNE, of Indiana. As I understand the gentleman, if these facts are published it will simply advise parties and witnesses what is to be apprehended, and will give them an opportunity of getting out of the way of the process of the court.

Mr. SPRINGER. That is the statement of the Postmaster-General, and in view of that fact the Committee on Expenditures in the Department of Justice have recommended the adoption of the resolution which has been read. I hope the gentleman from Arkansas [Mr. ROGERS] will withdraw his objection.

Mr. ROGERS, of Arkansas. I regret that I can not withdraw my objection. I have had sufficient conference this morning with the chairman of the Committee on the Post-Office and Post-Roads [Mr. MONEY], which committee reported this resolution to the House through me, to know that if he were present he would antagonize this resolution for reasons entirely satisfactory to him. For that reason I can not, in his absence, consent to the introduction of this resolution.

Mr. SPRINGER. Will the gentleman consent to have the resolution introduced and referred to the Committee on Expenditures in the Department of Justice?

Mr. ROGERS, of Arkansas. I can not consent to that in the absence of the chairman of the Committee on the Post-Office and Post-Roads.

The SPEAKER. Objection being made, the resolution is not before the House.

ORDER OF BUSINESS.

Mr. EZRA B. TAYLOR. I now renew and insist upon my demand for the regular order.

The SPEAKER. The regular order is the call of committees for reports, and the morning hour will begin at five minutes past 1 o'clock.

STATE NATIONAL BANK OF BOSTON.

Mr. COLLINS, from the Committee on the Judiciary, reported back with an amendment the bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS MULVIHILL.

Mr. MAYBURY, from the Committee on the Judiciary, reported, as a substitute for H. R. 2609, a bill (H. R. 4704) authorizing and empowering the Secretary of War to reconvey to Thomas Mulvihill certain lands erroneously conveyed by him to the United States; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GLOUCESTER DISTRICT, MASSACHUSETTS.

Mr. LONG, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 3956) to amend section 2527 of the Revised Statutes relating to the district of Gloucester; which was placed upon the House Calendar, and the accompanying report ordered to be printed.

OLEOMARGARINE, ETC.

Mr. BEACH, from the Committee on Agriculture, reported back with an amendment the following preamble and resolution:

Whereas it is alleged that the interests of the American agriculturists and dairymen are greatly and unjustly injured by the manufacture, sale, and use of oleomargarine, butterine, suine, and imitation, artificial, and adulterated butters of different kinds, and of adulterated and imitation compounds and mixtures sold and consumed as dairy products; and

Whereas it is alleged that fat and oils of hogs and cattle and of other animals, and also that vegetable oils are used in the making and compounding of suine, oleomargarine butter, butterine, and adulterated and imitation dairy products, and also that such fats and oils are used and are imported and are exported to be used for the making and compounding of such artificial, adulterated, and imitation dairy products, and that such adulterated imitation compounds are surreptitiously sold in this country and elsewhere in competition with genuine dairy products, greatly to the injury of the agriculturists and dairymen of the United States; and

Whereas it is alleged that the manufacture, sale, and exportation and disposition of said compounds, materials, and commodities is so conducted as to avoid general publicity and to prevent the obtaining of accurate or desirable statistics in relation thereto, and to mislead and deceive the consumer as to the actual character, composition, and ingredients thereof: Therefore,

Resolved, That the Committee on Agriculture be, and hereby is, instructed to inquire into and investigate the said allegations and ascertain the facts relating thereto, and the facts and statistics of the adulterated and imitation compounds and mixtures of dairy products, and of the materials composing the same.

The amendment recommended by the committee was to add to the resolution the following:

And to this end the said committee is hereby empowered to send for persons and papers.

The resolution, with the amendment, was placed on the House Calendar, and ordered to be printed.

GUANO ISLANDS.

Mr. HITT, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (H. R. 2235) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands; which was placed on the House Calendar, and the accompanying report ordered to be printed.

WILLIAM FRANKLIN GROUNDS.

Mr. NELSON, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 1672) for the relief of William Franklin Grounds; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JUDICIAL PROCEEDINGS IN THE TERRITORIES.

Mr. POST, of Wyoming (by Mr. LANHAM), from the Committee on the Territories, reported, as a substitute for several bills, viz, H. R. 1720 and H. R. 2942, a bill (H. R. 4705) in relation to courts and judicial proceedings in the Territories; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CLARISSA M'KEE.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2399) granting a pension to Clarissa McKee; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. MARY M'LAUGHLIN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2393) granting a pension to Mrs. Mary McLaughlin; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. ANN W. MULVEY.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARGARET A. CASWELL.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2473) for the relief of Margaret A. Caswell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JUDITH LAUTER.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2400) for the relief of Judith Lauter; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE F. DRESSER.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported

back with amendments the bill (H. R. 1065) granting a pension to George F. Dresser; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLOTTE DAY.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported, as a substitute for House bill 3308, a bill (H. R. 4706) for the relief of Charlotte Day; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUISA V. DE KILPATRICK.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported a bill (H. R. 4707) granting a pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA M. B. M'CULLACH.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1411) granting a pension to Martha M. B. McCullach, of Freeport, Pa.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CORNELIA E. SCHULTZ.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1428) granting a pension to Cornelia E. Schultz; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY E. MURRAY.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1433) granting a pension to Mary E. Murray; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY ELIZA DICKSON.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dickson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. SARAH BRYAN LEET.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JESSE THOMAS.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 1414) granting a pension to Jesse Thomas; which was laid on the table, and the accompanying report ordered to be printed.

MERRITT LEWIS.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 819) granting an increase of pension to Merritt Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back bills of the following titles; when the committee was discharged from the further consideration of the same, and they were respectively referred to the Committee on Pensions:

A bill (H. R. 2926) granting a pension to Everhard Welter; and

A bill (H. R. 3468) granting a pension to Margaret Underwood.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1646) for the relief of Charles A. Stevens; when the committee was discharged from the further consideration of the same, and it was referred to the Committee on Military Affairs.

JOSEPH L. CALDWELL.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 554) granting a pension to Joseph L. Caldwell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

H. E. VAN TREES.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 562) granting a pension to H. E. Van Trees; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. H. BLAKE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 591) granting a pension to W. H. Blake; which were referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

M. H. CLEMENTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 570) granting a pension to M. H. Clements; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REUBEN MARSHALL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 569) granting a pension to Reuben Marshall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICHAEL TITLER.

Mr. FYAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2372) granting a pension to Michael Titler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIET H. PALMER.

Mr. YORK. I am directed by the Committee on Pensions to report back the petition of Juliet H. Palmer, widow of James C. Palmer, late Surgeon-General United States Navy, deceased, and to move its reference to the Committee on Invalid Pensions.

The SPEAKER. Under the rules of the House whenever a petition on examination is found by a committee to be improperly referred a change of reference can be made through the petition-box.

The petition was referred to the Committee on Invalid Pensions.

MOSES FULLINGTON.

Mr. LAIRD, from the Committee on Pensions, reported a bill (H. R. 4708) granting a pension to Moses Fullington; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIET LEEF.

Mr. McMILLIN, from the Committee on Claims, reported back favorably the bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN B. DAVIS.

Mr. ELLWOOD, from the Committee on Claims, reported back favorably the bill (H. R. 653) for the relief of John B. Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CONFIRMING ORDER OF DISTRICT COMMISSIONERS.

Mr. FIEDLER, from the Committee on the District of Columbia, reported back adversely the bill (H. R. 1592) to confirm an order of the commissioners of the District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

LUTHER STATUE ASSOCIATION.

Mr. McCOMAS, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 4088) to incorporate the Luther Statue Association, to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN ELLIS.

Mr. SPOONER, from the Committee on Accounts, moved that the committee be discharged from the further consideration of the bill (H. R. 333) for the relief of John Ellis, and that the same be referred to the Committee on Claims; which motion was agreed to.

BUREAU OF NAVIGATION.

Mr. DINGLEY, from the Select Committee on American Shipbuilding and Ship-owning Interests, reported back favorably the bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SALE OF CERTAIN NAVAL HOSPITALS.

Mr. MORSE, from the Committee on Naval Affairs, reported back the bill (H. R. 4100) providing for the sale of naval hospitals at Chelsea, Mass.; Brooklyn, N. Y., and Annapolis, Md.; which was referred to the

House Calendar, and, with the accompanying report, ordered to be printed.

TARIFF ON WOOL.

Mr. CONVERSE. I ask unanimous consent to have printed in the RECORD resolutions of the Wool-Growers' Association of Ohio, and also of the State Agricultural Society of Ohio, together with some resolutions of county conventions and other bodies in reference to the tariff of 1867 on imported wool. The resolutions are brief.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. KASSON. What is the subject?

Mr. CONVERSE. They refer to the tariff on wool.

There being no objection, the resolutions were ordered to be printed in the RECORD, and referred to the Committee on Ways and Means.

They are as follows:

Resolutions adopted by the Ohio Wool-Growers' Association, at Columbus, Ohio, January 15, 1884.

1. *Resolved*, That the reduction of duties on imported wools by the last Congress was an act of injustice to an important agricultural industry, which will, if it be not modified, result in paralyzing the business of sheep-breeding and wool-growing in the United States, and in transferring the same to foreign countries.

2. *Resolved*, That the flockmasters of Ohio, numbering 46,000, hereby earnestly protest against the injustice, and solemnly assure the wool-growers of other States of their readiness to unite with them in all proper and legitimate measures calculated to restore the wool tariff of 1867.

3. *Resolved*, That it is our sincere conviction that the late reduction of duties on wool was effected by means of an organized effort, having for its object the destruction of sheep husbandry in the United States, and the admission of wool from foreign nations free of duty; and against this effort it is the duty of the one million flockmasters engaged in producing wool to protest until their voice is heard in Congress and their rights respected by appropriate legislation.

4. *Resolved*, That it should be remembered that the United States now produce 300,000,000 pounds of wool annually, worth at least $100,000,000, and that so important an industry can not be seriously embarassed without injury to the general welfare. We denounce as unworthy of respectful consideration the fallacy and injustice of the manufacturers' claim that raw material should be free, and we ask with emphasis why is labor required to produce wool less worthy of protection than labor at the spindle or loom, where the raw material is converted into manufactured goods?

5. *Resolved*, That we solicit and entreat the wool-growers of other States to unite with us in the work of organizing the flockmasters of the Union into associations that shall be co-operative and harmonious, in order that we may be better able to contend with the manufacturers in the serious struggle that is upon us before the country and in the halls of legislation.

6. *Resolved*, That we tender our hearty thanks to such members of Congress and editors as have given us their sympathy and support in this struggle for justice, and we hereby solemnly declare that while prosecuting this effort for the maintenance of what is so manifestly right, we will at all times and in all places, without regard to former party predilections, do all in our power to secure a restoration of the wool tariff of 1867, believing and knowing as we do that any less protection than this will prove ruinous to our business.

7. *Resolved*, That the members of the Sixty-seventh General Assembly of Ohio are entitled to the thanks of the wool-growers of Ohio for the unanimity with which they adopted the resolution instructing our Senators and Representatives in Congress to vote for the restoration of the tariff on wool.

DAVID HARPSTER, *President*,
Pitt Post-Office, Ohio.

Attest:

W. N. COWDEN, *Secretary*,
Quaker City, Ohio.

At the recent Ohio State agricultural convention, held in the city of Columbus, January 15 and 16, 1884, the subjoined resolutions were unanimously adopted and have been ordered forwarded to you:

"1. That the reduction of duties on imported wools by the last Congress was an act of injustice to an important agricultural industry, which will, if it be not modified, result in paralyzing the business of sheep-breeding and wool-growing in the United States and in transferring the same to foreign countries.

"2. That the flockmasters of Ohio, numbering 46,000, hereby earnestly protest against the injustice, and solemnly assure the wool-growers of other States of their readiness to unite with them in all proper and legitimate measures calculated to restore the wool tariff of 1867.

"3. That it is our sincere conviction that the late reduction of duties on wool was effected by means of an organized effort having for its object the destruction of sheep husbandry in the United States and the admission of wool from foreign nations free of duty; and against this effort it is the duty of the 1,000,000 of flockmasters engaged in producing wool to protest until their voice is heard in Congress and their rights respected by appropriate legislation.

"4. That it should be remembered that the United States now produce 300,000,000 pounds of wool annually, worth at least $100,000,000, and that so important an industry can not be seriously embarrassed without injury to the general welfare. We denounce as unworthy of respectful consideration the fallacy and injustice of the manufacturers' claim that raw material should be free; and we ask with emphasis, why is labor required to produce wool less worthy of protection than labor at the spindle or loom where the raw material is converted into manufactured goods?"

Respectfully,

JAS. W. FLEMING,
Assistant Secretary Ohio State Board Agriculture.

The Eastern Ohio Wool-Growers and Stock-Breeders' Association, in convention assembled, at Chesterfield, Ohio, on the 1st day of December, 1883, adopted the following:

"Whereas our last Congress in its action on the tariff reduced the rates of duty on imported wool to its present rate, causing a loss to the wool-producer of about 3 cents per pound, and making the production of the article not at all remunerative, and resulting in a general depression of the flock interests of the United States; and

"Whereas we believe the restoration of the tariff of 1867 on foreign wool will restore confidence to the sheep industry of the United States and put it on a firm footing: Therefore,

"*Resolved*, That we urge upon our Representatives in Congress, both in the House and Senate, that they use their best endeavors to restore the tariff on wools and woolens to the 1867 rates; and, therefore,

"*Resolved*, That hereafter we support those men for these offices who will take care of our interests in these matters.

"*And be it resolved*, That we indorse the recent action of the National Wool-Growers' Association in their deliberations at Chicago, and call upon the sheepherds and farmers all over the United States to co-operate with us in this contest for our rights and the good of the people.

"*Resolved*, That a copy of these resolutions be sent to the Ohio Farmer, Pittsburgh Stockman, and the county papers in each of the counties embraced in this association.

"W. R. GODDARD, *Secretary.*"

I certify the above to be a true copy.

W. R. GODDARD, *Secretary.*

The farmers composing the lecture class at the Ohio State University, numbering one hundred members and representing forty counties of the State, adopted the following resolutions previous to adjournment:

"*Resolved*, That we look upon the act of the Forty-seventh Congress reducing the tariff on wool as unfair and unjust to the great agricultural interests of the State and as discriminating in favor of the manufacturers.

"*Resolved*, That we favor the restoration of the tariff of 1867.

"*Resolved*, That we will use all honorable means to influence our respective members in Congress to vote for the Converse bill.

"*Resolved*, That a copy of these resolutions, signed by the president and secretary, be forwarded to Hon. GEORGE L. CONVERSE."

SCOTT COOMBS,
Of Miami County, President.
WM. M. MAIZE,
Of Franklin County, Secretary.

JANUARY 25, 1884.

COSHOCTON COUNTY, OHIO.

Whereas the tariff act of 1867 gives to the wool-grower the only substantial protection which ever accrued to him under any tariff law; and

Whereas by an act of the last Congress the ad valorem duty is stricken off, thereby bringing very serious losses to us and in the end disaster and distress to the agriculturist: Therefore,

Resolved by the wool-growers of Coshocton County in convention assembled, That we hereby petition and earnestly request the present Congress to restore the 1867 rate on wool.

2. *Resolved*, That we will hereafter support only men for office who favor a just and ample protection to the wool-grower.

WILLIAM H. CRAWFORD, *President.*
ISAAC DARLING, *Vice-President.*
J. J. PARRISH, *Secretary.*
J. P. DARLING, *Treasurer.*
T. S. SHARPLESS.
COL. P. METHEUN.

Resolutions adopted by the Columbiana County Sheep-Breeders and Wool-Growers' Association, June 26, 1883.

Inasmuch as we, the wool-growers of Columbiana County, Ohio, now in session, are fully aware of the great injustice done us by the members of the last Congress in the reduction of the tariff on wool: Therefore,

Be it resolved, That we, as wool-growers of this county, do agree to associate ourselves together and concentrate our influences, and pledge our honor that we will not give our influence or votes for any person for member of Congress in this district, regardless of party, who will not give us a proper guarantee that he will use his greatest influence and also vote for a proper protective tariff on the wool of our own country.

Resolved, That we cordially invite all the wool-growers of the United States to organize and join with us in this movement of self-protection, and show to our Representatives in Congress that the people are the sovereigns, and that we now, as wool-growers, demand that the great wool interest of this country shall not be sacrificed, but receive proper protection.

I hereby certify that the above is a true copy of the resolutions adopted by the Columbiana County Wool-Growers' Association.

A. R. CAMPBELL, *Secretary.*

Resolutions by the wool-growers of Fairfield County, adopted November 24, 1883.

Whereas upon the recommendation of the Tariff Commission, the last Congress passed a bill making a reduction of all the ad valorem duty on wools, which is equivalent to 3 to 3½ cents on competing Ohio wools; and

Whereas we were barely and scarcely protected under the tariff of 1867: Therefore,

Resolved, That we, as wool-growers, without regard to party lines, condemn the said action of last Congress.

Second. That we pledge ourselves to hereafter support only such men for office as we know to favor a just and ample protection to the wool-grower.

Third. That in our Representative in Congress, Hon. GEORGE L. CONVERSE, we have an able advocate, and an honest, capable exponent of the wishes and wants of the wool-grower.

T. H. DILL,
President Fairfield County Wool-Growers' Association.
R. P. HITE, *Secretary.*

PATENT ON GRAIN-SHOVELS.

Mr. HOBLITZELL. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a short resolution of the Baltimore Corn and Flour Exchange protesting against the extension of the patent for grain shovels. It is very brief.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There being no objection, the resolution was ordered to be printed in the RECORD, and referred to the Committee on Patents.

It is as follows:

BALTIMORE, *February* 6, 1884.

Hon. F. S. HOBLITZELL,
Washington, D. C.:

At special meeting board directors Baltimore Corn and Flour Exchange this day the following preamble and resolutions were unanimously adopted:

Whereas it has come to the knowledge of the Baltimore Corn and Flour Exchange that application has been made to Congress for an extension of the steam grain-shovel patents granted to George Milsom, Henry Spendelow, and George Y. Watson; and

Whereas the said patents have been in use for a long period, and have been an onerous tax upon the transportation of grain over the great water ways of the country, and have resulted in large profits to the owners of said patents. Therefore, in consideration of the largely increasing competition that the United States is experiencing with foreign countries for supplying grain to consuming markets,

Be it resolved, That this exchange respectfully protest against the extension of the above-named patents; and

Be it further resolved, That a copy of these resolutions be telegraphed to the chairman Committee on Patents of the Senate and to our Senators and Representatives now in Congress.

WM. F. WHEATLEY, *Secretary.*

PRINTING OF CERTAIN PETITIONS.

Mr. WELLER. Mr. Speaker, I desire unanimous consent to have printed in the RECORD the following soldiers' petition and soldiers' resolution. I do not ask to have the names printed, but simply the body of the petition and the body of the resolution. Both are very brief.

Mr. ROGERS, of Arkansas. I object.

Mr. WELLER. I hope that the gentleman from Arkansas will withdraw his objection and let the soldiers of this country be honored by having a sample copy of their petitions printed in the RECORD. It comes from the Grand Army of the Republic, and it is only proper that they should have this honor while other resolutions are coming in day after day and being printed in the RECORD without objection.

Mr. ROGERS, of Arkansas. Mr. Speaker, I have no sort of objection to their having the ordinary hearing that is accorded to everybody else on the part of Congress. I am willing that the soldiers shall always have that fair hearing and ample consideration to which all persons are entitled, but if we are to put all such resolutions in the RECORD, it will very soon destroy its usefulness. I could almost fill the RECORD myself with petitions every day.

Mr. WELLER. I desire only to have a sample petition of the thousands that come to me printed in the RECORD.

Mr. ROGERS, of Arkansas. I am only urging the objection which was made by the gentleman from Ohio who was a general in the Union Army. I refer to the chairman of the Committee on the Payment of Pensions, Bounty, and Back Pay, of which I am a member. He made a similar objection a short time ago. I do not think we ought to undertake to print such matters, and I feel that I can make the same objection without impropriety or misconstruction.

The SPEAKER. Objection is made.

Mr. WELLER. I demand the regular order.

RULES.

Mr. BURNES. I ask unanimous consent to introduce a bill for reference.

The SPEAKER. The demand for the regular order is in the nature of an objection.

The regular order is the report from the Committee on Rules made on Monday and postponed until to-day for consideration.

Mr. RANDALL. Mr. Speaker, the rules of this House have much to do with the comfort of its members as well as to do with their rights and those of their constituents, and I am anxious that reasonable debate shall be had in relation to the different suggestions as to amendments which have been made; that is, I have a proposition to make to the House, which I think fair and believe meets with the approval of the committee, that by unanimous consent there may be allowed five minutes for discussion on each amendment which has been proposed for information, four minutes of which time shall be under the control of the gentleman who may have presented such proposition and one minute simply reserved to the control of the committee in reply.

The SPEAKER. The gentleman from Pennsylvania will allow the Chair to suggest that the demand for the previous question is pending, and unless there be unanimous consent there can be no debate whatever on this report.

Mr. RANDALL. I am obliged to the Chair for the suggestion, because it goes to show the fairness of the proposition I have made.

There are ten amendments which have been introduced, and another I understand is to be offered by the gentleman from Colorado. We desire to have that come in under this proposed arrangement, making, I believe, in all eleven amendments, which would be fifty-five minutes of debate. It will thus be seen that before the previous question shall be ordered the House will have had the opportunity of debate on all these amendments, and will be better able to judge of the propriety of enforcing the previous question against these propositions or allowing them to come in and be voted upon separately.

In addition to that, when the five minutes' debate on each amendment shall have expired, then I suggest that the report of the Committee on Rules and the amendment offered by the gentleman from Maine shall be considered for thirty minutes for and thirty minutes against the report and the amendment, one-half of that time to be under the control of the gentleman from Maine, and the other within the control of the committee.

Mr. BUCKNER. Does the gentleman from Pennsylvania propose that the five minutes' debate shall only be for the mover of the amendment?

Mr. RANDALL. The time, for the sake of good order, has to be allotted in some way, and I do not know a better way to allot it than to give four minutes of the time to the gentleman who makes the proposition and one minute to the committee.

Mr. KASSON. I would like to say to the gentleman from Pennsylvania that where a proposition goes to the change of the order of business in the House affecting the rights of committees it would hardly be possible in five minutes to do more than read the rule as it is. You can hardly in that time say a word beyond that.

Mr. RANDALL. What does the gentleman from Iowa suggest?

Mr. KASSON. I should ask for ten minutes on my amendment to Rule XXI, and that would be a very short time.

Mr. RANDALL. We had better in this matter treat all alike. Each of these amendments is of the same degree of importance to the member who may have offered it, and if the time is to be ten minutes on one proposition I think it had better be ten minutes on each and all of them.

Mr. KASSON. I have no objection to that, although I only spoke with reference to the proposition with which I am particularly concerned.

Mr. RANDALL. I shall modify the suggestion so as to make the time ten minutes on each amendment, allowing seven minutes to the advocates of the proposition and three to such members of the committee as may desire to oppose it.

Mr. KASSON. I think the gentleman's proposition as now modified is a reasonable one.

Mr. RANDALL. I think that is fair.

Mr. BELFORD. I desire, with the consent of my friend from Pennsylvania, to offer the amendment which I send to the desk as an additional rule.

The SPEAKER. The Chair understood the gentleman from Pennsylvania to include that amendment in his proposition.

Mr. RANDALL. I included that and so said in my remarks a moment ago.

The SPEAKER. The amendments sent up by the gentleman from Colorado will be read for the information of the House, as the other proposed amendments have been read.

The Clerk read as follows:

That each Representative, except the chairmen of standing or select committees which have a clerk, may appoint a clerk to serve during the session of Congress, who shall perform such clerical work as may be assigned by the Representative appointing him in aid of the discharge of his official duties, and shall be paid out of the contingent fund of the House at the rate of $6 per day.

The SPEAKER. Is there objection to the arrangement suggested by the gentleman from Pennsylvania in relation to the debate upon these propositions?

Mr. THOMPSON. I should like the Chair to state what the proposition is.

The SPEAKER. As the Chair understands the proposition it is that there be allowed ten minutes for debate on each one of the amendments which have been read for the information of the House, seven minutes in advocacy of the amendment and three minutes to its opponents; and after that is closed there shall be allowed one hour for debate on the report of the Committee on Rules and the amendments of the gentleman from Maine [Mr. REED], that hour being equally divided between the advocates and opponents of the report.

Mr. SPRINGER. Do I understand any amendment can be offered beyond those already pending?

The SPEAKER. There are none pending except those offered by the gentleman from Maine [Mr. REED], and various amendments have been read for the information of the House, and which, under this arrangement, if it be assented to, will be discussed; after which the House, by the vote on the previous question, will determine whether it shall admit them to be voted on or exclude them.

Mr. SPRINGER. Will the opportunity be afforded to other members to offer amendments?

The SPEAKER. Nothing has been said as to that.

Mr. SPRINGER. They are not excluded by this understanding.

The SPEAKER. The demand for the previous question is pending, which excludes all amendments except such as the gentleman from Pennsylvania in charge of the report may see proper to admit.

Mr. SPRINGER. Would that exclude amendments to these amendments?

The SPEAKER. The amendments are not now before the House for the purpose of being voted on.

Mr. SPRINGER. Are they to come in only by consent of the gentleman from Pennsylvania [Mr. RANDALL]?

The SPEAKER. The Chair will again state the situation of the question. On Monday, when this report came in, various gentlemen asked leave to have read for the information of the House certain amendments which they designed to propose in case the previous question should not be ordered. Those proposed amendments were read and ordered to be printed in the RECORD, a demand for the previous question being then pending; and that is the situation to-day.

Mr. SPRINGER. Are we to have a vote on each of those amendments?

The SPEAKER. Unless the demand for the previous question is voted down there will not be a vote on any amendments except those which have been offered by the gentleman from Maine [Mr. REED].

Mr. THOMPSON. I wish to know whether it is understood in this unanimous consent that we are going to debate propositions not pending before the House.

The SPEAKER. The suggestion is made that, by unanimous consent, ten minutes be allowed for debate on each proposition.

Mr. RANDALL. In reply to the gentleman from Kentucky [Mr. THOMPSON], or rather to what I suppose is his object in making the inquiry, this arrangement is asked: First, that each member making a proposition shall have an opportunity of being heard, so that the House may be intelligently informed whether it is desirable to order the pre-

vious question to exclude in the aggregate these amendments which have been introduced and read for information, and whether the House will go directly to a vote upon the report of the Committee on Rules and the pending propositions of the gentleman from Maine. The House can, of course, if they desire to open the entire subject, vote down the previous question.

Mr. THOMPSON. I want to ask the gentleman from Pennsylvania whether that arrangement reserves the right to separate votes on the propositions.

Mr. RANDALL. That belongs to the House. The House can get a separate vote on every proposition as it is reached by voting down the previous question.

Mr. THOMPSON. Then there is no reservation in the unanimous consent asked?

Mr. TURNER, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TURNER, of Kentucky. If the proposition of the gentleman from Pennsylvania [Mr. RANDALL] is agreed to, in what order will these amendments be considered?

Mr. RANDALL. In the order in which they appear in the RECORD, and I believe the amendment proposed by the gentleman from Kentucky [Mr. TURNER] is the first amendment of that class.

Mr. TURNER, of Kentucky. I want to offer it; I want that understood.

Mr. RANDALL. I make this statement in reply to the gentleman.

Mr. TURNER, of Kentucky. Very well; if the understanding is that the amendment I offered is to be first considered, I am perfectly willing.

Mr. SPRINGER. But you can not get a vote on it.

Mr. TURNER, of Kentucky. Why not?

Mr. RANDALL. The House has the power to give a vote on it.

Mr. SPRINGER. Only by voting down the demand for the previous question.

Mr. TURNER, of Kentucky. Then let us vote down the previous question.

The SPEAKER. The first amendment in order of printing, the Chair understands, is the amendment submitted by the gentleman from California [Mr. BUDD], which is in substance the same as that of the gentleman from Kentucky [Mr. TURNER].

Mr. TURNER, of Kentucky. It is just the same.

The SPEAKER. Is there objection to the proposition of the gentleman from Pennsylvania [Mr. RANDALL] as stated to the House? [After a pause.] The Chair hears none, and it is so ordered. The first proposition of amendment to be considered is the one submitted by the gentleman from Kentucky [Mr. TURNER], which will be read by the Clerk.

The Clerk read as follows:

Add to Rule XXIV additional clause as follows:

"When any public bill or resolution shall have been referred to a committee, and the committee shall fail or refuse to report said bill or resolution back to the House of Representatives, either favorably or unfavorably, for thirty days, it shall be in order for the member who offered the bill or resolution, on any Monday, immediately after the morning hour, to move to discharge the committee from the consideration of the bill or resolution, and the House shall then dispose of the bill or resolution by recommittal or by final action, such as a majority of the House may determine."

The SPEAKER. The Chair recognizes the gentleman from Kentucky [Mr. TURNER] as entitled to the floor for seven minutes in support of the amendment which has just been read.

Mr. TURNER, of Kentucky. Mr. Speaker, after the reading of the amendment which I had the honor to offer it would seem unnecessary for me to offer any argument in favor of a proposition so manifestly just, proper, and right, which is desired to protect not only the individual rights of every member but to protect the rights of a majority of this House.

No member will for a moment deny that the voice of a majority of this House ought to control in all matters of legislation. But, sir, let us look for a moment at the practical operation of the rules of this House. As soon as a bill or resolution is offered by a member it is immediately referred to a committee, and unless the committee reports it back to the House the House is powerless to act upon it, although it may be a public bill affecting the interest of the whole American people, giving them some proper relief which is imperatively demanded. But, sir, if a majority of the committee are opposed to the bill, they simply pocket it and refuse to report it back, and by their action prevent a majority of this House from voting for a public bill or resolution that a large majority may be in favor of.

One would hardly suppose that a committee would resort to this method to prevent action by this House; yet, sir, I state without fear of contradiction that it has often been done, and the fact is well known to every old member who hears my voice. None will deny it. Why, sir, the pending amendment is an illustration of the evil sought to be remedied. I have offered this amendment at the beginning of four sessions of Congress, and it has been referred to the Committee on Rules, and, sir, up to this day the committee has failed to make any report on this amendment, and now, when I am attempting to offer it, we are cut off by the previous question, which has been moved by the gentleman who has charge of the report of the Committee on Rules. It is true I have the poor privilege of seven minutes to offer reasons in favor of the amendment, but whether we are even now to be allowed a vote on the amendment I do not know. Why, sir, have not the committee reported back this amendment with a favorable or unfavorable opinion? Either would do, for it would give the House an opportunity to vote upon it. But, sir, they have held this proposed amendment in their possession session after session until Congress adjourned and thus prevented a vote on it.

So it has been with a great many public bills that I have seen offered in this House since I have been a member of Congress. Sir, is this right? Ought a majority of this House to be thus handicapped by seven men on a committee? Ought such an evil to exist without a remedy? I assert in the hearing of the gentleman from Pennsylvania [Mr. RANDALL] and the other members of the committee that there is no remedy under the rules to force a committee by a majority vote to report back a public bill or resolution to this House. A majority sits here powerless. I was told the other day that a motion might be made to discharge the committee and consider the bill; but this requires the vote of two-thirds, and, as the honorable Speaker said, there is not even a time for such a motion provided for, and it would require unanimous consent to make even that motion—one member could defeat it—and of course a member on the committee holding back the bill would object.

Sir, a majority of this House under the Constitution has the right to control legislation in this body. The Constitution does not require a majority of two-thirds to pass a bill—a majority has the right. No bad result could follow from the remedy I offer for this evil, for no member would resort to this remedy as long as a committee was in good faith examining the bill, for every member desires a favorable report, and it would only be resorted to when a committee refuses or fails to report back a bill after full time to consider it. If the committee are opposed to a bill let them report it back with an adverse report. That puts it before the House for a vote. I have confined this amendment to public bills, not to pension bills or private bills of any character.

I have offered this amendment not as a partisan, but in the interest of every member of this House. It is to assert the right of a majority to control. We live in a republican government, and a majority ought to control. I use the word "republican" in its broad sense as applicable to our form of government.

Mr. Speaker, I wish that we had a fair opportunity to discuss this amendment, that others who agree with me and who are far abler than myself could have an opportunity to be heard in favor of this amendment, so just, right, and proper, and in the interest of the whole people whom we are here to represent; as the rules now stand they enable a majority of a committee to exercise an unconstitutional power.

The SPEAKER. The time of the gentleman has expired.

Mr. REED. Mr. Speaker, I think it is due to the Committee on Rules that I should explain the motives which actuated them in not reporting favorably the proposition of the gentleman from Kentucky [Mr. TURNER]. With the principle at the bottom of his resolution I have entire sympathy, which I have already expressed. But there are practical difficulties in the way which I want the House to consider before making up its mind.

As I said the other day, this House does only 8 per cent. of its business; and our whole legislation with relation to rules must hinge upon that important fact. There is no physical possibility of doing much more than 8 per cent. Now, the proposition of the gentleman from Kentucky is that when any bill is not reported by any committee within a specified time it shall at once upon any Monday become a privileged bill; in other words, it shall become entitled to stop the other business of the House. This would have the effect of preventing on Monday the presentation of bills; for it would necessarily take the whole day.

Now here is a choice between evils. The question is, whether in order to remedy the evil of the non-action of a committee chosen by the House, and supposed to represent its views, you shall give to an individual member the right to make privileged nine-tenths of the business of this House, and to make such business privileged not because a committee recommends it, but simply and solely because a committee does not recommend it.

I now yield to the gentleman from Pennsylvania [Mr. RANDALL.]

Mr. RANDALL. Mr. Speaker, the rules provide that every bill introduced here shall be referred to a committee, the object being to hear from the committee, after they have examined the bill, a recommendation. This reference does not interfere at all with the consideration of a bill by the House, because even if reported negatively a single member can demand that it go upon the Calendar. The practical effect of the amendment of the gentleman from Kentucky would be to destroy the business of the first and third Mondays of each month, which are already allotted to motions to suspend the rules, and to destroy also the second and fourth, and, when it occurs, the fifth Monday, which it is in view to give to the business of the Committee on the District of Columbia and the Committee on the Territories. The gentleman's amendment provides, as has been well said by the gentleman from Maine [Mr. REED], that a bill which can not secure a recommendation from a committee shall be precipitated upon the House for a final vote, yea or nay.

[Here the hammer fell.]

The SPEAKER. Debate on this proposition is exhausted. The Clerk will read the next proposed amendment.

The Clerk read as follows:

Amend Rule X by inserting, after the line "on Revision of the Laws, to consist of eleven members," the following, to wit: "on Political Rights of Women, to consist of eleven members."

The SPEAKER. This was proposed by the gentleman from Kentucky [Mr. WHITE], who is entitled to the floor for seven minutes.

Mr. WHITE, of Kentucky, addressed the House. [See Appendix.]

Mr. CUTCHEON. Mr. Speaker, ever since the organization of this House I have received petitions from my constituents in regard to this matter of the political rights of women, but under the action of the House in its organization there seems to be no committee to which they could properly be referred. A few years since, when this question of woman suffrage was submitted to the people in my State, more than 40,000 electors were in favor of it. I believe much more than that number are at the present time in favor of it. It seems to me, without putting ourselves on the question of political rights of women, it is but respectful to a very large number of people in all our States that there should be a committee to receive and consider and report upon these petitions which come to us from time to time.

Mr. WHITE, of Kentucky, addressed the House. [See Appendix.]

Mr. RANDALL. Mr. Speaker, those who are engaged in the agitation of this question command my unbounded respect for their purity and high character, for the zeal and energy which they exhibit, and for the intellect that they possess. But I submit to the House that this is an adjudicated question by the House itself. On the 20th of December last the Committee on Rules allowed a report to be made without their recommendation; but, nevertheless, in order that the judgment of the House might be tested, a vote was taken upon that by "yeas" and "nays," and the record of that vote shows 85 in favor and 124 against this proposition. Therefore, recognizing the fact that the Committee on Rules is the mere voice of the House, as it should be, they have not felt it to be proper for them to proceed further in reference to this subject.

The SPEAKER. The Clerk will read the next amendment, submitted by the gentleman from Kansas [Mr. ANDERSON].

The Clerk read as follows:

Resolved, That Rule XXXIV be amended by adding the following words:

"*Provided*, That an ex-member of Congress, on and after the fifth day from his first admission to the floor of the House, shall only be admitted thereto during the remainder of that Congress by an order of the Speaker; nor shall the Speaker issue said order until such ex-member shall have certified upon his honor as a man that he is not personally, pecuniarily, or professionally interested, either directly or indirectly, in the passage or defeat of any claim, bill, or other measure pending before Congress or any of its committees; that he is not, either personally or professionally, in the employ, service, or interest, either directly or indirectly, of any railroad, telegraph, or other company, corporation, person, or combination of corporations or persons having a pecuniary interest in the passage or defeat of any claim, bill, or measure pending before Congress or its committees; and pledging his word that, while the House is in session, he will in no way communicate with a member thereof respecting any claim, bill, measure, or action which may affect the welfare of any railroad, telegraph, or other company, corporation, person, or combination of corporations or persons having an interest in legislation pending before Congress. The Committee on Rules, upon ascertainment of any violation of this proviso, shall immediately declare the offender forever deprived of the privilege of the floor as an ex-member of Congress."

Mr. ANDERSON. Mr. Speaker, the object of this proposed amendment to the rule is perfectly clear. It seeks to recognize two facts: first, the extension of a courtesy, proper perhaps, to an ex-member of Congress; and, second and mainly, to prevent an ex-member of Congress from abusing the privileges of the floor for the purpose of influencing legislation as a lobbyist.

There can be no honor conferred directly by the people of the United States upon any man greater, in my judgment, than the honor which is conferred when the voters of a Congressional district of this Union select a given gentleman as the one who shall be their Representative in this body; and by that selection, under the Constitution as well as under the rules of the House, they give him full and absolute right to the floor of this House and to all of the privileges of the floor. When such a one has served his term and comes to our door and, because of the glory which has been conferred upon him, says to the Doorkeeper, "I am an ex-member of Congress," this House, recognizing the sheen of that glory as still adhering and inhering in him, and animated by that broad generosity which we all desire to exercise, extends to him all the hospitalities and privileges which we can possibly give. That, I think, may be right; and yet, gentlemen, it is not done by any parliamentary body, I believe, of any other nation on the globe. And the fact that a constituency have not re-elected a man is the best evidence that they do not send him here, but do clothe his successor with the privileges of the floor; yet, as an act of courtesy, we welcome him to our hospitality.

But now take a wholly different case. Suppose that a gentleman comes to yonder door and says, "I am an ex-member of Congress, and as such desire to avail myself of the courtesy of the floor and all its privileges." Because of that fact he obtains admission. But he has been sent here, we will suppose, by Mr. Huntington to do all in his power to prevent the forfeiture of railroad land grants; or he has been sent here by Mr. Jay Gould to prevent legislation injurious to some of his interests; or that he comes in the interest of the Western Union Telegraph Company to prevent if possible legislation detrimental to its monopoly; and he comes to the door and obtains admission as an ex-member. That qualification of ex-membership gives him entrance and the privilege of the floor. But as soon as he is inside he is not simply an ex-member nor chiefly an ex-member; he is chiefly a lobbyist.

Now, this proposed amendment to the rules makes a clear and explicit distinction between those two propositions—the extension of the rites of hospitality, all the courtesies of the floor, to an ex-member who comes in the capacity and true spirit of an ex-member, and, on the other hand, the same extension to the man who comes really as a lobbyist. But when a man undertakes to abuse that hospitality and the true privileges of an ex-member, and directly or indirectly seeks to influence legislation by this body, not as a member of the House, but as an ex-member acting in behalf, we will suppose, of some of the grasping corporations of the country (and we will suppose that he does not even do that directly, but that he does it indirectly), then he should not be admitted.

As an instance of this I might refer to a circumstance which occurred yesterday when the bill for the prevention of pleuro-pneumonia and other diseases of cattle was up, to which many gentlemen are opposed and for different reasons, some because of locality, some because of the sincere belief that the bill is wrong, and some others because it interferes with railroad interests. Now, then, suppose that some ex-member, in the interest of a railroad, comes on this floor and wishes to oppose that bill. He would not say outright that his opposition came from the fact that the bill interfered with the railroads, but would probably put his objection on the ground that the measure would necessitate a large increase of the employés of the Government, and for that reason, as was stated to me on yesterday by one gentleman, the measure was objectionable. His patriotic soul was cleft and riven by the danger that threatened the Republic if a few more employés were added to the roll for the protection of our herds against contagious diseases, and by that great danger alone! Did he suppose for an instant that I did not see through that ostrich pretense, and did not go behind the objection assigned to the real cause of his opposition to that bill? He was lobbying for the railroad interest all the same.

So this lobbying by ex-members may be done indirectly as well as directly, and all that this amendment proposes is that where a gentleman comes and says, "Gentlemen, I am here as an ex-member; I greet you as such; I desire to be greeted as such; by signing your pledge I have assured you that I am not here for any improper purpose;" then upon that statement he shall obtain admission. If I were an ex-member—and I do not desire to be one—but if I should ever come here in that capacity, I would a great deal rather come upon this floor, after having signed that statement and pledged my honor to it, than come in with every one of you wanting to know what I was after.

This rule proposes an ex-member may come for five days without such pledge, but that afterward, and where gentlemen undertake to avail themselves of this privilege and, although they seek admission as ex-members, yet really come to us as the attorneys of somebody for something, then those doors shall be closed against them and that we shall say, "As an attorney you shall not come upon this floor; you shall be put precisely upon the same level as other claim agents."

It appears to me the mere statement of the proposition is all the argument which is needed. That there have been improper practices history abundantly testifies.

[Here the hammer fell.]

Mr. RANDALL. The Committee on Rules have not been deaf to complaints like those which have just been made by the gentleman from Kansas. They have in fact given serious consideration to the subject, but have reached no conclusion.

It is one of the most difficult questions that the Committee on Rules have had to consider how and where to draw the line between such ex-members of Congress as come here in the legitimate pursuit of their profession, and those who come here because of the pleasure derived from old associations among members and those memories which attach to the place itself. I think the Committee on Rules would as lief have the House try to reach an intelligent rule on this subject——

Mr. ANDERSON. I am willing to withdraw my amendment if the committee can frame a better one.

Mr. RANDALL. The gentleman from Kansas states he is willing to withdraw the amendment if the committee can frame a better one. I do not know that the committee can frame a more effective one.

Mr. ANDERSON. That is the point.

Mr. RANDALL. But they might find one that would not work hardship. For instance, an ex-member of Congress might come here in the pursuit of social pleasure and might want to stay over five days, as is provided for in the rule introduced by the gentleman from Kansas. I hardly know how to reach it myself. At a former time we had a rule, or practice rather, that ex-members of Congress signed a paper in which, on their honor, they said they were not interested in any legislation or employed to promote legislation, but that passed out of existence because it became a dead letter. Something no doubt should be done in this direction.

I should like to have an opportunity of inserting in the RECORD the

history of the action of the House of Representatives in relation to this subject of admissions to the floor. It would be interesting reading, and it is not long—only about a page of the Digest.

The SPEAKER. If there be no objection, the gentleman from Pennsylvania can insert in his remarks what he has indicated.

There was no objection.

The portion of the Digest referred to by Mr. RANDALL is as follows:

FLOOR, PRIVILEGE OF ADMISSION TO.

(See Rule XXXIV.)

The first rule for the admission within the Hall of other than members was adopted on the 7th January, 1802, and was confined to "Senators, officers of the General and State Governments, foreign ministers, and such persons as members might introduce." On the 11th January, 1802, an attempt was made to amend so as to exclude persons "introduced by members," which failed. On the 8th November, 1804, a proposition was made to confine the privilege to Senators, which also failed. On the 17th December, 1805, officers of State governments were excluded. On the 1st February, 1808, a proposition was made to admit ex-members of Congress and the judges of the Supreme Court. After a good deal of debate it was rejected. On the 11th February, 1809, the rule was enlarged so as to admit judicial officers of the United States, as also ex-members of Congress. On the 25th February, 1814, those who had been heads of Departments were admitted. On the 10th February, 1815, officers who had received the thanks of Congress were included; on the 12th January, 1816, the Navy commissioners; on the 21st February, 1816, governors of States and Territories; March 13, 1822, the President's secretary. On the 26th January, 1833, the rule was further enlarged by admitting "such persons as the Speaker or a member might introduce," and on the 10th December, 1833, the House, by a vote almost unanimous, rescinded that amendment. On the 23d of December, 1857, soon after removing into the new Hall in the south wing of the Capitol extension, the privilege of admission was restricted to "members of the Senate, their Secretary, heads of Departments, President's private secretary, the governor for the time being of any State, and judges of the Supreme Court of the United States." On the 19th of March, 1860, it was adopted in its present form, excepting the last clause, a proposition to admit ex-members having been rejected. The last clause, adopted March 2, 1865, was intended to prevent persons not entitled to the privilege of the Hall from occupying the cloak and other adjoining rooms. January 29, 1878, the House adopted the following resolution by yeas 155 to nays 92, namely: "*Resolved*, That the rule in regard to the admission of persons to the privileges of the floor be enforced, and the Speaker is requested to discontinue the practice of issuing passes, which has been indulged in by common consent." (See Journal, first session Forty-fifth Congress, pages 316, 317.)

[The Doorkeeper is required by Rule V, clause 1, to execute strictly the aforesaid rule.]

Mr. COX, of New York, addressed the Chair.

The SPEAKER. There is one minute remaining for debate.

Mr. RANDALL. I yield that minute to the gentleman from New York [Mr. COX].

Mr. COX, of New York. I can only say in the minute allowed me that some five or six years ago the Committee on Rules, of which I was then a member and of which the gentleman from Pennsylvania was a member, reported a very stringent rule on this subject. We felt then there was a grievance and that it should be remedied. The trouble was not so much with governors of States, &c., as with ex-members of Congress, who came here and took up our time. They signed a paper as to non-interest in general claims pending before Congress, but they always had specific claims to look after on this floor. I have seen ex-members of Congress buttonholing members at their seats, laying before them facts as to railroad companies and other corporations requiring legislation in which they were interested.

That thing ought to be stopped somehow. I can not now indicate the mode of stopping it. I know at the time I introduced that report from the Committee on Rules the distinguished ex-Speaker, the gentleman from Pennsylvania, was one of the majority to report that rule to the House. And it only failed by a few votes because some of the gentlemen of the committee who authorized it at that time, and whom I shall not name, failed to sustain it on the floor of the House. There is a mischief which needs a remedy.

Mr. ANDERSON. Why not adopt this resolution?

[Here the hammer fell.]

The SPEAKER. The next amendment is that proposed by the gentleman from Montana [Mr. MAGINNIS].

Mr. MAGINNIS. In accordance with the suggestions of some members of the Committee on Rules I offer a modification of the amendment which has been printed, and which I ask the Clerk to read.

The Clerk read the amendment as proposed to be modified, as follows:

That the second, fourth, and fifth Mondays in each month shall be devoted to the consideration of reports of committees in relation to the business of the District of Columbia and of the Territories of the United States, not to include propositions for the creation of new Territories or the admission of new States.

Mr. MAGINNIS. Mr. Speaker, the amendment is so framed as not to admit under this head any of the things that were deemed objectionable by the Committee on Rules, and so framed that we can receive recognition of the House for the transaction of our business on the same footing and in the same line as the District of Columbia. The Territories are now large, rich, and powerful. There is a constant disposition against the admission of new States.

Scarcely any State in the Union has come in with a greater number of inhabitants than possessed by some of the smallest Territories that now exist. In many ways those Territories are dependent upon Congress in matters relating to their courts and one thing and another. We would be very well satisfied to take our chances with the Committee on the District of Columbia to secure a hearing of these matters.

Mr. RANDALL. The effect of the proposition of the gentleman from Montana [Mr. MAGINNIS], if adopted, would be to give to the Committee on the District of Columbia and the Committee on the Territories the second, fourth, and fifth Mondays. The judgment of the Committee on Rules is already concluded as to the Committee on the District of Columbia. I think that in any event that committee will be given the second and fourth Mondays of each month for the consideration of its business. To add the fifth Monday would be to give another day in such months as have five Mondays for the consideration of business from the Committee on the District of Columbia and the Committee on the Territories. Perhaps there might be some understanding between those two committees for the division of time so allowed, the Committee on the District of Columbia to have preference.

Mr. MAGINNIS. That would be quite satisfactory to us. There are matters affecting our Territories, the apportionment of the Territories for members of the Legislature and other things, which we must obtain action of Congress upon. Sometimes those matters go over without action. It certainly would be a great relief to the Speaker that we should not be compelled to stand in the area in front of his chair endeavoring to seek recognition for the purpose of asking unanimous consent to have some matter considered which is of importance to the Territories we represent.

Mr. RANDALL. I am advised that the Committee on the District of Columbia prefer to have the rule so framed that they shall have two days in the month distinct from any other committee. I ought to say that——

Mr. MAGINNIS. I know; but suppose they do want it in that way. The other Territories of the United States have almost the same claim upon the consideration of Congress as the District of Columbia. Of course the Territories are not represented here by individuals who can obtain the ear of the House, but they are just as much entitled to consideration as is the District of Columbia.

Mr. RANDALL. I think the gentleman is a little too modest in that statement.

Mr. MAGINNIS. I would say to the gentleman from Pennsylvania that such an arrangement as he suggests, which would give the Committee on the District of Columbia the second and fourth Mondays of the month and give to the Committee on Territories the fifth Monday in those months which have five Mondays, would be acceptable to us.

Mr. MULDROW. I desire to say to the gentleman from Pennsylvania [Mr. RANDALL] that the business before the Committee on the District of Columbia is now accumulating very rapidly, and in the opinion of that committee two days each month will not be more than enough for the consideration of business to be reported from that Committee to the House.

Mr. MAGINNIS (to Mr. MULDROW). You would agree to letting us have the fifth Monday in each month that has five Mondays, as I have suggested?

Mr. MULDROW. I have no objection to that.

Mr. RANDALL. I think I can give the gentleman from Montana [Mr. MAGINNIS] the assurance that the Committee on Rules will consider hereafter the propriety of giving a day to business from the Committee on Territories, with such limitations as I suppose the gentleman will agree to.

Mr. MAGINNIS. I think we had better settle the matter now while the subject is before the House.

Mr. RANDALL. I have no objection to the House taking a vote on every one of these propositions by tellers, not by yeas and nays—I want to save time—that too much time shall not be taken up in the disposition of these various propositions.

Mr. MAGINNIS. The proposition I have submitted excludes all questions relating to the admission of new States and the formation of States from Territories. It refers only to small matters of details which the House will generally pass by unanimous consent if we can only get them before the House; but they are matters which are of great importance to us.

Mr. CALKINS. Fix up a rule for that purpose.

The SPEAKER *pro tempore* (Mr. COX, of New York). The next proposition in order will be read.

The Clerk read as follows:

Amend section 22, Rule XI, so as to read:

"To the improvement of the Mississippi River, its levees and tributaries, to the Committee on Levees and Improvements of the Mississippi River."

The SPEAKER *pro tempore*. The proposition just read was submitted by the gentleman from Missouri [Mr. O'NEILL], who is absent on account of illness. If no other member desires to speak upon it, the next one will be read.

The Clerk read as follows:

Amend Rule XIV by striking out, wherever they occur, in rules relating to time allowed for debate, the words "one hour" and inserting "thirty minutes."

The SPEAKER *pro tempore*. This proposition was also submitted by the gentleman from Missouri [Mr. O'NEILL]. If any other member desires to speak upon it, the Chair will recognize him for that purpose.

Mr. RANDALL. I understand that the last proposition read is one to abridge what is known as the hour rule, so as to make thirty minutes instead of one hour the limit of debate. The history of the hour

rule in the United States, where I think it originated, both as applicable to parliamentary practice and to practice in the courts, is a very interesting subject. I regret that the gentleman from Missouri [Mr. O'NEILL] is not present so that the opportunity might be presented for discussing this question relating to the restrictions of debate in courts and in legislative bodies.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

The Clerk read as follows:

Resolved, That the third paragraph of Rule XXI be amended by striking out all after the word "progress," in line 5, and inserting in lieu thereof the following: "not including propositions for increase of salaries: *Provided*, That it shall be in order further to amend such bill upon the recommendation of the committee having jurisdiction of the subject-matter of the amendment proposed, the same being germane to the clause of the bill affected thereby;" so that, if amended as proposed, the rule will read:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, not including propositions for increase of salaries: *Provided*, That it shall be in order further to amend such bill upon the recommendation of the committee having jurisdiction of the subject-matter of the amendment proposed, the same being germane to the clause of the bill affected thereby."

The SPEAKER. This amendment was proposed by the gentleman from Iowa [Mr. KASSON].

Mr. KASSON. Mr. Speaker, this amendment deserves the attention of the House, as it involves so largely the rights of all other committees than the Committee on Appropriations in respect to amendments upon appropriation bills. By the present rule that committee may take charge of the business of almost any other committee by submitting a proposition involving a reduction of the amount appropriated by existing law; and the Committee on Appropriations may thus proceed to change a system of law which may even be at the time under consideration by another committee of this House, while the latter committee, having an amendment prepared which does not either retrench or increase expenditures, has no power to propose that amendment, although germane to the subject-matter of the clause of the appropriation bill under consideration. Under the operation of this rule, during the last Congress legislation was had which was directly against the recommendation—in one case the unanimous recommendation—of one of the committees of this House. I refer to the Committee on Foreign Affairs; and the same thing has happened frequently with regard to other committees. In this way portions of our system of laws are struck out or changed in their character without the measure having been considered by the committee charged by our rules with the consideration of the subject-matter. It is a continual evil in the administration of our rules that we have allowed committees other than the Committee on Appropriations to be divested of the right of proposing amendments of the laws touching matters within their jurisdiction; and we have given this right exclusively to the Committee on Appropriations, upon the single condition that the proposition submitted by them shall reduce to the extent of a dollar more or less the amount appropriated under existing law.

I have always been opposed to thus withdrawing from the functions of the various committees of the House the elements of their jurisdiction. It is a question that concerns us all. The Judiciary Committee, for example, may wish to change some part of the administration of the Department of Justice for which appropriations are made without increasing expenses at all. The committee may have solemnly deliberated upon the proposition and may desire to submit it as an amendment to a clause in the appropriation bill to which it is germane. They can not do it. But the Appropriations Committee, under cover of an amendment reducing by one dollar the appropriations called for by existing law, may present and have passed measures which change the entire system of judicial administration without consulting the Committee on the Judiciary at all. A similar statement might be made with regard to all the committees of the House. Complaint has heretofore been made in reference to this matter, and it will be made as long, probably, as this House continues in existence, unless the rule be changed.

The proposition which I have submitted provides merely that the proper committee of the House may propose upon an appropriation bill an amendment which is germane to the clause under consideration at the time. The power of proposing amendments to our general system of laws is thus given to the committee having jurisdiction of the subject-matter, and taken away from the Committee on Appropriations, which has not such jurisdiction.

In consequence of the present rule and the practice under it, we are at every session coming into conflict with the Senate, because of general legislation attached to appropriation bills under the rule as it now stands. The function of the Committee on Appropriations at the time it was formed was simply the examination of all the appropriations required to maintain the Government under existing laws and to carry on public works in progress. Under that authority the habit grew up of allowing propositions not only to reduce salaries, but to increase them. I desire that the right to increase salaries upon appropriation bills shall continue to be denied; and consequently it is a part of my proposition that the right of amendment under it shall not include any increase of salaries. But upon the other point, the question of jurisdiction, I desire distinctly to take away from the Committee on Appropriations the power of submitting amendments to the general law, and to confer that power upon the particular committee which under the rules of the House may be charged with jurisdiction of the subject-matter.

Mr. BLOUNT. Does the gentleman propose that any committee of the House having jurisdiction of the subject may propose any general legislation upon appropriation bills?

Mr. KASSON. Not "any general legislation," but such as may be germane to the clause of the appropriation bill under consideration. So far as the Appropriations Committee now has the right to do this, I propose that the committee having jurisdiction of the subject-matter shall have the same right.

Mr. BLOUNT. The gentleman might propose the whole consular and diplomatic system of the Government might be changed on an appropriation bill.

Mr. KASSON. As in the last Congress you did change it in part.

Mr. BLOUNT. A salary was changed here and there, but not the whole system.

Mr. KASSON. And it ought not to be so that the whole system can be changed. Under the present rule you strike at the whole system by making an appropriation which shall cost a little less, a thousand or a hundred dollars, as that gives the committee jurisdiction of the whole matter. The difficulty is, two committees are having control of all the business of the House, the Committee on Appropriations and the Committee on Ways and Means.

Mr. HISCOCK. I desire to ask a question.

Mr. KASSON. Every House ought to have an opportunity to consider the business before it. If the amendment of the gentleman from Maine be adopted it will give them that opportunity. There is also no opportunity to make partial amendments in respect to appropriations where under existing laws the Committee on Appropriations has no jurisdiction. The committee having jurisdiction of the matter ought to have the right to propose an amendment instead of leaving it to the Appropriations Committee. That is the object of the rule, to restore to each committee its rights in that respect equally with the other committees of the House.

Mr. CANNON. I ask the gentleman whether or not the provision to Rule XXI does not give other committees more power than the Committee on Appropriations as to amendment of appropriation bills?

Mr. RANDALL. The last clause.

Mr. CANNON. It does not give them more power.

Mr. HOLMAN. This will enlarge the power of the Committee on Appropriations.

Mr. RANDALL. Of the necessity for the adoption of this rule and its usefulness the gentleman from Indiana [Mr. HOLMAN] is abler to speak than I am, as he originated it as it now exists. He had my full co-operation at the time, and I have never seen a day when I wanted to change that rule. I believe it to be directly in the interest of economy, and against extravagant expenditures.

Mr. HOLMAN. The last clause.

Mr. RANDALL. The last clause to which the gentleman from Illinois [Mr. CANNON] has referred gives to the committee full and ample power in that direction, while the proposition of the gentleman from Iowa [Mr. KASSON], if I understand it correctly, destroys the rule in this particular, namely: that amendments shall not be in order even when we want to reduce the expenditures of the Government, and remits it back to the condition of things existing in the Forty-third Congress, when the then Speaker, resting on a decision of a former Speaker, decided that the rule as it then stood gave the right to the House to insert legislation in the direction of increased expenditure and denied the right to insert legislation showing economy on its face. The Forty-fourth turned Congress right-about face on that decision, and adopted the rule which has been continued ever since, and which, I think, is a wholesome one, and that everybody, without regard to political divisions, should want to keep in force.

Mr. KASSON. If the time of the gentleman from Pennsylvania has not expired I would like to say that in such bill—such question as appropriations for the Navy, for instance—the Appropriations Committee has a power which they exercised in the last Congress beyond that which the Naval Committee itself can exercise. And so, also, in reference to the Committee on Foreign Affairs, in regard to the employment of a consul. They can strike out of the bill the provision for the employment of a consul, but they can not add one. My object is to allow such committee, as the Naval Committee, for instance, to move an amendment providing for the construction of an additional ship, with proper provisions limiting the cost, if in their judgment such construction shall be deemed necessary, instead of leaving that subject to the Committee on Appropriations. My object is to allow the Committee on Foreign Affairs to ask an additional consulate when in their judgment it is needed, without leaving that to the Committee on Appropriations. They have the power now of knocking one out, but they have no power to put one in. And I exclude all matters relating to increase of salaries from my amendment.

Mr. RANDALL. Let me read in this connection the proviso to clause 3 of Rule XXI:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. KASSON. Very well.

Mr. RANDALL. Now, the appropriation bills are in fact matters of legislation which relate to the expenditures of the Government, and I am perfectly willing to have incorporated legislation that will reduce expenditures, but am not willing for a moment, so far as my vote goes, to permit anything to go on an appropriation bill changing existing law which shall increase expenditures.

Mr. KASSON. However essential or important it may be?

[Here the hammer fell.]

Mr. CALKINS. I hope the Chair will indulge me for a moment in reply to the chairman of my committee.

The SPEAKER *pro tempore* (Mr. COX, of New York, in the chair). The time has expired.

Mr. CALKINS. Then I ask unanimous consent that I may be permitted to have two minutes.

The SPEAKER *pro tempore*. Without objection, the gentleman from Indiana will be allowed to proceed for two minutes.

There was no objection.

Mr. CALKINS. Mr. Speaker, I commenced in the Forty-sixth Congress criticising this rule. I do not believe that the time will ever come when I shall change my opinion with reference to this subject, and I think the mistake made in framing that rule is the same mistake that we are now making in keeping it in force in this House.

I think the Appropriations Committee of this House should be stripped of all powers of legislation, not stripped of power to reduce expenditures, because it is in the power of the committee to report just such expenditures as it may think the Government should make——

Mr. RANDALL. I beg pardon there. There may be existing laws which are compulsory upon the committee and which require certain appropriations which the judgment of the committee does not indorse.

Mr. KASSON. Why not have the judgment of the House upon it?

Mr. CALKINS. I think the Committee on Appropriations should take a bold stand and refuse improper appropriations. But the mistake, as I have intimated, is in having any legislation whatever on appropriation bills.

[Here the hammer fell].

The Speaker resumed the chair.

The SPEAKER. The Clerk will report the next amendment submitted by the gentleman from New York [Mr. COX].

The Clerk read as follows:

Resolved, That a select committee to ascertain the results of the Tenth Census be appointed, to have the same number of members, duties, privileges, and powers as the committee of the same name had in the last Congress, and that said committee be authorized to employ a clerk.

Mr. COX, of New York. Mr. Speaker, I proposed that amendment to be sent to the Committee on Rules; but at the instance of several gentlemen I have also presented it here for the information of the House.

I am not certain but that it would have been wiser to leave this matter to the Committee on Rules for their consideration. But I wish to place upon the record the reasons for the re-establishment of the Committee on the Census as contemplated by this amendment.

The census act of 1879 was a comprehensive law; not simply for political apportionment, not merely for the regeneration of our representative system, but for statistical information, for scientific purposes, for the enlargement of our interests, for the purpose of instructing in legislation as well as in social science. I happened to be connected with the Committee on the Census as its chairman, and reported the bill which is now the law. We limited the expenditures of that census to three millions of dollars. I know that we ran beyond that, but it was because of some misdirection or lack of judgment somewhere, for instead of publishing these various volumes, if I may so speak, in tandem, they were published or endeavored to be published all abreast, and therefore have been delayed in their publication. They have cost far more by reason of this delay. But in the law of 1879 there is one section which I would like to have read, and on which I would like to have a new committee to pass, as well as a new committee for the purpose of closing up the old business up to the present time. This section of the law, section 22, I will send to the desk and ask the Clerk to have read, and during its reading I ask the careful attention of the House to the subject. The section to which I refer was intended to provide a decennial or semi-decennial census of the States. The States were to take a census between the two decennial periods. They were to take a census the expenditure of which was to be borne by the Federal Government to the extent of one-half and the other by the States. It contemplated having the schedules of the States modeled on the plan of the Federal census, so as to permit a proper comparison between the two, for the purpose of giving the States their rights and information in order to the proper apportionment of their legislative systems.

Now unless something be done to carry out that twenty-second section it will fall as a dead letter. I desire to keep that section alive and to perfect it, if it be possible; and at the request of many scientific gentlemen, especially from the city of Philadelphia, I have reported a bill whereby we might remodel many of these schedules, cut off a large part of them, reduce them in many ways for the purpose of assisting in our fast-going, and get the intelligence to be sent out abroad throughout the land and the world more promptly than it can now be sent out by our decennial census merely.

Therefore I hope and pray this House, if they would perpetuate this unexampled system of census-taking, such as no other nation has ever had, will give us a committee for the purpose of carrying out this twenty-second section. I ask that it be read, that my remarks may be better appreciated.

The Clerk read as follows:

SEC. 22. That if any State or Territory, through its duly appointed officers or agents, shall, during the two months beginning on the first Monday of June of the year which is the mean between the decennial censuses of the United States is by this act directed to be taken, take and complete a census in all respects according to the schedules and forms of enumeration in the census of the United States and shall deposit with the Secretary of the Interior, on or before the 1st of September following, a full and authentic copy of all schedules returned and reports made by the officers and agents charged with such enumeration, then the Secretary of the Treasury shall, upon receiving a certificate from the Secretary of the Interior that such schedules and reports have been duly deposited, pay, on the requisition of the governor of such State or Territory, out of any funds in the Treasury not otherwise appropriated, a sum equal to fifty per cent. of the amount which was paid to all supervisors and actual enumerators within such State or Territory at the United States census next preceding, increased by one-half the percentage of gain in population in such State or Territory between the two United States censuses next preceding: *Provided*, That the blank schedules used for the purposes of the enumeration herein provided for shall be similar, in all respects of form and size of heading and ruling, to those used in the census of the United States.

Mr. COX, of New York. I beg to say to the House that the Senate have a special committee for this very purpose. I do not care so much about having a clerk to the committee. I do not know that that is needed. I know that I did all the work connected with this census business without the aid of a clerk, which the House very ungallantly refused at that time; and I think I could close up the business and save some money by doing without a clerk.

One word more. The gentleman from Pennsylvania [Mr. RANDALL], or some one, suggested to me the other day in conversation that this might tend to perpetuate the office of the Superintendent of the Census. It may have that effect or it may not, according to the decision of the House. But heretofore in all previous decennial periods there has been a clerk of the census at a salary, so that he might take care of this business until the proper time came for the enumeration.

I would provide to-day, if I had the power, for the continuance of this office of chief clerk of the census, abolishing the office of Superintendent, and simply keeping the business along as they do in France, Germany, and England, where a register's office runs all the time with a view to collecting, collating, and publishing proper statistical information.

[Here the hammer fell].

Mr. RANDALL. I think I may with frankness state the reasons which seem to operate on the minds of the members of the Committee on Rules in relation to this matter. The committee believed there was existing law sufficient, including that section of the law which the gentleman from New York has caused to be read, to execute everything that was essential in regard to the recent census; and therefore that a committee on the census, which was organized as a special committee and not as a permanent committee of this House, was unnecessary, and the gentleman from New York [Mr. COX] is quite correct when he quotes me, and perhaps other members, as indicating that there was in the minds of some of the committee a belief that this would lead to the organization of a permanent bureau in the Government. We all know the tendency in that direction, and it needs no impulse at our hands. Hence the Committee on Rules, when the committees came to be fixed at the early part of the session, omitted the committee as to the census.

I now yield to the gentleman from Rhode Island [Mr. CHACE], who desires to ask a question.

Mr. CHACE. I would like to ask the gentleman from New York to explain fully what he means by the language he uses in his amendment:

To have the same number of members, duties, privileges, and powers as the committee of the same name had in the last Congress.

I suppose the gentleman does not mean to give the proposed committee quite that scope.

Mr. COX, of New York. With the permission of the gentleman from Pennsylvania——

Mr. RANDALL. I am afraid I have no more time to yield.

The SPEAKER *pro tempore* (Mr. MILLS). The time for the debate on this amendment has expired.

Mr. COX, of New York. Let me say that the scope of the resolution raising this committee was simply to care for the census for purposes of enumeration and statistics. And that would be the scope of the powers committed to the committee that would be raised by this amendment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed

the House that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 241) to repeal section 8 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880.

MESSAGE FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, his Secretary, who also announced to the House that the President had approved and signed a joint resolution of the following title:

Joint resolution (H. Res. 116) fixing the time when the pay of certain clerks to committees and other employés of the House of Representatives shall begin.

AMENDMENT OF RULES.

The SPEAKER *pro tempore*. The next amendment to be read is that proposed by the gentleman from New York [Mr. SKINNER].

The Clerk read as follows:

RULE —. There shall be appointed by the Speaker at the beginning of each Congress a committee consisting of fifteen members, eight members from the party in control of the organization and seven members from the opposition, to be known as the Executive Committee of the House of Representatives. It shall be the duty of said committee to consider all bills which may be reported favorably from any other of the standing committees of the House, and to determine which of said bills shall have preference in being brought before the House for consideration. In the order of such preference such bills shall be reported to the House without amendment, and placed upon a calendar to be known as the Executive Calendar. And it shall be in order at any time after the reading of the Journal and expiration of the morning hour for the chairman of such executive committee, or any member thereof, when acting under the instruction of said committee, to call up any bill upon the said executive calendar for consideration. If his said motion be sustained by a majority vote of a quorum present the bill shall be considered under consideration. The said executive committee shall fix the time to be allowed for debate upon each bill so reported, and such time shall not be extended except by a majority vote of a quorum present. At the expiration of said time so fixed or extended a vote shall be taken upon the question without further debate. Nothing in this rule shall prevent the offer of amendments to the bill when under consideration, or to interfere with the preference already given to the consideration of appropriation or revenue bills, or to prevent the consideration of any of the other calendars of the House, whenever the House may so direct.

Mr. SKINNER, of New York. I offer this proposed rule, Mr. Speaker, in the interest of good legislation and of a fair and proper consideration of the mass of bills which are presented to us each session for our action. I hold to the rule that majorities should be held responsible for the legislation enacted here. Whether that majority be Republican or Democratic, or whatever it may be, the majority can be trusted. If it shall make any mistake, there is a power above that majority which will correct it.

This proposed rule provides that any bill which shall have been considered and reported favorably by any other of the standing committees of the House shall be referred to an executive committee composed of members the majority of whom shall represent the majority controlling the organization of the House and the minority those who represent the opposition in the House. That committee so representing the majority in control here shall have it in their power to decide what measures of legislation shall have preference in our deliberations.

If it is decided that the public interest requires the tariff bill to be pushed, then that committee, acting for the majority, can push that tariff bill. If it shall be decided that any other public measure shall be pushed to the front, it is within the power of the majority of that committee to push it to the front and have it decided. I hold that by that means good legislation of a public character which the country needs can be separated from the great mass of legislation before us, and acted upon without the circumlocution so well known here. In other words, it puts the power in the hands of this committee to indicate what measure shall be brought before us; whereas that power is now vested in many cases in individuals.

I believe that this rule, when carefully considered in the interest of public policy and in the interest of the advancement of public measures, will commend itself to the favorable judgment of this House.

Mr. RANDALL. I yield to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. The proposition now presented is altogether impracticable. It is impossible for any committee of fifteen men to take up the bills now pending and determine, with anything like ordinary labor, which of those bills ought to be preferred over the others. Even if it were practicable I would not give any such power to any committee. And even if I were willing to give such powers to any committee I would not make a committee of eight to seven, for those numbers stink in the nostrils of the American people.

The next proposition, submitted by Mr. WELLER, was read, as follows:

Amendment to Rule XXI by addition of section 7:

"SEC. 7. That no bill before the House shall be brought up for final action until a copy of such bill, with copy of the committee's report thereon, has been put on the desk of each member on the day on which final action is sought."

Mr. WELLER. I desire the attention especially of the new members on this floor to this proposed rule. I believe myself in old-fashioned, sound, statesmanlike Jeffersonian and Jacksonian democracy. I believe in that kind of democracy where willful harm to one is the concern of all.

It seems to me that this proposed rule will obviate some of the difficulties to which new members are especially liable to be subject. For instance, only to-day a bill was called up in this House for consideration. I did not have time to look over the files and ascertain the number and character of all the bills which have been presented. Very frequently bills are called up for consideration the purport of which members of the House generally are wholly unacquainted with.

It seems to me that a rule of this kind will obviate that difficulty, and not permit any member to go home to his constituency, and when the subject-matter of a bill acted upon by Congress is brought to his attention, and complaint is made of his vote on it by his constituency, allow him to say that he did not know the contents of the bill; that he was ignorant of what it contained, and therefore he voted unadvisedly for it.

We have had a great many prominent instances of the necessity for the rule which I have proposed. At the time when silver was demonetized some of the members of this House from the State of Iowa went home to their constituencies and said to the people who complained of their action in demonetizing silver that they did not know the scope of the bill—were ignorant of its purport—that it was read simply by its title, and they voted unadvisedly for it and regretted their action. In some instances they were excused, and in some notable instances they were not excused by the people.

I desire that whenever a bill shall be called up for action in this House a copy of that bill shall be laid on the desk of each member accompanied by a report of the committee thereon, so that each member can not plead ignorance of the provisions of the bill. The bill demonetizing silver wrought a complete overturn in sentiment in our State regarding the reliability or painstaking care of some of the members from that State on this floor.

This very morning I had to go, as it were, with the speed of thought, to the Clerk's desk in order to ascertain the number of a bill which had been called up for consideration. Very courteously the Clerk hunted over the files in his possession and gave me the number of the bill. I sent for the bill, and when I had secured it I dispatched a page to the document-room for a copy of the report of the committee. He returned with the information that no report was there to be found.

It seems to me that this is a very reasonable request, a request that certainly ought to be granted for the benefit of new members. We have officers and pages already engaged and prepared for this work, and no extra outlay will be needed to accomplish the purposes of my proposed amendment to the rules. I am aware that men who have grown gray in the service of their country in this distinguished body have become so familiar with the methods of procedure here that they are seldom at a loss. But I know that frequently matters are brought up which I have had no reasonable opportunity to carefully consider, but on which I am called to cast my vote. I do not propose to undertake to carry in my mind the subject-matter of each bill so that when mention is made of it I can immediately determine just what I ought to do in casting my vote for or against it. There being already thousands of them introduced, I want to save the little ability I have for the other work of this House which is more needful.

One of the troubles, it seems to me, which new members of this House continually meet with is that on the spur of the moment matters of great importance are brought up which they have had no reasonable opportunity to consider carefully, but on which they are called to cast their final votes.

I submit this proposition in the interest of my constituency. They demand that every vote I cast on this floor shall be cast advisedly, shall be cast after mature thought and deliberation. They demand that I cast no vote in reference to which I am compelled to present to them the excuse that under the rules of this House with its enormous pressure of business I was prevented from knowing what I was doing.

I find, Mr. Speaker, that there is a calendar having some bills on its pages indicating that they are to come up for action, but this Calendar [holding up one] is the only one I have received during this entire session of Congress. I know that many measures have been passed here of which I had no reasonable opportunity to determine by knowledge thereof what I should properly do by vote or otherwise. For instance, a case came up in regard to a national bank in the State of Texas. Now, Mr. Speaker, I am opposed to that infernal, undemocratic bank system. I do not want to be caught here casting a vote for it in any particular and then be called upon to plead to my constituents that I was ignorant in the premises of my action. Thus I raised the objection this morning to the Speaker of this body. I made a parliamentary inquiry, but the Speaker informed me that I had not struck the right line.

There is another reason in favor of my proposition. I am not much more familiar with the rules of this House than the distinguished gentleman from Pennsylvania, ex-Governor CURTIN, who informed us the other day that he knew nothing about them and hoped he never should; and I am laboring under the same difficulty as that gentleman. I believe that this House ought to accord us this amendment.

The SPEAKER. The time of the gentleman from Iowa [Mr. WELLER] has expired.

Mr. RANDALL. Mr. Speaker, in my judgment there is no earthly excuse for any member of this House to plead ignorance of what goes on here.

Mr. WELLER. I would like to know from the gentleman from Pennsylvania whether many members of the House in a former Congress did not plead the excuse of ignorance in reference to their votes on the bill demonetizing silver.

Mr. RANDALL. I say that was a matter between themselves and their constituents; the rules of the House had nothing to do with it.

Mr. HORR. Will the gentleman from Pennsylvania allow me a moment?

Mr. RANDALL. Directly. Now, the rules of this House provide that every bill introduced here shall be printed and placed upon a file where every member can see it. Nay, more; the rules provide that every bill, when reported back from a committee, shall be accompanied with a report, which shall be printed and immediately transmitted by mail to the individual members of the House. The gentleman from Iowa, as well as every other member, has had it in his power to read over such reports upon every bill reported at the earliest practicable moment, and before any action on the bill could be taken.

Mr. WELLER. I would like to inquire again of the gentleman from Pennsylvania whether it is not true that members of a former Congress did plead the excuse of ignorance for their votes on the bill demonetizing silver?

Mr. RANDALL. I have nothing to do with the ignorance of any man. I say the rules of the House gave no excuse——

Mr. WELLER. Is it not beyond the ability of any member of the House to read all those reports and to ascertain which bill is to come up?

Mr. RANDALL. I will yield a minute and a half to the gentleman, so that he may put his inquiries all together, and then I can answer him.

Mr. WELLER. I desire, then, again to ask the gentleman whether it is not beyond the ability of any member on this floor to take the thousands of bills and the accompanying reports as they (the bills) are filed in the document-room and reports are mailed to him by the Printer, read them over carefully, place them (the reports) with the bills to which they apply, bring them here, and then ascertain which bills are to come up and which not, and when any one of them may be brought up for final action?

Mr. RANDALL. I can not tell the gentleman which bills are to come up or which are to fail; the House can do that. But I will tell him my practice, and it illustrates——

Mr. WELLER. I have not had my minute and a half. Pardon me, sir. [Laughter.] I would like to inquire whether it has not been understood throughout the country that this House has been working under the gag-law rule to the injury of the people and in the interests of the monopolies of the country, which are eating the life-blood out of the people. [Applause on the Republican side.] I wish to say to the distinguished gentleman, furthermore, that in Iowa—and I am glad of it—the Republican side of the House was charged in the last Congress as being a party of the gag-law system, and there was a complete overturning there, thank God! [Laughter on the Democratic side.] I do not want this side of the House to put their foot in that same kind of trap, for I want to have you win in 1884 if we, the National party, can not win. [Applause.] Therefore I appeal to the Democratic side of the House to give us a rule by which we can not be put in the position of pleading ignorance in the matter of our votes.

The SPEAKER. The ten minutes allowed for debate on this resolution are exhausted.

Mr. RANDALL. I would like to have half a minute.

Mr. ANDERSON. All right; take it.

Mr. RANDALL. I am glad the gentleman from Iowa has had the opportunity to state his position on the subjects to which he has alluded, and they are presented to the consideration of the country, but I wish to state to him an opportunity has been presented to him at all times such as I take advantage of myself, and that is to look at the heading of every report which comes to me through the mail, so I may know whether it relates to such a subject as interests my constituents. It is the same sort of diligence I commend to the gentleman from Iowa which has enabled me here during my long term never to have cast a vote in favor of any monopoly of any sort or kind. [Applause.]

Mr. WELLER. I do not here and now charge the distinguished gentleman from Pennsylvania with being very distinguished in the line of casting his vote for monopolies, but I do say it has gone all over the country that he is the special advocate of them. [Laughter and applause on the Republican side.]

Mr. RANDALL. I have lived long enough to have lived down that misrepresentation of me. [Applause on the Democratic side.]

The SPEAKER. The Clerk will now report the next amendment proposed to the rules by the gentleman from Alabama [Mr. HERBERT].

The Clerk read as follows:

Whenever the House is in the Committee of the Whole House on the state of the Union and a bill is reached for consideration, and before its consideration is begun, one motion may be made that the committee will lay that bill aside and take up another on that Calendar, which motion shall be decided by a majority of the committee without debate.

Mr. HERBERT. Mr. Speaker, what this House is to accomplish, what results are to follow our deliberations here, will depend very largely on the rules of procedure we adopt. Two systems have been reported here, one by the majority and the other by the minority of the Committee on Rules. They differ very radically from each other. The mode of proceeding agreed to in the majority report, if that be adopted, the regular mode, will be to take up the Calendar and consider the bills there in the order in which they stand. That has this advantage, that the House will not be called on to consider bills in which reports have not been printed. Every bill will be taken up then unless the House proceeds out of order; not in the order of its consequence, not according to its importance, but simply as it may stand upon the Calendar. The other system reported by the minority provides that each committee shall be called in order, and that each as it is reached shall have the right to call up for consideration a bill whether it be upon the Calendar or not, a bill it may be in which no report has been printed and about which the House will perhaps have had no opportunity whatever to inform itself.

Now, it seems to me that of these two systems that of the majority is preferable, because we ought to be careful in our deliberations not to take up bills we do not understand and in which reports have not been printed. But in another respect the minority and majority reports differ essentially, and that is, according to the plan of the majority there will be no mode of reaching any important bill except as described by the gentleman from Maine [Mr. REED] the other day, the ridiculous proceeding of going in and out of committee as you reach every bill before the House can take up the measure the majority of the House desires to reach.

The minority report provides for a simple, straightforward way, by which a majority can take up any bill upon the Calendar. According to section 6 of the proposed amendment of the gentleman from Maine [Mr. REED] the same purpose is accomplished which I had proposed to effect by the amendment I sent to the Clerk's desk to be read. If when this amendment of the gentleman from Maine is reached and a division of the question is had, and I shall call for it, and if the sixth clause of his proposition shall be adopted it will be unnecessary to consider my amendment.

But, Mr. Speaker, that amendment does not go far enough and my amendment does not go far enough. Both simply go to this extent: That a majority of the House may take up out of this order any bill that it may select on the Calendar of the House in Committee of the Whole. There ought to be a provision somewhere incorporated into these rules providing that a majority of this House might, whenever it saw proper, go by a simple, straightforward, direct vote to the consideration of any bill, whether it be on the House Calendar or on the Calendar of the Whole House, in committee. The proposition of the gentleman from Maine to which I have adverted contemplates that as to any bill which is in the Calendar of the Committee of the Whole House on the state of the Union. But there ought to be another provision relating to bills upon the House Calendar.

Now, Mr. Speaker, it is a fact that the Forty-sixth Congress when these rules were first adopted never accomplished anything, and practically we never went to the Calendar at all. Every bill that was reported from the committees and put upon that Calendar was allowed to die on that Calendar. We apologized for the working of our rules then by saying it had taken months to debate them. The session was far advanced before they were adopted, and we were told to wait and see whether in another Congress when these rules shall have been adopted at the beginning and have fair play they will not work better and produce more satisfactory results. We did wait; but in the Forty-seventh Congress the result was precisely the same—nothing whatever was accomplished. We never went to the Calendar.

The SPEAKER. The gentleman's time has expired.

Mr. HERBERT. I should like to have a short time to finish what I was saying.

Mr. RANDALL. I will yield one minute of my time, if desired, to the gentleman from Alabama.

Mr. HERBERT. In the one minute more which has been extended to me by permission of the gentleman from Pennsylvania I simply desire to say that the most important legislation to be brought before this House during this Congress has not yet been matured. There is much before the Judiciary Committee and a great deal before the Commerce Committee. Matters of vital importance are before these and various committees of the House which are not yet acted upon. Now these committees are not privileged committees and have no advantages on this floor. The legislation to which I have referred has not yet been matured because it is important and difficult.

But important as the bills before them may be, I say that if we adopt the report of the majority of the committee, the Judiciary Committee and the Committee on Commerce and all the other committees might just as well shut up shop and work no longer if these rules are to operate in the Forty-eighth Congress that operated in the Forty-sixth and Forty-seventh.

Mr. RANDALL. There is at first sight considerable force in the objection of the gentleman from Alabama. That matter was fully dis-

cussed at the time these rules were reported in the Forty-sixth Congress, and if I understand the effect of the proposition of the gentleman from Alabama it is that the Committee of the Whole House on the state of the Union shall have the authority of the House to lay aside a bill out of its order in that committee, and thus reach a particular bill that a majority may desire to reach without going back into the House and having to vote upon it.

Mr. HERBERT. More than that, to go forward and over everything else in order to get at a particular bill.

Mr. RANDALL. The objection to that, however, is that there could be no record made in Committee of the Whole House on the state of the Union as to a particular bill which may be reached. Some members may desire a yea-and-nay record upon laying aside such a bill. I can understand, as the Committee on Rules in their report during the Forty-sixth Congress understood, that a bill, an important bill, might be reached in Committee of the Whole House on the state of the Union, and without a yea-and-nay vote, without a record or any means by which they can be placed upon record, to put their opinion before the country in relation to the propriety of passing it over—that under such circumstances when it is reached it should, under the ordinary rules of propriety, be then and there considered. But if it is to be laid aside, then the rule should be made applicable to an actual vote by yeas and nays upon it.

That was the reason and that is the only controversy I see involved in the amendment of the gentleman from Alabama—whether the House itself shall exercise the right to change the rule and displace bills, or whether that shall be done in the Committee of the Whole House on the state of the Union, where no record is made.

Mr. HERBERT. The proposition of the gentleman from Maine [Mr. REED] meets the objection stated by the gentleman from Pennsylvania. It provides that a vote may be taken in the House to designate for consideration any one particular bill; and an opportunity is thus given, if need be, to make a record on the matter of selection. That is provided for in the sixth amendment of the gentleman from Maine [Mr. REED], which I am advocating in preference to my own.

Mr. JOHN S. WISE. May I ask the gentleman from Pennsylvania a question?

Mr. RANDALL. Certainly.

Mr. JOHN S. WISE. I want to know the effect of this rule upon the bill which is laid aside.

Mr. RANDALL. It does not displace it out of its order; but it allows all other bills to be successively jumped over until that bill is reached. The present rule says that shall be done in the House. The proposition of the gentleman from Alabama [Mr. HERBERT] says that may be done in Committee of the Whole.

Mr. JOHN S. WISE. That would enable members to dodge a bill without making a record.

Mr. RANDALL. Exactly so.

The SPEAKER. The Clerk will read the next proposition, which is that submitted by the gentleman from Colorado [Mr. BELFORD].

The Clerk read as follows:

That each Representative, except the chairmen of standing or select committees which have a clerk, may appoint a clerk to serve during the session of Congress, who shall perform such clerical work as may be assigned him in aid of the discharge of his official duties, and shall be paid out of the contingent fund of the House at the rate of $6 per day.

Mr. BELFORD. I have long since reached the conclusion that a man who had brains enough to comprehend the rules by which this House is governed has no brains for any other purpose. [Laughter.] I think those rules may be worshiped without committing idolatry, for they resemble nothing in the heavens above or the earth below or the waters under it. [Renewed laughter.] They are formulated and established in the interests of an oligarchy of a black-horse brigade, who propose to override the majority of the members of this House.

When our fathers established this Government, when they established a House of Representatives and a Senate, they designed that the majority should rule on all questions—rule not only in the determination as to the passage of an act, but rule upon its consideration. Such is not the case under the rules by which we are governed and controlled.

We have but three forces in this House: the Brahmins of the Committee on Ways and Means, as I said the other day; not the brains of this House, but the Brahmins of this House. Then we have the white-button mandarins of the Appropriations Committee. And we have the dignified oligarchy called the Committee on Rules, the Speaker of the House, and the illustrious gentleman from Indiana, in whose presence the nation uncovers its head. [Laughter.]

I have offered my amendment in good faith, and I say that if the members of this House have the courage of their convictions they will vote for it. But you have not got the courage of your convictions. You have not got the courage to do right. What are you sent here for except to transact the public business? We have a Secretary of the Treasury. Does he transact the public business without the employment of clerks? We have a Secretary of the Interior? Does he transact the public business without the employment of clerks? And is not that equally true of the Post-Office Department?

Mr. EATON (to Mr. BELFORD, who was facing the Democratic side of the House). Turn your Gatling gun the other way.

Mr. BELFORD. My time is too limited to attend to interruptions. I want to get through. I want to illuminate you Democrats for this reason. There was a special reason I found to-day why each member of the House should have a clerk; and that was in the speech made by the gentleman from Iowa [Mr. WELLER]. That gentleman is a Democrat, and it appears he has not the sense to comprehend a bill when it is reported to this House. [Laughter.]

Now, I propose to pay for an assistant in the shape of an electric clerical lamp that will illuminate the judgment of that gentleman; and I suppose he is an average specimen of the Democratic party. [Laughter.]

Mr. WELLER rose.

Mr. BELFORD. I have not time to yield.

Now, let me call your attention to one or two facts. I receive in the neighborhood of from fifty to one hundred letters a day. I am compelled to get out of my bed every morning at 5 o'clock to work at answering those letters. I work at those letters from 5 o'clock in the morning until half past 8, when I eat my breakfast. I assort them, put some of them in my pocket, and in order to answer the inquiries of those letters I have to go to the War Department, to the Navy Department, to the State Department, to the White House, to the Post-Office Department, and to the Interior Department. Then I have got to come up here to the Committee on Public Lands, which is trying to "despoil," as the boys say, the great railroad companies of the lands they have never earned. I sit there until 12 o'clock. I have to be in this House from 12 o'clock until 5 o'clock. I can not attend to my duties in the Departments, my duties in the committee, and my duties in the House at the same time. Look over to the Senate. Look at the seventy-six members of that body; the magnificent paladins who reign in supreme power at the other end of the Capitol. [Laughter.] I say fifty of them are millionaires, capable of hiring their own clerks, abundantly able to pay those clerks out of their own funds. There are twenty-six poor devils in that body [laughter] who got into the Senate on their own merits. And yet they had the courage to vote themselves secretaries.

[Here the hammer fell.]

Mr. RANDALL. I yield two and one-half minutes more of my time to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. Thanks. Now, I say if these fifty Senators, each of whom is worth $500,000, can draw from the public Treasury to employ a clerk, why can not the poor members of this House do so, who have to lie awake to study the problem how they will make both ends meet at the end of the month. Gentlemen, this is a grand and magnificent nation.

Now, mark you, I am talking common sense, and I hope you have the courage on this question that I have. I receive hundreds of letters in relation to pension claims. It may be said that, technically speaking, it is not my business as a Representative to look after those claims, but practically speaking it is my business, and my constituents expect me to inquire into those matters.

In my State there is a little post-route at one place and a little post-office at another place. I am compelled to go to the Post-Office Department and inquire into all those matters—to inquire into the matter of the increase of the salary of a third-class postmaster. Then there is a man who wants a patent issued to him from the Land Office. He writes me a letter about it, and I must go to the Commissioner of the General Land Office and inquire about that. You all know that we can not ignore these demands made by our constituents. We are expected to attend to everything, from a patent for a toothpick to a foreign embassadorship. [Great laughter.]

Now, in view of all these demands upon us, I ask you, in all honesty and candor and sincerity, how in the name of God can we obtain time to acquaint ourselves with the great measures pending before this House? How can we acquire sufficient information to be enabled to act intelligently upon those measures? We are nothing but pack-horses and pack-slaves, and I say it is the duty of this House to imitate the example of the Senate and give to every member a clerk——

The SPEAKER (raising his gavel). The time of the gentleman——

Mr. BELFORD. Hold that gavel just a second more. [Laughter.]

Mr. RANDALL. I yield the gentleman the other half-minute.

Mr. BELFORD. I say it is the duty of this House to give each member a clerk, to the end that that clerk may aid him in the transaction of his official business.

I want to call the attention of the House to one fact, and then I will surrender the floor. At the beginning of the last Congress I went to Speaker KEIFER and asked him to appoint Mr. RANDALL to the chairmanship of an important committee, to the end that he might have a clerk. And I asked him further to give him a large room in which he could receive and accommodate his friends.

Now, why did I do that? I knew that Mr. RANDALL was a gentleman of national reputation. I knew that he had been honest through his whole political career and that he was as poor as I am poor. [Great laughter.] That is a fact; and Brother RANDALL knows it. [Renewed laughter.]

I recognize the decencies, the courtesies, and the proprieties of public life. I said that the public had no right to deluge Mr. RANDALL with a flood of letters, compel him to answer them by his own hand, and to himself pay the postage on them. And I thank God that the ex-Speaker of this House had the courage to make him chairman of an important public committee, so as to give him a clerk.

Now, what I implored the ex-Speaker to do I ask you gentlemen to have the courage to do. I am not afraid of my constituents, because they are great, big, broad-hearted, generous fellows. [Laughter.]

[Here the hammer fell.]

The SPEAKER. The time for debate on the proposition has expired.

Mr. COSGROVE. I ask the gentleman from Pennsylvania [Mr. RANDALL] to yield to me to offer an amendment.

The SPEAKER. Under the order of the House the time for debate is now exhausted upon the propositions of amendment to the rules offered by individual members of the House. The one-hour debate upon the proposition reported by the Committee on Rules and the amendment offered by the gentleman from Maine [Mr. REED] will now begin.

Mr. COSGROVE. Do I understand the Chair to decide that I can not now offer an amendment?

The SPEAKER. The Chair simply decides that there can be no debate upon any amendment offered or suggested hereafter except by unanimous consent of the House.

Mr. RANDALL. I think the Chair is quite correct, but I will remedy the matter by yielding part of my time to the gentleman from Missouri [Mr. COSGROVE], say two minutes of the time to which I am entitled for general debate, so that he can have read his amendment, the nature of which I am not advised of, and say something in explanation of it. That will leave me twenty-eight minutes for general debate.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Strike out, in line 11 of Rule XXXIV, the word "Congress," after the words "ex-members of," and insert the words "House of Representatives;" so that it will read "ex-members of the House of Representatives who are not interested in any claim," &c.

Mr. COSGROVE. The object of that amendment is simply to make the rule of the House conform to the rule now enforced in the Senate. By the rule of the Senate an ex-member of this House is denied the privilege of going upon the floor of the Senate. If the amendment I have proposed to the rule shall be adopted the courtesy of this House will be extended only to ex-members of the House. That is all I care to say.

The SPEAKER. The question is now upon the demand for the previous question made by the gentleman from Pennsylvania [Mr. RANDALL]; but there is an understanding that there shall be an hour of debate on the report of the Committee on Rules.

Mr. KASSON. I wish to ask the gentleman from Pennsylvania whether it is not better now, before demanding the previous question, to call up these various propositions in their order and let them be voted upon. Otherwise every one who wishes a vote on any one of the propositions will be obliged to vote against ordering the previous question. I think it will facilitate the transaction of business if the gentleman will simply allow a vote to be taken on these propositions. Ordinarily the question will be decided by the sound, but a division can be called for if desired.

Mr. RANDALL. I am quite willing to vary the understanding so that the House can now determine whether it wishes to vote separately upon the proposed amendments or not. I recognize my position here as simply voicing the wish of the Committee on Rules.

Mr. KASSON. I think members of the House would regard it as fair to have a vote in each case with the least possible delay.

Mr. RANDALL. I think that the honorable Speaker, and I believe I may say a majority of the committee, including myself, are rather in favor of giving the opportunity for such a vote.

Mr. REED. I ought to say that I have no objection except that it will take a great deal of time.

Mr. KASSON. A division will not in all cases be called for. The sound will determine the result in some cases.

Mr. RANDALL. If a vote is to be taken on these propositions, let us have it by tellers in each case.

Mr. KASSON. If required, it may be determined by the sound in some cases.

Mr. RANDALL. I think the House should have the opportunity of voting.

Mr. REAGAN. I submit that these questions should be passed upon by the ordinary methods under the rules. Suppose it does take an hour or two longer, that does not matter. It will be more satisfactory.

Mr. KASSON. I ask consent that a vote may now be taken on all the propositions that were not reported either by the majority or the minority of the committee.

Mr. WHITE, of Kentucky. I hope the gentleman in charge of this subject will agree to that.

Mr. RANDALL. Mr. Speaker, I take it that the debate now going on is not to come out of the time allowed for general debate.

The SPEAKER. This, as the Chair assumes, is simply an effort to arrive at some understanding.

Mr. KASSON. My suggestion is that now at once we proceed to vote upon all the propositions except those recommended by the majority and the minority of the committee.

Mr. RANDALL. If that is to be done, I would suggest that the vote be taken by tellers, so as not to occupy too much time.

Mr. KASSON. Let the vote be taken by tellers if tellers should be demanded. My opinion is that the *viva voce* vote would be sufficient in many cases.

Mr. REED. Perhaps the suggestion might be made that the yeas and nays be not called, as taking up too much time.

Mr. KASSON. I do not desire to call them.

Mr. RANDALL. What do I understand the position of the gentleman from Maine [Mr. REED] to be?

The SPEAKER. The gentleman from Maine suggests—of course the understanding would require unanimous consent—that a vote by yeas and nays be not taken on any of these propositions.

Mr. ANDERSON. The yeas and nays might possibly be desired on some particular amendment. There will be no disposition, as I understand, to consume time unnecessarily; yet we might want that constitutional privilege.

Mr. REED. All I have to say is that if the gentleman in charge of this matter is willing that a vote shall be taken, I shall interpose no objection whatever.

Mr. RANDALL. I will state frankly my position. Something has been said here about the Committee on Rules desiring to cut off or infringe upon the rights of members. I do not mean to stand in any such position so far as I am individually concerned, and if the arrangement already suggested is objected to I shall feel authorized (knowing the view of the Speaker and of another member of the committee, as it is certainly in accord with my own view) to withdraw the demand for the previous question and take in the whole sweep.

Mr. KASSON and others. That is all right.

Mr. BLOUNT. Is it not probable that in almost every instance there will be no disposition to have the yeas and nays on these propositions?

Mr. RANDALL. I do not want to infringe on the rights of any one. If any member wants to call the yeas and nays upon any proposition he ought to be allowed to do so.

Mr. WHITE, of Kentucky. That is right.

Mr. RANDALL. I withdraw the previous question so as to allow a vote on each proposition.

The SPEAKER. But the gentleman wishes the previous question to operate, as the Chair understands, against the introduction of further amendments.

Mr. RANDALL. Yes, sir.

Mr. YORK. I rise to a question of order. I desire to know whether the time has passed for offering an amendment.

The SPEAKER. It has, except by unanimous consent.

Mr. RANDALL. I will give the gentleman two minutes of the time for general debate so that he may offer his amendment. I do not want to cut him off.

Mr. YORK. I desire to offer my amendment now.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Provided, That each member who may want a clerk shall pay for the same out of his own salary.

[Laughter.]

The SPEAKER. This appears to be an amendment to the amendment proposed by the gentleman from Colorado [Mr. BELFORD].

Mr. YORK. Mr. Speaker, I will say in the outset that I desire to record my vote against the amendment of the gentleman from Colorado. I feel that it would be an outrage upon the people of this country for this House to adopt a rule creating more than three hundred clerks for members of this body. I desire to be placed in such a position that I can record my vote upon this question. I do not want to be cut off by a few members on either side. I believe the new members of this House have some rights, but it seems there is a kind of monopoly here to shut off everybody.

Mr. RANDALL. My action and the position I have taken in relation to this matter show there is no disposition on the part of the Committee on Rules to interfere with anybody's rights, but on the contrary to respect every man's rights.

The SPEAKER. The Clerk will report the first proposition.

Mr. TURNER, of Kentucky. I desire to make a parliamentary inquiry. Are these amendments considered as pending?

The SPEAKER. Under the understanding reached by the House, the House will proceed to vote on these proposed amendments in the order in which they stand, except the report of the committee and the amendment offered by the gentleman from Maine, which will be disposed of last. The first question is on the adoption of the amendment proposed by the gentleman from California [Mr. BUDD], which will be read.

The Clerk read as follows:

Add to Rule XXIV additional clause as follows:

"When any public bill or resolution shall have been referred to a committee, and the committee shall fail or refuse to report said bill or resolution back to the House of Representatives, either favorably or unfavorably, for thirty days, it shall be in order for the member who offered the bill or resolution, on any Monday immediately after the morning hour, to move to discharge the committee from the consideration of the bill or resolution, and the House shall then dispose of the bill or resolution by recommittal or by final action, such as a majority of the House may determine."

The amendment was disagreed to.

The SPEAKER. The Clerk will next read the resolution of the gentleman from Kentucky [Mr. TURNER].

Mr. TURNER, of Kentucky. To meet the objections urged by the gentleman from Maine [Mr. REED] and others, I will modify my amendment by saying Tuesday instead of Monday, and making it forty instead of thirty days.

The amendment as modified was read, as follows:

Add to Rule XXIV additional clause as follows:

"When any public bill or resolution shall have been referred to a committee, and the committee shall fail or refuse to report said bill or resolution back to the House of Representatives, either favorably or unfavorably, for forty days, it shall be in order for the member who offered the bill or resolution, on any Tuesday, immediately after the morning hour, to move to discharge the committee from the consideration of the bill or resolution, and the House shall then dispose of the bill or resolution by recommittal or by final action, such as a majority of the House may determine."

The House divided; and there were—ayes 56, noes 115.

Mr. TURNER, of Kentucky, demanded the yeas and nays.

The yeas and nays were not ordered.

So the amendment was disagreed to.

The amendment of Mr. WHITE, of Kentucky, was read, as follows:

Amend Rule X by inserting after the line—

"On Revision of the Laws, to consist of eleven members," the following, to wit:

"On Political Rights of Women, to consist of eleven members."

The House divided; and there were—ayes 67, noes 102.

Mr. WHITE, of Kentucky, demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. WHITE, of Kentucky, demanded tellers.

Tellers were not ordered.

So the amendment was disagreed to.

The amendment of Mr. ANDERSON was then read by the Clerk, as follows:

Resolved, That Rule XXXIV be amended by adding the following words:

"*Provided*, That an ex-member of Congress, on and after the fifth day from his first admission to the floor of the House, shall only be admitted thereto during the remainder of that Congress by an order of the Speaker; nor shall the Speaker issue said order until such ex-member shall have certified upon his honor as a man that he is not personally, pecuniarily, or professionally interested, either directly or indirectly, in the passage or defeat of any claim, bill, or other measure pending before Congress or any of its committees; that he is not, either personally or professionally, in the employ, service, or interest, either directly or indirectly, of any railroad, telegraph, or other company, corporation, person, or combination of corporations or persons having a pecuniary interest in the passage or defeat of any claim, bill, or measure pending before Congress or its committees; and pledging his word that, while the House is in session, he will in no way communicate with a member thereof respecting any claim, bill, measure, or action which may affect the welfare of any railroad, telegraph, or other company, corporation, person, or combination of corporations or persons having an interest in legislation pending before Congress. The Committee on Rules, upon ascertainment of any violation of this proviso, shall immediately declare the offender forever deprived of the privilege of the floor as an ex-member of Congress."

The House divided; and there were—ayes 87, noes 96.

Mr. ANDERSON. Let us have the yeas and nays. [Cries of "Oh, no!"] Oh, yes; let the country see how you stand.

The House divided; and there were—ayes 46, noes 72.

So (one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 118, nays 130, not voting 72; as follows:

YEAS—118.

Alexander,	Foran,	McMillin,	Skinner, C. R.
Anderson,	Geddes,	Matson,	Skinner, T. G.
Arnot,	Glascock,	Millard,	Slocum,
Barksdale,	Graves,	Miller, J. F.	Smith,
Bayne,	Green,	Mills,	Steele,
Beach,	Halsell,	Morse,	Stewart, Charles
Bennett,	Hatch, W. H.	Moulton,	Struble,
Bland,	Hemphill,	Muldrow,	Taylor, J. D.
Blount,	Henderson, D. B.	Murray,	Taylor, J. M.
Boyle,	Hepburn,	Neece,	Thomas,
Brewer, F. B.	Hewitt, G. W.	Nutting,	Tillman,
Brumm,	Hiscock,	Paige,	Turner, Oscar
Buchanan,	Hitt,	Payne,	Wadsworth,
Burleigh,	Hoblitzell,	Pierce,	Wait,
Candler,	Holman,	Peelle, S. J.	Warner, Richard
Clay,	Hopkins,	Peters,	Weaver,
Clements,	Howey,	Pettibone,	Wellborn,
Cook,	James,	Poland,	Weller,
Cosgrove,	Johnson,	Pryor,	Wemple,
Covington,	Jones, B. W.	Rankin,	White, J. D.
Cox, S. S.	Jones, J. H.	Ray, G. W.	White, Milo
Dargan,	Jordan,	Reagan,	Wilkins,
Davis, L. H.	Kasson,	Reese,	Willis,
Dibble,	Kean,	Riggs,	Wilson, W. L.
Dibrell,	Kelley,	Robertson,	Winans, John
Dingley,	Laird,	Rogers, W. F.	Wood,
Duncan,	Lanham,	Ryan,	Woodward,
Evins, J. H.	Long,	Scales,	Yaple.
Findlay,	Lowry,	Seney,	
Finerty,	McAdoo,	Singleton,	

NAYS—130.

Adams, G. E.	Dowd,	Lamb,	Reed,
Aiken,	Dunn,	Lawrence,	Robinson, J. S.
Atkinson,	Eaton,	Lore,	Rowell,
Bagley,	Eldredge,	Lovering,	Russell,
Ballentine,	Ellwood,	Lyman,	Seymour,
Barbour,	Ermentrout,	McCoid,	Shaw,
Belford,	Everhart,	McComas,	Shelley,
Bisbee,	Ferrell,	McCormick,	Spooner,
Boutelle,	Fiedler,	McKinley,	Spriggs,
Bowen,	Follett,	Maybury,	Stephenson,
Brainerd,	Forney,	Milliken,	Stewart, J. W.
Brewer, J. H.	Fyan,	Money,	Stockslager,
Browne, T. M.	Goff,	Morey,	Strait,
Brown, W. W.	Greenleaf,	Morgan,	Sumner, C. A.
Buckner,	Hanback,	Morrill,	Sumner, D. H.
Cabell,	Hardeman,	Morrison,	Thompson,
Cannon,	Hardy,	Muller,	Tucker,
Carleton,	Hart,	Murphy,	Tully,
Chace,	Hatch, H. H.	Mutchler,	Turner, H. G.
Clardy,	Henley,	Nelson,	Van Alstyne,
Cobb,	Herbert,	Nicholls,	Vance,
Collins,	Holmes,	Oates,	Van Eaton,
Converse,	Holton,	O'Hara,	Ward,
Cox, W. R.	Horr,	O'Neill, Charles	Whiting,
Crisp,	Houk,	Parker,	Williams,
Culbertson, W. W.	Houseman,	Patton,	Winans, E. B.
Cullen,	Hunt,	Peel, S. W.	Wise, G. D.
Curtin,	Jeffords,	Phelps,	Wise, J. S.
Cutcheon,	Jones, J. K.	Potter,	Wolford,
Davidson,	Keifer,	Pusey,	Worthington,
Davis, G. R.	King,	Randall,	York.
Dockery,	Kleiner,	Ranney,	
Dorsheimer,	Lacey,	Ray, Ossian	

NOT VOTING—72.

Adams, J. J.	Davis, R. T.	Hutchins,	Rockwell,
Barr,	Deuster,	Jones, J. T.	Rogers, J. H.
Belmont,	Dunham,	Kellogg,	Rosecrans,
Bingham,	Elliott,	Ketcham,	Snyder,
Blackburn,	Ellis,	Le Fevre,	Springer,
Blanchard,	Evans, I. N.	Lewis,	Stevens,
Breckinridge,	George,	Libbey,	Stone,
Breitung,	Gibson,	Mayo,	Storm,
Broadhead,	Guenther,	Miller, S. H.	Talbott,
Budd,	Hammond,	Mitchell,	Taylor, E. B.
Burnes,	Hancock,	Ochiltree,	Throckmorton,
Caldwell,	Harmer,	O'Neill, J. J.	Townshend,
Calkins,	Haynes,	Payson,	Valentine,
Campbell, Felix	Henderson, T. J.	Perkins,	Wakefield,
Campbell, J. M.	Hewitt, A. S.	Post,	Warner, A. J.
Cassidy,	Hill,	Price,	Washburn,
Connolly,	Hooper,	Rice,	Wilson, James
Culberson, D. B.	Hurd,	Robinson, W. E.	Young.

So the amendment was not agreed to.

On motion of Mr. NICHOLLS, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced:

Mr. CALDWELL with Mr. JOHN S. WISE, of Virginia, on all political questions from to-day until the 8th instant, inclusive.

Mr. HAMMOND with Mr. CALKINS, for this day only.

Mr. STORM with Mr. HOWEY, from February 1 to February 7.

Mr. HATCH with Mr. DUNHAM.

Mr. ROGERS, of Arkansas, with Mr. VALENTINE, for to-day.

Mr. YOUNG with Mr. WILSON, of Iowa.

Mr. TOWNSHEND with Mr. HENDERSON, of Illinois, for the 7th of February.

Mr. TALBOTT with Mr. HARMER, for this day.

Mr. KETCHAM with Mr. WARNER, of Ohio, until further notice.

Mr. BUDD with Mr. GEORGE, from this day until further notice.

Mr. MILLARD with Mr. POST, of Pennsylvania, until the pair is withdrawn by notice from both parties.

Mr. MILLER, of Pennsylvania, with Mr. ROBERTSON, from February 5 to February 12.

Mr. CAMPBELL, of New York, with Mr. RICE, on all political questions from and including January 30 until February 8.

Mr. JOHN S. WISE. I am paired with the gentleman from Tennessee, Mr. CALDWELL, on political questions; but not regarding this as a question of that character, I have voted.

Mr. WHITE, of Kentucky. I am paired with my colleague [Mr. BLACKBURN] on political questions. I regard this as a question not coming within the terms of that pair.

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will now report the next amendment, proposed by the gentleman from Montana [Mr. MAGINNIS].

The Clerk read as follows:

Amendment to the rules:

"That the second and fourth Mondays in each month, after the morning hour, shall be devoted to the consideration of reports of committees in relation to the business of the District of Columbia and of the Territories of the United States, not to include propositions for the admission of new States."

The amendment was not agreed to.

The SPEAKER. The Clerk will now report the amendment proposed by the gentleman from Missouri [Mr. O'NEILL].

The Clerk read as follows:

Amend section 22, Rule XI, so as to read:

"To the improvement of the Mississippi River, its levees and tributaries, to the Committee on Levees and Improvements of the Mississippi River."

The amendment was not agreed to.

The SPEAKER. The Clerk will report the next amendment, which was also submitted by the gentleman from Missouri [Mr. O'NEILL].

The Clerk read as follows:

Amend Rule XIV by striking out, wherever they occur in rules relating to time allowed for debate, the words "one hour" and inserting "thirty minutes."

The amendment was not agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read the amendment proposed by Mr. KASSON:

Resolved, That the third paragraph of Rule XXI be amended by striking out all after the word "progress," in line 5, and inserting in lieu thereof the following: "not including propositions for increase of salaries: *Provided*, That it shall be in order further to amend such bill upon the recommendation of the committee having jurisdiction of the subject-matter of the amendment proposed, the same being germane to the clause of the bill affected thereby."

The amendment was not agreed to.

The SPEAKER. The Clerk will now report the amendment proposed by the gentleman from New York [Mr. COX].

The Clerk read as follows:

Resolved, That a select committee to ascertain the results of the Tenth Census be appointed, to have the same number of members, duties, privileges, and power as the committee of the same name had in the last Congress; and that said committee be authorized to employ a clerk.

The question was taken upon the adoption of the amendment.

The House divided; and there were—ayes 105, noes 47.

Mr. HOLMAN. I call for tellers. There is no quorum, anyway.

Mr. RANDALL. We might as well have the yeas and nays. I will move that the House adjourn. It is now near 5 o'clock.

Mr. COX, of New York. I hope my friend from Pennsylvania will not do that.

Mr. RANDALL. If the House wants to stay and take a vote I have no objection.

Mr. COX, of New York My friend from Philadelphia ought not to insist upon an adjournment now. Let us have this committee.

Mr. RANDALL. Personally I should not object, but in my relation as a Representative I feel compelled to do so.

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Papers relating to the claim of Caroline Lewis—to the Committee on Invalid Pensions.

By Mr. BARKSDALE: Papers relating to the claim of Horatio N. Spencer, deceased—to the Committee on Claims.

By Mr. BOUTELLE: Petition of the Board of Trade and citizens of Bangor, Me., for the improvement of the Penobscot River—to the Committee on Rivers and Harbors.

Also, remonstrances of pensioners and other citizens against the abolition of the present system of pension agencies—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Petition of citizens of Haralson County, Georgia, for a post-route—to the Committee on the Post-Office and Post-Roads.

By Mr. DOCKERY: Petition asking that the name of Mrs. Ellen Conyers be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. GOFF: Petition of John A. Hess and 74 others, asking for the repeal of the law limiting arrears, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HITT: Memorial of soldiers of Lincoln Post, No. 1, Department of California, and resolution of Department of Maryland, Grand Army of the Republic, to so amend the civil-service rules as to give preference to soldiers—to the Committee on Reform in the Civil-Service.

By Mr. HOLTON: Papers in the case of Thomas R. Johnson, administrator, &c.—to the Committee on War Claims.

By Mr. HOPKINS: Petition of 500 citizens of Pennsylvania and of citizens of Ohio, for a bill prohibiting the importation of laborers under contract made abroad—to the Committee on Labor.

By Mr. HOUK: Papers relating to the claim of Millia Staples—to the Committee on Invalid Pensions.

By Mr. JAMES: Petition of General J. V. Meserole and 35 others, for an appropriation for educational purposes in Alaska—to the Committee on Education.

By Mr. KASSON: Petition of citizens of Des Moines, Iowa, relative to the duty on vinegar—to the Committee on Ways and Means.

By Mr. KLEINER: Petition of Lyon Post, No. 34, Grand Army of the Republic, Otwell, Ind.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LACEY: Memorial of George E. Dunning, of Quincy, Mich., in relation to bounties for certain soldiers—to the same committee.

By Mr. LORE: Papers relating to the case of Lemuel B. Norton—to the Committee on Military Affairs.

By Mr. MAYO: Petition of Lewis and Oglesby, laborers in late House—to the Committee on Claims.

By Mr. G. A. POST: Petition of Judson Holcomb—to the same committee.

By Mr. RUSSELL: Papers relating to the claim of John Kennedy—to the Committee on War Claims.

By Mr. STRAIT: Papers relating to the case of William C. Dodge—to the Committee on Patents.

By Mr. THOMAS: Petition of Mrs. Helen A. de Russy, for increase of pension—to the Committee on Invalid Pensions.

By Mr. TULLY: Petition of citizens of San Bernardino County, California, for the passage of Sumner's postal telegraph bill—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Chamber of Commerce of San Francisco, Cal., and others, in favor of an increase of the Navy—to the Committee on Naval Affairs.

By Mr. VANCE: Petition of J. K. Bryson and 50 others, for a mail-route in North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. J. D. WHITE: Papers relating to the claim of Mrs. Esther Gearheart—to the Committee on War Claims.

By Mr. W. L. WILSON: Petition of James Sturm, for relief—to the same committee.

Also, papers in the case of James Allender—to the Committee on Claims.

SENATE.

FRIDAY, *February* 8, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to resolution of the 8th ultimo, reports of the Chief of Engineers and Lieut. Col. D. C. Houston on the subject of the improvement of the Fox and Wisconsin Rivers, and the necessity for additional legislation to enable existing laws relative thereto to be carried into effect; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 11th ultimo, a report of the Commissioner of the General Land Office relative to the grant of lands made by the United States to the Florida Railroad; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 2309) to authorize the Secretary of War to cause the remains of Capt. Walter Clifford, deceased, to be transported to his late place of residence, and making appropriation therefor, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 2555) to change the name of the "National La Fayette and Bank of Commerce" to that of the "National La Fayette Bank," &c., was read twice by its title, and referred to the Committee on Finance.

The joint resolution (H. Res. 152) for the relief of E. H. George and H. W. Walker was read twice by its title, and referred to the Committee on Claims.

PETITIONS AND MEMORIALS.

Mr. COCKRELL. I am requested by General Denver, a reputable gentleman of this city, an attorney, to present the petition of J. R. Boyd, addressed to the Senate and House of Representatives, praying for certain relief, and to ask that the petition and accompanying papers be referred to the Committee on Foreign Relations, and to solicit from that committee early action upon the case I know nothing of the merits of it.

The PRESIDENT *pro tempore*. The petition, with the accompanying papers, will be referred to the Committee on Foreign Relations.

Mr. LAPHAM presented resolutions of the annual encampment of the Grand Army of the Republic, held in the city of Rochester, N. Y., on the 30th of January, 1884, and a memorial of honorably discharged soldiers and sailors of the United States remonstrating against the proposed action by Congress to change the system of the payment of pensions; which were referred to the Committee on Pensions.

Mr. PALMER presented the petition of George O. Robinson, Elisha H. Flinn, Francis Palms, Edmund Hall, and Mary Littlefield, of Detroit, Mich., praying for the passage of the bill (S. 691) confirming their titles as purchases of public lands within the Ontonagon and Brulé Railroad grant in Northern Michigan; which was referred to the Committee on Public Lands.

Mr. LOGAN. I present quite a number of petitions from soldiers, members of different posts of the Grand Army of the Republic in Maine and other places, praying for legislation in reference to the public lands. I move that the petitions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. LOGAN presented a petition of citizens of San Francisco, Cal., and a petition of citizens of Oakland, Cal., praying for an appropriation for schools in Alaska; which were referred to the Committee on Appropriations.

He also presented a petition of the Women's Baptist Home Mission Society of Chicago, Ill., praying for an appropriation to educate freedmen and Indians; which was referred to the Committee on Education and Labor.

He also presented a petition of Webster Post, No. 121, Grand Army of the Republic, at Cora, Mo.; a petition of Osborn Post, No. 93, Grand Army of the Republic, at Osborn, Mo., and a petition of Seamon Post, No. 87, Grand Army of the Republic, of Colfax, Mo., praying for certain legislation for the benefit of ex-Union soldiers; which were referred to the Committee on Military Affairs.

He also presented resolutions adopted by J. F. Clark Post, Grand Army of the Republic, of Missouri, remonstrating against the restoration of Fitz-John Porter, and in favor of the relief of the widow and children of the late General James B. Steedman; which were referred to the Committee on Military Affairs.

He also presented a memorial of business men of Chicago, Ill., protesting against the repeal of an act permitting vinegar-makers by a vaporizing process to separate the alcoholic properties of the mash produced by them and to inject the same into water for the purpose of making vinegar; which was referred to the Committee on Finance.

Mr. LOGAN. I present a petition signed by Joseph Brown and others, colored persons, living in what is known as the Cherokee Nation, claiming under the treaty of 1866 between the Cherokees and the United States that they were incorporated as part of the Cherokee Nation, they having formerly been held in slavery by the Cherokee Nation of Indians, and that under the law the fund going to that nation from the United States was to be distributed pro rata to all persons included within the treaty; that in the distributing of the last appropriation of money for their benefit it has been withheld from the colored people under a resolution of the Cherokee Council excluding them from any participation in this fund. They conclude their petition as follows:

> Your petitioners therefore do hereby humbly petition the Congress of the United States to withhold from any moneys now due the Cherokee Indians from the Government of the United States the amount of which your petitioners are thus unjustly deprived, and that the honorable Secretary of the Interior be authorized to distribute the same per capita among the freedmen of the Cherokee Nation. Your petitioners would further pray that the Congress of the United States reverse this legislation of the Cherokee Council, to the end that your petitioners shall not be ultimately defrauded of their right in the Cherokee public domain. And your petitioners will ever pray.

I move the reference of the petition to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HOAR. I present the petition of Mrs. Eliza F. Dillingham, of Massachusetts, and others of her family, praying for the passage of a bill to indemnify persons interested in the so-called French spoliation claims. I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. HOAR. I also present the petition of James A. Quinlan, an aged inmate of the soldiers' home called the National Military Home, Montgomery County, Ohio, praying for certain relief. This petition bears a printed signature; is not signed by the petitioner as the rule requires; but as the petitioner is evidently a very aged and feeble person, in order that his matter may come before the Committee on Pensions immediately I ask unanimous consent that this petition with the printed signature be received notwithstanding the rule.

The PRESIDENT *pro tempore*. If there be no objection, the paper submitted by the Senator from Massachusetts will be received and referred to the Committee on Pensions.

AMERICAN SHIPPING.

Mr. FRYE. I am instructed by the Committee on Commerce to report a bill to remove certain burdens on the American merchant marine, encourage the foreign carrying trade, and for other purposes, as a substitute for several bills referred to that committee. I desire to ask the indulgence of the Senate to explain as briefly as I can the provisions of the bill, as it is one of very great importance. I am obliged, probably, to leave, very much against my will, for Mississippi in a day or two, and wishing to have the bill placed upon the Calendar, I had not time to prepare a written report.

The first section of the bill touches the provision relating to officers of American ships. The law as it stands to-day requires that all officers of vessels of the United States shall be citizens of the United States, and provides a very heavy penalty of 50 cents a ton on a vessel for a violation of this law. It was a good law when it was enacted, when nearly all the sailors on board the ships were American sailors and many of them fit to be made officers; but to-day, with 95 per cent. of the sailors foreigners, it is not a good law and works a great injustice very frequently. The bill reported by me provides that under certain circumstances the officers, other than the captain, may be foreign rather than American citizens.

Sections 2, 3, 4, 5, 6, and 7 relate to what is known as the three-months extra wages—a law which has stood upon our statute-books for a great many years, which provides, in brief, that when sailors are discharged in a foreign port an exaction may be made by the United States consul of three months' extra wages in addition to the wages that have been already earned; that two months of the wages shall be paid to the sailor so leaving the ship, and one month's wages retained by the consul, and that becomes a fund from which the United States sends back those sailors so left in a foreign port. There is an additional provision that any American vessel shall be compelled to take those sailors at the request of the consul and carry them to the home port and receive therefor a sum not exceeding $10, though the voyage may last six months. This, perhaps, was a healthy law when it was enacted and when the sailors had homes in the United States, but to-day 95 per cent. of all the sailors in our foreign trade are as much at home in one port as in another, and this exaction is now one of the most grievous and unjust burdens upon American shipping.

Let me illustrate. The Senator from South Carolina here at my left [Mr. BUTLER] sails for Australia. He has a crew on board of twenty-six sailors, none of whom he ever saw in his life until they were shipped. He arrives at the port in Australia. These sailors conclude they would like to stay. They go ashore against his wishes; they go before the American consul; they make their statements as they please. The Senator's ship is obliged to sail within two days, and he can not get his papers of clearance until he has paid every one of those twenty-six sailors three months' wages exacted by the United States consul. Since I have been in Congress I have by a special act of Congress on two different occasions recovered from fifteen hundred to eighteen hundred dollars exacted from the master of a ship in this way, generally exacted nowadays unjustly.

Further, if my ship is lying in Australia and is bound for the United States, notwithstanding there has been exacted from the Senator's ship three months' wages for each sailor beyond everything that was due him, the consul can compel me to take two of those sailors to each hundred tons of my ship and carry them from Australia to New York, being, perhaps, three months on the voyage and it costing me $50 for each one of them; and the United States pays out of the $30 it has received for that very purpose $10. Thus it mulcts the Senator under the law for $2,000, and then it proceeds to fine me in my ship going to New York perhaps five or six hundred dollars more.

Mr. BUTLER. Where does the other $20 go?

Mr. FRYE. It goes into a fund, the whole of it, and is gradually used up for sick seamen, and other purposes, I suppose.

The committee have reported in these sections a repeal of a portion of the existing statutes. The bill provides that where these sailors leave in a foreign port without fault of the captain, without fault of the owners of the ship, they shall be entitled to receive what is their due as wages, and no more. If they leave by fault of the captain or by fault of the owner or by reason of a violation of the shipping contract made with the captain, then on its being satisfactorily proven to the consul he may exact one month's extra wages, and that one month's extra wages shall be appropriated as the one month's extra wages have been appropriated heretofore.

There is no civilized commercial nation in the world for the last twenty-five years that has ever exacted more than one month's wages. England limits it in her law to a sum certain, and that sum certain in no event, however much the bad faith may have been of the master of the ship or the owners, is more than one month's pay.

The bill further provides that if the voyage is of a certain length, and the consul places on board my ship one of these seamen to be returned home, the sum of $10 shall be paid; if it is of a certain other length of time, being longer of course, $20 shall be paid—not enough, but a great advance over the old provisions of law. It also reduces the number of such seamen any ship may be compelled to take.

The next provision of the bill, in section 10, is a provision touching the two months' advance wages. Of course there is no law which demands of any master of a ship two months' advance wages, but there is a custom which is stronger than any law. I venture to say that no shipmaster receives any sailor to-day to whom he has not paid two months' wages in advance; and I venture further to say that not one sailor in one thousand when he goes on board has a single cent of this advanced pay; it has all gone into the hands of the sailors' landlord and the land-sharks who prey upon the sailor every time he comes into port. The philanthropists, the Bethel ministers of the country, and all those friends of the sailor from a humanitarian point of view agree that there should be a law which should forbid under heavy penalties the payment of advance wages either by our masters or the masters of foreign ships.

This section provides under heavy penalties that no master of a ship shall pay any advance wages whatever. If he does pay them he shall not be permitted to charge them against the sailor, and if he does pay them he shall be liable to heavy penalties; and this applies to the master of a foreign ship as well as to that of a home ship.

The committee report this section of the bill not feeling certain that it will serve its purpose. The power of sailor boarding-house keepers is immense, and the control which they exercise over these sailors is equivalent to their power. I, as one member of the committee, doubt seriously if this provision of the bill which we report can be enforced;

but the committee believe it to be worth the trial at any rate, and consequently report it favorably.

Section 12 of the bill reported repeals all consular fees named in the tariff prescribed by the order of the President, and provides that they shall no longer be exacted from American vessels. They amount to about $120,000 a year, and this is the only commercial country that exacts them. England has a consular system which costs her annually in the neighborhood of $2,000,000. We have a consular system which pays for itself and leaves in the Treasury a balance of over $70,000 a year, and it is exacted from ships. We provide that this exaction shall no longer be made upon American ships. That will relieve the Treasury of about $120,000 a year, and will leave foreign ships paying about $700,000 a year. I will say right here that the United States is the only country in the known world that undertakes to have its consular expenses repaid to the Government by charges made by consuls.

Section 14 deals with the tonnage tax. The tonnage tax was a war tax of 30 cents a ton a year. If we were dealing with a steamship which made ten trips into the port of New York every year 30 cents a ton for one year would not be onerous. The Englishmen when our steamships go over there, for light and other duties, would exact from us four times as much. But when that 30 cents a ton is collected from a sailing vessel which can not by any possibility make more than two or three trips in a whole year it compels the sailing vessel to pay precisely the same tax that the foreign ship pays coming to New York ten times in a year. The most of our sailing ships probably to-day are engaged in foreign trade with Australia, China, and Japan, and make but one trip a year, and yet pay 30 cents a ton; the steamship arriving in New York ten times in the same year pays the same. The gross injustice of the tax thus levied is entirely apparent.

The bill provides that vessels shall pay this tax at each entry, entering from the West India Islands, or the Bermuda Islands, or from any port in the Republic of Mexico, or port or place south of Mexico down to and including Aspinwall and Panama, or from any port or place in the Dominion of Canada, Newfoundland, or from the Sandwich Islands, 3 cents, not to exceed in any year 15 cents a ton; and from all other foreign ports 6 cents at each entry, not to exceed 30 cents in any one year. Thus the tax will fall where it belongs, if it belongs anywhere. The proportions will be borne as they ought to be borne, if any tax is justifiable.

As to the limitation to 30 cents a ton on ships from the other foreign ports, there are about four hundred steamships carrying a foreign flag making regular trips to our country. If no limitation of 30 cents was placed upon those four hundred foreign ships they would pay into the Treasury of the United States $360,000. What American vessels would it affect? Only the Philadelphia line. Not the Pacific line, because it can not make over five trips a year, and it would not increase there, but it would affect the Philadelphia line. It would affect four American steamers. It would increase their tax $3,600, and by increasing their tax $3,600 we should obtain from foreign ships $360,000.

I confess the temptation was great not to put any limit of 30 cents a year on these ships, but the judgment of the committee was (and I presume the judgment of the committee to be discreet) that none of these vessels should be compelled by a tax created now, so long after the war, when there seemed to be no pressing necessity to pay more than 30 cents in any one year, that in fact if steamships were compelled to pay for every entry, and it might run up to 60 cents a year (and would with regular trips between here and England), you might place an additional burden upon any company undertaking to start now an American line. That may be so, and therefore that limitation has been placed upon it.

I come to section 15. Sections 4585, 4586, and 4587 of the Revised Statutes provide for a hospital tax of 40 cents a month on every American sailor for the support of hospitals, all repealed by this bill. These sections place a tax upon every man employed on a steam-tug in the port of New York, every man employed on a ferry-boat, of 40 cents a month. There are at least a thousand men employed in New York Harbor on steam-tugs and ferry-boats who never see one of these hospitals; who have homes in New York, and if they are disabled or sick go to their homes. Yet the law exacts from each sailor (that is, from the crews of the ferry-boats and tugboats) 40 cents a month to support these hospitals. It is true of all our coasting vessels; it is true of all our vessels engaged in the foreign trade. It is a burden amounting to about $470,000 a year, and it is a burden upon American shipping, and upon American shipping alone. In nearly all the States these ships pay tax as personal property just the same as any other property, the same as any corporation property. It pays for the support of schools, for the support of the poor, for the support of the public institutions; and it is the only industry selected by law to impose an additional and exceptional tax of 40 cents a month for each man employed. England supports her hospitals out of her treasury; France supports her hospitals out of her treasury; Germany supports her hospitals, and so does every other civilized nation; but our country demands that the sailors themselves shall support their own hospitals, or rather that the ship-owners shall support hospitals for the sailors, besides paying their wages and the usual taxes assessed upon all other property-owners.

Mr. BUTLER. Marine hospitals?

Mr. FRYE. Marine hospitals.

Mr. MORGAN. Are the sailors of all countries admitted to those hospitals?

Mr. FRYE. Yes, sir; sick sailors. But they are required to pay 75 cents a day.

Mr. MORGAN. There is no protection in it then.

Mr. FRYE. No, sir; section 15 provides that those sections of the Revised Statutes shall be repealed and that the expense of maintaining the Marine-Hospital Service shall hereafter be borne by the United States

I come to section 16. My recollection, from a hasty examination of the law, is that every commercial country furnishes to her ships supplies for the ships if taken from bonded warehouses free of duty. We have provided in this section that all articles of foreign production needed and actually withdrawn from bonded warehouses for ships' supplies shall be withdrawn free of duty.

Then comes section 17; and I call the attention of the Senator from Delaware [Mr. BAYARD] to it. There is a provision of statute by which to-day our ship-builders may build vessels for foreign account. If they are built wholly of foreign materials a drawback is allowed of 90 per cent. of the duties, 10 per cent. being reserved for expenses.

Mr. BAYARD. That is the present law?

Mr. FRYE. That is the present law. The decisions of the Treasury Department are that if you use any American paint on that vessel, or an American spar, or an American sail, or an American plank, then the builder of the vessel can recover no drawback whatsoever, because the law says "wholly of foreign materials." That is a premium, as a matter of course, to use all foreign materials in the building of that vessel, because unless they do so use them no drawback can be obtained for any of the materials which go into the vessel. We have provided in the bill here that if the vessel built for foreign account is built wholly or partly from foreign materials the drawback, 90 per cent. of the duty, shall be allowed, on those portions of course which are imported.

That is a matter of importance. We are building to-day on the Delaware many ships for foreign account. We can build every steamer for the South American rivers. We can build the whole of them in this country; they prefer that we should; and with this provision of the statute adopted as reported by the committee I have no doubt we shall build the whole of them.

Section 18 limits the individual liability of a ship-owner for any and all debts and liabilities to the proportion that his individual share of the vessel bears to the whole. That is not so great a change as appears on the face of the law. By statute to-day any shareholder in a vessel is liable for no more than the value of the share for any tort of the master or in case of collision or in any other way except by contract. But those provisions of the law are not generally understood. They follow the English and the French law almost word for word. There is to-day a feeling among the capitalists of this country that it is exceedingly dangerous to put capital into a ship where there may be twenty owners and only one of them really a man of wealth, and he responsible for the entire debt contracted. The English have the same limited liability provided for in this section, only in another form. They have a general law of "limited liability," by which any dozen men desiring to build a ship or a steamer can simply incorporate themselves for that single purpose, and then their liability under that act of incorporation shall be the owner's share of the vessel and no more. The bill which we report does the same thing, only in another form. It is believed that it will remove a difficulty under which our capitalists have labored, will give them courage to invest in ships, and will do a great deal more towards encouraging ship-building and ship-owning than really the law itself which we report would authorize.

Now, Mr. President, I come to an important provision of the bill. Section 3976 of the Revised Statutes authorizes the Post-Office Department to confiscate any American vessel engaged in foreign trade. It may take possession of her whenever she may be in port, may detain her for such length of time as suits the Post-Office Department; it may place on her the United States mails, may compel her to deliver those mails to the foreign port where she is bound, and to the post-office itself, and it pays that vessel only 2 cents a letter. There are scores and scores of instances where American vessels have been detained by the Postmaster-General and compelled to receive the mails and to deliver them, where the pay they received for carrying those mails did not reimburse them for the detention of the ship at the port to which she was bound and the cartage of the letters to the post-office. Your committee can see no reason why this class of property should be in the power of the Post-Office Department. If the Post-Office Department desires mails carried along our coasts where our vessels are all protected by the navigation acts, it can not seize one and compel her to carry a mail. It makes a contract and pays a fair price therefor. It made a contract two years ago with a little steamer running from Galveston to Brashear and paid her $50,000 a year for carrying the mail, five times as much as it paid all the American vessels for carrying all the United States mails to every port in South America for one year. Your committee can see no reason why the Post-Office Department should have power under law to seize a vessel and compel it to carry mails for 2 cents a letter when it has no power to seize a railroad train

or a stage-coach or a vessel on the lakes or on the rivers or on the coast, and so recommend the repeal of that section.

Then, sir, it provides that for transporting the mails between any port of the United States and any foreign port the Postmaster-General may contract for such transportation; he shall advertise for proposals; he shall give the contracts to the lowest bidder, but in no event shall the contract price exceed $1 a nautical mile out and back. That is what the Postmaster-General does everywhere else, only he does not have that limitation. It provides further that the aggregate of these contracts shall be limited. I do not believe that it ought to have that provision, but our bill as reported contains it. The aggregate of such contracts shall not exceed the gross revenues of the Post-Office Department from the foreign mail service, less the amount paid for transportation of the mails on foreign vessels and the net amount paid foreign administration for intermediary territorial and sea transit of such mails.

If that same provision extended inland in four-fifths of the States of the United States there would not be a mail. It costs over $600,000 more than is received to supply Ohio, that great State, with her mails to-day, and there are very few States where it does not cost us a great deal more than we obtain. But the committee have placed this limitation, that it shall not exceed a certain amount and that amount the gross revenues as I have described them. In my opinion, from an investigation I have made, that amount will be about $1,600,000 a year.

The Post-Office Department might be placed in a difficult position if there was no further provision, because there might be a refusal to make a contract; there might be an impossibility to make a contract. An American minister abroad or a consul or a commercial agent might wish to send a dispatch to the United States and could not make a contract, and an American vessel might be lying there. So the committee have provided for that contingency. There is another section of the Revised Statutes which provides for compulsory process against an American vessel, and your committee have not repealed it, but have left it with this compulsory principle, with a further provision that the Postmaster-General or any consul or minister or commercial agent may take advantage of it if it is inexpedient or impracticable to make a contract. I submitted this section to the Postmaster-General; I spent some two hours with him, and some two more with the superintendent of the foreign mail service. They have examined it with great care, and they both admit that they can see no practical difficulty about carrying out the provision as reported.

The other provisions of the bill extend certain privileges to sailing vessels which have hitherto been extended to steam vessels, and I will not bother about them.

Mr. President, I beg the pardon of the Senate for occupying the time I have on this bill, but I may not be here again after Tuesday for several weeks; the bill goes on the Calendar; it is of great importance, it is so regarded all over the country, it comes without any report, I having had no time to draft one. That is my excuse for occupying the time of the Senate.

I hope when the bill is reached that it will receive the careful consideration it merits, and that we may take a step at this Congress in advance of any that has been taken in the last twenty years, that we may remove these burdens and these barnacles placed there by our own laws, and that we may do something to recover our supremacy upon the ocean. I speak for myself alone when I say that in my judgment there is but one way on earth to revive American commerce, and that is by subsidies or bounties, and so far as I am concerned I am in favor of such measures as will enable us to recover the supremacy we had, and at any time I am ready to vote for them. I prefer the French system of bounties, not for ship-building but for ship-sailing. We can build ships, there is no trouble about that, and as time rolls on what little trouble there may have been or may seem to be to-day will disappear, and we can compete with the world in this. Our difficulty comes when the ship is built and we start her from her port to a port abroad; our difficulty comes from the wages we are compelled to pay our seamen as compared with the wages paid elsewhere, from the expenditures we are compelled to make as compared with the expenditures elsewhere, and that is the difficulty which must be met and removed, and in my opinion it never can be removed until the American Congress does what England does, what France does, what Germany does, what Italy does, what Chili does.

Mr. President, I submit this bill as a substitute for Senate bills 456, 248, 203, and 739; and I ask that the substitute may be placed on the Calendar, and that these several bills may be indefinitely postponed.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Senator from Maine reports back from the Committee on Commerce——

Mr. BECK. I desire to have the bills sought to be indefinitely postponed read, because I introduced a bill on one of these subjects.

Mr. FRYE. The Senator will allow me to say one word more. The bills which I have reported contain none of the provisions in which the Senator from Kentucky is interested. I ought to have said that the Committee on Commerce with practical unanimity authorized the report of the bill which I have reported as a substitute for these measures; but a minority of the committee reserve the right to offer an amendment to it in the Senate providing for free materials and that foreign-built ships shall be received to the American registry.

The PRESIDING OFFICER. The Senator from Maine reports back several bills, which the Secretary will now read by title, and he asks that they be indefinitely postponed, and in lieu of them he reports a new bill, which will also be read by the title.

The Chief Clerk read as follows:

A bill (S. 456) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen;

A bill (S. 248) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen;

A bill (S. 203) to remove certain burdens on the American merchant marine, to encourage the American foreign carrying trade, and to amend the laws relating to the shipment and discharge of seamen; and

A bill (S. 739) to remove certain burdens on the American merchant marine.

The PRESIDING OFFICER. Is there objection to the indefinite postponement of these several bills? The Chair hears none, and they will be indefinitely postponed; and in lieu of them the Senator from Maine reports a bill which will now be read.

The bill (S. 1448) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes, was read twice by its title.

Mr. VEST. On behalf of the minority of the Committee on Commerce I desire to say that while we have acquiesced in the report of the bill just presented to the Senate by the Senator from Maine, we by no means agree with the statement that he has made in lieu of a written report in connection with that bill. We do not believe that the bill which he has reported removes the great evils which have stricken down the merchant marine of the United States and caused our flag to virtually disappear from the ocean.

The provisions of the bill which has been reported from the Committee on Commerce in regard to advance wages to seamen, rebate on raw material for foreign ships, and ocean postage, so far as they go, are well enough, but they are insectiverous compared to the deadly blight which has stricken down the merchant marine of the United States.

The Senator from Maine has said that England and France and Germany and Chili and Peru have done so and so. Sir, those countries permit their citizens to buy ships where they can buy them cheapest and of the best material and the best workmanship; but it was reserved to the United States to go back to the relic of barbarism adopted in the days of Oliver Cromwell and abandoned by the English people soon afterward, and to say that American citizens shall not buy ships where they can, in the cheapest market and of the best materials and best workmanship; and to-day what is the result?

Since 1858 the merchant marine of the United States has steadily decreased, not commencing with the war but long before the war, and to-day we behold the spectacle of one single American steamship line on the ocean, with our immense coast and our immense exports, and that is what is known as the Philadelphia, Liverpool and Antwerp line, which is supported by the Pennsylvania Railroad Company and has four ships flying the American flag, while steamers flying the British flag compose a majority of the line. This same company owns what is known as the Liverpool and New York line, running three steamers under the British flag, and the president of the company told me the other day in connection with the Senator from New York [Mr. MILLER] that the great evil was not the rebate on foreign materials, was not the ocean postage, but it was in the tariff system of the United States and in the fact that the American citizen who desired to build steam vessels or sail vessels was compelled to go to workmen in this country, instead of being at liberty to buy his ship in the best market.

In order to meet the views of the minority of the committee we submit an amendment to the bill which I send to the Chair, and I desire to say in regard to the bill as reported, that whilst there is much in the provisions of the bill as it stands to commend it, we have reserved to ourselves the right to act as we please in the Senate provided the amendment we now offer shall be rejected. In other words, we—and I speak for the minority of the committee upon that subject—were willing to adopt the provisions of the bill reported in regard to ocean postage provided we could secure an additional amendment permitting American citizens to buy their vessels in foreign ports if they could buy them there at the lowest price and upon the most favorable terms.

The PRESIDENT *pro tempore*. The amendment submitted by the Senator from Missouri will be printed.

LADY FRANKLIN BAY EXPEDITION.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

Mr. HALE. I present a privileged report, being the report of the committee of conference on the joint resolution appropriating money for the relief of the expedition under Lieutenant Greely.

Mr. HOAR. I desire to raise the question of the present considera-

tion of the conference report. If it is to displace the ordinary routine morning business I think the whole Senate will agree with me in asking the Senator from Maine not to avail himself of his privilege, and in fifteen or twenty minutes he can put in his report.

Mr. HALE. I am entirely willing to wait. I had just come in and thought the morning business was through. I will withhold the report for the present.

The PRESIDENT *pro tempore*. Reports of standing and select committees are in order.

REPORTS OF COMMITTEES.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 883) for the relief of Lysander H. Carroll, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HAWLEY, from the Committee on Printing, reported a joint resolution (S. R. 59) to limit the cost of indexing the CONGRESSIONAL RECORD; which was read twice by its title.

Mr. HAWLEY. This is a matter of detail business which I should like to have acted on promptly. I shall call it up in a day or two.

ANNUAL REPORT OF THE LIBRARIAN OF CONGRESS.

Mr. SHERMAN. I am directed by the Joint Committee on the Library to present the annual report of the Librarian of Congress, and submit with it an order, which will go to the Committee on Printing under the rules.

Ordered, That the annual report of the Librarian of Congress for the calendar year 1883, be printed, and that 500 additional copies be printed with covers for distribution by the Librarian.

The PRESIDENT *pro tempore*. The rule requires that an order embracing additional copies shall be referred to the Committee on Printing. This will be so referred.

BILLS INTRODUCED.

Mr. CONGER introduced a bill (S. 1449) to provide for the sale of the military reservation on the island of Bois Blanc, in the Straits of Mackinaw, in the State of Michigan, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HILL introduced a bill (S. 1450) for the readjustment of compensation for the transportation of the mails on railroad routes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SLATER introduced a bill (S. 1451) to indemnify Abial Morrison for property destroyed by hostile Indians in Washington Territory in the years 1855 and 1856; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. FAIR introduced a bill (S. 1452) for the relief of B. Reinhart & Co.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1453) for the relief of A. G. Turner and the heirs of Samuel Turner, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1454) for the relief of James D. Roberts; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1455) for the relief of D. O. Adkinson; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 1456) for the relief of E. Penrod; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 1457) to legalize the incorporation of national trades unions; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. BLAIR. I wish to say that I introduced the bill at the last Congress and I do so at this time at the request of numerous representative organizations of the labor of the country.

Mr. BLAIR introduced a bill (S. 1458) to prohibit the employment or performance of labor by convicts or persons restrained of their liberty upon the public works or property of the United States or the expenditure of any moneys of the United States on account of such labor; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MORRILL introduced a bill (S. 1459) relating to the improvement of the coinage; which was read twice by its title, and referred to the Committee on Finance.

Mr. JONES, of Florida, introduced a bill (S. 1460) for the relief of the four orphan children of the late Surgeon Alfred M. Owen, United States Navy; which was read twice by its title.

Mr. JONES, of Florida. I wish to say just a word in regard to this matter. These are four orphan children, quite young, left by Surgeon Owen, of the Navy, who volunteered his services to go to the succor of the yellow-fever patients last summer at the Pensacola navy-yard, where he performed very heroic service to the Government. Both himself and his wife died there under very trying circumstances, leaving these poor children. I move that the bill be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PLUMB introduced a bill (S. 1461) to provide for contesting surveys of private land grants, and for other purposes; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also introduced a bill (S. 1462) for the relief of William S. Thatcher; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS introduced a bill (S. 1463) for the relief of David Compropst; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 1464) creating a commission whose duty it shall be to inquire into and report upon the material, industrial, and intellectual progress made by the colored people of this country since 1865, and making appropriations for the same; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MILLER, of California, introduced a bill (S. 1465) making Port Harford, California, a port of delivery; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ANTHONY introduced a bill (S. 1466) granting a pension to Mrs. Sarah Adams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 1467) for the relief of Lincoln W. Tibbetts, of Portland, Me.; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL. I ask leave to introduce a bill for the improvement of the harbor at Tampa, Fla. There was an error in the print of the bill formerly introduced by me on the same subject which is corrected in the bill, so that the amount appropriated for the completion of the present improvement will correspond with the estimates of the Chief Engineer.

The bill (S. 1468) for the improvement of the harbor at Tampa, Fla., was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT. I introduce a bill at the request of an attorney in this city. I know nothing about the merits of the claim.

The bill (S. 1469) for the relief of Robert Cornell White was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 1470) for the relief of J. L. Whitaker; which was read twice by its title, and referred to the Committee on Finance.

Mr. CAMDEN introduced a bill (S. 1471) amending section 5200 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Finance.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. 1472) to permit the owners of certain vessels and cargoes to sue the United States in the Court of Claims; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MAHONE introduced a bill (S. 1473) to enlarge the United States custom-house at Richmond, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SABIN introduced a bill (S. 1474) for the relief of George Storrs; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1475) to divide the State of Minnesota into two judicial districts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HILL introduced a joint resolution (S. R. 58) filling an existing vacancy in the Board of Regents of the Smithsonian Institution; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENT TO A BILL.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes; which was referred to the Committee on Public Lands, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

Mr. BAYARD. Under the instructions of the Committee on Private Land Claims I ask for the following order:

Ordered, That the letter of the Secretary of the Interior, transmitting certain papers relating to the private land claim in the Territory of Arizona known as El Sopori, and the accompanying papers, now on file in the office of the Secretary of the Senate, be referred to the Committee on Private Land Claims, and be printed.

The order was agreed to.

On motion of Mr. GROOME, it was

Ordered, That the papers in the case of Alfred G. Hatfield be withdrawn from the files of the Senate, there being no adverse report.

On motion of Mr. BLAIR, it was

Ordered, That the papers in the pension case of Mrs. Fannie S. Beaumont be taken from the files and referred to the Committee on Pensions.

JOHN DUDLEY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered by the Senator from Kentucky [Mr. BECK] yesterday.

Mr. BECK. I made an investigation into that matter yesterday afternoon among the officers of the Senate as carefully as I could, and

the facts I stated relative to the worth of this colored man John Dudley are corroborated; but I find I have no power to reinstate him in his place, and I therefore withdraw the resolution.

The PRESIDENT *pro tempore*. The Senator from Kentucky withdraws the resolution which he offered yesterday, and which went over under the rules.

REMOVALS OF CONGRESSIONAL EMPLOYÉS.

Mr. RIDDLEBERGER submitted the following concurrent resolution; which was read:

Resolved by the Senate (the House of Representatives concurring), That a joint committee of three on the part of the Senate and five on the part of the House of Representatives be appointed to inquire into and report the cause of all removals of subordinate officers made by the Secretary and Sergeant-at-Arms of the Senate, the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster of the House of Representatives.

The committee is directed to reduce to writing the evidence which it takes in regard to all removals and lay the evidence, together with its report, before the Congress.

The committee is further directed to report how many disabled and other soldiers were removed, what States and Congressional districts they were from, how many disabled and other soldiers have been appointed, and the States and Congressional districts from which they come.

The committee is further instructed to report whether in their opinion the act known as the civil-service act applies to appointments made by elective officers of the Senate and House of Representatives, and, if so, to report what legislation, if any, is necessary to the full and proper execution of that law.

The PRESIDENT *pro tempore*. Does the Senator from Virginia ask for the present consideration of the resolution?

Mr. RIDDLEBERGER. It is immaterial, sir; I would just as soon it should lie over. I will state, however, that in preparing the resolution I had strict reference to the act known as the "civil-service act." In referring to the soldiers appointed and removed I had reference only to the civil-service act. I simply wanted to ascertain by the resolution whether the civil-service act applies to appointments made by officers of the Congress of the United States, not confined to either branch of it. I think it well enough for us to know it now. I am entirely willing that the Senate should pass upon it to-day, appoint such a committee, and let us ascertain the facts.

I did think yesterday, when the resolution of the Senator from Kentucky [Mr. BECK] was introduced, that it was a columbiad aimed in some direction and at somebody. I understood that the appointee removed was from the State of Kentucky and that the man appointed was from the State of Virginia. I never knew him, do not know him now, and have never seen him; but I thought if we were to have an investigation under a resolution of that sort we might as well determine the question for the whole Congress as for the Senate, for both Houses as for one.

The civil-service act, as I understand it, is a law governing not only one branch of Congress, but the whole Congress, and I am prepared to show this morning that under the civil-service rules the State which I have the honor in part to represent on this floor does not have anything like her proportion of the offices in either House of Congress or in any Department in this city or under this Government. I am prepared to show, moreover, that the State of Kentucky, which has the same representation, has more appointments of *bona fide* Kentuckians than the State of Virginia. I am prepared to answer back all this *ad captandum* stuff that I have heard throughout the country about the patronage of the Federal Government being given out to certain gentlemen in the State of Virginia.

I am prepared to show, moreover, that the gentleman who complains so severely of the removal of the poor colored man from the State of Kentucky said not a word when there was removed a disabled confederate soldier from his own State a few weeks ago. No investigation was suggested then; no investigation was suggested at the time when a score of wounded soldiers came from one side of this Capitol to take a place, if it could be given to them, on the other. The one-legged man who sits beyond that door, and ought to attract the attention of every Senator who goes out of it, came from one end of this Capitol to be provided for in the other. No investigation was suggested then; no investigation was suggested of anything until there came to be a removal of one colored man from Kentucky to make place, as it may be said, for one from Virginia. Four can be removed in one part of this Capitol from Virginia alone and four new men put in, and no suggestion of investigation is made.

Why, sir, I stood upon this floor but a few weeks ago and voted for a resolution to investigate what are called the "Virginia and Mississippi outrages." It was one of the most reluctant votes I ever cast in one point of view; but I felt that due regard for the good name of my State required that I should cast that vote. I have read in the CONGRESSIONAL RECORD, I have read in the newspapers, that a gentleman representing that particular district in the State of Virginia had asked for an investigation, and I voted for it, not alone because of his request, but because I felt that I wanted that large preponderance of the people of Virginia who had nothing in common with such outrages to be vindicated against the charge of committing them. I say I voted for the investigation. I then saw all the gentlemen on the other side, including the Senator from Kentucky, vote against that investigation. Then there stares us in the face the proclamation, or message, if you please, of the governor of that Commonwealth—than whom there is no gentleman of higher character living, and whose official conduct has wrung from the opposition compliments and praise, and throughout the State to-day he is spoken of as a gentleman worthy of any public trust—in which he says that these murderers were not even indicted, and that no effort was ever made to try them. I say, sir, that with that staring us in the face I was surprised that the Senator from Kentucky could not vote to investigate; but when it came to the mere matter of the removal of a colored appointee from Kentucky he did move an investigation. I am glad he has withdrawn the resolution, and I hope it will now be his pleasure to vote to adopt this resolution, and let us know now and henceforth whether it is civil service executed to turn out all the office-holders on one side of the Capitol and civil service violated to turn out one on the other.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it be read.

The Chief Clerk read the resolution.

Mr. BECK. I did not hear the first part of the remarks of the Senator from Virginia in reference to something I had done. When a colored laborer had been dismissed as I thought wrongfully I deemed it my duty to replace him if I could, but I found I could not do it, and I abandoned the effort. Beyond that I know nothing I have done. But I should like to see this resolution in print. I do not know what right we have to interfere with the House of Representatives. I do not think it comes with good grace to ask them to do anything they do not want to do themselves; but by to-morrow morning I may change my mind.

The PRESIDENT *pro tempore*. Objection being made, the resolution lies over and will be printed.

COMMITTEE CLERKS.

Mr. CAMERON, of Wisconsin. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on Fisheries and the Committee on Expenditures of Public Money be, and they are hereby, authorized to employ clerks, who shall be paid the same per diem compensation as the session committee clerks of standing committees.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin mean that each committee may have a clerk?

Mr. CAMERON, of Wisconsin. Each a clerk.

The PRESIDENT *pro tempore*. The resolution will be modified accordingly.

Mr. CAMERON, of Wisconsin. The resolution was prepared by the financial clerk of the Senate.

The PRESIDENT *pro tempore*. The question is on the resolution as modified.

The resolution was agreed to.

PAY OF POSTMASTERS.

Mr. VOORHEES. On the 29th of January I offered a resolution calling on the Postmaster-General to report to the Senate the cause or causes of delay, if any, in the adjustment of the salaries and pay of postmasters under the act of March 3, 1883. I understand the information has been furnished, and I ask that the communication in response to that resolution be read.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that Executive Document No. 87, being a letter from the Postmaster-General, transmitted to the Senate on the 31st of January, be read. Is there objection? The Chair hears none.

The Chief Clerk reads as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 31, 1884.

SIR: In response to Senate resolution, as follows:

"*Resolved*, That the Postmaster-General be directed to report to the Senate the cause or causes of delay, if any, in the adjustment of the salaries and pay of postmasters under the act of Congress of March 3, 1883, and whether in his opinion any further legislation is necessary on this subject"—

I have to say—

First. That upon consideration of the act of March 3, 1883, in connection with the acts of July 1, 1864, and the proviso to the act of June 12, 1866, a doubt arose in my mind as to the proper construction of the act referred to in the resolution. In order that I might be properly advised, the matter was, on the 25th day of August, 1883, referred to the Attorney-General, where it is still pending. This is the cause of delay in the adjustment referred to.

Second. In response to that portion of the resolution asking if in my opinion any further legislation is necessary, I have to say that until I am advised by the Attorney-General as to the proper construction to be placed on the act under consideration I shall be unable to report to your honorable body what, if any, additional legislation is necessary.

Very respectfully,

W. Q. GRESHAM, *Postmaster-General*.

Hon. GEORGE F. EDMUNDS,
President of the Senate.

Mr. VOORHEES. In view of the fact stated in that communication of the Postmaster-General I offer the following resolution, and ask for its present consideration:

Resolved, That the Attorney-General of the United States be directed to report to the Senate the cause or causes of delay, if any, on the part of the Department of Justice in advising the Postmaster-General as to the proper construction of the act of March 3, 1883, in relation to the salaries and pay of postmasters, the question of the proper construction of said act having been referred by the Postmaster-General to the Attorney-General on the 25th of August, 1883, and no answer having yet been made thereto.

Mr. SHERMAN. It seems to me rather an unusual proceeding for

us to seek to enforce an answer by one head of Department to another head of Department. If the Senator desired any information from the Attorney-General himself in behalf of the Senate I would not object to such a resolution.

Mr. VOORHEES. The Senator from Ohio is misapprehending the scope of this resolution.

Mr. SHERMAN. I think it had better lie over and be printed. Perhaps I am mistaken about it.

Mr. VOORHEES. I wish to make a statement in connection with it before it goes over.

On the 3d of March last we passed a law which affects many thousands of persons who have heretofore been postmasters in the service of the United States, for the purpose of adjusting their pay and salary. It clothed the Postmaster-General, as we supposed, with power to do what we desired done. It seems that he had difficulty on the subject, and on the 25th day of last August he referred the matter to the Attorney-General for his legal opinion. He sought the advice of the Department of Justice. That is now almost six months ago.

Some ten days ago, my attention being called to this strange neglect, I offered a resolution, which has been read here and which has been answered by the Postmaster-General, calling upon that officer for information why this delay had occurred, and he has answered here in the hearing of the Senate that it has occurred because nearly six months ago, giving the date as the 25th of August, he asked the legal advice of the Attorney-General as to the proper construction of the act of March 3, 1883, and up to this time he has received no answer, and he states further that whether additional legislation is required to carry out the purpose of Congress he can not say until he is advised by the Attorney-General.

Now, I submit that there is not a Senator here but what would agree with me that we should have some information why a subject so simple, in so brief a compass, should be held in the Department of Justice almost six months, delaying the settlement of accounts of thousands of people who need the relief which this act gives. I say to the Senator from Ohio that the resolution which I have offered does not refer the paper received from the Postmaster-General to the Attorney-General. I had that read as the basis of the resolution which I offered calling for information from the Attorney-General. I had it read because it states the fact. I did not have it read in order to refer it, but to inform the Senate why this resolution ought to be immediately adopted and not laid over. If the Senator from Ohio wants one day more of delay, of course he can have it. The act of the 3d March, 1883, is nearly one year old, it will be one day older by the Senator's objection, but I apprehend it will not be obstructed beyond that period.

Mr. SHERMAN. I find that I am not mistaken in regard to the purport of this resolution. It is a resolution calling upon the Attorney-General to give us a reason why he has not answered another head of Department a legal question which the Postmaster-General had a right to put to the Attorney-General. That is an unusual process. Let the Executive Department stand on its own footing. If the Senator wants from the Attorney-General his opinion upon the legal question that is stated in these papers, and the Attorney-General fails to give the Senator an answer to that question in a reasonable time, then I would vote for a second call a little more peremptory in its character; but this resolution is entirely based upon the correspondence between these two heads of Departments, with which we have nothing to do. We have the right to call on any head of Department and ask him to send us any facts that we call for and his opinion on any question arising on those facts; but it is unusual for us to call him to account for neglecting or delaying his answer to one of his colleagues in the Cabinet. It might compel him in certain cases—not in this case, probably—to betray Cabinet secrets, Cabinet counsels. This is a mere matter between two Cabinet officers. Therefore I ask that the resolution lie over until to-morrow, and I hope that the Senator will modify the resolution.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over.

LADY FRANKLIN BAY EXPEDITION.

Mr. HALE. I now desire to call up the conference report received from the House of Representatives to which I alluded some time ago and which is on the desk.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, having met, after full and free conference have been unable to agree.

EUGENE HALE,
JOHN SHERMAN,
E. SAULSBURY,
Managers on the part of the Senate.

SAM'L J. RANDALL,
W. H. CALKINS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The report will be placed on file.

Mr. HALE. That is the only report that the conferees could make, because the representatives of the two Houses in the second conference entirely failed to agree. The House conferees insisted upon maintaining the attitude taken by the body which they represented.

The PRESIDENT *pro tempore*. Does the Senator from Maine desire that the conference report be now considered under the rules?

Mr. HALE. That is my desire.

The PRESIDENT *pro tempore*. The Chair will then put the question. Rule XXVII requires that question to be put without debate, so as to bring the matter before the Senate. Will the Senate now consider the report of the committee of conference?

Mr. HALE. I presume there will be no objection.

The question was decided in the affirmative.

The PRESIDENT *pro tempore*. The report is before the Senate.

Mr. HALE. Of course, Mr. President, if nothing further is done the whole matter lies stranded, the bill in any form fails to become a law, and any further effort in this direction for the relief of the Greely party ceases. In order that something may come out of this I propose, not as representing the conference, for that is not a part of its report, but as a member of the body, to make a motion which will test the sense of the Senate to-day upon this important and pressing subject-matter, and that is a motion that the Senate recede from its amendment. Of course I realize that in doing that I am renewing the same question that the Senate passed upon the other day; but time has passed, and it may be that the imperative duty of doing something will press more strongly upon Senators now than then, and there are certain relations which the Department in charge of this expedition will have to it that may tend to throw some additional light upon the subject-matter.

The Senate committed itself by one vote to the proposition that the naval force to be sent up into the northern waters for the relief of Lieutenant Greely and his party should be a volunteer force. That action was taken after discussion, and it involved the Senate taking the attitude that the Secretary of the Navy should have no power to force officers or men unwillingly into this dangerous service. I did not at the time sympathize with or agree in that view or vote upon it, but the Senate took its position, and in the conference I may say I supported the view of the body and so joined in the report.

Since then time, as it often does, has helped to loosen or cut this knot, and it is found on examination that so far as the crew is concerned—not the commissioned officers, but the crew that will be sent out on this expedition, if it ever sails—it will be gathered by a re-enlisting of men or a new enlisting of men in the Navy. The Secretary of the Navy does not deem it advisable under the conditions of enlistment of men in the Navy to order them to this service. I do not say that he believes he has not the power; but whatever question there may be about the nature of the contract he proposes to save all of that by calling for enlistments or for re-enlistments of men now in the service, and out of those who so offer he will select the best men offering, in his judgment, so that practically any Senator having any anxiety as to men being ordered into this service may dispossess his mind of that concern. So far as the officers are concerned the Secretary finds—for the subject has been much mooted in the American Navy, and attention has been called to it in every rank—that there will be no difficulty in getting superior men of the highest qualifications, of the fitting age, of enduring physical frame and life, who are willing and glad to take charge of this expedition with all its responsibilities.

Under these conditions it may be said that the House might as well have receded, and let the amendment go on, because it would not embarrass the passage of the bill or the fitting out of the expedition; and that is true. But this body has to deal with a co-ordinate branch of the Government, that takes its responsibility and looks at things from its own view, from its own standpoint, and we must accept results, I think, as we find them. The House has insisted upon its attitude on this general ground that from the beginning it was a remarkable expedition, where great responsibility should rest on the Executive in fitting it out and conducting it, that the hearts and sympathies of the American people are interested in its success and in everything that aids it to success, and that all that responsibility should be left with the President of the United States, and renewed conferences failed to impress the conferees of the House with any other view.

On these conditions, Mr. President, I shall ask again that the sense of the Senate be taken on my motion, which I will make before I take my seat, that the Senate recede from its amendment and let this bill go through; not that it has accomplished in terms and in form all that it sought; but as I have said light has come into this question by the process of time, and every danger that was found resting in any Senator's mind is avoided, and as an actual matter of fact I ask the Senate under these circumstances not to let this thing hang suspended, because every day adds certainly to the danger of this expedition being another failure. There is no time to spare. Each twenty-four hours is important, and it may be that the discussion and the time already spent have resulted in such a condition as practically and actually meets the objections of Senators.

And so, for these reasons, Mr. President, not wishing to take up more of the time of the Senate, I move that the Senate recede from its amendment.

The PRESIDENT *pro tempore*. The Chair thinks it to be his duty to state that it seems to him that this question is not regularly before the Senate. The Senate asked for a conference. The House of Representatives granted it. The papers, according to the parliamentary course,

were returned on the disagreement to the House of Representatives. The report of the committee of conference is not a recommendation to either House, but simply a statement of the fact that they were unable to agree. The bill was in the possession of the House of Representatives for its action on the amendment of the Senate. The House has taken no action on the amendment of the Senate, either insisting upon its disagreement or adhering to its disagreement or receding from its disagreement, but has sent the bill back with a message that it concurs in the report of the conference committee, the conference committee's report being that nothing has been done; but the bill is here on the table, and the Chair——

Mr. HALE. I recognized that point myself when the bill came over, although I have, of course, very little practice in and knowledge of the parliamentary rules applicable in this body. It seems to me that in the emergency—as the Senate has voted and has agreed to consider the bill, so that it is now before the Senate—we may very well and very reasonably waive any point as to the action of the House; and if the Senate does vote to recede, I take it that then the original bill will become a law.

The PRESIDENT *pro tempore*. The message of the House of Representatives does not inform the Senate that it returns the bill to the Senate, but simply informs the Senate that it has concurred in the report of the conference committee, which report is that the committee were unable to agree. The Clerk brought the bill with this resolution of the House of Representatives, so that the bill is bodily here.

Mr. HALE. The Clerk brought the bill in a formal manner and delivered it with the message, and it was received by the Senate. So it seems to me that the Senate has considered, or may well fittingly consider, that it has waived the point, undoubtedly a good one, that has been suggested by the Chair. I think we may proceed in this matter, waiving the point.

Mr. BUTLER. I would suggest to my friend from Maine that by unanimous consent we might take the bill up.

Mr. INGALLS. That you will not get.

Mr. HOAR. Has not the Senate voted to consider it?

The PRESIDENT *pro tempore*. The difficulty with the Chair is that in point of parliamentary law and regular proceeding this bill is not before the Senate although the Clerk of the House brought it here.

Mr. BUTLER. Where is it, Mr. President, if it is not before the Senate?

The PRESIDENT *pro tempore*. It is in the parliamentary possession of the House of Representatives, the Chair thinks, although it is bodily in the Senate Chamber.

Mr. INGALLS. Mr. President, the position taken by the Chair is undoubtedly correct. The bill is not in the possession of the Senate, and can not, therefore, be made the subject of a motion. The bill is, as a parliamentary proposition, in the possession of the House of Representatives, and the fact that it was manually brought here by the Clerk does not place it in a position upon our Calendar where it is subject to action by this body. The Senator from Maine could undoubtedly ask an expression of the Senate upon the question whether it would recede or insist upon its amendment; but then the only parliamentary procedure would be to ask for another committee of conference, when the conferees, considering themselves instructed, could agree with the House to recede from the Senate amendment.

But there is one other observation that I desire to make in connection with what the Senator from Maine has stated. We have heard repeatedly as an argument why this bill should be acted upon that there was an emergency; that it was imperatively necessary, in view of the emergency, that this unlimited discretion should be given to the Secretary of the Navy and the President to dispatch an expedition in search of the lost survivors of the Greely expedition. I saw not long since, within two days, in the telegraphic announcements in the public press, that a British bark had already been purchased by the Secretary of the Navy, and that the command of the expedition had been tendered to one or two gentlemen whose names have escaped me. If the Secretary of the Navy, in advance of the action of Congress, after the declaration of the Senate that the bill should be amended, and before there had been any agreement between the two Houses, has taken the responsibility of purchasing a British bark for the purpose of engaging in this expedition, and has tendered the command of this fleet to any officer of the Navy or any person employed in the merchant marine, I think there is an emergency, one that requires very serious consideration. Inasmuch as these statements have been made—I do not know whether they are correct or incorrect—it appears to me that before, in the presence of this emergency, we are to vote upon the question whether we shall recede or insist upon our amendment we had better have a little information. If the action of Congress is not necessary at all; if fleets are to be purchased and expeditions organized while measures are undetermined, then it is a matter for consideration whether there is not, as the Senator from Maine says, an emergency that we should take into consideration. I do not know whether these allegations are true or not; but I should like to know whether there is any foundation for the report.

Mr. HALE. The Secretary of War——

The PRESIDENT *pro tempore*. This debate is proceeding of course by unanimous consent, as the Chair without some direction of the Senate has nothing to lay before the body. The Senator from Maine.

Mr. HALE. The Secretary of War and the Secretary of the Navy, in view of the necessity for securing proper vessels suitable for this service, have, on their own part, personally taken the responsibility, which they do not claim in any way that the Government is bound to assume, of securing one of the vessels for this service, if it is ever provided for by Congress. If it is not, they have the responsibility upon themselves. They have gone further as to another vessel, and have made such arrangements to secure her that if this measure passes, or if any measure passes justifying and authorizing the expedition, they will accept it. But I can inform the Senator from Kansas and the body that the Government has not been committed. Neither the Secretary of War nor the Secretary of the Navy proposes to commit the Government without due authority.

I may say that the class of ships suitable for this onerous, dangerous service is a small one. There are only a few in the world. The Newfoundland and Scotch sealers or whalers furnish the only ships that by their structure are fitted for this dangerous work, and they are already getting in condition and fitting out and ready to start on their dangerous business for the year. They go very early in order to be up there in due season, and if they are once fitted out and have left their ports, whether at Halifax, or Newfoundland Island, or at Dundee, or wherever they may be found, the year is gone; they can not be reached. On this condition, under these circumstances, that which I have stated has been done.

As to the parliamentary condition of this measure and the report accompanying it, whether the House has done what it should have done in not adopting a motion to insist, the bill has come here at any rate; and it seems to me that there ought to be a way by which the Senate can agree to take some action upon it, so that it may be known what its attitude is. As a Senator on my right suggests to me, if Lieutenant Greely is to be left to perish, with his followers, I hope they may die in a parliamentary manner, so that it shall be satisfactory, so that no question may be raised as to their violating any rule.

I ask unanimous consent that the Senate consider the bill which is upon the desk of the Secretary.

The PRESIDENT *pro tempore*. The Chair does not conceive that he has any authority on account of the stress of the circumstances to violate the rules and orders of the Senate without unanimous consent.

Mr. HALE. That is what I am asking.

The PRESIDENT *pro tempore*. Therefore the Chair felt it to be his duty to state to the Senate the attitude of the bill. The Senator from Maine now asks unanimous consent that he may move that the Senate recede from its amendment. Is there objection?

Mr. INGALLS. For the present I object.

The PRESIDENT *pro tempore*. The Senator from Kansas objects.

Mr. HALE. I will take the opinion of the Chair upon the question: Would it be in order for me now, wherever the bill and the report of the conference may be actually, to move for a new conference, with instructions to recede from the Senate amendment?

The PRESIDENT *pro tempore*. The Chair is of opinion, as has been often decided in this body and elsewhere, that it is impossible to make any motion respecting a bill or amendment pending between the two Houses unless the body in which the motion is made has possession of the bill in the regular way. Therefore, if this bill had not been sent here (as it has not been, as the Chair thinks) from the House of Representatives by its messenger, the Senator from Maine could not make his report from the committee of conference and ask any action upon it whatever, because the measure is not in the possession of the Senate.

Mr. BUTLER. If it is in order, I move that a message be sent to the House of Representatives requesting that body to return the bill to the Senate.

Mr. HALE. Let us proceed so as not to meet with new objections. Suppose the House sends the bill in form, and its Clerk appears and announces that as the organ of that body he brings here the actual measure; can the Senate then proceed unless the House has in addition to its present action taken some vote indicating its position upon the bill and the controversy upon it?

Mr. BUTLER. The Senate can recommit it. The Senate can pass the bill as it came from the House without amendment, I take it.

Mr. HALE. Then, as I understand, the only point now to be avoided which has been raised by the method of the House's action is to receive the bill in form from the House.

Mr. BUTLER. I submit that motion.

The PRESIDENT *pro tempore*. Will the Senator from South Carolina repeat his motion?

Mr. BUTLER. I move that a message be sent to the House of Representatives requesting them to return to the Senate the bill now on the desk of the Secretary.

The PRESIDENT *pro tempore*. To transmit it?

Mr. BUTLER. To transmit, or whatever the parlimentary language is.

Mr. INGALLS. The Senator from Maine has repeatedly endeavored to enforce upon the Senate the idea that every moment was precious, and that lives might be periled by delay. The Senator from Maine knows

better than anybody else that no expedition for the relief of this party in the Polar Sea can be dispatched from our coast with any possibility of success earlier than May next. Therefore when he endeavors to impress upon the body that we are trifling with human life, that there are great interests involved which are moved by considerations of humanity, he is saying what is not borne out by the facts. There was ample time and there is ample time now, instead of purchasing British barks, to build the necessary ships here in the United States to send forward properly armored and equipped with everything necessary for a successful search after the Greely party.

I do not understand what is the hidden motive of this continual attempt to make it appear here that we must act speedily, instantaneously, without consideration, without any examination of the measure that is brought before us, or else these lives may be sacrificed. They can not be reached by any expedition that can leave these shores earlier than May next.

There is one other matter in connection with this business, and it is germane to the question before the Senate as to what action should be taken. I do not understand that the Secretary of the Navy or any other executive officer, after measures have been reported by both Houses, has the right to appear and offer suggestions in his official capacity as to what action shall be taken by conference committees of either House of Congress. I am told, I have seen in a publication that is authorized by Congress, that the Secretary of the Navy addressed a communication to the conferees on the part of the House of Representatives directing them not to agree to the amendment offered by the Senate, because it would imperil the success of this enterprise. I think that the Secretary of the Navy departed from his functions when he assumed to dictate to either House of Congress what action they should take after they had deliberately expressed their opinion.

Mr. HALE. Will the Senator allow me to interrupt him to set his mind right upon that point?

Mr. INGALLS. Yes, sir.

Mr. HALE. The Secretary of the Navy sent no such message. I can not conceive that he, with his long knowledge of public life and of the relations existing between the different departments of the Government, could have done it. I received a dispatch from him after the passage of the Senate amendment, and a dispatch to about the same effect was sent to the House, saying that the passage of the Senate amendment, the language of which he did not know, might cause embarrassment. There was no attempt in any way to either domineer or suggest the action of the conference committee or of the two branches of Congress which that committee represented. This same thing was referred to the other day. I know that the report was about that the Secretary of the Navy had sought to influence and prevent an agreement, but there is nothing in the facts to bear that out; and I am very glad to correct the Senator from Kansas upon this matter.

Mr. INGALLS. I read the proceedings in the House of Representatives as reported in the RECORD. The chairman of the House Committee on Appropriations, in presenting his report, submitted a communication from the Secretary of the Navy bearing upon this subject as a reason why the House should not concur in the amendment that was agreed to by the Senate.

Mr. HALE. Was not that proper? The Senator's statement now is very different from what it was a few moments ago.

Mr. INGALLS. I say that communication was not within his legitimate functions; that he had no right to appear when this matter was before a committee of conference and lend the weight of his official influence to the conferees on the part of the House to prevent the acceptance of an amendment agreed to by the Senate.

Mr. HALE. Why not?

Mr. INGALLS. It was an impertinent intrusion.

Mr. HALE. Why?

Mr. INGALLS. It was an invasion of the proper domain of legislation.

Mr. HALE. The committees of both branches in preparing the bill and in the consideration of it from time to time had requested the presence of the Secretary of War and the Secretary of the Navy. Each of those officers had appeared and had given his views, and stood ready at any time to give his views.

Mr. INGALLS. That was right.

Mr. HALE. It is impossible to consider a subject of this kind without conference with the heads of Departments.

Mr. INGALLS. That was undoubtedly correct.

Mr. HALE. There was nothing further done except in the continuation of the conferences that had already taken place between the Department officers and the committees having this matter in charge; and there never was the slightest pretense or desire manifested on the part of the Secretary of the Navy or the Secretary of War in any way to influence this matter.

Mr. INGALLS. The chairman of the Committee on Appropriations in the House when submitting the report to that body reported the communication of the Secretary of the Navy as a reason why the amendment of the Senate should not be agreed to. Further than that, he insisted upon the floor of the House that it should be rejected because, as he said, he wanted to throw the entire responsibility for the success or failure of this expedition upon the President of the United States. That was the reason alleged in the House of Representatives why this amendment should not be concurred in; and the Senator from Maine co-operates with the chairman of the Committee on Appropriations in the House of Representatives in the attempt to prevent all amendment to this bill for the purpose of throwing the entire responsibility—and I use his language—for the success or failure of the expedition upon the President of the United States.

Mr. HALE. I did not even vote against this amendment, which was proposed by the Senator from Delaware [Mr. SAULSBURY]. It struck me when it was offered that it might be a good thing. It came up at the close of the discussion, and I did not call for a division or for the yeas and nays upon it. There has been no attempt anywhere to do an unfitting or an unseemly thing. The House sent this measure here and gave a large, an almost unexampled discretion, which it thought wise under the exigency, to the President of the United States. I am attempting as fast as it is possible to get something or other through that shall start this expedition.

Mr. INGALLS. In May next.

Mr. HALE. Yes; and so far as that goes, the Senator himself must know enough about vessels and ships and ordinary maritime employments to know that you can not the moment one of these ships comes here, bare, empty, turn her head about and set her prow to the northern seas without weeks and weeks of delay. There is examination to be made, trial to be made, she is to be filled up and fitted, and it is a slow work. It is not like an ordinary cruise of sixty days to some well-known port of the world, but there has got to be time.

So far as the point suggested by the Senator that new ships might have been built here is concerned, I would have been very glad if these ships could have been built in this country; but with the necessity that the expedition should start at an early date, take the time mentioned by the Senator from Kansas, neither the War nor the Navy Department dared to risk building a new ship here, because if anything happened in the middle of the building, if a fire broke out and it was destroyed, the season would have been gone. If a new ship was built and if on trial she proved to be faulty, there would be no time to repair her or to change her model and plan. The Newfoundland sealers and the Dundee whalers have been tried and found not wanting, and they do not need the trial trip that a new ship needs. The board of inquiry that sat upon this subject called by the Secretary of War considered this very question, and decided that it was not safe under this emergency to risk the building of the ships here. All along, at every stage of this matter, I have found that the Departments have proceeded carefully, cautiously, wisely, and the House of Representatives has said that under those conditions it will trust them with the responsibility.

The PRESIDENT *pro tempore*. The Chair may be permitted to suggest in respect to the embarrassment about the consideration of the subject, that the regular thing to do would be to return the bill to the House of Representatives with the statement that the Senate is unable regularly to consider the matter which is pending between the two Houses until the House shall have acted again on the amendment of the Senate. That would enable the House of Representatives, having the proper possession of the bill, as it has now by parliamentary law, either to again insist upon its disagreement to the amendment or to recede from its disagreement.

Mr. HALE. I want to do what will expedite the matter most. What was the motion?

The PRESIDENT *pro tempore*. The motion of the Senator from South Carolina was that the House of Representatives be requested to transmit the bill to the Senate, it having been actually transmitted and supposed to be here under such transmittal at this moment. Then the Chair thinks that the only question could be, the House not having acted upon the last disagreement, a motion to reconsider the insistance of the Senate on its amendment. The time has gone by under the rule, if anybody objects, to make that motion. Therefore, the Chair would be again embarrassed, if the point were raised, in the Senate reaching the question whether it ought to recede or not. So the Chair thinks the only regular way (and the whole difficulty has undoubtedly arisen upon the fact that the bill was transmitted to the Senate without any action of the House upon the amendment at all) is to return the bill to the House with an explanation of the circumstances, and the House can then act upon the Senate amendment, either receding from their disagreement or insisting upon it. Then the question will be whether the Senate will recede. There is no difficulty in doing it in that way, the Chair thinks.

Mr. HALE. I do not know any other way, and yet I dislike to run the risk of getting the measure into a condition where either body will consider that it is being followed too closely upon technicalities, and get a feeling up and decline to do anything. I do not know that anything better than the suggestion of the Chair can be done if we can take no action now except by unanimous consent and the Senator from Kansas will not give his consent.

The PRESIDENT *pro tempore*. The Chair will entertain the motion of the Senator from South Carolina, but the Chair felt it due to suggest that when the bill should be thus returned another difficulty might present itself if any Senator then raised the question.

Mr. BUTLER. I realize the embarrassments and complications that my motion might lead to if it should prevail. I would say now that I based that motion somewhat upon the assumption that when the bill was returned to the Senate we might do just as the Chair has indicated, that is, get unanimous consent to reconsider the action of the Senate in amending it, although the two days had elapsed. Of course it would require unanimous consent. In that view of the question perhaps it would be the safest and most expeditious thing for me, as a friend of the bill, to withdraw my motion, so as to carry out the suggestion of the Chair. I have but one purpose, and that is to try to get something done to relieve Lieutenant Greely and his party. I am not at all wedded to any particular method, and if any other can be suggested which will expedite the matter I am quite willing to give it my support.

The PRESIDENT *pro tempore*. The Chair is bound to suppose that a formal vote of the House of Representatives upon insisting on its disagreement or receding from it was had, and therefore the Chair can not presume to raise any issue between the Senate and House of Representatives affecting the regularity of procedure.

Mr. BUTLER. I withdraw my motion to send a message to the House.

Mr. HALE. Then I move that a message be sent to the House of Representatives asking them to return the bill.

The PRESIDENT *pro tempore*. That is just the same motion as that the Senator from South Carolina made, which he has withdrawn. The motion the Chair suggested, if he may be permitted, is that the bill, as it is bodily here and brought here by the Clerk of the House, be returned to the House with the statement that the House not appearing to have voted upon the amendment which was reported from the conference the Senate is unable to act upon it under its rules. That leaves the measure in the possession of the House of Representatives, and a motion to recede from the disagreement or to insist upon the disagreement and return the bill to the Senate, which is of course perfectly in order, will disentangle the difficulty.

Mr. HALE. Then a motion to return the joint resolution to the House with a message stating that the Senate cannot take action upon it, as the House has not indicated its position upon the pending amendment, would meet the case.

The PRESIDENT *pro tempore*. Or the Chair would suggest another course, which would be perhaps still better, that is, an informal communication to the Speaker of this accidental omission, when undoubtedly the Clerk would take the bill again and the House would take the proper action without any formal message.

Mr. INGALLS. Does not the Chair overlook the important fact that the House of Representatives concurred in the report?

The PRESIDENT *pro tempore*. But the report unhappily is only a report that there is no agreement.

Mr. INGALLS. That does not change the fact that it is a report.

The PRESIDENT *pro tempore*. It is a report that they have disagreed. Therefore in voting to concur in that report they have voted that the committee of conference has disagreed. That is all there is in it.

Mr. INGALLS. That is the end of it, in a parliamentary sense.

The PRESIDENT *pro tempore*. That is the end of it until the House again acts on the amendment of the Senate. The want of action there is what makes the difficulty.

Mr. INGALLS. Then sending for the bill will do no good so far as the solution of this problem is concerned.

The PRESIDENT *pro tempore*. When the bill is once again in possession of the House of Representatives in fact, as it is in law now, it is competent, as the Chair supposes in that body as in all parliamentary bodies, for it to act upon the question of disagreement and insist upon its disagreement to the Senate amendment.

Mr. INGALLS. That is very true, but the bill is there now in law.

Mr. HALE. The bill is already here actually, and I think the last suggestion of the Chair is the best way out of the difficulty, that an informal message be sent to the Speaker by the President of the Senate, and then the House naturally will take action upon the single matter in issue.

Mr. INGALLS. That is a matter between the President of the Senate and the Speaker, a private matter.

The PRESIDENT *pro tempore*. I think if the Senate will consent to have the matter laid aside for further action, undoubtedly the simplest way would be an informal communication to the presiding officer of the House.

Mr. HALE. I think that is the better way.

The PRESIDENT *pro tempore*. The Clerk will come and take the bill and the House will take a formal vote, which will untie the whole difficulty.

Mr. HALE. Undoubtedly it would all have been saved if when the chairman of the Committee on Appropriations presented the report and it was read he had moved its adoption or had moved that the House insist on its amendment and then adopted the report. That would have brought everything here.

Mr. HOAR. May I inquire for information how the bill came to the Senate?

The PRESIDENT *pro tempore*. The bill was brought here by the Clerk of the House of Representatives in a message which read: "The House concurs in the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution," giving its title, and it stopped there. The report of that concurrence is on the back of the joint resolution, which regularly never passes from one House to the other but which is always made in duplicate. The report is simply that the conferees met and were unable to agree.

Mr. HOAR. My difficulty is this: Suppose it be true that the House, as a matter of parliamentary proceeding, had also reaffirmed its action on the amendment or dealt with the amendment in some other way, still, the joint resolution having been sent by the House to the Senate and received by the Senate into its custody, how can the Clerk of the House, on a private message, take that document away on the ground of an informal action of the House without some vote of the Senate like that suggested by the Senator from South Carolina?

The PRESIDENT *pro tempore*. The only answer the Chair can make is that the resolution of the House which the Clerk brought to the Senate does not inform us that it has taken any action on the bill or that it sends the bill.

Mr. HALE. Is there any record anywhere that the bill has been received or is in the custody of the Senate?

The PRESIDENT *pro tempore*. The Chair does not know that there is. The Journal should only properly show of course the message of the House of Representatives, which is spread on the Journal.

Mr. HALE. So that apart from the actual material presence of the written bill on the Secretary's desk there is nothing to show that it is not now lodged in the custody of the House?

The PRESIDENT *pro tempore*. That is so.

Mr. HALE. I take it the Chair is proceeding on that supposition; I am at any rate in accepting the suggestion.

The PRESIDENT *pro tempore*. The same question the Chair thinks has arisen in the last ten or fifteen years between the two bodies, and there was no difficulty of course when an explanation was made in setting the matter right.

Mr. HALE. Then I ask that the matter be laid aside for the present.

Mr. CONGER. I desire to ask a question. Could the Senate have acted on the report unless the bill had been returned to the Senate?

The PRESIDENT *pro tempore*. The Senate could not.

Mr. CONGER. Then the bill is here as a necessary part of that report, and it was sent here by the House for the action of the Senate upon its report.

The PRESIDENT *pro tempore*. But under the constant law of conferences, the Senate conferees left the papers with the House conferees. The House conferees returned the bill with the amendment to the House of Representatives when they reported that the conference was unable to agree. That left the bill in the possession of the House of Representatives, exactly as if there had not been any conference at all, for its action.

Mr. CONGER. But by some law, parliamentary or otherwise, certainly that report without the bill would have left the Senate without any power to act even upon the report. By some law there was a necessity that the measure should be here in possession of the Senate, and it was properly announced by the Clerk that it was sent to the Senate.

The PRESIDENT *pro tempore*. The bill could only come to the Senate after the House had acted upon it like any other bill which has passed one House and been sent to the other and returned with or without amendment.

Mr. HOAR. Does it not follow, if that be correct, that this whole matter is out of order; that the Senator from Maine had no right to call up the report, and that it is not lawfully before the Senate?

The PRESIDENT *pro tempore*. That follows.

Mr. HALE. That is only another way of stating the same thing.

The PRESIDENT *pro tempore*. When the Senator from Maine called up the report the Chair was not advised what the exact state of the measure was, but on looking at the report the Chair felt it to be his duty to state the matter to the Senate.

Mr. INGALLS. I suggest as one practical solution of the difficulty to the Senator from Maine, that if he will consent to the passage of a bill in which the amount of the appropriation shall be limited to $500,000, or $1,000,000, as he may suggest, and which shall provide that the expedition shall be under the command of volunteers, we can undoubtedly pass it in this body in fifteen minutes and send it over to the other House and settle the matter.

Mr. HALE. That does not relieve us from the difficulty with reference to this particular subject-matter. We have got to deal with the House of Representatives. It has passed the bill and it may well take its attitude that until all legal forms have been passed through both by that body and this and there is final action upon the measure, it will not consider any other. I would be willing to do that, but I can see the very trouble that we may reach. I think the easiest way now is to take the suggestion of the Chair, and let this matter be passed over for the present and let the informal communication be made and the bill returned, and at any rate see what comes out of it. Then if the House of Representatives insists that it has done everything that it can or will do and that the Senate ought to have acted here, if the Senate is finical in the point raised between the two bodies, we may proceed to original action ourselves. But I do not want to see that done until

every opportunity is taken advantage of to bring the two Houses to some action on this measure.

The PRESIDENT *pro tempore*. The Chair does not imagine that there will be any difficulty in disposing of it if the matter is laid aside. The point of the Senator from Massachusetts is well taken that there is strictly nothing before the Senate. The Chair lays before the Senate the unfinished business of yesterday's sitting.

ADJOURNMENT TO MONDAY.

On motion of Mr. RANSOM it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

PRIVATE LAND CLAIMS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 19) to provide for ascertaining and settling private land claims in certain States and Territories, the pending question being on the amendment of Mr. BOWEN to the amendment of Mr. CONGER as a substitute for the bill.

Mr. BAYARD. The Senator from Colorado [Mr. BOWEN] has the floor and is about to submit some remarks in relation to the substitute offered by him. Before that is done I desire again to submit to the Senate the proposition that debate upon the measure, which has now been before the Senate for a week, shall close at 4 o'clock to-day. I would ask that, with the understanding that ten minutes of time before the close of the debate be allowed to the Senator in charge of the bill, myself, to answer what may have been urged in favor of these new propositions. I trust that arrangement will be satisfactory to all members of the Senate.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Will the Senator from Delaware restate his proposition?

Mr. BAYARD. I will restate the proposition, to which I ask the unanimous approval of the Senate. It is that debate upon this measure shall close at 4 o'clock, prior to which time ten minutes be allowed to me to reply to the arguments which may have been made in favor of the pending substitutes for the measure in debate.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Delaware, that general debate upon the bill be closed at 4 o'clock, allowing to that Senator ten minutes before 4 to answer such arguments as may have been made?

Mr. INGALLS. If that suggestion had been made yesterday I think it would have been just, and it might probably have been agreed to.

Mr. BAYARD. I did make it yesterday.

Mr. INGALLS. But last evening practically two new bills were offered as substitutes for the measure, proposing an entire change of the whole method suggested in the bill, and the Senator from Colorado has the floor. It would be unjust to limit him as to the amount of time he may occupy, and there will then remain a little over an hour in all in which to debate these measures.

Mr. BAYARD. The Senator from Kansas was not in the Senate possibly when I submitted the proposition yesterday and it was objected to by a Senator who has offered one of the substitutes by way of amendment; but to-day it was upon consultation with the Senator from Colorado [Mr. BOWEN] and also the Senator from Michigan [Mr. CONGER] that I submitted the proposition again. I will extend the time until half past 4 if the Senator thinks that will be more satisfactory.

Mr. INGALLS. It seems to me, when we are to have two entirely new propositions upon this matter, involving an entire change of administration, it would be hardly fair to the friends of those measures to ask that the debate should be limited to a little over an hour.

Mr. BAYARD. The suggestion was made after consultation with both of them. I will extend the time then until half past 4, and ask the Senate to assent to that. I propose to make the time for closing the debate half past 4, with the reservation of ten minutes for myself.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Delaware that debate upon the bill shall close at half past 4, allowing that Senator ten minutes to conclude?

Mr. CONGER. I have reason to believe and hope that the Senate may close the debate at that time, but I am unwilling that there shall be ten minutes given with no opportunity to reply. I think perhaps it is as improper for that to be asked on one side as on the other. I think the debate had better go on without a limitation. As far as I am concerned myself I do not know now that I shall wish to occupy any time in remarks upon the substitute which I have submitted—perhaps not—but I think we can reach a determination of the discussion better by letting the debate go on without limit. Therefore I object.

The PRESIDING OFFICER. The proposition, the Chair understands, is objected to by the Senator from Michigan. The Senator from Colorado [Mr. BOWEN] is entitled to the floor.

Mr. BOWEN. Mr. President, the remarks which I desire to submit will occupy but a few moments. I have submitted this amendment because the people of the State of Colorado are vitally interested in the question; not for the purpose of antagonizing the bill before the Senate, but for the purpose of making my own record right upon the question.

After the great scope which this debate has taken, and the evident thought and attention which Senators have given to questions involved in the pending legislation, I should hesitate to announce my views were it not for the fact that the State of Colorado, which I in part represent here, gets its full share of the legacy bequeathed to the Government by the treaty of Guadalupe Hidalgo. These excrescences upon our general land system, however much they may impair the symmetry of that system, must nevertheless be recognized, cared for, and directed.

I take it for granted that no Senator, especially the gentleman who has evidently given great attention to the questions involved—I refer to the author of the bill—nor the Senator who has with so much ability, and I must say patience, kept charge of the bill on this floor, has any pride of opinion in this matter, but on the other hand are seeking for what is the best, most adequate, and proper remedy under all the circumstances.

Agreeing as I do with the plan of the bill which enables claimants to go into the courts in all these and kindred matters, I have ventured to propose the general amendment which I have, and upon which I am willing to rest my own record rather than to propose amendments to the several sections of the bill, which latter course would have drawn me into the general debate, which I did not desire.

The theory of my amendment is—

First. That nothing is necessary except to enlarge the scope of a bill in equity to quiet title, to the end that all questions necessary to be determined may be put in issue.

Second. That no special practice shall be created for this class of cases, but, on the other hand, to proceed according to the usual rules and practice in courts of equity.

Third. That the necessary legislative permission be given to enable claimants to make the United States a party to the litigation.

I admit that the amendment I have offered reaches cases not contemplated by the original bill; such was my intention when I prepared it; and I shall now proceed to consider the bill and the amendment together, with the hope that whatever is done shall be done so that no unnecessary questions of construction are left to impair the efficacy of the measure nor to impede proceedings thereunder.

The first objection which I desire to urge against the bill is that it creates a new practice when no such thing is necessary. The old rules and practice in courts of equity are certainly the best methods for conducting these proceedings. By the first section of my proposed substitute I have enlarged the scope of the ordinary bill in equity, and I have done so for the purpose of allowing the claimants to raise and to put in issue every question which ought to be determined in the settlement of these and kindred causes. The ordinary bill to quiet titles does not suffice to meet the questions which are covered by my amendment; and I thought that without impairing or interfering with the usual and customary practice, which I believe to be the best, I could enlarge the scope of the bill to the end that the extent and boundaries of claims could be fixed and determined and that the nature of the title could be ascertained in the same case.

I believed when I prepared the amendment that this was better than the bill which has been under consideration, and whatever may be the result of this matter when the vote of the Senate is taken, will nevertheless maintain the same position. I shall believe that the short and easy way to determine this matter is by a bill in equity, and I have enlarged the scope of such a bill by the first section of the amendment which I have proposed in order that all necessary questions may be put in issue and determined at the hearing.

The second section of my substitute provides that the cases shall be tried according to the ordinary rules and practice in courts of equity. I apprehend that there is no lawyer on this floor or elsewhere who will say that this method can be improved upon. I am not prepared to hold up the bill reported by the committee on one side and the ordinary rules of practice and procedure in courts of equity on the other hand and point out wherein the practice laid down by the first few sections of the bill introduced by the Senator from Vermont are not declaratory of the practice as it now exists. I do not feel that we are called upon to determine that question. I do not believe that we ought to be called upon to determine it. The Congress of the United States has no time to consider the question as to whether this is an act declaratory of what the practice now is or whether it is not. I do not believe that the necessary attention will be given to the question to enable us to make an intelligent decision upon this point. Therefore, in the second section of my substitute, I provide that the proceedings shall go on as they would do in other cases. There is no reason why we should have a special practice provided for these cases. The old rules have been ample for all the purposes of litigation. I see no reason why we should create new ones for the class of cases mentioned in the bill nor the class of cases mentioned in my amendment.

In the third section of the amendment the mode and manner of appeal is provided for. I was very much pleased to hear the suggestions of the Senator from Vermont upon the dangers likely to arise in these cases. In the bill it is provided that the district attorney of the United States shall appeal these cases unless otherwise ordered by the Attorney-General, and we understand that an appeal in equity brings the law and the facts before the Supreme Court of the United States.

Mr. MAHONE. So far as contained in the record.

Mr. BOWEN. Of course there can be no facts considered on an appeal other than those put in issue and contained in the record. That is what I mean; but the very danger which has been referred to upon this point is possible in this litigation under the bill reported by the committee, when I do not believe that it ought to be even a remote pos-

sibility. I do not believe that the opportunity should be permitted for a district attorney of the United States nor for the Attorney-General himself to determine whether an appeal should be taken or not. They are cases in which the Government is as vitally interested as the claimant, and no one man should have the power to prevent an appeal from the decrees of the lower courts.

I wish to call the attention of the Senate for a moment to a decision of Judge Field, then a circuit judge of the United States in California and now a judge of the Supreme Court. In my opinion he is the ablest land judge not only in the United States but in the world, because he seems to comprehend everything involved in the determination of land titles. Here is what he says about the powers and duties of the Attorney-General. Mr. Justice Field says:

> After the decision of the commissioners, the control of proceedings, whether to prosecute an appeal or to dismiss the same, rested exclusively with the Attorney-General; and the propriety or legality of his action in any case was not the subject of review by any tribunal, and it could only be revoked by the appellate court upon his own application. In coming to a determination on the subject he was not restricted to an examination of the transcript transmitted to him; he could look into the archives of the former government, the reports of officers previously appointed to examine into the subject of land titles in the State, the records of the Land Department at Washington, and any correspondence existing between Mexico and the United States respecting the title.

Thus it would seem that a single officer of the Government would have the power to determine rights to vast estates. This is not wise. If we are to have resort to the courts, let us be quite sure that the cases go to the court of last resort in all cases where the United States is a party.

The committee who advocate this bill are attempting to put the proceedings upon safe grounds. This is right. I desire to place this thing upon a more safe basis than the committee has placed it. By the section which I am proposing it is provided that when a decree has been made adverse to the United States, the case shall stand appealed to the Supreme Court of the United States, without any further action upon it upon the part of the district attorney of the United States or any one else.

I wish these cases to stand appealed absolutely whenever a decree has been rendered adverse to the United States in the court of original jurisdiction. No person in the world can object to the adjudication by that august tribunal, the most intelligent court in this country, a court before whose decrees and decisions we all bow with reverence, and certainly the most learned court in this country if not in the world. To it we look for that unerring certainty and precision which settles beyond all cavil and all disputes the rights of the citizen.

The purpose of my amendment is to make the bill better and not to antagonize it.

In the fourth section it is provided that these cases shall take precedence as to time over all other civil cases in the court. I believe this to be right, because these are cases which involve matters of prime importance. This idea may not be adopted at first blush, but a single explanation will suffice to show that the idea is right.

These cases are important to the Government and should be entitled to precedence on the dockets of all the courts. They should be advanced upon the dockets not only in the courts of original jurisdiction but in the Supreme Court of the United States, in order that we may have a speedy determination of the great questions involved and that we may know just how much is to be left out of the surveys of public lands, just how much territory belongs to the Government subject to the operation of its general land laws.

The fifth section of my proposed substitute simply refers to the mode and manner by which evidence of a title may be acquired from the United States after the decree.

The section provides for that, and I will not stop at this time to discuss it, because it is a matter of detail about which there is no disagreement whatever.

The sixth section saves the rights of persons who are not parties to the record. That provision has been drawn with care, because there are other parties who might be estopped by a decree or judgment other than the parties to the record. Privies to a decree are just as much estopped as parties. The theory of this section is to save the rights of all who are not parties.

Another objection to the bill reported by the committee is to that portion which relates to the issuance of scrip where land has been taken or settled upon by private parties. The scrip section is the most objectionable section in the bill. It is a matter of history that the scrip, called, I believe, Sioux scrip, was overissued, and that the parties who located that scrip afterward came to Congress and asked for a legalization where titles rested in the hands of innocent parties. True it is that these parties were required to pay a dollar and a quarter an acre, which I believe they did, but they got the land in large quantities and were not embarrassed by the homestead or pre-emption laws. The way to avert such things is not to issue scrip. We do not want any more of that kind of business if we can help it.

In lieu of scrip I have provided what I believe to be the fairest proposition that can be adopted, and that is where lands have been actually taken by homestead, pre-emption, or mining settlement to pay $1.25 per acre for their agricultural lands and the price of mining lands, $2.50 or $5 an acre, to the claimant and give them the money by the decree which gives the homesteader, the pre-emptor, and the miner the land upon which he has settled and the owner of the grant his money in lieu of the land.

The purpose of the committee seems to be to prevent the perpetration of frauds in the execution of this law. I say to-day it will give the opportunity to perpetrate more frauds than can possibly arise out of any other section of the bill if you allow this scrip to be issued. Fixing the Government price as the price which these claimants shall receive is not in consonance with my own ideas about the rights of parties who own land under the Mexican or Spanish titles. Strictly speaking, these persons would be entitled to their land. If they had a legal and valid grant they would be entitled to the whole of it, but in making this exception in favor of homestead and pre-emption and mining claimants I believe that the Government is only doing that which it does in every case where it exercises its right of eminent domain and appropriates private property to public use. This may be considered a roundabout way of getting at this question, but in the end it amounts to the same thing.

If the Government of the United States has taken a quarter-section out of a grant belonging to a claimant who has a valid title it is no more than the Government does whenever it exercises its right of eminent domain in any other case. Taking and selling lands belonging to one of these grants is virtually taking private property for public use.

Section 8 of my amendment brings us to the consideration of another question. In 1854 an act of Congress was passed which directed parties who had claims for lands under the treaty of Guadalupe Hidalgo to take certain proceedings; it pointed out a certain mode and manner by which they could prove their title, by which they could get evidence of their title.

A paper is a mere evidence of title. The exception made in favor of these claimants I think is fair and just, because they have taken steps under the act of Congress which was passed for the purpose of allowing them to proceed, and it is unfair and unjust to require them to go to a court, beginning *de novo*, unless they so desire, and to adopt an entirely different manner of ascertaining and determining the exact rights to which they are entitled under their original grant. I believe that these cases ought to be saved for this reason: Here nearly thirty years have elapsed, and the act was passed, as I recollect it now, within one year after the final treaty was signed and agreed to at the city of Mexico. The treaty was adopted in 1853; the act was passed in 1854; and from that time to the present hour these claimants have been attempting to present and perfect the evidence of their title before Congress. I think that the Government of the United States is great enough to stand by its own acts, and not now resort to a new mode of determining these questions to the exclusion of the mode which was pointed out by the Government itself as far back as the year 1854. This is all I have to say upon that section.

I believe I have said that I am not in favor of the idea of a commission determining the question, because an adjudication by the courts is safer. It is safe, especially if we take my amendment and absolutely appeal all cases to the Supreme Court of the United States where the decree is adverse to the Government. Nothing can be better than that if the proceedings are allowed to go on according to the usual practice in courts of equity, free from the embarrassments always attending the construction of a new practice act.

But there are objections to this bill beyond those which I have mentioned, and which I have reserved for this time because they are objections which are insurmountable. The question as to the practice part of the bill may be explained and my objections may be overcome. The bill may be declaratory of what the practice would be without it, but upon these other questions there is something which can not be explained, something which can not be disposed of in a manner which will be satisfactory to my mind.

The principal remaining objection is to that provision which attempts to limit the grants mentioned in the bill to a certain number of leagues. That question has been so fully and so ably discussed that I will only mention it to the extent of placing myself right on the record and to say that I do not believe that the Congress of the United States should attempt to usurp judicial functions. These rights, whatever they may be, under the Spanish and Mexican laws must be measured by those laws; they can not be justly or legally curtailed or limited in any way whatever. We might grant more, but we can take nothing away.

I say that this is a question for judicial determination. It is a question that we ought not to consider in Congress. I have been surprised that the opponents of this part of the bill have been drawn into the discussion of what I conceive to be false issues, and have allowed themselves to be brought to the point of discussing whether a man had a right to more than eleven leagues under the Spanish or Mexican law. I do not believe that is a question which belongs to this forum. It has been the purpose of my amendment to open the door of the courts to the extent of allowing the United States to be made a party in order that these questions may be settled between the parties and the Government. In one of the sections of my amendment I have saved all the rights which may exist on the part of others not parties to the record, and I have provided that a privy to the record shall not be bound by the decree. This I have done, as I said before, intentionally.

Having said this much, I believe I have covered all the ground that I desired. I believe that I have fully and sufficiently explained the objections to the bill and the reasons why I favor the amendment drawn

by myself. I am very clear that if the amendment had been adopted by the committee which had this matter in charge and had been presented to the Senate there would have been no objection whatever to its passage. The wisdom of the committee pointed out another course. So let it be. Whatever the action of Congress may be upon this matter, I am clear in regard to the theory of my amendment; clear that every case decided adversely to the Government should stand appealed to the Supreme Court without going through intermediate tribunals, believing that nothing short of a decree of that court will ever bring repose to the Government or the claimants.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado [Mr. BOWEN] as a substitute for that of the Senator from Michigan [Mr. CONGER].

Mr. BOWEN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Kentucky [Mr. BECK].

Mr. PLATT (when his name was called). I am paired on these amendments and on this bill with the Senator from Texas [Mr. MAXEY], who has been called away from the city.

The roll-call was concluded.

Mr. CAMDEN. I desire to announce the pair of my colleague [Mr. KENNA] with the Senator from Minnesota [Mr. SABIN].

Mr. MILLER, of California. I desire to announce my pair with my colleague [Mr. FARLEY].

Mr. HAMPTON (after having voted in the negative). I find that I am paired with the Senator from New Jersey [Mr. MCPHERSON], and I beg to withdraw my vote.

The PRESIDING OFFICER. The vote will be withdrawn.

Mr. VEST (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from Louisiana [Mr. JONAS]. I should vote "yea" if he were present.

Mr. COKE. My colleague [Mr. MAXEY] is necessarily absent, and is paired with the Senator from Connecticut [Mr. PLATT].

The result was announced—yeas 12, nays 28; as follows:

YEAS—12.

Bowen,	Hill,	Logan,	Sawyer,
Conger,	Ingalls,	Mahone,	Van Wyck,
Hawley,	Jones of Nevada,	Riddleberger,	Wilson.

NAYS—28.

Allison,	Cullom,	Gibson,	McMillan,
Bayard,	Dawes,	Gorman,	Manderson,
Blair,	Dolph,	Harris,	Pendleton,
Camden,	Edmunds,	Harrison,	Pike,
Cameron of Wis.,	Fair,	Jackson,	Pugh,
Coke,	Garland,	Jones of Florida,	Ransom,
Colquitt,	George,	Lamar,	Saulsbury.

ABSENT—36.

Aldrich,	Frye,	Maxey,	Sabin,
Anthony,	Groome,	Miller of Cal.,	Sewell,
Beck,	Hale,	Miller of N. Y.,	Sherman,
Brown,	Hampton,	Mitchell,	Slater,
Butler,	Hoar,	Morgan,	Vance,
Call,	Jonas,	Morrill,	Vest,
Cameron of Pa.,	Kenna,	Palmer,	Voorhees,
Cockrell,	Lapham,	Platt,	Walker,
Farley,	McPherson,	Plumb,	Williams.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Michigan [Mr. CONGER].

Mr. CONGER. On this proposition I simply desire to have the yeas and nays. I have said all that I care to submit on the subject.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. VEST (when his name was called). I am paired with the Senator from Louisiana [Mr. JONAS].

The roll-call having been concluded, the result was announced—yeas 14, nays 28; as follows:

YEAS—14.

Bowen,	Ingalls,	Plumb,	Van Wyck,
Conger,	Jones of Nevada,	Riddleberger,	Wilson.
Hawley,	Lapham,	Sabin,	
Hill,	Mahone,	Sawyer,	

NAYS—28.

Bayard,	Colquitt,	Gibson,	McMillan,
Blair,	Dawes,	Gorman,	Manderson,
Butler,	Dolph,	Harris,	Morgan,
Call,	Edmunds,	Harrison,	Pendleton,
Cameron of Wis.,	Fair,	Jackson,	Pike,
Cockrell,	Garland,	Jones of Florida,	Ransom,
Coke,	George,	Lamar,	Saulsbury.

ABSENT—34.

Aldrich,	Frye,	Maxey,	Sherman,
Allison,	Groome,	Miller of Cal.,	Slater,
Anthony,	Hale,	Miller of N. Y.,	Vance,
Beck,	Hampton,	Mitchell,	Vest,
Brown,	Hoar,	Morrill,	Voorhees,
Camden,	Jonas,	Palmer,	Walker,
Cameron of Pa.,	Kenna,	Platt,	Williams.
Cullom,	Logan,	Pugh,	
Farley,	McPherson,	Sewell,	

So the amendment was rejected.

Mr. LAPHAM. I have been requested this morning by persons interested in this subject to offer this amendment: After the word "case," in line 45 of section 12, being the first line of the seventh subdivision of that section, insert "upon claims under the colonization laws of Mexico;" so as to read:

Seventh. No confirmation shall in any case upon claims under the colonization laws of Mexico be barred, &c.

Limiting the bar to that class of claims. It is unobjectionable, I am informed, if it is thus limited, and I am also informed that its provisions are designed only to reach that class. To save any question about it the parties interested desire that this qualification shall be made. If I remember, the honorable Senator having charge of this bill stated——

The PRESIDING OFFICER. The Senator from New York will suspend and allow the amendment to be reported by the Secretary; and the Senator from New York will please give his attention, that he may see that the Secretary has the amendment exactly as he desires it.

The SECRETARY. In line 45, section 12, subdivision 7, after the word "case," it is proposed to insert the words "upon claims under the colonization laws of Mexico;" so as to read:

Seventh. No confirmation shall in any case upon claims under the colonization laws of Mexico be barred, &c.

Mr. LAPHAM. That is right. I was about saying that if I understood the honorable Senator having this bill in charge aright the other day it was stated that this bar was necessary with reference to that class of claims and designed only to reach that class.

Mr. BAYARD. I hope the limitation will not be accepted. This objection was raised in the commencement of the debate. It was answered at some length, however imperfectly, by myself and by others, and I trust that the text of the bill, which has been well considered, will be allowed to stand without the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York [Mr. LAPHAM].

The amendment was rejected.

Mr. VAN WYCK. In line 17 of section 9 I move to strike out "respectively" and insert "in the State or Territory in which the land grant or claim for which scrip is issued shall be located."

The object of the amendment is to say what I understand the committee mean in this matter. No doubt this whole section should be stricken out; but it seems impossible to secure that, and therefore the location of this scrip should be limited to the State or Territory in which the land grant is located; and it should not be left for any misunderstanding or misinterpretation or judicial construction. If the committee mean that, as they do, then it is far better to place it beyond the reach of any sort of doubt by saying plainly what is meant.

Mr. BAYARD. This amendment in substance has been once received and voted down. An amendment was offered not precisely in the words but to the same effect, I think by the Senator from New York, "in which each claim shall exist." That has been voted upon by the Senate and the yeas and nays called for on it. I submit that the committee do understand precisely what the language they have used means, and they know the effect that was intended and will be produced by it, and we consider that effect to be much better furthered by the language of the committee than by the language suggested by the Senator from Nebraska. I trust, therefore, that as his amendment would be no improvement but would rather defeat and retard than advance the object of the committee, it will be rejected.

Mr. VAN WYCK. The Senator did not explain how it would defeat or possibly retard the intention of the committee.

Mr. BAYARD. The committee have already used language which I respectfully submit is far more pertinent to effect their object than that offered by the Senator.

Mr. VAN WYCK. I understand the purpose of the committee is, and there can be no other, that the location of this scrip, which is a dangerous thing to allow to be used in any event, as the experience of the Land Department clearly illustrates, shall be confined to the State or Territory in which the land grant is situated.

Mr. BAYARD. The abuse heretofore complained of in regard to scrip is guarded against.

Mr. VAN WYCK. It is impossible to guard against the complications and frauds that will follow upon the issue of any scrip. I would not have suggested this amendment had I been aware of the fact that a similar amendment has been offered and voted down, but if it has been, I must say respectfully that in my judgment the Senate was wrong in voting down such an amendment. The Senator says the language of the bill is clearer. The word "respectively" is used, and I submit to the Senator that in this section where the word "respectively" is used no word "States" or "Territories" appears by direction or indirection, express or implied. I think there is only one section in this whole bill where the word "State" or "Territory" is used. I would suggest to my friend that under the term "respectively" there will be a very excellent opportunity for some claimant to come in and desire a judicial construction upon this matter. We have judicial constructions asked for and applications made to the Supreme Court of the United States in cases which have been far plainer as to the intent of the committee, and the Supreme Court of the United States have sought in

many cases anxiously to find out what was intended by Congress when a doubtful expression was used, and then with great pleasure have decided against what was the apparent intention of Congress in the premises, and asked, "If Congress meant such a thing why did they not say so?" Now, it will make it plain to say that this scrip shall be located in no other State or Territory than that in which the land grant was located. Nothing can be plainer. There is no room for doubt or to call upon the Supreme Court to inquire what the language means. The word "respectively" is used in the bill, but as I say in this section of the bill neither "State" nor "Territory" nor anything indicating the State or Territory is used except the word "respectively;" and now I submit to my friend why is it not better to put in language which can admit of no doubt?

I know, of course, the great knowledge which the Committee on Private Land Claims has of the English language; I know that they have great facility for expressing just what they mean, but I know that this very same committee framed—I will not say they "framed," because some ingenious fellow is always framing this sort of a bill—they had in their charge a bill which they thought was perfectly right. My friend will recognize it when I tell him it was the bill in regard to the Dodge land scrip. They intended one thing, just as they intend it to-day; the committee intended one thing, just as he intends to-day. He passed his law. I presume, then, he would not have listened to any suggestion to amend it by making it plain. Oh, no; it was beneath the dignity of the Private Land Claims Committee to entertain any proposition of that kind, I suppose. That act went to the Land Office, and they expressly decided—justified undoubtedly by the language incorporated in the act—against what the committee intended and what the Congress of the United States intended. The only difficulty there was that some very shrewd gentleman drew that bill, and generally in these cases it is the man outside who draws the bill, who knows more than both branches of Congress inside. Such men generally know what they are seeking after, and, unfortunately, they generally accomplish it; and if it is necessary to get a hint from the recesses of the Supreme Court to do it, they are always sure to do it.

I want this thing distinctly understood now, because this question has got to be presented. The gentlemen who present this bill, the committee who report it, and the Congress that passes it should know the capability of the scrip issued under this act. I desire it distinctly understood that the object of my amendment is merely in furtherance of the intention of the committee, and I very much prefer that the intention of the committee should not be buried under a word which individuals outside interested or the Supreme Court may say means one thing or the other, or, what is most likely, is uncertain, because if Congress intended a certain thing they would have said so, as the court said in regard to the detection of the frauds on sugar. When this amendment says the scrip shall be located in the State or Territory in which the land grant is located it places beyond peradventure the right of the Mexican claimant who, under the bill as it stands, instead of entering land that may be worthless in New Mexico, will claim the right to enter it in the State of California, and locate his scrip there on valuable land.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska.

Mr. VAN WYCK called for the yeas and nays, and they were ordered.

Mr. INGALLS. I wish the Senator from Delaware would give me his attention for a moment.

Mr. BAYARD. I will do so with great pleasure.

Mr. INGALLS. I should like to ask him if he thinks upon a careful inspection of the phraseology here that it is absolutely distinct that the scrip shall only be located in the States or Territories where the land grant exists? Let me read it. Speaking about this scrip:

> And shall be receivable, acre for acre, in payment for any public lands in either of said Territories or States respectively that may be subject to private entry at the minimum price.

There is nowhere in the section in which that language occurs any reference to States or Territories.

Mr. BAYARD. If the Senator will look at the bill——

Mr. INGALLS. I refer to the section now, not to the whole bill.

Mr. BAYARD. The language is "in either of the said States or Territories respectively;" and I think it would be useless to substitute "in the Territories of New Mexico, Wyoming, Arizona, or Utah, or within the States of Nevada or Colorado," because those are the only States and Territories and they are the States and Territories *nominatim* in the bill. There can be no possible extension of the right to locate this scrip except in the said States and Territories which are those very States and Territories named in the bill, and to which and which alone the bill applies.

Mr. INGALLS. But even with the interpretation which the Senator from Delaware suggests this scrip issued for land taken in New Mexico could unquestionably be located in Arizona or Utah.

Mr. BAYARD. Under the word "respectively?"

Mr. INGALLS. I think so.

Mr. BAYARD. How can it be?

Mr. INGALLS. Because the language as employed here simply applies the choice to the States or Territories referred to in the first section of the bill

Mr. BAYARD. "Respectively."

Mr. INGALLS. Yes, "respectively," but there is no declaration that the scrip shall only be located in any particular Territory where the excess has been taken by the United States, and I can see no objection, inasmuch as the language is susceptible of misconstruction or at least is not absolutely clear as to what the committee intend shall be the action of the Department in accepting this scheme, to using some language that shall carry out definitely the purpose of the committee. The Senator knows I do not desire to embarrass the bill.

Mr. BAYARD. We both desire evidently from this debate the same thing in the way of limitation as to the location of this land scrip to prevent its being floated all over the country and affecting any other land except that subject to private entry at the minimum price and within the named States and Territories. If the Senator thinks it will strengthen that limitation and restriction of the language to say "the said Territories of New Mexico, Wyoming, Arizona, or Utah," and then after the word "States" to say "of Nevada or Colorado"——

Mr. INGALLS. No, that leaves it worse than it is now, because that groups them together, and would amount to a declaration that the scrip might be interchangeably located.

Mr. BAYARD. With every desire to concur in the views and being always impressed by the intelligence of my friend from Kansas, I consider that we have used in the bill language which precisely accomplishes the object designed; and that is to limit the location of this land scrip to be issued in lieu of land of which the parties have been deprived, and to which the court say they would have been entitled, to the localities by name; that is to say, the Territories or the States respectively in which the land was said to exist. I know that there has been a very careful intent upon the part of the draughtsman of this bill to avoid the extension of this floating right. I believe that intent is fully accomplished by the language used, and so thinking I shall vote against the amendment offered by the Senator from Nebraska.

Mr. VAN WYCK. Mr. President, only a word more. The very fact that on this floor two such eminent gentlemen in the legal profession as the Senator from Kansas and the Senator from Delaware disagree upon the interpretation of this word "respectively" and the applicability of this scrip makes it almost criminal, and it will make this body participant in some frauds to be perpetrated hereafter, if it does not stop to make this section so plain and explicit that it cannot be misunderstood. The word "respectively" is used. In the first section and second section are coupled together three or four Territories and two States. The Supreme Court would hold—probably the district court, but certainly the Supreme Court would hold—and take pleasure in holding—that the word "respectively" meant that this land scrip could be located in either of the States and Territories named in the bill and not in any other State or Territory of the Union where there was public land.

Now, I say to my friends in advance that if they succeed in passing this bill in this shape I shall consider it a misfortune, and it will open the door to that question, and the gentlemen who have scrip for thousands of acres in New Mexico will go to California and locate land, and they will claim the right under this law if they are given the right to locate it in the States or Territories "respectively," that is, as cut off from the other States and Territories of the Union where there may be public lands.

Surely there is doubt as to the application of this word in view of the experience of the past. This very committee have the experience of the past before them. They have weighed this bill, as they state, so well that not a comma must be changed, that not an "i" must be dotted or a "t" crossed, that nothing must be done; but I say to the gentlemen that they weighed the Dodge-scrip bill just as well as they weighed this, and that Dodge-scrip bill came in from this very exemplary committee and opened the door to this very thing. Whereas they intended that that land scrip should be located on land worth $1.25 an acre, it was located on land which the holders sell in the market for $25 and $30 an acre. My friend knows that fact and every member of the committee knows that fact. It was done in violation of the intelligence of the committee and of Congress. A little word inserted there would have saved all that; and yet if any gentleman in this body had possessed the hardihood to ask to interpose a word to make it clear and carry out the intention of the committee and of Congress I presume he would have been met by the same suggestion as now: "This committee have weighed every word, and therefore this bill must be right." The very fact that it admits of discussion here places us where we dare not vote for this bill unless it be made so sure, so certain, so strong that there shall be no trouble when it gets into the Land Department, where, careful as they may be, there are outside gentlemen interested who always find out the construction of a law intended to be given by the Department and avail themselves of the benefits of it.

I have a right to interpret this bill and to call attention to the facts and read its meaning in the light of a bill passed a few years ago on the report of the same committee which has been interpreted to mean different from what they intended, because in their wisdom they did not stop to insert one word which should have been placed in that bill.

Now, all I ask, and I have a right to ask it, is that this bill shall be made so plain that there can be no possible controversy. There is on

the floor of the Senate a controversy now, and that controversy will be carried to the Land Department, and if necessary to the Supreme Court of the United States.

Mr. CONGER. Mr. President, if the committee mean by the language used here that the scrip to be issued shall be located only in that State or Territory in which the land grant lies, why do they object to a statement which makes it absolutely certain? Behind this there is something else, not with the committee understand me, but the same method and the same plan by obscurity of language which was used in the issuing of the Sioux scrip, the Dodge scrip, the Porterfield scrip, the Valentine scrip (which has been a source not only of annoyance but an instrument of the most obvious injustice of any law that has been passed in regard to land). My first objection to this bill arose from seeing this language in the bill, believing that it was uncertain, indefinite, and might be used for great wrong. For that I opposed the bill. For that on a former occasion I asked the Senate to consider an amendment similar to this, which would make it definite. Now, the very fact that this committee are unwilling to admit here in the Senate—and this is a Senate bill—a clause of any kind which shall make it certain that the scrip shall be used for the payment of lands only in that State or Territory in which the grant originally lay, is the most surprising thing in legislation that I have ever seen in the Senate. The gentleman in charge of the bill does not assert, and I venture to say dare not assert, that under this language the scrip issued for land failing in any one of the States and Territories mentioned in the bill may be located under this very language in either of the States or Territories mentioned in the bill. It is plain from what has been said here that in the minds of many Senators this language is indefinite and uncertain. Now, if the committee desire to have it definite and certain, why not say so and avoid an evil which seems apparent to many Senators. Is there such a love for this bantling in the minds of the committee that present it that no hair on its head must be straightened, no change in its dress must be attempted, no "t" crossed, no "i" dotted, and no point changed? Has it become so from custom or habit or form in this Senate that by an adherence to some custom a bill coming from a committee must not be changed even at the earnest request of a third of the Senators because the committee has made a certain choice of words?

In voting for this amendment and in voting against the bill, if I believed that this bill ever could pass the House in its present form; if I believed in its present form and language it could ever become a law, I would join with those who oppose its passage so earnestly as to wear it out until not only the Senator from Massachusetts [Mr. HOAR] should venture to say that the whole Senate was tired of it, but that the whole Senate should absolutely be tired of it, and let it die a natural death here rather than become a law to bring with it the wrongs and outrages upon citizens having some imperfect titles to lands which other bills reported from the same committee and other scrip authorized to be issued by this same committee have done until land scrips of that kind are obnoxious to the people of every Western State and Territory.

Mr. BAYARD. Mr. President, I shall make no objection to the amendment, for I find that it is only restating what I think is already in the bill.

The PRESIDING OFFICER. Does the Senator from Nebraska ask unanimous consent of the Senate to withdraw his call for the yeas and nays?

Mr. BAYARD. I am willing to accept the amendment.

Mr. VAN WYCK. I withdraw the call for the yeas and nays.

Mr. SHERMAN. I should like to hear the amendment read.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read the amendment.

Mr. SHERMAN. I think the words "either of," on the ninth page, line 16, ought to be stricken out, so as to read: "Shall be receivable, acre for acre, in payment for any public lands in said Territories or States respectively that may be subject to private entry at the minimum price." The word "either" makes an ambiguity.

Mr. VAN WYCK. I think that would make it still better.

The PRESIDING OFFICER. If there be no objection the amendment will be so modified. The Senator from Nebraska asks unanimous consent to withdraw the demand for the yeas and nays, which have been ordered. Is there objection? The Chair hears none. The question is on the amendment of the Senator from Nebraska.

The amendment was agreed to.

Mr. PLUMB. I wish to call attention to the fourth subdivision of section 12, on page 11, and with some misgivings I desire to ask the Senator from Delaware a question.

That subdivision reads as follows:

Fourth. No claim shall be allowed for any land the right to which has hitherto been lawfully acted upon and decided by Congress or under its authority.

The controlling word in that subdivision is the word "land;" it is not the grant. Congress has passed upon certain grants described and they have been located upon certain lands, but there is no prohibition in this bill anywhere contained, at least I can not find it on a very careful reading, to prevent the court from considering such grants over again. The limitation of the power of the court is simply that it shall not give land to anybody to whom Congress has heretofore given it or who has had it by reason of the authority of its grant.

Mr. BAYARD. Will the Senator look at the first section, at lines 12, 13, 14, and 15, and I think he will find his mind relieved on that subject.

Mr. PLUMB. But that describes only one particular class of grant, an incomplete grant.

Mr. BAYARD. The only kind the bill refers to.

Mr. PLUMB. That is very true; but Congress has made certain grants complete by its own action heretofore. Now, I have in mind a grant which I can not name, but the facts concerning which I remember very well, which was confirmed by Congress for a certain number of acres of land and no more. The people who owned that grant claimed that Congress did not give them land enough. The grant itself is a complete grant, perhaps. I confess I do not consider as settled the question of what the word "complete" or "incomplete" means. I am so much in doubt about it that I hope the courts, when they consider this bill, if it ever becomes a law, will be more certain about it than I am. But in that case there is still a claim, and it is a claim, perhaps, based upon an incomplete grant, which these people, I think, under this bill, would have the right to set up for other land than the land which was covered by the action of Congress. I would say that that clause should be amended so as to read:

No claim shall be allowed based upon any grant which has hitherto been lawfully acted upon and decided by Congress or under its authority.

In such a way that we could exclude entirely everything which has become the subject of action by Congress or by any other authority heretofore. I move to add, after the word "allowed," in line 28, the words "based upon any grant," and to strike out the words "for any land the right to;" so as to read:

No claim shall be allowed based upon any grant which has hitherto been lawfully acted upon and decided by Congress or under its authority.

Mr. BAYARD. Mr. President, as the land must be the subject of the grant and as the obtaining of the land is the object of the law I trust that the amendment will not be adopted, for I think it would defeat the substantial meaning of the words.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment was rejected.

Mr. BOWEN. I desire to ask the Senator from Delaware one question as to the effect of this bill. I ask whether it is the intention of the bill to allow this scrip to be located on land without conforming to the policy of the Government, which provides that the public lands shall be subject to pre-emption and homestead?

Mr. BAYARD. I think the restriction placed upon this land-scrip is the proper one; it is as narrow as possible consistent with equity and justice and a proper regard to the safety of other landholders.

Mr. BOWEN. The question I submit is whether or not this scrip can be located on lands without going through the formality of pre-emption?

Mr. BAYARD. The limitations have been carefully guarded and I think they ought not to be enlarged. The objection was made just now that they were too loose; now it is proposed to extend them. I trust the Senate will let the matter stand as it is.

Mr. BOWEN. I simply interposed the question, not desiring to speak. The land laws have favored homesteaders and pre-emptors, and I do not think the Congress of the United States ought to change this policy.

Mr. COKE. I offer the following amendment, to come in after the word "survey," in line 10 of section 1:

Or by virtue of possession or claim of title for such length of time and under such circumstances as would justify the presumption of a lawful grant.

This bill provides for "such lawful incomplete Spanish or Mexican grant, concession, warrant, or survey as the United States are bound to recognize and confirm." I desire to add to that such titles as are evidenced by that sort of possession running long enough and accompanied by circumstances such as would justify a court in instructing a jury to presume a grant.

Unless this amendment is put in the bill there are a great number of persons in the territory embraced in it who together with their ancestry have lived upon lands perhaps fifty or one hundred years under titles emanating from Spain or Mexico, the evidences of which are to be found possibly, if at all, in Spain now, when there were no registration laws in that country under which they could be recorded, who will suffer great injustice. These persons have nothing now to show that they are entitled to this land but proof of this long-continued possession and enjoyment. This possession and enjoyment have in many cases been such that in any court in the world a jury would be instructed from the facts to presume that there was originally a lawful grant of the land from the sovereignty of the soil. Yet these are incomplete titles, there being no written or paper evidence of them. There are titles in Texas of this character, and the courts of that State, which was formerly under Spanish and Mexican domination, as the territory embraced in this bill was, have repeatedly presumed grants upon proof of long-continued possession and enjoyment under claim of title. Being incomplete titles, because of the absence of paper or written muniments, they will fall within the operation of this bill and require action under its provisions.

Yet when brought before the courts under the provisions of this act if it becomes law, the very provisions of this bill will condemn them, because no written grant can be produced, unless the amendment I propose shall be adopted. If the bill passes in its present shape many people whose ancestry for three or four generations may have lived and died upon the very land their descendants are now occupying may find themselves forever barred and excluded from it when in a court of competent jurisdiction they would be able to prove a perfect title; that is, to prove facts upon which the court would conclusively presume the existence of a good paper title. Many grants of land in the territory embraced in this bill, being a portion of the country acquired from Mexico, were made by the authorities of Spain, and the original or matrix of such titles it may be are to be found, if at all, only in that country, of which the testimony, unrecorded, has long since been lost, leaving the interested parties with no evidence of title. The amendment I offer is intended simply as a measure of justice to people thus situated, and to give them an opportunity of establishing their claims. In my judgment the bill as it now stands will cut them off, because its provisions limit the courts to the adjudication of written grants which can be produced in court.

I read from the bill:

SEC. 11. That all claims which are by the provisions of this act authori ed to be prosecuted shall, after three years from the taking effect of this act, if no petition in respect to the same shall have been filed as hereinbefore provided, be deemed and taken, in all courts and elsewhere, to be abandoned, and shall be forever barred.

The people to whom I refer will find themselves in this predicament: If they fail to prosecute their claims within three years will be barred and held to have abandoned their claims. If they do present them and undertake to prosecute them, being unable to show proper titles, will go out of court with the costs upon them, because the bill, unless my amendment or some other shall be adopted, restricts the court to the consideration of paper titles or regular written grants. The bill should be made to do full justice to all, and not be partial in its operation. The people in whose behalf I offer this amendment are simple pastoral people, natives of the Territory, and ought to be cared for, because little able to take care of themselves in a contest with speculators who will enter their lands if not prohibited in this bill.

Mr. VAN WYCK. May I ask the Senator, are there many of that class to which he has been referring?

Mr. COKE. I imagine that there are quite a number of them.

Mr. VAN WYCK. Do I understand the Senator to say, and is it conceded on the face of this bill and by the acquiescence of the committee, that a large class of citizens occupying land in these Territories whose possession, or whatever their incipient claim may have been, at all events has ripened into a title which would be recognized by any court in Christendom, can be dispossessed without ever being heard in court?

Mr. COKE. I mean to say that whatever the intent of the bill may be, under its provisions it is my judgment that a great many of the most meritorious titles in this Territory will be defeated and nullified.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. COKE].

Mr. BAYARD. Mr. President, as I understand, this bill proposes to carry into effect and to perfect any title under the Mexican law, any such "grant, concession, warrant, or survey as the United States are bound to recognize and confirm by virtue of the treaties of cession." What does the treaty of cession provide for? It provides for property, and it provides for the inviolability of property, and the courts have decided that a right of action to land is property, an equitable title is property; and very carefully the bill goes on to provide that such persons may set forth in their petition the nature of their claim to the said land, "and particularly stating the date and form of the grant, concession, warrant, or order of survey under which they claim, by whom made, the name or names of any person or persons in possession of or claiming the same or any part thereof."

Then it provides for the character of the decree, and that decree shall "settle and determine the question of the validity of the title and the boundaries of the grant or claim presented for adjudication, according to the law of nations, the stipulations of the treaty concluded between the United States and the Republic of Mexico, at the city of Guadalupe Hidalgo, on the 2d day of February, in the year of our Lord 1848, or the treaty concluded between the same powers at the city of Mexico, on the 30th day of December, in the year of our Lord 1853, and the laws and ordinances of the government from which it is alleged to have been derived, and all other questions properly arising between the claimants or other parties in the case and the United States, which decree shall in all cases refer to the treaty, law, or ordinance under which such claim is confirmed or rejected."

Under that I trust the Senator will not introduce and affirm a mere possessory title as against the Government of the United States. If the party has a claim under the Mexican law, whether it shall be by a verbal concession by a license which can be proved—I think that that is within the meaning of the word "concession"—he would be protected in his grant by the force of the law of the United States. It has been so in the courts of Texas, which was part of this Mexican territory.

Mr. COKE. The Senator will permit me to say that I have consulted several lawyers in this body, and the universal opinion is that such a title would not be embraced in the language of this bill; and this amendment of mine if the Senator is correct would simply make that certain and plain which otherwise would be ambiguous and doubtful.

Mr. BAYARD. An amendment very much *in pari materia* with this was offered by the Senator from Kansas [Mr. PLUMB], which was debated and voted down. It proposes to protect these mere possessory titles and to raise a statute of limitation against the action of the United States. Against that I protested and ever will protest. I gave the rule, and the reason for that rule as laid down by the Supreme Court of the United States, why the United States as a sovereignty were not subject to the statute of limitations and why there was no imputation of laches upon them as there would be upon a private individual. The Senate, however, has passed upon this question on the amendment offered by the Senator from Kansas.

I may say further that that Senator has already sent to the Private Land Claims Committee a bill that looks to the relief of these small holders holding under possessory titles, that is to say, without written muniments, whose title is undoubted, who have held by descent and long occupation for a great period of time; and I for one shall be well content if, taking a practical view of their condition in our midst, a view that shall embrace the absence of formalities in the former law, the condition of an agrarian population living without those metes and bounds which a more civilized country impresses upon the holdings of land—I shall be very glad, I say, if a law can be framed that will be just to the Government and those who claim under the Government, that shall afford security to the possession of these small holdings. But I do not wish to see in a bill of this kind language used the effect of which I do not think we can fully contemplate.

Mr. HAWLEY. I then understand the Senator from Delaware to explain to us that this is not a bill "to provide for ascertaining and settling private land claims in certain States and Territories," but to provide for settling a few of them, leaving the weak and poor men to fight it out or to be barred forever at the end of three years.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Texas [Mr. COKE].

Mr. PLUMB. Mr. President, this amendment goes a little further than the amendment which I proposed yesterday, and I think it is one that certainly ought to be adopted. There is no need of passing two bills for the purpose of enforcing the treaty which we entered into with the Republic of Mexico. We ought to provide for all classes of cases, because necessarily many of these claims may be adverse; and while it is provided in section 1 that adverse claimants may come in and object to the confirmation of title sought by the person seeking relief, at the same time there is no provision that the adverse claimant himself can finally prevail and have title vested in him unless he can set out in a petition the date and form of the grant, concession, warrant, or order of survey under which he claims and the name or names of any person or persons, &c. This language excludes by its terms the very class of cases which the Senator from Texas desires by his amendment to provide for, a class of claimants who are as meritorious with reference to the real equities they have as any class of people can be.

Some of these titles were derived, I have no doubt, from the Spanish authorities. The evidence of title is found in the Spanish records. They can not be found and translated and brought to this country by any reasonable process or at any reasonable expense. The people who would profit by them, and who are in possession under them, are not able to do this; they are perhaps not even cognizant of the fact that there was a title back of their possession. This has been going on so long a time that the question of a paper title has entirely disappeared from the minds of the persons who would be entitled to claim benefit under it, The amendment of the Senator from Texas would cover that class of cases, and it is a class that ought to be covered.

Take a person occupying a small tract of land which has been in possession of himself and his ancestors and grantors, I will say for four or five generations; an illiterate class of people they are, with no knowledge of the law; a class of people to whom possession has been amply sufficient, never desiring to sell their lands, and consequently never put on inquiry as to the evidence of their title—how are they to set up under the requirements of this bill the date and form of the grant under which they claim, if they know anything about there being any grant at all? Mr. President, that is absolutely impossible. In order to prevent injustice we must provide for some presumption to arise from continued possession.

The Senator from Delaware waves all this aside and says it will do for another bill. I suppose under that theory if we are to limit this bill to one particular and narrow class of subjects there must be another bill for each separate class of claims that may arise, so that we may have bills here *ad infinitum*. Either this is a bill to settle beyond future dispute all the claims which we have guaranteed to protect by our treaty, or it is a bill which ought not to become a law. The amendment which I proposed yesterday to embrace all rights and all titles which by the treaty we had obligated ourselves to protect and to ratify could have accomplished perhaps the same object with this amendment of the Senator from Texas; but either of them or both of them should

be incorporated in this bill, in order that when the courts come to consider this question they may not only consider the incomplete titles which may be presented with the particularity provided for in the bill but also to consider the adverse possession, and in case the adverse possession has been of the kind named by the amendment of the Senator from Texas the title of the possessors should be affirmatively ratified and confirmed.

This is not a bill to quiet titles. It is a bill to disturb and to break up and to destroy titles. It is a bill in the interest of a peculiar class of people, the larger holders against the small holders and against the settlers. It is a bill in the interest of wrong and injustice as it stands, and not in the interest of justice or the obligation which we have incurred to these people by the treaty of Guadalupe Hidalgo.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Texas [Mr. COKE.]

Mr. PLUMB called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Kentucky [Mr. BECK]. If he were here, I should vote "yea" and he would vote "nay."

Mr. HAMPTON (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were present, I should vote "nay."

Mr. BAYARD (when Mr. LAMAR'S name was called). I understand the Senator from Mississippi [Mr. LAMAR] is paired with the Senator from New York [Mr. LAPHAM].

Mr. COKE (when Mr. MAXEY'S name was called). My colleague [Mr. MAXEY] is paired with the Senator from Connecticut [Mr. PLATT]. If he were here, my colleague would vote "yea."

The roll-call was concluded.

Mr. VEST (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from Louisiana [Mr. JONAS], but had forgotten the fact when I voted.

Mr. CAMDEN. I desire to repeat the announcement that my colleague [Mr. KENNA] is paired with the Senator from Minnesota [Mr. SABIN]. I make the announcement for the day.

Mr. FRYE. I am paired with the senior Senator from Georgia [Mr. BROWN].

The result was announced—yeas 16, nays 23; as follows:

YEAS—16.

Bowen,	Conger,	Hill,	Ransom,
Cameron of Wis.,	Dawes,	Ingalls,	Sawyer,
Cockrell,	George,	Mahone,	Van Wyck,
Coke,	Hawley,	Plumb,	Wilson.

NAYS—23.

Aldrich,	Dolph,	Harris,	Pendleton,
Bayard,	Edmunds,	Harrison,	Pike,
Blair,	Fair,	Jackson,	Pugh,
Butler,	Garland,	McMillan,	Saulsbury,
Camden,	Gibson,	Manderson,	Voorhees.
Colquitt,	Gorman,	Morgan,	

ABSENT—37.

Allison,	Hale,	McPherson,	Sewell,
Anthony,	Hampton,	Maxey,	Sherman,
Beck,	Hoar,	Miller of Cal.,	Slater,
Brown,	Jonas,	Miller of N. Y.,	Vance,
Call,	Jones of Florida,	Mitchell,	Vest,
Cameron of Pa.,	Jones of Nevada,	Morrill,	Walker,
Cullom,	Kenna,	Palmer,	Williams.
Farley,	Lamar,	Platt,	
Frye,	Lapham,	Riddleberger,	
Groome,	Logan,	Sabin,	

So the amendment was rejected.

Mr. BOWEN. I move to strike out section 11 of the bill.

The PRESIDING OFFICER. The section will be reported.

The CHIEF CLERK. It is moved to strike out section 11, as follows:

SEC. 11. That all claims which are by the provisions of this act authorized to be prosecuted shall, after three years from the taking effect of this act, if no petition in respect to the same shall have been filed as hereinafter provided, be deemed and taken, in all courts and elsewhere, to be abandoned, and shall be forever barred: *Provided*, That minors, married women, and persons *non compos mentis* shall have one year after the removal of their respective disabilities within which to make their claims under the provisions of this act.

Mr. BOWEN. I do not desire to discuss the motion, but simply to say that one of the amendments to the Constitution of the United States provides that no man shall be deprived of his property without due process of law. "Due process of law" is not an act of Congress; it is well defined, and I will not stop to discuss that question.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Colorado [Mr. BOWEN].

The amendment was rejected.

Mr. HAWLEY. If it be in order, as I suppose it is, I move to strike out the word "three" and insert "six" in section 11, line 2; so as to give people a little longer time.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut [Mr. HAWLEY].

The question being put, a division was called for; and the ayes were 12.

Mr. BAYARD. Let us have the yeas and nays on this.

The yeas and nays were ordered and taken.

Mr. CALL. I am paired with the Senator from Kentucky [Mr. BECK].

The result was announced—yeas 19, nays 24; as follows:

YEAS—19.

Aldrich,	Conger,	Hoar,	Plumb,
Blair,	Cullom,	Ingalls,	Sawyer,
Bowen,	Dawes,	Jones of Nevada,	Van Wyck,
Cameron of Wis.,	Harrison,	Mahone,	Wilson.
Coke,	Hawley,	Morrill,	

NAYS—24.

Bayard,	Edmunds,	Harris,	Pendleton,
Butler,	Fair,	Jackson,	Pike,
Camden,	Garland,	Jones of Florida,	Pugh,
Cockrell,	George,	McMillan,	Ransom,
Colquitt,	Gibson,	Manderson,	Saulsbury,
Dolph,	Gorman,	Morgan,	Voorhees.

ABSENT—33.

Allison,	Hale,	Maxey,	Sherman,
Anthony,	Hampton,	Miller of Cal.,	Slater,
Beck,	Hill,	Miller of N. Y.,	Vance,
Brown,	Jonas,	Mitchell,	Vest,
Call,	Kenna,	Palmer,	Walker,
Cameron of Pa.,	Lamar,	Platt,	Williams.
Farley,	Lapham,	Riddleberger,	
Frye,	Logan,	Sabin,	
Groome,	McPherson,	Sewell,	

So the amendment was rejected.

Mr. PLUMB. I move to amend section 9, line 16, by inserting, before the word "acre," being the first word in the line, the words "from actual settlers only;" so that this scrip shall not be planted upon the public lands as an instrument of speculation, but shall be limited in its use to those persons who seek to acquire pre-emption rights and may use it in payment for their land.

The PRESIDENT *pro tempore*. The Senator from Kansas will please repeat his amendment. The Secretary was unable to catch it.

Mr. PLUMB. I move to insert at the beginning of line 16, on page 9, section 9, the words "from actual settlers only." The section can be otherwise amended, if this be adopted, so as to make it in harmony with this idea, that this scrip shall not be used as a means of speculation on the public domain, but shall be used only by persons who are actual settlers on the public lands and will use it in payment for their holdings.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. DOLPH. Mr. President, I am surprised at the persistency which is shown by certain Senators in regard to this provision for the issuing of scrip. Suppose the provision was for the payment of a dollar and a quarter an acre for all the lands which will be found upon judicial investigation to have been included in these Mexican and Spanish grants which have been granted away by the United States, then whenever that money was paid the owner of the grant or the party who received the money could take that money and purchase of the United States an acre of land for every one dollar and a quarter which he received in any of the States or Territories of the United States. If any amount of this proposed scrip should be issued under the provisions of this bill, instead of bringing ten or fifteen dollars an acre or twenty-five dollars an acre, it would not bring twenty-five cents an acre if put upon the market and sold or held for sale; and why? Because it can not be laid upon any land except such as has been a quarter of a century ago offered at public sale, and which has been in the market for a quarter of a century, more or less, subject to be bought at a dollar and a quarter an acre without settlement.

Mr. PLUMB. Will the Senator from Oregon please name some particular tract of land or some State or Territory covered by this bill where public lands were offered for sale twenty-five years ago? I should be glad to be informed on that point. It would add to my stock of information as well as my surprise.

Mr. DOLPH. I ventured the statement a few days since that there was no land of this class in the Territory of Utah, and the Senator from Kansas rose almost immediately and repeated what I had said, and also said that he believed there was no land of this class, or there probably was no land of this class in any of the Territories mentioned in the bill. If so, then the provisions of the bill are inoperative. I took occasion to say when speaking on this question that I thought the restriction ought to be stricken out of the bill, and that this scrip ought to be allowed to be located on any of these lands wherever found in any of the States or Territories of the United States, because they were only isolated tracts of no great value, tracts that would not sell at private sale; and I repeat what I then said, and what the Senator must know is true, that any one man may purchase the whole body of the unoffered public lands at a dollar and a quarter an acre within twenty-four hours from this time.

Why the Senator should still express the fear that there is some fraud in connection with the proposed issue of this scrip or that it will be laid on lands which are or may be needed for homesteads or pre-emptions I can not understand. The truth is that no man would go on any of this class of land and take it as a homestead claim or take it as a pre-

emption claim; that is, he would not so take it if he desired to obtain the title immediately or if he proposed to pay one dollar and a quarter for it at some future time. And why? Because he can go and take it now for cash, pay cash down and get the title at once. There is no necessity for him to make a claim under the homestead or pre-emption law or any other law of the United States which requires settlement on the land. From the very fact that these lands, wherever they may be situated, which are offered lands and which are subject to private entry, will not sell; they have been in the market for a quarter of a century and have not been sold. If there were 100,000 acres of this class of scrip on the market it would not be worth 25 cents an acre; it would not be worth its face, because the land is of a class that is not worth a dollar and a quarter an acre. If it was, it would have been taken up long since.

I think it was a mistake to confine the provisions of this section to lands within the States and Territories where the claim was situated for which the indemnity is given. I think we ought to have allowed the location of this scrip on any of the lands subject to private entry if there are any within the limits of the territory ceded by Mexico to the United States, and that we ought not to confine it to the artificial divisions of this territory which the United States alone has made in carving out of it States and organized Territories.

If I am correct, if this scrip when issued can only be laid on offered lands, if there has been no land put up at public sale within the last twenty or twenty-five years, if the class of land on which this scrip is to be located is not so valuable as to find a purchaser, although it has been in the market subject to private entry for a quarter of a century, what harm can arise from paying these people for those lands to which they are entitled, which have been granted away, in this scrip? They would rather have a dollar and a quarter an acre, for they could take the dollar and a quarter and keep the money or enter with it land anywhere within any of the land States or Territories. We are paying these people for this land under the provisions of this bill less than a dollar and a quarter an acre, as any man can see who is familiar with the laws relating to public lands and the provisions of the bill.

Mr. PLUMB. I think I can perhaps relieve the Senator from Oregon of some misapprehension he seems to have, that the people who get this scrip will in some way be wronged, by proposing at the proper time that they locate it in the State of Oregon. I think they can get some good land up there; and the Senator is so anxious about it, so representative of the wishes and interests of his constituents, that I have no doubt they will welcome them up there to large bodies, to the millions of acres they will get. That will let him out of the scrape at all events.

Mr. President, it is not necessary that this land should have been heretofore offered. The President of the United States may offer any of the lands of the United States to-day, if he chooses, at public sale; and when they are not sold, as of course they rarely are, they all then become subject to entry, to what is called private entry, and then they would all be located with this scrip. I think myself that there are no lands now subject to private entry. Suppose that the President never should offer any at public sale, and then there never should be any land that this scrip could be located on, what then would happen? There would simply have been a juggle. We should have been led to pass this bill under the impression that we were holding out something to the hope of these men and breaking it in fact, and then they would come and say, "We hold the dishonored promise of the Government of the United States;" and Congress would make haste, as has been done heretofore, to give them better land to locate the scrip upon and make it valuable, as it ought to be, if the promise is issued at all.

I am not specially apprehensive that these people will not get something for their scrip in the long run, and I am not specially desirous of encouraging speculation in the public domain, and I hope to have before this session is through the privilege of voting for a bill which shall prohibit the entry in large bodies of the public lands of the United States at private entry, either in the Southern States or elsewhere. What I aim at is not the question of the price of this scrip or its value in any particular, but simply the location of it in large bodies on the public lands in such a way as to withhold them from settlement. And so I propose simply that this scrip may be used by the pre-emptors or by the homesteaders who commute their entry in locating their claims on the public domain in such a way that the issuance of this scrip will not segregate these large bodies from the public domain and keep them out of the hands of settlers, but will go along with their settlement as money in their hands. If there is anybody who proposes to say that he prefers this shall be thus located as provided in the bill as it stands, that it shall be used as an instrument of speculation, that it is good policy to locate one hundred thousand or five hundred thousand or a million acres of the public land in a body, and let that much of the public domain go into the hands of a single individual, there is a very easy way of carrying out that idea by voting to keep the bill exactly as it is. If, on the other hand, somebody believes that it might not be put upon the public domain, but only used in payment of pre-emptions, he can vote to put it into the hands of the actual settlers. Most of the land that we shall recoup to these people is not worth 25 cents an acre to-day, and if the scrip which they get is worth a dollar and a quarter an acre they are ahead just a dollar an acre by virtue of this bill. You can buy to-day many of these grants at 25 cents an acre; you can buy particular sections of them probably for 10 cents an acre. I am told that the Atlantic and Pacific Railway Company, which has several millions of acres of land lying in New Mexico—that is claimed by it at all events, by reason of having built the road under the grant—offers its entire grant for 25 cents an acre, hill and dale, valley land, springs, everything complete all the way through. Under this bill it very conveniently happens that by reason of the grant to the railroad company we shall have at first a pleasurable duty to perform, to issue in lieu of the lands the railroad company got an amount of indemnity scrip to some of these claimants covering, my friend from Nebraska says, many thousands of acres at all events. Certainly large quantities of land are covered by railroad grants in the Territory of New Mexico, and in lieu of which we shall issue scrip to these people.

This bill improves in my estimation as I read it; it grows larger in its provisions. If the Senator from Oregon, who seems to have some bowels of compassion for these people, who are to lose their land by reason of the acts of the Government heretofore, and who are to be paid with scrip which they can locate on the public lands of the United States elsewhere, will read it very thoroughly, I think on the whole perhaps his sympathy will not be as active as it is now. It is a pretty good bill for the owners of the grants, a pretty good bill for the people who are entitled to take the benefit of its provisions, and they will get more out of it than they ever expected they would get out of any legislation on the part of the Government of the United States.

Mr. DOLPH. I do not care to notice the remarks which the Senator from Kansas has made in regard to my compassion for the claimants under Mexican and Spanish grants. I have already expressed my opinion in regard to this bill in an early stage of the discussion, and I do not care to repeat that opinion. I have no objection, if it meets with the approval of the Senate, that the gentleman shall extend the right to locate this scrip to land in Oregon, that is to say, lands in Oregon subject to private entry. The holders of the scrip would find when they reached Oregon that they had a very poor class of lands to locate their scrip upon, lands which the Government would do well if it could receive twenty-five cents an acre for the entire body of.

Now, that my statement may not rest on mere assertion, I desire to read briefly from a volume which has been before referred to, part 4 of the Compilation of the Public Land Commission, page 206, under the head of "Disposal of public lands by public offering and sale."

> In some of the early acts of Congress providing for bringing lands into market dates were fixed for the sales, and the superintendence of the sales was placed under the register of the land office or the governor or secretary of the Territory.

Then again on page 207—

> The President is not empowered to proclaim lands for sale not authorized to be exposed to public sale by law of Congress; the laws authorizing such sales have reference to particular localities therein mentioned. There is no general provision of law authorizing public sales of all the vacant lands of the Government, and a portion of the lands in the Far West, the Territory of Utah, for instance, is not subject to be proclaimed for sale.

I read again from page 415 of the same publication:

> Lands are sold at public sale after offering in the manner indicated in prior pages of this volume, but no lands can be entered at private sale unless they have first been offered at public sale. The area of lands that can be so entered is small and they lie in isolated tracts in various States and Territories, except the total area of surveyed offered public lands in the five Southern States of Alabama, Arkansas, Florida, Louisiana, and Mississippi, which can be purchased at any district land office in said States in legal subdivisions, having been duly offered under the act of Congress of June 22, 1876.

That is the class of lands in these five Southern States which were offered at public sale before the war, as I understand; during the war they were withdrawn from private sale, but by the act referred to they have been again restored to private entry as offered lands. So it appears that there is no general law under which the President can offer lands at public sale, that the right of private entry is confined to those lands which have been heretofore offered at public sale, and which have ever since the time they were offered at public sale been subject to private entry at a dollar and a quarter an acre, and have not found a purchaser in all that time.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The question being put, there were on a division—ayes 16, noes 18; not a quorum voting.

Mr. BAYARD called for the yeas and nays; and they were ordered.

The PRESIDENT *pro tempore*. No quorum has voted, and the Chair will count the Senate to save time, although the rule strictly requires a roll-call. [Counting.] The Chair believes a quorum is present.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Kentucky [Mr. BECK]. If he were present, I should vote "yea."

Mr. INGALLS (when his name was called). I am paired with the junior Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Louisiana [Mr. JONAS].

The roll-call was concluded, and the result announced—yeas 18, nays 21; as follows:

YEAS—18.

Bowen,	Cullom,	Lapham,	Sawyer,
Cameron of Wis.,	Dawes,	McMillan,	Van Wyck,
Cockrell,	George,	Mahone,	Wilson.
Coke,	Harrison,	Plumb,	
Conger,	Hawley,	Pugh,	

NAYS—21.

Bayard,	Edmunds,	Jackson,	Pendleton,
Blair,	Fair,	Jones of Nevada,	Saulsbury,
Butler,	Garland,	Lamar,	Voorhees.
Camden,	Gibson,	Manderson,	
Colquitt,	Gorman,	Morgan,	
Dolph,	Harris,	Morrill,	

ABSENT—37.

Aldrich,	Hale,	Maxey,	Sewell,
Allison,	Hampton,	Miller of Cal.,	Sherman,
Anthony,	Hill,	Miller of N. Y.,	Slater,
Beck,	Hoar,	Mitchell,	Vance,
Brown,	Ingalls,	Palmer,	Vest,
Call,	Jonas,	Pike,	Walker,
Cameron of Pa.,	Jones of Florida,	Platt,	Williams.
Farley,	Kenna,	Ransom,	
Frye,	Logan,	Riddleberger,	
Groome,	McPherson,	Sabin,	

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The first amendment agreed to in Committee of the Whole will be reported.

Mr. HARRIS. I suggest that if no Senator desires to reserve for a separate vote an amendment the amendments be concurred in in gross.

Mr. VEST. By request of the Senator from New Jersey [Mr. McPHERSON], who is unavoidably absent from the Senate and in accordance with my own personal opinion, I wish to vote for his amendment to the seventh subdivision of the twelfth section.

Mr. HARRIS. Is not that an amendment which was rejected in committee?

Mr. VEST. Yes, sir.

Mr. HARRIS. Then after the committee amendments are disposed of it can be renewed.

The PRESIDENT *pro tempore*. The amendment proposed in committee by the Senator from New Jersey was disagreed to, so that it is not now before the Senate. After the amendments made in Committee of the Whole shall have been disposed of it will be in order to offer the amendment again. Is there objection to taking the question in gross on the amendments agreed to in Committee of the Whole? The Chair hears none.

The amendments made as in Committee of the Whole were concurred in.

The PRESIDENT *pro tempore*. The bill is still open to amendment.

Mr. VEST. Now I renew the amendment which was offered by the Senator from New Jersey [Mr. McPHERSON]. In lines 46 and 47, on page 12, in the seventh subdivision of section 12, I move to strike out the words "for a greater quantity than eleven square leagues of land." I ask for the yeas and nays on the amendment.

The yeas and nays were ordered and taken.

Mr. PLATT. I am paired with the Senator from Texas [Mr. MAXEY], but as I think I should vote as he would vote if he were here, I vote "yea."

Mr. PLUMB (after having voted in the affirmative). I believe I have voted as I should not have done. I am paired with the Senator from Kentucky [Mr. BECK]. I withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn, if there be no objection.

The result was announced—yeas 10, nays 29; as follows:

YEAS—10.

Bowen,	Hawley,	Platt,	Vest.
Coke,	Jones of Nevada,	Sabin,	
Conger,	Lapham,	Sawyer,	

NAYS—29.

Bayard,	Dolph,	Harrison,	Pugh,
Blair,	Edmunds,	Jackson,	Ransom,
Butler,	Fair,	Lamar,	Saulsbury,
Call,	Garland,	McMillan,	Van Wyck,
Camden,	George,	Manderson,	Voorhees.
Cameron of Wis.,	Gibson,	Morgan,	
Colquitt,	Gorman,	Morrill,	
Cullom,	Harris,	Pendleton,	

ABSENT—37.

Aldrich,	Groome,	McPherson,	Sewell,
Allison,	Hale,	Mahone,	Sherman,
Anthony,	Hampton,	Maxey,	Slater,
Beck,	Hill,	Miller of Cal.,	Vance,
Brown,	Hoar,	Miller of N. Y.,	Walker,
Cameron of Pa.,	Ingalls,	Mitchell,	Williams,
Cockrell,	Jonas,	Palmer,	Wilson.
Dawes,	Jones of Florida,	Pike,	
Farley,	Kenna,	Plumb,	
Frye,	Logan,	Riddleberger,	

So the amendment was rejected.

Mr. PLUMB. I will propose the amendment which was voted on yesterday and failed by reason of a tie vote, modified somewhat, as an additional section to the bill. I ask the Secretary to read it.

The Chief Clerk read as follows:

SEC. —. That all the public lands of the United States in the Rio Grande Valley and elsewhere in the Territory of New Mexico and in the State of Colorado, occupied and possessed by persons who, or whose ancestors or grantors, became citizens of the United States by reason of the treaty of Guadalupe Hidalgo, and occupied by any person or persons who have been in the actual *bona fide* occupancy or possession of said land, by themselves or their ancestors or grantors, for fifty years next preceding the date of the passage of this act, be, and the same are hereby, withdrawn from entry and sale under the laws of the United States; and it shall be the duty of the surveyor-general of New Mexico to investigate the rights of the parties claiming such parcels of land, and to report all the facts to the Secretary of the Interior. Said surveyor-general shall have power to summon witnesses, administer oaths, and take testimony relative to such occupancy or possession: *Provided*, That all claims under this act shall be filed with the said surveyor-general within two years after the passage of this act: *And provided further*, That no claim shall be so heard or examined exceeding eighty acres in quantity.

Mr. MORGAN. I hope the Senator will say "this section" instead of "this act," the last time where the word "act" occurs: "All claims under this act shall be filed," &c.

Mr. PLUMB. I accept the correction. It should be "section" instead of "act."

Mr. BAYARD. That is the same amendment which was offered yesterday.

Mr. PLUMB. Only I have made a modification by which I have made the section correspond to what the surveyor-general may do to determine the rights of the parties. He only investigates and reports to the Secretary of the Interior. This simply maintains the status of these people who have been under discussion here on the public lands until such time as Congress can legislate in their behalf.

The PRESIDENT *pro tempore*. The Senator from Kansas modifies the amendment in the last proviso by changing the word "act" to "section;" so as to read:

Provided, That all claims under this section shall be filed, &c.

The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. BAYARD. Let us have the yeas and nays on it.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Kentucky [Mr. BECK]. I should vote "yea" if he were here.

Mr. INGALLS (when his name was called). I am paired with the junior Senator from New Hampshire [Mr. PIKE].

Mr. VEST (when his name was called). I am paired with the Senator from Louisiana [Mr. JONAS].

The roll-call having been concluded, the result was announced—yeas 22, nays 19; as follows:

YEAS—22.

Blair,	George,	Lapham,	Ransom,
Bowen,	Harrison,	Logan,	Saulsbury,
Cameron of Wis.,	Hawley,	Mahone,	Sawyer,
Coke,	Hill,	Morgan,	Van Wyck.
Conger,	Jones of Florida,	Plumb,	
Cullom,	Jones of Nevada,	Pugh,	

NAYS—19.

Allison,	Dolph,	Gorman,	Morrill,
Bayard,	Edmunds,	Harris,	Pendleton,
Butler,	Fair,	Jackson,	Voorhees,
Camden,	Garland,	Lamar,	Wilson.
Colquitt,	Gibson,	Manderson,	

ABSENT—35.

Aldrich,	Frye,	McPherson,	Sabin,
Anthony,	Groome,	Maxey,	Sewell,
Beck,	Hale,	Miller of Cal.,	Sherman,
Brown,	Hampton,	Miller of N. Y.,	Slater,
Call,	Hoar,	Mitchell,	Vance,
Cameron of Pa.,	Ingalls,	Palmer,	Vest,
Cockrell,	Jonas,	Pike,	Walker,
Dawes,	Kenna,	Platt,	Williams.
Farley,	McMillan,	Riddleberger,	

So the amendment was agreed to.

The bill was ordered to be engrossed for a third reading; and was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. CONGER and Mr. HAWLEY called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Kentucky [Mr. BECK].

Mr. FRYE (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN].

Mr. HAMPTON (when his name was called). As I have announced already, I am paired with the Senator from New Jersey [Mr. McPHERSON]. I should vote "yea" if he were present.

Mr. INGALLS (when his name was called). I am paired with the junior Senator from New Hampshire [Mr. PIKE].

Mr. PLATT (when his name was called). I am paired with the Senator from Texas [Mr. MAXEY].

Mr. VEST (when his name was called). I am paired with the Senator from Louisiana [Mr. JONAS]. I should vote "nay" if he were here.

The roll-call was concluded.

Mr. COKE. I was requested by my colleague [Mr. MAXEY] to state

that he is paired on this bill with the Senator from Connecticut [Mr. PLATT]. If my colleague were here, he would vote "nay."

The result was announced—yeas 28, nays 15; as follows:

YEAS—28.

Aldrich,	Cullom,	Gorman,	McMillan,
Allison,	Dolph,	Harris,	Manderson,
Bayard,	Edmunds,	Harrison,	Morgan,
Blair,	Fair,	Hill,	Morrill,
Butler,	Garland,	Jackson,	Pugh,
Camden,	George,	Jones of Florida,	Ransom,
Colquitt,	Gibson,	Lamar,	Saulsbury.

NAYS—15.

Bowen,	Hawley,	Mahone,	Van Wyck,
Cameron of Wis.,	Jones of Nevada,	Plumb,	Voorhees,
Coke,	Lapham,	Sabin,	Wilson.
Conger,	Logan,	Sawyer,	

ABSENT—33.

Anthony,	Groome,	Miller of Cal.,	Sherman,
Beck,	Hale,	Miller of N. Y.,	Slater,
Brown,	Hampton,	Mitchell,	Vance,
Call,	Hoar,	Palmer,	Vest,
Cameron of Pa.,	Ingalls,	Pendleton,	Walker,
Cockrell,	Jonas,	Pike,	Williams.
Dawes,	Kenna,	Platt,	
Farley,	McPherson,	Riddleberger,	
Frye,	Maxey,	Sewell,	

So the bill was passed.

Mr. HARRIS. I move that the Senate adjourn.

Mr. HAWLEY. There is a little executive business that ought to be done.

Mr. HARRIS. I withdraw the motion if the Senator desires an executive session.

Mr. HAWLEY. I move that the Senate proceed to the consideration of executive business. ["No!" "No!"] There is some executive business that should be transacted.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 9, noes 24; no quorum voting.

Mr. HARRIS. I renew the motion to adjourn. I believe that is in order.

The motion was agreed to; and (at 5 o'clock and 26 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 8, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

CONSULAR OFFICERS IN ARREARS.

Mr. SHELLEY. I ask unanimous consent to introduce for present consideration a resolution of inquiry.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection to its present consideration.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform this House if any consul-general, consular agent, or other consular officer is indebted to the Government on account of fees received, trust funds, or from any other source, giving the name, position, the amount due the Government, and the length of time since such indebtedness accrued, and whether any such officer so in default is receiving pay for his services.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. DINGLEY. I suggest that that resolution had better go to the Committee on Foreign Affairs.

Mr. SHELLEY. If objection is made and it be necessary to refer it, I should prefer its reference to the Committee on Expenditures in the Treasury Department.

Mr. HARDEMAN. I think that should go to the Committee on Expenditures in the State Department.

Mr. DINGLEY. It should go at all events to a committee.

The SPEAKER. If there be no objection, the reference will be made as indicated by the gentleman from Alabama.

There being no objection, the resolution was referred to the Committee on Expenditures in the Treasury Department.

REINHARD WAGNER.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith, in response to a resolution of the House of Representatives of the 15th instant, a report of the Secretary of State, with accompanying papers, in relation to the reported arrest at Lodz, in Russian Poland, of Reinhard Wagner, a citizen of the United States.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 7, 1884.

JOHN E. WHEELOCK.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report of the Secretary of State, in response to the resolution of the House of Representatives of the 16th ultimo, respecting the arrest and imprisonment of John E. Wheelock, in Venezuela, in 1879.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 7, 1884.

SECTION 4434 REVISED STATUTES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a resolution of the board of supervising inspectors requesting the amendment of section 4434 of the Revised Statutes; which was referred to the Committee on Commerce.

TRADE BETWEEN THE UNITED STATES AND MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in reply to the resolution of the House of Representatives passed January 31, 1884, information in regard to the trade between the United States and Mexico and to the traffic over the railroads connecting the two countries; which was referred to the Committee on Commerce, and ordered to be printed.

INSPECTION OF AMERICAN PORK.

Mr. BELMONT. I ask unanimous consent to present to the House for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be directed to inquire and report whether or not Congress has the power to regulate commerce between the United States and foreign nations by the imposition, in the form of Federal inspection laws, of any prohibition, hinderance, burden, or tax on American pork destined for exportation from any State, the said inspection laws being only intended to ascertain and attest the quality of such American pork, and not to enforce the inspection laws of any State of the United States or the general revenue and navigation requirements of the Federal Government, at the several ports of export, applicable to all merchandise to be exported. And, also, whether any State of the United States may not by its inspection laws, absolutely necessary for the purpose, require pork intended for exportation from that State to be inspected and marked by officers of such State, and levy a proper tax to defray the expenses of such inspection and marking.

Mr. CALKINS. I think that resolution had better go to a committee.

Mr. BELMONT. Objection being made to the present consideration of the resolution, I ask that it be referred to the Committee on Foreign Affairs.

The resolution was referred to the Committee on Foreign Affairs.

LOAN OF TENTS TO SOLDIERS' REUNION.

Mr. DAVIS, of Illinois. I ask unanimous consent to introduce and have put upon its passage at this time the joint resolution which I send to the desk.

The joint resolution was read, as follows:

Joint resolution authorizing the Secretary of War to furnish tents for the fifth annual reunion of the soldiers and sailors of the Northwest, to be held at Chicago in the month of August, 1884.

Resolved, &c., That the Secretary of War be, and he is hereby, authorized to supply the soldiers and sailors' reunion at Chicago, Ill., to be held in August, A. D. 1884, such tents as can be conveniently spared, taking a sufficient bond for the return thereof, after the holding of the reunion, in as good condition as when received, all cost of transportation and other expenses to be borne by such reunion.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution (H. Res. 153) was read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAVIS, of Illinois, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPRISONMENT OF SEÑOR CARLOS AGÜERO.

Mr. DAVIDSON. I ask unanimous consent to introduce for reference the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the President of the United States be requested to prevent the delivery of Señor Carlos Agüero, now in prison at Key West, Fla., and held for extradition on the demand of the Government of Spain under the treaty of extradition, until it shall be ascertained that the charges against him are true and that he is not held for political offenses; and that the President be requested to direct the Attorney-General of the United States to have an investigation of the case made, and if it shall be found that the said Señor Carlos Agüero has been arrested for political offenses alleged to have been committed in the island of Cuba, that he cause such proceedings to be had in conformity with law as will prevent the extradition of the said Señor Carlos Agüero.

Mr. DAVIDSON. I ask that the resolution be referred to the Committee on Foreign Affairs, together with the proceedings of a meeting of Cuban citizens held at Key West. I also ask that those proceedings be printed in the RECORD with the resolution.

Mr. COX, of North Carolina. I object to printing the proceedings of the meeting.

The resolution was referred to the Committee on Foreign Affairs.

ORDER OF BUSINESS.

Mr. COBB. I call for the regular order.

Mr. FINERTY. I hope the call for the regular order will be withdrawn until I can submit a resolution for present consideration.

The SPEAKER. The regular order is called for; and this being Friday——

Mr. COBB. I will withdraw the call for the regular order.

The SPEAKER. The call for the regular order is withdrawn.

KANSAS INDIAN SCRIP.

Mr. PETERS, by unanimous consent, introduced a bill (H. R. 4709) for the payment of Kaw or Kansas Indian scrip; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REBECCA C. PRYOR.

Mr. PETERS, by unanimous consent, also introduced a bill (H. R. 4710) for the relief of Rebecca C. Pryor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LYDIA MILLS.

Mr. PETERS, by unanimous consent, also introduced a bill (H. R. 4711) granting a pension to Lydia Mills; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY D. GREWELL.

Mr. PETERS, by unanimous consent, also introduced a bill (H. R. 4712) granting a pension to Henry D. Grewell; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TERRITORIAL GOVERNORS.

Mr. EVINS, of South Carolina, by unanimous consent, introduced a bill (H. R. 4713) requiring the governors of certain Territories to be resident of said Territories at least two years before appointment; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

GREELY RELIEF EXPEDITION.

Mr. RANDALL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the "joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions," having met, after full and free conference have been unable to agree.

SAM. J. RANDALL,
W. H. CALKINS,
Managers on the part of the House.

EUGENE HALE,
JOHN SHERMAN,
E. SAULSBURY,
Managers on the part of the Senate.

The following written statement accompanying the report was then read:

The managers on the part of the House on the conference upon the disagreeing votes of the two Houses on the "joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions," submit the following written statement in explanation of the accompanying conference report:

The conference on the part of the two Houses have been unable to agree, the effect of which disagreement is to leave the joint resolution in the same condition as before.

SAM. J. RANDALL,
W. H. CALKINS.

Mr. RANDALL. I move that the report be accepted and the fact communicated to the Senate; and I presume the Senate may ask for a further conference.

The report was then adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEATH OF WENDELL PHILLIPS.

Mr. FINERTY. I desire to submit for present consideration the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas the death of Wendell Phillips has deprived America of an orator worthy to rank with her greatest, from Patrick Henry, of Virginia, to Daniel Webster, of Massachusetts; and

Whereas his life was an incessant and unselfish struggle for the liberty of mankind, irrespective of race, creed, country, or condition: Therefore,

Be it resolved by the House of Representatives of the United States of America, That it laments the death of Wendell Phillips as a national bereavement, which at once deprives the American rostrum of a superb intellect and human freedom of an advocate and friend.

The SPEAKER. Is there objection to the present consideration of the resolution just read?

Mr. EATON. I object.

Mr. TURNER, of Georgia. I rise to make a privileged report from the Committee on Elections.

The SPEAKER. The report will be read.

Mr. TOWNSHEND. Perhaps there was some mistake in the matter of the objection to the resolution of my colleague [Mr. FINERTY].

The SPEAKER. There was no mistake; the gentleman rose in his place and objected.

Mr. TOWNSHEND. I hope the gentleman will withdraw the objection.

The SPEAKER. It is too late; there is a privileged report now before the House.

ELECTION CONTEST—CHALMERS VS. MANNING.

The SPEAKER. The resolution accompanying the report from the Committee on Elections will be read.

The Clerk read as follows:

Resolved, That the Committee on Elections be discharged from the further consideration of the *prima facie* right to the seat in the contested-election case of J. R. Chalmers *vs.* Van H. Manning.

Mr. TURNER, of Georgia. I move that the report be printed, and I ask that the minority of the committee may have leave to present their views in the case to be printed.

The SPEAKER. The report will be printed and leave given to the minority to present their views for printing with the report of the majority.

Mr. COOK. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOK. When this case was referred to the Committee on Elections it embraced the question of the *prima facie* right of Mr. Chalmers and Mr. Manning to the seat in contest. The Committee on Elections is a unit upon the proposition that Mr. Chalmers is not entitled *prima facie* to the seat, holding no credentials. The committee is likewise a unit in the opinion that the credentials held by Mr. Manning are in due form and that he has been duly returned as the member-elect. The Committee on Elections are equally divided, upon a vote, upon the question of the *prima facie* right of Mr. Manning to the seat, notwithstanding his credentials are in due form.

The inquiry I desire to make is whether, inasmuch as the report just presented gives the views of those who believe that Mr. Manning should not be permitted to occupy the seat pending the contest notwithstanding his credentials, on the other hand have those of us who believe he is entitled to that seat the right to present our views without obtaining unanimous consent for that purpose?

The SPEAKER. If the committee is equally divided, the Chair would suppose that both sides had the right to present their views. But there is no difficulty about that, because there is no objection to the presentation of the views on the other side.

Mr. CURTIN. I send to the desk a resolution which I ask to have printed with the report.

The SPEAKER. The gentleman from Pennsylvania [Mr. CURTIN] asks unanimous consent to have printed with the report of the majority and the views of the minority a resolution which will be read.

The Clerk read as follows:

Resolved, That the question of a *prima facie* right to a seat on this floor involved in the contested-election case of James R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be recommitted to the Committee on Elections, with instructions to ascertain and report immediately to this House whether a certificate of election to the office of Representative from said district to the Forty-eighth Congress was issued by the proper authority, as required by the laws of the State of Mississippi and of the United States, to any one; and, if so, to whom.

The SPEAKER. Is there objection to the printing of this resolution with the report?

Mr. TURNER, of Georgia. Of course I have no desire *in limine* to antagonize any proposition which the gentleman from Pennsylvania may propose to submit to the House. But I respectfully suggest to him that the motion to recommit at this time is premature and extraordinary.

The SPEAKER. The gentleman from Pennsylvania does not move to recommit, but simply asks, as the Chair understands, unanimous consent to have this resolution printed with the report of the majority and the views of the minority.

Mr. TURNER, of Georgia. Then I have no objection.

Mr. KEIFER. Will the gentleman from Pennsylvania state the object of this? It is so unusual to accompany a report of this kind with anything except that which comes from the committee that I think the gentleman from Pennsylvania ought to state the purpose. Otherwise I must object.

Mr. CURTIN. The object is that when this question is presented for consideration the House may be fully informed as to the course of action proposed by some members in reference to the case; and those who believe that General Manning has a right to the seat will have an opportunity to press for adoption this resolution.

The SPEAKER. Is there objection?

Mr. KEIFER. It is unusual——

The SPEAKER. Objection is made.

JAMES W. COLVILLE.

Mr. BAYNE, by unanimous consent, introduced a bill (H. R. 4714) granting a pension to James W. Colville; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF TOBACCO TAXES.

Mr. BAYNE, by unanimous consent, also introduced a bill (H. R. 4715) repealing all internal taxes on domestic tobacco; which was read a first and second time, referred to the Commiteee on Ways and Means, and ordered to be printed.

VIRGINIA ELECTION CONTEST—GARRISON VS. MAYO.

Several members called for the regular order.

Mr. LOWRY. I desire to present a report from the Committee on Elections.

The SPEAKER. That is in order, notwithstanding the call for the regular order.

Mr. LOWRY. The Committee on Elections, having had under consideration the legal question involved in the *prima facie* right to a seat in the case of George D. Garrison against Robert T. Mayo, from the first district of Virginia, have instructed me to submit the report which I send to the desk.

The SPEAKER. The resolution appended to the report will be read.

The Clerk read as follows:

Resolved, That upon the legal question involved in the case of Garrison vs. Mayo, the return of the governor, in the absence of anything appearing thereon or properly presented in connection therewith tending to impeach it, is conclusive as to the *prima facie* right; and that, pending the contest on the merits, the sitting member is therefore in this case entitled to retain the seat.

The SPEAKER. The report will be printed and will lie over. The regular order is demanded.

Mr. ROBERTSON. I want to speak upon the proposition just presented.

The SPEAKER. For what purpose does the gentleman rise?

Mr. ROBERTSON. I want to state that while, as a member of the Committee on Elections, I agree with the conclusion reached by the majority of the committee as stated in the resolution just read, I wholly dissent from the reasoning of the report; and I desire the privilege of submitting my views.

The SPEAKER. If there be no objection, leave will be granted to the minority of the committee to present their views——

Mr. ROBERTSON. As to the law of the case; that is all.

The SPEAKER. To be printed with the report of the majority. The Chairs hears no objection.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded; and this being Friday——

Mr. COX, of New York. My colleague [Mr. ROGERS] has a privileged report.

The SPEAKER. The Chair did not so understand. There is so much confusion on the floor this morning that it is almost impossible for the Chair to hear gentlemen addressing him.

CONGRESSIONAL RECORD FOR AMERICAN LEGATIONS.

Mr. ROGERS, of New York. I am instructed by the Committee on Printing to report back with a favorable recommendation the joint resolution (H. Res. 125) to provide each of the American legations abroad with one copy of the CONGRESSIONAL RECORD. I ask for the immediate consideration of the resolution.

The SPEAKER. This resolution is not a privileged matter——

Mr. ROGERS, of New York. I call for the reading of the report.

The SPEAKER. This is not a privileged matter; it does not relate to printing for the use of the House or the Senate.

ORDER OF BUSINESS.

Mr. RANDALL. If the House is willing, I would like to call up the report of the Committee on Rules, that we may finish its consideration to-day.

The SPEAKER. That is a matter of privilege which, in the opinion of the Chair, comes up whenever the gentleman in charge of it thinks proper to call it up.

Mr. BAYNE. I hope my colleague [Mr. RANDALL] will not insist on bringing up that question to-day.

Mr. RANDALL. Why not?

Mr. BAYNE. Because Friday is the only day of the week assigned for the consideration of private bills; and these bills afford many citizens of this country the only redress they can possibly get from their Government.

Mr. RANDALL. This will take but a little while, otherwise I would not interfere.

Mr. BAYNE. It will in all probability take the most of the day.

The SPEAKER. The question before the House is one of privilege raised by the gentleman from Pennsylvania [Mr. RANDALL].

Mr. BAYNE. I raise the question of consideration.

The SPEAKER. The question then is, Will the House proceed to the consideration of the report from the Committee on the Rules?

The House divided; and there were—ayes 127, noes 23.

So the House determined to proceed with the consideration of the report of the Committee on the Rules.

AMENDMENT OF RULES.

The SPEAKER. The House resumes the consideration of the report of the Committee on the Rules, and the pending question is on the amendment of the gentleman from New York [Mr. COX], which will be read.

The Clerk read as follows:

Resolved, That a select committee to ascertain the result of the Tenth Census be appointed, to have the same number of members, duties, privileges, and power as the committee of the same name had in the last Congress; and that said committee be authorized to employ a clerk.

The SPEAKER. When the House adjourned it had divided on this amendment, but no quorum had voted. The proposition will again be submitted to the House.

The House divided; and there were—ayes 93, noes 51.

Mr. HOLMAN. No quorum has voted.

The SPEAKER. There is evidently a quorum in the House.

Mr. RANDALL. We may as well have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 163, nays 91, not voting 66; as follows:

YEAS—163.

Adams, G. E.	Eaton,	Lyman,	Shelley,
Aiken,	Eldredge,	McCoid,	Skinner, C. R.
Anderson,	Elliott,	McComas,	Slocum,
Arnot,	Ellis,	McCormick,	Spooner,
Bagley,	Evans, I. N.	McKinley,	Springer,
Barbour,	Evins, J. H.	Matson,	Stephenson,
Bayne,	Finerty,	Maybury,	Stevens,
Belford,	Follett,	Mayo,	Stewart, Charles
Bingham,	Gibson,	Millard,	Stewart, J. W.
Bisbee,	Glascock,	Miller, J. F.	Stockslager,
Boutelle,	Goff,	Milliken,	Stone,
Bowen,	Greenleaf,	Mills,	Strait,
Breckinridge,	Guenther,	Mitchell,	Struble,
Brewer, F. B.	Hanback,	Money,	Sumner, C. A.
Brewer, J. H.	Hancock,	Morgan,	Sumner, D. H.
Broadhead,	Harmer,	Morse,	Taylor, E. B.
Browne, T. M.	Hatch, W. H.	Moulton,	Thompson,
Brown, W. W.	Haynes,	Muldrow,	Throckmorton,
Brumm,	Henderson, D. B.	Murphy,	Tillman,
Buckner,	Hepburn,	Murray,	Tully,
Burleigh,	Herbert,	Mutchler,	Turner, Oscar
Calkins,	Hiscock,	Neece,	Vance,
Campbell, Felix	Holmes,	Nelson,	Wait,
Campbell, J. M.	Hopkins,	Parker,	Wakefield,
Candler,	Horr,	Patton,	Ward,
Cannon,	Houseman,	Phelps,	Washburn,
Carleton,	Howey,	Price,	Weller,
Chace,	Hunt,	Pryor,	Wemple,
Clardy,	James,	Pusey,	White, Milo
Collins,	Johnson,	Rankin,	Whiting,
Cox, S. S.	Jones, J. H.	Ray, G. W.	Wilkins,
Culbertson, W. W.	Jones, J. T.	Reese,	Willis,
Cullen,	Jordan,	Riggs,	Wilson, James
Dargan,	Kasson,	Robinson, J. S.	Wilson, W. L.
Davis, L. H.	Kean,	Robinson, W. E.	Winans, John
Dibble,	Kelley,	Rockwell,	Wise, J. S.
Dockery,	Lacey,	Rogers, J. H.	Wolford,
Dorsheimer,	Lamb,	Rogers, W. F.	Wood,
Dowd,	Lanham,	Rosecrans,	Worthington,
Duncan,	Long,	Ryan,	Young.
Dunn,	Lovering,	Seney,	

NAYS—91.

Alexander,	Ellwood,	Lore,	Rowell,
Atkinson,	Ermentrout,	Lowry,	Scales,
Ballentine,	Ferrell,	McAdoo,	Seymour,
Barksdale,	Foran,	McMillin,	Shaw,
Beach,	Forney,	Morey,	Singleton,
Bennett,	Fyan,	Muller,	Smith,
Blount,	Geddes,	Nicholls,	Snyder,
Boyle,	Halsell,	Oates,	Steele,
Brainerd,	Hardeman,	O'Hara,	Talbott,
Breitung,	Hardy,	O'Neill, Charles	Taylor, J. M.
Buchanan,	Hatch, H. H.	Payne,	Turner, H. G.
Cabell,	Hemphill,	Payson,	Van Alstyne,
Clements,	Henley,	Pierce,	Wadsworth,
Cobb,	Hewitt, G. W.	Peel, S. W.	Warner, Richard
Converse,	Hitt,	Peelle, S. J.	Weaver,
Cosgrove,	Hoblitzell,	Perkins,	Wellborn,
Covington,	Holman,	Peters,	Williams,
Cox, W. R.	Holton,	Poland,	Winans, E. B.
Crisp,	Jones, B. W.	Randall,	Wise, G. D.
Cutcheon,	Jones, J. K.	Ranney,	Woodward,
Davidson,	Keifer,	Ray, Ossian	Yaple,
Davis, G. R.	Lawrence,	Reagan,	York.
Dibrell,	Lewis,	Reed,	

NOT VOTING—66.

Adams, J. J.	Dingley,	Jeffords,	Potter,
Barr,	Dunham,	Kellogg,	Rice,
Belmont,	Everhart,	Ketcham,	Robertson,
Blackburn,	Fiedler,	King,	Russell,
Blanchard,	Findlay,	Kleiner,	Skinner, T. G.
Bland,	George,	Laird,	Spriggs,
Budd,	Graves,	Le Fevre,	Storm,
Burnes,	Green,	Libbey,	Taylor, J. D.
Caldwell,	Hammond,	Miller, S. H.	Thomas,
Cassidy,	Hart,	Morrill,	Townshend,
Clay,	Henderson, T. J.	Morrison,	Tucker,
Connolly,	Hewitt, A. S.	Nutting,	Valentine,
Cook,	Hill,	Ochiltree,	Van Eaton,
Culberson, D. B.	Hooper,	O'Neill, J. J.	Warner, A. J.
Curtin,	Houk,	Paige,	White, J. D.
Davis, R. T.	Hurd,	Pettibone,	
Deuster,	Hutchins,	Post,	

So the amendment was agreed to.

On motion of Mr. CALKINS, by unanimous consent the reading of the names was dispensed with.

The following pairs were announced:

Mr. THOMAS and Mr. BLANCHARD, on all political questions, until Monday next.

Mr. CAMPBELL, of New York, and Mr. RICE, on all political questions, from and including Wednesday, January 30, to February 8.

Mr. BUDD and Mr. GEORGE, on political questions, till further notice.

Mr. VAN EATON and Mr. HOUK.

Mr. MILLARD and Mr. POST of Pennsylvania, on all political questions, until this pair is withdrawn on notice from both parties.

Mr. MILLER, of Pennsylvania, and Mr. ROBERTSON, of Kentucky, on all political questions, from February 5 to the 12th, inclusive.

Mr. BLACKBURN and Mr. WHITE, of Kentucky, on all political questions, till further notice.

Mr. TOWNSHEND and Mr. HENDERSON, of Illinois, for this day.

Mr. KETCHAM and Mr. WARNER of Ohio, on all political questions, till further notice.

Mr. CALDWELL and Mr. JOHN S. WISE, on political questions, for this day.

Mr. HILL and Mr. DUNHAM, until further notice.

The result of the vote was then announced as above recorded.

Mr. COX, of New York. Is it necessary to move a reconsideration of that vote?

The SPEAKER. The Chair thinks it is not necessary, this being only an amendment.

The Clerk will report the next amendment, offered by the gentleman from New York [Mr. SKINNER].

The Clerk read as follows:

RULE —. There shall be appointed by the Speaker at the beginning of each Congress a committee, consisting of fifteen members, eight members from the party in control of the organization and seven members from the opposition, to be known as the Executive Committee of the House of Representatives. It shall be the duty of said committee to consider all bills which may be reported favorably from any other of the standing committees of the House, and to determine which of said bills shall have preference in being brought before the House for consideration. In the order of such preference such bills shall be reported to the House without amendment and placed upon a calendar to be known as the Executive Calendar. And it shall be in order at any time after the reading of the Journal and expiration of the morning hour for the chairman of such executive committee, or any member thereof when acting under the instruction of said committee, to call up any bill upon the said executive calendar for consideration. If his said motion be sustained by a majority vote of a quorum present the bill shall be considered under consideration. The said executive committee shall fix the time to be allowed for debate upon each bill so reported, and such time shall not be extended except by a majority vote of a quorum present. At the expiration of said time so fixed or extended a vote shall be taken upon the question without further debate. Nothing in this rule shall prevent the offer of amendments to the bill when under consideration or to interfere with the preference already given to the consideration of appropriation or revenue bills or to prevent the consideration of any of the other calendars of the House, whenever the House may so direct.

The amendment was not agreed to.

The SPEAKER. The Clerk will now report the amendment proposed by the gentleman from Iowa [Mr. WELLER].

The Clerk read as follows:

Amendment to Rule XXI by addition of section 7:

"SEC. 7. That no bill before the House shall be brought up for final action until a copy of such bill, with copy of the committee's report thereon, has been put on the desk of each member on the day on which final action is sought."

The question was taken; and the Speaker decided that the amendment was lost.

Mr. WELLER. I ask a division. I would like to have that reported again, for there are many gentlemen around me here inquiring, what is it? [Laughter.]

The SPEAKER. If there be no objection the amendment will be again reported.

Mr. EZRA B. TAYLOR. I object.

Mr. WELLER. I demand a division.

The House divided; and there were ayes 2.

The SPEAKER. Does the gentleman demand a further count?

Mr. WELLER. I think under the circumstances it is useless to demand a further count, but I am astonished at the action of the House upon that. [Laughter.]

The SPEAKER. The amendment is rejected. The Clerk will now report the amendment of the gentleman from Alabama [Mr. HERBERT].

The Clerk read as follows:

Whenever the House is in Committee of the Whole House on the state of the Union and a bill is reached for consideration, and before its consideration is begun, one motion may be made that the committee lay that bill aside and take up any other on that Calendar; which motion shall be decided by a majority of the committee without debate.

Mr. HERBERT. I ask leave to withdraw that resolution, and shall favor number 6 of the proposition of the gentleman from Maine [Mr. REED], which reaches the same result, and I do not wish to come in conflict with it.

The SPEAKER. The gentleman has the right to withdraw the amendment before a vote is taken.

The Clerk will report the next amendment, proposed by the gentleman from Colorado [Mr. BELFORD].

The Clerk read as follows:

That each Representative, except the chairmen of standing or select committees which have a clerk, may appoint a clerk, to serve during the session of Congress, who shall perform such clerical work as may be assigned to him in aid of the discharge of his official duties, and shall be paid out of the contingent fund of the House at the rate of $6 per day.

The amendment was not agreed to.

The SPEAKER. The Clerk will now report the amendment proposed by the gentleman from Missouri [Mr. COSGROVE].

The Clerk read as follows:

Strike out in line 11 of Rule XXXIV the word "Congress," after the words "ex-members of," and insert the words "the House of Representatives."

Mr. COSGROVE. I would like before the question is taken upon that amendment to have the rule of the Senate bearing upon this question read also.

The SPEAKER. The Chair thinks that would be in the nature of debate, but will submit the question to the House.

Mr. HERBERT. Let the amendment be read again and the rule as it will stand if amended.

The SPEAKER. That had better be done.

The Clerk read as follows:

Strike out in line 11 of Rule XXXIV the word "Congress," after the words "ex-members of," and insert the words "the House of Representatives;" so that it will read:

"The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, namely: The President and Vice-President of the United States and their private secretaries, judges of the Supreme Court, members of Congress and members-elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, foreign ministers, governors of States, the Architect of the Capitol, the Librarian of Congress and his assistant in charge of the law library, such persons as have by name received the thanks of Congress, ex-members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress, and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the chair the request of any member for unanimous consent."

Mr. BROWNE, of Indiana. I would like to ask if that would exclude ex-members of the Senate?

Mr. COSGROVE. That is the intention. They refuse that courtesy to ex-members of the House.

Mr. GIBSON. I desire to know whether the rules of the Senate exclude ex-members of the House.

Mr. COSGROVE. They do.

The SPEAKER. This is not debatable. Is there objection to the request of the gentleman from Missouri to have the Senate rule upon this subject read?

Objection was made.

The question was taken. The House divided; and there were—ayes 109, noes 23.

So the amendment was agreed to.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. By instructions of the Committee on Appropriations I report a bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes. I do this in behalf of the gentleman from New York [Mr. HUTCHINS], who is unavoidably absent on account of sickness. In his behalf I also give notice that he will call up this bill, if physically able to do so, for consideration on Tuesday next.

The bill was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. CALKINS. I give notice that I reserve all points of order upon the bill.

THE RULES.

The SPEAKER. All of the proposed amendments to the rules have now been voted upon except that offered by the gentleman from Maine, and upon that and the original report of the committee there remain fifty-six minutes' time for debate.

Mr. RANDALL. Twenty-six minutes of that time will be under the control of the gentleman from Maine.

Mr. REED. I will suggest to the gentleman from Pennsylvania that he occupy a part of his time now and then yield to me.

Mr. RANDALL. I have a very few remarks to make, and prefer to close the debate.

Mr. REED. I yield first to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. The gentleman from Pennsylvania [Mr. RANDALL] on yesterday very well remarked that the rules of the House had much to do with determining the question of the comfort of its members. He might have gone further and said that the rules of the House had very much to do with determining the business of the House.

All parliamentary rules, as I understand, Mr. Speaker, are made to enable the legislative assembly to declare its will. That is the primary object of all rules. I hold in my hands a volume, carefully prepared, of some thousand pages. The celebrated author who has labored through the whole of this volume telling us how a legislative assembly ought to be organized, how it ought to preserve order, on what line it should move to transact its business, what should be privileged questions and what not, and all the other questions that can arise in a

legislative assembly, concludes the volume with this striking sentence, which, to emphasize, he places on a page by itself and puts in capitals:

In concluding the foregoing work on parliamentary law and practice the author may be allowed to suggest that THE GREAT PURPOSE OF ALL THE RULES AND FORMS BY WHICH THE BUSINESS OF A LEGISLATIVE ASSEMBLY IS CONDUCTED, WHETHER CONSTITUTIONAL, LEGAL, OR PARLIAMENTARY IN THEIR ORIGIN, IS TO SUBSERVE THE WILL OF THE ASSEMBLY RATHER THAN TO RESTRAIN IT; TO FACILITATE, AND NOT TO OBSTRUCT THE EXPRESSION OF ITS DELIBERATE SENSE.

Unfortunately for this Congress since I have been a member of it during the last ten years its rules under both parties have been the reverse of the principle laid down by Mr. Cushing in his Parliamentary Manual. Not only are they so, but they have been claimed to be so by the advocates of these rules who have made them as they are. They have been claimed to be made chiefly for the merit that they obstruct the crystallization of the will of the House into law.

There is a sort of self-asserted superiority in some members of the House over all the others. They seem to fear if the will of the majority is facilitated in finding expression that some great disaster will befall the Republic. Now, I feel that every gentleman on this floor is the equal of every other; and I do not want any one gentleman on this floor to take upon himself more than one three-hundred-and-twenty-fifth portion of the responsibility that rests upon the House. Each one of our constituencies has selected us to come here and represent their interests; and it is right that this House should so make rules that the will of the majority should be made into law so far as this House has it in its power to make it.

For that reason I like the amendment of the gentleman from Maine much better than the report of the Committee on Rules. Look at this volume [holding up a printed calendar]; this is the unfinished business that remained in this House at the close of the Forty-seventh Congress. It embraces nine hundred and fifty bills reported favorably. And that is not all. If you will look into the reports of this book of calendars of this House you will find there has been report after report on the same case year after year, Congress after Congress; and under the workings of these rules, made to restrict you and prevent you from passing these bills into law, they died upon your calendar.

Why, Mr. Speaker, I passed through the last House a bill that came into this House twenty-odd years ago. It had never received anything but a unanimous approval of every committee that had considered it; one time in the Senate and all the other times in this House. Yet it never became a law till the last Congress.

Now is that the way to treat the people of the United States who have claims for the consideration of the Government? Is it right for us to pile up all these claims and report them favorably year after year to Congress and yet provide a way by which they shall never become law? Yet that is what your rules do.

What wrong can there be in allowing a committee to come into the House in the morning hour and ask to call up a certain bill on which they all agree and have it considered? I believe every committee of the House can be trusted. I believe every man in this House can be trusted as much as I can be. I do not arrogate to myself more political virtue than I am willing to concede to other members of this House. But I want to take one three-hundred-and-twenty-fifth part of the responsibility for the action of this House on my shoulders, and I do not want any one gentleman to take the responsibility of half a dozen on his.

What is the object of having the rules in this form? The great object is to keep somebody from getting through a bill for some public building. Somebody is afraid that there will be some bills passed to build court-houses or custom-houses or something of the kind. That is what they are striking at. This calendar has upon it bills for twenty-five or thirty of these buildings in this great Republic. And almost the only way to get any of them through is by unanimous consent. After you get beyond the boundary of tariff legislation and appropriation bills and great measures of that class, all the other measures before this House come under the head of unanimous-consent legislation. And I have seen gentlemen almost get on their knees in front of one man who had the power of withholding unanimous consent, who had the power to slaughter a bill unanimously reported by a committee; and that man sat like a czar of Russia, holding in his hands the power of stopping that legislation, and tears and entreaty could not avail to get him to give his consent that that bill should become law. That such a power should exist in the hands of one man is a disgrace to a legislative assembly composed of members who are the representatives of a free people.

These rules are autocratic, oligarchic, plutocratic, and not democratic. They ought to be changed, and the amendment offered by my friend from Maine [Mr. REED] does give an opportunity occasionally for a bill to be reached wherever a committee who has had it under consideration comes before the House and asks to have it put upon its passage. To that extent it is a benefit, and I think we ought to favor it.

Mr. REED. I now yield to the gentleman from Ohio [Mr. KEIFER] for five minutes.

Mr. KEIFER. In the last Congress I favored this amendment to the standing rules of the House of Representatives. The central idea of the proposition submitted by the gentleman from Maine [Mr. REED] is that the majority of the House may do such business as it shall decide ought to be done in preference to other business that may happen to come first upon some of our calendars. We upon this side of the House who favor the proposition recognize the fact that in so far as there may be any political legislation we are not to have the benefit of the adoption of this proposed change in the rules. But it is our duty to look what is for the general interest of prompt and correct legislation.

I do not believe and never have believed that the power which is given to us by the second section of the first article of the Constitution of the United States, to determine the rules of proceedings here, ever was given for the purpose of authorizing the House to make rules by which a majority of the House can not transact its business. The whole idea was to facilitate the transaction of business by the majority of the House, which is the basis of all republicanism; to enable the majority to proceed with the consideration and transaction of such business as it was intended it should do.

As has been very well and strongly said by my colleague on the Committee on Rules, the gentleman from Maine [Mr. REED], we ought to decide what particular things we should do in preference to the great mass of business which we can not and perhaps ought not to undertake to transact. If it were possible to get through with all the great mass of business which is presented for the consideration of Congress, to get through it at all, then we might possibly work under such rules as we now have.

We have three calendars. One is the calendar to which is referred all matters of revenue or of appropriation, the Calendar of the Committee of the Whole House on the state of the Union; then we have the House Calendar, to which is referred those public matters which do not involve appropriations or the raising of revenue; then we have a third calendar, known as the Calendar of the Committee of the Whole, to which we send all business of a private nature. These three calendars soon become lumbered up with business, which is taken up now, under our present rules, in the order in which the bills are presented on either of them.

Sometimes, as I have known, a disputed matter is reached, a matter of no great importance, on a private calendar perhaps, and days and weeks are passed in its consideration before it is disposed of, when there may be on that calendar immediately after this disputed matter meritorious measures which could be passed in five minutes without dispute if they could be reached. Some one may be interested in the first one reached, and we have gone on day after day discussing some purely private matter before that is disposed of.

On the House Calendar as well as on the Committee of the Whole House on the state of the Union there may be matters which are never reached, and, as the gentleman from Texas [Mr. MILLS] has said, Congress adjourns with meritorious measures pending which have not been reached at all, although practically every member on the floor of the House may be in favor of such legislation.

I myself am not afraid of legislation. I believe that that provision in the Constitution of the United States which gives to every American citizen the right to petition the Congress of the United States for redress of grievances was intended to allow such petitions to be presented to a legislative body which would be able to grant the relief asked, if upon consideration it should be deemed proper to do so. But we are now, as we have been for some years, working under a system of rules which renders it absolutely impossible for us to grant the redress and relief which we may be willing to do.

[Here the hammer fell.]

Mr. KEIFER. I would like a little more time.

Mr. REED. Will three minutes more be enough?

Mr. KEIFER. That will be enough.

Mr. REED. I yield to the gentleman three minutes more.

Mr. KEIFER. I will occupy that time in speaking of the proposed amendment. It will be noticed that by that amendment committees making reports within the morning hour can ask the House to consider within that hour only such business as belongs to the House Calendar and as the committee itself may deem to be of such importance as should be considered at once. The system as proposed by the gentleman from Maine is one of harmony.

When under that system we come to deal with business upon the Calendar of the Committee of the Whole on the state of the Union the power is given to the majority of the House, when a motion is made to go into Committee of the Whole, to designate by a majority vote the particular bill on that calendar which shall be taken up and considered, provided the committee reporting that bill shall state it to be of such importance as to be at once considered.

As under our present system, Friday of each week is given for the consideration of business on the Private Calendar, by this proposed amendment there will be worked out a complete system of transacting business. No bill reported back from a committee which under the rules should be referred to the Committee of the Whole on the state of the Union or to the Committee of the Whole on the Private Calendar can be designated for consideration during the morning hour, because preference is given to the consideration of business on the Private Calendar on each Friday.

Then also, what I consider of the highest importance, the Committee on the District of Columbia, which must have all its legislation com-

pleted during a Congress, is given two days in each month, on which days that committee can call up for consideration any business reported from it. Thus it will be seen the proposed system is one that is perfectly harmonious and which looks to the proper and prompt transaction of business.

Mr. REED. I yield to the gentleman from Missouri [Mr. BUCKNER] for five minutes.

Mr. BUCKNER. Mr. Speaker, I do not suppose, from the experience I have had in this House, that any rules we may adopt will enable us to transact the whole business of the House or to investigate and pass upon all bills which may be introduced and reported. The difficulty is not so much on account of the rules as it is due to the fact that for five or six months we are engaged here in considering and making reports from committees, when we necessarily adjourn; and then there comes the short session, the shortness of which absolutely forbids us from taking up the business which has been prepared at the first session. If this difficulty could be remedied the objection of the gentleman from Texas [Mr. MILLS] would be very largely removed.

But, sir, we are called to consider how we shall do, with expedition and dispatch, the business that we can do; and in this view of the question, with my experience here, I think the system which was in existence before the adoption of the present rules was better than the existing system. I believe that the amendment of the gentleman from Maine will expedite business and diminish the great vice under which we are laboring of being compelled either to call up bills and pass them by unanimous consent, or as the only alternative to ask a suspension of the rules by a two-thirds vote in order to pass bills.

We have a House Calendar; but I undertake to say that during the last two sessions of Congress that calendar has never been reached—never so far as I know. It is only at this session that the House Calendar has ever been taken up at all, according to my recollection.

Formerly the difficulty was in making reports and getting action upon them; and the amendment of the gentleman from Maine cures that difficulty to some extent. Formerly we got locked up in the morning hour. A bill would sometimes occupy that hour day after day for weeks or months if there was much opposition to it. Under the proposition of the gentleman from Maine, if the House thinks fit, after the expiration of the morning hour, to go on with the reports of a committee, it can do so during the remainder of the day.

I think, sir, that a still better system would be that we should have days set apart for the consideration of the House Calendar, as we now assign one day in every week for the Private Calendar, days on which the business of the House Calendar could not be set aside except by a two-thirds vote. Why, sir, it seems to me an anomaly in legislation that we have one day in every week set apart in this House for the consideration of private business involving the interests of private individuals, but the public business has no day upon which it may not be excluded by privileged questions or other questions overriding it and setting it aside.

According to my view the proposition of the gentleman from Maine will give us an outlet for the immense number of reports now made here and which are still to accumulate. We can dispose of some of them. There is much routine legislation that requires but little time or consideration if we once get at it; and we could do this under this proposed rule to some extent, whereas now our calendars are so crowded that they are never taken up; and the only possibility of having a bill passed, though it be on the calendar, is to annoy the Speaker for recognition and to seek the passage of the bill by unanimous consent; a most vicious system of legislation, which ought never to be resorted to when it can be avoided.

Mr. THOMPSON. I wish to ask the gentleman whether the trouble under the old plan, which it is now proposed to revive, was not that measures being reported during the morning hour for present consideration, they sometimes occupied that hour day after day for two or three months?

Mr. BUCKNER. That is an objection which this rule proposes to obviate by allowing the House to go on after the expiration of the morning hour, not for the presentation of new reports, but for the consideration of a measure which has been reported.

Mr. THOMPSON. Will not that require unanimous consent?

Mr. REED. Oh, no.

Mr. HERBERT. This proposition provides that when the consideration of a matter is begun in the morning hour it may continue during the whole day unless the House by an affirmative vote decides otherwise.

[Here the hammer fell.]

The SPEAKER. The gentleman from Maine has nine minutes remaining.

Mr. REED. I yield five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. I think that any member of this House who has been here since the adoption of these new rules will agree with me that the only means necessary to break them down and show that they are a farce is for some gentleman to stand here and object when unanimous consent is desired. If that be done—and I hope some gentleman will do that if these rules are continued—it will be shown that the rules we are operating under to-day are a farce. These rules seem to contemplate that all we meet here for is to raise revenue and appropriate it; that all other legislation is wholly unnecessary. I appeal to new members to mark the prediction, that if we continue the rules as they now are we shall find the calendars lumbered up with the same bills and the same reports as in the last Congress; and in the next Congress precisely the same bills and the same reports will appear on our calendars without any action being taken on any of them. I dare say it is within the observation of new members here to-day that they are constantly presenting the same bills and reports which have been presented in the last Congress. Why? Because there is no time to consider these reports. You never reach that House Calendar except by unanimous consent. You never legislate except on privileged reports from the Committee on Appropriations, the Committee on Ways and Means, the Committee on Rules, or some other committee which is given this precedence in reference to our legislation. Now, we are sent here by our constituents with the idea there is to be legislation, either affirmative or negative legislation, to repeal bad laws and to enact good laws, but we can not do either; we can not get rid of bad laws or enact good ones under these rules as they stand. The whole time of the House is taken up by consideration of privileged reports and the business of privileged committees. If there should happen to be a committee in this House that has this privilege and desires to interfere with our legislation for that purpose they have the right to take up the time of the House in the consideration of such measures as they deem necessary, and thus prevent the consideration of measures which other members desire to have heard here.

Mr. Speaker, the amendment proposed by the gentleman from Maine [Mr. REED] is in nearly all respects, or at least it is in the main, the rule we had before the adoption of these new rules, and which provided when a committee made a report that then and there that report might be considered in the morning hour. And what was the effect of it? A committee that had an important subject which it wished to present to the House would select it out from the others before that committee, a subject more important than all others in demanding legislation. I say that committee had the power to select that subject and present it to the House and compel its consideration. That placed the committees in the House not on equality, but to some extent upon an equality in having their measures considered. Under our present rules there is no committee in this House that can have a bill considered unless it has the power of reporting as a question of privilege, and hence it is that bad laws are continued and good laws which ought to be enacted are deferred, and the whole time of this House is taken up in considering privileged reports from privileged committees and such matters as may come up by unanimous consent presented by those who can get that unanimous consent by importuning the Speaker.

[Here the hammer fell.]

Mr. REED. How much of my time is there left?

The SPEAKER. Four minutes.

Mr. REED. I suggest to the gentleman from Pennsylvania that I be allowed to reserve those four minutes until something is said on the other side.

Mr. RANDALL. I only want a few minutes, and I wish to wind up the debate, as that is my privilege.

Mr. REED. I do not wish to close, but to take my four minutes after some objections have been made.

Mr. RANDALL. I will make the concluding remarks which I intend, and then ask for the yeas and nays.

Mr. REED. Very well; I will say all I have to say now.

I can not hope, Mr. Speaker, in four minutes to add anything of importance to the suggestions I had the honor to make to the House the other day. I desire to say, by way of recapitulation, I do not regard the proposition I make to this House as anything in the nature of a panacea, and I do not believe it will cure all the evils and make us live happily ever afterward [laughter], but I do believe it will be a great assistance to the House on the true principle upon which every House ought to conduct itself, namely, that the majority thereof shall control its business.

Now, the gentleman from Kentucky [Mr. THOMPSON] has made a suggestion I desire to answer, and that is, will not the adoption of the morning hour lead to a clog? If the morning hour was at sixty minutes, as perhaps he recollects it was in the Forty-fifth Congress, or some of us do, then it will be a clog; but, extended as long as the House chooses, it can no more be a clog than special assignments can be a clog to the business of the House. In other words, if the House is fully prepared to deal with a measure the House can go on and finish it, and no measure can take forever, so the House need not imagine there is going to be a great clog.

Further than that, I desire to say that my proposition does not open the flood-gates of legislation by any manner of means. On the contrary there is no physical possibility of doing the great majority of our legislation. The single object of my amendment is to make a selection, and I maintain the system I propose makes a selection in a better way. I doubt if there will be any more legislation passed, but I believe a

better class of legislation, one worthier of the House, will receive its attention. And I do not anticipate any great increase of legislation by it; but I do anticipate an enlargement of the right of the members of the House to such an extent that those bills which the House considers worthy will receive attention.

And allow me to say that this system which I propose is a definite system. It is to be taken, in my judgment, as a whole, and as a whole it will be found to work harmoniously and produce some good results. It has the advantage also of having been practically tested in other Congresses prior to the Forty-sixth, and was not found to result in any serious difficulty or produce any public injury.

Mr. HERBERT. I wish to ask the gentleman from Maine whether his system does not provide that no legislation can be selected—no bill advanced on the calendar—except by the direction of a committee?

Mr. REED. It does. Now I want to call the attention of the House to the fact that the difficulty which it is proposed to remedy by this amendment to the rules is not applicable alone to ourselves but lies at the base of every parliamentary system——

Mr. HERBERT. Let me say that I favor the proposition of the gentleman and believe it will produce good results.

Mr. REED. Some members object to it; but, as I have stated, it is to be applied as a remedy to a difficulty which exists in all parliamentary systems that can not do their whole business; and while this proposition can not accomplish all that could be desired, still it goes in that direction and will afford somewhat of a solution of the difficulty.

[Here the hammer fell.]

Mr. RANDALL. Mr. Speaker, I will endeavor to be very brief. Under the operation of the old rule objection was made that bills were hidden in the committees. The Committee on Rules, then, recognizing the fact that every bill should have a report as far as practicable, changed that rule and provided for calendars, so that each bill when introduced might come in its order to the consideration of the House. The difficulty then was that bills in the manner now proposed by this amendment were injected into the morning hour and were kept there to the exclusion or obstruction of any other business. I deny that under the existing rules of the House the majority of this House can not reach any business it may desire to reach if the subject to which it relates has been reported upon by a committee. This House provided that if a bill was to be taken out of its order, that displacement should be done by a recorded vote in the House; and that important measures could not be taken out of their order and displaced by bills which had secured a momentum, either by the extent of the appropriation embraced in them or by the industrious methods of people who surrounded this building to secure consideration of such measures, thus giving them power to militate against matters of legislation in the interest of people who were not so well able to reach the ears of members as they.

The whole burden of the argument in the House to-day in favor of the amendment of the gentleman from Maine is that this House does not get through with its businesss. I agree with the gentleman from Maine that such is the case, for the reason, as he knows and as the House knows, that it would be a physical impossibility to do so. But a change in the rules will not alter that. An examination of the number of bills and joint resolutions introduced and their growth in numbers for a few Congresses back will be of interest in this connection. We find that in the Thirty-eighth Congress there were 813 bills and 182 joint resolutions, making a total of 995 bills. That number increased in the Thirty-ninth Congress to 1,539 bills and joint resolutions, and in subsequent Congresses the number increased as follows:

Congress.	Bills.	Resolutions.	Total.
Fortieth	2,021	476	2,499
Forty-first	3,093	522	3,613
Forty-second	4,073	203	4,276
Forty-third	4,891	162	5,053
Forty-fourth	4,708	196	4,904
Forty-fifth	6,549	250	6,799
Forty-sixth	7,257	419	7,676
Forty-seventh	7,635	367	8,052

In the Forty-seventh Congress, therefore, if you include the bills which originated in the Senate, the total number was probably not short of 10,000. It must be apparent, therefore, to the House that no rule can remedy that condition of affairs. The only possible remedy is in legislation. The only remedy would be that which would take from this House matters relating to war claims, that would take from its consideration matters relating to claims of a private character against the Government, and remit all such to a judicial tribunal. Another remedy would be with reference to the pension bills. These, if taken from the jurisdiction of the House, all of these bills which come here on appeal from the decision of the Department, if referred to some other tribunal, to a court having authority to examine and report upon them, would relieve the House of a vast amount of labor.

The effect of this amendment is in my judgment to give preference to bills behind which there is that description of motive power of which I have before spoken. If we are to appropriate money, if we are to consider bills of that character, let them come in the order in which they appear on the calendars. Do not let us, either by combination of circumstances or by sudden impulse, vote to take from the calendar at the instance of a mere majority of a committee of this House these bills and give them an advantage of consideration over those that have not money in them to promote their passage.

The gentleman from Maine has stated that only 8 per cent. of the bills introduced became laws. That is because this enormous increase from 990 in the Thirty-eighth Congress to 10,000 in the last Congress makes it utterly and physically impossible to get to the consideration, if his figures be correct, of more than 8 per cent. of them, no matter how essential they may be in many instances to the public service. But incidentally here I want to say further that from observation I am induced to believe that 95 per cent. of all the legislation of this House has behind it the motive power of money, either immediately or else in the early future.

I do say that this proposition will open the doors of the Treasury wider than I think they ought to be opened. I do not believe that this proposition is in the interest of economy. I do believe that it is in the interest and promotive of extravagant expenditure of the public money. And I recognize the fact that one of the motives that the people had in filling these seats about me was that we should exhibit what they wanted in our acts here—reform and economy in the public expenditures of money. And I am proud to say, Mr. Speaker, that as far as I am able now to know, your appointments are likely to promote that view of the people.

Hence it is that I say this is not a step in the right direction; that in fact it is a step in the wrong direction. My honorable friend here from Illinois [Mr. MORRISON] who has under his especial care legislation for reform and reduction of the tariff, and I who stand here with others in favor of the abrogation of internal taxation, or men on that side from my own State who declare for a division among the States of a surplus, may give up, if this rule is permitted to have its legitimate effect in the direction to which it looks. For, mark you, I think it tears down every restraint upon extravagance, every safeguard for economy. The House can take the consequences. I have done my duty in calling attention to the danger; and with that I ask the yeas and nays on the proposition.

The yeas and nays were ordered.

Mr. VAN EATON. I should like to hear read the amendment on which the House is to vote.

The SPEAKER. Before the vote is taken the Clerk will again report the amendment offered by the gentleman from Maine [Mr. REED].

The Clerk read as follows:

That clause 2 of Rule XXIV be amended so as to read as follows:

"2. On all days other than Monday, as soon as the Journal is read and approved, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports of committees, which shall be appropriately referred and printed and a copy thereof mailed by the Public Printer to each Member and Delegate: *Provided*, That during such morning hour it shall be in order to consider such bills as would otherwise go to or are already on the House Calendar, if the committee in charge when called shall so direct. The Speaker shall call each committee in regular order, and if the Speaker shall not get through the call of committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the measure last under consideration; but whenever any committee shall have occupied the morning hour on one day it shall not be in order for such committee to report further until the other committees shall have been called in their turn."

That clause 4 be so amended as to read as follows:

"4. After the hour shall have been devoted to reports from committees, except on the second and fourth Mondays of each month, it shall be in order to proceed to business on the Speaker's table, to the Committee of the Whole House on the state of the Union, or to the House Calendar; motions therefor having priority in the order named. The morning hour shall continue until the House determines to go to other business."

That clause 5 be so amended as to read as follows:

"5. When the House proceeds to the Speaker's table, the business shall be disposed of in the following order:

"First. Messages from the President and other executive communications.

"Second. Messages from the Senate and amendments proposed by the Senate to bills of the House.

"Third. Bills and resolutions from the Senate on their first and second reading; that they be referred to committees or put on their passage; and the motions so to refer shall have precedence of all motions touching their disposition.

"Fourth. Engrossed bills and bills from the Senate on their third reading."

That clause 6 be amended so as to read as follows:

"6. When a motion is made that the House resolve itself into the Committee of the Whole House on the state of the Union, it shall be in order, pending that motion, if directed by a committee, to move to designate a bill to be first considered in the committee, which motion shall not be subject to amendment or debate, and only one designation shall be pending at a time. If no bill be designated, or, being designated, is disposed of in committee, it shall then consider first bills for raising revenue and general appropriation bills, and then other bills on its calendar.

"7. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days."

Add to Rule XXIV the following clause:

"8. After the morning hour, on the second and fourth Mondays of each month, it shall be in order to consider legislation already reported relating to the District of Columbia unless dispensed with by a two-thirds vote of the House."

That there be added to Rule XXIV the following clause:

"9. Before the morning hour it shall be in order to proceed to the consideration of unfinished business other than that in the morning hour or on the Speaker's table, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules."

The question was taken; and there were—yeas 128, nays 137, not voting 55; as follows:

YEAS—128.

Adams, G. E.	Dorsheimer,	Lawrence,	Reagan,
Aiken,	Eldredge,	Libbey,	Reed,
Atkinson,	Ellwood,	Long,	Robinson, J. S.
Beach,	Everhart,	Lyman,	Rockwell,
Belmont,	Finerty,	McCold,	Rogers, W. F.
Bisbee,	George,	McComas,	Rowell,
Bland,	Goff,	McCormick,	Russell,
Boutelle,	Greenleaf,	McKinley,	Ryan,
Bowen,	Hanback,	Mayo,	Skinner, C. R.
Brainerd,	Hart,	Millard,	Spooner,
Breitung,	Hatch, H. H.	Milliken,	Steele,
Brewer, F. B.	Haynes,	Mills,	Stephenson,
Brewer, J. H.	Henderson, D. B.	Morey,	Stewart, Charles
Browne, T. M.	Hepburn,	Morgan,	Stewart, J. W.
Brown, W. W.	Herbert,	Muldrow,	Strait,
Brumm,	Hewitt, G. W.	Nelson,	Struble,
Buckner,	Hiscock,	Oates,	Taylor, E. B.
Budd,	Hitt,	O'Hara,	Taylor, J. D.
Burleigh,	Holmes,	Parker,	Throckmorton,
Calkins,	Holton,	Payne,	Vance,
Campbell, Felix	Horr,	Payson,	Wadsworth,
Chace,	Howey,	Peelle, S. J.	Wait,
Clardy,	Hunt,	Perkins,	Wakefield,
Collins,	James,	Peters,	Washburn,
Cook,	Jeffords,	Pettibone,	Weaver,
Cox, S. S.	Johnson,	Phelps,	Weller,
Culbertson, W. W.	Kasson,	Poland,	White, Milo
Cullen,	Kean,	Potter,	Whiting,
Cutcheon,	Keifer,	Price,	Wilson, James
Davis, G. R.	Kelley,	Ranney,	Winans, John
Davis, R. T.	Lacey,	Ray, G. W.	Wise, J. S.
Dingley,	Lanham,	Ray, Ossian	Woodward.

NAYS—137.

Alexander,	Dowd,	Kleiner,	Slocum,
Anderson,	Duncan,	Lamb,	Smith,
Arnot,	Dunn,	Lewis,	Spriggs,
Bagley,	Eaton,	Lore,	Springer,
Ballentine,	Elliott,	Lowry,	Stevens,
Barbour,	Ellis,	McAdoo,	Stockslager,
Barksdale,	Ermentrout,	McMillin,	Sumner, D. H.
Bayne,	Evins, J. H.	Matson,	Talbott,
Bennett,	Ferrell,	Miller, J. F.	Taylor, J. M.
Blount,	Fiedler,	Mitchell,	Thompson,
Boyle,	Follett,	Morrison,	Tillman,
Breckinridge,	Forney,	Moulton,	Tucker,
Buchanan,	Fyan,	Muller,	Tully,
Burnes,	Geddes,	Murray,	Turner, H. G.
Cabell,	Gibson,	Mutchler,	Turner, Oscar
Campbell, J. M.	Glascock,	Neece,	Van Alstyne,
Candler,	Graves,	Nicholls,	Ward,
Cannon,	Halsell,	Paige,	Warner, Richard
Carleton,	Hancock,	Patton,	Wellborn,
Clay,	Hardeman,	Pierce,	Wemple,
Clements,	Hardy,	Peel, S. W.	Wilkins,
Cobb,	Harmer,	Pryor,	Williams,
Connolly,	Hatch, W. H.	Pusey,	Willis,
Converse,	Hemphill,	Randall,	Wilson, W. L.
Cosgrove,	Henley,	Rankin,	Winans, E. B.
Covington,	Hoblitzell,	Reese,	Wise, G. D.
Cox, W. R.	Holman,	Riggs,	Wolford,
Crisp,	Hopkins,	Robinson, W. E.	Wood,
Curtin,	Houseman,	Rogers, J. H.	Worthington,
Dargan,	Jones, B. W.	Rosecrans,	Yaple,
Davidson,	Jones, J. H.	Scales,	York,
Davis, L. H.	Jones, J. K.	Seney,	Young.
Dibble,	Jones, J. T.	Seymour,	
Dibrell,	Jordan,	Shaw,	
Dockery,	King,	Skinner, T. G.	

NOT VOTING—55.

Adams, J. J.	Foran,	Le Fevre,	Robertson,
Barr,	Green,	Lovering,	Shelley,
Belford,	Guenther,	Maybury,	Singleton,
Bingham,	Hammond,	Miller, S. H.	Snyder,
Blackburn,	Henderson, T. J.	Money,	Stone,
Blanchard,	Hewitt, A. S.	Morrill,	Storm,
Broadhead,	Hill,	Morse,	Sumner, C. A.
Caldwell,	Hooper,	Murphy,	Thomas,
Cassidy,	Houk,	Nutting,	Townshend,
Culberson, D. B.	Hurd,	Ochiltree,	Valentine,
Deuster,	Hutchins,	O'Neill, Charles	Van Eaton,
Dunham,	Kellogg,	O'Neill, J. J.	Warner, A. J.
Evans, I. N.	Ketcham,	Post,	White, J. D.
Findlay,	Laird,	Rice,	

So the amendment was not agreed to.

The following additional pairs were announced:

Mr. VAN EATON with Mr. HOUK.

Mr. DEUSTER with Mr. GUENTHER.

Mr. SHELLEY with Mr. VALENTINE.

Mr. PATTON. At the request of the gentleman from Wisconsin [Mr. DEUSTER], I desire to state that he has been on the sick-list for the last four days.

Mr. DAVIS, of Illinois. I ask that the reading of the names of members voting be dispensed with.

There was no objection.

The result of the vote was then announced as above stated.

Mr. HERBERT. I move to recommit the report to the Committee on Rules with the instructions which I send to the desk.

The Clerk read as follows:

Resolved, That the resolution reported by the Committee on Rules be recommitted with instructions to the committee to report an additional rule providing that pending a motion to go into Committee of the Whole one motion may be made by direction of a committee, to be decided by a majority without amendment and without debate, to take up and consider, when in committee, any bill on that calendar; and also a rule providing that when a motion is made to take up the House Calendar, pending that motion one motion may be made, if directed by a committee, to be decided by a majority without amendment and without debate, to take up and consider any particular bill on said calendar.

Mr. REED. The House having determined not to trust itself, let us see how far it will go.

Mr. RANDALL. If one side can debate, the other ought to be allowed also.

Mr. REED. I am perfectly willing that the gentleman from Pennsylvania shall have a chance to debate.

Mr. RANDALL. This will virtually leave us without any rule.

Mr. HERBERT. I call for the yeas and nays on my proposition.

On the question of ordering the yeas and nays there were ayes 46.

The SPEAKER. The affirmative is not one-fifth of the last vote.

Mr. HERBERT. Count the other side.

The other side being counted, there were noes 74.

So (the affirmative being more than one-fifth of the entire vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 130, not voting 77; as follows:

YEAS—113.

Adams, G. E.	Finerty,	McCormick,	Russell,
Aiken,	George,	McKinley,	Ryan,
Atkinson,	Goff,	Mayo,	Skinner, C. R.
Beach,	Greenleaf,	Millard,	Steele,
Bland,	Hanback,	Mills,	Stephenson,
Boutelle,	Hart,	Morey,	Stewart, Charles
Bowen,	Hatch, H. H.	Morgan,	Stewart, J. W.
Brainerd,	Haynes,	Muldrow,	Stone,
Breitung,	Henderson, D. B.	Nelson,	Strait,
Brewer, F. B.	Henderson, T. J.	Oates,	Struble,
Brown, W. W.	Hepburn,	O'Hara,	Taylor, E. B.
Buckner,	Herbert,	Parker,	Taylor, J. D.
Budd,	Hewitt, G. W.	Payne,	Throckmorton,
Burleigh,	Hitt,	Payson,	Vance,
Calkins,	Horr,	Peelle, S. J.	Wadsworth,
Campbell, J. M.	Hunt,	Perkins,	Wait,
Chace,	Jeffords,	Peters,	Wakefield,
Clardy,	Johnson,	Pettibone,	Washburn,
Collins,	Jones, J. H.	Phelps,	Weaver,
Cook,	Kean,	Poland,	Weller,
Culberson, D. B.	Keifer,	Price,	White, Milo
Culbertson, W. W.	Kelley,	Ranney,	Whiting,
Cutcheon,	Lacey,	Ray, G. W.	Wilson, James
Davis, G. R.	Lanham,	Ray, Ossian	Wise, J. S.
Davis, R. T.	Lawrence,	Reagan,	Woodward,
Dingley,	Libbey,	Reed,	Worthington.
Eldredge,	Long,	Rockwell,	
Ellwood,	Lovering,	Rogers, W. F.	
Everhart,	Lyman,	Rowell,	

NAYS—130.

Alexander,	Dockery,	Kleiner,	Seymour,
Anderson,	Dowd,	Lamb,	Shaw,
Arnot,	Duncan,	Lewis,	Skinner, T. G.
Bagley,	Eaton,	Lore,	Smith,
Ballentine,	Elliott,	Lowry,	Snyder,
Barbour,	Ellis,	McAdoo,	Springer,
Barksdale,	Ermentrout,	McMillin,	Stevens,
Bayne,	Evins, J. H.	Matson,	Stockslager,
Bennett,	Ferrell,	Maybury,	Sumner, C. A.
Blount,	Fiedler,	Miller, J. F.	Sumner, D. H.
Boyle,	Follett,	Mitchell,	Talbott,
Breckinridge,	Forney,	Morrison,	Taylor, J. M.
Buchanan,	Fyan,	Morse,	Thompson,
Cabell,	Geddes,	Moulton,	Tillman,
Campbell, Felix	Glascock,	Muller,	Townshend,
Candler,	Graves,	Murray,	Tully,
Cannon,	Halsell,	Mutchler,	Turner, H. G.
Carleton,	Hardeman,	Neece,	Turner, Oscar
Cassidy,	Hardy,	Nicholls,	Van Alstyne,
Clay,	Harmer,	Paige,	Ward,
Clements,	Hatch, W. H.	Patton,	Warner, Richard
Cobb,	Hemphill,	Pierce,	Wellborn,
Connolly,	Henley,	Peel, S. W.	Wilkins,
Converse,	Hiscock,	Potter,	Williams,
Cosgrove,	Hoblitzell,	Pryor,	Wilson, W. L.
Covington,	Holman,	Pusey,	Winans, E. B.
Crisp,	Hopkins,	Randall,	Winans, John
Curtin,	Houseman,	Rankin,	Wolford,
Dargan,	Jones, B. W.	Reese,	Wood,
Davidson,	Jones, J. K.	Riggs,	Yaple,
Davis, L. H.	Jones, J. T.	Robinson, W. E.	York.
Dibble,	Jordan,	Rogers, J. H.	
Dibrell,	King,	Scales,	

NOT VOTING—77.

Adams, J. J.	Dunn,	Kellogg,	Seney,
Barr,	Evans, I. N.	Ketcham,	Shelley,
Belford,	Findlay,	Laird,	Singleton,
Belmont,	Foran,	Le Fevre,	Slocum,
Bingham,	Gibson,	McCold,	Spooner,
Bisbee,	Green,	McComas,	Spriggs,
Blackburn,	Guenther,	Miller, S. H.	Storm,
Blanchard,	Hammond,	Milliken,	Thomas,
Brewer, J. H.	Hancock,	Money,	Tucker,
Broadhead,	Hewitt, A. S.	Morrill,	Valentine,
Browne, T. M.	Hill,	Murphy,	Van Eaton,
Brumm,	Holmes,	Nutting,	Warner, A. J.
Burnes,	Holton,	Ochiltree,	Wemple,
Caldwell,	Hooper,	O'Neill, Charles	White, J. D.
Cox, S. S.	Houk,	O'Neill, J. J.	Willis,
Cox, W. R.	Howey,	Post,	Wise, G. D.
Cullen,	Hurd,	Rice,	Young.
Deuster,	Hutchins,	Robertson,	
Dorsheimer,	James,	Robinson, J. S.	
Dunham,	Kasson,	Rosecrans,	

So the motion to recommit was not agreed to.

The following additional pairs were announced:
Mr. MILLIKEN with Mr. YOUNG.
Mr. SLOCUM with Mr. HANCOCK.
Mr. GIBSON. I desire to record my vote.
The SPEAKER. Was the gentleman present when his name was called?
Mr. GIBSON. I had stepped out of the Hall for a moment, and was not present when my name was called.
The SPEAKER. The rule is very positive on that subject. The House sometimes has given unanimous consent to record the vote where the gentleman has stated that he was in the Hall at the time the roll was called and was listening and failed to hear his name; that is done by unanimous consent of the House. But the gentleman states that he was not in the House at all during the call of the roll.
Mr. GIBSON. I desire to state that if I had been present, I should have voted "no."
Mr. SLOCUM. I am paired on this question with Mr. HANCOCK, of Texas. I desire to state that if he were present, he would vote "ay" and I should vote "no."
The result of the vote was then announced as above stated.
The SPEAKER. The question is now upon adopting the report of the Committee on Rules.
The question was taken, and the report was adopted.
Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. FINDLAY, for five days, on account of important business.
To Mr. BLANCHARD, for three days, on account of illness.
To Mr. O'NEILL, of Missouri, for ten days, on account of illness.
To Mr. SNYDER, for five days, on account of important business.
To Mr. HOLMES, indefinitely, on account of illness in his family.

ASSIGNMENT OF COMMITTEE-ROOMS, ETC.

The SPEAKER. The Chair desires to state to the House that according to an arrangement made between the Clerk of the House and the Chair, the Chair has taken control of the room in the basement of the Capitol heretofore occupied by the Superintendent of Public Buildings and Grounds and will assign it to a committee of the House, that room being suitable for the purpose; and the Clerk will take in lieu of that room the one under the Hall of the House, which has been heretofore occupied as a miscellaneous store-room. The Chair makes this announcement because the room in the basement had been assigned to the Clerk by order of the House, and if the House is not content with the action of the Chair it is proper that it should be known.
There was no objection.

ORDER OF BUSINESS.

Mr. STEELE. I demand the regular order.
The SPEAKER. To-day being Friday, the regular order is the call of committees for reports of a private nature.
Mr. STEELE. I move to dispense with the morning hour for the call of committees.
The SPEAKER. That requires a two-thirds vote.
The motion to dispense with the morning hour was not agreed to; there being upon a division—ayes 76, noes 48 (two-thirds not voting in the affirmative).

LIEUT. JOHN G. KYLE.

Mr. MURRAY, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 2586) for the payment of the funeral expenses of Lieut. John G. Kyle; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CASTLE ISLAND, BOSTON HARBOR.

Mr. LYMAN, from the Committee on Military Affairs, reported back adversely the joint resolution (H. Res. 101) authorizing the President of the United States to permit the occupancy of Castle Island, in Boston Harbor, by the municipal authorities of Boston; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM W. WEBB.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 1093) for the relief of William W. Webb; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EDMOND G. FECHÉT.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 3671) to correct the record of Capt. Edmond G. Fechét; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN W. CUMMINS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 314) for the relief of John W. Cummins; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

IRENE BAKER.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 3606) granting a pension to Irene Baker; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS WARD.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 4036) to increase the pension of Thomas Ward; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY P. THOMPSON.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1394) granting a pension to Mary P. Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. MARY F. BARNES.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 1406) granting a pension to Mrs. Mary F. Barnes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. ELLEN M. FLAGG.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHRISTOPHER P. DAVIDSON.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2252) for the relief of Christopher P. Davidson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

REBECCA GOODRICH.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back the bill (H. R. 3253) for the relief of Rebecca Goodrich; when the committee was discharged from the further consideration of the same, and it was referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

WILLIAM BALLARD.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 2329) for the relief of William Ballard; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE OVERMIRE.

Mr. SUMNER, of Wisconsin, from the Committee on Pensions, also reported back favorably the bill (H. R. 1756) granting a pension to George Overmire; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THEODORE C. HAWKINS.

Mr. SUMNER, of Wisconsin, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 3838) granting a pension to Theodore C. Hawkins; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SIMPSON HARRIS.

Mr. STOCKSLAGER, from the Committee on Pensions, reported back favorably the bill (H. R. 433) to increase the pension of Simpson Harris; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ELLWOOD, from the Committee on Claims, reported back adversely the following cases; which were severally laid on the table, and the accompanying reports ordered to be printed:
A bill (H. R. 808) for the relief of Patrick Casey;
A bill (H. R. 815) for the relief of Thomas Chambers;
A bill (H. R. 1677) for the relief of H. C. Hooker;
A bill (H. R. 1599) to provide for paying certain advances made to the United States by the States of Maryland and Virginia; and
A bill (H. R. 667) for the relief of George D. Blakey.

COLLINS MORSE AND HENRY C. GRAY.

Mr. PRICE, from the Committee on Claims, reported back adversely the bill (H. R. 2578) for the relief of Collins Morse and Henry C. Gray; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE L. DOUGLASS.

Mr. PRICE, from the Committee on Claims, also reported back favorably the bill (H. R. 2683) for the relief of George L. Douglass; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER D. SCHENCK.

Mr. PRICE, from the Committee on Claims, also reported back favorably the bill (H. R. 1266) for the relief of Alexander D. Schenck; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABBIE SHARP, FORMERLY ABBIE GARDNER.

Mr. BROWN, of Pennsylvania, from the Committee on Claims, reported back adversely the bill (H. R. 2018) for the relief of Abbie Sharp, formerly Abbie Gardner; which was laid on the table, and the accompanying report ordered to be printed.

BEAUFORT MOUNTED GUARD.

Mr. ROWELL, from the Committee on War Claims, reported back favorably the bill (H. R. 2709) providing for the payment of the Beaufort Mounted Guard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DR. CHARLES E. TUPPER.

Mr. ROWELL, from the Committee on War Claims, also reported back favorably the bill (H. R. 1279) for the relief of Dr. Charles E. Tupper, of Putnam County, Ohio, late assistant surgeon of the Forty-first Regiment Ohio Volunteer Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN THOMAS BROWN.

Mr. ROWELL, from the Committee on War Claims, also reported back adversely the bill (H. R. 2792) for the relief of John Thomas Brown; which was laid on the table, and the accompanying report ordered to be printed.

PETER AND ANSON E. NODINE.

Mr. FERRELL, from the Committee on War Claims, reported back adversely the petition of Peter and Anson E. Nodine; which was laid on the table, and the accompanying report ordered to be printed.

VALOROUS G. AUSTIN.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back adversely the petition of Valorous G. Austin; which was laid on the table, and the accompanying report ordered to be printed.

SOPHIA G. MITCHELL AND ELIZA JANE MAHON.

Mr. GEDDES, from the Committee on War Claims, reported back adversely the bill (H. R. 1199) for the relief of Sophia G. Mitchell and Eliza Jane Mahon; which was laid on the table, and the accompanying report ordered to be printed.

TITLE TO REAL ESTATE.

Mr. MULDROW, from the Committee on the District of Columbia, reported back adversely the bill (H. R. 1145) to cure the title to certain real estate in the District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

BONDS OF EXECUTORS.

Mr. MULDROW, from the Committee on the District of Columbia, also reported back adversely the bill (H. R. 2848) to amend the law relating to the bonds of executors in the District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

RUDOLPH JOHN MARTI.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4697) for the relief of Rudolph John Marti; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN SWEARER.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, also reported a bill (H. R. 4717) for the relief of John Swearer; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE SHEWARD.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, also reported a bill (H. R. 4718) for the relief of Caroline Sheward; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUPPORT OF COMMON SCHOOLS.

Mr. WILLIS, by unanimous consent, introduced a bill (H. R. 4719) to aid temporarily in the support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

ORDER OF BUSINESS.

Mr. STEELE. I demand the regular order.

Mr. MUTCHLER. I rise to a question of privilege. I offer the following resolution for consideration.

The SPEAKER. The Clerk will read the resolution, after which the Chair will decide whether or not it presents a question of privilege.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, directed to purchase the necessary furniture and carpeting for the rooms of the Committee on Rivers and Harbors and the Committee on Reform in the Civil Service, subject to the approval of the Committee on Accounts, and pay for the same out of the contingent fund of the House.

Mr. WHITE, of Kentucky. I wish to offer an amendment to that resolution.

Mr. HOLMAN. I think that had better go to the Committee on Accounts.

The SPEAKER. The Chair thinks as this provides for the purchase of furniture, and for payment out of the contingent fund, that it is perhaps hardly a matter of privilege.

Mr. MUTCHLER. Let it go to the Committee on Accounts, then.

Mr. WHITE, of Kentucky. Will my amendment also go?

The SPEAKER. It is not before the House for consideration.

The resolution was referred to the Committee on Accounts.

ADJOURNMENT OVER.

Mr. COBB. I move that when the House adjourns to-day it be to meet on Monday next.

Mr. SLOCUM. I was about to ask unanimous consent of the House to make the bill (H. R. 228) for removing certain burdens upon our shipping a special order for to-morrow. I think the House can dispose of that very easily to-morrow.

Mr. MILLS. Would it not have been better to fix some rules for the House by which a majority of the House could reach such questions without asking unanimous consent? [Laughter.]

Mr. STEELE. I demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Indiana that when the House adjourns to-day it be to meet on Monday next.

The motion was agreed to.

PRIVATE CALENDAR.

Mr. MCMILLIN. I move that the House resolve itself into Committee of the Whole House for the consideration of the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. COBB in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the Private Calendar.

The Clerk will report the first bill on the Calendar.

MUSTER AND PAY OF CERTAIN OFFICERS, ETC.

The first business on the Private Calendar was the bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, reported from the Committee on Military Affairs with an amendment.

The bill is as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to correct the muster-rolls of the volunteer forces of the United States in the late war so that the muster of officers and enlisted men therein shall cover the whole period during which they were regularly commissioned and actually performed the duties to which they were so commissioned, in all cases where no charges are pending against them and there was no fault or neglect on their part which delayed their muster-in, and where the commissions bear date prior to the 20th day of June, 1863, or after that date when their commands were not below the minimum number entitling them to such officers at the date of the commission.

SEC. 2. That it shall be the duty of the Secretary of the Treasury to cause to be paid to all officers and enlisted men mustered under the provisions of the preceding section the amounts of pay and allowances to which they would have been entitled if originally so mustered, less the amount they actually received, out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That all acts and parts of acts inconsistent herewith are hereby repealed.

The committee recommend the adoption of the following amendment:

"In line 8, after the word "commissioned," insert:

"Or were prevented from performing said duties under their respective commissions by reason of wounds received in the line of duty, or by sickness in hospital, or by being prisoners of war."

Mr. MCMILLIN. Let us have the report read.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred bills H. R. 350, 816, and 355, having the same under consideration, do respectfully report the same back with bill H. R. 355 in the nature of a substitute for the several bills named.

Your committee are of the opinion that an act of general application, such as is proposed in this bill, would be a measure of plain justice toward many meritorious officers who served in the late war, and would at the same time properly protect the interests of the Government. There is no reason apparent to your committee why officers who actually served in positions to which they were regularly commissioned in the volunteer forces of the United States, but who from the exigencies of the service, and through no fault of theirs, failed of muster

on their commissions at the proper dates, should thereby be deprived of the pay and allowances to which they would otherwise have been entitled. The bill by which it is proposed to cover this class of cases will, we believe, provide for the adjustment of nearly all that are meritorious among the many claims of a similar character which are coming before the two Houses of Congress.

Your committee therefore report back the bills named, and recommend that bill H. R. 355 do pass.

Mr. McMILLIN. I hope the gentleman from Indiana or some other member of the committee or some one conversant with the facts will give some reason why this bill ought to pass, for certainly none appears in the bill itself or the report which has been read.

Mr. STEELE. That is what I propose to do.

On the 3d of March, 1863, an act was approved or passed empowering the Secretary of War where regiments fell below the minimum number to reduce the number of their officers. On the 20th day of June, 1863, the Secretary of War issued an order prescribing regulations under the said act to the effect that where a regiment was below the minimum number it should be deprived of its colonel, and that where companies were below the minimum they should be deprived of a second lieutenant. Now officers who were at the rear with commissions dated on the 18th day of June had only to go to a mustering officer the next day and be mustered on a commission of that date, or even on the 19th of June they could be mustered, while an officer on active duty at the front with a commission in his pocket dated May 1, 1863, who was not accessible to a mustering officer probably for a few days subsequent to receiving the commission by mail, could not be then mustered in. And so he went on performing his duty until after the order of June 20 was issued. Then when he came to a mustering officer to be mustered in, he was told that this order excluded him, and he could not be mustered.

Now, these officers on active duty at the front with commissions in their pockets, dated on the 1st of May, served to the close of the war as lieutenant-colonels for instance, with a colonel's commission, while the "band-box" soldiers as they were called in those days, serving in the cities with a commission dated forty-eight days subsequently to that, went up and were mustered in and served as colonels to the close of the war and drew their pay as such.

This bill, then, Mr. Chairman, is simply to put the officers who were upon active duty at the front upon an equal footing with those who were serving at the rear. The bill provides only for such cases, except subsequent to the 20th of June, 1863, where regiments were up to the minimum. Now, if the regiment is here, or say was in 1863 or 1864 at the time of the issuance of this order, all that was necessary if the regiment was up to the minimum was for the officer to get his commission and ride up and be mustered. But if the regiment was at the front he could not receive his commission so promptly as if the regiment had been here, and perhaps the regiment which was up to the minimum at the time the commission was issued was ordered into battle before he could be mustered, and by the casualties of war the number of men would be reduced below the minimum. Under this order, and because of that very gallant act which occurred in many cases and which prevented the officer from being mustered, although he served to the close of the war, they were excluded from being mustered and simply because they went in and did their duty to their country—did what this country expected them to do, fight and lose men.

It is only in those cases where they were up to the minimum and actually held the commission and performed the service, or were prevented from performing the service by reason of being prisoners, by reason of sickness in hospital, or by reason of suffering from wounds which incapacitated them from performing these services, that they are allowed to muster under this act. The law was a very unjust one, and no country on earth ever fathered such a law, saying to regiments, "You must be careful of your precious selves; if you go in and be killed and your regiments are reduced below the minimum your regiments will have no further promotions."

Mr. McMILLIN. Will the gentleman from Indiana permit me to ask him a question?

Mr. STEELE. Yes, sir.

Mr. McMILLIN. Have you any information as to the number of officers affected by the bill and the amount of expenditure it will take to meet it?

Mr. STEELE. I have no accurate data as to that. I do not know how many the bill would apply to. I know it is an act of simple justice to meritorious active-duty officers. This bill passed the House last session unanimously. It passed the Senate unanimously with some amendments.

I desire to reserve the balance of my time.

Mr. PETTIBONE. In addition to the statement made by the gentleman from Indiana, I wish to say that some ten regiments were raised in Eastern Tennessee after General Burnside came to Knoxville. They were ordered immediately into service with full ranks, and many a soldier and officer was killed or wounded and put out of the service before being mustered in because there was no mustering officer within reach. This bill covers the cases of those officers who entered the service and served many months, and many of them went to their graves or went out of the service by reason of sickness or wounds when there was not a mustering officer within hundreds of miles of them.

Mr. STOCKSLAGER. I am satisfied this bill is correct and I have no doubt it ought to pass. It seeks to do by general law what is done every day when private bills come up; and the same facts have to be shown before an officer or soldier is entitled to pay under it. There are hundreds of bills now pending before the Committee on Military Affairs and the Committee on War Claims involving this identical question, and I know of no case in which the facts required by this bill to entitle any one to pay where the House has not passed the bill when it was reached on the Calendar.

The bill reaches that class of men, as suggested by my colleague from Indiana, who did their duty faithfully at the front, but because of the fact that the commissions could not reach them because of the communications being cut off and other casualties, or because they could not get a mustering officer, performed the duties of their rank but never received pay.

Mr. McMILLIN. I would ask the gentleman from Indiana [Mr. STOCKSLAGER] whether he can give the information his colleague was unable to give as to the number of persons affected by the bill. My colleague from Tennessee [Mr. PETTIBONE] says there are ten regiments in our State that will be affected. We ought to have some information on the subject, it appears to me, either approximate or remote.

Mr. STOCKSLAGER. I will state to my friend from Tennessee that I have not the data, but it is altogether probable that nearly all of those cases will be reached by this bill. In nearly every instance private bills are pending before this House to pay them.

Mr. THOMPSON. I will say to the gentleman from Tennessee [Mr. McMILLIN] that I think it does not make any difference how many cases will be reached by the bill. It is a matter of justice. I have charge of many of these claims myself, and know they are right and ought to be paid. And it makes no difference how many there are; the more there are the more important it is that we should lose no time in passing a bill for their benefit.

Mr. VANCE. I think this bill ought to pass. The gentleman from Tennessee [Mr. PETTIBONE] has spoken of the regiments in his State. I know of my own knowledge that many officers went out from North Carolina—two whole regiments went out from North Carolina, and, besides, men went into other regiments. They went out at the risk of their lives, under great difficulties, all the passes of the mountains being guarded by the confederate soldiers. Many of these men, both enlisted men and officers, have up to the present time never received their pay. They ought to be paid. They showed their patriotism and their love for the old flag, and I think it is time the Congress of the United States should remember these men and put them on the rolls and let them be paid. The gentleman from Indiana [Mr. STOCKSLAGER] said something which I did not distinctly hear about private bills being pending. If this bill is to take the place of private bills, it seems to me that would be an important advantage. The bill in my judgment ought to pass.

Mr. ROBINSON, of Ohio. I wish to say simply a word in favor of this bill. I have personal knowledge myself that many men who were promoted from the ranks to serve as commissioned officers were unable to be mustered in consequence of the absence of a mustering officer. They served long months as officers, and up to this day have not received a single dime for compensation over and above the rank of sergeant.

This is an absolute act of justice. It comes, it is true, at a late date; but in the face of the facts which I know from personal knowledge, I say that justice will be done to these men by the passage of this bill, and it ought to become a law.

Mr. GIBSON. Will the gentleman permit me to ask him a question?

Mr. ROBINSON, of Ohio. Certainly.

Mr. GIBSON. I desire to know whether there has ever been any report from the War Department or any official recommendation of any Department of the Government?

Mr. ROBINSON, of Ohio. I have no knowledge of it.

Mr. STOCKSLAGER. I will answer my friend by saying that the House has uniformly passed bills of this character for the relief of individuals.

Mr. BROWNE, of Indiana. I desire to ask my colleague [Mr. STEELE] a question if he will yield to me.

Mr. STEELE. For a question, certainly.

Mr. BROWNE, of Indiana. I notice that the first section of this bill provides that if an officer was commissioned before the 20th day of June, 1863, and was not mustered but performed the duties of his rank, he shall be entitled to pay during that period, regardless of the number of men in his command. In other words, his company or his regiment may have been reduced below the minimum, but if his commission bore date prior to that time he is nevertheless to be entitled to his pay. If subsequent to that date he was commissioned and performed the duties of his rank, but was not mustered in and could not be mustered because his command was below the minimum, he can not receive any pay whatever. The question I want answered is, why this discrimination?

Mr. STEELE. The answer is this——

Mr. BROWNE, of Indiana. I know what the answer will be. The answer is this, as I understand it, that prior to that time the War Department had fixed no minimum, and the officer was entitled to his muster regardless of the number of his command. But about that time

the War Department fixed the minimum, and consequently the officer was not entitled to a muster and could not receive pay although performing the duties of his rank.

Now where is the justice of that? Why is not the one as much entitled to be paid as the other? That is the question I want to have answered. And if we may disregard the law and the rules of the War Department in giving pay to officers of a particular class, why may we not disregard the order of the War Department by which officers were prohibited from a muster, although, as my distinguished colleague [Mr. STEELE] says, they took their commissions, performed the duties of their rank, rushed into battle, put in jeopardy their lives, and perhaps lost them? I am in favor of paying all these men without discriminating against any.

Mr. STEELE. The principle is right, and I am in favor of it. But after the date of the order of the Secretary of War in obedience to the law of March 3, 1863, a great many States ceased to commission officers under such circumstances. Now you can not fix the status of those men. You would say to those States who commissioned in disobedience to the law that their officers should be paid, while those States who in obedience to the law did not commission are not to have the benefit of this bill. It would be almost impossible to frame a law giving equal justice to all, although I believe in the principle and would be heartily in favor of it.

Mr. HENDERSON, of Illinois. I ask the gentleman to yield to me for a moment.

Mr. STEELE. I move that the bill be laid aside to be reported favorably to the House.

Mr. BROWNE, of Indiana. May I not be permitted to move an amendment to the first section of the bill?

The CHAIRMAN. An amendment is in order.

Mr. STEELE. My motion is that the bill as amended be laid aside to be reported favorably to the House.

Mr. BROWNE, of Indiana. I rise to an inquiry whether the bill is in such a situation now that I may offer an amendment to the first section. I think I have the right to do so, and, if so, I move to strike out all after the word "muster in," in the fourteenth line, to the end of the section; to strike out the following:

> And where the commissions bear date prior to the 20th day of June, 1863, or after that date when their commands were not below the minimum number entitling them to such officers at the date of the commission.

Mr. HENDERSON, of Illinois. I rise to oppose the amendment offered by the gentleman from Indiana [Mr. BROWNE]. In doing so I wish to say, in order that the Committee of the Whole may act intelligently upon the amendment proposed, that after the issuing of the order of the date mentioned in the bill it is well known that there were many colonels of regiments who obeyed that order and did not ask the governors of their States to commission men in their regiments when the companies were not entitled to such commissions under the order. I want that to be distinctly understood.

Now, by the adoption of the amendment proposed, you would pay men who were not entitled to be mustered as commissioned officers, under the law, simply because they were commissioned, and you would cut off hundreds of others equally entitled to promotion and pay who were not commissioned because the governors of their States respected and obeyed the law. If you are going to pay men who were not entitled to be mustered in, and who never were mustered in, I think you would have in justice to include those who were entitled to promotion but for the order referred to, but were not actually promoted and commissioned in consequence of the order. I think you had better let the bill remain as it is, and confine it to the men who were lawfully entitled to and actually received commissions, and who after they were notified that they were to be commissioned entered upon their duties as officers, but were not mustered on account of the exigencies of the service. I think that is just and right, and will compensate worthy men who absolutely performed their duties as officers, knowing that they would be commissioned, but had not received their commissions or were unable at the time to be mustered into the service as such officers.

I think the bill is right as it is, and I am opposed to extending it for the reasons I have stated, for if you do so you will do injustice to a great many regiments where commissions were not issued by the governors of the States on account of the order of the War Department confining such promotions to regiments and companies having the minimum number of men.

Mr. HEPBURN. Mr. Chairman, it seems to me that the objection raised by the gentleman from Illinois [Mr. HENDERSON] to the amendment is not sound. The class of persons of whom he speaks would properly be excluded from the operation of the bill, because in the first place they were not commissioned, and in the second place they were not engaged in the service in the higher grades. But there were very many States in which officers were commissioned who did perform the duties of the rank to which they were commissioned, although they were not permitted to be mustered. Now, because this ample justice which my friend from Illinois thinks should be extended to all cannot be extended to a certain class, why should compensation be withheld from those who actually performed the service? I regret that many men were not permitted (as they might have been but for the law of March 3, 1863, and the subsequent order) to render service in the higher grades; but these other men—notably from the State of Indiana and from the State of Iowa—were not so affected, because they received their commissions and performed the duty, although they were not mustered; and they ought to have their pay.

Mr. HENDERSON, of Illinois. But they ought not to have been commissioned, in view of the order issued by the War Department; and if you now pay them, you give men from certain States an advantage over those from other States, which I think would not be just, and especially as those whom you seek to compensate were commissioned in violation of the law

Mr. HEPBURN. It is true that to a certain extent these men were commissioned in violation of the orders of the War Department; yet the War Department recognized these commissions, in spite of the disobedience of its orders, by accepting the services of these men. They were permitted to render the service notwithstanding the order of the War Department; and it seems to me that after the Government has had the benefit of their services, has tacitly waived the disobedience of the law and the order, it ought not now to say that because of this nominal disobedience these men shall not have the compensation which belongs to them.

Mr. ROWELL. Mr. Chairman, I rise to oppose this amendment. While it is true that officers from Iowa and Ohio, commissioned as colonels in violation of the orders of the War Department, performed the duties of colonels, it is likewise true that lieutenant-colonels of regiments from Illinois and other States that obeyed the law performed exactly the same duty by virtue of military regulations. Where there was no colonel the lieutenant-colonel performed the duty; where there was no second lieutenant the sergeant performed the duty. There were States whose men in consequence of the order of the War Department were deprived of promotions. All of us who served in Illinois regiments know that after the order of the War Department the governor of our State conformed to it, and there were no promotions in Illinois regiments because of that order. All of us know that the governors of some other States did not conform to the order and commissions were issued, but the Government of the United States did not recognize those commissions, and the officers received pay according to the commissions that they held before. I am in favor of this bill, but I am opposed to paying officers whose governors violated the law while we deprive of pay officers whose governors obeyed the law.

Mr. DAVIS, of Illinois. The answer to my colleague [Mr. ROWELL] is that if soldiers went forth from other States and performed this service they ought to be paid. If the governor of Illinois did not commission the men from that State but they rendered the service, I say bring in a bill to pay them for the service they rendered. But do not deprive these other soldiers who have rendered service of the pay to which they are entitled simply because the governor commissioned them in violation of an order of the War Department. They rendered service and the Government accepted their services, they are entited to pay; and the Illinois soldier, if he rendered similar service, is entitled to the same pay.

Mr. HENDERSON, of Illinois. What evidence has my colleague that the Government did accept their services? I think it can not be justly claimed that the Government accepted the services of these men when it refused to muster them in under their commissions and to pay them. They were commissioned in violation of law.

Mr. DAVIS, of Illinois. They rendered service; they were on the rolls and performed under their commissions the service for which it is now proposed to pay them.

Mr. HENDERSON, of Illinois. I know very well that orderly sergeants from the State of Illinois in some cases, who could not under the order be commissioned and mustered in as second lieutenants, commanded companies, and they are as much entitled to be paid as these men who were commissioned in violation of law.

Mr. MOREY. Mr. Chairman, I am in favor of this bill and in favor also of the proposed amendment. I am unable to see the force of the argument which would withhold justice from a class of officers and soldiers who were commissioned and performed the service of their rank, while other soldiers equally but no more meritorious receive the benefits of this bill, simply because the governors of some States failed to promote soldiers to fill the vacancies occurring in their organizations, and who, never being commissioned, do not come within the provisions of the bill and amendment. Every man who served in the war knows that it took but a few months after a regiment went into the field for it to get down to its "fighting weight."

Every man knows there were in the ranks of every company and every regiment men who were competent to fill any office which might devolve upon them. We all know that one of the best incentives to the soldiers of our Army was the hope their gallant services would be rewarded by honorable promotion. I am glad the governor of my own State of Ohio, who, as the ranks of our regiments became depleted, as the roster of our troops showed vacancies, issued commissions therefor to men who were worthy and every way fitted to discharge the duties of the offices to which they were appointed. To those men who went forward and commanded companies, battalions, and regiments we simply propose by this bill to do an act of justice, not only to pay

the pecuniary wages their office entitled them to, but to bestow upon them the tangible evidence of their honorable promotion.

I am in favor not only of the bill but of the amendment. Let it extend to every officer who falls within its provisions, to every one who bore a commission and actually performed the service of his rank. If there were in the State of Illinois any sergeants or private soldiers performing the duties of commanding officers, I regret there is not opportunity here now to render some sort of justice to them.

Mr. STEELE. We want to do justice to men commissioned according to law.

Mr. MOREY. I want to do justice to the men all over the country who rendered service [applause] and who were able to do it.

Mr. STEELE. If you want to load this bill down so it can not pass, very well, and put officers on acting duty with other officers. I am against loading it down. At the last session of Congress this bill was loaded down and sent to the Senate. If you wish to kill the bill again, load it down with these amendments.

Mr. MOREY. I will say to the gentleman from Indiana I have not consulted my fears in my advocacy of this bill. I will allow no such consideration to prevent me from doing what I consider but simple justice to this class of men. I believe it is the sentiment of this House to so pass this bill as to extend its provisions to every man coming under its terms, including the proposed amendment. It simply provides for the muster and pay of soldiers who were commissioned and who actually performed duty as such officers for the time they so performed such duty. It is true the War Department refused them muster when their commands were reduced by the ravages of war. We propose by this bill to give to these brave men the emoluments and honors which they had won on the march and in the battle.

Mr. HOUK. It seems to me, Mr. Chairman, this is not a question of whether men were mustered or not, but is purely a question whether the men who rendered the service to the Government have been paid for it or not. Suppose the governor of one State did commission and the governor of another State did not commission, why should that deprive the man of pay for services actually rendered?

And suppose this bill does not do all that should be done; it is a step in the right direction. It does justice as far as we can go by the bill and amendment. If there are parties this bill does not reach, then let the gentlemen who have such constituents come forward and bring in a bill that will do justice to them. I suppose every man on the floor is willing to admit the soldier should be paid according to the service he rendered, and if gentlemen will bring in such a measure, gentlemen here will as cheerfully vote for that as for the pending bill and amendment. Let it not be said the House of Representatives refuses to do justice as far as it may be able to do it because it does not do justice to everybody else at the same time.

Mr. GEDDES. I rise to a parliamentary inquiry. Is it in order to offer a substitute for the bill and amendment now pending?

The CHAIRMAN. The Chair has recognized the gentleman from Pennsylvania [Mr. BAYNE], and for the present he is entitled to the floor.

Mr. BAYNE. Mr. Chairman, I have but few words to say upon this bill. I concur with, and I am in favor of, the amendment of the gentleman from Indiana [Mr. BROWNE]. The bill that has been reported from the Committee on Military Affairs was intended to cover a large class of cases. There is not a single individual case that has come before the Committee on Military Affairs that would not have been favorably reported by that committee and passed, as I believe, by unanimous consent, if it had been presented on its individual merits. The cases embraced in this bill are such as have had gross injustice done them by reason of the order of the War Department, which, under the act of 1863, permitted a large number to be mustered into the service who were near a mustering officer and got their commissions through the mails, while those who were out in the service and had not an opportunity of being mustered or receiving their commissions through the mail were deprived of this advantage.

But there are many other officers who served as captains of companies, majors, lieutenant-colonels, and colonels of regiments who actually rendered the service and had companies or regiments that fell within the minimum number. These men are entitled to consideration, and I do not believe that there is a man on this floor who would refuse to say that those men who actually performed the services, who had actual commissions from the governors of their States, should be relieved. I do not believe that there is a gentleman here who would be prepared to deny to a man the pay and compensation which he earned while serving in a rank and having a commission for that rank because his company happened to be one or two men less than a given number, which was an arbitrary number fixed by the War Department. Therefore I hope the amendment of the gentleman from Indiana will prevail and that justice will be done to these men, who, as the gentleman from Ohio [Mr. MOREY] has so well stated, are entitled to it as much as any men who served this country during the war.

Mr. STEELE. I move that the committee do now rise.

Mr. GIBSON. I wish to ask a question for information.

The CHAIRMAN. The gentleman from Indiana moves that the committee do now rise.

Mr. BAYNE. I have not yielded the floor; I will hear the question of the gentleman from West Virginia.

Mr. GIBSON. So far as I am individually concerned it is my desire to do exact justice, but what I wish to ask is how it happens that during the eighteen years that this wrong has been allowed to exist there has not been some official action on the part of some Department in this Government upon the subject? If there were any such regiments in existence the records of the War Department will show when they were mustered in, and will also show when they were mustered out, and so it seems to me that some information upon this subject could be received and ought to be received from the War Department.

Mr. BAYNE. I can answer the question of the gentleman from West Virginia, and in a word. We have simply been doing this thing by piecemeal. Congress after Congress ever since the war has been granting relief in individual cases, and the gentleman can refer to the Statutes at Large and will find the opinions and sentiments of one Congress after another upon the subject. It has been done no matter what party was in power or whoever was in power. He will find act after act to remedy this wrong in individual cases.

Mr. STEELE. I have made a motion that the committee rise.

Mr. BAYNE. The gentleman can not make his motion while I have the floor.

Mr. STEELE. Who has the floor?

Mr. BAYNE. I have the floor.

The CHAIRMAN. Of course the gentleman from Indiana can not take the gentleman from Pennsylvania off the floor while he is speaking. The Chair was of the opinion that the gentleman had yielded the floor.

Mr. BAYNE. No, sir; I have not yielded the floor. I only yielded for a question.

Mr. GIBSON. I would like to ask another question.

Mr. BAYNE. I was going to say that many of these acts of Congress giving pay to these officers who served the Union—a large number of these cases—refer to officers who served with companies having less than the minimum number, doing precisely by these special acts what the amendment of the gentleman from Indiana proposes to do by general legislation. In all you will find, I have no doubt, that as many, perhaps more, cases of that kind have been relieved than where the officers had the requisite numbers in their command. [Cries of "Vote!" "Vote!"]

Mr. GIBSON. The Secretary of War can still furnish information in time for this House to act understandingly upon the subject.

Mr. BAYNE. We know all of these facts.

Mr. STEELE. I move that the committee now rise.

The motion was agreed to.

The CHAIRMAN. The committee determines to rise.

Mr. STEELE. I understand that all the debate that this bill will probably call for has already taken place, and therefore, if in order, I call for a division on the last vote, in order to have my motion voted down so as to save time.

Mr. McMILLIN. I make the point that the committee has determined to rise and that nothing else is in order.

Mr. STEELE. And I make the point of order that I have called for a division on the last vote, in order to have my motion voted down.

Mr. McMILLIN. In other words, Mr. Chairman, he is anxious for the House to hold him.

The CHAIRMAN. The Chair thinks it is too late to call for a division. The motion has been already agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COBB reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 355, had come to no conclusion thereon.

ORDER OF BUSINESS.

Mr. McMILLIN. I move that the House do now adjourn.

Mr. STEELE. I move that the House resolve itself into Committee of the Whole House.

The SPEAKER. The motion to adjourn has precedence.

H. V. BOYNTON.

The SPEAKER. Before putting the question on the motion to adjourn the Chair will announce the following as the select committee to investigate charges against H. V. Boynton, Washington correspondent of the Cincinnati Commercial-Gazette: Mr. J. H. HOPKINS of Pennsylvania, Mr. T. B. WARD of Indiana, Mr. J. J. ADAMS of New York, Mr. L. P. POLAND of Vermont, and Mr. JAMES WILSON, of Iowa.

ORDER OF BUSINESS.

The question being taken on the motion to adjourn, there were—yeas 36.

Mr. McMILLIN. I do not insist on further count.

So the motion to adjourn was not agreed to.

MUSTER AND PAY OF CERTAIN OFFICERS, ETC.

Mr. STEELE. I move that the House resolve itself into Committee

of the Whole House to resume consideration of the Private Calendar; and pending that motion I move that all debate on the pending bill and amendments be limited to one minute.

The SPEAKER. The Chair does not know whether general debate on the bill has been exhausted.

Mr. McMILLIN. It has not.

The SPEAKER. That is all the House can do at this stage.

Mr. STEELE. Is it in order to ask unanimous consent that all debate be limited to one minute?

The SPEAKER. On the bill and all amendments?

Mr. STEELE. Yes, sir.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House for the consideration of the Private Calendar; and pending that he asks unanimous consent that debate upon the pending bill and all amendments thereto may be limited to one minute. Is there objection?

There was no objection.

The motion that the House resolve itself into Committee of the Whole House was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. COBB in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces. By order of the House all debate on the bill and amendments thereto is limited to one minute.

Mr. STEELE. I yield half a minute to my colleague [Mr. BROWNE].

Mr. BROWNE, of Indiana. I yield back my time to my colleague. [Laughter.]

Mr. STEELE. I call for a vote on the amendment.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Indiana [Mr. BROWNE] to strike out all after the words "muster in," in line 14 of section 1, to the end of the section.

The question being taken, there were—ayes 91, noes 19.

So (further count not being called for) the amendment was agreed to.

Mr. STEELE. I desire to make a parliamentary inquiry. Is it necessary to vote on the amendment which was offered subsequently to the time the bill was originally reported and which was printed with the bill?

Mr. BAYNE. That has to be voted on.

The CHAIRMAN. The question is on the adoption of the amendment reported by the committee.

The amendment was agreed to.

Mr. STEELE. I move that the bill be laid aside to be reported favorably to the House.

Mr. HOLMAN. Was not a substitute offered?

The CHAIRMAN. No substitute has been offered.

Mr. HOLMAN. I understood a substitute was offered by the gentleman from Ohio [Mr. GEDDES].

Mr. GEDDES. I offer as a substitute for the bill that which I send to the desk.

The Clerk read as follows:

A bill to pay certain officers of the Army for services actually rendered during the late war.

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, directed to pay to officers of the Army during the late war the pay and allowances of the rank of their commissions from the date when it shall appear to them that such officers entered upon the performance of the duties of the rank of their commissions, notwithstanding that they were not mustered in until a later date, deducting therefrom all pay and allowances already received for the same period: *Provided*, That any such officers prevented from entering upon actual service under their commissions by being prisoners of war or in hospital shall be paid from the date of their commissions.

Mr. BROWNE, of Indiana. I ask if that is a bill already pending in this House?

Mr. GEDDES. It is; and it is a good deal better one than the bill now pending.

Mr. BROWNE, of Indiana. Then it can not be offered as a substitute.

Mr. MORRISON. If it is a better bill, why do you not take it?

Mr. STOCKSLAGER. I believe it is a better bill.

Mr. GEDDES. The inquiry having been made as to the matter of fact, I will say this is the bill which was considered by the Committee on War Claims and by that committee reported unanimously, and it is now on the Calendar, but farther on.

Mr. BROWNE, of Indiana. I make the point of order that the bill can not be offered as an amendment or substitute.

The CHAIRMAN. It is not in order under the admissions of the gentleman from Ohio [Mr. GEDDES].

Mr. GEDDES. I believe the point of order can be made against the bill now pending that it is a general bill, and should not now be on the Private Calendar.

The CHAIRMAN. The point of order is made too late, the bill having been considered.

Mr. GEDDES. I am in favor of the principle of these bills. I think some bill should pass. I believe the substitute I have desired to offer is an improvement on the bill under consideration.

Mr. HENDERSON. I want to say I am in favor of the original bill, but as amended I can not vote for it.

Mr. STEELE. I move that the committee rise and recommend the passage of the bill as amended.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COBB reported the Committee of the Whole House, having had under consideration the bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, had directed him to report the same back to the House with amendments.

Mr. STEELE. I move the previous question on the bill and amendments.

Mr. GIBSON. Would it be in order to make a motion to recommit the bill?

Mr. TOWNSHEND. Let the bill be read.

The SPEAKER. The first question is on the demand for the previous question.

Mr. GIBSON. If in order, I desire to make a motion to recommit the bill.

The SPEAKER. Not at this stage; but when the question is on the passage of the bill the gentleman from West Virginia can make that motion. The Chair does not intend to decide that the gentleman could not make that motion even at this stage. But it is more usual to make it when the question is on the passage. The question is on ordering the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. The question is upon agreeing to the amendments reported from the Committee of the Whole. The first amendment will be read by the Clerk.

The amendment was to strike out of section 1, after the word "muster-in," the following:

And where the commissions bear date prior to the 20th day of June, 1863, or after that date when their commands were not below the minimum number entitling them to such officers at the date of the commission.

The amendment was agreed to.

The next amendment reported from the Committee of the Whole was to insert after the word "commissioned," in line 8 of section 1, the following:

Or were prevented from performing said duties under their respective commissions by reason of wounds received in the line of duty, or by sickness in hospitals, or by being prisoners of war.

The amendment was agreed to.

The bill as amended was then ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. STEELE. On that I demand the previous question.

Mr. GIBSON. Pending the demand for the previous question, I move that the bill be recommitted to the Committee on Military Affairs, for the reason that the Committee on War Claims have already reported a bill on this subject.

Mr. GEDDES. I desire to move to recommit the bill with instructions to report as a substitute bill that which I offered in Committee of the Whole.

The SPEAKER. The gentleman had better reduce his motion to writing.

Mr. STEELE. I demand that it be reduced to writing.

Mr. GEDDES. It is to report as a substitute bill that which is now on the Calendar as House bill No. 3935, reported from the Committee on War Claims.

Mr. STEELE. If the general is sincere in his desire to benefit the soldiers——

Mr. GEDDES. I am not a general; I never was in the war at all; but I want justice done to the men who were in the war.

Mr. BROWNE, of Indiana. Is this debatable?

The SPEAKER. It is not.

Mr. TOWNSHEND. While the motion to recommit is being reduced to writing, I ask that the bill be read.

The SPEAKER. The rules require that on the demand of a member every motion shall be reduced to writing. The gentleman from Indiana [Mr. STEELE] has demanded that the motion to recommit be reduced to writing.

Mr. BAYNE. The gentleman from Ohio [Mr. GEDDES] will, I have no doubt, admit that the bill which he proposes as a substitute for the pending bill is at present on the Calendar of this House. Will not a point of order lie against putting that as a matter of instruction to the Committee on Military Affairs?

The SPEAKER. It has been frequently decided, and correctly decided, that an amendment which would not be in order in the House can not be incorporated into a bill by instructions to a committee, because that would be doing indirectly what could not be done directly on the floor of the House.

Mr. BAYNE. Then I raise the point of order against the motion of the gentleman.

The SPEAKER. If it be the fact that the proposed substitute is the same as a bill now pending before the House the Chair sustains the point of order. The question, then, is on the motion made by the gentleman from West Virginia [Mr. GIBSON] to recommit this bill to the Committee on Military Affairs.

The motion to recommit was not agreed to.

The SPEAKER. The question now recurs upon the demand for the previous question upon the passage of the bill.

The previous question was seconded; and under the operation thereof the bill was passed.

Mr. STEELE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MCMILLIN. I move that the House do now adjourn.

Mr. GOFF. I ask the gentleman to yield to me to introduce a joint resolution for reference.

Mr. MCMILLIN. I have no objection to that.

RELIEF FOR SUFFERERS BY THE OHIO OVERFLOW.

Mr. GOFF, by unanimous consent, introduced a joint resolution (H. Res. 154) making an appropriation to relieve the sufferers by the overflow of the Ohio River and its tributaries; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

OFFICERS OF THE NAVY.

Mr. CALKINS. The naval appropriations bill is to be taken up next Tuesday, and I ask permission to submit a resolution of inquiry in order to obtain information for the use of the House.

Mr. MCMILLIN. I am willing to yield for that purpose.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be requested to furnish to the House immediately the following information:

I. The number of commissioned and warrant officers who at the date of the compilation of the last Naval Register were employed on sea-duty, the statement to specify the number in each grade and to show the number on each ship.

II. The sea and shore service and unemployed time of the commodores during the last ten years, including a full, specific statement of all sea-service.

III. A list giving, in order of rank, the name of every commissioned and warrant officer at the date mentioned on shore-duty, with a description of the service on which he was employed, supplemented by a recapitulation giving the numbers at each navy-yard and each other locality, and a further statement giving the names and number of the officers on shore-duty in Washington, with a memorandum of the service on which each was employed.

IV. A statement of the number in each grade of commissioned and warrant officers who at the same date were not upon sea or shore duty.

V. A statement showing the names of the sea-going officers who, having held their present commission more than three years, have not had more than one year's sea-service under such commissions, with the amount of sea-service in each case.

The Secretary is also requested to inform the House whether he has complied with the provisions of the act of March 3, 1883, requiring him to certify in all orders for shore-duty that the same are required by the public interests, and to specify the term of service, and whether or not the number of officers now so employed can be reduced without injury to the public service; and what total number of officers on such duty will probably be sufficient during the next fiscal year, unless extraordinary emergencies should arise.

The SPEAKER. Is there objection to the present consideration of the resolution which has just been read?

Mr. COX, of North Carolina. I object.

Mr. CALKINS. Then I ask that the resolution be referred to the Committee on Naval Affairs.

There was no objection, and the resolution was referred accordingly.

Several MEMBERS. Regular order.

The SPEAKER. The question is on the motion of the gentleman from Tennessee [Mr. MCMILLIN], that the House adjourn.

Mr. MCMILLIN. As many gentlemen seem desirous to present propositions for reference, I withdraw my motion.

Mr. HATCH, of Missouri. I renew the motion.

WITHDRAWAL OF PAPERS.

The SPEAKER. The Chair, if there be no objection, will lay before the House several personal requests of members.

The Clerk read as follows:

Mr. HEMPHILL asks leave to withdraw the papers in the case of the alleged election contest of James *vs.* Hunt, which have been placed in petition-box.

The SPEAKER. If there be no objection, this request will be granted. For what purpose does the gentleman from Iowa [Mr. HEPBURN] rise?

Mr. HEPBURN. I rise to interpose objection to this request for the withdrawal of papers.

The SPEAKER. As objection is made, the request is not granted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CABELL, for three days from to-morrow, on account of business; and

To Mr. SENEY, for ten days, on account of important business.

The motion of Mr. HATCH, of Missouri, that the House adjourn was then agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Papers relating to the claim of E. M. Spadden—to the Committee on War Claims.

By Mr. BELMONT: Petition of D. E. Hammond and 18 others, citizens of Long Island Sound, asking the establishment of a harbor of safety at Horton's Point, N. Y.—to the Committee on Rivers and Harbors.

By Mr. BINGHAM: Extract from the journal of the proceedings of the Ninety-ninth Convention of the Protestant Episcopal Church in the diocese of Pennsylvania—to the Committee on Indian Affairs.

Also, petition of the Pennsylvania State board of agriculture, relative to the passage of an act to secure the eradication of disease among domestic cattle—to the Committee on Agriculture.

By Mr. BRENTS: Petition of citizens of Washington Territory, for a drawbridge over Dacotah and California Rivers, in said Territory—to the Committee on Rivers and Harbors.

By Mr. COVINGTON: Petition of citizens of Maryland, that Cambridge, Dorchester County, Maryland, be made a port of entry—to the Committee on Commerce.

By Mr. HART: Resolution of Gibson Post, Grand Army of the Republic, of Greenfield, Ohio—to the Committee on Invalid Pensions.

By Mr. HOBLITZELL: Petition of Phielits Sinsz, to amend section 2505 of the Revised Statutes of the United States relating to glaziers' diamonds on the free-list—to the Committee on Ways and Means.

Also, resolution of protest of the Baltimore Corn and Flour Exchange against the extension of the steam grain-shovel patent—to the Committee on Patents.

By Mr. HOPKINS: Petition of 6,000 citizens of Massachusetts and of citizens of Pennsylvania, in favor of a bill to prohibit the importation of foreign labor under contracts made abroad—severally to the Committee on Labor.

By Mr. LACEY: Communication of Richard Townsend, of Vermontville, Mich., in reference to equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MCCOMAS: Papers relating to the claim of William Dadds—to the Committee on War Claims.

Also, papers relating to the claim of Thomas N. Pindle—to the Committee on Claims.

By Mr. MCCORMICK: Petition of soldiers of Post 287, Grand Army of the Republic, Scioto County, Ohio, reckoning soldiers' pay on a gold basis—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. RIGGS: Petition of L. D. Herschiemer and others, relative to tobacco rebate—to the Committee on Appropriations.

By Mr. ROCKWELL: Papers relating to a bill authorizing the restoration of William McGee to the Army—to the Committee on Military Affairs.

Also, papers relating to the claim of Lois M. Buell—to the Committee on Invalid Pensions.

By Mr. SPOONER: Papers relating to the claim of John R. Treutlen—to the Committee on Claims.

By Mr. CHARLES STEWART: Petition of citizens of Jefferson County, Texas; of the members of the Legislature of Texas; of citizens of Rockland, Tex.; of citizens of Jefferson and Hardin Counties, Texas; and joint resolution of the Legislature of Texas, relative to the improvement at Sabine Pass, Texas—severally to the Committee on Rivers and Harbors.

Also, joint resolution of the Legislature of the State of Texas, urging an act for the improvement of Galveston Harbor, Texas—to the Committee on Rivers and Harbors.

Also, the concurrent resolution of the Legislature of the State of Texas, asking for a term of the Federal court in the northern portion of the State of Texas, with jurisdiction of offenses committed within the Indian Territory—to the Committee on the Judiciary.

By Mr. STRAIT: Petition of certain Sioux Indians in the State of Minnesota, asking that their annuities may be restored, as provided for in the treaty of 1857—to the Committee on Appropriations.

By Mr. TALBOTT: Petition of Juliet H. Palmer, for increase of pension—to the Committee on Invalid Pensions.

By Mr. VANCE: Petition of J. B. Smith and 100 others, for a mail-route in North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. JAMES WILSON: Petition from citizens of Cedar Rapids, on the vinegar question—to the Committee on Ways and Means.

By Mr. G. D. WISE: Petition of William H. Parker for removal of political disabilities—to the Committee on the Judiciary.

Also, the papers in the case of Rebecca Sears, administratrix, &c.—to the Committee on War Claims.

Also, papers in the case of William B. Sears & Co.—to the same committee.

SENATE.

MONDAY, *February* 11, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

JAMES T. FARLEY, a Senator from the State of California, appeared in his seat to-day.

The Journal of the proceedings of Friday last was read and approved.

CREDENTIALS.

Mr. PENDLETON presented the credentials of Henry B. Payne, chosen by the Legislature of Ohio a Senator from that State for the term beginning March 4, 1885; which were read and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the 10th ultimo, a report of the Adjutant-General, showing the number of soldiers in the late war who served one year, the number who served two years, the number who served three years, and the amount of bounty paid to each class respectively; also an approximation of the amount of money which would be required to equalize the bounties of all; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the surveyor-general of Arizona Territory, recommending the confirmation of the private land claim "Tres Alamos," No. 17, George H. Howard, claimant; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Private Land Claims.

PETITIONS AND MEMORIALS.

Mr. MORRILL presented the petition of L. Somborn & Co., of New York city, praying that a duty of 1 cent per pound on glass bottles be substituted for the present rate; which was referred to the Committee on Finance.

Mr. GARLAND presented the petition of E. C. Bunch and others, citizens of Apache County, Arizona, praying that certain railroad lands in that Territory be opened to settlement; which was referred to the Committee on Public Lands.

Mr. DOLPH. I present a memorial of the Board of Trade of Portland, Oregon, urgently calling the attention of Congress to the necessity of providing a navy which in numbers, tonnage, and armament shall be fully equal to those of the other great powers of the world; reciting that they are more immediately interested in and are bound by closer commercial ties to the cities and towns in the States and Territories lying on the Pacific Ocean and upon the Columbia River, Puget Sound, and in Alaska. When it is stated that the ocean shore of Alaska, Oregon, and California is over 2,000 miles in extent, that the coast of Alaska alone, including its bays and inlets, is greater than all the balance of the sea-coast of the United States, something like 25,000 miles in extent, that the shore of Puget Sound alone is from 1,800 to 2,000 miles in length, the importance of protection to the commercial interests of the Pacific coast will be seen. I ask that the memorial be read.

The PRESIDENT *pro tempore*. Is there objection to the reading of the memorial? The Chair hears no objection. It will be read.

The memorial was read, and referred to the Committee on Naval Affairs, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialist, the Board of Trade of Portland Oregon, would most urgently call your attention to the following facts: The coast-line of the United States extends for thousands of miles along both oceans. Throughout its entire extent it is dotted with wealthy and populous cities whose defenseless condition invites attack. The destruction of even one of these seaboard centers of wealth and population by the naval force of a hostile power would be a calamity the moral and physical effects of which would prove a heavy blow to our national prosperity, and would inflict a lasting stain upon our national honor. We are entirely without those means of offensive and defensive naval warfare with which other peoples, taking advantage of the vast improvements in the arts of war, have provided themselves. It therefore behooves us, in this time of profound peace and unexampled prosperity, to provide for ourselves a navy which in numbers, tonnage, and armament shall be fully equal to those of the other great powers of the world. Your memorialist is more immediately interested in and is bound by closer commercial ties to the cities lying upon the Pacific Ocean, the Columbia River, Puget Sound, and in Alaska, extending a distance of over two thousand miles, all of which are unprotected against attack and easily accessible to modern vessels of war. Your memorialist therefore prays that such steps as to your wisdom may seem best be taken, with the view of attaining the general end above set forth.

And, as in duty, &c.

[SEAL.] FOR THE BOARD OF TRADE OF PORTLAND, OREGON,
DONALD MACLEAY, *President.*
F. K. ARNOLD, *Secretary.*

PORTLAND, OREG., *January* 31, 1884.

Mr. DOLPH. I have a communication from Charles F. Powell, captain of engineers, in charge of the engineering department at Portland, Oreg., which is addressed to my colleague, Hon. J. H. SLATER, and myself, and to Hon. M. C. GEORGE, Representative from Oregon, THOMAS H. BRENTS, Delegate from Washington Territory, and Hon. THEODORE F. SINGISER, Delegate from Idaho Territory, urging a special appropriation for prompt use upon the Cascade Canal. I ask unanimous consent that I may present it and that it may be referred to the Committee on Commerce, as it relates to a public matter.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent to present a paper, the nature of which he has described, for reference to the Committee on Commerce. Is there objection? The Chair hears none; and the paper is received and so referred.

Mr. MORGAN presented the petition of J. J. Barkley, Joseph Wheeler, and other citizens of Alabama, praying that the Mobile, Alabama, and Cincinnati Air-Line Railroad Company and the Saint Louis, Alabama, and Atlantic Railroad Company may have the privilege of purchasing public lands along their routes at the rate of $1.25 an acre; which was referred to the Committee on Public Lands.

Mr. PALMER presented a memorial of citizens of Holly, Mich., remonstrating against any change in the present law permitting vinegar-makers, by a vaporizing process, to separate the alcoholic properties of the mash produced by them and to inject the same into water for the purpose of making vinegar; which was referred to the Committee on Finance.

Mr. SLATER presented a petition of citizens of Oregon and Washington Territory, praying for the forfeiture of the land grant of the Oregon Central Railroad Company; which was referred to the Committee on Public Lands.

Mr. CALL. I present a petition of citizens of Monroe County, Florida, praying for the improvement of the Caloosahatchee River. The petition states that this improvement is of very great importance to the commerce of the country, and that the Caloosahatchee River, a stream flowing southwest from Lake Okeechobee to Punta Rassa, on the Gulf coast, is naturally the main artery of commerce through the interior of South Florida, connecting now with the Saint John's River. This river, now making almost an entire water route from the Saint John's River to the Gulf of Mexico, presents an important subject for the consideration of the committee and the Senate. The value of the land and water routes from the Atlantic to the Gulf of Mexico, and the importance of the harbors of the State and its inland channels on both the Gulf and Atlantic coasts to the commerce both of the United States and of the countries on the Gulf of Mexico and to the military and naval defense of the country, demand the consideration of the committee and the Senate. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CALL. I present a statement of Lieut. Commander J. K. Winn, United States Navy, made in support of a bill which I have heretofore introduced providing for the sale and purchase by the United States of the Mallory lot, Key West, Fla. I move that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. CALL. I also present a similar paper in regard to the survey and construction of a railway from Key West, Fla., to the mainland. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. CALL presented a memorial of citizens of Apalachicola, Fla., remonstrating against the establishment of a port of entry at Carrabelle, in that State; which was referred to the Committee on Commerce.

Mr. INGALLS. I present the petition of Eliza A. Cutler Jones, of Monroe County, New York, accompanied by the affidavit of Abram Cutler in support of the same, praying for certain relief; which I move be referred to the Committee on Claims.

The motion was agreed to.

Mr. LOGAN presented a petition of the Winfield Scott Post, Grand Army of the Republic, at Holden, Mo.; a petition of the Yeager Sharps Post, Grand Army of the Republic, at Wellsville, Mo.; a petition of the Gardner Post, Grand Army of the Republic, at Utica, Mo.; a petition of the J. A. Mulligan Post, Grand Army of the Republic, at Lexington, Mo., and a petition of the Albert Chandler Post, Grand Army of the Republic, at Macon City, Mo., praying for general legislation in behalf of ex-soldiers; which were referred to the Committee on Military Affairs.

He also presented a petition of the Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas, and a petition of the McPherson Post, No. 12, Grand Army of the Republic, Department of the Tennessee, praying the ratification of a treaty with the Sioux Indians for opening part of the Sioux reservation in Dakota for settlement; which were referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Oshkosh, Wis., praying for an appropriation for the establishment of schools at Sitka, Alaska; which was referred to the Committee on Education and Labor.

He also presented the petition of J. A. J. Lightburn, late brigadier-general United States volunteers, of Lewis County, West Virginia, praying to be placed on the retired-list of Army officers; which was referred to the Committee on Military Affairs.

He also presented a resolution of the Barnhill Post, No 162, Grand Army of the Republic, Department of Illinois, remonstrating against the passage of the Fitz-John Porter bill; which was referred to the Committee on Military Affairs.

Mr. LAPHAM presented a memorial of citizens of the United States